

	<p>REPORT TO CABINET TO BE HELD ON 15 February 2011</p>
	<p>Key Decision YES</p> <p>Forward Plan Ref No</p>
<p>Corporate Priority</p> <p>Aim 3 – Creating Healthy and Vibrant Communities</p>	<p>Cabinet Portfolio Holder Cllr Jonathon Dixon Cabinet Member for Housing, Public Health, Property Maintenance and Sustainability</p>

REPORT OF: Head of Environmental Services – 11/80

WARDS AFFECTED: ALL

SUBJECT: DISABLED FACILITIES ADAPTATIONS POLICY

RECOMMENDATION

That Cabinet recommend to Council the approval of the adoption of the Disabled Facilities Adaptations Policy.

REASON FOR RECOMMENDATION (S):

This new policy is required to assist officers of the Council to interpret and implement legislation relating to the adaptation of homes for disabled people.

1. INTRODUCTION

- 1.1 In September 2009 Cabinet considered report 9/475 and approved the adoption of a prioritisation system to handle requests for Disabled Facilities Grants (DFGs). That prioritisation system was adopted by Council in November 2009 and has since been operating effectively.
- 1.2 Further to the adoption of that system, Officers have realised that a broader policy is required to assist with the interpretation and implementation of

legislation relating to the adaptation of homes for disabled people. Historically officers have used legislation to inform practice and decision making, however the Council has had no single written policy in respect of DFGs.

- 1.3 This report recommends the adoption of DFG policy and highlights the key elements that are contained within the recommended approach.

2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN

- 2.1 The provision of DFGs is a mandatory requirement that contributes to Aim 3 of the Corporate Plan: Creating Healthy and Vibrant Communities.

3. BACKGROUND AND ISSUES

- 3.1 Under the requirements of the Housing Grants Construction and Regeneration Act 1996 the Borough Council has a statutory duty to provide financial assistance for DFGs. The provision of DFGs is administered on the Councils behalf by the Home Improvement Agency.
- 3.2 In 2009 the Council adopted a new prioritisation system to assist with the administration of DFGs. This new system involved a move away from a 'time based' waiting list toward a system that prioritised the provision of DFGs on the basis of need. Further to the introduction of that system officers have since developed and consulted on a broader policy in respect of disabled adaptations more generally.
- 3.3 It is proposed that this new policy is adopted and used to determine future decision making and practice in respect of DFG applications. A full copy of that policy is attached as **Appendix 1** of this report.

4. CONSULTATION

- 4.1 Consultation via a workshop session has been undertaken with the Occupational Therapists at North Yorkshire County Council Adult and Community Services who have been supportive of the proposed measures.
- 4.2 Consultation has been undertaken with service users along with other key stakeholders via the Home Improvement Agencies advisory committee.
- 4.3 Legal advice has been provided to help inform the development of this policy.
- 4.4 To inform the development of this policy, the Councils existing prioritisation scheme has also been reviewed. This review involved a home visit to 24 households that had already received a DFG (and been subject to prioritisation) and all households that had been waiting for a DFG for more than 6 months.
- 4.5 Feedback from respondents in relation to how the new system was being operated was positive. The majority of respondents understood the system that was being operated and agreed that a 'needs based' system was a fairer

way to operate that a 'time based' system. Further to this exercise it is not recommended that any changes to the adopted prioritisation element of the policy are made.

5. ASSESSMENT

5.1 The new policy seeks to clarify:

- Eligibility criteria and the considerations that need to be taken into account by the Council in determining applications for assistance.
- The role of the Council, the Home Improvement Agency and the Occupational Therapists.
- The obligations of the Council and the obligations of the recipients of grant assistance.
- The process of application (from initial referral to full completion of works) and the information needed to determine any application.
- How the Prioritisation System operates
- The ability of the Council to discharge its duties under the legislation by re-housing applicants into more suitable accommodation, along with the process that needs to be followed in these instances.
- The process that needs to be followed if the Council has determined to refuse an application along with the necessary review procedure.
- The Councils charging policy.

5.2 It is the view of your officers that this new policy document provides clear guidance in relation to the decision making process in relation to DFGs and mitigates the Council against the potential risk of legal challenge against decisions made.

6. IMPLICATIONS

6.1 Policy

This is a new policy document that will require adoption by full Council. The majority of the document reflects and clarifies legislative requirements. The policy does however also include a number of local elements, particular to the Borough that should be noted. These are:

The role of the Home Improvement Agency within the DFG process (Section 2.3)

The administration of DFGs in the Borough has been undertaken on the Councils behalf by the Scarborough Home Improvement Agency since 2001.

The work of this Agency is reviewed via the Councils Projects & Partnerships Scrutiny Committee (see report ref 10/124).

The operation of the prioritisation system (Section 2.4 and Appendix A)

Council adopted this element of the policy in September 2009 (report ref 9/475).

The ability to discharge duty via re-housing (Section 4.9)

The Council is able under the legislation to discharge its duties to disabled people by re-housing them as opposed to giving grant assistance. The Council has the ability to take this option through its new Housing Allocations Scheme adopted by Council in April for the introduction of Choice Based Lettings (report ref 10/253).

This new policy approach is aimed at ensuring the Council does not incur costs by paying grant to pay for major adaptation works to unsuitable properties. The approach is also aimed at trying to meet the needs of disabled people by matching them up to properties with existing adaptation works.

Re-payment of Grant (Section 8)

Council took the decision to reclaim grant under certain circumstances in May 2008 (report ref HFAM/08/14). Current policy allows the Council to use its discretion to reclaim funding for *extensions* that exceeds £5,000 up to a maximum of £10,000 where home owners sell the home within 10 years of the grant award. This money is recouped via a land charge.

The purpose of the current charging policy (limited to extensions only) is to ensure that where extensions are undertaken and paid for via grant and these extensions enhance the value of the property, then the cost of the original works should be recouped and the grant recycled.

The new policy seeks to extend these existing re-payment conditions. It is recommended that where any recipient of a DFG that has a home owners interest in the property that has had *any* adaptation carried out and subsequently moves property within the Borough and is seeking further grant aid to install similar adaptations to those previously funded then any cost over £5000 will also be subject to a land charge.

Various exemptions to the above charging rules however do apply and are highlighted within the policy (**section 8.4**).

The above change can only relate to homeowners who move and not to tenants.

The purpose of this addition to current charging policy is to promote the recycling of housing assistance funding wherever possible.

The Government have previously issued a general consent to local authorities that enables them to impose a charge where the DFG exceeds £5000 and the applicant has an owner's interest in the property.

6.2 Legal

The provision of DFGS is mandatory under the terms of the Housing Grants Construction and Regeneration Act 1996.

The Council is open to legal challenge of probable censure from the Ombudsman should it not provide DFGs in accordance with legislative requirements. The adoption of a written policy mitigates the Council against potential challenge.

6.3 Financial

The adoption of this policy has in itself no financial implications for the Council.

Cabinet has however been previously advised of the financial pressures placed on the Council in order to meet its obligations under this legislation. Budgetary provision to meet these obligations has been incorporated within the Councils financial strategy. Spend on DFGs is monitored through the Councils budget monitoring reports.

6.4 Equality and Diversity

The provision of DFGs enable elderly and disabled people to live independently in their own homes and has a positive impact on equality and diversity issues.

6.5 Staffing

The adoption of this policy has no staffing implications for the Council.



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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT ANDREW ROWE ON 01723 383598 or e-mail Andrew.rowe@scarborough.gov.uk

APPENDIX 1

Scarborough Borough Council

DISABLED FACILITIES ADAPTATIONS

January 2011

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Definitions:

For the purposes of this Policy

“the Council” means Scarborough Borough Council

“NYCC” means North Yorkshire County Council

“Occupational Therapist” means an occupational therapist employed by NYCC

“Social Services” means the social services department within NYCC also known as Adult and Community Services”

“Direct Applicants” means those applicants who choose not to use the services of the HIA

“HIA” means the Home Improvements Agency

“DFG” means Disabled Facilities Grant

“RSL” means a registered social landlord

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1. Introduction

1.1 Purpose

1.1.1 The purpose of the Policy is to:

- i) Assist Officers of the Council in the interpretation and implementation of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (The Order) so far as it relates to the adaptation of the homes of disabled people.
- ii) Ensure fair, equitable and consistent treatment for all disabled people who require the Council's assistance in adapting their home.

1.2 Scope

1.2.1 This Policy shall be applied in respect of any request for assistance by means of a DFG.

1.3 Related Documents

1.3.1 This Policy should be read in conjunction with the following documents:-

Housing Grants, Construction and Regeneration Act 1996 (The Act).

Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (The Order)

1.4 Exceptional Circumstances

1.4.1 The Council accepts that there may be circumstances that warrant exceptions to this Adaptations Policy. The Head of Environmental 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 Adaptations Policy.

2. Criteria for Adaptations

2.1 Grant Aided Schemes

2.1.1 Any adaptation scheme for which a Disabled Facilities Grant is sought must meet the relevant requirements set down for such grants in the Act and The Order.

2.1.2 North Yorkshire County Council Adult & Community Services (NYCC ACS) has a responsibility to provide community care equipment and minor adaptations, which a person has been assessed to need and for which he or

she is eligible, free of charge provided the costs (including fittings) is less than £1000.

2.2 General

2.2.1 Before any scheme of adaptations is processed the Council shall normally be satisfied that:

- i) The dwelling is the main or only residence of the disabled person, or the disabled person intends to occupy the dwelling as their main or only residence once it has been adapted.
- ii) The person for whom the adaptations are intended is a "disabled person" within the meaning of Section 100 of the Act.
- iii) The adaptation works, in the opinion of the Council, are necessary and appropriate to meet the needs of the disabled person.
- iv) The adaptation works, in the opinion of the Council, are reasonable and practicable, having regard to the age and condition of the dwelling.
- v) The adaptations fulfil one or more of those purposes set out in Section 23 (1) of the Act, i.e. those works which would be eligible for a mandatory DFG.
- vi) The adaptation scheme does not contain any works which may be undertaken for the purposes of Section 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.
- vii) The disability or condition affecting the disabled person is not temporary.
- viii) The dwelling or building to be adapted meets the Housing Health and Safety Rating System Standard (free from Category 1 hazards) and is not overcrowded unless, in the opinion of the Head of Environmental Services, it would be unreasonable to require this because of the urgency of the work or that undertaking the necessary works to Rating Standard would have a significant adverse effect on the health of the disabled person.
- ix) The disabled person has been assessed by the Occupational Therapy Service, who have recommended works of adaptation.

2.3 Role of the Home Improvement Agency

2.3.1 The Council operates a Home Improvement Agency (HIA) to deliver its disabled facilities grants.

2.3.2 All applicants should be encouraged to utilise the comprehensive service provided, which includes:

- i) Support, information and advice
- ii) Information/assistance with applying for funding for adaptations

- iii) Technical advice, schedules of works and drawings
- iv) Assistance/advice with planning applications and building control
- v) Assisting clients to choose contractors
- vi) Monitoring work to ensure it meets the Council's standards
- vii) Other ancillary services

2.3.3 Applicants not wishing to use the HIA's service can if they wish make a direct application (see section 2.5).

2.4 HIA Application process and Prioritisation

2.4.1 The Council has adopted a prioritisation scheme to ensure priority is given to those in the greatest need.

2.4.2 The Occupational Therapist will prioritise a case as either 'urgent' or 'standard'.

2.4.3 Urgent cases will be immediately allocated to a Home Improvement Agency Technical Officer who will aim to do an initial visit within 7 days. These cases will then be 'fast tracked' through to completion and not be subject to any prioritisation process.

2.4.4 All standard enquiries will also be visited within 7 days and will be prioritised using a needs based prioritisation system (see appendix A). Information contained in the recommendation received from NYCC ACS and further information gained during this initial visit will be used to allocate points. These cases will then be allocated to a HIA Technical Officer in points order.

2.4.5 Detailed written advice will be provided to the disabled person and/or their carer regarding how their request for assistance with adaptations will be processed, likely timescale and the priority scheme in operation for dealing with adaptations.

2.4.6 If a client's health deteriorates from the initial assessment there will be the opportunity for their case to be reprioritised, subject to advice and a further referral from the Occupational Therapist.

2.4.7 Additional points will also be awarded where the Social Services recommendation elapses 6 months to ensure progression through the waiting list.

2.4.8 If an applicant is dissatisfied with the level of prioritisation they have received, the HIA should initially deal with such concerns and where appropriate arrange for the enquiry to be re-assessed.

2.4.9 If an applicant is still dissatisfied once this re-assessment has been carried out they may appeal against the decision made, in writing, outlining the reasons why they feel the case has been incorrectly assessed to the Council's Head of Environmental Services.

2.5 Direct Applications

- 2.5.1 Applicants not wishing to use the HIA may request the requisite forms to submit an application for a DFG from the Council's Housing Services department. In these instances no Schedule of Works shall be prepared on behalf of the Applicant for a scheme of adaptations and the applicant shall be advised to contact NYCC ACS to arrange for an Occupational Therapy assessment.
- 2.5.2 Applications will not be considered without a detailed recommendation and specification from NYCC ACS Occupational Therapy.
- 2.5.3 Any such application should be satisfactorily completed and application form signed with accompanying;
- i) Certificates of future occupation
 - ii) Up to date evidence of financial income and savings and any stocks, shares of other capital as noted in the application form.
 - iii) At least 2 suitable and comparable quotes fully itemised and based on the Occupational Therapist's recommendation and specification.
- 2.5.4 Any works which the applicant wishes to carry out in addition to those detailed in the NYCC ACS Occupational Therapy recommendation and specification must be separately itemised.
- 2.5.5 An application will not be registered with the Council for consideration until all the information (listed in 2.5.3) is submitted.
- 2.5.6 Upon submission of a valid application to the Council, applicants will receive written confirmation from the Council that the application has been registered. The Council will then have 6 months from the date of submission to determine the application.
- 2.5.7 Once an application has been determined the Council will confirm the outcome in writing and in the case where an application is refused, will detail the reasons for such refusal.
- 2.5.8 Direct Applicants will be solely responsible for ensuring that all works are carried out in accordance with the Occupational Therapist's recommendation and specification and will also be solely responsible for ensuring that the works meet the satisfaction of the Council.

3. Assessment of Need

3.1 Legal Duty

- 3.1.1 The Council has a duty to consult with Social Services on whether any works are necessary and appropriate to meet the needs of a disabled occupant.

3.1.2 Within Scarborough Borough the NYCC ACS will undertake this assessment on behalf of Social Services.

3.1.3 The Council may, if it deems appropriate, instruct an independent occupational therapist to carry out a secondary assessment of a disabled person's needs to assist the Council to determine whether the works are eligible for grant assistance.

3.2 Occupational Therapist Referrals

3.2.1 Following an assessment of a disabled person, NYCC ACS shall, if adaptations are considered necessary, send to the Council a written recommendation of their assessment detailing the purpose for the grant in accordance with section 23(1) of the Act.

3.2.2 Where the Council considers that the recommendation provided by NYCC ACS does not contain sufficient information for the Council to properly determine the application, the recommendation will be referred back to NYCC ACS Occupational Therapy for further clarification.

3.2.3 Recommendations for grant assistance will not be considered to meet the cost of repair and maintenance to existing adaptations or equipment. Repair and maintenance of equipment or existing adaptations does not qualify for grant assistance and is the responsibility of the original grant recipient or their landlord. The Council would only consider the replacement of existing adaptations and equipment when satisfied that the needs of the client have changed and that the existing equipment/adaptation no-longer meets the needs of the client.

3.2.4 Occupational Therapists are expected to explore the use of equipment prior to a request for an adaptations being submitted and detail the outcome of this on the recommendation.

3.2.5 Occupational Therapy recommendations are expected to clearly specify the least expensive adaptation(s) which are appropriate to meet a disabled person's needs where there is more than one type of adaptation which would be suitable.

3.2.6 If the recommended adaptations are not the least expensive option, the Occupational Therapist should be requested to identify any special circumstances which have been taken into consideration.

3.2.7 Where an applicant wishes to self fund a more expensive adaptation this should also be detailed on the recommendation so that the Council can identify the eligible costs and ineligible costs.

3.2.8 NYCC ACS will categorise each case into 'Urgent' or 'Standard'.

3.2.9 The Council may request that the Occupational Therapist reviews the categorisation of a matter where it believes that a matter has been

inappropriately categorised and in doing so shall submit written reasons to the Occupational Therapist detailing why the matter has been inappropriately categorised.

3.2.10 Where the disabled person is a tenant of an RSL the Occupational Therapist shall, prior to sending the agreed recommendations to the Council, formally request that the RSL fund the adaptation(s).

3.3 Joint Visits

3.3.1 A joint visit involving the Occupational Therapist and a HIA Technical Officer will be required where it is unclear how best to adapt the property to meet the disabled person's needs.

3.3.2 The HIA Technical 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/required this must be discussed with the Occupational Therapist separately.

3.3.3 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.

3.4 Judgement of Necessary and Appropriate

3.4.1 In deciding whether any works are necessary and appropriate the Council shall take into account:

- i) The recommendations of the Occupational Therapist.
- ii) Whether the adaptation has been recommended in accordance with section 23(1) of the Act. (See Appendix B)
- ii) Whether the proposed works are the least expensive option or, if there are reasonable special circumstances to warrant a more expensive option.
- iii) Whether alternative schemes involving mobile aids/equipment have been considered/tried and are not appropriate.
- iv) Whether the scheme is unduly influenced by the desires/aspirations of the disabled occupant/carers rather than actual need e.g. proposals for ground floor extensions where a person could use a stairlift but is unwilling to do so or requests shower facilities because they do not wish to use appropriate bathing aids. Schemes exceeding the Occupational Therapist/s recommendations may be acceptable where the service user may wish to have an enhanced adaptation provision, over-and-above

that which is reasonable and practicable, and they are willing to meet the additional costs of the enhanced scheme.

- v) Schemes that are necessary to accommodate the needs of carers are not eligible under the Act for grant assistance. If such works would enhance an adaptation which is eligible under the Act, then the applicant will be given the option to self fund such works.

3.4.2 In any cases of doubt as to whether the works are necessary and appropriate, the matter should be referred to the Head of Environmental Services, who will decide whether the scheme may proceed. If it is considered that the scheme should not proceed, or that it should be amended, a case conference should be arranged with NYCC ACS to try to resolve the issue and agree an acceptable scheme.

3.4.3 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.

3.4.4 Where no satisfactory outcome can be found and an application is deemed not to be necessary and appropriate then the Head of Environmental Services will refuse such an application. (See Refusals 4.12)

4. Assessment of Reasonableness/Practicability

4.1 Legal Duty

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

4.2 Consideration

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

4.2.2 Factors to be considered in deciding if the works are reasonable and practicable include: inter alia,

- i) Whether the property meets the Housing Health and Safety Rating System Standard (free from Category 1 hazards)
- ii) The location of the property
- iii) The age of the property
- iv) Planning/building regulation constraints
- v) The impact of the works on the existing facilities/amenities within the dwelling

- vi) Physical constraints due to the size or layout of the property
- vii) Whether the dwelling is overcrowded.

4.3 Meeting the Housing Health and Safety Rating System Standard

- 4.3.1 A property should normally meet the Housing Health and Safety Rating System Standard (free from Category 1 hazards) before adaptation works are undertaken.
- 4.3.2 In any case, where the best course of action would be to include the property in a Clearance Area, or serve a Demolition Order or Prohibition Order, it would not normally be reasonable to undertake adaptation works.
- 4.3.3 Where the health of a disabled person would be adversely affected by undertaking works to bring a property up to the Housing Health and Safety Rating System Standard, or such works are of a relatively minor nature, or adaptation works are urgently required e.g. for a terminally ill person, it may be reasonable not to require the property to meet the Housing Health and Safety Rating System Standard.
- 4.3.4 Decisions to relax this Housing Health and Safety Rating System Standard requirement shall be taken by the Head of Environmental Services based on the merits of the case.

4.4 Location of Property

- 4.4.1 The location of a property can be a relevant consideration in terms of access to or egress from the dwelling. It may not be reasonable or practicable to adapt a dwelling where:
 - i) It is situated on a hillside with long flights of steps to the entrance.
 - ii) It has a very steep access drive/path which cannot be re-graded.
 - iii) The approach to the dwelling is an unmade track or road.
 - iv) The dwelling is accessed directly from a highway/pavement which cannot be obstructed by ramps/lifts etc.
 - v) The dwelling is an upper floor flat and permission cannot be obtained for adaptations to common entrance passageways or staircases etc.
 - vi) The dwelling is a houseboat or mobile home with poor means of access.

4.5 Age of Property

- 4.5.1 The property may be listed as an historic building, which prevents certain alterations. Some older buildings may have design features which prevent or severely hamper adaptation, e.g. narrow, winding staircase, narrow passageways, numerous changes in floor levels.
- 4.5.2 Assistance will not be limited simply due to the particular age of a dwelling.

4.6 Planning/Building Regulation Requirements

- 4.6.1 It will be important with certain adaptations which require extensions or substantial structural alterations to ensure that they comply with planning requirements or building regulations. This will include ensuring appropriate design of the scheme.
- 4.6.2 An extension or alteration may not be acceptable in local planning terms due to its design or location.

4.7 Impact on Existing Facilities

- 4.7.1 Adaptations should not result in any changes to the property that would constitute a hazard under Housing Health and Safety Rating System Standards. For example it may not be reasonable or practicable to alter a very small dwelling or a flat to facilitate full wheelchair use if the widening of a passageway had a detrimental effect of reducing living or sleeping space below the minimum standards.

4.8 Overcrowding

- 4.8.1 It would not normally be reasonable to adapt a dwelling which is currently overcrowded. Adaptations are not to be undertaken to relieve an overcrowding problem e.g. constructing a bed room/bath room extension for a disabled person who already has access to such facilities simply to reduce overcrowding for the remainder of the occupants.
- 4.8.2 It would normally be acceptable to require other occupants of a dwelling to share bedroom facilities to allow a disabled person access to a bedroom provided that by doing so the other occupants would not exceed the occupancy limit for the bedroom. 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.
- 4.8.3 Consideration must always be given to the use of rooms other than bedrooms for sleeping purposes. Where appropriate, a living room may be used for sleeping purposes either by the disabled person or by another occupant, provided that the remaining living rooms are adequate in size to accommodate all the occupants.

4.9 Discharge of Duty via Re-Housing to more suitable accommodation

- 4.9.1 A scheme of adaptations must, in general terms, be reasonable, taking into account costs and the practicability of carrying out the works. Where a scheme involves substantial structural alterations or extensions, and in any event where the cost of the adaptation work exceeds £30,000, the Council may discharge its duty via re-housing and officers should therefore consider offering re-housing as an alternative where more suitable accommodation is likely to become available.
- 4.9.2 At the point of assessment (prior to any formal recommendation for adaptation) if the Occupational Therapist considers that re-housing may better meet the needs of the disabled person than adapting their existing home, then the Occupational Therapist will advise the disabled person and supply them with appropriate housing options advice and/or refer them to the Council's Housing Options Team who will support the disabled person to access suitable alternative accommodation. The Council's allocation scheme provides priority under these circumstances to disabled housing applicants and the Council would seek to provide alternative accommodation through a direct offer of accommodation.
- 4.9.3 When completing their recommendation for adaptations the Occupational Therapist will advise the Council that discussions regarding re-housing have taken place and of any relevant factors which may need to be taken into consideration in relation to the suitability of alternative accommodation.
- 4.9.4 In the majority of instances, it is anticipated that re-housing should be arranged without the need to make a formal application for a DFG. Where a formal application is made and the Council determines that the works required are not reasonable or practical or determines that the cost of adaptation works exceeds £30,000 then it may formally discharge its duty under the act through the direct offer of suitable alternative accommodation. Under these circumstances the applicant shall be advised of the Council's intention in writing on the determination of the application.
- 4.9.5 In determining the suitability of alternative accommodation the Council shall consider all relevant factors before an offer of accommodation is made including the size, location and affordability of the accommodation to be offered. Under these circumstances, whilst every effort will be made to meet the disabled clients aspirations, the Council will need to take into account the wider prevailing housing conditions, including the overall availability of housing within the Borough.
- 4.9.6 Should the Council decide to discharge its duty via re-housing then the offer of accommodation must be made within 12 months after the determination of the application for assistance. The Council's allocation scheme provides priority under these circumstances to disabled housing applicants and the Council would seek to provide alternative accommodation through a direct offer of accommodation.

4.9.7 Where the Council seeks to discharge its duty through a direct offer of alternative accommodation then the applicant will have the right to review the suitability of the offer being made and should request a review in writing to the Head of Environmental Services, within 28 days of the date of the offer of accommodation being made.

4.10 Refusals

4.10.1 Where the Council is likely to refuse an application in accordance with the Act, prior to refusal, the Council will contact the applicant to give them the opportunity to provide additional information which may affect such a decision, prior to a formal refusal being made.

4.10.2 Where the Council has no option but to refuse an application for grant, the Council will advise the applicant of the reasons for such refusal.

4.10.3 An applicant will have the right to a review of such a decision and if so desires should request a review in writing to the Head of Environmental Services, within 28 days of the date of the refusal letter.

5. Payment

5.1 Payment of Disabled Facilities Grants

5.1.1. The Council will have the overriding decision as to whether the works have been carried out to a satisfactory standard and will make direct payments to contractors, other than where a prior agreement has been made with the applicant.

5.1.2 Where the Council is obliged to approve an application for a grant under section 24(1) (a) of the Act, they may decide to defer the payment of the grant, or part of it, to a date specified in the notification of approval. That date shall not be more than twelve months after the date of the determination.

5.1.3 It is a condition of payment of every grant that the eligible works are carried out within twelve months from

- i) the date of approval of the application concerned, or
- ii) where section 36 applies (delayed payment of mandatory grant), the date specified in the notification of the authority's decision,

or, in either case, such further period as the Council may allow.

5.1.4 The Council may allow further time where they are satisfied that the eligible works cannot be, or could not have been, carried out without carrying out other works which could not have been reasonably foreseen at the time the application was made.

5.1.5 The Council must be provided with an acceptable invoice, demand or receipt for payment for the works and any preliminary or ancillary services or charges in respect of which the grant or part of the grant is to be paid.

- 5.1.6 Eligible works must be carried out by the contractor, whose estimate accompanied the application or, where two or more estimates are submitted, by one of those contractors. In the majority of cases the Council will approve the grant based on the least expensive quote.
- 5.1.7 Where the Council has procured services for the purpose of carrying out grant-aided works, the grant payable will be based on such agreements.
- 5.1.8 Should applicants wish to use an alternative contractor to that which the grant has been based on, they will be given the option to self fund any extra over cost and will be solely responsible for ensuring all works are completed to the satisfaction of the Council.

5.2 Social Services

- 5.2.1 Where eligible works for a mandatory DFG exceed the prescribed upper cost limit, a top-up may be sought from NYCC ACS. Applicants requesting assistance shall be advised that NYCC ACS may assist some cases with grants or loans to cover wholly or partly the applicant's share of the cost of the works.

5.3 Other Agencies

- 5.3.1 If NYCC ACS will not assist with a grant applicant's share of the cost of works they will be advised to seek assistance from appropriate financial sources.
- 5.3.2 In appropriate cases the disabled person should be advised that they may be able to obtain assistance with their share of the costs from charitable organisations such as Soldiers, Sailors, Air Force Association (SSAFA), Trade Union Welfare Funds etc.
- 5.3.3 Where an application for grant assistance is from a client living within a property owned by a RSL the Council may seek a funding contribution toward the cost of the works from the RSL. The Council has a formal agreement with the main RSL operating within the Borough (Yorkshire Coast Homes) for that RSL to pay for any adaptation work required within property that they own up to a maximum of £3400.
- 5.3.4 If other agencies are involved in a scheme this must not result in any changes to the Occupational Therapist's specification without their agreement.

5.4 Advice by Officers

- 5.4.1 Officers must not give grant applicants or any other person specific advice on financial matters as this is strictly controlled.
- 5.4.2 Advice must be restricted to the grant itself or to general matters such as directing them to contact organisations which may be able to help a person either with financial advice or with actual finance.

5.5 Insurance Claims

- 5.5.1 Where adaptation works are required for a person who has been disabled due to an incident such as an accident at work or on the road etc, and the disabled person may be able to make a claim for damages, they shall normally be required to pursue such a claim.
- 5.5.2 It will be a condition of a DFG that insurance claims are 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.
- 5.5.3 Applicants shall provide details of the cause of any disability, their legal representatives and insurers (where appropriate) when requested to do so by the Council. Further, upon request by the Council, the Applicant shall sign an authority allowing officers of the Council to write to the disabled person's legal representatives or insurers to obtain direct updates as to the progress of any claim and to advise that the Council will require any claim for damages to include the cost of the adaptation works.
- 5.5.4 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.

6. Reclamation of Equipment

- 6.1.1 Officers shall consider when preparing a schedule of works for an adaptation scheme whether any of those works could be undertaken using equipment which may be able to be reused at a later date. Such cases may include the provision of a steel ramp for wheelchair use rather than a concrete ramp etc.
- 6.1.2 It is not envisaged that it will be cost effective to reclaim most types of equipment other than lifts/ramps as the equipment may need to be further adapted and stored for reuse and may result in significant costs in its removal.
- 6.1.3 If an officer believes that arrangements should be made to reclaim equipment other than lifts and or ramps it shall be referred to the Head of Environmental Services.
- 6.1.4 If at any time an Applicant, having already received adaptations under a DFG, no longer requires equipment which was installed under the DFG, the Applicant (or the Applicant's representatives) shall contact the Council within two months of the cessation of use of any such equipment so that the Council may consider whether such equipment is suitable for reclamation.

7. Extensions

- 7.1.1 The construction of extensions to provide accommodation for a disabled person is normally the most expensive form of adaptation work and, therefore,

the Council must be completely satisfied that such works are wholly necessary and reasonable.

- 7.1.2 Extensions will not normally be provided simply to enlarge a dwelling. In order for extension works to be provided by the DFG, the extension must be necessary to allow a disabled person access to a sleeping room, bathroom toilet facilities, a family room and or a kitchen or to make the dwelling safe for the disabled person.
- 7.1.3 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.

7.2 Alternatives to an extension

- 7.2.1 Where a recommendation is received from an Occupational Therapist for the construction of an extension, officers must fully investigate the potential for an alternative scheme of adaptation to be undertaken.
- 7.2.2 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.
- 7.2.3 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.
- 7.2.4 Dependent 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, more than 2 living rooms (or more than 1 living room if there is a single occupancy or a couple only) or garage/utility etc which may be more easily converted.
- 7.2.5 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.

7.3 Room Sizes

- 7.3.1 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 Councils adopted planning on room sizes. The actual size of rooms may, however, exceed the minimum sizes to reflect the individual needs of the disabled occupant.

7.3.2 If the disabled person has a partner with whom they normally share a bedroom then a bedroom extension should be large enough to accommodate both persons. In certain cases it may also be appropriate to accommodate others who normally share a bedroom e.g. twins. However, such cases should be referred to the Head of Environmental Services for consideration.

7.3.3 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 assisted. 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.

7.3.4 Within a bedroom space may be allowed for:

- i) A bed (or beds if a couple share a room)
- ii) Wardrobe
- iii) Drawer Unit
- iv) The safe manoeuvring of a wheelchair or walking frame
- v) Equipment necessary to assist in getting into or out of bed
- vi) Access for carers to assist a disabled person in getting into and out of bed

7.4 Additional Space

7.4.1 Where the Occupational Therapist recommends an extension to accommodate a disabled person's needs which are not eligible for assistance, e.g. for their accommodation, welfare or employment, the additional ineligible space may be included in the adaptation scheme, subject to the additional costs being funded by the disabled occupant.

8.0 Alternative Adaptation Works

8.1 General

8.1.1 Although the Council may limit the extent of assistance in accordance with this guidance, a disabled person may prefer to undertake an adaptation scheme which differs to that for which assistance is being provided: e.g. assistance may be limited to relocating bathing facilities but the disabled person decides to construct an extension instead.

8.1.2 A notional allowance may be made towards the alternative works equivalent to the cost of those works for which assistance would have been given. The Council will only release such funding on satisfactory completion of the works. These work must be completed within 12 months. In these instances the applicant will be solely responsibly for ensuring that all works are carried out in accordance with the Occupational Therapist's recommendation and specification and will also be solely responsible for ensuring that the works meet the satisfaction of the Council.

8.2 Occupational Therapist Agreement

- 8.2.1 Where it is proposed that works be undertaken which differ from those specified by the Occupational Therapist in their referral, agreement must be obtained from the Occupational Therapist that the alternative works are appropriate to meet the needs of the disabled person before the works commence.

9.0 Conclusion of Adaptation Scheme

9.1 General

- 9.1.1 The Council must satisfy themselves that the works have been undertaken in a proper and workmanlike manner. Any deviations from the original recommendation must be discussed and agreed with the Occupational Therapist before proceeding.
- 9.1.2 The disabled person and/or their carers shall be consulted on whether they consider the works to be satisfactory and a certificate of completion must be obtained before final payment is made to the contractors.
- 9.1.3 The Council will have the overriding decision as to whether works have been completed to a satisfactory standard and therefore whether to release payment to the contractor.
- 9.1.4 Where specialist equipment is installed, e.g. stairlift/through-floor lift etc, and where the HIA has been appointed, a HIA Technical Officer should ensure that the disabled person and/or their carers have been fully instructed in its safe use by the installers or Occupational Therapist as appropriate. If it appears that a disabled person has not been adequately instructed then the Occupational Therapist shall be notified immediately.
- 9.1.5 If it appears that any adaptation works are not wholly satisfactory in meeting the needs of a disabled person or that a disabled person appears unable to use adapted facilities etc, the Occupational Therapist should be notified immediately.
- 9.1.6 Officers must not give any advice or instructions on the safe use of equipment, but refer any such requests to the Occupational Therapist.

9.2 Occupational Therapist Comments

- 9.2.1 On completion of all schemes the Occupational Therapist should confirm in writing if the adaptation does not meet the disabled person needs due to the work not being carried out in accordance with their specification. Where the HIA has been appointed, a HIA Technical Officer should pursue these matters with the contractor or others as appropriate. Direct applicants will be expected to resolve these issues themselves.

10.0 Repayment of Grant

- 10.1 Extensions are subject to repayment conditions where the applicant (the recipient) has a qualifying owners interest in the premises on which relevant works are carried out and dispose (whether by sale, assignment, transfer or otherwise) of such premises within 10 years of the certified date, the Council will use its discretion to reclaim the funding that exceeds £5,000, but may not exceed a repayment of £10,000.
- 10.2 In addition, where any recipient of a DFG that has a home owners interest in the property that has had any adaptation carried out and moves subsequently moves property within the Borough and is seeking further grant aid to install similar adaptations to those previously funded then any cost over £5000 will also be subject to a land charge.
- 10.3 In determining whether to reclaim grant the Council must consider;
- i) the extent to which the recipient of the grant would suffer financial hardship if they were to be required to repay all or any of the grant;
 - ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
 - iii) whether the disposal 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; and
 - iv) whether the disposal 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, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity, and that it is satisfied that it is reasonable in all the circumstances to require the repayment.
- 10.4 The Council's officers and NYCC ACS Occupational Therapists should ensure the disabled person and/or any other relevant person(s) is made aware of such condition, prior to the approval of any Disabled Facilities Grant.
- 10.5 The Council reserves the right to reclaim in full any grant payment where there has been a breach of grant payment conditions.

Appendix A

Mandatory Disabled Facilities Grants – Priority Pointing System



TOTAL SCORE	
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NAME OF APPLICANT:

ADDRESS OF PROPERTY:

Fast track request	Points
The Occupational Therapist has flagged the case as extremely urgent due to health and safety issues or life threatening illness (to be applied in exceptional circumstances).	Fast track requests are outside pointing scheme
1.0 Time waiting for adaptation	Points
OT recommendations made in last 6 months.	0
For every month elapsed over 6 months since recommendations.	+2
2.0 Reason for recommending adaptation (Note: score up to three categories only.)	Points
To facilitate access into/out of the property	+10
To facilitate access to the toilet.	+20
To facilitate the use of the kitchen/enable food preparation.	+7
To facilitate getting up and down steps and stairs.	+10

To facilitate the use or access to bathing/showering.	+10
To facilitate access to a room used or usable as the principal family room	+5
To facilitate access to or the provision of a room used or usable for sleeping	+5
To improving or provide a heating system	+10
Other (specify and score 1 – 7) Give reasons: e.g. To facilitate access to garden, ergonomics within the dwelling	
3.0 Adaptations	Points
Existing adaptations exist, which partially meet needs or would do so in the short term.	-10
4.0 Mobility (Note: only apply one score for the client.)	Points
Client is room bound or house bound without proposed adaptation.	+ 30
Client is a total wheelchair user.	+15
Client is mainly a wheelchair user but can stand for short periods.	+10
Client is ambulant indoors but needs wheelchair outdoors.	+8
Client is ambulant but uses frame/sticks or support system.	+6

Client is ambulant but unsteady or blind/deaf.	+4
5.0 Safety factors (Note: score one category only.)	Points
Client is a single parent with disabled child.	+20
Client lives alone.	+15
Client has carer who is not managing	+10
Client is a disabled parent with able bodied child aged under 16.	+5
Client lives with/well supported by family/others or has occupying related carer.	+2
6.0 Child or Young Person's application	Points
As defined in the DFG Regulations	+10

Date Signed

Comments
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Appendix B

Works Eligible for Assistance

1.1 General

1.1.1 The adaptation works eligible for assistance will be those listed under section 23 (1) of the Housing Grants, Construction and Regeneration Act 1996, as follows.

1.2 Access to the Dwelling

1.2.1 Works eligible for assistance may include:

- i) Ramped access to main entrance door for wheelchair use; widened or shallower steps to main entrance door or a step lift;
- ii) Widened entrance door for wheelchair use;
- iii) Resurfaced or re-graded path to entrance door;
- iv) Alterations to secondary entrance door/patio window to provide access to rear garden/yard where access cannot easily be gained via the adapted main entrance and drive/side path;
- v) Structural alterations required to allow installation of stair lift through floor lift or step lift equipment.

1.2.2 Works which will not normally be eligible for assistance include:

- i) Construction of drive, garage or storage facility for car, electric scooter or wheelchair etc;
- ii) Works outside the curtilage of the dwelling where permission cannot be obtained from others e.g. ramp on public footway;
- iv) Works of access to garage/shed/outbuildings etc;
- v) 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.

1.3 Making the Dwelling Safe

1.3.1 Works eligible for assistance may include:

- i) Works to provide means of escape from fire (usually to flats);

- ii) Provision of guards or cladding etc; to prevent persons with behavioural problems harming themselves;
- iii) Specialised glazing or shades to windows to protect occupants with a medical condition which make them sensitive to sunlight;
- iv) Repairing defective stairs or floors etc which are hazardous

1.3.2 Works which are not normally eligible for assistance include:

- i) Works to bring a property up to the Housing Health and Safety Rating System Standard other than those above (other forms of assistance may be available to eligible applicants for such works).

1.4 Access to Principal Family Room

1.4.1 Works eligible for assistance may include:

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

1.4.2 Works which are not normally eligible for assistance include:

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

1.5 Access to Sleeping Room

1.5.1 Works eligible for assistance may include:

- i) Provision and installation of stair lift/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;
- ii) Conversion of a ground floor room into a bedroom; Widened doorway for wheelchair access to sleeping room;
- iii) Construction of bedroom extension (see notes on extensions);

- iv) Strengthened ceiling and/or preparation works for ceiling track hoist, where hoist is to be provided by North Yorkshire County Council Adult & Community Services.

1.5.2 Work which will not normally be eligible for assistance include:

- i) Provision of space within a bedroom for social, recreational, study or working purposes, unless essential for the applicants daily living. Such a request will be justified as part of the Occupational Therapist's recommendation and shall be agreed by both the Occupational Therapist and Head of Environmental Services.

1.6 Access to WC

1.6.1 Works eligible for assistance may include:

- i) Provision of a WC where one does not exist.
- ii) Provision and installation of stair lift/through-floor lift equipment and structural alterations required to allow the installation, where access is required to a WC above ground floor level;
- iii) Strengthened ceiling and/or preparation works for ceiling track hoist, where hoist is to be provided by North Yorkshire County Council Adult & Community Services
- iv) Repositioning WC to facilitate access by wheelchair user;
- v) Raised/lowered WC pan;
- vi) Provision of grab rails;
- vii) Provision of ground floor WC where upper floor cannot be accessed;
- viii) Widened doorway for wheelchair access;
- ix) Extension for a WC (see notes on extensions).

1.6.2 Works which are not normally eligible for assistance include:

- i) 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.

1.7 Access to Bathing Facilities

1.7.1 Works which may be eligible for assistance include:

- i) Provision and installation of stair lift/through-floor lift equipment and structural alterations required to allow the installation, where access is required to an existing bathroom above ground floor level;
- ii) Provision of bath or shower for the first time;
- iii) Provision of shower (thermostatically controlled) over a bath, including necessary curtain, tiles and grab rail;
- iv) Replacement of bath with shower facility;
- v) Replacement of shower with a bath;
- vi) Provision of bath and shower where there are 2 or more disabled occupants with differing needs;
- vii) Provision of bathroom extension (see notes on extensions);
- viii) Relocation of bath/shower to facilitate use by wheelchair user;
- x) Strengthened ceiling and/or preparation works for ceiling track hoist, where hoist is to be provided by North Yorkshire County Council Adult & Community Services;
- xi) Widened doorway for wheelchair access;
- xii) Provision of fixed seat/grab rails;
- xiii) Non-slip/sloping floor to create shower facility.

Note: Shower facility may be low-level or level access depending on need and large enough to accommodate seat if required. A shower may also be provided with ½ screen/curtain and would include necessary tiling.

1.7.2 Works which are not normally eligible for assistance include:

- i) Tiling outside of immediate shower area;
- ii) Replacement of floor coverings;
- iii) Retention of bath/shower for non-disabled occupants when providing a facility for a disabled occupant if this increases costs;
- iv) Provision of non-fixed bathing or shower seat;
- v) Provision of an additional bathing facility on ground floor if existing facility is accessible or would be if a lift was provided.

1.8 Access to Wash Basin

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

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

1.8.2 Works not normally eligible for assistance include:

- i) An extension solely for a wash-hand basin;
- ii) The replacement of taps on their own if no other works involved and tap turners would be adequate.

1.9 Access to Kitchen Facilities

1.9.1 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.

1.9.2 Works which may be eligible for assistance include:

- i) Rearrangement of kitchen fittings/appliances to facilitate their use;
- ii) Enlargement of the kitchen if it is too small to allow its safe use by wheelchair user;
- iii) Adapted work-top/storage unit for wheelchair user;
- iv) Adapted doorway for wheelchair user;
- v) Widened doorway for wheelchair user

1.9.3 Works not normally eligible for assistance include:

- i) Provision of additional kitchen units/fittings/appliances

1.10 Access to Power, Light and Heat

1.10.1 Works which may be eligible for assistance include:

- i) Relocating power points to make them accessible;
- ii) Adaptation of heating/lighting controls to make them accessible;

- iii) Replacement of solid fuel fire with other heating appliance in living/sleeping rooms normally used by a disabled occupant;
- iv) Improvement of inadequate heating in living/sleeping rooms normally used by disabled occupant;

1.10.2 Works not normally eligible for assistance include:

- i) Works to rooms not normally used by disabled occupant;
- ii) Provision of central heating.

1.11 Access to Permit Care of Other Persons

1.11.1 Where the disabled occupant cares for other persons e.g. spouse, young children or elderly relatives who are normally resident in the dwelling, works may be provided to other rooms in the dwelling to allow the disabled person access to care for those persons, including:

- i) Provision and installation of stair lift/through-floor lift equipment and structural alterations required to allow the installation, where the disabled person lives on the ground floor but needs access to bedrooms;
- ii) Widened doorways to bedrooms of those being cared for by disabled, wheelchair user;

1.11.2 Works not normally eligible for assistance include:

- i) 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;

1.12 Access to the Garden

1.12.1 In deciding the extent of providing access to the rear garden, the following will be taken into account.

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

disabled persons condition the travel distance to the garden would be excessive and unreasonable.

1.12.1 Works not normally eligible for assistance include:

- i) Landscaping gardens to make them more suitable for the disabled person to access. However, to assist a disabled person to live independently, an allowance of 4 m² of pathway, (which may include a turning circle for a wheelchair user), will be considered to assist access to any specific areas enjoyed by the disabled person.