

Criteria and Procedure for Rehousing on Health and Medical Grounds

This guidance is aimed at people wishing to apply for Health and Medical Rehousing (HMR) and will act as a reference guide for our employees.

A person can apply for a priority move on medical grounds by applying for HMR. Applicants must have a physical disability as defined in the Equality Act 2010 or a long term medical condition that prevents them from accessing essential facilities within their home. This includes anyone who experiences excessive pain, substantial discomfort or difficulty in performing day to day tasks and it can be proved that a move to a different property type will significantly relieve these difficulties.

To qualify, people currently living in our properties must be either:

- permanent tenants; or
- identified as a permanent member of the household; and
- have resided in the current property for longer than six months.

1. The Criteria for Assessment for HMR

- 1.1 The definition of disability as outlined in the Equality Act 2010 is used to determine the HMR criteria for assessment and will be updated on a regular basis in accordance with changes in legislation.

The Equality Act 2010 defines disability as physical (including sensory) or mental impairment which has had a 'substantial' or 'long term' adverse effect upon a person's ability to perform normal day to day activities, examples may include:

- difficulty getting in and out of their home;
- difficulty going up and down stairs;
- difficulty reaching the toilet;
- difficulty maintaining personal hygiene; and
- problems with lighting or heating which affect their health.

- 1.2 We will consider people for HMR priority if their physical disability or illness has a significant and substantial effect on their functional ability and falls into at least one of the following categories:

- has affected their ability to perform normal day to day activities for the last 12 months;
- is likely to have an effect for at least 12 months; and
- is likely to have an effect for the rest of the person's life.

Where a person has fluctuating and progressive conditions we will refer to the Equality Act 2010 for further guidance.

Our Occupational Therapist (OT) will provide advice and guidance on medical conditions.

1.3 We do not assess people applying for HMR on the grounds of mental health. If an application is received from a person applying for priority due to mental health the person will be redirected to Wakefield Council's Vulnerable Adults Service who will assess all applicants against their criteria.

1.4 Wakefield Council will assess applicants in the following circumstances:

- any person applying for HMR who is in hospital and unable to return home;
- any person in residential rehabilitation or residential care;
- any person with an assessed complex disability that requires specialist accommodation; such as disabled dwelling or purpose built accommodation;
- children under the age of 18;
- children and adults assessed as having a moderate to severe learning disability; and
- any person applying on the grounds of mental health.

2. Meeting the HMR Criteria for Assessment

2.1 There is an expectation that anyone applying for HMR will have explored all equipment and adaptation options prior to applying.

2.2 It is the applicant's responsibility to provide evidence if requested as to why their current property is no longer suitable and what steps they have taken to address the difficulties they are experiencing. This may reduce any delays in processing the application.

2.3 If the applicant is currently in private rented accommodation, it is their responsibility to provide any requested written evidence stating that their landlord is unwilling to install adaptations to that property.

2.4 If a person wishes to apply for HMR they can contact the Adaptations and Wellbeing Team by phone or by visiting one of our service access points (SAP). A member of the team will contact the applicant to establish whether they potentially meet the criteria for HMR assessment. If so, a HMR application form (HM1) will be sent with a pre-paid envelope. All sections of the HM1 form will need to be fully completed and any supporting information can be included. Forms which are not fully completed or are not signed will be returned.

2.5 Once the application has been received by the Adaptations and Wellbeing team, the application will be screened by an OT to establish if they meet the HMR criteria for assessment. Any applicant who does not meet the criteria for assessment at this stage will be sent a letter informing them of this decision with reasons, within seven days from receiving the application.

- 2.6 If the applicant disagrees with this decision they have the right to appeal within 28 days from date of decision. Appeals can be made by phone, in writing or by email by the applicant, or someone elected on their behalf. They must state why they are unhappy with the decision and if there is any new evidence they feel that the panel should consider. A letter from a GP, consultant or other relevant source may be included if appropriate.
- 2.7 Appeals will be reviewed by a senior OT or Adaptations and Wellbeing Team Manager and the applicant will be informed of the outcome in writing within 28 days from receiving the appeal. If the applicant is deemed as still not meeting criteria for HMR assessment, the applicant can reapply for HMR from six months after the final decision date. However, this can be sooner if the applicant is able to demonstrate that their medical condition or circumstances have significantly changed since their original application and this can be proven by supporting medical information.
- 2.8 Applicants who meet the criteria for assessment will be notified in writing and visited by our OT within 20 working days. The OT will complete a HMR assessment form called a HM2. At this assessment, the applicant must sign a declaration form to confirm all information they have given is correct; to give us permission to obtain any relevant medical information; and to consent to us contacting and sharing information with other agencies. We do not pay for medical information to be obtained and any associated costs would need to be met by the applicant.
- 2.9 Any applicants with a terminal illness will be treated as a priority for assessment.

3. Out of Area Applicants

- 3.1 Applications for medical priority for people living outside of the Wakefield district will only be considered if a local connection has been established by the Homeseach Team.
- 3.2 Local connection is defined as those who have a connection to the Wakefield district by any of the following.
- (i) The member(s) is, or in the past was, normally resident in the district and the residence was of his own choice. The definition of 'normal residence' is residence for at least six months in the area during the previous 12 months, or for not less than three years during the previous five year period, at the point the assessment is being made. People in prison or asylum placement in the district would not count as their own choice.
 - (ii) The member(s) is at present employed in the district, and the employment is paid and not of a casual nature.
 - (iii) The member(s) has family associations in the district. Family associations arise where a member has parents, adult children or brothers or sisters who have been resident in the district for a period of at least five years at the date of the assessment. Only in exceptional circumstances would the residence of relatives other than those listed above be taken to establish a local connection. The residence of dependent children in a different district from their parents is not residence of their own choice and therefore does not establish a local connection with the district.

- (iv) There are special circumstances which we consider establish a local connection with the district.
- 3.3 If a local connection has been determined and the applicants current property does not meet their medical needs we will issue a HMR application (HM1)
- 3.4 Once the application has been received by the Adaptations and Wellbeing Team the application will be screened by an OT to establish if they meet the HMR criteria for assessment. Any applicant who does not meet the criteria for assessment at this stage will be sent a letter informing them of this decision with reasons, within seven days from receiving the application.
- 3.5 If the applicant disagrees with this decision, they have the right to appeal the decision within 28 days from date of decision. Appeals can be made by phone, in writing or by email by the applicant, or someone elected on their behalf. They must state why they are unhappy with the decision and if there is any new evidence they feel that the panel should consider. A letter from a GP, consultant or other relevant source may be included if appropriate.
- 3.6 Appeals will be reviewed by a senior OT or Adaptations and Wellbeing Team Manager and the applicant will be informed of the outcome in writing within four weeks from receipt of the appeal. If the applicant is deemed as still not meeting criteria for HMR assessment, the applicant can reapply for HMR from six months after the final decision date. However, this can be sooner if the applicant is able to demonstrate that their medical condition or circumstances have significantly changed since their original application and this can be proven by supporting medical information.
- 3.7 Applicants who meet the criteria for assessment will be notified in writing and a HMR assessment (HM2) will be issued. The applicant will need to arrange for the HM2 assessment to be completed by an OT and returned to the Adaptations and Wellbeing team. Applications from out of district applicants will not be able to be progressed until the HM2 is completed and returned.

4. Awarding Priority

- 4.1 Once the HM2 assessment has been completed, it will be referred to the HMR panel within 14 calendar days for a decision on the priority status for a move on medical grounds. The panel is held weekly and is made up of an OT (chair), a representative from the Area Management Team and a representative from the Homeseach Team. Minutes are recorded outlining reasons supporting decisions.
- 4.2 In some urgent circumstances, it may be appropriate to consider the award of priority banding outside of the HMR panel. This will be determined by the Panel Chair, or someone acting on their behalf, who will liaise with panel members to reach a decision. If priority is subsequently awarded outside of the panel meeting, the case will be presented and ratified at the panel that follows immediately after. Minutes taken at the panel will record the decision reached.

4.3 After considering an application, the panel can make the following decisions:

- award Band A welfare / medical priority;
- award Band B medical priority;
- not to award any priority;
- refer for consideration of adaptations or equipment;
- write to consultants or health professionals for more information;
- refer for an OT assessment - this may include an independent OT assessment;
- refer to the Independent Living Team for an Independent Living assessment;
- defer the decision whilst another agency is consulted for information, for example Wakefield Council Family Services;
- refer to Wakefield Council Vulnerable Adults Service; or
- withdraw the application as it does not fit the criteria for HMR.

The applicant will be informed in writing of the panel's decision within seven working days.

4.4 If medical priority is awarded, the HMR Panel will set specific recommendations as to the type of property that would best suit the applicant's current and long term needs. This will be based on the information provided by the applicant and the outcome of the OT functional assessment. Medical and supporting information will also be taken into consideration.

4.5 The applicant will need to adhere to the recommendations of the panel if medical priority is awarded. These recommendations may limit the choice of properties for the applicant.

4.6 Examples of recommendations the HMR Panel may set are: no more than one access step into property or a level access shower. When bidding for properties on Homesearch, any expressions of interest on properties which do not comply with recommendations set by the panel may result in the applicant being automatically bypassed for the property.

4.7 Applicants with a Medical priority will be considered for properties that have already been adapted and / or contain the specific adaptations recommended by the panel as meeting the applicant's needs.

4.8 Applicants with a Medical priority will not be considered for non-adapted properties or those that require extensive modification to meet the applicant's needs.

4.9 Applicants awarded Medical priority who currently reside in multi-storey accommodation owned by WDH will be highlighted to the New Tenancy Manager. This along with Homesearch membership, medical issues and current property difficulties will be detailed to inform a further decision as to whether a Social Welfare Band A priority can be awarded.

4.10 We will only consider extensively adapting a property if the applicant has an assessed need for particularly specialist accommodation, all alternatives have been considered and the need cannot be met from existing housing stock.

- 4.11 Recommendations will not be changed unless it can be established that a significant improvement or deterioration in functional ability has taken place. This will need to be supported by medical evidence and in some instances re-assessment.
- 4.12 If it is evident from the application form or OT assessment that a person requires a disabled dwelling (DD) which is a purpose designed wheelchair accommodation or a fully adapted wheelchair property. The application will be referred to Wakefield Council's Housing Needs Panel for a nomination to other housing providers. If a potential WDH DD property becomes available, a void inspection will be carried out to check its suitability. An accompanied viewing with a WDH OT and The Specialist Accommodation Co-ordinator from Wakefield Council will also take place prior to allocation.
- 4.13 If an applicant is not awarded priority, the applicant can reapply for HMR six months after the final decision date. However, this can be sooner if the applicant is able to demonstrate that their medical condition or circumstances have significantly changed since their original application and this can be proven by supporting medical information.
- 4.14 All applicants applying for HMR are advised to continue placing bids through Homesearch on properties that are of interest and match the recommendations of the panel.
- 4.15 In line with our Choice Based Letting Policy (Homesearch) where medical panel has clear evidence that an applicant has purposefully moved from suitable accommodation to accommodation that does not meet their needs in an attempt to gain a higher priority the decision to award a priority can be deferred and the matter referred to Homesearch for consideration.
- 4.16 If Homesearch decide that the applicant has purposefully worsened their circumstances additional priority will not be granted for a period up to 24 months at the Homesearch officers discretion. The applicant / member will be informed in writing that they will not be awarded additional priority immediately, and when their application will be reviewed. This will depend on the appropriate officer's decision on the time penalty.

5. Criteria for Band A – Welfare and Medical Need

5.1 Band A will be awarded:

- if, following assessment, the property is considered very unsuitable for the applicant's needs and it is unable to be adapted and this results in extreme personal hardship for the disabled person;
- or
- the applicant has limited life expectancy and it is reasonable to consider rehousing or their current housing provision does not allow for the person to be accommodated on the ground floor of the property;
- or

- if it is not reasonable and practicable to adapt the current property, all alternatives have been explored and deemed unsuitable and the applicant is unable to access essential facilities such as the toilet, bathroom or bedroom facilities; and
- we will award additional priority to former and serving members of the armed forces who need to move due to injury or illness attributable (wholly or partially) in service and have a local connection; please refer to our Homesearch Policy for more detail.

6. Criteria for Band B – Medical Priority

6.1 Band B will be awarded:

- if the applicant is unable to access or use essential facilities without excessive pain and / or substantial difficulty or discomfort, for example toilet and bathroom;
- If the applicant is housebound in their present home and would not be if rehoused; and
- we will award additional priority to former and serving members of the armed forces who need to move due to injury or illness attributable (wholly or partially) in service and have a local connection. Please refer to our Homesearch Policy for more detail.

7. Reviews

- 7.1 Members who are still seeking accommodation 12 months after priority is awarded will receive an OT assessment to determine whether there has been any change in circumstances. The case will then be returned to panel to determine whether priority should be increased, decreased, retained or removed.
- 7.2 The review will take into account individual circumstances relating to an applicant's medical condition and the difficulties experienced in the property. The applicants bidding history and offers made and refused will not be taken into account, this will be considered separately under our Homesearch Policy.
- 7.3 If the applicant requires a disabled dwelling the case will be referred to Wakefield Council. Wakefield Council's Specialist Accommodation Co-ordinator will be consulted as part of the review process
- 7.4 Where a change in circumstances is identified prior to a 12 month review a periodic review can be undertaken by phone or by re-assessment to establish if a change to the recommendation is required.
- 7.5 The review will take into account the factors as in 7.2 above. Where a change in circumstances is identified an OT assessment will be arranged and the case will be returned to panel for consideration.
- 7.6 Where applicants who have been awarded medical priority are uncontactable or fail to participate in the review process, their case will be returned to the HMR Panel after two attempts to arrange a reassessment, and this may result in the removal of medical priority.

8. Appeals

- 8.1 Any applicant who is dissatisfied with any decision made by the panel has the right to appeal.
- 8.2 Appeals can be made by phone, in writing or by email by the applicant, or someone elected on their behalf, within 28 days of the date of their decision letter. They must state why they are unhappy with the decision and if there is any new evidence they feel that the panel should consider. A letter from a GP, consultant or other relevant source may be included if appropriate.
- 8.3 Appeal requests received outside the 28 day timescale will only be accepted in exceptional circumstances.
- 8.4 Applicants can request for the appeal to be deferred for a maximum of 28 days, this is to allow the applicant to provide any further supporting medical information not already known to panel.
- 8.5 The case will then go back to the panel with the appeal letter (or written details of the appeal if made by phone) and any new evidence for re-consideration.
- 8.6 If the panel upholds the original decision the applicant will be referred to the Independent Medical Consultant (IMC) for an independent review of their case. The Panel Chair will refer all appeal cases on a monthly basis to the IMC. A response will be provided with the outcome within 28 days of receiving all information from the IMC. During times when the IMC is unavailable to hear cases the applications will be sent to an independent OT for consideration.
- 8.7 The applicant will be sent a letter of explanation advising them that their case has been referred to the IMC and that they will be notified of the decision in writing. The IMC may request further medical information or an OT assessment before a final decision can be made. As an independent medical consultant, the IMC's decision is final. There is no right of appeal against the decision. Cases sent to the IMC may take up to eight weeks for a final decision from date of panel.
- 8.8 Following the outcome of the IMC's decision the applicant would be eligible to re-apply for HMR six months after the IMC decision date or sooner if there have been significant changes in the applicant's medical condition.
- 8.9 If an applicant believes that the Criteria and Procedure for Rehousing on Health and Medical Grounds was not properly applied or there has been maladministration of the application, they can request that their complaint be considered under our Complaints Procedure providing it meets the definition of a complaint as set out in Section 1.4 of the Complaints and Compensation Policy.

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