Disabled Facilities Grants and Adaptations Policy

Revised 2015
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1. Introduction

Bassetlaw District Council, in its role as the housing authority has a statutory duty to provide Disabled Facilities Grants to qualifying applicants under the Housing Grants, Construction and Regeneration Act 1996. The main purpose of an adaptation is to modify disabling environments in order to restore or enable independent living, privacy, confidence and dignity for individuals and their families.

The Council also has a duty under the Act to provide adaptations to tenants living in its own housing although it is not obliged by statute to require its own tenants to follow the same process as private sector applicants. However, in the interest of fairness and equality the Council applies the same process to both public and private sectors.

References to ‘the Council’ in this policy relate to Bassetlaw District Council unless otherwise stated and any reference to Occupational Therapy relates to Nottinghamshire County Council's Occupational Therapy team.

This policy will be kept under review in response to any legislative, financial or other policy changes.
2. Mandatory Disabled Facilities Grant - Summary of the Legal Framework

2.1 Disabled Facility Grants (DFGs) were introduced in 1990 but the principal legal provisions are contained in the Housing Grants, Construction & Regeneration Act 1996 (the Act) and associated regulations.

2.2 The following is a summary of the key legal provisions:

- DFGs are mandatory grants and are available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs, and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling or building.\(^1\)

- DFGs are subject to a means-test (except for children), which means that applicants’ income and savings have to be assessed to determine the amount of any contribution they are required to make towards the cost of the required work, and hence the amount of grant available to them. The way in which the means-test is carried out is set by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are however exempt from the means test.

- Subject to all the eligibility criteria being met, the Council must ‘determine’ (ie approve) properly made applications ‘as soon as reasonably practicable’, but no later than 6 months from the application date.\(^2\)

- The maximum DFG is set by statute and is currently £30,000. This amount is reduced by any contribution assessed as payable by the applicant under the mean test.

- Grant can be recovered following sale of the dwelling within 10 years of payment provided the Council ‘is satisfied that it is reasonable in all the circumstances to require the repayment’. Grants below £5,000 are excluded and the maximum amount recoverable in any one case is limited to £10,000.\(^3\)

2.3 Adaptations costing less than £1,000 are classed as minor adaptations and are not eligible for a DFG. Applicants in privately owned/rented property needing minor adaptations should contact Nottinghamshire County Council’s Customer Services Centre as responsibility for such adaptations lies with the social services.\(^5\)

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1 Section 24(3), Housing Grants, Construction and Regeneration Act 1996 (HGCRA) - ‘the Act’
2 Section 34 of the Act
4 HGCRA 1996: DFG (Conditions relating to approval or payment of Grant) General Consent 2008
5 The Community Care (Delayed Discharges etc) Act (Qualifying Services) (England) Regulations 2003
adaptations include grab rails, small ramps and additional stair rails etc. Council tenants should contact A1 Housing.

(NOTE: The Council supports the Handy Persons and Preventative Adaptations Service. This service provides quick access to low cost essential adaptations, such as grab rails, and small practical jobs to help people to keep safe and secure in their home. No formal assessment is required; however, it is only available to people aged 60 and over. There is a flat rate charge, which is currently £15\(^6\) for this service and access to the service is through Nottinghamshire County Council’s Customer Services Centre).

2.5 A DFG can only be approved for the disabled person’s main residence. If an applicant is proposing to purchase a dwelling that require adaptations the Council can accept an application form but is unable to approve a DFG until the ownership has transferred to the applicant. In such circumstances the Council will encourage the applicant to liaise with us and an Occupational Therapist so that advice can be given on the likely suitability of the dwelling to meet their needs, any adaptation works necessary, the likely cost of the adaptations and the applicant’s contribution (if any), and the expected timescales for carrying out the required works.

2.5 Applications for a DFG by an owners or a landlord must be accompanied by an owner’s/landlord’s certificate.

(i) In the case of an owner the intention must be to live in the dwelling as their only or main residence throughout the condition period of 5 years.

(ii) In the case of a landlord the dwelling must be let or available for letting for the whole of the 5 year period. If the dwelling is not available for let or ownership is sold or transferred within the 5 year period, the grant up to £10,000 plus interest will be repayable to the Council.

2.6 Housing Association/Registered Provider properties

The Council are aware that whilst there is no specific legal obligation on Registered Providers (RP) to fund adaptations to their own dwellings, it is good practice for responsible RPs to respond to the needs of its disabled tenants. Therefore, the Council will seek to establish a formal agreement with the RPs in the district with regard to providing a contribution to any adaptations carried out to their dwelling for the benefit of the disabled occupier. Furthermore, the council would require the RP to facilitate any adaptations by making any reasonable adjustments to the dwelling and by ensuring there are no repairs, renovation or maintenance work outstanding.

\(^6\) As at April 2015
3. Works Eligible for Mandatory Grant

3.1 The purposes for which mandatory DFG may be given are set out in section 23(1) of the Act. The categories are:

(i) Facilitating Access

A grant may be given for works to remove or help overcome any obstacles that prevent the disabled person from moving freely into and around the dwelling, access to the garden and enjoying the use of the dwelling and the facilities or amenities within it. Access to the garden or yard (front, side or rear) means immediate access from the dwelling and does not include any landscaping. This would be fulfilled by either improving existing access, or by providing a suitable outdoor space that can be accessed safely from the dwelling to allow appreciation of the outdoor area by the disabled person.

(ii) Making a Dwelling or Building Safe

A grant may 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 maybe the provision of lighting where safety is an issue or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems. Where such a need has been identified, DFG is available to carry out appropriate adaptations to eliminate or minimise that risk.

(iii) Access to family room

A grant may be given to ensure the disabled person has access to a room used or usable as the principal family room (i.e., living room or lounge).

(iv) Access to a room usable for sleeping

A grant may be given for the provision of a room usable for sleeping where the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances.

(v) Access to a bathroom

A grant may be given for the provision of, or access to, a WC and washing, bathing or showering facility.

(vi) Facilitating preparation and cooking of food

A grant may be given to re-arrange or enlarge a kitchen to improve the manoeuvrability of a wheelchair and to provide specially modified or designed storage units, work top area etc. Where most of the cooking and preparation of meals is done by another household member, it would normally not 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 minor functions in the kitchen, such as preparing light meals or hot drinks.

(vii) Heating, lighting and power

A grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs. A grant will 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 dwelling will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected.

Provision is also made under this category for the adaptation of heating, lighting and power to make them suitable for use by the disabled person.

(viii) Dependent Residents

A grant may be given for works to enable a disabled occupant better access around the dwelling in order to care for another person who normally resides there whether or not they are related to the disabled person. Importantly, 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.

(ix) Common Parts

A grant may be given for works to facilitate access to a dwelling through the common parts of a building.

3.2 Repair or Renovation Works

3.2.1 Repairs and or remedial works will not normally be part of a DFG. Where such works are required the owner of the dwelling will be responsible for carrying these out and the Council will not approve any DFG until such works are completed to the satisfaction of the Council.

3.2.2 Similarly, where any remedial or repair works are discovered whilst adaptation work is underway, these will be the responsibility of the owner to fund before the adaptation works can proceed. In exceptional cases, assistance (mandatory or discretionary) may be available for remedial, repair or unforeseen works, subject to the availability of resources.

3.2.3 The Council reserves the right to request the owner of the dwelling provides an electrical safety certificate and gas safety certificate (where applicable) before commencement of any works.
4. Application for a Disabled Facilities Grant

4.1 Definition of a Disable Person

For the purposes of the legislation relating to Disabled Facilities Grants, a person is defined as being disabled if:

- their sight, hearing or speech is substantially impaired;
- they have a mental disorder or impairment of any kind; or
- they are physically substantially disabled by illness, injury or impairment present since birth or otherwise.

A person aged 18 or over is considered to be disabled if:

- they are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948, or
- they are a person for whose welfare arrangements have been made under that section or might be made under it.

A person aged under 18 is considered to be disabled if:

- they are registered in a register of disabled children maintained under the Children Act 1989, or
- in the opinion of the social services authority (Nottinghamshire County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

4.2 All owner-occupiers and tenants, licensees or occupiers who are able to satisfy the criteria in the Act are eligible for a DFG. Private landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the requirements of the Act. Housing Association tenants are eligible to apply for DFG and are assessed on the same basis as private owners and tenants, and under the same means testing arrangements.

4.3 The landlord's written permission must be obtained before a DFG can be approved. Where a landlord withholds his permission for the works to be undertaken a grant cannot be given. Furthermore, where the owner of a privately rented dwelling cannot be located, or has died and the dwelling is in probate a grant cannot be given.

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7 Section 100, HGCRA 1996

8 Sections 19-22, HGCRA
4.4 The availability of a grant is dependent on all three of the following criteria being met:

- the works being necessary and appropriate, and
- the works being reasonable and practicable, and
- the applicant's means-tested contribution being less than the approved value of the grant.

4.5 **Necessary and Appropriate**

In reaching a decision as to whether works are ‘necessary and appropriate’ the Council is required to ‘consult the social services authority’\(^9\) ie Nottinghamshire County Council’s Occupational Therapy team.

The Occupational Therapist will visit and assess the disabled person's needs and, where necessary, will consult the Council’s technical officer when advice relating to technical matters is needed. The Council will accept the works recommended in the Occupational Therapist’s referral as those which are 'necessary and appropriate' to meet the disabled person's needs. However, in order to make the best use of limited resources adaptations likely to exceed £10,000 must be referred to the Council’s Disabled Facilities Panel. The Panel will consider any alternative solutions that will meet a person’s needs and differentiate more precisely between degrees of need. The Panel will also consider what adaptations are ‘desirable’ and what are ‘essential’ to meet the assessed needs. This links to a further aim of the Panel, which is to reduce the risk of spending the available budget on a smaller number of people than could otherwise be helped; in effect meeting some applicants’ aspirational needs at the expense of increased waiting time for others.

The Disabled Facilities Panel will be held monthly and cases must be with the Council three working days before the date of the meeting. The Council’s Technical Officer and the Occupational Therapist must undertake a joint visit where the recommendation is for an extension to the dwelling prior to submitting the case to Panel. The terms of reference for the Disabled Facilities Panel are attached at Appendix I.

4.6 **Reasonable and Practicable**

The Council must be sure that it is reasonable and practical to approve a grant for an adaptation having regard to the age and condition of the dwelling. It is not reasonable and practicable to adapt some dwellings, for example:

- where there are multiple or excessive changes in levels
- where the dwelling is in a poor or dilapidated condition
- where moving existing services would be prohibitively expensive

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\(^9\) Section 24(3), HGCRA.
• where the dwelling is a listed building or in a conservation area and the adaptation would be prohibitively expensive or inappropriate
• where the footprint or location of the dwelling makes an adaptation inappropriate
• where the adaptation work would have a negative effect on other residents

In cases where it is not possible to adapt a dwelling to an appropriate standard or where the cost of works is considered excessive, the Council will take the view that the works are not 'reasonable and practicable'.

4.7 Where an adaptation is not considered to be 'reasonable and practicable' applicants will be asked to seriously consider if they are currently in the most appropriate housing and if moving to more suitable accommodation would be a better option.

4.8 The Council can offer financial assistance towards the cost of moving to a more suitable dwelling if an applicant is in agreement. Subject to the availability of the Housing Choices Service, practical assistance may also be available for applicants who have little or no support (ie from family/friends).

4.9 Test of Resources (Means Test)

4.9.1 All applicants applying for a DFG in accordance with the Act are means tested, except in children's cases. The test of resources only takes into account the resources of the disabled applicant, and their spouse or partner where applicable. It does not take into account the applicant's outgoings.

4.9.2 Applicants in receipt of one of the following types of income will be 'passported' through the means testing process:

• Income Support
• Income Based Job Seekers Allowance
• Income Based Job Employment Support Allowance
• Guarantee Pension Credit
• Housing Benefit
• Working/Child Tax Credit (if income for tax credits is below a specified amount)

This list is prescribed by central government and may be amended from time to time.

4.10 In circumstances where the test of resources results in a 'nil' grant ie where the applicants contribution is greater or equal to the cost of the works the applicant can request the Council to approve the 'nil' grant. This will enable the cost of these works to be deducted from any future application for a DFG within the following 10 years providing the adaptations recommended by the Occupational Therapist were provided in full.
5. Decision-making Criteria

5.1 Once the Council, in consultation with Nottinghamshire County Council’s Occupational Therapy team has determined that the proposed works are necessary and appropriate and reasonable and practicable the following specific expectations and presumptions are taken into account:

- Grant works should properly and fully meet the assessed needs of the applicant. Grants that only partially meet those needs will only be considered in exceptional cases. (For example: where the disabled person’s condition is deteriorating and independent living is unlikely to be sustained for very much longer)

- Works funded by means of DFG will be the simplest and most cost-effective adaptations that will meet the applicant’s assessed needs, this includes any equipment provided

- Wherever practicable and realistic, the change of use of existing rooms or the re-ordering of rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of equipment.

- The DFG will generally only fund one facility to a dwelling. For example, only one external door will be provided with a ramp. In exceptional circumstances a case for providing more than one facility can be referred to the Disabled Facilities Panel by the Occupational Therapist for consideration.

5.2 In certain circumstances, a grant up to the estimated cost of providing an adaptation can be used to contribute towards an alternative scheme. For example, where a through-floor lift would meet the needs of the disabled person but the preference is for an extension, a grant equal to the cost of the lift could be approved. Any agreed alternative works must meet the assessed need of the disabled person as determined by the Occupational Therapist.

5.3 Where two disabled people occupy the same dwelling as their main residence and both have individually assessed needs by an Occupational Therapist, depending on the adaptations required there may be a case for considering two separate DFG applications. Such cases will be referred to the Disabled Facilities Panel for consideration.
6. **Summary of the Process**

6.1 **Application for a DFG**

An application for a DFG can only be approved when all the required supporting documentation is received and approved by the Council. The application process is complicated and we will provide any applicant with help and assistance with the process. It is important that applicants understand the conditions attached to any grant and the Council will ensure these are included in the application pack. If an applicant is unclear about the conditions we will provide clarification on request.

6.2 **Financial Test of Resources**

Once it has been confirmed that the works are necessary and appropriate and reasonable and practicable a test of financial resources will be completed, where appropriate. The mechanism for the test is laid out in Statutory Instruments and Councils have no discretion in this area. The means test form is quite complex and the Council offers assistance to complete the form with the applicant, either within the Council's own offices or at the applicant's own home.

6.3 **Provisional Test of Resources**

As the amount of Grant payable is the cost of the works less the amount calculated by the means test, the applicant may have concerns as to their eligibility for a Grant prior to an application being made. This being the case, the Council can carry out a provisional means test. This will provide the relevant person(s) with an approximate contribution figure, if any, should an application be made.

6.5 **Survey**

A survey of the dwelling will be carried out and a specification of works will be written. If the adaptation is for installation of specialist equipment, the Occupational Therapist may organise the survey and provide quotations.

6.6 **Agency Service**

6.6.1 The Council offers an Agency Service which will manage the adaptation project on behalf of the applicant. This includes appointing the contractor (subject to the applicant’s approval), applying for Planning and/or Building Control permissions, agreeing a commencement date with the applicant and the contractor, and supervising the works on site by carrying out regular site visits.

6.6.2 The applicant will be offered a choice of contractors to carry out the DFG work, however, the grant will only fund the lowest tender price.
6.6.3 The Council is allowed to include an agency fee for this service within the grant. The fee charged by the Agency is 10% of the eligible cost of works, or £916.70 plus vat\(^{10}\) (where applicable), whichever is the higher. The exception to this is for stairlifts where the charge is 10% of the cost, providing no other adaption works are required. The Council reserves the right to review the Agency fee as part of its income setting process.

6.6.4 If during the course of the grant process an applicant decides they no longer wish to use the services of the Agency, they will be responsible for paying back any reasonable costs incurred by the Agency up to that point.

6.7 Non-Agency Applications

6.7.1 After the means test has been carried out and it has been determined that the applicant is eligible for a grant the next step is to obtain a minimum of two itemised, competitive quotations. These must be submitted by the contractors on the agreed itemised grant specification.

6.7.2 If a relative of the applicant provides the quotations, the grant will be approved for the cost of materials only. The applicant will be responsible for the cost of labour.

6.7.3 Quotations will be evaluated to ensure they cover only the identified works and represent value for money. If considered excessive the applicant is requested to obtain further quotes. Once the quotes are accepted the amount of grant offered will be based on the lower of the prices submitted. The applicant may choose to appoint one of the alternative contractors; however a Grant will not be available for the difference in cost.

6.7.4 Applicants will retain the right to choose their own contractor providing:
- The contractor is qualified and suitably experienced to undertake the works required
- The contractor provides a quotation in accordance with the schedule of works
- The applicant funds any difference in costs
- The contractor is not a relative of the applicant

6.7.5 Once the application is formally approved, in writing, the applicant can contact the contractor to arrange a start date. Works should not commence until Planning and/or Building Regulation approval is in place or, confirmation that the work is confirmed as exempt otherwise the grant may not be paid.

6.7.6 As part of the grant conditions the works must be completed within 12 months from formal approval and must be carried out by one of the contractors whose estimate was submitted with the application. The contract for works remains between the applicant and contractor.

\(^{10}\) As at April 2015
6.7.7 If an architect or structural engineer is required the applicant will be responsible for engaging their services. However, the Council must approve the estimated fees for such service before the grant is approved. Applicants are encouraged to ensure these professional services are provided by a qualified person, preferable members of the Royal Institute of British Architects/ British Institute of Architectural Technicians / Royal Institution of Chartered Surveyors / Institution of Structural Engineers.

6.8 Agency and Non-Agency Applications

6.8.1 The Council has six months to approve a grant once a formal application\textsuperscript{11} is made; in reality the Council seeks to approve grants much quicker than this. However at times of severe budget pressure the approval process may take up to 6 months to ensure spending is maintained within budget limits.

6.8.2 Applicants must not start work before receiving this formal grant approval or their application is not valid. Where Planning permission and Building Regulation approval is required work must not start until these are in place.

6.8.3 Interim payments can be made direct to the contractor(s) and other relevant professional bodies, as appropriate, for works satisfactorily completed.

6.8.4 Upon completion of the work a grant officer will visit to ensure all works have been completed satisfactorily and will ask the applicant to sign a form confirming they are happy with the work. Grant money will then be released (usually) to the contractor. If a Building Regulations application has been submitted and approved the grant will not normally be released until the Completion Certificate has been issued.

6.8.5 All Grant applicants are requested to familiarise themselves with the grant conditions to ensure they are fully aware of them. Grant conditions are sent out to applicants as part of the application process.

6.9 Applicant funded works

In some cases applicants may wish to carry out works above and beyond those eligible for grant funding. This is acceptable provided the guidelines below are adhered to.

i) If an alternative scheme is pursued it must meet all the applicant’s needs as assessed by the Occupational Therapist (OT). To ensure this the plans must be agreed in advance by the OT.

\textsuperscript{11} A ‘formal’ application comprises all necessary forms, two independent estimates, financial information and proof of title details
ii) The grant will only be based on works agreed by the OT as necessary and appropriate, and approved by the Council.

iii) In order to calculate the amount of grant the applicant is entitled to, two competitive estimates must be provided for the works agreed by the OT as necessary and appropriate.

iv) Any unforeseen items are the applicant’s responsibility.

v) No interim payments will be made on alternative schemes, if it is not possible to assess from work in progress correct levels of interim payments.

vi) Full and final monies will only be released once the alternative scheme of works has been completed and an assessment can be made that the completed works fully meet the identified needs.

vii) Where an applicant chooses to incorporate an adaptation into a larger or new build scheme, the grant will only fund internal works specifically required for the disabled person for example, a wheelchair accessible shower.

viii) In order to protect public funds it is important that the grant is not used to fund any part of a new build or alteration that was already planned prior to an application for a grant being made. A grant can however, be considered for adapting part of the new build to meet the disabled person’s needs. This will generally be restricted to internal works. There is an expectation that the needs of the disabled person will be factored in to all structural works.

ix) Grant funding cannot be used for any improvement works.

x) In the case of a self-build scheme, there is an expectation that the needs of the disabled person will be factored into the design. Grant funding may be available for specialist facilities in accordance with an Occupational Therapist assessment.

6.10  **Specialist Equipment**

Equipment eligible for a mandatory DFG should be affixed to the premises on completion, and not be freestanding. (Freestanding equipment may be supplied by Health or Social Services).

6.11  **Specifications**

All adaptations and DFG work will be in accordance with part M of the Building Regulations, where applicable.
6.12 Timescales

6.12.1 Statutory Timescales (owners, RP tenants and private tenants)

From Formal DFG Application to Approval - 6 months
From Approval to Completion of Works - 12 months
From Approval to payment of grant - 12 months

6.12.2 Timescales for council tenants are as follows:

For Fastrack and Minor adaptations - 25 days
For Major Adaptations - 100 days
7. Payment of Grant & Other General Conditions

7.1 The Act allows the Council to pay the grant directly to the contractor on satisfactory completion of the works. Therefore, the Council will pay the contractor following the final inspection visit, providing the work has been carried out to its satisfaction and on production of a final invoice. This applies to agency and non-agency cases. However, if the applicant chooses to pay the contractor themselves, for example, where they have a contribution to make towards the cost of the works, then on production of a receipt the Council will make the payment to the applicant.

7.2 Where a dispute arises regarding the standard of the works the Council will withhold any payment until it the works have been completed satisfactorily in the professional opinion of the Council. Where the works meet the council’s approval but the applicant is not satisfied the Council will not unreasonably withhold payment to the contractor.

7.3 Maintenance / Warranties

7.3.1 When equipment is installed using a DFG, the applicant who was awarded the grant becomes the owner and is therefore responsible for maintenance, repairs or removing equipment once it is no longer needed. Therefore, once the Grant works are completed, the Council will not finance or organise servicing, repairs or maintenance after the expiry of any applicable warranty period, which is usually 12 months. (Note exception below). Applicants are encouraged to consider a longer warranty at the time of the installation as repairs can be very expensive.

7.3.2 A 5 year warranty will be funded as part of the Grant for certain specialist equipment, eg stairlifts, specialist toilets. No additional warranty will be provided for other equipment, including ceiling track hoists. Information relating to warranties will be provided to the applicant as part of the grant approval process.

7.3.3 The Council reserve the right require the return of certain types of specialist equipment or portable accommodation provided under a DFG. The applicant shall notify the Council if and as soon as the equipment and/or portable accommodation is no longer needed. This will be made clear to the applicant at the time of approval of the grant.

7.4 Removal of Adaptations and Reinstatement Works

Generally the Council do not remove adaptations if and when they are no longer required. Neither are reinstatement works carried out. Applicants will be made aware of this before the DFG work is undertaken. Similarly, if an applicant changes their mind about an adaptation once the Occupational Therapist assessment has been carried out and the works have been undertaken, unless there has been a significant change in the applicant’s medical condition the Council will not remove or carry out further adaptations.
7.5 Recycling of Equipment

Where the Council has a recycling service for equipment that is no longer required, this service would be offered to former grant recipients. This will primarily relate to stairlifts and hoists. Any remedial works required will not be offered as part of the service.

7.6 Replacement of Facilities/Specialist Equipment

Consideration to replace damaged or broken facilities/equipment will be given under a further DFG providing it:

- cannot be repaired;
- has not been wilfully damaged;
- still meets the needs of the client;
- has been annually serviced/maintained, where applicable (including beyond the warranty period); and the warranty period has expired.

A DFG will not be considered where a facility or equipment that was present in the dwelling previously has been removed by or under the instruction of the occupant unless there was a (proven) good reason removal.

7.7 Changes in Circumstances

7.7.1 Certain changes in the applicant’s circumstance may affect the payment of grant. Such changes, prescribed by legislation, are:

- where the works cease to be necessary or appropriate to meet the needs of the disabled person;
- the disabled occupant ceases to occupy the dwelling; or
- the disabled occupant dies.

In such circumstances the Council can decide:

- not to pay the grant, or pay any further instalments;
- that some or all of the works should be completed and grant or partial grant will be paid; or
- that the grant application should be re-determined.

7.7.2 Under the Act, the Council has the right to demand the repayment of grant that has already been paid, together with any interest in the circumstances outlined above. However, each case will be considered on its merit.

7.7.3 The right to demand repayment also applies where an applicant ceases to be entitled to a grant before completion of the works. An example of where this may apply would be if the applicant ceases to own or have the tenancy of the dwelling to be adapted.
7.8 **Cases in which grant may be recalculated, withheld or repaid**

The Council is entitled to refuse to pay grant, pay any further instalments or recalculate the grant in circumstances such as:

- The grant was approved on the basis of inaccurate, incomplete of false information
- The cost of works is less than the original estimates.

7.9 **Compensation Cases**

Section 51 of the Act allows the Council to impose a condition on a grant applicant to take reasonable steps to pursue any compensation claim that may make an award for adaptations. Following a successful claim the Grant would then be repayable.

7.10 **Applicants on the Housing Waiting List**

Applicants for a DFG who are registered on the Council’s housing waiting list will be made aware that they will lose their housing application priority once the DFG is approved. The reason for this is that it is a condition of a DFG that the applicant will live in the dwelling throughout the grant condition period of 5 years (see 9.10/9.11 below). Furthermore, the adaptations to their home will ensure it meets their assessed needs and as such reduces or removes the need for rehousing.

7.11 **Complaints**

It is acknowledged that a large part of the grant process is very prescriptive to ensure it is delivered in accordance with the Act. However, the Council will endeavour support and guide applicants through the process and will ensure their assessed needs are met.

Where an applicant is dissatisfied with the service (including where a grant has been refused), they should contact the service manager, who will aim to resolve the issue. If the matter is not resolved to the applicant’s satisfaction they can make a formal complaint to the Council’s Complaints officer, based at Queens Buildings, Worksop. Once a complaint has gone through the Councils complaints procedure an applicant can contact the Local Government Ombudsman if they are dissatisfied with the Council’s response.
8. Discretionary Assistance

8.1 Local housing authorities have the powers to grant discretionary housing assistance, in any form under legislation\(^\text{12}\). This includes to adapt or improve living accommodation or to assist a person to move to more suitable accommodation (see section 10 below).

8.2 The Council will consider providing such assistance in the form of a discretionary DFG to a disabled applicant in the following circumstances:

- as a ‘top up’ to a mandatory grant or to fund unforeseen works
- to provide adaptations to a child’s second home where the parent’s live separately
- to assist a disabled person or their family to move to more suitable accommodation

8.3 Such assistance will be subject to the financial resources available at the time of the application. If there are insufficient resources to deal with referrals for mandatory DFGs received from the Occupational Therapist, the Council reserves the right not to approve any discretionary grant application.

8.4 A discretionary grant must be for works that meet the needs of the disabled person. The Occupational Therapist will determine the needs of the disabled person and the Council will determine whether assistance can be made available for such works. **All applicants will be means tested as prescribed in the regulations.**

8.5 Top-Up to Mandatory Grant

8.5.1 The Council has agreed through this policy to provide an additional funding to the mandatory DFG, currently £30,000, in the form of a discretionary grant up to a maximum of £10,000 and subject to the availability of resources.

8.5.2 Top-up from the Council will only be offered for works that meet the eligibility criteria for mandatory DFGs and will be subject to the same means test as the mandatory grant and registered as a land charge.

8.5.3 Funding from the Council will only be made available as a last resort and must be approved by the Disabled Facilities Panel. Applicants will need to show that other options have been explored including but not limited to self-funding, charitable funding and top-up from Nottinghamshire County Council health and social services.

8.5.4 The exception to this is the provision of a discretionary grant for ‘unforeseen’ works that are encountered once works on site have commenced. The maximum

\(^{12}\) Regulatory Reform (Housing Assistance) (England & Wales) Order 2002
discretionary grant in these circumstances is £2,000. This will not be subject to the means tested or registered as a charge on the property.

8.6 **Duel Residency of a Disabled Child**

8.6.1 Where the parents have joint custody of a disabled child only one dwelling will be classed as their main residence for the purposes of a mandatory DFG, which may or may not be within the district of Bassetlaw. The main residence will be determined by whichever parent receives child benefit.

8.6.2 In certain circumstances a discretionary DFG may be available to provide adaptations to the second home up to a maximum of £10,000. Any discretionary grant may be means tested and will be registered as a land charge. The scope of the adaptations to the second home will take into account the suitability of the dwelling for adaptations together with advice from the Occupational Therapy on the needs of the child. The adaptations will not necessarily mirror those in the main residence but will assist in the care of the disabled child.

8.7 **Child in foster care**

8.7.1 A DFG can be granted for a child in foster care providing the likely length of care at the dwelling is expected to be years rather than months. In such circumstances the grant will be discretionary and not mandatory, and will be subject to the availability of funding.

8.7.2 Due to the diverse circumstances surrounding children in foster care each case will be considered on an individual basis by the Disabled Facilities Panel and will take into account any local agreements and protocols in place with social services.
9. Grant Conditions

- **Mandatory Disabled Facilities Grant**

The conditions relating to mandatory Disabled Facilities Grant contained within the Act are summarised as follows:

9.1 (i) The eligible works shall be carried out within twelve months from the date of approval of the application. The Council may extend this period where it is felt to be appropriate, for example, where we are satisfied that the eligible works could not have been carried out without carrying out other works that could not have been reasonably foreseen when the application was made.

(ii) The Council may demand repayment from the applicant of interim grant payments made where, without reasonable excuse, the eligible works were not completed within twelve months from the date of approval, or such longer period as we may allow, together with compound interest on that amount.

9.2 (i) The eligible works shall be carried out by one or more of the contractors whose estimates accompanied the formal application for grant.

(ii) The Council may relax this condition where we are satisfied that circumstances have arisen which could not reasonably have been foreseen at the time the application for grant was made, which have materially altered the ability of one or more of the aforementioned contractors to carry out the eligible works within the time period specified.

9.3 Eligible works shall be carried out in accordance with the specification of works accompanying the grant approval document.

9.4 For applicants who elect NOT to utilise the Agency Service the specification of works accompanying the grant approval document will be produced by the Council.

9.5 The payment of a grant, or part of a grant, is conditional upon:-

(i) the eligible works being executed to the satisfaction of the Council, and,
(ii) the Council being provided with an acceptable invoice, demand or receipt for payment for the works and any preliminary or ancillary services or charges in respect of which the grant or part of the grant is to be paid. (For this purpose an invoice, demand or receipt is acceptable if it satisfies the Council and is not given by the applicant or a member of his family).

9.6 The Council will issue payment direct to the contractor for works that have been carried out to the Council's satisfaction.
9.7 The "certified date" means the date certified by the Council as the date on which the execution of the eligible works is completed to the satisfaction of the Council and the applicant. This denotes the end of the DFG process.

9.8 Any issues arising after the certified date with regard to the adaptation will be between the applicant and the contractor or, in the case of equipment, the supplier or manufacturer. This is the guarantee period and unless otherwise stated will be 12 months from the certified date.

9.9 Unless otherwise stated any breach of grant conditions shall result in a demand for repayment – see 9.12 below.

9.10 It is a condition of grant that the disabled occupant will live in the adapted dwelling, houseboat or park home as their only or main residence throughout the grant condition period or for such shorter period as the Council may allow having regard to his or her health or other relevant circumstances.

9.11 Unless otherwise stated, the "grant condition period" means the period of 5 years beginning with the “certified date”.

9.12 Repayment of Mandatory Grant

9.12.1 In accordance with the Disabled Facilities Grant (Conditions relating to approval or repayment of Grant) General Consent 2008 a condition is attached to Mandatory Grants to enable the Council to require the repayment of an element of the grant (currently maximum £10,000) if the dwelling is sold within ten years of the grant being completed.

The Council shall require the repayment of disabled facilities Grant in the following circumstances:

(a) if the grant is for a sum exceeding £5,000, and;

(b) the applicant (the recipient) has a qualifying owner’s interest in the premises on which the relevant works were carried out (i.e. they are not a tenant); and

(c) the recipient disposes (whether by sale, assignment, transfer or other) of the premises in respect of which the grant was given within 10 years of the certified date of completion; and

(d) the amount of repayment which will be required is that part of the grant that exceeds £5,000 subject to a maximum repayment of £10,000.
9.12.2 In coming to the decision to require repayment, consideration is given to the circumstances below to ensure the council are satisfied that it is reasonable in all circumstances to require the repayment.

(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 well-being 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.

9.13 The placing of charges will in the longer term allow the council to recycle funding back into the budget for future DFGs.

9.14 It should be noted that the repayment mechanisms only applies to owner occupiers and do not apply to tenants or landlords.

– Discretionary Disabled Facilities Grant

9.15 The conditions will mirror the mandatory grant conditions with the exception of the following:

(i) The Council will put a land charge on the dwelling in respect of all discretionary grants, with no maximum limit.

(ii) The charge will remain indefinitely for discretionary grants

(iii) The repayment mechanism applies to both owner-occupiers and landlords.

9.16 If the dwelling is sold or transferred (ie a relevant disposal) before the grant process is completed and interim payments have been made, these will be repayable to the Council in full.

9.17 Where a dwelling is sold or transferred for any reason, including where the owner has died, the grant plus interest will be repayable to the Council in full.

9.18 The Council will seek to recover grant funding in all circumstances where a breach of conditions has occurred. However, the Council will consider any request for full or partial waiving of the charge in accordance with 9.12.2 above. This must be received within 21 days of the notice for repayment being received. Such
representations will need to be made to the Head of Housing Services (or other delegated officer) to determine the outcome.

Calculation for repayment of Discretionary grants will be on the following basis:

- Commencing with the certified date, years 1 to 5 will be calculated on the principle sum plus compound interest added annually and charged at the prevailing borrowing rate paid by Bassetlaw District Council.
- From year 6 onwards the Council will only require the repayment of the principle sum which will include any fees charged for the Agency service provided by the Council.
- Should be dwelling be sold within 12 months of the certified date, one year’s interest will apply.
10. Relocation Grant and Conditions

10.1 A relocation grant may be available to an applicant who owns or privately rents their dwelling if adaptations to their current home through a DFG are not a feasible option. This grant is discretionary.

10.2 Applicants must be aged 18 or over on the date the application is made. In the case of a disabled child, the parent(s) would make the application.

10.3 Any application must be supported by a recommendation from the Occupational Therapist.

10.4 Both the Council and the Occupational Therapist must be satisfied that the proposed dwelling already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.

10.5 Applicants must be relocating within the Bassetlaw district. Consideration may be given to a move within Nottinghamshire but this would require:
   i) the approval of the relevant district/borough council;
   ii) whether or not adaptations are required, and
   iii) the scale of any adaptations before a relocation grant can be considered.

10.6 A grant of up to £5,000 may be made available towards specific relocation expenses, which includes estate agent fees, legal costs, removal costs and up to a 75% contribution towards cooker and/or fridge if built-in appliances are being left behind and none are, or have been fitted in the new dwelling.

10.7 The cost of the relocation grant together with the cost of any adaptations required to the new dwelling must demonstrate value for money, whether the move is within Bassetlaw or to another district/borough council in Nottinghamshire.

10.8 Applications must be submitted prior to the relocation, grants cannot be paid retrospectively. Nor can assistance be made available towards the purchase price of the new dwelling.

10.9 The Council will normally require at least two estimates from independent contractors that realistically reflect the cost of the works/service provided. In some circumstances, one estimate may be accepted if the Council is satisfied that the cost is reasonable.

10.10 All applicants will be required to complete the move within 12 months from the date of approval of their application.
10.11 Payments can be made payable either directly to the service / work provider or to the person named on the grant approval. If payment is to be made to the applicant this can only be done on production of a valid invoice or receipt.

10.12 If on the sale of the applicant’s existing dwelling, a net equity of more than £20,000 is released, the Relocation Grant will only fund the physical removal costs.

   (Net equity refers to any equity released when the purchase price of the new dwelling is less that the existing dwelling’s selling price).

10.13 If the move is aborted through the fault of the applicant then costs will not be paid and any costs already paid will be reclaimed from the applicant. If the reason for the move falling through is not the fault of the applicant then the Council will cover costs.

10.14 The new dwelling must be the disabled occupant’s main residence and no applicant will be awarded a Relocation Grant on more than one occasion.

10.15 If the disabled occupant moves from the new dwelling within 5 years then the grant must be paid back in full unless there are exceptional circumstances.

10.16 The Relocation Grant scheme will be subject to the same test of resources as the mandatory Disabled Facilities grant scheme unless the relocation is to meet the needs of a disabled child.

10.17 The conditions will mirror the discretionary grant conditions ie:
   (i)   The Council will register a charge with Land Registry in respect of all discretionary grants, and
   (ii)  The charge will remain indefinitely.
11. Adaptations to Council Properties Managed by A1 Housing

11.1 The Housing Grant, Construction and Renewal Act 1996 governing adaptations for home owners and private tenants does not apply to council tenants and, as such, no government funding for Disabled Faculties Grants can be used to adapt the Council’s own stock. Funding for adaptations to council properties comes from the Council’s capital programme.

11.2 To ensure parity across all tenures applications for adaptations received from council tenants with a value likely to exceed £1,000 will be dealt with in the same way as those from home owners and private tenants.

11.3 The relevant parts of this policy will apply to applicants who are council tenants, specifically;
  - chapter 3
  - chapter 4 (4.1 – 4.9)
  - chapter 5 (5.1 & 5.2)
  - chapter 12

The following paragraphs relate to Council tenants only

11.4 Minor Adaptations

Minor Adaptations are defined as those costing less than £1,000. Tenants can make a request directly to A1 Housing for minor works under the Fast Track Scheme. Works carried out under this scheme include grab rails, hand rails, stair rails and half steps. The Fast track scheme is intended to prevent falls and help maintain safety within the home, and includes referrals linked to hospital discharge.

11.5 Major Adaptations

Major Adaptations are those likely to cost between £1,000 and £30,000 and are subject to an Occupational Therapy assessment. Where the adaptations required to meet the assessed need of the tenants are likely to exceed £30,000 the case will be referred to the Disabled Facilities Panel (See Appendix I for the terms of reference).

11.6 Disabled Facilities Panel

11.6.1 Where major adaptations are required in order to meet a disabled person’s assessed need the case will be referred to the Disabled Facilities Panel where all the options available to meet the need will be considered.

11.6.2 In certain circumstances moving to more suitable accommodation may be recommended as the first course of action. (This could also include
circumstances where the tenant or tenants are deemed to be ‘under-occupying’ their home). However, the needs of the disabled person will remain the central focus of any decisions taken by the panel.

11.6.3 Where tenants are willing to consider, or has requested re-housing and this will result in a saving in excess of £5,000 to the adaptation’s budget, A1 Housing will pay reasonable costs towards removal and minor adaptation works. Subject to the availability of the Housing Choices Service, practical assistance for any removal may also be offered to applicants who have little or no support from family/friends.

11.7 Adapted Council Properties

When a substantially adapted property becomes available A1 Housing will, wherever possible, let this property to a disabled applicant (or applicant with a disabled family member). This will include ‘direct matching’ of applicants to adapted properties in certain circumstances. The Council's Choice Based Lettings policy allows for allocations to be made in this way in order to meet the specific needs of disabled applicants (or family member) and to make best use of the Council’s limited housing stock.

11.8 Assistance to Fund Contribution towards Cost of Works

Where the outcome of a tenant’s test of resources requires them to contribute towards the cost of the adaptations, 10% of the contribution is required at the start of the works and the remaining 90% upon completion. The balance may be payable on instalments.

11.9 General Information

11.8.1 A1 Housing will be responsible for carrying out any remedial or repair works prior to any adaptations being installed

11.8.2 Tenants proposal for an alternative scheme may not receive funding from A1 Housing

11.8.3 Where possible A1 Housing will utilise refurbished specialist equipment eg stair lifts to meet the needs of the disabled tenant or their family member.

11.8.4 A1 Housing will repair and maintain specialist equipment on an annual basis. If such equipment requires replacing A1 Housing will arrange for a replacement if it is still required to meet the needs of the tenant/family member for whom it was provided.

11.8.5 A1 Housing will only provide ramps for prescribed equipment eg wheelchairs. Ramps and/or a power supply will not be provided for privately purchased equipment such as mobility scooters or wheelchairs.
11.9 **Exemptions or Limitations to Adaptation Work**

11.9.1 Tenants on the housing waiting list who apply for major adaptations will be advised that their housing application will be cancelled before works commence as the adaptations will substantially reduce or remove any need for rehousing. Tenants can choose to forgo the adaptations and remain on the housing waiting list, in which case only minor adaptations will be carried out and any priority status will be lost.

11.9.2 A1 Housing reserves the right not to offer a particular type of property or a specific property requested by the applicant where this is considered not to be in the interest of the applicant, in accordance with section 6.3.1 of the Council’s Choice Based lettings Policy. Therefore, a tenant who requests a move from a property that meets their assessed needs to a property that does not may be refused. Where there are mitigating circumstances for the move the request will be referred to the Disabled Facilities Panel for consideration. Where there are no mitigating circumstances but the tenant chooses to move any way, they will be responsible for arranging and funding any adaptations.

11.9.3 Adaptations to properties subject to a Right to Buy application are restricted to minor works up to £1000. Once the tenant becomes an owner the application process for a Disabled Facilities Grant applies, subject to an Occupational Therapy assessment and referral.

11.9.4 A1 Housing reserves the right to refuse to carry out adaptations where there are substantial technical difficulties, where they are not deemed ‘reasonable and practicable’ (see 5.6 above) or the works are cost prohibitive. This may include but is not limited to adaptations to non-traditional built properties (eg Airey houses). In these cases, other options will be considered such as priority rehousing to an alternative dwelling that is suitable for the disabled person’s needs. However, tenants can choose whether or not they wish to consider this option but any adaptations provided to their current home will be limited to minor adaptations.

11.10 **Complaints**

Where an applicant is dissatisfied with the service (including where a grant has been refused), they should contact the service manager, who will aim to resolve the issue. If the matter is not resolved to the tenant’s satisfaction they can make a formal complaint to A1 Housing’s Complaints officer:

Address: Carton Forest, Hundred Acre Lane, Worksop S81 0TZ
Tel No: 0800 590 542
Email: customer.services@a1housing.co.uk
If you are unhappy with the way that A1 Housing has dealt with a complaint or are unhappy with the outcome of your complaint, A1 Housing will seek to resolve your issue using a Designated Person.

A Designated Person is someone who acts on your behalf and will negotiate with A1 Housing, within the currently agreed policies and procedures, to reach a suitable compromise that would be acceptable to both parties.

A Designated Person can be:
- A Bassetlaw District Councillor from any Ward
- Any MP, it doesn't have to the MP for Bassetlaw
- A Tenant Panel
12. Priority System

12.1 Introduction of a Priority System

In order to ensure urgent cases are prioritised and waiting times are kept to a minimum it may be necessary to introduce a priority system. This system will be a simple points-based system and the Disabled Facilities Panel will be responsible for determining the priority of a case based on information provided by the Occupational Therapist.

Examples of the factors to be taken into account in determining an applicant’s priority will be:

- risk of injury to the disabled occupant
- risk of injury to a carer
- alternative short term measures available
- frequency that a high risk activity is performed

Points will be allocated on the following basis:

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<thead>
<tr>
<th>Priority</th>
<th>Points</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

- For each month a priority two or three case is waiting an additional point will be added
- The maximum number of points will be 10
- Applications with ten points will be allocated to a grants officer at the next available opportunity
- If there is more than one application with 10 points they will be allocated in date order
- If there are no applications with ten points the next application with the nearest points will be allocated

This mechanism means that priority 2 applications will wait a maximum of three months becoming high priority and priority 3 applications will wait a maximum of six months.
Examples for each category

**Priority 1**

Adaptation required: Stairlift

Applicant’s Circumstances: Lives alone and is in danger of falling on the stairs

**Priority 2**

Adaptation required: Stairlift

Applicant’s Circumstances: As above but has carer/spouse/family support

**Priority 3**

Adaptation required: Level access shower

Applicant’s Circumstances: Short term measures can be put in place eg day care facilities, strip washing

All appropriate steps will be taken to minimise waiting times and the priority system will be kept under review to ensure it is fit for purpose.

12.2 **Armed Forces Personnel**

Bassetlaw District Council has marked its support for the local services community by adopting an Armed Forces Community Covenant. The covenant is a voluntary statement of mutual support between a civilian community and its local armed forces representatives. It not only recognises the contribution of serving personnel, their families and veterans but importantly it identifies practical ways the Council can help them access support to help them adjust to life after leaving the services.

In this regard, where a priority system is in place the Council will class an application made by or on behalf of ex-service personnel as a priority 1 providing the priority status is supported by the Occupational Therapist.
APPENDIX I Disabled Facilities Panel ~ Terms of Reference

Purpose of the Panel
The panel will consider all DFG’s likely to exceed £10,000 to ensure it is the most cost effective way of meeting a person's needs. It will provide a consistent, efficient, effective and timely process in line with the DFG policy, in order to ensure that funding is used appropriately to meet the demand in the district. As part of the decision making process the panel will:

- Ensure the investment meets current needs
- Take into consideration whether the level of investment is justified by the medical condition i.e. how long the investment is going to be useful
- Consider whether the medical condition is likely to deteriorate and require a different solution at a later date
- Expect the existing footprint of the dwelling to be maximised in meeting the assessed need
- Consider whether a move to more suitable accommodation might be a better solution

The Panel also has the authority to approve ‘top up’ expenditure up to £40,000 in accordance with sections 10 and 12 of this policy. Any approval will be subject to the availability of resources.

Throughout the process the Panel will ensure the needs of the disabled person and, where applicable, their carers are of paramount importance and will remain central in determining how those needs will be met. Where the disabled person or their carer is not happy with the decision of the Panel they have a right of appeal. Any appeal will be considered at the next available Panel meeting.

Members of the Panel will be drawn from the following:
- Statutory & Strategic Housing – BDC
- Technical Manager – A1 Housing
- Occupational Therapy Team Manager – Younger Adults and Older Adults’ Services
- Occupational Therapy Team Manager – Children’s Services
- Housing Choices caseworker
- Technical Officer
- Senior Tech/Admin Officer
- Allocations Manager

Frequency of the Meetings - The meetings will be held monthly but will be dependent on cases requiring a decision.

Quorum - In order to determine the outcome of cases, the following officers must be present:
- The Chair
- Occupational Therapy Team Managers (Adult and Children)
- Technical Officer
- Housing Choices caseworker

The Panel can agree a substitute officer to attend in place of regular officers but any substitute chair of the meeting must be at senior officer level

Record of the Meeting - BDC will arrange for minutes to be taken and circulated to the panel members.