Factsheet

Disabled Facilities Grants for Disabled Children in England and Wales

CEREBRA

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Our guides for parents help you find the answers you need. You can view and download the full series of our guides and factsheets completely free from our website www.cerebra.org.uk.

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Thank you.

Disabled Facilities Grants for Disabled Children in England and Wales

Aims

This factsheet aims to give a short overview of Disabled Facilities Grants (DFGs) for disabled children, provide information about what they are and help you navigate and access the information, support and resources that are available in order to apply for them. For more detailed information please see the links in the Resources section on page 7.

Key points

- Who is this factsheet for?
- What are Disabled Facilities Grants?
- What can they be used for?
- Can I apply for one?
- How much are they worth?
- Are they means tested?
- How is a DFG paid?
- Can the work start before I apply for a DFG?
- Do I need planning and building regulations approval?
- How do I apply for a DFG?
- What happens next?
- How long does it take to get a decision?
- How quickly must the work be carried out?
- How do I complain if I'm not happy about how my application is handled?

Who is this factsheet for?

This factsheet is for parents of disabled children and young people aged under 19 and living in either England or Wales. There is a similar system if you live in Northern Ireland which you can find information about here. Scotland has a different system: please contact your local social services department for information about their Home Improvement Grants or click here for more information. (Also, see the Scotland section in Resources.)

What are Disabled Facilities Grants (DFGs)?

DFGs are grants awarded by local authorities[1] to help towards the cost of making adaptations to your home[2]. They must make it easier for you to care for your disabled child or increase their level of independence while in your home.

A DFG will only be awarded if your local authority believes that the changes are necessary to meet your child's needs and the work is both reasonable and practical depending on the age and condition of your property.

A DFG is a 'mandatory' grant which means that if the local authority decides that your application is eligible it must give you a DFG.

NB: A DFG won't affect any benefits you may be getting.

What can they be used for?

The purpose of DFGs is to ensure that your disabled child - and the rest of your family who live at home – can enjoy independent living, privacy, confidence and dignity. Adaptations can range from minor alterations to major home extensions[3].

Examples of what a DFG can be approved for include:

- providing ramps, widening doors, shallow steps,
- improving controls for heating and lighting,
- adapting or providing suitable washing, bathing or toilet facilities,
- facilitating the preparation of food and cooking in the kitchen,
- making sure there is access to a shared family room,
- ensuring access to, or providing, a room to sleep in,
- providing a safer environment for your child and others living in the home,
- installing a stair lift or a 'through the floor' lift,
- installing a hoisting system, and
- building an extension to meet your child's needs.

A DFG can also be used to make sure your child can get in and out of your garden safely, as well as making the garden itself a safe area.

Can I apply for one?

You can apply for a DFG for adaptations to your home[4] to meet the needs of your disabled child if you are:

- an owner occupier,
- a private tenant[5], or
- a local authority[6] or housing association tenant[7].

You must also be planning to live in the property for the next 5 years, or for as long your child's health permits.

1. Your local authority's housing department will be responsible for dealing with your application
2 This can include mobile homes/caravans and houseboats.
3 In England, minor adaptations and equipment worth under £1,000 can usually be provided free of charge. Low-cost loans or other grants may also be available from your local authority in both England and Wales.
4 Your home must be the child's only or main residence.
5 If you have a private landlord they will need to agree to the work as part of the application process. Your landlord may refuse permission but only for a good reason: an unreasonable refusal may constitute unlawful disability discrimination. You can find more information on this subject here.
6 In a judgment released on 2 April 2020, the High Court ruled that when processing an application for a DFG local authorities must treat local authority tenants on the same basis as owner occupiers. The Judge decided that it was not lawful to refuse a DFG on the grounds that the claimant must move to another local authority property.
7 If you have a social landlord you will need to contact them first.

It's also possible for a landlord with a tenant who has a disabled child to make an application on their behalf.

How much are they worth?

At the time of writing[8], the maximum DFG that a local authority must pay is:

- £30,000 in England
- £36,000 in Wales

If the cost of the proposed works is more expensive, the council may be able to cover part or all of the extra cost in some cases.

Are they means tested?

No. DFGs to meet the needs of disabled children and young people aged under 19 aren't means tested[9].

Can the work start before I apply for a DFG?

Be very careful! If you want to make some changes to your home you should contact your local authority's housing or environmental department **before** making any changes. Usually, DFGs won't be awarded for any work completed before the local authority approves it.

Do I need planning and building regulations approval?

In many cases such approval may be necessary. If it is required it will need to be applied for separately, although the housing department should help you with this process.

How do I apply for a DFG?

Contact your local authority's housing or environmental department and ask for an application form[10]. This will also explain all the other documents you will need to supply.

However, if you are thinking about making changes to your home, it's a good idea to get advice from qualified professionals before making your application. For instance:

- a local home improvement agency (HIA)[11] which can provide advice and practical help on improvements and adaptations,
- an occupational therapist (OT) to assess your child's physical needs and your home,
- a qualified surveyor or architect to plan and oversee the work (if you apply for a DFG, you can include the cost of their fees),
- a respected builder.

Please note that local authorities normally ask for two written estimates of the cost of the works before deciding whether or not to agree your application.

What happens next?

The local authority will decide whether your application is eligible for a DFG. Firstly, it will consider whether the works are 'necessary and appropriate' to meet the needs of your child. This is usually determined by an occupational therapist, who will normally be employed by social services. Secondly, it will decide whether it is 'reasonable and practical' to carry out the work you're requesting depending on your property (e.g. age and condition).

8 January 2019.

9 Anyone aged 19 and over will be subject to means testing.

10 If you have a social landlord you will need to contact them first.

11 Home Improvement Agency services are also known as Care & Repair or Staying Put schemes. Home Improvement Agencies are local not-for-profit organisations and they assist elderly and/or disabled people to improve, repair, maintain, or adapt their home. HIAs provide advice and information for home owners and private tenants, and they will check to ensure what benefits and grants you may be entitled to. They can visit you at home, work closely with other agencies involved, help to identify reputable tradespeople to undertake works and oversee the work. HIAs help vulnerable people to ensure their home is a comfortable and safe place to live independently.

If a grant is agreed it will usually be limited to covering the necessary costs of the changes and/or equipment that are needed. Although your personal preferences must be considered these may not be funded if they add to the cost (for instance, if you prefer to have more expensive décor, you may be required to pay the extra amount.

How long does it take to get a decision?

Your local authority must give you its decision in writing as soon as practicable and in any event within 6 months of receiving a properly completed application.

If the work is required urgently, then the authority will have to expedite the approval process or consider funding it under other legislation.[12]

How quickly must the work be carried out?

The local authority must pay the grant as soon as practicable and in any event within 12 months of the date on which it received the properly completed application. As noted above, if the work is required urgently then the authority will have to expedite the process including funding the need using other legislation.[13]

How is a DFG paid?

Your local authority may pay the grant in full on satisfactory completion of the work. Or, it may choose to pay in instalments as the work is carried out. The grant will either be paid to you or directly to the contractor.

If you are not happy with the quality of the work let your local authority know immediately.

How do I complain if I'm not happy about how my application is handled?

If you are unhappy with the way your local authority handles your DFG application you can make a formal complaint. You should find details of how to complain on its website.

For help and advice on how to complain to your local authority, or any other public body, please see our Accessing Public Services Toolkit.

If you are still unhappy after your formal complaint has been investigated you can make a further complaint to the Local Government and Social Care Ombudsman in England or the Public Services Ombudsman in Wales.

12 This is discussed further in Disabled Children: A Legal Handbook (3rd edition) (2020) by Steve Broach and Luke Clements para 3.77 – downloadable for free from the Council for Disabled Children's website.

13 See footnote 12 above.

Resources

The following resources may be useful for anyone who needs more in-depth information about DFGs. As the system is essentially the same in both England and Wales, with the maximum value of a DFG being a notable exception, the content of the guides in the England section are generally applicable to Wales.

England and Wales

This House of Commons Library briefing paper released in July 2018 gives a useful appraisal of the how DFGs are operating. Although mainly focusing on England, it does have some coverage of the rest of the UK.

Foundation, The National Body for Home Improvement Agencies in England, has a website which looks in some detail at all things connected with DFGs. And the University of the West of England published an independent review, commissioned by the government, in December 2018 which made 45 recommendations for change.

CAB (Citizens Advice Bureau) has produced some useful information on the responsibilities of landlords and property managers to make reasonable adjustments to their properties for disabled people.

DLF (the Disabled Living Foundation-now Living Made Easy) has a useful website to help choose daily living equipment for disabled children covering items such as bathing equipment, chairs and beds. AskSARA has a similar resource.

England

Co-authored by Professor Luke Clements, who is based at Leeds University and leads the Cerebra Legal Entitlements and Problem-solving Project, this chapter[14], taken from Disabled Children: A Legal Handbook[15], gives in-depth coverage of the law on DFGs from an English perspective.

Professor Clements also looks at some particular issues with DFGs in England in this blog post dated August 2018.

A small pilot study carried out in 2017 at Leeds University and led by Professor Clements revealed how DFGs were preventing young people with autism being taken into care by creating a home environment that allows families to cope better. Although focused on England the study's conclusions are relevant to the whole UK.

This House of Commons Library briefing paper released in July 2018 gives a useful review of the how DFGs are operating. Although mainly focusing on England, it does have some coverage of the rest of the UK.

The Home Adaptations Consortium has produced a detailed guide to the relevant legislation and good practice.

Wales

The Research Service of the Welsh Assembly has produced a factsheet for constituents seeking assistance with adaptations. Although published in 2013 the majority of the information remains relevant at the time of writing[16].

In 2014 the Welsh Government commissioned a review by Shelter Cymru of the provision of independent living adaptations in Wales which lead to a report being issued in 2015 identifying a number of issues with the DFG system.

In February 2018 the Wales Audit Office produced a report commenting on a number of aspects of the housing adaptation system in Wales.

14 See section 6.41 onwards

15 Disabled Children: A Legal Handbook (3rd edition) (2020) by Steve Broach and Luke Clements downloadable for free from the Council for Disabled Children's website.

16 January 2019

Also in 2018, Ann James and Professor Luke Clements published a paper looking in-depth at DFGs and young people in Wales. It focuses in particular on the complex interplay between the 3 main legislative provisions[17] which place duties on local authorities in Wales to provide housing adaptations for disabled people.

Scotland

The Scottish Government has published a series of guides on the assistance available to different kinds of residents' 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

17 Social Services and Wellbeing (Wales) Act 2014 (SSWA), the Housing Grant, Construction and Regeneration Act 1996 (HGCRA) and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO).

About the author

Derek Tilley is currently working as part of the Cerebra Research Team and is the father of a young lady who happens to have Down's syndrome. As a result of his dealings with public services he has had a long interest in supporting parents with disabled children access their legal entitlements. Firstly, in the area of special educational needs with IPSEA and SNAP Cymru Parent Partnership Services before moving into the area of direct payments with Diverse Cymru. During this period Derek served as a third sector representative on the Cardiff Disabled Children's Strategy Development Group and the Cardiff Autism Strategy Development Group. He recently successfully completed an MSc in Social Science Research Methods at Cardiff University and is carrying out a PhD under the supervision of Professor Sally Power, Director of WISERD Education, Cardiff University, and Doctor Julie Doughty, School of Law and Politics, Cardiff University exploring issues related to the reoccurring problems parents of disabled children have obtaining their rights from the education, health and social services.

About the reviewer

Professor Luke Clements is based at Leeds Law School and is a solicitor. He is a leading expert on community care law. He has drafted and assisted in the parliamentary passage of a number of Private Members bills. He has provided training for many Local Authorities, national organisations and charitable bodies. His books include: Community Care and the Law (Legal Action Group 6th ed 2017–jointly written with Pauline Thompson), Disabled Children: a legal handbook (Legal Action Group 3rd edition 2020–jointly written with Stephen Broach) and Carers and their Rights (Carers UK 4th ed 2010).

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