



A Guide to the Housing (Scotland) Act 2006 Scheme Of Assistance

Works To Meet The Needs Of Disabled People

Introduction

The Scottish Government has introduced new legislation to assist people with disabilities living in private housing.

Section 73(2) of the Housing (Scotland) Act 2006 and the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008 (SSI 2008/406 – the Regulations) set out the duties of a local authority in relation to works required to meet the needs of a disabled person.

These duties are supported by Volume 6 of 'Implementing the Housing (Scotland) Act 2006: Statutory Guidance for Local Authorities', published by the Scottish Government on 29 January 2009.

The new duties came into effect on 1st April 2009 and the Comhairle has comprehensively reviewed its policies and procedures to enable the best delivery of the service whilst ensuring the needs of disabled people living in private sector housing are met as far as practicably possible.

Traditionally, assistance was given through the award of discretionary Disabled or Adaptation Grants for adaptation works, both major and minor, to be carried out in the disabled person's home which enabled them to remain within their own community. However the new Housing (Scotland) Act 2006 introduced a number of significant changes to the way grants are administered, some of which are mandatory and others which enable local authorities to exercise their discretion.

The following document outlines Comhairle Policy and Procedures for cases in the Western Isles under the Scheme of Assistance and provides guidance to applicants on the eligibility criteria for the different types of assistance which may be available from the Comhairle.

REQUEST FOR ADAPTATIONS

A request for adaptations to be carried out to a house may be made in a number of ways. The most common methods of enquiry are:

- from the person requesting adaptations to their home or a member of their family;
- from healthcare professionals (including GP's and Hospital staff requests);
- from Department of Social and Community Services or home carer;

and can be made:

- direct to the **Department of Occupational Therapy**: (01851-708287 for Lewis & Harris) or (01870-602425 for North & South Uist / Benbecula / Barra);
- through **Western Isles Care and Repair**: (01851-704347, for Lewis & Harris) or (01878-710200 for North & South Uist / Benbecula) or (01871-810323, for Barra) or
- through the **Comhairle**: (01851-709489 for Lewis & Harris) or (01870- 602425 for North & South Uist / Benbecula / Barra);

and may be made:

- in person; by telephone; in writing; or by e-mail.

Therefore there are a number of possible routes for an enquiry to be received for adaptations but in all cases they must ultimately be directed to the Department of Occupational Therapy for a thorough assessment of need to be carried out.

Please note that once an enquiry has been made it does not mean that this constitutes an application. Every case must be supported by a detailed, written referral from the OT Department before any financial or other assistance can be given by the Comhairle.

ELIGIBLE WORKS FOR ADAPTATIONS

Adaptations can cover a wide range of works and the proposals will depend on a person's specific individual needs. The document "**Occupational Therapy Services in the Western Isles – Policy and Practice on Provision of Equipment and Adaptations**" sets out clearly the types of work and eligibility criteria for all types of adaptation works. This document was comprehensively revised in April 2009 and takes into account the changes introduced by the Housing (Scotland) Act 2006. This document is available separately either as a hard copy from the Comhairle or can be accessed through the Comhairle's website: <http://www.cne-siar.gov.uk/>

All adaptations must be supported by an appropriate referral from an Occupational Therapist and be in accordance with the Policy and Practice document. The OT assessment should identify the person's needs in the first instance and their eligibility for assistance second and be in accordance with local Community Care priorities.

The Housing (Scotland) Act 2006 makes all adaptation works mandatory, with the sole exception of works to extend a property to provide additional living accommodation which remain at an authority's discretion and are dealt with in more detail later on in this guide.

Typical types of work which may be recommended after assessment by the OT's are:

- Adapting bathroom facilities to meet the disabled person's needs e.g. removal of bath and provision of level access shower, provision of bathroom facilities on the ground floor.
- Adapting the home by improving accessibility e.g. provision of ramped access, provision of a stair lift, etc.

Scottish Government guidance states that where an applicant's need is determined as eligible and a priority for assistance through Community Care Assessment process, and they are entitled to grant, the work should be approved and the mandatory grant processed and paid within a reasonable timescale.

Needs which fall beneath the eligibility threshold are determined to be non-eligible rather than have unmet needs. As such, it is important that non-eligible cases are made aware that their request is not on a waiting list and, unless their needs change, they may always be in a lower priority category.

Adaptation works proposed should, wherever possible, take into account the evolving needs of the disabled person over the medium and long term to avoid the need for subsequent grant applications and the associated disruption whilst works are being carried out in the home.

The Housing (Scotland) Act 2006 gives local authorities discretionary powers to provide assistance to secure alternative housing solutions for disabled people where this is deemed to be the most appropriate solution. Further details on this are set out later in this guide.

Assistance is only available for a house which is a private dwelling and occupied as the only or main residence of the owner or a member of their family. Grant cannot be given to a mobile home or where the house is used as a second or holiday home.

TENANTS

The Act also enables the same level of assistance for permanent adaptations to be given to tenants, provided they have their landlord's consent to carry out the adaptation works. The landlord's consent cannot unreasonably be withheld under Section 52 of the 2006 Act. The landlord already has a duty to provide reasonable adjustments for the benefit of a tenant with a disability under the Disability Discrimination Act 1995, for example changes to kitchen taps, signs, door bells, etc. The 2006 Act allows applications to be made by tenants of social rented landlords. However, the Government's guidance states that such applications should be exceptional and only considered where no other funding is available through normal channels – e.g. Housing Association Grant.

ENTITLEMENT TO FINANCIAL ASSISTANCE FOR ADAPTATIONS

All recommended adaptations, with the exception of work to provide additional living accommodation, are eligible for a mandatory grant award from the Comhairle at a minimum percentage of 80% of the assessed cost of works.

Where an applicant (or their partner, or a dependent, or anyone who resides or intends to reside with the applicant) is in receipt of a qualifying benefit then the application will be approved at 100% of the assessed cost of works.

The benefits which automatically qualify for grant at 100% level are:

- **Income Support**
- **Income Based Job Seeker's Allowance**
- **Pension Credit (Guarantee Element)**
- **Income Related Employment and Support Allowance**

Applicants who are on low incomes and who do not automatically qualify for 100% grant may still get more than the minimum 80%, but the actual percentage will be determined by an income test. The test is based on the Scottish Government's Grant calculator and may result in a percentage in the range between 80% and 100%. Proof of income must always be provided in support of any claim resulting in a percentage higher than 80%.

Cost Limited Works

All applications for adaptations will be subject to an assessment to determine whether or not an applicant's proposals are deemed to be excessive. This may, for example, be either in terms of the proposed specification or the size of an extension. The Comhairle may therefore assess that the actual cost of eligible works is less than the contractor's quoted cost for the works. In these cases reasonable cost limits will be applied in accordance with existing Comhairle Policies. The cost limits will be reviewed annually by the Comhairle and are detailed later in this document.

It should be noted that if any other grant or funding award has been approved, or is being sought for the same works, then this should be declared to ensure no double subsidy of costs exists.

EXTENDING LIVING ACCOMMODATION

Grants to provide additional living accommodation may be supported at the Comhairle's discretion but there is no mandatory requirement for assistance for this type of work in the 2006 Act.

The "**Occupational Therapy Services in the Western Isles – Policy and Practice on Provision of Equipment and Adaptations**" document sets out the eligibility criteria for such cases. Grant to provide extensions will only be considered where a case meets the required criteria and cannot otherwise be provided or contained within the existing house or an alternative, more cost effective solution cannot be achieved.

The percentage of grant will be at the equivalent level for a Mandatory grant and a minimum level of 80% of the assessed cost of works will be available. Higher percentage awards will be determined by using the same income test employed for determining percentages for Mandatory grants and proof of income will be required for awards higher than 80%.

The amount of eligible expense will be calculated in accordance with the Comhairle's policies on cost limited works.

If there is a difference between the actual cost of works and the amount of grant awarded then it is the owner or applicant's responsibility to secure the shortfall. In these circumstances it is reasonable to expect an owner or applicant to make a contribution towards the cost of extending their home as there is most likely to be a corresponding increase in the value of their property.

If the shortfall cannot be met by the applicant or owner from their existing resources, then all other potential sources of finance must be explored. Examples of funding solutions may be through borrowing to fund the works, financial assistance from family members, awards from charitable bodies (for example: the Mackenzie Trust or Armed Forces Associations or Benevolent Funds).

CONSULTANTS' FEES

Reasonable costs which are attributable to obtaining professional or technical advice regarding any proposed adaptations may be included as an eligible expense, for example - the cost of producing drawings for Planning or Building Warrant purposes.

However legal fees will not normally be entertained where, for example, a change in ownership results in title deeds requiring to be amended. **For the avoidance of doubt, any fees which do not relate to the actual building/adaptation works proposed should not be incurred without prior authorisation from the Comhairle.**

Where fees have been properly incurred, but the adaptation works do not proceed, then the costs may be reimbursed. Further advice on abortive fees can be obtained from the Comhairle.

CARE AND REPAIR

Western Isles Care and Repair are able to act as agents for elderly people and people with disabilities to enable applications to be made for funding assistance to the Comhairle and other funding bodies. However, no fees are charged for this service as the scheme is funded separately by the Comhairle. Contact details of all Care and Repair locations are shown at the beginning of this guide.

REINSTATEMENT WORKS

Information and advice will be provided to private tenants or their landlords (either amateur or professional) to assist in the reinstatement of any property which has previously been adapted. Assistance may be given in the form of advice on how to proceed with the reinstatement works or financially through the award of a grant.

Where a landlord (amateur or professional) has consented to adaptations but placed a condition requiring reinstatement in terms of S.52 (5)(b) of the 2006 Act, the Comhairle will expect the landlord in the first instance to seek a new tenant who will use the adaptations. Failing this, the Comhairle will meet the cost of reinstatement in full for those adaptations which reduce the lettable of a property. For example, a wet floor shower is perfectly acceptable for most people to use and so financial assistance would not be provided, whereas financial assistance may be offered for reinstatement of a standard WC in place of a *non-standard WC*.

The Comhairle will not give grants for reinstatement to owner occupiers.

SMALL ADAPTATION SCHEME

Where minor adaptations are required, and the works cost can be contained within a £900 limit, then an award through the Small Adaptation Scheme may be more appropriate. The Occupational Therapy Department manage this Scheme, including carrying out an individual's assessment of need, and therefore the most appropriate funding route for a case will be determined by the Occupational Therapist.

In these cases no formal grant application is made, and the Department of Occupational Therapy will instruct a contractor to carry out the works and arrange for payment to be made direct to the contractor for works properly carried out.

Initial enquiries should all be directed through the department of Occupational Therapy.

SERVICING OF ADAPTATIONS

The cost of ongoing maintenance or servicing is **not** eligible for grant assistance.

For houses in private ownership enquiries should, in the first instance, be referred to the Comhairle's Technical Services Department for advice on 01851 - 703773.

N.B. The tender for servicing of adaptations is currently under review and further details for private owners on this matter will not be available until Summer 2009.

Tenants of Hebridean Housing Partnership should contact their Customer Services on 0845 – 6039180 or by e-mail to info@hebrideanhousing.co.uk for advice.

ASSISTANCE WITH HOUSE SALE, PURCHASE AND CONSTRUCTION

Where the long term assessed community care needs indicate that adapting the existing home is impractical then, as an alternative, assistance may be available to purchase or construct a home to provide more appropriate accommodation for the disabled person. Assistance with help to acquire or construct a house is entirely at the Comhairle's discretion and there is no mandatory right to a grant. In deciding whether or not this type of assistance is likely to be the most cost effective way of meeting need all other alternatives must have been reasonably explored.

House Sale and Purchase

Assistance for the sale or acquisition of a property will be determined depending upon the circumstances of each individual case.

Request for financial assistance must be:

- **Supported in writing by Occupational Therapists and**
- **Supported by a full breakdown of all costs (including purchase and selling prices and all associated fees, etc.) and**
- **Agreed in principle by the Comhairle**

before any offer, or commitment to purchase a new house is made.

In these circumstances, funding will only be available towards any shortfall which occurs between the proceeds from the sale of the original property and the purchase cost of the new property, together with any fees incurred (such as legal fees) as part of the process. The term "more appropriate accommodation" includes property more suitable to adaptation than the existing home.

The purchase price shall not exceed the seller's report valuation figure +10%, otherwise no award shall be made.

Construction

Financial assistance towards the construction of a house will normally be restricted to the cost of providing the necessary adaptations in the new home. This may include, for example, the provision of appropriate bathroom fittings being incorporated at the building stage to prevent the need for future adaptations. Assistance towards new build will be subject to the assessed works being contained within the Comhairle's published cost limits. Financial assistance will not be given towards the costs normally associated with building a new home and assistance under this part is likely to be limited to the extraordinary costs of providing facilities to meet the assessed needs of the disabled person. If any other grant assistance is being received towards the cost of building the new house – e.g. A Crofting House Grant or a Rural Home Ownership Grant, then the Comhairle must be informed in writing of the amount and type of grant being received.

CASES WHERE AN APPLICANT WISHES TO CARRY OUT WORKS BEYOND THE ASSESSED NEED

Where an applicant wishes to carry out works beyond the scope of assessed need then the Comhairle may determine the amount of grant assistance to be at the equivalent level for the works assessed as necessary. For example, if a person's assessed need indicates that a stair lift is required but the applicant wishes to provide an extension as an alternative solution, then the amount of eligible grant will be based upon the cost of fitting a stair lift. This fulfils the mandatory duty of the Comhairle to provide assistance, whilst at the same time allowing the applicant the flexibility to carry out the actual works that they desire. However any shortfall in funding between the actual cost of works and the amount of assessed award will be entirely the owner's responsibility and no additional financial assistance will be forthcoming from the Comhairle.

HOUSING GRANTS: SCHEDULE OF COST LIMITS FOR ADAPTATIONS

October 2009

a)	Provision of a sink and other kitchen fitments, suitable for the use of a disabled person.	£3,000
b)	Provision of bathroom fitments suitable for the use of a disabled person, including tiling, non slip floor coverings, bi-fold doors, etc.	£3,500
c)	Construction of a new kitchen (Max floor area 16m ²)	£1,000 per m ² (Max award £16,000)
d)	Construction of a new bathroom (Max floor area 14m ²)	£1,000 per m ² (Max award £14,000)
e)	Construction of a new bedroom (Max floor area 14m ²)	£1,000 per m ² (Max award £14,000)
i)	Provide 1500 mm paths up to a maximum permissible length of 30m	£45 per m run (Max award £1,350)
j)	The provision of a hot water source	
	- oil fired appliance	£2,800
	- solid fuel appliance	£2,500
	- gas appliance	£1,500
	- back boiler	£600
	- immersion heater	£100
k)	The provision of an adequate heating system for the benefit of a disabled person comprising a boiler and 5 radiators to the ground floor rooms only	£4,000 for Oil system £3,500 for Gas system or £2,500 for Electric system
l)	Provision of a hard wired smoke detector	£94 per detector

Where the cost for any works appears to be excessive, the Comhairle will request additional information relating to the cost or specification of the works from the applicant.

Depending on the information supplied the Comhairle may restrict the amount of award for these works accordingly.

Cost limits will be varied in accordance with Comhairle policies by the following geographical uplifts.

a)	Uig & Great Bernera; Lochs, Westside of Lewis and Ness	+10%
b)	Harris and Scalpay	+15%
c)	North Uist & Berneray; Benbecula; and South Uist & Eriskay	+20%
d)	Barra & Vatersay	+25%

CONSOLIDATION OF APPROVED POLICIES FOR ADAPTATIONS – HOUSING (SCOTLAND) ACT 2006

	SOURCE POLICY	POLICIES GENERAL ELIGIBILITY												
Discount works done before grant approval	Starting Work Before Grant Approval (8/12/92)	Grant assistance will not be approved for any works started prior to the formal approval of grant, except in special circumstances and where before the works are started the applicant submits, in writing, good reasons for starting the work and has written authority for proceeding.												
Potential Holiday Homes	Grants for Holiday Homes (01/05/84)	Grant assistance will not be approved for a house, which on the completion of the works is clearly or likely to be used as holiday home, as this will breach the grant conditions laid down in the 2006 Act. Notwithstanding the above, a house will not be considered as <i>"likely to be used as a holiday home"</i> where the owner of the house has supplied clear evidence that: the house will be improved for use as his only or main residence in advance of an impending retirement and/or move to the area; the period between the completion of the improvement and the full time residence and use will not exceed five years; and during the period referred to above, the house will be let or kept available for letting for general needs housing as opposed to holiday needs.												
Duration of Grant approvals	Duration of Grant approvals (revised April 2009)	It is expected that the specified works will be carried out within 12 months of the date of approval; grant approvals will be cancelled where the works have not been started within 12 months of grant approval period; where a claim for grant has been made the final claim for payment must be made within 12 months of the first payment; where works have not been completed after the expiry of 12 months, any instalment paid and interest thereon will be recovered, subject to a right of appeal.												
Limitation on eligible decoration works	Grants for decoration (15/03/88)	The decoration work necessitated by grant aided works only will be eligible for grant assistance, and will be limited to the cost of: filling and taping plasterboard joints along with the application of two coats of emulsion paint; painting or staining of facings, skirting and other internal woodwork.												
SUBJECT	SOURCE POLICY	COST LIMIT POLICIES												
Cost limits	Consolidation of Grant Policies – Cost Limits (25/11/03)	Cost limits for specified work for all types of Housing Grants are as set out in the Comhairle's agreed Schedule of Cost Limits. Where the cost for any works appears to be excessive, the Comhairle will request additional information relating to the cost or specification of the works from the applicant. Depending on the information supplied the Comhairle may restrict the approved expense for these works accordingly. Cost limits for grant eligible works may be increased for the following areas as follows:												
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 5%;">a)</td> <td style="width: 70%;">Uig & Great Bernera; and Lochs; Westside of Lewis and Ness</td> <td style="width: 25%; text-align: right;">+10%</td> </tr> <tr> <td>b)</td> <td>Harris and Scalpay</td> <td style="text-align: right;">+15%</td> </tr> <tr> <td>c)</td> <td>North Uist & Berneray; Benbecula; and South Uist & Eriskay</td> <td style="text-align: right;">+20%</td> </tr> <tr> <td>d)</td> <td>Barra & Vatersay</td> <td style="text-align: right;">+25%</td> </tr> </tbody> </table>	a)	Uig & Great Bernera; and Lochs; Westside of Lewis and Ness	+10%	b)	Harris and Scalpay	+15%	c)	North Uist & Berneray; Benbecula; and South Uist & Eriskay	+20%	d)	Barra & Vatersay	+25%
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SUBJECT	SOURCE POLICY	COST LIMIT POLICIES (CONT.)
Specific assistance for heating for people with a disability	Grant assistance towards heating for the Disabled (15/06/99 and 02/11/04, and revised April 09)	<p>Grant assistance may be given for the adaptation of a house to meet the established heating needs of a disabled person :</p> <ul style="list-style-type: none"> o provided they do not qualify for assistance under the EAGA scheme and o subject to a cost limit for providing an oil or gas fired boiler and 5 radiators to the ground floor rooms (for disabled person only). £4000 for oil or £3,500 for gas heating or £2,500 for electric central heating <p>The cost limits uplifts based on geographical area for grant eligible works will be applied to these heating grants as per policy ref CL1.</p>
SUBJECT	SOURCE POLICY	POWERS DELEGATED TO THE DIRECTOR OF DEVELOPMENT
Determination of applications for Improvement and Repairs Grants	Various	The Director of Development has delegated powers to determine applications for Assistance under the Housing (Scotland) Act 2006, including adaptations for the disabled. Approvals under this delegation shall only be given where the application meets the policy criteria set by the Comhairle. In cases where the safeguards within Comhairle's Scheme of Delegation require delegation not to be exercised, the application will be referred to the Environment and Protective Services Panel.
Loans for buying or improving houses.	House Loan Scheme (18/08/98 and revised April 09)	In cases where the Comhairle is obliged to give a house loan the Director of Development is granted delegated powers to vire the required amount from the capital budgetary provision made available for Housing Grants.
Duration of Grant approvals	Duration of Grant Approvals (13/12/84 and revised April 09)	Cancel grant approvals where the works have not been started within 12 month period from date of grant approval, grant extensions, in special cases, from 12 months to 18 months only where works have already started, to enable work to be completed,

Approved New Policies and Practices Required by the Introduction of the Housing (Scotland) Act 2006

Proof of Income/ Ownership	An application will only be considered as valid or complete when all the application forms and supporting information have been submitted to the satisfaction of the Director of Development. The Director of Development will write to an applicant identifying any shortfalls in the application and the letter will state clearly what is required to enable the application to progress and the timescale for submitting the outstanding information. Failure to submit the required information within the stated timescale will result in the application and papers being sent back to the applicant.
Data protection policy	All applicants are requested to complete the Comhairle's Data protection forms to enable their application to be determined.
Appeals on Calculation of Grant percentage	Appeals on percentage of grant awards and should in the first instance be made through the supervisor of the person originally carrying out the assessment. Thereafter if a satisfactory conclusion has not been reached the matter should be referred to the Environment and Protective Services Panel.
Monitoring form	All applicants are requested to complete the Comhairle's Monitoring forms to enable their applications to be evaluated.
Restriction on Amount of grant award under Delegated Powers	Where any application attracts a grant payable of greater than £50,000 then that application should be referred to the Environment and Protective Services Panel for determination.