

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

<b>1. Meeting:</b>	<b>Cabinet Member Adult Independence, Health and Wellbeing</b>
<b>2. Date:</b>	<b>31<sup>st</sup> January 2011</b>
<b>3. Title:</b>	<b>Rotherham Aids and Adaptations Policy</b>
<b>4. Programme Area:</b>	<b>Neighbourhoods and Adult Services</b>

### **5. Summary**

The purpose of this report details proposals for the Council's Aids and Adaptations Policy within the borough. It highlights key implications for customers living within the borough.

### **6. Recommendations**

**THAT THE RECONFIGURATION OF THE ROTHERHAM AIDS AND ADAPTATIONS POLICY BE NOTED.**

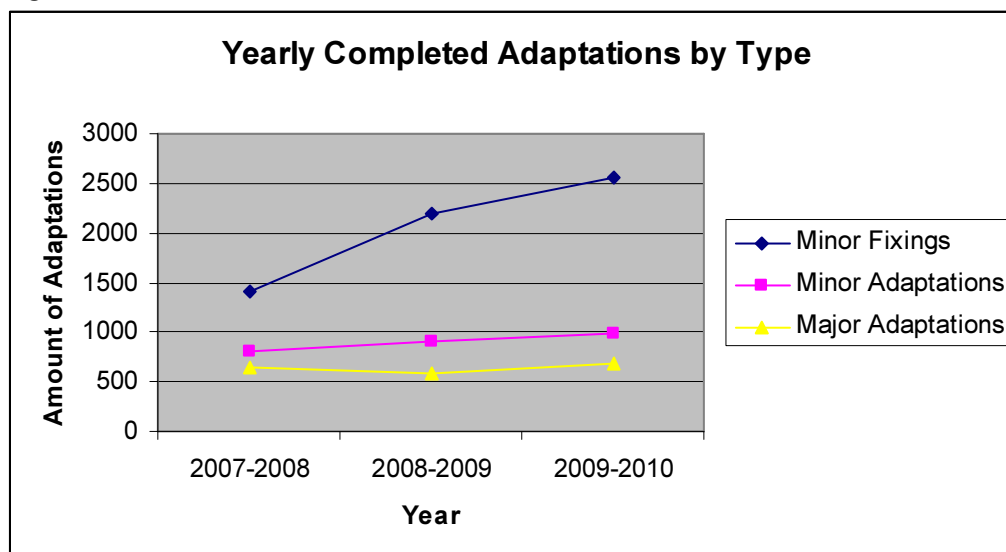
## **7. Background and Proposals**

- 7.1** The Aids and Adaptations (A&A) Team currently operate the statutory function of the Council to administer the Disabled Facilities Grant (DFG) and arrange relevant adaptations to properties within the borough.
- 7.2** This policy is principally aimed to help people remain in their own homes through the provision of equipment and adaptations. However, adaptations are a last resort and as such all alternatives will be reviewed. The Council must therefore decide whether the applicants needs can best be met through:
- Adaptations within reasonable cost boundaries
  - Issue of equipment, **or**
  - Re-housing to an alternative adapted accommodation
- 7.3** It is a mandatory duty for the Council to provide assistance with aids and adaptations for vulnerable disabled people and this is done through the Housing Investment Programme (HIP). This covers both public and private sector properties and enables people to stay in their own homes.
- 7.4** The public sector adaptations budget is funded through the HIP either by Capital Receipts or Revenue Contribution from the Housing Revenue Account (HRA). However, it should be noted that due to the significant decrease in Right to Buy receipts and other pressures on the Housing Revenue Account (HRA), the allocation of resources to fund adaptations must be looked at together with other priorities. The current budget in 2010/11 is £1.8m.
- 7.5** Historically, private sector adaptations were funded by the Disabled Facilities Grant (60%) and a contribution of 40% from General Fund resources. However, from April 2008 this funding arrangement changed and it was announced that Local Authority's would receive a DFG allocation without a specified requirement to match this funding and that the DFG funding received could also be used in the public sector, if so required. The DCLG did however state that 'Given the importance of providing adaptations, and the beneficial, preventative impact these have on other budgets, such as social care, LA's are expected to continue to prioritise this important area.'
- 7.6** Adaptations are split into three categories:
- Minor fixings (none means tested and under £1000 in value)
  - Minor adaptations (none means tested and under £1000 in value, requiring some structural work)
  - Major adaptations (means tested over £1000 in value)

A major adaptation could be made up of several minor adaptations.

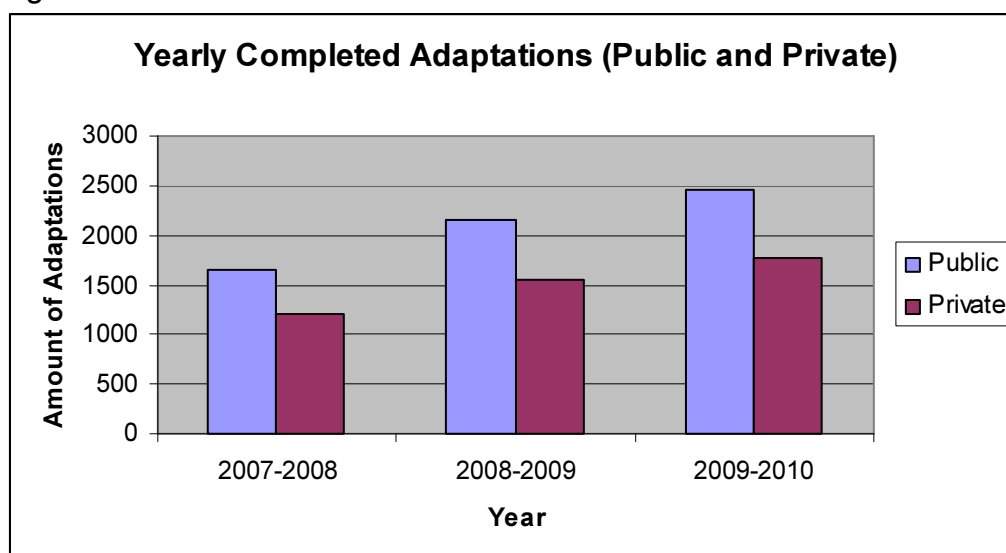
- 7.5** Although the budget has roughly remained the same, the number of adaptations that the A&A Team have been able to complete has risen over the previous 3 years due to negotiations of costs for specific equipment and jobs. Please see fig. 1

Fig.1



A breakdown of public and private property adaptations can be seen in fig. 2

Fig.2



## 7.6 Main Proposals

The Adaptations Policy document includes both the policy of the Council and the supporting procedures to be implemented by the A&A Team and their relevant partners. The procedures and processes are not highlighted within this report. (see attached policy document – appendix 1)

The statute sets out the legislation for the delivery of adaptations and the qualification for grants. Rotherhams' policy will mirror the statute and give further clarity on areas that are not covered under legislation.

This policy is a reconfiguration of existing practice and policy within RMBC configured to meet current legislation and statute. The purpose of this policy

is to clarify the RMBC position in terms of both legislative and non legislative practice.

#### **7.6.1** *Eligibility for Customers Requesting an Adaptation:*

Eligibility for adaptations is constrained by law.

Often customers may not meet the legal requirements due to a small discrepancy. To ensure those customers are supported, this policy framework will enable the Council to provide a fair and consistent approach to their request whilst easing pressure on existing housing stock.

Generally, customers must either be the named owner or named tenant to be eligible. For children, the parent or guardian must be the named owner or tenant. However, Rotherham does consider that immediate family members who are not named as owner or tenant may also require adaptations. It has been identified that a risk to offering people who are not named would be potential abuse of the system. To combat this, the policy defines immediate family and adds stipulations including:

- The family member must have been in residence at the property for a minimum of 2 years.
- The main carer of the family member must be the qualifying owner/tenant. (For the purpose of the policy, a 'main carer' is also defined).

See Appendix 1: Section 3 (3.6) (Eligibility) Page 2

#### **7.6.2** *Agency Fees:*

For every major adaptation a 10% fee is charged to cover the costs of the A&A team. This fee is to support the project management of the adaptation from design to completion. The 10% is inclusive of the total amount of the adaptation and therefore is inclusive of any grant issued.

Through the personalisation agenda within Rotherham, customers may choose to arrange for works to be conducted themselves through contractors. In such cases there is an expectation that customers would be fully responsible to manage their own adaptation project to meet the recommended specifications by the community occupational therapist. However, initial visits and input will be required from the A&A Team.

Where a customer chooses to arrange works to be conducted themselves and this work is completed, an administration charge of 5% will be applied to ensure costs are covered. This will be deducted directly from any grant that is issued. If the customer requires further input from the A&A Team then the full 10% will be charged.

See Appendix 1: Section 10 (Fees and Finance) Page 14

### **7.6.3** *Decisions (customer choice):*

Due to the budgetary limitations placed on the service combined with the demand for adaptations, the Adaptations Team will look at all reasonable and practicable solutions to ensure that public monies are spent in a cost effective manner whilst maintaining the adaptation meets the customers' requirements. This is a key factor when reviewing major adaptations.

For non-council properties, if there is more than one adaptation solution that is deemed by the assessing Adaptations Officer as both reasonable and practicable then the most economical will be pursued. If the customer decides that they would prefer an alternative solution, then the cost of the proposed solution can be used toward the cost of the preferred option. However, if there are further costs then these would need to be met by the customer.

For council properties, the A&A Team will pursue the most reasonable and practicable solution. If the applicant refuses the solution, it will be treated as such and the job will be cancelled.

### **7.6.4** *Grounds for Refusing an Adaptation*

All adaptations are subject to a community occupational therapist assessment. Minor fixings and minor adaptations are seldom refused. There are occasions where major adaptations will be refused. Some of these are determined under legislation.

Where an Occupational Therapist deems that the adaptation is not necessary and appropriate under legislation, a refusal may occur. Where the state of the property is such that an adaptation is not reasonable or practicable, a refusal may also occur.

Any refusals for major adaptations are undertaken by the A&A team jointly with the referring agency i.e. community occupational therapist.

It is proposed that the following refusal proposals be adopted within Rotherham.

#### *Under Occupancy*

- If a customer is in a situation where they are under occupying a property, then adaptations will not be considered unless:
  - there are no suitable adapted properties within Council stock, or
  - there are suitable adapted properties within Council stock, but these are minimal and the likelihood of availability becoming apparent within a 12 month period is very low.

- Under occupancy rules are irrespective of what security of tenure the customer currently has and defined within the Allocations Policy.

#### *Mutual exchanges*

- A customer who is residing in an adequately adapted property cannot mutually exchange to a property that does not have the specifically assessed adaptive requirements the customer needs.
- Any mutual exchange must be authorised by the Housing Occupational Therapist as suitable, reasonable and appropriate to meet the customers' needs. If it does not, then the mutual exchange will not be allowed.
- If two adapted properties are to be exchanged, then both properties must meet the needs of both households.

#### *Reports not Submitted*

- All work needs to fall within the remit of the Housing Grants, Construction and Regeneration Act 1996. Therefore all relevant paperwork is required from all parties. Where adherence to the relevant Act has not occurred, an adaptation will be cancelled..
- If a customer is required to provide proof of ownership or occupation and this proof cannot be provided by the customer, then an adaptation will be refused.
- Where a customer has been means tested and is required to contribute funds but declines to do so, an adaptation will be refused.
- If the property is not owned by the Council, then consent is required by the landlord or owner. If consent is not granted then an adaptation will be refused. Full consent is required and stipulations such added by landlords will not be classed as full consent. The consent is for permanence of fixture and fitting.

#### *Split Households*

In the case of a split household where the disabled person is a child (under 16 yrs and a child who is in full time education under 19 yrs), adaptations will only be considered on one property.

The property where the parent with parental control resides will be given consideration for an adaptation. When deciding on who has parental control, the following will be taken into account:

- Who the child resides with primarily
- Any Court Orders in place
- Who child benefit is paid to

See Appendix 1: Section 13 (Adaptation Refusals) Page 30

## 8. Finance

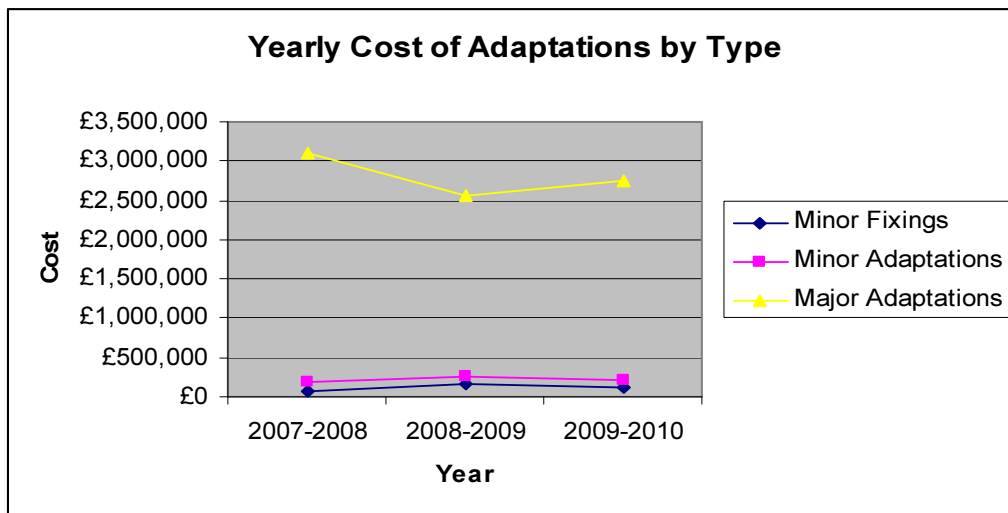
8.1 On a yearly basis, the DFG grant remains roughly the same. The amount is split into public and private. This means that adaptations for Council properties must be done using the public sector grant and the properties that are privately owned must be done using the private sector grant.

The amount for these is split in general terms as:

Public: £1.8 million  
Private: £1.4 million

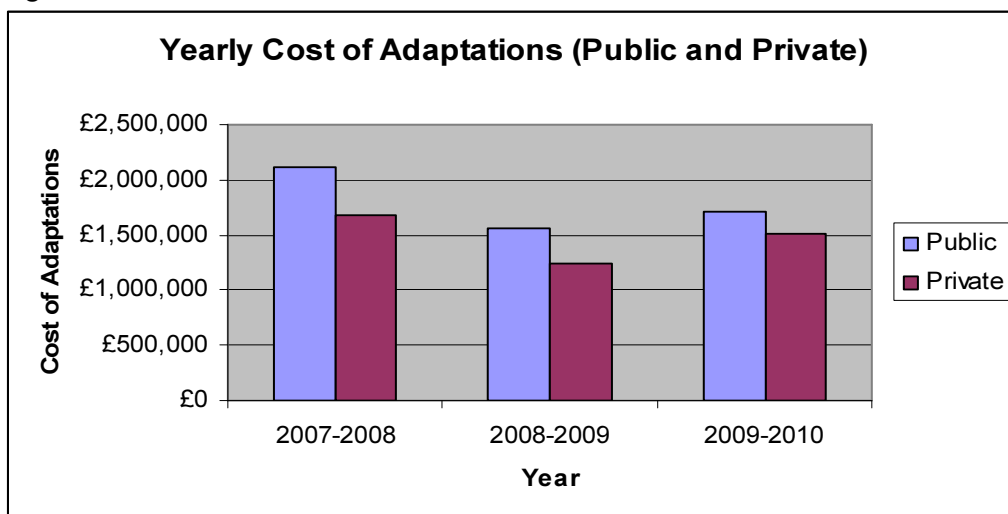
A breakdown of the yearly cost of adaptations by type can be seen in fig.3.

Fig.3



A breakdown of yearly costs by public and private can be seen in fig.4

Fig.4



- 8.2** In 2010/11 the budget is £1.586m which comprises £866k DFG plus £720k General Fund contribution. Funding from the General Fund of £760k has been confirmed for 2011/12 but not beyond then.

## **9. Risks and Uncertainties**

- 9.1** Rotherham will be among the few authorities to have a specific A&A policy. Therefore implementation will allow the A&A team to consistently meet the needs of the most vulnerable customer.
- 9.2** Having a policy in place will ensure that all parties involved in the process are working in line with legislation and policy and also working jointly.
- 9.3** The A&A Team have responsibility for the DFG budget. By ensuring the A&A policy is in place this will ensure that management of the DFG budget can be achieved and minimise the risk of overspend.
- 9.4** The A&A team works closely with other key partners and it is important that each department know the limits and boundaries of its remit in terms of A&A work. The policy will enable the DFG to be utilised to its full capability and ownership of it can be fully justified.
- 9.5** A Service Level Agreement is in place with the Occupational Therapist service. However, this only defines certain areas and the entire process and linkages with partners is undefined. Such a policy will give clarity to the roles.
- 9.6** With the potential loss of General Funding from 2012 onwards, it is imperative that the Council has a robust policy to work to inline with the legislation and needs of its Citizens. A lack of policy and direction could lead to overspend.

## **10. Policy and Performance Agenda Implications**

- 10.1** The A & A team deliver the service at a local level, via home visits, which supports the Council's commitment to providing greater accessibility to services, meeting social needs by helping to ensure a better quality of life, improving fair access and choice, protecting, keeping safe vulnerable people and specifically addresses the diversity agenda, by tailoring services to the needs of hard to reach groups.
- 10.2** The D54 Indicator measures the time from the date of assessment to the date the adaptation is installed. This is for Minor Fixings only and the target is 7 days.
- 10.3** The NAS 34 Indicator. This PI measures the waiting time from an application for a major adaptation being received by the Agency and Grants section to approval of a disabled facilities grant. There is no statutory target.



## 11. Background Papers and Consultation

In particular, background papers are that the service is compliant with current legislation and ensures compatibility through consultation with relevant stakeholders.

- National Assistance Act 1948
  - Chronically Sick and Disabled Persons Act, 1970
  - Disabled Persons Act 1985
  - NHS and Community Care Act 1990
  - Disability Discrimination Act 1995
  - The Housing Grants, Construction and Regeneration Act 1996
  - Housing Act 1996
  - Rotherham Allocation Policy
  - Rotherham's Housing Strategy
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- Adaptations Team
  - Assessment Team
  - Key Choices Property Shop
  - The Occupational Health Service
  - Health Services
  - Service Quality Team
  - 2010 ltd
  - Performance and Development
  - Assessment Direct

Appendix 1: Aids and Adaptations Policy and Procedures document

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