

- (a) whether the mobile home qualifies as a dwelling for the purpose of payment of council tax;
- (b) whether the applicant is in lawful occupation of the mobile-home;
- (c) where the purpose of the works is not one specified in paragraph 5 or paragraph 14 of Part I, whether: the applicant has occupied the mobile home as their only or main residence for a period of at least three years immediately preceding the date of the application; the mobile home has for that period been on land forming part of the same protected site within the meaning of the Mobile Homes Act 1983; and the applicant occupied the mobile home under an agreement to which that Act applies or under a gratuitous licence.

Annex I

*WILKINSON
Delivering Housing
for disabled people
A Good Practice Guide
Nov 2004*

DISABLED FACILITIES GRANT

Disabled Facilities Grant

1. The disabled facilities grant provisions in the Housing Grants, Construction and Regeneration Act 1996 largely restate the provisions in the Local Government and Housing Act 1989. However, the 1996 Act introduces a number of important changes, the details of which are included in the guidance which follows.

Role of the housing authority

2. In meeting their responsibilities under section 8 of the Housing Act 1985 to consider housing conditions and provision in their area, local housing authorities must have regard to the special needs of chronically sick and disabled persons in their area under their powers in section 3 of the Chronically Sick and Disabled Persons Act 1970, including the provision or adaptation of existing accommodation for their own disabled tenants. Authorities therefore have wide responsibilities in identifying disabled people who need help with essential adaptations arising out of their disability. Authorities should consider the needs of the disabled person in the context of their wider life-style and desired activities. Housing authorities' responsibilities under the grants legislation in Part I of the 1996 Act complement those responsibilities.

3. The administration of the disabled facilities grants (DFGs) provisions in Part I, through all stages from initial enquiry (or referral by the social services authority) to post-completion, remains the responsibility of local housing authorities. However, it is important that where appropriate, other bodies, especially social services authorities, play a full and active part at different stages of the grant process.

4. While there is a duty to consult social services on the housing adaptation needs of disabled people seeking DFGs (see paragraphs 37 to 42) it is the housing authority who must decide what action should be taken on that advice and also whether or not the application is approved having regard to whether it is reasonable and practicable to carry out the proposed works. However, if both the social services and housing authorities collaborate effectively it should be a rare occurrence where a housing authority determines not to approve particular adaptations recommended by the social services authority.

Role of the social services authority to assist with adaptations

5. Social services authorities' responsibilities under section 2 of the Chronically Sick and Disabled Persons Act 1970 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.

6. 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. Social Services authorities may also consider using their powers under section

17 of the Health and Social Services and Social Security Adjudications Act 1983 to charge for their services where appropriate.

Funding considerations

7. It is for housing authorities and social services authorities between them to decide how particular adaptations should be funded either through CSDP Act or through a DFG.

8. However, since DFGs were introduced in 1990 under the Local Government and Housing Act 1989, it has been common practice that equipment which can be installed and removed fairly easily with little or no structural modification of the dwelling is normally the responsibility of the social services authority.

9. For larger items such as *stairlifts* and *through floor lifts* which require such structural works to the property, help is normally provided by housing authorities through DFG. However, some routine installations may not involve structural work. To ensure that such adaptations are progressed quickly, the respective authorities should jointly agree a standard line on the installation of lifts which will apply unless there are exceptional circumstances. Authorities will wish to include arrangements for routine servicing, maintenance, removal and possible re-use.

Limit on mandatory grant and discretionary payments above the limit

10. The Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts) Order 1996 places a limit of £20,000 on the amount of mandatory grant which may be given for works under section 23(1). The Order also provides for authorities to award discretionary grant above the limit for works qualifying for mandatory grant under those provisions. The purposes for which discretionary grant is available under section 23(2) is given in paragraphs 31 to 35.

Eligibility

11. Broadly, the eligibility for DFGs remains unchanged. All owner-occupiers and tenants or licensees who are able to satisfy the criteria in sections 19 to 22 are eligible for disabled facilities grant. Landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the requirements in those sections. Council tenants and housing association tenants continue to be eligible to apply for DFG and are assessed for needs on the same basis as private owners and tenants and under the same means testing arrangements as described in *Annex J2*. Where a council tenant is seeking help with adaptations, it is for the authority to decide whether to carry out the works under its own resources for capital works or to advise the applicant to apply for a DFG. 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.

12. Where a disabled person is a council tenant residing in an overspill estate, it should be borne in mind that an application for DFG can only be made to the local authority in whose area the dwelling, which is the subject of the application, is situated and not to the particular council whose tenant the applicant is.

13. Section 19(5) extends eligibility for a DFG to a range of licensees for example secure or introductory tenants who are licensees, agricultural workers, and service employees such as publicans.

Works eligible for mandatory grant

14. The purposes for which mandatory disabled facilities grants may be given, set out in section 23(1), are largely unchanged but a new purpose has been added (see paragraphs 17 and 18). They fall into a number of categories.

Facilitating Access and Provision

15. These include works to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling and enjoying the use of the dwelling and the facilities or amenities within it. In particular "facilitating access by the disabled occupant to (or providing for the disabled occupant)"

- i. and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;
- ii. a room used or usable as the principal family room;
- iii. a room used or usable for sleeping, or alternatively providing such a room for the disabled occupant;
- iv. a room in which there is a lavatory, a bath or shower (or both) and a washhand basin or providing a room in which there is such a facility or facilities;
- v. the preparation and cooking of food.

16. In considering applications for grant towards such works, the presumption should be that the occupant should have reasonable access into his home, to the main habitable rooms within the home - namely the living room and bedroom, and to a bathroom or shower room in which there are suitable facilities for washing and/or showering.

Making a dwelling or building safe

17. Section 23(1)(b) is a new provision enabling grant to be given for certain works to the dwelling or building to make it safe for the disabled person and other persons residing with him. This may be the provision of lighting where safety is an issue or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems which causes him to act occasionally or regularly in a boisterous or violent manner damaging the house, himself and perhaps other people. Where such need has been identified, grant is available to carry out appropriate adaptations to eliminate or minimise that risk.

18. For those with hearing difficulties, an enhanced alarm system, which may be required in the dwelling to provide improved safety for the disabled occupant in connection with the use of cooking facilities or works to provide means of escape from fire could also qualify for mandatory grant under subsection (1)(b).

19. It would be inappropriate to be prescriptive on the particular works covered under subsection (b) but they might include the provision of specialised lighting, toughened or shatterproof glass in certain parts of the dwelling to which the disabled person has normal access or the installation of guards around certain facilities such as fires or radiators to prevent the disabled person harming himself. Sometimes reinforcement of floors, walls or ceilings may be needed, as maybe cladding of exposed surfaces and corners to prevent self injury. The Community Learning Disability Team, local Challenging Behaviour Resource Team, or RNIB may be able to advise. In these cases it will be for housing and social services authorities between them to decide on the most appropriate adaptations to be provided.

Room usable for sleeping

20. While in some cases a living room may be large enough to enable a second room for sleeping to be created, in smaller homes this will not be possible. The provision of a room usable for sleeping under section 23(1)(d) should therefore only be undertaken if the housing authority are satisfied that the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances. Where the disabled occupant shares a bedroom with

another person, mandatory grant may be given to provide a room of sufficient size so that the normal sleeping arrangements can be maintained.

Bathroom

21. The provisions in section 23(1) relating to the provision of a lavatory and washing, bathing and showering facilities have been separated to clarify that a disabled person should have access to a wash-hand basin, a WC and a shower or bath (or if more appropriate, both a shower and a bath). Therefore subsections (e) to (g), provide that mandatory grant should be given to provide a disabled person with each of these facilities, and facilitating their use.

Facilitating preparation and cooking of food

22. The provision in section 23(1)(h) covers a wide range of works to enable a disabled person to cater independently. Eligible works include the rearrangement or enlargement of a kitchen to ease manoeuvrability of a wheelchair and specially modified or designed storage units, gas, electricity and plumbing installations to enable the disabled person to use these facilities independently.

23. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate that certain adaptations be carried out to enable the disabled person to perform certain functions in the kitchen, such as preparing light meals or hot drinks.

Heating, lighting and power

24. People with limited mobility who remain in one room for long periods usually need more warmth in the dwelling than able-bodied people. Section 23(1)(i) therefore provides for the improvement of an existing heating system in the dwelling to meet the disabled occupant's needs. Where there is no heating system or where the existing heating arrangements are unsuitable to meet his needs, a heating system may be provided. A DFG should not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating to the dwelling should only be considered where the wellbeing and mobility of the disabled person would otherwise be adversely affected.

25. Section 23(1)(j) provides for works to enable a disabled person to have full use of heating, lighting and power controls in the dwelling. Such work includes the relocation of power points to make them more accessible, the provision of suitably adapted controls where a disabled person has difficulty in using normal types of controls and the installation of additional controls.

Dependent residents

26. Section 23(1)(k) provides for works to a dwelling required to enable a disabled occupant better access and movement around the dwelling in order to care for another person who normally resides there whether or not they are related to the disabled person. This may include spouse, partner or family member, another disabled person or a child. Importantly the dependent being cared for need not be disabled. Such works could include adaptations to a part of the dwelling to which the disabled person would not normally need access but which is used by a person to whom they are providing care and therefore it is reasonable for such works to be carried out.

27. It is the Secretary of State's view that the provisions of Section 23(1)(a)-(k) provide the flexibility to enable authorities to give help for the full range of adaptations to cover all the circumstances which may arise. These provisions enable authorities to provide mandatory grant to meet the adaptation needs of disabled people whose needs are less obvious, such as those with sight or hearing impairment. For instance, partially sighted people may require an enhanced form of lighting of a particular kind in the dwelling to enable them to carry out every day tasks and activities in the home. Such works may be required to facilitate access into and around the home and for such purposes as the

preparation and cooking of food, to improve the ability to use sources of power or to provide greater safety of the disabled occupant. Works for these purposes qualify for mandatory grant under section 23(1). Where safety is an issue, the works could qualify under subsection (1)(b).

28. However, decisions on whether such works are needed and if mandatory grant should be awarded in such cases are matters for the housing authority in consultation with social services in accordance with the provisions in Part I and will be based on individual circumstances. Where an applicant's prognosis implies that degeneration in the short term will occur, then this should be taken into account when considering the eligible works.

29. Section 23(1)(l) enables the Secretary of State to specify other purposes for which mandatory grant is approved.

Common parts

30. Housing authorities should bear in mind that disabled facilities grant is intended to assist towards works not only to dwellings but also to the common parts of buildings containing flats, where the disabled person is the occupant of one of the flats. The purposes for which grant is available for works to the common parts of such buildings are, in practice, limited to works to facilitate access to the dwelling through the common parts, or facilitating the use by the disabled person of a source of power, lighting or heating in the common parts.

Discretionary DFG

31. A DFG is available under section 23(2) at local authorities' discretion to make the dwelling or building suitable for the accommodation, welfare or employment of the disabled occupant in any other respect. Section 28(2) provides for a wide range of adaptation needs of a disabled person not covered by the mandatory grant provisions.

32. An example of "accommodation" might include works to provide more satisfactory internal living arrangements for a disabled occupant where the works are not of a description set out in subsection (1) of section 23 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. However, works which are of direct benefit only to other household members, should be considered for discretionary renovation grant under section 12(1)(e).

33. Adaptations for the purpose of making the dwelling suitable for the "welfare" of the disabled occupant might include 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 doors or pathways. Authorities may wish to give discretionary grant in such cases or may consider there is sufficient merit in including the works within mandatory grant: section 23(1)(a): as access for the disabled person to and from the dwelling (defined at section 101).

34. Other adaptations to meet welfare needs may include 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 costs of works.

35. The most obvious works to make the dwelling suitable for the "employment" of the disabled occupant could include adapting or providing a room to be used for a disabled person who is housebound but nevertheless is able to work from home.

36. Where an application involves a combination of works qualifying for both mandatory and discretionary grant, the authority should consider the application in the same way administratively for both types of works assuming that the authority decides to approve the discretionary elements of the application.

Collaboration and Consultation

37. Section 24 of the Housing Grants, Construction and Regeneration Act 1996 places a duty on housing authorities to consult social services authorities on the adaptation needs of disabled people seeking help through DFGs. For unitary authorities, the relevant department should be consulted on these matters. But housing authorities themselves must decide what action to take on the basis of that advice and therefore the level of adaptations, if any, for which grant is approved. The processing of grant applications is carried out by housing authorities and as such, it is the authority and not the occupational therapist who should be in the lead in playing a co-ordinating role for dealing with the grant applicant. However home improvement agencies and other agencies can provide a valuable service to elderly and disabled applicants in organising building works and raising finance to fund the works. Nevertheless, it is important that applicants are given the name of the officer of the authority who will act as the principal point of contact for the purposes of seeking information on progress with their application.

38. The duty under section 24(3) to consult the social services authority relates solely to the matters concerned in section 24(3)(a). There is no reason why the procedures for consultation need to be carried out in a particular way. For instance, in many cases the assessment of adaptation needs will have been carried out by the social services authority prior to the disabled person being referred to the housing authority for DFG. This is especially the case where an assessment has already been carried out under the requirements of the NHS and Community Care Act 1990 through which it may be determined that all or some of a disabled person's needs may be met under CSDP Act. However the decision on grant assisted works remains a matter for the local housing authority.

39. It is for social services authorities to decide in each case who should be involved in the assessment procedure in providing advice to the housing authority on the matters mentioned in section 24(3)(a). In most cases the assessment service will be provided by an occupational therapist employed by the social services department but it may be appropriate for others to be consulted in making the assessment. Above all however, it is important that the disabled occupant himself is involved in any discussions about an adaptation scheme. Others who may need to be involved will include:

- occupational therapist (OT) employed by health authority, private or voluntary organisation;
- applicant's GP;
- staff of health authority, including health professional;
- voluntary bodies;
- other household members
- home improvement agency or other agent appointed by the applicant

Where the housing authority employs its own occupational therapist, it will be important to maintain close collaboration with the social services authority to ensure an integrated approach to meeting the applicant's needs. Authorities should also bear in mind that, where such arrangements are in place the duty to consult social services authorities under section 24(3) still remains.

40. The priorities and demands being made on both grants departments and social services departments (particularly for OT assessments) may cause delays and the adaptation needs of disabled people

not being met in a sufficiently timely manner. Authorities should jointly agree policies and procedures for delivering help through DFGs or Home Repair Assistance which ensure that the service provided is efficient and effective. Appropriate procedures and standards for dealing with routine minor adaptations, will enable housing authorities to respond to simple needs without a prolonged assessment process. Such approaches will be consistent with guidance given to social services authorities under the new community care arrangements to develop assessment procedures which are flexible and appropriate to levels of need.

41. Where the housing authority is concerned that the adaptations are of an urgent nature or small but essential and it is aware of delays in obtaining an assessment by an OT, they may consider requesting the social services authority to ask others to carry out the assessment or requesting the social services department to accept a referral from another suitably qualified professional. This may include other health professionals with appropriate expertise, including the applicant's GP. This should help reduce delays and therefore speed up the grant process especially where more minor adaptations are required.

42. The Housing Renewal Grants (Services and Charges) Order 1996 made under section 2(3) of the 1996 Act specifies the preliminary or ancillary services and charges which are eligible for grant. One category which applies only in relation to disabled facilities grants is fees for the professional services of an occupational therapist engaged by the applicant in relation to carrying out the works. This does not include the costs of an occupational therapist acting on behalf of the social services authority in the discharge of their responsibilities under section 24(3)(a) of the 1996 Act (or any other enactment).

Good practice

43. Recent research commissioned for the Department indicates that there is wide disparity in the way local authorities deal with applications for DFG. Many of the difficulties associated with the involvement of separate authorities can be reduced if the respective authorities in a particular area adopt good practice in the administration of disabled facilities grant. Over the last few years, local authorities have developed innovative schemes in building up efficient and effective systems of co-operation and collaboration in the procedures for planning and assessment of those seeking help with adaptations through DFGs. There are a number of areas of good practice which local authorities should consider:

- a. creation of a single team (one stop service) where everyone involved (grant team, OT and HIA staff) work together as one unit in dealing with all aspects of the application from initial enquiry through to grant approval. It is recognised that this might be more difficult to arrange in non-unitary authorities. The local housing authority must not delegate its authority under Chapter I, Part I of the 1996 Act to determine the grant application. They should also consider providing applicants with a named contact point in relation to their grant works and ensuring applicants are aware of any local support group or forum;
- b. joint visits where adaptations to be provided are likely to be complex with high level of technical input;
- c. joint training involving the staff of housing, social services authorities and health which helps everyone to gain a clear understanding of each others' responsibilities and problems and therefore fosters good working relationships for the future;
- d. well documented policies and procedures on processing of grant applications as a ready source of reference available to staff in both authorities;
- e. regular liaison group meetings between staff from neighbouring local authorities to discuss problems arising and possible solutions for dealing with them. This forges good contacts and helps to disseminate good practice and working methods more widely and quickly;

- f. liaison committee involving more senior staff in the respective authorities meeting periodically to take a more strategic look at the operation of the housing adaptation services especially methods for prioritising demand under the new grant regime introduced by Chapter I, Part I of the 1996 Act. This might include discussion of policy areas across departmental responsibilities; and
- g. development of common data systems providing up to date information on progress of DFG casework. This identifies problems and therefore helps reduce delays.
- h. development of registers of adapted homes and of people looking for such properties.

44. The creation of the new unitary authorities provides a good opportunity for those authorities to review their present procedures to see whether improvements can be made to the current arrangements. It is appreciated that there will be more obstacles in setting up these arrangements in non-unitary authorities especially where housing and social services authorities are not situated in the same locality. Nevertheless, in these areas, authorities are urged to consider these options and seek to identify other good practice designed to improve the delivery of help to disabled people through DFGs.

Prioritising demand for DFGs

45. Advice on the setting of strategies for the use of DFG resources is given in *Chapter 7*. In setting their strategies for using those resources housing authorities will need to determine their priorities for meeting demand for mandatory disabled facilities grants. Many authorities already adopt a system of prioritising applications according to need and adopt a fast track approach to emergency cases where there is a clear need to provide early adaptations. Such cases will include applications for a disabled person whose disability arises following an accident and who is about to be discharged from hospital and therefore requires adaptations urgently. Local authorities should not use pre application tests as a way of delaying applications or avoiding their statutory duty to process applications within 6 months.

46. Some authorities have developed a priority system of ranking DFG applications under which those with a higher ranking are processed more speedily than others who have been given a lower ranking because their needs are less pressing. However, such decisions will not be taken easily and in some cases it will be difficult for the authority to determine that one person's needs are greater or more urgent than another's. In all cases authorities should keep the applicant fully informed of the date that they are likely to be notified of the outcome of their application.

Determination of whether works are necessary and appropriate

47. The local housing authority must satisfy itself that the works are necessary and appropriate to meet the needs of the disabled person under section 24(3)(a), and in doing so should consult the social services authority. They need to consider a number of factors. In particular whether the proposed adaptations or improvements:

- are needed to provide for a care plan to be implemented which will enable the disabled occupant to remain living in their existing home as independently as possible;
- would meet, as far as possible, the assessed needs of the disabled person taking into account both their medical and physical needs; and
- distinguish between what is desirable and possibly legitimate aspirations of the disabled person, and what is actually needed and for which grant support is fully justified.

48. In determining the needs of the disabled person consideration should be given to the particular household group in which the disabled occupant resides so that any adaptations being contemplated do not cause strain on the household which may lead to breakdown of the present care arrangements. For instance, a relevant factor might be the continued privacy of the disabled person or carer following completion of works.

49. DFGs are designed to give disabled people a degree of independence in the home. Consideration therefore needs to be given to the impact of adaptations on the level of care given to the disabled person and whether those tasks will be reduced or eased. Adaptation works would not have achieved their objective within a care package if the disabled person does not gain an acceptable degree of independence, where possible, or, where the disabled person remains dependent upon the care of others, where the adaptation does not significantly ease the burden of the carer.

Determination of whether works are reasonable and practicable

50. Section 24(3)(b) requires housing authorities to satisfy themselves whether it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling or building.

51. Under section 24(4) the question of the property's fitness for human habitation is a matter the local housing authority can take into account in determining the section 24(3)(b) question relating to reasonableness and practicality. This means that in a suitable case, the local housing authority can approve an application for DFG even where on the completion of the works the property is unfit for human habitation. Where, on inspection of a property in connection with a DFG application, it is found to be unfit to the extent that it would clearly be unreasonable and impractical to proceed with the proposed adaptations, the housing authority should, in consultation with the social services authority, consider alternative solutions in deciding the most appropriate course of action. Such considerations might include:

- urging the disabled occupant to seek a renovation grant to make the property fit following which the proposed adaptations can proceed;
- considering whether a reduced level of adaptations to the property, which would satisfy the needs of the disabled occupant and also satisfy the practicality considerations, would be appropriate;
- considering with the disabled person rehousing to other more suitably adapted accommodation in the locality, especially if the disabled person expresses such a preference. This would make sense if major expenditure on adaptations could be avoided and a suitably adapted house was available.

Age and condition of property

52. There is no minimum age of a property which is the subject of a DFG application: section 4(1)(a). Nevertheless, housing authorities need to have regard to a number of factors in deciding whether it is reasonable and practicable to carry out the relevant adaptation works. Each case will present its own problems which need to be resolved in reaching decisions on grant approval but the following are issues which commonly arise in the processing of grant applications:

- (a) the architectural and structural characteristics of the dwelling may render certain types of adaptation inappropriate;
- (b) the practicalities of carrying out adaptations to smaller properties with narrow doorways, halls and passages which might make wheelchair use in and around the dwelling difficult;
- (c) conservation considerations and planning constraints may prevent certain types of adaptation being carried out;
- (d) the practicalities of carrying out adaptations to older properties with difficult or limited access e.g. steep flights of steps making access for wheelchair use difficult and therefore making continued occupation of the dwelling open to question;
- (e) the impact on other occupants of proposed works which will reduce or limit the existing facilities or amenities in the dwelling.

Grant conditions

53. Owner applicants for DFGs are required to provide an "owner's certificate" under section 21 in relation to future occupation. Where a tenant applies for a DFG, a "tenant's certificate" is required under section 22 - also an owner's certificate from the landlord is also required, unless the authority consider it is unreasonable in the circumstances to require it. Details of these provisions are given in Annex F.

54. The conditions requiring repayment of grant on breach of occupation or letting requirements or the disposal of the dwelling under Part I do not apply to any application for disabled facilities grant.

Means testing

55. The arrangements for means testing those applying for DFG is different from applications for renovation grants. The Housing Renewal Grants Regulations 1996 provide a definition of "relevant person" for the purposes of applications for DFG. This reflects the new policy that the test for DFG should take into account only the resources of the disabled occupant, where this is the applicant, their spouse and partner. Full details on the operation of the means test are given in Annex J2.

Successive applications

56. For those disabled people whose conditions are degenerative, further adaptations to their home to cater for their deteriorating condition may become necessary at a later date. The grants legislation in Chapter I, Part I of the 1996 Act places no express restriction on successive applications for DFG on the same property. In such cases and depending on the time lapse between the two applications, provision is made in the Housing Renewal Grants Regulations to reduce the amount of an applicant's current contribution. The contribution will be reduced by any previous assessed contribution if the applicant went ahead with the previous adaptations. This means that existing commitments in respect of previous applications are disregarded if the most recent application is made within the lifetime of the notional loan assumed for the purposes of the test (five or ten years depending on whether the applicant is a tenant or an owner). For example, if the applicant's contribution was £8,000 and the amount of grant was £10,000 any contribution in a subsequent application within the time limits of five or ten years, would be reduced by £8,000. If, on the other hand the applicant's assessed contribution was £12,000 any contribution in a subsequent application would be reduced by £12,000.

57. 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.

Delayed payment of DFG

58. The section 34 requirement to notify an applicant as soon as reasonably practicable and not later than six months after the date of the application, whether the application is approved or refused applies to DFG applications. However under section 36 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.

59. The purpose of the provision is to provide authorities with discretion to delay payment of mandatory DFG for up to twelve months from the date when a valid application was made in exceptional circumstances where, because there is a particularly heavy caseload of applications involving works which attract mandatory grant, the approval of applications within the statutory six months

required by section 34 would present serious resource problems for the authority towards the end of the financial year.

60. Section 36 provides a power and authorities are not obliged to use it. It is provided to ensure that where problems arise, authorities have the flexibility to schedule mandatory grant payments, particularly between financial years.

61. An authority wishing to use the section 36 power may consider that it would be appropriate to defer payment of a mandatory DFG where, for example, particular adaptations are required for someone moving to a dwelling at a later date and therefore the works and payment can both be deferred to a later date without hardship to the applicant. However, it is the Secretary of State's view that the section 36 power should be used sparingly and not where it would cause hardship or suffering to an applicant whose adaptation needs have been assessed as urgent, for example where a disabled person will be leaving hospital or residential care to return home or to move into a new dwelling. It is also likely to be inappropriate to use the section 36 power where the long term costs of doing so would be disproportionate to the short term savings.

Insurance and legal claims

62. Section 51 of the 1996 Act provides that a local housing authority, in approving an application may, with the Secretary of State's consent (Annex J4), impose a condition requiring the applicant to take reasonable steps to pursue a legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim.

63. Authorities should consider imposing such conditions where the applicant has made or could make an insurance claim or a legal claim against another person for damages to the property, or (in the case of a legal claim) for damages where the costs of the works to the property was part of the claim. Further guidance on the provisions relating to insurance and legal claims in Section 51 is given in Annex F.

Recovery of equipment

64. Section 52 allows local authorities with the consent of the Secretary of State to impose additional conditions on the approval of grant. Breach of any such condition will enable the local authority to demand repayment of the grant. Such conditions as authorities may impose may now cover matters occurring both before and after the certified date. There is a general consent, at Annex J4, and this includes imposition of a condition that specialised equipment such as a stairlift may be recovered by the local authority where it is no longer required. Where an applicant is making a significant contribution to the cost of the adaptations an authority should consider carefully any proposed conditions. In practice social services are best placed to recover the equipment so that it can be re-assigned to another person in need of such equipment. Where it is clear that the equipment will not be re-used because of age or condition a local authority may decide to waive their right to recovery.

Works zero-rated for VAT purposes

65. The supply of the following works will be zero-rated for VAT where they are carried out to a person's private residence:

- (a) the construction of ramps or widening doorways or passages for the purpose of facilitating the disabled person's entry to or movement within the building, including any preparatory work or making good;
- (b) the installation of a lift for the purpose of facilitating the movement of the disabled person between floors of the building. Repair and maintenance or preparatory works, making good and restoring of decorations are also zero-rated;

- (c) the providing, extending or adapting of a bathroom, washroom or lavatory where such provision, extension or adaptation is necessary by reason of the disabled person's condition. In addition, other work essential to the provision of these facilities can be zero-rated.

In order for this supply of goods or services to qualify for zero-rating the supplier or contractor must obtain a form of declaration from the disabled person.

Small adaptation works and Home Repair Assistance

66. Where a disabled person requires help for small works of adaptation to their home, authorities should consider providing *home repair assistance* where the disabled person meets the eligibility criteria and where the costs can be contained within the cost limits imposed on that assistance. Steering disabled people to home repair assistance in appropriate cases will ensure they receive more speedy help than through the more complex procedures for DFG. Guidance on the use of HRA for this purpose is given in *Annex H*.

Annex J1

FINANCIAL MATTERS

A. Allocation of Resources for Private Sector Renewal

1. For the financial year 1997/98 onwards, the provision for private sector renewal and for disabled facilities grants will be made separately.
2. Local authorities will continue to be required to bid for resources for both disabled facilities grants and for other private sector renewal, as part of the HIP round. Ministers will have 100% discretion in the allocation of resources to each authority within each region. However, the allocations will be informed by indicators of local authority need and the content and quality of each authority's strategy and performance.

Disabled Facilities Grants

3. Subsidy towards expenditure on disabled facilities grants, both mandatory and discretionary, will continue to be paid as Specified Capital Grant (SCG), and resources will be allocated as a separate guideline figure in HIP, representing the maximum Supplementary Credit Approvals (SCAs) the Department can guarantee to provide to each authority to compensate for the need to reduce relevant credit approvals, pound for pound, on receipt of the SCG, in accordance with section 57 of the 1989 Act. Further information on SCAs and their distribution is given in *paragraphs 12 to 19 below*.

Other Private Sector Renewal Expenditure

4. Resources for other private sector renewal expenditure, ie renovation grants, slum clearance, group repair, renewal areas, relocation grants and improvement for sale, will be paid as Specific Grant, to be known as Private Sector Renewal Support Grant, and will be cash limited. This means that the allocation to local authorities in their HIP will be a capped amount above which no Exchequer contribution will be paid but there will be no requirement to reduce credit approvals.
5. The allocation represents the 60% of expenditure that is eligible for Exchequer contribution. Authorities must find from their own resources, the remaining 40%. They are not required to claim up to the limit of their allocation. If any authority will not require the full amount allocated in HIP, they should inform their local Government Office, preferably at second advance claim stage, so that the unused resources may be made available to other authorities in the region who have a need to spend more than their allocation will support.
6. However, before offering up specific grant resources, the authority must be certain that the resources will not be needed during that financial year. Should the authority have formally relinquished part of their allocation, the Department will not be able to pay subsidy on any additional expenditure that might be shown in the authority's final claim, where this exceeds the authority's reduced allocation.

B Method of Payment:

Specific Grant : Private sector renewal support grant

7. From 1 April 1997, payments of grant to authorities will continue to be made as ten monthly payments on account, paid as specific grant and based on the amounts claimed in the first and second advance claim forms. Adjustments will be made, where necessary, on receipt of final advance and audited claim forms.