

Disability Law Service

Offering free, confidential legal advice and
representation for disabled people

Disabled Facilities Grants

Disabled Facilities Grants (DFGs)

A **Disabled Facilities Grant** (DFG) is a means tested grant designed to help meet the costs of adaptations to a property for a disabled occupant. In summary, in order to qualify for a DFG:

- The required adaptations need to be *necessary and appropriate* (as determined by social services) to meet the needs of the disabled person; **and**
- It must be *reasonable and practicable* (determined by the housing department) for the relevant works to be carried out.

The maximum mandatory award for a DFG is £30,000. As this grant is means tested, some people may have to pay a contribution towards the required work themselves.

Disabled Facilities Grants were introduced by the **Housing Grants, Construction and Regeneration Act (HGCRA) 1996**. There are also annual regulations called the **Housing Renewal Grants Regulations** which govern how Local Authorities administer Disabled Facilities Grants. There is also good practice guidance which Local Authorities are encouraged to follow when administering DFG's, called ***Delivering Housing Adaptations for Disabled People: A Good Practice Guide***.

Eligibility

A DFG is only available to people who are disabled within the meaning of the **National Assistance Act 1948**. This means that a DFG will not be granted to a person who is merely elderly or retired.

In addition, a DFG is only available to pay for alterations to a disabled person's main residence. It is possible for a disabled person to apply for a DFG if they are a tenant, in which case the landlord can also apply for a DFG on the disabled person's behalf. The disabled person must have lived, or be intending to live, in the property in question for

at least five years, or for such a shorter period as their health and other relevant circumstances permit.

Reasonable and practicable

As mentioned above, in order to get a Disabled Facilities Grant for alterations in the home, those alterations must be reasonable and practicable. When deciding whether proposed alterations are reasonable and practicable, a Local Housing Authority has to have specific regard to the age and condition of the building. The Local Authority will also consider things such as the effect on other residents, the practicalities of carrying out work on properties with limited access, conservation considerations, and the structural characteristics of the property.

A Local Authority may consider it more reasonable to move a person to another property rather than fund the alterations which have been requested. Whether this is lawfully allowed will depend on the facts of the individual case. The guidance available states that, if the alterations needed are not cost-effective, the option of moving to alternative accommodation should be considered.

Necessary and appropriate

In addition to the requirement that any alterations be reasonable and practicable, a Housing Authority should also consult the Social Services department to ensure that any alterations are necessary and appropriate. This means that it would be necessary to get a community care assessment from your Social Services department before any application for a DFG would be granted.

What works are eligible?

Mandatory grants can be awarded for the following works:

1. Facilitating a disabled person's access to:
 - a. The dwelling;
 - b. A room usable as the principal family room, or for sleeping in;
 - c. A WC, bath, shower, etc (or the provision of a room for these facilities);
2. Facilitating the preparation of food by the disabled person;
3. Improving/providing a heating system to meet the disabled person's needs;

4. Facilitating the disabled person's use of a source of power;
5. Facilitating access and movement around the home to enable the disabled person to care for someone dependent upon him or her;
6. Making the dwelling safe for the disabled person and others residing with him or her;
7. Facilitating access to and from a garden, or making a garden safe.

Adaptations to facilitate access around the home can include adaptations allowing a disabled person to do things such as prepare and cook food, although full adaptations to a kitchen are unlikely to be funded if the majority of cooking is done by another family member. Adaptations for access will also include work for access to the principal family room, a room used for sleeping and rooms containing a lavatory and/or washing facilities. In particular, the importance of being able to wash and bathe has been emphasised by the Local Government Ombudsman.

The relevant Government guidance on DFGs states that funds for new central heating systems should only be provided for rooms usually used by the disabled person. In

addition funding should only be provided where the wellbeing and mobility of the disabled person would be otherwise adversely affected.

Adaptations under £1000

There are special rules on adaptations costing less than £1000. Grants under this amount are exempt from any charges, meaning that a person applying for a grant under £1000 will not be asked to make a contribution themselves.

Discretionary grants

The Local Housing Authority (responsible for the administration of the DFG) also has the discretion to give grants for a wide variety of other adaptations. These include works to make a home suitable for a disabled occupant's accommodation, welfare or employment.

In some circumstances the Housing Authority may also give a discretionary 'Top Up' grant for works which meet the purposes for a mandatory grant, but which cost more than the maximum mandatory amount of £30,000. If, for example, the agreed adaptations would cost £40,000, then the first £30,000 would be mandatory but the council could then give a discretionary 'Top Up' grant for the extra

£10,000. Applicants should be aware that it is often difficult to get a discretionary grant as the Local Authority does not have to award them and they usually have other competing demands on their budget. However, the Local Authority does have to consider the application.

The DFG practice guidance gives examples of the types of assistance that can be given through discretionary grants:

1. To provide small-scale adaptations to either fulfil needs not covered by mandatory DFGs or, by avoiding the procedural complexities of mandatory DFGs, to deliver a much quicker remedy for urgent adaptations;
2. To provide top-up assistance to a mandatory DFG where the local authority takes the view that the amount of assistance available under DFG is insufficient to meet the needs of the disabled person and their family; **and**
3. To assist with the acquisition of other accommodation (whether within or outside the authority's area) where the authority is satisfied that

this will benefit the occupant at least as much as improving or adapting his existing accommodation

The practice guidance also states that discretionary grants can be given where the means test is 'biting particularly harshly' in a case.

Social Service assistance

It is important to note that Local Authorities also have a duty to assist disabled people in need of assistance, including through alterations to the home, under Section 2 of the Chronically Sick and Disabled Persons Act 1970. Any assistance from the Local Authority under this law will not usually be provided until an application for a Disabled Facilities Grant has been considered first.

Financial assistance under this provision can be provided in cases where a DFG has been refused or in cases where a mandatory DFG is not sufficient to cover the costs of any alterations. It is important to note that funding given under this statute can be subject to certain conditions, including a charge on any property owned by the disabled person. For more information on the responsibilities of Local Authorities to assist generally, please see our

factsheet 'Overview and Introduction to Community Care law'.

Means Testing

The mandatory part of Disabled Facilities Grants are means tested, which means that some people may have to pay a contribution towards their grant. Only the financial circumstances of the disabled person, his or her spouse or civil partner or co-habiting partner are assessed and not other members of the household. Applications on behalf of a disabled person under the age of 19 are not means tested.

The means test takes into account the applicant's net income and any savings over a certain limit. If you are on income support or income based jobseekers allowance, your income will be deemed to be nil. In addition, there are various deductions which are made in certain circumstances, such as if you have dependent children.

Following the means test, if your income is below a certain threshold you will be entitled to the full cost of any adjustments which need to be made, up to the mandatory

maximum of £30,000. If your income exceeds the threshold, the grant may be reduced by a certain amount depending on your income.

Timescales

Under the **Housing Grants, Construction and Regeneration Act 1996**, Local Authorities should provide an answer to an application for a DFG as soon as is reasonably practicable, and no later than six months after the application is made. The actual payment of the DFG should take place no more than 12 months after the application was made.

Local Authorities also have a duty to try to reduce any problems or suffering caused by the lack of suitable accommodation while a DFG is being considered. This can include providing funding for a temporary move to more suitable accommodation.

If you are unsatisfied with a decision by a local authority in relation to a DFG you are entitled to make a formal complaint through the local authority's formal complaints procedure.

If you would like any further information on the issues discussed in this factsheet, or on any other issues related to Disabled Facilities Grants, please call the Disability Law Service on 0207 791 9800.

July 2009

Legal Disclaimer

Although great care has been taken in the compilation and preparation of this work to ensure accuracy, DLS cannot accept responsibility for any errors or omissions. All information provided is for education / informative purposes and is not a substitute for professional advice. Any organisations, telephone numbers and links to external web-sites have been carefully selected but are provided without any endorsement of the content of those sites.

For further advice on these matters please contact:

Disability Law Service

Telephone: **020 7791 9800**

Minicom: **020 7791 9801**

Fax: **020 7791 9802**

Email: **advice@dls.org.uk**

Website: **www.dls.org.uk**

Or write to us at: 39 – 45 Cavell Street, London E1 2BP

Community
Legal Service



advice UK
MEMBER



**Registered Charity Number 280805,
Company Registration Number 1408520**