

Policies & Procedures

Policy No. 124 Mobility scooters in sheltered schemes (Draft)
3rd March 2010 April 2011

Policies & Procedures are to be read and signed in the Central Policy File every six months

1. Aim

The aim of this policy is to outline how the Council will deal with the issue of mobility scooters in sheltered housing.

2. Background

In recent years there has been a considerable growth in the number of elderly and disabled people using mobility scooters, and it is therefore important that the council accommodates the needs of residents wanting to use mobility scooters as far as practical, both out of the desire to meet the aspirations of existing and potential residents, but also to ensure that it complies with relevant legislation.

The Disability Discrimination Act (DDA) makes it unlawful to treat a disabled person less favourably than others for a disability-related reason in relation to the “disposal or management of residential, commercial and other premises,” unless that treatment can be justified under the Act.

Landlords have to make reasonable adjustments for disabled people when requested. However, they do not have to remove or alter physical features of the premises. Regulations (SI 2006/887 <http://www.opsi.gov.uk/si/si2006/20060887.htm>) set out things which are, and things which are not, to be treated as a physical feature. For example, features arising from the design or construction of the premises are to be treated as a physical feature.

The DDA includes rights for disabled people who are tenants “to make disability-related adaptations.” The definition of someone with a disability under the DDA is someone with “a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.” Examples include “a significant mobility difficulty”. However, only the courts can say if a particular individual is defined as disabled under the legislation.

The Disability Equality Duty (DED) came into force in December 2006. The DED ensures that all public bodies - such as central or local government, schools, health trusts or emergency services – pay “due regard” to the promotion of equality for disabled people in every area of their work.

Since December 2006, landlords are not able to refuse consent unreasonably if the tenant seeks permission to make a disability-related improvement at the tenant’s expense. For example a landlord cannot refuse consent unreasonably if a tenant seeks permission to widen an internal door at his/her own expense, so that a wheelchair or mobility scooter user can get around more easily.

However, landlords can:

- Refuse consent when it is reasonable to do so – for example, if the improvement would damage the structural integrity of the premises
- Impose reasonable conditions when giving consent, such as that the improvements are carried out to a certain standard, and that the premises be restored to their original condition when the tenant leaves
- Pass on to the tenant any reasonable costs incurred in giving consent

3. Current policy

3.1 Potential residents

In view of the issues that can arise when an existing resident needs to use a scooter, it is important that potential residents who may want to use a mobility scooter are aware of the issues **before** they move in, and if the property they have bid for is unsuitable for a scooter this is made very clear at the pre-allocation assessment by the Housing Support Officer (or Senior), or any viewing arranged by the Neighbourhood Manager.

At some schemes, due to the layout, it may be necessary to say that an applicant cannot bring a mobility scooter to the scheme, however when it is necessary to give this advice, staff should explain the reasons in writing, and suggest alternative schemes where it may be possible to accommodate a scooter.

3.2 Dealing with applications to use a mobility scooter from an existing resident

Requests to use a mobility scooter should be made **in writing to the Neighbourhood Manager** who will consult with the Housing Support Officer before replying. A risk assessment will need to be carried out by a Housing Support Officer or Senior, with advice from a Repairs Inspector or Health and Safety specialist if required, for every application.

Factors to consider:

3.3 Health and Safety

The use of mobility scooters and powered wheelchairs has raised a number of Health and Safety issues relating to:

- Storage
- Recharging in communal corridors
- Restricting access within corridor areas - for staff, visitors and the emergency services
- Potential damage to walls and fire doors
- Potential damage to floors and carpets
- Electric shock
- Fire
- Personal injury to third parties

It is important that when an application to use a mobility scooter is received all these issues are taken in to consideration during the risk assessment, and residents need to be reminded to consider all issues and await a written response **before** purchasing a scooter.

Requests for alterations and improvements may involve consultation with other residents. For example, whilst the installation of a small ramp may enable a particular resident to have scooter access to their home, it may present a trip hazard to someone with a visual impairment using a communal pathway. The support plans of neighbouring residents may identify where this could be a problem.

There is a balancing act to perform – needing to promote the independence of service users and ensure equal access, whilst at the same time having to impose restrictions, perhaps due to lack of suitable storage facilities or potential breaches in health and safety regulations.

If no communal recharging facilities are available, a suitable socket may be needed to recharge the scooter within a resident's own home. The procedure for dealing with a request for permission to fit a socket should be clearly explained to the resident. The procedure needs to specify that the work has to be carried out by a suitably qualified electrician (e.g. NICEIC registered) and a copy of the safety certificate should be provided to the council for our file. A follow up visit needs to be carried out by the Repairs Inspector to ensure the work has been properly completed.

By helping the scooter user to have a suitable socket installed, this will deter misuse of any communal electricity supply (e.g. sockets in a corridor or laundry area) and prevent electrical cables being trailed across corridors or out of windows to the scooter – where the cables may get wet. Tenants can visit www.electricalsafetycouncil.org.uk or a suitable directory to find a registered electrician.

4. Guidance to residents including safe use:

Anyone over the age of 14 can legally use a mobility scooter in the UK without any training, health assessment or eyesight check. With no legal requirement for a licence, insurance or regular safety test of scooters (such as the MoT test for motor vehicles), safety campaigners including the Royal Society for the Prevention of Accidents (RoSPA) are campaigning for regulation and development of a scooter proficiency test has been suggested. Visit www.rospa.com

The council aims to provide guidance to all residents before scooters become a problem and prior to any purchase. Guidance that should be included in a standard letter needs to include:

- Seeking written permission to use a scooter within the communal areas
- Requirement for the scooter to be able to safely negotiate communal doors and the door to their home without causing damage to doors or door frames
- Requirement for the scooter to be stored and recharged within their own home or within a designated scooter store
- Explicit instructions that recharging is not to be carried out in any communal areas, corridors or stairwell areas including fire escape routes
 - To provide to the Neighbourhood Manager an annual Portable Appliance Testing (PAT) certificate to show that the scooter has been tested for electrical safety.
- Permission for storage within communal areas can be granted only subject to a Health and Safety and fire risk assessment
- Explicit instructions that portable oxygen cylinders are not to be left on any scooter when stored within an agreed communal area

- Requirement for the scooter user to take out and maintain insurance to cover personal injury to the user, damage to internal and external areas and possible injury to others
- Alerting scooter users that charges may be made for any damage caused by use of the scooter
- Operating and maintaining the scooter in accordance with the manufacturer's instructions
- Scooter users to make appropriate arrangements in case of breakdown
- Requirement that the scooter user should be capable of driving the scooter safely, including making sure that they can see well enough
- During hours of darkness to be extra careful – a scooter may not have lights and drivers and pedestrians may not see them. If using a scooter when it is dark to use a reflective jacket or place reflective bands in prominent places on the scooter.
- To watch out for children, elderly people, disabled people on foot, people with visual problems or impaired hearing, and other motorised vehicle user; sometimes scooters are so quiet that they cannot be heard over the traffic noise

If these conditions cannot be complied with the application for a scooter must unfortunately be turned down. At the time of writing, many of the schemes lack facilities, although there is a programme of inspecting all the schemes and identifying what can be provided subject to the necessary funding.

Insurance

There is no legal obligation to insure a scooter. However insurance is readily available and strongly recommended by those organisations who support the scooter user.

Help the Aged advise it is a “good idea to have at least public liability insurance, which covers accidental damage to property and other people.... Consider insurance which covers your equipment in the event of theft, fire or other damage.”

Some scooter suppliers offer insurance in their range of additional items at the point of sale. The British Healthcare Trades Association, which has mobility scooter suppliers amongst its members, publish a range of Get Wise leaflets including “Get Wise to buying a mobility vehicle” and “Get Wise to using electric scooters and wheelchairs” – the latter includes a recommendation that insurance is arranged.

6. Further information:

The related website **www.dotheduty.org** has information for social housing providers in “Housing and the Disability Equality Duty – a guide to the Disability Equality Duty and Disability Discrimination Act 2005 for the social housing sector.” This guide has 3 sections:

1. guidance on duties of landlords to make reasonable adjustments – this applies to private and social landlords
2. guidance in the second section outlines the DED that applies to public sector landlords
3. a strategic approach to improving housing services for disabled people, and complying with the DED

The website of the **Office for Disability Issues** offers a series of Factsheets published to provide guidance to landlords and tenants on their rights and responsibilities when making common parts of residential buildings more accessible. “Overcoming Barriers to Access in the Common Parts of Let Residential Premises in England and Wales.” This can be downloaded from the website: <http://www.officefordisability.gov.uk/resources/common-parts.asp>

In addition a **good practice guide** is available from the Centre for Housing Support and this is stored in Housing Common Areas, Sheltered Housing Services folder, CHS Good Practice Guides sub-folder.

Shopmobility: The National Federation of **Shopmobility** has an on-line directory of schemes throughout the UK. Usually located in modern shopping centres or town centre pedestrian zones, each scheme has a number of scooters which can be hired by members of the public. An assessment, instructions and safety advice are given to those hiring the scooters before using them to go shopping. By hiring a scooter, a potential purchaser would be able to experience using a scooter, assess the benefits and discover any pitfalls before making the decision to buy one. Visit www.shopmobility.uk.org for the Directory of Shopmobility Schemes.

7. Complaints

Decisions on requests to use a mobility scooter should be given in writing, and if the request is refused, give the reasons clearly, along with the advice that any potential or existing resident who is unhappy with the decision they are given can complain through the corporate complaints procedure.

Dated 3rd March 2011

Next Review – April 2012

Business Improvement Manager