



## BRIEFING PAPER

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# Disabled Facilities Grants for home adaptations

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## Summary

This note provides an overview of the disabled facilities grants (DFGs) system and other help available to secure disabled adaptations in residential premises. The note focuses on the system in England, but DFGs in Wales are issued under the same governing legislation. DFGs are also available from the Northern Ireland Housing Executive but Scotland operates a different scheme of assistance.

Mandatory DFGs are available from local authorities in England and Wales and the Housing Executive in Northern Ireland. They are issued subject to a means test and are available for essential adaptations to give disabled people better freedom of movement into and around their homes, and to give access to essential facilities within the home.

Funding for DFGs in England is now channelled into the Better Care Fund (BCF) which consists of pooled resources from a number of sources, including NHS England. One of the aims of the BCF is to achieve improved integration of care and support services. DFG funding in England for 2015/16 was £220m and increased to £394 million in 2016/17.

Research into DFGs has highlighted pressures around funding compared to levels of need for adaptation works. A contributing factor to growing demand for adaptations is identified as the lack of a requirement to build new homes to [Lifetime Home standards](#). Research carried out by the London School of Economics on behalf of Habinteg Housing and Papworth Trust, [No Place Like an Accessible Home](#) (July 2016), contains a 'cautious' estimate of at least 1 in 6 households with an identified need who do not have all the accessibility features they need (300,000 households, including 140,000 working age households). The benefits of having accessible housing are identified as 'making all the difference in terms of feeling in control, safer, having a social life, and health and wellbeing.'

DCLG commissioned the Building Research Establishment (BRE) to carry out detailed work on the DFG allocation process and means testing. This research (published in February 2011) estimated that the total amount required to cover grants for all of those who were, theoretically, eligible was £1.9 billion at 2005 prices, representing more than ten times the total amount of DFG funding allocated in England in 2009/10 (£157m). Subsequent studies have identified a shortage of DFG funding which manifests in customers having to wait for long periods before adaptation works are carried out.

Various suggestions for change have been made, including the provision of DFGs and other aids and equipment through one body by an integrated team; funding adaptations through equity loans rather than grants with some safety net provision; and increased use of discretionary spending on DFGs.

On 14 December 2016 the Equality and Human Rights Commission (EHRC) [launched a formal inquiry](#) on housing for disabled people. The inquiry will look at whether the availability of accessible and adaptable housing, and the support services around it, is fulfilling disabled people's rights to live independently. The inquiry will cover England, Scotland and Wales and is expected to report in 2018.

# 1. DFG eligibility

**Mandatory** DFGs are available from local authorities in England and Wales and the [Housing Executive in Northern Ireland](#), subject to a means test, for essential adaptations to give disabled people better freedom of movement into and around their homes and to give access to essential facilities within the home.<sup>1</sup> The legislation governing DFGs in England and Wales is the *Housing Grants, Construction and Regeneration Act. 1996*.<sup>2</sup> Discretionary DFGs were abolished with effect from July 2003.<sup>3</sup>

The **types of work** that mandatory DFGs can cover includes:

- making it easier to get into and out of the dwelling by, for example, widening doors and installing ramps;
- ensuring the safety of the disabled person and other occupants by, for example, providing a specially adapted room in which it would be safe to leave a disabled person unattended or improved lighting to ensure better visibility;
- making access easier to the living room;
- providing or improving access to the bedroom, and kitchen toilet, washbasin and bath (and/or shower) facilities; for example, by installing a stair lift or providing a downstairs bathroom;
- improving or providing a heating system in the home which is suitable to the needs of the disabled person;
- adapting heating or lighting controls to make them easier to use; and
- improving access and movement around the home to enable the disabled person to care for another person who lives in the property, such as a spouse, child or another person for whom the disabled person cares.

On 22 May 2008 access to a garden was brought within the scope of a DFG where the work facilitates access to and from a garden by a disabled occupant, or makes access to a garden safe for a disabled occupant.<sup>4</sup>

Before issuing a DFG a local housing authority must satisfy itself that the works are **necessary** and **appropriate** to meet the needs of the disabled person, and are **reasonable** and **practicable** depending on the age and condition of the property. In reaching a decision, the

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<sup>1</sup> Scotland operates a different grant system to that in England and Wales. Although grant assistance may be available for disabled adaptations it is not issued in the form of a DFG.

<sup>2</sup> The powers of the Secretary of State contained within the 1996 Act, so far as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by the *National Assembly for Wales (Transfer of Functions) Order 1999* (S.I. No. 1999/672) and have been transferred to Welsh Ministers by virtue of section 162 and paragraph 30 of Schedule 11 to the *Government of Wales Act 2006*.

<sup>3</sup> *The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002*

<sup>4</sup> *The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008* (SI 2008/1189)

authority will consider the following factors for the proposed adaptations or improvements, i.e. whether the works:

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

Section 24(3) of the 1996 Act imposes a duty on local housing authorities to consult social services authorities in coming to a view on whether the proposed works are 'necessary and appropriate'<sup>5</sup> although housing authorities themselves must decide whether the works are 'reasonable and practicable.'

Local authorities are required to issue a decision on a properly completed DFG application **within six months of its receipt**. When giving [evidence](#) to the Joint Committee on Human Rights (25 November 2011) the then Minister, Grant Shapps, said that he had asked the Housing Adaptations Consortium to produce an updated good practice guide on DFGs.<sup>6</sup> The guidance, [Home Adaptations for Disabled People – a detailed guide to related legislation, guidance and good practice](#) was published in 2013.

In *Responding to the need for adaptation: an overview* (2006) DCLG made it clear that eligibility for DFGs is **tenure neutral**:

Access to assistance in the provision of adaptations should not depend upon the tenure of the disabled person. A local authority may determine that it will fund adaptations to council-owned property other than through the DFG mechanism. However, this should not result in a worse service to the occupants than that received by applicants who live in other tenures. This applies both to the level of support received and the time taken to provide a service.

Where the local authority believes that Registered Social Landlords (RSLs) should make a contribution to the costs of adaptations in their own properties this should be negotiated and established through formal agreement. Whilst there is no specific obligation on the landlord to fund such work, and the Housing Corporation<sup>7</sup> has no statutory duty to subsidise the costs involved, it may be considered good practice for a responsible social landlord to respond to the needs of its disabled tenants. Good practice for RSLs in identifying need, liaising with statutory authorities and carrying out works of adaptation is set out in guidance from the Housing Corporation.

In the case of stock transfers from local authorities to housing associations, the new RSL tenants will remain eligible to apply to

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<sup>5</sup> This assessment is usually carried out by an occupational therapist.

<sup>6</sup> The consortium is made up of a broad spectrum of national organisations working together to champion quality provision of home adaptations for disabled people.

<sup>7</sup> Now the Homes and Communities Agency (HCA).

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the housing authority for a DFG, and they will be assessed for needs on the same basis as private owners and tenants. As part of their contractual negotiations, the authority and the new landlord should therefore agree how the management of the needs of disabled tenants will be addressed and reflect this in clear public and management guidance.

It is not lawful for persons in any tenure to be obstructed in making an application for assistance through a DFG.<sup>8</sup>

Section 1.1 (below) provides more information on how local authorities in England deal with tenants' requests for adaptations.

The [GOV.UK](https://www.gov.uk) carries basic information and guidance for people interested in applying for a DFG in England.

### 1.1 DFGs and local authority tenants (England)

Although the DFG framework and mandatory aspect of the grant applies across all tenures, the main DFG budget cannot be used for the funding of adaptations to local authority properties.

As part of its review of [council housing finance](#) (July 2009), DCLG considered the issue of unmet demand for disabled adaptations in local authority housing stock. Local authorities had provided adaptations to their own housing stock through their Housing Revenue Account allowances.

The consultation proposed to allow local authorities to retain 100% of capital receipts raised from the sale of housing stock under the Right to Buy (RTB) to allow more funding to be allocated for the adaptation of council housing stock:

We suggest above a policy on local authority retention of capital receipts. This would be split 25 per cent and 75 per cent between receipts that could go to the general fund (the status quo) and those ring fenced for the HRA. Such an arrangement would not disturb the income currently used as a source of funds for disabled adaptations in the private sector (including RSLs) and would give additional scope to local authorities to use some of their Right to Buy receipts in the HRA to meet rising demand for disabled adaptations in the LA sector.<sup>9</sup>

The Coalition Government announced its intention to continue with the reform of council housing finance and, as part of the 2010 Spending Review, said "reform of the council housing finance system will build in the resources needed to carry out future disabled housing adaptations required in the council housing stock."<sup>10</sup> Provisions were included in the *Localism Act 2011* to reform the council house finance system with effect from April 2012, but the settlement reached in respect of capital receipts is rather different to that proposed by the Labour administration.

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<sup>8</sup> DCLG, *Responding to the need for adaptation: an overview*, 2006

<sup>9</sup> CLG, *The reform of council housing finance*, July 2009

<sup>10</sup> Cm 7942 para 2.32

On 13 December 2010 Grant Shapps advised that 75% of net receipts from any RTB sales would continue to be returned to the Exchequer. He went on to explain that estimates of the loss of income from these sales would be built into the valuation of each council's housing business, while receipts from other disposals would continue to be held locally to spend on affordable housing or regeneration. The Minister went on to say that the self-financing settlement for local authorities would include £116 million of extra funding each year for councils to pay for disabled adaptations to their stock.

The final HRA self-financing determinations were published on 1 February 2012<sup>11</sup> and self-financing came into effect in April 2012.

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<sup>11</sup> DCLG, [Housing Revenue Account Self-financing Determinations](#)

## 2. The amount of grant: test of resources

Once the necessary conditions are fulfilled, DFGs are mandatory, subject to a means test and an upper grant limit.

The test of resources for grant applicants is set out in the *Housing Renewal Grants Regulations 1996* (SI 1996/2890, as amended).<sup>12</sup> The test largely mirrors the system of calculating entitlement to Housing Benefit. Grant applicants may receive a full grant or may be required to make a contribution towards the cost of the works.

The maximum grant limit in England was increased from £25,000 to £30,000 from 22 May 2008.<sup>13</sup> In Wales, the maximum DFG grant is £36,000<sup>14</sup> while in Northern Ireland it is £25,000.<sup>15</sup> Research published by the Building Research Establishment (BRE) in 2011 identified four stages within the means testing process:

- **Assess how much the household needs to live on.** This is referred to as 'allowable income' and is calculated using a set of standard allowances for living costs using basic amounts of income support/pension credit and a flat rate allowance for housing costs.
- **Compare this with their actual income to see if they have any 'surplus' income they could use to pay off a loan.** A 'tariff' income is added on for any savings over £6,000. If the household is in receipt of any means tested benefits, they are automatically 'passported' through and awarded a 100 per cent grant even if they have some small surplus income according to this calculation.
- **For those not in receipt of means tested benefits, calculate how big a loan they could afford to pay off using their 'surplus' income.** The calculations assume a loan period of 10 years for owner-occupiers and 5 years for tenants at a standard rate of interest and incorporate 'tapers'.
- **Compare the size of the loan they could afford with the cost of the work needed to see whether they qualify for a grant.** If the calculated loan amount is the same or greater than the cost of the adaptations, they do not get any grant. If the loan amount is less than the cost of works, the amount of grant is

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<sup>12</sup> The regulations have been amended by *The Housing Renewal Grants (Amendment) (England) Regulations 2009* (SI 2009/1807) and [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013](#) (SI 2013/388) – regulation 18 takes account of changes made by the *Welfare Reform Act 2012*.

<sup>13</sup> *The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008* (SI 2008/1189).

<sup>14</sup> (SI 2008/2370) the maximum amount in Wales has always been higher than that set in England due to the age and nature of the housing stock in Wales and the country's topography.

<sup>15</sup> [Indirect](#) [accessed on 28 December 2016]

calculated as the total cost of works minus the calculated loan amount.<sup>16</sup>

With effect from 31 December 2008 the then Government made changes to the means test to assist ex-service personnel applying for a Disabled Facilities Grant.<sup>17</sup> Certain payments to the most seriously disabled service personnel are now disregarded for the purposes of assessing eligibility.

## 2.1 DFGs for disabled children

The Department for Social Development in Northern Ireland announced its intention to abolish the DFG means test for parents of children with disabilities in December 2003. Wales followed with its own announcement on 27 April 2005.

On October 27 2005, the then Minister for Housing and Planning, Yvette Cooper, announced that the means test in respect of DFG applications from families with a disabled child in England would be removed "as soon as the necessary secondary legislation can be made."

*The Housing Renewal Grants (Amendment) (England) Regulations 2005* (SI 2005/3323) came into force on 31 December 2005. Regulation 6 amended the 1996 Regulations with the effect that the means test no longer applies where an application for grant is made by the parent or guardian of a disabled child or young person. This provision has applied to applications received by local authorities since 31 December 2005.

In May 2009 the Joseph Rowntree Foundation published an overview of information about housing for disabled children and their families, and ideas for improving their circumstances: [Housing for disabled children and their families: an information resource](#).

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<sup>16</sup> BRE, [Disabled Facilities Grant allocation methodology and means test: Final report, 2011](#)

<sup>17</sup> *The Housing Renewal Grants (Amendment) (No. 2) (England) Regulations 2008* (SI 2008/3104)

## 3. Funding DFGs (England)

Until 2008/09 DCLG was obliged to meet 60% of whatever local authorities spent on DFGs. Expenditure above these allocations had to be met from other local authority resources. The 60:40 DFG funding split ended in April 2008. The aim of this change was to give authorities increased flexibility to design services that fitted with local delivery arrangements and the needs of individuals.

From 2010/11 funding for DFGs was paid to local authorities as a non-ring-fenced payment as part of the Single Capital Pot, through a determination under section 31 of the *Local Government Act 2003*. This meant that funding for a number of programmes could be pooled together.

### 3.1 The Better Care Fund

In 2013 the Government announced the creation of the Better Care Fund (BCF), formerly proposed as the Integration Transformation Fund. This is a pooled fund for Clinical Commissioning Groups (CCGs) and Local Authorities (LAs) to jointly commission health and social care services. The £3.8 billion fund for 2015/16 consisted of £3.46 billion ring-fenced from NHS England's budget topped up with the DFG and the Social Care Capital Grant (previously both paid directly to LAs). The DFG for 2015/16 was £220m.<sup>18</sup>

Concerns were expressed by Age UK that the incorporation of DFGs into the BCF may ration funds to higher need categories rather than those with lower needs for whom the grant could play a key preventative role.<sup>19</sup> Age UK was supportive of the opportunity to use funding for integrated care and support needs, but made the point that only a small proportion of older people who need a DFG actually receive one and that the system involved lengthy delays.<sup>20</sup>

The setup of BCF means that funding is paid directly to the county council (previously, for two-tier councils, the DFG was paid direct by central government to the district council, as the council with housing responsibility). As the charity *Care and Repair England* notes, the new arrangement requires a different approach:

This is important because:

- i) It presents an opportunity to consider how to integrate provision of help with home adaptations across housing, health and social care systems to achieve better health and wellbeing outcomes.
- ii) In two tier areas the housing authority and the social care authority will have to establish new working relationships to manage the DFG funding because the legal responsibility for provision of DFG (a mandatory grant) remains with the housing

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<sup>18</sup> Department of Health/Department for Communities and Local Government, [Better Care Fund: Policy Framework, December 2014](#), p6

<sup>19</sup> Age UK, [Housing in later life](#), July 2014, p7

<sup>20</sup> Ibid

authority [ie. Districts/Boroughs], whilst the DFG funding payment from national government is made to the top tier local authority.

iii) In order to meet a range of performance outcomes and to manage local needs, a budget for provision of DFG will usually require contributions from housing, social care and health. The allocation from national to local government is intended to contribute towards meeting local need, but is not expected to meet all local needs.<sup>21</sup>

The Local Government Association noted that safeguards had been put in place to ensure DFG allocations are spent in-year:

The DFG has been included in the Fund so that the provision of adaptations can be incorporated in the strategic consideration and planning of investment to improve outcomes for service users. DFG will be paid to upper-tier authorities in 2015/16. However, the statutory duty on local housing authorities to provide DFG to those who qualify for it will remain. Therefore each area will have to allocate this funding to their respective housing authorities (district councils in two-tier areas) from the pooled budget to enable them to continue to meet their statutory duty to provide adaptations to the homes of disabled people, including in relation to young people aged 17 and under.

Special conditions will be added to the DFG Conditions of Grant Usage (under Section 31 of the Local Government Act 2003) which stipulate that, where relevant, upper-tier local authorities or CCGs must ensure they cascade the DFG allocation to district council level in a timely manner such that it can be spent within year. Further indicative minimum allocations for DFG have been provided for all upper-tier authorities, with further breakdowns for allocations at district council level as the holders of the Fund may decide that additional funding is appropriate to top up the minimum DFG funding levels.<sup>22</sup>

### 3.2 Funding DFGs 2009/10 to 2019/20

Brandon Lewis, then Minister for Housing, provided information on the number of grants completed and the average cost per grant for the years 2009/10 to 2014/15 (see below). The data is provided by local housing authorities in their annual returns but is not audited by DCLG.<sup>23</sup>

	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Number of grants completed	44,102	45,383	43,986	36,874	42,586	33,922
Average grants awarded	£3,356	£3,724	£4,547	£5,966	£4,227	£5,453

<sup>21</sup> Care and Repair England, [Disabled Facilities Grant Funding via Better Care Funds – An Opportunity to Improve Outcomes](#), April 2015, p2

<sup>22</sup> Local Government Association, [Annex to the NHS England Planning Guidance – Developing Plans for the Better Care Fund \(formerly the Integration Transformation Fund\)](#), p4, paras 19–20

<sup>23</sup> [Disabled Facilities Grants: Written question – 27552](#), 29 February 2016

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The Minister also provided information on the annual budgets provided by the Government for DFGs and additional funding contributed by local authorities:<sup>24</sup>

	2009-10 (£m)	2010-11 (£m)	2011-12 (£m)	2012-13 (£m)	2013-14 (£m)	2014-15 (£m)
Government Funding	157	169	200	220	180	185
Local Authority contribution	139	137	98	60	88	84
<b>Total</b>	<b>296</b>	<b>306</b>	<b>298</b>	<b>280</b>	<b>268</b>	<b>269</b>

Checks and balances are in place to ensure that DFG is spent in the prescribed areas:

Helping disabled people to live independently in their own homes for longer through adaptations remains a key priority for this Government. The Government will have invested just over a billion pounds into the Disabled Facilities Grant between 2011-12 and 2015-16. This has delivered around 200,000 adaptations to the homes of disabled people. The Disabled Facilities Grant is a non-ring-fenced capital grant paid via the Better Care Fund to local housing authorities. Better Care Fund commissioners are required to confirm they have passed the Disabled Facilities Grant funding on to local housing authorities in their quarterly returns to NHS England. This enables local housing authorities to continue to meet their statutory duty to provide adaptations to the homes of those disabled people who qualify.<sup>25</sup>

The Autumn Statement 2015 contained a commitment to provide £500m by 2019/20 for DFGs, which will fund 85,000 home adaptations in that year. It is estimated that this funding will prevent 8,500 people from needing to move into a care home in 2019/20.<sup>26</sup> In 2016/17 DFG funding grew to £394 million, a 79% increase on the prior year.

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<sup>24</sup> [Disabled Facilities Grants: Written question – 27551](#), 29 February 2016

<sup>25</sup> [Disabled Facilities Grants: Written question - HL2609](#), 21 October 2015

<sup>26</sup> [Autumn Statement 2015, para 1.109](#)

## 4. Other sources of assistance

### 4.1 Chronically Sick and Disabled Persons Act 1970 (CSDP)

In certain circumstances, DFG applicants who are required to make a contribution to all or part of the cost of the works may qualify for financial assistance under the *Chronically Sick and Disabled Persons Act 1970* (CSDP). Section 2 of the CSDP places a duty on local authorities to "make arrangements" for all or any of the matters specified in paragraphs (a) to (h) in the case of any disabled person who is ordinarily resident in their area where they are satisfied that this is necessary to meet the needs of that person. Paragraph (e) covers "the provision of assistance for that person in arranging for the carrying out of any works of adaptation in his home or the provision of any additional facilities designed to secure his greater safety, comfort or convenience".

Department of the Environment (DOE) Circular 10/90<sup>27</sup> made it clear in paragraph 17 that councils may be under a duty to provide financial assistance under section 2(e) to help with an applicant's contribution towards adaptation works following a means test. The Circular suggested that, in considering the question of financial assistance, the welfare authority (social services), should not carry out a separate means test, but may consider whether meeting the full cost of the contribution would cause the applicant hardship. Councils have discretionary powers under the *Health and Social Services and Social Security Adjudications Act 1983* (s.17) to recover the full cost of any assistance given where the client is deemed able to afford to repay.

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

Local authorities were given extended powers to issue loans and other forms of assistance to DFG applicants under *The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002* which came into force on 18 July 2002. Local housing authorities cannot use these discretionary powers unless they have published a policy setting out how they intend to use them.

### 4.3 Home Improvement Agencies (HIAs)

HIAs advise people on improvements and adaptations to their homes and assist them in applying for local authority grants or loans to carry out the required work. They also help to identify reputable local contractors, helping vulnerable people to avoid 'cowboy' builders. They then oversee the work to ensure that their clients are completely satisfied. They are small, locally based not-for-profit organisations,

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<sup>27</sup> Department of Environment, [House Adaptations for People with Disabilities](#), Circular 10/90, 18 June 1990

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although some are part of larger housing and support service organisations or local authorities.

HIAs receive most of their revenue funding from local government through Supporting People (SP) and general housing funds. Under SP, funding decisions are made by local authorities rather than by central government.

Chapter 5 of [Lifetime Homes, Lifetime Neighbourhoods](#) (February 2008) provided information on work to enhance the role of HIAs in delivering adaptations. Foundations published its report on the future HIA, [Supporting choice and maintaining independence](#), in September 2008. The key messages in this report included:

For over 20 years, HIAs have been successful in meeting older and vulnerable people's needs, but must adapt to meet the aspirations of CLG's Strategy for Housing in an Ageing Society, Lifetime Homes, Lifetime Neighbourhoods, and develop new markets for their services.

HIAs will become more diverse as they respond to local needs and priorities. Two ingredients will continue to define the HIA: client-centred support for people to exercise choice over their home environment, and expertise in making changes to the physical fabric of the home.

Government support will continue for HIAs and their commissioners through the new National Body contract, investment in the Future HIA project, and £33m extra funding for the development of handyperson services and information and advice services.<sup>28</sup>

The Coalition Government provided funding for [FirstStop agency](#) which provides advice on housing options for older people and for Home Improvement Agencies:

Government has also invested £1.5 million in the FirstStop information and advice service which aims to help older and vulnerable people make informed decisions about their housing, care and support options and to help them maintain independent living in later life. In addition, the Government provided £51 million funding for Handypersons schemes over the spending review period to deliver small home repairs and adaptations.<sup>29</sup>

In the July 2012 White Paper, [Caring for our future: reforming care and support](#),<sup>30</sup> the Government made a commitment to extend the work of HIAs:

We have heard that many Home Improvement Agencies rely on referrals from local authorities or Disabled Facilities Grant applications, and do not do enough to reach out to their whole populations. **The Government will work with Foundations, the national body for Home Improvement Agencies, to extend their service to more people who fund their own**

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<sup>28</sup> Foundations, [The Future Home Improvement Agency: Supporting choice and maintaining independence](#), September 2008

<sup>29</sup> HC Deb 23 March 2012 78-9WS

<sup>30</sup> HM Government, [Caring for our future: reforming care and support](#), Cm 8378, July 2012

**adaptations and ensure that people obtain timely support in securing appropriate home modifications.<sup>31</sup>**

## 4.4 Registers of accessible housing

In [Lifetime Homes, Lifetime Neighbourhoods](#) the then Government emphasised the need to make the best use of existing adapted housing:

A number of authorities have taken steps to address this situation by developing registers of accessible housing. Such registers contain detailed information about the specific access features of individual properties. This enables an authority precisely to quantify its existing stock of accessible housing and enable more accurate matching with the specific requirements of disabled people. Such registers can achieve significant savings for the public purse. In Cardiff, for example, a register was established, successfully re-housing three hundred disabled people between 2002 and 2005, saving an estimated one million pounds from the disabled facilities grant.

We want local authorities to adopt lettings approaches which give existing and aspiring social housing tenants more choice and control over where they live. So-called choice based lettings (CBL) schemes allow people to apply for vacancies which are openly advertised, for example, in local press or on a website. Ninety-five per cent of authorities in England have already implemented CBL, or plan to do so by our target date of 2010. Where accessible properties are advertised, it is vital that they are properly labelled as to the type and level of access features, so that those with disabilities can select housing which is appropriate to their needs. CBL offers a key opportunity, therefore, to improve information about available accessible housing.

Some CBL schemes already incorporate an Accessible Housing Register. This number is set to increase, both for single local authority CBL schemes, and the growing number of larger CBL schemes which bring together a number of local authority and housing association partners. So, for example, a London-wide Accessible Housing Register is being developed alongside a pan-London choice and mobility scheme. Communities and Local Government has provided £168k to assist London boroughs and RSLs to implement the AHR.

Communities and Local Government will continue to encourage the adoption of Accessible Housing Registers through, for example, the statutory guidance on CBL which is due to be published in early 2008; and will support the dissemination of good practice models, such as the London-wide AHR.

Guidance on choice-based letting schemes was issued in August 2008 and contained a section on providing choice for disabled people with access needs. The Coalition Government issued new guidance on housing allocations for local authorities in England in June 2012:

[Allocation of accommodation: Guidance for local housing authorities in England](#). This replaced all previous guidance and, aside from advising that disabled people with access needs should be afforded "reasonable preference" when allocating social housing, it is silent on this issue.

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<sup>31</sup> Ibid., p28

## 4.5 The Care Act 2014

The Draft Care and Support Bill 2012 had proposed consolidating existing legislation, including the CSDP, into “a single, clear statute, supported by new regulations and a single bank of statutory guidance”<sup>32</sup>

The July 2012 White Paper, [Caring for our future: reforming care and support](#),<sup>33</sup> did not contain proposals to reform the DFG system but said that the Bill would “set out new duties to be placed on local authorities to ensure that adult social care and housing departments work together” with a view to ensuring that adaptations and home repair services join up better with people’s care and support.<sup>34</sup>

The [Care Act 2014](#) obtained Royal Assent in May 2014. Section 3(1) of the Act places a duty on local authorities to carry out their care and support services with the aim of integrating those services with local NHS and other health services. During the Act’s progress through Parliament, amendments were tabled by the shadow Health Minister, Jamie Reed, to promote the integration of care and support into the area of housing. These amendments were subsequently withdrawn.<sup>35</sup>

Section 6(1) of the Act requires local authorities and their relevant partners to co-operate in exercising their respective care and support functions. Section 7(1) supplements this general duty with a duty to co-operate in specific cases where an individual has care and support needs.

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<sup>32</sup> [Draft Care and Support Bill](#), Cm 8386, July 2012, p5

<sup>33</sup> HM Government, [Caring for our future: reforming care and support](#), Cm 8378, July 2012

<sup>34</sup> *Ibid.*, p27

<sup>35</sup> [Care Bill \[HL\] Committee Stage Report](#), 4 March 2014, p12

## 5. Are DFGs meeting the need for adaptations?

Research into DFGs has highlighted pressures around funding compared to levels of need for adaptation works. A contributing factor to growing demand for adaptations is identified as the lack of a requirement to build new homes to [Lifetime Home standards](#).<sup>36</sup> The following sections summarise a selection of studies into the performance of the DFG system and funding levels.

### 5.1 Building Research Establishment findings (2011)

After the publication of the Labour Government's interdepartmental review of Disabled Facilities Grants in 2008,<sup>37</sup> and the implementation of a number of the review's recommendations, it was recognised that some of the major issues highlighted had not been resolved. These issues related to inequalities; cumbersome processes; long delays; and the overall level of DFG funding.

DCLG commissioned the BRE to assess the allocation process and means testing in more detail. The BRE's findings were published in February 2011: [Disabled Facilities Grant allocation methodology and means test: Final report](#). It estimated that £1.9 billion (at 2005 rates) would have been needed to provide for those theoretically eligible. This represented more than ten times the available total allocated to England in 2009/10 at £157 million.<sup>38</sup>

The BRE's conclusions are detailed below:

- There is a very large demand for adaptations with the English house condition survey estimating that some 720,000 households living in the private sector or renting from housing associations require some adaptations. Around half of these (367,000) would be eligible for a grant of at least £1,000 under the current means test.
- There is very little information available to assess the need for adaptations to common areas of flats to improve their accessibility for both residents and visitors.
- There is no reliable data to estimate the need for grants for young people aged under 20 or ex-Service personnel for individual local authorities.
- The current allocations model has been widely criticised for its complexity and lack of transparency. It has also resulted in large

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<sup>36</sup> Leonard Cheshire Disability, [Number of people waiting for disabled-friendly homes increased by 17% in last five years](#), 23 December 2015

<sup>37</sup> DCLG, [Disabled Facilities Grant: The Package of Changes to Modernise the Programme](#), 2008

<sup>38</sup> DCLG, [Disabled Facilities Grant allocation methodology and means test](#), February 2011, p7

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fluctuations in allocations for a number of authorities from year to year.

- The current system is complex and costly to administer. It has also been criticised for penalising those with higher housing costs and creating work disincentives.<sup>39</sup>

The report went on to make several recommendations:

- There needs to be further informed debate about whether there should be separate 'top slicing' at national or regional level for children and ex-service personnel.
- Need to address the lack of useful information on the configuration and accessibility of flats to help frame a strategy for improving the accessibility of common areas and shared facilities.
- The definition of income needs to be widened to encompass equity. Resources are limited and they need to be targeted towards those who do not have the current income or asset wealth to fund work. Placing charges on properties with large amounts of equity will not affect the current income of the person concerned, nor their entitlement to state benefits and allowances.
- Whilst it is important that there is a fair and transparent processes for distributing disabled facilities grant, English house condition survey analysis has illustrated that there is a very large backlog of need that has not been either recognised or addressed by the current system.
- Need to compile compelling evidence to demonstrate how money spent on adaptations will save money on health and care costs.
- Need to look to 'smarter' ways of using the available funds through re-use of equipment like hoists and stairlifts and making more use of removable prefabricated units to provide extra rooms rather than building permanent extensions.<sup>40</sup>

### 5.2 Astral Advisory (2013)

The District Councils' Network (DCN) and the Society of District Council Treasurers (SDTC) commissioned Astral Advisory to carry out research into DFGs. The findings were published in 2013: [Disabled Facilities Grants in England: a research report](#). Over 50% of English councils engaged with this work.

Astral concluded that the DFG delivery system was 'not working well' and that resources were 'not deployed as efficiently as they could be.' These conclusions were based on evidence of customers waiting a long time before receiving approval, and the financial strain placed on district councils with low capital reserves.<sup>41</sup> Astral recommended a shift from an 'outdated' system to one in which customers are given more choice about housing options. Specifically, Astral recommended:

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<sup>39</sup> Ibid., pp74-76

<sup>40</sup> DCLG, [Disabled Facilities Grant allocation methodology and means test](#), February 2011, pp77-78

<sup>41</sup> Astral Advisory, [Disabled Facilities Grants in England: a research report](#), 2013

- The delivery of DFGs and other aids and equipment by an integrated team with an independent client advocacy role. Potential was identified for the transfer of the role to one organisation to enable better resource planning.
- Local partnerships to develop an adaptations strategy to include information about local funding.
- Improved advice for all applicants, including information about other housing options. There is reference to the development of a national network of independent living centres to allow people to self-serve.
- Adaptations for home-owners to be funded through equity in their homes with a safety net of grants for those with no equity. The Government could establish a national equity loan scheme for DFGs with nationally approved providers.
- Housing associations should fund adaptations in their rented stock.
- Clinical commissioning groups should provide revenue support for housing related preventative work to delay or avoid hospital admissions.<sup>42</sup>

### 5.3 Leonard Cheshire Disability Charity (2015)

The Leonard Cheshire Disability Charity, in [The Long Wait for a Home](#) (2015), found:

- 62% of councils failed to fund agreed adaptations within the one year deadline;
- 44% of councils had people waiting over two years for a grant while eight recorded waits of over four years;
- every year almost 2,500 disabled people wait over a year for adaptations to make their homes accessible;
- demand for DFGs is growing faster than councils' ability to meet it. Applications have risen by 6% since 2011/12 but the number of adaptations funded has only risen by 3% over the period.<sup>43</sup>

The charity went on to recommend that councils:

- ensure no disabled person waits longer than 18 months for essential adaptations to their home;
- increase their spending on DFGs to ensure that all eligible disabled people receive grants within the legal time limit. This will also reduce the pressure on social care budgets;
- prioritise disabled-friendly homes and adaptations when making Better Care Fund plans; and
- ensure that all new homes are built to Lifetime Homes standards and 10% of new homes are built to full wheelchair accessible standards.<sup>44</sup>

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<sup>42</sup> Ibid.

<sup>43</sup> Leonard Cheshire Disability Charity, [The Long Wait for a Home](#), April 2015, p2

<sup>44</sup> Leonard Cheshire Disability Charity, [The Long Wait for a Home](#), April 2015, p4

The Charity called on the Government to increase funding for DFGs by 5% every year to address growing demand.<sup>45</sup>

In separate research by the Leonard Cheshire Disability Charity, it found that in 2014 about 300,000 disabled people were 'stuck' on housing waiting lists across the UK and forced to 'make do' in accommodation that did not meet their needs.<sup>46</sup> Freedom of Information requests submitted to 325 local authorities in England elicited 311 responses and showed that, between 2010 and 2015, the number of disabled people on housing waiting lists in England increased by over 17%. Over the same period the total number of people waiting for a home fell by 21%.<sup>47</sup> The Charity concluded that "We have found thousands of disabled and older people are trapped in unsuitable homes, unable to move around freely."<sup>48</sup>

### 5.4 Muscular Dystrophy UK (2015)

Muscular Dystrophy UK has warned that local authorities are failing to act in providing accessible housing for people with muscle-wasting conditions, which is, in turn, leading to 'a mounting housing crisis'.<sup>49</sup> This lack of wheelchair-accessible housing has, according to research published in 2015, led to some households accruing substantial debts and spending their savings in order to adapt their homes. Over a third surveyed faced 'serious financial hardship' as a result of trying to adapt their homes.<sup>50</sup> Others were left in properties in which they could not use essential facilities e.g. bathrooms and kitchens.

The report recommended that:

- DCLG and local authorities act immediately to increase the building of accessible properties. For example, one local council (Harlow) had 166 people on their waiting list needing wheelchair accessible housing, and no available properties.
- Government to increase the statutory maximum grant available for DFGs, and ensure that this figure moves up in line with inflation. The maximum DFG grant was last raised in 2008, from £25,000 to £30,000. This means that whilst the costs of adaptations have gone up during that time, the money available from councils to fund them has stayed the same.
- Local authorities to make more use of 'discretionary payments' for DFGs, and for all local authorities to have a policy to consider requests for these payments. Local authorities have the power to top up a DFG through a 'discretionary payment'. However, in reality, very few of these requests are approved and discretionary funding is notoriously difficult to access. Over a third of local

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<sup>45</sup> Ibid.

<sup>46</sup> Leonard Cheshire Disability Charity, [No Place like Home](#), 1 December 2014

<sup>47</sup> Leonard Cheshire Disability, [Number of people waiting for disabled-friendly homes increased by 17% in last five years](#), 23 December 2015

<sup>48</sup> Ibid.

<sup>49</sup> Muscular Dystrophy UK, [Breaking point: the crisis in accessible housing and adaptations](#), September 2015

<sup>50</sup> Ibid.

authorities had awarded no discretionary payments for DFGs, and many had a policy not to offer discretionary payments at all.

- Local authorities to apply criteria on 'minimum residency periods' with greater flexibility.
- All local authorities to hold a register of accessible properties.<sup>51</sup>

## 5.5 Local Government Ombudsman (2016)

In a report issued in March 2016 the Local Government Ombudsman said "People with disabilities are being left for too long in unsuitable homes because of problems with councils' Disabled Facilities Grants processes." [Making a house a home: Local authorities and disabled adaptations](#) outlines some common problems that applicants experience with the DFG process and good practice guidance for local authorities.

## 5.6 Equality and Human Rights Commission formal inquiry (2016)

On 14 December 2016 the Equality and Human Rights Commission (EHRC) [launched a formal inquiry](#) on housing for disabled people. The inquiry will look at whether the availability of accessible and adaptable housing, and the support services around it, is fulfilling disabled people's rights to live independently. The inquiry will cover England, Scotland and Wales.

A call for evidence will be issued in January 2017 and the inquiry will report in early 2018.<sup>52</sup>

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<sup>51</sup> Muscular Dystrophy UK, Breaking point: [The crisis in accessible housing and adaptations](#), September 2015, pp6-7

<sup>52</sup> [EHRC](#), 14 December 2016

## 6. DFGs in Wales

As noted earlier, the DFG system in Wales is the same as that in England although the maximum grant is higher at £36,000. Expenditure on DFGs in Wales is around £35 million a year. There is also annual Welsh Government funding of around £8 million on Physical Adaptations Grants (PAG) for social tenants.<sup>53</sup>

The Research Service of the Welsh Assembly has produced a [factsheet](#) for constituents seeking assistance with adaptations.

The Welsh Government commissioned Shelter Cymru to undertake a review of the provision of independent living adaptations within Wales in 2014. [A Review of Independent Living Adaptations](#) was published in 2015. The review identified similar issues to those in England, for example:

- The system is complex and fragmented with different funding streams for different tenures.
- The means test is time-consuming and inequitable.
- There is a lack of information for service users.
- Applicants can experience delays in receiving a DFG.<sup>54</sup>

Shelter Cymru concluded that:

...a 'one system' approach to adaptations should be a guiding principle for policy development and moving towards a staged adoption of universal provision of adaptations (Minor adaptations up to £1,000 all tenures; Mid-level adaptations between £1,000 and £5-7,000 (precise level to be negotiated with local government); and Major adaptations above £5-7,000), without means testing in the long term.<sup>55</sup>

Previous reviews of the home adaptation service had also recommended changes; for example, the Assembly's Equality and Human Rights Committee identified the following themes in a 2009 report:

- Inequality across Wales and across housing tenure.
- Workforce issues, skills mix and cross sector working.
- Performance Management Data.
- Resources.
- Bureaucracy.
- Identification and sharing of good practice.<sup>56</sup>

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<sup>53</sup> Shelter Cymru, [A Review of Independent Living Adaptations](#), 2015

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> [Still Waiting: Home Maintenance and Adaptations Services for Older People in Wales](#), 2009

## 7. Scotland

Scotland operates a different scheme of assistance to that in England, Wales and Northern Ireland.

Financial assistance is available for homeowners where the adaptation is deemed to be **essential**. A non-means tested grant will cover 80% of the cost of the works. In some cases, e.g. where the applicant is in receipt of certain benefits, the grant will cover 100% of the cost of the works. There is no upper limit to the cost of the works but the local authority will check that the proposed cost is reasonable.

The Scottish Government has published a series of guides on the assistance available to residents in different tenures:

[Funding Adaptations to the Home: A Guide for Homeowners](#)

[Funding Adaptations to the Home: A Guide for Local Authority Tenants](#)

[Funding Adaptations to the Home: A Guide for Housing Association Tenants](#)

[Funding Adaptations to the Home: A Guide for Private Tenants](#)





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