

## **AIDS AND ADAPTATIONS POLICY.**

### **1.0 Policy Summary**

- 1.1 The primary purpose of an adaptation is to restore or enable independent living, privacy, confidence and dignity through modifying the physical environment in terms of the building structure.
- 1.2 A suitable, well adapted home can be the defining factor in enabling a disabled person to live well and independently. Adaptations can make an immediate, practical and positive effect on daily life for an individual at home.
- 1.3 Stonewater will take all reasonable measures to provide or grant consent for aids and adaptations, making best use of its existing adapted properties and will work in close partnership with external agencies.
- 1.4 This policy sets out to clearly define statutory responsibility and legal compliance in relations to aids and adaptations and Stonewater's approach to requests for minor and major adaptations.

### **2.0 Policy Scope**

- 2.1 The policy applies to rented properties owned and managed by Stonewater. The policy does not apply to leaseholders, market rent properties, shared ownership properties or properties for outright sale.

### **3.0 Policy Objectives**

- 3.1 To ensure that the needs of disabled residents are prioritised and met accordingly in fair and equitable manner, subject to the provision of available funding. Enabling customers to sustain or improve their independence as much as possible.
- 3.2 To maximise all local authority grants, Stonewater's own funding and other available resources for adaptations; having regard to value for money at all times.
- 3.3 To ensure there are clear channels of communication and established joint working practices with our partners from the local authorities in the areas in which we operate.
- 3.4 To comply with legal and statutory requirements in relation to the provision of disabled adaptations.

### **4.0 Legal Compliance**

- 4.1 The statutory responsibility for the funding of adaptations is the duty of the Local Authority. Stonewater residents are entitled to apply for Disabled Facilities Grants (DFG) through the Local Authority under the terms of the Housing Grants Construction and Regeneration Act 1996.

- 4.2 As a landlord and a social housing provider there is a responsibility under the Human Right Act 1998 and Equality Act 2010 to address difficulties that arise for particular residents which prevent them from enjoying their homes.
- 4.3 The Equality Act 2010 defines who should be considered as disabled and requires Stonewater to take account of a persons' disabilities even if this means treating disabled people more favourably. The Equality Act provides for landlords and managers of rented premises to satisfy a 'Duty to make Reasonable Adjustments'. The duty is not anticipatory – it only arises if Stonewater are requested to make an adjustment by a person to whom the premises are let, or someone on their behalf.
- 4.4 There are two requirements under the Equality Act:
- Providing auxiliary aids and services
  - Changing provisions, criteria or practices (e.g. allowing a disabled person who uses an assistance dog to take a property that might otherwise stipulate 'no dogs').
- 4.5 There is no legal requirement under the Equality Act for Stonewater to make any changes which would consist of or include the removal or alteration of a physical feature of the property which includes:
- Any feature arising from the design or construction of a building
  - Any feature of any approach to, exit from or access to a building
  - Any fixtures or fittings in or on a premises
  - Any other physical element or quality
- Therefore, there is no requirement on Stonewater to make changes which affect the structure or would substantially and permanently alter a property.
- 4.6 The test for deciding whether an adjustment is reasonable will be based on:
- How effective the change will be in assisting the resident or household member who needs the adjustment
  - The length of tenancy
  - Whether it can actually be done or not
  - The availability of alternative suitably adapted properties
  - The cost

Stonewater is committed to promoting choice for independent living – a budget for aids and adaptations will be allocated annually to assist local authorities to carry out their statutory duties. A percentage of the budgets should be carried forward month on month to ensure 'reasonable adjustments' can be made year round.

## 5.0 Policy Details

- 5.1 Eligibility - residents can request an adaptation if they or a permanent household member\* are elderly, disabled, have a physical or mental impairment, or suffer from a long-term health condition or terminal illness which causes the individual to have difficulties coping or carrying out everyday activities. \*permanency would normally be defined as being able to demonstrate having resided in the property for at least 12 months.
- 5.2 Where there are more applications than available funding priority will be given to medical or other essential needs as follows:
- (1) Individuals classified as disabled under the Equality Act 2010 – have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ effect on an individual’s ability to do normal daily activities:
    - ‘Substantial’ – it takes the individual much longer than it usually would to complete a daily task
    - ‘Long-term’ – 12 months or more
  - (2) Disability definitions under the Equality Act 2010 also extend to individuals with a sensory impairment, HIV infection, cancer and multiple sclerosis.
  - (3) Risk to life and bed-blocking or terminally ill
- 5.3 Minor adaptations are defined as non-structural alterations or additions to the property - minor adaptations up to £1,000 will be funded by Stonewater on receipt of a request from a resident or representative, subject to the provision of available funding. The value of works should include the cost of buying and fitting the adaptation. These minor adaptations would be carried out without recourse to public funds and would not be subject to a means test.
- 5.4 Stonewater will not require an Occupational Therapist’s report in order to progress requests for minor adaptations but will rather work closely with the resident and an individual or agency acting on their behalf to ensure that the requested adaptation will meet at least their short to medium term needs.
- 5.5 Examples of a minor adaptation will include:
- Signs or notices
  - Lever / mixer taps with TMVs
  - Door handles
  - Grab-rails / hand rails
  - Plinth for WC
  - Silent bells / doorbells
  - Door/wall protectors
  - Visual smoke alarms
- 5.6 Stonewater will not fund or provide equipment that does not form part of the building.
- 5.7 Funding for major adaptations will be maximised from external statutory agencies. Major adaptations are defined as involving structural alteration and would typically cost more than £1,000. If an adaptation costs more than £1,000 Stonewater will support customers to apply for a Disabled Facilities Grant

(DFG) as is needed. Examples of major adaptations are level access shower installations (where practicable), extensive door widening and ramps and will require an Occupational Therapists recommendation.

- 5.8 If DFG is granted and does not cover the full cost of a major adaptation, Stonewater will contribute up to 20%, capped at a maximum of £2,000, towards the work as our annual budget permits. However, as the statutory responsibility sits with an individual local authority, Stonewater should only discuss a contribution if it becomes clear 100% DFG funding is not available. Agreement should be reached with key local authorities where we hold significant stock as to what percentage contribution that individual authority would typically make which may vary based on the value of individual works.
- 5.9 Stonewater will levy annual service charges where adaptations require an ongoing maintenance liability including, but not limited to lifting equipment. (See Lift Policy). Stonewater will not afford landlords consent for an adaptation to be carried out without the acceptance of this charge liability.
- 5.10 Adapted properties – Stonewater recognise that we have a responsibility to make best use of our rented properties, including those already adapted. We will ensure that Stonewater has sight of the adaptations made to individually properties and will work with local authority partners and specialist agencies to ensure these properties are let to those with the highest need for this type of accommodation.
- 5.11 We will not offer accommodation above the ground floor to applicants where a member of the household has an existing physical disability which would prevent them from leaving the property by the stairs. Nor would we offer new applicants a property that requires anything other than minor adaptation for it to meet their needs; seeking a more appropriate alternative letting option as our stock or that of other local providers' availability permits.
- 5.12 Stonewater will not approve a mutual exchange from an adapted property to an un-adapted Stonewater-owned home.
- 5.13 When equipment becomes impossible or uneconomic to repair or is no longer suitable, Stonewater may require a new Occupational Therapist assessment to be undertaken for major adaptations, and if equipment is still required, for an application for Disabled Facilities Grant to be made.
- 5.14 All adaptations require landlords consent prior to work commencing.

## **6.0 Key Outcomes**

- 6.1 The intention of the policy is to provide minor adaptations quickly to customers whilst ensuring that other funding arrangements are accessed for major works.

## **7.0 Equality and Diversity**

- 7.1 The policy applies to all customers within the scope of the policy and sets out our responsibilities under the Equality Act 2010.

## 8.0 Appeals

8.1 If a resident is not satisfied with Stonewater's decision not to agree or proceed with an adaptation on the basis the organisation has failed to adhere to its Aids and Adaptations Policy, they have the right to appeal. The appeal will be considered at a case review where a manager has not been involved with the original decision. The manager, having gathered such information they deem necessary, may decide to uphold the original decision or, decide that the works will proceed.

## 9.0 Author & Version

Author	Joanna Gooch
Title	Assistant Director Housing Strategy
Version	New Stonewater Policy
Date	11/03/19
Revision	V2 incorporates additional feedback from EDG, Trowers Solicitors and Customer Scrutiny Panel
Date of next review	March 2021

Version	Date	Author	Changes
2.0	28.05.19	Joanna Gooch	

Appendix 1 – Examples of the grounds in which Stonewater reserve the right to refuse or delay a request for a major adaptation (note this is not an exhaustive list:

- Residents on a starter tenancy
- Where the request is for communal parts of the building
- The request is for a wet room above the ground floor level of a property
- The request is for a through floor lift
- Where we are able to support the resident to secure alternative accommodation more suited to their needs within a reasonable geographical area
- The adaptation requested is unlikely to provide a sustainable solution such as not meeting the needs of a progressive condition or on-going health needs
- Where the adaptation is requested in a property due for demolition, major refurbishment or disposal within two-years
- Where the proposed adaptation will have a significant detrimental effect on the current or future use of the home or are disproportionately disruptive for the benefits gained
- Where the adaptation is considered to have a significant detrimental impact on other residents
- The property is unsuitable for the resident – for example is significantly under-occupied or too small for the current household
- If the request comes from an applicant rather than an existing resident
- The property is unsuitable for adaptation