

# Disabled Facilities Grants & Housing - Children and Young Persons

## What is a Disabled Facilities Grant (“DFG”)?

A means by which to secure public support to meet the costs of the adaptations required to a disabled child or young person’s home. A DFG should enable environments to be modified in such a way as to restore or enable independent living, privacy, confidence and dignity.

## Is a DFG means tested?

No. Applications for a DFG for a disabled child under the age of 19 are non-means tested.

## What is the eligibility criteria for a DFG?

To qualify for a DFG, the following requirements must be satisfied:

### 1) The child must be “disabled”.

A person is disabled if he or she: (a) has sight, hearing or speech which is substantially impaired; or (b) has a mental disorder or impairment of any kind; or (c) is physically substantially disabled by illness, injury or impairment.

For a person under 18, they will be considered disabled if they considered to be a ‘child in need’.

### 2) The works required must constitute “eligible works” for which a grant must be approved within Section 22 of the Act.

“Eligible works” includes facilitating access to the home, making the home safe, facilitating access around the property to places to sleep, to the toilet, to wash, to prepare food, or to access a garden.

“Facilitating access” means works which are intended to remove or help overcome obstacles to a disabled child or young person moving freely in or around the home, ensuring access to facilities and amenities.

“Making the home safe” means adaptations to minimise the risk of danger posed by a disabled child or young person’s behavioural problems.

### 3) The adaptations required can only be to the disabled child or young person’s only or main residence.

If the property to be adapted is rented, private landlord consent will be required.

If the parents are separated, adaptations to the second home can be made under Section 2 Chronically Sick and Disabled Persons Act 1970 if the Local Authority determines the adaptations are “necessary” and/or “appropriate”.

### 4) The disabled child or young person and their family must intend to live in the property to be adapted for the “grant condition period”.

The “grant condition period” is currently 5 years from the date the works are certified as completed.

If the family leave the property before the end of the grant condition period, the family may be required to repay the cost of funding provided to complete the works to the Local Authority.

### 5) A Grant application must be approved or refused within 6 months of the date of the application.

If approved, payment for the works must be made within 12 months of the date of the application.

### 6) Applications for a Grant must be approved by a Local Authority if the Local Authority is satisfied that:

- a) The relevant works are “necessary and appropriate” to meet the needs of the disabled child or young person; and
- b) It is “reasonable and practical” to carry out the relevant works, having regard to the age and condition of the home which is to be adapted.

### 7) The maximum amount of Grant which can be awarded is £30,000.00.

If additional funds are required, it may be possible to submit an application to a Local Authority’s discretionary fund to assist with the cost of any additional works required. Eligibility to submit a request will depend on the Local Authority’s discretionary fund policy.

## What if existing housing is not suitable to meet a disabled child or young person’s needs?

It may be possible to request social housing capable of meeting assessed needs. Housing authorities (which operate as part of Local Authorities) have a duty to ensure that the housing allocation criteria used to determine whether a person is eligible for social housing gives reasonable preference to those who need to move on medical or welfare grounds.

## What issues commonly arise?

- The application process can be complex to navigate.
- Disputes often arise in relation to the proposed adaptations and the adaptations for which funding will be granted. To resolve the difference between the adaptations sought by

the family and what the Housing Authority will agree to fund requires negotiation and experience of the process.

- It can be tricky to negotiate with a Housing Authority to secure social housing when existing housing provision is not suitable to meet need.

### **How can Lester Aldridge assist?**

At Lester Aldridge we have experience of supporting disabled children or young persons and their families to ensure that funding can be accessed to make the family home safe and suitable to needs meet.

We can provide:

- An initial, free consultation to discuss the circumstances of the case.
- Support to complete the DFG application process if you meet the eligibility criteria.
- Advocacy at assessments of the property to be adapted to ensure that family preferences are clearly articulated to assessors.
- On-going support to negotiate with a Housing Authority throughout the application process.
- Access to independent experts, whom can provide Expert reports to help resolve disputes relating to the adaptations a Housing Authority will fund by way of a DFG.
- Advice and support to access social housing where more suitable accommodation capable of meeting need is required.