



The Scottish  
Government  
Riaghaltas na h-Alba

# Adaptations, Aids and Equipment

This Advice Note sets out the requirements to delegate housing adaptations, amongst some other housing related functions, to Integration Authorities.



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## **Adaptations, Aids and Equipment Advice Note**

### **1. Purpose**

The Housing Revenue Account (HRA) is a ring-fenced account in which Local Authorities record all income and expenditure of the authority in respect of houses, buildings and land held for the purposes of providing a council housing service. This income and expenditure includes capital funding.

This advice note sets out the requirement to delegate housing adaptations to Integration Authorities in the context of the Housing Revenue Account (HRA) and as required under the [Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#) (the Act).

This note includes background context in relation to the Act. Other sources of help and assistance with implementation have been referenced directly within this Note. This note will cover:

- Background information on the Public Bodies (Joint Working) (Scotland) Act 2014.
- Housing support services – the legal framework
- Adaptions, Aids and Equipment (Equipment and adaptations)
- What must be delegated under the Act
- The implications for housing authorities
- What this means for the Housing Revenue Account
- Adaptions working group
- Sources of further information

### **2. Background**

The Public Bodies (Joint Working) (Scotland) Act 2014 establishes the legal framework for integrating health and social care in Scotland.

The integration of health and social care services will create joined-up and seamless health and social care provision which will help support the Scottish Government's goal of delivering health and social care services that ensure people get the right care, in the right place, at the right time.

The Act requires each Health Board and Local Authority to delegate some of their statutory functions, and associated budgets, to their Integration Authority. The Integration Authority will be responsible for the planning and delivery of the related services using the entire delegated budget ("the integrated budget"); planning across the whole pathway of care to improve outcomes.

Each Health Board and Local Authority must jointly submit an Integration Scheme – the agreement that establishes local integrated arrangements – for Ministerial approval by 1 April 2015. All integrated arrangements must be in place by April 2016.

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Regulations<sup>1</sup> and Guidance<sup>2</sup> including advice notes, support the arrangements for integrating health and social care, in order to improve outcomes for patients, service users, carers and their families.

The availability of appropriate good quality housing and housing services has been identified as making an important contribution to improving health and wellbeing outcomes and to the success of integrated health and social care.

Being able to live safely and comfortably at home is important to many older and disabled people who want to live independently and stay in their own home for as long as possible.

Outcome 2 of the [National Health and Wellbeing Outcomes](#) acknowledges the important role which housing plays in people's lives:

“People, including those with disabilities, long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.”

Successful integration of health and social care services should provide for more people to be cared for and supported at home or in a homely setting. This outcome aims to ensure delivery of community based services, with a focus on prevention and anticipatory care, to mitigate against inappropriate admission to hospital or long term care settings. It recognises that independent living is key to improving health and wellbeing, and responds to Scottish Ministers' commitment to support the reshaping of services to better care for and support the increasing number of people with complex needs in Scotland. To underpin this, the range of Local Authority functions that must be delegated, includes aspects of housing support, aids and adaptations (equipment and adaptations).

### 3. Housing Support Services – The Legal Framework

The legal framework that confers “social care” functions on Local Authorities can be found across a wide range of legislation.

Housing support services have developed over a number of years as a response to a wide range of needs, with the aim of helping people to live independently in the community. There is no single legal authority for the provision of housing support services, which have also developed from a range of different funding streams related to the provision of these services.

It should be noted that previous definitions of housing support are specific to their particular legislative purpose.

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<sup>1</sup> <http://www.gov.scot/Topics/Health/Policy/Adult-Health-SocialCare-Integration/Implementation/Regulations>

<sup>2</sup> <http://www.gov.scot/Topics/Health/Policy/Adult-Health-SocialCare-Integration/Implementation/ImplementationGuidance>

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Some aspects of housing support services, which are provided to individuals as, or in conjunction with personal care or personal support services, must be included in integration arrangements (“delegated” under an integration scheme). This relates to the provision of such services as a package of care or services under, the Social Work (Scotland) Act 1968 Section 12 and the Mental Health (Care and Treatment) (Scotland) Act 2003 Section 25 to 27.

This approach aims to retain local flexibility alongside integrated care plans, by prescribing elements of housing support services provided to individuals as, or in conjunction with personal care or personal support services, provided under specified functions. See also Health and Social Care Functions – Support Note<sup>3</sup>.

The Regulations require certain “social care” functions (for example, section 12 of the Social Work (Scotland) Act 1968) to be delegated **except** in relation to housing support services. The effect of the definition of housing support services set out above is that **services involving equipment and adaptations, and housing support services provided to individuals as, or in conjunction with personal care or personal support services, will not be covered by this exception, and so must be delegated.**

[The Public Bodies \(Joint Working\) \(Prescribed Local Authority Functions etc.\) \(Scotland\) Regulations 2014<sup>4</sup>](#) (“the Regulations”), set out a specific definition for “Housing Support Service”. This definition will determine the extent to which any function under which a housing support service is provided must be included in integration arrangements. The definition is :

“Housing Support Service”

- (a) means any service which provides support, assistance, advice or counselling to a person for the purpose of enabling that person to occupy, or to continue to occupy, accommodation as their sole or main residence;
- (b) does not include any service which involve the installation or maintenance of an aid or adaptation; or any service which is provided to a person as, or in conjunction with, personal care or personal support services provided in the person’s place of residence.

This approach aims to retain local flexibility by prescribing only certain elements of housing support services for inclusion in integration.

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<sup>3</sup> <http://www.gov.scot/Topics/Health/Policy/Adult-Health-SocialCare-Integration/HSCFuncNote>

<sup>4</sup> <http://www.legislation.gov.uk/ssi/2014/345/contents/made>

### 4. Adaptations and Equipment – The Legal Framework

Functions relating to adaptations and equipment (aids) are part of a range of Local Authority functions that must be delegated to the new Integration Authorities.

A definition of an “aid or adaptation” which must be delegated has been set out in the Regulations. This is to ensure that what is considered to be an “aid or adaptation” is clearly defined, and clearly distinguished from other functions relating to housing or accommodation.

The Regulations define an aid or adaptation as:

“aid or adaptation” means any alteration or addition to the structure, access, layout or fixtures of accommodation, and any equipment or fittings installed or provided for use in accommodation, for the purpose of allowing a person to occupy, or to continue to occupy, the accommodation as their sole or main residence;”

Local Authority functions relevant to this include those contained in:

- Housing (Scotland) Act 2001 section 92, and
- Housing (Scotland) Act 2006 section 71(1) (b)

Both of these functions, as specified in the Regulations, must be included in integrated arrangements to the extent that they are exercised in relation to the provision of an “aid or adaptation” (equipment or adaptation).

The Regulations also require section 12 of the Social Work (Scotland) Act 1968 to be included in the integrated arrangements. Linked to this, sections 1 and 2(1) of the Chronically Sick and Disabled Persons Act 1970 apply (by virtue of section 29 of that Act) in all cases where a Scottish Local Authority exercises its functions under section 12 of the Social Work (Scotland) Act 1968 in relation to a chronically sick or disabled person. These sections do not operate independently from section 12.

Section 25(3) of the Public Bodies (Joint Working)(Scotland) Act 2014 provides that where a duty applies in relation to the exercise of a delegated function, that duty will apply to the Integration Authority to whom the function has been delegated. Therefore, where section 12 of the 1968 Act is delegated, including in relation to equipment and adaptations, the duties in the 1970 Act that are linked to that section will also apply to the Integration Authority, despite the fact that functions under the Chronically Sick and Disabled Persons Act 1970 are not included in the schedule to the Public Bodies (Joint Working) (Scotland) Act 2014.

### 5. Aids and Adaptations (Equipment and Adaptions) - What must be Delegated

Local Authorities and Integration Authorities, along with other relevant partners, need to consider how the delegation of functions can best be implemented for the benefit of all individuals assessed as requiring support. **Where equipment and adaptations are provided, these services, along with the resources which fund this support must be included in the integration arrangements<sup>5</sup>.** Related funding arrangements which do not arise from delegated functions will not fall within the remit of the Integration Authorities, however, with relevant partners, Integration Authorities should ensure alignment of their responsibilities as part of broader strategic planning in relation to housing.

In practical terms, this means that the following will change:

- The duty to assess for an adaption (as for equipment and other care related needs of adults) will be delegated to the Integration Authority. This is the work that in most cases is undertaken by occupational therapists in local social work departments.
- The planning for and resources to undertake adaptations (both under the scheme of assistance and the HRA) will be delegated to the Integration Authorities.
- The resource to fund these adaptations – including for Local Authority tenants - will pass to the Integration Authority. This means that Local Authorities will require to identify the relevant component of their overall budgets, as it relates to adaptations.
- Integration Authorities will also have powers and associated budgets delegated for the planning and delivery of advice and assistance to housing associations (RSLs) in relation to adaptations. Local authorities have rarely used this provision.

The duty to provide grants of 80% or 100% for those living in the private sector, who are assessed as needing adaptations, is still in place under the terms of the Housing (Scotland) Act 2006, and the associated Regulations: the duty is simply being delegated to the Integration Authority. Therefore, the planning for, and delivery along with the associated resource, will be the responsibility of the Integration Authorities, and will continue to be used in accordance with General capital Grant conditions. There is also still a duty to provide advice and assistance under the Scheme of Assistance for those ineligible for grant.

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<sup>5</sup> <http://www.gov.scot/Resource/0046/00467396.pdf>

### 6. The Implication for Housing Authorities

Integration Authorities, along with other relevant partners need to consider how planning and delivery of services relating to adaptations can best be implemented for the benefit of all individuals assessed as requiring support.

It is important to recognise that the Act and the Regulations set out where the responsibilities will in future lie for adaptations, they do not prescribe the delivery arrangements – these will be decided locally. Integration Authorities will need to ensure, that in taking a person-centred approach, as required by the Act, they plan and direct delivery of adaptations that support preventative and anticipatory care.

Over the next 6 to 9 months, Integration Authorities will be preparing their Strategic Plan (Strategic Commissioning Plan) which will determine the future arrangements for strategy, funding and delivering equipment and adaptations. Specific issues, which should form the 'agenda' for discussion with the Integration Authority, are:

- The level of resource attaching to grant funding for adaptation, across tenure, to be delegated to the Integration Authority.
- The future delivery arrangements for such adaptations – with a strong focus on service improvement, underpinned by preventative and anticipatory care approaches.
- Clarification of the respective roles in relation to the Scheme of Assistance.
- Any transition arrangements, if changes are to be made in the short term, to ensure continuity for existing grant applicants and recipients.

It will be for housing services locally to assist in shaping and influencing the arrangements for adaptations in their area, in a way that takes full consideration of the importance of adaptations (and housing more widely) helping to achieve the improvement in outcomes for individuals. Housing practitioners can do this by:

- Ensuring the Chief Housing Officer in each local authority is both aware of and engaged in current and future discussions on health and social care integration and in particular the governance and strategic planning arrangements for adaptations.
- Ensuring that there is clarity about the respective roles of the Integration Authority and the local authority, and any others such as Care and Repair, in relation to the Scheme of Assistance.
- Getting involved in discussions over establishing arrangements for Locality Planning within their area.



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- Recognising that the greatest change may in practice be with the local Care and Repair service, and producing leadership and support in the relationship with the Integration Authority.
- Note that arrangements for the funding of adaptations for the tenants of Registered Social Landlords are not included in the functions outlined above and will continue to operate as before.

### 7. What does this mean for the Housing Revenue Account (HRA)?

Annex A sets out the current arrangements for undertaking and funding housing adaptations across tenure. The HRA is only used to fund housing adaptations for council tenants. This requirement will continue under Integration. However, the Local Authority will identify and delegate the budget from the HRA to the Integration Authority equal to the amount of money required to pay for adaptations for council tenants.

The HRA ring-fence will continue and Integration and Local Authorities must ensure that HRA funds are not used for adaptations across other tenures or for different purposes. As part of the development of their strategic plans, it will be for Integration Authorities to put in place checks and safeguards to ensure that the integrity of the HRA ring-fence is protected. The requirement for Integration Authorities to prepare an annual financial statement will provide the required transparency and accountability.

### 8. Adaptations Working Group

The Adaptations Working Group (AWG) report<sup>6</sup> of 2012, and the Scottish Government's response, recognised that the current arrangements for adaptations are in need of substantial change and improvement. The AWG recommended the development of a tenure neutral approach, which places improved outcomes for the individual at the centre. Specifically the report noted that:

“Leadership [from the local housing authority] would involve working with the new health and social care partnerships to:

- Develop a strategy which is “tenure neutral”, with clear outcomes and priorities for housing adaptations, and which complements and supports wider housing, health and social care strategies. This should be incorporated into the Local Housing Strategy, the Joint Commissioning Strategy and the Housing Contribution Statement.”

This approach was welcomed by Scottish Government and 5 Adapting for Change demonstration sites (Fife, Lochaber, Falkirk, Borders and Aberdeen) are now in place to develop and test key aspects of the approach recommended by the working group. The test sites will be evaluated and the evidence used initially to inform consultation with stakeholders and thereafter to shape new guidance.

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<sup>6</sup> <http://www.gov.scot/Topics/Built-Environment/Housing/access/ROOPH/ADWG/finalreport>

### 9. Further Information and Assistance

A range of Guidance has been produced in order to help facilitate the integration of health and social care. The full range can be accessed [here](#); two key pieces of relevant Guidance are [Financial Assurance](#) and the [Strategic commissioning plans](#).

Guidance and good practice guides specifically on the provision of equipment and adaptations have also been developed by the Scottish Government. These include:

- [Guidance on the Provision of Equipment and Adaptations](#)
- [Good Practice Guide and Self Evaluation Tool for the Provision of Community Equipment](#).
- [Good Practice Guide and Self Evaluation for the Provision of Major Adaptations](#).
- [Guidance and Good Practice Guide for the Provision of Children's Equipment](#)
- [Protocol for the Provision of Equipment to Care Homes](#)

## Legislation Relating to Adaptations Affected by Integration

Legislation	Applies to	What it does
Social Work (Scotland) Act 1968, section 12	All tenures	Puts general duties on local authorities to assess and meet eligible needs for adaptations. No distinction is made between equipment and adaptations in this legislation.
Housing Scotland Act 2001, section 92 <i>In so far as it relates to an aid or adaptation</i>	All tenures	This allows a local authority to provide assistance to a housing association (RSL) or to any other person concerned with providing adaptations. That assistance can take the form of grants, indemnities, guarantees, providing advice, training, information and commissioning research.
Housing (Scotland) Act 2006 section 71(1)(b) <i>In so far as it relates to an aid or adaptation</i>	Private sector (Home owners and tenants)	Sets the scope and levels of mandatory grant for adaptations for people in the private sector, and puts a duty on local authorities to provide assistance, through the Scheme of Assistance, where adaptations are not covered by grant.

## Current Arrangements for Undertaking and Funding Housing Adaptations

	Private sector housing		Social Rented Tenants	
	Owner occupier	Private rented sector tenant	Local Authority tenant	Housing Association Tenants
<b>Funding source</b>	Local Authority private sector grant funding		Housing Revenue Account	Housing Association adaptations funding (Scottish Government or Local Authority in Glasgow & Edinburgh), Housing Association maintenance budgets
<b>Level of funding</b>	80 or 100%	80 or 100%	100%	Up to 100%
<b>Access to funding</b>	Local Authority private sector teams, <i>or</i> grants officers		Local Authority housing service	Housing Association
<b>Management of process</b>	Local Authority private sector teams/grants officers <i>or</i> Care and Repair <i>or</i> individual owner or tenant		Local Authority housing or property service	Housing Association



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