

**North East Derbyshire District Council**

**Cabinet**

**23 May 2024**

**Adaptations Policy**

**Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance**

Classification: This report is public

Report By: Lee Pepper – Assistant Director – Communities

Contact Officer: Lee Pepper

---

**PURPOSE/SUMMARY**

The Adaptations Policy for Council owned homes has been amended as advised by the Housing Ombudsman. This is in line with legislation and case law.

---

**RECOMMENDATIONS**

It is recommended that Cabinet endorse the amendments to the Adaptations Policy.

---

**IMPLICATIONS**

**Finance and Risk**

Yes ✓

No

**Finance**

There is a financial implication to the Council as adaptations to Council owned homes are funded through the Housing Revenue Account (HRA). This is a statutory duty for the Council.

The amendments made to the policy are in line with legislation and recent case law which may increase the number of adaptations per annum.

---

**Legal including Data Protection**

Yes ✓ No

The Adaptations Policy is developed within a legislative framework and reflects national statutory guidance and wider local policies. Data protection will be in conjunction with the Councils and Rykneld Homes existing policy and procedures and will be compliant with legislation, including data protection laws.

The Council's legal department has been consulted on the policy and will continue to be included when updating and reviewing the document to ensure the policy is fit for purpose.

On Behalf of the Solicitor to the Council

---

**Staffing**

Yes ✓ No

This will be included within existing officer workloads.

On Behalf of the Head of Paid Service

---

**DECISION INFORMATION**

<p><b>Is the decision a Key Decision?</b></p> <p>A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><i>BDC: Revenue - £75,000</i> <input type="checkbox"/></p> <p><i>Capital - £150,000</i> <input type="checkbox"/></p> <p><i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/></p> <p><i>Capital - £250,000</i> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>(Only Key Decisions are subject to Call-In)</p>	No
<p><b>Has the relevant Portfolio Holder been informed</b></p>	Yes
<p><b>District Wards Affected</b></p>	All - indirectly
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	Develop and improve the quality of housing providing a nice home and area for all residents to meet all needs

## **REPORT DETAILS**

### **1 Background**

- 1.1 Rykneld Homes has delegated responsibility to apply the Adaptations Policy on the Council's behalf.
- 1.2 The Adaptation Policy seeks to deliver minor and major adaptations which support tenants to maintain independent living in properties which will meet their needs.
- 1.3 Statutory guidance says eligible Council tenants can apply for a Disabled Facilities Grant (DFG) in the same way as any other applicant. However local housing authorities with a Housing Revenue Account (HRA) should fund home adaptations for Council tenants through this account.
- 1.4 The Local Government & Social Care Ombudsman has recently concluded an investigation into the Council's adaptations procedures and has issued a decision.
- 1.5 The decision included amending the policy to tell tenants that they can apply for a DFG and ensure the policy states the differences between DFGs and adaptations under this policy.
- 1.6 A court decision stated that DFGs from Council tenants should be considered on the same basis as those from other residents. It said Councils cannot refuse a DFG because the property is unsuitable for the disabled person's needs. Councils cannot require their tenants to move home instead of providing a DFG if the statutory tests are met. (McKeown, R (On the Application Of) v London Borough of Islington [2020] EWHC 779 (Admin)).
- 1.7 The policy has also been amended to reflect the court decision, meaning more adaptations will be completed as applicants are not required to move to an already adapted property.

### **2 Reasons for Recommendation**

- 2.1 The Policy complies with legislation and provides a framework for administering adaptations funded through the HRA.
- 2.2 The policy amendments are in line with the Local Government & Social Care Ombudsman decision and is based on legislation and case law.

### **3 Alternative Options and Reasons for Rejection**

- 3.1 An alternative option was not to amend the policy, this was rejected as the Council would fail to comply with the Local Government & Social Care Ombudsman decision and case law.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Adaptations Policy
<b>Background Papers</b>	
<b>Report Author</b>	<b>Contact Number</b>
Di Parker	01246 217292