

ANNEX D – Revision

DISABLED FACILITIES GRANT

Introduction

1. Local authorities in Wales are in the fortunate and advantageous position of being, as unitary authorities, able to act corporately in terms of housing and social services to provide holistic solutions to the needs of disabled people in their areas. Where services for disabled people are concerned the Assembly Government stresses the importance of a joined-up approach for local authorities to take particularly in the light of the response to the Beecham review. Budgets need not be regarded in a compartmentalised manner and the needs of the disabled person should be at the centre of the service that is provided.
2. An adaptations service has important key links to other key corporate objectives within a local authority such as Area Renewal, Supporting People, Healthy Communities and the National Service Frameworks for Older People and Children. It is also an essential element of the Assembly Government's broader strategies and policies including 'Better Homes for People in Wales', 'The Strategy for Older People in Wales', 'Design for Life', 'Making the Connections' and 'Fulfilled Lives, Supportive Communities'.
3. These drivers will affect those who have pivotal roles in the delivery of adaptations services, including, the Housing Authority, the Social Services Authority, Local Health Boards, Health Trusts, Care and Repair and Registered Social Landlords (RSL).
4. Whilst the current system is highly dependent on individuals identifying need directly, or as part of an assessment for social care packages, there is greater scope for a more community orientated approach from local authorities. Such an approach could include surveying stock and customer opinion, ensuring that all personnel who visit or otherwise inspect properties are aware of adaptations services locally. Likewise training all staff so that they are able to signpost families to appropriate facilities, or inform other agencies of the extent of needs and train staff where possible with the full involvement of disabled people and their carers, advocates and representatives.
5. Though a modern adaptations service is likely to be most effectively planned and delivered by a multiplicity of partners it is essential that the disabled person experiences a seamless service. An important service-delivery objective should therefore be to minimise the number of personnel contacts with the disabled person, consistent with assessing and meeting their identified needs, appropriately and efficiently. A multiplicity of

contacts from different agencies and professionals is frustrating and confusing to the end user. It is also likely to lead to unnecessary delay and costs to the system. Valuable work is already being undertaken by Occupational Therapist (OT) departments across Wales to train non-OTs to assess and recommend smaller adaptations. Also the training of health employed OTs to undertake adaptations thereby ensuring a seamless service.

The Guidance

6. This Guidance sets out the provisions governing mandatory Disabled Facilities Grant (DFG) in the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and, where relevant, discretionary assistance offered under Article 3 of the Order and sets these grants in the essential wider context of the broad ranging responsibilities and opportunities local authorities have to meet the needs of disabled people.
7. The Assembly Government recently reviewed the administration of Disabled Facilities Grants. The report on the Review of Housing Adaptations Including Disabled Facilities Grants – Wales (DFG Review) made 37 recommendations which have informed this revised guidance¹.
8. Detailed advice on delivering DFGs and the role and responsibilities of the housing authority and social services is set out in National Assembly for Wales Circular 20/02. This guidance replaces Annex D of that Circular. The 2002 Regulatory Reform Order made two changes to disabled facilities grants, from 18 July 2003:
 - **It extended mandatory DFG eligibility to those occupying park homes and houseboats; and**
 - **It removed the power to give discretionary DFG.**

Further information on new discretionary powers to give assistance for adaptations can be found from paragraph 62 onwards

Limit on mandatory grant and discretionary payments above the limit

9. The Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts) Order 1996 as amended by The Disabled Facilities and Home Repair Assistance (Maximum Amounts) (Wales) Order 2002 places a limit of £30,000 on the amount of mandatory grant which may be given for works under section 23(1).

¹ Review of Housing Adaptations Including Disabled Facilities Grants – Wales, A Report for the Housing Directorate, Welsh Assembly Government – March 2005, Chris Jones

Eligibility

10. All owner-occupiers and tenants or licensees who are able to satisfy the criteria in sections 19 to 22 of the 1996 Act are eligible for disabled facilities grant. Landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the requirements in those sections. When making an application on behalf of a tenant, the landlord will need to consider the requirements and implications of the Disability Discrimination Act 1995 placed upon the landlord to make 'reasonable adjustment' in respect of the disabled person. This will apply equally to RSLs. Council tenants and RSL tenants are eligible to apply for DFG. The means testing arrangements for renovation grants under the 1996 Act and for DFGs are set out in Annex K Financial Arrangements of the Circular 20/02 guidance. Where a council tenant is seeking help with adaptations, it is for the authority to decide whether to carry out the works under its own resources for capital works or to advise the applicant to apply for a DFG.
11. Where a disabled person is a council tenant, it should be borne in mind that an application for DFG can only be made to the local authority in whose area the dwelling², which is the subject of the application, is situated and not to the particular council whose tenant the applicant is.
12. Section 19(5) extends eligibility for a DFG to a range of licensees for example secure or introductory tenants who are licensees, agricultural workers, and service employees such as publicans.
13. The current DFG application form should be simplified where at all possible in order to minimise any difficulties associated with making an application for the grant. Authorities may wish to consider separating the application from the test of resources element which may make the process easier and less bureaucratic for potential applicants.

Works eligible for mandatory grant

14. The purposes for which mandatory disabled facilities grants may be given are set out in section 23(1), are largely unchanged but a new purpose has been added (see paragraphs 10 and 11). They fall into a number of categories.

Facilitating Access and Provision

15. These include works to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the

² For this and the remainder of this Annex, where "dwelling" appears, also read "and qualifying houseboat or qualifying park home".

dwelling and enjoying the use of the dwelling and the facilities or amenities within it. In particular:

- i facilitating access to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;
- ii facilitating access to a room used or usable as the principal family room;
- iii facilitating access to a room used or usable for sleeping, or alternatively providing such a room for the disabled occupant;
- iv facilitating access to a room in which there is a lavatory, a bath or shower (or both) and a wash-hand basin or providing a room in which there is such a facility or facilities;
- v facilities for the preparation and cooking of food.

16. In considering applications for grant towards such works, the presumption should be that the occupant should normally have access into their home, to the main habitable rooms within the home - namely the living room, bedroom, kitchen, laundry facilities and to a bathroom or shower room in which there are suitable facilities for washing and/or showering.

Making a dwelling or building safe

17. Section 23(1)(b) allows grant to be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with them. This is intended for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems which causes them to act occasionally or regularly in a boisterous or violent manner which may put themselves and other family members in danger, especially young children. Where such need has been identified, grant is available to carry out appropriate adaptations to eliminate or minimise that risk.

18. For those individuals who have a sensory impairment, an enhanced alarm system, which may be required in the dwelling to provide improved safety for the disabled occupant in connection with the use of cooking facilities or works to provide means of escape from fire could also qualify for mandatory grant under subsection (1)(b).

19. It would be inappropriate to be prescriptive on the particular works covered under subsection (b) but they might include 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. Sometimes reinforcement of floors, walls or ceilings may be needed, as may be cladding of exposed surfaces and corners to prevent self injury. The construction or erection of external fencing may also be required to assist on the management of individual behavioural problems and the prevention of self-harm or risk.

Room usable for sleeping

20. While in some cases a living room may be large enough to enable a second room for sleeping to be created, in smaller homes this will not be possible. The provision of a room usable for sleeping under section 23(1)(d) should therefore only be undertaken if the housing authority are 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, mandatory grant may be given to provide a room of sufficient size so that the normal sleeping arrangements can be maintained.

Bathroom

21. The provisions in section 23(1) relating to the provision of a lavatory and washing, bathing and showering facilities have been separated to clarify that a disabled person should normally have access to a wash-hand basin, a WC and a shower or bath (or if more appropriate, both a shower and a bath). Therefore subsections (e) to (g), provide that mandatory grant should be given to provide a disabled person with each of these facilities, and facilitating their use.

Facilitating preparation and cooking of food

22. The provision in section 23(1)(h) covers a wide range of works to enable a disabled person to cater independently. 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.

23. 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. The local authority should normally consider the disabled person's potential for rehabilitation, recovery or development alongside the stability of any caring relationship when reaching their decision. The authority should seek appropriate and relevant advice from other agencies.

Heating, lighting and power

24. People with limited mobility who remain in one room for long periods usually need more warmth in the dwelling than able-bodied people. Section 23(1)(l) therefore provides for the improvement of an existing heating system in the dwelling to meet the disabled occupant's needs. Where there is no heating system or where the existing heating arrangements are unsuitable to meet his needs, a heating system may be

provided. A disabled facilities grant should not be given to adapt or install heating in rooms which are not normally used by the disabled person.

25. Section 23(1)(j) provides for works to enable a disabled person to have full use of heating, lighting and power controls in the dwelling. Such work includes 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.

Dependent residents

26. Section 23(1)(k) provides for works to a dwelling required to enable a disabled occupant better access and movement around the dwelling in order to care for another person who normally resides there whether or not they are related to the disabled person. This may include another disabled person or a child but the dependent being cared for need not be disabled. Such works could include adaptations to a part of the dwelling to which the disabled person would not normally need access but which is used by a person to whom they are providing care and therefore it is reasonable for such works to be carried out.
27. The provisions of Section 23(1)(a)-(k) should provide the flexibility to enable authorities to give help for the full range of adaptations to cover all the circumstances which may arise. These provisions enable authorities to provide mandatory grant to meet the adaptation needs of disabled people whose needs are less obvious, such as those with sensory impairment. For instance, partially sighted people may require an enhanced form of lighting of a particular kind in the dwelling to enable them to carry out every day tasks and activities in the home. Such works may be required to facilitate access into and around the home and for such purposes as the preparation and cooking of food, to improve the ability to use sources of power or to provide greater safety of the disabled occupant. Works for these purposes qualify for mandatory grant under section 23(1). Where safety is an issue, the works could qualify under subsection (1)(b). Local authorities may also wish to refer to guidance produced by RNIB Cymru on adaptations for people with sight loss³.
28. However, decisions on whether such works are needed and if mandatory grant should be awarded in such cases are matters for the housing authority in consultation with social services in accordance with the provisions in Part I and will be based on individual circumstances. Where an applicant's prognosis implies that degeneration in the long term will occur, then this should be taken into account when considering the eligible works.

³ See Adapting Homes – A Guide to Adapting Existing Homes for People with Sight Loss – Linda Rees and Caroline Lewis (RNIB Cymru May 2004)

29. Section 23(1)(l) enables the Welsh Assembly Government to specify other purposes for which mandatory grant is approved.

Common parts

30. Housing authorities should bear in mind that disabled facilities grant is intended to assist towards works not only to dwellings but also to the common parts of buildings containing flats, where the disabled person is the occupant of one of the flats. The purposes for which grant is available for works to the common parts of such buildings are, in practice, limited to works to facilitate access to the dwelling through the common parts, or facilitating the use by the disabled person of a source of power, lighting or heating in the common parts. The Department of Work and Pensions is currently looking at issuing a Green Paper on disabled access to common parts which will cover both Wales and England.

Collaboration and Consultation

31. Section 24 of the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act) places a duty on housing authorities to consult social services authorities on the adaptation needs of disabled people seeking help through DFGs. Since all local authorities in Wales have responsibility for both housing and social services the relevant departments must be consulted and liaise closely. But housing authorities themselves must decide what action to take on the basis of that advice and therefore the level of adaptations, if any, for which grant is approved. The processing of grant applications is carried out by housing authorities and as such, it is the authority and not the occupational therapist that should be the lead in playing a co-ordinating role for dealing with the grant applicant. However, home improvement agencies such as Care & Repair and other agency type organisations can provide a valuable service to older and disabled applicants in organising building works and raising finance to fund the works. Nevertheless it is important that applicants are given the name of the member of the authority who will act as the principal point of contact for the purposes of seeking information on progress with their application, which was emphasised in the DFG Review. The respective roles of housing and social services departments within the unitary authorities need to be clearly defined to ensure that the respective responsibilities are properly met. The Housing authority should be responsible for co-ordinating the DFG. However, all those involved in delivering the adaptations should be regularly consulted.

32. The duty under section 24(3) to consult the social services authority relates solely to the matters concerned in section 24(3)(a). There is no reason why the procedures for consultation need to be carried out in a particular way. For instance, in many cases the assessment of adaptation needs will have to be carried out by the social services department prior to the disabled person being referred to the housing department for a DFG, Any decision on grant assisted works should be for the local housing

authority to consider following consultation with the Social Services OT department. This is especially the case where an assessment has already been carried out under the requirements of the NHS and Community Care Act 1990 through which it may be determined that all or some of the disabled person's needs may be met under the Chronically Sick and Disabled Persons Act 1970. However, the decision on grant assisted works remains a matter for the local housing authority.

33. It is for social services authorities to decide in each case who should be involved in the assessment procedure in providing advice to the housing authority on the matters mentioned in section 24(3)(a).

Help with Adaptations through Social Services Departments

34. It is essential that the service is clearly publicised and signposted and is one which can be delivered rapidly and sensitively. If the adaptations needed are complex (and if major structural changes are needed to the house then these in themselves can be traumatic), the service should be flexibly designed to offer the maximum support to the disabled person and their family at every stage in the process.
35. Disabled people should be at the heart of service delivery. They must be fully involved in the DFG process both by being able to express their needs and choices and by being kept fully informed of progress and of any difficulties which are being encountered. However, there may be occasions where the client's wants conflict with what is being recommended by the housing authority and the OT. Where this occurs the situation will need to be handled sensitively to ensure that the outcome is as fair and reasonable as possible.
36. The existing duties of social services departments under section 2(1)(e) of the Chronically Sick and Disabled Persons Act 1970 (the 1970 Act) to provide assistance to disabled people needing home adaptations and other facilities designed to secure the greater safety, comfort and convenience of a disabled person remain. Such help is normally available in the form of financial assistance, including loans, to assist with equipment in the home but, under these powers, social services authorities have a duty to assist a disabled person who, because of their particular circumstances, cannot afford the assessed contribution towards the cost of works for which a Disabled Facilities Grant (DFG) has been approved by the housing department.
37. Help with equipment which can easily be installed or removed with little or no modification to the dwelling, is normally the responsibility of the social services department under its responsibility under the 1970 Act with larger adaptations requiring structural modification of a dwelling coming within the scope of a DFG. However, it is for housing and social services to decide on how the particular adaptation needs of a disabled person should

be funded. It is important to consider how the 1970 Act could be used depending on individual circumstances⁴.

38. In most cases the assessment service will be provided by an occupational therapist. The OT may be employed by the social services department but it may be appropriate for others to be consulted in making the assessment. Above all however, it is important that the disabled occupants themselves are involved in any discussions about an adaptation scheme as it is essential to meet the particular needs of the disabled person as fully as possible, thereby enabling people to remain in their own homes for as long as possible. Any adaptation should reflect the needs and where possible the preferences of the disabled person as long as they are both reasonable and practical and should be seen as part of an holistic customer focused approach. Others who may need to be involved will include:

- occupational therapist (OT) employed by a local health board or health trust or private or voluntary organisation;
- applicant's GP;
- staff of a local health board, including health professionals;
- voluntary bodies;
- other household members;
- home improvement agency or other agent appointed by the applicant.

Where the local authority as a housing authority employs its own occupational therapist, it will be important to maintain close collaboration with the social services department to ensure an integrated approach to meeting the applicant's needs. Authorities should also bear in mind that, where such arrangements are in place the duty to consult social services authorities under section 24(3) still remains. The DFG Review recommended that local authorities should consider using non-OT staff to make assessments for the more minor adaptations. Some local authorities already do this as it enables time to be saved and the adaptations process is speeded up⁵. The Assembly Government encourages local authorities to develop such local arrangements that meet their overall corporate aims both in respect of housing and social care. Use of non-OT staff should be at the discretion of the OT service. Non-OT staff should be supervised by an OT ensuring all needs are met appropriately.

⁴ See paragraphs 84 to 86 for further descriptions of alternative options for assistance for adaptations.

⁵ DFG Review, Chris Jones p.34

39. The priorities and demands being made on both grants departments and social services departments (particularly for OT assessments) can cause delays and result in the adaptation needs of disabled people not being met in a sufficiently timely manner. The Assembly Government regards excessive delays as being totally unacceptable. Authorities should agree policies and procedures for delivering help through DFGs which ensure that the service provided is efficient and effective. Appropriate procedures and standards for dealing with routine minor adaptations, will enable authorities to respond to simple needs without a prolonged assessment process. Such approaches will be consistent with guidance given under community care arrangements to develop assessment procedures which are flexible and appropriate to levels of need. Local authorities must ensure that adaptations are provided without unnecessary delay.
40. Where a local authority as a housing authority is concerned that the adaptations are of an urgent nature and it is aware of delays in obtaining an assessment by an OT, it may consider requesting to the social services department that others carry out the assessment. This may include other health professionals with appropriate expertise, including the applicant's GP. This should help to reduce delays and speed up the grant process especially where more minor adaptations are required. It is important that local authorities have fast-track arrangements to secure or enable the discharge of individuals from hospital.
41. The Housing Renewal Grants (Services and Charges) Order made under section 2(3) of the 1996 Act specifies the preliminary or ancillary services and charges which are eligible for grant. One category which applies only in relation to DFGs is fees for the professional services of an occupational therapist engaged by the applicant in relation to carrying out the works. This does not include the costs of an occupational therapist acting on behalf of the social services authority in the discharge of their responsibilities under section 24(3)(a) of the 1996 Act (or any other enactment).

Minor Adaptations

42. The DFG Review Report also recommended channelling adaptations up to the value of £3,000 through a fast-track system rather than through the traditional DFG route. This way adaptations can be streamlined and made less bureaucratic⁶. Some local authorities already identify works between £1,000 and £3,000 as eligible for small adaptations grants which are non-means tested and include such items as stairlifts and hoists.
43. A number of authorities are already encouraging private sector grant applicants to use local arrangements they have developed rather than following the formal mandatory DFG route. Examples of arrangements which are already being operated by authorities are set out at in Annex M. Some authorities also streamline minor adaptations for houses within their

⁶ Ibid. p.25.

own local authority housing stock. Those adaptations have been carried out by the Council without tenants having been required to follow the formal mandatory DFG arrangements. The Assembly Government encourages all local authorities to consider these approaches to reduce bureaucracy for such adaptation works costing up to £3,000 to ensure that there is a speedy delivery of assistance to those disabled people in greatest need.

Rapid Response Adaptations Programme

44. The Minister for Social Justice and Regeneration has confirmed that the Rapid Response Adaptations Programme (RRAP) will continue beyond its initial pilot. RRAP has also received a further budget increase which will further assist local authorities with the provision of small adaptations. A recent report on the Assembly's Rapid Response Adaptations Programme (RRAP) covering the period October 2002 to March 2005 was undertaken by Care & Repair Cymru. The report demonstrated that:

- a total of 16,580 jobs were completed within the pilot period;
- a total of £2,381,222 expended by the Assembly Government on the programme;
- an indicative saving of over £41 million for the health service in Wales (based on keeping older people at home, facilitating quicker hospital discharge measured in terms of bedspaces which become available on discharge);
- the catalytic role of the programme in developing and strengthening partnerships at a local level;
- the added value of the programme reflected in the improved quality of life for older people;
- additional funds had been levered-in;
- a growing recognition of the importance of Care and Repair agencies in the wider strategic arena.

The indicative saving of £41 million to the health service, has been calculated on the basis of all RRAP jobs completed during the pilot period and makes the assumption that all RRAP beneficiaries would have been hospitalised or placed in residential care in due course if such works had not been carried out. In reality such an "absolute" would not occur whilst not all referrals were purely for discharge from hospital. Nevertheless, it is important to note that many RRAP works were undertaken to prevent accidents in the home, which could result in hospitalisation.

Major Repairs Allowance

45. Following another recommendation contained in the DFG Review Report the Assembly has looked at the role that Major Repairs Allowance (MRA) for local authority housing stock can play in the provision of adaptations⁷. The Assembly Government has accepted the report's recommendation

⁷ Ibid. p.30

that MRA should be useable for DFGs for council tenants. From July 2005 local authorities have been able to use MRA to fund DFGs within their own stock. These arrangements are in line with representations that have been made by local authorities themselves and should assist in terms of reducing the pressure on General Capital Funding (GCF) for contributing towards both minor adaptations and DFGs in the private sector.

Good Practice

46. In partnership with the Local Government Data Unit and individual local authorities, the Assembly Government has worked towards developing Statutory Performance Indicators (PIs) on setting targets and measurements for the processing of DFGs. These have been in place since April 2006 and authorities need to have regard to them when drawing up any local policy arrangements for dealing with the DFG process.
47. The report of the Syniad Benchmarking Group on DFGs published in January 2002 contained several good practice guides and performance indicators which would be useful for local authorities to bear in mind when dealing with DFG adaptation work. The report indicated that although evidence suggests that there is disparity in the way in which local authorities deal with applications for DFG, many of the identified difficulties can be reduced if both housing and social services departments adopt good practice in the administration of disabled facilities grant. There are a number of areas of good practice which local authorities could consider:
 - creation of a single team (single point of delivery) where every one involved (grant team, OT and HIA staff) work together as one unit in dealing with all aspects of the application from initial enquiry to grant approval. They should also consider providing applicants with a named contact point in relation to their grant works and ensure that applicants are aware of any local support group or forum;
 - joint visits where adaptations to be provided are likely to be complex with a high level of technical input;
 - joint training involving the staff of housing, social services departments and local health boards which helps everyone to gain a clear understanding of each other's responsibilities and problems and therefore fosters good working relationships for the future;
 - well documented policies and procedures on processing grant applications as a ready source of reference available to staff dealing with housing and social services;
 - regular liaison meetings between staff from neighbouring local authorities to discuss problems arising and possible solutions for dealing with them. This forges good contacts and helps disseminate good practice and working methods more widely and quickly;

- liaison committee involving more senior staff in the respective authorities meeting periodically to take a more strategic look at the operation of the housing adaptations methods; especially methods for prioritising demand under the new less prescriptive private sector renewal arrangements. This might include discussion of policy areas across departmental responsibilities;
- development of common data systems providing up to date information on progress of DFG casework. This identifies problems and helps reduce delays.
- development of local authority registers of adapted homes and of people looking for properties.

48. The introduction of a less prescriptive private sector renewal system provides a good opportunity for authorities to review their present procedures to see whether improvements can be made to their current arrangements in relation to DFGs.

Prioritising Demand for DFGs

49. In setting their strategies for using those resources housing authorities will need to determine their priorities for meeting demand for DFGs. It is important that housing departments consult social services departments on these priorities before they are incorporated into the authority's Local Housing Strategy. Many authorities already adopt a system of prioritising applications according to need and adopt a fast-track approach to emergency cases where there is a need to provide early adaptations. Such cases will include applications for a disabled person whose disability arises following an accident and who is about to be discharged from hospital and therefore requires adaptations urgently. Local authorities should not use pre application tests as a way of delaying applications or avoiding their statutory duty to process applications within 6 months.

50. Some authorities have developed a priority system of ranking DFG applications under which those with a higher ranking are processed more speedily than others who have been given a lower ranking because their needs are less pressing. However, such decisions will not be taken easily and in some cases it will be difficult for the authority to determine that one person's needs are greater or more urgent than another's. In all cases authorities should keep the applicant fully informed of the date that they are likely to be notified of the outcome of their application.

Determination of whether works are necessary and appropriate

51. The local housing authority must satisfy itself that the works are necessary and appropriate to meet the needs of the disabled person under section 24(3)(a), and in doing so should consult the social services authority. They

need to consider a number of factors. In particular whether the proposed adaptations or improvements:

- are needed to provide for a care plan to be implemented which will enable the disabled occupant to remain living in their existing home as independently as possible;
- would meet, as far as possible, the assessed needs of the disabled person taking into account both their medical and physical needs; and
- distinguish between what is desirable and possibly legitimate aspirations of the disabled person, and what is actually needed and for which grant support is fully justified.

52. In determining the needs of the disabled person consideration should be given to the particular household group in which the disabled occupant resides so that any adaptations being contemplated do not cause strain on the household which may lead to breakdown of the present care arrangements. For instance, a relevant factor might be the continued privacy of the disabled person or carer following completion of works.

53. Disabled facilities grants are designed to give disabled people a degree of independence in the home. Consideration therefore needs to be given to the impact of adaptations on the level of care given to the disabled person and whether those tasks would be reduced or eased. Adaptation works will not have achieved their objective within a care package if the disabled person does not gain an acceptable degree of independence, or where the disabled person remains dependent upon the care of others, the adaptation does not significantly ease the burden of the carer.

Determination of whether works are reasonable and practicable

54. Section 24(3)(b) of the 1996 Act requires housing authorities to satisfy themselves whether it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling or building.

55. Under section 24(4) of the 1996 Act the question of the suitability of the property in terms of its effect on the health and safety of its occupants is a matter the local housing authority can take into account in determining the section 24(3)(b) question relating to reasonableness and practicality. This means that in a suitable case, the local housing authority can approve an application for DFG even where on the completion of the works the property is still a danger to the health and safety of the occupant under the Housing, Health and Safety Rating System. Where, on inspection of a property in connection with a DFG application, it is found to be a danger to health and safety to the extent that it would clearly be unreasonable and impractical to proceed with the proposed adaptations, housing departments should, in consultation with the social services department,

consider alternative solutions in deciding the most appropriate course of action. Such considerations might include:

- suggesting that the disabled occupant applies for assistance to make the property safe following which the proposed adaptations can proceed;
- considering whether a reduced level of adaptations to the property, which would satisfy the needs of the disabled occupant and also satisfy the practicality considerations, would be appropriate;
- considering with the disabled person rehousing to other more suitably adapted accommodation in the locality especially if the disabled person expresses such a preference. This would make sense if major expenditure on adaptations could be avoided and a suitably adapted house was available. The new more flexible renewal regime makes this a more viable option than under the previous arrangements.

Age and condition of property

56. There is no minimum age of a property which is the subject of a DFG application. Nevertheless, local authorities as housing authorities need to have regard to a number of factors in deciding whether it is reasonable and practicable to carry out the relevant adaptation works. Each case will present its own problems which need to be resolved in reaching decisions on grant approval but the following are issues which commonly arise in the processing of grant applications:

- (a) the architectural and structural characteristics of the dwelling may render certain types of adaptation inappropriate;
- (b) the practicalities of carrying out adaptations to smaller properties with narrow doorways, halls and passages which might make wheelchair use in and around the dwelling difficult;
- (c) conservation considerations and planning constraints may prevent certain types of adaptation being carried out;
- (d) the practicalities of carrying out adaptations to older properties with difficult or limited access e.g. steep flights of steps making access for wheelchair use difficult and therefore making continued occupation of the dwelling open to question.
- (e) the impact on other occupants of proposed works which will reduce or limit the existing facilities or amenities in the dwelling.

Certificates and conditions of occupation

57. All applications for DFG must be accompanied by a certificate relating to the future occupation of the property, and the local authority may not entertain an application unless such a certificate is provided. There are three different types of certificate:

(a) **Owner-occupiers**

An "owner's certificate" certifies that the applicant has, or proposes to acquire, an owner's interest (as defined in section 21(2)) in the dwelling, and that they intend that the disabled occupant will live in the dwelling as their only or main residence from the certified date throughout the grant condition period or for such shorter period as their health and other relevant circumstances permit. The certificate serves to confirm the intention on application, and does not require repayment of grant where there is a breach of condition. However the authority retains the discretion to demand repayment of grant (sections 40 and 43 of the 1996 Act as amended by the Order).

(b) **Tenants**

- (i) A "tenant's certificate" certifies that the applicant is the tenant, and that they intend that the disabled occupant will live in the dwelling as their only or main residence from the certified date throughout the grant condition period or for such shorter period as their health and other relevant circumstances permit. The certificate serves to confirm the intention on application, and does not require repayment of grant where there is a breach of condition. However the authority retains the discretion to demand repayment of grant (sections 40 and 43 of the 1996 Act as amended by the Order).
- (ii) A tenant's application must, however, normally be accompanied by an owner's certificate from the landlord, unless the authority consider it unreasonable in the circumstances to require it.

(c) **Occupier's certificates (in relation to houseboat and park home applications)**

- (i) An "occupier's certificate" certifies that the applicant intends that the disabled occupant will live in the qualifying houseboat or park home as their only or main residence from the certified date throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit. The certificate serves to confirm the intention on application, and does not require repayment of grant where there is a breach of condition. However the authority retains the discretion to

demand repayment of grant (sections 40 and 43 of the 1996 Act as amended by the Order).

- (ii) An “occupier’s application” must, however, normally be accompanied by a consent certificate from each person who owns the mooring or land on which the houseboat or park home is stationed, or who owns the houseboat or park home (i.e. the landlord).

Properties held in trust

58. There are no specific provisions governing grant applications in respect of dwellings owned by trusts and such applications are, therefore, subject to the conditions applying applications by owner-occupiers, tenants or occupiers. Eligibility for 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.

59. 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 conditions associated with either interest, including providing the appropriate certificate of future occupation.

Stock Transfer

60. Should a local authority be in the process of giving consideration to the merits of stock transfer then it will need to be aware that the Assembly Government accepted the recommendation in the DFG Review Report covering this issue⁸. The report recommended that authorities should take full account of the cost of adaptations post stock transfer, in their business plans and transfer agreements and for bringing their housing stock up to the Welsh Housing Quality Standard (WHQS) by 2012. Funding within stock transfer must also take into consideration maintenance contracts for fixed equipment and adaptations such as ceiling track hoists etc where there is a legal obligation to service under the moving and handling regulations. Also maintenance contracts for stairlifts etc previously undertaken by the local authority.

Adaptations for RSL Tenants

61. Further advice on Physical Adaptations Grant (PAG) will be issued in due course.

⁸ Ibid. p. 48

Funding

62. The DFG Review Report concluded that housing budgets almost entirely meet the cost of DFGs and adaptations⁹. However, local authorities need to be mindful of the need to properly resource their DFG programmes from their own General Capital Funding (GCF) and ensure that adequate levels of funding are allocated to support DFG applications throughout the year as the grants are a mandatory entitlement.
63. The Assembly Government has reinforced this view on a number of occasions. Whilst the resources in the GCF are not hypothecated it is essential that authorities ensure that adequate resources are allocated to meet their mandatory obligations to support DFGs. The Assembly Government would not expect authorities to limit the scope for eligible applicants for mandatory grants by restricting the resources they make available. This must be in line with an authority's own local priorities as set out in its Housing Renewal Policy. Should an authority decide that the resources it allocates would not enable it to meet those priorities then it would need to change its local housing policy and advise the public accordingly. There may also be scope for local authority social services and housing departments to combine budgets where the provision of adaptations are concerned. If this occurred it should be reflected in housing renewal policies as it will affect how DFGs are delivered.

Means testing

64. The Housing Renewal Grants Regulations 1996 provide a definition of 'relevant person' for the purposes of applications for DFG. This reflects the policy that the test for DFG should take into account only the resources of the disabled occupant, where this is the applicant, their spouse and partner. Full details on the operation of the means test are given in *Annex J2 of Welsh Office Circular 59/96*. This advice will continue to apply to DFGs under the 1996 Act. One of the principal recommendations contained in the DFG Review Report was that DFG applications intended to meet the needs of disabled children should not be subject to a means test¹⁰. The Assembly Government accepted this recommendation and decided to implement it immediately. The exemption for disabled children was introduced from 30 September 2005 when the Housing Renewal Grants (Amendment) (Wales) Regulations 2005 came into force. The Assembly Government also extended the exemption to take account of 'Young Persons' on 20 October 2006.

⁹ Ibid. p.30

¹⁰ Ibid. p.45

65. The needs of disabled children in terms of promoting family life also need to be considered. This might be through more space to meet the needs of the disabled child for play, development, education and social contact or space for storage of equipment and privacy for other family members. Scope for this exists under section 23 of the 1996 Act. However, under current legislation other powers are also available to local authorities to provide such services for disabled children. Under section 17 (Part 3) of the Children Act 1989 local authorities have a general duty to safeguard and promote the general welfare of children in need in their area, by providing services which will promote the upbringing of children by their families. This may include housing adaptations and equipment. Section 2 of the Chronically Sick and Disabled Persons Act 1970 places a duty on social services authorities to arrange practical assistance or adaptations in the home to secure greater safety, comfort or convenience. Section 28A of the 1970 Act states that the provisions apply to disabled children. Local authorities also have wide ranging discretionary powers to provide additional help over and above the mandatory DFG entitlement. Where children or young persons who are being fostered are concerned local authorities should have regard to the measures contained in The Housing Renewal Grants (Amendment) (Wales) Regulations 2002 [S.I. 2002 No 2798 (W.266)].

Successive applications

66. For those disabled people whose conditions are degenerative, further adaptations to their home to cater for their deteriorating condition may become necessary at a later date. The grants legislation in Chapter I, Part I of the 1996 Act places no express restriction on successive applications for disabled facilities grant on the same property. In such cases and depending on the time lapse between the two applications, provision is made in the Housing Renewal Grants Regulations to reduce the amount of an applicant's current contribution. The contribution will be reduced by any previous assessed contribution if the applicant went ahead with the previous adaptations. This means that existing commitments in respect of previous applications are disregarded if the most recent application is made within the lifetime of the notional loan assumed for the purposes of the test (five or ten years depending on whether the applicant is a tenant or an owner).

67. Authorities should explain to applicants the merits of pursuing an application through to completion even where it is clear the assessed contribution exceeds the cost of the present works and therefore the outcome will be that a 'nil grant' is approved. In such cases, the current contribution will be reduced by an amount equivalent to the approved cost of works, not the assessed contribution which may have been greater. Where a local authority intends to approve a grant in such cases they should ensure that the works for which the original application was submitted were completed to a satisfactory standard.

Payment of DFG

68. Section 34 requires that the authority notifies an applicant as soon as reasonably practicable and not later than six months after the date of the application, whether the DFG application is approved or refused. However under section 36 the local authority may approve an application for mandatory grant on the basis that the grant, or part of the grant, will not be paid before a date specified in the notification of their decision. The date so specified must not be later than 12 months after the date of the application.
69. The purpose of the provision is to provide authorities with discretion to delay payment of mandatory DFG for up to twelve months from the date when a valid application was made in exceptional circumstances where, because there is a particularly heavy caseload of applications involving works which attract mandatory grant, the approval of applications within the statutory six months required by section 34 would present serious resource problems for the authority towards the end of the financial year.
70. Section 36 provides a power and authorities are not obliged to use it. It is provided to ensure that where problems arise, authorities have the flexibility to schedule mandatory grant payments, particularly between financial years.
71. An authority wishing to use the section 36 power may consider that it would be appropriate to defer payment of a mandatory DFG where, for example, particular adaptations are required for someone moving to a dwelling at a later date and therefore the works and payment can both be deferred to a later date without hardship to the applicant. However, this power 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 section 36 power where the long term costs of doing so would be disproportionate to the short term savings.

Insurance and legal claims

72. Section 51 of the 1996 Act provides that a local housing authority, in approving an application may, with the Welsh Assembly Government's consent¹¹ (*Annex J4 WO Circular 59/96*), impose a condition requiring the applicant to take reasonable steps to pursue a legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim.
73. Authorities should consider imposing such conditions where the applicant has made or could make an insurance claim or a legal claim against another person for damages to the property, or in the case of a legal claim)

¹¹ The Housing Renewal Main Grants (Recovery of Compensation) General Consent 1996.

for damages where the costs of the works to the property was part of the claim.

74. Section 51 addresses those cases where there are likely to be insurance payments in respect of works for which grant applications have been submitted. There may be cases where there could be an urgent need for works to be undertaken to a property, 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. The Assembly Government believes that 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 he should repay to the authority the grant, so far as is appropriate, out of the proceeds of any claim.
75. The Assembly Government has agreed¹² to conditions under section 51 being imposed in relation to claims for personal injuries in respect of works required under a mandatory disabled facilities grant.
76. Claims in such cases can be protracted and therefore there is no time limit attached to the provision covering the recovery of grant where compensation has subsequently been paid. A local authority has the discretion in section 51(4) not to demand repayment or to demand a lesser amount where this is appropriate. In operating this discretion a local authority should take full consideration of the terms of any settlement received by the grant applicant.
77. 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 decide to proceed in approving the application details of the insurance payments should be included in the prescribed grant application form.

Recovery of equipment

78. Section 52 allows local authorities with the consent of the Welsh Assembly Government to impose additional conditions on the approval of grant. Breach of any such condition will enable the local authority to demand repayment of the grant. Such conditions as authorities may impose may now cover matters occurring both before and after the certified date. There is a general consent¹³ which includes imposition of a condition that specialised equipment such as a stairlift may be recovered by the local authority where it is no longer required. In practice social services are best placed to recover the equipment so that it can be re-assigned to another person in need of such equipment. Where it is clear that the equipment will

¹² The Housing Renewal Main Grants (Recovery of Compensation) General Consent 1996.

¹³ The Housing Renewal Grants (Additional Conditions) (Wales) General Consent 2001.

not be reused because of age or condition a local authority may decide to waive their right to recovery. The integration of community equipment across Wales should be beneficial in this respect. By March 2008, joint arrangements should be in place with local authorities, local health boards and trusts for the provision, procurement and cleaning of equipment.

Adapted Housing Registers

79. The DFG Review Report recommended that local authorities should be reminded of the benefits of adapted housing registers and matching schemes in relation to their own housing stock and the importance of including their plans for such schemes within their local housing strategies and private sector renewal policies¹⁴. The Assembly Government agreed with this recommendation. It is clearly very important for local authorities to have accurate up-to-date records of adapted houses within their own stock.

80. Authorities are therefore encouraged to develop and maintain adapted housing registers and matching schemes for their public sector stock. The plans for such schemes should be included in authorities' local housing strategies and their renewal policies.

Works zero-rated for VAT purposes

81. The supply of the following works will be zero-rated for VAT where they are carried out to a person's private residence:

- (a) the construction of ramps or widening doorways or passages for the purpose of facilitating the disabled person's entry to or movement within the building, including any preparatory work or making good;
- (b) the installation of a lift for the purpose of facilitating the movement of the disabled person between floors of the building. Repair and/or maintenance is also zero-rated;
- (c) the providing, extending or adapting of a bathroom, washroom or lavatory where such provision, extension or adaptation is necessary by reason of the disabled person's condition. In addition, other work essential to the provision of these facilities can be zero-rated.

82. In order for this supply of goods or services to qualify for zero-rating the supplier or contractor must obtain a form of declaration from the disabled person.

Discretionary assistance for disabled facilities and adaptations

83. From 18 July 2002 the general power under Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 enabled

¹⁴ DFG Review Report, Chris Jones p.54

authorities to give discretionary assistance, in any form, (e.g. grant, loans), for adaptations or to help the occupant to move to alternative living accommodation.

84. There is no restriction on the amount of assistance that may be given. Discretionary assistance may be paid in addition, or as an alternative to mandatory DFG.
85. Assistance can be given under Article 3 for a wide range of purposes. The authority may wish to consider giving assistance in the following circumstances (in accordance with its published policy), but these are simply suggestions and are in no way prescriptive. An authority could:
- i **Provide small-scale adaptations** to either fulfil needs not covered by mandatory DFGs or, due to the much simpler administration, provide a much quicker remedy for urgent adaptations;
 - ii **Top up mandatory DFGs.** It will be up to authorities to exercise their discretion over whether individual cases justify any additional assistance. Such assistance may be:
 - because the cost of eligible works are higher than the grant limit; or
 - there are some works required that are not classed as mandatory items description (as set out in subsection (1) of section 23). For example:
 - works to provide more satisfactory internal living arrangements for a disabled occupant where the works are not of a description set out in subsection (1) of section 23 and where they would be of direct benefit to the disabled occupant rather than other members of the household. Such works might include extending or enlarging a dwelling which is already suitable for the disabled occupant in all other respects.
 - works to provide access to a garden adjacent to a property where the disabled person is unable to gain such access from the dwelling through existing doors or pathways. Authorities may wish to give discretionary assistance in such cases or may consider there is sufficient merit in including the works within mandatory grant: section 23(1)(a): as access for the disabled person to and from the dwelling (defined at section 101).
 - the provision of a safe play area for a disabled child or where certain works of adaptation are required to provide for a disabled occupant to receive specialised care or medical treatment in their own home for which the disabled person is responsible for meeting the costs of works.

- adapting or providing a room to be used for a disabled person who is housebound but nevertheless is able to work from home.
 - to provide a complete solution to the needs of the disabled person.
- iii **Assist the disabled person to move** to a more suitable property where it is more cost effective than adapting the current home of a disabled person to make it suitable for his or her present and future needs, even though the new property may require some adaptation.

Re-housing options include trying to identify and offer suitable accommodation in the social rented sector. Local authorities should however bear in mind that for many disabled people the location of their home is a key consideration – often they have an established support system of friends, family and local organisations that, understandably, they will wish to remain.

86. All re-housing options need to be considered and discussed with the disabled person and others concerned, including social services and health professionals, family and friends. Independent advice should be available through the local home improvement agency, such as Care and Repair, or through other sources of local specialist independent advice – a local Citizens Advice Bureau can provide details. There are also a number of national sources of advice for older people and people with disabilities on housing options.
87. Where an application involves a combination of works qualifying for both mandatory grant and discretionary assistance (in accordance with the authority's published policy), the authority should consider the application in the same way administratively for both types of works assuming that the authority decides to approve the discretionary elements of the application.
88. Finally, the Assembly Government once again stresses that the disabled person should be at the heart of service delivery for adaptations. DFGs are only one possible option for meeting the short and longer term needs of disabled people. If other forms of assistance are more appropriate then these should be considered as part of a holistic approach targeted towards specific needs.