



Disabled Facilities Grant (Adaptations) Policy 2022

1. *Introduction*

Background

- 1.1 Under Section 8 of the Housing Act 1985, Local Housing Authorities have a duty to consider housing conditions in their area. This includes having regard to the needs of chronically sick and disabled persons, including the provision or adaptation of existing accommodation for their disabled tenants.
- 1.2 The definition of a disabled person under the Housing Grants, Construction and Regeneration Act 1996 (which governs the provision of Disabled Facilities Grants) is that a person is disabled if:
 - Their sight, hearing or speech is substantially impaired.
 - They have a mental disorder or impairment of any kind.
 - They are physically substantially disabled by illness, injury, or impairments that have been present since birth or otherwise. Generally, the impairment of the applicant must have lasted or is likely to last for at least 12 months.
- 1.3 The legal responsibility for the provision of Disabled Facilities Grants (DFG) sits with the District Council as the housing authority. The District Council is committed to facilitating any appropriate property aid or adaptation which will allow our residents to live independently with confidence and dignity. We want our residents to have the ability to remain in their homes for as long as it is safe and reasonable for them to do so.
- 1.4 For Council tenants, the provision for adaptations is funded via the Council's Housing Revenue Account (HRA) budget. For private residents, Government provides a DFG. However, as per the Housing Grants, Construction and Regeneration Act 1996 - applications for a DFG can be made from people living across all tenures.

Aims

- 1.5 This policy will set out clear parameters as to how the District Council will review and meet requests for adaptation assistance. We will:
 - Work in partnership with North Yorkshire County Council (NYCC).
 - Clearly set out the criteria by which the Council will assess all DFG requests, managing expectations.
 - Recognise the vital importance of DFG work to our residents, whilst ensuring all work is necessary, reasonable and appropriate, and practicable.
 - Make best use of Selby's housing stock.
 - Explore all options to support residents in their DFG requests.
 - Focus on providing a high quality service, delivering cost effectiveness.
 - Comply with legal and statutory requirements in relation to the provision of disabled adaptations.

2. *Type of Adaptation*

Minor or Major Adaptations

- 2.1 Minor adaptations have a value of up to £1,000. They are often simple solutions to assist a person to live independently with or without additional carer support. They can be installed swiftly, promote wellbeing, and reduce the risk of accidents; averting additional costs associated with hospital admissions, or residential care and support. Minor adaptations include items such as grab and stair rails, external handrails, half steps, smoke alarms for people who are Deaf or hard of hearing, lighting for people who have a visual impairment and small low-level ramps.
- 2.2 The Social Services Authority (North Yorkshire County Council) has a responsibility to provide minor adaptations and community care equipment for any person who has been assessed as needing it and for which he or she is eligible. This will be free of charge provided the costs (including fittings) is less than £1000.
- 2.3 Major Adaptations are those valued over £1,000 and they generally require structural changes to a property - such as wet room installation, stair lifts, hoists, or ramps. An Occupational Therapist will need to provide the District Council with a written recommendation, assessing the needs of the individual and making recommendations for any adaptations deemed necessary.
- 2.4 Whilst adaptation work is primarily focused on an applicant's private home, the Council acknowledge that adaptation work may be necessary in communal areas to ensure that applicants living in shared/communal spaces have suitable access to facilities. DFG applications which include works on communal spaces will therefore be processed in-line with this policy to ensure such applicants are not discriminated against.

3. *Funding*

- 3.1 The Council will use its discretion under the Regulatory Reform Order 2002 to provide a 'non-means tested' DFG where the value of major adaptations is less than £6000.
- 3.2 Where major works are likely to amount to more than £6000, the Council will fund this work provided that the applicant is on one of the means tested 'passport' benefits. These are subject to change, but are currently:
- Income Support
 - Income-based Employment and Support Allowance (not contribution-based ESA)
 - Income-based Jobseeker's Allowance (not contribution-based JSA)
 - Guarantee Pension Credit (not Savings Pension Credit alone)
 - Housing Benefit

- 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)
 - Universal Credit (this includes any Universal Credit which is being introduced as a replacement for working age benefits and tax credits).
- 3.3 Adaptation work funded by a DFG is currently capped at £30,000. Where works would potentially exceed this limit, each case will be considered on its individual merits as to whether the Council look to use its discretionary powers to top-up the DFG grant, seek additional external funding or to re-house the applicant (see Private Sector Housing Assistance Policy 2021-23).
- 3.4 In circumstances where the maximum limit has been awarded and unforeseen works then occur, the Council may consider additional financial assistance. These works must have been unforeseen at the time the application was approved and be of such importance that without funding the full adaptation works would fail. This may include such items as, but not restricted to: drainage works, change in foundation requirements and Building Control issues.
- 3.5 Other additional routes of funding, such as charitable or third party donations, can also supplement a DFG award should the work required go above the maximum grant award.
- 3.6 Applicants not in receipt of a passported benefit will need to complete a 'Test of Resources' which will require information on their financial circumstances. This information, along with any supporting evidence, is used to calculate any contribution towards the agreed scheme of works. Only the financial situation of the applicant requiring the adaptation and their spouse/partner will be considered for the means test. If the adaptations are in respect of a child, then no means test will be completed (that being a child under 19 and in full-time, non-advanced education or approved unwaged training). Once 18 and not in full-time education, means test procedure will conform with DFG policy, meaning the applicant will be means tested if they have some form of income.
- 3.7 The test will consider average weekly incomes and any savings over £6,000. This amount is then set against an assessment of basic needs, subsequently considered against a range of allowances. These allowances are set by Central Government and are subject to change. If resources are less than the applicant's allowances, they will not normally need to contribute towards the cost of the adaptation. If resources are more than an applicant's allowances however, they may have to financially contribute towards the adaptation in some way but may still have some costs paid for by the Council.

- 3.8 An applicant may also choose to contribute towards their adaptation in relation to preferred and/or additional features; for example, the choice of tiles and increased coverage of a tiled area. This would be a discussion between the applicant and contractor completing the work, but any costs not funded via a DFG must be in place prior to works commencing.
- 3.9 It should also be noted that in cases where medical conditions are degenerative and a successive DFG application is received for the same property within a 5 year period, there may be a reduction in an applicant's financial contribution (if required following the Test of Resources). This amount will be reduced by the contribution amount paid by the applicant as part of the previous adaptation. *For example, if the applicant paid a £7,000 contribution to the previous adaptation works and the current Test of Resources shows a new contribution of £8,000, this would be reduced to £1000.*

Referral process and timescale

- 3.10 All applicants are encouraged to initially complete the online self-assessment tool available on North Yorkshire County Council's website to investigate ways of helping themselves with daily activities in their home:
<https://asksara.dfg.org.uk/?auth=northyorks>
- 3.11 If the applicant feels they still require an adaptation, they should contact North Yorkshire County Council's Customer Services Team, where they will be transferred to the appropriate team to discuss further, allowing various options to be considered at an early stage with the relevant professionals. Due to the nature of the works, joint working between NYCC and the District Council is promoted at every stage of the DFG process. Where there are early indications that the application is unusually complex for example, the County Council will make the District Council aware as soon as practically possible.
- 3.12 The County Council's Occupational Therapy team should then complete an assessment and send the District Council a referral for works, should the applicant have eligible needs. This referral will include a recommendation as to the works required for the adaptation.
- 3.13 The Council may, if deemed appropriate, instruct an independent assessor to carry out the initial assessment. This would typically be done where the County Council's Occupational Therapy department are unable to undertake an assessment within a reasonable period, or relatively simple adaptations that are unlikely to cause a risk to the applicant. In these instances, the cost of such an assessment would be met and included within the DFG award.
- 3.14 All requests for a DFG will be given full consideration upon their submission. Eligibility is governed by legislation based on what is reasonable and

practicable. Residents who are successful in their application will be dealt with in date order.

- 3.15 By law, the District Council must consider applications for DFGs and make determinations on those applications within 6 months of receipt. The Council considers that an application has been submitted at the point of a satisfactorily completed application form, along with quotations for the work, landlord certificates and any relevant permission. Where a grant is to be means tested, this includes evidence of financial income and savings.
- 3.16 From the very beginning of the adaptations process, the aim is to help people stay in their own home. Sadly, this is not always possible for practical reasons based on technical issues related to the property's design or layout, or due to disproportional costs in relation to the adaptation required. When an adaptation is not viable, it will be necessary to consider moving the applicant to a more suitable property which; either does not require adaptation, or where the adaptation is more suitable to take place. This is the applicant's decision, and could result in them changing property tenure (see 5.2).
- 3.17 If approved, the aim is to complete major works within 12 months of initial referral. This does not include time where the application is on hold due to property condition or any other issues. Large scale structural works may take longer due to building and planning requirements but should aim to be completed within a maximum 18 months' timescale. *For example, the DFG process from receipt of application to completion for a wet room/level access shower currently averages 79 days.*
- 3.18 In circumstances where resources become limited and/or demand increases significantly, the Council may place approved DFGs on a waiting list, in strict date order. In such circumstances, the applicant will be issued a letter explaining this decision and will then receive further updates on a cyclical basis no later than every four months.

4. *Identifying need and eligibility*

Who is eligible?

- 4.1 Council and Housing Association tenants, home-owners, and private rented tenants of any age can apply for a DFG, either for themselves or members of their household. Landlords can also apply on behalf of a disabled tenant.
- 4.2 As a tenant or home-owner, a person must occupy their property as their principle and permanent home and have an impairment which has a serious long-term effect on their ability to carry out normal day-to-day activities. No works will be carried out for lodgers or temporary visitors.

- 4.3 If an applicant is not named on their tenancy, they may still be eligible for an adaptation if:
- They are married or registered as a Civil Partner to the tenant; or if not, are living together as though they were.
 - They are a registered occupier.
 - The applicant is an immediate family member who has lived with the tenant immediately prior to the application.
 - In the case of a split household where the disabled person is a child, adaptations will usually only be considered on one property, which is the principal residence. This will normally be decided by which parent is in receipt of Child Benefit for that child.
- 4.4 Irrelevant of tenure, all landlords have discretion as to whether or not they permit an adaptation in their property.

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When an adaptation will not be undertaken

- 4.6 All requests for adaptations will be given full consideration upon their submission. However, it is not always possible to meet these requests. Below is a list of circumstances where an adaptation is unlikely to be granted for Council tenants:
- Where the tenant is looking to move property and has a live housing application.
 - Under occupation, for example where there is a single person or couple occupying a family house with more bedrooms needed for sleeping.
 - Where the Council is taking possession proceedings against the tenant i.e., for rent arrears or anti-social behaviour.
 - Where current total arrears on a tenant's account are £1000 or more.
 - Where the condition of the property is poor, to a point where such works would pose a significant health and safety risk to staff.
 - Where the Council has offered suitable alternative accommodation, which meets their needs and the tenant rejects or refuses it.
 - Where a household is in a situation of overcrowding. However, if there is no suitable alternative accommodation within our housing stock AND an adaptation would relieve the situation of overcrowding, then this may be considered as a solution.
 - Where a stairlift or lift is required in a block of flats, whether this is in a communal area or a private staircase.
 - Where a property is being considered for redevelopment.
 - Where works would require planning permission or Building Regulation approval, which has not been, or would not be, granted.
 - Where a Right to Buy application has been submitted. Note, any removable adaptations already in-situ will be offered to the tenant as part of the purchase, at a cost which will include depreciation.

5. *Refusals and alternatives*

- 5.1 Prior to the commencement of works, the condition of a property will be considered. If this raises any health and safety concerns, this may result in the application being put on hold until such issues are resolved.
- 5.2 The Council acknowledge that there may be times when it is simply not reasonable or practical to adapt a property based on technical issues related to the property's design or layout. Where the condition of a property for any reason makes it unreasonable and impractical to carry out DFG works, the adaptation may be refused and alternative options for the applicant considered (see 3.15).
- 5.3 Where the District Council is likely to refuse an application for a DFG, it will contact the applicant to give them the opportunity to provide additional information which may affect such a decision, prior to a formal refusal being made.
- 5.4 Where the Council has no option but to refuse a DFG application, they will advise the applicant of the reasons for such refusal. The applicant will have the right to a review of such a decision and should request a review in writing to the Council within 28 days of the date of the refusal letter.

6. *Discretionary Assistance*

- 6.1 Subject to the availability of funding, the District Council reserves the right to use its discretion under the Regulatory Reform Order 2002 to pay for works under a DFG that may otherwise not be eligible for assistance. These could include:
 - Insulating a home or providing uPVC double glazing where a DFG is being provided to install a new heating system.
 - Undertaking works to resolve hazards within a property, such as remedial works to tackle damp or excess cold.
 - Undertaking electrical repairs to a home where a new level floor shower or chair lift is being provided.
 - Undertaking measures to improve the safety and security of eligible households such as windows and door locks, fixing loose flooring, undertaking repairs to pathways and the removal of trip hazards.
 - Providing a 'top-up' not exceeding £30,000 to the grant contribution where costs exceed the normal maximum amount of £30,000.
 - Relocation assistance to cover the moving costs associated with a move.
 - Not requiring a full Test of Resources for adaptation work costing under £6000.

- 6.2 Where levels of funding permit, the Council shall also fund the replacement of existing adaptations where they meet the end of their lifespan. These could include the replacement of stair lifts, through floor lifts and step lifts.
- 6.3 If at any point it is deemed more appropriate and/or cost effective than awarding a DFG, it may be decided that the applicant's needs are best managed through a supported move. In this circumstance, the District Council may provide financial assistance to cover any associated moving costs, available to applicants from all tenures. This comes under the umbrella of Discretionary Adaptations Assistance and is offered up to the cost of the adaptations in the current home. This could result in the applicant changing tenure, which will be made clear to them upon any move.
- 6.4 Should an applicant move to another property within the district where the required adaptations can take place (subject to landlord agreement if relevant) a further grant may also be awarded in order for these adaptations to take place.
- 6.5 Such discretionary assistance shall only be awarded to households eligible where a disabled or vulnerable person is resident. The Council has placed some additional restrictions and rules regarding eligibility for such discretionary assistance – see the Council's Private Sector Housing Assistance Policy 2021.
- 6.6 The availability of all discretionary grant assistance is subject to the Council's annual budget setting procedure and the availability of sufficient levels of external funding. All such payments are at the District Council's discretion and will be removed once available funds are exhausted.
7. *Council tenants who want to manage their own adaptations*
- 7.1 If an applicant wishes to install their own adaptations, or do so through an external contractor outside of the DFG process, this will not be funded by the Council. If renting their property, written approval should first be gained from the landlord, including both private and social rented properties.
- 7.2 The applicant may also need to have prior approval from the Council's planning team and will need to make separate representations to the planning department. Completed works may be inspected to ensure they have been carried out to a satisfactory standard.
- 7.3 As a landlord, the Council will only refuse permission with good reason, such as if the work would interfere with any maintenance to the property, if it may cause a potential health and safety risk or would breach any regulatory requirements.
- 7.4 The Council also advise our tenants they may be required to remove an adaptation and make good any damage to the property at the end of their

tenancy. If the tenant does not make good the damage, or the standard of workmanship is such that the Council experience costs rectifying this work, the Council may themselves complete the work and the tenant subsequently recharged for any costs incurred (see the Council's 'Recharge Policy').

7.5 Any adaptations not installed by the District Council will not be maintained by us and the District Council will not be liable for any damage or injury caused by adaptations not installed by us.

8. *Change in needs*

8.1 Occasions may arise where an applicant's needs change whilst DFG work is pending, and therefore requires a further assessment. If the works pending have not yet started, they will not commence until an Occupational Therapist has submitted a further report. Any new work may then be added to the pending works, to be completed as one job (subject to the additional funds being available at the time the work is due to commence).

8.2 If the pending work is deemed a minor adaptation, but the financial cost of completing both works would equate to a major adaptation over £6000, a Test of Resources will be required (exceptions for cases involving children) before the new works can be approved and added to the pending works, to be completed as one job.

8.3 We will advise applicants at the time of undertaking DFG works that we would expect not to carry out adaptations to successive dwellings unless there is an overriding need for them to move properties. Where an applicant is an owner occupier and the grant amount is above £5,000, the Council will recover the costs of the grant (up to £10,000) if the property is disposed of within 10 years from the date of the completion of works. This will be placed as a legal charge against the property. The Council can however waive this requirement in exceptional circumstances in accordance with the grant rules.

9. Future Obligations

9.1 It is the responsibility of the applicant to ensure that any adaptations are maintained to a reasonable standard and are not misused or abused. Please note:

- The applicant should allow access for any servicing or repairs.
- Any repairs costs because of misuse will be charged to the applicant.
- For applicants in the private sector, following any warranty period (information of warranties will be provided following completion) the applicant is responsible for all costs associated with maintaining and repairing the equipment.
- All adaptations that are the property of Selby District Council must not be removed or resold.

9.2 For Council owned stock, where an adaptation is no longer economical, viable, or suitable for a property, it will be removed as part of the voids process. If an adaptation is however in a good condition, where appropriate, it will be kept in-situ to ensure best use of the property. The Council will not normally remove structural adaptations that have been carried out to a property, such as door ramps, level access showers and widened doors.

10. Complaints and appeals

10.1 If there are any complaints in relation to the adaptation itself or the adaptation service received from the Council or those working on their behalf, these should be directed to Selby District Council and will be dealt with in-line with our Corporate Complaints Procedure.

11. Policy review

11.1 The Council accepts there may be circumstances that warrant exceptions to this policy. Where necessary and appropriate, the Council can assess individual cases and agree exceptions to the policy.

11.2 There will be a review of this policy whenever there is a fundamental change of legislative or regulatory provisions. There will also be an annual review.

11.3 To monitor the provision of this service, Selby District Council will maintain a register of property adaptations they complete each financial year.