



Cumberland  
Council

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# Disabled Facilities Grant Policy (Former Copeland Borough)

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## **Commitment**

Cumberland Council is committed to ensuring that residents of the former district of Copeland are able to live independently in their homes for as long as possible.

Where residents have a disability or long-term impairment, we will work with them and other agencies to arrange adaptations or provide advice about moving to more suitable accommodation.

This policy will ensure that the council will carry out and follow all relevant statutory duties to allow an assessment of need and deliver efficient and quality services for people with disabilities, including adapting property or facilitating relocation.

Where budgets allow and at the discretion of the Strategic Housing and Inclusion Manager, we may fund works outside of the statutory duty, as set out in this policy.

## **Regulatory Framework**

Disabled Facilities Grants (DFG's) were introduced in 1990 but the principal legal provisions are now contained in the Housing Grants, Construction and Regeneration Act 1996 (HGCRA) and regulations made under it. The following is a summary of the key legal provisions:

- Housing Grants, Construction and Regeneration Act 1996 (The Act) as amended.
- The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (conditions relating to approval or payment of Grant) General Consent 2008.
- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (The Order).
- The Housing Renewal Grants (Amendment) (England) Regulations 2008.
- The Disabled Facilities Grants (Maximum amounts and additional purposes) (England) Order 2008.
- The Equalities Act 2010.

## **Roles and Responsibilities of agencies**

Cumberland Council has the legal duty to provide mandatory grants for eligible works to meet the care and mobility needs of people with disabilities in the area to enable them to live independently, safely and with privacy and dignity.

Cumberland Council also has the duty to assess the needs of disabled people for assistance at home and provide practical assistance. This is not limited to assistance for Disabled Facilities grants. Occupational Therapists, employed by Cumberland Council (OT's) are engaged to assess properties and provide recommendations on adaptations. Provided the work is reasonable, practicable, considered appropriate and the applicant passes the test of financial resources the council will consider approval of a Disabled Facilities grant (DFG)

## **Disabled Facilities Grants**

The Housing Grants, Construction and Regeneration Act 1996 (as amended) is the main piece of legislation governing the administration of such grants.

Disabled Facilities Grants are available to homeowners, owners of qualifying houseboats, owners of qualifying park homes, tenants of private landlords and tenants of housing associations. Grants are also available for adaptations to the common parts of buildings containing one or more flats.

The council has a duty to all within their jurisdiction but works closely with housing associations in the area to make sure that they can assist their tenants to remain in their own homes and that they have policies and funds to complement the work of the council in regard to adaptations or relocation.

## **Grant Fund allocation**

The Council is given a sum of money each year by the Government, which can be specifically used for providing grants to help people with disabilities adapt their homes, or to move to a home that with or without adaptation may be more suitable. The Council also has the ability to supplement the Government funds from its own resources.

## **Eligibility Criteria – former Copeland Borough residents**

The Council will ensure advice on all opportunities are explored in discussions with relevant parties making an enquiry, including how to apply for a DFG.

In order that the council can make decisions about eligibility, about the help it can give and, if the client is eligible for a grant, about the works which are most appropriate, we need to gather and consider a range of information. In addition to the OT's recommendations (their referral) we shall also need to take account of the following.

- The client's financial circumstances
- The cost of works
- The time it is likely to take to deliver the adaptations proposed.
- The suitability of the client's home for adaptation (including the extent of any under occupation or over occupation)
- The practicalities of adapting the client's home (taking into account both the site it sits on and its wider location)
- The likely need for future adaptations.
- The availability of and eligibility for suitable alternative accommodation, applicants would not be forced to move home, but decisions may have to be made by Adult Social Care and Council officers, for example a single person in a four-bedroom housing association house may be asked to move rather than adapt the property. Applications will be assessed on a case-by-case basis.

- The extent to which the adaptation(s) make appropriate use of the funding available to the council.

Eligibility for a mandatory DFG is set by legislation. The availability of a grant is dependent on all four of the following criteria being met:

1. The works being necessary and appropriate.
2. The works being reasonable and practicable.
3. The applicants mean tested contribution being less than the approved value of the grant.
4. The applicant must be classed as 'chronically sick and disabled' this is assessed by an occupational therapist.

**Clients who are ineligible will be given advice and assistance.**

### **Necessary and Appropriate**

In order that we can decide if adaptations are 'necessary and appropriate' we need an assessment of the client and their home. This is usually carried out by an OT but may also involve the Council. The assessment focuses on the client's ability to continue living independently in a home of their own.

Once an assessment has been carried out the OT makes a referral to the Housing Renewals team indicating both recommended works and an assessment of the priority for work which the client should be allocated. Judgements on both these issues have an important part to play in the process.

In reaching a decision as to whether works are 'necessary and appropriate' the Housing Renewals team is required to consult the social services team. In the majority of cases our practice has been to accept the works recommended in the referral as those which are appropriate, and to use the broad priority specified by the OT.

However, if we are to make best use of our resources we shall need to better identify and fully explore alternative solutions and differentiate more precisely between degrees of need, based on recommendations from an Occupational Therapist. If we do not do so we are at risk of spending our budget on a smaller number of people than we could otherwise help; in effect meeting some clients' aspirational needs entirely at the expense of increased waiting time for others.

Officers will prepare a schedule of work to be carried out and will ensure it meets the needs of the applicant and the specification will be basic; should the applicant want a higher specification which costs more they will have to pay for that themselves.

### **Reasonable and Practicable**

There are times when it is simply not reasonable and practicable to adapt a property (e.g. if there are multiple or excessive changes in level, if space is limited or where moving existing services would be prohibitively expensive). In cases where it is not possible to adapt a property to an appropriate standard or where the cost of works is considered excessive, the council can properly take the view that the works are not '**reasonable and practicable**', bearing in mind the implications under the Better Care Act.

## **Eligible Grant Works**

In accordance with the Regulations and the council's policy it has been determined that the following works can attract mandatory DFG funding, this is detailed in section 6.2

## **Mandatory Funding**

### **Includes:**

- Work to aid entry and exit from a building e.g., installation of ramps.
- Work to aid access into and around living areas e.g., installation of stair lifts.
- Provision of accessible kitchen and bathroom facilities
- Improvement of access into and around the home
- Access to suitable sleeping facilities
- Facilitating access by the disabled occupant:
  - To and from the dwelling.
  - To a room used or usable as the principal family room.
  - To a room used for or usable for sleeping.
  - To a room where there is a lavatory.
  - To a room in which there is a bath or shower; and
  - To a room with a wash hand basin.

(This is not an exhaustive list)

Such works may include:

- Ramping and/or handrails to the main external door

This could alternatively be a rear door in the case of a rear access. Only one access point will normally be allowed for each dwelling. Should external access to a garden be required this may be considered as the main entry to the property.

In some circumstances temporary ramping may be provided by Social Services where the need is considered urgent. The council will only consider replacement with a permanent ramp following consideration of the respective case.

- Permanent ramps

They will not normally be fitted to mobile homes and the council may consider the installation of a semi-temporary ramp or modular ramps wherever necessary.

**Please note: The council will not provide assistance for the removal of permanent ramps once installed.**

- Hard Standing

Provision of hard standings (usually 3.6m x 4.8m maximum) will be considered where the person with disabilities is a wheelchair user or has difficulty walking to the house. This will

only be considered where existing on street parking is deemed unsatisfactory and a marked disabled parking bay is not possible or where it affords a more economical solution than providing additional paths/ramping from the roadside.

**Please note: Being a holder of a blue badge is not the eligibility criteria for this item.**

- Access into and around a dwelling

Widening doors will only be grant aided where these rooms are in essential use by the person with disabilities and the width of the existing doors is inadequate.

Automatic door opening to main entrance doors will only be allowed for persons who have severe mobility problems or otherwise unable to open the door. Door entry systems will primarily be operated from fixed positions and wireless systems will only be considered where fixed systems will not meet the need.

Other adaptations that are necessary to facilitate access to any of the relevant rooms by the disabled person will be considered.

**Please note: Where an existing stair lift breaks down an accredited service engineers report is needed before it can be considered for replacement. If it is over 10 years old, a report may not be required. The council will not provide assistance for the removal of stair lifts unless a replacement is being fitted.**

- Washing/bathing facilities

Adaptation of the facilities in the bathroom and toilet can include the provision of level access showers, lever taps, specialist WC's, Closo-mat or Gerbit etc. In some instances the council may propose alternative technologies as opposed to full wash/dry WC's etc.

Warranties and other service contracts other than the standards manufacturer's warranties will not be provided. In some circumstances Adult and Children's Services may be able to assist with maintenance costs where the user is in receipt of a means tested benefit or is otherwise unable to meet the costs.

- Existing sanitary ware will be reused if considered appropriate.
- The provision of tiling will be limited to 300mm beyond the end of each shower area or to a suitable abutment/change of direction.
- Full shower enclosures will only be provided where a medical need is evidenced.

Usually, all free standing equipment within a shower room will not be funded by a DFG and in some circumstances may be provided by Adult and Children's Services.

The adaptation or provision of more than one bathroom to a house e.g. additional ground floor WC will only be considered if evidenced by functional need and confirmation that appropriate equipment cannot be utilised.

Additional heating will only be considered for the bathroom/shower room in addition to a radiator as long as it does not contravene current regulations for wet areas.

- Kitchen Facilities



Where someone other than the person with disabilities does and will continue to do the cooking and preparation of meals, normally it will not be necessary to carry out full adaptations. However, it may be possible to carry out minor adaptations to allow the person with disabilities to prepare light meals or hot drinks; typically this may include a low-level worktop with power points for a kettle/microwave.

Full adaptation will only be considered where the person with disabilities is the only or main user of the kitchen. Adaptations can include:

- Alteration to the height or position of the kitchen sink, and the type of taps fitted to it. Powered, adjustable-height sinks will not generally be allowed, as the provision of a second sink is a more economic solution.
- A cooker point and oven-housing unit ensuring its height and position is in a safe location and the provision of worktops to either side where spacing allows.
- Work surfaces located beside the sink and on each side of the cooker having a total length of approximately 1.5m, all at a suitable height for the disabled person where spacing allows.
- Food storage in an accessible position, usually space for refrigerator with power supply.
- Wheelchair access, if necessary, including wider doors, rearrangement of facilities etc.
- Alterations to the kitchen door, light switches and power points, but only if it is necessary.
- Extensions or enlargement to kitchens can only be agreed where they are absolutely necessary in order to provide turning space for a wheelchair and if suitable space cannot be achieved by rearrangement of the existing facilities.
- The provision of cupboard and storage units on an “essential” basis at a suitable height level
- Mechanical ventilation for kitchen schemes are to be in accordance with the current Building regulations
- Over the hob or odour control systems will not be provided.
- Kitchen appliances such as hobs and ovens will not be funded but their installation costs will be considered.
- No ‘white goods’ will be funded by way of the DFG.

### **Other works**

- Alterations to the height and/or position of light switches and power points to make them accessible to the person with disabilities (only in rooms accessible to the person with disabilities).
- Supplementary heating to the rooms that are in everyday use by the disabled person where a medical need can be demonstrated. This does not include repair to existing systems. Changes to the type of heating system will only be allowed if evidenced by medical need.
- Possible upgrading/replacing of boilers where the property has been extended as part of the adaptation.

- Provision of laminate glass or specialist lighting or guards to fires and around radiators where children with disabilities who exhibit violent behavioural problems may harm themselves.
- Provision of enhanced fire alarm systems for those with hearing difficulties.

**Please note: Social Services will be responsible for the supply and maintenance of all hoisting equipment.**

Where an adaptation cannot be carried out due to disrepair issues those repairs, within reason, may be carried out. Such works as replacement of rotted flooring or strengthening of the floor as part of a level access shower installation, electrical repairs to enable works to be carried out safely and dealing with low water pressure. Replacing defective drainage and a full rewire would not be eligible.

Additional bathrooms or bedrooms may be allowed where they are specifically for the person with disabilities, and it can be demonstrated that adaptation of other rooms or space or access to those rooms in the property is unsuitable. Extensions will only be allowed following a detailed and thorough option appraisal process.

In cases of terraced properties with narrow passageways or very difficult access, effective adaptation can only proceed where it can be reasonably and practicably carried out without having a detrimental impact on neighbouring properties.

Requests are sometimes received to provide separate bedrooms where children with disabilities who exhibit behavioural difficulties share a room with other siblings and disturb their sleep. This will only be considered under mandatory grant where it can be demonstrated that:

- The child is prone to violent outbursts and there is a real risk of physical harm to the child or to other siblings.
- That all other options relating to the use of existing rooms within the property have been considered and that no alternative arrangements can be identified.

#### Access to the garden

This will only be considered if specifically recommended by an Occupational Therapist. In deciding the extent of any access to the garden, the following will be taken into account:

- Grant assistance will not be given where there is already access to the garden but grant may be given to improve an existing access to make it safe for the disabled occupant to use.
- It does not include providing additional access e.g. creating a side access so a person can also go round the side of the house. Generally the most modest solution for providing access to both the house and the garden will be considered and this can mean that one access may be sufficient to access both the house and the garden.
- Where homes have communal gardens, e.g. blocks of flats served by a single access, grants will not normally be provided for an individual access to the garden unless it can be demonstrated that because of the person with disabilities particular condition the travel distance to the garden would be excessive and unreasonable.

- The grant will simply be for providing immediate access to the garden and does not include landscaping gardens to make them more suitable for the person with disabilities to access.

## Grant Works – additional information

Where a householder has a preference or aspiration for work that is over and above those recommended or considered reasonable and practicable to meet the needs of the person with disabilities, the council will only fund the cost of the original recommended work. The applicant will then be required to fund any additional costs themselves.

Where the existing footprint or layout of the dwelling including outbuildings, and garages can be converted or adapted to accommodate the facilities required the council will not consider any extension to the property. Where an extension is required as there are no other options, consideration will be made to ensure that the most cost effective method of delivering the requirements are considered, this could include the use of a portable extension.

A scheme of adaptations must, in general terms, be reasonable, taking into account costs, building regulations and planning permission and the practicability of carrying out the works. Where a scheme involves substantial structural alterations or extensions, officers should consider re-housing the applicant as an alternative if more suitable accommodation is available.

The council's decision making will take into account the following specific expectations and presumptions:

- Grant work should properly and fully meet the assessed needs of the client. Grants which only partially meet those needs will only be considered in exceptional circumstances.
- Works funded by means of DFG will be the simplest and most cost-effective adaptations that will meet the clients assessed needs.
- Facilities will be provided on the ground floor unless the council judges that to be impractical or more costly.
- Wherever the council judges it to be a practicable and realistic option, the re-ordering and/or change of use of existing rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of equipment. This solution will also take precedence if it will result in a reduction in the requirement for, or cost of, equipment.
- There will be a presumption against provision of level-access showers on anything but the ground floor unless that is a cheaper and more practical option.
- There will be a presumption against approving a grant for adaptation of a new home if the client already occupies an adapted home. Each request will be assessed on a case by case basis, for example if the adaptations are no longer suitable or a recommendation has been made by an occupational therapist.
- There will be a presumption against the refitting of any adaptations which have previously been removed by, or at the request of the applicant.

- There will be a presumption against the adaptation of under-occupied homes, and of under – occupied social rented houses in particular, and
- There will be a presumption against the adaptation of overcrowded homes or homes which are likely to become overcrowded.

Applications for grant aided work will not normally be considered where works have started but have not been completed or where work has been completed.

## Mandatory Grant Amounts

The council has a statutory obligation to undertake eligible works up to a value of £30,000 (this includes architects fees and any other professional charges), subject to a test of financial resources, households may be required to make a contribution to the work.

Where the adaptation is for a child there is no test of financial resources.

There is no limit on the number of grants that can be approved, provided the need and eligibility criteria are satisfied and the work is reasonable, practicable and appropriate.

**Please note: If a grant of £30,000 has been awarded a further award cannot be made during the same financial year.**

## Repayment of Grant

There are certain grant conditions that run for a period of time following the completion of the grant (the grant condition period). These conditions will run from the certified date i.e. the date at which the council had certified that the works have been carried out to its satisfaction.

The amount of any grant which is repayable will be made a Local Land Charge against the property at the time of payment. The charge will remain in place for a period of 10 years from the certified date of grant completion. This will allow the council to recover its money at the point of any sale or transfer. The council has resolved that it will demand repayment by the applicant of such part of the grant that exceeds £5000, but will not demand an amount in excess of £10,000 if;

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

The council having considered:

- The extent to which the grant recipient would suffer financial hardship were they to be required to repay all or any of the grant;
- Whether the disposal of the premises is to enable the grant recipient to take up employment or to change the location of their employment;
- Whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the grant recipient or of a disabled occupant of the premises; and
- Whether the disposal is made to enable the grant recipient to live with, or near, any person who is disabled or infirm and in need of care which the grant recipient is intending to provide or who is intending to provide care of which the grant recipient is in need by reason of disability or infirmity;

- If the grant recipient dies, no request will be made for repayment.

And the council is satisfied that it is reasonable in all the circumstances to require the repayment.

The assumption is that the part of the grant that can be reclaimed following a disposal of the property will be recovered in full. However, if the grant recipient meets one of the criteria outlined above, the amount reclaimable will be reduced proportionately as follows:

- Breach within one year of the certified date, 100% of the grant will be repayable
- Breach in the second year, 90% of the grant will be repayable
- Breach in the third year, 80% of the grant will be repayable
- Breach in the fourth year, 70% of the grant will be repayable
- Breach in the fifth year, 60% of the grant will be repayable
- Breach in the sixth year, 50% of the grant will be repayable
- Breach in the seventh year, 40% of the grant will be repayable
- Breach in the eighth year, 30% of the grant will be repayable
- Breach in the ninth year, 20% of the grant is repayable
- Breach in the tenth year, 10% of the grant is repayable

In cases of financial hardship and on representation from the grant recipient, consideration will be given on a case by case basis to further reduce the grant repayable, however, this is likely only to occur if the recipient is in negative equity.

- This condition is a Local Land Charge and is binding on any person who is for the time being an owner of the dwelling or building. Any income that is generated through the repayment of Local Land charges will be re-invested in further work for adaptations.
- Charges will not be placed on property that is owned by a Housing Association as they will become the owner of the adaptation, unless it is a removable item.
- Charges will not apply where ownership of the adaptation has been signed over to another organisation.

## **Discretionary Grants**

The Regulatory Reform Order (2002) allows local authorities to provide grant funding outside of the statutory regulations, creating greater flexibility to meet local needs.

Under the Regulatory Reform Order, subject to budget constraints, Cumberland Council will consider, for residents of the former Copeland borough:

- Not means testing grants for anyone diagnosed with a terminal condition or longer-term degenerative conditions such as Motor Neuron Disease.
- Not means testing any grants under £6,000.

- Offering a grant for repairing or purchasing heating systems where there is a DFG adaptation being progressed and where fuel poverty or unsafe systems are identified as affecting health and wellbeing.
- Funding more than £40,000 for large extension projects on a case by case basis, looking at the applicant's circumstances.

The budget for DFG's will be kept under regular review throughout the financial year and where the allocated budget is under pressure mandatory grants may be given priority over discretionary grants.

## **Who can apply for a Disabled Facilities Grant?**

To apply for a Disabled Facilities Grant, you should either own the property or be a tenant (or licensee) and be able to provide the council with an 'owners certificate' or a 'tenants certificate'. If you apply as a landlord on behalf of a tenant, it should be clear on whose behalf you are doing so.

The criteria used for those applying are:

- The applicant is disabled as described by the Housing Grants, Construction and Regeneration Act 1996 as amended.
- The applicant is resident or will reside in the property as their main home for a period of ten years
- The applicant is over 18 or a guardian
- The property is a legal residence including dwellings, mobile homes, caravans and houseboats.
- The works are essential and are reasonable and practical to carry out.
- An Occupational Therapist has recommended the work.
- The owner of the property agrees that the adaptation can be carried out.
- 

## **Should a grant always be considered?**

It may be more appropriate for consideration to be given to moving to a home that can be more suitable adapted or already contains the facilities that are more suitable for individuals and families. The applicants' wishes will always be considered.

The council will ensure that Housing Associations aim to optimise the use of their stock in this way and offer priority to find a more suitable property.

## **Processing Requests**

We will maintain a list of all requests and they will be prioritised based on the Occupational Therapist recommendations into High Priority or Standard Priority.

Cases will be processed by priority and in date order of request. The list will include all the requests for all tenures.

## **High Priority**

This is assessed as service users whose adaptations should be a priority due to their identified level of risk.

High priority will be given to those requests where there is a serious and imminent risk to the health and safety of the occupant, or service users have a progressive illness which will deteriorate rapidly and become unmanageable without the provision of an adaptation.

## **Standard Priority**

Those who do not meet the above criteria, but are considered to be at some risk, and have an identified need for the recommended adaptation.

## **Grant Approval and Process**

The Occupational Therapy service will submit recommendations to the Housing Renewals Team for all tenures and will provide the details to the relevant Housing Association if it is in their property. This will be for information and for them to action in accordance with their policies.

On receipt of a recommendation from the Occupational Therapy service, details will be recorded by the Housing Renewals Team and an application pack sent to the client. A client can request a home visit to help complete the application when required.

When the application is returned, a test of resources is carried out. The client is informed that sufficient financial resources are available and legal checks for proof of ownership are also obtained.

For stairlifts ramps and other specialist equipment, the Occupational Therapy service will obtain and recommend the approval of a specific quote. For larger adaptations, a home visit will be arranged by the housing technical inspector. A schedule of works and plan is sent to two to three contractors who the client has pre-chosen to use. When all estimates have been returned and checked, the lowest option is confirmed and the grant approved.

If the person with disabilities is a tenant of a private landlord or Housing Association, the landlord/owner must give permission for the work to be carried out. Fixed items such as level access showers will usually become the property of the owner. Removable items that have been provided will normally be signed over to them to maintain and own.

## **Housing Associations**

Most Housing Associations have their own adaptation policies and set aside finances for works that are needed for their tenants, to assist them to remain in their own homes as set out in their policies.

Where an application request is received by a Housing Association tenant we would always discuss this with their landlord in the first instance.

## **Maintenance and Repairs of Adaptations**

The work and quality of the adaptation carried out is guaranteed for 12 months following the completion or in accordance with a manufacturer's guarantee.

- If there is a maintenance/repair issue during the guarantee period. the customer will contact the council.
- Copies of the guarantee will be provided to the landlords/owners.

After 12 months it will become the customer's responsibility to maintain and repair unless it has been signed over to the owner (i.e. Landlord/Housing Association) or Cumberland Council.