

# Tamworth Borough Council INTERIM POLICY POSITION STATEMENT FOR COUNCIL ADAPTATIONS

June 2024

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## 1. Policy Position Statement

- 1.1 In the absence of a formal Policy, this adopted Interim Policy Position Statement sets out how Tamworth Borough Council (The Council) will approve, pend, refuse, or reject permission for any major adaptations requests it receives from its own tenants, or a disabled member of their household.
- 1.2 This also sets out the process for the consideration of exceptional circumstances (Section 6) and how to review the Council's decision making (Section 7).

## 2. Process for Application

- 2.1 All enquiries for adaptations requests should be submitted via Staffordshire County Council (SCC) in the first instance. This is to ensure that the most appropriate solution is applied at the earliest opportunity, e.g. minor works and equipment is funded by SCC directly, or a referral for an assessment for care is made.
- 2.2 Should SCC determine through this triage process that major adaptation work may be required, they will send an enquiry to the Council for further assessment.
- 2.3 Enquiries received by the Council will be subject to the following process.

Although note that while the process is linear, should a case not progress, not all steps will be applied to every request:

- a) Adequate triage on all available options by an employee of the Council to determine if a major adaptation is likely to be needed.
- b) Tenancy checks to determine:
  - i. If there is an application in progress to purchase the property.
  - ii. If there is an active housing register application in place and the tenant is seeking to move.
  - iii. The tenancy type and how the tenancy is being managed, and what action, if any, is being taken.
  - iv. The current rent account, if any arrears are owed what action is being taken and what repayment plans are in place.
  - v. If any other works are planned at the property over the course of the financial year.

- c) An assessment of need carried out by an Occupational Therapist (OT), or other suitably trained officer as appointed by the Council.
- d) OT recommendations verified by the Council for if they are necessary and appropriate.
- e) Property condition assessment.
- f) A feasibility visit undertaken to scope out the extent of works at the property and are reasonable and practicable to achieve.
- g) Plans and costings for work drawn up.
- h) Approval from the OT (or other suitably qualified person as appointed by the Council) and tenant on the proposals.
- i) Tenancy checks may be required again depending on the length of time elapsed between the first checks being completed and submission of application.
- j) Submission of a formal application.

### 3. Circumstances for Rejection

#### 3.1 Council Triage and/or Assessment Process (2.3(a) or 2.3(c))

- 3.1.1 Should the Council determine through its own triage process or assessment that the needs of the disabled person can be met through minor adaptations or through equipment provision, the enquiry will be rejected and returned to SCC to complete this assessment and for them to fund such a provision.
- 3.1.2 Any decision made on these grounds will be provided in writing.

#### 3.2 Planned Works (2.3(v))

- 3.2.1 Should it be determined on enquiry that the work requested is on the planned works list with the Council within twelve months from date of enquiry, for example the request is for a level access shower, and this is on the planned works list for a bathroom upgrade, the request for adaptations work will be rejected as this will be undertaken through the planned works programme.
- 3.2.2 Any decision made on these grounds will be provided in writing.

#### 3.3 Mobility Scooters

- 3.3.1 The Council appreciates that some tenants will enable their own independence in accessing shops and facilities through the purchase of a Mobility Scooter.
- 3.3.2 The Council are unable to support with adaptations requests for Mobility Scooters unless these have been prescribed instead of a wheelchair through Wheelchair Services as these do not meet the purposes of funding.
- 3.3.3 Any decision made on these grounds will be provided in writing.

## 4 Circumstances for Refusal

### 4.1 Right to Buy Application

- 4.1.1 In accordance with the limited property improvements and repairing obligations of a landlord when a tenant is exerting the legal right to buy their Council property, no permission for adaptations requests will be progressed and/or approved during this period and permission refused.
- 4.1.2 This does not limit an applicant's right to apply for a Disabled Facilities Grant (DFG) under the Council's Housing Assistance Policy once the property is in their ownership. This is subject to the eligibility criteria and terms and conditions as set out in this policy.

### 4.2 Housing Register Application

- 4.2.1 A tenant must be willing to sign up to the terms and conditions of the funding having an intention for the disabled person to remain in the property for a period of five years following the completion of adaptations work.
- 4.2.2 If a tenant has an active housing register application in place with the Council, or if they actively discuss their desire to move while their request for adaptation assistance is progressing, their enquiry for adaptations assistance will be placed on hold and permission for adaptations may be refused subject to the outcome of further discussions with the tenant.
- 4.2.3 A tenant will therefore usually need to cancel any housing register application open with the Council or another Council prior to progressing a request for adaptations assistance.
- 4.2.4 There may be limited circumstances where the Council will allow both applications for rehousing and requests for adaptations to progress in unison. This is where there are concerns at the outset as to the feasibility of the adaptation work required, where costs are likely to exceed the funding limit, or alternate housing may provide a better long-term solution. This list is not exhaustive and there may be discretion applied to this ruling. Your Caseworker will inform you of the requirements needed.
- 4.2.5 Should a tenant refuse to remove themselves from the Housing register, or continue with their desire to move home, permission to request adaptations to the current home will be refused.

### 4.3 Unacceptable Behaviour

- 4.3.1 In circumstances where a tenant, or a member of their household is using their home for illegal or immoral purposes and/or is causing a threat, nuisance, or annoyance to their neighbours or local community and/or has convictions or civil injunctions in place or pending for unreasonable or abusive behaviour and/or any of these are at a level serious enough that the Council is considering or entitled to seek an order for possession, the request for adaptations will be placed on hold for an initial period of three months.
- 4.3.2 Should this behaviour still be of concern to the Council on expiry of this pending decision, the request for adaptations permission will either be deferred again for a further period as determined reasonable by the Service Manager or refused.
- 4.3.3 Should the decision be made that the request can progress due to an improvement in behaviour, it is expected that at the formal application stage for adaptations 2.3 (i-j) that behaviour has not relapsed to that outlined in 4.3.1. Should this happen, the Council will follow 4.3.2.
- 4.3.4 In instances where permission is refused on grounds of unacceptable behaviour, the Council will notify SCC to consider their duties as the local welfare authority. Please note that this does not mean that major adaptations will be provided by SCC.

### 4.4 Rent Arrears

- 4.4.1 If it is determined on enquiry that a tenant has rent arrears of above £250, the request for adaptations will be placed on hold for a period of up to three months while the tenant seeks to reduce this debt to under £250. If on expiry of this date there has been no reasonable attempt to reduce these arrears and the tenant does not submit any extenuating circumstances for not reducing the debt, the request for adaptations permission will be refused.
- 4.4.2 Should a reasonable attempt to reduce the debt be evidenced, but more time is required to reduce this to under £250 a further extension of time may be granted at the discretion of the Service Manager for a period of up to a further three months.
- 4.4.3 Should a tenant reduce their debt to under £250 to enable the request for adaptations to proceed beyond 2.3 (b) or have rent arrears of under £250 on initial enquiry, it is expected that at the formal application stage for adaptations 2.3 (i-j) that this debt is reduced to nil. If this is not, 4.4.1 and 4.4.2 or 4.4.4 will apply.
- 4.4.4 If it is determined on enquiry that a tenant has arrears equivalent to eight weeks rent, the request for adaptations permission will be refused and the tenant asked to reapply at a time that the arrears have reduced to under this

threshold, at which point the requirements outlined in 4.4.1 through to 4.4.3 would then apply.

- 4.4.5 In instances where permission is refused on grounds of rent arrears, the Council will notify SCC to consider their duties as the local welfare authority. Please note that this does not mean that major adaptations will be provided by SCC.

## 4.5 Property Condition

- 4.5.1 If, following property inspection there is cause for concern to either the property condition, or the living arrangements of the tenant, further requests for support may be made prior to any decision being made on permission being granted for adaptation work.
- 4.5.2 In these circumstances, the adaptations work may be placed on hold while the other, more urgent issues are completed.
- 4.5.3 Examples of such concerns could include, but are not limited to:
- a) Hoarding behaviour
  - b) Overcrowding
  - c) Property condition, e.g. disrepair, major property defects or outstanding urgent repair works
  - d) Safeguarding concerns
- 4.5.4 Should the identified property condition issues remain unresolved; the Council may have to pend or refuse permission to complete the adaptation request.

## 4.6 Costs

- 4.6.1 Should the likely costs of adaptation work exceed the maximum funding threshold of £30,000, and the tenant is unable or unwilling to contribute towards the cost of works and/or there is no discretionary Top-Up Grant (TUG) available, regrettably, there will be no mechanism to fund the extent of works and therefore the tenant may need to move to a more suitable home to meet their needs. In these instances, the decision will be taken to refuse permission.
- 4.6.2 In certain circumstances, it may be appropriate to review and revise the scheme to fall to within the funding limit available, where possible.

## 4.7 Feasibility

- 4.7.1 Should work be deemed by the Council as unfeasible, or the work required extensive, permission will be refused.

- 4.7.2 Any decision made to refuse permission on any of the grounds in 4.1 – 4.7 above will be provided in writing to the tenant.

## 5. Approvals

- 5.1 Where it can be evidenced that work is necessary and appropriate to meet the needs of the applicant, or disabled household member, and the works are reasonable and practicable to complete given available funding and extent of the work, the Council will notify the tenant in writing of this decision, outlining the extent of the eligible work, the cost of such work and the contractor.

## 6. Exceptional Circumstances

- 6.1 The Council recognises that it cannot cover every likely situation and there may be persons who genuinely need some form of urgent support that are precluded from accessing the assistance (as outlined in this Interim Policy Position Statement) due to a specific aspect.
- 6.2 In these exceptional circumstances, the Council may consider offering assistance, in particular where support would help the Council meet its strategic objectives, as determined by the Service Manager and approved by the Adaptations Panel.
- 6.3 Any departure from this will only be considered where a tenant can demonstrate both **‘wholly exceptional’** circumstances to justify such a departure.

‘Wholly exceptional’ refers to situations that may not have been foreseen when drafting this Statement, or situations that are more uncommon.

## 7. Review of the Council’s Decision Making

- 7.1 Any tenant having made an enquiry for adaptations under this Interim Policy Position Statement may request a review of the decision to reject, pend or refuse permission for adaptations.
- 7.2 A request for review of a decision must be submitted to the Council within 21 days of the date of the decision letter. The request must be in writing.
- 7.3 A review of the decision will be undertaken by someone not involved in the original decision-making process and may be undertaken by the Adaptations Panel where appropriate to do so.

- 7.4 The decision of this review will be notified to the tenant in writing.
- 7.5 If the tenant remains dissatisfied with the review decision, they have the right to follow the Council's Corporate Complaints procedure.
- 7.6 Complaints about service delivery rather than Policy must be made to the Council who will investigate the complaint in accordance with their Complaints Procedure which is available on request and can be found [here](#).