

**Adults & Community
Directorate**

HOUSING ADAPTATIONS POLICY

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INFORMATION SHEET

Service area	Older People's and Independent Living Services
Date effective from	March 2010
Responsible officer(s)	Divisional Manager Independent Living Services and Principal Manager, HHILS
Date of review(s)	March 2012
Status: <ul style="list-style-type: none"> • Mandatory (all named staff must adhere to guidance) • Optional (procedures and practice can vary between teams) 	Mandatory
Target audience	Occupational Therapists, Community Care Workers and technical staff within Halton Home Improvement and Independent Living Services. Therapists, nurses and support workers within the Borough who are proposing various types of adaptations to the homes of disabled people.
Date of committee/SMT decision	
Related document(s)	<ul style="list-style-type: none"> • Procedures and Practice Guidance for Major Adaptations to the Homes of Disabled People • Procedures and Practice Guidance for Minor Adaptations to the Homes of Disabled People
Superseded document(s)	None
Equality Impact Assessment completed	Community Impact Assessment completed
File reference	

	POLICY	Practice
1.	<p>Introduction</p> <p>This policy sets out the framework within which Halton Borough Council’s Housing Adaptations Service provides adaptations to disabled people resident within Halton.</p> <p>The policy should be read in conjunction with the following documents:</p> <ul style="list-style-type: none"> • Procedures and Practice Guidance for the Provision of Major Adaptations to the Homes of Disabled People • Procedures and Practice Guidance for the Provision of Minor Adaptations to the Homes of Disabled People <p>Halton Borough Council acknowledges the contributions of service users and staff within the Borough and the work of the following organisations, which has assisted in the writing of this policy document and the procedures and practice guidance:</p> <ul style="list-style-type: none"> • London Boroughs Occupational Managers Group “Guidelines for Major Adaptations to the Homes of People with Disabilities”; • Salford City Council “Community Equipment and Adaptations Statement of Purpose and Guidelines”; • Warrington Borough Council “Criteria for the Provision of Equipment and Minor Adaptations” and “Criteria for Major Adaptations to the Homes of Disabled People. 	<p><u>Links to Halton Borough Council’s Corporate Plan</u></p> <p>The Corporate Plan 2006 – 2011 sets out key priorities for the Council. This policy supports the priorities of:</p> <ul style="list-style-type: none"> - Improving health. - Creating prosperity and equality of opportunity. - Supporting an ageing population. - Creating opportunities /facilities/ amenities for children and young people. - Running Services efficiently. <p><u>Service Plan Objectives</u></p> <p>This policy supports the following service plan objectives:</p> <p>OPS 1 – Working in partnership with statutory and non statutory organisations, evaluate, plan, commission and redesign services to ensure that they meet the needs and improve outcomes for (Older) People</p> <p>OPS 2 - Effectively consult and engage with (Older) People to evaluate service delivery, highlight any areas for improvement and contribute towards the effective re-design of services where required</p> <p>OPS 3 - Ensure that there are effective business processes and services in place to enable the Directorate to manage, procure and deliver high quality, value for money services that meet people's needs</p>

	POLICY	Practice
2.	<p>Policy Objectives</p> <p>The objectives of this policy are:</p> <ul style="list-style-type: none"> • To ensure a fair and consistent response when considering the provision of adaptations to a person’s home. • To assist Occupational Therapists, Community Care Workers and technical staff in recommending adaptations that are necessary, appropriate, reasonable, practical and cost effective. • This policy recognises that a flexible approach is needed to meet individuals’ needs and those of their families and carers. 	<p>Policy context The context for this policy is set out in Appendix 1</p>
3.	<p>Supporting Legislation</p> <p>Legislation in relation to the delivery of adaptations is complex. It includes statutory requirements to assess needs and to arrange for appropriate assistance to be provided. There are also statutory requirements on disabled persons' entitlements and the appropriate adaptation to be delivered to meet a particular need. Especially important are the rights and entitlements to a Disabled Facilities Grant. Relevant legislation is listed below:</p> <ul style="list-style-type: none"> • NHS & Community Care Act 1990 • Carers (Recognition and Services) Act 1995 and Carers and Disabled Children Act 2000 • Chronically Sick and Disabled Person’s Act 1970 • Children Act 1989 • Disability Discrimination Act 1995: • Housing Grants, Construction and Regeneration Act 1996: Mandatory Disabled Facilities Grant • Regulatory Reform (Housing Assistance) (England and Wales) Order 2002- discretionary powers to provide financial assistance for housing adaptations • The Community Care (Delayed Discharges etc.) Act 2003 <p>In order to qualify for adaptations in the home, the eligibility of a disabled person needs to be established. There are three main legal avenues:</p> <ol style="list-style-type: none"> 1. Mandatory assistance through a local housing authority by way of a Disabled Facilities Grant (under the Housing Grants, Construction and Regeneration Act 1996); 	<p>Legislation A fuller explanation of the legislation surrounding adaptations to the homes of disabled people is provided in Appendix 2</p> <p>Legal routes for providing home adaptations are explained in more detail in Appendix 3</p>

	POLICY	Practice
4.	<p>2. Discretionary assistance through a local housing authority (under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. This type of assistance is not currently available in Halton.</p> <p>3. Assistance through the Adults and Community Directorate under the Chronically Sick and Disabled Persons Act 1970 and section 17 Children Act 1989.</p> <p>Insurance Claims Where funding for adaptations is provided through a Disabled Facilities Grant or through the Adults and Community Directorate and the service user subsequently receives payment in respect of a insurance or damages or personal injury claim, that includes an amount towards adapting their home, they will be expected to repay the grant so far as is appropriate, out of the proceeds of any claim.</p> <p>Definitions</p> <p><u>Adaptations</u> Adaptations can range from the installation of simple grab rails to the provision of level accessible shower areas to ground floor bedroom / shower rooms.</p> <p>The Government document ‘Delivering Housing Adaptations for Disabled People – a good practice guide’ (June 2006 edition) defines the purpose of an adaptation as:</p> <p><i>“Modify(ing) disabling environments in order to restore or enable independent living, privacy, confidence and dignity for individuals and their families. It is therefore not primarily a matter of building work, the provision of equipment or otherwise modifying a dwelling, but providing an individualised solution to the problems of people experiencing a disabling environment.” (Page 6)</i> www.communities.gov.uk/publications/housing/deliveringhousingadaptations</p> <p>This approach is referred to as reflecting the social model of disability.</p> <p><u>Disability</u> Disability is defined for the purpose of this policy as ‘ <i>the disadvantage experienced by an individual as a result of barriers (attitudinal, physical etc.) that impact on people with impairments and /or ill health.</i>’ taken from “Improving the Life Chances of Disabled People” Prime Minister’s Strategy Unit, January 2005 (Page 8)</p>	

	POLICY	<i>Practice</i>
5	<p>Principles and Aims of Adaptations Service</p> <p>Halton Borough Council's Adaptation Service aims to be:</p> <ul style="list-style-type: none"> • Timely • Effective • Accessible • Seamless • Equitable • Responsive and • Cost effective <p>The adaptation service aims to:</p> <ul style="list-style-type: none"> • Enable people with a disability to live as independently as possible and promote equality of opportunity for disabled people of all ages; • Undertake a full assessment in order to identify the needs of people with physical and / or sensory disabilities and those of their family and carers. • Provide appropriate and individualised solutions to peoples' needs, taking into account the views of the disabled person and their family and carers as well as available resources. • Support the social model of disability, choice and empowerment and promote accessible inclusive design to remove physical barriers to independence within the built environment; • Provide a collaborative approach by building partnerships between local health providers, housing providers, designers and builders and service users and carers, to deliver a seamless service; • Prioritise and focus limited resources to ensure cost effectiveness in conjunction with the best possible outcomes for disabled people. <p>The adaptation service aims to provide solutions that are:</p> <ul style="list-style-type: none"> • Efficient, Timely and Responsive • Necessary and Appropriate, • Reasonable and Practicable and • Cost Effective <p>Outcomes will be measured by the extent to which the adapted property meets the person's needs and the adaptation is fit for purpose from the service user's perspective. Outcomes are measured initially and again some months after adaptations are complete through the use of service user evaluation forms and telephone surveys</p>	

	POLICY	Practice
6	<p>Partnership Working and Future Planning</p> <p>Partnership working between all organisations is essential in order to achieve an efficient, timely and cost effective adaptations service.</p> <p>Currently adaptations are provided through different routes depending on the tenure of the property and available funding streams. This can lead to an inconsistent approach to adaptations work amongst local authorities and housing associations.</p> <p>In Halton this is being addressed through the promotion of a Partnership Agreement with Registered Social Landlords. At the centre of this is a funding agreement requiring RSLs to match fund adaptation work to their properties. The Partnership Agreement provides a strong foundation for future joint working and the development of a common and co-ordinated approach to achieving timely, effective and appropriate adaptations.</p> <p>Two key groups have been established to monitor the policy and practice of the adaptation service:</p> <p><u>The Strategic Adaptations Group</u> is chaired by the Divisional Manager Independent Living Services. Its membership consists of the Divisional Manager Service Planning and Commissioning, the Housing Strategy Manager, the Principal Housing Inspector and the Principal Manager Independent Living Services.</p> <p><u>The Housing Provider Group</u> is also chaired by the Divisional Manager Independent Living Services. Its membership consists of representatives of the seventeen locally based Housing Associations, the Principal Housing Inspector and the Principal Manager Independent Living Services.</p> <p>Between them these groups will monitor and make recommendations regarding:</p> <ul style="list-style-type: none"> • Expenditure • Outcomes through consultation and evaluation forms • Changes to processes required 	<p><u>Terms of Reference</u> The terms of reference for the Strategic Adaptations Group and the Housing Provider Group are set out in Appendix 4.</p>

	POLICY	Practice
7.	<p><u>Future Planning</u> In order to maintain an effective adaptations service and to ensure adequate resources are available, there is a need to estimate the likely future need for adaptations and to remain up to date with good practice. This can be achieved by:</p> <ul style="list-style-type: none"> • Monitoring requests and trends. • Local demographic changes. • Consultation with colleagues in health, housing and social care and local disability groups and carers to listen to their experience of potential need. • Surveys of local disabled people. • The Adapted Homes Register Service will identify disabled people whose needs cannot be met by current housing stock. • Use of research and case studies illustrating current good practice. <p>Types of Adaptations</p> <p>Adaptations may be low cost minor adaptations or major works</p> <p><u>Minor Adaptations</u> are defined as structural or non structural works costing below £1000 in total. In Halton it is accepted practice that minor adaptations costing below £1000 in total will be provided free of charge through social services legislation or by the Registered Social Landlord.</p> <p><u>Major Adaptations</u> are more substantial items ranging from level access showers to ground floor extensions. A Disabled Facilities Grant may fund major adaptations or minor works totalling more than £1000, following a full assessment of need which will also involve a financial assessment. The financial assessment may result in the person with the disability making a full or part contribution towards the cost of the adaptation. Partnership agreements are being promoted with locally based RSLs to use 50 % local authority / DFG funding and 50% RSL funding to provide major structural adaptations in their properties.</p> <p><u>Other Assistance available</u> A wide range of specialist equipment is available through Halton Integrated Community Equipment Service (HICES). There is no charge for this service. For further information refer to HICES guidance and catalogue. Assistance with re-housing will be considered where extensive adaptations are required to a property. Assistance is available through relocation grants and Halton's Adapted Homes Register Service.</p>	

	POLICY	Practice
8	<p>General Considerations</p> <p>Eligibility</p> <p>In order to qualify for adaptations in the home the person for whom the adaptations are being considered must have:</p> <ul style="list-style-type: none"> • a substantial impairment of sight , hearing or speech • a mental disorder or impairment of any kind • a substantial physical disability due to illness, injury, impairment since birth or otherwise <p>The adaptation must be at that person’s only or main residence and they must be ordinarily resident within the Borough of Halton.</p> <p>Purpose of adaptations</p> <p>The purpose of providing adaptations is to increase or maintain the functional independence of people with permanent and substantial disabilities. The level of provision will be dependent on the needs in relation to the person’s disability and technical feasibility.</p> <p>Adaptations must be necessary and appropriate and reasonable and practicable</p> <p>Under the Housing Grants, Construction and Regeneration Act 1996 all adaptations must be <u>“necessary and appropriate”</u> and <u>“reasonable and practicable”</u></p> <ul style="list-style-type: none"> • To be necessary an adaptation must be required in order to enable the disabled person to remain in the dwelling with as great a degree of independence as possible <u>or</u> in order to enable their carer to care for them. • To be appropriate an adaptation must cater for the needs of the individual and their carers and take account of physical and medical needs. <p><u>Needs of Individuals</u> - the assessed needs should be wholly or substantially met by the proposed adaptation.</p> <p><u>Needs of Carers</u> - there is a need to take account of the needs of carers when recommending an adaptation.</p>	

	POLICY	<i>Practice</i>
	<p>Adaptations must be reasonable and practicable</p> <p>Technical staff must satisfy themselves that an adaptation is reasonable and practicable. Such matters relate to:</p> <ul style="list-style-type: none"> • The age of the property. • The condition of the property - it must be "fit" before an application for grant can be approved. <p>Current and long-term needs</p> <p>The planning of adaptations should take account of the disabled person's current and long term needs with due consideration to a person's religious, cultural and ethnic background.</p> <p>Major adaptations cannot be considered until the disabled person has completed all recommended treatments and rehabilitation. However interim help may be given through the provision of specialist equipment and minor adaptations.</p> <p>Cost effectiveness and Best Value</p> <p>Best Value requirements demand that local authorities seek to spend money cost effectively. It therefore follows that:</p> <ul style="list-style-type: none"> • Although the disabled person's preference will be taken into account, it is not the only consideration. The most cost effective solution, that also meets the disabled person's needs, should be found, • If a more expensive option is available, the disabled person has the opportunity to pay the additional costs, provided that the adaptation is consistent with the needs of the disabled person and DFG processes. • The stepped approach to considering the extent of adaptations will be used as outlined in paragraph 9 • Alternative housing will be recommended if a more suitable property would remove the need for extensive adaptations or if adaptations are not technically feasible in the current property. • There may be a need to be flexible in more complex cases. Such cases will be considered by the Adaptations Panel. 	<p>Adaptations for Children can be a complex process that needs to take account of their changing needs. See section 11 for policy guidance</p>

	POLICY	<i>Practice</i>
9.	<p>Other considerations</p> <p>Adaptations are not a means of providing additional bedrooms to alleviate issues of overcrowding.</p> <p>Adaptations will not be provided to repair or replace features in the property which the home owner has failed to regularly and adequately maintain e.g. poorly maintained doors or windows resulting in difficulties in opening; poorly maintained, broken or leaking sanitary ware requiring replacement.</p> <p>Stepped approach:</p> <p>When considering the need for adaptations the following stepped approach will be used:</p> <ul style="list-style-type: none"> • Whether a different way of approaching tasks, rearranging the layout of the property and/or provision of equipment and /or minor adaptations may meet needs, reduce risks and alleviate the need for more major adaptation work. • Where it is established that major adaptations are required, adapt within the existing footprint of the property • Where extensive major adaptations are required, assist the disabled person to move to more suitable accommodation through the use of relocation grants if they are an owner-occupier or private tenant. • Tenants of RSL properties can apply for suitably adapted housing through the accessible homes service. • If a ground floor extension is the only solution and if the complete costs are provided through the Health & Community Directorate, the option of modular buildings will be explored. 	

	POLICY	<i>Practice</i>
10	<p data-bbox="252 219 970 253">General Principles of the Assessment Process</p> <p data-bbox="252 293 1114 365">The assessment processes for major and minor adaptations are described in detail in the following documents:</p> <ul data-bbox="300 405 1050 555" style="list-style-type: none"> <li data-bbox="300 405 1050 477">• Procedures and Practice Guidance for Major Adaptations to the Homes of Disabled People <li data-bbox="300 477 1050 555">• Procedures and Practice Guidance for Minor Adaptations to the Homes of Disabled People <p data-bbox="252 595 962 667">However the principles outlined below apply to all assessments:</p> <ul data-bbox="300 707 1114 1704" style="list-style-type: none"> <li data-bbox="300 707 1114 779">• The stepped approach to considering the need for adaptations will be used (refer to paragraph 9). <li data-bbox="300 819 1114 1070">• Fair Access to Care Services eligibility criteria must be applied. Halton Borough Council has set its eligibility criteria at critical and substantial, although it is recognised that meeting the needs of people with moderate and low needs can prevent further disabilities from occurring. This can be taken into account during the assessment process. <li data-bbox="300 1111 1114 1256">• The disabled person and their family and carers will be consulted at all stages of the assessment process and provided with adequate information on which to base their decisions, <li data-bbox="300 1296 1114 1514">• Any ethnic and cultural aspects of the household must be considered during assessments and / or planning works. Community or religious advisors may need consulting on individual cases, or it may be necessary to involve translation and advocacy services. <li data-bbox="300 1554 1114 1704">• Staff will always carefully record their evidence, reasoning and conclusions in determining the course of action they will follow, in conjunction with the disabled person and taking their views into account. 	

	POLICY	Practice
11.	<p>Adaptations for Children</p> <p>Planning adaptations for children needs to take account of their ability to grow, develop and increase in weight. Therefore recommendations need to be appropriate for their level of development and their potential level of achievement</p> <p>The provision of adaptations to the family home where there is a disabled child or young person can be a complex process. Any assessment or review of need should include the views of the child or young person and their parents. The assessment must take account of the child's developmental needs, the needs of parents as carers and the needs of other children in the family. With children it is not always possible to determine their long term needs, particularly if they are receiving treatment or training to improve their level of independence, or if they have not yet reached their developmental milestones. In these situations the provision of equipment and / or minor adaptations may be the best immediate solution while gathering all the relevant information on which to predict the child's future needs. Occupational therapists will consult widely with all those involved in providing the child's care and treatment to gain an appreciation of potential longer term needs.</p>	<p><u>Disabled Facilities Grants</u> There is no means testing for families of disabled children under 19</p>
12.	<p>Maintenance of Major Adaptations</p> <p>On-going maintenance of major adaptations is the responsibility of the disabled person unless Halton Borough Council retains the ownership of the item.</p> <p>Where council or housing association properties are purchased with major adaptations already fitted, e.g. Clos-o-mat WC's, stairlifts, through floor lifts, it becomes the homeowner's responsibility to maintain and insure these items.</p>	
13.	<p>Recovery, Removal and Replacement of Major Adaptations</p> <p>Major adaptations may be recovered by Halton Borough Council and where appropriate reassigned to another person when no longer required and/ or at the request of the homeowner.</p>	

	POLICY	Practice
14.	<p>Removal of some types of adaptations, for example stair lifts, ceiling track hoists and through floor lifts may cause damage to or disturb ceilings, walls, floors and floor coverings. Where ceilings, walls or floors are damaged or disturbed, the areas will be 'made good' by Halton Borough Council to a standard appropriate for re-decoration by the homeowner. Where carpets / floor coverings are cut and /or re-laid, they will be checked for safety but not replaced.</p> <p>Where removal of bathroom adaptations for example Clos-o-mat WCs and hi-lo baths, necessitates replacement of sanitary fittings Halton Borough Council will fund the cost of the basic item only. The homeowner will fund the difference in cost for enhanced fittings.</p> <p>Where items have been re-located to make way for the adaptation, for example heating, sockets, meter cupboards lowered kitchen worktop etc they will be left in position following removal of the adaptation.</p> <p>Charges on Properties</p> <p>Central government guidance allows for local authorities to place limited charges against a property for grant if it is sold within 10 years of the adaptation being completed, where the cost of the DFG exceeds £5,000, limited to a maximum charge of £10,000. This will enable local authorities to recycle these funds in the DFG programme when the adapted property is sold. This is under consideration by Halton Borough Council.</p>	
15.	<p>Complaints</p> <p>If service users and /or carers are dissatisfied with the way in which the adaptations policy has been applied to them or if they have other concerns e.g. about the quality of the service they have received or the behaviour of staff, they can access social services complaints procedure at any time.</p> <p>Stage 1 complaints may be discussed (anonymously) at the Strategic Adaptations group to help inform process development and service planning.</p> <p>If the service user or carer is still dissatisfied following the conclusion of the complaints procedure, then the Housing Ombudsman may be able to assist.</p>	<p><u>Social Services Complaints Policy Procedures and Practice</u> document provides a detailed explanation of the complaints procedure.</p>

APPENDIX 1

POLICY CONTEXT

Designing accessible environments and appropriate housing removes physical barriers and supports the social inclusion of all citizens. For older and disabled people, living in accessible or adapted properties is key to remaining at home, living as independently as possible and restoring confidence and dignity.

In March 2008 the Office for Disability Issues published a cross-government strategy for 'Independent Living'. This defines independent living as

- Having choice and control over the assistance and / or equipment needed to go about your daily life
- Having equal access to housing, transport and mobility, health, employment and education and training opportunities.

In 2007 The Office for Disability Issues commissioned a review to identify the cost benefits of housing adaptations, improvements and equipment. The results, published in a report 'Better Outcomes, Lower Costs – Implications for health and social care budgets of investment in housing adaptations, improvements and equipment' demonstrate that timely and appropriate adaptations can:

- Prevent falls and the resulting treatment required from the NHS
- Reduce packages of home care
- Delay or prevent admission to care homes
- Increase employment opportunities

Changing Population

According to Government statistics:

- By 2026 older people will account for almost half (48%) of the increase in the total number of households (Independent Living)
- By 2036 the number of people over 85 years will increase by 2.3 million a 184% increase (Independent Living)
- The incidence of disability and ill-health increases with age (NSF for Older People)
- 21% or 1 in 5 adults has a disability (Improving Life Chances)
- There are 770,000 disabled children in the UK and the numbers of disabled children with more complex needs are growing (Improving Life Chances)

There is now an expectation that people with long-term conditions and permanent disabilities will be supported to live in their own homes for as long as they wish. They have increased expectations about their choices, the support available and the standards and timescales for the provision of any necessary adaptations.

Forecasts suggest that Halton's population is ageing at a faster rate than England as a whole, which reflects a long-term demographic trend of an ageing population. Over 65's made up 13.6% (16,100) of population in 2003 and will be 22.1% (26,000) by 2028, this represents an increase of 61.5% in over 65's and 100% in over 85's. The over 65 population, is expected to rise annually, for example by 200 people between 2006 and 2007 and a further 300 between 2007 and 2008. The largest proportionate growth is in over 85 years population. There is also an increase in the number of older people with more complex needs, particularly around homelessness, alcohol abuse and dementias as people live longer.

This shift to an older population will have a large effect on demand for social care, local government and health services unless outcomes are improved through effective, adequate prevention. However health and social care are still focussed on meeting need as it arises, i.e. once someone has had a fall or is in difficulty. That is not sustainable given the levels of health in the Borough. The relative increase in older people also reduces the number of informal carers available, which necessitates a stronger focus on supporting the carers that there are and developing preventative services such as a timely and effective adaptations service.

Lifetime Homes

In February 2008 the Government published its strategy 'Lifetime Homes, Lifetime Neighbourhoods: A National strategy for Housing in an Ageing Society'. This considers immediate practical ways of improving homes to meet the needs of older and disabled people and includes the aspiration that by 2013 all new homes will be being built to meet Lifetime Home standards.

Lifetime Home Standards are a set of simple home features that make housing more functional for everyone.

Key Features

- Level or general sloping approach to property.
- Doors wide enough to allow wheelchair access
- Living room at entrance level
- Entrance level toilet
- Walls able to take adaptations
- Bathroom giving side access to toilet and bath
- Low windowsills and electrical sockets and controls at convenient heights.

Wheelchair Accessible Homes

Where-as lifetime homes are designed to adapt to changing needs over time, fully wheelchair accessible homes are purpose built to meet the requirements of wheelchair users. Features include adequate circulation space and level access throughout, wheelchair accessibility to all parts of the home and adjustable fixtures and fittings.

Housing needs assessments should provide for appropriate levels of wheelchair accessible housing.

Accessible homes can:

- Enable independent living
- Reduce care packages
- Reduce long stays in hospital / avoid admissions
- Benefit everyone including an aging population
- Reduce inappropriate housing conditions
- Increase the amount of housing stock suitable for people with decreased mobility

LEGISLATION

This section has been extracted from the following document (with the exception of the changes to DFG policy 2008 section page 22-23):

“ Delivering Housing Adaptations for Disabled People A good practice guide” June 2006 edition; Department for Communities and Local Government; Department of Health; Department for Education and Skills
www.communities.gov.uk/publications/housing/deliveringhousingadaptations

NHS & Community Care Act 1990

The NHS and Community Care Act 1990 establishes a requirement that a needs assessment must be carried out where it appears to the social services authority that any person for whom they may provide or arrange community care services, may be in need of such services. This is the appropriate context within which to establish criteria for access to assessment, including an assessment that may identify needs that can be met by adaptations to property.

The Act further provides that where services of the health or housing bodies may be needed, the social services authority should notify them and invite their assistance. Where a needs assessment has been carried out, the authority shall then decide whether services should be provided.

The Department of Health circular *LAC(2002)13* on fair access to care services describes the general processes of assessment that councils with social services responsibilities should follow.

In urgent cases care may be provided before a needs assessment, with assessment carried out as soon as practicable thereafter.

Carers (Recognition and Services) Act 1995 - Carers and Disabled Children Act 2000

The Carers (Recognition and Services) Act 1995 extended the right of assessment to carers where the person cared for is eligible to receive an assessment (or reassessment) under section 47 of the 1990 Act.

The references in the Act to the needs of carers of disabled children are further expanded in The Carers and Disabled Children Act 2000. This provides powers for the social services to provide any services which the local authority sees fit to provide and which will in the local authority's view help the carer care for the person cared for.

Chronically Sick and Disabled Persons Act 1970

The Chronically Sick and Disabled Persons Act 1970, as subsequently amended, places a duty on social service authorities to:

- Identify the numbers of disabled people in their area, and publish the help available to them (Section 1); and
- Arrange practical assistance in the home, and any works of adaptation or the provision of additional facilities designed to secure greater safety, comfort or convenience (Section 2).

Despite subsequent legislation, including the introduction of mandatory DFGs (see below), this duty remains.

However, the Chronically Sick and Disabled Persons Act 1970, requires social service authorities to arrange assistance. Hence other organisations, such as a local housing authority providing DFGs or another form of assistance, or acting as landlord in relation to its own stock, or a Registered Social Landlord (RSL), may be involved.

Social Services may discharge their duties by the direct provision of equipment or adaptations, by providing loan finance to a disabled person to enable them to purchase these facilities, or by providing a grant to cover or contribute to the costs of provision. They may make charges for their services, where appropriate. They have a duty to ensure that the assistance required by disabled people is secured. This includes those cases where the help needed goes beyond what is available through DFG, or where a DFG is not available for any reason, or where a disabled person cannot raise their assessed contribution.

Children Act 1989

The Children Act 1989 requires local authorities to provide a range of family support services for children in need. The definition of children in need includes disabled children. Schedule 2 of this Act outlines the range of services which can be provided and paragraph 6 of this schedule requires that local authorities provide services to minimise the effect on disabled children of their disabilities and give such children the opportunity to lead lives which are as normal as possible.

Assessments of children in need should follow the guidance in the Assessment Framework for Children in Need and their Families and pay particular attention to chapter 3 of the accompanying practice guidance entitled, Assessing the Needs of Disabled Children and Their Families (DH, 2000). Assessments under the Children Act should be undertaken at the same time as an assessment under the Chronically Sick and Disabled Person's Act.

Disability Discrimination Act 1995

A definition of disability provided in recent legislation is to be found in the Disability Discrimination Act 1995: a person has a disability for the purposes of this Act if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day to day activities².

However, there may be persons who, whilst not meeting the substantial and long-term test, will have had needs identified and assessed under the NHS & Community Care Act 1990, The Carers (Recognition and Services) Act 1995, or The Carers and Disabled Children Act 2000, for whom an adaptation will form part of an appropriate service response by the welfare authority.

Housing Grants, Construction and Regeneration Act 1996: Mandatory Disabled Facilities Grant

The current legislative framework governing DFGs is provided by the Housing Grants, Construction and Regeneration Act 1996. Since 1990, local housing authorities have been under a statutory duty to provide grant aid to disabled people for a range of adaptations to their homes³.

The obligation to provide DFGs to eligible applicants for eligible work (subject to the test of the applicant's resources) is primary, absolute and remains irrespective of whether other assistance is provided by a social services authority or other body such as an RSL.

Amount of Grant

The maximum amount of grant available for a mandatory DFG is subject to a limit of £30,000 (from May 2008)

The amount payable may also be subject to a deduction derived from a test of the financial resources of the disabled person. Where the application is for a disabled child or young person under the age of nineteen there is no means test.

A local housing authority does not have a duty to assist an applicant for DFG in meeting any share of the costs that the applicant is assessed to be responsible for under the test of resources. The housing authority may however refer cases of hardship to the social service authority or to a joint panel that allocates funding on behalf of the social service authority. The housing authority may also consider using its discretionary powers of assistance under housing legislation.

Eligibility

The Act provides definitions of those who qualify, by reason of disability, for assistance in carrying out adaptations through a DFG.

For these purposes a person is disabled if:

- (a) His/her sight, hearing or speech is substantially impaired;
- (b) S/he has a mental disorder or impairment of any kind; or
- (c) S/he is physically substantially disabled by illness, injury, impairment present since birth, or otherwise.

2.18. A person aged eighteen or over shall be taken for these purposes to be disabled if:

- (a) S/he is registered in pursuance of any arrangements made under section 29(1) of the National Assistance Act 1948; or
- (b) S/he is a person for whose welfare arrangements have been made under that provision or, in the opinion of the social services authority, might be made under it.

A person under the age of eighteen shall be taken for these purposes to be disabled if:

- (a) S/he is registered in a register of disabled children maintained under paragraph 2 of Schedule 2 to the Children Act 1989; or
- (b) S/he is in the opinion of the social services authority a disabled child as defined for the purposes of Part III of the Children Act 1989 (local authority support for children and their families)⁵.

Owner-occupiers, tenants of local authorities, RSLs and private landlords, and private landlords themselves are all eligible to apply for DFG.

Changes to DFG policy were announced by the Government as part of Lifetime Homes, Lifetime Neighbourhoods –a National Strategy for Housing in an Ageing Society. This was launched in February 2008, along with a separate stand alone document setting out the response to the DFG consultation to improve programme delivery: Disabled Facilities Grants, the Package of Changes to Modernise the Programme.

This was followed by the publication of new legislation in the form of three Statutory Instruments:

- The Housing Renewal Grants (Amendment) (England) Regulations 2008;
- The Housing Grants, Construction and Regeneration Act 1996 Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008;
- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008.

In brief, the Statutory Instruments made the following changes with effect from 22nd May 2008:

- Increased the maximum amount of grant that must be paid from £25,000 to £30,000.
- Updated the figures to be used for assessing a person's eligibility for a grant.
- Simplified the means test by enabling increased passporting for persons in receipt of certain benefits and income and made provision for disregarding certain tax credit and benefits payments as income and earnings.
- Improved the definition of "relevant person" which was considered ambiguous in certain situations.
- Brought access to the garden within the scope of the Disabled Facilities Grant. Monies must be approved (subject to the provisions of Part 1 of the 1996 Act) for facilitating access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant.

In addition The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 enabled local authorities to impose a condition on Disabled Facilities Grants approvals requiring the repayment of the grant through a local land charge in specific circumstances.

These circumstances are

- The approved grant is above £5,000 and
- The applicant is an owner occupier and
- The property is sold by the applicant within ten years of the grant being certified.

The maximum amount that can be required to be repaid is £10,000.

When deciding whether the grant is repayable following the disposal of the property, a local authority has to take into account the following:-

- (i) the extent to which the recipient of the grant would suffer financial hardship were he to be required to repay all or any of the grant;
- (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
- (iii) whether the disposal is made for reasons connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
- (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

Local authorities' discretionary powers to provide financial assistance for housing adaptations

The general power under Article 3 of the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 enables housing authorities to give discretionary assistance, in any form, (e.g. grant, loan or equity release) for adaptations. The financial assistance can also be provided indirectly to the disabled person through a third party.

There is no restriction on the amount of assistance that may be given. Discretionary assistance may be given in addition, or as an alternative to mandatory DFG. This power replaces the old powers to provide Home Repair Assistance that was used by some housing authorities to provide minor adaptations assistance.

Assistance can be given under Article 3 for a wide range of purposes for example:

- To provide small-scale adaptations to either fulfil needs not covered by mandatory DFGs or, by avoiding the procedural complexities of mandatory DFGs, to deliver a much quicker remedy for urgent adaptations;
- To provide top-up assistance to mandatory DFG where the local authority takes the view that the amount of assistance available under DFG is insufficient to meet the needs of the disabled person and their family; and
- To assist with the acquisition of other accommodation (whether within or outside the authority's area) where the authority is satisfied that this will benefit the occupant at least as much as improving or adapting his existing accommodation.

The Article 3 power may not be used unless the authority has published a policy setting out what use it intends to make of the power. As the mandatory DFG will not be adequate to deal with all likely requests for assistance it is very important for an authority to include in its published policy what form of additional help it will offer in relation to adaptations for disabled people.

The Community Care (Delayed Discharges etc.) Act 2003

Part 2 of the Community Care (Delayed Discharges etc) Act (Qualifying Services) (England) Regulations 2003 provides that any community care equipment and minor adaptations for 'the purposes of assisting with nursing at home or aiding daily living which a person has been assessed to need, and for which he or she is eligible, should be provided free of charge provided the cost is £1,000 or less. For adaptations the cost limit applies to the purchase and fitting of the adaptation. Social services authorities retain the discretion to charge for adaptations costing over £1,000 where those adaptations are made by the authority under its powers to provide community care services.

² Section 1 (1)

³ Section 23 (1)

⁴ Disabled Facilities Grant and Home Repairs Assistance (Maximum Amounts) Amendment Order 2001

⁵ Housing Grants, Construction and Regeneration Act, 1996, Section 100, 1-3.

Legal routes for providing home adaptations

To qualify for assistance to obtain adaptations in the home, the eligibility of the disabled person needs to be established and that may be from one of three routes:

1. **Housing Grants, Construction and Regeneration Act 1996** provides mandatory Disabled Person Facilities Grants (DFGs) for people who are disabled (see Appendix 2 for definition/ eligibility). The dwelling where works are proposed must be the 'only or main residence' of the disabled person. Residence includes houseboats and mobile homes.
2. **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002** provides discretionary assistance with adaptations and there is no condition of disability stated or any particular residency condition. Currently this type of assistance is not available in Halton.
3. **Assistance from the Health & Community Directorate** under the Chronically Sick and Disabled Person's Act 1970 for people who are defined as disabled within the meaning of section 29 of the National Assistance Act 1948 or section 17 of the Children's Act 1989.

There is no definite division of responsibility for the provision of adaptations between housing and social services legislation. Generally it has been accepted practice to seek DFG's for major structural adaptations whilst minor non-structural, or small items of structural work e.g. half steps are financed by social services.

Disabled Facilities Grant (Housing Grants, Construction and Regeneration Act 1996)

To be eligible for approval of a Disabled Person's Facilities Grant the following factors must apply:

1. The person must be disabled i.e. substantial impairment of sight hearing or speech; if there is a mental disorder or mental impairment of any kind; or if there is a substantial disability caused by illness, injury, impairment since birth or otherwise.
2. The dwelling where the works are proposed must be the 'only or main residence' and be in Halton Borough.
3. The proposed adaptation work comes within the mandatory purposes set out in section 23 of the 1996 Act i.e. to facilitate access by the disabled person to:
 - **Dwelling:** to and from the dwelling;
 - **Garden:** safe access to and from the garden;

- **Family Room:** to a room used as the principal family room;
- **Sleeping room:** to, or providing for the disabled occupant, a room used or usable for sleeping;
- **Lavatory:** to, or providing for the disabled occupant, a room in which there is a lavatory – or facilitating its use by the disabled occupant;
- **Bath, shower:** to, or providing for the disabled occupant, a room in which there is a bath or shower (or both) – or facilitating its use by the disabled occupant;
- **Wash-hand basin:** to, or providing for the disabled occupant, a room in which there is a wash-hand basin – or facilitating its use by the disabled occupant;
- **Safety:** making the dwelling or building safe for the disabled occupant and other person's residing with him
- **Cooking:** facilitating the preparation and cooking of food by the disabled occupant;
- **Heating:** improving any heating system in the dwelling to meet the needs of the disabled occupant or – if there is no existing heating system or an existing system is unsuitable for use by the disabled occupant – providing a heating system suitable to meet his needs;
- **Use of power, light, heat:** facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to, or control of, that source – or by providing additional means of control; and
- **Disabled occupant as carer:** facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who normally resides in the dwelling and needs such care.

Under the Housing Grants, Construction and Regeneration Act 1996, the housing authority has to consult the social service authority (Health & Community Directorate) as to whether the proposed works, within the mandatory purposes described above, are 'necessary and appropriate'.

To be 'necessary' the adaptation must be required to provide the disabled person with as great a degree of independence as possible.

To be 'appropriate' the adaptation must cater for the needs of the disabled person and their carers and take account of their physical and medical needs.

The housing authority must also decide under the 1996 Act whether the works are 'reasonable and practicable'. This decision relates to the age and condition of the dwelling. The courts have stated that where the works would be abnormally expensive, due to the age and condition of the property, the local authority can take this into account when making a decision. However a general lack of resources and insufficient budget alone cannot justify a decision that the works are not 'reasonable and practicable'.

Assistance from the Adults & Community Directorate

To be eligible for assistance from the Adults & Community Directorate, using the Chronically Sick and Disabled Person's Act 1970, a person must be defined as disabled within the meaning of section 29 of the National Assistance Act 1948 i.e. that the adult must be blind, deaf or dumb; suffer from a mental disorder of any description; or be substantially and permanently handicapped by illness, injury or congenital deformity; or of section 17 of the Children's Act 1989 (refer to Appendix 2).

The disabled person (adult or child) must also be ordinarily resident within the area of the local authority. For assistance under the Children Act, the child must be within the area of the local authority, but not necessarily ordinarily resident.

If the disabled person's need for assistance can be met under the Housing Grants, Construction and Regeneration Act 1996, then action will not be required under the Chronically Sick and Disabled Person's Act 1970.

However if the disabled person's needs will not be met – either at all or only partly under the 1996 Act – and if the disabled person is eligible for assistance under Fair Access to Care Services (see below) the local social services authority will potentially have a duty to assist with the adaptation under the 1970 Act.

If interim measures are required, e.g. equipment and/or personal assistance, to meet the needs of disabled people while waiting for the adaptations to be completed, then a duty would potentially arise under section 2 of the CS&D act or section 17 of the Children Act. Once the proposed adaptations are completed the need for equipment and/or personal care will be re-assessed.

Fair Access to Care Services

Social services authorities are permitted to set thresholds of eligibility (in respect of both adults and children); to decide at what level the person's needs will trigger services. The thresholds of eligibility can be set according to the resources of the local authority following guidance of Fair Access to Care Services (FACS). However this guidance applies only to adults and not children.

FACS guidance states that local social services authorities must assess the disabled person's needs in terms of risk to independence, at one of four levels: critical, substantial, moderate or low.

Each local authority then has to set the threshold of eligibility against this framework. If the disabled person's needs come above the threshold then they will be eligible for assistance. If they come below the threshold, then there will be no eligibility.

Halton has set its eligibility criteria at critical and substantial. However it is recognised that meeting the needs of people with moderate and low needs can prevent further disabilities from occurring so this can be taken into account during the assessment process.

Terms of Reference for Strategic Adaptations Group and Housing Provider Group

Strategic Adaptations Group

- To ensure the provision of a reliable and professional major adaptations service from initial referral to completion of work on site for eligible residents of Halton.
- Ensure the development and improvement of the service provided in response to changing need, legislative and good practice developments.
- Monitor major adaptation activity through receipt of regular reports from Operational Group.
- Receive regular reports and monitor expenditure on major adaptations, making appropriate arrangements, practically and financially, to respond to fluctuations in demand.
 - DFG Top Ups
 - DFG Grant
- Consider and make recommendations in complex cases and in the case of complaints.
- Commission an annual report regarding the major adaptation service and present this to SMT. Topics to be covered in quarterly report:
 - Budget
 - Activity
 - Development
 - Challenges

Housing Provider Group

- To ensure co-ordination of a comprehensive, equitable and understandable housing adaptation system to meet the assessed needs of disabled and older people living in Halton
- Raise awareness of service development within Registered Social Landlords (RSL's) and Halton Borough Council (HBC).
- Raise awareness of changes to policies and procedures within RSL's and HBC.
- Raise awareness of service and financial pressures for RSL's and HBC.

- Share information re: Government developments in relation to housing adaptations and services for disabled people.
- Provide opportunities to discuss and trouble shoot issues that cannot be resolved at operational level.
- Provide opportunities to share best practice examples.
- Provide opportunities to co-ordinate service development.
- Provide opportunities for partnership working.
- Forecast future demands and resources.
- Plan future building