



**WEST LANCASHIRE BOROUGH COUNCIL**

**Disabled Adaptations Policy 2015**

**(Final)**

## **Contents**

- 1.0 Introduction**
- 2.0 Purpose & Scope of the Policy**
- 3.0 Ensuring Equality of Service**
- 4.0 Exceptional Circumstances**
- 5.0 Legal Framework**
- 6.0 Means Test (Test of Resources)**
- 7.0 Maximum amount of grant**
- 8.0 Disability caused by accident (Insurance Claims)**
- 9.0 Determination of grant amount in landlord applications**
- 10.0 Eligibility criteria**
- 11.0 The Applicant**
- 12.0 Meaning of Disabled**
- 13.0 Assessment of Need**
- 14.0 Main or only Residence**
- 15.0 Necessary & Appropriate**
- 16.0 Reasonable & Practicable**
- 17.0 Decision Making Criteria**
- 18.0 Works Eligible for a DFG**
- 19.0 Extensions**
- 20.0 Room Sizes**
- 21.0 Agency Service**
- 22.0 Private Agents**
- 23.0 Applicant Supervision**
- 24.0 DFG process in West Lancashire**
- 25.0 Maintenance & Repair**
- 26.0 Refusal of Grant**

**27.0 Successive Applications**

**28.0 Grant Conditions**

- Carrying out the works
- Commencement of works before approval
- Conditions as to contractors employed
- Payment of grant
- Residence condition
- Reclamation of equipment
- Repayment of grant on sale/transfer

**29.0 Withdrawal of application prior to approval where costs have been incurred**

**30.0 Change of circumstances after approval**

**31.0 Applicant ceases to be eligible after approval but before payment is made**

**32.0 Recalculating, withholding or repayment of grant after approval**

**33.0 Repayment where the applicant is found not to have been eligible when the grant was approved**

**34.0 Repayment conditions in cases where compensation is paid**

**35.0 Death of Applicant**

**36.0 Dispute Resolution**

**37.0 Appeals**

**38.0 Council Tenants**

## **1.0 Introduction**

- 1.1 West Lancashire Borough Council (the Council) has a statutory duty to provide disabled facilities grants (DFGs) to qualifying applicants to assist them in adapting their home. A suitable, well adapted home can be the defining factor in enabling a disabled person to live well and independently.
- 1.2 The purpose of an adaptation is to modify the home environment in order to allow the disabled person to remain at home by restoring or enabling independent living, privacy, confidence and dignity for individuals and their families. The focus is on enabling a disabled person to use their home more effectively.
- 1.3 The Council also has a duty to provide adaptations to tenants living in its own housing although it is not obliged by law to require its own tenants to follow the same process as private sector applicants. However, in the interest of fairness and equity, the Council has decided that the initial assessment process and requirement to undertake a means test will be applied to Council tenants wishing to have their home adapted. Section 38 specifically covers the parts of this policy that applies to Council tenants.
- 1.4 In Lancashire, there is a two-tier local government structure. Lancashire County Council is the social services authority (responsible for social services functions) while West Lancashire Borough Council is the housing authority (responsible for housing services). Both authorities have a role to play in the adaptation process which will be explained in more detail later in the policy.

## **2.0 Purpose & Scope of the Policy**

- 2.1 The purpose of this policy is to assist officers in delivering an adaptations programme and to ensure the fair, equitable and consistent treatment for all disabled persons who require the Council's assistance in adapting their home.
- 2.2 This policy shall be applied to applications for a DFG from home owners, private tenants, tenants' of registered providers (housing associations) and owners of qualifying houseboats or park homes. Council tenants are dealt with at section 38.
- 2.3 The policy applies to major adaptation work (as a guide, works valued at more than £1,000, excluding stairlifts).
- 2.4 Regulation 2 of the Community Care (Delayed Discharges etc) Act (Qualifying Services) (England) Regulations 2003 provides that any community care equipment (including grab rails, bath chairs etc) or minor adaptations costing £1,000 or less may be provided free of charge by the social services authority. Therefore, any such works or equipment costing £1,000 or less (excluding stairlifts) will be considered for funding directly by LCC.

- 2.5 Where an adaptation is required to a house owned by a registered provider the Council shall determine whether provision has been made in their Business Plan for the adaptation of dwellings for disabled occupants and encourage them to make financial support available for such adaptations. A contribution of 50% of the cost of the works (excluding fees) will be requested.
- 2.6 DFGs are predominantly awarded to convert existing dwellings but can also be available for adaptations to the common parts of buildings containing one or more flats.
- 2.7 Where a property is being newly built or converted from a building that is not currently a dwelling e.g. commercial building, former agricultural building etc, much of the works can be incorporated into the build without incurring additional costs therefore grant assistance will be limited. Officers will view the submitted plans and will determine if any of the planned adaptation works can be funded via a DFG.

### **3.0 Ensuring Equality of Service**

- 3.1 The Council seeks to ensure that direct and indirect discrimination on the grounds of age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender re-assignment are eliminated by abiding to the Equality Act 2010.
- 3.2 The Council will endeavour to ensure that:
- Complaints about racial harassment or any form of discrimination are dealt with properly, promptly and fairly
  - Its policies and procedures do not result in discrimination in terms of access to grant funding or the services our clients receive from us
  - Staff understand and operate according to the principles of fairness and equality
  - Groups representing people of protected characteristics are consulted about its grant assistance policies as appropriate
  - It promotes good relations and equality of opportunity between members of different groups within the community

### **4.0 Exceptional Circumstances**

- 4.1 The Council accepts that there may be circumstances that warrant exceptions to this policy. The Assistant Director Community Services is therefore authorised to assess individual cases and where appropriate and reasonable to do so, decide that an exception be made to the normal policy.

4.2 The Assistant Director Community Services is also authorised to amend the policy following any legislative changes, in consultation with the relevant Portfolio Holder.

## 5.0 Legal Framework

5.1 The principal legal provisions covering DFGs are contained in the Housing Grants, Construction and Regeneration Act 1996 (the Act) and associated regulations.

5.2 The key legal provisions are:

- DFGs are mandatory grants and are available to disabled people when works to adapt their home are judged to be *necessary and appropriate* to meet their needs and where it is *reasonable and practicable* to carry them out having regard to the age and condition of the dwelling (s.24 of the Act).
- DFGs are subject to a means test (except where the grant is for a disabled child or the applicant is in receipt of certain state benefits) known as the test of resources. The disabled persons income and savings along with their partners' income and savings have to be assessed to determine the actual amount of grant available to them.
- Subject to all the eligibility criteria being met and a completed application being made, the Council must approve or refuse an application *as soon as reasonably practicable* but no later than 6 months from the application date (s.34 of the Act).
- The maximum amount of grant available per application is set by statute and is currently £30,000.
- DFGs are recoverable if the property that has been adapted is sold or ownership is transferred within 10 years of the works being completed, provided the Council is satisfied that it is reasonable in all the circumstances to require the repayment (see section 27 for further information).
- In the event of the applicants' death before works are complete, the Council has the discretion to authorise a grant to cover any fees incurred, works already carried out or *other relevant works*.

5.3 The NHS and Community Care Act 1990, provides the context for the assessment of and response to potential needs including the adaptation of properties. The Act establishes a requirement that a needs assessment must be carried out where it appears to the social services authority that a person may be in need of such services.

- 5.4 The Carers (Recognition and Services) Act 1995 places a duty on the social services authority to carry out a carers assessment if requested, to identify the ability of the carer to provide care to the disabled person.
- 5.5 The Carers and Disabled Children Act 2000 provides powers for the social services authority to provide any services it sees fit to help the carer look after the disabled child.
- 5.6 The Chronically Sick and Disabled Persons Act 1970, places a duty on social services to:
- Identify the numbers of disabled people in their area and publish the help available to them
  - Arrange practical assistance in the home and any works of adaptation or the provision of additional facilities to secure greater safety, comfort or convenience

## **6.0 Means Test (Test of Resources)**

- 6.1 Applications for DFG funding are subject to a means test known as the test of resources. However, the following applications are excluded from the test:
- A grant application on behalf of a disabled child (a child is defined as someone between the age of 0 and 16<sup>th</sup> birthday):
  - A grant application for a disabled young person (a young person is defined as someone aged 16 – 19), for whom child benefit is still paid and who is in ordinary, non-advanced full-time education and not working or claiming benefits in his/her own right. If a 16-19 year old is NOT a young person, he/she will probably be claiming an income related benefit in their own right.

Ordinary education means standard education provided by school or similar establishment, it does not include youth training or other special types of education.

Non –advanced means to GCSE, A level or equivalent.

Full-time means at least 12 hours per week of teaching

- A grant application where the disabled person is in receipt of certain state benefits known as ‘passporting’ benefits. The list of ‘passporting’ benefits is determined by central government and is subject to change.

6.2 Where a means test is required, it works by looking at how much money the relevant person's family needs to live on for a week, this is called the 'applicable amount' and is set by Government based on the size and any special circumstances of the relevant person's family (outgoings are not included). If the household income exceeds the 'applicable amount', the relevant person will have a contribution towards the cost of the work. A staggered taper is applied to the excess amount to work out the amount of the contribution.

6.3 A relevant person is any person who;

- Is the disabled occupant; or
- Is the spouse or partner of the disabled occupant

6.4 In most cases, the person applying for a DFG will be the disabled person and therefore the 'relevant person' for the purposes of the means test. However, it is possible for the grant applicant to be someone other than the disabled person as the applicant has to be either the owner or tenant of the property to be adapted.

6.5 Where the applicant is not the disabled person, it is the disabled person's income and savings that are taken into account, not the applicants.

6.6 Where the disabled person does not qualify for a grant due to their assessed contribution exceeding the cost of the work, they may choose to proceed on a nil grant basis as the amount of any previous contribution will be deducted from any future contribution should another DFG be required.

## **7.0 Maximum Amount of Grant**

7.1 The maximum amount of grant that can be awarded is £30,000 (inclusive of any VAT, unforeseen work, fees and charges). This amount is set by central government and is subject to change.

7.2 Where the eligible adaptation works will cost more than £30,000 or the applicant has been assessed as having a contribution to pay, any shortfall in funding must be covered by the applicant either themselves or through other sources of funding for example through LCC, charities, family, high street lender. The Council will not approve a grant application until the additional funding required is in place.

## **8.0 Disability Caused by Accident (Insurance Claims)**

8.1 Where adaptation works are required for a person who has been left disabled following an incident such as an accident at work, on the road, medical negligence etc and the disabled person may be able to make a claim for damages, they shall normally be required to pursue such a claim.

- 8.2 It will be a condition of the DFG that a claim is made in appropriate cases, to cover the cost of the adaptation works. Applicants should be advised of this at the earliest stage in the process.
- 8.3 Officers shall obtain details of the cause of any disability and write to the disabled person's legal representatives or insurers to advise that the Council will require any claim for damages to include the cost of the adaptation works.
- 8.4 Submission of insurance claims must not, however, delay the processing of the adaptation scheme. Claims may take several years and shall be monitored every 6 months by the officer writing to the disabled person's legal representatives/insurers to request information on the progress of the claim.

## **9.0 Determination of Amount of Grant Payable in respect of Landlord Applications**

- 9.1 Where a landlord applies for a DFG in respect of adaptation works to a dwelling that is or is intended to be let to a disabled person, the amount of grant awarded shall be determined after taking into account the extent to which the landlord is able to charge a higher rent because of the works. Officers can seek advice from rent officers and by considering average rents for the area for non adapted properties.

## **10.0 Eligibility Criteria**

- 10.1 Eligibility for a DFG is set out in the Act. The following criteria must be met:
- The applicant must be aged 18 or over on the date of the application and have an owners or tenant's interest in the property;
  - The relevant person must be disabled and the disability or condition must not be temporary;
  - The disabled person/child has been assessed by Lancashire County Council's Occupational Therapy Service (assessment of need) and adaptation works have been recommended based on the relevant Occupational Therapy criteria document;
  - The property to be adapted must be the disabled persons' main or only residence (if the disabled person currently lives elsewhere, they must intend to occupy the property as their main or only residence once it has been adapted);
  - The adaptation works must, in the opinion of the Council, be necessary and appropriate to meet the needs of the disabled person;
  - The adaptation works must, in the opinion of the Council, be reasonable and practicable, having regard to the age and condition of the dwelling;

- The adaptations must fulfil one or more of those purposes set out in s.23 (1) of the Act, i.e. those works which would be eligible for a mandatory DFG;
- The dwelling or building to be adapted must be free of category 1 hazards (as defined by the Housing Health and Safety Rating System);
- The property must not be overcrowded;
- The adaptation scheme must not contain any works which may be undertaken for the purposes of s.23 (2) of the Act i.e. those works that would be eligible for a discretionary DFG to make a dwelling suitable for the accommodation, welfare or employment of a disabled person.

## **11.0 The Applicant**

- 11.1 The person applying for the grant is called the 'applicant'. The applicant must be the person who is either the owner or tenant of the property to be adapted. In many cases, the disabled person will be the owner or tenant and will therefore be the applicant. However, this may not be the case for example, the disabled person may live with family members therefore they are not an owner or tenant.
- 11.2 Where the disabled person is not the owner or tenant of the property to be adapted, the owner or tenant will be the person who applies for the grant. However, the means test will only be carried out on the disabled person's income and savings.

## **12.0 Meaning of Disabled**

- 12.1 For the purposes of a DFG, the applicant must have been assessed as being disabled within the meaning of s.100 of the Housing Grants, Construction & Regeneration Act 1996 and the disability must not be temporary.
- 12.2 S.100 of the Act states; a person is disabled if:
- their sight, hearing or speech is substantially impaired;
  - they have a mental disorder or impairment of any kind;
  - they are physically substantially disabled by injury or impairment present since birth or otherwise.
- 12.3 A person under the age of 18 is considered to be disabled if he/she is registered on a register of disabled children under the Children Act 1989.

### **13.0 Assessment of Need**

- 13.1 LCC has a duty to carry out an assessment of the needs of disabled adults and children living in Lancashire. This assessment is done prior to an application for DFG funding. Assessments will be carried out by LCC's Occupational Therapy Service.
- 13.2 The Council will only consider an application for a DFG upon receipt of a referral from LCC.
- 13.3 Upon receiving a request to assess a person's needs, LCC shall, if adaptations are considered necessary, arrange for an OT assessment to be carried out. Following the assessment the OT shall send written notification of the assessment to the Council. The notification will be treated as a request for a DFG.
- 13.4 The OT will prioritise each case using the relevant prioritisation guidelines. Cases will be classed as either high or standard priority.
- 13.5 During periods of high demand for DFG funding, cases classed as high priority will be dealt with first by the Council.
- 13.6 The OT will always specify the least expensive adaptations that will meet the disabled persons' needs. Where more expensive adaptations are recommended, the OT will provide information in support of that request.
- 13.7 It is good practice to carry out joint visits where the adaptations required may involve extensive modification or building work. Such visits between the OT and Private Sector Housing Technical Officer are encouraged at an early stage.
- 13.8 The officer should at the time of the joint visit, undertake a detailed survey of the property, discuss with the disabled person and/or their carers, their circumstances and note their views and wishes. The officer must not make suggestions for alternative or additional work to the client. If the officer feels other work is appropriate this must be discussed with the OT separately.
- 13.9 In cases of doubt as to whether a scheme will be assisted in whole or part, it is recommended that officers should not make any commitments at the time of the joint visit but refer the matter for consideration by senior officers.

### **14.0 Main or only residence**

- 14.1 The property to be adapted must be the disabled persons' main or only residence. Where that is not currently the case, the disabled person must intend to occupy it as their main or only residence during the grant condition period once it has been adapted.

14.2 Where the applicant is proposing to purchase a dwelling that will require adaptations, the DFG can only be approved once the property is actually owned by the applicant. The applicant will be encouraged to liaise with the Council and OT service so that advice can be given on the likely suitability of the property to meet the disabled persons needs, whether it can be adapted, the likely cost of the adaptations, any contribution and the expected timescale for carrying out the required works.

14.3 Proof of residency must be obtained and an owners or tenant's certificate must be provided.

- **Owners' Certificate:** Where the applicant is an owner occupier, any DFG application must be accompanied by an owner's certificate which certifies that the applicant has or proposes to acquire a qualifying owner's interest and intends that the disabled person will live in the property as his or her only main residence throughout the grant condition period.
- **Tenants' Certificate:** Where the applicant is a tenant, a tenant's certificate must be provided which certifies that the application is a tenant's application and the tenant, if he is the disabled person, intends to live in the property as his only main residence throughout the grant condition period (health and other circumstances permitting). An owner's certificate must also be provided by the owner of the property.
- **Houseboat or Park Home Owners - Occupiers' Certificate:** Where the applicant resides in a qualifying houseboat or park home, an occupier's certificate must be provided. The occupier's certificate certifies that the application is an occupier's application and that the applicant (or disabled person) intends to live in the houseboat or park home as his only or main residence throughout the grant condition period (health and other circumstances permitting).

In addition to an occupier's certificate, a consent certificate is required from each person (other than the applicant) who at the time of the application is entitled to possession of the premises at which the houseboat is moored or the park home is pitched or is entitled to dispose of the qualifying houseboat or park home. The consent certificate certifies that the relevant person consents to the work being carried out.

14.4 Where the DFG is for a disabled child whose parents have separated, only one property will be classed as the child's main residence for the purposes of a DFG, irrespective of whether the parents have joint custody. The main residence will usually be determined by which parent receives child benefit.

14.5 A DFG will not normally be granted for a child in foster care unless it is intended that the child will be cared for at the property for the length of the grant condition period. However, each application will be considered on a case by case basis.

## **15.0 Necessary and Appropriate**

15.1 The adaptation works requested must be necessary and appropriate to meet the needs of the disabled person. In deciding whether any works are necessary and appropriate, officers shall take into account:

- the recommendations of the OT;
- whether the proposed works are the most cost effective option;
- whether aids and equipment have been considered or tried;
- whether the proposed works have been unduly influenced by the desires of the disabled person or their family members e.g. recommending a ground floor extension because the disabled person has rejected the installation of a stairlift/through floor lift.

15.2 Where the disabled person wishes to alter or enhance the works recommended e.g. wishes to have an extension rather than a stairlift, provided the OT approves the altered scheme, the client may proceed with the new scheme. The amount of DFG awarded will be for the cost of the initial scheme with the client being responsible for any additional costs in implementing their preferred scheme.

15.3 In any cases of doubt as to whether the works are necessary and appropriate, the case should be referred to the Homelessness & Private Sector Housing Manager who will decide whether the scheme may proceed.

15.4 If it is considered that the scheme should not proceed, a case conference should be arranged with the OT to try and resolve the issue and agree an acceptable scheme. Failure to agree on necessary works should be avoided.

15.5 The final decision as to whether the works are necessary and appropriate rests with West Lancashire Borough Council.

## **16.0 Reasonable & Practicable**

16.1 The Council has a duty to satisfy itself that any proposed adaptations are reasonable and that it is practicable to undertake those works.

16.2 Although it may be agreed that the works are necessary and appropriate to meet the needs of the disabled person, it may not be reasonable or practicable to undertake those works.

- 16.3 In cases where it is not possible to adapt a property to an appropriate standard or where the cost of the work is considered excessive, the Council will take the view that the work is not reasonable and practicable. Where this is the case, the applicant will be asked to consider whether moving to more suitable accommodation would be a better option.
- 16.4 Where the applicant wishes to move to Council accommodation, they will be provided with a report outlining why the current home cannot be adapted to assist them with their housing application.
- 16.5 In any cases of doubt as to whether the works are necessary and appropriate, the matter should be referred to the Homelessness & Private Sector Housing Manager who will decide whether the scheme may proceed.
- 16.6 If it is considered that the scheme should not proceed, or that it should be amended, a case conference should be arranged with the OT to resolve the issue and agree an acceptable scheme. Every effort must be made to assist a disabled person with the circumstances of each case being considered individually. Failure to agree on necessary works should be avoided.
- 16.7 Any scheme of adaptations must be reasonable taking into account the cost and practicability of carrying out the works. Where a scheme involves substantial structural alterations or extensions, officers should consider re-housing the applicants as an alternative where more suitable accommodation is available.
- 16.8 Public funds will not normally be provided to adapt a dwelling above a reasonable minimum standard. Disabled persons and their carers should be advised that if their desires/aspirations exceed what is considered to be reasonable, then they will be required to fund any additional costs themselves.
- 16.9 The final decision as to whether the works are reasonable and practicable rests with the Council.
- 16.10 Factors to be considered in deciding if the works are reasonable and practicable include:
- The condition of the property

A property should be free from category 1 hazards before adaptation works are undertaken. The owner of the property will be responsible for carrying out any work to remove such hazards. However, where the health of the disabled person would be adversely affected by undertaking such works; the works are relatively minor in nature or the adaptation works are urgent, it may not be reasonable put such adaptation works on hold.

Where repair or remedial works are required before adaptation works can be carried out, the owner of the property will be responsible for completing and funding these works. The Council will not approve a DFG until the works have been satisfactorily completed.

Where repair or remedial works are discovered whilst the adaptation works are underway and failing to address these will prevent the adaptation works from being completed, the reasonable cost of such works can be included in the DFG as 'unforeseen works'.

- The location of the property.

It may not be reasonable or practicable to adapt a dwelling where the location makes this difficult. For example:

- there is a very steep access drive/path which cannot be re-graded;
- the approach is an unmade track or road;
- the dwelling fronts a highway or pavement which cannot be obstructed by ramps/lifts;
- permission cannot be obtained for adaptations to common entrance pathways/staircases;
- the dwelling is a houseboat/park home with poor means of access

- The age of the property

The age of the property may be a factor due to a poor layout, narrow corridors/stairs etc. A property may also be listed which may restrict the works that can be carried out.

- Planning or Building Regulation constraints;

Where the adaptation works involve constructing an extension or substantial structural alterations, it will be important to ensure that planning requirements or building regulations are complied with. This will include ensuring appropriate design of the scheme.

- Impact on existing facilities

Adaptations should not result in unacceptable changes to the amenities or facilities enjoyed by other occupants of the dwelling e.g. the effect of widening hallways should not reduce living or sleeping space below the minimum standard. Any alterations to layout should not result in the dwelling becoming overcrowded.

- Physical constraints due to the size or layout of the property

It may not be reasonable or practicable to alter a very small dwelling to facilitate full wheelchair use. It will not normally be acceptable to adapt a property if it would result in the property failing the HHSRS or minimum room sizes, especially if it does not fail it without the adaptations.

- Overcrowding

It would not normally be reasonable to adapt a property that is already overcrowded. Adaptations are not to be undertaken to relieve an overcrowding problem e.g. constructing a bedroom extension for a disabled person who already has access to such facilities simply to reduce overcrowding for the remainder of the occupants.

It would be acceptable to require other occupants to share facilities to allow a disabled person access to a room provided that by doing so the other occupants would not exceed the occupancy limit for the room.

Extensions to create additional bedroom space should not normally be undertaken where a dwelling has adequate rooms for sleeping to accommodate all the occupants and the disabled person can access a suitable bedroom.

## **17.0 Decision Making Criteria**

17.1 Once the Council has determined that the proposed adaptation works are *necessary and appropriate* and *reasonable and practicable*, the following expectations and presumptions are taken into account:

- The recommended adaptation works should properly and fully meet the assessed needs of the disabled person
- The adaptation works recommended by the OT are the least expensive appropriate to meet the disabled persons needs. Where more than one type of adaptation would be suitable and the more expensive has been specified, the OT should be requested to justify the request and identify any special circumstances that have been taken into consideration.
- Whether alternative schemes involving mobile aids or equipment have been considered or tried.
- Whether the adaptation works recommended have been unduly influenced by the desires or aspirations of the disabled person or their carers e.g. proposing a ground floor extension where the disabled person could use a stairlift but is unwilling to do so.

- Wherever practicable and realistic, the change of use of existing rooms or the re-ordering of rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of items such as through floor lifts.
- The DFG will only fund one facility to a dwelling e.g. only one bathroom will be adapted, only one specialist toilet will be provided etc.

17.2 Where the applicant wishes to alter the works drawn up, incorporate the works into a larger renovation or enhance the specification of the fixtures and fittings, they are free to do so. A grant equal to the cost of the work originally specified will be given with any additional cost funded by the applicant.

17.3 Where the applicant requests works that differ from those specified by the OT in their referral, agreement must be obtained from the OT that the alternative works are appropriate to meet the needs of the disabled person before the works are commenced.

## **18.0 Works Eligible for a DFG**

18.1 The adaptation works recommended must be eligible for a mandatory DFG in accordance with s.23(1) of the Act.

18.2 Examples of the type of work that can be funded are as follows:

### **18.3 Facilitating access**

18.4 Under this category, a grant may be given for works to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling, accessing the garden and enjoying the use of the dwelling and the facilities or amenities within it. Works may include:

- Ramped access to main entrance door for wheelchair use or step lift equipment;
- Widened entrance door for wheelchair use;
- Alterations to secondary entrance door/patio to provide access to rear garden/yard
- Works which will **not** normally be eligible for assistance include:
  - Construction or resurfacing of a driveway, provision of a garage or storage facility for car, electric scooter or wheelchair etc;
  - Works outside the curtilage of the dwelling where permission cannot be obtained from others e.g. ramp on public footway;

- Works to provide access to a garden area e.g. steps/ramp down or up from patio to lawn etc (facilitating access from the house to outside will be provided);
- Works to provide access to garage/shed/outbuildings etc;
- Resurfacing/re-grading of public footpaths or common passageways to the entrance of the dwelling e.g. cobbled rear passage to yard of terraced house.

#### 18.5 **Making the dwelling safe**

18.6 Under this category, a grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with them. Works eligible for assistance may include:

- Provision of guards or cladding etc; to prevent persons with behavioural problems harming themselves;
- Specialised glazing or shades to windows to protect occupants with a medical condition which make them sensitive to sunlight;
- Works which are not normally eligible for assistance include:
- Works solely designed to remove category 1 hazards under the Housing Health and Safety Rating System.

#### 18.7 **Facilitating access to a room usable for sleeping**

18.8 Under this category, a grant may be given for the provision of a room usable for sleeping where the adaptation of an existing room in the dwelling or access to that room is unsuitable in the particular circumstances.

18.9 Where the disabled person shares a bedroom with a spouse/partner, a grant may be given to provide a room of sufficient size so that the normal sleeping arrangements can be maintained.

18.10 Works eligible for assistance may include:

- Provision and installation of stairlift or through-floor lift equipment and structural alterations required to allow the installation, where access is required to a bedroom or room suitable for sleeping which is above ground floor level.;
- Conversion of a ground floor room into a bedroom; widening doorways for wheelchair access;
- Construction of bedroom extension;

- Strengthened ceiling in preparation for ceiling track hoist (hoist equipment to be supplied by LCC).
- Work which will **not** normally be eligible for assistance include:
- Provision of space within a bedroom for sensory equipment, social, recreational, study or working purposes.

#### 18.11 **Facilitating access to bathing facilities**

18.12 Under this category, a grant may be given for the provision of or access to, a WC and or bathing facilities. Works eligible for assistance may include:

- Widening doors to existing bathroom to suit wheelchair user;
- Provision and installation of stairlift or through-floor lift where existing bathroom is above ground floor level including structural alterations where required;
- Provision of a bathroom where the current one cannot be accessed or adapted to suit the disabled person;
- Adaptation of the existing bathroom to suit the disabled person e.g. replacing bath with level access shower (over bath showers will not be provided unless there is a specific medical need for this);

**Note:** Shower facility must be level access wherever possible. A low-level tray will only be considered where the existing floor will not accommodate a level access tray.

- Replacement of shower with a bath (this will only be considered where the disabled person is unable to shower and where the shower was not provided through a DFG);
- Provision of bath and shower where there are 2 or more disabled occupants with differing needs (subject to space);
- Provision of bathroom extension where the current one cannot be accessed by the disabled person;
- Strengthening of ceiling joists to accommodate ceiling track hoist (track and hoist to be provided by LCC)
- Provision of fixed seat/grab rails;
- Non-slip/sloping floor to create shower facility.
- Provision of a WC where one does not exist;
- Repositioning WC to facilitate access by wheelchair user;

- Raised/lowered WC pan;
- Provision of ground floor WC where upper floor cannot be accessed;
- Extension for a WC;
- Works which are not normally eligible for assistance include:
- Provision of an external WC

**Note:** A wash-hand basin should normally be provided within the same room as a WC. Where this is not possible, the wash-hand basin should be in an adjoining room e.g. ante space or bedroom.

18.13 Where a wet room is being created, a thermostatically controlled shower will be provided along with shower curtain or carer screens. The immediate shower area will be tiled with plain white tiles (client can request additional tiling and specification of tile at their own expense). Appropriate non-slip vinyl flooring will also be provided (again this can be upgraded at clients' expense).

18.14 Works which are not normally eligible for assistance include:

- Tiling outside of immediate shower area;
- Replacement of floor coverings where no other work is being recommended;
- Retention of bath/shower for non-disabled occupants when providing a facility for a disabled occupant if this increases costs;
- Provision of non-fixed bathing or shower seat;
- Provision of an additional bathing facility on ground floor if existing facility is accessible or would be if a lift was provided.

18.15 **Facilitating Access to Wash-hand Basin**

18.16 A wash-hand basin will normally be provided in the same room as the WC. Works to provide access may include:

- Relocation of wash-hand basin to facilitate use by wheelchair user;
- Replacement of wash-hand basin with more suitable type e.g. replace vanity unit with wall fixed wash-hand basin;
- Replacement of taps with lever taps in association with above.

18.17 Works not normally eligible for assistance include:

- An extension solely for a wash-hand basin;

- The replacement of taps on their own if no other works involved and tap turners would be adequate.

#### 18.18 **Facilitating the Preparation and Cooking of Food**

18.19 Under this category, a grant may be given to re-arrange or enlarge a kitchen to improve the manoeuvrability of a wheelchair and to provide specially modified or designed storage units, work top area etc.

18.20 The extent of adaptation work in a kitchen should be related to the extent of cooking and food preparation normally undertaken by the disabled person. No works will be undertaken where the disabled person is not responsible for preparing or cooking any food. Works eligible for assistance may include:

- Rearrangement of kitchen fittings/appliances to facilitate their use;
- Enlargement of the kitchen if it is too small to allow its safe use by a wheelchair user;
- Adapted work-top/storage unit for wheelchair user;
- Adapted doorway for wheelchair user;
- Widened doorway for wheelchair user
- Works not normally eligible for assistance include:
- Provision of additional kitchen units/fittings/appliances

#### 18.21 **Power, Light and Heat**

18.22 Under this category, a grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs.

18.23 Provision is also made for the adaption of lighting and power to make them suitable for use by the disabled person.

18.24 Works eligible for assistance include:

- Relocating power points to make them accessible;
- Adaptation of heating/lighting controls to make them accessible;
- Replacement of solid fuel fire with other heating appliance in living/sleeping rooms normally used by a disabled occupant;
- Improvement of inadequate heating in living/sleeping rooms normally used by disabled occupant;

18.25 Works not normally eligible for assistance include:

- Works to rooms not normally used by disabled occupant;
- Provision of central heating to a whole property.

18.26 **Facilitating access and movement to permit the care of other persons**

18.27 Under this category, a grant may be given for works to enable a disabled occupant better access and movement around the dwelling in order to care for another person who normally resides there whether or not they are related to the disabled person. The dependent being cared for need not be disabled. Works eligible for assistance may include:

- Provision and installation of stairlift or through-floor lift equipment (including any structural alterations required) to allow the disabled person access above ground floor (where they currently live on the ground floor) to provide care to others;
- Widening doorways to the bedrooms of those being cared for by the disabled wheelchair user;
- Works not normally eligible for assistance include:
  - Any works necessary to relocate persons being cared for by the disabled occupant into other rooms e.g. moving a child from the first floor bedroom to a ground floor room or extension.

18.28 **Access to principal family room**

18.29 Under this category, a grant may be given for works to enable a disabled occupant better access the main family room. Works eligible for assistance may include:

- Widened doorway for wheelchair access;
- Provision and installation of stairlift/through-floor lift equipment and structural alterations required to allow installation, if the principal living room is on an upper floor;
- Widened doorway in entrance hall to access principal family room for wheelchair use;

18.30 Works which are not normally eligible for assistance include:

- Widening or improving access to other living rooms/study etc which are not the principal family room or dining room;
- Alterations or extensions to create a family room;

## **19.0 Extensions**

- 19.1 The construction of extensions to provide accommodation for a disabled person is normally the most expensive form of adaptation work, therefore, officers must be completely satisfied that such works are wholly necessary and reasonable.
- 19.2 Extensions will not normally be provided simply to enlarge a dwelling. The extension works must be required to allow a disabled person access to a sleeping room and/or bathroom or to allow a disabled person to safely use kitchen facilities.
- 19.3 Extensions may not be provided to accommodate occupants other than a disabled person, unless the extension releases existing space in the dwelling for the use of the disabled person and is a more cost-effective solution.
- 19.4 Where a recommendation is received from the OT for the construction of an extension, officers must fully investigate the potential for an alternative scheme of adaptation to be undertaken.
- 19.5 In the majority of cases extensions are proposed because the disabled person cannot access a sleeping room and bathroom on the first floor. In such cases it must normally be proven that the disabled person is unable to use a stairlift or through-floor lift because of their condition, or that it is not practical to install a lift and, where necessary, alter the first floor layout.
- 19.6 If the only reason for not installing a lift is the presence of children in the household this is not considered to be a reasonable justification to construct an extension.
- 19.7 Dependant upon the level of occupancy of the dwelling it may be appropriate to convert existing rooms on the ground floor for sleeping or bathing purposes and this must be considered especially where there are unused rooms.
- 19.8 If an extension is proposed for a bedroom because there is no room available which is suitable for the use of the disabled person for sleeping purposes, consideration must be given to other occupants in the house moving to another sleeping room or sharing a sleeping room with other occupants, where appropriate, to release an adequate room for use by the disabled person.

## **20.0 Room Sizes**

- 20.1 Where it is agreed that an extension be constructed to accommodate a disabled person, decisions on the appropriate size of the room(s) should be made with reference to the Occupational Therapist Guide to Room Sizes. The actual size of rooms may, however, exceed the minimum sizes in the guide to reflect the individual needs of the disabled occupant.

- 20.2 If the disabled person has a partner with whom they normally share a bedroom then consideration will always be given to any bedroom extension, wherever possible, being large enough to accommodate both people.
- 20.3 As the needs of disabled persons differ significantly it is not possible to define a limit to the size of a bedroom or bathroom extension which may be provided. The essential principal, however, is that the rooms should not exceed an area of size sufficient to meet the basic sleeping/bathing needs of the disabled person.
- 20.4 Within a bedroom space may be allowed for:
- A bed (or beds if a couple share a room);
  - Wardrobe;
  - Drawer Unit;
  - The safe manoeuvring of a wheelchair or walking frame;
  - Equipment necessary to assist in getting into or out of bed;
  - Access for carers to assist a disabled person in getting into and out of bed (access to both sides of the bed will always be a priority).
- 20.5 Where the OT recommends an extension to accommodate a disabled person's needs which are not eligible for assistance, e.g. for their welfare or employment, the additional ineligible space may be included in the adaptation scheme, subject to the additional costs being funded by the disabled person.

## **21.0 Agency Service**

- 21.1 The Council offers an Agency Service to assist applicants in arranging and managing the adaptation project on behalf of the applicant. The Council is allowed to include an agency fee for this service within the grant. The current fee charged is 12% (plus VAT) of the total eligible cost of the works subject to a minimum charge of £300.
- 21.2 If during the course of the grant process the applicant decides they no longer wish to proceed with the grant application, the applicant will be responsible for paying back any reasonable costs incurred by the Council in:
- The preparation of plans and their submission for Building Regulations or Planning Approval
  - Obtaining specialist advice relating to the carrying out of the relevant works

21.3 The Agency Service will:

- obtain quotes from contractors selected from the Council's approved contractor list or Lancashire County Council's Safe Trader Scheme;
- apply for building regulation or planning permission approval as required;
- instruct an architect where required;
- supervise the contractor;
- authorise payment to the contractor on satisfactory completion of the work.

21.4 Where the applicant chooses to employ the Council's Agency Service and the work is for a bathroom adaptation or installation of a ramp, the work will be undertaken in accordance with the Council's Contracts for Adaptations & Ramps for the Disabled 2013-2016 using one of the two contractors employed under the contract.

21.5 The Assistant Director Community Services is given delegated authority to review from time to time and amend, if considered appropriate, the fee charged for use of the Council's Agency Service in conjunction with the relevant Portfolio Holders.

21.6 As grant funding is issued to the applicant, the contractual relationship in relation to carrying out the work is between the applicant and the contractor. The Council does not have any legal liability or responsibility in this regard.

21.7 Where a dispute arises between the applicant and the contractor over the quality of the work carried out, the Council will work with both parties to negotiate a resolution to the issue. Where an agreement cannot be reached, the only recourse available to both parties is through the courts.

## **22.0 Private Agents**

22.1 The applicant has the option of employing their own agent to assist in the completion of the works.

22.2 Where the applicant chooses to employ their own private agent to directly assist in the preparation and completion of the scheme of works, the fee charged can be included in the grant.

22.3 The maximum amount that can be claimed is 12% (plus VAT) of the total eligible cost of the works.

22.4 The Agent must provide an estimate of costs to be agreed by the Council and payment will only be made on receipt of a valid invoice.

22.5 Where the applicant elects not to proceed with the grant application, any costs incurred by the agent will not be eligible for grant funding and must be recovered directly from the applicant.

22.6 The Assistant Director Community Services has delegated authority to review from time to time and amend, if considered appropriate, the fee amount allowed for the use of a private agent, in conjunction with the relevant Portfolio Holders.

### **23.0 Applicant Supervision**

23.1 Where the applicant chooses to act as their own agent, they may select a contractor from the Council's list of approved contractors, Lancashire County Council's Safe Trader Scheme or they may source their own.

23.2 Where an applicant wishes to use a contractor not on either list, the Council must vet and approve the contractor prior to the application being approved.

23.3 No agent's fees will be payable where the applicant acts for themselves.

### **24.0 DFG process in West Lancashire**

#### **Stage 1 Occupational Therapist Assessment**

Residents in the borough wishing to be considered for adaptations to their home, must request an assessment of their needs from Lancashire County Council (LCC) before a DFG application can be made.

#### **Stage 2 Occupational Therapist Referral**

If major adaptation works are required, a joint visit will be carried out with the OT and Private Sector Housing Technical Officer to establish the best way of meeting the disabled occupants' needs. Following the visit, the OT will provide the Council with a recommendation outlining the adaptation works that have been agreed. This will constitute a request to consider the client for a DFG to assist in paying for the work to be completed.

The referral will include copies of any quotes for specialist equipment already obtained by the OT.

#### **Stage 3 Means Test (Test of Resources)**

Upon receipt of an OT recommendation, the client will be provided with a form to complete an initial provisional means test. This will determine prior to any further work being carried out, whether they would qualify for a full grant or whether they would have a contribution to pay.

Stage 4      Establishing Ownership of the Property

The Council has access to the Land Registry to confirm ownership of the property. Where there are no records held, the client will be advised during the survey visit that they will be required to provide a copy of the deeds to the property.

Stage 5      Survey, Completion of Application Form & Terms and Conditions

A survey of the property will be carried out and a schedule of work based on the recommended adaptations will be drawn up.

Applications for DFG assistance must be made in writing using the forms provided by the Council. The DFG application form will be completed during this visit and proof of ownership will be requested if it could not be obtained from the Land Registry.

The grant terms and conditions will also be provided to the client for them to read and sign to state they understand them.  
The client will also be offered the Council's Agency Service to assist with the next steps in the process.

Stage 6      Engaging an Architect or other Professionals

If an architect, structural engineer or other professional is required, the client must engage their services (unless they have elected to use the Council's Agency Service).

The Council must approve the estimated fees if they are to be included in the grant.

Stage 7      Obtaining Quotes

At least two competitive quotes must be obtained using the schedule of work drawn up by the Council. The client will be responsible for obtaining these quotes (unless they have elected to use the Council's Agency Service)

Where quotes have been provided by contractors not on the Council's approved list or Lancashire County Council's Safe Trader Scheme, the Council must vet the contractor to ensure they are competent and suitably insured.

Quotes provided by a relative of the applicant, will only be approved for the cost of materials, the applicant will be responsible for the cost of labour except for where sub-contractors must be used.

Quotes are evaluated to ensure they cover only the identified works and represent value for money. Once the quotes are accepted, the amount of grant offered will be based on the lower of the prices submitted. The applicant may choose to appoint one of the alternative contractors but must fund any difference in cost themselves.

#### Stage 8 Grant Approval

A DFG application is considered to have been made when:

- An OT referral has been received;
- A test of resources assessment has been carried out;
- A DFG application form has been completed;
- An owners/tenants/occupiers certificate has been received;
- Proof of ownership has been confirmed
- A schedule has been drawn up, appropriate permissions have been granted and prices have been obtained
- The works have been assessed as being reasonable and practicable and necessary and appropriate.

The Council has 6 months to approve a grant application once it has been made however approval times are much quicker than this.

Upon approval the applicant will be provided with the following information in writing:

- A copy of the schedule of work that is eligible for grant funding;
- The estimated amount of expenses that will be incurred;
- The estimated amount of costs that will be incurred in relation to ancillary services and charges;
- The amount of grant that will be paid.

Note: documents showing how the expenses and other costs and charges have been calculated will be provided.

Applicants **must not** instruct the contractor to start work before receiving the formal grant approval document.

If after approval, the Council is satisfied that owing to circumstances beyond the control of the applicant the works could not or cannot be carried out on the basis of the expenses calculated, the cost of the work has increased or additional works are required that could not have been reasonably foreseen at the time the application was made (unforeseen works), the Council may re-determine the estimated expense and the amount of the grant.

Stage 9 Completion of Work

The work must be completed within 12 months from the date the grant was approved.

The Council has the discretion to extend this timescale where there have been delays due to unforeseen works or other issues.

Officers must satisfy themselves that the works have been undertaken in a proper and workmanlike manner and confirm with the OT that the works satisfactorily meet the assessed needs of the service user prior to the grant monies being released.

The disabled person and/or their carers shall be consulted on whether they consider the works to be satisfactory and written confirmation of their satisfaction must be obtained before the balance of the grant monies is released to the contractor.

Where specialist equipment is installed, e.g. stairlift, through-floor lift etc, officers should ensure that the disabled person and/or their carers have been fully instructed in its safe use by the installers or OT as appropriate. If it appears that a disabled person has not been adequately instructed then the OT shall be notified immediately.

If it appears that any adaptation works are not wholly satisfactory in meeting the needs of the disabled person or that the disabled person appears unable to use the adapted facilities, the OT should be notified immediately.

Officers must not give any advice or instructions on the safe use of equipment, but refer any such requests to the OT.

Stage 10 Payment of Grant

The Council can make interim payments to the contractor as work progresses but no more than 90% will be paid before full completion.

Upon completion of the work, a technical officer will visit to ensure all works have been completed satisfactorily and will ask the applicant to sign a satisfaction survey confirming they are happy with the work.

Once a valid invoice and any certificates/guarantees have been received, the grant money will be released to the contractor.

Stage 11 Delayed payment of grant

Where a grant is approved, the Council can set terms that no monies will be released before a date specified in the notification of the decision.

That date shall not be more than 12-months after the date of the application.

## **25.0 Maintenance & Repair**

- 25.1 A DFG will only be provided to adapt a dwelling; it will not be provided to pay for any on-going maintenance or repair of the adaptation works after the expiry of any applicable warranty period. On-going maintenance and repairs will be the responsibility of the applicant.
- 25.2 The DFG will not cover the cost of any extended warranty period offered by the manufacturer of any equipment installed. The grant applicant will be advised to consider taking out any extended warranty for equipment such as stairlifts as the cost of repairs can be high.
- 25.3 Future grants to replace equipment such as stairlifts will only be considered if the stairlift is beyond economical repair. Another grant will not be awarded where the stairlift can be repaired but the applicant is unable to afford the repair and chose not to take out the additional warranty.
- 25.4 Any items which carry a warranty will be covered by that warranty and the contractor will provide the applicant with the relevant details.
- 25.5 Any contractor introduced to the applicant under the Agency Service will offer a separate workmanship guarantee, the length of which will be advised at the outset.
- 25.6 Where the applicant has had a starilift, through floor lift or other specialist equipment fitted and has signed a deed of transfer of that item to LCC, the maintenance and removal of that equipment will be the responsibility of LCC.
- 25.7 Warranty costs for equipment supplied and paid for directly by LCC outside of the DFG process, will not be included in the grant.

## **26.0 Refusal of Grant**

- 26.1 If the grant application is refused, the applicant will be informed of the reasons why in writing and offered an opportunity to appeal.

## **27.0 Successive Applications**

- 27.1 Successive grant applications are permitted where further adaptations are needed in the future due to a deterioration or change in the disabled persons' condition.
- 27.2 Where a grant application has been rejected and the applicant submits another application, the new application will be reviewed to determine whether the circumstances are different to the previous application. Where the circumstances are exactly the same, the application will not be accepted. Where the circumstances are different, the new application will be assessed and a decision made as to whether the application can be accepted or refused.
- 27.3 Where an applicant has been awarded a DFG on a previous or current property and has moved or is planning to move to another property that will require adapting, provision of a DFG will be depended on the reasons for moving. The Council may decide that it is not reasonable to award a further DFG if the reasons for moving are not justified.

## **28.0 Grant Conditions**

- 28.1 DFGs are subject to conditions as set out in the Housing Grants, Construction & Regeneration Act 1996 and are as follows:

- Carrying out the works

Under s.37 of the Act, it is a condition of payment that the eligible works are carried out within 12-months from the date of approval or where payments has been delayed, before the notified date.

The Council can extend this time in circumstances where it is clear that the eligible works cannot or could not be completed without carrying out any unforeseen work.

The Council may demand repayment of any interim payments made where without reasonable excuse, the works were not completed within 12 months of approval or any extended period as agreed.

- Commencement of Works before Approval

An application for a DFG will not be approved if the work has started before the application has been approved.

Where work has started but has not been completed, the application may be approved if the Council is satisfied that there were good reasons for the work beginning before approval.

If the Council approves an application where works have already started but have not been completed, it may, with the consent of the applicant, treat the application as varied so that the works approved do not include any that have been completed prior to approval.

A grant cannot be approved if the relevant works have already been fully completed before the application is approved.

▪ Conditions as to contractors employed

Under s.38 of the Act, it is a condition of the grant that unless the Council directs otherwise, the eligible works must be carried out by a contractor that has provided an estimate for the work using the schedule of works drawn up by the Council.

The Council has procured a schedule of rates and engaged the services of two contractors under the Contracts for Adaptations & Ramps for the Disabled 2013-2016. Where the applicant employs the Council's Agency Service, the work will be carried out under the terms of that contract.

Where the applicant does not wish to use the Council's Agency Service and does not wish to approach any of the contractors on the Council's approved contractor list, they may appoint their own contractor. The Council will vet the contractor to ensure he is suitably qualified and experienced to carry out the work. Where the Council is not satisfied, the grant application may be refused. Where either the applicant or a relative of the applicant wishes to carry out the actual adaptation work, the grant will only be approved for the cost of materials. The applicant will be responsible for the cost of labour unless sub-contractors have been used for some elements of the work.

Where the applicant has appointed their own contractor and the price for the work is in excess of the price set by the Council using the standard schedule of rates, the amount of grant will be limited to the price set by the Council. Any excess cost must be paid for by the applicant.

▪ Payment of Grant

The Council will issue payment direct to the contractor.

The payment of a grant is conditional upon:

- The eligible works being carried out to the satisfaction of the Council;
- The Council being provided with an acceptable invoice for any works, services or charges;
- Any safety certificates or building control certificates being received

- Payment can be made;
- in full after the eligible works have been completed, or
- by instalments as the works progress

Where a grant is to be paid by instalments, the amount paid cannot exceed 90% of the total amount of the grant.

Where an amount of grant is payable but the works have not been completed to the satisfaction of the applicant, the Council may at the applicant's request and if they consider it appropriate to do so, withhold payment from the contractor.

- Residence condition

It is a condition of the grant that the applicant has or proposes to acquire a qualifying owners interest in the property and intends that the disabled occupant will live in the adapted property as their only or main residence throughout the grant condition period.

The grant period is currently 5 years and starts on the 'certified date'. The certified date is the date the Council decides the eligible works are complete to the satisfaction of both the Council and the applicant.

- Reclamation of Equipment

Where an application for assistance includes the provision of a stairlift, through-floor lift, step-lift or other specialist equipment, it shall be a requirement of providing assistance that such equipment will be reclaimed by LCC when it is no longer required by the disabled person.

A contract shall be signed by the applicant with LCC for this purpose. Should the applicant refuse to sign then he/she will be fully responsible for the maintenance and disposal of the equipment (maintenance and future removal costs cannot be covered by the grant).

- Repayment of grant on sale or transfer of property (owner occupiers only)

In accordance with the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, a condition is attached enabling the Council to recover a proportion of the grant if the property is sold or ownership is transferred within 10 years of the work being completed.

Repayment will be required in the following circumstances:

- (a) where the grant amount exceeds £5,000; and
- (b) the applicant has a qualifying owners interest in the property on which the relevant works were carried out; and
- (c) the applicant disposes of the property, whether by sale, assignment, transfer or other means, within 10 years of the certified date of completion of the works

In order to alert the Council to a potential sale or transfer of ownership, a local land charge will be placed on the property where that DFG was for more than £5,000. The charge will remain on the property for 10 years and will be binding on any person who is the owner of the property.

Should the property be sold within the 10 year period, the Council will demand repayment as follows:

Grant Amount	Amount Repayable
Up to £5,000	£0
£6,000	£1,000
£8,000	£3,000
£10,000	£5,000
£15,000 +	£10,000

The partial recovery of grant funding will allow the Council to recycle some funding back into the budget for future DFGs.

**It should be noted that the repayment mechanism only applies to owner occupiers.**

## **29.0 Withdrawal of application prior to approval where costs have been incurred**

- 29.1 Where the applicant, prior to the grant being approved, decides not to pursue the application, he/she shall reimburse the Council any costs incurred in:
- the preparation of plans and their submission for Building Regulations or Planning Approval
  - obtaining specialist advice relating to the carrying out of the grant works e.g. structural surveyor fees
- 29.2 The Homelessness & Private Sector Housing Manager has the discretion to waive repayment of any fees in exceptional hardship cases.

29.3 Where the applicant has used a private agent and that agent has incurred the costs, the agent shall recover any monies directly from the applicant, not the Council.

### **30.0 Change of circumstances after approval**

30.1 Where the application has been approved but before the works have been completed (certified date);

- The works cease to be necessary or appropriate to meet the disabled person's needs, or
- The disabled person ceases to occupy the dwelling, or
- The disabled person ceases to have the intention to occupy the dwelling, or
- The disabled person dies

30.2 The Council can decide that:

- No grant shall be paid (including any further payments if instalments have already been paid);
- The relevant works should be completed and the grant or an appropriate proportion of it paid, or
- That the application should be re-determined in light of the new circumstances.

30.3 When making this decision, the Council will have regard to all the circumstances of the case.

30.4 If the Council decides that no grant will be paid or that no further instalments will be paid, it can demand that any instalment that has already been paid, be repaid together with any interest from the date it was paid until the date it is repaid.

### **31.0 Ceasing to be eligible after approval but before payment is made**

31.1 Where an application has been approved but before the works have completed (certified date), the applicant ceases to be eligible for a grant, no grant shall be paid (including any further instalments if some have already been paid).

31.2 The Council can demand repayment of any instalments that have already been paid. This can include an amount of interest.

31.3 Where the application was a joint application, this section will not apply unless both applicants cease to be eligible.

31.4 In the case of an owner's application, a person ceases to be eligible;

- If he/she ceases to have an owner's interest, or
- If he/she ceases to have an intention as specified in the owner's certificate which accompanied the application

31.5 In the case of a tenants' application, a person ceases to be eligible;

- If he ceases to be a qualifying tenant of the dwelling, or
- If the application was accompanied by an owner's certificate, the landlord ceases to have the intention specified in the certificate

### **32.0 Recalculating, withholding or repayment of grant after approval**

32.1 S.42 of the act covers the actions the Council can take where the original application has been assessed on inaccurate or incomplete information.

32.2 The section applies to grants that have been approved and;

- The amount of grant was determined under s.30 or 31 on the basis of inaccurate or incomplete information and exceeds that to which the applicant was entitled;
- The Council determines that the eligible works were started before the application was approved;
- The eligible works are not completed to the satisfaction of the Council within the 12-month period (or the period specified);
- The Council decided that the cost of completing the eligible work including the any additional costs or fees is or is likely to be lower than the estimated expense; or
- The Council decides that works were carried out in contravention of s.38 (conditions as to contractors employed).

32.3 Where any of the above applies, the Council may:

- Refuse to pay the grant or any further instalments, or
- Make a reduction in the grant; and
- Demand repayment of any grant already paid.

32.4 If following approval it is clear that the works cannot be carried out on the basis originally referred to or there is additional work that could not have been foreseen at the start, the Council can re-determine the cost of the grant based on the additional costs, providing the total cost does not exceed the maximum amount.

32.5 The amount of grant can also be reduced if the cost of the work on completion is less than the original estimate.

32.6 Where the works in question have not been completed to the satisfaction of the applicant or the Council, payment may be withheld until such works have been completed in a satisfactory manner.

### **33.0 Repayment where the applicant is not entitled to a grant**

33.1 S.35 of the Act covers the circumstances where an application has been approved but it later emerges that the applicant was not eligible at the time of approval.

33.2 Where this section applies, no grant or further instalments of grant shall be paid.

33.3 In the case of an owner's application, an applicant is not entitled to a grant;

- If he/she does not have a qualifying owner's interest, or
- If he/she does not have the intention specified in the owner's certificate which accompanied the application.

33.4 In the case of a tenant's application, an applicant is not entitled to a grant;

- If he/she is not a qualifying tenant of the dwelling, or
- If the application was accompanied by an owner's certificate and the landlord does not have the intention specified in the certificate.

### **34.0 Repayment Conditions in cases where compensation is paid**

34.1 Where an application has been approved, a condition can be imposed requiring the applicant to take reasonable steps to pursue any relevant claim and to repay the grant, so far as appropriate, out of the proceeds of such a claim.

34.2 Such claims would be;

- An insurance or legal claim against another person in respect of damage to the premises which the grant relates, or

- A legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim.

34.3 A claim is a relevant claim to the extent that works make good the damage or the cost of which is claimed are works to which the grant relates.

34.4 Where this condition is breached, the applicant shall repay the amount of grant relating to such works.

34.5 The Council can choose not to make such a demand or demand a lesser amount.

### **35.0 Death of Applicant**

35.1 Where the applicant (or disabled person) dies after liability has been incurred for any preliminary or ancillary services or charges, the Council may pay grant in respect of some or all of those matters.

35.2 Where the applicant dies after the works have begun but before the certified date the Council may pay grant in respect of some or all of the works already carried out and other relevant works covered by the application.

### **36.0 Dispute Resolution**

36.1 When a DFG is approved, the applicant becomes the employer of the builder therefore the legal and contractual relationship for the work being carried out is between the applicant and the builder.

36.2 The Council is not legally responsible for any of the work carried out and cannot take action against the builder if any of the work carried out is unsatisfactory although the Council will try and negotiate between the applicant and builder in order to reach a way forward.

36.3 Where a dispute over the quality of the work or materials that have been used arises before the work has been completed, the applicant should notify the Council immediately and an officer will arrange to inspect the work.

36.4 Where the work or materials are not satisfactory, the officer will advise the builder to make good any problems before the work can be signed off and any payments made.

36.5 Where the work has been completed and the client or Council are not satisfied, final payment will be withheld until any problems have been rectified.

36.6 Where the Council is unable to sign off the work and no agreement can be reached between the client and builder, any remaining grant money will be paid to the applicant and can be used to employ another builder to rectify the work.

36.7 Any further dispute regarding outstanding payment, the quality of work or claims for compensation, will be between the applicant and builder.

### **37.0 Appeals**

37.1 Any person who is not happy with a decision made by the Council is entitled to appeal. Any appeal should be made in writing within 28 days of receiving the decision. The appeal is to the Assistant Director Community Services and should state the decision that is being appealed and the reasons for the appeal. The Assistant Director Community Services will respond in writing within 14 days of receiving the appeal.

37.2 If the applicant is dissatisfied with the decision of the Assistant Director Community Services, he/she shall be entitled to make a further appeal within 28 days of the reply to the Council's Licensing and Appeals Committee.

37.3 The applicant will be entitled to put their case to the Committee in writing or in person. The applicant may also nominate a person to represent them at the appeal. The applicant should provide sufficient information concerning the appeal.

37.4 The decision of the Committee shall be given in writing and shall be binding on all parties.

### **38.0 Council Tenants**

38.1 West Lancashire Borough Council has retained its housing stock and has chosen to directly fund adaptations for its tenants through its own capital programme.

38.2 To ensure equity across all tenures, applications for adaptations received from Council tenants will be dealt with in the same way as those from home owners, private tenants and housing association tenants up to the point of grant approval.

38.3 The parts of this policy that apply to Council tenants are:

- Section 6.0 Means Testing
- Section 13.0 Assessment of Need
- Section 17.0 Decision making criteria

38.4 The Council will discuss alternative housing options i.e. moving to a property that has already been adapted prior to adapting the current property.

38.5 Tenants are not responsible for carrying out any remedial or repair works prior to adaptations being installed.

- 38.6 The Housing Department will be responsible for maintenance of the adaptation works for the life of the tenancy (except for specialist equipment that has been signed over to LCC).
- 38.7 Tenants will not be able to request an alternative or enhanced scheme. The adaptation works carried out will be the ones recommended by the OT unless the Technical Officer has identified a more appropriate cost effective solution.
- 38.8 Where a property has already been adapted for a disabled tenant and the tenant requests a transfer to another property, the new property will not be adapted (unless there are exceptional circumstances for the move).