

Funding of Adaptations & Equipment

Understanding the Grants System/VAT

A discussion on the various sources of funding and the legislation involved in accessing grants following the assessment of need by both the disabled person and their family and the professional workers who are advising

To be used in conjunction with:

Chapter 4	<i>Assessment of Need;</i>
Chapter 8	<i>Equipment (all sections);</i>
Chapter 10	<i>Disability Needs Assessment Form/Architectural Brief;</i>
Chapter 11	<i>Housing Needs/Space Requirements/Justification for Funding;</i>
Chapter 15	<i>Adaptation Specifications;</i>
Chapter 18	<i>Addresses: Manufacturers/Suppliers/Sources of Advice.</i>

The information is covered in the following sections:

⇒ The aim of adaptations	2
⇒ Key principles	2
⇒ How is funding obtained?	3
⇒ Housing categories	4
⇒ England & Wales	4
⇒ Disabled Facilities Grant and Social Services funding	6
⇒ Northern Ireland	26
⇒ Scotland: Improvement & Repairs Grant	30
⇒ The Scottish Executive	36
⇒ Social Work Department (Scotland)	36
⇒ Department of Health/Health Board	36
⇒ The Family Fund	37
⇒ Voluntary trusts & charities	41
⇒ Providers and funding of adaptations, equipment and services	45
⇒ VAT	47
⇒ References & contacts for obtaining publications	48

The aim of adaptations

This chapter discusses the financial help available. There is no better way to introduce the subject than to quote from DOE *Circular 10/90 House Adaptations for People with Disabilities* which was published when the Disabled Facilities Grant (DFG) was first introduced. This stated “*It is fundamental to the Government’s policy of promoting effective care for people in their own homes and communities that disabled people should, as far as possible, be able to enjoy similar minimum housing standards to those enjoyed by able-bodied people*”.¹ This is a sound basis from which to approach the process of adaptations because we are all familiar with the basic facilities that most people enjoy in daily life. Clearly, disabled people have the right, within the limits of their disability and not the environment in which they live, to have these same facilities available, and the process of adaptations and the funding is to ensure that this is achieved and, equally important, to provide help for the carers.

Key Principles

The front page itemises the chapters that should be used in conjunction with this funding information. However, in the document, *Delivering Adaptations: Responding to the Need for Adaptation – An Overview*, issued in February 2003 by the Office of the Deputy Prime Minister, some ‘Key Principles’ were laid out. These reiterate much of the information that has been provided in this Adaptations Manual in relation to the key worker, the assessment and the need for choice, but even more important they share the same positive approach. The funding of adaptations is frequently considered within a pessimistic and negative frame of mind. In view of this, quoting from this excellent document, strengthens the arguments considerably because it is published by the Government that is in office at the present time. For the purpose of this manual, the significant words and phrases have been highlighted in bold text.

- “*The purpose of adaptation is to modify disabling environments in order to restore or enable **independent living, privacy, confidence and dignity** for individuals and their families. It is therefore not primarily a matter of building work, the provision of equipment or otherwise modifying a dwelling, but providing an **individualised solution** to the problems of a person experiencing a disabling environment. This approach is often referred to as reflecting the ‘social model’ of disability, in contrast to a ‘medical model’ that focuses upon functional deficits in individuals. Whatever name is adopted to describe it this approach is the only sound foundation for work in this area*”
- ... “*A particular objective is to ensure that **constraints on independent living are not imposed** on disabled people by virtue of the construction, layout and design of their homes.*
- *Thus the starting point and continuing focus of those seeking to provide an adaptations service should be **the needs experienced and identified by the disabled person** ... The process that delivers an adaptation should be one of **partnership in which the person experiencing the disabling environment is the key partner**. The appropriateness and acceptability of the adaptation outcome should be measured by the extent to which it meets the needs identified by that disabled person sensitively, efficiently and cost effectively. The process should be transparent, equitable and offer **informed choice to the consumer** on both outcome and methods of delivery at all stages.*

- **Quality and choice** should be the shared and corporate goals of all partners in the delivery of an adaptations service.”² ...

Finally and most relevant to this chapter:

- *“The pursuit of Best Value is the corporate responsibility of all partners, not only in terms of the most effective use of public funds, but in the provision of a timely service that is both acceptable to and enables the disabled person to achieve their objectives. **Best value will not always be achieved by choosing the cheapest option which may not fully satisfy the present or anticipated needs of the disabled person and thus become wasted expenditure.** Local authorities will therefore need to make appropriate provision to use their discretionary spending powers (particularly those contained in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002), to top up their budget allocated to meet mandatory duties.*
- *... Legislation in relation to the delivery of adaptations is complex. It includes, for example, statutory requirements (the Chronically Sick and Disabled Persons Act 1970 as amended) to assess needs and to arrange for appropriate assistance to be provided. There are also statutory requirements in relation to disabled persons’ entitlements and the appropriate adaptation to be delivered to meet a particular need, particularly with regard to the right to a Disabled Facilities Grant. A first class adaptations service must take into account and fully reflect all these legislative requirements.”²*

How is funding obtained?

The main issues in securing grants and alternative funding for adaptations and equipment are as follows:

- insight and knowledge of the problems and the quality of the assessment. See Chapter 4 *Assessment of Need* and Chapter 10 *Disability Needs Assessment Form*;
- the experience of working with people with neuromuscular conditions and knowledge of which alternative solutions have worked for other people with identical difficulties. See Chapter 4 *Assessment of Need*, Chapter 8 *Equipment (all sections)*, Chapter 15 *Adaptation Specifications*, Chapter 16 *Kitchens*;
- knowledge of the statutory sources of funding and an understanding of the legislation in relation to grants – and the legal responsibilities of the different agencies involved – in order to access this funding effectively. These issues, in relation to adaptations, are the focus of this chapter and depend on the ownership and situation of the house;
- awareness of any additional funding that may be available.

All the factors provide occupational therapists (OTs) and other healthcare and professional workers with the information required to be able to justify the need and the funding of the equipment or facility that is being recommended; it enables them to support and advise the grant applicant and, where appropriate, to act as an advocate.

Housing categories

Ownership of housing affects the source of funding for adaptations, and housing can be divided into four categories, as follows:

- ⇒ owner-occupied housing;
- ⇒ Local Authority (LA) housing;
- ⇒ Housing Association (also known as Registered Social Landlord) property;
- ⇒ privately-rented property.

The arrangements made for each category of housing depend on the procedures used in the part of the UK in which the house is situated - and, in particular, on the policies of the LA. The provision of grants and statutory funding – and the legislation that is in force – varies considerably between England and Wales, Northern Ireland and Scotland and they will be discussed separately.

England and Wales

Owner-occupied housing

Adaptations are provided through the Disabled Facilities Grant (DFG), Social Services Department and the Department of Health.

Local Authority (LA) housing

Council houses are usually adapted with funds from the Housing Revenue Account and most LAs have a separate budget for adaptations in their own property. Some LAs advise (or insist) that the tenant applies for a DFG and this is always the tenant's 'right'. However, although the guidance is that *"if the local authority decide to undertake the works from their own resources they should be carried out on the same terms as if a DFG has been awarded"*³ this is not always the case.

"The quality of the planned adaptations service should not vary between housing sectors". Tenants must ensure that they are not discriminated against because they are not owner occupiers. *"DFG is available to all eligible tenants and home owners"* (but this will be means tested and it will not be to the tenant's advantage if they have sufficient income to be assessed to pay a contribution). ... *"and if the local authority has a landlord role it has a responsibility to provide a high class service to its own tenants"*.²

Housing Association property

The funding situations are complex and varied throughout the UK, but existing and potential tenants need to consider the following:

- ⇒ sources of adaptation funding/statutory obligations;
- ⇒ a perfect solution?
- ⇒ 'new-build' programmes;
- ⇒ joint-equity (shared-ownership) schemes;
- ⇒ the need for forward planning.

Sources of adaptation funding/statutory obligations

All RSL tenants have the right to apply for a DFG. Most of the larger RSLs have a budget for adaptations and should be consulted as soon as possible to determine the position and to ask for permission to carry out the works. They may also be able to offer the alternative solution of purpose-built, specialist housing. *“Where the local authority believes that Registered Social Landlords (RSLs) should make a contribution to the costs of adaptations in their own properties this should be negotiated and established through formal agreement. Whilst there is no specific obligation on the landlord to fund such work, and the Housing Corporation” (England) “has no statutory duty to subsidise the costs involved, it may be considered good practice for a responsible social landlord to respond to the needs of their disabled tenants. Good practice for RSLs in identifying need, liaising with statutory authorities and carrying out works of adaptation is set out in guidance from the Housing Corporation”.* In Wales, the Housing Corporation function is performed by the Assembly. In addition, adaptations to Housing Association properties in Wales are also funded out of a Physical Adaptations Grant through the Social Housing Grant system.

“In the case of stock transfers from local authorities to housing associations, the new RSL tenants will remain eligible to apply to the housing authority for a DFG, and they will be assessed for needs on the same basis as private owners and tenants. As part of their contractual negotiations, the authority and the new landlord should therefore agree how the management of the needs of the disabled tenants will be addressed and reflect this in clear public and management guidance.

*It is not lawful for persons in any tenure to be obstructed in making an application for assistance through a DFG”.*²

*“The majority of the (adaptation) work has been in response to tenants’ needs from the Housing Associations’ own resources, and the potential of using the DFG from the Housing Department with additional help from Social Services Departments (both of which have a duty and responsibility for the provision of adaptations) is not always fully explored”.*⁴

Landlord (not LA) or tenant application

If an application is made for a DFG it is important to clarify whether the landlord or the tenant will be the applicant - and it would be wise to discuss the alternatives with the grants officer. It is also crucial to discuss who will be responsible for repairs and maintenance of the equipment (see page 25).

A perfect solution?

One major Housing Association in England with a great commitment to housing disabled people has adopted a funding policy which states that all adaptations up to £1,500, and half the cost in excess of that figure, are financed from their own resources. The remainder is funded either through the Grants System or Social Services – or jointly. This seems the perfect solution, particularly if the adaptation is for a child who is eligible for help from The Family Fund.

‘New-build’ programmes

Housing Associations in Wales are governed by ‘Lifetime Homes Standards’ for ‘new-build’ properties – and in England, as a large part of Housing Corporation investment is in building new homes, over the years, Housing Associations have been a significant source of first-rate housing for purpose-built homes for particular families. Frequently this has been for disabled tenants living in areas where the LA did not have a suitable house in which to re-house either existing tenants, or sometimes for those currently living in their own property who were unable to afford to increase their mortgage sufficiently to buy a more suitable house.

Joint-equity (shared-ownership) schemes

There have been successful outcomes of joint-equity, ‘new-build’ schemes between Housing Associations and disabled people, which is an excellent solution for owner occupiers who are anxious to retain their housing investment, but unable to increase their mortgage.

The need for forward planning

The situation for tenants can be very frustrating because their needs are the same as those of disabled people living in owner-occupied housing, but the access to funding is more complex. It is impossible to provide definitive advice without knowing the local circumstances. However, if tenants are aware of the local arrangements and the possibilities for funding, these can be explored individually. The main point is that Housing Associations need to build the cost of adaptations or the possibility of ‘new build’ into their budget programmes and applications should be submitted as far in advance as possible. For many people with neuromuscular conditions, future needs can and should be anticipated and a document relating to the long-term housing needs can be found in Chapter 11.

Privately-rented property

Tenants apply for grants in the same way as applicants in owner-occupied housing – but the landlord will need to give permission for any adaptation (minor or major) – and private landlords are not always as accommodating as social landlords. As part of the application, the tenant and the owner of the property will be required to complete and submit certificates relating to the adaptations and conditions concerning their future occupancy of the property (which in the current legislation is for 5 years). In relation to this issue, it is important to check that the landlord does not plan to raise the rent significantly. There may be circumstances where it is an advantage for the landlord to make the application on behalf of the tenant and the grants officer will be able to advise.

Disabled Facilities Grant (DFG) and Social Services funding

Frequently asked questions (and concerns expressed) are listed to explain the funding of adaptations with a DFG or discretionary assistance:

- ⇒ What is the DFG and where will I find the relevant legislation?
- ⇒ Why was the system changed?
- ⇒ What are the purposes for which a mandatory grant must be given?

- ⇒ Do people who live in a mobile home or a houseboat qualify for a grant?
- ⇒ What Disabled Facilities Grants are available and what is the maximum payable?
- ⇒ What discretionary assistance might be available?
- ⇒ Is the mandatory grant means tested?
- ⇒ At what age are young disabled people assessed in their own right?
- ⇒ We are advised to postpone our adaptations until our daughter qualifies in her own right for a grant, but we don't want endless delays. What should we do?
- ⇒ How is the financial assessment carried out?
- ⇒ What do we do if our income this year is not representative of our usual income?
- ⇒ What does it mean when we are told that our contribution is £5,000?
- ⇒ Is our contribution deducted from the total cost of the scheme or from the maximum grant?
- ⇒ What do we do if we cannot afford our assessed contribution for a DFG?
- ⇒ I understand that LAs are being allowed greater flexibility in setting their policies, but how do we know what these are?
- ⇒ If a loan is offered what are the terms likely to be?
- ⇒ Do the Social Services Department have a responsibility to help us financially?
- ⇒ What happens in the case of joint-custody arrangements, where adaptations are needed in two houses?
- ⇒ Are foster parents allowed to apply for a DFG?
- ⇒ We have been told that we won't qualify for a grant, but should we still apply?
- ⇒ What support can we expect if we don't qualify for a grant?
- ⇒ We have two sons with Duchenne muscular dystrophy. Will we get two grants to adapt the house?
- ⇒ Our Grants Department don't seem to have experience of many large adaptations.
- ⇒ Is the Grants Department allowed to say that they have run out of money and there will be no more grants available for the rest of the year?
- ⇒ Can we apply for a grant after we have started the work?
- ⇒ My community OT is very concerned about budgets and does not appear to want the MD Campaign involved in the adaptations.
- ⇒ Who pays the architectural designer and what costs will be included?
- ⇒ We are not receiving financial help with the full cost of our adaptation. To reduce the cost we would like my brother who is a builder to do the work. Is this allowed?
- ⇒ We don't feel that we are getting the help we need, but we don't know what service we can expect.
- ⇒ Equipment will be provided and installed using a DFG. If we no longer need it who does it belong to - and who pays for servicing and repairs?

What is the DFG and where will I find the relevant legislation ?

England and Wales share the same legislation in relation to DFGs although the funding arrangements differ (see page 10). In July 1990, the DFG replaced the Home Improvement Grant as part of the *1989 Local Government Housing Act*. Subsequently there have been several changes to the DFG, the most significant being:

- in December 1996, *The Housing Grants, Construction and Regeneration Act 1996*, which was accompanied in England by *Circular 17/96, Private Sector Renewal: A Strategic Approach* and in Wales by *Annex 1 of Welsh Office Circular 59/96*;
- in July 2002, the *Regulatory Reform (Housing Assistance) (England and Wales) Order 2002* (referred to in the text as *Order 2002*). The guidance circular in England is *Housing Renewal Guidance (Consultative Document)* and in Wales *Assembly Government Circular 20/02 Housing Renewal Guidance*, which largely replicates *Circular 59/96* (above) in terms of the guidance covering DFGs. *"The Assembly Government will be reviewing the administration of Disabled Facilities Grants in due course. This guidance will be revised in the light of that review".*⁵

The procedure when legislation is changed, is that primary documents are published with details of the amendments to both the grants system and statutory regulations, and these are followed by guidance circulars. The circulars (above) issued by England and Wales are similar, but to avoid confusion readers should refer to the appropriate guidance circular, particularly as these may be revised independently.

The sections of *Circular 17/96* that have particular relevance to the DFG are:

- *Introduction*;
- *Chapter 7: Strategies into Practice – community care and special needs*;
- *Annex I: Disabled Facilities Grant*;
- *Annex J1: Financial Matters*;
- *Annex J2: Calculation of Grant*.⁶

Why was the system changed?

The DFG was introduced because *"some people needing essential adaptations have been unable to get help with the costs of carrying them out, whilst in other cases, grants have been given to people who could afford to finance the adaptation works without grant"*.¹ The impetus was to give help to the people most in need financially, on a sliding scale, and to **achieve consistency** across the country. To a certain extent this was achieved, but there will always be some LAs who are more sensitive to the needs of disabled people, who interpret the legislation more generously, or have more realistic budgets. Now, with the recent introduction of discretionary assistance, the pendulum has swung the other way to allow LAs more autonomy, flexibility and choice in the way they decide to help. The needs of disabled people have not changed and it is essential to ensure that the introduction of greater flexibility results in greater benefit for disabled people, as the changes were never intended to be a cost-cutting exercise.

The DFG legislation and the relevant subsequent changes will be explained in this chapter. It is important that disabled people are aware that the legislation is very clear about the different purposes for which a mandatory grant can be given, and the help that should be provided.

What are the purposes for which a mandatory grant must be given?

Section 23 of the *Housing Grants, Construction and Regeneration Act 1996* states that:

- (1) *"The purposes for which an application for a disabled facilities grant must be approved, subject to the provisions of this Chapter, are the following:*
- (a) *facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;*
 - (b) *making the dwelling or building safe for the disabled occupant and other persons residing with him;*
 - (c) *facilitating access by the disabled occupant to a room used or usable as the principal family room;*
 - (d) *facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;*
 - (e) *facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility;*
 - (f) *facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;*
 - (g) *facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a washhand basin, or facilitating the use by the disabled occupant of such a facility;*
 - (h) *facilitating the preparation and cooking of food by the disabled occupant;*
 - (i) *improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;*
 - (j) *facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;*
 - (k) *facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and is in need of such care;*
 - (l) *such other purposes as may be specified by order of the Secretary of State".⁷*

Do people who live in a mobile home or a houseboat qualify for a grant?

As from July 2002, mandatory DFG eligibility was extended in relation to owners' and tenants' applications, to include *"the applicant (who) is an occupier (alone or jointly with others) of a qualifying houseboat or qualifying park home"*.⁸

What Disabled Facilities Grants are available and what is the maximum payable?

Previously there were two types of DFGs, mandatory and discretionary, but *Order 2002* removed the power to give discretionary DFG. Now the two options are:

- ⇒ mandatory grant;
- ⇒ discretionary assistance.

Mandatory grant

This is the only type of DFG available, and the difference between England and Wales is in the funding arrangements.

- **England.** The maximum limit for a mandatory DFG is **£25,000**. *“60% of whatever an authority spends on DFGs during the year”* is claimed from Central Government and although it is *“not cash limited”*¹¹ it is ring fenced and cannot be used for any other purpose. The remaining **40%**, funded by LAs is likely to be cash limited - i.e. the sum is allocated for the DFG budget for each financial year - and when the money runs out, schemes will have to be delayed to the next financial year.
- **Wales.** The maximum limit for a mandatory DFG is **£30,000**. However, the way the Capital funding is allocated is different in that almost all the funding to LAs is ‘unhypothecated’ (not ring-fenced) and it is for LAs to determine how much of their resources are used for DFGs, in the light of their local priorities. The guidance from the National Assembly is that DFGs must be a priority, but this flexibility in setting budgets should make it easier for the LA to respond to these needs and any subsequent financial pressures, without the delays caused by a backlog of schemes to be funded. Viewed optimistically - this must be to the benefit of applicants.

Discretionary assistance

*“As the mandatory DFG will not be adequate to deal with all likely requests for assistance it is very important for an authority to include in its published policy what form of additional help it will offer in relation to adaptations for disabled people”.*⁹

Order 2002 *“places no limit on the amount of discretionary assistance that can be given for adaptations”.*³ ... *“in accordance with its published policy”* (either from the Housing or Social Services Departments) ... *“paid in addition, or as an alternative to mandatory DFG”.*³ Provision may depend on the result of the ‘*Test of Resources*’ or an LA means test, but one of the aims of introducing flexibility, is to try to help applicants who would not have received financial assistance previously. However, LAs are unlikely to help anyone whom they assess as being able to afford to pay for adaptations privately.

What discretionary assistance might be available?

This could be given:

- “in any form e.g. grant, loan (see page 17 for details of loans);
- “for a wide range of purposes.

*“The Government accepts that loans will not be suitable for all those in need of assistance, and the Order is not intended to bring about the wholesale replacement of grants with loans”.*³

An authority can also provide”:

- ⇒ small-scale adaptations;
- ⇒ top-up to mandatory DFGs;
- ⇒ help to move to a more suitable property.

Small-scale adaptations

This will be *“to either fulfil needs not covered by mandatory DFGs or, by avoiding the procedural complexities of mandatory DFGs, to deliver a much quicker remedy for urgent adaptations;*

Top-up to mandatory DFGs:

- *because the works are particularly expensive or where the applicant, for whatever reason, cannot afford their required contribution; or*
- *where there are some works required that are not eligible for mandatory grant, for example:*
 - *works to provide more satisfactory internal arrangements for a disabled occupant where the works are not of a mandatory nature and where they would be of direct benefit to the disabled occupant rather than other members of the household. Such works might include extending or enlarging a dwelling, which is already suitable for the disabled occupant in all other respects.*
 - *works to provide access to a garden adjacent to a property where the disabled person is unable to gain such access from the dwelling through existing door or pathways. Authorities may wish to give discretionary assistance in such cases or may consider there is sufficient merit in including the works within mandatory grant ... as access for the disabled person to and from the dwelling.*
 - *the provision of a safe play area for a disabled child or where certain works of adaptation are required to provide for a disabled occupant to receive specialised care or medical treatment in their own home for which the disabled person is responsible for meeting the cost of works.*
 - *adapting or providing a room to be used for a disabled person who is housebound but nevertheless is able to work from home.*
- *To provide a complete solution to the needs of the disabled person.”³*

Help to move to a more suitable property

This will be considered *“where it is more cost effective than adapting the current home of a disabled person to make it suitable for his or her present and future needs, even though the new property may need some adaptation.*

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

- All rehousing options need to be carefully considered and discussed with the disabled person and others concerned ... There are also a number of national sources of advice for older people and people with disabilities on housing options"³ (e.g. Muscular Dystrophy Campaign).

Is the mandatory grant means tested?

Yes. The means test is called the 'Test of Resources' (TOR). "In the case of applications for DFGs, only the means of a disabled person for whose benefit the grant would be given and of the disabled person's spouse or partner (or parents in the case of a minor) will be tested"⁶ (Annex J1 amendment). See page 14 for details of 'young people'.

It is important to understand the terminology:

- the 'applicant' is the person who has an interest in the house (i.e. the owner);
- the 'relevant person' is the person who is means tested;
- in many cases the applicant and the 'relevant person' (or persons) will be the same.

Most grants officers will carry out an informal 'TOR' at an early stage, prior to application so that you have an indication of your likely contribution.

The aim of the means test (see also explanatory diagrams on the next page)

The means test is designed to calculate how much the 'relevant person' is deemed to be able to contribute towards the cost of an adaptation, having regard to the personal circumstances. This is carried out by:

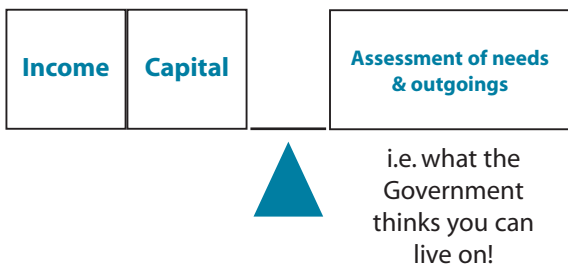
- calculating the 'applicable amount' (the assessment of needs and outgoings) by adding together the allowances and premiums that a person is entitled to. The outcome is the weekly sum of money that the government assumes is needed by that person (and if relevant, the family);
- the 'applicable amount' is then compared with the *actual earnings and other income received – and any capital owned*. Initially, when the DFG was introduced "the savings of each relevant person were completely disregarded up to £5,000"¹ - and this was subsequently amended to £6,000.
- this income and capital when added together is the 'financial resources';
- where the 'financial resources' exceed the 'applicable amount', the applicant is said to have 'disposable income', and therefore will have to make a financial contribution towards the cost of the adaptation;
- the size of the contribution, which in the legislation is called the 'affordable loan', (i.e. the sum which the relevant person is *supposed* to be able to afford to borrow and repay on the basis of income), will rise as the amount of 'disposable income' increases;
- the 'affordable loan' is calculated in set financial bands and, as the 'disposable income' rises into a higher band, the financial contribution rises (disproportionately). This explains why, when two salaries or wages are included in the calculations, the money earned by the second person (who is likely to be in part-time work to help ease financial pressures at the same time as being available to look after a disabled child) may cause a steep rise in the contribution;
- because the *actual* outgoings of the family are not considered (particularly where the applicant has a large mortgage) this may result in the family being asked to pay a contribution that they cannot afford;

- where the income of the 'relevant person' is less than the 'applicable amount', or they are in receipt of Income Support, there will be no contribution to pay.

No contribution to pay

i.e. enough to live on and no more

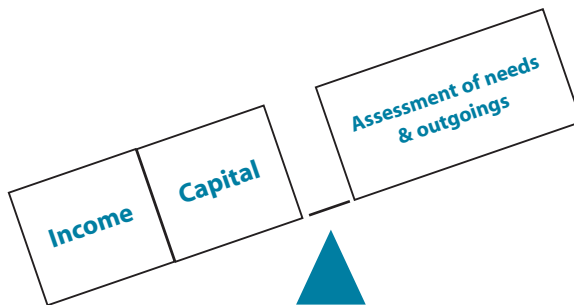
Financial resources - equal - **Applicable amount**



Contribution to pay

i.e. more money to live on than needed!

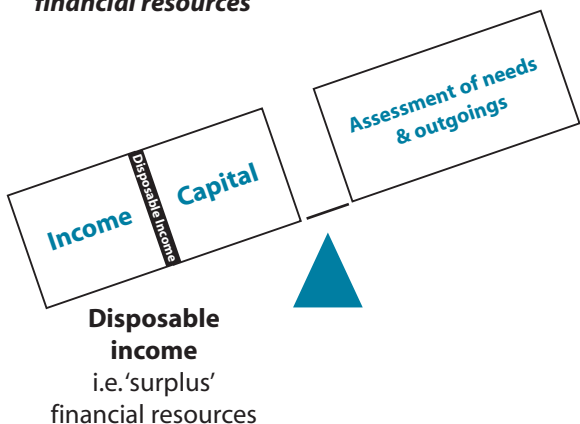
Relevant person's financial resources - exceed - **Applicable amount**



'Disposable income'

i.e. money left over that is not needed to live on and is available to contribute to the adaptations

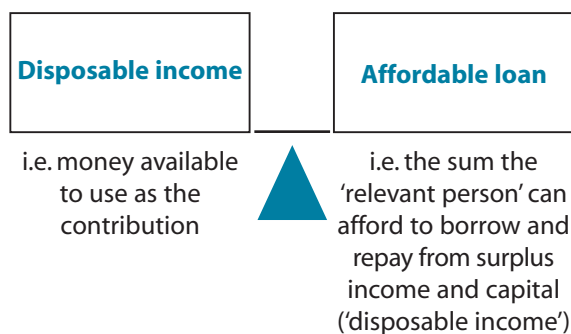
Relevant person's financial resources - exceed - **Applicable amount**



Size of contribution

i.e. 'affordable loan' increases with size of 'disposable income'

Surplus financial resources - equal - **Size of loan able to service**



In practice, it would be unusual to meet an officer, either within the Grants Section (responsible for applying the means test) or the Social Services Department (responsible for assessing and providing for the needs of disabled people and their families), who does not consider that the statutory 'TOR' (other than for people on Income Support) is a very harsh and unfair means test. For this reason, although circumstances will vary between LAs, many Social Services Departments have a procedure for applying their own means test, which takes into account the individual, actual 'outgoings'. See section "What do we do if we cannot afford our assessed contribution for a DFG?" on page 16.

There is a very strong campaign – *Homes Fit for Children** – to persuade the Government that, where adaptations for children are involved, the means test should be applied to the child and not to the parents. This is a logical step, as the means test is applied to all young people at 19 or in some cases, at 16 (see below). Failure to do this means that many families with a child who is severely disabled and needs adaptations from an early age are penalised financially, compared with a family with a less-disabled child who is able to wait for adaptations until qualifying in his/her own right. However, with the introduction of the Regulatory Reform Order, the opportunity for greater flexibility will enable LAs to assist those who need additional help following the ‘TOR’.

* For further details and up-to-date information, please contact the MDC National OT Advisor.

At what age are young disabled people assessed in their own right?

The legislation defines who is the ‘relevant person’ when the means test is applied – i.e. at what age does a young person cease to be a minor (see page 12) - and on whose income (or incomes, where two parents or partners are working) the calculation for the contribution will be based. In April 1997, the definition of the relevant person was amended... *"Where the disabled occupant is under 19 and over 16, is not in full-time non-advanced education (i.e. school), or receives Income Support, he will no longer be treated as a young person and would therefore automatically become the relevant person instead of his parents. In these cases it is the disabled occupant under 19 and not the parents who would be subject to the ‘TOR’ – the means test"*.¹⁰ This means that the disabled person will be classed as the ‘relevant person’ and will be means tested in his/her own right to establish the contribution that will have to be made. However, for anyone on Income Support, no means test will be applied and there would be no contribution to make. If in doubt, please contact your grants officer for advice.

We are advised to postpone our adaptations until our daughter qualifies in her own right for a grant, but we don’t want endless delays. What should we do?

If the adaptations are not needed immediately, there is no reason why plans should not be drawn and submitted for planning permission - followed by an appropriate delay in obtaining builder’s estimates and making the formal grant application. Advice should be sought from the architect and grants officer as to how long these last two processes will take and the time-scales related to the date of eligibility.

How is the financial assessment carried out?

A fairly involved application form is provided, which asks for comprehensive details of income (including welfare benefits) and earnings for the 12 months prior to the application, together with details of any capital. If completion of the form, or any of the questions are difficult, the grants officer can be asked for help. When processing the application, the Grants Department will need to see confirmation of all income, earnings and capital. Where relevant, proof of Income Support will need to be shown, in which case no assessment is carried out.

What do we do if our income this year is not representative of our usual income?

This situation can arise if the applicant has been working an unusual amount of overtime during the assessment period. Although LAs cannot anticipate future income, provision for a shortened period of assessment to be carried out is covered in the legislation, as follows: *"Whilst there will be many cases where it is appropriate to calculate average weekly earnings by reference to earnings over the previous 52 weeks, authorities should not adopt this method as a hard and fast rule. Where there has been a significant change in a relevant person's circumstances during the previous 52 weeks, authorities should determine average weekly income by reference only to that period, up to the date of the application, which most accurately reflects his or her current situation. For example, the average weekly income of a relevant person currently in stable employment should not be diluted by including any previous periods of unemployment. Similarly, where a relevant person has recently been made redundant, it may not be appropriate to include periods of employment in the assessment of income"*.⁶

What does it mean when we are told that our contribution is £5,000?

Although contributions can vary between nil and infinity - depending upon the relevant person's financial circumstances – the result of your means test assessment is that you can afford (see page 12) to borrow £5,000 (your *affordable loan*). This does not mean that you are expected to have the money in an account waiting to pay for adaptations! Your contribution is the same, irrespective of the cost of the work or the grant payable and is not reflected as a percentage of either sum.

Is our contribution deducted from the total cost of the scheme or from the maximum grant?

In the past, the legal department dealing with DFGs, ruled that the contribution was deducted from the cost of the scheme. However, this has changed, and a section on *"Guidance on Existing Legislation ... seeks to clarify the interaction between the maximum limit for mandatory DFGs and the contribution of the grant recipient"*.

"A local authority has to notify an applicant of certain matters, as follows":

- *"determine which works are eligible for DFG"*. Any improvements can be included in the work schedule, but if not essential to the disabled person, will not be grant eligible;
- *"determine the expense of carrying out the eligible works"*. The LA examines the contractor's estimate and if the sum is unreasonable, may render part of the cost ineligible for a grant. This is unusual and is normally solved with a discussion between the grants department and the contractor;
- *"determine the cost of ancillary services and charges associated with the works"*. This will include the charges of the 'in-house' Home Improvement Agency or of your own architectural designer (possibly chosen from the Muscular Dystrophy Adaptations & Building Design Network). If it is not practical for your designer to inspect the work, the LA may take on this responsibility, for which they are entitled to be paid, but the cost of administering the grant is a service that must be provided free of charge (see pages 23-24);

- *“determine the amount of grant to be paid, ‘taking into account all the relevant provisions of this chapter’”. The Department for Transport, Local Government and the Regions view is that “the amount of grant referred to ... is the amount of DFG which the authority is prepared to pay **before** taking account of the applicant’s resources. That amount will include a further amount in excess of the maximum permitted”¹¹ (and in the circular the legal interpretation is explained, but is too lengthy to include here). However, “the amount of grant determined by the authority is reduced by the client’s contribution. The effect ... may be illustrated by the following examples”.¹¹*

	Example A	Example B
(a) Cost of works	£30,000	£30,000
(b) Amount of grant LA prepared to pay	£30,000	£25,000
(c) Client’s contribution (as a result of ‘Test of Resources’)	£10,000	£10,000
(d) Grant payable by LA	£20,000	£15,000

So the LA works out how much it is prepared to pay and then reduces this by the amount of the assessed contribution.

What do we do if we cannot afford our assessed contribution for a DFG?

*“A local housing authority does not have a duty to assist an applicant for DFG in meeting any share of the costs which the applicant is assessed to be responsible for under the test of resources. The housing authority may however, refer cases of hardship to the social service authority or to a joint panel that allocates funding on behalf of the social service authority. It may also consider using its discretionary powers of assistance under housing legislation”.*⁹ However, many Social Services Departments are likely to ask applicants to provide proof that they cannot afford their contribution (or to pay for the top-up costs of the scheme) and will ask you to apply to your building society for an increase in your mortgage - and /or to your bank for a loan. They may wait to see if these sources of finance are available before considering discretionary assistance. However, you should voice your fears if you feel that borrowing any sum of money is irresponsible because it means you will be over-committed financially and risk becoming in arrears with your mortgage payments with the subsequent danger of losing your house and the facilities provided by the DFG. Ideally, your concern should be substantiated by financial figures - and it would be useful to prepare a calculation of your monthly income and expenses. The outcome is likely to be that the Social Services Department will carry out their own means test, which will take outgoings (such as mortgage) into account.

I understand that LAs are being allowed greater flexibility in setting their policies, but how do we know what these are?

The flexibility for adaptations is limited to discretionary assistance only and does not include mandatory DFGs. *“The Order requires that, prior to using any powers to provide assistance ... a local authority must first have:*

- *adopted a policy which includes details on the provision of that assistance;*
- *given public notice of the adoption of the policy;*
- *ensured that a copy of the full policy document is available for inspection free of charge at all reasonable times at their principal office; and*
- *ensured that a document containing a summary of the policy can be obtained by post.*

Authorities must also avoid fettering (restraining) their discretion to provide assistance. They may legitimately turn down an application for assistance that falls outside their policy, but cannot do so without there being a mechanism in place to determine such cases. The mechanism should ensure that exceptional cases that fall outside policy are individually considered on a sound and informed basis and approved where appropriate”.³

LAs should have an appeals procedure, if an applicant is dissatisfied with the outcome of their application. Applicants can also complain to their local councillor or MP – or ultimately to the Local Government Ombudsman - although this can be a lengthy process.

If a loan is offered what are the terms likely to be?

You will need to enquire because policies will vary between different LAs, and are likely to depend upon your financial situation. However, *“The Order contains important protections relating to the giving of assistance, whether it is given as a grant, loan or another form of help. It requires that:*

- *authorities set out in writing the terms and conditions under which assistance is being given;*
- *before giving any assistance the authority must be satisfied that the person has received appropriate advice or information about the extent and nature of any obligation (financial or otherwise) that they will be taking on; and*
- *before making a loan, or requiring repayment of a loan or grant, the authority must have regard to the person’s ability to afford to make a contribution or repayment”³ (probably by applying their own means test). “If they are not in such a position then assistance by some other means, such as a grant, would be necessary.”*
- *...“There is a wide range of options available for local authorities to consider ... whilst developing their policy”.*
- *The principal categories of loan products which could be made available are:*
 - *interest bearing repayment loans – conventional loans either secured or unsecured with interest charged either at the current market rate or at a preferential rate and repayable in regular instalments over a period of time. Such loans are likely to be best suited to those with a regular income which would enable them to make the required repayments.*
 - *interest-only loans – conventional loans, usually secured against the value of an asset where the borrower only pays the interest charge on the amount borrowed in regular instalments. Repayment may vary as interest rates go up or down. The capital is repaid usually on the sale of the asset. Again, this sort of loan is likely to be best suited to those able to meet regular interest repayments, and, where the loan is secured against the property where there is adequate remaining equity in it.*
 - *zero-interest or equity-release loans – a conventional loan registered as a charge against the value of the asset on which no interest is levied. The capital is repaid usually on the sale of the asset”.³ This type of loan may be best suited to those unable to make regular loan repayments, but who have substantial remaining equity in their home.*

... In deciding which is the right financial product for any particular circumstance, local authorities will need to make a careful assessment of the financial position of the applicant. In the case of equity release products they will also need to make an assessment of the current and possible future value of the property and other actual and potential charges on it".³ This option may be limited to older applicants (usually over 60) with little or no mortgage - and possibly with the addition of other restrictions.

"Income Support for loan interest payments

People who qualify for Income Support/income based Jobseekers Allowance/Pension Credit may also get help to pay the interest on a loan taken out for specific types of home repairs and improvements. There is a waiting period for persons under 60. This help cannot be confirmed until the loan has been taken out but the Department of Work and Pensions is willing to send out letters of comfort to both the loan recipients and any lender explaining what help is available. Any loan must be used for these purposes within six months of receipt or such further period as may be reasonable in the particular circumstances of the case, in order not to affect any benefits which might otherwise be payable to the person on receiving the loan".¹²

Do the Social Services Department have a responsibility to help us financially?

The situation is as follows:

- ⇒ the role of the Social Services Department to assist with adaptations;
- ⇒ the role of the *Children Act 1989* in establishing the Social Services Department's responsibility to help with the funding of adaptations for children;
- ⇒ The *Quality Protects Programme*;
- ⇒ The *Children First Programme*.

The role of the Social Services Department to assist with adaptations

The legislation is very clear about this responsibility, as follows:

"Social Services authorities' responsibilities under section 2 of the *Chronically Sick and Disabled Persons Act 1970 (CS&DP Act)* to make arrangements for home adaptations are not affected by the grants legislation. Where an application for DFG has been made, those authorities may be called upon to meet this duty in two ways:
(a) where the assessed needs of a disabled person exceeds the scope for provision by the housing authority under section 23 of the 1996 Act; and
(b) where an applicant for DFG has difficulty in meeting his assessed contribution determined by the means test and seeks financial assistance from the authority."
In such cases, where the Social Services authority determine that the need has been established, it remains their duty to assist even where the local housing authority either refuse or are unable to approve an application".⁶

"It is for housing authorities and Social Services authorities between them to decide how particular adaptations should be funded either through the *CS&DP Act* or through a DFG".⁶

The role of the *Children Act 1989* in establishing the Social Services Department's responsibility to help with the funding of adaptations for children

This Act which covers England and Wales was intended to emphasise the corporate nature of LA responsibility for children in their area. Part III of the Act concerns "*Local Authority support for children and families*" and at section 17, it specifies a general duty "*to safeguard and promote the welfare of children within the area who are in need,*" listing disabled children specifically as a group of children in need, at subsection 10. Authorities are required to keep a register of disabled children, publish information, minimise the effect on disabled children of their disabilities and give them the opportunity to lead lives that are as normal as possible, promoting "*the upbringing of such children by their families*" ¹³ (section 17.1b). Some Social Services Departments have used their powers under section 17 to help fund adaptations for children, but many have not. It is reasonable to say that the overwhelming priority to Social Services of child protection issues has led to a failure to implement adequately the provisions of the *Children Act* as they relate to disabled children and their siblings.

The Quality Protects Programme

This is a Government initiative started in November 1998 (*Circular LAC(98)28*) which covers England only and reinforces the *Children Act*. It requires LAs to make a 3-year action plan in regard to children's services (*Quality Protects Management Action Plan or 'MAP'*) and sets out eight objectives that will be monitored. Objective 6 concerns "*children with specific social needs arising out of disability or a health condition*" and says that authorities must ensure their assessed needs are adequately met and reviewed. A sub-objective is "*to arrive at a complete picture of the numbers and circumstances of disabled children by sharing information held by Social Services Departments, Health and Education Authorities*". ¹⁴ This last provision will make a significant difference to the policy framework for disabled children, especially if information on the housing needs of these children is collected.

As part of *Quality Protects*, the Secretary of State sent a letter to all Local Authority councillors reminding them of the responsibilities under the *Children Act*; it is, therefore, a programme of which they are likely to be particularly aware.

The Children First Programme

This is a similar initiative which covers Wales.¹⁵

What happens in the case of joint custody arrangements, where adaptations are needed in two houses?

"Where a disabled child has parents who are separated and the child lives for part of the time with both parents, arrangements may need to be made to provide for adaptations at both locations. Mandatory DFG is only available at the address which is the main residence of the disabled occupant, as determined by the local authority". ⁹

Are foster parents allowed to apply for a DFG?

“The Social Services Department is responsible for assessing the child’s needs and providing appropriate services to meet those needs, which include services to meet needs arising from disability. Foster carers are eligible for DFGs on behalf of a foster child but provision may depend on the type and length of placement. The Social Services Department should establish local agreements and protocols with housing and health partners to ensure that the welfare of children and young people in foster care is actively promoted”.⁹

We have been told that we won’t qualify for a grant, but should we still apply?

You will only be told that you won’t qualify for a grant, if your contribution is more than the maximum limit - or the cost of the eligible works (whichever is the lower) - or more than the sum which the LA is prepared to pay. However, it is important to appreciate that this will be an estimate only; final assessments are carried out when the Grants Department receive all the paperwork, including such items as the builders’ estimates.

There are three important issues involved:

- ⇒ the need to know your contribution;
- ⇒ the advantage in following an application through to completion;
- ⇒ alternative options to consider.

The need to know your contribution

This is important for the following reasons:

- to consider whether this financial assessment might be affected by any circumstances that could change before the final assessment is carried out;
- there may be ways that the LA can give discretionary assistance and this possibility should be explored;
- it may help to decide whether to follow an application through to completion.

The advantage in following an application through to completion

You should still apply and not be put off by the form filling and bureaucracy (as this will be cut to a minimum if you are unlikely to get any financial help). No one can predict what the future holds; if your circumstances change and you have to move house, or if more sophisticated facilities are needed as the disability progresses, you may need to apply for a further grant. In this case, your contribution to the approved work in your first application would be deducted from your assessed contribution on any subsequent application made within a period of 10 years for an owner applicant and 5 years as a tenant.

This advice is supported by the legislation: *“Authorities should explain to applicants the merits of pursuing an application through to completion even where it is clear the assessed contribution exceeds the cost of the present works and therefore the outcome will be that a ‘nil grant’ is approved. In such cases, the current contribution will be reduced by an amount equivalent to the approved cost of works, not the assessed contribution which may have been greater. Where a local authority intends to approve a grant in such cases they should ensure that the works for which the original application was submitted were completed to a satisfactory standard”.³*

Alternative options to consider

If you are not able to afford the total cost of the proposed plan and the disability is progressive, it may be practical to carry out the work in two stages – and for this to be reflected in the design. Initially the work would be for the short term and subsequently when you need the full scheme, you could apply for a second grant - in which case your contribution would be amended as described above. An alternative would be to complete the building work to overcome the priority, which is likely to be the difficulty climbing stairs - by providing ground-floor facilities or a lift. This would be followed by the application for a second grant when the disability has increased and the specialised equipment is needed.

What support can we expect if we don't qualify for a grant?

“Support to those who self-fund.

Some people assessed as in need demonstrate a willingness and ability to self-fund” (N.B. This answer is a quotation, and is not substantiated by experience, which has shown that the willingness to self-fund is unusual as most people, whatever their financial circumstances, ‘live up to their income’) “or otherwise fall outside the housing grant system. In such cases, they should receive a copy of the assessment and recommendations for appropriate service response and be assisted in translating these into a specification. They should also be offered technical advice on the selection and engagement of contractors (with access to a list of competent builders, see also page 24) and equipment suppliers. And “this may extend to offering access to contract rates for the purchase of equipment such as lifts or hoists”.² ... “This might involve referral to a disabled living centre or Home Improvement Agency ... or to other professionals whose help might be useful”⁹ (See Chapter 13 Muscular Dystrophy Adaptations & Building Design Network.).

We have two sons with Duchenne muscular dystrophy. Will we get two grants to adapt the house?

Because of the genetic inheritance of many of the muscular dystrophies, the housing adaptation research that was carried out several years ago by the Muscular Dystrophy Campaign, found that **10%** of the adaptations were necessary for two disabled members of the same family. Unfortunately, only one mandatory grant is payable at a time, but if you are eligible for a grant you are likely to be given discretionary assistance. If funding is difficult, and the progression of the disability is variable (as in some of the adult conditions) it may be possible to carry out the work in two stages and the issues involved have been discussed above.

Our Grants Department don't seem to have experience of many large adaptations

Most of the adaptations needed by people with muscular dystrophy and allied conditions involve either a ground-floor bedroom and bathroom extension - or a lift and adaptations to the bathroom. However, across all disabilities, these extensive adaptations costing over the grant limit are the exception. Although the following statistics may be becoming out of date as adaptations improve and building costs rise, research carried out in 1996 with 39 LAs in England and Wales, found that *“in total 235 grants over £20,000 (England) or £24,000 (Wales) were given in this five-year period by these 39 authorities. Just under one third of the authorities gave none at all in five years and the mean was six or just over one per year. If this is considered in terms of numbers of grants over £20,000 per 100,000 population, the average for one year was 0.8”*.¹⁶

It is worth noting that “Best value will not always be achieved by choosing the cheapest option which may not fully satisfy the present of anticipated needs of the disabled person and thus become wasted expenditure”.²

The *Good Practice System Review Checklist* published by central government, asks the question “Is there a written policy in dealing with complex or very expensive adaptations?”.¹⁷ Ask if this is available - and if not, perhaps your scheme could be used as the basis of providing a policy.

Is the Grants Department allowed to say that they have run out of money and there will be no grants available for the rest of the year?

A Grants Department must notify “an applicant as soon as reasonably practicable and not later than 6 months after the date of the application, whether the DFG application is approved or refused. However ... the local authority may approve an application for mandatory grant on the basis that the grant, or part of the grant, will not be paid before a date specified in the notification of their decision. The date so specified must not be later than 12 months after the date of the application.”³ It would be unusual for a scheme to be delayed longer than 6 months. LAs are discouraged from deferring payment “where it would cause hardship or suffering to an applicant whose adaptation needs have been assessed as urgent”.³

“There should be a corporate responsibility, binding on all partners, to ensure that the adaptation is delivered sensitively, is fit for the purpose identified by the end user and within a time-frame that is made explicit at the outset. Sections 34 and 35 of the Housing Grants, Construction and Regeneration Act 1996, already make relevant stipulations, but the principle should cover the whole process, from initial enquiry to completion of the case, not simply the element concerned with the grant approval”.²

Can we apply for a grant after we have started the work?

Where there is extreme urgency, there are some LAs that may make special ‘without prejudice’ arrangements for the work to start before approval. It is important to note that this is following (rather than before) discussion with the LA - and the work starts without prejudicing the processing of the subsequent grant application and is at the risk of the applicant. Normally the situation is that you can apply, but it would be very unusual for a grant to be given and the best advice is to avoid placing yourself in this position and **to ensure that a grant is approved before starting the building work**. The restrictions on grant for works already begun is as follows:

- “(1) Subject as follows, a local housing authority shall not approve an application for a grant if the relevant works have been begun before the application is approved.
- (2) Where the relevant works have been begun but have not been completed, the authority may approve the application for a grant if they are satisfied that there were good reasons for beginning the works before the application was approved.
- (3) Where an authority decides to approve an application in accordance with subsection (2), they may, with the consent of the applicant, treat the application as varied so that the relevant works do not include any that are completed. But in determining for the purposes of the application the physical condition of the dwelling, common parts of house or other building concerned, they shall consider the condition of the premises at the date of the application.
- (4) Subject as follows, a local housing authority shall not approve an application for a grant if the relevant works have been completed”.⁷

My community OT is very concerned about budgets and does not appear to want the MD Campaign involved in the adaptations

Sometimes, there is fear that specialists ‘will raise the expectations’ of the disabled person or their family. This is understandable because therapists are put in the unenviable position of having to assess needs and worry about budgets at the same time. However, it can never be justified that a disabled person is denied information and good practice must involve options and choice. Perhaps your OT is not aware that you (or your child) are likely to have specific needs. OTs have a wide range of knowledge and experience, but cannot be expected to know all the answers - and this is recognised by experienced OTs, who are always pleased to work with specialists such as the Family Care Officers of the MD Campaign. Throughout all the government publications issued recently, co-operative working is both recommended and encouraged, as follows:

“Specialist organisations that have expertise in meeting the needs of disabled people with particular diagnoses can be helpful in ensuring that the needs and wishes of the disabled person and carers are fully taken into account and reflected in the process of adaptation”. (However, 17/96 distinguishes between what is desirable and what is actually needed in determining what is grant eligible.) “Staff should be encouraged to contact and work with such specialists and to make use of their particular knowledge to produce really effective adaptations”.⁹

Who pays the architectural designer and what costs will be included?

A decision will have been made to either appoint your own architectural designer or to use the services of a local agency, which may be operated by the LA. In both cases, the costs charged, which are usually a percentage of the cost of the scheme, are deducted from the grant. There is no statutory scale of fees that LAs must follow; although guidelines are issued, an authority can decide what is reasonable in the light of the work undertaken. However, a LA cannot charge for carrying out their statutory duties.

In this manual, details have been included of the *Muscular Dystrophy Adaptations & Building Design Network* and the advantages of using an architectural designer who understands the needs of people with a neuromuscular condition (see Chapter 13a). In this case, the designer who is helping to plan the adaptations will indicate the range of services that can be given and the relevant costs. It will then be necessary to ensure that there is no duplication of services, by checking whether the LA is making any additional charges.

LAs are not allowed to charge for administering the scheme, and guidance is issued as follows:

“Fees and charges

Within their policies, local authorities should also state what preliminary or ancillary fees and charges associated with the provision of assistance will be paid as part of that assistance. This might include fees charged by in-house grant agency services, private architects and surveyors or home improvement agencies, and could include either in-house or out-sourced loan administration costs.

... clearly only reasonable and necessary fees and charges should be eligible for assistance ... but without compromising the quality of service provided to the customer". ³ (which is particularly important in relation to the extensive adaptations discussed in this manual).

It is essential to assess whether you are getting the 'best value for money', as all charges will be deducted from the grant and ultimately affect the cost of the scheme and the amount of additional 'top-up' funding needed.

The timing of the payment is usually discussed between the designer and the grants officer. The only difficulty arises, if the scheme is abandoned for any reason, as the architectural designer will still have to be paid.

We are not receiving financial help with the full cost of our adaptation. To reduce the cost we would like my brother who is a builder to do the work. Is this allowed?

It would be wise to discuss this issue at the beginning of the planning stage and when the initial 'Test of Resources' is carried out by the Grants Department, to see what their policy is so that no delay is caused. Although it is rare for DFGs, it is possible for grants to be given for DIY applications (where either the applicant or a relative carries out the work) but only the cost of materials can be claimed as grant-eligible costs. *"Consideration needs to be given to how to deal with estimates and invoices for assisted work from applicants or members of their family. Allowing such assisted work to be undertaken carries a higher risk of collusion and fraud. Authorities need to consider whether they do not allow this at all, allow it but only pay the cost of the materials, or do allow it. In the latter case, they need to satisfy themselves that the system is not being abused".* ³

It is important to note that after the LA have approved the contractor's estimate, that the contractor cannot be changed without permission from the LA.

Guidance on contractor selection is included in the advisory documents, as follows:

"Access to a list of builders approved by the LA for carrying out adaptation works should be open to all contractors who meet a published set of criteria. These may include; production of appropriate insurance, production of evidence of financial standing and evidence of competence in carrying out building work of the categories involved in adaptations. This evidence should be by production of references and provision of access to past work that may be inspected by officers". ⁹

"Where the disabled person decides to use a contractor that is not on the LA approved list they should be provided with the list of criteria used to vet contractors for admission to the approved list and advised to apply these same tests to their chosen contractor. Their application should not be treated in any way less favourably than if they had used a contractor from the approved list". ⁹

Most LAs do not have an approved list of builders and are not required to have one. However, they may have a list of builders who carry out grant work – and the list normally carries a disclaimer.

We don't feel that we are getting the help we need, but we don't know what service we can expect

If you find the time to read this manual I hope that you will be in a better position to know the answer to your question. Also, three excellent booklets (see references 2, 9 and 16) were published in February 2003 by the Office of the Deputy Prime Minister. Clearly, these were written by a team who understand the needs of disabled people, the ways that LAs should be responding - and provide markers against which you can judge the service you are receiving.

The introduction to *“Delivering Adaptations: Good Practice System Review Checklist”* states *“It will also be helpful to service users and their advocates in shaping their expectations of the service they receive”*.¹⁷

It is necessary to distinguish between legislation (which is mandatory) and guidelines. However, although these three new documents have no legislative standing, they highlight 'best practice' and as such describe the practice and attitudes carried out and adopted by the 'best' and most enlightened councils. In the event of the involvement of an ombudsman, it is likely that reference will be made to these guidelines. At the time of printing this manual, the Desk Guide is a consultation document, but the only criticism appears to be that the time scales recommended for adaptations are aspirational. In this respect it is important to appreciate that planning major work to your home is a lengthy procedure and because time is needed 'to get it right', the best advice is to plan ahead, to be as patient as possible – and to read Chapter 3 in this manual.

Parts of these publications have been quoted in this chapter, but if you are the key worker in your scheme or if your key worker or advocate has not had the opportunity to read them, please see the references at the end of this chapter.

Equipment will be provided and installed using a DFG. If we no longer need it who does it belong to - and who pays for servicing & repairs?

Equipment provided with a DFG usually belongs to the DFG applicant, but this is not ideal if you have to pay for maintenance, which can be expensive and it may be worth considering maintenance insurance. However, some LAs allow the inclusion of 5-year warranties for lifts and other equipment in the grant-eligible costs, but because this is a discretionary power, it is not used by all authorities.

LAs are allowed to impose conditions that *“specialised equipment such as a stairlift ... may be recovered where it is no longer required. In practice social services are best placed to recover the equipment so that it can be re-assigned to another person”*.³

If conditions are imposed, check if this means that the equipment will be serviced and repaired by the LA during the years it is being used, as this would be a very satisfactory arrangement. These issues should be discussed at the time that the adaptation is being planned – and it would be wise to ask who pays for the cost of removing the equipment and carrying out any consequential remedial work to the house. Any conditions must be confirmed in writing.

Further guidance is given on servicing, repairs and extended warranties, as follows:

“Some items installed as part of an adaptation, such as stair and through-floor lifts and ceiling hoists” (and specialist baths and washbasins) “will need regular servicing and provision made for repair in cases of failure. It is good practice for these arrangements, covering the likely service life of the equipment, to be secured by the LA at the time of installation. The cost of securing services by way of extended guarantee or service contract, when met by a single payment on commissioning, should be included in the calculation of any grant payable”.⁹

An additional issue is highlighted in the ‘Good Practice Checklist’ for LAs, *“i.e. Do we understand where responsibility will lie when the initial agreement has expired and have we made this plain to the disabled person and carers?”*¹⁷

Northern Ireland

The DFG was introduced in 1992 in the *Housing Order, Northern Ireland*, and broadly this mirrored the English legislation, with the exception that a Replacement Grant is available. This may be available when the following conditions apply:

- *“where a disabled person is living in unfit property and the extent of the unfitness is so great that replacement is the most viable option;*
- *where the person has a tie to the land or has lived in the house for 2 years prior to the application;*
- *where the Housing Executive is unable to provide suitable rehousing. Advice should be obtained from the local Housing Executive Grants Office”*¹⁸

Subsequently, changes to the DFG in England and Wales, the most recent being in December 1996 with the introduction of the *Housing Grants, Construction and Regeneration Act 1996, Chapter 53*, were not introduced in Northern Ireland pending the devolution of power. However, the arrangements for housing in Northern Ireland, in both the public and private sector are set out in the following circular.

“Circular HSSE (DMHU) 6/98 Care in the community: housing people with disabilities

Introduction

1. *The purpose of this guidance is to advise Health and Social Services Boards and Trusts of the current arrangements for providing specialist housing and housing adaptations for people with disabilities. It has been prepared in co-operation with the Northern Ireland Housing Executive (NIHE) and sets out the respective roles of that organisation and those of Boards and Trusts in relation to housing issues. It brings together all extant HSS Executive guidance on housing and cancels obsolete guidance.*
2. *This guidance sets out each organisation’s statutory responsibilities under relevant Health and Social Services and Housing legislation.*
3. *In addition, the guidance endorses the need for mutual understanding and co-operation between all agencies involved in housing issues, particularly in relation to any constraints within which they may be operating. A joint HSS Executive/DOE letter underscoring this message was issued on 24 June 1996 to Boards, Trusts and NIHE Offices.*

Statutory Responsibilities of the Health and Social Services Boards/Trusts

4. *The Health and Personal Social Services (Northern Ireland) Order 1972 (the Order), Article 15, and the Functions of Health and Social Services Boards (No1) Direction (Northern Ireland) 1973, paragraph 3, empower Boards to provide equipment and appliances to help people who are disabled with daily living and to assist with the provision of adaptations to private houses so as to increase activity and mobility of such persons living at home.*

5. *The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 defines disability and provides for the provision of social welfare services including assistance for a disabled person in arranging for the carrying out of any works of adaptation in his home or the provision of any additional facilities designed to secure his greater safety, comfort or convenience.*

6. *The Disabled Persons (Northern Ireland) Act 1989 provides for the assessment of the needs of a disabled person to determine whether these call for the provision of any services in accordance with section 2 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.*

7. *Health and Social Services Boards' statutory obligations have been delegated to Health and Social Services Trusts by Article 3 of the Health and Personal Social Services (Northern Ireland) Order 1994.*

Statutory responsibilities of Northern Ireland Housing Executive

8. *Section 3 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 requires the Northern Ireland Housing Executive to consider the special needs of chronically sick and disabled persons when planning for the provision of further accommodation. The Act also states that proposals for the provision of new housing shall specify those provided to meet the special needs of chronically sick and disabled persons.*

9. *Article 52 of the Housing (Northern Ireland) Order 1992 empowers the Northern Ireland Housing Executive to pay Disabled Facilities Grants to enable privately owned property to be adapted to meet the needs of people with a disability.*

Consultations between NIHE and Boards/Trusts on housing needs

10. *Under Article 67 of the Health and Personal Social Services (Northern Ireland) Order 1972, Boards and the NIHE are required to co-operate 'in order to secure and advance the health and social welfare of the people of Northern Ireland'. Health and Social Services Boards, Trusts, Housing Associations and NIHE should liaise on a regular basis in order to plan for current and future housing needs.*

General information

11. *The NIHE's responsibilities for housing matters relating to disabled people living in the community are set out in its comprehensive booklet "Housing Services for People with Disabilities". For clients, information on the housing adaptation process is contained in booklets relating to private or public sector housing, also issued by NIHE. See references 19 and 20.*

Housing Executive Dwellings

12. The Northern Ireland Housing Executive provides specialist housing for people with disabilities including wheelchair and mobility housing. The majority of its housing is accessible to ambulant people with a disability. Future new build social housing is moving towards lifetime home standards. NIHE also undertakes, on advice from occupational therapists, adaptations to its property occupied by people with a disability.

Housing Associations

13. It is the policy of the Department of the Environment for Northern Ireland that Housing Associations should concentrate mainly on the provision of housing for special groups including elderly people and people with a disability. Such provision embraces both new building and the rehabilitation of existing dwellings. Housing Associations complement Housing Executive programmes and it is important that there is close liaison between Housing Associations, the Housing Executive and Boards and Trusts in assessing need and agreeing schemes, and providing adaptations to their properties.

Adaptations to Private Housing

14. The Northern Ireland Housing Executive's grants offices are responsible for processing applications for Disabled Facilities Grants and Minor Works Grants. Any adaptation must be recommended by an occupational therapist and Disabled Facilities Grant is available to owner occupiers, landlords and tenants (excluding Housing Executive tenants) to assist with the cost of the adaptation. Mandatory Disabled Facilities Grant (DFG) has a ceiling of £20,000 and is means tested i.e. the applicant may be required to meet all or part of the cost of the adaptation work.

15. In the private sector grants are not available for stair or vertical lifts. An HSS Trust may install a stair or vertical lift or motorised overhead hoist in private housing and in such cases the apparatus remains the property of the Trust with consequent responsibilities for inspection, maintenance, insurance and removal when no longer required.

16. Trusts are responsible for the assessment, provision and maintenance of portable equipment to assist daily living. Such equipment must be returned to the Trust when it is no longer required.

Top-up payments

17. Where the cost of the work exceeds the limit of the mandatory DFG, an individual may apply to the NIHE for further financial assistance through discretionary DFG. Pending the commencement of the proposed Housing (NI) Order 1999, NIHE may provide such assistance on an extra-statutory basis. **From the date of this circular, Boards and Trusts will no longer have responsibility for financial assistance in such cases.**

N.B. The provisions of the proposed Housing (NI) Order 1999 relating to the provision of discretionary DFG will NOT apply to subsidising an applicant with all or part of the contribution which the means test determines he/she should make towards the cost of adaptations.

18. In cases where, as a result of the DFG means test, an applicant is assessed by NIHE to be able to contribute to the cost of the adaptation but alleges that he/she cannot make the contribution, Boards and Trusts may in **exceptional** circumstances

consider financial assistance where they have established there is a need. It is for Boards and Trusts to determine the level of assistance appropriate in each case. Boards and Trusts must ensure that in such cases the client **cannot** make his/her contribution rather than **will not** make it. **There is no obligation on Boards and Trusts to meet all or any such requests.**

19. Where a Board or Trust considers that financial assistance is appropriate this should be made by way of payment to the contractor employed by the client to undertake the adaptation work. A condition of Disabled Facilities Grant (DFG) is that work in excess of £5,000 (excluding VAT) must be undertaken by a 'warranted builder' acceptable to NIHE.

Model Service Agreement for Housing Adaptations for People with Disabilities

20. The Housing Adaptations Joint Forum, which is chaired by the HSS Executive and made up of representatives from Boards, Trusts and NIHE, prepared a Model Service Agreement which sets out the respective responsibilities of Health and Social Services Boards and Trusts and NIHE for adaptations to the homes of people with physical disabilities, learning disabilities and mental health problems.

21. The Model Agreement embodies relevant targets but acknowledges that the level of co-operation is subject to prevailing financial constraints. It may be modified, if necessary, with the agreement of all signatories, to suit local conditions.

22. The intention is to ensure consistency of approach throughout Northern Ireland to occupational therapy housing adaptation assessments and subsequent recommendations to NIHE and quality assure Trusts' actions in relation to housing adaptations.

23. The Model Agreement was issued to Boards and Trusts on 27 January 1997.

Charters

24. Charters relevant to housing for people with disabilities are:

- Charter Standards for Community services
- Tenants Charter

Cancellation of previous circulars

25. Previous HSS guidance on housing for people with a disability was set out in circular letters:

HSS (OS5A) 2/76 Housing for Physically Handicapped Persons.

HSS (OS5A) 3/77 Housing for Physically Handicapped Persons:
House Renovation Grants.

HSS (OS5A) 4/76 Housing for Physically Handicapped Persons:
House Renovation Grants.

HSS (PH) 3/79 Housing for Physically Handicapped Persons:
Housing Renovation Grants".¹⁸

Scotland: Improvement and Repairs Grant

Scotland retained Housing Improvement Grants when the rest of the UK adopted the DFG, but the grant system has been subject to a number of changes, which came into effect on 1 October 2003.

Questions and details relating to the legislation are as follows:

- ⇒ In what act is the legislation included?
- ⇒ Are guidance notes provided?
- ⇒ To whom are grants available and what are the arrangements for tenants?
- ⇒ Main conditions of eligibility for an Improvement or Repairs Grant.
- ⇒ What are the purposes for which a grant will be given?
- ⇒ Is there a maximum limit on the costs eligible for grant?
- ⇒ Amount of grant.
- ⇒ Minimum percentage grants.
- ⇒ Is the grant means tested?
- ⇒ Who will be assessed?
- ⇒ How will income be assessed?
- ⇒ How will we know if we are going to be eligible for a grant or how much help we will receive?
- ⇒ Procedure for an application.
- ⇒ Subsequent grant applications.

In what act is the legislation included?

The powers in the *Housing (Scotland) Act 1987, Chapter 26, Part XIII*, to give grants have been amended by the implementation of the provisions in *Part 6* of the *Housing (Scotland) Act 2001*.²¹ Some of the detailed arrangements are contained in 'regulations' found in various *Scottish Statutory Instruments*.²²

Are guidance notes provided?

Information for applicants and guidance for LAs on the operation of the new grants system are available, as follows:

- ⇒ applicant's guide;
- ⇒ Local Authorities' guide;
- ⇒ grant calculator.

Applicant's guide

A booklet '*Housing Grants*' can be obtained, either from LAs or from the Scottish Executive Development Department, Housing Division 2, Victoria Quay, Edinburgh, EH6 6QQ. The information in the guide is also available on the Scottish Executive website (www.scotland.gov.uk) under the headings Topics, Communities, Housing, Private Housing Sector, then select 'Assistance to repair and improve houses'.

Local Authorities' guide

Guidance on the changes has been issued to LAs and is also available on the website.

Grant calculator

It is proposed that the website, above, will provide a calculator that will let enquirers have an indication of the level of grant, which they might expect to receive.

To whom are grants available and what are the arrangements for tenants?

These are as follows:

- ⇒ disabled occupant of private property;
- ⇒ Housing Association tenants;
- ⇒ Local Authority tenants.

Disabled occupant of private property

A disabled occupant can apply for a grant for adaptations to meet their needs, even if they are neither the owner nor the tenancy holder of the property. The house, however, has to be their only or main residence, or should be expected to be so, within a reasonable period after the work has been completed.

Applicants should be aware of conditions applying to a grant (see below). Where a grant application is made by someone other than the owner, then the owner's consent to the application must be obtained.

Housing Association tenants

There are around 200 active Housing Associations in Scotland, but they vary in size from those who have a small number of properties within a limited area, to those with substantial numbers and who operate throughout Scotland. After the Social Work Department has made the assessment for an adaptation, the Housing Association should arrange to have the work carried out for its tenants. Housing Associations are expected to include the cost of adaptations in their budgets, in the same way as other necessary maintenance. LAs are still legally responsible for funding, although in practice Housing Associations normally fund this work.

Local Authority tenants

Grants are not available for LA property but, as with all tenants, the LA is responsible for adaptations when the Social Work Department has recommended an adaptation.

Main conditions of eligibility for an Improvement or Repairs Grant

There are two sets of conditions:

- ⇒ age of house;
- ⇒ other grant conditions.

Age of house

If the house was built or converted less than 10 years ago, the applicant would not normally be eligible for a grant unless the Scottish Ministers agree to an LA's request for permission – but this does not apply to a grant for a disabled person.

To avoid confusion, it is worth mentioning that the Council Tax Band restriction on grant applications has been discontinued, but this ruling also, did not apply to grants for disabled people. See '*Scottish Statutory Instruments*'.²²

Other grant conditions

These conditions apply to all grants for a 5-year period, beginning when the house becomes fit for occupation after completion of the work, as follows:

- *"the house must be used as a private dwelling;*
- *if the house is occupied by the owner or a member of his family, then it must be their only or main residence;*
- *the house must be kept in a good state of repair.*

*If the house is sold during the period, the grant does not need to be repaid, but the conditions will apply to the new owner of the house for the remainder of the period."*²¹

If the new owner breaches the conditions, it is the new owner who has to repay, not the recipient of the grant.

What are the purposes for which a grant will be given?

There are two main categories:

- ⇒ disability needs;
- ⇒ general improvements (including provision of standard amenities) or repairs to a house.

Disability needs

In relation to disability, grants can be used for *"the doing of works required for making (a house) suitable for (the) accommodation, welfare or employment"*²¹ of a disabled occupant. This is a very wide description and, the *"relevant types of work"* (in the context of this manual) *are*:

- *to provide a purpose-built extension;*
- *make access easier;*
- *make adaptations to the kitchen;*
- *to provide improvements that benefit a disabled person's welfare or employment;*
- *professional fees, planning permission and building warrant."*²¹

In each case the LA will want to be satisfied that the works are both essential and appropriate. This is usually achieved following an assessment by an OT or another appropriate healthcare professional. In relation to grants for adaptations for a disabled person, it is for LAs to decide whether to approve the grant application. However, an LA that refuses to allocate funds for such grants may be in breach of their legal obligation under the *CS&DP Act*.

General improvements or repairs to a house

In addition to the needs of disabled people, grants can also be available for three further categories, as follows:

- ⇒ works to ensure that a house meets the tolerable standard;
- ⇒ the provision of standard amenities;
- ⇒ other work beyond the basic tolerable standard.

Works to ensure that a house meets the tolerable standard

This is as follows:

- *“It is structurally stable;*
- *It is free from rising or penetrating damp;*
- *It has satisfactory access to all external doors and outbuildings;*
- *It has satisfactory:*
 - *lighting;*
 - *heating;*
 - *ventilation;*
 - *drinking water supply;*
 - *cooking facilities;*
 - *drainage for rainwater and from kitchen and bathroom fittings.”*²³

The provision of standard amenities

These are as follows:

- *“a fixed bath or shower;*
- *a wash-hand basin;*
- *a sink;*
- *all with a hot and cold water supply;*
- *a toilet.”*²³

Other work beyond the basic tolerable standard

“Councils may also give grants for the following types of work:

- *Replacing unsafe selectrical wiring;*
- *Installing mains-powered smoke detectors;*
- *Providing adequate heating or insulation;*
- *Replacing lead water pipes;*
- *Reducing exposure to radon gas;*
- *In a building in common ownership (such as a block of flats),*
 - *Installing a fire-retardant door at the entrance to each house;*
 - *Installing a main-door entry-phone system;*
- *Converting another type of building to housing, joining two or more houses into one, or dividing one into two or more houses.”*²³

Where work involves the general repair or improvement of a house and is unrelated to the needs of a disabled occupant, then any application for a grant should be made by the owner(s) or, in certain circumstances, the tenant. A tenant can apply for a grant provided that the work has been the tenant’s responsibility under his lease for at least 2 years before the date of the application. (This requirement does not apply in the case of works needed for a disabled person.)

Is there a maximum limit on the costs eligible for grant?

LAs can give grants for eligible work that costs up to £20,000. There are circumstances where they can request consent from the Scottish Executive to base a grant on a higher figure. LAs however are not required to apply for an increase. Some LAs may set their own limit lower than the statutory maximum, in order to spread the available funding further. However, this is rarely applied to adaptations.

Amount of grant

The 'applicable' income, which is identified as a result of the financial assessment discussed on the next page, is compared with a table, which relates income to percentage grant. The amount awarded is that percentage of the approved cost of works.

Minimum percentage grants

The grant system now provides for 'minimum percentage grants', where a set minimum level of grant will be payable. The circumstances in which these grants are payable are set out in regulations and include:

- making a house suitable for the accommodation, welfare or employment of a disabled person who lives, or plans to live, in the house;
- situations where the LA must provide grant, that is where they have served a notice or order requiring works to be carried out or where a standard amenity is required;
- works to bring a house up to the tolerable standard.

The minimum percentage grant has been set at **50%** and applicants will receive grant at this level, unless the applicants' income entitles them to receive grant at a higher level.

Is the grant means tested?

Yes. There are separate 'tests of resources' for occupiers (including all disabled occupiers) and for landlords.

Who will be assessed?

This depends on the two categories of grant, based on the purposes for which the grant is given, (already discussed) as follows:

- ⇒ disability needs;
- ⇒ general improvements or repair of the house.

Disability needs

Where grant is sought for works needed for a disabled occupant, it is the income of the disabled person and their partner that is taken into account. If the disabled person is below the age of 16, then the application should be made by whoever receives their child benefit or, if no benefit is received, whoever has prime responsibility for the disabled child. The income of that person and their partner will be taken into account.

General improvements or repair of the house

In these cases, the income of the owner and all joint-owners, or tenants, and their partner(s) is taken into account.

How will income be assessed?

This will be as follows:

- *“Assessment is based on income from earnings, savings and investments, occupational/private pensions and any rental income.*
- *All income from welfare benefits and equivalent tax credits will be excluded from the assessment.*
- *Applicants in receipt of Income support or Income-based Jobseekers Allowance will be passported to 100% grant. 100% grant will also be available to those who are assessed as having no income apart from benefits.*
- *All mortgage payments (interest and capital) or rent payments not covered by Housing Benefit will be deducted from the assessed income.*
- *An allowance will be deducted for each child under 16, or under 21 in full-time education.*
- *An allowance will be deducted if either the applicant or their partner is disabled”.*²³

How will we know if we are going to be eligible for a grant or how much help we will receive?

LAs have been supplied with computer software for the calculation of grant. As already mentioned, it is proposed that this software will be made available on the Scottish Executive website to enable applicants and advisory organisations to obtain an estimate of grant eligibility.

Procedure for an application

- The local council will provide an application form. There are separate application forms for adaptations, for repairs and for general improvements/standard amenities
- you will be told what paperwork is required, including the number of estimates that must be submitted;
- there is no time limit for the application to be considered, but you will be informed of the outcome in writing and, if the application is refused, you will be given the reasons;
- plans are subject to the usual Planning and Building Warrant Approval;
- the building work must not start before grant approval has been received;
- following approval, the council may make a condition that the work is completed by a certain date (this will be at least 12 months after approval); however, if the grant is paid in instalments, the 12 months start again from the date of the first instalment; the council can extend this period, on request;
- staged payments may be made during the building process, and the final payment must be made within a month of the completion of the work, provided that the work has been carried out to a satisfactory standard.

Subsequent grant applications

There are restrictions on subsequent awards of grants; however, there are no restrictions on subsequent grants for adaptations. This recognises that some people's conditions can change and need further adaptations or facilities. (Section 242).²⁴

The Scottish Executive

(Previously the Scottish Office)

The Scottish Executive do not give grants themselves, but can give permission to LAs to increase approved expenditure limits. The upper limit on what approved expenditure to pay a grant is decided by the LA, who may or may not have a policy on maximum amounts.

Social Work Department (Scotland)

Social Work Departments can give financial assistance for adapting houses to meet the needs of disabled occupants; each authority will have their own policies on how housing grant and social work funding interact. Requests are usually considered by special committees and as this may be a lengthy procedure, forward planning is recommended.

They may also assist by providing aids and equipment not covered by the grant. Many Social Work Departments are working on reduced budgets and, in some cases, rely on agents (such as Care and Repair) to help applicants find funding from other sources, such as charities.

Department of Health/Health Board

Health funding should be considered for:

- ⇒ adaptations;
- ⇒ equipment.

Adaptations

Finance for adaptations from health sources is more likely to be used to discharge a child from hospital following an extended stay (in many cases from birth), rather than the rare cases where the alternative to adaptations would be a permanent stay in hospital. In reality, other than for surgical procedures (following a fracture and for respiratory and heart problems), few people with neuromuscular conditions are admitted to hospital; this is important, as prolonged bed rest, where possible, should be avoided to prevent acceleration of the muscle wasting.

Funding should be sought for needs that can clearly be argued to be medical; one such example might be for the building of an extension to provide the space needed for dialysis equipment.

Equipment

For people with a neuromuscular condition the items (other than wheelchairs and surgical appliances) for which health funding is most frequently used is the provision of environmental controls, electric beds and standing frames. In future, requests should be increased for more sophisticated equipment (such as tilting frames for getting users on to their feet to stand, without involving two helpers). The grounds to substantiate this need should be argued within the lifting and handling regulations. Other needs that are clearly health based are the provision of standing surfaces (see Chapter 11), but there is no evidence to show that these have ever been provided from this source.

The Family Fund

The Family Fund is an independent organisation, funded by the national governments of England, Northern Ireland, Scotland and Wales.

The following should be considered:

- ⇒ the Family Fund's guidelines;
- ⇒ eligibility for application;
- ⇒ procedure when an application is to be made;
- ⇒ basis on which the Family Fund considers providing financial help;
- ⇒ help the Family Fund will consider giving towards an adaptation scheme;
- ⇒ the basis on which a grant of over £10,000 will be given;
- ⇒ other undertakings required – to be signed when a grant or loan is provided;
- ⇒ help for both owner occupiers and tenants;
- ⇒ when the Family Fund should be approached for help;
- ⇒ details the Family Fund will need.

The Family Fund's guidelines

The purpose of the Family Fund is to ease the stress on families who are caring for a severely disabled child. All grants are *discretionary* and, although decisions are made with as much flexibility as possible to cater for individual needs and circumstances, there are three main criteria, as follows:

- ⇒ the child must be severely disabled;
- ⇒ the child must be under 16 at the time of the application;
- ⇒ the parents must be on a low income (see below).

The child must be severely disabled

The level of disability is assessed by a Family Fund visitor, who is their representative in the area. The Family Fund may need confirmation of the diagnosis, and this can be supplied through an existing letter in the possession of the family, or by supplying the name and address of the GP, medical consultant or school.

The child must be under 16 at the time of the application

It is important that the application is made before the young person is 16. Where adaptations are being planned, but the costs will not be known for some time, it is important that referral is made before the young person's 16th birthday. The Family Fund is responsive to individual needs and is aware of the length of time taken by adaptations.

The parents must be on a low income

Although the income level in April 2003 is £21,500 (Scotland) and £23,000 (rest of UK) with savings of under £8,000, these figures are reviewed annually in April. However, the Fund appreciates that adaptation costs can be excessive, and applications should still be made where the income of the family exceeds these limits, as these will be considered sympathetically.

Eligibility for a grant

This is reflected by the name of the Fund. The impetus behind the work is to help families, and most of the requests will be received direct from families. However, where adaptations are concerned, it may be a help to the family if supporting information is provided by a professional involved in the adaptation.

Procedure when an application is to be made

- Referral is made to the Family Fund.
- If the referral is from (or on behalf of) a family that has not previously applied for help, the Family Fund's visitor in the area in which the child lives will arrange to visit the family, discuss their needs and help them to complete the financial form.
- Where families are not known to the Family Fund, it is wise to establish eligibility for help when adaptation funding is first being discussed.
- If the family is known to the Family Fund, and eligibility has been established, the application will be processed immediately. An applicant can usually expect to receive a reply within 4 – 6 weeks.

Basis on which the Family Fund considers providing financial help

The Family Fund will help only by matching one of the following:

- ⇒ a grant or non-repayable loan;
- ⇒ other discretionary assistance.

A grant or non-repayable loan

This would be from the Social Services Department under the *Chronically Sick and Disabled Person's Act (CS&DP Act) 1970* or the *Children Act 1989, Part III, Section 17/Children (Scotland) Act 1995, Part II, Section 22 and 23*.

Other discretionary assistance

Discretionary assistance from the LA Housing Department is given in addition to the maximum mandatory DFG (or in Scotland the LA can be given permission by the Scottish Executive to increase approved expenditure limits). The DFG and Improvement Grant legislation make it very clear that the LAs have a duty to help families in need with the funding of adaptations under the *CS&DP Act*, and in each case it is for the individual authority to decide which department will provide the funds.

The Family Fund will complement the help given only by those LAs that are accepting their legal responsibilities; this is because, if the Family Fund helped families unconditionally, LAs would leave the Family Fund to pick up the bill in every case, and this is not their remit. The Family Fund is anxious that LAs should not perceive the Fund as a way of cutting costs.

Help the Family Fund will consider giving towards an adaptations scheme

Help from the Family Fund is discretionary; however, with certain conditions, they can consider providing a grant towards:

- part of the 'top up' – i.e. the balance needed after the payment of the family's contribution and the mandatory grant (DFG) or Improvement Grant, to enable the work to go ahead;
- the family's contribution if they are not able to afford this;
- a small grant towards the cost of decorating and/or furnishing the bedroom/bathroom involved in the adaptation: this might be floor covering, curtains and blinds for these two rooms and floor covering to other parts of the house involved in the building work, but does not include specialist beds;
- in some circumstances, help with the cost of height-adjustable work surfaces in the child's bedroom could be included within the category of support for recreational activities. The educational value for homework use, and the therapeutic value of a standing surface, are considered by the Family Fund to be the responsibility of the Education Department and Health Trust respectively and therefore, would not be within their remit.

The basis on which a grant of over £10,000 will be supplied

The basis of such a grant can vary, depending upon the needs and circumstances, but the terms will be drawn up by solicitors. It may include a charge against the property over a period of 10 years, with the repayment sum reducing on a sliding scale over this period. This could mean that the money would have to be repaid, only if the house was sold during the first 10 years (unless the parents were in a negative equity situation). The family would not be liable to repay the money if the child died (but the family did not move house) within this time.

Other undertakings required – to be signed when a grant or loan is provided

The family will be asked to sign a form of undertaking that the money will be used for the purposes for which it was given. All receipts must be retained, if necessary to be seen by the Fund's auditors.

Help for both owner occupiers and tenants

Although the Family Fund will help tenants, there is a budget limit applied to matched funding in rented property. This is applied as follows:

- if a DFG or Improvement Grant (Scotland) is used to fund the adaptations, the Family Fund will consider matching any 'top-up' needed towards the total cost of the scheme/or the family's contribution, or
- the Family Fund can help, but only towards the balance over and above the sum equal to the maximum grant paid with a DFG (£25,000 in England and N. Ireland and £30,000 in Wales) or Improvement Grant (a percentage of £20,000 in Scotland).

When the Family Fund should be approached for help

The Family Fund should usually be approached when the details outlined below are known; however, in practice, many grants officers will not proceed with planning unless it is realistic for the scheme to go ahead. They will not waste department staff time and are concerned that the family will have to pay the cost of the architectural plans if the adaptations are not carried out and therefore the grant is not paid. In this case, it is wise to contact the Grants Manager at the Family Fund to receive a provisional offer to complement the help from the Social Services Department. However, a final offer is not likely to be made until all the financial figures are known.

Details the Family Fund will need

Before the Family Fund will confirm the grant they will give, the Grants Manager will require details of the following:

- the parent's or parents' jobs and wages/salaries;
- information on the work that is to be carried out;
- evidence that the Social Services Department consider the work essential because of the child's disability;
- total cost of the work (i.e. builder's estimate plus professional fees for architectural plans and building supervision);
- the amount of DFG (England, Wales and Northern Ireland) or Improvement Grant (Scotland);
- the family's contribution as a result of the 'TOR', the means test of the DFG, or Improvement Grant;
- the proposed financial assistance from the LA Housing or Social Services Departments (England, Wales and Northern Ireland) or the Social Work Department (Scotland) – and the form of this assistance, which could be:
 - a grant towards the total cost of the scheme or a grant to cover the cost of *adaptation equipment* provided at the time that the building work is carried out – to be provided under the *CS&DP Act*;
 - a non-repayable loan;
 - a charge against the property. In this case the Family Fund will look at the LA's terms and conditions and discuss on an individual basis. If an LA loan is to be given, it is important to clarify under what terms it is to be given. The Family Fund will give help under the same terms only and they will want clarification of whether this is reduced on a sliding scale and, if so, over how many years.

This information will need to be confirmed by an employee of the Social Services Department and, to save time, the request for help to the Family Fund can be accompanied by either a letter or a document outlining the terms of the help, or the name and address of the most appropriate person for the Family Fund to contact; this may be the OT or social worker involved or a team leader within the department.

References

1. Department of the Environment, *Circular 10/90 House Adaptations for People with Disabilities*. HMSO, 1990, p. 10, 10, 24.
2. *Department of Health, *Delivering Adaptations: Responding to the Need for Adaptation – An Overview*. Office of the Deputy Prime Minister, 2003, p. 2-3, 3, 6, 11, 3. (Ref. 02HC00917/3)
3. *Housing Renewal Guidance (consultative document)*. Office of the Deputy Prime Minister, 2002, p. 41, 41, 49, 20, 50, 20, 13, 14, 14, 47, 48, 27-28, 37, 25, 56. (Ref. 02HC00310.)
4. Appleton, Nigel and Leather, Philip, *The Housing Corporation Programme for the Funding of Adaptations*. The Housing Corporation, 1998.
5. National Assembly for Wales, *Reform of Housing Private Sector Renewal Arrangements, Assembly Government Circular 20/02: Housing Renewal Guidance*, 2002, p. 47.
6. Department of the Environment, *Circular 17/96 Private Sector Renewal: A Strategic Approach, Vol. 1/2 & 2/2*. The Stationery Office, 1996.
 - *Introduction*: p. ii;
 - *Chapter 7: Strategies into Practice – community care and special needs*, p. 46-49;
 - *Annex I: Disabled Facilities Grant*, p. 191, 192;
 - *Annex J1: Financial Matters, 203-207 (replaced by pages 8-11 in Circular 03/2002, Housing Grants, Construction and Regeneration Act 1996: Part I, Amendments to the Renovation Grant System – see reference 11 below;*
 - *Annex J2: Calculation of Grant*, p. 208-217.
7. Department of the Environment, *Housing Grants, Construction and Regeneration Act 1996, Chapter 53*. The Stationery Office, 1996, p. 13-14, 15, 17.
8. *The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002*. The Stationery Office Ltd, p 9. (Ref. SI 2002/1860, ISBN 0-11-042523-5).
9. *Department of Health, *Delivering Adaptations – Desk Guide*, A Consultation Paper. Office of the Deputy Prime Minister, 2003, p. 13, 11, 29, 29, 33, 30, 40, 41, 44. (Ref. 02HC00917/1).
10. *The Housing Renewal Grants (Amendment) Regulations, 1997*. (Ref. SI 1997 No 977)
11. Department for Transport, Local Government and the Regions, *Circular 03/2002, Housing Grants, Construction and Regeneration Act 1996: Part I, Amendments to the Renovation Grant System*. The Stationery Office Ltd., 2002, p. 2-3.
12. *Circular 05/2003 Housing Renewal*. Office of Deputy Prime Minister, 2003, p. 21.
13. Great Britain, Department of Health. *Children Act 1989*. London, HMSO, 1989.
14. Department of Health *Circular LAC (98) 28. The Quality Protects Programme: Transforming Children's Services*. Wetherby, Department of Health, 1998.
15. Family Health Division, *Circular WHC (99) 70 The Children First Programme in Wales: Transforming Children's Services*. Welsh Office, 1999.
16. Heywood, Frances, *Funding Adaptations. The Need to Co-operate*. The Policy Press, 1996. p. 140.
17. *Department of Health, *Delivering Adaptations: Good Practice System Review Checklist*. Office of the Deputy Prime Minister, 2003, p. 2, 1, 7. (Ref. 02HC00917/2)
18. *Circular HSSE (DMHU) 6/98 Care in the Community: Housing People with Disabilities*. Northern Ireland Office, 1996.

19. Northern Ireland, *Adapting Your Own Home. A Guide for Major Adaptations in Public Sector Housing*. Housing Executive, 2002.
20. Northern Ireland, *Adapting Your Own Home. A Guide for Major Adaptations in Private Sector Housing*. Housing Executive, 2002.
21. Section 236 of the *Housing (Scotland) Act 1987*, as amended by section 96 of the *Housing (Scotland) Act 2001*.
22. Scottish Statutory Instruments:
 - 2003 No. 314: *The Improvement and Repairs Grant (Prescribed Valuation Band) (Scotland) Order*, 2003.
 - 2003 No. 420: *The Housing Grants (Application Forms) (Scotland) Regulations*, 2003.
 - 2003 No. 434: *The Housing (Scotland) Act 2001 (Commencement No.7, Transitional Provisions and Savings) Order*, 2003.
 - 2003 No. 461: *The Housing Grants (Assessment of Contributions) (Scotland) Regulations*, 2003.
 - 2003 No. 462: *The Housing Grants (Minimum Percentage Grant) (Scotland) Regulations*, 2003.
23. Section 86 of the *Housing (Scotland) Act 1987*, as amended by section 102 of the *Housing (Scotland) Act 2001*; section 244 and Schedule 18 of the *Housing (Scotland) Act 1987*, as amended or repealed by paragraphs 27 and 42 of Schedule 10 to the *Housing (Scotland) Act 2001*.
24. *Housing Scotland Act 1987*. HMSO, 1987, sections 96-105.
25. VAT Notice 701/7/94 *VAT Reliefs for People with Disabilities*. HM Customs and Excise, 1994.

(* Free publications which are particularly recommended.)

Where do I get the referenced publications?

Stationary Office Ltd (formally called HMSO)

The Stationary Office bookshops or accredited agents - or
 The Stationary Office Ltd, PO Box 29, Norwich NR3 1G
 tel: 0870 600 5522 fax: 0870 600 5533 text: 0870 240 3701
 e-mail: book.orders@tso.co.uk web: www.tso.co.uk

*Dept. for Transport, the Planning Inspectorate, and the Office of the Deputy Prime Minister

(covering fire safety, housing, local government, neighbourhood renewal, planning and urban policy)
 Publications centre, PO Box 236, Wetherby, West Yorkshire. LS23 7NB
 tel: 0870 1226 236 fax: 0870 1226 237 text: 0870 120 7405
 e-mail: odpm@twoten.press.net or dft@twoten.press.net
 web (for the Office of the Deputy Prime Minister): www.odpm.gov.uk

The Housing Corporation Corporate Services

Maple House, 149 Tottenham Court Road, London W1T 7BN
 tel: 020 7393 2000 fax: 020 7393 2111
 e-mail: enquiries@housingcorp.gsx.gov.uk web: www.housingcorp.gov.uk

National Assembly for Wales

Housing Directorate, Cathays Park, Cardiff. CF10 3NQ
 tel: 029 2082 5111 fax: 029 2082 6989
 e-mail: housingintranet@wales.gsi.gov.uk web: www.wales.gov.uk

The Policy Press

University of Bristol, Rodney Lodge, Grange Road, Clifton, Bristol. BS8 4EA
 tel: 0117 973 8797 fax: 0117 973 7308 e-mail: tpp@bris.ac.uk

Northern Ireland Housing Executive

Housing and Regeneration, The Housing Centre, 2, Adelaide Street, Belfast. BT2 8PB
 tel: 028 9024 0588 fax: 028 9031 8358
 e-mail: information@nihe.gov.uk web: www.nihe.gov.uk

Scottish Executive

Development Department, Housing Division 2, Victoria Quay, Edinburgh. EH6 6QQ
 tel: 0131 244 5574 fax: 0131 244 0948
 e-mail: Kelvin.McBryde@scotland.gsi.gov.uk web: www.scotland.gov.uk