

Nuneaton and Bedworth Borough Council Town Hall, Coton Road, Nuneaton Warwickshire CV11 5AA

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Direct Email: committee@nuneatonandbedworth.gov.uk Date: 19th June, 2024

> INDIVIDUAL CABINET MEMBER DECISION

Dear Sir/Madam,

The Cabinet Member for Housing (Councillor C. Watkins) is to consider the following reports and make a decision on **Thursday 27th June 2024** at **4.00pm** in Committee Room D, Town Hall, Nuneaton.

Yours faithfully,

TOM SHARDLOW Chief Executive

<u>A G E N D A</u> <u>PART 1</u> <u>PUBLIC BUSINESS</u>

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds, please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. <u>PUBLIC CONSULTATION</u> - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the chair. The chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

3. <u>DECLARATIONS OF INTEREST</u> - To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non- pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (Page 4). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Committee Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is

engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit & Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

- 4. <u>AIDS AND ADAPTATIONS POLICY</u> a report by the Capital Investment Service Manager attached (Page 5)
- 5. <u>DOMESTIC ABUSE POLICY</u> a report by the Capital Investment Service Manager attached (Page 20)

Agenda Item 3 Councillor Watkins - Schedule of Declarations of Interests – 2024/2025

Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
General dispensations granted to all members under s.33 of the Localism Act 2011			 Granted to all members of the Council in the areas of: Housing matters Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 An allowance, payment given to members An indemnity given to members Any ceremonial honour given to members Setting council tax or a precept under the Local Government Finance Act 1992 Planning and Licensing matters Anlotments Local Enterprise Partnership
C. Watkins	Employee of Nutri Pack	Representative on the following outside bodies: Nuneaton and Bedworth Community Enterprises Ltd. (NABCEL)	



Agenda item: 4

Individual Cabinet Member Decision

Report Summary Sheet

Date: 27 June 2024

Subject: Aids and Adaptations Policy

Portfolio: Councillor C Watkins - Portfolio Holder for Housing

From: Lynn Joy, Capital Investment Service Manager

Summary:

Nuneaton and Bedworth Borough Council provides an aids and adaptations service for disabled people with a mental or physical impairment to live more safely and independently within their own homes.

The Aids and Adaptations Policy provides clarity for people accessing the service by setting out the assistance and support the Council can offer including criteria by which the Council will asset all requests for aids and adaptations.

Recommendations:

That the Council's Aids and Adaptations Policy, attached at Appendix A to the report, be approved and implemented forthwith.

Options:

- To approve the Policy.
- To not approve the Policy.

Reasons:

The Aids and Adaptations Policy sets out the Council's approach to assessing proposed aids and adaptations for disabled people living in homes where the Council is the Landlord.

The Policy is necessary to ensure the Council complies with relevant legislation and to provide a framework within which the aids and adaptations service can operate.

The provides clarity for people accessing the service around the assistance and support the Council can offer, timeframes involved and the criteria the Council uses for assessing applications.

Consultation undertaken with Members/Officers -

Consultation has been undertaken with:

- Housing Solutions Manager.
- Landlord Services Manager.
- Senior Building Surveyor
- HEART Team Manager
- Senior Legal Officer
- Senior Asset and Contract Manager (in relation to Right to Buy)
- Assistant Director for Social Housing and Community Safety
- Assistant Director for Strategic Housing

Subject to call-in: Yes

Ward relevance: All Wards within the Borough of Nuneaton and Bedworth.

Forward plan: No

Corporate Priorities:

Aim 1

Priority 1

Relevant statutes or policy:

Equalities Implications:

The document can be made available in other languages, large print and braille, if required.

Human resources implications:

None

Financial implications:

None

Health Inequalities Implications:

None

Section 17 Crime & Disorder Implications:

None

Risk management implications:

None

Environmental implications:

None

Legal implications:

None

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NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Individual Cabinet Member Decision (Councillor C Watkins)	
From:	Lynn Joy – Capital Investment Service Manager	
Date:	27 June 2024	
Subject:	Aids and Adaptations Policy	
Portfolio:	Housing & Communities (Councillor C Watkins)	
Building a Better Borough Aim: 1		

Building a Better Borough Priority: 1

1 <u>Purpose of Report</u>

- 1.1 The purpose of this report is to seek approval to adopt a new Aids and Adaptations Policy.
- 2 <u>Recommendation</u>
- 2.1 It is recommended that the new Aids and Adaptations Policy attached at Appendix A to the report, be approved and implemented with effect forthwith.
- 3 Background
- 3.1 The Council delivers an aids and adaptations service for disabled occupants living in homes where the Council is Landlord.
- 3.2 The service provides:

Aids

3.2.1 Aids are pieces of equipment which are portable and not permanently fixed in the home.

Adaptations

- 3.2.2 An adaptation is the provision of fixed equipment and/or medication to the property, or associated land, where it has been recognised by an Occupational Therapist that an aid alone or specialist equipment will no longer meet an identified need including long term needs to enable disabled occupants to live independently and safely in their home.
- 3.3 The policy sets out Nuneaton and Bedworth Borough Council's approach to assessing proposed aids and adaptations for disabled occupants living in our properties.
- 4 <u>Consultation</u>
- 4.1 Lead Officers have been consulted on the new policy and their comments have been fully considered.

Lynn Joy Capital Investment Service Manager

ICMD - Housing - Thursday 27th June 2024



Aids and Adaptations Policy

Issued by Housing & Communities

June 2024

Revision	Date	Description	Stage	Agreed
Draft	30.04.24	1 st revision	Draft	
Draft		Single Member Decision		
Draft		EqIA	Draft	

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1. Scope of the Policy

- 1.1 This Policy sets out Nuneaton and Bedworth Borough Council's (the Council's) approach to assessing proposed aids and adaptations for disabled occupants living in our properties.
- 1.2 We will manage resources and funding efficiently to enable disabled occupants with a mental or physical impairment to live more safely and independently within their own homes where possible.
- 1.3 The aims of this Policy are to:
 - Ensure the needs of individuals with a mental or physical disability are prioritised, subject to available funding and achieving value for money.
 - Set out the criteria by which we will assess all requests for aids and adaptations.
 - Comply with legal and statutory requirements in relation to the provision of aids and adaptations.
 - Set out the assistance and support we can offer.
- 1.4 This Policy is applicable to disabled people living in homes where the Council is the Landlord.

2. Legislation and Related Policies

- 2.1 There is a range of legislation relating to the necessity for and delivery of aids and adaptations, the main ones being:
 - Equality Act 2010
 - Housing Grants, Construction and Regeneration Act 1996
 - Chronically Sick and Disabled Persons Act 1970
 - Health and Safety at Work Act 1974
 - NHS and Community Care Act 1990
 - The Care Act 2014
- 2.2 There is a range of related Council policies and procedures, the main ones being:
 - Allocations Policy
 - Tenancy Policy
 - Safeguarding Policy and Procedure
 - Management Move Procedure
 - Equality, Diversity & Inclusion Policy/Strategy
 - Data Protection, Privacy, and Confidentiality Policy
 - Asset Management Strategy
 - Downsizing Policy.

3. Equality, Diversity and Inclusion

- 3.1 The aids and adaptations service is provided as an inclusive and individualised service open for all disabled people living in homes where the Council is the Landlord. The service is provided with the aim of positively advancing equality of opportunity.
- 3.2 The service ensures that disabled people can maximise their independence and supports family life. We will endeavour to work with our tenants and their families, partners, and contractors to innovate and provide unique solutions to aids and adaptations which would benefit our disabled tenants.
- 3.3 We aim to treat all customers of the aids and adaptations service fairly and with respect. We have assessed the Policy in relation to the Equality Act 2010 and the Human Rights Act 1998.

4. Training and Awareness

- 4.1 Training and awareness of this Policy will be raised with relevant staff and published on our intranet system.
- 4.2 We will make people aware of this Policy through our website, social media, newsletters and information leaflets.
- 4.3 The external recommending Occupational Therapy (OT) service, in-house OT's and contractors involved directly in the delivery of this Policy will receive training appropriate to their role.

5. Monitoring and Review

- 5.1 We will monitor cases and performance on an ongoing basis, including the number of referrals received and the number of works successfully delivered within our timescales outlined in this Policy.
- 5.2 We will also collect information on rejected applications and the reasons for this.
- 5.3 We will ensure effective implementation of this Policy by publishing it on our website and internal systems.
- 5.4 We will ensure overview sessions are held for teams that will be responsible for implementing the Policy and make these sessions available for any new colleagues or refreshers.
- 5.5 We will monitor attendance of these sessions and colleagues who have confirmed having read the document.
- 5.6 The effectiveness of this Policy will be continuously monitored and the embedding of the Policy scrutinised after 12 months.
- 5.7 This Policy will be reviewed every 3 years unless business need, regulation or legislation prompts an early review.

6. Definitions

6.1 For this Policy we use the following definitions:

6.2 Aids

- 6.2.1 An aid is a piece of equipment which is portable and not permanently fixed in your home. Suitable aids are identified during an assessment by a relevant OT which could include social services, health services, learning disabilities etc.
- 6.2.2 This equipment, where possible to do so, will be issued free of charge on a loan basis and returned to us to be recycled when no longer required. An aid will always be considered as a first option before any major adaptations are recommended.

6.3 Adaptations

- 6.3.1 An adaptation is the provision of fixed equipment and/or modification to the property, or associated land, where it has been recognised by an OT that an aid alone or specialised equipment, will no longer meet an identified need including long term needs to enable disabled occupants to live independently and safely in their home.
- 6.3.2 **Minor adaptations** are any requested or recommended works which cost less than £1,000 (ex VAT). This includes items such as grab rails, lever taps and stair rails. These adaptations can be requested through the Council's Responsive Repairs Team.
- 6.3.3 **Major adaptations** are any recommended works which exceed the value of £1,000 (ex VAT). This includes items such as level access showers, wet rooms, stair lifts, over bath showers and the provision of door access ramps. These works require an OT assessment.

6.4 Urgent Works

- 6.5 Urgent works will be prioritised in line with the Council's internal procedure.
- 6.5.1 Works classified as "Urgent" will include works for disabled occupants who:
 - are being discharged from hospital and are at risk
 - live alone *and* are at risk
 - have severe cognitive dysfunction and are at risk
 - live with a carer who is elderly or disabled
 - are without heating or hot water *and* are at risk
 - have a limited life expectancy
 - are under the age of 16
 - are in temporary accommodation.

7. Eligibility

- 7.1 We will normally only consider requests for aids and adaptations if the disabled person is the tenant or another permanent member of the household or would be if the adaptation was completed. Undertaking major adaptations to the physical structure of a property which will only fulfil a short-term need or where the accommodation is of a temporary nature or offers only limited security may be refused. Any requests for assistance will be reviewed on a case-by-case basis.
- 7.2 We will not consider requests if the tenant has applied under Right to Buy. In this case, the tenant should apply for a Disabled Facilities Grant (DFG).
- 7.3 Non-permanent members of the household do not qualify for any adaptations and will be signposted to Adult Social Care.

7.4 We recognise that leaseholders have a significant legal interest in their homes and can decide who this can be passed on to. We will not fund aids and adaptations within a leaseholder property or within the common parts. Such requests for assistance will be signposted to Adult Social Care.

8. Funding

8.1 As a Council we are committed to provide an aids and adaptations service. Funding will be met by the Council and managed to met our legal obligations.

9. Panel Decisions

- 9.1 We recognise that every case will be unique to each individual and it may be necessary to engage with wider partners on developing and reaching the right solution.
- 9.2 Where it is felt that a case has wider complex considerations relating to the disabled occupant, the property or wider household needs, and simple aids and adaptations may not be the sole solution a wider partnership response may be needed. When this is necessary, the Housing Services Team will arrange for a Panel to meet to review the case and discuss the options available in helping the disabled occupant and their family.
- 9.3 The partners on the Panel will reflect the nature and circumstances of each case but could include OTs, Housing Services Teams, the Home Environment Assessment & Response Team (HEART), Together for Children, Adult Social Care and any other relevant organisations.

10. Types of Aids and Adaptations

- 10.1 There are many different reasons why aids and adaptations are required including (but not limited to):
- 10.1.1 Making the property safer there is a need to make the home safer for the disabled occupant and other people living with them.
- 10.1.2 Access to the principal family room or bedroom the disabled occupant is unable to access a room suitable for use as a living room or gain access to a room usable for sleeping. Or where the disabled occupant shares a bedroom with another person, they cannot access a room of sufficient size so that the normal sleeping arrangements can be maintained.
- 10.1.3 Access to a toilet the disabled occupant cannot access a room with a toilet or cannot use the existing toilet.
- 10.1.4 Access to a bath or shower the disabled occupant cannot access a room with a bath and/or a shower or cannot use the existing bath and/or shower. In cases where the disabled occupant needs access to a bath and a shower they would need to demonstrate a medical need for both.
- 10.1.5 Access to a wash hand basin the disabled occupant cannot access a room with a wash hand basin or cannot use the existing wash hand basin.
- 10.1.6 Facilitating the preparation and cooking of food the disabled occupant cannot access or does not have suitable facilities to prepare and cook food for themselves and others living with them.
- 10.1.7 Better heating people with limited mobility who remain in one room for long periods usually need a warmer home than able-bodied people.
- 10.1.8 Control of power, light and heat the disabled occupant cannot operate the controls for power, light or heating in their home.

10.1.9 Caring for others - the disabled occupant cannot move around the home to care for another person who normally lives there, whether they are related to the disabled person. This may include a spouse, partner or family member, another disabled person or a child. Importantly the dependent being cared for need not be disabled.

10.2 Minor Adaptations and Minor Alterations

- 10.2.1 Minor adaptations are items such as additional stair rails, grab rails and lever taps. The target for completion of the work is 20 working days from the date of referral to our Capital Projects Team and will be completed on a date and time to suit the disabled occupant and their family.
- 10.2.2 We will also consider installing minor alterations such as thermostatic radiator valves, safety film or safety glazing, window locks, thumb locks, the alteration of light fittings or additional sockets and external lighting. These works can be requested without requiring any OT assessment through our Responsive Repairs Teams.
- 10.2.3 We will consider minor adaptations based on an OT and HEART referral. An OT must complete a referral and submit a written recommendation for work to the Council to consider any adaptation.
- 10.2.4 Minor adaptations can include (but are not limited to):
 - Ramps (where straightforward)
 - Handrails
 - Grab rail
 - Over-bath shower
 - Lever taps
- 10.2.5 If the total cost of minor adaptations is more than £1,000, they will then be classified as major adaptations.
- 10.2.6 We will aim to complete minor adaptation works within 20 working days following approval.

10.3 Major Adaptations (£1,000 and above)

- 10.3.1 We will consider requests for major adaptations based on the referral from the OT and, if required, our site visit. Where a site visit is required, this will be carried out within 20 working days from the date of the referral to the Capital Projects Team.
- 10.3.2 Major adaptations can include (but are not limited to):
 - The installation of stair lifts and level access showers
 - Bathroom and kitchen conversions
 - Extensions and access alterations

11. Approval

- 11.1 In order to approve an application we need to be satisfied that:
 - the relevant works are necessary and appropriate to meet the needs of the disabled occupant, and
 - it is reasonable and practicable to carry out the relevant works having regard to the age and type of property.

11.2 Necessary and Appropriate

11.2.1 Adaptations are designed to give disabled people a degree of independence in the home and should aim to meet current and anticipated future needs. If the disabled occupant has care needs, the impact of adaptations on the level of this care should be considered including whether tasks will be reduced or eased. Adaptation works will not achieve their objective if the disabled occupant does not gain an acceptable degree of independence, or where the disabled occupant remains dependent upon the care of others and the adaptation does not significantly ease the burden of the carer.

11.3 Reasonable and practicable

- 11.3.1 Where the relevant works have been judged to be necessary and appropriate, the Council then has to consider whether it is reasonable and practicable to carry out the works having regard to the age and condition of the property. The reason for this is that it may not be a good use of resources to adapt certain types of property or an older property.
- 11.3.2 If the property is not suitable or complex for major adaptations, it may be more appropriate for us to undertake a feasibility review. The purpose of this will be to review alternative properties, whether we can relocate, whether the tenant is willing to move and register to join NBBC homes in line with our Allocations Policy. If all alternative options have been explored, it will be referred to our Capital Projects Team to exhaust all options for major adaptations.

11.4 Refusing Works

- 11.4.1 We may refuse to carry out works under the following circumstances:
 - The adaptions are not deemed to be necessary and appropriate (see point 11.2)
 - The work is inappropriate to the type or age of the property and is therefore not reasonable or practicable.
 - The work would adversely affect communal areas.
 - The tenant has applied under Right to Buy. In this case, the tenant should apply for a Disabled Facilities Grant (DFG).
- 11.5 In these circumstances we will work with the disabled occupant to provide an alternative solution.
- 11.6 We will inform tenants about any wider implications of the works before they commence and will ask tenants to sign an agreement to this effect where they have accepted any wider implications because of the works, and that they approve the works to commence. This could include increased financial costs (such as rent, insurance, benefits, energy bills etc) for the tenant, and we will inform the tenant of these increases prior to signing the form and commencement of works. Failure to sign the agreement will lead to the application being rejected.

- 11.6.1 Where a property has a major adaptation, making the property substantially different from our other homes and suitable for occupation by disabled tenants, it will no longer qualify to be purchased under the Right to Buy under schedule 5 of the Housing Act 1985. This will apply for the current tenant and for any future tenants following the property being re-let.
- 11.6.2 The disabled occupant or their appointed representative will be notified in writing if the application is refused.
- 11.6.3 Disabled occupants or their appointed representative may request an appeal to review an adverse decision. The appeal must be made within six weeks of our decision, and we will undertake the review within 20 working days of receipt of the appeal.
- 11.6.4 If we have already made adaptations to a property, we will take these into consideration when assessing proposals for further adaptations.

11.7 Major Adaptations

- 11.7.1 For major adaptations the OT will advise the disabled occupant at the assessment stage that no recommendation can be agreed before being approved by the Housing Services Team. The OT will submit their recommendations to the Housing Services Team who will confirm this in writing to the disabled occupant receiving the works or their appointed representative.
- 11.7.2 Where appropriate, for major adaptations, other alternatives will be explored and discussed with the disabled occupant or their appointed representative including alternative housing.

12. Repair and Maintenance Costs

- 12.1 Where repair and maintenance costs are incurred for the adaptation the Council will pay these during the warranty period. Once the warranty period has expired the disabled occupant will be expected to pay for any future repairs and maintenance. At the point of installation, we will explain this to the disabled occupant or their appointed representative and confirm this in writing.
- 12.2 If the disabled occupant is unable to afford any future repair and maintenance costs. then the Council may arrange to carry out an affordability assessment. Where there is financial hardship, the Council may fund the cost of the repairs and maintenance in full. Depending on the disabled occupant's financial situation, the Council may make arrangements for the disabled occupant to pay any incurred costs back to the Council on a recharge basis which is more affordable to them.

13. Alternative Solutions

- 13.1 Where a decision is made not to authorise adaptations, the Housing Solutions Team will work with the disabled occupant or their representative to look for alternative solutions to meet their needs. These options could include rehousing or alternative adaptations. Tenants may also have the option to request permission to make alterations themselves (secure tenants only).
- 13.2 We will consider an OT recommendation for the provision of rented **straight track stair lifts** (not curved) on a temporary basis for those waiting for suitable rehousing or with a terminal condition or receiving palliative care:
 - Terminal conditions are where the individual has a progressive disease and as a consequence of that disease is expected to die within 12 months.
 - Palliative care is a holistic approach to management of pain and symptoms as well as psychological support that seeks to manage a condition where there is no expected core.
- 13.3 The provision will be for a period of up to 12 months after which time the situation will be reassessed by the recommending OT. Each case will be considered on an individual basis with supporting medical evidence. Disabled occupants or tenants who wish to install their own rental stair lifts will need to seek permission from the Council and a decision will be made on a case-by-case basis in consultation with our in-house OT service.

14. Service Standards

- 14.1 We will ensure that our contractors comply with the following:
 - Give at least seven calendar days written notice to the disabled occupant and/or their appointed representative before they commence major adaptation work in their home.
 - Protect the property and all of the disabled occupant's possessions during the installation works.
 - Ensure all services are functional at the end of each working day.
 - Ensure the installations are completed to the agreed timescales. Should unforeseen delays arise the contractor will keep the disabled occupant and/or their appointed representative informed.
 - Show the disabled occupant, their appointed representative and carers how to use and maintain any new fittings and fixtures.

15. Value for Money

- 15.1 We are committed to providing an outstanding value for money aids and adaptations service.
- 15.2 Through partnership working we will:
 - Carry out joint feasibility visits with the relevant OT where these are deemed necessary and appropriate.
 - Facilitate as necessary Panel Reviews to relevant major adaptations.
 - Provide minor adaptations to facilitate hospital and care home discharge to help alleviate 'bed blocking'.
 - Manage performance with the contractor.
 - Share good practice and look for innovative solutions.
 - Ensure, as far as practicably possible, the needs of the disabled occupant are met.

16. Recycling Adaptations

16.1 Where it is possible and practical to do so, we will reuse equipment that has become redundant in its current situation, such as stairlifts and metal ramping systems.

17. Appeals

- 17.1 Any applicant who is not satisfied with our decision not to proceed with an adaptation may appeal against that decision.
- 17.2 A Panel Review will be held where the views of the disabled occupant and/or their representative alongside the reasons for the decision not to proceed will be considered.
- 17.3 The Panel, having gathered such information they deem necessary, may decide to uphold the original decision, in which case the reasons for doing so will be provided to the disabled occupant and/or their representative in writing, or decide that the works will proceed.



Agenda item: 5

Individual Cabinet Member Decision

Report Summary Sheet

Date: 27 June 2024

Subject: Domestic Abuse Policy (for NBBC tenants & leaseholders)

Portfolio: Councillor C Watkins – Portfolio Holder for Housing

From: Nicola Botterill, Assistant Director, Social Housing & Community Safety

Summary:

Nuneaton and Bedworth Borough Council is committed to ensuring the safety of its tenants and leaseholders. The Council believes that all forms of domestic abuse are unacceptable and this Policy sets-out not only the Council's responsibilities under the Domestic Abuse Act 2021, but what further action the Council will take to support domestic abuse victims and their families in partnership with other agencies.

Recommendations:

That the Domestic Abuse Policy, attached at Appendix A to the report, be approved and implemented forthwith.

Options:

- To approve the Policy.
- To not approve the Policy.

Reasons:

Our Housing teams recognise the harm Domestic Abuse can cause within our homes and communities. Domestic Abuse is often a hidden problem, but research shows it is unfortunately and steadily on the rise. We want all our tenants and leaseholders and colleagues to be safe from the impact of Domestic Abuse, and this policy sets out our commitment to help tackle this, and how we will aim to manage and support any cases of Domestic Abuse.

Along with other organisations, Nuneaton and Bedworth plays an important role in tackling Domestic Abuse, being well placed to help and support victims and survivors, as well as working with partner agencies such as the Police, Housing Associations, and Social Services to help tackle and further prevent abuse. To do this, all colleagues need to be aware of what Domestic Abuse is, how to spot the signs of it and what to do if they have any concerns.

Consultation undertaken with Members/Officers -

Consultation has been undertaken with:

- Housing Solutions Manager.
- Landlord Services Manager.
- Assistant Director Strategic Housing
- Communities & Community Safety Manager
- Domestic Abuse Co-ordinator
- Equality & Safeguarding Officer

Subject to call-in: Yes

Ward relevance: All Wards within the Borough of Nuneaton and Bedworth.

Forward plan: No

Corporate Priorities:

Aim 1

Priority 1

Relevant statutes or policy:

Domestic Abuse	Act 2021
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Equalities Implications:

The document can be made available in other languages, large print and braille, if required.

Human resources implications:

None

Financial implications:

None

Health Inequalities Implications:

None

Section 17 Crime & Disorder Implications:

None

Risk management implications:

None

Environmental implications:

None

Legal implications:

None

Contact details:

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NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Individual Cabinet Member Decision (Councillor C Watkins)	
From:	Nicola Botterill – Assistant Director, Social Housing & Community Safety	
Date:	27 June 2024	
Subject:	Domestic Abuse Policy (for tenants & leaseholders of NBBC)	
Portfolio:	Housing & Communities (Councillor C Watkins)	
Building a Better Borough Aim: 1		

Building a Better Borough Priority: 1

1 <u>Purpose of Report</u>

- 1.1 The purpose of this report is to seek approval to adopt a new Domestic Abuse Policy for tenants and leaseholders of Nuneaton and Bedworth Borough Council.
- 2 <u>Recommendation</u>
- 2.1 It is recommended that the new Domestic Abuse Policy attached at Appendix A to the report, be approved and implemented with effect forthwith.

3 Background

- 3.1 Nuneaton and Bedworth Borough Council is committed to ensuring the safety of its tenants and leaseholders. The Council believes that all forms of domestic abuse are unacceptable and this Policy sets-out not only the Council's responsibilities under the Domestic Abuse Act 2021, but what further action the Council will take to support domestic abuse victims and their families in partnership with other agencies.
- 3.2 The Council recognises the harm Domestic Abuse can cause within our homes and communities. Domestic Abuse is often a hidden problem, but research shows it is unfortunately and steadily on the rise. We want all our tenants and leaseholders and colleagues to be safe from the impact of Domestic Abuse, and this policy sets out our commitment to help tackle this, and how we will aim to manage and support any cases of Domestic Abuse.
- 3.3 The Council is committed to working towards preventing and tackling Domestic Abuse to ensure that everybody can live free from fear, intimidation and violence based on the following principles:
 - Those experiencing domestic abuse should never be made to feel responsible for the abuse
 - Those experiencing domestic abuse should not be required to take any action they reasonably feel will place them in greater danger
 - Those experiencing domestic abuse are best able to assess the danger they are in. The individual's perception of the situation will be of paramount importance.
- 3.4 The Council will ensure that staff within the Housing & Community Safety directorate are trained on how to spot the signs of Domestic Abuse and will ensure that they are aware of what support is available to tenants and leaseholders.

4 <u>Consultation</u>

4.1 Lead Officers have been consulted on the new policy and their comments have been fully considered including the Equalities & Safeguarding Officer.

Nicola Botterill Assistant Director – Social Housing & Community Safety



Domestic Abuse Policy for Tenants & Leaseholders

Issued by Housing & Community Safety

June 2024

Domestic Abuse Policy Quality Record

Revision	Date	Description	Stage	Agreed
Draft	11.6.24	1 st revision	Draft	
Draft		Single Member Decision		
Draft		EqIA	Draft	

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1. Introduction

1.1 Nuneaton and Bedworth Borough Council is committed to ensuring the safety of its tenants and leaseholders. The Council believes that all forms of domestic abuse are unacceptable and this Policy sets-out not only the Council's responsibilities under the Domestic Abuse Act 2021, but what further action the Council will take to support domestic abuse victims and their families in partnership with other agencies.

2. Scope of the policy

- 2.1 We recognise the harm Domestic Abuse can cause within our homes and communities. Domestic Abuse is often a hidden problem, but research shows it is unfortunately and steadily on the rise. We want all our tenants and leaseholders and colleagues to be safe from the impact of Domestic Abuse, and this policy sets out our commitment to help tackle this, and how we will aim to manage and support any cases of Domestic Abuse.
- 2.2 Along with other organisations, Nuneaton and Bedworth plays an important role in tackling Domestic Abuse, being well placed to help and support victims and survivors, as well as working with partner agencies such as the Police, Housing Associations, and Social Services to help tackle and further prevent abuse. To do this, all colleagues need to be aware of what Domestic Abuse is, how to spot the signs of it and what to do if they have any concerns.

3. Definition of Domestic Abuse

- 3.1 We recognise the cross-Government definition of Domestic Abuse as: "Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:
 - psychological/mental
 - physical
 - sexual
 - financial
 - emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim."

We recognise that this could cover issues such as FGM (Female Genital Mutilation), forced marriage, or 'Honour-based' violence.

3.2 Further to this there is a statutory definition of Domestic Abuse: "Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if—(a) A and B are each aged 16 or over and are personally connected to each other, and (b) the behaviour is abusive." –continuing on to say "Behaviour is "abusive" if it consists of

any of the following—(a) physical or sexual abuse; (b) violent or threatening behaviour; (c) controlling or coercive behaviour; (d) economic abuse (see subsection (4)); (e) psychological, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct."

- 3.3 Nuneaton and Bedworth has signed up to the Chartered Institute of Housing "Make a Stand pledge", which outlines our commitments around Domestic Abuse. For more information see here: https://www.cih.org/media/ob5oirgo/make-a-stand-the-pledge-document.pdf . If a colleague becomes aware of Domestic Abuse, they will always take the views and wishes of the tenant or leaseholder experiencing abuse into account, as well as manage their responsibilities around safeguarding.
- 3.4 This policy is applicable to all Nuneaton and Bedworth tenants and leaseholders and household members.
- 3.5 This policy aims to ensure that tenants and leaseholders and leaseholders who report they are experiencing Domestic Abuse are taken seriously and managed sensitively in accordance with their needs. It aims to ensure all colleagues act in a non-judgemental and sympathetic manner which reflects the tenants' best interests and wishes.
- 3.6 We will give tenants and leaseholders experiencing Domestic Abuse access to accurate and appropriate advice about their housing options and signposting around their legal rights and responsibilities.

4. Nuneaton and Bedworth's context

- 4.1 Nuneaton and Bedworth Borough Council consistently have the highest district Domestic Abuse volumes in Warwickshire. There has continued to be a steady increase in reported domestic abuse incidents over the last ten years. This is the case nationally. This is in part felt to be due to increase confidence in victims to report concerns, but ultimately is reflective of the high prevalence of these issues.
- 4.2 Annually within Nuneaton and Bedworth, the local domestic abuse picture is captured within the Community Safety Strategic Assessment.
- 4.3 There is strong partnership infrastructure for Warwickshire to address various DA strands, as a local authority we work to ensure representation at all strategic and operational meetings. See table below:



VAWG Governance Structure 2023/24

- 4.4 Warwickshire County Council and Warwickshire Office of the Police and Crime Commissioner commissions a range of support services that we support to promote at a local level to ensure maximum impact.
- 4.5 The Violence Against Women Girls (VAWG) Board provides strategic oversight in relation to performance and any emerging issues arising from operational groups on a quarterly basis.
- 4.6 At a district level we work commissioned providers directly to ensure that services are delivered and promoted by building strong links with community and voluntary organisations via established networks.

5. Policy statement

- 5.1 We will ensure tenants and leaseholders can report Domestic Abuse to us through a variety of methods, including face to face, telephone, through our website or via email. We will respond to reports within 24 hours. If someone feels there is an imminent danger, they should always contact the police.
- 5.2 We commit to acting on all reports of Domestic Abuse that we receive and will work closely with the resident/s affected in decision making. We will also respond to reports from colleagues, contractors, external agencies, or other individuals, but we are mindful of an individuals consent to share information and will use information we receive sensitively.
- 5.3 While we recognise women and the LGBTQ+ community are disproportionately affected by Domestic Abuse; we will support those individuals experiencing Domestic Abuse irrespective of age, gender, sexuality, disability, race or ethnicity, sex, religion, social background or any other protected characteristics identified in the Equality Act 2010.
- 5.4 We are committed to working towards preventing and tackling Domestic Abuse to ensure that everybody can live free from fear, intimidation and violence based on the following principles:

- Those experiencing domestic abuse should never be made to feel responsible for the abuse
- Those experiencing domestic abuse should not be required to take any action they reasonably feel will place them in greater danger
- Those experiencing domestic abuse are best able to assess the danger they are in. The individual's perception of the situation will be of paramount importance.
- 5.5 We realise it is often extremely difficult for the individual to come forward for help and it may take several attempts for them to leave an abusive situation. We accept an individual may choose to return to a potentially abusive situation, but this will not affect the way in which their case is dealt with or the support provided if they subsequently return for help.
- 5.6 We will ensure specialist training is given to colleagues.
- 5.7 We will engage with the MARAC (Multi-Agency Risk Assessment Conference) process and other specialist agencies; and recognise partnership working is instrumental towards achieving a resolution. We will share information between agencies as required, whilst ensuring all data protection protocols are maintained.
- 5.8 We will use professional tools (such as the <u>DASH Risk Checklist</u>) to plan actions and support victims if this has not been completed by other agencies.
- 5.9 We recognise English may not be the first language for some vulnerable tenants and leaseholders and commit to using translation services where required whenever possible.
- 5.10 We will offer to meet victims in an agreed safe location, via their preferred method of communication, and will give opportunity to choose a colleague of a specific gender where possible.
- 5.11 We will aim to work across departments and partner agencies to resolve any issues with joint tenancies and helping a victim to be adequately housed.
- 5.12 Where emergency accommodation is required for safety reasons, we will arrange this with our partner agencies to ensure the most suitable temporary accommodation is identified.
- 5.13 We will aim to ensure sensitivity around lettings when Domestic Abuse is disclosed.
- 5.14 We will assist to provide increased security measures within/around the home where required, for example additional door locks for sole tenants. This may involve working in conjunction with partner agencies.
- 5.15 We will aim to agree and review an action plan with the individual that considers any vulnerable members of the household.
- 5.16 We will look to take firm action against the perpetrator where appropriate. This could also include supporting the perpetrator through partner agencies and/or intervention programmes to try and prevent recurrence of abuse.
- 5.17 We will support and empower individuals to report events to the police.
- 5.18 We recognise that cases of Domestic Abuse can be very sensitive and managing them must be done with care. Colleagues will ensure they only involve other

agencies and share information with the individual/s concerned when required, except for:

- Raising safeguarding concerns about adults with care and support needs or child protection concerns
- Where we are required by law, for example, if being questioned by Police as part of a criminal investigation
- 5.19 We will ensure information is recorded confidentially, and not disclosed to any other household members without explicit consent. We will lock our cases when required to avoid unwanted individuals, such as abusive partners or ex-household members, accessing sensitive data.
- 5.20 We will meet our statutory and safeguarding requirements in line with our existing policies and procedures where there are safeguarding concerns about a vulnerable customer. In all cases of Domestic Abuse, colleagues should refer to the Safeguarding Policy. Any children witnessing Domestic Abuse would be considered a type of child abuse and safeguarding procedures should be followed. This also applies for any elderly household members, for example where financial abuse is occurring.
- 5.21 If any resident is unhappy about anything related to the policy, or how they have been treated in accordance with the policy, they may complain in line with our Complaints Policy.

6. Legal Duties

6.1 We will meet the requirements of the Domestic Abuse Act 2021. The Domestic Abuse Act 2021 became law on 30th April 2021. It includes:

• A revised legal definition of domestic abuse which recognises children as victims in their own right (as discussed in section 3).

• Legal duty on Councils to fund support for survivors in safe accommodation • New protections in the family and civil courts for survivors

• A guarantee that all survivors will be in priority need for housing and will keep a secure tenancy in social housing.

- 6.2 The Care Act 2014 stipulates how local authorities and other parts of the system such as relevant partners should protect adults at risk of abuse or neglect. This includes those experiencing or having experienced domestic abuse.
- 6.3 The Children Act 1989 states that the child's welfare is paramount and that every child has a right to protection from abuse, neglect and exploitation.
- 6.4 The Crime and Disorder Act 1998 Section 17 places a duty upon the Council to consider the impact of its functions and decision in crime and disorder within their local area; and to fully cooperate within the local Community Safety Partnership (NABSCOP).

7. Monitoring and review

7.1 We will monitor cases and performance on an ongoing basis, including the number of domestic abuse cases received and the number of cases no longer requiring intervention (closed).

- 7.2 We will ensure effective implementation of this policy by publishing on our website and on our intranet. We will ensure overview sessions are held for teams that will be responsible for implementing the policy and make these sessions available for any new colleagues or refreshers.
- 7.3 We will monitor attendance of these sessions, and colleagues who have confirmed having read the document.
- 7.4 The effectiveness of this policy will be continuously monitored, and the embedding of the policy scrutinised after 12 months.
- 7.5 This policy will be reviewed every 3 years unless business need, regulation or legislation prompts an early review.

8. Responding to Domestic Abuse

- 8.1 Support for victims and survivors of Domestic Abuse can be found at:
 - SafeLives: <u>www.safelives.org.uk</u>
 - National Domestic Violence Helpline: <u>www.nationaldahelpline.org.uk</u>
 - The Domestic Abuse Housing Alliance: www.dahalliance.org.uk
 - Victim Support: <u>www.victimsupport.org.uk</u> support for children not adults
 - Women's Aid: <u>www.womensaid.org.uk</u>
 - National Stalking Advocacy Service: <u>www.paladinservice.co.uk</u>
 - Surviving Economic Abuse: <u>www.survivingeconomicabuse.org</u>
 - Refuge: <u>www.refuge.org.uk</u>
 - LGBTQ+ victims: www.galop.org.uk
 - 'Honour' based abuse Victims: <u>www.karmanirvana.org.uk</u>
 - BME victims: <u>www.southallblacksisters.org.uk</u>
 - LD/Autistic Victims: <u>www.respond.org.uk</u>
 - Male Victims: <u>www.mensadviceline.org.uk</u>
 - For children: www.childline.org.uk
 - For perpetrators: <u>www.respectphoneline.org.uk</u>
- 8.2 The Nuneaton and Bedworth Housing teams will be the main contact point for all victims and survivors of domestic abuse seeking support from the Council, along with staff, Members, volunteers and contracted services for advice on domestic abuse cases. They can be contacted on:
 - Email: asb.team@nuneatonandbedworth.gov.uk
 - Phone: 024 7637 6376

The team will be able to offer support, safety planning and onward referrals to other agencies for dedicated support.

8.3 For any concerns outside of office hours, where there is an immediate concern for safety, support can be sought from Warwickshire Police on 999 or 101 or the Council's emergency out of hours staff will be able to assist by calling 024 7638 2153.

9. Local Support Services

- Refuge <u>Warwickshire Domestic Violence Service</u> is a countywide service that offers help and support to women, men and children experiencing domestic violence in Warwickshire. If you live in Warwickshire you can call <u>0800 408 1552</u> to speak to a support worker. If you are not able to call, please email DVSW@refuge.org.uk. Always call 999 in an emergency.
- Equation in partnership with Refuge Warwickshire, deliver a <u>domestic abuse</u> service for men living in Warwickshire.
- **Community Safety** the <u>Police and Crime Partnership</u> is a collection of community safety agencies working with Warwickshire County Council to achieve a safer and more secure Warwickshire. Tackling domestic violence and abuse is a priority for the police and partner agencies and this partnership helps to ensure that the right services are in place to help victims and their families.
- LGBTQ+ National Lesbian, Gay, Bisexual and Trans Domestic Violence helpline run by <u>Galop</u>, provides support to LGBT people suffering domestic abuse. Phone: <u>0800 999 5428</u>.

Rape and Sexual Abuse

- **RoSA** <u>RoSA</u> is an independent charity working throughout Warwickshire, offering free confidential support for anyone who has experienced rape, sexual abuse, or sexual violence. Phone: <u>01788 551151</u>.
- Safeline <u>Safeline</u> is a specialist charity providing a range of services across Warwickshire to support all survivors of rape and sexual abuse. Phone: <u>01926</u> <u>402498</u> (or text 07860 027573).
- The Blue Sky Centre (Sexual Assault Referral Centre) <u>The Blue Sky Centre</u> is a SARC where any victim of rape or sexual assault will receive medical care, police intervention (if they wish to report the crime), and various other support services. Phone: 01926 507805.
- **Child Exploitation** Children and young people have a right to be safe and should be protected from all forms of abuse. It's everyone's responsibility to spot the signs of child exploitation and protect children and young people in Warwickshire. Visit the <u>Something's Not Right</u> website for information and details of support available.
- **Rugby Families First** Rugby Families First is a safe and confidential service who provide support to families who have experienced or are experiencing domestic violence, a family member in or due out of prison, problems with neighbours, friends or other family members and concerns around family breakdown.
- Domestic Abuse Counselling Service (DACS) The <u>Domestic Abuse Counselling</u> <u>Service (DACS)</u> offers counselling to both female and male victims of abuse in Nuneaton, North Warwickshire and Stratford upon Avon. They offer a perpetrators programme in Nuneaton.
- Family Intervention Counselling Service The Family Intervention Counselling Service run a number of courses for perpetrators of domestic violence, their partners and children in South Warwickshire.
- **Cohort 4** <u>Cohort 4</u> is a peer support organisation for women based in North Warwickshire. It is a non-profit social enterprise made up of women who all have experience of abuse, criminal justice and mental health issues. Women decide what they need and when they need it, to enhance and reinforce their confidence and well

being in the community of North Warwickshire, which covers Tamworth, Atherstone, North Warwickshire villages, Nuneaton and Bedworth.

10. Tailored Response

10.1 Nuneaton and Bedworth Borough Council recognises that not all victims/survivors of domestic abuse can access services in the same manner; or at the same point of their journey. Each response given to an identified or potential victim will be tailored to their needs and wishes. This will also include for those with protected characteristics.

11. Roles and Responsibilities

- 11.1 **All Staff**: are responsible for ensuring that that they are aware of how to identify a victim of domestic abuse and how to direct them for support.
- 11.2 **Assistant Directors**: are responsible for ensuring that this Policy and related procedures are implemented, monitored and regularly reviewed.
- 11.3 **The Landlord Services Manager**: will be responsible for ensuring that this policy and associated procedures are implemented. This role will also be the main link for all partnership related activity.
- 11.4 **All Service Managers**: All service managers (and contract managers responsible for contracted services) must ensure that they are their staff have received the appropriate training and are confident to identify victims of domestic abuse and signpost accordingly.
- 11.5 **Team Leaders within the Housing & Community Safety Directorate**: will be responsible for implementing this policy and associated procedures on a day-to-day basis. They will be the main point of contact for all other staff/Members that have identified a victim of domestic abuse and will ensure that an appropriate response is in place.

12. Related Policies and Procedures

This policy will sit alongside existing Nuneaton and Bedworth Policies and documents including:

- o ASB Policy and Procedure
- o Tenancy Agreement
- o Safeguarding Policy and Procedure
- Allocations Policy
- o Decant Policy
- Management Move Procedure
- o Equality, Diversity & Inclusion Policy/Strategy
- o Vulnerable Person's Policy