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| **Disabled Facilities Grants and Associated Assistance** |
| Policy |

Document Control

Document Title: Disabled Facilities Grants and Associated Assistance Policy

**Summary**

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| Related Policies, Strategies, Guideline Documents | ODPM circular 05/2003 Housing Renewal  Reliefs from VAT for disabled and older people (VAT Notice 701/7)  The Construction (Design and Management) Regulations 2015  NHS Continuing Care for Children  Better Care Fund  Housing Adaptations for Disabled People: A detailed guide relating to legislation, guidance and good practice, published by the Home Adaptations Consortium in 2013 and updated in 2015)  Adult Care Financial Hardship Procedure |
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| Policy Owner (Name/Position) | Helen Murphy, Head of Governance and Business Support |
| Policy Author (Name/Position) | Kathryn Andrew, Prevention Service Manager |
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Table of Contents

1. Executive Summary

2. Introduction

3. Aims and objectives of the policy

4. Eligibility to apply for a DFG

5. Assessment and prioritisation

6. Means testing and hardship

7. Applicant financial contributions (including works costing in excess of the maximum grant limit)

8. Eligible works

9. Works non eligible for grant assistance

10. Use of rooms and minimum room sizes

11. Bathroom works

12. Kitchen adaptations

13. Through floor lifts (vertical lifts)

14. Ramping and external access

15. Adaptations to kerbs to create access to driveways or hardstandings

16. Access to gardens/fencing and safe play areas

17. Two (or more) dwellings converted into one

18. Party Wall etc Act 1966

19. Disrepair

20. Asbestos

21. Electrical issues

22. Maintenance and warranties

23. Overcrowding

24. Applicant’s own choice of adaptation

25. Works costing £10,000 or less – Discretionary Home Repairs Assistance Grant (DHR)

26. Adaptations for disabled children spending time in more than one property

27. Changes in circumstances leading to cancellation after the grant has been approved

28. Repayment of DFG

29. Contractors undertaking the works

30. Working with Registered Social Landlords (RSLs)

31. Respite/relocation during works

32. Panel decision making

33. Data Protection Act 2018 and General Data Protection Regulations (GDPR)

34. Appeals and complaints

35. Summary of other discretionary related assistance

36. Process for monitoring compliance and effectiveness of the policy

37. Review

38. Appendices

# 1. Executive Summary

# This policy sets out how the mandatory provision of Disabled Facilities Grants (DFG) under the statutory powers of the Housing Grants Construction and Regeneration Act 1996 (HGCRA) and associated Acts and Statutory Instruments are applied in practice in Rochdale. There are also references relating to discretionary forms of assistance, within the wider Housing Grants and Assistance Policy, which is made under alternative powers of the Regulatory Reform Order 2002.

# Introduction

# 2.1 DFGs are a national programme funded by Central Government to help to ensure that people with a disability can continue to live independently and safely within their own property.

2.2 The DFG legislation and regulations are governed by the [Housing Grants, Construction and Regeneration Act 1996](http://www.legislation.gov.uk/ukpga/1996/53) and associated regulations. The legislation places a statutory and mandatory duty on Local Authorities to provide grant assistance, if the application meets the criteria set out in the legislation.

2.3 The minimum threshold for a DFG is £1,000 and the maximum upper grant limit is £30,000 (including VAT, if applicable, and local authority fees of 10% or £250 plus VAT, whichever is the greater).

2.4 The legislation requires a DFG to be subject to a financial means test.

2.5 The necessary adaptation should be provided within the footprint of the existing property wherever it is possible to do so. This can include changes to existing layout and use of rooms in the property.

If it is not possible to provide the necessary adaptations within the footprint of the existing dwelling, any adaptations must be provided within the curtilage of the property. Adaptations will not be considered in any outbuildings that are not linked to the main dwelling, nor will any separate building be erected that is not linked to the main dwelling. NB ‘Curtilage’ can be described as the land immediately surrounding a house as referred to in the deeds to the property.  ‘Footprint’ can be defined as the area occupied by the dwelling house only, excluding outside areas, which must be wholly within the curtilage.

2.6 A DFG is only available for the disabled person’s main residence, it cannot be provided for second or holiday homes.

2.7 A DFG will provide the most modest, practical and cost-effective adaptation to meet the assessed needs of the disabled person, ensuring that the limited resources are able to meet demand across the borough.

2.8 A DFG will not, under any circumstances be provided in retrospect if works have been undertaken prior to a formal DFG application and approval.

**3. Aims and objectives**

3.1 To improve the lives of people with disabilities by enabling them to remain independent and safe in their own home with the use of adaptations.

3.2 To reduce the need for domiciliary and residential care by allowing people with disabilities to live more independently in their own homes.

3.3 To provide advice, information and support regarding the adaptation of properties to meet disability needs.

3.4 To treat individuals fairly regardless of age, sex, gender, disability and sexual orientation, or any other protected characteristic within the Equality Act and to protect their rights under data protection and human rights legislation.

3.5 To provide clarity and transparency as to how the council will apply the DFG legislation and details around the decision making process.

3.6 Rochdale Borough Council’s vision is:

*“We are a council which builds success and prosperity with our citizens and partners, whilst protecting our vulnerable people.*

*We want to improve the lives and wellbeing of elderly, vulnerable and disabled people and believe that all residents of the Rochdale Borough who have a disability, or long term condition should have a safe and suitable home to meet their disability needs, so that they can remain living as independently as possible in their own home”.*

**4. Eligibility to apply for a DFG**

4.1 To be eligible to apply for a DFG, a person must have a disability, which includes substantial impairments in sight, hearing or speech, any mental disorder or impairment or any substantial physical disability, whether from birth or through illness or injury.

4.2 The following forms, details and permissions are required for an application to be considered a “valid application” and a DFG cannot be approved until all of these have been provided and verified:

1. Referral from an Occupational Therapist (OT) (or authorised professional e.g. OT Assistant, Trusted Assessor etc.) determining the works are “necessary and appropriate” (the Authority cannot refuse to accept a referral from an independent OT, usually employed directly by the prospective grant applicant, but retains its duty to undertake its own holistic assessment and no decision on grant eligibility will be made until our own assessment and recommendations have been made);
2. Property survey and evidence from a Building Adaptations Officer that the works are “reasonable and practicable”;
3. Application form (Appendix 1);
4. Certificate of occupation (owners or tenants);
5. Confirmation of ownership (land registry search, investigation of title form);
6. Permission of the owner;
7. Means test form and proof of all financial information (Appendix 4);
8. Schedule of work;
9. Plans (if applicable);
10. For work costing over £4,999, a minimum of 3 quotes from a contractor meeting the criteria in Section 26, unless a procurement framework (enabling us to purchase specific goods or services at an agreed price) is in place;
11. Estimates and evidence of any fees included within the grant e.g. architect, planning etc.;
12. An asbestos survey report (if applicable);
13. Planning and Building Control permissions and approvals (if applicable).

4.3 The applicant must have recourse to public funds and be eligible to apply for a DFG, as defined in the [Housing Grants, Construction and Regeneration Act 1996](http://www.legislation.gov.uk/ukpga/1996/53). Further information can be found within the Adult Care “No Recourse to Public Funding (NRPF) guidance”.

4.4 The applicant must be able to prove that they live in the property as their only or main residence and this will be verified with other records, such as council tax, electoral register, benefits agency, or any other appropriate means.

4.5 The following situations will not usually be eligible for DFG:

1. Where the owner has a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so;
2. Where the residence is not regarded as permanent and the intention to remain there for 5 years does not exist;
3. Where the works to be carried out are covered by insurance and the applicant is able to make a claim;
4. Where the building is not within the footprint of the existing dwelling, e.g. an outbuilding or shed;
5. Where the property is in a poor, or dangerous condition and remedial work is required prior to the DFG works being undertaken, e.g. electrical rewire, failure of damp proof course (DPC), or other significant elements of disrepair, as identified by the Building Adaptations Officer or Surveyor;
6. The property size, type, location or layout are such that it is not reasonable or practicable to adapt, which would be decided by the Adult or Children’s panel, as detailed in Section 29 of this policy;
7. The property is over occupied and doesn’t meet the needs of the family residing there;
8. The disabled person (or their family in the case of a child) do not have the right to remain, or access to public funds;
9. The property has been converted, or had other building works carried out, which are not appropriately approved or certified by Planning, Building Control, or other statutory body. NB certain alterations and extensions are exempt from statutory control, or could be very minor or of a very long standing nature.  In such instances a reasoned approach will be taken based on the circumstances in each case.  ‘Converted’ can be taken as meaning adapted from non-residential to residential use, with or without associated alterations and upgrading work. (See Section 14 relating to knock-throughs between properties).

**5. Assessment and prioritisation**

5.1 As detailed in section 4.2 (a) above, the DFG process will not commence until an assessment has been undertaken by an Occupational Therapist or suitably trained and qualified Occupational Therapy Assistant.

5.2 All assessments with a recommendation of a major adaptation will be given a priority score, from 4 to 12 (4 being the highest priority and 12 the lowest), based on need and risk, using the scoring matrix and criteria at appendix 2)

5.3 The priority scores will be used to determine how cases are processed, allocated to Building Adaptations Officer and scheduled with the contractor.

5.4 In very exceptional cases - for example, if a case of sudden onset of certified terminal illness, or where a faster deteriorating prognosis is presented to us, the case will be reviewed by an Occupational Therapist and any change in Priority score approved by a Senior Practitioner. A review will then take place by the HIA to determine whether there would be any change in their position.

5.5 When a referral is received by the HIA, a letter and information pack will be sent to the applicant, providing details of their priority score, estimated waiting times and process.

5.6 If an applicant chooses to pay a private OT for an assessment for adaptations, the report will be accepted, on the basis that it has been provided by a suitably qualified and experienced OT, who is currently registered (and can be checked) by the HCPC. The report itself does not guarantee any eligibility for a DFG, as it may not follow the stepped approach with equipment first used by RBC. It would also need to be given a priority score consistent with other OT assessments, as detailed in 5.3.

5.7 If an independent OT assessment is used which results in a DFG being approved, fees to cover the cost of the assessment up to the value of £150 can be included within the DFG.

5.8 Where a referral to the HIA for adaptations is for a person over the age of 60, they will be referred to a Housing Options for Older Persons (HOOP) Worker, so that they can discuss all possible housing options alongside major adaptations.

**6. Means testing and hardship**

6.1 The Housing Grants, Construction and Regeneration Act 1996 requires all DFGs to be means tested, except if the application is on behalf of a child or young person aged 18 or below. There is a discretionary grant, detailed in Section 22 of this policy, which is not means tested. There are also some other types of discretionary grants which are summarised at Section 32, which are not means tested.

6.2 Details of the applicant’s income and that of their partner (both earned and unearned), savings (over £6,000) and capital assets (such as other properties) are required to be assessed to determine if the applicant has a contribution to make, (see Appendix 3 for more details and examples).

6.3 If the means test contribution is higher than the cost of works, a DFG cannot be awarded.

6.4 If the means test contribution is less than the cost of works, the DFG will be the difference between the cost of works and the means test contribution.

6.5 Applicants who receive certain specified “passport” benefits are exempt from the means test, but would have to evidence their benefit entitlement - see Appendix 4 for details of “passport” benefits.

6.6 The council does not have the discretion to “waive” any means test contribution for a DFG in line with the above legislation, but in some cases where an applicant has a contribution and they are in hardship, the Home Improvement Agency (HIA) will support them in making applications to a range of trust funds, or in some cases, equity loans. Any remaining issues in respect of affordability will be dealt with in line with the Adult Care Hardship Policy.

6.7 In situations where an applicant has had a means tested contribution to a DFG within the previous 10 years, where the DFG was completed, that contribution can be deducted from any subsequent means test contribution, within a 10 year period.

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**7. Applicant financial contributions (including means test contribution and works costing in excess of the maximum grant limit)**

7.1 An applicant may have a contribution from the means test, as detailed in Section 5 above, or due to the cost of works being in excess of the maximum grant. In these circumstances, the applicant must be able to evidence that they have the amount of money required available in their bank account, or an official loan agreement before the DFG will be approved.

7.2 Where an applicant contribution is applicable, the applicant will make this payment directly to the contractor, when advised by the HIA. It will usually be when the works have been completed to a standard deemed satisfactory by the Building Adaptations Officer or other representative of the council. In the case of larger scale works, where stage payments are being made, the applicant will be asked to make the first payment, on receipt of a valid invoice from the contractor which has been approved by the HIA.

7.3 If the applicant is an RSL (Registered Social Landlord, previously known as Housing Association) tenant, the HIA would request the RSL to consider making a full or part contribution on behalf of the applicant. If the RSL is not willing to contribute, the HIA will work with the applicant to seek an alternative adapted property, or make applications to suitable charitable trust funds if they do not have the ability to make their own contribution.

7.4 If the applicant is a private tenant, the HIA will offer advice on rehousing options, or charitable trusts, if the applicant or landlord does not want to make the required contribution.

7.5 If the applicant or owner can evidence that they do not have the funds or cannot reasonably get the funds from anywhere else, a maximum discretionary top up grant of £25,000 can be awarded, which will be placed as a local land charge on the property, to be repaid in full when the property is sold or it changes ownership at any point in the future. In these circumstances, the decision to award the top up grant will be made by either the Adult or Children’s panel, as referred to in Section 29 of this policy. The owner of the property would need to agree in writing for a charge to a placed on their property.

**8. Eligible works**

8.1 The Housing Grants, Construction and Regeneration Act 1996 sets out the purposes for which a DFG can be approved:

1. Facilitating access by the disabled occupant to and from the dwelling, or the building in which the dwelling is situated;
2. Making the dwelling safe for the disabled occupant and other persons residing with them;
3. Facilitating access by the disabled occupant to a room used or usable as the principal family room;
4. Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
5. 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;
6. 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;
7. Facilitating access by the disabled occupant to, or providing for the disabled occupant, to a room in which there is a wash hand basin, or facilitating the use by the disabled occupant of such a facility;
8. Facilitating the preparation and cooking of food by the disabled occupant;
9. Improving any heating system in the dwelling, to meet the needs of the disabled occupant or, if there is no existing heating system or any such system is unsuitable for the use by the disabled occupant, providing a heating system to meet their needs;
10. 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;
11. Facilitating access and movement by the disabled occupant around the dwelling, in order to enable them to care for a person who is normally resident there and is in need of such care;
12. Facilitating access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant.

8.2 Only works that are ‘necessary and appropriate’ to meet the needs of the disabled person as identified by an Occupational Therapist (OT), or authorised workers will be eligible for DFG funding.

8.3 Grant works should fully meet the assessed needs of the disabled person and grants which partially meet those needs will usually only be considered in exceptional circumstances, e.g. a level access shower wouldn’t be provided on the first floor of a property where there is no safe means of the disabled person going up and downstairs. An exception may be in a situation where a disabled person is living with other family members, has access to family living space on the first floor and never leaves the property or has any wish, or need to go downstairs.

8.4 Where the OT is recommending multiple adaptations and the applicant declines one or more of the elements and the OTs have determined that this would increase the risk to the applicant, none of the adaptations would proceed.

8.5 In determining “necessary and appropriate”, the OT assessment will give consideration to the potential for using equipment, making minor adjustments to the home and other solutions such as moving to a more suitable property, before determining that a DFG is the necessary and appropriate solution to meet the disability needs.

8.6 The OT assessment will be undertaken and include all impact and factors including home environment. Any additional evidence will be gathered and all equipment and minor adaptations considered and tried where appropriate. Recommendations by the OT, or authorised assessor will be made under Section 23 of the Housing Grants Construction and Regeneration Act 1996 and reviewed and authorised by a designated Manager. The assessment may include writing to the GP, hospital consultants and other specialists involved with the applicant, to assist in gaining a baseline position and also for prognosis and the potential longer term development of the condition or illness. In some cases, an assessment can’t be completed, or finalised until the applicant is optimised, for example, until a treatment regime has ended, or the required rehabilitation period following surgery.

8.7 Following the OT assessment and recommendation, the Home Improvement Agency must determine whether it would be “reasonable and practicable” to adapt the property. The considerations made by the Building Adaptations Officer as to whether it is “reasonable and practicable”, are as follows:

1. The layout, construction, age and condition of the property, e.g. narrow stairs and corridors;
2. The number, ages and needs of the other occupants of the accommodation;
3. The use of the accommodation by the disabled person and any other occupants, including relationships and how they interact;
4. The location of the accommodation, e.g. steep access to the property;
5. Any other options that have been considered less practicable than the proposed work;
6. The cost of the proposed work, compared to the likely cost of any alternatives;
7. Planning and Building Regulation constraints;
8. Successful adaptations carried out in similar types of accommodation;
9. The implications of carrying out the required adaptation with regard to its future use and classification and potential hardship issues, e.g. spare room subsidy.

8.8 The Adult or Children’s panel will make decisions as to whether a property is deemed as unsuitable to adapt. See section 32 for more details on panel decision making.

8.9 Once a decision has been made on whether it is reasonable and practicable to adapt and have advised the applicant of the adaptations we are able to undertake, they will have 28 days to advise if they wish to proceed with our scheme, or choose their own adaptation (see Section 24). If the applicant has not confirmed their intention after 28 days, the adaptation will be closed, unless there are exceptional circumstances for the grant to remain open for a further period.

**9. Works non-eligible for grant assistance**

9.1 A DFG will not be provided in the following circumstances, or for the following provisions:

* Refitting adaptations previously provided which have been damaged, or removed by the applicant or member of their family;
* Provision of secondary access from the dwelling house, unless there are exceptional circumstances as approved by Panel;
* Formation of patios, decked areas, garden paths, walkways from garages and sheds;
* Storage areas and charging points for wheelchair/scooters;
* Creating a safe play area and/or fencing, unless there are exceptional circumstances as approved by Panel;
* Storage areas for example children’s equipment, medical equipment etc.;
* Parking bays/disabled parking areas;
* Dropped kerbs, hard standings and ramps for non-wheelchair users/non-drivers (dropped kerbs, hard standings and ramps will only be considered when a person has been assessed by the Wheelchair Service as meeting the criteria for wheelchair provision); and
* Automatic door opening systems to main doors will not be provided unless the disabled person is otherwise unable to open the door, to safely access and egress (leave) the property independently (this would usually only apply to wheelchair users).

9.2 The above list is not exhaustive and other works may be deemed to be non-eligible if the Council does not consider that the service user/s meet the criteria/requirements, set out in the legislation and policy.

**10. Use of rooms and minimum room sizes (also refer to Section 23)**

10.1 Adaptations should be undertaken within the existing footprint of the property, wherever it is possible to do so. All existing rooms within the property must be considered and reconfiguration would be the first option, prior to any consideration of an extension. Reconfiguration of rooms on both the ground floor and upper floors would apply, with change of use from a second family room, or dining room on the ground floor, or changes in bedroom occupancy, or number on the upper floors being made if this makes it possible to meet the needs of the disabled person within the existing footprint of the property.

10.2 If a stair lift or vertical lift is not feasible to enable the disabled person to access bedroom and/or bathroom facilities on the upper floor, and where there are two family rooms on the ground floor, these ground floor rooms must be used if possible for providing bedroom and/or bathroom facilities. An extension will not be considered where it is possible to make provision within one of these existing rooms, regardless of what the room is currently used for.

10.3 The following room sizes are used as a guide when designing extensions and reconfiguring rooms within the existing building footprint. Sufficient space must be allowed to enable safe and convenient movement around and between the rooms as necessary. This should allow for wheelchair access or access with a walking frame as appropriate. It is not possible to give room size guidance for all the differing scenarios of occupancy that may be encountered. Wherever possible, the sizes provided in the tables below should be used, but in exceptional circumstances, where these sizes would not meet the assessed needs, an increased size would need to be approved by the Panel and full justification would be required (medical, technical etc).

|  |  |  |  |
| --- | --- | --- | --- |
| Number of people in household  Children under 10 count as 1/2 | **Principal Family Room with separate dining room or kitchen / diner**  Measurements in square metres | | |
|  | **Ambulant person** | **Wheelchair user** | **Electric wheelchair user** |
| 2 | 9.50 | 10.50 | 11.00 |
| 3 | 10.70 | 11.70 | 12.20 |
| 4 | 12.20 | 13.20 | 13.70 |
| 5 | 14.50 | 15.50 | 16.00 |

|  |  |  |  |
| --- | --- | --- | --- |
| Number of people in household  Children under 10 count as 1/2 | **Principal Family Room where no separate dining area exists**  Measurements in square metres | | |
|  | **Ambulant person** | **Wheelchair user** | **Electric wheelchair user** |
| 2 | 12.50 | 13.00 | 13.50 |
| 3 | 13.70 | 15.20 | 15.70 |
| 4 | 15.20 | 16.70 | 17.20 |
| 5 | 17.50 | 19.00 | 19.50 |

10.4 From the family discussions that have taken place, the OT will normally indicate whether the disabled person sleeps with their partner and whether a double bedroom would be required. If a request for a double bedroom is made at a later point in the process, the OT will need to justify that request and a panel decision be made (see Section 29 of this policy for Panel decision making).

| **Bedrooms** | **Minimum room measurements in square metres** |
| --- | --- |
| Single bedroom  Minimum room width 2.15m | Ambulant person 7.50  Bedroom with specialist bed 12.50  Manual or electric wheelchair user 8.00 – 12.50  Wheelchair user with carers bed 14.70  Bedroom / bathroom with H frame track hoist system 20.00  Bedroom / bathroom with H frame track hoist system  + carers bed 22.00 |
| Double bedroom  Minimum room width 2.75m | Both ambulant persons 11.50  1 Ambulant person and 1 wheelchair user 14.70  Both wheelchair users 15.50 |

10.5 Children with disabilities and their families have particular needs which must be recognised. Unless a child is imminently terminally ill, allowance must be made for his/her future development including physical growth. The extension should therefore be sufficient to allow access for the disabled person as an adult.

10.6 The bedroom for a child must also allow for a single bed for a parent or carer, if there is an evidenced need for the child to be supervised at all times during the night. If the evidenced needs and risks could be managed with assistive technology or in another way, additional space for the parent to sleep in the room will not be provided.

10.7 It is expected that children will share bedrooms, wherever it is deemed appropriate for them to do so. Where a child has behavioural problems and sharing a bedroom with a sibling has been assessed and evidenced by the OT (and discussed and approved at the appropriate panel) as presenting a risk to the health or safety of either that child or the sibling and there is no other suitable alternative, e.g. changing the configuration of which family members sleep in which rooms, a DFG can be considered for the provisio of an additional bedroom. If the property will be overcrowded, even with the provision of an additional bedroom, a DFG should not be used and alternative housing options to accommodate the whole family should be considered.

**11. Bathroom works**

11.1 When a level access shower is being provided, or other works to adapt a bathroom, the following will apply:

* Existing toilet and sink will be reused if it is in a functional condition. The colour or style of the existing suite will not necessarily be taken into account, e.g. a coloured sink will not be replaced as standard on the basis that it doesn’t match the white toilet which is being installed, although consideration will be given wherever possible to the overall functionality and finish of the room.
* Existing bathroom tiling will be protected as far as possible and will not be replaced unless absolutely necessary. The provision of new tiling will be limited wherever possible to 3 walls (behind and adjacent to the shower area), to a maximum of 16 square metres. Tiling will not be replaced on the basis that it doesn’t match new, unless it is cost effective to do so, or would affect the functionality of the bathroom.
* Shower boarding will be suggested in some cases, due to the condition or thickness of the walls, or where a medical need prevents or prohibits the service user from cleaning grouting.

11.2 Applicants will have the option to replace sanitary ware, or tiling not covered as part of the DFG, at their own cost, which will be a direct arrangement with the contractor. The contractor will provide a written quote to the applicant for any additional works and 50% of the payment must be made directly to the contractor prior to works commencing and the remainder once the works have been completed to a standard deemed satisfactory by the Building Adaptations Officer, or other representative of the council. This will be a private arrangement between the applicant and contractor. NB The applicant will not be able to choose black grouting, as this can make the tiles look uneven and the contractor and council are unwilling to enter into disputes arising from this grouting being used.

11.3 The adaptation or provision of more than one bathroom/toilet to a house (e.g. additional ground floor WC), will only be considered if evidenced by functional need and confirmation from an OT that appropriate equipment such as a commode cannot be utilised.

11.4 Additional heating, mechanical ventilation and lighting will only be considered for the bathroom/shower room as necessary to comply with current building regulations, or as part of the assessed needs of the service user.

11.5 Heated towel rails will not be provided instead of a standard radiator.

11.6 A level access shower room must be able to achieve a minimum of 1200 mm turning square, although 1800 mm would be the preferred, unless there are exceptional cases, where the safety of the service user and their carers wouldn’t be compromised with a slightly reduced area, agreed at Panel.

11.7 When adapting bathrooms, access from the landing or other space should be considered and should be improved or changed if appropriate to meet the needs of the service user and if requested by the OT. In small bathrooms it may be appropriate to open the door outwards or to fit a sliding door to prevent a service user becoming trapped in the event of a fall. There is already provision for dividing walls between separate toilets and bathrooms to be knocked-through to achieve the necessary manoeuvring space.

11.8 In cases where a bath is provided, a tamper-proof proprietary thermostatic mixing valve (TMV) must be fitted to the water supply to eliminate the risk of scalding, set to a maximum temperature of 44oC.

11.9 A TMV will occasionally be required to the washbasin but only when prescribed by the OT to address a particular risk associated with the service user.

11.10 When there is sufficient space for an existing bath & bidet to remain, these may be retained and refitted at the expense of the applicant but are not automatically reinstated.

11.11 For safety reasons, we will only accept the latest generation thermostatic electric showers, which are the safest way to ensure safety from scalding of the service user.

11.12 High water temperatures pose a scalding risk and if hot water used for showering or bathing is above 44°C there is an increased risk of serious injury or fatality. Those at particular risk from scalding include babies and infants, young children, the elderly, those individuals with reduced mental capacity, reduced mobility and anyone with sensory impairment, or who cannot react appropriately, or quickly enough, to prevent injury. To ensure that water temperatures do not exceed the HSE guidance of a maximum temperature of 44°C, all showers will be set not to exceed 42°C.

11.13 In cases where a wash/dry toilet is requested by the OT as part of an assessed need, the OT will specify the type of wash/dry toilet which will best suit the assessed needs of the disabled person. The wash/dry toilet, or equipment will meet the Water Supply (Water fittings) Regulations 1999 and any other appropriate legislation, or guidance. We will not fit bidets or shower hoses for personal cleansing as these can cause cross contamination issues with the drinking water supply. In any situations where a service user has such a fitting which they have had installed themselves and we undertake any bathroom alterations which causes this to be disconected, it will not be refitted/reconnected by the Council or any of it’s contractors once the grant assisted works have been completed.

**12. Kitchen adaptations**

12.1 Where someone other than the disabled person carries out and will continue to carry out the cooking and preparation of meals, full adaptations to the kitchen will not be undertaken. Where the disabled person needs access to an area to prepare snacks and light meals, minor adaptations will be provided, such as a small area of low level or height adjustable worktop, with power points for a kettle or microwave.

12.2 A full kitchen adaptation will only be considered in cases where the disabled person is the only or main user of the kitchen. Adaptations can include the following where necessary and as assessed by the OT:

1. Alteration to the height or position of the kitchen sink and/or the type of taps fitted to it. Powered adjustable height sinks will not be provided, unless there are exceptional circumstances;
2. 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 space allows, but as a minimum, worktop space to one side;
3. Work surfaces located beside the sink and on either side of the oven will have a total length of no more than 1.5 metres, where space allows and all at a suitable height for the disabled person;
4. Food storage in an accessible position, usually space for a fridge and power supply;
5. Alterations to the kitchen door, light switches and power points, only if necessary;
6. Provision of cupboard and storage units on an essential basis, which have drop down baskets, or other appropriate solution for easy access for the disabled person;
7. Mechanical ventilation in accordance with the current Building Regulations, over hob extraction and odour control systems will not be provided.

12.3 Kitchen appliances such as hobs, ovens, fridges, freezers, washing machines and dishwashers will not be funded through the DFG. Support can be offered in making applications to trust funds, where the disabled person is unable to fund these items themselves.

12.4 Kitchen extensions or enlargements to kitchens will only be considered where they are absolutely necessary to achieve turning space for a wheelchair and if suitable space cannot be achieved by rearrangement of existing facilities. Other existing rooms within the property would need to be considered, with an extension being a last resort and the only possible solution.

**13. Through floor lifts (vertical lifts)**

13.1 Where it is necessary for access to be provided between storeys, and a stair-lift is determined by the occupational therapist to be unsuitable, consideration will be given to a through floor lift by the Council’s specialist provider.

13.2 In all such cases, the siting of the lift requires careful consideration at both storey levels, taking into account circulation at each storey level and the amount of space that the lift will require.

13.3 Structural stability and any other defects affecting the installation such as dampness and disrepair will also require consideration. Where necessary, structural calculations will be required in support of the installation and for building control purposes.

13.4 Fire safety is also an important consideration because a service user will not be able to use the lift or get to a place of safety unaided in the event of a fire in the property.

13.5 The main risk of fire spread in the property is through the floor aperture and staircase. The lifts in most domestic installations are not enclosed but are engineered to maintain the fire separation when the lift is parked at either of the two docking stations. The only time that the aperture is open is when the lift car is ascending or descending.

13.6 The existing floors in most houses have a reduced fire resistance referred to as ‘modified half hour’. This means that the floor structure will survive a domestic fire for half an hour but some of the integrity will be lost. The traditional way of addressing this is to place sheathing ply over the floor of the room in question. This is non-invasive and economical and forms part of the council’s current policy although other methods are available if required.

13.7 Means of escape from the fire is addressed by the following measures:

Automatic, mains wired interlinked fire detection in the following:

* Access room below the bedroom in question (smoke)
* Within the bedroom in question (smoke)
* Circulation space at both storey levels (smoke)
* Kitchen (heat).
* Radio linking instead of hard wired interconnection is acceptable
* FD20 fire door between the landing and the bedroom in question.
* Egress window for assisted rescue from the bedroom in question
* Phone line in to the bedroom in question in order to raise the alarm

13.8 Difficulties arise whenever the only place where a TFL can be accommodated is in a kitchen or kitchen/diner. In most properties there is no formal separation between a kitchen and living accommodation such as a fire door and the risk from a kitchen fire is statistically low.

This is presently under review but we may have to require gas hobs to be changed to electric and for open flame fires in rooms where the lift is situated to be removed or at least taken out of use.

13.9 In all cases the lifts remain the property of the Council who will cover the cost of servicing and maintenance until the lift is no longer required, at which time the Council will recover it and reinstate the floor excluding carpets and redecoration.

13.10 In some cases it will be necessary to move walls etc to accommodate the lift in the optimum location as determined by the HIA. The cost of this will be covered within the grant up to the limit which may be exceeded, but decoration is not covered.

**14. Ramping and external access**

14.1 All ramps must comply with current Building Regulations. A ramp must be able to achieve a gradient of no steeper than 1 in 12, with level landings at intervals of 5 metres. The ramp should have an upstand of 100mm on either side. Handrails and guarding will be required in most cases and certainly if the height of the ramp above the adjacent ground is 600mm or more. Ramps will need to be up to 1200mm wide in cases where there is a change in direction, subject to site constraints.

14.2 Ramps should have level, square and unobstructed landings top and bottom. Drainage such as ‘Aco’ type channels will always be provided to minimise rainwater run-off and obstruction of existing site drainage will be avoided.

14.3 Consideration must be given to the entrance door of the property in question, regarding the threshold, clear width and turning space within the property. The most obvious point of entry may not be the most appropriate for the service user. In all cases there should be an alternative stepped approach and access from the ramp around the property and into a garden where this can be achieved at no additional cost. Ramps should not wherever possible, make contact with the building served because of dpc bridging issues, obstruction by opening windows pipes, flues etc. Access from the highway should be as favourable as possible to minimise gradients and away from hazards.

14.4 Modular (semi-permanent and removable) ramps are sometimes more appropriate than conventional solid ramps. Elevated locations with long runs, or the need to protect high value paving would be examples where modular ramps may be the more effective option. The decision as to which will be made by the Technical Officer, sometimes in conjunction with the OT, based on how the assessed needs of the service user can best be met. If both types of ramp will meet the assessed needs, the most cost effective option will be the one provided.

14.4 If the applicant would prefer the other type of ramp over the one which has been offered, they will be given the option of paying the difference in cost for their choice of ramp.

14.6 A ramp will only be provided if the service user is a permanent wheelchair user, or has been assessed by the wheelchair service as being eligible for a wheelchair, but has decided to purchase their own scooter.

14.7 A ramp will not be provided for a person who has chosen to purchase their own scooter, or mobility vehicle, where there is no assessed eligible need.

14.8 No provision will be made for charging points or storage for either scooters or mobility vehicles.

14.9 A ramp must remain within the curtilage of the property and cannot be provided if it impedes in any way the pavement, or public highway/right of way, nor can it go over land which is not owned by the applicant.

14.10 A ramp will not be provided in situations where the required gradient cannot be achieved, or is only achievable with an excessive number of turns and level landings, making it not reasonable, or practicable.

14.11 In exceptional circumstances where a compliant ramp cannot be achieved, the Council will consider external platform/step-lifts to be installed by the appropriate framework provider. A steplift will not be provided if a ramp is possible.

14.12 Planning permission will be required for step lifts at the front of the property and may also be required where the ramp is prominent or in a conservation area.

**15. Access to gardens/fencing and safe play areas**

15.1 Access to a garden will only be considered if specifically recommended by the OT.

15.2 Grant assistance will not be given where there is already access to the garden, or part of the garden, suitable for the disabled person to use, unless the access needs to be improved to make it safe for the disabled person to use.

15.3 The most cost effective solution for providing access to both the dwelling and the garden will be provided and wherever possible, one access would be provided to access the dwelling and garden.

15.4 The grant will be for providing immediate access to the garden and does not include landscaping gardens, or fencing etc.

15.5 A grant will not be provided for the disabled person to access different levels of the garden.

15.6 In the case of a child who has an identified need due to a learning disability, affecting behaviour and safety of the child, consideration will be made for the provision of a safe outside area of no more than 5 square metres, with appropriate fencing if required.

15.7 A grant will not include extending an existing access e.g. creating a side access so a person can also go around the side of a house.

15.8 Any major structural or landscaping alterations required by the applicant to enable improved access to the garden must be completed prior to a DFG application being made by the applicant, to enable the HIA to ensure that any further adaptations are safe, reasonable and practicable for the disabled person.

15.9 Where homes have communal gardens (e.g. blocks of flats served by a single access), grants will not normally be provided for an individual to access the garden unless it can be demonstrated that, because of the disabled person’s condition the travel distance to the garden would be excessive and unreasonable.

15.10 In the case of a child with a learning disability, fencing will be considered, if necessary, to maintain the safety of the child in the garden. An area of 8 square metres would be fenced, if the OT can evidence that it is necessary and appropriate for the child’s disability.

15.11 In the case of a child, access to a garden can also include the provision of a safe area to play, if it can be demonstrated that due to their disability, the access created does not make it safe for them. The safe area would be immediately adjacent to the access created and will be no greater than 5 square metres of paved area, as detailed in 13.6.

15.12 A DFG will not be provided to create a patio or decked area.

15.13 Decking in any form will not be considered for assistance.

**16. Adaptations to kerbs to create access to driveways or hardstandings**

16.1 In situations where a service user is unable to get out of a car and into their home in any way, other than by parking the car on the driveway or hardstanding immediately outside their home, a dropped kerb (level access crossing) can be considered.

16.2 If the disabled person is the driver, they must be a blue badge holder who is only able to walk or propel a wheelchair for short distances outside the home. They must have a “substantial and permanent ambulatory disability” i.e. absence or impairment of the lower limbs; impairments of the spine or central nervous system or motor impairment which result in reliance on a wheelchair; considerable difficulty in walking more than a short distance without severe difficulty, pain or detriment to their condition.

16.3 If the disabled person is the passenger, they must be a blue badge holder and the driver is unable to park in the road to allow the disabled person out, or cannot push a wheelchair from the nearest available parking area, because it is an unreasonable distance away.

16.4 Passengers will not normally qualify as it is not unreasonable to expect that an able-bodied driver should “double park”, if necessary to set down the disabled passenger and remove the vehicle afterwards. Although this may entail short-term obstruction of the highway, as it is not either “unnecessary” or “wilful” it is unlikely to be considered to constitute an offence.

16.5 Parking issues in the area must be so severe that a parking space in close proximity to the address cannot be found for a major portion of most days.

16.6 Consideration will be given in exceptional circumstances where the passenger requires constant attendance or, where the driver is elderly or frail and would struggle to manage a wheelchair, in addition to the disabled person, making the process of transferring the disabled person and wheelchair time consuming and or dangerous

16.7 The site must be suitable to create these facilities and meet any criteria in place within the Highways Service.

**17. Two (or more) dwellings converted into one**

17.1 In situations where a DFG application is made to provide adaptations to a property which has previously been two separate dwellings, the following must be ascertained before a DFG can be approved:

* Land registry records evidence one dwelling, under single ownership
* Council tax records evidence one dwelling, under single ownership
* Appropriate planning permissions and Building Regulation approvals have been obtained to convert the dwelling into one and the work on site complies with such approvals and has been signed-off by the relevant authorities.

17.2 If it has been determined that the dwelling is officially one dwelling and can be adapted to meet the needs of the disabled person, the adaptations must be provided in the most cost effective way within the property, even if that necessitates a layout change, or change to the way in which the property is used by the occupants.

17.3 No additional works will be included within the DFG in respect of issues relating to the fact that it was originally two dwellings, e.g. improving the flow of the dwelling, removing a second staircase, creating a single front or rear access, unless these are necessary to meet the assessed needs of the disabled person and are the most cost effective option.

17.4 In situations where the adjoining properties are otherwise unchanged, reintroducing the separation may be an option providing that this will be a permanent arrangement and must be undertaken at the expense of the service user, prior to any adaptations works taking place.

**18. Party Wall etc Act 1996**

18.1 If the adaptation involves building on, or close to the boundary with an adjoining property as defined in the Act, an agreement should be served on the neighbouring owner/s, stating what work is proposed, when it is to take place and what impact, if any, the work could have on the neighbouring property. For example, excavation for foundations because of the risk of subsidence, damage to boundary fences etc. Only certified party wall surveyors should undertake this on behalf of the property owner/s. The HIA will advise on when a Party Wall act agreement is required, but will not be able to approach the neighbours on behalf of the applicant.

18.2 In the event of a dispute or disagreement, arbitration will be undertaken by the Party Wall Act surveyor, who has been appointed (and paid) by the owner.

18.3 A DFG will not be approved until the Party Wall Act agreement is in place and due notice given to the adjoining owner/s.

18.4 Damage to an adjoining property, whether or not caused by the work in question, would be covered via civil proceedings and would not be the responsibility of the HIA.

**19. Disrepair**

19.1 Where disrepair is identified at a property, which will have an impact on the recommended adaptation works, full consideration of the necessary works and additional costs must be undertaken prior to the adaptation being approved, in order to determine whether the works should be funded by the applicant

19.2 If disrepair is identified once adaptation works have commenced, full details and costings should be requested from the contractor and discussed with the HIA team manager, or designated duty manager, for a decision on whether the costs will need to be funded by the applicant, or whether it will be covered as part of the DFG.

19.3 Where the identified disrepair will cost in excess of £250, the applicant should be advised that they will be responsible for the cost and given the option of rectifying the works themselves using their own contractor, or having them undertaken as part of the adaptation works and making payment directly to the contractor once the works have been completed and signed off as satisfactory by a Building Adaptations Officer, or other designated officer of Rochdale Borough Council.

19.4 Where works have already commenced and the disrepair is identified, e.g. rotten joists underneath the bath, further consideration needs to be made as to the implications of stopping the works for the applicant to employ their own contractor. There could be significant cost implications if the adaptations contractor has to reinstate remedial works already undertaken and also safety issues in leaving an adaptation part completed. In these cases, if the costs are under £500, the HIA manager can make the decision to continue and cover the costs as part of the DFG.

19.5 Works such as replacement of rotted flooring, or strengthening the floor for a level access shower, electrical repairs, or additional electrical works to enable the adaptation works to be carried out safely and dealing with low water pressure can be considered as eligible DFG costs.

19.6 Replacing defective drainage or undertaking a full rewire would not be considered as part of the DFG.

19.7 If there are other significant areas of disrepair within a property, outside of the areas where DFG is being provided, for example Category 1 hazards, illegal or unsafe conversions of loft spaces, or other works which contravene Building Regulations and Planning policies, no grant will be approved until the issues have been resolved.

**20. Asbestos**

20.1 Asbestos containing materials can be present in any property built prior to the year 2000. As long as the asbestos containing material (ACM) is in good condition and is not being or going to be disturbed or damaged during adaptation works, there is negligible risk.

20.2 The general duties in Section 3 (1) of the Health and Safety at Work Act 1974 apply to protect householders from any risks from work activities being carried out in their homes. Where work being undertaken involves ACM, the Control of Asbestos Regulations 2012 will also apply.

20.3 Prior to a DFG being approved, an HSG264 Refurbishment & Demolition asbestos survey will be undertaken by a suitably qualified and experienced Asbestos specialist surveyor (either commissioned by the landlord or RBC) to provide accurate information about the location, amount and type of any ACM.

20.4 If any ACM is identified, or suspected following a survey and is in the work area of the adaptation, a suitable remediation plan needs to be in place to remove it, or encapsulate it. All asbestos needs to be removed and disposed of in line with the Control of Asbestos Regulations 2012. Where licensed asbestos removal is required, such works should only be carried out by a suitable HSE-licensed asbestos contractor. The costs of removal, will depend on the type and level of asbestos found.

20.5 If the costs relating to asbestos are less than £1,500, this will be added to the cost of the DFG.

20.6 If the costs relating to asbestos are in excess of £1,500, the applicant, or owner of the property will be asked to cover the difference in cost. If it is an RSL (Registered Social Landlord) property, the Landlord will be responsible for the removal and all associated costs.

20.7 In all situations involving asbestos, the following minimum requirements are in place for RBC, landlord, or owner:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Survey (pre-works)** | **Why** | **Licensed removals (e.g. pipe lagging, asbestos insulating board) \*\*** | **Why** | **Non-licensed removals (e.g. floor tiles)** | **Why** |
| HSG264 Refurbishment & Demolition Survey | To comply with Control of Asbestos Regulations requirement for a suitable & sufficient assessment. | Plan of Work/RAMS from the asbestos contractor | To identify the control measures the contractor will use to remove licensed materials | RAMS from contractor carrying out the work | Demonstrates the control measures the contractor will use to remove non-licensed materials |
|  |  | 4-stage clearance from the UKAS-accredited consultant | Independent verification of the work carried out, and provides “Certificate of Reoccupation” | Training records for contractor carrying out the work | Demonstrates the contractor has undertaken training to remove non-licensed materials |
|  |  | Waste consignment note | Demonstrates the waste has been transferred to a suitable licensed disposal facility | Waste consignment note | Demonstrates the waste has been transferred to a suitable licensed disposal facility |

**21. Electrical issues**

21.1 Where proposed adaptations will involve any electrical works, a view must be taken with regards to the condition of the existing electrical installation prior to any works being approved. If the installation is old, or there are any concerns about it being safe and fit for purpose, an electrical inspection will be undertaken by a suitably qualified electrician, on the prescribed documentation from a recognised electrical body e.g. NICEIC, NAPIT or equivalent, prior to the adaptation works commencing.

21.2 If the electrical report recommends a full or partial rewire of the property, this would usually need to be completed by the owner of the property, prior to a DFG being approved. Upgrading of electrical installations and earth bonding which are legally required and restricted to the area in which the adaptations are being carried out, will be covered by the DFG, e.g. level access shower works to the bathroom.

**22. Maintenance and warranties**

22.1 Where adaptations have been provided by construction, any faults will be rectified by the originalcontractor at no cost to the applicant within the defects liability period, which is usually the first 12 months following completion of the works, unless otherwise stated. Altro flooring (non-slip vinyl floor covering used in level access showers) and electric shower units are guaranteed for 2 years.

22.2 Stairlifts are provided with a 5 year warranty. At the end of the warranty period, the maintenance and repair will become the responsibility of the applicant. In some cases, where it is an RSL property, the RSL will become responsible for the maintenance and repair and a charge will be added to the rent to cover the costs. If a stairlift is no longer needed, the council can arrange for it to be removed at no cost to the owner. The Adult Care Stairlift Replacement Policy provides further details.

22.3 Steplifts and vertical lifts have an initial 12 month warranty. At the end of the warranty period, if the applicant has signed over the asset to the council, the lift will be maintained for until it is no longer required by the service user, or the lift reaches the end of its useful life, as determined by the council in consultation with its specialist service and maintenance provider. At any future point when the equipment is no longer required, the council will arrange for it to be removed. Some element of “making good” will be undertaken, e.g. replacing floorboards, plaster boarding etc. but no decoration, painting or carpeting will be provided.

22.4 Wash/dry toilets have a warranty for 12 months. Following the expiry of the warranty, the maintenance and repair will be the responsibility of the applicant. The council will not remove a wash/dry toilet if at a future date it is no longer required by the disabled person.

22.5 Ceiling track hoists are provided with a 12 month warranty. At the end of this warranty period, the council will be responsible for the maintenance, repair and inspection of the hoist, in line with the relevant legislation and guidance (Lifting Operations and Lifting Equipment Regulations 1998). At any future point when the equipment is no longer required, the council will arrange for it to be removed. Some element of “making good” will be undertaken, but no decoration, painting, removal of electrical trunking or fused spare points will be carried out.

22.6 All adaptations, with the exceptions detailed in 19.1 to 19.5 above are the responsibility of the applicant (or in some cases, property owner/landlord), therefore, any ongoing maintenance, or repair is also the responsibility of the owner/landlord. DFG cannot be used to repair a previously provided adaptation, unless it no longer meets the needs of the service user. In some cases, a discretionary form of assistance, as detailed in Section 32 of this policy may be used to support situations of disrepair to previous adaptations.

**23. Overcrowding**

23.1 Overcrowding is not taken into account when determining the most appropriate adaptation. Provision of additional bedrooms will not be recommended on the basis that the property is overcrowded, which is not directly linked to an assessed need of a disabled person.

23.2 In situations where an adaptation is being provided for a bedroom to meet the assessed needs of a disabled person, but the property will remain overcrowded, a DFG will not usually be approved, as it wouldn’t be “reasonable and practicable”.

23.3 In situations where the property is overcrowded, advice and information will be provided on the options available. Additional support in some cases can be provided to source an alternative property and support the disabled person to move to more suitable accommodation.

**24. Applicant’s own choice of adaptation**

24.1 The applicant can also choose their own contractor for the works which are recommended to meet their assessed needs and can apply for a self-managed adaptation.

24.1 Once assessed by the Occupational Therapist the Building Adaptations Officer will visit the property to determine if the adaptation referred is feasible. If feasible the Building Adaptations Officer will cost the proposed works to determine the level of funds available to the applicant. The cost of the Council scheme or the applicants scheme (if lower cost) will be the self-managed adaptation offer. Tenants must ensure that they have approval from their landlords.

24.3 For all other works or equipment sourced through a procurement framework agreement (for example ramps or level access showers), an applicant wishing to use an alternative contractor of their choice, would need to evidence that the specification and materials they intend to use is at least equivalent to that provided through the framework and if the cost of the work is higher than the framework cost, the applicant would have to fund the difference in costs themselves.

24.4 Where an applicant has a preference or aspiration for work that is over and above those recommended or considered reasonable and practicable to meet the assessed needs of the disabled person, the Council will only make a self-managed adaptation grant available for the cost of the recommended work. The applicant will be required to fund any additional costs themselves and must enter into a private arrangement with the contractor of their choice.

24.5 Some works to meet a disability need are VAT exempt, the applicant will be financially responsible for any VAT on works not exempt.

24.6 In a situation where an applicant chooses a self-managed adaptation, they would need to employ an architect, or other suitably qualified or experienced person at their own cost to produce a plan of their preferred adaptation. The Council will not produce plans or scheme drawings. The plan needs to be to scale and have measurements of all walls, doors, windows etc. The plan would then have to be jointly reviewed by the Occupational Therapist and Building Adaptations Officer, as being suitable to meet the assessed needs of the service user and be achievable in meeting Building and Planning Regulations. This cost would fall to the applicant, some schemes do not attract a fee but schemes with additional works not for the disabled person will incur a fee. If the plan does not meet the needs of the service user, or does not obtain the relevant planning and building control approval a DFG will not be approved for the applicant’s preferred adaptation.

24.7 If construction is pre 1990, an asbestos report will have to be commissioned by the applicant and is funded within the allocation. The asbestos report does not need to be sent to the Council but the applicant will need to be able to produce this document if required.

24.8 If asbestos is discovered this must be removed (as outlined in Section 17 of this policy) and on completion of the works, the correct and necessary documentation must be retained. If the asbestos has not been removed responsibly by a licenced contractor the grant will not be paid.

24.9 Works must not commence until the applicant has the approval letter from Rochdale Borough Council. If works are started prior to approval the grant application will be invalid and no self-managed adaptation grant will be awarded.

24.10 When all checks have been undertaken and permissions are in place, the Council will approve the self-managed adaptation grant to the applicant, but will take no responsibility for the selection of the builder or any defects resulting from the works. The contract will be between the applicant and the contractor.

24.11 The Building Adaptations Officer may enter the Property, at any time whilst the works are being carried out, upon reasonable notice to the Applicant, to inspect progress of the works and the materials used. In entering the property, the Building Adaptations Officer shall not obstruct progress of the works but may make representations and the Applicant and the Applicant’s contractor shall take proper consideration of any representations that are made by the Building Adaptations Officer. The Applicant and/or the Applicant’s contractor shall remedy any defects or other faults in the works to the reasonable satisfaction of the Building Adaptations Officer.

24.12 No payments will be made to the applicant until all works have been completed to the satisfaction of RBC, following inspection by a Building Adaptations Officer. The property must be in a habitable condition and have essential facilities, e.g. food preparation, heating, lighting, ventilation etc. The applicant will be responsible for making payment to the contractor. The Building Adaptations Officer will ensure that the house is of a habitable condition.

24.13 The same regulations apply as determined in Section 26.7 of this policy if the contractor is a relative of the applicant. The contract is between the applicant and the contractor and the Council will not be liable for disputes arising between the parties. In the event of any disputes, between the applicant and contractor, the Council will not assist. It may be necessary for the applicant to seek legal advice to remedy any dispute at their own cost.

**25. Works costing £10,000 or less – discretionary assistance**

25.1 A discretionary grant enables any adaptation costing £10,000 or less, (including fees) to be provided without a means test if it has been assessed as “necessary and appropriate” by an OT and meets all other criteria and considerations as detailed in this policy. This grant is known as a Disabled Home Repairs assistance grant (DHR).

25.2 This discretionary grant can only be made if all the adaptations recommended as necessary and appropriate by the OT are completed for £10,000 or less, e.g. if the OT recommends a stairlift and level access shower which cost £11,000, the applicant will not be able to decide they only want to have one of the items, so that they don’t have to be means tested.

25.3 If the cost of works is more than £10,000, the applicant would not be able to pay the difference in cost, e.g. if the works cost £11,000, we would not award a grant of £10,000, with the applicant contributing £1,000. In cases where the works are likely to cost in excess of £10,000, a DFG would have to be considered, along with the mandatory means test.

25.4 If a referral is made for an adaptation which is expected to cost less than £10,000, the DHR process will be followed and the applicant not means tested. However, if the cost of works increases before the grant is approved, the applicant will be notified and will follow the process for a full DFG, with financial test of resources.

25.5 If a referral is made for an adaptations likely to cost less than £10,000 and a subsequent referral is sent to the HIA for additional works before the initial referral has been completed, clarification will be sought from the OT as to when the additional need was determined. If it was known at the time of the initial assessment that this need would have to be met, then the 2 referrals will be linked together and if the cost of all the works likely to exceed £10,000, the full DFG and test of resources process would need to be followed. If the additional need was not known and recorded at the time of the initial assessment, the new need can be treated as a separate referral and a 2nd DHR can run concurrently (if the cost of works exceeds £10,000).

**26. Adaptations for disabled children spending time in more than one property**

26.1 In cases where a family have separated and a Court Order provides that the disabled child is to live part of the time with one adult and part of the time with another, the council will award a DFG in relation to only one property.

26.2 Mandatory DFG can only be provided to the ‘sole or main residence’ of the disabled applicant and, in circumstances covered by this section, it would be assumed that one party would apply for the mandatory grant on the basis that the child occupies the property as their sole or main residence. The main residence will be determined by which party receives child benefit. This property may or may not be within the Borough of Rochdale and the Authority would only be liable for providing a mandatory grant to any property within the Borough.

26.3 The Authority will consider the details of any Court Order and specifically the allocation of time spent with each parent in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be reviewed based on the facts of the individual situation. Factors to be considered include the specific details of any order, likely time to be spent at each property, whether the child will stay overnight at the subject property etc.

26.4 In situations where it is unsafe for the disabled person to reside in the property that does **not** benefit from the DFG, support will be offered to rehouse to a more suitable property, or to make applications to trust funds, or for loans or other funding sources which may be able to assist.

**27. Changes in circumstances leading to cancellation of the DFG after approval**

27.1 Where an application for a DFG has been approved, but the works have not yet been completed, the following reasons would lead to the grant being cancelled:

* The works cease to be necessary and appropriate to meet the needs of the disabled occupant
* The disabled occupant ceases to occupy the property or it ceases to be their intention to occupy it for the period of 5 years
* The disabled occupant dies.

27.2 The HIA would decide, having regard to all circumstances that:

* No DFG shall be paid, or that no further instalments shall be paid
* The relevant works or some of them should be completed, depending upon the stage the works may already be at, e.g. if an extension is being built, it may be demolished, or the shell completed to make it wind and watertight but no further works completed.

27.3 Where instalments have already been paid, the HIA can decide that they should be repaid, together with any interest from the date it was paid, until repayment, at such a reasonable rate as the council may determine.

**28. Repayment of a DFG**

28.1 A condition of the application for a DFG is that the applicant signs a certificate of occupation, confirming that it is their intention to remain living in the property as their only or main residence for a period of 5 years following the certified completion date of the DFG. A local land charge is placed on the property for a period of 5 years following completion of the DFG.

28.2 If the property is sold or changes ownership during this 5 year period, the Council is notified and has to determine whether any DFG will be recovered. In all cases which do not meet the criteria outlined at section 25.3, or 25.4 below, no DFG will be recovered, unless we can evidence that there was no intent to remain in the property at the time the occupation certificate was signed.

28.3 In cases where the DFG has provided an additional bedroom, bathroom or toilet and the cost of works was over £10,000, the council will place a legal charge on the property through the Land Registry, (if it is an owner occupied property), to be able to recover some of the grant, during the 10 year period following completion of the works. If the property is sold or otherwise changes ownership within 10 years of the completion date of the DFG, the council will normally require repayment of the grant, as detailed in section 25.4 and 25.5 below. In exceptional situations, the repayment may be waived, or a lesser repayment amount agreed, as detailed in section 25.6 below.

28.4 The condition detailed in section 25.3 does not apply to the first £5,000 of any grant and the maximum repayable amount at the change of ownership is £10,000, e.g. if a grant of £25,000 was given for a bedroom extension, the maximum that would be repayable would be £10,000 and this amount would be reduced after year 6, as detailed in section 25.5 below.

28.5 Once a period of 6 years has passed, following the completion of the grant, the council will reduce the amount repayable by 20%, after each successive year, for example, If the amount of grant was £15,000 and the property is sold 0 - 6 years after the certified date then the repayable amount is £10,000.

If the amount of grant was £15,000 and the property is sold 7 years after the certified date then the repayable amount is £8,000.

28.6 The council may decide not to ask for repayment of the grant, or to request a lesser amount, if one of the following provisions applies:

* The recipient of the grant would suffer financial hardship if he / she is required to repay all or any of the grant, e.g. there is negative equity in the property;
* The sale or transfer of the premises is to enable the recipient of the grant to take up employment or to change the location of his/her employment.
* The sale or transfer is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises.
* The sale or transfer is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide.
* The sale or transfer is made to enable the recipient of the grant to live with, or near, any person who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

28.7 If a waiver is requested, it must be in writing, detailing the special circumstances. The decision will be made by the HIA Service Manager, in conjunction with the Head of Service (Governance and Business Support) and there is no further appeal.

**29. Contractors undertaking the works**

29.1 The Council will make arrangements for contractors to undertake the works, however, the contract is between the applicant and the contractor and the Council will not be liable for disputes arising between the parties. In the event of any disputes, between the applicant and contractor, the Council will help to resolve these, but if this is not possible, it may be necessary for the applicant to seek legal advice to remedy any dispute.

29.2 In some cases, where the applicant has chosen their own scheme, or they have a significant financial contribution to the works, they may wish to manage the works themselves, using a contractor of their choice. In these cases, the applicant will need to provide 2 quotes, depending on the nature and value of the works. The grant will only be approved to cover the cost of the lowest quote, providing that the cost is within the set eligible cost (the cost the council believes is reasonable for the works involved). The contractors providing the quotes must be official registered businesses and be able to provide the following:

* + Trading accounts for the previous 2 years, which evidence that they are financially viable to complete the required works
  + Public liability insurance for at least £5 million, although £10 million would be preferable
  + Evidence their Construction Industry Scheme (CIS) - HMRC tax scheme for contractors and sub-contractors involved in the construction industry status)
  + Health and safety policy, (including a health and safety method statement/risk assessment and construction phase plan for the works
  + Evidence that they are a competent contractor (e.g. by being registered on Construction Line)
  + Evidence of their work on similar projects being of a satisfactory standard.

It is the responsibility of the applicant to ensure that the contractor is able to provide the above documentation and is able to produce this if asked for by Rochdale Borough Council. If the applicant is unable to provide this evidence when asked, the grant will not be paid.

Payment will be made to the applicant when all works have been completed and inspected by a Building Adaptations Officer and deemed to be of a satisfactory standard. No payment will be made if the work is defective, the applicant and/or their representative will be responsible and will be expected to remediate the defect and bring the works up to an acceptable standard.

29.3 HM Revenues and Customs (HMRC) view Rochdale Borough Council as a ‘Contractor’ under CIS. Anyone we pay to carry out construction related work needs to be verified on the HMRC online portal. A contractor will be either standard rated, gross rated or higher rated. This will determine the level of deduction made to their payments.

29.4 Some adaptation works for disabled people will be VAT free. The disabled person will sign a VAT declaration which will be provided to the Contractor. It is the contractor’s responsibility to determine which elements of work will be VAT free and which will be at the standard rate.

29.5 All contractors have a responsibility under health and safety laws and Construction (Design and Management) Regulations (CDM) to ensure that the work they are undertaking is safe and the applicant must comply with all requirements as advised by the contractor and/or council.

29.6 Applicants will be fully responsible for managing their own works if choosing their own contractor and the Council will have no responsibility for supporting applicants to rectify any issues arising during or after the works.

26.7 The applicant will not be able to select a contractor of their choice for stairlifts, vertical lifts, steplifts or ceiling track hoists. These items are sourced through a procurement framework and are products which have been selected due to their particular specification, cost and ability to effectively service and maintain.

29.8 For all other works or equipment sourced through a procurement framework agreement, an applicant wishing to use an alternative contractor of their choice, would need to evidence that the specification and materials they intend to use is at least equivalent to that provided through the framework and the cost of the work must be equal or lower than the framework costs, or the applicant would have to fund the difference in costs themselves.

29.9 Where an applicant requests that a relative, however distant, undertakes the works, the DFG can only fund the materials used, no labour costs. Invoices and delivery notes to evidence the cost of any materials being claimed would need to be provided. A Building Adaptations Officer will make a judgement of whether the material costs are reasonable and in line with the Council’s eligible costs for such works. All materials used would need to be at least equal to those we specify for the type of works.

29.10 On final inspection prior to the release of the self-managed adaptation grant, the applicant must provide any relevant certificates (fensa, NICIE, Gas safe, asbestos destruction) if / when requested by the Council.

29.11 The Council on final inspection will ask the applicant or their representative to sign that they are satisfied with the works, if there are subsequent latent defects the Council will not assist or mediate.

29.12 The applicant must direct any complaints regarding the works to the contractor and not the Council.

**30. Working with Registered Social Landlords (RSLs)**

30.1 Tenants of both private landlords and RSLs can apply for a DFG, if they meet all of the criteria and conditions, as outlined in other parts of this policy and the relevant legislation.

30.2 Tenants of Rochdale Boroughwide Housing (RBH) are not required to apply for a DFG, as RBH funds all eligible adaptations, as part of the original stock transfer agreement. Whilst many of the criteria within this policy are mirrored by RBH, there are differences, which are detailed in their own policies and procedures.

30.3 Prior to a DFG being approved, full permission from the RSL must be given.

30.4 In situations where the RSL does not give permission for the adaptation, the DFG cannot be approved, even if all other conditions of the legislation and policy are met. In these cases, it is the responsibility of the applicant to undertake any relevant appeal or complaints process with their RSL.

30.5 RSLs have a responsibility to provide an asbestos report as part of their approval process and a DFG will not be approved until the RSL has provided a suitable asbestos report, or requested in writing that RBC seek their own asbestos report from a recognised and qualified asbestos surveyor.

**31. Respite or relocation during works**

31.1 The DFG does not make provision for any respite or relocation costs whilst adaptation works are being undertaken. In some cases, it is necessary for the disabled person to move out for a period of time whilst works are undertaken, for their safety. It is the responsibility of the disabled person (or their family in the case of a child) to arrange any temporary alternative accommodation required and pay for this, if there are any additional costs to be incurred.

31.2 In exceptional circumstances, consideration will be given to fund a maximum of 7 days respite costs, if all of the following apply:

* Occupational Therapist and HIA Manager agree that exceptional circumstances apply and that the disabled person must move out of the property whilst works are undertaken
* Respite is arranged by Adult Care
* Costs are paid directly to the respite provider and not the applicant
* A maximum of 7 days will be funded, but in some cases, it will be less than 7 days that is agreed and any additional days the disabled person stays in respite beyond the agreed period, will be invoiced to the disabled person.

31.3 No costs will be paid in retrospect if not approved in advance. No monies will be paid directly to the disabled person. No additional costs for food, recreation or other items will be funded during time in respite.

31.4 If the cost of works is at or exceeding the maximum grant limit, the cost of any respite even if meeting the above criteria would not be funded and would be the responsibility of the disabled person.

**32. Panel decision making**

32.1 Two adaptations panels (Adult Care and Child Care) are in place, which meet on a monthly basis, to discuss complex, or high cost adaptations. The role of the panels is to ensure partnership working enabling the services involved to meet legislative duties relating to DFGs efficiently, effectively and consistently.

32.2 Both Panels have management representatives from the respective Children’s and Adult’s Teams and the HIA. OTs and Building Adaptations Officers also attend to discuss cases that fall into the remit of the Panel.

32.3 Decisions are jointly made at Panel meetings using the legislation and policy and are documented and communicated to the applicant, or their family/carers.

32.4 Applicants can provide written information to the Panel but will not be able to attend a Panel meeting, as it is not only their case which will be discussed at the Panel.

32.5 Any decision made by a Panel can be challenged, see Section 31 Appeals and Complaints.

**33. Data Protection Act 2018 and General Data Protection Regulation (GDPR)**

33.1As part of the DFG process, information collected to assist with the processing of applications is covered under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

33.2 A Privacy Notice applies to this area of work and the information collected is:

* Name of applicant
* Address of applicant
* Relationship information
* Name of beneficiary of the works if not the applicant
* National Insurance number of applicant/beneficiary
* Residential status
* Names of other people living at the property where work is to be carried out including any dependent and non-dependent children
* Contact details including land line, mobile phone and email details of applicant and any person nominated as a point of contact
* Date of birth
* Employment details including contact details of employer
* Housing status – owner-occupier/owner/private rented/social rented
* Name and contact details for landlord and/or landlords agent
* Ownership and Land Registry details for occupiers and owner-occupiers
* Medical information relating to disability
* Details of benefits being received by the applicant/ beneficiary
* Income and other financial details relating to you and your partner/spouse (including but not restricted to bank details, salary/pensions/savings/investments/bonds/land and property, etc.)
* Other information as specified on the application form.

33.3 As part of the DFG process, information will need to be shared with other organisations, as follows:

* Adult Social Care
* Children’s Services
* Heywood Middleton and Rochdale Clinical Commissioning Group (HMR CCG)
* RBC Legal Services
* RBC Revenue Services including Council Tax
* Department of Work and Pensions (DWP)
* HMRC
* Registered Social Housing Providers
* HM Land Registry and local land charges
* Contractors engaged for the purpose of delivering grant assistance
* Local Government Ombudsman

Only limited information will be shared with contractors, which are essential for the purposes of carrying out works.

33.4 The prevention and detection of fraud is covered within the GDPR and in situations where fraud is suspected, the DFG will not be approved until it has been proven that no fraud has taken place. This can be in respect of benefits, occupancy, residency, property ownership, or any other aspect related to the DFG.

33.5 As part of the determination of whether the property is suitable for an adaptation and as part of work in progress procedures, photographs/videos of the internal and external parts of the property will be taken. Verbal permission will be requested from the applicant and no photographs will be taken of the applicant, or any other person. Photographs will be stored securely, in the electronic grant record and destroyed in line with the retention policy, which is 7 years for a completed DFG, or 10 years if there has been a means test contribution as part of the DFG.

**34. Appeals and complaints**

34.1 A decision made by one of the Panels (see Section 29), can be challenged in writing by the applicant (or their representative) and they can request a review of the decision. A review will be carried out jointly by the Head of Children’s Services and HIA Service Manager in the case of a child or the Head of Neighbourhood Teams and the HIA Service Manager in the case of an adult. The outcome of the review will be communicated in a joint letter by the two managers who have reviewed the case.

34.2 Following a review, if an applicant remains dissatisfied, they can make a formal complaint, which will be dealt with under either the corporate or Adult Care Complaints Policy, depending on the nature of the complaint.

Further details of how to complain and the process can be found on the Rochdale Borough Council website using the following link:

<http://www.rochdale.gov.uk/council-and-democracy/contact-us/complaints-and-compliments/Pages/complaints-procedure.aspx>

34.3 If, following the outcome of the complaint, the applicant remains dissatisfied, they can contact the Local Government Ombudsman (LGO). The LGO would expect the applicant to have used the council complaints process in the first instance, before they will investigate further. Details of the LGO can be found in the above link.

**35. Summary of other discretionary related assistance**

35.1 In addition to the mandatory DFG, there are a number of grants available, which the council provides using discretionary powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002). Below is a summary of these grants, some of which have previously been referred to in sections of this policy above.

| **Assistance type** | **Details** | **Maximum value** | **Criteria/conditions** |
| --- | --- | --- | --- |
| Disabled Home Repairs Assistance (DHR) | Fast track DFG, known as Disabled Home Repairs Assistance to provide adaptations costing £10,000 or less with no means test. | £10,000 | * Assessed needs and criteria same as for DFG * Works must cost £10,000 or less. |
| DFG (top up) | Discretionary top up assistance for DFGs where the cost of works is in excess of the maximum grant limit of £30,000. | £25,000 | * Owner occupier * Necessary and appropriate works costing between £30,000-£40,000 * Financial Hardship and no ability to source the additional costs from high street lender, extend mortgage provision etc. * Approved by Panel * Lifetime payback conditions as charge on property * Not payable if applicant is choosing to have any discretionary works carried out |
| Dementia Grant | Grant to provide a range of measures to support people with dementia to continue to live independently and safely, for example:     * Replacing floor coverings that cause confusion or safety issues * Replacing tiling or bathroom fittings such as toilet seats and rails to improve visual perception and floor coverings in en suites if the same as the bedroom floor covering * Changing cupboards to glass fronted doors to enable recognition of where items are in the kitchen * Changing lighting schemes to improve visibility around the home * Noise reduction measures * Ensuring paths/access are level and free from trip hazards | £2,500 | * People with a diagnosis of dementia |
| Falls Grant | Grant to provide a range of measures to reduce falls, for example:     * Replacing old/worn/inappropriate floor coverings with nonslip options * Replacing/repairing loose floorboards * Replacing door threshers * Additional stair rails and alterations to stairs to make them safer | £2,500 | * People admitted to hospital or attended A&E following a fall * Or assessed by the falls prevention service or other professional as being at risk of falls |
| Disrepair Grant | Grant to undertake repairs to previous adaptations, to enable a disabled persons assessed needs to continue to be met. Examples of works would be:   * Level access showers where the shower unit needs to be replaced or the flooring needs to be replaced * Repairs to ramps where the concrete has cracked or is defective, making the ramp hazardous or not fit for purpose | £2,500 | * Person originally assessed for the adaptation is still living in the property and has an assessed need for the adaptation |
| Excess Cold Grant / Disrepair Grant | Grant for situations of disrepair, which are causing or contributing to damp and excess cold issues which can be directly linked to health conditions, such as asthma and COPD.    Available to cover works such as:   * Heating provision and repair * Condensation * Damp proofing * Replacement double glazed units in main habitable rooms * Roofing repairs where water ingress is causing dampness in the property. | £5,000 | * Owner occupiers * Works costing less than £5,000 * Works specifically linked to a health condition being made worse |

# 36. Process for monitoring compliance and effectiveness of the policy

36.1 Compliance with this policy will be monitored via Governance and Business Support

**37. Review**

37.1 This policy will be reviewed annually, or in line with regulations and legislative change.

**38. Appendices**

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| --- | --- | --- |
| **Appendix 1** | **DFG Application forms** |  |
| **Appendix 2** | **OT Scoring Matrix** |  |
| **Appendix 2** | **DFG Test of resources form** |  |
| **Appendix 3** | **Means test information and “passporting” benefits** |  |