

**Inclusion
London**

**Inclusion London
Briefing for DDPPOs on:
Home Adaptations and
Reasonable Adjustments**

September 2023

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Introduction

As Deaf and Disabled tenants, we often face accessibility barriers in our homes that prevent us from living independently. These barriers might be physical such as stairs for someone with a mobility impairment or a doorbell for a Deaf person. They can also non-physical such as communication barriers with landlords.

The purpose of home adaptations is to change a home to remove these barriers and promote equality for Deaf and Disabled people. This can be done by asking for a reasonable adjustment to the home. Reasonable adjustments also might mean asking the landlord to change the way they do things to make them more accessible. For example, not forcing tenants to come to morning appointments if their impairment prevents them from doing so.

This briefing will provide Deaf and Disabled People's Organisations (DDPO's) with an understanding of what reasonable adjustments are, what Disabled tenant's rights are when it comes adaptations in their home and some of the issues that Disabled tenants face when asking for reasonable adaptations.

This will be outlined by explaining:

- The Equality Act 2010 and how it is relevant to reasonable adjustments for Deaf and Disabled people
- What reasonable adjustments are
- How to apply for a Disabled Facilities Grant (DFG)
- What the issues around DFGs are

The Equality Act 2010

Landlords have a legal duty to make reasonable adjustments for Disabled tenants. This legal duty is because of the Equality Act 2010. ¹

What is the Equality Act 2010?

The Equality Act 2010 makes discrimination against Disabled people unlawful.

There are two main parts of the Equality Act that are important in housing:

1. Public Sector Equality Duty:

- Applies to public organisations such as local councils, the NHS and government ministers, as well as organisations carrying out public functions such as charities.
- This means that when an organisation is making decisions, they must aim to treat everyone equally.
 - This applies to certain ‘protected characteristics’ such as Disability, Gender Reassignment, Age, Race, Sexual Orientation, Religion, etc.
- They must think about unfair inequalities that exist for Disabled people and try to reduce them when creating their policies, services and actions.
- Example: providing support services for Disabled people to fill out forms as part of applying for a council house.

2. Reasonable Adjustments:

- Applies to **the ‘controller’** of a property:
 - The ‘controller’ means the person who manages the property (a property management company or estate agent) or rents out the property (landlord).
 - This includes private landlords, local authorities and housing associations.
- The landlord or person managing a property should make changes or adaptations to make sure that Disabled people are not at a disadvantage compared to non-disabled people.

There is more detailed information on reasonable adjustments on the next page.

¹ Legislation.gov.uk. (2010) Equality Act 2010. Available at: [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/154) Accessed on 10.05.23

What are reasonable adjustments?

What are reasonable adjustments?

Reasonable adjustments in housing means changing something in a home which will make it easier for a Deaf or Disabled person to live there. Examples of reasonable adjustments include:

- Adding handrails to a bathroom to support someone with a mobility impairment.
- Adding a flashing doorbell for a Deaf resident.
- Providing documents in Easy Read for people that need them.

Applying for a reasonable adjustment

Who can apply for reasonable adjustments:

- People who are considered Disabled under the Equality Act. There is more guidance on this here: [Definition of disability under the Equality Act 2010 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- Tenants/ sub-tenants, leaseholders or part of a commonhold can apply to their 'controller' – landlord, estate agent, property management company or commonhold association for reasonable adjustments.

What is considered reasonable?

What is considered reasonable is not defined and depends on a few things, such as:

- How long the Disabled resident is likely to be in the home.
- How much the adaptation will cost.²
- How difficult it will be for the landlord to make the adjustment.³
- If the adjustment will prevent the disadvantage the Disabled person is facing in their home.

² Inclusion London. (N.a). Access to housing: Private tenants. Available at: [Access to housing: Private tenants - Disability Justice](#) Accessed on 11.05.23

³ Citizens Advice. (2019) Asking for adjustments to help with your disability. Available at: [Asking for adjustments to help with your disability - Citizens Advice](#) Accessed on 11.05.23

What types of reasonable adjustments ‘controllers’ should make

If a Disabled person is significantly disadvantaged compared to a non-disabled person because of the below, they can ask for a reasonable adjustment:

- If a ‘controller’ has a **way of doing things** (such as a policy or procedure) that puts a Disabled resident at a big disadvantage compared to non-disabled people. The landlord should do what it can to remove this disadvantage.
 - Example: Someone who experiences mental distress might request that their landlord gives them extra notice if they need to visit the home.
- If **not having extra equipment** (also known as auxiliary aids) would put a Disabled resident at a big disadvantage compared to non-disabled people. The ‘controller’ should do what it can to remove this disadvantage.
 - Example: Someone with an impairment that impacts their ability to turn a tap might request a lever tap.

What a ‘controller’ does not have to do

- The ‘controller’ does not have to do something that would involve removing or altering a physical feature.
 - This means they do not have to make structural changes such as widening doorways, removing walls, etc.⁴
 - However, minor adaptations such as installing or removing a piece of furniture, installing a doorbell that will alert a deaf person or replacing door handles are not physical adaptations, they are auxiliary aids.⁵

[If the Disabled resident does want to make physical adaptations to their home, they can apply for help from their local council through a Disabled Facilities Grant \(DFG\).](#)

⁴ Legislation.gov.uk. (2010) Equality Act 2010. Available at: [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/15/section/18) Accessed on 10.05.23

⁵ Citizens Advice. (2019) Asking for adjustments to help with your disability. Available at: [Asking for adjustments to help with your disability - Citizens Advice](https://www.citizensadvice.org.uk/disability/asking-for-adjustments-to-help-with-your-disability/) Accessed on 11.05.23

Requesting a reasonable adjustment

If the Disabled resident considers the adjustment request to be reasonable and does not require altering or removing a physical feature, they must request it from their landlord. Once the request is made, the landlord has a duty to make the reasonable adjustment.⁶

How the Disabled occupier should make the request depends on the type of relationship they have with the 'controller' of the property. However, sending a letter is a good idea in the following circumstances:

- They have already spoken to the landlord, and they have not made the reasonable adjustment yet.
- They need the adjustment to be made very soon.
- They are asking a large organisation such as a housing association or council who have a lot of properties.

What to include in the letter:

- The details of their impairment and how it affects them.
- Why they need the reasonable adjustment i.e., what puts them at a significant disadvantage compared to a non-disabled person and why.
- A mention of the 'controller's' duty to make reasonable adjustments from the [Equality Act 2010](#).
 - Mention whether they are asking for a change in their 'controller's' [way of doing things or an auxiliary aid](#).
- Explain what type of reasonable adjustment they exactly need and how it would help.

[Mind have a template letter which Disabled residents can use when asking for reasonable adjustments.](#)

⁶Citizens Advice. (2019) Asking for adjustments to help with your disability. Available at: [Asking for adjustments to help with your disability - Citizens Advice](#) Accessed on 11.05.23

What to do if a ‘controller’ won’t make a reasonable adjustment

If a ‘controller’ either does not reply to a Disabled occupier asking for a reasonable adjustment, the occupier can choose from a few ways to take action:

Complain to the landlord:

For council and social housing tenants, it is possible to complain to their landlord about the failure to make reasonable adjustments.

1. Ask the landlord for their complaint’s procedure, this will usually have 2 or 3 stages.
2. If, after going through the whole complaint’s procedure, the tenant is not happy with their landlord’s response – they can contact The Housing Ombudsman:
 - The Housing Ombudsman is a free and independent organisation which helps resolve disagreements between social landlords and tenants.
 - How the process works:
 - Social housing tenants can contact the Housing Ombudsman to let them know about their complaint.
 - The ombudsman will appoint a case manager to undertake the initial review of the tenant’s case and then will contact them about next steps.
 - The ombudsman has the power to:
 - Order the landlord to make a formal apology.
 - Order the landlord to pay compensation.
 - Recommend that the social landlord gives their staff better training or improves the record keeping.⁷

⁷ Gov.uk. (2022). Regulator of Social Housing, and Housing Ombudsman Service: factsheet. Retrieved from: [Regulator of Social Housing, and Housing Ombudsman Service: factsheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/103442/regulator-of-social-housing-and-housing-ombudsman-service-factsheet.pdf). Accessed 16/03/23

Take legal action:

If a landlord, property manager or controller refuses to make a reasonable adjustment that puts a Disabled occupier at a significant disadvantage to a non-disabled person, they are breaching section 21 of the Equality Act.⁸

It is therefore possible for the Disabled occupier to take legal action for discrimination at the county court.

- This must be done six months minus one day from the day the landlord refused to make the reasonable adjustment.
- If the Disabled occupant does not know if the landlord has made their decision, it is safer to calculate 6 months minus one day from when the request was made.

It is a good idea to seek legal advice before making a discrimination claim.

Retaliatory eviction for private tenants:

Sometimes, landlords may seek to remove a tenant after they asked for a reasonable adjustment.

It is also possible to use the law to fight this eviction. The Equality Act protects tenants from being evicted because they asked for adjustments – this is known as ‘victimisation’.

[The Citizens Advice website on what tenants can do if landlords try to evict them for this reason \(found here\).](#)

⁸ Legislation.gov.uk. (2010) Equality Act 2010. Available at: [Equality Act 2010 \(legislation.gov.uk\)](#) Accessed on 10.05.23

Disabled Facilities Grants

What are Disabled Facilities Grants?

Disabled Facilities Grants (DFG) are grants given by local councils for Disabled people to make adaptations in their home so they can move around and do things more easily.

Who can apply for a grant?

- Disabled individuals living in England, Wales or Northern Ireland.
- Owner occupiers, private tenants, council tenants or housing association tenants.
- If the applicant is a tenant they can apply themselves or the landlord can apply.

In England the grant amount is up to £30,000.

What can Disabled Tenants apply for?

- To facilitate access by the Disabled occupant to and from the home.
- To make the premises safe for the Disabled occupant and others living with them.
- To facilitate access by the Disabled occupant to the main family room or to a bedroom or to provide such a room.
- To facilitate the Disabled occupant's access to and the use of a lavatory, a room with a bath or shower or wash-hand basin or to provide those facilities.
- To facilitate the preparation and cooking of food by the Disabled occupant
- To improve or install a heating system to meet the needs of the Disabled occupant.
- To facilitate the use by the Disabled occupant of power, light or heat by altering the position of the controls.
- To facilitate access and movement of the Disabled person around the home to enable him or her to care for another person who normally lives there and needs care.
- To facilitate or make safe access by a Disabled occupant to a garden.

DFG's were introduced by the [Housing Grants, Construction and Regeneration Act 1996](#)

How to apply for a Disabled Facilities Grant

To apply for a DFG, Disabled individuals or the person acting on their behalf must apply through their local council. The council should provide the relevant application forms.

Occupational therapist

The council should arrange for an Occupational Therapist to assess the Disabled person's access needs in the home and make recommendations of what needs to be done to the home.⁹

Means testing

If the assessment by the Occupational Therapist and all supporting evidence shows that the adaptation is necessary and appropriate for the Disabled person and reasonable and practical for the property, the DFG is mandatory.¹⁰

However, the council will do a means test first to decide how much the grant will be:

- They will look at any household income and savings over £6,000 of the Disabled occupant and their partner.
- If income and savings are above a certain amount, the grant amount will be reduced and the Disabled occupant may be required to pay for some or all of the adaptation.
- If the Disabled occupant is on means tested benefits such as Universal Credit and Jobseekers allowance, it is likely they will get the full amount they requested.¹¹
- If the Disabled occupant is under the age of 19 there is no means test.

⁹ Gov.uk. (N.a) Disabled Facilities Grants. Available on: [Disabled Facilities Grants: How to apply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/disabled-facilities-grants-how-to-apply) Accessed on 15.05.23

¹⁰ Disability Rights UK. (N.a) Disabled Facilities Grants. Available on: [Disabled Facilities Grants | Disability Rights UK](https://www.disabilityrightsuk.org/disabled-facilities-grants/) Accessed on 23.05.23

¹¹ Department for Levelling Up, Housing & Communities & Department of Health & Social Care. (2022). Disabled Facilities (DFG) delivery: Guidance for Local Authorities in England. Available on: [Disabled Facilities Grant \(DFG\) delivery: Guidance for Local Authorities in England \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/104444/disabled-facilities-grant-dfg-delivery-guidance-for-local-authorities-in-england.pdf) Accessed on 23.05.23

Decision and time limits

- Within six months of the application the council should inform the applicant whether the application has been approved or denied.¹²
- If the application is approved:
 - The decision letter must include what works are improved, the amount of the grant and how it will be paid.
 - The grant must be paid no later than 12 months after the application.
- If the application is refused:
 - The council must give reasons for the refusal.¹³
 - Disabled occupants can appeal a decision if they are not happy with it by going through their local council's complaints procedure and following that, the Housing Ombudsman.¹⁴

¹²House of Commons Library. (2023). Disabled facilities grants (DFGs) for home adaptations. Available at: [SN03011.pdf \(parliament.uk\)](#) Accessed on 23.05.23

¹³ Inclusion London. (N.a). Access to housing: Private tenants. Available at: [Access to housing: Private tenants - Disability Justice](#) Accessed on 11.05.23

¹⁴ Inclusion. (N.a) DFG Guidance. Available at: [DFG | Disabled Facilities Grant information private OT – Inclusion.](#) Accessed 22.05.23

Common issues with Disabled Facilities Grants

Private sector tenants:

- In order to get a DFG, the Disabled Occupant must be able to prove that they will live in the property for 5 years or more.
- Most private landlords will only give tenants the right (in the form of a tenancy agreement) to live in the property for 6 or 12 months.
 - Landlords need to write a 'statement of intent' which says the tenant will live in the property for up to five years after the DFG work has been completed. This creates a barrier for many Disabled people in the PRS trying to access DFGs.¹⁵
- Therefore, whilst 18.8% of Disabled people live in the private rented sector, in 2021 only 6% of DFG's went to private renters.¹⁶

The Bureau of Investigative Journalism

The Bureau of Investigative Journalism are an independent, not for profit organisation who report on topics that 'matter to communities across the UK'.¹⁷



In 2022, they released an article titled 'Disabled People Trapped Waiting Years for Vital Home Adaptations'. This was the result of an investigation where The Bureau Local contacted every council in the UK for data on grants and waiting times. Some of their main findings included:

Waiting times:

- Whilst councils must approve and complete adaptations within 18 months, they are only required to record waiting times. This means that many applicants are left waiting for much longer.

¹⁵ NRLA. (2021). Adaptations: Good Practice Guidance. Available at: [Adaptations-good-practice-guidance.pdf](#) Accessed on 24.07.23

¹⁶ Accessible prs. (2021). Disabled Facilities Grants (DFG) in the Private Rented Sector. Available at: [Disabled Facilities Grant within the Private Rented Sector. \(accessibleprs.co.uk\)](#) Accessed on 22.05.23

¹⁷ [Bureau Local – The Bureau of Investigative Journalism \(en-GB\) \(thebureauinvestigates.com\)](#)

Occupational therapists

- Many Disabled people are left waiting a long time to see an Occupational Therapist so that they are able to apply for the grant in the first place.
 - In nine councils in England and Wales people had to wait, on average, more than a year to see an OT.
- The Bureau of Investigative Journalism found that some councils did not have Occupational Therapists with specialist knowledge about non-physical impairments such as autism.
 - This means that people with these impairments cannot be assessed and apply for a grant.

Postcode lottery

- Depending on which postcodes people live in, experiences of applying for a DFG can be significantly different.
- For example, in Sutton the application process for a DFG, on average, took 8 and a half months. In Greenwich, it took 14 and a half months.

DFG amount not enough

- The amount a Disabled occupant can apply with a DFG of £30,000 in England, £36,000 in Wales and £25,000 in Northern Ireland has not increased since 2008.
- As the costs of many things has gone up significantly since then, the grant amount does not always cover what is needed.
- The Bureau of Investigative Journalism found that nearly 80% of councils use discretionary powers to top-up the grant but in many areas, this is a loan which is difficult to afford for many Disabled people.
- As a result, some Disabled people choose to fundraise themselves to top-up the grant.

The Bureau's whole article can be found here: [Disabled Facilities Grant within the Private Rented Sector. \(accessibleprs.co.uk\)](https://accessibleprs.co.uk)

Taking action

Social Housing Action Campaign

Who are Social Housing Action Campaign (SHAC)?



[SHAC](#) is a group of people who campaign to improve the lives of those renting from Social Housing Providers. They are made up of tenants, activists and workers.¹⁸

SHAC has a Disability Visibility Group which is a subgroup that works to tackle the specific issues faced by Disabled social housing tenants. They developed the Disability Visibility Charter Scheme:

- The Disability Visibility Charter Scheme is a scheme which social landlords can sign up to show their commitment to achieving greater awareness and compliance with the disability's aspect of the Equality Act 2010.
- By signing up, the landlord commits to certain principles, practices and aims. SHAC cannot enforce the charter if a landlord signs up. However, they provide training to landlords and can remove landlords from the scheme.
- As part of the scheme, landlords sign up to various commitments which would improve reasonable adjustments for Disabled tenants:
 - Improving policies and procedures which particularly impact those who experience mental distress and neurodiverse people.
 - Give equal weight to providing reasonable adjustments for those with non-physical impairments as they do for those with physical impairments.
 - Provide information in multiple formats.
 - Consider and provide reasonable adjustments to the way they do things before Disabled tenants have to ask.¹⁹

¹⁸ Social Housing Action Campaign (2022). SHAC 2022 Annual Report. Available at: [SHAC-Annual-Report-2022.pdf \(shaction.org\)](#) Accessed: 17.04.2023

¹⁹ Social Housing Action Campaign (2021). Social Landlord Disability Charter Scheme. [shac-housing-association-disability-charter-final-24.09.21.pdf \(shaction.org\)](#) Accessed on 30.05.23

Contact your local councillor/ MP:

- Disabled residents can write, call or email their local MP or councillor and explain their situation to them.
- They may be able to contact a landlord personally or (for MP's) raise the issue in parliament if they find that a lot of people in your area have the same issue.²⁰
 - You can find who your local Councillor is here: [Find your local councillors - GOV.UK \(www.gov.uk\)](#)
 - You can find who your local MP is here: [Find your MP - MPs and Lords - UK Parliament](#)

²⁰ This is us. (2021). Contacting your local MP. Available at: [A guide to getting a repair fixed: Contacting your local MP = Unite Foundation \(thisisusatuni.org\)](#) Accessed 28.03.23