



## CARE HOUSING ASSOCIATION ADAPTATIONS AND REASONABLE ADJUSTMENTS POLICY

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### 1. Introduction

Care Housing Association (Care) is committed to offering high quality, sustainable supported homes and promoting independence of our tenants.

We aim to help people live comfortably and independently in their homes for as long as possible and ensure that people with disabilities are not disadvantaged in accessing our services. We will work closely with our tenants, support provider partners and the local authorities in which we operate to ensure an accessible housing service is offered. This may mean facilitating adaptations and reasonable adjustments.

This policy applies to all of Care's customers, partner organisations, staff and properties.

### 2. Definitions

For the purpose of this policy, an adaptation is an alteration or addition to any aspect of a property which is provided in order to make it easier or safer for use by a person with a disability.

**Minor Adaptations:** works required with an estimated cost of less than £1000, they may have been requested directly by a tenant (or their representative) or may have been recommended following an assessment by an Occupational Therapist (OT). This includes items such as grab rails, toilet plinths, half height steps and lever taps.

Minor adaptation requests will be considered on an individual basis and may be funded by Care if no alternative funding is available.

**Major Adaptations:** works with an estimated cost of more than £1,000 that have been recommended following an assessment by an OT to determine whether or not the adaptation is required and to establish a specification that meets the specific needs of the tenant now, and in the future.

This includes items such as wet rooms, level access showers, Closomat toilets, tracking hoists and stair lifts.

Tenants, or someone on their behalf, must apply for a Disabled Facilities Grant (DFG) through the Local Authority to fund proposed major adaptations. Care will liaise with OTs and tenants to support throughout this process. Alternatively, tenants can fund adaptations themselves. Regardless of funding, Care's Assets and Compliance Manager will review specifications and have final approval before any works go ahead, giving consideration to ongoing servicing requirements and implications for the wider property and other tenants.

**Reasonable adjustments:** making a physical change, e.g. to our properties, or changes to work practices, e.g. the format in which we share information, to remove a disadvantage that a person, or people, with disabilities face compared with others who are not disabled in terms of accessing a service.

### 3. Legislation and context

Under the Housing Grants, Construction and Regeneration Act 1996, there is a specific duty upon the local authority to provide DFGs to eligible applicants to meet the cost of fixed equipment and adaptations to dwellings to meet a disabled person's needs. The maximum grant amount in England is £30,000 and is dependent upon a means test of the applicant's resources. This may result in the applicant being required to make a contribution towards the cost. Care recognises its moral obligation to support the provision of adaptations and to support our tenants to access grants which enable them to maintain independence in their own homes.

The Equality Act 2010 provides a legal framework to protect the rights of individuals and to advance equality of opportunity for all. As a housing association, or landlord, Care only has to make adjustments if they are requested to and if the requested adjustments are reasonable. This is different to the duty of 'service providers' who must be proactive in assessing their services for potential problems and ensuring staff are aware of their obligations not to discriminate. The duty only applies to individuals who have a disability defined under section 6 of the Equality Act 2010.

There are two requirements for landlords in terms of reasonable adjustments:

- Providing auxiliary aids and services.
- Changing provisions, criteria or practices, including changing terms of an existing tenancy.

There is no requirement to make any changes which would consist of or include the removal or alteration of a physical feature, 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 premises.
- Any other physical element or quality.

Additionally, the regulator of social housing specifies the requirements of registered providers through its regulatory standards and framework. Under these standards, all registered providers must:

- Treat their tenants with fairness and respect.
- Demonstrate that they understand the different needs of their tenants, including in relation to the nine protected characteristics in the Equality Act 2010, and tenants with additional support needs.

We have used the following legislation and documents to develop this policy:

- Equality Act 2010
- Public Health England guidance 'Reasonable adjustments: a legal duty', updated September 2020
- Regulator of Social Housing – Regulatory Standards 2015
- Equality and Human Rights Commission guidance
- Housing Ombudsman Reasonable Adjustment Policy
- NRLA – Adaptations: A good practice guide

### 4. Policy Detail

Our key objectives are to:

- Ensure people with disabilities are not disadvantaged in accessing our services.
- Enable our tenants to continue living in their homes as long as possible by making reasonable adaptations to suit their needs.

- Signpost our tenants to help them access assessments and grants to enable adaptations.
- Ensure we consider individual tenant communication needs when sharing information.
- Consult customers and national disability groups about the quality and equality of our services and how they could be made more inclusive.
- Ensure prospective tenants and nominating bodies are aware that we can make reasonable changes to existing properties and agreements to make tenancies accessible.

Though we are not required to make anticipatory changes, we will let people know that we can provide reasonable adjustments in the following ways:

- By asking tenants, or their representatives, whether a reasonable adjustment might be required at tenancy sign up stage.
- By including a paragraph detailing so in certain written communications.
- By including a note on our published documents indicating that we can provide the document in an alternative format on request.
- By publishing this policy on our website.

There is no prescribed list of adaptations or reasonable adjustments; this will depend on the individual's needs. We will discuss the requirements with the person concerned, or their representative, and seek to reach agreement on what may be reasonable in each circumstance. As a housing association, examples of reasonable adjustments we may offer include:

- Helping to arrange the provision of aids or adaptations.
- Servicing adaptive equipment, e.g. stairlifts.
- Providing information using simple language, in an 'easy read', audio, braille or video format.
- Responding more quickly to repair issues that particularly disadvantage a person with disabilities.
- Providing additional support such as a sign language interpreter for a meeting.
- Training relevant staff in the content of this policy and to increase knowledge of learning disabilities, autism and mental health issues, and how they may affect our tenants.

In the majority of cases, we will be able to agree and deliver a required reasonable adjustment in a short timeframe, however in some cases we may need to consider in more detail how best to overcome the difficulty a disabled person is experiencing or seek expert advice. Timescales for completing adaptations depend on the nature of the works; Care may have little influence if the local authority will be arranging the works.

### **How do we decide what is reasonable?**

A 'substantial disadvantage' is defined in the Equality Act 2010 s.212(1) as 'more than minor or trivial'. Certain mental health conditions may amount to a "disability", as defined in the Act. The Equality Act 2010 does not define what is 'reasonable' but guidance from the Equality and Human Rights Commission suggests that the most relevant factors are:

- The effectiveness of the adjustment(s) in preventing or reducing the disadvantage for the disabled person.
- The practicality of us making the adjustments.
- The availability of our resources, including external assistance and finance.
- Any disruption to the service that making the adjustment may cause.

**Effectiveness** - The adjustment should be designed to fully address the disadvantage it is meant to overcome. For example, providing an audio version of documents may not properly overcome the communication barriers faced by a disabled person if the customer also has a hearing impairment.

**Practicality** - It may not be possible for us to provide additional time to customers if we are legally required to meet a deadline.

**Resources** - Resourcing is not just about the cost, it could involve other factors like recruiting additional staff with specific skills. The reasonableness of an adjustment will be evaluated against the resources available to Care. In changing policies, criteria or practices we are not required to change the basic nature of the service we offer.

**Potential disruption to Care's activities** - It would not usually be reasonable for a housing officer to forego other responsibilities to devote the majority of their time to one person, as others would inevitably suffer. The amount of extra time provided must therefore be 'reasonable' in all the circumstances.

If we have a duty to make reasonable adjustments, Care will meet the costs of complying with that duty. We will not ask tenants to pay for them or add the costs to rent or service charges.

Consent for an adaptation may be accompanied by a clear allocation of responsibility for the party responsible for restoring the property to its original condition at the end of the tenancy. Where an adaptation requires ongoing regular servicing or maintenance by Care, the Association will add a service charge to cover the associated costs.

During planned maintenance programmes, e.g. kitchen or bathroom replacements, tenants' needs will be taken into consideration.

If a major adaptation is not practical due to the size or type of the home, construction, location or the amount of works required residents may be encouraged to move to another more suitable property which better meets their needs or is more easily adapted. Full assistance and support will be given to residents in these circumstances and every effort will be made to find a suitable alternative property.

## 5. Employees

As well as for our customers, Care will make reasonable adjustments for staff to remove any disadvantages faced by those with a disability. This may include:

- Offering agile or part-time working arrangements.
- Provision of working aids.
- Allowing additional time to meet deadlines.

Please also see Care's Equality and Diversity Policy and staff can refer to their Employee Handbook.

## 6. Monitoring, Recording and Complaints

We will keep records of any requests for and correspondence about adaptations and reasonable adjustments, whether relating to tenants or staff. If it is necessary to share any information by law or in line with our duties as a registered provider, this will be done in accordance with the General Data Protection Regulations 2018.

If a person is dissatisfied with the outcome of a request for an adaptation or reasonable adjustment, they should let us know at the earliest opportunity. If we cannot reach an agreement informally, we will respond in accordance with our Complaints Policy. If you feel we have failed to make a reasonable adjustment this could be classed as discrimination under section 21 of the Equality Act 2010 and you may wish to take legal action.

## 7. Responsibility

The designated officer responsible for implementation and monitoring of this policy will be the Chief Executive.

### **8. Equality and Diversity**

Care is committed to respecting diversity in all aspects of our work and we will not tolerate any form of discrimination.

We recognise that there is the potential for impact across the characteristics of Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation.

Where we are made aware of or identify customers with specific needs, we will be proactive in targeting our communication and support appropriately and consider any specific needs individually.

### **9. Commitment and Review**

Care will formally review this policy every three years or as necessary dependant on changes in best practice guidance or legislation.