



Department for Levelling Up,  
Housing & Communities



Department  
of Health &  
Social Care



## **Disabled Facilities Grant (DFG) delivery:**

### **Guidance for Local Authorities in England**

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This document/publication is also available on our website at: <https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities>.

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Views expressed in this report are not necessarily those of the Department for Levelling Up, Homes and Communities, the Department of Health and Social Care or any other government department.

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# Chapter 1: Introduction

- 1.1 Home adaptations are changes made to the fabric and fixtures of a home to make it safer and easier to get around and to use for everyday tasks like cooking and bathing. Adapting a home environment can help restore or enable independent living, privacy, confidence and dignity for individuals and their families. Adaptations can include the installation of stair-lifts, level access showers and wet-rooms, wash and dry toilets, ramps, wider doors, and, in some instances, bespoke home extensions to existing dwellings as well as improvements to access to and from gardens. Heating systems, insulation and telecare and assistive technology (where it is capital) can be other forms of adaptations.
- 1.2 Disabled Facilities Grants are capital grants that are available to people of all ages and in all housing tenures (i.e. whether renting privately, from a social landlord or council, or owner-occupiers) to contribute to the cost of adaptations. They are administered by local housing authorities in England and enable eligible disabled people to continue living safely and independently at home. This includes autistic people, those with a mental health condition, physical disabilities, learning disabilities, cognitive impairments such as dementia, and progressive conditions such as Motor Neurone Disease. It includes those suffering from age-related disabilities and can also include those with terminal illness. The DFG is one of a range of housing support measures that a local authority can use to help enable people to live independently and safely at home and in their communities.
- 1.3 This guidance is to advise local authorities in England how they can effectively and efficiently deliver DFG funded adaptations to best serve the needs of local older and disabled people. The guidance will help local authorities to meet their responsibilities, including legal duties, and tailor local delivery to support their communities and the individual needs of disabled people, their family and carers. It does not make changes in policy, but instead brings together and sets out in one place existing policy frameworks, legislative duties and powers, together with recommended best practice, to help local authorities provide a best practice adaptation service to disabled tenants and residents in their area.
- 1.4 This publication follows calls from the home adaptations sector and local authorities for clearer guidance around local DFG delivery. It also follows the findings of the [2018 independent review of the DFG](#) that recommended new guidance should set out expectations for local authorities in administering the DFG and the rights of a disabled person making an application for the grant.
- 1.5 The Department for Levelling Up, Housing and Communities (DLUHC) and Department of Health and Social Care (DHSC) have worked closely with Foundations (the national body for home improvement agencies) and engaged with key home adaptations sector partners, local government representative organisations, and organisations which represent older and disabled people, to help ensure this guidance builds on the needs of older and disabled people, the local authorities who deliver the grant, and the wider home adaptations sector. We

would like to take this opportunity to thank Foundations for their work in supporting us to help formulate this guidance.

## Who is this guidance for?

- 1.6 This guidance is aimed at local authority staff at both **local housing authorities** (district councils, London boroughs and other unitary councils) and **authorities responsible for the provision of social care services** (county councils, London boroughs and other unitary councils). This includes those responsible for:
- strategic planning to ensure home adaptations are considered in an integrated approach to person-centred housing, health and social care services locally. This includes the local Health and Wellbeing Board, as well as those responsible for developing Better Care Fund plans
  - organising and managing the home adaptations service
  - identifying and assessing the needs of applicants, and making recommendations on how to meet those needs, including Occupational Therapists and Trusted Assessors;
  - preparing specifications for adaptations and making other practical arrangements to put those recommendations into practice; and
  - administering the systems for providing financial support for adaptations, including the Disabled Facilities Grant (DFG).
- This guidance is applicable to those managing council house adaptations and may also be helpful for home improvement agencies and other related service organisations in England responsible for organising the home adaptations service.
- 1.7 Members of the public who would like to find out more about the DFG and application process, including disabled people, their family and carers, can find more information about the grant and how to apply at: <https://www.gov.uk/disabled-facilities-grants>, <https://adaptmyhome.org.uk> or on their local housing authority website.
- 1.8 As the DFG is a devolved policy and grant, this guidance is aimed at English local authorities only. The National Assembly for Wales has issued separate Disabled Facilities Grant advice for Welsh local authorities. Scotland and Northern Ireland have separate schemes and grants available to eligible disabled people to adapt their homes. Links to how DFGs are delivered in all three devolved nations can be found below.
- Scotland: <https://www.gov.scot/policies/independent-living/housing-adaptations/>
  - Wales: <https://gov.wales/adapt-your-home-if-you-are-disabled-or-older-person>
  - Northern Ireland: <http://www.communities-ni.gov.uk/adaptations-guide>
- 1.9 In so far as this guidance comments on the law, this guidance can only reflect Government departments' understanding of it. Local authorities are advised to seek their own legal advice.

- 1.10 Additional guidance and information on best practice from the wider home adaptations sector is highlighted where relevant throughout this document and at **Appendix D: Resources**.

## Using this guidance

- 1.11 This guidance is divided into 7 chapters, each offering advice for local authorities in areas important to local DFG delivery, underpinned by the legislation at **Appendix B: The legislation**.
- **Chapter 2:** sets out the wider strategic context of the DFG, including the funding landscape for the DFG in England. It also outlines what good local strategic and operational collaboration looks like, and how local health, social care and housing authorities can work well together and with Private Registered Providers and housing associations to provide seamless person-centred support.
  - **Chapter 3:** explains how, under the powers of the Regulatory Reform Order (2002), local areas can work together to develop and publish a local Housing Assistance Policy which aligns with wider social care, health, planning, disabled and older people's strategies to best benefit local people who need adaptations. It outlines how local areas can set policy priorities, what policy content might include, and how local authorities can adopt, publish, monitor and revise policies. It also sets out policy tools and broader procedural considerations for all local authorities.
  - **Chapter 4:** outlines key considerations for local authorities on how they commission home adaptation services, so that the right integrated teams are in place, enquiries and referrals are well-managed, and effective triage and needs assessment processes support applicants.
  - **Chapter 5:** looks into the application process including what authorities should consider when designing and providing application forms, confirming the eligibility of the applicant and the required works. This includes the specification of the works, tendering procedures and service contracts. This chapter also sets out application approval requirements.
  - **Chapter 6:** sets out how local authorities can best work with contractors and oversee the delivery of home adaptation works, including developing a list of accredited builders, managing contracts, supervising, providing payment and signing-off the works.
  - **Chapter 7:** explains how assistive technology can be included as part of a home adaptations package to help people live safely and independently.

# Chapter 2: Strategic context of the Disabled Facilities Grant

## Wider strategic context

- 2.1 A suitable home can help disabled people of all ages to build and sustain their independence and maintain connections in their community. There are currently too many older and disabled people living in homes that make it difficult for them to do everyday tasks like washing and using the bathroom, cooking or getting out and about easily. Many homes are poorly designed for older age or changes in care and support needs. In fact, in 2019-20, around 1.9 million households in England had one or more people with a health condition that required adaptations to their home.
- 2.2 Government's ambition is to give more people the choice to live independently and healthily in their own homes for longer, with fewer people staying in hospital unnecessarily or moving to residential care prematurely when that is not where they want to live. Adaptations can reduce the amount of formal care and support an individual may require, as well as often making the difference between being able to continue living in their current home or not.
- 2.3 Government wants more people to benefit from home adaptations to meet their needs, and will continue to support local areas to meet their statutory duty.

## Disabled Facilities Grant funding

- 2.4 Since 2015, Government has provided funding for the DFG through the Better Care Fund (BCF) in recognition of the importance of ensuring adaptations are part of an integrated approach to housing, health and social care locally, and to help promote joined up local person-centred approaches to supporting communities.
- 2.5 Government provides ringfenced DFG funding to Better Care Fund budget holders (usually authorities responsible for the provision of social services, including county councils, London boroughs and other unitary councils). Funding must be spent in accordance with Better Care Fund plans which are agreed between local government and local health commissioners, and owned by the Health and Wellbeing Board. It is important that those responsible for housing and home adaptations locally are involved in developing those plans.
- 2.6 In two tier areas, district councils are responsible for home adaptations and provision of DFGs to eligible recipients. In these areas, county councils must work with district councils to agree the use of this funding, and ensure that sufficient funding is passed to districts to meet these duties. A portion of DFG funding can be retained to pay for social care and housing capital elements of joined up health, social care and housing projects at county level, where this is agreed with Districts (see para 2.12). Local authorities and local health and care commissioners can



also choose to add to Government funding for home adaptations from their own budgets.

- 2.7 Authorities may decide to spend Government funding for the DFG in three ways:
- Approving DFGs in accordance with the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act) (see Appendix B: The legislation)
  - Providing housing assistance in accordance with a locally published Housing Assistance Policy under RRO powers (see Chapter 3:).
  - Using a portion of the DFG funding for other social care capital funding purposes (as locally agreed with district councils in two-tier areas).
- 2.8 Authorities can apply a mix of these options to meet local priorities but should consider that:
- **the local housing authority has a statutory duty** under the 1996 Act to provide adaptations for those who qualify for a DFG.
  - **the primary role of Government funding is for the provision of home adaptations** to help eligible people safely access their home and key facilities within it. **Government funding is via a capital grant so must not be used for any revenue purposes.** Local authorities are responsible for correctly classifying expenditure in their statutory accounts. Further guidance on capital/revenue and services that can be funded are covered in Appendix A.
  - **Government funding for the Disabled Facilities Grant is intended to fund adaptations for owner occupiers, private tenants, or tenants of private registered providers (housing associations).** Eligible council tenants can apply for a DFG in the same way as any other applicant. However local housing authorities with a Housing Revenue Account (HRA) should self-fund home adaptations for council tenants through this account. A provision was made for expenditure in the HRA as a 'Disabled Facilities Allowance' in the 2012-13 self-financing settlement, alongside information on how to calculate it in subsequent years. The same applies to applications from tenants living in dwellings managed by an Arms-Length Management Organisation (ALMO) but owned by the local authority.
- 2.9 Chief Executives of Local Housing Authorities must send DLUHC an annual declaration of grant usage which states they have spent the funding in accordance with the grant conditions. (Authorities are also requested to provide DFG delivery data to DLUHC through their annual DELTA questionnaire return.)
- 2.10 Local housing authorities can provide financial assistance from their own budgets to those who do not qualify for home adaptations funding under the statutory duty or to top up Government funding (see local flexibilities in Chapter 3:).
- 2.11 Where a portion of the DFG funding is used for other social care capital projects this must be agreed as part of, and spent in accordance with, the approved local BCF spending plan that was developed in keeping with the [BCF Policy Framework](#) and [Planning Requirements](#).

- 2.12 Local authorities are encouraged to consider the level of demand for adaptations locally, and use this freedom only to fund wider projects which are likely to reduce overall demand for DFGs, so that more people can receive the adaptations that they need. Good examples of wider social care capital projects include improving toilet/showering facilities in temporary accommodation to help support disabled people including those sleeping rough, or contributing to the cost of building accessible housing for disabled people in circumstances where this would be more cost effective than adapting a current property. Further case study examples of innovative use of DFG funding are available on the [Better Care Exchange](#) and [National Body for Home Improvement Agencies](#) web sites.

## Local strategic collaboration

- 2.13 While the administration of DFGs is the responsibility of the local housing authority, it is important that other bodies and especially social services authorities and health commissioners, play a full and active part in strategic planning of home adaptations and related services.
- 2.14 Local housing authorities in England have strategic responsibilities to consider housing conditions in their area including the need for new housing under [section 8 of the Housing Act 1985](#). As they assess housing needs and develop housing strategies, [section 3 of the Chronically Sick and Disabled Persons Act 1970](#) means they must consider the special needs of chronically sick and disabled persons.
- 2.15 Creating a home environment that supports people to live safely and independently can make a significant contribution to health and wellbeing. It is therefore vital that in planning for the housing needs of disabled people, local housing authorities work closely with local health and care commissioners, and ensure strategic join up, including in use of the DFG, to align housing, health and social care aims.
- 2.16 This should be achieved through the process of developing BCF plans that are signed off by Health and Wellbeing Boards. For more information on the BCF process, please refer to the BCF Policy Framework and the DFG section of the BCF Planning Requirements.
- 2.17 Examples of good practice joint working between local health, care and housing authorities include:
- **Inclusion of local housing leads (council or district level) on health and care focussed integration boards (including health and wellbeing boards)** to support a joined-up and strategic focus on prevention and wider determinants of health.
  - **Health, adult social care and housing authorities jointly commissioning schemes** that support people as they navigate between the health and care system. This could include home adaptation schemes that support people discharged from hospital and a home first approach.

- **Health Commissioners working with housing authorities to target DFG support** to ensure resources reach the most vulnerable residents in a community through sharing health data and analysis.
  - **Pooling revenue funding to provide a wraparound support** to recipients of home adaptations (for example, commissioning handyperson services) to provide joined-up person centred care.
- 2.18 Please refer to the [Better Care Exchange](#) and [National Body for Home Improvement Agencies](#) websites for more best practice case studies.
- 2.19 Government wants to make joint working easier between the health service, social care, and local government. Subject to passage of the Health and Care Bill, Integrated Care Boards (ICBs) will take on the commissioning functions of the Clinical Commissioning Group (CCG) as well as some of NHS England's commissioning functions. Integrated Care Partnerships will bring together health, social care, public health (and potentially wider representatives where appropriate). This will put more power and autonomy in the hands of local systems, to plan and deliver seamless health and social care services. Further details are available here: <https://www.gov.uk/government/publications/health-and-care-bill-factsheets/health-and-care-bill-integrated-care-boards-and-local-health-and-care-systems>.
- 2.20 The next sections outline the legal responsibilities of different bodies and how they can best work together to ensure a seamless DFG service for local people.

## Collaboration in DFG Service Provision

### Role of Local Housing Authorities

- 2.21 Local housing authorities have a statutory duty under the 1996 Act to provide adaptations for eligible disabled people, as well as wider powers to provide discretionary housing assistance through the Regulatory Reform Order (see Chapter 3:). The administration of DFGs is the responsibility of the local housing authority, through all stages from initial enquiry (or referral) to post-completion.
- 2.22 District councils in two tier areas have a duty to consult their social services authority (county council) on the home adaptation needs of each disabled person seeking a DFG. While it is always the district council who must decide an application, if district and county councils collaborate effectively it would be rare for a district to decide not to approve an adaptation recommended by the county.
- 2.23 A local housing authority may also provide a range of other housing assistance services, for example, information and advice around housing options, or handyperson's services, which can provide minor repairs, and safety, security and efficiency checks and fittings, as well as signpost relevant people to additional support, such as adaptations.

## Role of Social Care Authorities

2.24 Social care authorities have wide-ranging powers and duties to meet the needs of disabled people living in their area who require care and support. The responsibilities of authorities who provide social services are set out:

- for adults in the [Care Act 2014](#); and
- for children in [Part 3 of the Children Act 1989](#), as well as [section 2 of the Chronically Sick and Disabled Person's Act 1970](#).

Powers and duties under the Care Act relate to provision of assistive technology in the home, aids, equipment and adaptations. These include a duty to provide minor adaptations up to the value of £1,000 as well as other equipment to any value.

2.25 Where an application for DFG has been made, social service authorities should work closely with the housing authority to assess the needs of the individual. The social care authority should consider the wider social care needs of the applicant, including and beyond any adaptation required.

2.26 Where the social care authority determines that a need has been established it is their duty to assist, even where the housing authority is unable to approve or to fully fund an application. So for example, where an applicant for DFG has difficulty in meeting their assessed contribution from the DFG means test or the work will cost more than the upper limit, the social care authority can step in to provide financial assistance. Or if a disabled person is assessed as needing an adaptation which is outside the scope of the statutory DFG duty, then the social care authority can provide it.

2.27 Social care authorities may also consider using their powers under the Care Act 2014 to charge for their services where appropriate.

## Working together

2.28 To ensure delivery of seamless, person-centred support including for eligible people requiring adaptations, it is essential that housing, health and social services authorities work well together given the overlap in their duties and responsibilities. This includes in circumstances where timely adaptations delivery can help facilitate people being safely discharged from hospital.

2.29 It is good practice that respective authorities should hold regular meetings between senior officers and publish on each authority's website a clear, unambiguous formal agreement on key issues and joint working to benefit the person requiring adaptations, including:

- streamlining processes, including systems for joint assessments, cross-referrals and signposting between housing, health and social care services;
- acceptable timescales for adaptations delivery; and
- funding arrangements.

2.30 The formal agreement should include reference to:

- **local agreement surrounding the integration of services.** Integration of services locally can bring together policies and options to provide person-centred support such as DFG, Integrated Community Equipment Service (ICES), and social care. Delivering person centred support in this manner means that individuals are often able to get the best support for their situation. Alongside this, revenue costs can be shared between health, social care and housing.
- **the use of budgets for minor adaptations and equipment and how that links with DFG funding.** For instance, equipment which can be installed and removed easily with little or no structural modification of the dwelling is the responsibility of the social services authority. For larger items such as stairlifts and through-floor lifts which may require structural works to the property, help is normally provided through the DFG.

2.31 To ensure adaptations are progressed as quickly as possible respective authorities should agree a joint approach to the funding of different types of adaptations, unless there are exceptional circumstances. In some cases both equipment and adaptations are required. For example, where authorities agree to fund hoists through the DFG it would not be appropriate to order a sling separately unless the delivery and installation of both can be suitably arranged. The disabled person and their carers or family should experience a joined-up service.

2.32 Authorities may also choose to pool some of their funding to support person-centred services. For example, given the overlap in duties to provide minor adaptations up to £1,000 housing and social services authorities could choose to pool funding for adaptations up to £1,000 to avoid arguments over funding delaying the adaptations that local disabled people need.

2.33 Neighbouring housing authorities may also agree to pool funding across a wider area to provide greater flexibility in using DFG funding to meet local demand, where some authorities have underspends while others have waiting lists. Doing this can also smooth the risk that a few exceptionally large applications take up a significant proportion of the overall budget for an individual area. The operation of pooled funds should form part of Better Care Fund plans and be overseen by regular meetings between senior officers.

### **Collaborative working between housing and social services**

An increasing number of authorities are recognising the benefits of establishing person centred services that appear seamless from the perspective of the disabled person and their family. For example, some authorities have seconded housing and social services staff into integrated teams that provide minor adaptations and equipment as part of a package of support including access to DFGs.

By joining up delivery it becomes easier to track outcomes and to monitor the effect that home adaptations have on the ongoing need for domiciliary care and preventing avoidable moves into residential or nursing care.

Some authorities are also starting to use predictive analytics to identify cases where preventative interventions can support carers, prevent falls and reduce loneliness involving the provision of adaptations and assistive technology. With the total annual cost of fragility fractures to the UK at an estimated £4.4 billion which includes £1.1 billion for social care; joint initiatives that can pre-empt a fall are likely to provide good value for money.

## **Working well with Private Registered Providers and housing associations**

- 2.34 DFG is available to tenants of Private Registered Providers and housing associations. However, there are some different requirements compared to applications from owners which means that an authority could operate different processes so long as tenants receive a comparable level of support and experience similar timescales for the completion of works. This adds a further dynamic to the process.
- 2.35 Housing association tenants now account for around 22% of all grants approved. Therefore, good partnership working between local authorities and housing associations is essential to making the adaptation process run smoothly.
- 2.36 It is essential that local authorities are clear and have agreed with housing associations and Private Registered Providers operating in their area the expectations around any contribution to funding, timeframes for approvals and for works to be undertaken.
- 2.37 As with delivery between the housing and social services authorities it is vital that all work together operationally to ensure the best outcome for the tenant.
- 2.38 It is recommended that local authorities hold regular meetings with Private Registered Providers and housing associations so that where issues arise there is an effective communication pathway which allows clear and open engagement between all parties and for tenants to be kept informed of decisions and progress on any agreed work.

- 2.39 There may be instances where additional work is required to a tenant's property in addition to the DFG application (such as other repair work). Again to minimise disruption to the tenant the local authority and Private Registered Provider or housing association should engage to agree the best times to schedule works.

### **Working with housing association landlords**

Foundations Independent Living Trust, Habinteg and Anchor Hanover have published new guidance that makes recommendations for improving the situation in social housing, including:

- Promoting the use of landlord applications (instead of tenant applications) for the majority of cases – removing the requirement for means testing and ensuring the landlord is giving permission.
- Landlords to manage the delivery of adaptations in their own stock, with investment over and above DFG to improve the long term accessibility of their stock – reducing the number of adaptations that get ripped out upon change of tenancy.
- Greater use of adapted housing registers to make the best use of already adapted stock by enabling tenants to be matched effectively.

# Chapter 3: Developing a local Housing Assistance Policy

## The Regulatory Reform Order

- 3.1 [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002](#) (RRO) provides general powers for local housing authorities to provide assistance for housing renewal, including home adaptations. The powers, detailed in [Article 3](#), can only be used in accordance with a published Housing Assistance Policy. This section of the guidance can help authorities to develop or review their policy.
- 3.2 The wide-ranging powers enable authorities to give assistance to people directly, or to provide assistance through a third party such as a Home Improvement Agency, providing the assistance will improve living conditions in their area. This can include supporting people to:
- purchase a new home (whether within or outside their area) where the authority either purchases their existing home, or is satisfied that purchasing a new home would provide a similar benefit to adapting their current home;
  - adapt or improve their home (including by alteration, conversion, enlargement, or installation of equipment or insulation);
  - repair their home;
  - demolish their home and build a replacement.
- 3.3 This can include funding adaptations to be added to the design of a new build home where the prospective owner has applied for assistance.
- 3.4 Assistance can also be given to pay for any associated fees and charges, including in cases where the work does not in the end proceed, as long as the authority is satisfied those fees fall within the terms of their local Housing Assistance Policy.
- 3.5 By publishing a Housing Assistance Policy under the RRO, housing authorities can use Government funding for the DFG more flexibly. This funding is primarily for the provision of home adaptations to help people to live independently, so it is important for any local Housing Assistance Policy to clearly set out what additional adaptations assistance is to be provided. However, the wide powers enable local authorities to offer other forms assistance such as repairs, or assistance to move, if an applicant's home is unsuitable for adaptation.
- 3.6 Policies can also include measures to speed up DFG delivery. For example, a local authority could develop a simplified system to deliver small-scale adaptations more quickly, for example, to deal with access issues, to enable rapid discharge of people from hospital, or to prevent admission to hospital or residential care.



- 3.7 While the RRO gives discretion to local authorities, it is important to note that authorities still have a statutory duty to approve DFG applications which meet the statutory requirements.

### **Improving delivery through a local Housing Assistance Policy**

Housing Assistance Policies can be used to streamline the application process for home adaptations, particularly for the most common types of work such as those to modify a bathroom, create a ramped access or install a lift. This may include a brief application form, limiting the situations when the means test applies and varying the requirements around contractors.

Providing a Home Improvement Agency to help and support with making a valid application is also likely to improve take up of the grant and ensure that adaptations are fit for purpose. Authorities may consider making it a condition that any discretionary grants or loans are managed by an approved agency service.

For counties, it is good practice for district councils to collaborate in aligning their policies to provide a consistent approach. There may be specific issues that apply to individual districts but the main provisions should apply across the county, including the role of the county council and situations where social care funding will apply.

## **Aligning with social care, health and older people strategies**

- 3.8 Housing, social services departments and the National Health Service (NHS) are delivering increasingly integrated services for vulnerable households that recognise the benefits of enabling people to stay in their own homes wherever possible. Poor housing can be a barrier for older and disabled people, contributing to immobility, social exclusion, ill health and depression. Housing assistance policies can contribute by enabling people to live with greater independence in secure, safe, well-maintained, warm and suitable housing.
- 3.9 Through local Better Care Fund plans, health, and social care authorities are required to agree a joined-up approach to health, social care and housing support to improve outcomes for residents. Housing authorities should also be involved in the discussion on the use of DFG funding. A Housing Assistance Policy that considers the more strategic, flexible use of DFG funding alongside other sources of funding to provide home adaptations including minor adaptations can support this aim. In developing a Housing Assistance Policy, housing authorities should work with health and social care partners and look to align objectives with existing local social care, health and older people related strategies.

### **Working with local partners**

- 3.10 Partnership working lies at the heart of any successful Housing Assistance Policy. Strategic partnerships enable a common vision backed by commitment of resources from the principal delivery agencies.

3.11 When considering how best to deliver the key outcomes, authorities may wish to consider the following types of partnerships:

- **Local authority partnerships:** In developing new housing assistance policies, local authorities may benefit from working together. For example, a group of local authorities could share the costs of developing new policy tools.
- **Partnerships to address housing need:** Planning to meet housing needs within an authority's area could involve close liaison with housing associations, private landlords, developers, providers of support and advice services, social services, the NHS and planning colleagues.
- **Health alliances:** there is a clear linkage between poor housing and ill health, especially with an ageing population and more people choosing to live independently within the community. This generates a need for partnership working between housing authorities, health authorities, health commissioners, local GPs and social services.
- **Home improvement agencies (HIAs)** can play a major part in helping an authority achieve its client-focused objectives.
- **Working with the voluntary sector:** within any strategy LAs should think about the provision for the supply of a range of complementary formal and informal advice and advocacy services.
- **Fuel poverty and energy efficiency partnerships:** fuel poverty and energy inefficient homes can only be tackled effectively through partnerships at the local level with housing authorities working closely with HIAs, NEA (National Energy Action), the Energy Saving Trust and energy suppliers.

## Identifying local issues, needs and expectations

### Evidence-based policies

3.12 Identifying local issues, needs and expectations of local residents is the first step in establishing a robust Housing Assistance Policy. This depends on accurate and up-to-date information. The following list sets out the minimum requirement:

- details of the prevailing social and economic conditions, including fuel poverty;
- profiles of the age, health, health inequalities and disabilities of the local population;
- data indicating demographic changes and trends;
- knowledge and understanding of the local housing market;
- stock condition data, including energy efficiency;
- complaints data, and customer satisfaction surveys among existing home adaptation clients; and

- issues of concern raised by partner organisations and other stakeholders.

### Setting policy priorities

3.13 Authorities will want to consider policy options, establish priorities for action, and subsequently review the policy on a regular basis. The priorities selected will be influenced by the strategic context for housing assistance and by the issues, needs and expectations identified. The local challenges facing individual local authorities will vary widely, and to ensure that resources are well used a careful appraisal of priorities is essential, involving residents and other partners before a final policy is adopted. The following provide some example priorities:

#### Client-based

- 3.14 Depending on local need, provision of assistance may target additional help for specific groups:
- **Older people**; by seeking to assist with maintenance, repairs, improvements or the provision of basic amenities. Older people are more likely to live in substandard and poorly heated homes and are also vulnerable in terms of home accidents or crime.
  - **Specific conditions**; by providing a package of additional assistance outside the mandatory disabled facilities grant system, e.g. for those needing palliative care.
  - **Housing needs of black and minority ethnic communities or others with protected characteristics**; in line with public sector equality duties, authorities should consider whether particular groups are facing disadvantage in accessing home adaptations and recognise the cultural needs of particular groups.

#### Motor neurone disease

Housing assistance policies can be used to respond to rapidly progressing and highly debilitating conditions such as Motor Neurone Disease (MND). Often people with MND want to continue to work during the early stages of the disease, which can make them ineligible for a DFG through means testing. But by the time they can no longer work an un-adapted home can make day to day activities very difficult to manage.

Some local authorities include provisions within their policy, such as:

- a fast-track process with no means testing for works up to £5,000.
- ignoring the earnings of the person with MND in the means test where larger scale works are assessed as being necessary and appropriate.

These provisions apply to a relatively small number of people but can have a significant impact upon their lives at a time of major upheaval.

#### Sector-based: Assistance to landlords

3.15 Homelessness, and housing need should be an important consideration for a local authority. The private rented sector often plays a key role in providing

accommodation including for homeless families, and supported lodgings for young care leavers. Assistance may therefore support landlords or other partners to increase the supply of adapted accommodation.

- 3.16 Authorities may want to consider a policy to retain nomination rights to a rented property for a specified period of time where a landlord applies for assistance. This could mirror the option to secure nomination rights where a landlord applies for a mandatory DFG.

### **Working with private landlords**

Research undertaken by the National Residential Landlords Association (NRLA) shows that only 8% of landlords let properties to people with accessibility needs and the biggest barrier to installing adaptations is the cost. However, 79% of landlords did not know that funding is available through the DFG.

The NRLA is working with a number of local authorities to provide more information to private landlords with the aim of encouraging more DFG applications and supporting landlords to make their portfolios more accessible for disabled tenants. It is good practice to include awareness raising a part of private landlord forums and other engagement regularly undertaken by local housing authorities.

Provision can be made within a Housing Assistance Policy to streamline the grant application process where the landlord makes the application and takes the lead in managing the works. As with the mandatory DFG, the means test would not apply but nomination rights could be applied to ensure that the property could be available for let to another disabled person in the future.

### **Theme-based**

- 3.17 A policy may target assistance against themes. Examples could include:
- hospital discharge schemes; and
  - home accident prevention or health and safety initiatives.

### **Policy content**

- 3.18 The policy should set out the nature and extent of housing assistance that will be available, based on the evidence of needs identified. It should set out how the strategic aims and objectives of an authority will be met by appropriate and effective actions.
- 3.19 Authorities must also avoid fettering their discretion to provide assistance. This means that they must include a mechanism in place to consider applications for assistance which fall outside their policy. They may legitimately turn down an application for assistance that falls outside their policy, but only after individual consideration on a sound and informed basis. Such applications should be approved where appropriate.
- 3.20 It would be best practice for the full policy document detailing the assistance to be made available under the RRO to include the following:

- how the policy will contribute towards the fulfilment of the local authority's strategic aims, objectives and priorities;
- a statement of the key priorities which the policy will address and the reasons for selecting them;
- the amount of capital resources that will be committed to implementing the policy, including resources provided by partner organisations;
- a description of the types of assistance available, what the assistance will be used for, and what key outcomes will be achieved by each form of assistance;
- the circumstances in which persons will be eligible for assistance;
- the amounts of assistance that will be available to eligible persons, and how these amounts will be determined;
- the types and amounts of preliminary or ancillary fees and charges associated with the provision of assistance that will be payable and in what circumstances;
- the process to be used to apply for assistance, including any preliminary enquiry system;
- how persons can obtain access to the process of applying for assistance;
- details of conditions that will apply to the provision of assistance, how conditions will be enforced and in what circumstances they may be waived;
- advice that is available, including financial advice, to assist persons wishing to enquire about, and apply for, assistance;
- the arrangements for complaints about the policy and its implementation;
- the arrangements for applications for assistance to be considered where these fall outside policy;
- key service standards that will apply to the provision of assistance e.g. how long it will take to approve an application for assistance once submitted, how long it will take for assistance to be completed once approved;
- local performance indicators and targets that will be used to measure the progress made by policy implementation towards meeting the authority's strategic aims, objectives and priorities and the fulfilment of corporate strategies; and
- a policy implementation plan that will, amongst other things: state the policy commencement date; the planned date when a successor policy document will be issued; the frequency with which policy implementation (including performance against indicators and targets) will be reported and publicised; and the circumstances that might necessitate an earlier review of the policy document.

3.21 The forms of assistance should adhere to the powers set out in article 3 of the order (see para 3.1). The following are examples from existing policies across England:

- **Relocation assistance:** financial and practical support to move where that is more cost effective or delivers better outcomes compared to adapting the existing home.
- **Hospital discharge grant:** funding for urgent adaptations, repairs or modifications that will allow someone to be discharged from hospital sooner.
- **Waiving the means test:** for example, not requiring means testing for stairlifts to prevent falls or where the cost of the adaptations is below a certain amount.
- **Home safety grant:** funding to repair hazards in the home that can reduce risks leading to fewer falls and other accidents around the home.
- **Pooled funding:** For example to fund ramps where otherwise there would be delay while deciding if it is to be funded by DFG or social services.
- **Fast-track adaptations:** where an urgent need has been identified, bureaucracy is minimised to speed up assessment and delivery
- **Palliative care:** Assistance with fast-track works for terminally ill people being discharged from hospital or hospice.
- **Dementia grants:** small grants to fund modifications that would allow someone with a diagnosis of dementia to remain living safely in their home for longer.
- **Smart Home Kits:** such as a smart thermostat to control heating and hot water, video doorbell, smart switches, smart lightbulbs and an Alexa or Google Home for voice or other assistive technology grants (see The Disabled Facilities Grant and assistive technology)
- **Funding more than the Maximum Amount:** funding towards adaptation schemes where the cost exceeds the maximum amount for a DFG.

## Fees and charges

- 3.22 Within their policies, local authorities should state what associated preliminary or ancillary fees and charges will be paid. This might include fees charged by agency services, private architects and surveyors, and could include either in-house or outsourced loan administration costs.
- 3.23 Clearly only reasonable and necessary fees and charges should be eligible for assistance. Authorities should actively compare these costs with other local authorities and service providers, and carry out market testing where appropriate. Authorities should seek to keep the cost of eligible fees and charges to a minimum but without compromising the quality of service provided to the customer.

### **Dementia grants**

Many local authorities already include dementia grants within their housing assistance policies. They are typically preventative in nature and allow for adaptations to be provided with a diagnosis of dementia and before the condition escalates to the point where a DFG would otherwise become necessary.

The extent and cost of the works are usually relatively small (often less than £1,000) and involve a streamlined application process. The most common types of modification are:

- Labels and signs on doors and cupboards
- Task focussed lighting in bathrooms and kitchens
- Items of assistive technology, e.g. to provide reminders and to monitor activity
- Safer flooring
- Decoration to improve contrast between walls and floors
- Installing coloured fixtures to create a contrast for items like toilet seats and grabrails

These simple changes can help to keep someone living safely at home for longer, delaying the need for more costly care services or a move into residential care.

### **Local land charges for DFGs**

3.24 As part of their Housing Assistance Policy authorities should set out when it will use discretion to place local land charges for an owner-occupier's application and the cases when it would not demand repayment if the recipient of the grant disposes of the property (see Appendix B, B123 to B125).

3.25 Authorities should particularly consider whether it would be right to demand repayment in cases where:

- repayment of the grant would cause financial hardship;
- they have to move for their job;
- the move is related to their physical or mental health or well-being; or
- they need to move to provide or receive care from others.

3.26 Authorities are encouraged not to place local land charges where the application is being made for a child in a long-term foster placement.

### **Adopting and publishing the policy**

3.27 Before providing alternative forms of assistance, a local authority should consider the expected life of the policy and plan capital resource allocations accordingly. The authority must then:

- adopt the Housing Assistance Policy according to its normal procedures for such matters;
- give public notice of the adoption of the policy; and
- ensure that the full policy is available on their website, preferably with a summary in plain English (and other languages as necessary).

### **Monitoring and revising the policy**

3.28 Regular monitoring of the policy's aims and objectives against performance targets, and customer feedback is essential to check whether policy implementation is satisfactory. Customers' views and experiences of the services provided, and their needs and expectations for future services, will also be useful in considering whether revisions are needed.

### **Dealing with complaints and redress procedures**

3.29 How clients initiate complaints and the appeals procedure when assistance is turned down should be written down and freely available.

### **Changes to policy**

3.30 Where any significant changes are made to the published policy, these must also be formally adopted and published. Significant changes include those to eligibility and scope as well as any new forms of assistance introduced. Minor changes which do not affect the broad thrust of policy direction, can be accommodated without a formal re-adoption process.

## **Policy tools**

3.31 The provisions of the RRO give local authorities wide discretion to provide assistance for housing renewal. Authorities should decide the most appropriate forms of assistance to best address the policy priorities they have identified. This section reviews the main policy tools which should be considered. Assistance may be unconditional or subject to conditions such as the requirement to repay a grant if the property is sold within five years.

3.32 The RRO contains important protections relating to the giving of assistance, whether it is given as a grant, loan or another form of help. It requires that:

- authorities set out in writing the terms and conditions under which assistance is being given; and
- before giving any assistance the authority must be satisfied that the person has received appropriate advice or information about the extent and nature of any obligation (financial or otherwise) that they will be taking on; and
- before making a loan, or requiring repayment of a loan or grant, the authority must have regard to the person's ability to afford to make a contribution or repayment.



## Grant assistance

- 3.33 Local authorities can make grant funding available for home adaptations and associated works. This might be for minor items of work, works outside the scope of the mandatory DFG, or to reduce the bureaucracy involved.
- 3.34 Where a local authority offers grant assistance it will need to consider whether to apply a means test. The specific form of means test will be for the authority to decide. Means tests are inherently complex and are not always appropriate. A simpler 'passporting' method linked to entitlement for other state benefits may be an alternative. In addition, for owner-occupiers the amount of unmortgaged equity in the property might be an important consideration in whether to make assistance available.

## Loan assistance

- 3.35 The RRO also enables local authorities to offer financial assistance in the form of a loan. For example, an authority may wish to offer loans to help those required to make a financial contribution under the means test for mandatory DFG.

### Types of loan assistance

- 3.36 There is a wide range of options available for local authorities to consider and it is important that they should seek proper, comprehensive legal and financial advice before offering loan assistance. The principal categories are:
- **Interest bearing repayment loans:** conventional loans either secured or unsecured with interest charged either at the current market rate or at a preferential rate and repayable in regular instalments over a period of time. Such loans are likely to be best suited to those with a regular income which would enable them to make the required repayments.
  - **Interest-only loans:** conventional loans, usually secured, where the borrower only pays the interest charge on the amount borrowed in regular instalments. Repayments may vary as interest rates go up or down. The capital is repaid usually on the sale of the property. Again, this sort of loan is likely to be best suited to those able to meet regular interest repayments, and, where the loan is secured against the property where there is adequate remaining equity in it.
  - **Zero-interest loans:** a conventional loan registered as a charge against the value of the property on which no interest is levied. The capital is repaid usually on the sale of the property. This type of loan may be best suited to those unable to make regular loan repayments, but who have substantial remaining equity in their home.
- 3.37 In deciding which is the right financial product for any circumstance, local authorities will need to make a careful assessment of the financial position of the applicant. In the case of equity release products they will also need to assess the current and possible future value of the property and other actual and potential charges on it. Where homes are already mortgaged the lender will insist on taking the first charge.

### Loan administration

- 3.38 Local authorities must be aware of all aspects of consumer credit regulation and guidance. The principal regulators for financial services are the [Financial Conduct Authority](#).
- 3.39 Any financial service providers including local authorities and housing associations may give advice about their own financial products. However, local authorities and housing associations must not offer financial advice on other financial products. They can only offer information on the availability of other products. Where loans are being offered, especially if the local authority is working jointly with another agency to promote any loan or equity release scheme, the person should be strongly advised to consult an independent financial advisor. Where appropriate, they should advise those considering equity release products to consult their family.
- 3.40 Local authorities and housing associations (but not their wholly owned subsidiaries) are exempt from the Financial Conduct Authority's authorisation for mortgage lending and administration, arranging and advising. However, they must still adhere to the underlying key principles of mortgage regulation which will be taken into account in any case referred to the Local Government and Social Care Ombudsman. These are that:
- authorities must ensure that their procedures are open and readily accessible to members and clients; and that
  - loans are administered in a manner which is both reasonable and fair.
- 3.41 The RRO is also clear that local authorities must satisfy themselves that recipients have received appropriate advice or information on any obligations arising from the assistance. This applies whether the local authority is providing the assistance directly or through third parties.

### Broader procedural considerations

- 3.42 Local authorities are free to decide their own policies and procedures through the general power to provide assistance. However, authorities should consider:
- duties under the [Local Government Act 1999](#) to provide best value through the operation of customer-focused, cost-effective, and efficient procedures;
  - obligations enshrined in administrative law such as the duty to act reasonably and fairly;
  - ensuring that policies and procedures are robust enough to safeguard and secure value for money from public funds and to minimise the risk of fraud; and
  - developing procedures that are transparent, fair, and efficient. This will help mitigate against legal challenges or allegations of maladministration.
- 3.43 Authorities are also subject to requirements of the Equality Act 2010 because they are discharging a public function and providing a service to the public. This means that they are required to make reasonable adjustments for service users who meet

the Act's definition of having a disability (see Appendix B, B5), including those who are applying for a grant. This means, for example, that DFG services must be accessible to those with a visual or mobility disability.

- 3.44 The reasonable adjustment duty is anticipatory, meaning that local housing authorities should not wait for a reasonable adjustment request, but should plan on the basis that, in a DFG application context, a substantial proportion of their clients will be disabled and therefore arrangements should be put in place to anticipate this.
- 3.45 Authorities must also not discriminate against or harass a person applying for a grant on grounds of or for reasons related to their disability or any other protected characteristic under the 2010 Act. Failure by an authority to make a reasonable adjustment to assist disabled service users make their application is unlawful under the 2010 Act, as well as other forms of unlawful discrimination and harassment, and can ultimately result in civil proceedings at County Court.
- 3.46 Local authorities are subject to the [Public Sector Equality Duty](#) (PSED), and when carrying out their functions must give due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act, advance equality of opportunity between persons who share a relevant protected characteristic and others and foster good relations between persons who share a relevant protected characteristic and others. It is for local authorities to decide what is required to fulfil their duty and the government does not have a role in overseeing this.
- 3.47 A local authority that is failing to comply with the PSED may be challenged via Judicial Review. Guidance on the PSED for public authorities in England, Scotland and Wales is available at the following link:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>.
- 3.48 Under [section 343AA of the Armed Forces Act 2006](#) (inserted by [section 8 of the Armed Forces Act 2021](#)), local authorities are required to have due regard to the three principles of the Armed Forces Covenant when exercising certain housing functions, including allocating disabled facilities grants. Under this provision, special considerations for veterans may be justified in some circumstances. More information will be provided in the Armed Forces Covenant Duty statutory guidance to be published in 2022.

## Chapter 4: Managing a home adaptations service

- 4.1 Once the local authority has set out their Housing Assistance Policy, and determined the key outcomes they wish to see from a home adaptations service, in line with the local Better Care Fund Plan, the next step is to understand the right way to commission the service.
- 4.2 Different authorities will take a different approach. For example, Housing Revenue Account funded adaptations for council properties may be managed by DFG housing officers or directly by council housing teams. However, it is considered good practice to offer a Home Improvement Agency service to support a disabled person and their family through the often complicated process of carrying out major building works. It is also good practice to consult disabled people in service design and delivery. This chapter uses the term “client” to collectively refer to the older or disabled person, the applicant and their family and carers.
- 4.3 Whichever route is chosen, it is good practice to undertake reviews of the service set up at regular intervals to consider whether the service is still delivering the best outcomes possible and whether service improvements can be made.
- 4.4 The aim of managing a home adaptations service should always be a seamless service for the client whose needs should be the primary focus. As a matter of good practice, the client should be involved in decision making throughout the process and the outcome of all discussions and agreements must be well documented.

### Integrated teams

- 4.5 Local authorities should consider using a single, integrated team to handle the whole adaptation journey from first contact to completion of the works. A joint team, including both housing and social care professionals, overcomes the frustrations faced by clients when their case is passed between different organisations. There is emerging evidence that this more person-centred way of working reduces timescales and drop-out rates.

### Managing initial enquiries and referrals

- 4.6 To ensure the quality and consistency of response, local authorities should consider establishing a one-stop shop to channel the majority of initial enquiries or referrals to a preferred point of access, for example, a social services contact centre, or an agency service.
- 4.7 Where authorities are working in partnership, the branding should clearly feature the titles and corporate logos of all the partner organisations to demonstrate their ownership of the common process.

- 4.8 Common training on an ongoing basis should be provided for those dealing with enquiries and referrals to ensure a consistent and appropriate service is provided. This will include disability equality training for all public-facing staff.

### **The right assessment team**

- 4.9 Authorities should also ensure they have the right team of professionals to assess and recommend adaptations. For example, trusted assessors (in simple cases), paediatric occupational therapists, educational setting assessments and other occupational therapists and technical officers, particularly where major adaptations are required.
- 4.10 Trusted assessors are staff who are trained to assess people and their home environment for home adaptations in simple cases. They also know when to refer on to an occupational therapist for further assessment. It is good practice for trusted assessors to be supervised by an occupational therapist.
- 4.11 The most successful assessment systems involve occupational therapists and trusted assessors working together within multidisciplinary teams.
- 4.12 Some applicants will be assessed by a private occupational therapist. A district council must still consult the social services authority in these cases.
- 4.13 Whichever team makes the initial assessment, the final decision on awarding grant remains with the local housing authority. Decision making panel meetings that do not include the housing authority are strongly discouraged.

### **Foundations**

Foundations are the government appointed National Body for Home Improvement Agencies in England. They offer a range of services to improve the local delivery of Disabled Facilities Grants. This includes:

- An accessible website with an extensive library and how-to guides
- A network of Regional Advisors providing information, support, and guidance
- Accreditation and quality standards for Home Improvement Agencies
- Bespoke training courses, including regular free online classes on understanding DFG
- Regular free events including monthly webinars and live regional DFG Champions Roadshows to share best practice
- Housing the National Healthy Housing Awards
- Consultancy support with service improvement reviews, including process mapping and drafting of Housing Assistance Policies

## Support for local authorities

4.14 Further information on good practice in the delivery of home adaptations can be obtained from Foundations, a body funded by the Government to support local authorities and home improvement agencies around local DFG delivery.

## The key stages

4.15 There are 5 key stages of delivering a home adaptation.

- **Stage 0:** first contact with services
- **Stage 1:** first contact to assessment and identification of the relevant works;
- **Stage 2:** identification of the relevant works to submission of the formal grant application
- **Stage 3:** grant application to grant approval
- **Stage 4:** approval of grant to completion of works.

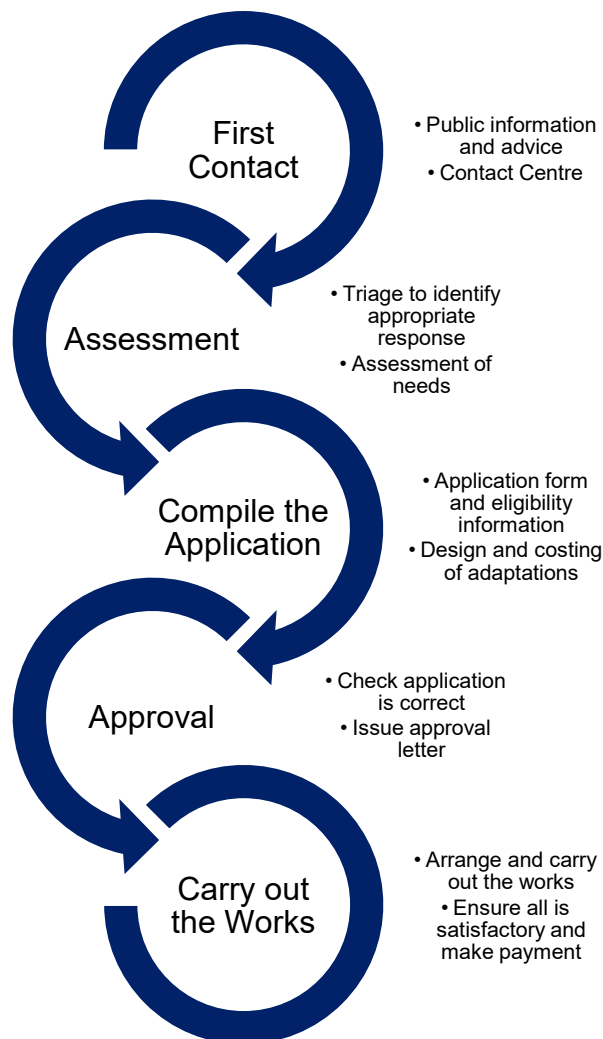


Figure 1: Key Elements of the DFG Process

4.16 The timescales for moving through these stages will depend upon the urgency and complexity of the adaptations required. More urgent cases should be prioritised for action, but larger and more complex schemes will take longer to complete. The following table sets out best practice targets, which should be met in 95% of cases. (see 4.36 to 4.39 for definitions).

	Target timescales (working days)				
Type	Stage 1	Stage 2	Stage 3	Stage 4	Total
Urgent & Simple	5	25	5	20	<b>55</b>
Non-urgent & Simple	20	50	20	40	<b>130</b>
Urgent & Complex	20	45	5	60	<b>130</b>
Non-urgent & Complex	35	55	20	80	<b>180</b>

4.17 It is important to keep the client updated on progress (and any potential delays) at all stages. People told about the causes of delay are more likely to accept it and may offer ways to mitigate any problems.

### First contact

4.18 Authorities should put in place pre-application processes to efficiently channel enquiries into the most appropriate type of assistance at an early stage or signpost them to more appropriate agencies to help resolve their problems.

### The provision of good information, advice, and publicity

4.19 The provision of clear, concise, easy to understand and readily accessible information is a vital aspect of providing a good service. It is important that anyone who needs it has appropriate access to information about DFGs, local policies for providing assistance, and how to apply. Authorities, working with partner agencies, should produce information in a range of formats, including on the authority website. This should include:

- the types of grant, loan or other assistance available;
- whether their personal circumstances make them eligible to apply, with a reasonable expectation of receiving some form of assistance;
- how to make an enquiry and application for assistance, including any application forms;
- any help or advice available with making an application through home improvement agencies or partners in any loan scheme operating locally;
- approval and payment processes;
- what happens if they start work before approval;
- any conditions that apply;

- how their contribution (if any) or loan repayments will be calculated and when the loan repayment would be required;
- how to resolve problems during and after completion of works;
- target timescales for operating different parts of the process, such as times taken for assessment, survey, approval and construction stages;
- assistance that may be available instead of or in addition to a grant or loan;
- advice, assistance and advocacy services that may be available where support is required;
- provisions for dealing with requests for assistance that fall outside the policy and the complaints procedure.

Authorities should ensure the information provided is up-to-date, accessible and easily understood for example, by people with learning and communication difficulties, or by those whose first language is not English.

### **Public information and self-assessment**

Foundations (the National Body for Home Improvement Agencies in England) host the [AdaptMyHome.org.uk](http://AdaptMyHome.org.uk) website which includes general information about DFG and home adaptations.

It also includes a guided self-assessment that help people to consider:

- whether they would benefit from making adaptations to their home;
- if they might be eligible to apply for a DFG;
- whether they might be better to consider moving to somewhere more suitable; and
- their estimated contribution towards the costs through means testing.

By entering their postcode they can also find the contact details of their local authority or forward the details of their self-assessment.

Local authorities are able to register and update their details.

## **Dealing with complaints**

- 4.20 The right to complain about adaptations services should be clearly set out on each authority's website and other media and made available to enquirers when they first make contact. This information should detail who they should complain to and the processes and timescales involved. For cases that cannot be resolved through the normal complaints procedure, contact details for the Local Government and Social Care Ombudsman should also be provided.
- 4.21 Authorities should also have a contingency fund to pay for remedies to be swiftly carried out when adaptations have gone wrong. People in these circumstances should not be put in a queue to wait for a reassessment.



## **Providing an effective response to enquiries and referrals**

- 4.22 To ensure clients receive a seamless service, on initial enquiry there should be an initial screening process, with agreed criteria, to determine whether an assessment is required for other forms of social care assistance.
- 4.23 Where the enquiry is received by a social services contact centre, housing needs should be an integral part of any needs assessment. People who do not qualify for social care services may nevertheless be entitled to a DFG.
- 4.24 Agreed criteria for assessing adaptation needs should be used. This should include criteria to enable an initial level of priority of the case - this can be revised later in the light of additional information or changes of personal circumstances.
- 4.25 The essential requirements include:
- a means of identifying and prioritising urgent cases;
  - other criteria that may assist in setting a priority based on the needs of the client. An example of arbitrary criteria would be a decision to give low priority to people seeking help with bathing problems; and
  - a system for checking that a correct decision has been made, for example by feeding back to the client or the referral agency the information which has been logged to ensure that it is correct.
- 4.26 A written response, or response in another format as appropriate, should be made to every enquiry providing an explanation of the action which is to be taken and the expected time scale. It should make clear who is responsible for each action (including the client if more information is required) and should give a clear point of contact.
- 4.27 The client should be informed of the next steps, including when they should expect a response and contact details to follow up in the event of delay. The date on the initial enquiry should be regarded as the starting point for a request for assistance for measuring against the target timescales as set out in paragraph 4.16.
- 4.28 Authorities should also consider introducing a secure online portal where clients can check the progress of their case.

### **Single point of contact**

- 4.29 The response to referrals or enquiries should identify a single point of contact, who the client can contact for information about their case. Ideally, this contact point should remain the same throughout the process, rather than being transferred, for example, from social services to housing if a DFG has been identified as the appropriate solution.

### **Preliminary means test for DFG**

- 4.30 The DFG means test is in place to ensure that DFG funding reaches those people who are on the lowest incomes and least able to afford to pay for the adaptations themselves.

- 4.31 Authorities should consider a preliminary means test for DFG at an early stage. It can be frustrating for both applicants and staff to discover at a late stage that the DFG means test indicates they will receive little or no financial assistance. A preliminary enquiry about resources (e.g. through a self-service online portal such as [adaptmyhome.org.uk](http://adaptmyhome.org.uk)) can short-circuit these delays and may encourage the disabled person to pursue other solutions.
- 4.32 More information on the means test can be found in Appendix B at paragraph B98.

### **Triage and assessment**

- 4.33 Everyone is an individual and one size does not fit all. Assessments should be person centred, and consider the individual views, values and cultural needs of the client. Practitioners in housing, health and social care should work together to help ensure clients feel confident and empowered to manage daily risks, drawing upon clients' strengths and assets to achieve positive outcomes.
- 4.34 For disabled children and young people, assessments should take account of their views and those of their parents. Assessments of disabled children should consider the developmental needs of the child and their progress towards maximum independence, the needs of their parents as carers and the needs of other children in the family.

### **Autism and behaviours that challenge**

Where home adaptations are being considered to deal with behaviours that challenge, the family and carers of the disabled person should be highly involved in the assessment discussions and decision making process. It is also good practice to consult with specialist colleagues to fully explore the correct balance between therapeutic interventions and adaptations.

Where behaviours threaten the safety of others living within the household, the grant can be used to reduce the risks to their safety. For instance, where siblings share a bedroom and there is the threat of harm during the night, then creating a separate bedroom can meet this purpose.

Grant could also be used to create a safe space for a person who is likely to injure themselves. This could, for example, include items such as upholstered and washable walls, soft flooring, radiator covers or a television enclosure. See Appendix A for further details on use of capital funding.

### **Triage**

- 4.35 It is recommended that authorities use a triage system to make an initial assessment of the complexity and urgency of a case. A good triage system will help everyone gain a shared understanding of the likely timescales for delivery. It will also enable the right team with the right skills to properly assess the case. Occupational therapists can be a limited resource, so it makes sense for qualified

Trusted Assessors to assess simpler cases, enabling occupational therapists to focus on the most complex cases.

### Deciding what is complex and needs occupational therapy input

4.36 To effectively route clients down different pathways, it is important to understand the potential complexity of the case at the outset. A complexity framework for home modification services has been developed in Australia which considers two aspects of complexity:

- Firstly, whether the adaptation is likely to be minor or major, defined by the structural changes required to adapt the home environment rather than cost.
- Secondly, whether the person's situation is straightforward or complicated – using a range of factors including the nature of the person's condition, the type of activity the person is wanting to do, and how ready the person is to have their home adapted.

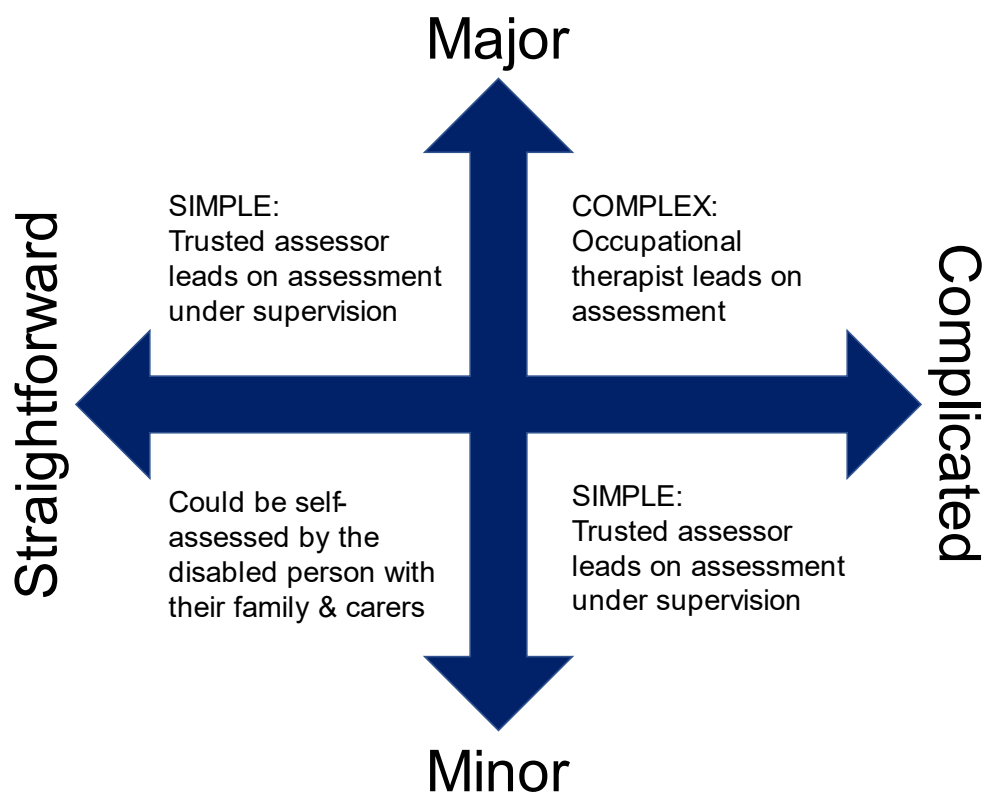


Figure 2: Model for deciding the complexity of an adaptation

4.37 This model can be adapted to identify the cases where occupational therapy input will be most beneficial. More detail on adopting this approach can be found in the Adaptations without Delay framework published by the Royal College of Occupational Therapists.

## Deciding the urgency

4.38 Authorities are recommended to treat cases as urgent in the following circumstances:

- Coming out of hospital and at risk
- Living alone and at risk
- Severe cognitive dysfunction and at risk
- Living with a carer who is elderly or disabled
- Living without heating or hot water and at risk
- Limited life expectancy

4.39 Categorising complexity and urgency at this early stage will set the target timescales for the rest of the process. However, this should be kept under review as circumstances change or if further information is uncovered during the assessment.

## Assessment of need

4.40 In the DFG assessment, the authority must identify the client's needs and what 'relevant works' are necessary and appropriate to meet their needs. Further information on legislation around the relevant works and what is necessary and appropriate can be found at Appendix B, paragraph B61. Below are some key principles to consider when identifying the adaptations needed.

- The primary purpose should be to modify a home environment to help restore or enable independent living, privacy, confidence and dignity for individuals and their families.
- The DFG can be used for a wide range of capital works to a home provided it meets the purposes set out in the Housing Grants, Construction and Regeneration Act 1996 (see Appendix B, para B45).
- Authorities should judge each request for adaptations on its merits in accordance with the legislation (see Appendix B) and not seek out reasons to refuse or delay approval.
- The starting point and continuing focus should be the needs experienced and identified by the client and their carers. The process should be one of partnership in which the older or disabled person and carers are the key partners.
- All partners should work to ensure that each adaptation is delivered sensitively, is fit for the purpose identified by the client, their family, or their carers, and within a timeframe that is made explicit at the outset.
- Authorities should consider how best to achieve value for money, taking into account:
  - how to design adaptations that will meet current and anticipated future needs; and
  - projected costs of health and social care in the longer term.

- Value for money will not always be achieved by choosing the cheapest option. An adaptation should satisfy the present and anticipated needs of the disabled person even in large and complex adaptations costing above the grant maximum of currently £30,000.

### **Recycling adaptations and value for money**

When considering value for money local authorities should take into account their investment into the long term accessibility of the housing stock in their area.

For example, carrying out the minimum works necessary to adapt a bathroom to meet the functional needs of a disabled person is unlikely to see those adaptations retained at the next change of occupier.

For specialist equipment such as stairlifts, homelifts, hoists and so on, authorities should consider how these items can be reclaimed, refurbished and recycled for use by others who may need them. There are different approaches to consider, including:

- Including recycling within a bulk purchasing arrangement / framework.
- Establishing an agreement with a provider to reclaim and refurbish equipment and offer them at a discounted rate to people who are not eligible for a DFG
- Reclaiming lifts to the local community equipment store for refurbishment and re-use.

Authorities should also consider the benefit of providing long term maintenance agreements and warranties for specialist equipment. This will ensure that the item will continue to operate over a longer period and maintain the independence of the disabled person.

## **Tailored solutions**

- 4.41 Adaptations should provide a sustainable and effective, individualised solution, including considering the role that assistive technology could play in meeting the identified needs (see Chapter 7:). It is important that the assessment of need focuses on what is important to the disabled person, rather than solely on safety and function.
- 4.42 To reduce the risk of installing inappropriate adaptations, authorities should follow the nine guiding principles identified by Heywood (2004) in her research into the needs older and disabled people consider important when being assessed:
- Need to retain (or restore) dignity
  - Need to have values recognised
  - Need for relief from pain, discomfort, and danger
  - Need to minimise barriers to independence
  - Need for some element of choice
  - Need for good communication as part of giving choice

- Need for light
  - Particular needs of children: to provide for growth and change; and the need for space
  - Needs of other family members and of the family as a whole
- 4.43 The above principles provide a framework to support decision-making and communication of what works are necessary and appropriate in each case.

### **A collaborative model of assessment for complex cases**

- 4.44 An integrated approach between the occupational therapist and technical officer is recommended to help determine the eligible works in complex cases.
- 4.45 In complex cases an occupational therapist may require the support of a technical officer to identify what adaptations are reasonable and practicable to install given structural limitations of the property. Only then can the occupational therapist recommend (in collaboration with the client), which solution is appropriate. More information on what is considered reasonable and practicable can be found in Annex B paragraph B84.
- 4.46 An integrated approach to assessment is illustrated in Figure 3 and demonstrates that the client is at the centre of the process:
- 1. This begins with the assessment of need and with identifying if it is necessary to adapt the home environment.
  - 2. The next step involves considering the home environment and identifying the potential solutions for adapting the home environment and meeting the needs of the person.
  - 3. From the range of solutions, the occupational therapist collaborates with the person to identify the most appropriate solution.
  - 4. The final stage of the process considers whether it is reasonable to award a grant.

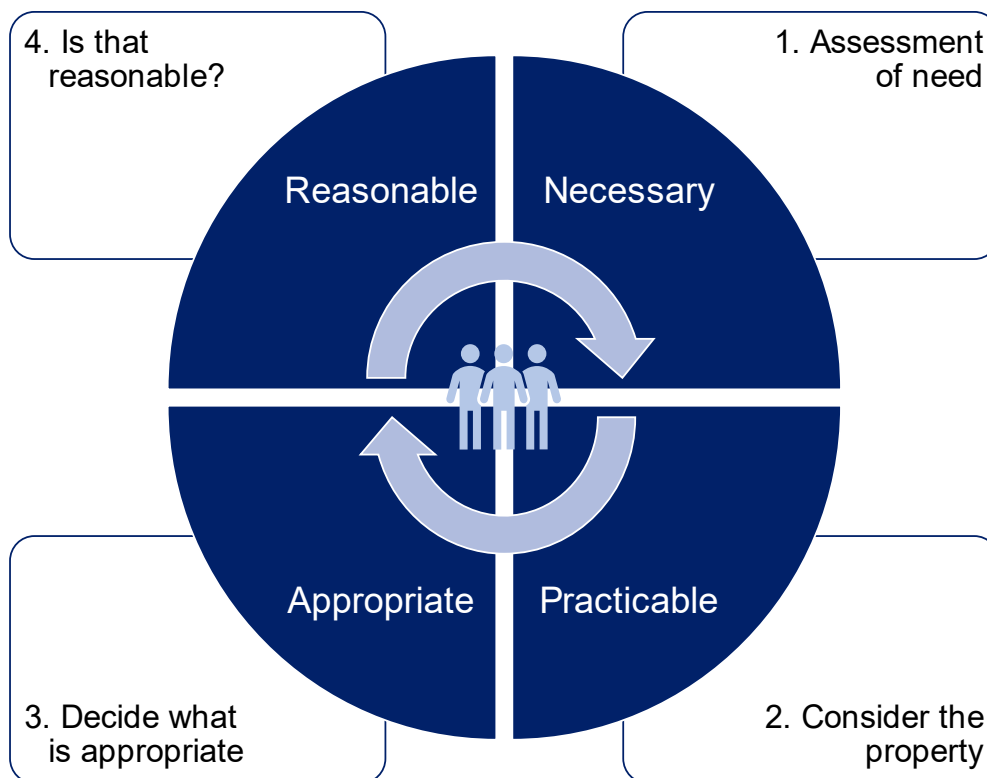


Figure 3: Integrated approach to assessment

## Client choice

- 4.47 In most cases the client will agree the 'relevant works' that are necessary and appropriate to meet their needs. However, there will be occasions when a client would like to consider different or more extensive works to their home. This may be because they need additional works outside the normal purposes of DFG or due to a preference on how they intend to use their home.
- 4.48 Authorities should consider how they support client choice and not seek to deny access to a Home Improvement Agency service for cases where a client seeks to exercise their choice. See Appendix B, para B90 for how to calculate the amount of grant.

## Chapter 5: The application

- 5.1 Local housing authorities have a duty to consider all formal DFG applications. This includes successive DFG applications for adaptations in the same property (see Appendix B para B111).
- 5.2 Local housing authorities should ensure the needs of applicants are at the heart of the grant application process, including through the provision of clear information to applicants, and specification design.
- 5.3 The advice in this chapter applies both to DFG applications made under the Housing Grants, Construction and Regeneration Act 1996 and to other grants and loans contained in a local Housing Assistance Policy.

### Application forms

- 5.4 Application forms should be available on request, be written in plain English and be simple to understand. It is for an authority to decide its own application processes in line with its local assistance policy.
- 5.5 It is important that the amount of information sought from an applicant should be proportionate to the extent and cost of the work. For small-scale adaptations applicants should have to provide only the minimum amount of information necessary. As a matter of good practice standard application forms can enable the operation of a transparent and fair system, help make best use of public funds, and assist with detecting and preventing fraud.
- 5.6 When designing new application forms authorities may find it helpful to refer to the following checklist of items to be included:
  - the name, address and age of the person applying for assistance;
  - the name and address of the owner of the property;
  - the address of the property for which assistance is being sought;
  - whether the applicant is an owner, landlord or tenant;
  - the provision of sufficient information on the income and outgoings of the applicant to enable the assessment of any contribution or their ability to finance loan repayments;
  - a summary of works required or the costs of materials;
  - a detailed breakdown of the works along with competitive estimates from at least two builders;
  - details of any agent handling the application;
  - details of ancillary services and charges;
  - certificate of owner-occupation;
  - certificate of ownership;



## The application

- tenant's certificate;
- certificates binding applicants to provide information when required, to demonstrate that they are complying with any conditions the local authority has set;
- proof of title;
- utility bill showing the applicant's name, and the address of the application property;
- valid application date;
- a clear statement that all information provided by the applicant will be checked thoroughly and could be shared with other organisations handling public funds to prevent and detect fraud;
- a clear statement that knowingly providing false information or withholding information could lead to prosecution for fraud; and
- provision of a statement that the owner of the property consents to the work being undertaken.

5.7 Authorities may wish to seek advice from their legal departments about the wording of certain parts such as in relation to the prevention and detection of fraud.

## Support for the grant application process

5.8 Some people will require support to submit a grant application, including the provision of drawings and specifications, planning permission and competitive estimates. Helping an applicant to navigate the process and make a grant application in a timely manner is an essential part of delivering good outcomes.

5.9 Local authorities cannot make charges for processing grant applications or for responding to enquiries. (See Appendix A: Identifying capital expenditure for DFG purposes)

## Involving an agency service

5.10 Local authorities should consider providing a Home Improvement Agency service to offer practical help to carry out home adaptations and improvements. The service offered varies but normally covers help in diagnosing issues, identifying solutions, assisting in raising money to cover the costs (including grant applications), selecting a builder, and ensuring that work is carried out properly. Some agencies are independent non-profit organisations, some are run by housing associations or private companies, and others operate in-house within a local authority. Further information on the role of agencies in helping older and disabled people can be obtained from Foundations, the body currently funded by the Government to support them.

## Data sharing

- 5.11 Where more than one organisation is involved in developing an application, there should either be a single joint IT system or appropriate data sharing protocols in place. Using the NHS number as a common field should allow for accurate data matching between different systems. This will minimise delays and allow for the whole process to be monitored.
- 5.12 Using a casework management system can significantly improve delivery. Efficient workflows, automatic generation of documents and comprehensive reporting functionality are vital components of an effective system.

## Confirming eligibility

- 5.13 Only certain people are able to make a valid application and in many cases this will not be the disabled person themselves. Authorities should take appropriate steps to confirm eligibility of the applicant, including considering who can sign the required certificate containing information about future occupation of the property, who has to give permission for relevant works to go ahead, and whether the disabled person meets the means test requirements for the grant.
- 5.14 The legislation to inform how a local authority should make their decisions on a DFG application is set out in Appendix B: The legislation, including information on determining:
- The disabled occupant (definition of a disabled person – which includes disabilities due to older age - and consideration of where the disabled person lives or intends to live)
  - The applicant (including application process per tenure, the grant condition period and intention to reside, and adaptations for the Armed Forces Community)
  - The eligible works (including the purposes, relevant works, and what is necessary and appropriate, and practicable and reasonable)
  - The amount of grant (including the grant maximum per individual applicant, services and charges, means test and exemptions, successive applications and nil grants, and application approvals)
  - The grant conditions (including charges on properties, nomination rights, recovery of equipment, payments, changes in circumstances, insurance and legal claims)

## Confirming ownership

- 5.15 The vast majority of homes are now registered with the Land Registry, and searchable online. Housing staff should request direct access to these systems to easily confirm whether an applicant does have an owner's interest (where applicable).

### **The means test**

- 5.16 An applicant can be passported through the means test if they are already in receipt of means tested welfare benefits. Department of Work and Pensions (DWP) benefits data can be accessed through an online customer information system called Searchlight, so local authorities do not have to collect this information from the applicant.
- 5.17 Where a means test applies, the applicant will need to provide evidence of income and savings. This evidence should be collected with the application form. The process of approval should not be delayed by seeking this information later.
- 5.18 All requests for financial information, and communication of the outcome, should be treated sensitively and with the highest level of confidentiality.

## **Confirming the works**

### **Standard specifications and 3D design**

- 5.19 In developing specifications, authorities should consider the aesthetics of adaptations as well as functionality. Common specifications can save time and effort, although personal needs and properties differ, so these should be flexed where needed to meet the nature of each job. The level of specification should be appropriate to the job. For simple jobs, a standard instruction to the contractor can suffice, but in more complex cases, an individual detailed specification with drawings will be necessary. Authorities should approach adaptations as a longer-term investment, particularly where they may be used by future residents. The national body of home improvement agencies, Foundations, can provide more information on the development of common specifications and good adaptations design.
- 5.20 Most people know very little about adaptations. 3D design tools can help people better communicate how they use their home, and help practitioners show the home adaptation options available. Such tools can improve communication and avoid misunderstandings.
- 5.21 In all cases, clients should be fully involved with the design and specification of works to their home. Depending on the circumstances, the agreement and consent of other affected parties (such as a landlord) may also be required.
- 5.22 There may be occasions when a client would prefer a more extensive adaptation than the authority has assessed as being necessary and appropriate. In these cases it can still be appropriate to support the application, while making it clear what level of grant will be available and how much additional funding is required. Authorities should not withhold support simply because the applicant has the means to fund more extensive works than could be funded by a grant alone.

### **Flat pack extensions**

Where additional space is required to meet the needs of the disabled person a home extension may be required. Currently most extensions funded through DFG are constructed traditionally with concrete foundations and brick and block floors. While this approach is tried and trusted it is labour intensive – usually creating months of mess and disturbance, particularly during periods of inclement weather, requiring on-going supervision by the local authority.

An alternative is to use modern methods of construction – flat pack extensions that are made in factories and assembled on site. By using screw pile foundations there is very little material to be excavated and these extensions can be weather tight in a few days and completed within as little as two weeks.

Most flat packs use structural insulated panels (SIPs) which are very thermally efficient and provide a strong fixing for grabrails and other equipment. For sites with poor access the panels can usually be carried through the house.

Costs are usually equivalent to a traditional build, but by expanding the use of flat pack extension should open the market for greater innovation and efficiency in the future.

### **Planning permission**

5.23 It is important to ensure that planning approval procedures do not add unnecessary delays to the adaptation process. Local housing authorities should:

- liaise with the local planning department (which will normally be within the same authority) to determine matters which will require planning permission and any exceptional circumstances (for example when a property lies within a conservation area);
- understand “permitted development rights” for home extensions
- develop procedures to assist applicants to obtain planning permission quickly, using their knowledge and experience; and
- develop procedures to resolve problems with planning permission where these arise, including the use of temporary planning permissions.

### **Tendering procedures**

5.24 In order to ensure good value for money, the most appropriate tendering procedures need to be considered. At a minimum, two competitive estimates will normally be required. Please see Appendix B paragraph B90 for more information on estimates for the cost of the eligible works.

5.25 Authorities should consider whether to offer access to contractors who have agreed a schedule of rates for adaptations work. Standard clauses for use in specifications or contracts should also be adopted wherever possible. The benefits of such a system are considerable: costs can be calculated directly from the specification, a cost of works fixed, and the level of grant assessed without waiting for tenders to be returned and evaluated. Online systems are available to

manage the process and a Dynamic Procurement System (DPS) is also well suited to this type of work.

- 5.26 For frequently used equipment, authorities can make considerable savings through bulk purchase arrangements, although there should be some scope for ordering outside the standard range. Framework agreements can allow authorities to provide applicants with access to individual items at a “contract” price, including options for reclaiming and recycling of equipment. (See Chapter 3: for how to make this a condition of grant funding).

### **Service contracts**

- 5.27 Some items installed as part of an adaptation, such as stair and through-floor lifts and ceiling hoists, will need regular servicing and repair. It is good practice for arrangements, covering the likely service life of the equipment, to be made at the time of installation. The cost of an extended guarantee or service contract to be paid upfront on commissioning can be included in the calculation of grant payable.

## **Approval of the application**

- 5.28 The 1996 Act sets a maximum period of 6 months for a local authority to decide an application. This timescale allows for cases where an application is developed independently of the local authority. In practice, the vast majority of approvals will be a straightforward process of checking the details gathered during the application stage and should take no longer than 5 working days for an urgent case or 20 working days for a non-urgent case.
- 5.29 In some cases there will be works that are more urgent than others. In these cases the urgent works should be approved in advance of the remainder where waiting could cause harm. For example, an application for a lift may be approved while plans for bathroom works are being prepared. The approval can be redetermined at a later date to include the other adaptations.
- 5.30 Where a variation to the originally approved scheme is necessary, authorities are required to seek the applicant’s consent to the variation (unless the applicant has requested it). This is particularly important as an applicant’s contribution could increase with the increased cost of work, or a local land charge could apply. It is not recommended to include a contingency sum within every grant approval as it will make it more difficult to estimate the overall amount of funding committed and require every approval to be redetermined when the works are completed.
- 5.31 In approving any grant, loan or other form of assistance, authorities are required to set out:
- The type(s) of assistance being approved
  - The person(s) and property to which the assistance applies
  - A description of the works to be carried out (the eligible works)
  - The estimated cost of the works
  - The estimated cost of any associated fees and charges

## The application

- The applicant's expected contribution towards the costs and how this will be paid
- The amount of assistance approved and the maximum amount that can be provided
- Time limits for the commencement and completion of works, having regard to the nature and extent of the assisted work
- The contractor(s) expected to carry out the works
- Any terms and conditions that apply to the assistance being provided, including any local land charges and circumstances in which they may be waived in the future
- What would happen if circumstances change before the works are completed and when assistance may be reclaimed
- If and when recovering and recycling of any equipment would apply (e.g. ceiling hoists and stairlifts)
- The process for signing off the works and paying the contractor(s) with caveats about varying payment authorisation where there is a dispute about quality of work
- Requirements for certificates and invoices to be provided
- Responsibility for ongoing repairs and maintenance after the works are completed
- That the applicant's home insurance company and mortgage provider should be notified as applicable

5.32 All this information should be available on the local authority's website and made available to potential applicants early in the process.

## Chapter 6: Contractors and managing the works

6.1 Contractors are a crucial part of the home adaptations process. Authorities should develop a list of qualified contractors who will deliver quality works in a timely manner, with due consideration for the needs of the disabled person and their family. Delivery through agency services can enable a better service to applicants, and allow the authority to better control standards of work and regulatory compliance, as part of a regular monitoring and vetting process.

### Managing lists of accredited builders

6.2 Authorities should strongly consider establishing a list of accredited builders for home adaptation works. Such schemes bring significant benefits by setting criteria for inclusion such as:

- standards of customer care such as keeping to appointments, keeping the site tidy, controlling noise etc.;
- vetting of financial standing, tax and VAT status;
- requiring the use of suitable building contracts;
- promoting good health and safety practices;
- requiring the use of warranty schemes;
- wearing of local authority designated ID badges;
- ensuring that adequate insurance is held;
- requiring references; and
- providing applicants with start and completion timescales.

6.3 here should be clear and transparent criteria and processes for applying to be included, and for exclusion or removal. Authorities may wish to collaborate on establishing a list that covers a number of local authority areas, sharing the costs.

6.4 Authorities should adequately manage the list, including client feedback as part of the regular monitoring to encourage good customer service. Consistently poor feedback should result in action and ultimately removal from the list. Applicants should be aware of whether a builder is on the accredited list, and that the legal and contractual relationship is between the applicant and builder and not with the local authority.

6.5 It is good practice to have a written code of conduct setting out what to expect from builders. This could include things like keeping the client informed, protecting the property, welfare facilities, how to deal with variations, and what to include with the invoice. When everyone knows what's expected, jobs run more smoothly.

- 6.6 Authorities can also consider the use of Trustmark to give consumers greater confidence in choosing a building contractor. Trustmark is the only UK Government approved trusted trader scheme and includes robust standards, dispute resolution services, and added protection by way of insurance backed warranties.
- 6.7 Setting up a contractors' forum to offer training (e.g. from local building control officers), discuss changes in regulations, and consult on new proposals can show that you appreciate what they do and want to work with them to improve services. Some authorities are worried about potential cartels, but with robust procurement practices the risk is low compared to the benefits of proper engagement.

## Delivering building works

- 6.8 The works must usually be completed within 12 months of the approval date (see Appendix B, para B131)
- 6.9 When an applicant has selected a suitable contractor and the grant has been approved, authorities should consider how to ensure a good working relationship is established. Arranging building works can be a stressful process but there are strategies that can be put in place to prevent unnecessary problems.

### Pre-start meetings

- 6.10 Authorities should consider holding a pre-start meeting to properly introduce the client and contractor, discuss the sequence of events, any other considerations, who to contact if there is a problem and sign the building contract. Use a simple agenda, record all the information and share the details. Investing time in setting jobs up to succeed means they are far less likely to go wrong.
- 6.11 It is also well worth having a booklet that tells your client what they should expect while the contractor is working in their home, to prevent misunderstandings later. Ensure that the client knows who to contact in case of a problem or emergency.

### Building contracts

- 6.12 It is recommended that a formal contract is signed between the applicant and the contractor for all building works. This will set out the rights and responsibilities of both parties and can include the role of contract administrator, normally the technical officer employed by the agency/local authority.

### Payment

- 6.13 The authority will need to consider the terms of the contract between the applicant and contractor when making any payments. The authority will usually pay the grant directly to the contractor but must notify the applicant before approval of the application.
- 6.14 The grant will either be paid in instalments as the work progresses or in full on completion. More information can be found at Appendix B, paragraph B129.



## Site supervision

- 6.15 Establishing and maintaining a list of accredited contractors, hosting pre-start meetings, and signing formal contracts should minimise the requirement for ongoing supervision of building works on site. However, all major adaptation work should be visited by a supervising officer at least once whilst in progress. The client should always be involved and given an opportunity to comment on the progress of works and raise any difficulties or queries. If there are any disagreements or doubts about the suitability of the works to meet the needs of the disabled person then the supervising officer should arrange a joint site meeting with the person who carried out the assessment, the client and the contractor.

## Variations

- 6.16 For any building job, there is potential for unforeseen works which can add to the overall cost of the required works. Any variations that require an increased contribution from the client, including any land charges, should be formally agreed before proceeding.

## Sign off

- 6.17 Contractors should be encouraged to develop a “right first time” approach, with no snagging items remaining upon completion. Requiring the contractor to systematically submit photographic evidence for every project can enable a quality audit to be carried out remotely. The records will also assist with investigations into any problems or defects that occur later. For complex projects it is good practice for the person who carried out the assessment to confirm the suitability of the completed adaptations. In all cases the client should sign to confirm their acceptance of the completed works.

# Chapter 7: The Disabled Facilities Grant and assistive technology

## Assistive technology

- 7.1 According to the Medicines and Healthcare products Regulatory Agency (MHRA), the term ‘assistive technology’ refers to ‘products or systems that support and assist individuals with disabilities, restricted mobility or other impairments to perform functions that might otherwise be difficult or impossible’.
- 7.2 Assistive technologies enable people to live healthy, productive, independent and dignified lives. They can help people participate in education and the labour market as well as stay in contact with family, friends and carers and use online services to access shopping, entertainment and information.
- 7.3 There is a large market in specialist assistive technology, offering a wide range of products and services to help disabled people in their everyday lives. In addition, mainstream technologies also often have features that can be beneficial for disabled people.
- 7.4 Assistive technology can be included as part of a DFG award package to maximise the benefits of home adaptations. This is a non-exhaustive list of examples of specialist and mainstream assistive technologies that can be provided through the Grant. The examples are organised according to the different DFG purposes they support.

### **Smart homes technology**

The range of technology available to control the functions of a home have increased significantly since the DFG was first introduced in 1990. The cost of equipment has also decreased as use of assistive technology has become more mainstream. For example, a system to manage and monitor the internal environment that used to cost several thousand pounds can now be achieved for less than £300.

Local authorities should consider the most appropriate way to provide smart technology where it is not part of a larger adaptation, and whether an application for DFG is the most cost effective way to do so. Some areas include a streamlined grant within their Housing Assistance Policy (see Chapter 3:).

The DFG is a capital grant and authorities should also take into account their de-minimis limits and the ongoing costs of any maintenance or monitoring.

## **The Disabled Facilities Grant and assistive technology**

### 7.5 Facilitating access to and movement within the dwelling

- Automated door openers to allow easy access to the residence
- Stair and platform lifts to help people with mobility impairments traverse steps

### 7.6 The preparation and cooking of food

- Adapted and height adjustable cooking surfaces

### 7.7 Accessing and using the bedroom

- Ceiling track hoists to help people with mobility impairments to transfer from a wheelchair or armchair to bed

### 7.8 Controlling sources of power, light and heat

- Smart lighting that can be remotely turned on and off, made brighter or dimmed, change colour and synchronise with other devices
- Smart thermostats that can automatically learn user temperature preferences and self-adjust when users leave or enter a room, and be remotely controlled via a smart phone or another device
- Smart hubs that allow people to control household devices and appliances using a voice activated assistant, an app on their smart phone or an alternative assistive technology.
- Infrared controlled power sockets to switch devices on and off with a remote control
- Automated light switches that can be activated using voice commands, a smart phone app, or via sensor triggered by movement or a timer

## **Improving digital connectivity within a dwelling**

7.9 Local authorities should note that some products may need a suitable level of digital connectivity to function. If the dwelling does not already have the necessary infrastructure to support assistive technologies, they may use the Disabled Facilities Grant to fund capital equipment if it is required to support the overall package of adaptations to the home such as:

- Wireless routers
- Wi-Fi signal extenders
- Cabling

## **Maintenance and support costs**

7.10 Some assistive technologies have associated ongoing maintenance and support costs. The DFG can fund installation costs and fees associated with the initial set up of the capital adaptation (see Appendix A: Identifying capital expenditure for DFG purposes), but it does not fund ongoing maintenance or support costs. Ongoing costs (such as monthly fees to an Internet Service Provider) cannot be included in a DFG award. However, there are a number of ways to manage these

expenses in tandem with other local and national public services and programmes, including by:

- Extended guarantees or a service plan (if purchased up front as part at the time of installation) can be considered as part of a grant award.
- Sharing costs with individuals and their families – most effective when the initial period is free of charge to allow people enough time to become familiar with the technology and its benefits
- Sharing or transferring costs to other local and national public services, such as:
  - Adult social services – including social care budgets, such as the Integrated Community Equipment Service (ICES) and Technology Enabled Care Service (TECS) or telecare budgets.
  - Children's social services SEND provision – including Education, Health and Care Plans (EHCPs).
  - Local health services – including NHS Continuing Healthcare (CHC) and telehealth services.
  - NHS England's nationally commissioned Environmental Controls Service – which provides assistive technology to help people with complex physical disabilities enjoy greater independence at home.
  - The Department for Work and Pensions' Access to Work programme – can provide funding for support and adjustments (both in the workplace and working from home) such as specialist aids and equipment for disabled people.

## **Assistive technology assessments**

- 7.11 Appropriate assessments are vital to making sure that assistive technology meets the needs of individual users and does not fall into disuse. Assistive technology assessments can be built into the triage and assessment process for the Disabled Facilities Grant described (in Chapter 4:).
- 7.12 The aim of assistive technology assessments should be to match the everyday activities and situational requirements of the disabled person to the features and capabilities of the available products and services. Assessments must be co-produced with the disabled person, their families and carers, taking account of their preferences, requirements and aspirations. This approach encourages more personalised decision making than basing assessments solely on the person's medical diagnosis.
- 7.13 Depending on the circumstances, assessments can be conducted by qualified occupational therapists, occupational therapy assistants, social workers and trusted assessors. As outlined in Chapter 4 above, assessments should be conducted in a way that is proportionate to the complexity of a person's needs.

## **Using discretionary housing funding for assistive technology**

- 7.14 Under the Regulatory Reform Order local housing authorities can offer discretionary funding – in any form (e.g. a grant, loan or equity release) – to help pay for home adaptations and repairs, provided this is in accord with a published local policy (see Chapter 3:).
- 7.15 Discretionary funding can be used to:
- Speed up the acquisition of assistive technology on behalf of a disabled person by avoiding some of the procedural requirements associated with Disabled Facilities Grants
  - Fund specialised assistive technology grants. Such grants can be designed to improve access to assistive technology in the home for all local disabled people, or specifically aimed at enhancing the health, wellbeing and independence of particular groups such as disabled children and young adults, people with dementia or autistic people.

## Appendix A: Identifying capital expenditure for DFG purposes

The DFG provides capital funding for the provision of home adaptations.

Capital expenditure typically includes expenditure on non-current assets such as land, buildings and plant and equipment.

To qualify as capital, expenditure incurred must result in either the acquisition/construction or addition/enhancement of an asset. In addition, the benefits to the entity from the works must last for more than one accounting period (i.e.: more than one year).

The grant can only fund capital expenditure. Please consult your finance department about what can be classed as capital expenditure.

Under [section 16\(1\) of the Local Government Act 2003](#), capital expenditure for a local authority is expenditure of the authority which falls to be capitalised in accordance with proper practices (though this is subject to 16(2)).

Proper practices are those set out in the Chartered Institute of Public Finance and Accountancy (CIPFA) Accounting Code and through statute which are summarised within this code. Further capital spend is listed in Regulation 25 of the [Local Authorities \(Capital Finance and Accounting\) Regulations 2003](#).

Monies spent must be recorded as capital expenditure and certified as such in a return to DLUHC.

Below are some examples of expenditure, explaining whether or not they might qualify as capital spend:

Type of Expenditure	Is it Capital Expenditure?	Reason
Construction of an extension to an existing dwelling	yes	Creation of an asset, which will provide benefit for more than one accounting period.
Major adaptations to existing facilities such as a shower adaptation, ramp or stairlift	yes	A major adaptation, which will increase the economic benefits offered by it – e.g. Increased independence / reduced care costs.
Replacing a floor covering or repairing a shower unit	no	Repairs only maintain the asset; they do not increase the life of the dwelling.

Type of Expenditure	Is it Capital Expenditure?	Reason
New replacement stairlift	yes	Creation of an asset, which will provide benefit for a period of more than one accounting period.
Repairs to stairlift after breakdown	no	Repairs only maintain the asset; they do not materially increase the life of the stairlift.
Extended warranties for lifts and hoists	sometimes	Can be considered for capitalisation as part of the overall project costs of a new adaptation, as it will ensure that an asset that will provide benefit for more than one accounting period
Slings for hoists and shower seats	sometimes	Can be considered for capitalisation as part of the overall project costs of the new adaptation, which results in the creation of an asset that will provide benefit for more than one accounting period
Smart lighting, smart thermostats	sometimes	Can be considered for capitalisation as part of the overall project costs of the new adaptation, which results in the creation of an asset that will provide benefit for more than one accounting period
Hoists, shower tables, etc.	yes	New assets that provide benefit for more than one accounting period.
Refurbishment of existing adaptations	sometimes	The repair of broken or worn-out adaptations is not capital. However, costs could be capitalised if adaptations are being replaced with a better product (enhancement).  For example, flush floor shower replacing a tray with a step would qualify as betterment.
Conversion of a garage into a habitable room	yes	Enhancement of an existing asset which will last for more than one accounting period.

Type of Expenditure	Is it Capital Expenditure?	Reason
Installation of a new kitchen including new cooker, dishwasher, microwave	yes	Enhancement of an asset that will extend its useful life.
Internal decoration of an existing property	sometimes	Decoration only maintains the asset; it does not increase the life of the building. Can be considered as capital expenditure if included as part of the whole project costs of the adaptation
Purchase of materials only for a major adaptation project	yes	If the materials will be used for enhancement/betterment of the property the purchase of materials is classed as capital.  Materials for routine repairs and maintenance are classed as revenue costs.
Purchase of materials for repairs and maintenance (e.g. a new shower hose, replacement sections of fencing, parts for equipment etc)	no	Purchases associated with routine maintenance and repairs would be classed as revenue expenditure.
Agency fees - for a major adaptation. Applies to other fees such as planning etc.	yes	Can be considered as capital expenditure if included as part of the whole project costs of the adaptation – see services and charges order below.
Staff costs for supporting the delivery of major adaptations	yes	Can be considered as capital expenditure for direct support to clients/applicants (including advice) linked to the activities in the services and charges order (below)
Occupational therapy assessment fees	yes	Can be considered as capital expenditure if included as part of the whole project costs of the adaptation and carried out and invoiced by a private OT (see



Type of Expenditure	Is it Capital Expenditure?	Reason
		services and charges order as below)
Funding other temporary accommodation when residents need to move out during the execution of building works	yes	Can be considered as capital expenditure if included as part of the whole project costs of the adaptation
Training of staff	no	No, as no asset is being created.
Funding towards purchase of a new dwelling?	yes	Acquisition of an asset, which will provide benefit for more than one accounting period. Be careful around leases. Can also include cost of advising and supporting someone to move.
Assessment and approval of grant applications	no	No, as no asset is being created.
Developing policies and strategies on home adaptations	no	No, as no asset is being created.
Supervision of staff	no	No, as no asset is being created.
Monitoring of the program	no	No, as no asset is being created.
Delivering a handyperson service	sometimes	Yes, where new adaptations are being fitted that will last longer than a year and support someone to live independently. But not if the service is predominantly carrying out repairs

## Specified services and charges order

The Housing Renewal Grants (Services and Charges) Order 1996 specified the services and charges which can be properly included within an application for a Disabled Facilities Grant:

- a) confirmation, if sought by the local authority, that the applicant has an owner's interest,
- b) technical and structural surveys,
- c) design and preparation of plans and drawings,
- d) preparation of schedules of relevant works,
- e) assistance in completing forms,
- f) advice on financing the costs of the relevant works which are not met by grant;
- g) applications for building regulations approval (including application fee and preparation of related documents),
- h) applications for planning permission (including application fee and preparation of related documents),
- i) applications for listed building consent (including application fee and preparation of related documents),
- j) applications for conservation area consent (including application fee and preparation of related documents),
- k) obtaining of estimates,
- l) advice on contracts,
- m) consideration of tenders,
- n) supervision of the relevant works,
- o) disconnection and reconnection of electricity, gas, water or drainage utilities where this is necessitated by the relevant works, and
- p) payment of contractors.

In a case where the application is for disabled facilities grant, the services and charges of an occupational therapist in relation to the relevant works are also specified for those purposes.

## Appendix B: The legislation

- B1. The primary legislation for the DFG is set out in the [Housing Grants, Construction and Regeneration Act 1996 \(the 1996 Act\)](#). This appendix sets out the legislation to help inform how a local authority makes decisions on DFG applications, including determining:
- The disabled occupant
  - The applicant
  - The eligible works
  - Amount of grant
  - Grant conditions
- B2. Once a formal application has been properly submitted, the housing authority is under a duty to consider it. An authority would be open to legal challenge if they refuse to accept a valid application or won't provide the necessary application forms.
- B3. Local authorities cannot make charges for processing grant applications or for responding to enquiries.

### The disabled occupant

- B4. A valid application can only be made by the owner or tenant (or occupant in the case of a houseboat or caravan) where the disabled person lives or is going to live – in many cases this will not be the disabled person themselves. In the legislation the disabled person who needs the adaptations is known as 'the disabled occupant'. In deciding whether the application is on behalf of a disabled occupant, the local authority must consider if the intended beneficiary meets the definition of a disabled person for the purposes of the DFG, and where they live or intend to live. Key considerations are covered below.

### A disabled person

- B5. For the purposes of a DFG application a person is disabled if:
- their sight, hearing or speech is substantially impaired,
  - they have a mental disorder or impairment of any kind,
  - they are physically substantially disabled by illness, injury or impairment
- B6. and a person over 18 is taken to be disabled if:
- they are an adult who is or could be registered under [section 77 of the Care Act 2014](#)

- they are an adult who is or could be registered under [section 18\(5\) of the Social Services and Well-being \(Wales\) Act 2014](#)
- they are a child or young person registered under [paragraph 2 of Schedule 2 to the Children Act 1989](#)
- they are a disabled child as defined by [s.17 of the Children Act 1989](#).

### **Where the disabled person lives or intends to live**

- B7. A DFG is available to fund facilities for a disabled person living or intending to live in a:
- dwelling, or
  - qualifying houseboat or caravan.
- B8. A “dwelling” is defined as a building or part of a building (e.g. a flat) occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses, and appurtenances belonging to it or usually enjoyed with it. This includes dwellings where someone lives as part of their employment, like a farm cottage or a flat over a shop.
- B9. A “caravan” as defined by the Act means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted (excluding railway rolling stock on rails and tents) and includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it.
- B10. A “qualifying houseboat” is a boat “designed or adapted for use as a place of permanent habitation”. It must have its only or main mooring within the area of a single local housing authority, have the right to be moored there and be registered for Council Tax.
- B11. Where more than one disabled person lives at the same address, the housing authority can consider multiple applications based on their individual needs. However, the authority would be best advised to use its wide discretionary powers to ensure integration of the necessary works, having regard to the impacts on the disabled persons.

### **Children living in joint residency arrangements (previously ‘custody’)**

- B12. Where a disabled child has parents who are separated and the child lives for part of the time with each parent, a statutory DFG is only available at the address which is the main residence of the disabled child, usually the home of the parent in receipt of child benefit. However, it will often be in the best interests of the child to provide adaptations at both locations. Authorities are encouraged to use their discretionary powers in considering applications to adapt the homes of disabled children in these situations to ensure that they can maintain normal living arrangements.

### **Children in foster care**

- B13. Children and young people who are placed in foster care have a wide range of needs and are in different kinds of placements ranging from short-term breaks to a long-term foster placement intended to last until adulthood. The social services authority is responsible for assessing the child's needs and providing appropriate services to meet those needs, which include services to meet needs arising from disability. Children and young people who are placed in foster care should be placed in housing suited to their individual needs.
- B14. Foster carers are eligible to apply for a DFG on behalf of a foster child, but provision may depend on the type and length of placement, including consideration of the grant condition period (see paras B34-B36). The application would be made to the housing authority where the foster carers live, although it is likely that the foster child's social services authority would need to fund any works over the maximum grant limit.

### **Who can make a DFG application? (Who owns the property and when there's a tenant)**

- B15. Only certain people can make a valid application - in many cases this will not be the disabled person themselves. The three questions for local authorities to understand are:
- Who can make an application for a DFG?
  - Who has to sign the required certificate containing information about the future occupation of the property ("certificate of future occupation"); and
  - Who has to give permission for the relevant works to go ahead.

## **The applicant**

- B16. A valid application can be made by:
- someone who has an owner's interest in the property (either an owner-occupier or a landlord);
  - a tenant of a dwelling; or
  - the occupant of a caravan or qualifying houseboat.
- B17. Under the Act, no grant is payable to the following:
- Public bodies such as a Local Authority or Clinical Commissioning Group
  - A "person from abroad"
  - Anyone under 18 years of age. (Applications on behalf of children or young people aged 17 years and under must be made by an appropriate adult).

### **An application from someone with an owner's interest [\[s21\]](#)**

- B18. An owner-occupier or landlord would usually need to have, or propose to acquire, an owner's interest in all the land where adaptations need to be made (however

an exception to this is set out in The Housing Renewal Grants (Owner's Interest) Directions 1996). The owner's application must be accompanied by an owner's certificate in respect of the dwelling to which the application relates, or in the case of a common parts application, in respect of each flat in the building occupied or proposed to be occupied by a disabled applicant which confirms that they:

- already have or propose to acquire an owner's interest; and
- intend that the disabled person will live in the dwelling (or as the case may be flat) as their only or main residence for the grant condition period (usually 5 years) or for such shorter period as their health and other relevant circumstances permit.

B19. For a prospective owner, they can make the application before they have acquired the property, but the application cannot be approved until they take ownership.

B20. Where there is more than one owner, then any person with an owner's interest can make a solo application.

B21. There is no specific requirement for the housing authority to obtain proof of ownership other than the owner's certificate but it is good practice to cross reference the details with the Land Registry. There is also no requirement for the housing authority to seek permission from the applicant's mortgage provider or to ensure they have adequate household insurance, although they should advise the applicant of the need to inform both.

B22. A leaseholder is classed as an owner if 5 years or more remain on the term of the lease.

B23. A freehold landlord may also make an application as the owner of the dwelling.

### **A tenant's application [\[s22\]](#)**

B24. The term "tenant" includes:

- a secure tenant, introductory tenant or statutory tenant;
- a protected occupier under the [Rent \(Agriculture\) Act 1976](#) or a person in occupation under an assured agricultural occupancy within the meaning of [Part I of the Housing Act 1988](#); or
- an employee who occupies the dwelling as part of their job

B25. A tenant's application must be accompanied by a tenant's certificate which confirms that they:

- are making a tenant's application; and
- intend that the disabled person will live in the dwelling as their only or main residence for the grant condition period (usually 5 years) or for such shorter period as their health and other relevant circumstances permit.

B26. All tenant's applications should also be accompanied by an owner's certificate signed by the landlord, unless the local authority thinks it is unreasonable to require such a certificate in the circumstances. This discretion may be used where

the housing authority considers the landlord is unreasonably withholding an owner's certificate.

- B27. Note that even where the tenant's application is entertained without an owner's certificate, a grant cannot normally be awarded without the landlord's permission to carry out the works. However, a local authority can award a grant for works inside a disabled person's home in the absence of a landlords' permission, where such permission has been unreasonably withheld, or where the landlord has attached unreasonable conditions to the consent in breach of the [Equality Act 2010](#).
- B28. Under the Equality Act 2010 a landlord cannot unreasonably withhold their consent to an adaptation or attach unreasonable conditions to any consent. Where consent is refused, or conditions attached, the burden is on the landlord to show that their consent has not been unreasonably withheld to make adaptations (and how easy it would be to undo them).
- B29. If the landlord's consent is unreasonably withheld, or unreasonable conditions have been attached it must be taken that consent has been given. LAs will have to form a view in each individual case as to the issue of whether or not consent has been unreasonably withheld and what they should do in such cases.
- B30. These provisions do not apply to a protected tenancy under [S1 of the Rent Act 1977](#) or a statutory tenancy under [S2 of that Act](#) or a secure tenancy under the [Housing Act 1985](#).
- B31. Government is planning to bring legislation into force which would align the situation for adaptations in common parts of residential buildings with this. Please see the common parts section below for more detail (B57 and B58).

#### **A houseboat or caravan occupier's application [\[s22A\]](#)**

- B32. An occupier's application must be accompanied by a certificate which confirms that they:
- are making an occupier's application; and
  - intend that the disabled person will live in the dwelling as their only or main residence for the grant condition period (usually 5 years) or for such shorter period as their health and other relevant circumstances permit.
- B33. Unless the local authority thinks it is unreasonable to do so in the circumstances, all occupier's applications should also be accompanied by a consent certificate signed by owners of the houseboat or mooring or the caravan or caravan park.

#### **The grant condition period and intention to reside**

- B34. The grant condition period is usually 5 years. However, the intention required by an owner / tenant / occupier is for the disabled person to live in the dwelling as their only or main residence for that period or for "such shorter period as his health and other relevant circumstances permit" [See [s.21\(2\)\(b\)](#), [22\(2\)\(b\)](#) and [22A\(2\)\(b\)](#)]. So, prognosis of a deteriorating condition or possible imminent death of the disabled person should not be a reason for withholding or delaying grant approval.

- B35. Each certificate confirms the intention of the applicant at the time of the application and so long as that was genuinely their intention, no repayment of grant is required if circumstances change and the disabled person can no longer occupy it as intended. This is the case whether or not the prognosis was known to the disabled person, their family or carer at the time of application.
- B36. The grant condition period starts on the date when the works are completed to the satisfaction of the housing authority (“the certified date” [\[s44\]](#)).

### **Properties held in trust**

- B37. These should be treated in the same way as applications by owner-occupiers, tenants or occupiers. Eligibility for the grant is likely to depend on the terms of the individual trust and authorities must consider any such application on its merits based, as necessary, on their own legal advice.
- B38. A trustee or beneficiary applying for a grant must be able to fulfil all the normal grant conditions. So, for example, the applicant must be able to demonstrate a relevant interest in the property, either as an owner or a tenant, and to meet the relevant conditions

### **Persons from abroad**

- B39. The applicant cannot be a ‘person from abroad’ within the meaning of [regulation 10 of the Housing Benefit Regulations 2006](#) or as the case may be [regulation 10 of the Housing Benefit \(Persons who have attained the qualifying age for state pension credit\) Regulations 2006](#) (see [regulation 3 of the Housing Renewal Grants Regulations 1996 \(S.I. 1996/2890\)](#)). The authority is also not allowed to pay a grant where a person who could have applied for a grant is a “person from abroad”, even though the applicant is not a “person from abroad”.

### **The Armed Forces community**

- B40. For injured or disabled service personnel who live in Service Accommodation and continue to work in the Armed Forces, any adaptations for them or their dependents will be funded by the Ministry of Defence. Any applications from injured or disabled personnel who live in Service Accommodation should be signposted to the Ministry of Defence.
- B41. Local authorities might receive applications from serving Armed Forces personnel who live in their own accommodation, on behalf of themselves or family members. Applications might also be received from veterans of the Armed Forces. In these cases, the statutory Armed Forces Covenant Duty is likely to apply. More information will be provided in the Armed Forces Covenant Duty statutory guidance to be published in 2022.

### **Mental capacity**

- B42. Where an authority thinks an applicant lacks capacity to make a particular decision or take a particular action for themselves at the time the decision or



action needs to be taken, they should follow the guidance laid out in the [Code of Practice to the Mental Capacity Act 2005](#).

## The eligible works

B43. The following steps should be followed in sequence when deciding which adaptations are “eligible works” for grant assistance:

- Does the disabled occupant need adaptations that meet one or more of the “purposes”?
- Are there “relevant works” (proposed adaptations) that would meet the identified needs for one or more of the “purposes”?
- Are those “relevant works” “necessary and appropriate” to meet the needs of the disabled occupant and “reasonable and practicable” to carry out given the age and condition of the dwelling, qualifying houseboat or caravan?

B44. If the “relevant works” pass all stages of this test they become the “eligible works” – the adaptations that a grant can be approved for.

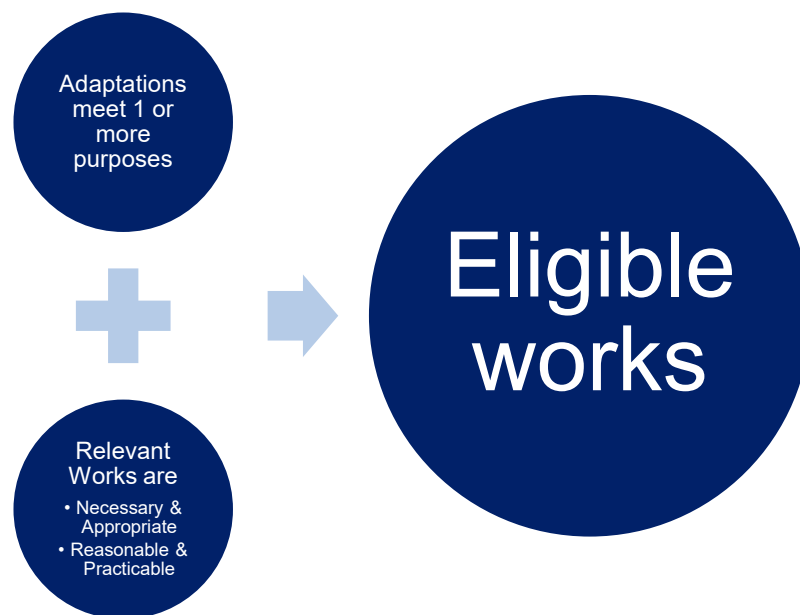


Figure 4: Decision process for Eligible Works

## The purposes

B45. The Act sets out a number of “purposes” [s23] for which a grant must be approved. The first stage is to assess whether the disabled person needs adaptations to meet these “purposes”.

### **Facilitating access to the home and garden**

- B46. There is a need to remove or help overcome any obstacles which are preventing the disabled person from moving freely in and out of the property, including common parts, in and around the garden and any yard, outhouse or “other appurtenance” (e.g. a balcony or the land adjacent to the mooring of a qualifying houseboat).
- B47. Access can also include works outside the normal curtilage of the dwelling, such as a dropped kerb pavement crossing.

### **Making the premises safer**

- B48. There is a need to make the home safer for the disabled person and other people living with them. It’s not appropriate to be too prescriptive but the needs covered under this subsection might include situations where:
- someone with challenging behaviours is hurting themselves, other people they live with or damaging the property;
  - someone with impaired vision cannot safely navigate into and around their home or carry out everyday tasks and activities;
  - someone with impaired hearing can’t hear a standard smoke alarm; or
  - someone with a physical disability could not safely escape in the event of a fire.

### **Access to the principal family room or bedroom**

- B49. The disabled person 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.

### **Access to a toilet**

- B50. The disabled person cannot access a room with a toilet or cannot use the existing toilet.

### **Access to a bath or shower**

- B51. The disabled person 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 person needs access to a bath and a shower they would need to demonstrate a medical need for both.

### **Access to a wash hand basin**

- B52. The disabled person cannot access a room with a wash hand basin or cannot use the existing wash hand basin.

### **Facilitating the preparation and cooking of food**

B53. The disabled person cannot access or does not have suitable facilities to prepare and cook food for themselves and others living with them.

### **Better heating**

B54. People with limited mobility who remain in one room for long periods usually need a warmer home than able-bodied people.

### **Control of power, light and heat**

B55. The disabled person cannot operate the controls for power, light or heating in their home.

### **Caring for others**

B56. The disabled person 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.

### **Common parts**

B57. An application can be made to fund adaptations to the common parts of buildings containing one or more flats. This can include the structure and exterior of the building, routine parts of the building such as the front door and paths, as well as common interior areas of the building including emergency/fire exits, stairwells and passageways.

B58. The Government intends to commence the remainder of [Section 36 of the Equality Act 2010](#) in England and Wales which will require landlords to make reasonable adjustments to the common parts of leasehold and commonhold homes, including hallways, entrances and stairs. A consultation is planned for 2022.

### **The relevant works**

B59. The purposes cover a wide range of potential adaptations to cover most circumstances and to meet the adaptation needs of disabled people whose needs are less obvious, such as those with a sight or hearing impairment or a learning disability. If one or more purposes have been identified, the next step is to consider the proposed adaptations (the relevant works) to meet those purposes. For example:

- a ramp could be the relevant works to meet the purpose of facilitating access to the home
- a stairlift could be the relevant works to meet the purpose of accessing a room usable for sleeping.

B60. For each of the relevant works the housing authority must consider whether a grant should be awarded by deciding if they are “necessary & appropriate” (see paras B61-B68) and “reasonable & practicable” (see para B84-B86).

## Necessary and appropriate

- B61. The housing authority must be satisfied that the relevant works are necessary and appropriate to meet the needs of the disabled person [S24(3)(a)]. For district councils this must include consulting the social services authority.
- B62. DFGs 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 person 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 person does not gain an acceptable degree of independence, or where the disabled person remains dependent upon the care of others and the adaptation does not significantly ease the burden of the carer.
- B63. The duty to consult the social services authority relates solely to the question of “necessary and appropriate”. There is no specific requirement on how the consultation should be done. It is for social services authorities to decide in each case who should respond to the consultation and be involved in any assessments. However, the housing authority always makes the final decision on what can be funded by the DFG.
- B64. Many housing authorities now employ their own occupational therapists and trusted assessors. It is also possible to include the costs of an assessment carried out by a private occupational therapist as one of the eligible services and charges in a grant application. However, it remains important to maintain close collaboration with the social services authority to ensure an integrated approach to meeting the needs of the disabled person and the duty to consult still remains.
- B65. To reduce the risk of installing inappropriate adaptations and to ensure consistency of practice, this guidance provides a set of written principles to assist professionals involved in the complex process of identifying what works are necessary and appropriate (see 4.44).
- B66. In all cases the assessment of whether relevant works are necessary and appropriate must be made against each applicable purpose individually. So, for example, if it is not possible to appropriately provide access to a room suitable for sleeping, that should not in itself prevent a grant being awarded to gain access to the home.
- B67. Where the disabled person has a limited life expectancy then it may be appropriate to consider funding adaptations that can be more easily removed when they are no longer required if that is considered the right approach in the circumstances.
- B68. There will be occasions when the need to address one or more purposes is significantly more urgent than others. In these circumstances authorities should consider the benefits of proceeding with assessing the urgent works if there would be undue delay in assessing for all.

### **Facilitating access to the home and garden**

B69. Access to the garden should allow the disabled person to access their home or garden for drying clothes, playing or supervising play and gardening.

### **Making the premises safer**

B70. There are a wide range of options that could be considered relevant works to make a home safer, both for the disabled person and other people living with them. They could include, for example:

- for those with hearing difficulties, an enhanced alarm system to provide improved safety for the disabled occupant when cooking, or facilities to provide means of escape from fire;
- adaptations designed to minimise the risk of danger where a disabled person has behavioural problems which cause them to act occasionally or regularly in a boisterous or violent manner damaging the house, themselves and perhaps other people;
- the provision of specialised lighting, toughened or shatterproof glass in certain parts of the dwelling to which the disabled person has normal access or the installation of guards around certain facilities such as fires or radiators to prevent the disabled person harming themselves;
- the reinforcement of floors, walls or ceilings; or
- cladding of exposed surfaces and corners to prevent self-injury

### **Access to the principal family room**

B71. Access to the principal family room should allow the disabled person to socialise with their family or others that they live with.

### **Access to a room usable for sleeping**

B72. In some cases a living room may be large enough to partition off a second room for sleeping, in smaller homes this will not be possible. The provision of a new room usable for sleeping should only be undertaken if the authority is satisfied that the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances. Where the disabled occupant shares a bedroom with another person, grant may be given to provide a room of sufficient size so that the normal sleeping arrangements can be maintained. In considering whether an existing room could be used for sleeping, the religious and cultural beliefs of the household should be taken into consideration.

B73. Overcrowding in itself is not a valid reason to refuse a grant, but it would not normally be necessary and appropriate to provide a new room if other bedrooms are accessible but occupied. However, where an additional bedroom would make the premises safer for the disabled person or others living with them, then providing a new room could be considered under that purpose. For example,

where two siblings currently share a room but one is a risk to the other due to behaviours that challenge.

### **Access to a toilet, bath, shower or wash hand basin**

B74. Access to toilet, washing, bathing and showering facilities are listed separately to clarify that a disabled person should have access to a toilet wash hand basin and a shower or bath (or if more appropriate, both a shower and a bath). The provision of facilities for `strip washing` is not an acceptable alternative to an appropriate bathroom. It may be appropriate in some cases to resort to this as a short term interim solution, and a disabled person may exercise the choice to strip wash rather than use an accessible bath or shower provision, but it is not considered a “necessary and appropriate” solution. For the most complex needs specialist equipment such as a wash/dry toilet, rise and fall bath or height adjustable basin may be required.

### **Preparation and cooking of food**

- B75. The relevant works to enable a disabled person to cater independently could cover a wide range of potential adaptations. Eligible works include the rearrangement or enlargement of a kitchen to ease manoeuvrability of a wheelchair and specially modified or designed storage units, gas, electricity and plumbing installations to enable the disabled person to use these facilities independently.
- B76. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate that certain adaptations be carried out to enable the disabled person to perform certain functions in the kitchen, such as preparing light meals or hot drinks.
- B77. It is important that any assessment should recognise a disabled child’s changing developmental need and his or her progress towards maximum independence. It is also important that the assessment considers the need for the disabled child to be able to participate in all aspects of family life, for example, in ensuring that dining space is available to enable all members of the family to eat together.

### **Better heating**

- B78. Where there is no heating system or where the existing heating arrangements are unsuitable to meet the needs of the disabled person, a heating system may be provided. However, DFG should not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating to the home should only be considered where the wellbeing and mobility of the disabled person would otherwise be adversely affected.
- B79. Air conditioning or other cooling systems could also be considered where heat exposure can cause or heighten fatigue, numbness, blurry vision, tremors, confusion, imbalance, and weakness as associated with conditions such as Multiple Sclerosis.

### **Control of power, light and heat**

B80. Relevant works could include the relocation of power points to make them more accessible, the provision of suitably adapted controls where a disabled person has difficulty in using normal types of controls and the installation of additional controls. Smart home technology could provide alternative controls by using an app or by voice control.

### **Caring for others**

B81. The relevant works could include adaptations to a part of the home to which the disabled person would not normally need access but which is used by a person they are caring for and therefore it is reasonable for such works to be carried out. This could include providing parents with access to their child's bedroom.

### **The most cost-effective option**

B82. Authorities should be mindful of achieving best value for money. Where there are potential alternative options for the relevant works that could meet the required purposes, then the authority would usually choose the lower cost option. For example, where the purpose is to provide access to a room suitable for sleeping, then a stairlift or utilising an existing ground floor room are likely to be preferred over building a new bedroom.

B83. There will be some cases where the disabled person and the applicant elect for a higher cost option. The housing authority will still need to ensure that the works meet the required purposes and are necessary and appropriate, but the estimated expense would still be based on the lower cost option.

### **Reasonable and practicable**

B84. Where the relevant works have been judged to be necessary and appropriate, the housing authority 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 test is that it may not be a good use of resources to award a DFG to adapt an old, run-down building.

B85. Each application should be considered on its own merits but where a home is in serious disrepair or beyond economic repair then a housing authority may consider that the relevant works are not reasonable and practicable. In these cases, it would be good practice for local authorities to provide information and advice to the applicant on their housing options.

B86. Other issues, such as whether the property is otherwise suitable for the disabled person are not relevant considerations.

### **Amount of grant**

B87. Housing authorities should consider the following when they are determining the amount of grant:

- the cost of carrying out the eligible works along with the cost of associated services and charges - the “estimated expense”; and
  - the amount of grant they will pay, taking into account the estimated expense, the means test and the maximum amount of grant.
- B88. In England the maximum entitlement of grant under the DFG is currently set at £30,000 per applicant, and authorities are not required to provide additional costs over this maximum but can top up grants, as agreed locally and set out in their local Housing Assistance Policy. For more complex home adaptations, including those involving applications for bespoke extensions to existing dwellings, these can substantially exceed the upper limit in some cases.
- B89. Where an authority has a locally published Housing Assistance Policy under the Regulatory Reform Order (RRO) (2002), authorities do have discretion to top up amounts above the DFG £30,000 limit per applicant. Where an authority has not used this discretion within their policy they will still need to give due consideration to exceptional cases. A decision to award DFG grant above the existing £30,000 limit per applicant will be a local one, and should be carefully considered on a case-by-case basis, taking into account the impact that rejecting it may have on the ability for the applicant to proceed without the additional funding in place.

### **Estimates for the cost of the eligible works**

- B90. Grant applications are normally required to include at least two estimates from different contractors for the costs of the relevant (proposed) works. Authorities would not be expected to require more than two estimates other than in exceptional circumstances, for example, where the relevant works are very extensive and expensive. In the rare cases where the eligible works (see para B43 -B44) are different to the relevant works, the authority will need sufficient information to estimate the cost of the eligible works. For example, if an application had proposed a bedroom extension as the relevant works, but the authority decides that a stairlift to gain access to a bedroom are the eligible works, the authority could use estimates of the cost of a suitable stairlift from other applications to estimate the cost of the eligible works.
- B91. When assessing estimates submitted, authorities must ensure there is genuine and full competition. Authorities should seek to obtain the best package available, taking into account the following relevant considerations when coming to a judgement:
- price;
  - the reputation of the contractor;
  - their ability to carry out the works to a good standard and in good time; and
  - their VAT registration.
- B92. Housing authorities have discretion to require only one estimate in any particular case. Housing authorities should consider when to apply this discretion. Situations where this may be appropriate include where:



- the relevant works are either small or very specialised;
  - there is a known difficulty in finding contractors willing to undertake particular kinds of work; or
  - where the estimate has been produced using a schedule of rates or framework agreement approved by the authority.
- B93. Without an approved schedule of rates or framework the discretion to require only one estimate should be used sparingly.
- B94. Given that the contract for carrying out the works will be between the applicant and the contractor, public procurement rules do not apply.
- B95. Most adaptation work is zero rated for VAT but where the relevant works are taxable at the standard rate of VAT this should be included within the estimated expense. To treat competing estimates equally, authorities should bear in mind that contractors who charge VAT may be able to recover VAT they pay, whereas contractors who are not registered for VAT are still required to pay VAT on materials and have to absorb these costs.

#### **Other services and charges**

- B96. The Act allows the cost of certain services and charges to be included with the grant application such as costs associated with preparing the application and the carrying out of works:
- confirming that the applicant has an owner's interest;
  - technical and structural surveys;
  - the design and preparation of plans and drawings;
  - the preparation of specifications or schedules of relevant works;
  - assistance in completing forms;
  - advice on financing the costs of the relevant works which are not met by grant;
  - making applications for building regulations approval (including any application fee and the preparation of related documents);
  - making applications for planning permission (including any application fee and the preparation of related documents);
  - making applications for listed building consent (including any application fee and the preparation of related documents);
  - making applications for conservation area consent (including any application fee and the preparation of related documents);
  - obtaining tenders/estimates;
  - providing advice on building contracts;
  - considering tenders;
  - supervising the relevant works;

- disconnecting and reconnecting electricity, gas, water or drainage utilities where this is necessitated by the relevant works; and
- paying contractors.

B97. The services and charges of a private occupational therapist in relation to the relevant works can also be included. The Government funding for Disabled Facilities Grant is capital expenditure, and should only be spent on capital items. Appendix A: Identifying capital expenditure for DFG purposes gives more detail on where works and services could be considered as capital expenditure and funded as part of a DFG.

### **The means test**

B98. The DFG means test is in place to ensure that DFG funding reaches those people who are on the lowest incomes and least able to afford to pay for the adaptations themselves. Means testing applies to applications made by owner-occupiers, tenants and occupants of a qualifying houseboat or caravan. Different rules apply where the application is made by a landlord (see para B108).

B99. The assumed weekly needs of the household (the “applicable amount”) is calculated taking into account the number of people, their ages and other circumstances. This is then compared to actual income, and where income is greater than the applicable amount, a “loan generation factor” is applied to the “excess income” to arrive at a notional “affordable loan”.

B100. This is the amount by which the grant is reduced, or the contribution expected from the applicant. The reduction in grant caused by this test is lower for tenants because it is assumed that loans will be available on less favourable terms than owner occupiers.

Contribution = (actual income – applicable amount) x loan generation factor.

B101. It is the income of the disabled person, and where applicable their partner, that is taken into account - rather than the applicant if that is a different person. In the regulations this is the “relevant person”.

B102. For someone with variable income, authorities can calculate average weekly earnings over a representative period of up to a year that reflects the current situation. For example, the average weekly income of a relevant person currently in stable employment should not be diluted by including any previous periods of unemployment. Similarly, where a relevant person has recently been made redundant, it may not be appropriate to include periods of employment in their assessment of income.

B103. The final contribution should be calculated immediately prior to making the formal application. See Chapter 4: 4.31 for guidance on providing preliminary calculations earlier in the process.

### **Exemptions to the means test**

B104. Where the disabled person is a child or young person or is in receipt of one of the following income-related benefits, then the authority must assume that their income is not greater than the applicable amount:

- Income Support;
- Housing Benefit;
- Guaranteed Pension Credit;
- Income-Based Job-Seekers Allowance;
- Working Tax Credit with an annual income of less than £15,050;
- Child Tax Credit with an annual income of less than £15,050; and
- Income Related Employment and Support Allowance.

In effect this means that they are exempt from means testing and the amount of their grant is not reduced - i.e. they do not have an assessed contribution.

B105. Usually the authority can make decisions about whether a child is to be treated as a child of the family by following decisions made about Child Benefit.

B106. A child is a person under 16. The definition of a "young person" follows the definition of a qualifying young person for child benefit purposes. This refers to young people who are 16 or over but under 20 and receiving full-time education up to and including A level. The course must last more than 12 hours a week not counting homework and meal breaks. The definition excludes certain young people under the age of 20 such as those claiming certain benefits in their own right. A local authority can make decisions about who is a qualifying young person by following decisions made about Child Benefit.

B107. A local authority can use its discretionary powers to waive the means test altogether in some cases if they feel the applicant would face excessive financial hardship if required to pay for the entirety of the adaptations (see Chapter 3:).

### **Amount of grant for a landlord's applications**

B108. Landlord's applications are not means tested by the housing authority. When deciding the amount of grant to award, the authority should take into account the extent to which the landlord is able to charge a higher rent for the premises because of the works. Any relevant matters from a Housing Assistance Policy can also be considered (see Chapter 3:).

B109. The authority may, if they think it appropriate, seek and act upon the advice of rent officers.

### **Maximum amount of grant**

B110. The maximum amount of grant that can be awarded for any single application is currently £30,000. (Note that authorities do have discretion to award higher amounts - see Chapter 3:)

B111. Where the cost of the eligible works (including relevant services and charges) is over £30,000, any assessed contribution from the means test is deducted from the maximum amount, not the cost of the works.

	Example A	Example B
Cost of the eligible works	£35,000	£25,000
Cost of services and charges	£3,500	£2,500
Total estimated expense	£38,500	£27,500
Maximum amount of grant	£30,000	n/a
Less the contribution from the means test	£10,000	£5,000
Amount of grant	£20,000	£22,500

### Successive applications and nil grants

B112. For people with degenerative conditions, further adaptations may become necessary at a later date. There is no restriction on successive applications for DFG on the same property. In such cases, any previous contributions will be taken into account - in the last 5 years for tenants and 10 years for owners. Any new assessed contribution will be reduced by any previously assessed contribution if the applicant went ahead with the previous adaptations.

B113. This means that if a new application is made within five or ten years (depending on whether the applicant is a tenant or owner) of completing the previous adaptation works, the new contribution will be reduced by the amount that they have already paid. For example, if the applicant paid a £7,000 contribution towards the previous adaptations, and the new means test shows a contribution of £8,000, this will be reduced to a contribution by the applicant on the second DFG of £1,000.

B114. Local authorities should inform applicants when it may be in their best interests to proceed with an application even where it is clear that their contribution will exceed the costs of the work. Although this will lead to the approval of a 'nil grant' applicants should be aware that in a subsequent application their contribution may be reduced. Where a local authority approves a nil grant they should still ensure that the works are completed to a satisfactory standard.

### The approval

B115. The authority must notify an applicant as soon as reasonably practicable and not later than six months after the date of the application, whether an application is approved or refused [s34]. Where an authority or home improvement agency has helped to prepare the application, the approval process would not be expected to take longer than 4 weeks.

B116. The authority may approve an application on the basis that the grant, or part of the grant, will not be paid before a date specified in the notification [s36]. This date must not be later than 12 months after the date of the application. The purpose of

the provision is to provide authorities with discretion to delay payment of a grant for up to twelve months. It is only to be used in exceptional circumstances where there has been an unusually high number of applications received and approving them all within the statutory six months required by [s34](#) would create serious resource problems for the authority towards the end of a financial year.

- B117. The powers under [s36](#) should be used sparingly and not where it would cause hardship or suffering to an applicant whose adaptation needs have been assessed as urgent, for example where a disabled person will be leaving hospital or residential care to return home or to move into a new dwelling. It is also likely to be inappropriate to use the [s36](#) power where the long-term costs of doing so would be disproportionate to the short-term savings.
- B118. The DFG is a mandatory grant and the refusal to accept applications due to a lack of resources is unlawful.
- B119. A grant cannot be approved if the works have already started [\[s29\]](#) – unless there is a good reason why. A grant cannot be approved if the works have already been completed. Authorities should make this clear in their application forms, leaflets and on their website.
- B120. The grant approval notice has to list the eligible works and the estimate of the expense of the eligible works and cost of any services and charges (and how those amounts have been calculated) and the amount of grant. These can be revised if circumstances change, like unforeseen works or where urgent works need to be completed in advance of other measures.
- B121. Where a grant is refused, the authority must detail the reasons why.

## Grant conditions

- B122. All conditions should be explained to the applicant prior to making the application and detailed as part of the grant approval documentation.

### Charges on properties

- B123. The [Disabled Facilities Grant \(Condition relating to approval or payment of grant\) General Consent 2008](#) gives housing authorities the discretion to impose a local land charge on a dwelling, if it is sold or otherwise disposed of within ten years of the certified date. The charge can only be placed on owner's applications where the amount of grant exceeds £5,000. The maximum charge is £10,000.
- B124. If a dwelling is sold or disposed of within ten years, the housing authority must consider whether or not it is reasonable to demand repayment or part repayment of the charge taking into account:
- the financial hardship it would cause;
  - whether the sale is due to an employment related relocation;
  - whether the sale is connected with the physical or mental health or well-being of the grant recipient or of a disabled occupant of the premises; and

- whether the sale will enable the recipient of the grant to provide care to a disabled person.

B125. Every housing authority should have a policy on whether it will place charges and how it will use its discretion on repayment (see Chapter 3:). If a grant is initially awarded for an amount of less than £5,000 the applicant must be consulted before the grant is revised if it would result in a charge being placed.

### Recovery of equipment

B126. The Housing Renewal Grants (Additional Conditions) (England) General Consent 1996 allows authorities to include a condition that specialist equipment, such as a stairlift, may be recovered where it is no longer required. Where it is clear that the equipment will not be reused because of age or condition, a local authority may decide to waive this right to recovery.

### Nomination rights

B127. Where a landlord makes the application, The Housing Renewal Grants (Additional Conditions) (England) General Consent 1996 also entitles authorities to include a condition allowing them to nominate tenants to the property throughout the grant condition period. This means that a landlord would need to agree that if (and every time that) the property becomes vacant between that approval date and the end of the grant condition period, they will hold it for letting by persons nominated by the authority for a reasonable period of up to four weeks.

### Payments

B128. Unless the housing authority is carrying out the works directly [s57], then the contractual relationship for carrying out the works will be between the applicant and the contractor. The authority will need to consider the terms of that contract when making any payments. Local authorities should clearly explain to applicants at the outset that any outlay an applicant makes without all appropriate approvals and confirmations from the authority is entirely at their own risk.

B129. The grant can either be paid in instalments as the work progresses or in full on completion [s35]. If paying by instalments, no more than 90% of the grant can be paid before the works are completed. The housing authority can also specify how the works should be carried out [s37] and will only make a payment if they're satisfied with the works and receive an acceptable invoice.

B130. An invoice for carrying out the works cannot be accepted from the applicant or members of their family [s37(4)]. Allowing works to be carried out by members of the applicant's family could provide value for money, but there is also the potential for collusion and fraud. It would be acceptable to pay invoices for the costs of materials from a third party where the applicant or their family member provides the labour for free.

B131. The works must be completed within 12 months of the approval date [s37] (or the deferred date under s36) – but this can be extended with the authority's agreement.

- B132. The works should be done by a contractor who provided one of the estimates for the application [\[s38\]](#) – unless the authority agrees otherwise.
- B133. The authority will usually pay the grant directly to the contractor [\[s39\]](#). In order to do this the authority must tell the applicant before the application is approved. Acknowledgement would normally be obtained as part of the application process. Where both the authority and the applicant are satisfied with the works this should cause no problems. However, there may be difficulties where there is a difference of opinion.
- B134. If the applicant is satisfied but the housing authority is not, the grant must not be paid until the defects are remedied to the authority's satisfaction. If the housing authority is satisfied but the applicant is not, the authority should ensure – in the light of the applicant's expressed concerns – that they have arrived properly at their judgement under [s37\(4\)\(a\)](#) before making a payment.
- B135. In situations where the eligible works are completed to the satisfaction of the housing authority but the applicant is not fully satisfied with those works, authorities have the power [\[s39\(2\)\]](#) to withhold payment to the contractor at the applicant's request, should they consider it appropriate. In these circumstances they may make payment to the applicant instead. Care needs to be exercised when paying contractors directly where the authority is not meeting all the cost of the works to ensure that all commitments have been met under the building works contract.

## Changes in circumstances

- B136. When after approval but before the works are finished, the applicant stops being eligible for the grant (e.g. they sell, or intend to sell the property) then the authority won't make any further payments and can demand repayments [\[s40\]](#). If the disabled person dies, moves, or the works become unsuitable to meet their needs, then the authority will need to consider whether any more payments can be made, and the authority are able to demand repayments if this is considered appropriate [\[s41\]](#).
- B137. If the disabled person dies after approval, but before the works are completed, the authority can still pay for some or all of the works including any fees or charges [\[s56\]](#). The authority can refuse to pay, reduce the grant or even demand repayments, if after approval they discover that:
- the application was wrong; or
  - works were started before the approval date; or
  - works were not completed within 12 months of the approval date; or
  - the eligible works cost less than expected; or
  - the works were done by a different contractor

## Insurance and legal claims

- B138. A housing authority may impose a condition requiring the applicant to take reasonable steps to pursue a legal claim for damages in which the cost of works to the premises to which the grant relates is part of the claim [s51]. The Housing Renewal Main Grants (Recovery of Compensation) General Consent 1996 allows authorities to apply this condition in relation to claims for personal injuries in respect of works required under a DFG.
- B139. This would typically be used in cases where there could be an urgent need for works to be undertaken to meet the needs of a disabled person and that grant assistance could be sought. However, in some cases the cost of the works may be covered either by an insurance payment or a claim against a third party. It may be appropriate for the authority to give grant aid to ensure the works are completed at the earliest opportunity. However, where subsequently the grant applicant receives a payment on an insurance or damages claim in respect of the grant aided works then they should repay to the authority the grant, so far as is appropriate, out of the proceeds of any claim.
- B140. Claims in such cases can take a long time, so there would not usually be a time limit on this condition for the recovery of grant where compensation has subsequently been paid. A housing authority has the discretion [s51(4)] not to demand repayment or to demand a lesser amount where this is appropriate. In operating this discretion the authority should fully consider the terms of any settlement received by the grant applicant.
- B141. Where insurance claims have been made and payment received in advance of grant applications a local authority will need to take a view as to whether it would be an appropriate use of resources to give grant aid. If the local authority decides to proceed in approving the application, details of the insurance payments should be included in the grant application form.



## Appendix C: Directions and consents

Some of the Directions and Consents previously issued for the Housing Grants, Construction and Regeneration Act 1996 are not available to view elsewhere. They are collated here for reference.

### The Housing Renewal Grants (Owner's Interest) Directions 1996

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 7(3), 19(3), 25(2) and 146 of the Housing Grants, Construction and Regeneration Act 1996 and of all other powers enabling him in that behalf, hereby gives the following directions:

#### **Citation and commencement**

1. These directions may be cited as the Housing Renewal Grants (Owner's Interest) Directions 1996 and shall come into force on 17 December 1996.

#### **Owner's interest condition**

2.

- (1) A local housing authority may treat the condition in sections 7(1)(a), 19(1)(a) and 25(1) of the Housing Grants, Construction and Regeneration Act 1996 as fulfilled by a person who has, or proposes to acquire, an owner's interest in only part of the land to which an application for a grant relates if
  - (a) the relevant works include specified works which are to be carried out (in whole or in part) on land which is not the applicant's land; and
  - (b) the applicant has the power to carry out the works.
- (2) In sub-paragraph (1) "specified works" means -
  - (a) works to connect the applicant's land with a gas, electricity, water or drainage utility at the nearest practicable point so as to provide to the applicant's land-
    - (i) adequate lighting;
    - (ii) adequate heating;
    - (iii) an adequate piped supply of wholesome water; or
    - (iv) an effective system for draining of foul, waste or surface water;
  - (b) works described in section 23(1)(a) of the Housing Grants, Construction and Regeneration Act 1996; or

- (c) works to repair or replace (in whole or in part) any of the works described in paragraph (a) or (b).
- (3) In sub-paragraph (2) "applicant's land" means land in which the applicant has, or proposes to acquire, an owner's interest.

### **Application**

- 3. These directions –
  - (a) shall apply to local housing authorities in England only; and
  - (b) shall not apply in a case where the application for a grant was made before the date on which these directions come into force.

Signed by authority of the Secretary of State  
C L L Braun  
Assistant Secretary. Department of the Environment  
2 December 1996

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## **The Housing Renewal Grants (Additional Conditions) (England) General Consent 1996**

The Secretary of State for the Environment, as respects England, in exercise of the powers conferred on him by sections 52 and 94 of the Housing Grants, Construction and Regeneration Act 1996(1), hereby gives the following Consent:-

Citation, commencement and interpretation

- 1.
  - (1) This specification may be cited as the Housing Renewal Grants (Additional Conditions) (England) General Consent 1996 and shall come into force on 17 December 1996.
  - (2) In this Consent,-
    - "the Act" means the Housing Grants, Construction and Regeneration Act 1996;
    - "authority" means a local housing authority;
    - "applicant", without more, means an applicant for a grant under Chapter I of Part I of the Act (private sector housing renewal: main grants) and includes any person who is for the time being an owner of the property;
    - "the property" means the dwelling, house or building which is grant-aided.

### **Additional Conditions**

2. Where an authority approves an application for a grant under Chapter I of Part I of the Act, they may impose such of the conditions set out in paragraphs 3 to 7 as appear to them appropriate.

### **Notice of relevant disposal**

3.
  - (1) The applicant shall forthwith notify the authority of his intention to make a relevant disposal of any dwelling, building or house in multiple occupation with respect to which there is in force, as a grant condition, any condition under sections 45 to 52 of the Act and shall furnish to the authority any information reasonably requested by them in connection with such notification.
  - (2) This condition shall have effect during the grant condition period.

### **Nomination of tenants to the property**

4.
  - (1) In the case of an application to which any of paragraphs (a), (c) and (d) of section 31(1) of the Act (determination of amount of grant in case of landlord's application for renovation grant, disabled facilities grant or HMO grant) applies, the authority shall be entitled to nominate tenants to the property (or a relevant part of the property) throughout the grant condition period.
  - (2) The applicant agrees not to offer the property (or a relevant part of the property) for letting, and the authority agrees not to make nominations to it, in such manner (including as to timing and the terms of any offer or nomination) as would prevent this condition being, or continuing to be, operable fairly and reasonably.
  - (3) Without prejudice to the generality of sub-paragraph (2), the applicant agrees-
    - (a) if the property (or part of it) is or becomes vacant on the date of approval of the application, or
    - (b) if (and every time that) the property (or part of it) becomes vacant between that date and the end of the grant condition period,  
forthwith to hold the property (or the vacant part of it) available for letting by persons nominated by the authority and to notify the authority of its availability for that purpose and of the terms upon which it is so available.
  - (4) Subject to the applicant's strict compliance with sub-paragraph (3), this condition shall not have effect while the property (or each of its several parts) is occupied under a tenancy or tenancies satisfying the requirements of such certificate of intended letting, owner's certificate or

certificate of future occupation as was submitted with the application (or, in a case where the requirement for such certificate was waived by the authority, would meet that certificate's requirements had one been so submitted).

- (5) Where the authority approves a conversion application for a renovation grant, they may apply this condition to one or more only, or to a proportion, of the total number of dwellings to be provided by the conversion; provided that the dwellings, or the proportion of dwellings, in the house or other building and to which this condition is to apply shall be identified to the applicant in writing when the application is approved.
- (6) Where the authority approve a landlord's application for a disabled facilities grant for adaptations to the common parts of a building containing one or more flats, and the application is for the benefit of more than one flat in the building, they may apply this condition to one or more only, or to a proportion, of the flats which the application is intended to benefit; provided that the flats, or the proportion of the flats, to which this condition is to apply shall be identified to the applicant in writing when the application is approved.
- (7) In this condition,-  
"a relevant part of the property" means a part of the property which is or becomes vacant as described in sub-paragraph (3);  
"tenancy" includes a licence arrangement satisfying the certificate of intended letting, owner's certificate or certificate of future occupation in question, and related expressions shall be construed accordingly.

### **Recovery of specialised equipment for the disabled**

5.

- (1) Where an application for disabled facilities grant has been approved under section 23(1) or (2) (disabled facilities grant: purposes for which grant must or may be given) and the eligible works consist of or include the installation in the property of specialised equipment for the disabled occupant(s), the applicant shall notify the authority if and as soon as the equipment is no longer needed.
- (2) For the purposes of this condition-
  - (a) the authority shall, on approving the application, specify in writing the equipment to which this condition is to apply and the period (being a reasonable condition period for the equipment in question) during which it is to apply, and shall serve on the applicant a copy of such written specification; and
  - (b) the authority, or the social services authority on their behalf, shall be entitled, upon reasonable prior written notice given to the applicant either following the giving of the notification under sub-paragraph (1) or at any time during the condition period specified

under paragraph (a), to inspect the equipment and, subject to complying with sub-paragraph (3), to remove it.

- (3) The authority agrees, within a reasonable time following an inspection of the equipment,-
  - (a) to notify the applicant in writing whether the equipment is to be removed; and
  - (b) if the equipment is to be removed, to remove it or arrange for it to be removed and forthwith to make good any damage caused to the property (whether by the authority themselves or the social services authority) by its removal.
- (4) The authority further agrees, where the applicant has contributed to the cost of carrying out the eligible works, to pay to him, within a reasonable time of the removal of the equipment, the reasonable current value of that proportion of its original cost which represents the proportion of his contribution to the cost of carrying out the eligible works.
- (5) For the purposes of sub-paragraph (4), the reasonable current value of the equipment shall be its value at the time of removal from the property.
- (6) Subject to the authority giving prior written notice in accordance with sub-paragraph (2)(b) or, as the case may be, (3)(a), the applicant agrees to afford, or to use his best endeavours to arrange for the affording of, reasonable access to the property to the authority or the social services authority for the purposes of inspection and removal of the equipment.

#### **Insurance for grant-aided property**

6. Where the applicant has an insurable interest in the grant-aided property, he shall arrange and maintain in effect adequate insurance for the property, subject to and with the benefit of the completed works, throughout the grant condition period.

#### **Repair of grant-aided property**

7. Where the applicant has a duty or power to carry out works of repair to the grant-aided property, he shall ensure that, to the extent that his duty or power allows, the property remains fit for human habitation throughout the grant condition period.

#### **Repayment of grant**

8. In the event of a breach of any of the conditions set out in paragraphs 3 to 7, the authority may demand repayment from the applicant of a sum equal to the amount of the grant paid or, as the case may be, any instalments of grant paid and the same shall become repayable to the authority in accordance with section 52 of the Act.

### **Application**

9. Paragraphs 2 to 8 shall not have effect in relation to applications for grant made before 17 December 1996.

Signed by authority of the Secretary of State  
C L L Braun  
Assistant Secretary. Department of the Environment  
2 December 1996

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## **The Housing Renewal Main Grants (Recovery of Compensation) General Consent 1996**

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 51 and 94 of the Housing Grants, Construction and Regeneration Act 1996 and of all other powers enabling him in that behalf, hereby gives to local housing authorities in England the following general consent:

### **Citation and commencement**

1. This consent may be cited at the Housing Renewal Main Grants (Recovery of Compensation) General Consent 1996 and shall come into force on 17 December 1996.

### **Consent**

2. Where a local housing authority approve an application for grant under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 they may impose a condition requiring the applicant to take reasonable steps to pursue any relevant claim to which section 51 of that Act applies and to repay the grant, so far as is appropriate, out of the proceeds of such a claim.

Signed by authority of the Secretary of State  
C L L Braun  
Assistant Secretary. Department of the Environment  
2 December 1996

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## The Housing Renewal Grants (Landlord's Applications) (England) Direction 1996

The Secretary of State for the Environment, as respects England, in exercise of the powers conferred on him by sections 31(3)(b) and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(1) ("the Act"), hereby makes the following Direction:-

### **Citation and commencement**

1. This direction may be cited as the Housing Renewal Grants (Landlord's Applications) (England) Direction 1996 and shall come into force on 17 December 1996.

### **Determination of landlord's grants**

2. In determining the amount of grant (if any) where they approve an application to which section 31 of the Act applies (determination of amount of grant in case of landlord's application), the local housing authority shall take into account, in addition to the matters referred to in section 31(3)(a) of the Act, such other matters as seem to them to be relevant in all the circumstances, having regard in particular to any relevant policy contained in their published renewal strategy (if any) for private sector housing in their area.

### **Application**

3. Paragraph 2 shall not have effect in relation to applications for grant made before 17 December 1996.

Signed by authority of the Secretary of State  
C L L Braun  
Assistant Secretary, Department of the Environment  
2 December 1996

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## The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008

The Secretary of State for Communities and Local Government in exercise of her powers under sections 34(6)(b), 46, 52 and 94 of the Housing Grants, Construction and Regeneration Act 1996 (“the Act”) gives to all local housing authorities in England the following general consent:

### Citation and commencement

1. This consent may be cited as the Housing Grants Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 and shall come into force on 22 May 2008.

### Interpretation

2. Words and expressions used in this consent shall, unless the context otherwise requires, take the same meaning that is given to them in the Act.

### Consent

3.
  - (1) Where —
    - (a) local housing authority approves an application for a grant under Part 1 of the Act;
    - (b) the grant is for a sum exceeding £5,000; and
    - (c) the applicant (“the recipient”) has a qualifying owner’s interest in the premises on which the relevant works are to be carried out,the local housing authority may impose the conditions (or conditions to like effect) contained in paragraph (2).
  - (2) The local housing authority may demand the repayment by the recipient of such part of the grant that exceeds £5000 (but may not demand an amount in excess of £10,000) if—
    - (a) the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
    - (b) the local housing authority, having considered—
      - (i) the extent to which the recipient of the grant would suffer financial hardship were he to be required to repay all or any of the grant;
      - (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;



- (iii) whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises; and
- (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,

is satisfied that it is reasonable in all the circumstances to require the repayment.

#### **Application of Section 52 of the Act**

4. The conditions in paragraph 3 are local land charges and are binding on any person who is for the time being an owner of the dwelling or building.

# Appendix D: Resources

## Key legislation

- **Equality Act 2010**  
<https://www.legislation.gov.uk/ukpga/2010/15/contents>
- **Housing Grants, Construction and Regeneration Act 1996**  
<https://www.legislation.gov.uk/ukpga/1996/53>
- **The Housing Renewal Grants Regulations 1996**  
<https://www.legislation.gov.uk/uksi/1996/2890/made>
- **The Housing Renewal Grants (Services and Charges) Order 1996**  
<https://www.legislation.gov.uk/uksi/1996/2889/made>
- **The Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts) (Amendment No. 2) (England) Order 2001**  
<https://www.legislation.gov.uk/uksi/2001/4036/contents/made>
- **The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002**  
<https://www.legislation.gov.uk/uksi/2002/1860/contents/made>
- **The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008**  
<https://www.legislation.gov.uk/uksi/2008/1189/introduction/made>
- **The Housing Renewal Grants (Prescribed Form and Particulars) (Revocation) (England) Regulations 2010**  
<https://www.legislation.gov.uk/uksi/2010/2417/contents/made>

## Further reading

- **Adaptations without delay. A guide to planning and delivering home adaptations differently.** Royal College of Occupational Therapists, 2019.  
<https://www.rcot.co.uk/adaptations-without-delay>
- **Care Act 2014 - Guidance for occupational therapists - Disabled Facilities Grants**  
<https://www.rcot.co.uk/practice-resources/rcot-publications/downloads/care-act-2014-dfg>

- **Local Government Ombudsman: Making a house a home: Local Authorities and disabled adaptations**  
<https://www.lgo.org.uk/assets/attach/2815/FR-DFG-March-2016.pdf>
- **Local Government Association: Meeting the home adaptation needs of older people**  
[https://www.local.gov.uk/sites/default/files/documents/5.74%20Accessible%20housing\\_v05\\_1%20-%20BM%20amends.pdf](https://www.local.gov.uk/sites/default/files/documents/5.74%20Accessible%20housing_v05_1%20-%20BM%20amends.pdf)
- **National Residential Landlords Association – Adaptations: A good practice guide**  
<https://www.nrla.org.uk/download?document=1275>
- **Considering and meeting the sensory needs of autistic people in housing**  
<https://www.local.gov.uk/our-support/sector-support-offer/care-and-health-improvement/autistic-and-learning-disabilities/autistic/considering-and-meeting-sensory-needs-autistic-people-housing>
- **Act to Adapt: Access to home adaptations for people with motor Neuron disease**  
<https://www.mndassociation.org/app/uploads/2019/09/Act-to-Adapt-Full-report.pdf>
- **Adapted homes, empowered lives: A report on home aids and adaptations**  
<https://www.versusarthritis.org/policy/policy-reports/adapted-homes-empowered-lives/>
- **Foundations' How To Guides**  
<https://www.foundations.uk.com/guides/>