

**REPORT OF THE CHAIRMAN OF THE CHILDREN AND YOUNG PEOPLE'S  
COMMITTEE****APPROVAL OF DISABLED FACILITIES GRANT TOP UP LOAN FOR  
ESSENTIAL ADAPTATIONS TO PRIVATE ACCOMMODATION****Purpose of the Report**

1. To seek approval for a loan of £30,000, as part of the Disabled Facilities Grant top up policy, to enable essential adaptations to be carried out to a disabled child's home. The condition will be that the Local Authority will seek to impose a legal charge on the property which is held in trust for the child. A financial assistance agreement with the parents and legal charge with the trustees will formalise this loan.

**Information**

2. A Disabled Facilities Grant (DFG) is a statutory grant that is awarded under Part 1 of the Housing Grants, Construction and Regeneration Act (HGCRA) 1996 and is administered by the Housing Authority. The maximum grant that can be awarded towards an adaptation is currently £30,000. Where the adaptation is for a child with a disability no financial assessment is applied.
3. Under the Chronically Sick and Disabled Persons Act (CSDPA) 1970 s3, the Housing Authority is obliged to give specific regard to the needs of a disabled child when meeting their responsibilities with regards to housing requirements. In order to address such duties and to understand if DFG works are '*necessary and appropriate*' the Housing Authority is required to consult with the relevant County Council's Children's Occupational Therapy Services.
4. The Council's Occupational Therapy service is required to assess a disabled child and their family's needs to understand if they are eligible for a DFG, and what adaptations are thought to be '*necessary and appropriate*'.
5. In this case the Occupational Therapy assessment has taken place and the '*necessary and appropriate*' adaptations have been agreed upon with the Housing Authority. The adaptation is for provision of level/wheelchair access into and out of the property and to essential facilities on the ground floor. Adaptations include a ground floor bedroom and bathroom with specialist high low bath and changing plinth, widening of access and internal doors, level wheelchair access and provision of Ceiling Track Hoists in the bedroom and bathroom. The total cost of the adaptations will be £73,029. A mandatory DFG grant of

the maximum £30,000 has been awarded. This request is for an interest free loan to be agreed of £30,000 to be repaid over 10 years. The family will fund the outstanding £13,029 themselves.

6. This will be an interest free loan which will be repaid to the Local Authority over a period of 10 years. The Local Authority's investment is protected by a legal charge and the Council has claw back rights on the funding in the event of default by the parents or sale of the property
7. The Policy and Process Guidance for Supporting Discretionary Top Up Assistance Payments was agreed by Policy Committee in September 2015.
8. The Policy states:

*4.1 If formal approval for a DFG is given and the cost of works is in excess of the statutory DFG of £30,000, Nottinghamshire County Council will assist a service user in meeting their housing needs by exercising their discretionary powers under the Chronically Sick and Disabled Persons Act (CSDPA) 1970.*

*6.4 The offer of any loan will need to be approved through Policy Committee prior to any payment being made.*

### **Other Options Considered**

9. All other accommodation options have been considered as part of the DFG process. Major adaptations to the current accommodation are considered to be the most effective option.

### **Reason/s for Recommendation/s**

10. The proposed adaptations are essential in order for the service user to lead a full life with appropriate accommodation and care facilities in place.
11. Without the loan of £30,000 this adaptation cannot proceed and the accommodation will not be suitable for the service user.
12. The Council has discretionary powers to assist a service user in meeting their housing needs. The adaptations are considered necessary and appropriate for this child's needs to be met. The loan will be repaid over a period of 10 years.

### **Statutory and Policy Implications**

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Data Protection and Information Governance**

14. On agreement to funding it will be necessary for the Occupational Therapy Service and Housing Authority to share information about the service user and Trustees in order for legal documentation to be drawn up by the Local Authority's legal services. This documentation will concern a legal charge on the property and a financial assistance loan agreement requiring the parents to repay a proportion of the funding should they decide to sell the property within an agreed time period

## **Financial Implications**

15. This will be an interest free loan which will be repaid to the Local Authority over a period of 10 years. The Local Authority's investment is protected by a legal charge and the Council has claw back rights on the funding in the event of default by the parents or sale of the property.

## **Safeguarding of Children and Adults at Risk Implications**

16. Suitably adapted accommodation with appropriate equipment will reduce the likelihood of harm to the service user through inappropriate moving and handling.

## **RECOMMENDATION/S**

- 1) That Committee approves the loan of £30,000 to the parents for these adaptations and for the Council's interest to be protected by way of legal charge on the property.

**Councillor Philip Owen**  
**Chairman of the Children and Young People's Committee**

**For any enquiries about this report please contact:**

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## **Constitutional Comments (AK 04/09/20)**

17. The report falls within the remit of Policy Committee by virtue of the Constitution and Policy and Procedure Guidance – Supporting Discretionary Top Up Assistance Payments.

## **Financial Comments (SAS 17/09/20)**

18. This will be an interest free loan which will be repaid to the Local Authority over a period of 10 years. The Local Authority's investment is protected by a legal charge and the Council has claw back rights on the funding in the event of default by the parents or sale of the property. It does not have any implications for the Children & Families revenue budget.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[Policy and Process Guidance for Discretionary Payments towards the provision of major adaptations to service users' homes – report to Policy Committee on 9th September 2015](#)

## **Electoral Division(s) and Member(s) Affected**

Stapleford & Broxtowe Central

Cllr Dr John Doddy & Cllr John Longdon

C1389