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SPICe Briefing

Housing Adaptations (Major)

15 March 2016

16/27

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This briefing aims to support MSPs with their constituency casework relating to major housing adaptations. Specifically, the briefing explores the legal and policy background to housing adaptations and what funding support is available, for all types of tenure.



The Scottish Parliament
Pàrlamaid na h-Alba

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EXECUTIVE SUMMARY

Adaptations to homes can have many benefits. They can help people live independently; enable them to remain in their home for longer, prevent hospital admissions or allow for early discharge from hospital. Major adaptations such as the installation of a wet room or lowering of kitchen cabinets can have a significant impact upon a person’s quality of life and wellbeing.

However, funding such major adaptations independently is not always an option. Financial support is available and, as outlined in the Housing (Scotland) Act 2006 and the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008, must be provided by local authorities for the installation of standard amenities or for essential structural adaptations to a property.

What support a person receives for adaptations depends upon the tenure of the property and how essential their need for the adaptation is.

There are four categories of tenure:

- Owner-occupier
- Private tenant
- Local Authority (LA) tenant
- Housing Association (HA)/Registered Social Landlord (RSL) tenant

Broadly speaking, the following table outlines the differences between the four tenures in terms of permission to carry out works, funding the costs of the adaptations and organising for the work to be undertaken. For all types of tenure, before support can be given, a person is often required to undergo an assessment of their need by the local authority (although, some local authority landlords and RSLs have self-referral policies for some types of adaptations). This is usually carried out by an Occupational Therapist.

Tenure	Permission Needed?	Costs	Work
Owner-Occupier	No	Can be covered by a LA mandatory grant if the work is considered essential. Grants are made either at 80% or 100% if the person receives certain benefits. Any remaining costs must be met by the home owner. The LA has discretionary powers to award top up grant.	The work must be organised by the home owner but this can be supported by the local authority or organisations such as Care and Repair. However, work should not commence before written approval of a grant is received. Any relevant planning permissions should also have been received.

Tenure	Permission Needed?	Costs	Work
Private Tenant	Yes	Can be covered by a LA mandatory grant if the work is considered essential. Grants are made either at 80% or 100% if the person receives certain benefits. Any remaining costs must be met by the tenant.	The work ought to be organised by the tenant, with the agreement of the landlord. However, work should not commence before written approval of a grant is received. Any relevant planning permissions should also have been received.
Local Authority Tenant	Yes	The work will be paid for in full by the local authority (subject to availability of funding)	The local authority will organise any works and should consult with the tenant during the design process.
Housing Association Tenant	Yes	The work will be paid for by the HA, subject to the availability of funding.	The HA will organise any works and should consult with the tenant during the design process.

The Scottish Government has [produced guides for each type of tenure](#) regarding funding for adaptations. It has been argued that the current system is not fair and disadvantages owner-occupiers and private tenants. Therefore, calls have been made for a tenure-neutral approach to funding adaptations.

Concerns have also been raised about the differing arrangements across Scotland's local authorities for delivering adaptations as each authority outlines how support for adaptation is provided in their own Scheme of Assistance document. Therefore, while one authority may consider the installation of a stair lift to be eligible for financial support, another authority may not. As a result, support for adaptations varies across Scotland.

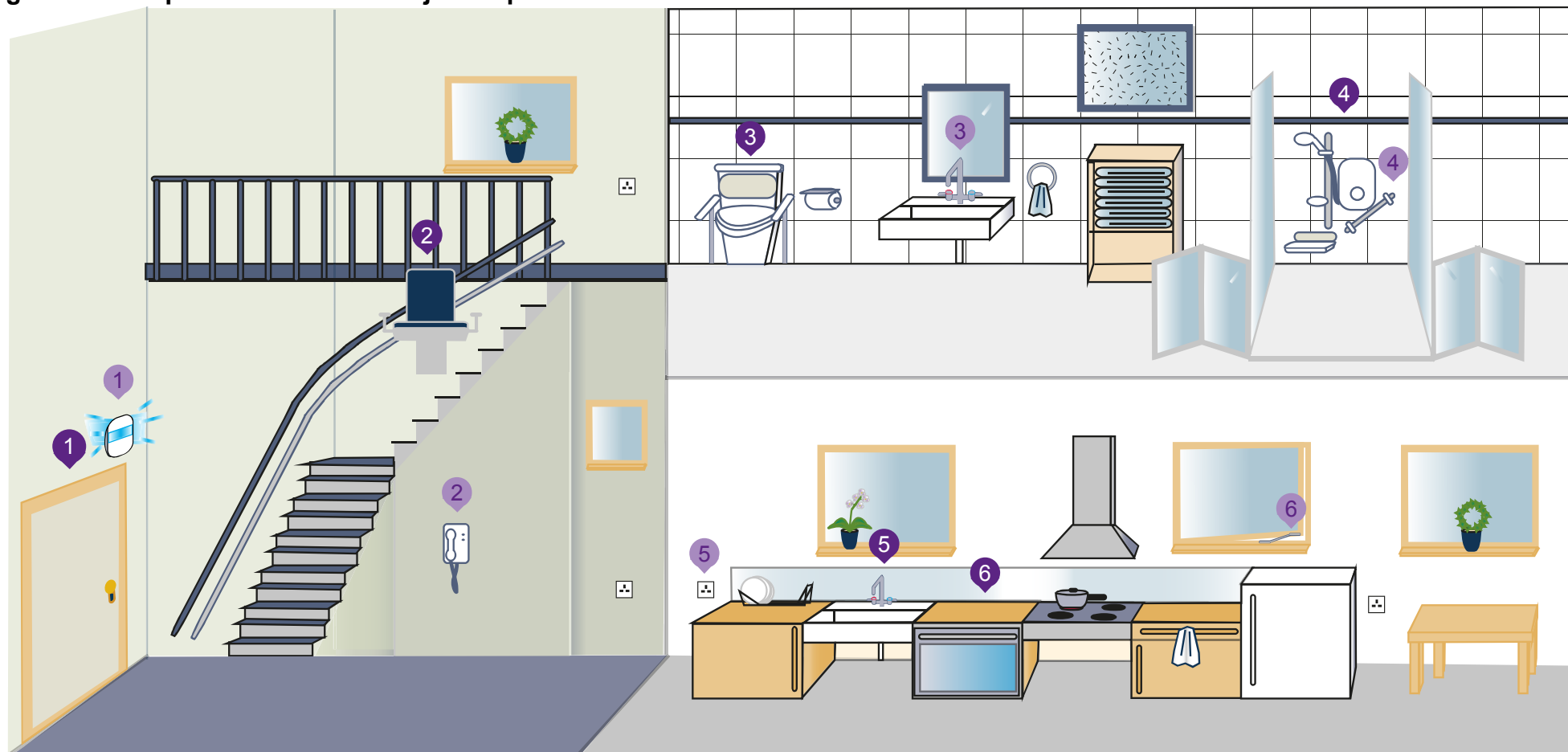
In April 2016, responsibility for housing adaptations (except for RSL tenants) will be delegated to Integration Authorities. This does not alter the duties outlined in the Housing (Scotland) 2006 Act or the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008.

INTRODUCTION

The briefing focuses on major adaptations to properties which are usually defined as works that [involve structural or other permanent](#) changes to a property (Scottish Government, 2009a). Major adaptations can include, for example, installing lower work surfaces to make a kitchen accessible or widening of a front door in order to allow access to a property. Such adaptations tend to be costly and complex.

Minor adaptations or aids, by contrast, are considered to be relatively inexpensive and may be installed or removed quickly and easily. Examples of minor adaptations or aids include handrails, flashing doorbells or raised electric sockets. Minor adaptations or aids can be provided either by a local authority or local health board.

Figure 1: Examples of Minor and Major adaptations



Major Adaptions

Minor Adaptions

- | | | | |
|---------------------------------------|----------------------------|---------------------|----------------------------|
| 1 Widening door for wheelchair access | 4 Level access shower | 1 Flashing doorbell | 4 Handrail |
| 2 Curved stair lift | 5 Suitable wash hand basin | 2 Entry Phone | 5 Raised electric sockets |
| 3 Suitable toilet | 6 Lowering Worktops | 3 Lever taps | 6 Specialist Window Opener |

Statistics from the [Scottish House Condition Survey \(SHCS\) 2011-2013](#) (Scottish Government, 2015a) show that 36% of Scottish households have one or more members who are either Long Term Sick or Disabled (LTSD). It is estimated that 21% of properties in Scotland already have adaptation. Of these properties a third are social housing.

However, the SHCS statistics also reveal that 3% of properties still require adaptations. This comprises [approximately 76,020 properties](#) based on the March 2014 dwellings figure of 2,534,000 (Scottish Government 2015b).

Demand for adaptations is expected to increase with Scotland's ageing population, which is also by far Scotland's largest owner-occupier group. While 60% of Scotland's population live in owner-occupied housing, this increases to 71% when looking at the population aged over 60 (Scottish Government, 2015a).

In addition, [current projections](#) suggest that by 2039 the Scottish population will rise to 5.7 million and be significantly older, with the number of people aged 75+ increasing by 85% (National Records of Scotland, 2015).

This demand also sits within the context of the [Scottish Government's](#) policy of helping support older people to remain at home, living independently:

“Our vision for 2021 is that a greater proportion of older people will live in well-maintained and warm homes, which are adapted where necessary, and which increase their independence and quality of life” (Scottish Government, 2011a).

The primary pieces of legislation covering major adaptations in Scotland are: the Housing Scotland (2006) Act; the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations (2008), and the Equality Act 2010. In addition, local authorities also have obligations under the Chronically Sick & Disabled Persons Act 1970.

LEGISLATIVE OVERVIEW

The [Housing Scotland Act \(2006\)](#) (“the 2006 Act”) requires local authorities to provide assistance to homeowners when adaptations are required to make the property suitable for a disabled person (or to reinstate a property that has already been adapted). Please note that the provisions of the 2006 Act do not cover adaptations to mobile homes.

The Equality Act 2010 defines disability as a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities. Therefore, when considering adaptations, the needs of, for example, a person with autism and/or the needs of family members living with someone who has autism should be considered in the same way as requests for support relating to a physical disability. However, those needs are only relevant to the extent that they will be met by physical changes to the house. This was outlined in the [Implementing the Housing \(Scotland\) Act 2006](#), Parts 1 and 2: Statutory Guidance for Local Authorities: Volume 6 Work to Meet the Needs of Disabled People, published in 2009 (“the 2009 guidance”).

The 2006 Act (section 72) also requires local authorities to publish a statement of the criteria by which it decides whether to provide assistance and in what form. This is known as a Statement of Assistance. However, the 2006 Act does state that any works undertaken to provide ‘standard amenities’ i.e. a toilet, sink or shower, must be assisted by a grant (known as a mandatory grant). This reflects a pre-existing duty authorities had under the [Housing \(Scotland\) Act 1987](#) regarding standard amenities.

The [Housing \(Scotland\) Act 2006 \(Scheme of Assistance\) Regulations 2008](#) (“the 2008 regulations”) state that where the adaptations required are essential to the disabled person’s needs and the required work is structural (or involves permanent changes to the house) the applicant must also be awarded a mandatory grant.

The regulations do not specify any particular types of works that ought to be deemed eligible for a mandatory grant. Therefore, each local authority determines what it considers to be a structural (i.e. major) adaptation. For example, [Falkirk Council](#) (2011) considers the following to be major adaptations and therefore eligible for a mandatory grant:

- Widening doors for wheelchair access
- Installing a level access shower
- Installing a suitable wash hand basin, toilet or sink
- Fitting a fixed curved stair lift
- Lowering worktops to make a kitchen accessible
- Installing a fixed ramp for access to the property

In contrast to Falkirk Council, [Aberdeen City Council](#) (2012) states that it would not award a mandatory grant for the adaptation of kitchen units to make them suitable for access from a wheelchair. Consequently, works that may be considered as structural in one local authority and therefore receive a mandatory grant, may not be deemed as a major adaptation in different authority.

If any required adaptations identified do not qualify for financial assistance, the 2008 regulations (section 3) state that the local authority must provide advice and information to help the applicant to fund the adaptations required.

In addition to these specific duties, local authorities also have more general obligations surrounding a person’s welfare. The [Chronically Sick and Disabled Persons Act 1970](#) (“the 1970 Act”) places a duty on local authorities to provide support when it has been identified that a disabled person has certain needs, including the need for assistance in carrying out works of adaptation in their home.

PRIVATE LANDLORDS AND TENANTS

The 2006 Act (chapter 7) gives private sector tenants the right to carry out works to make the property they rent suitable for a disabled person – subject to the consent of their landlord. Local authority and Housing Association tenants already had this right under the Housing (Scotland) Act 2001 (Scottish Government, 2009b).

When making their decision, the 2006 Act (section 53) states that the landlord can have regard to the following:

- The person’s disability
- Whether the work is necessary
- The safety of the property’s occupants
- Any costs they may incur as the landlord
- If the work will affect the value of the property or make it less suitable for letting or sale
- If any work undertaken could be undone in order to restore the property to its previous state
- Any code of practice issued by the Commission for Equality and Human Rights.

A landlord can refuse to give their consent so long as their justification is not unreasonable. For instance, a landlord could refuse to give consent if giving consent would breach any other legal obligations that they may have.

When giving their consent, the landlord can also attach certain conditions. For example, the standard to which any works undertaken must be carried out or that the tenants must restore the property to its previous state before vacating. When making any conditions, the landlord must take into account the age and condition of the property and the costs upon the tenants of complying with any conditions.

It is important to note that receiving the consent of the landlord to carry out any works does not mean that the landlord has to pay for any adaptations. Also, there is no duty on landlords to make structural adaptations (Scottish Government, 2009b).

Under section 20 of the Equality Act 2010 (“the 2010 Act”) service providers, which includes private landlords, have a duty to make ‘reasonable adjustments’ for disabled people. This general duty includes making reasonable adjustments in the following circumstances:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage
- Where a physical feature puts disabled people at a substantial disadvantage compared with people who are not disabled, to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage compared with people who are not disabled, to provide that auxiliary aid.

However, under Schedule 4 of the 2010 Act, there are some exceptions to this duty for landlords. The duty to make reasonable adjustments is not anticipatory; it only arises if the landlord is requested to make an adjustment by a person to whom the premises are let or who wishes to rent the premises.

In addition, there is no requirement to make any changes to physical features, either arranging for their removal or alteration. Physical features include:

- 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.

Landlords do have a duty to provide auxiliary aids and services to help disabled tenants but this applies only to minor adaptations or equipment such as signs or notices, taps, door handles, or a doorbell (Scottish Government, 2009a). Landlords are also required to change provisions, criteria or practices, including (once premises have been let) changing a term of the letting.

The 2010 Act does not specify what is considered ‘reasonable’, but it is clear that the landlord has a duty to consider a request and cannot just say no without offering an explanation.

However, there is a lack of evidence as to how this provision and the 2006 Act are used. Where a person feels a service provider has committed unlawful discrimination, as per the 2010 Act, they can make a claim through the courts

INTEGRATION AUTHORITIES

As part of the integration of health and social care, the duties local authorities currently have in relation to certain aspects of housing support, including aids and adaptations, are to be delegated to Integration Authorities (under the Public Bodies (Joint Working) (Scotland) Act 2014) . This includes functions under the 2001 Housing Act in regards to assistance for housing purposes (section 92) and under the 2006 Act relating to the adaptation of a house for a disabled person to make it suitable for the accommodation, welfare or employment of that person (Section 71(1)(b)) (Scottish Government, 2015c).

In effect, this means that:

- The duty to assess for an adaptation will be delegated to Integration Authorities
- The planning for and resources to undertake adaptations will be delegated to Integration Authorities
- The resource to fund housing adaptations – including for Local Authority tenants - will pass to Integration Authorities
- Integration Authorities will have powers and associated budgets delegated for the planning and delivery of advice and assistance to Housing Associations/RSLs) in relation to adaptations (although local authorities have rarely used this provision).

The delegation of responsibility for housing adaptations to Integration Authorities does not alter the duties outlined under the 2006 Act or 2008 Regulations, for example, the provision of mandatory grants, or advice to those ineligible to a grant. In addition, although responsibility will lie with the Integration Authorities, delivery arrangements for adaptations will still be determined locally, although Integration Authorities will need to make sure that their obligation, under the Public Bodies Act, to take a person-centred approach is met (Scottish Government, 2015c).

ADAPTATIONS FOR OWNER OCCUPIERS AND PRIVATE TENANTS

Owner-occupiers and private tenants can apply to their local authority for financial assistance in order to make adaptations to their property. Local authorities have the discretion to approve or refuse an application for a grant, but as already highlighted, certain works are subject to a mandatory grant.

ASSESSMENTS

In order to receive a grant, an assessment of an applicant's needs must be made by the local authority. This is most commonly done via a Community Care Needs assessment which considers what an individual's care needs are and how they can be met. In order to have an assessment carried out, an individual must make a self-referral by contacting their local social care department, although this can be done on a person's behalf, for example, by a carer, or by their GP.

Assessments are free but are carried out in order of priority of need. Therefore, if the social care department determines that the need for an assessment is not urgent, an individual may have to wait for a period of time before it is undertaken. If, while waiting for an assessment, the circumstances of the individual change they should notify their social care department as soon as possible.

The assessment will usually be carried out by an Occupational Therapist (OT), who will identify what support an individual requires and suggest ways of meeting their needs, including, but not limited to, adaptations to their property. The assessment should take into account, within reason

and as is practical, the views of the person who is being assessed as well as considering the needs of others also living in the same property (Scottish Government, 2009b). Additionally, the OT will also consider how urgently any adaptations are required and make a recommendation regarding this. This assists local authorities in prioritising works.

Each authority must outline how it priorities works in its Statement of Assistance. For example, according to [Glasgow City's Statement of Assistance](#) (2012):

“The specific adaptation required will be defined by the OT and awarded prioritisation categories 1, 2, 3 or 4 on the basis of individual circumstances. Priority 1 (P1) is the highest priority, identifying a risk to the capacity of the individual to remain living independently in the community, or to be discharged from or avoid admission to hospital or care. This may cover terminal or serious illness or disability for which an adaptation will be essential to alleviate or provide support.”

If an individual is unhappy with the outcome of their assessment they can discuss this with their local social work department. If the situation cannot be reconciled, complaints about the assessment process (including the assessment of eligibility) are dealt with under the relevant authority's social work complaints procedure. If an applicant is still dissatisfied, the final option would be to take their complaint to the Scottish Public Services Ombudsman (SPSO).

Following this assessment, an application can be made to the local authority for a grant. According to the 2006 Act (section 74) the application must include:

- Full details of the proposed work (including plans and specifications)
- Details of the location of the work
- An estimate (or estimates) of the cost of the work
- Any other information which may be required to carry out a financial assessment (including any supporting documentation).

An application can be made for a grant to cover part of the costs of the work. In this instance, the applicant may state the amount they are applying for in their application.

Importantly, work should not begin on a property before the grant application has been approved. The local authority must not approve an application for a grant if the work has already begun on the property, unless there were good reasons for starting the work early (as outlined in section 75(4) of the 2006 Act).

GRANT AMOUNT

The 2008 regulations state that if the work required is considered eligible for a mandatory grant, everyone, regardless of their income, receives a grant to cover 80% of the costs. Those in receipt of certain benefits (Income Support, income related JSA or ESA and Pension Credit) will have 100% of the costs covered by the grant award. There is no limit to the amount that can be awarded in grant.

Any remaining costs not covered by the grant award will have to be covered by the owner/tenant, although local authorities can, at their discretion, 'top up' the 80% grant to meet more of the costs of the work. This is usually dependent upon a person's income.

However, as outlined in the 2009 guidance, local authorities have a duty to meet any identified community care needs. Therefore, if there is evidence that an applicant with an 80% grant will not be able to afford some (or all) of the outstanding costs, the local authority must assist with

meeting the identified needs as per its obligations under welfare legislation (such as the 1970 Act).

The 2009 guidance states that a local authority can do this by:

- Making a discretionary revision to the existing application
- Making a contribution from social work services towards the cost of the work
- Considering alternative ways to meet the assessed need such as the provision of care services.

There is no data available at a national level on the number of people who do not proceed with adaptations after having applied for assistance. The Adaptations Working Group (to be discussed in more detail later) highlighted that, anecdotally, the main reasons for not proceeding are that people are unable to afford to fund the remaining 20% of the cost or are unwilling to contribute the remaining 20%. The working group also reported that few local authorities use their discretionary ability to 'top up' grants (Scottish Government, 2012a).

Under the 2006 Act (section 78), applicants have the right to request a review of the contribution they are being asked to make. This must be done within 21 days of being notified of their contribution. Contributions can also be made by the home owner/tenant on top of the authority's award in order to cover additional works not covered by the grant, for example, tiling work in the bathroom.

Extensions to a property, to provide additional living accommodation, do not qualify for a grant, primarily due to the prohibitive costs which would be incurred by the local authority in order to extend a property and because the majority of extensions would add value to the property. However, where the provision of bathroom and toilet facilities involves extending the property, there is no exclusion from the scope of mandatory grant.

If an applicant does not receive a grant, local authorities can make discretionary payments for adaptations that are deemed ineligible. However, it is for the authority to decide how it assesses an applicant's contribution as the minimum percentage of 80% grant does not apply to discretionary payments.

PROPERTIES CONSIDERED UNSUITABLE FOR ADAPTATION

If, following an assessment of care needs, it is determined that a property cannot be adapted to meet the needs of the person (for example, there may not be sufficient space in order to make the required changes), the local authority may suggest moving into a different property.

Under the 2006 Act (section 71) authorities may help an owner with the acquisition or sale of a house, if this is considered to be the most effective way of meeting the individual's needs. The 2009 guidance states that authorities should consider helping a disabled person move to more appropriate accommodation (including to a property which is more suitable for adaptation than the current property) where this demonstrably meets the medium to long term needs of the disabled person and/or where this is a more effective overall way of meeting a person's needs than adapting an existing property.

Local authorities also have assistance powers relating to the construction of a house (Scottish Government, 2009b). While it is unlikely that financial assistance with the full costs of construction would be given in any but the most exceptional circumstances, a flexible approach is encouraged where, for example, someone building a house seeks (and is assessed as needing) assistance with a particular aspect of the construction aimed at addressing a disability.

The 2009 guidance states that, wherever possible, the opportunity to incorporate the adaptation at build stage should be taken.

FUNDING FOR ADAPTATIONS

Local authorities receive funding for provision of services from the Scottish Government. Individual local authorities then determine the amount of resource to be put into meeting their obligations under the 2006 Act. However, as previously mentioned, there are adaptations for which local authorities must provide a mandatory grant. Therefore, how this duty is balanced against the available resources is up to each individual local authority.

This is highlighted in the 2009 guidance which states:

“Because councils have many demands made on their resources, most apply some form of ‘eligibility criteria’ to decide whom they can help with the resources available ... the setting of these eligibility criteria can take account of available resources and strike a balance between the cost of providing services and needs of people in the local population.”

Nevertheless, the 2009 guidance states that: “once an individual is deemed to have an eligible need, failing to meet that need within a reasonable timescale cannot be excused by a lack of resources.” In addition, the 2009 guidance also says: “that applications should not be put in a queue or on a “waiting” list.”

As part of the integration of health and social care, funding for housing adaptations will also pass to Integration Authorities. This includes funding for adaptations for owner-occupiers and private tenants and funding for local authority tenants, which currently comes from the relevant local authority’s Housing Revenue Account (HRA). As HRA monies can only be used for local authority tenants, Integration Authorities must ensure that HRA funds are not used for adaptations for owner-occupiers or private tenants. This also means that local authorities will have to identify the relevant component of their overall HRA budgets, as it relates to adaptations, to pass to the Integration Authority.

Expenditure

In 2014-15, 6,487 grants, totalling £22.3 million, were made by local authorities for disabled adaptations. Of these, 6,167 grants were to those entitled to mandatory grants. A further 41 grants were made for extensions, three for assistance in moving house and 276 for ‘other’.
(Scottish Government, 2015d)

OTHER SUPPORT

Care and Repair

[Care and Repair](#) services operate throughout Scotland and offer independent advice and assistance to help homeowners repair, improve or adapt their homes. There are 37 local Care and Repair offices throughout the whole of Scotland. The service is available to owner-occupiers, private tenants and crofters who are aged over 60 or who have a disability.

Care and Repair services, as well as providing information and advice, also offer practical assistance with grant applications and co-ordinating repairs. Care and Repair is a home-based and personalised service. Staff will visit people at home and assist them through the entire process of deciding what work is to be done, helping to arrange financing and organising the building works.

In 2014/15, Care and Repair supported over 2,700 major adaptations across Scotland including, 1,655 level access showers and over 300 stair lifts, at a cost over £11million. Funding for these adaptations came from a variety of sources including local authorities, the NHS, charities and donations (Care and Repair, 2015).

Help to Adapt Scheme

The '[Help to Adapt](#)' scheme was launched in April 2015 and is a Scottish Government pilot project which aims to help older home owners adapt their properties by using equity within their property to pay for adaptations. The scheme organises for the work to be carried out, something which at present, homeowners have to do for themselves. Under the scheme, which is currently operating in 12 local authority areas, homeowners aged 60 and over will be able to apply for a loan of up to £30,000 to help pay for adaptations¹ (Link Group, 2015).

The stated benefits of the scheme are:

- Applicants receive a personalised service with a dedicated occupational therapist and have a degree of choice in their adaptations
- People will be supported to plan ahead for changing needs
- The works will be organised on behalf of the homeowner
- There is no monthly or compound interest on the loan.

The scheme does not replace the responsibilities placed on local authorities (Link Group, 2015).

ADAPTATIONS FOR SOCIAL RENTED TENANTS

LOCAL AUTHORITY TENANTS

If a local authority tenant (or member of their household) is disabled and adaptations are required to the property in order to meet their needs, they can ask their landlord (i.e. the local authority) for assistance, but the changes must be considered essential. There is no set list of the type of work which is considered to be essential, but as with owner-occupiers or private tenants, the installation of standard amenities are considered to be essential works (Scottish Government, 2011b).

As with owner-occupiers and private tenants, local authority tenants are required to undergo an assessment of their care needs before any works are carried out. The full costs of works for local authority tenants are covered by the authority (from its HRA) and there is no requirement for the tenant to make a contribution. The local authority will also arrange for the works to be carried out but should consult the tenant during the design process (Scottish Government, 2011b).

However, as only a certain amount is set aside by local authorities from their HRA to make adaptations, as with grants to owner-occupiers and private tenants, works to provide adaptations are prioritised. For example, Moray Council's (2012) [Housing Options for People with Disabilities](#) document states: "We [the Council] have an annual budget for disabled adaptations to our properties. Work is prioritised following an assessment carried out by your Occupational Therapist."

¹ The 12 areas are: Argyll and Bute; Edinburgh; East Lothian; Scottish Borders; West Lothian; Falkirk; Stirling; East Dunbartonshire; East Renfrewshire; Glasgow; North Lanarkshire and Renfrewshire.

Works are usually prioritised as being high, medium or low priority, depending on the level of need and risk to the tenant's health, wellbeing and independence. Those works that are considered to be a low priority may take some time to commence.

Where a tenant's needs are considered a high priority but no funding is available through the normal channels (i.e. the amount set aside by the local authority for carrying out adaptations has already been allocated), a tenant can apply for financial assistance under the 2006 Act, in the same way as an owner-occupier or private tenant would do. The Scottish Government's intention is that such applications should be exceptional, as current levels of Scottish Government funding for owner-occupiers and private tenants are not intended for widespread use for tenants of social landlords (Scottish Government, 2009b).

If the costs of adapting a tenant's current property are prohibitive it may be considered more appropriate to move the person to alternative accommodation that is either already adapted or more suitable for adaptation. In this instance the tenant will then be subject to their relevant local authority's allocation policy for its properties, although, they will be able to apply for medical and disability related priority.

HOUSING ASSOCIATION TENANTS

Housing Association (HA)/Registered Social Landlord (RSL) tenants are also able to ask for assistance from their landlord if they or a member of their household is disabled and adaptations are required. Again, the changes must be considered essential. Please note that adaptations to shared ownership or shared equity properties are not eligible for funding from HAs. In these instances, the system is the same as that for owner-occupiers or private tenants.

Each HA has its own policy on the assistance it provides for adaptations, so the help available will vary depending on which association a person rents from. As with all types of tenure an assessment of need is required by an OT and the works are prioritised.

Rutherglen & Cambuslang Housing Association's Disabled Adaptations policy (2014) makes reference to: 'the financial constraints' faced by the association. Each HA makes an annual bid to the Scottish Government for funding in order to carry out adaptations. A HA's bid is usually based upon any known outstanding requirements and historic expenditure. HAs are then allocated a certain amount to spend on adaptations by the Scottish Government but this is a limited fund. For the year 2015-16 a total of £10 million has been made available to Scottish HAs to carry out housing adaptations (Scottish Parliament, 2015).

If the amount received in grant from the Scottish Government has been spent, the HA can apply to the government for additional funds. The HA may also fund a required adaptation from its own maintenance budget. However, if there are no funds available, a waiting list of works to be carried out can be created. For example, [Wishaw and District Housing Associations'](#) "Policy on Medical Adaptations" (2014) states that:

"To date [November 2014] the grant allocated has not always been sufficient to fund all the adaptations that have been referred by the OTs and it has been necessary to create a waiting list, waiting either for next year's grant allocation or any additional mid-year funding or transfer of monies from the maintenance budget. This limited funding means that households can, in some cases, wait some time for an adaptation to be carried out."

If they choose, HA tenants can organise and pay for adaptations themselves, provided that they have permission from their landlord. As some adaptations can improve a property and increase its value, the tenant can apply for compensation when they give up their tenancy. If it considers that the adaptation will make the property more difficult to rent in the future, the authority can

ask for the property to be returned to its pre-adapted condition when the tenant leaves (Scottish Government, 2011c).

As with local authority tenants, it may be considered more appropriate to move the tenant to another property that is already adapted or more suitable for adaptation. Again, tenants will be subject to the association's allocation policy and points scheme.

COMMON PARTS

The Equality Act 2010 makes provisions regarding adjustments to common parts, such as front doors to flats or communal stairs. It confers upon Scottish Ministers the power to make regulations regarding adjustments to common areas. This was considered to be most appropriate as adjustments to common areas require the consent of other property owners and concern primarily devolved areas of responsibility (i.e. housing, land registration, civil justice).

At present, adaptations for all tenures can only be made if consent is given by everyone who owns part of the communal area. In 2011, the [Scottish Government undertook a consultation](#) which proposed to make the regulations regarding common parts mirror those relating to private tenants under the 2006 Act (whereby a landlord cannot unreasonably withhold their permission for works to be carried out).

[Analysis of the consultation](#) responses showed that a majority of respondents (92%) supported the proposal to use the existing right to adapt private rented property as a model for a right to adapt common parts. Respondents also commented that any regulations ought to provide a definition of "reasonable" in order to clarify when consent can be reasonably refused. Respondents further highlighted the need for adequate access to grant funding to support work on common areas (Scottish Government, 2011d).

The analysis report stated that:

"the new regulations should be prepared with an aim for formal introduction in the Scottish Parliament after the Summer Recess 2011 to come into force at the end of the current calendar year [2011]" (Scottish Government, 2011d).

However, to date (February 2016), no regulations relating to common parts have been published. The Scottish Government's position is that Ministers are still committed to introducing a right to adapt common parts and are working to ensure that any such right is compatible with existing property law in Scotland (Scottish Government, Personal Communication, February 2016).

INDEPENDENT ADAPTATIONS WORKING GROUP

In 2011, the Independent Adaptations Working Group ("the Group") was established to consider the future delivery of housing adaptations for older people and disabled people in Scotland.

The Scottish Government stated that the Group was formed to: "consider how to achieve [the] simpler, fairer and more effective delivery of adaptations" (Scottish Government, 2011a).

The Group's remit was to look at the future organisation and funding of housing adaptations (across all types of tenure) and to consider the options for helping people, who own their homes, to plan for the long-term (Scottish Government, 2012b).

In 2012, the Group undertook a consultation to inform its work asking respondents if they considered there were any issues with the current arrangements for housing adaptations and if so, what these were. Respondents were also asked to reflect on what parts of the current scheme they thought worked well, how adaptations should to be funded and which organisations should have responsibility for adaptations (Scottish Government, 2012b).

The main issues identified by the consultation responses were:

- The level and nature of current funding arrangements
- The complexity of the system (including: geographical variations; different approaches depending on tenure; the number of organisations involved; the time taken to deliver adaptations, and the range of legislation and guidance relating to adaptations)
- The need for better communication, advice and training (Scottish Government, 2012c)

The Group's [final report](#) was published in November 2012 and suggested a number of potential improvements to housing adaptations including greater clarity in the assessment process, involving people more in service delivery and a greater focus on prevention and planning ahead.

However, the Group concluded that, overall, more fundamental changes to the housing adaptations scheme were required, arguing that there are systemic issues with the current arrangements for adaptations. For example, adaptations policies vary between local authorities; as a result, where a person lives affects delivery of adaptations (Scottish Government, 2012d).

The primary issue identified by the Group was that the assistance people receive, and the financial contribution they are asked to make, relates to the nature of their tenure rather than their need. As such, the current system does not support equity of access. The Group also noted that the current tenure-based arrangements are: "inherently complex and inhibit transparency, simplicity and efficiency" (Scottish Government, 2012d). The Group therefore argued that financial support should no longer be determined by a person's tenure and that a single local funding pot for all adaptations be created.

In addition, the Group felt there was a sense that provision of adaptations was increasingly becoming a budget-driven process, rather than focusing on the needs of the individual - in contrast to the person-centred, preventative approach that has been advocated over recent years. The Group highlighted its concern that this focus on budgets may lead to people waiting longer for support, affecting their quality of life and potentially increasing costs on, for example, local healthcare services.

Lastly, the group considered that the majority of adaptations focus on current problems and most urgent needs, rather than planning for the longer term, mainly due to financial considerations. The Group argued that as many people have conditions with a foreseeable progression, it would make sense to incorporate their anticipated long-term needs. Consequently, they considered that there is a need for funding arrangements to encourage the 'preventative' provision of adaptations, which would save money in the longer term and help prevent people from reaching a crisis point.

The Group's final report also recommended that some mechanism whereby people could use equity in their homes for adaptations could be helpful; thereby enabling homeowners to plan ahead making sure their properties are suitable for them in the long term. The Group published a separate short paper '[Planning Ahead: Living at Home](#)' which considered the issues around enabling homeowners to self-fund adaptations and considered how best to support people to plan ahead and 'future-proof' their property. The Group examined a range of potential products and schemes to enable people to access funding for adaptations including loans, equity release

and shared equity and shared ownership (Scottish Government, 2012a). The report concluded that:

“if equity is to play a role in planning ahead and making our housing fit for the future, the public sector needs to lead the way, ideally with a package that would deliver the adaptations as well as the finance. This would ensure that the adaptations and improvements made were appropriate, of high quality and long lasting.”

This is the model that has been used by the Scottish Government for the Help to Adapt Scheme.

Following the Group’s reports, the Scottish Government, working with the [Joint Improvement Team](#), identified five demonstration sites (Aberdeen, Borders, Falkirk, Fife and Lochaber) to test the more personalised and tenure neutral approach to home adaptation services recommended by the Group. This project began in November 2014 and will last for two years.

The objectives of the project are to:

- Test approaches in relation to key issues around current services and support
- Identify approaches, consistent with recommended principles, which deliver better outcomes
- Capture the learning on a continuing basis over the test period and share this across Scotland
- Inform the review and revision of the national policy and funding framework for adaptations.

In response to a [parliamentary question](#) (Scottish Parliament, 2015) Minister for Housing and Welfare, Margaret Burgess MSP, stated that:

“The test sites will continue until the end of 2016-17 when they will be evaluated and the evidence used to inform consultation with stakeholders and thereafter to shape new guidance.”

WHERE TO FIND SUPPORT

AGE SCOTLAND

Age Scotland provides advice for older people, their families, friends and carers. Age Scotland's website hosts a number of factsheets including one on [housing adaptations](#). Silver Line Scotland (in partnership with Age Scotland) also offers advice over the phone.

Website: www.ageuk.org.uk/scotland/

Tel: 0800 470 8090

CAPABILITY SCOTLAND

Capability Scotland provides advice and support for disabled people. Its website hosts a number of factsheets on a range of topics including [housing adaptations](#).

Website: www.capability-scotland.org.uk

Tel: 0131 313 5510

HOME2FIT

Home2Fit is an online system designed to match accessible properties with people who need them. Its online search allows people to find suitable homes in the area of their choice and covers properties for rent and for sale. Home2Fit also supports social and private landlords to find tenants and provides assistance with the sale of adapted properties. After the successful piloting of the scheme it is in the process of being rolled out across all 32 local authorities.

Website: <http://www.home2fit.org.uk/>

HOUSING OPTIONS SCOTLAND

Housing Options Scotland assists disabled people, veterans and older people by advising them on, and supporting them through, the processes involved in buying or renting a property, including making adaptations. Housing Options Scotland operates across all 32 local authorities and is open to anyone who is disabled, has a disabled family member, is a veteran or an older person.

Website: www.housingoptionsscotland.org.uk/

Tel: 0131 247 1400

INDEPENDENCE AT HOME

Independence at Home is a charity that provides grants to people who have a physical or learning disability or long term illness and who are in financial need. This can include grants for housing adaptations.

Website: <http://www.independenceathome.org.uk/index.html>

Tel: 020 8427 7929

MND SCOTLAND

MND Scotland offers [Equipment and Adaptations \(EAA\) Grants](#) to anyone who has been diagnosed with MND and is currently living in Scotland. As well as being used to help meet the costs of purchasing equipment such as an adapted wheelchair, the grant can also be used for making home adaptations for example, converting a bathroom into a wetroom. The maximum amount that can be applied for is £1500.

Website: <http://www.mndscotland.org.uk/>

Tel: 0141 332 3903

UPDATE DISABILITY INFORMATION SCOTLAND

Update Disability Information Scotland provides accessible information to disabled people throughout Scotland. As well as hosting the Scottish Disability Directory, the Update website has a [Disabled Home Adaptations](#) factsheet and a helpline.

Website: <http://www.update.org.uk/index.php>

Tel: 0300 323 9961

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Published by the Scottish Parliament Information Centre (SPICe), The Scottish Parliament, Edinburgh, EH 99 1SP

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