



Adaptations Policy and Procedure 2022-25

Final Version

Adaptations Policy and Procedure 2022 - 25

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Adaptations Policy and Procedure 2022-25

1. Introduction

North East Derbyshire District Council's (NEDDC) Adaptations Policy sets out clear parameters for Rykneld Homes Ltd (RHL) to review applications for assistance to enable individuals and their families live independently with privacy, confidence and dignity through the provision of equipment and adaptations. This could be in their current home or rehousing to suitable accommodation that may already be adapted and would meet their housing need.

This policy covers the decision-making processes and procedure for disabled adaptations to a council tenant and tenants of RHL. The policy reflects the principles set out in the Disabled Facilities Grant (DFG) delivery: Guidance for Local Authorities. The DFG scheme for council tenants should be aligned to the scheme for non-council tenants. The process for agreeing adaptations for council tenants is different, but the principles are the same as those set out in the Guidance, leading to a consistent approach across all tenures.

The Disabled Facilities Grant (DFG) framework and mandatory aspect applies across all tenures; however, the main DFG budget cannot be used for the funding of adaptations to local authority properties. Therefore, local authorities continue to fund adaptations to their properties through resources allocated by the Housing Revenue Account

This Policy covers the application and procedures for adaptations carried out to Council owned properties. If Council tenants are refused an adaptation under this policy, information will be given to them about how to apply via the DFG process and explain the reason for the refusal.

1.1. Aims

To assist tenants, where appropriate and feasible, to access adaptations that will help them or a member of their household to live as independently as possible, taking a holistic person-centred approach to identify suitable individualised solutions. We will work toward achieving this aim by:

- Working in partnership with Derbyshire County Council (DCC) Adult Care and Childrens Service
- Being fair and accessible
- Encouraging independent living
- Recognising the vital importance of adaptations in supporting disabled people and people with significant health related issues to remain living independently in the community
- Ensuring that all adaptations are necessary and appropriate

- Flexibility in our approach to support customers in applying for an adaptation, making reasonable adjustments where there may be vulnerabilities or the requirement for additional help and support.
- Prioritising adaptation needs to prevent hardship and to support vulnerable families and individuals
- Making best use of NEDDC's adapted housing stock
- Providing advice, assistance, and support to explore all other support options
- Continuing to focus on providing a high-quality adaptation service

2. SCOPE

The policy takes into account the growing recognition of housing's role in supporting the health and social care system. We will work in conjunction with a range of partners to deliver adaptations (including extensions) and assistance to NEDDC/RHL tenants, or members of their household, who have a disability or chronic illness to help them to continue to live independently.

The policy will have due regard to local policies and procedures as well as national legislation and case law, which include, but not exhaustive, the;

- Chronically Sick and Disabled Persons Act 1970
- Housing Act 1985
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018
- Disabled Persons Act 1986
- NHS and Community Care Act 1990
- Housing Grants, Construction and Regeneration Act 1996
- Housing Act 1996
- Equality Act 2010
- The Human Rights Act 1998
- Care Act 2014.
- Home Adaptations for Disabled People 2013
- NEDDC Housing Allocations Policy
- McKeown, R (On the Application Of) v London Borough of Islington [2020] EWHC 779

- Gulrez, R (On the Application Of) v London Borough of Redbridge [2022] EWHC 2908
- Disabled Facilities Grant (DFG) delivery: guidance for local authorities in England

3. Adaptations

3.1. Identifying Need for Adaptations

NEDDC/RHL tenants of any age can apply for an adaptation for themselves or for members of their household, based on an agreed assessment of need/disability as identified within this Policy.

Tenants or a member of their household may access the service in a number of ways:

- Self-referral to Call Derbyshire, Adult Care, or Starting Point for Children and Young Adults up to 18 years old. RHL will advise tenant to self – refer. However, where necessary RHL can provide support with ongoing referral.

To be eligible for an adaptation you are required to be a tenant or a member of the tenant's household of a NEDDC or RHL property using this as your principal home.

On referrals to DCC the request may be passed to the triage service (ACATT) for assessment and if feasible for the provision of equipment to meet the assessed need, alternatively assessments will be undertaken by either DCC Adult Care, Starting Point Paediatric OT's (POT's), or other partner agencies.

Other options may be explored with the tenant including if the tenant or a member of their household's needs can be met by moving to alternative accommodation that is already adapted as a suitable solution to any difficulties being experienced.

The Council, and RHL under delegated management responsibility, can discharge its duties by any of the following means:

- Assessment and Issue of equipment by DCC Adult Care
- Rehousing to alternative adapted accommodation with the agreement of the tenant
- Provision of adaptations that can be reasonably and practicably carried out.

There is currently no requirement for a financial assessment (means test) for Council tenants unless applying for a Disabled Facilities Grant. This requirement, however, is still in place for adaptations for the private rented sector, housing association tenants and Rykneld Homes Registered Provider (Assured Tenancy) tenants if applying via the Disabled Facilities Grants (DFG).

3.2. Circumstances where RHL may not undertake an adaptation

- Where the property is not suitable for the size of the household. In exceptional circumstances, the Council may consider installing adaptations where the

household is under-occupying their property according to the “Property Size Eligibility” rules set out in the Council’s Allocation Policy, which have been developed to enable the Council to make best use of its housing stock.

- Where a Wet-Room is required in a family home or upper floor flat. However, in certain situations it may be appropriate to install a Wet Room or alternative facility. Each case will be given full consideration prior to a decision being made. The final decision will be made by RHL’s Senior Management in line with the Adaptations Policy.
- Where a live housing application is in progress.
- Where there are competing demands of different members of the family which cannot be met in that particular property.
- Where RHL is seeking/taking possession proceedings against the tenant i.e., for rent arrears or anti-social behaviour.
- Condition of property – where such works would pose a significant health and safety risk to the tenant or staff or are not reasonable and practicable.
- Where the access to a property cannot be reasonably and practicably adapted.
- Where a household is in a situation of overcrowding, the property will be deemed as being unsuitable for adaptations and the request will be refused. If there is no suitable alternative accommodation within NEDDC/RHL housing stock, then this may be considered as a solution.
- Where an applicant is seeking an adaptation and this is not deemed to be their permanent full-time home.
- Where there are concerns about the age condition, and structure of the property where such works are not considered reasonable and practicable.
- Where it is not possible to adapt a property due to the architectural and/or structural design/characteristics of the property.
- Where it is not practicable to undertake an adaptation due to design or layout of property.
- Adaptations that will adversely affect the amenity of that area for other residents.
- Ramping for self-purchased wheelchairs or mobility scooters may not be considered unless assessed as a necessary requirement.
- Where a stairlift or lift is required in a block of flats, whether this is in a communal area or a private staircase and it is not reasonable and practicable.
- Where a property is being redeveloped and the tenant is required to move out, an alternative adapted property will be recommended. Timescales for the redevelopment will be taken into consideration.

- Where works would require planning permission or Building Regulation approval, which has not been or would not be granted.

All requests for major adaptations will be given full consideration on a case-by-case basis, taking into account the criteria set out above. Some areas of the North East Derbyshire District landscape are not suitable for wheelchair access and as such the best option will be to move to a more suitable area. It is accepted that there will be exceptions encountered. Where there are extenuating circumstances, a full review will be undertaken in partnership with DCC Adult Care/Childrens' Services, prior to a decision being made.

4. Management of the Adaptations Service

4.1. Adaptation Funding

Disabled Facilities Grants are available to people of all ages and in all housing tenures, however the Department for Levelling Up, Housing and Communities' Disabled Facilities Grants Delivery Guidance state "Government funding for the Disabled Facilities Grant is intended to fund adaptations for owner occupiers, private tenants, or tenants of private registered providers (housing associations). Eligible council tenants can apply for a DFG in the same way as any other applicant. However local housing authorities with a Housing Revenue Account (HRA) should self-fund home adaptations for council tenants through this account".

In line with the above, Council tenant applications for adaptations are administered through Rykneld Homes Limited and are funded from the Housing Revenue Account.

If an adaption is refused then the applicant has a right to apply for a Disabled Facilities Grant which is administered by the Council's Environmental Health team.

Central Government provides funding for Disabled Facilities Grants and is restricted for Council tenants.

Adaptations approved under this policy to properties owned and managed by Rykneld Homes Limited (i.e. not owned by the council) are eligible for DFG funding.

4.2. Exploring Options

A tiered approach will be taken to identify options available.

Derbyshire County Council provides a range of aids and equipment to assist tenants or a member of their household to maintain their independence. These are delivered directly to the home and the success of the use of these is monitored by Adult Care at DCC. In the majority of cases, equipment will always be tried before any consideration is given for an adaptation. Each request will be assessed on an individual need basis i.e., where handrails are requested, applicants should consider a referral via their GP for a mobility assessment.

Where an applicant's request does not meet policy and has the potential to be declined, a discussion will be held to explore the applicants housing need. This can be managed through a supported move.

Full consideration will be given to the provision of minor adaptations which would support the offer of a property through the usual housing allocations process. This would ensure that through the provision of a minor adaptation properties would meet the individual's housing needs.

4.3. Supported Move

Where an adaptation is declined applicants may have the opportunity of a supported move with a priority banding, so they can move to a property that will meet their housing need. Priority banding will be awarded in line with the Choice Move and Allocations Policy and will be monitored and reviewed periodically with a downgrading of priority banding if applicants do not pro-actively seek alternative properties. Direct lets to a suitably adapted property may also be considered in extreme circumstances. Please also refer to our Assisted Move Policy for more detail of what is included if a supported move is approved.

Officers will consider:

- what vacant properties are available that would meet the applicants needs
- what adaptations have already been undertaken to the available properties
- the suitability of these adaptations to meet the needs of the applicant requesting an adaptation.
- Where a suitable match is found RHL will, where reasonable, provide a package of support to assist the applicant and their household to move to a suitably adapted accommodation. We will assess each case individually and, if appropriate, based on affordability and hardship, we may offer to arrange and fund removals.

4.4 Adaptation Definitions and Categories

Minor Adaptations

Minor Adaptations have a value of up to **£1200.00**. These can be self-referrals or professionally assessed. They are simple, cost-effective solutions to assist a person to live independently with or without carer support. They can be installed swiftly, promote wellbeing, and reduce the risk of accidents, consequently averting additional costs associated with hospital admissions, or residential care and support.

Minor adaptations include grabrails, additional stair rails, small external handrails, half steps, hard of hearing smoke alarms, sight impaired lighting, small low-level ramps.

There are two categories for minor adaptations:

Urgent – these are generally carried out when there is a significant risk to health and wellbeing, or to facilitate hospital discharge.

Routine – these benefit the person to live independently, but there is no significant risk to the person or where there may be some construction work required.

Major Adaptations

Major Adaptations are valued over **£1200.00** and above and are generally structural changes to a property e.g., wet room, ramping, hard-standing, extensions.

Major Adaptations must be assessed by Derbyshire County Council Adult Care Occupational Therapists (OT), Social Care Practitioner (SCP) or Paediatric Occupational Therapists.

There are two priority categories:

Urgent – one or more of the following risk indicators must be met for urgent adaptations:

- There is an immediate risk of accident or hospital admission
- There is a threat to life or a major health and safety issue
- Person is in the final stages of life (palliative care)
- Person requires the adaptation to facilitate and sustain discharge from hospital
- Person requires improved access to facilitate attendance at hospital for life saving/extending treatments (dialysis/chemotherapy)
- Person has an unstable and deteriorating condition that precludes an equipment-based solution
- Person has a terminal diagnosis and are in receipt of a SR1 form (previously DS1500).
- Person has an urgent medical need to bathe.

Routine – all requests accepted by the Adaptation Panel not meeting the urgent criteria will automatically fall into this category. Each case will be progressed in date order of the Adaptation **Panel decision** and the level of work which needs to be undertaken.

The category that is allocated takes into account the reasonable needs of the tenant and their household and is **jointly agreed** between RHL and Adult Care at the Adaptation Panel meeting.

Where the adaptation includes a change to the layout of the property (i.e. internal wall removal) assistance from a NEDDC Engineer or suitably qualified technician is required. This is to ensure all adaptation requests are fully considered and specified before full approval is gained.

A Major Adaptation valued over £8,000 will require RHL's Senior Management Team's consideration.

4.5 Property Extensions

In the district of North East Derbyshire there is a lack of suitable properties, across all tenure, for families whose household contains one or more persons who have some form of disability and requires level access bedrooms and bathrooms. NEDDC only own 6 x 3-bedroom bungalows throughout the district, therefore people who

require this type of accessible family accommodation to alleviate housing need would be waiting on the Housing Register for a long period of time to be rehoused.

To help current tenants and their household to remain in their homes and to increase the housing stock of adapted properties suitable for families, a single storey extension to the property may be considered if reasonable and practicable to do so and alternative options have been explored.

Extensions can create a ground level bedroom and/or bathroom, however the property itself may require further adaptations/works to ensure the property is accessible where necessary, for example, widening internal doors or external access.

The adaptations eligibility and assessment criteria set within this policy will apply to all applicants. The property types which may be considered for an extension are:

- Houses, and;
- Bungalows

Extension will not be accepted if the property:

- is of non-traditional construction, however pod type extensions or other alternatives may be considered where necessary and appropriate, and reasonable and practicable
- if the condition of the property requires extensive refurbishment or where such works would pose a significant health and safety risk to staff
- if an extension is not achievable on the property
- the extension would not alleviate the applicants housing need
- there is a Right to Buy application on the property

Types of Extensions

RHL working in partnership with the relevant specialist organisation/contractor, will assess which method of construction would be appropriate for each eligible property.

Examples of the types of construction can include;

- Traditional bricks and mortar
- Modular - prefabricated modules that attach to the existing home and are manufactured before being installed.

Before any decision is made the costs of the extension and any other works will be taken into consideration and agreed jointly by NEDDC and Rykneld Homes.

The extension will be carried out by a contractor working in partnership and appointed by RHL following the required financial regulations having due regard to NEDDC and

RHL policies and procedures.

5. Adaptation Eligibility

Eligibility for an adaptation is generally governed by legislation based on what is necessary and appropriate, and reasonable and practicable.

Rykneld Homes must be satisfied that the applicant is a tenant or occupant registered at the property; therefore, the following checks will be undertaken upon the adaptation request.

All applicants must show that the property requiring adaptations is their permanent main residence. If an applicant has expressed any past interest in moving this will be explored with them. A permanent residence will be assessed in accordance with current housing legislation.

There are circumstances where applicants may not meet the legal requirements:

If an applicant is not named on the tenancy, they may still be eligible if:

- They are married to the tenant
- They are not married, but are living together as man and wife
- They are of the same sex and registered as a civil partner
- They are of the same sex but are living together as if they are in a civil partnership
- Are a registered occupier.

The applicant is an immediate family member (parent, grandparent, adult children, grandchildren, and sibling), who have lived with the tenant as their main permanent home prior to the application. Exceptions may be made where the applicant is unable to reside/move into the property due to the lack of adaptations. In the case of a split household where the disabled person is a child (less than 16 years and a child who is in full-time education under 19 years), adaptations will only be considered on one property.

The property where the parent resides who the child is dependent on will be given consideration for an adaptation. When deciding on which parent the child is dependent on, the following will be taken into account, but is not limited to:

- Who the child resides with primarily
- Any Court Orders in place
- Who Child Benefit is paid to
- Written Agreements between parents
- The individual facts of the case.

Cases outside the above may be reviewed by the Adaptations Panel and will be considered sensitively prior to a decision being made.

6. Referrals to Rykneld Homes

6.1 Referrals

A request for a Minor Adaptation can be accepted by RHL or DCC Adult Care. Major Adaptation requests must be referred to DCC Adult Care or Paediatric Team. A full face to face or telephone assessment of need is required to support the application, this is carried out by an OT or SCP.

The OT/SCP will assess the case and will make a recommendation on a Derbyshire Adaptation Partnership (DAP) request form, this will be processed and further information i.e., feasibility, structural information, will be gathered by RHL and submitted to the Adaptation Panel meeting for consideration, further information may be required. This will be raised during the meeting and reallocated to the relevant persons.

7 Awarding Priority

In addressing housing need, the options will be discussed to consider moving to a property which has the appropriate adaptations to meet their needs. In some circumstances this option may not be possible, including where:

- there is a lack of suitably adapted properties in the area that the applicant needs to live; or
- there is a lack of turn-over of void properties with appropriate adaptations required by the applicant; or
- it would mean that appropriate carer support would not be able to continue to provide on-going care and support.

On completion of the assessment, a recommendation to the Adaptations Panel will consider all the evidence presented relating to the applicant's needs and consider the following before a decision is reached:

- if the adaptation work is necessary and appropriate, and reasonable and practicable.
- do they have regard to the age and character of the property.
- the level of reasonably adapted stock in the support network locality in which the applicant lives; and
- the applicant's ability to secure independent living, if this is an option discussed with the applicant
- where any criteria laid out in the RHL procedures and guidance are met.

Due regard will also be given to and taken account of:

- The applicants needs and any personal or other factors that the applicant puts forward as demonstrating a need to remain in their existing accommodation.
- The medical prognosis and the usability of the proposed adaptation(s).
- The likely availability of more appropriate alternative adapted accommodation.
- The availability of the applicants existing support network and carers, that vital family support and other social roles and responsibilities cannot be undertaken in an alternative location.
- The property type and demand.
- The adaptability of the current property.
- The likelihood of achieving a mutual exchange with an end result meeting the needs of the applicant through liaison with the relevant members of staff in the Housing Support team and the Adaptations Co-ordinator.

Any applicant that has been assessed and recommended for major adaptations who decide to consider a move can be given assistance in completing a housing application form to register with 'Choice Move', at which point their adaptation request will be cancelled. The housing application will be awarded a priority banding to support an early move. Any temporary or 'meantime' work required whilst waiting for a move will be considered at this point. This may include the use of such items as; suitable equipment for bathing, grab rails or implementing a Personal Emergency Evacuation Plan (PEEP).

In cases where rehousing is considered the most suitable and appropriate redress to meet the applicant's needs, RHL's approach will be to:

- proactively assist the applicant in identifying suitable alternative adapted accommodation that meets their needs now and in the long-term, based on the advice from the OT/SCP or information provided as part of the Housing Application, in line with the Choice Move and Allocations Policy.
- Offer practical support to co-ordinate and facilitate the move.

7.1 Further Works and Changes of Circumstances

Occasions may arise where work is pending and a change in circumstances requires a further assessment. Should this occur, then the Adaptations team will need to be informed by the individual or supporting agency.

If the work pending has not been started, then it will not commence until the OT/SCP has submitted their further report. The new work may then be added to the pending work to be completed as one job.

If it is believed further work may be required Adult Care and/or the OT will be notified

to undertake a review of the case.

7.2 Under-Occupancy

Under-occupancy is defined within the housing Allocations Policy.

If an applicant's household is under-occupying a property, then extensions and conversions), will not be considered unless:

- there are no suitable adapted properties within NEDDC/RHL housing stock; or
- there are suitable adapted properties within NEDDC/RHL housing stock, but these are minimal and the likelihood of availability becoming apparent within a 12-month period is very low.

All other Major Adaptations may be considered.

Certain temporary adaptations can be offered to provide a short-term solution. However, such cases will be investigated on a case-by-case basis.

Applicants who are under-occupying will be afforded reasonable preference to local accommodation as per the Housing Allocations Policy.

7.3 Condition of the Property

Prior to the installation of an adaptation, the condition of the property will be considered, this may impact on whether the adaptation is approved, refused, or placed on hold. If the condition of the property raises any health and safety concerns this will be passed to the Housing and Support team and the adaptations application will be put on hold.

Where it is not reasonable or practical to install an adaptation due to the condition of the property the request will be refused. The applicant will be informed of the reasons why the adaptation cannot go ahead, and alternative options will be discussed.

7.4 Regulatory Compliance

Where adherence to relevant legislation has not occurred, an adaptation will be put on hold until the requirements are met. Such paperwork may include but is not limited to:

- An individual assessment carried out to determine if an Asbestos refurbishment survey is required.
- A copy of the current Electrical Installation Condition Report and/or Gas Safe certificate.
- All stairlift installations will be serviced annually and maintained either under manufacturer's warranty or through a Service Level Agreement with a competent contractor to comply with LOLER 1998 Lifting Operations and Lifting Equipment Regulations (LOLER) 1998.

7.5 Removal and Recycling of Adaptations

Where a void property already has an adaptation in-situ a full assessment will be undertaken to identify the age and condition of the adaptation, and whether it would be suitable for the adaptation to remain.

Where it is identified that:

- The adaptation is not economical it will be removed as part of the voids process. Consideration will be given to the suitability of re-siting the adaptation equipment (e.g., stairlift and/or storing for future use. This will be decided prior to removal.
- The adaptation is in good condition, the property type will be assessed for long-term suitability and, where appropriate, adaptations will be kept in-situ to ensure best use of the property and the availability of housing stock that is suitable for future tenants in need of such facilities.
- There is no need for the adaptation which has been installed, consideration will be given to removing the adaptation and restoring the property to the current lettable standard for the property type.
- Consideration will be given to the property type i.e., family home and suitable level access.

7.6 Tenant Obligations

- It is the responsibility of the Tenant to ensure that any adaptations are not misused or abused.
- The Tenant must allow access for any servicing or repairs.
- Any repairs costs, as a result of misuse, will be charged to the Tenant.
- All adaptations are the property of NEDDC and must NOT be removed or resold.

7.7 Right to Buy Applications

- Where a Right to Buy application is submitted, applications will be cancelled.
- Any removable adaptations i.e., stairlifts already in situ, will be offered to the Tenant as part of the Right to Buy purchase at a cost which will include depreciation. If the Tenant declines, the equipment will require removal prior to the completion of sale.

8 Refusals

If an adaptation has been refused under this Adaptations Policy, applicants are eligible to apply to NEDDC's Environmental Health Team, for eligibility assessment of a Mandatory DFG.

Any applicant wishing to apply for a DFG can contact the Council's Environmental Health Department on 01246 217847 for further advice on the application process.

If an eligibility for mandatory DFG is approved, the adaptation installation will be managed by RHL who will be responsible for contracting and completing the works to the current specifications. Any removable equipment remain the property of RHL.

9 Appeals, Disputes and Complaints

If an applicant is dissatisfied with a decision made under this Policy they can appeal against the decision and request a review. In the first instance, the review will normally be conducted by a Rykneld Homes Senior Officer not involved in the original decision.

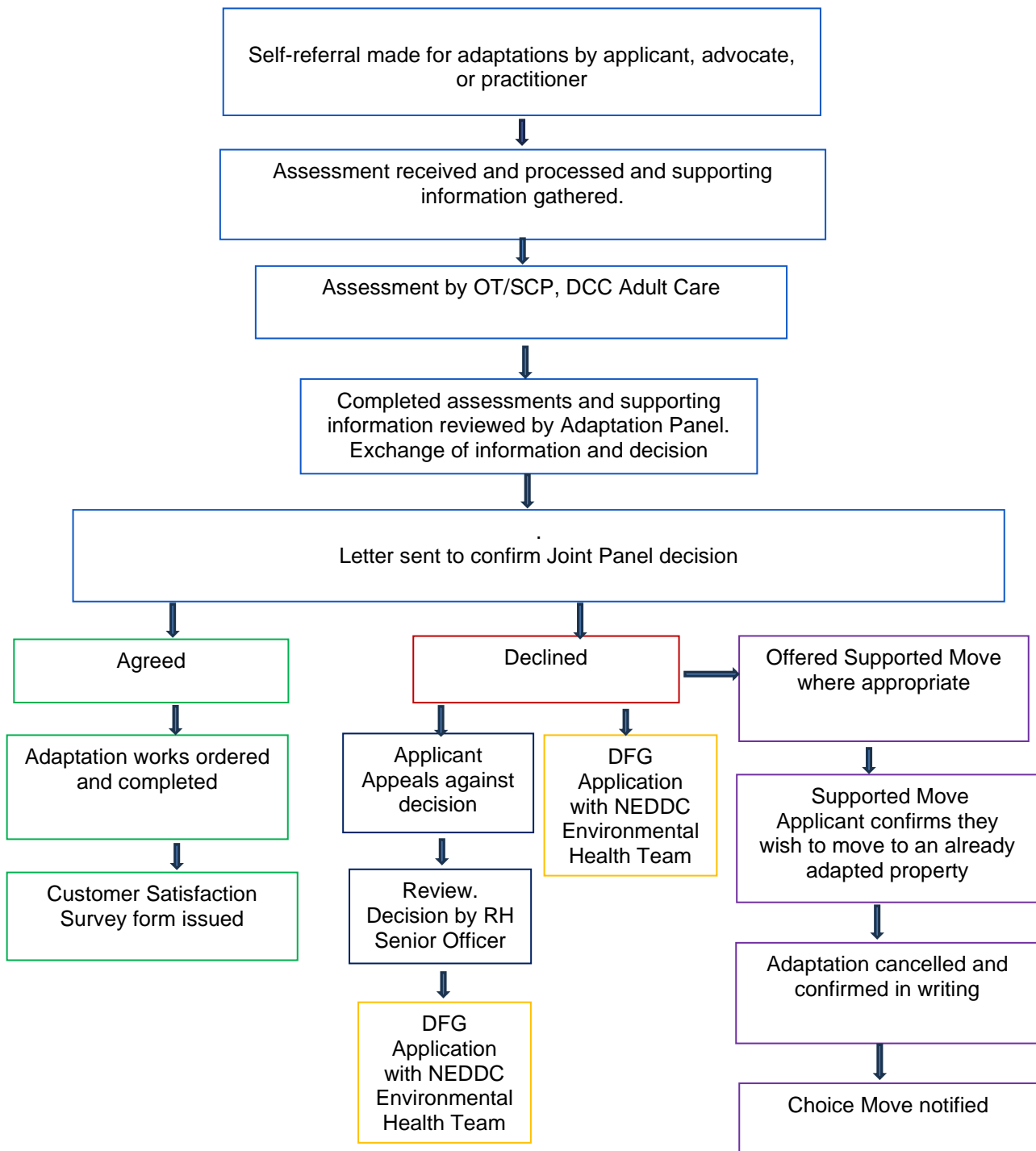
Where a person is dissatisfied either with an aspect of this policy, how it has been implemented or the level of service they have received under the policy, they will have the right to complain. This will be handled in line with Rykneld Homes complaints procedure, however in the first instance any complaints should be raised informally with Rykneld Homes to try and resolve the issues.

Terms of Reference

- RHL – Rykneld Homes Limited
- NEDDC – North East Derbyshire District Council
- DCC – Derbyshire County Council
- OT – Occupational Therapist.
- CCW – Community Care Worker
- SCP – Social Care Practitioner

Contact:
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Tel: 01246 217670

Adaptations Flow Chart – Process Diagram (Major Adaptations)



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