

# **DISABLED ADAPTATIONS POLICY**

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1.0	Robin Davies	Revised Mandatory Grant conditions. Implemented Discretionary Grant. Revised Discretionary Grant Conditions and Amount.	Neal Cockerton	22/09/21
2.0	Robin Davies	Revised Discretionary Grant conditions to remove means test.	Vicky Clark	01/08/22
3.0	Robin Davies	Revised DFG Policy to merge Private Sector and LA Sector Adaptation Policies.	Vicky Clark	01/09/23

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**1. Introduction**

Local authorities have a statutory duty to provide grant aid to assist with the delivery of adaptations for a disabled person in a dwelling.

You are entitled to apply for a Disabled Facilities Grant if you are a homeowner, a tenant renting from a private landlord, a resident of a park home or living on a houseboat.

Discretionary assistance for adaptations in addition to, or instead of, a Mandatory Disabled Facilities Grant may be awarded dependent upon the assessed adaptations required.

Prior to a Disabled Adaptation being approved, Flintshire County Council needs to be satisfied that the works are necessary and appropriate to meet the long-term needs of the disabled customer, and that it is reasonable and practicable to carry out the works having regard to the age and/or the condition of the private building.

To establish this, the Disabled Facilities Grants Team will assess the application in consultation with the Occupational Therapy Team and inspect the property to assess that the proposed works are technically feasible, that there are no other reasonable alternative solutions, and there are no health and safety issues.

For a Disabled Adaptation to be made available, one or more of the following reasons must be established:

- Help a disabled occupant with access to and from their premises (such as widening doors or installing ramps);
- To allow access to internal rooms, specifically a main living room, bathroom, bedroom, or kitchen facility (such as by providing a stair lift);
- To have easier access and movement around the home to enable the disabled person to care for someone dependent on them, who also lives there (such as a child, husband, wife, or partner);
- To make the building safe for the disabled occupant or other people living with the disabled occupant;
- To improve any heating system in a dwelling to meet the specific specialist needs of the disabled occupant. In the event a heating system is not in place or is not suitable, to provide a suitable heating system;
- To allow access to and from a garden by a disabled occupant or making a garden safe for a disabled occupant.

The relevant works are limited to, or include, such works as is believed to be necessary to achieve the purposes stated above.

For the purpose of an adaptation, a person is considered disabled if one of the following applies:

- Sight, hearing, or speech is substantially impaired;
- Having a mental disorder, or impairment of any kind;
- Are substantially physically disabled by illness, injury, impairment present since birth, or otherwise;
- Are registered (or could be registered) disabled with the Social Services Department.

### Grants application process

To make an enquiry for an adaptation or an application for a Disabled Facilities Grant, an individual should contact the Single Point of Access team, Social Services on 01352 702642. The Social Services Duty Team will be able to advise whether an individual meets the criteria for assessment by an Occupational Therapist.

For a contract holder residing in a Flintshire County Council property, they will not need to complete an application form for an adaptation but will need to be assessed by an Occupational Therapist.

In the event an assessment has been completed and it is deemed an adaptation is required, the Occupational Therapist will complete an Adaptation Recommendation Form and will advise the client of the process which will be followed.

A Building Surveyor and the Occupational Therapist will discuss the recommendations to ensure the work can be reasonably and practicably carried out as per the general conditions. There may be a requirement to inspect the property to facilitate this assessment.

#### Policy Resource implications

Generally, the Council will resource the Policy through a combination of the following: -

- Capital allocations received from the Council's Capital Programme.
- Specific complementary funding made available by Welsh Government from the Enable support for independent living fund.
- Support to deliver smaller adaptations through the Care and Repair charity, utilising their resources to provide a whole house approach to care and support.

#### Policy Review and revision

This Policy shall remain in force until it is required to be reviewed and revised accordingly in-line with any Welsh Government review of Housing Adaptations Service Standards.

The Council will advise members of the public of any amendments to this Policy, for example due to minor legislative changes, via our website as appropriate.

#### Equality and diversity

This Policy produces significant positive outcomes for vulnerable groups and those with disabilities. It reduces inequalities experienced by those groups in respect of health, housing, and income.

We aim to continuously improve the quality of our services for our customers and are committed to giving an equal service to all members of the public regardless of age, disability, race, religion or belief, gender, or sexual orientation.

#### Applications for assistance falling outside the Policy

Although this Policy will be the primary consideration in determining applications for assistance, all such applications shall be dealt with on an individual basis, based on the merits of each case. The Council will not refuse to consider an application that falls outside this Policy.

It is recognised that there will always be exceptional circumstances. These cases will be considered for Welsh Government provided Enable funds by the Disabled Facilities Manager, and the Service Manager in conjunction with representatives from Social Services and the Lead Occupational Therapist.

## **2. Legislation**

The Housing Grants, Construction and Regeneration Act 1996 is the legislative framework governing the delivery of Disabled Facilities Grants.

Local authorities have a statutory duty to provide grant aid to assist with the delivery of adaptations for a disabled person in a dwelling.

In July 2002 the Government made significant changes to housing grant legislation, introducing Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. This order allows local authorities to formulate their own flexible financial assistance policies to their funding to address specific local needs and priorities.

In April 2021 Government amended the Housing Service Standards to remove mandatory means testing for all medium adaptations and transferring powers to local authorities under the Regulatory Reform Order to be able to create their own discretionary policies.

Consequently, it is incumbent upon Local Authorities to ensure that their financial assistance policy is updated to reflect the terms of this scheme and any other assistance offered.

In addition, the Local Government Act 2000 created a discretionary power referred to as 'the well-being power' which enables Local Authorities to do anything that they consider is likely to promote or improve the economic, social, or environmental well-being of the area and/or persons in it if they are not restricted from doing so by other legislation.

Section 25, Local Government Act 1988, states that consent from the Secretary of State or Minister is required for provision of financial assistance, unless the assistance or benefit is provided in exercise of any power conferred by Article 3 of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002.

Consequently, the broad nature of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 and the general 'well-being' powers contained in the Local Government Act 2000, means that Local Authorities will be able to provide financial assistance through the provision of discretionary grants and loan schemes to the full range of applicants and can attach such conditions or terms that they consider appropriate in the circumstances.

The Social Services and Well-Being (Wales) Act 2014 requires local authorities to provide or arrange for the provision of a range of services for those described as disabled in the Equality Act 2010.

## **COUNCIL PROPERTIES**

### **3. General conditions**

All forms of assistance referred to in this Policy document are subject to several general conditions.

All persons requesting a Disabled Facilities Grant has to meet the following requirements;

- Are a permanent Flintshire resident.
- Are a Flintshire Housing Contract Holder or their partner.
- Or a member of the contract holder's immediate family who have been resident in the household for at least 12 months or who have moved to the property following advice and guidance from professionals in the Social Services department with a view to adaptations being required.
- All requests for assistance must come from the Occupational Therapist Team on their specified Adaptation Recommendation form.
- In exceptional cases, where the property must be vacated for works to be carried out, the Council may be able to assist in finding temporary accommodation.
- Only one property is normally adapted for each disabled person and in the case of a child being disabled with separated parents, the principle residence would be determined by the parent in receipt of child benefit.

The Council have developed a more considered approach when responding to requests to adapt a property, as it's important that we make best use of housing stock.

If the Housing department deem that it is not reasonable or practicable to adapt the property contract holders will be requested to consider transferring to a more suitable property. This decision whether to undertake works will consider facts such as;

- The extent to which the existing home is capable of being adapted.
- The cost of the work in relation to the long-term benefits.
- The availability of more suitable alternative accommodation.
- The degree of occupation within the premises for example, in a two- or three-bedroom family dwelling where under occupation exists or where the requirement is to provide an additional bedroom.
- Where parking bays and/or access ramps will adversely affect the safety and amenity of the area.
- Where the works would affect the ability of the Council to let the property in the future.
- Where a level access shower is requested to be installed on the first floor of a property, whether a house or flat.

If a contract holder chooses to install their own adaptations, they must seek permission and approval from the Council in accordance with their contract terms. If approved, if of a technical nature, these will not be maintained by the Council and the contract holder will be responsible for any servicing and repair costs. Any Planning or Building Regulation fees need to be met by the contract holder if applicable. At the end of the tenancy the contract holder will be required to remove them and make good any damage to the property. Alternatively, if the Council agree to take responsibility for the alterations the contract holder will need to sign over ownership free of charge.

Any adaptation to a property that has been funded by the Council is owned by them and must not be removed by the contract holder during or at the end of their tenancy. If an adaptation is removed without approval, then the contract holder will be charged the full cost of replacing it.

In circumstances where an adaptation is no longer required, the Council will consider removing it if it can be used in another home, this will be based on each individual case.

The council will not remove any level access wet room if still considered fit for purpose or any constructed permanent ramping.

#### 4. Types of Assistance

The council has a duty to consider all requests received for adaptations under Housing Grants, Construction and Regeneration Act 1996 (HGC&RA). All applications for assistance will be subject to an assessment by the Social Services Occupational Therapy Team.

This policy provides criteria to ensure adaptations are awarded fairly and consistently. The council's intention is to meet performance targets and service standards as set out by Welsh Government for the delivery of disabled facilities assistance.

#### Appendix 1

<b>MINOR ADAPTATIONS</b>	
<b>Purpose</b>	Works classed as those which usually cost less than £1,000, see Revised Housing Standards for details of example minor adaptations.
<b>Eligibility Criteria</b>	See General Conditions.
<b>Example of Works</b>	Grab Rails Key Safes Hand Rails Door Entry Intercom Lever Taps Modifying Existing Steps Temporary Small Ramp Window Operating Equipment

#### Appendix 2

<b>MAJOR ADAPTATIONS</b>	
<b>Purpose</b>	Larger works to adapt a property to suit the needs of a disabled person who resides at the property.
<b>Eligibility Criteria</b>	See General Conditions.
<b>Example of Works</b>	<u>Medium adaptations.</u> Large Ramp Level Access Shower Stair Lift Ceiling Track Hoist Hardstanding's Kitchen adaptations  <u>Large adaptations.</u>



	Through Floor Lift Extensions Major Structural Internal works
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## **PRIVATE PROPERTIES**

### **5. General conditions**

All forms of assistance referred to in this Policy document are subject to several general conditions.

We provide every customer with confirmation of our terms and conditions;

- All applications for assistance must be made on the Council’s official adaptation request forms.
- All applicants will be required to have their property registered with HM Land Registry.
- The payment or part payment of grants is conditional on the eligible works being carried out to the satisfaction of the Council and the receipt of an acceptable invoice for the works and any ancillary or professional fees.
- One application can only be made within a 5-year period, unless the customer’s condition has changed, this would be reviewed with the OT upon application.
- Where applicable the grant may require repayment if the applicant disposes of the property whether by sale or transfer within 10 years of the certified date. See conditions in Appendix 1-6 below.

Unless stated otherwise, any additional funding utilising a grant will be secured as a local land charge against the property where breach of the conditions would require repayment of all or part of the financial assistance. This charge will not be removed until either the conditions expire or until the financial assistance is repaid.

No grant assistance will be awarded for works that have commenced prior to the date of formal notification of grant approval.

- Where it is ascertained that an application for assistance has been determined based on inaccurate or incomplete information, the Council can withhold or demand repayment of monies from the applicant.
- If an applicant knowingly makes a false statement, in respect of any information they provide as part of an application for financial assistance or payment, including details of income and savings, the Council may refer the matter to the Police with a view to prosecution.
- In exceptional cases, where the property must be vacated for works to be carried out, the Council may be able to assist in finding temporary accommodation. Applicants must be unable to arrange temporary accommodation privately e.g., with family or friends and will be liable for the cost of any rent, removals or furniture storage costs incurred. However, if the applicant would suffer undue hardship, the Council may be able to provide discretionary assistance.

#### **Exceptions to repayment conditions**

It is recognised that there will be certain situations where it would be inappropriate or unreasonable for a disabled person to be required to repay the grant on disposal of their dwelling. A written request for a repayment waiver must be made to the Council, explaining the circumstances of the case and the reasons why repayment of grant would cause undue hardship. The particulars of

each individual case will be considered on their own merits and the applicant will be notified of the outcome in writing.

Where a property is vested in another individual's name under a will or intestacy, the death of the owner will trigger repayment, unless the property was the inheriting person's main residence at the time of application. In this case the condition to repay the grant assistance and occupy the property will transfer to the new owner.

#### Revisions after grant approval

Where, owing to circumstances beyond the control of the applicant, the eligible works cannot be completed for the estimated costs submitted with the application, the Council will continue with the work without considering any additional charge to the client.

#### Adaptations falling outside grant assistance

In the event the cost of the adaptation is in excess of the total assistance available by the Council, the applicant may choose to relocate or be placed on the Council's Specialist Housing Register.

### **6. Grant Payments**

Grant payments will be made directly to the main contractors, subject to the work being completed to a satisfactory standard and supported by an accurate invoice. Interim payments can be made on the larger works, subject to conditions.

Upon notification of completion of the works, a full inspection will be undertaken. The final payment will only be released when all works have been completed satisfactorily and all relevant invoices, guarantees and certificates have been received and conditions met. In cases of dispute between the applicant and the contractor over the satisfactory completion of grant works, the Council reserve the right to adjudicate and release payment to the contractor if deemed appropriate, however, the contractual arrangement for quality and warranties is between the client and the contractor.

#### Utilisation of Own Contractors

On occasion, applicants may request to utilise their own contractors. For this to be facilitated, the contractors will need to join the Council's Tendering System. This will ensure the contractors are bona-fide, have all the appropriate insurances, and are financially stable. This will also facilitate the payment for the works completed directly to the contractors.

### **7. Alternative Assistance**

The Council works in partnership with Care and Repair North East Wales, which is a Community Benefit Society with charitable status that provides advice and support on adaptations and delivers minor adaptations to properties. They offer many other grants for private customers to assist them with a variety of works, such as house repairs, etc.

Care and Repair can be contacted:

- Via telephone on 01352 758700 or 03001113333

- Online on [www.careandrepairnew.co.uk](http://www.careandrepairnew.co.uk) or via email at [enquiries@careandrepairnew.co.uk](mailto:enquiries@careandrepairnew.co.uk) or by post at Care and Repair North East Wales, Place for You, Rowley's Drive, Shotton, Flintshire, CH5 1PY

It has been agreed that Care & Repair process any small cases on behalf FCC, for example, provide small modular ramping for hospital to home cases they utilise their recycled ramp stock, this is more environmentally friendly and cost effective.

### **8. Financial Assistance**

Grants may be subject to a 'means test', see Eligibility Criteria in Appendices below. Applicants will be asked to provide financial information to help calculate whether they are eligible for a grant and whether they are required to contribute towards the cost of the work.

A mean test will not be required if they are in receipt of one or more of the following passported benefits: -

- Income Support
- Housing Benefit
- Council Tax Benefit (excluding single persons discount)
- Income Based Job Seekers Allowance
- Working Families Tax Credit
- Child Tax Credit
- Working Tax Credit
- Pension Credit Guarantee
- Universal Credit
- Income Related Employment Support Allowance

### **9. Types of Assistance**

The council has a duty to consider all applications for Mandatory Disabled Facilities Grants (DFG) which are administered under Housing Grants, Construction and Regeneration Act 1996 (HGC&RA). The council also provides discretionary assistance in the form of a fast-track grant for smaller adaptations. Other products for disabled facilities assistance are also provided on a discretionary basis. All applications for assistance will be subject to an assessment by the Social Services Occupational Therapy Team.

This policy provides criteria to ensure grants are awarded fairly and consistently. The council's intention is to meet performance targets and service standards as set out by Welsh Government for the delivery of disabled facilities assistance.

### **Appendix 3**

<b>MINOR ADAPTATIONS</b>	
<b>Purpose</b>	Works classed as minor in the Welsh Government Housing Adaptations Service Standards, these are dealt with directly by Care and Repair North East Wales in-line with the Service Level Agreement.
<b>Eligibility Criteria</b>	Referral to Care & Repair by Occupational Therapist confirming that works are necessary and appropriate.

<b>Conditions</b>	None
<b>Amount</b>	Usually less than £1000

#### Appendix 4

<b>MANDATORY DISABLED FACILITIES GRANT</b>	
<b>Purpose</b>	DFG's are available to adapt a property to suit the needs of a disabled person who resides at the property.
<b>Eligibility Criteria</b>	<p>Referral by Occupational Therapist confirming that works are necessary and appropriate.</p> <p>Adaptation is the most satisfactory course of action subject to a reasonable and practicable assessment.</p> <p>Available to homeowners, tenants renting from a private landlord, a resident of a park home or living on a houseboat.</p> <p>Amount of Disabled Facilities Grant depends on the income and savings of the disabled person and his or her partner, even if the disabled person is not the applicant for the grant (such as when an application is made by a landlord with a disabled tenant).</p> <p>If the income and savings are below the test limits, a contribution will not be required.</p> <p>If the income and savings are greater than the test limits, a contribution will be required towards the cost of the works.</p> <p>There is no requirement for a means test for all Children's Disabled Facilities Grants (under the age of 19).</p> <p>There is no requirement for a means test if an applicant is in receipt of any of the following passported benefits:</p> <ul style="list-style-type: none"> <li>• Income Support</li> <li>• Income-based Employment and Support</li> <li>• Income-based Jobseeker's Allowance</li> <li>• Guarantee Pension Credit</li> <li>• Housing Benefit</li> <li>• Council Tax Reduction</li> <li>• Universal Credit</li> <li>• Working Tax Credit and/or Child Tax Credit provided that the annual income for the purposes of assessing entitlement to the tax credit is less than £15,050</li> </ul>
<b>Conditions</b>	Any grant classed as a large adaptation will require a Local Land Charge to be placed against the property.

	<p>As set out in the Housing, Grants Construction and Regeneration Act 1996, the grant will only be paid when the Council are satisfied that the work is being completed to their satisfaction and in accordance with the grant approval.</p> <p>Repayment of any grant for a large adaptation requires a maximum repayment amount of £10,000 in accordance with HGC&amp;RA1996 General Consent Conditions 2008, if the applicant chooses to dispose of the property whether by sale or transfer within 10 years of the certified date. The potential repayment amount will be placed as a local land charge against the property.</p> <p>Where a property is vested in another individual's name under a will or intestacy, the death of the owner will trigger repayment, unless the property was the inheriting person's main residence at the time of application. In this case the condition to repay the loan or grant assistance and occupy the property will transfer to the new owner.</p> <p>Adaptations made at a property for a private tenant will require the approval of the private landlord prior to a decision on the adaptation being made.</p>
<b>Amount</b>	<p>Maximum of £36,000.</p> <p>If the Council is managing the adaptation construction works on behalf of the client, then any unforeseen costs that cause the cost of the work to exceed the grant maximum of £36,000 will be met by the Council. This will not apply where the client is managing the works themselves or where the extra costs arise from additional items requested by the client which did not form part of the original grant agreement with the Council.</p>

## Appendix 5

<b>DISCRETIONARY ADAPTATIONS</b>	
<b>Purpose</b>	<p>The eligible works of a Mandatory Disabled Facilities Grant are extensive, however it is considered prudent that monies be set aside to enable, enhance, or provide more cost-effective solutions, where it is reasonable and practicable to do so, to a particular disabled persons assessed needs. For example, the provision of smaller scale adaptations with a less bureaucratic process.</p> <p>The Welsh Government review of adaptations supports this, and the Regulatory Reform (Housing Assistance) (England &amp; Wales) Order 2002 allows Local Authorities to implement it.</p>
<b>Eligibility Criteria</b>	<p>Same eligibility criteria as Mandatory DFG, without the requirement for a means test.</p>
<b>Conditions</b>	<p>As set out in the Housing, Grants Construction and Regeneration Act 1996, the grant will only be paid when the Council are satisfied that the work is being completed to their satisfaction and in accordance with the grant</p>

	approval.
<b>Amount</b>	No set limit, any medium sized adaptation may be given discretion to not means test, however this is the discretion of the Disabled Adaptations Manager.

## Appendix 6

<b>DISCRETIONARY TOP UP &lt; £3K</b>	
<b>Purpose</b>	If the work is likely to cost more than the current statutory limit (currently £36,000) then a discretionary top up maybe offered without the need for any further financial assessment.
<b>Eligibility Criteria</b>	Applicant eligible for a Mandatory Disabled Facilities Grant.
<b>Conditions</b>	As set out in the Housing, Grants Construction and Regeneration Act 1996, the grant will only be paid when the Council are satisfied that the work is being completed to their satisfaction and in accordance with the grant approval.  Repayment of any Top up Grant requires repayment in accordance with HGC&RA1996 General Consent Conditions 2008, if the applicant chooses to dispose of the property whether by sale or transfer within 10 years of the certified date. The potential repayment amount will be placed as a local land charge against the property.
<b>Amount</b>	Maximum of £3,000.

## Appendix 7

<b>DISCRETIONARY TOP UP GRANT &gt; £3K</b>	
<b>Purpose</b>	This grant will be considered in instances where the required expenditure to provide the disabled adaptation is above the statutory limit (currently £36,000) and above £39,000.  It will only be provided to owner occupiers and the grant amount will be registered as a local land charge against the property.
<b>Eligibility Criteria</b>	Applicant eligible for a Mandatory Disabled Facilities Grant which requires a top up.  Applicant has an owner's interest.  An Assessment Panel comprising of senior officers from Social Services and Housing will determine whether a Top-Up can be issued.  Subject to means testing.

	<p>The grant is discretionary, and the availability is dependent upon the detail of each individual case. It is important to ensure we protect the public purse.</p> <p>A contribution towards the cost of works may be requested from the customer dependent upon their financial circumstances, all minutes of the Top Up Panels are recorded to show the decision-making process.</p>
<b>Conditions</b>	<p>Property must be occupied by the applicant or a family member (in the case of a child) as their main residence.</p> <p>If the property has a mortgage, it is the responsibility of the owner to advise the mortgage lender a charge will be placed against the property.</p> <p>Repayment of any Top up Grant requires repayment in accordance with HGC&amp;RA1996 General Consent Conditions 2008, if the applicant chooses to dispose of the property whether by sale or transfer within 10 years of the certified date. The potential repayment amount will be placed as a local land charge against the property.</p> <p>Where a property is vested in another individual's name under a will or intestacy, the death of the owner will trigger repayment, unless the property was the inheriting person's main residence at the time of application. In this case the condition to repay the grant assistance and occupy the property will transfer to the new owner.</p> <p>Voluntary early repayment may be made at any time and the charges will be removed.</p>
<b>Amount</b>	Maximum of £26,000.

## Appendix 8

<b>RELOCATION GRANT</b>	
<b>Purpose</b>	A Relocation Grant or the exploration of alternative housing solutions will be considered in the event the adaptation is not feasible, reasonable, practical, or cost effective.

<p><b>Eligibility Criteria</b></p>	<p>Current property is unsuitable for adaptation and does not meet the long-term needs of the applicant or it is more cost effective to move rather than adapt.</p> <p>The Council must be satisfied that the new property can be more easily, and cost effectively adapted to meet the long-term needs of the disabled occupant.</p> <p>Report by Occupational Therapist and DFG Surveyor confirming the adaptation works are necessary, appropriate and confirmation that the new property meets the long-term needs with a requirement for some adaptations, but these must not be extensive and are more cost effective than adapting the current property.</p> <p>Applicant has an owner's interest in the property.</p> <p>Subject to means testing.</p>
<p><b>Conditions</b></p>	<p>Repayment of any Relocation Grant requires repayment in accordance with HGC&amp;RA1996 General Consent Conditions 2008, if the applicant chooses to dispose of the property whether by sale or transfer within 10 years of the certified date. The potential repayment amount will be placed as a local land charge against the property.</p> <p>The grant is discretionary, and the availability is dependent upon the detail of each individual case.</p>
<p><b>Amount</b></p>	<p>Maximum of £20,000.</p> <p>To help bridge the affordability gap between the value of the applicants existing home and the purchase price of the new property.</p>