



Guide to Funding a Major Adaptation

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Introduction

This Guide describes the main sources of funding for undertaking major adaptations to peoples' homes. Its focus is mainly on public sector sources of funding, but it also contains information about funding of 'personal' contributions by individuals where these are required.

The Guide has been prepared by the Scottish Government and forms part of a suite of materials developed alongside, and in support of, the 2009 Guidance on the Provision of Equipment and Adaptations¹. It has been prepared in response to comments made about the complexity of funding major adaptations and the need for clear information.

It is intended in particular to help staff working in health and social services understand the different sources of funding, eligibility for this funding, and how it can be accessed. It is **not** intended to provide a comprehensive guide to all sources of funding for major adaptations: in particular, there will be local variations and a range of specific opportunities for individuals needing, or wishing, to raise a personal contribution.

The Guide's focus is on **major** adaptations, which are defined within the 2009 Guidance on Equipment and Adaptations as

'Work that involves structural or other permanent changes to a house, but excluding work to extend a structure to create additional living accommodation, or work to create living accommodation in a separate building from the current living accommodation.'

Chapter 2 gives an overview of the policy and funding framework for major adaptations. It explains the differing funding streams and associated processes, which operate in different parts of the housing sector. Understanding these differences is important so that the service user is given the information relevant to their housing circumstances: it is also important so that the service user is 'routed' to the appropriate section or organisation within the housing sector.

Chapters 2 to 5 provide more detailed information about funding for major adaptations. This is organised by tenure and by sector

Chapter 2	Owner occupied properties
Chapter 3	Private rented sector properties
Chapter 4	Local authority (Council) properties
Chapter 5	Housing association (RSL) properties

¹ *Guidance on the Provision of Equipment and Adaptations, CCD 05/2009*, Scottish Government, December 2009 - <http://www.scotland.gov.uk/Topics/Health/care/EandA/EandAGuidance>

Chapter 1: Policy and funding framework

The importance of tenure

The funding for major adaptations, and the process for accessing that funding, depends on the housing sector and tenure in which the disabled person lives.

The four most common arrangements, which are considered in this Guide, are

Private sector

1. Owner occupied
2. Private rented

Social rented sector

3. Local authority (Council) rented
4. Housing association (RSL) rented

These most commonly refer to the following

Owner occupied: where the property is owned outright or owned with a mortgage by those residing in it. This can include both single and joint ownership. It also includes less common arrangements such as shared ownership (where the property is part owned by a housing association), and shared equity (where the property is wholly owned by the occupier, but part of the equity (value) is held by an organisation or funder).

Private rented: where the property is owned by a private individual or private company and let to the resident. The tenancy is most often on a Scottish Short Assured tenancy giving the tenant a time limited right to occupy.

Council rented: where the property is owned by the local authority and let to the resident. The tenancy is almost always a Scottish Secure Tenancy (SST), giving the tenant the right to occupy without a time limit.

Housing association (RSL) rented: where the property is owned by a housing association, registered as a Registered Social Landlord (RSL) with the Scottish Housing Regulator. The tenancy is the same as for Council tenants - almost always a Scottish Secure Tenancy (SST).

The policy framework

The Guide sits within the Scottish Government's policy framework for adaptations and its funding. Guidance originating from the Health Directorate (Primary and Community Care) and from Housing & Regeneration is both relevant. A key emphasis within this policy framework is the importance of a corporate approach within the local authority, with particularly close collaboration between social services and housing.

The **overall policy** in relation to major adaptations is set out in **Guidance on the Provision of Equipment and Adaptations, CCD 5/2009**. This provides comprehensive new guidance on the responsibilities of NHS Scotland and local authorities for providing equipment and adaptations, including major adaptations. It is the key policy document for all sectors (housing, health and social care) on national policy in this area.

The overall aims, which apply equally to this Guide and the provision of major adaptations, are to

- Place the user, and carer, at the centre of provision.
- Enable choice and control for service users and carers as partners in the process of assessment and support planning.
- Focus all care and support on the improvement of outcomes for the individual and their carer.
- Promote a consistent approach to the assessment for, and provision of, equipment and adaptations.
- Ensure that users and carers have access to up to date and relevant information on equipment and adaptations.
- Promote good practice and partnership working in relation to equipment and adaptation provision.

The 2009 Guidance also sets out the key actions which should be taken by local partnerships in relation to major adaptations.

Extract from Annex E of Guidance
Major Adaptations

- *Ensure assessment for major adaptations is incorporated into mainstream community care services.*
- *Adopt a specialist approach for the **provision** of major adaptations.*
- *Local partnerships led by the Local Authority should have clear protocols to ensure consistent and co-ordinated working practices particularly between social work and housing, including RSLs.*
- *Local protocols should be reviewed in line with the Housing (Scotland) Act 2006 and the new duties emerging from the Act in April 2009.*

For major adaptations in the **private sector**, the statutory guidance, **Work to Meet the Needs of Disabled People**² sets out local authority duties under the Housing (Scotland) Act 2006. It explains the assistance, including financial assistance through grant, which should be provided by local authorities to disabled people living in the private sector, either as owners or private sector tenants. This Guidance introduced important changes to the previous approach to the eligibility for, and proportion of costs which can be met through, grant. As with CCD 5/2009, it emphasises the importance of a corporate approach within local authorities, in particular between housing and social work on assessment and eligibility for assistance, decisions of how best to meet those needs, and decisions on financial assistance both generally and in relation to individual cases. The new arrangements are explained in detail in Chapter 3.

For major adaptations in the **housing association (RSL) sector**, guidance issued in 2001³ sets out the procedures for securing HAG (Housing Association Grant)⁴ funding. This explains the type of works eligible for such funding.

² *Work to Meet the Needs of Disabled People*, Implementing the Housing (Scotland) Act 2006, Volume 6, Housing & Regeneration, March 2009 - <http://www.scotland.gov.uk/Publications/2009/03/25154356/0>

³ *Procedures for HAG Funding of Stage Three Adaptations*, SHGN 2001/02 - <http://www.scotland.gov.uk/Topics/Health/care/EandA/HAGStage3Adaptations>

⁴ HAG (Housing Association Grant) is the main source of public funding for housing associations (RSLs)

For major adaptations in the **Council sector**, there is no guidance on obligations and duties aside from that contained in housing legislation⁵.

Overview of funding

There is no single source of funding for major adaptations. Instead, the amount of funding, its source and the procedures for accessing that funding, varies depending on the tenure and sector of the person seeking an adaptation.

The table below sets out in summary form the main methods of funding for major adaptations in the different tenures and sectors.

Funding for Major Adaptations

	Private sector housing		Social rented housing		
	Owner occupier	Private rented sector tenant	Local authority tenant	Housing association (RSL) tenants ⁶	
				Non stock transfer RSLs	Stock transfer RSLs
Funding source	LA private sector grant funding		Housing revenue account	HAG (Scottish Government or LA in Glasgow & Edinburgh) and/or RSL resources	RSL resources
Level of funding	80-100%	80-100%	100%	100%	100%
Access to funding	LA private sector teams, or grants officers		LA housing service	RSL	RSL
Management of process	LA private sector teams/ grants officers or Care & Repair or individual owner/tenant		LA housing or property services	RSL	RSL

It is important to note that these are the **usual** arrangements which operate at local level. The following are worth noting

- A tenant in the social rented sector (either local authority or housing association) can apply for grant in the same way as an owner or private sector tenant. However the Government has made it clear that such applications should be the exception. (see Chapter 2 for further details)

Finally, it is important to be aware that the local authority has a duty to meet the needs of a disabled person where these needs have been assessed as being above the local eligibility threshold⁷. This means that if other funding is not available, the local authority is still required to meet the individual's needs, whether through an adaptation or some other solution.

⁵ This is summarised in CCD 05/2009, Major Adaptations.

⁶ 'Stock transfer' RSLs refers to those housing associations (RSLs), which have been formed from housing stock transferred from the local authority.

⁷ The local authority must assist with meeting the need under welfare legislation such as section 2 of the Chronically Sick and Disabled Persons Act 1970.

Checklist 1: Establishing tenure

Who owns the property in which the person needing the adaptation lives? Is it:

- owner occupied?
- rented from a private sector landlord?
- rented from an RSL (housing association)?
- rented from a local authority (Council)?

Since the funding, and the process to access it, varies depending on the sector in which the disabled person lives, this needs to be established as early as possible. It is most important to establish **enough** information at this point to know which organisation and service to contact for taking forward the funding and the provision, or organisation, of the major adaptation.

<p>Initial enquiries</p>	<p>At the initial contact, the requirement is to establish the tenure of the property in which the person is living. Note that this is not the same as asking whether the person concerned is themselves a private tenant, owner occupier etc, since they may be a member of the household. More detailed checking of the tenure of the disabled person may be undertaken by housing services at a later stage in the process.</p> <p>In a number of cases, the tenure will already be known by the time that the disabled person has been referred to social work for an assessment of their needs. The referral may be from the landlord themselves: this will be most common where the disabled person lives in a local authority (Council) or housing association (RSL) property. In other cases, the information on tenure should be established as part of the assessment of needs.</p>
<p>Complications</p>	<p>People are not always clear themselves about their housing tenure. There tend to be particular difficulties with</p> <ul style="list-style-type: none"> • housing association tenants describing themselves as private tenants. • tenants of 'stock transfer' housing associations still referring to themselves as council tenants. • some owners who have bought under the Right to Buy still describing themselves as council tenants. • some older people who have transferred their property to relatives (usually older people gifting to adult children) still considering themselves to be owners. • those who are in 'shared ownership', where part is owned by a housing association, being unclear whether they are a tenant or owner.
<p>Further information</p>	<p>If in doubt, useful sources of information are</p> <ul style="list-style-type: none"> • the list of all housing associations (RSLs) held by the Scottish Housing Regulator. This provides contact telephone numbers and the name of the director/chief executive. It can be searched by name and by local authority area. <p>http://www.esystems.communitiesscotland.gov.uk/register/reg_pub_dsp.home</p> <ul style="list-style-type: none"> • the local authority's housing management service who will be able to confirm whether a particular property is in their ownership. • The Land Registry contains the official record of the owners of property in Scotland. A search of the land registry will confirm who the owner is. However, there is a charge for a search. <p>www.ros.gov.uk</p>

Chapter 2: Owner occupied properties

Chapter 3 sets out some of the key information in relation to funding adaptations to owner occupied properties. Funding for all or part of the cost of essential adaptations to a disabled person living in an owner occupied property is available from the local authority.

This funding is usually accessed through the local authority's grants section or private sector housing team. Undertaking the adaptation can be done by the owner themselves or, in some areas, with the help of an agency such as Care & Repair.

The arrangements for funding major adaptations in the private sector (both owner occupied and private rented) were changed significantly by the Housing (Scotland) Act 2006. Duties relating to mandatory grant were introduced in April 2009, with local authorities having a one year transitional period to implement other new powers. The local policy on grant funding is set out in the local Scheme of Assistance.

Shared ownership schemes, where the property is owned by a housing association, registered as a Registered Social Landlord (RSL) with the Scottish Housing Regulator, are considered to be owner occupied and funding is accessed accordingly.

Checklist 2

Summary	<ul style="list-style-type: none">• There is an 80% mandatory grant for most essential structural adaptations. There is no longer a test of resources required for eligibility to 80% grant.• This rises to 100% where the disabled person is in receipt of specified income-related benefits.• The local authority can also offer discretionary funding, as top up for mandatory grant or for work which does not attract mandatory grant• There is no expense limit for adaptation work• Those not eligible for 100% will be expected to contribute to the cost of the work from their own funds.• All owners, whether or not they are eligible for grant, are entitled to advice on funding the work. Local authorities may also provide other types of assistance, for example loans, at their discretion.• Details of the arrangements for grant funding and any other kinds of assistance which may be provided must be set out in the local Scheme of Assistance.
Preliminary Checks	<p>Certain preliminary checks will be undertaken at the outset. These will be organised by the private sector housing team or grants officers, usually with assistance from the local authority's legal section.</p> <p>These checks are required because a major adaptation involves</p>

	<p>substantial alteration to a property, often to its structure, and the necessary permissions need to be obtained first. Checks will include:</p> <ul style="list-style-type: none"> • Confirmation of ownership of the property, usually through a check on the title deeds • whether there is a joint owner, whose permission is required • whether the property is in shared ownership, in which case permission of the housing association is required. <p>A check will usually also be made on whether previous grant has been awarded. The 2006 Act prohibits the payment of a second grant both where it is for the same work and where it is for other work to the same property within 10 years. This prohibition applies unless the new work could not have been foreseen. Given the nature of disabled adaptations works this restriction will rarely apply.</p>
<p>Other permissions and approvals</p>	<p>The feasibility of the major adaptation will not be certain until plans have been prepared and the proposals have received any permissions or approvals required. This means that grant funding will not be definite until these have all been completed.</p> <p>Approvals will depend on the extent and nature of the work involved in the major adaptation, but most commonly include:</p> <ul style="list-style-type: none"> • building warrant (for most major adaptations) • planning permission (for the most significant changes, such as extensions). <p>Grant will have conditions attached to it, including</p> <ul style="list-style-type: none"> • securing all the appropriate building warrants and planning permissions • conforming to any specific requirements set by the local authority. So an owner must carry out the works as agreed, or agree an alteration with the local authority. • waiting until the local authority has approved the grant work in writing before starting the work. • A requirement to use the house as a private dwelling, although this does not prevent part of a home from being used as a shop or office. • A requirement that the owner must keep the property in good repair. <p>Consent of the housing association (RSL) is also required in relation to shared ownership properties, even though these are treated as owner occupied properties in terms of funding.</p>
<p>Mandatory Local Authority Grant</p>	<p>There is an 80% mandatory grant for most essential structural adaptations when adapting a property to make it suitable for a disabled person. There is no longer a test of resources required for eligibility to 80% grant.</p> <p>Funding rises to 100% if the disabled person is in receipt of any of the following 'passport' benefits:</p> <ul style="list-style-type: none"> • Income Support • Income Based Jobseeker's Allowance

	<ul style="list-style-type: none"> • Pension Credit (guarantee element) • Income Related Employment and Support Allowance. <p>Mandatory grant is only available for essential works. The definition of essential works is set by each local authority and should be included within the local Scheme of Assistance. The Guidance expects this to be a corporate decision, with close collaboration taking place between housing and social work colleagues. Essential works includes:</p> <ul style="list-style-type: none"> • provision of standard amenities (bathroom, toilet facilities and kitchen sink) • the addition and replacement of these standard amenities where this is essential to the needs of the disabled person • structural work, or work that involves other permanent changes to the house to make it suitable for the needs of the disabled person. This includes the building itself and also the garden, thus including any works required to ensure the disabled person can access their home. <p>Grant funding for extensions, which provide additional living space, is not available as a mandatory grant.</p> <p>There is no expense limit for adaptation work. In other words, a maximum amount of grant cannot be prescribed by the local authority.</p>
<p>Discretionary Funding and Other Assistance</p>	<p>Local authorities have discretion to offer top up and non mandatory grant funding. This may be provided from the housing service or social services. Given current pressure on resources, opportunities are likely to be limited.</p> <p>Top up funding refers to funding which the local authority can provide to those eligible for 80% mandatory grant, but who do not meet the criteria for 100% grant.</p> <p>Non mandatory funding refers to grant which the local authority can make available for other works not eligible for mandatory grant. This might, for example, include an extension. Levels of grant funding can be anywhere between 1-100% of costs.</p> <p>The type of work or circumstances under which top up and non mandatory grant will be provided should be set out within the local Scheme of Assistance. It is likely to be means tested.</p> <p>Local authorities may also provide other types of assistance. This must include advice on funding adaptations works, whether or not the owner is eligible for grant. In addition, the local authority may offer a loan to assist the owner in paying for their contribution to works.</p>
<p>Contribution by the homeowner</p>	<p>There are various circumstances in which the homeowner will be expected to make a contribution to the cost of the major adaptation</p> <ul style="list-style-type: none"> • When the owner is only eligible for 80% mandatory grant • When the owner wishes to 'add' work that is not eligible for grant. For example, they might wish to fund additional tiling works to a bathroom.

	<ul style="list-style-type: none"> • When the owner is not eligible for a mandatory grant and discretionary funding covers part of the costs only. <p>When the owner does not have sufficient accessible resources to fund their contribution, the local authority has responsibility to ensure they have access to the required advice. This will include advice about the availability of loans and the types of lending available.</p> <p>However, if home owners have insufficient resources to fund their contribution and cannot afford a loan, the two main options open to home owners in this situation are likely to be:</p> <p>Equity Release (also know as home income plans). This allows the owner to borrow money against the value of their home with the loan repaid through the proceeds of the sale of the home (usually after the owner's death)</p> <ul style="list-style-type: none"> ▪ Most equity release plans require the owner to be at least 60 years old and own the property outright. ▪ There may also be stipulations about the condition of the property. <p>Re-mortgaging may be an option for those who do not have 100% equity. However funds may be difficult to secure as the adaptation is unlikely to add value to the property.</p> <p>The Financial Services Authority, along with representative organisations such as Age Concern, recommends independent financial advice before committing to any financial product of this type. The Financial Services Authority provide free impartial guidance about financial products – see www.moneymadeclear.fsa.gov.uk</p> <p>Grants may also be available from various charitable organisations. These tend to be for relatively small amounts compared to the costs of major adaptations and are often means tested.</p>
<p>Most common stumbling blocks</p>	<p>Some difficulties which can arise are:</p> <ul style="list-style-type: none"> • Owners negotiating changes to the works with the contractor without getting agreement from the local authority in advance. This is most common where the owner is not eligible for 100% grant. Avoiding this situation arising by emphasising the importance of getting approval is essential: where it nevertheless occurs, immediate contact with the person/team whose approval is required may enable the situation to be recovered. • People being unwilling or unable to raise any required contribution. The local authority can consider offering top up funding, but with limited budgets this can be difficult. There are also some opportunities through charitable organisations. But, it is also important to remember the local authority's overall duty to meet the needs of a person assessed as requiring assistance. • There can be a delay in getting the go ahead to proceed with the works where the annual grant budget has been spent. The local authority still has a duty to meet the disabled person's needs and discussion between social

	<p>services and housing on the options is essential in these circumstances.</p>
Further Information	<ul style="list-style-type: none">• The Scheme of Assistance regulations are available here⁸.• Volume 6⁹ of the Scottish Government's Statutory Guidance for implementing Parts 1 and 2 of the Housing (Scotland) Act 2006 looks specifically at work to meet the needs of disabled people and gives detailed information on local authorities' duties under the 2006 Act.

⁸ www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080406_en_1

⁹ www.scotland.gov.uk/Publications/2009/03/25154356/8

Chapter 3: Private rented sector properties

Chapter 4 sets out some of the key information in relation to funding adaptations properties in the private rented sector. Funding for all or part of the cost of essential adaptations to a disabled person living in a private rented sector property is available from the local authority.

This funding is usually accessed through the local authority's grants section or private sector housing team. Undertaking the adaptation can be done by the owner themselves or with the help of an agency such as Care & Repair.

The arrangements for funding major adaptations in the private sector (both owner occupied and private rented) were changed significantly by the Housing (Scotland) Act 2006. Duties relating to mandatory grant were introduced in April 2009, with local authorities having a 1 year transitional period to implement other new powers. . The local policy on grant funding is set out in the local Scheme of Assistance.

Checklist 3

Summary	<ul style="list-style-type: none">• A person with a disability living in privately rented accommodation is entitled to seek to adapt their home to meet their needs.• The landlord's consent is required. Conditions can be placed on this consent, such as requiring reinstatement at the end of the tenancy• There is an 80% mandatory grant for most essential structural adaptations. There is no longer a test of resources required for eligibility to 80% grant.• This rises to 100% where the disabled person is in receipt of specified income-related benefits.• The local authority can also offer discretionary funding, as top up for mandatory grant or for work which does not attract mandatory grant support• There is no expense limit for adaptation work• Those not eligible for 100% will be expected to contribute to the cost of the work from their own funds.• All private tenants, whether or not they are eligible for grant, are entitled to advice on funding the work.
Preliminary Checks	<p>Certain preliminary checks will be undertaken at the outset. These will be organised by the private sector housing team or grants officers, usually with assistance from the local authority's legal section.</p> <p>These checks are required because a major adaptation involves substantial alteration to a property, often to its structure, and the necessary permissions need to be obtained first. This will include:</p> <ul style="list-style-type: none">• checking ownership of the property

	<ul style="list-style-type: none"> • checking the tenancy status of the disabled person and household • obtaining the preliminary cooperation of the landlord. <p>A check will usually also be made on whether previous grant has been awarded. The 2006 Act prohibits the payment of a second grant both where it is for the same work and where it is for other work to the same property within 10 years. This prohibition applies unless the new work could not have been foreseen. Given the nature of disabled adaptations works this restriction will rarely apply.</p>
<p>Other permissions and approvals</p>	<p>The feasibility of the major adaptation will not be certain until plans have been prepared and the proposals have received any permissions or approvals required. This means that grant funding will not be definite until these have all been completed.</p> <p>Approvals will depend on the extent and nature of the work involved in the major adaptation, but most commonly include:</p> <ul style="list-style-type: none"> • building warrant (for most major adaptations) • planning permission (for the most significant changes, such as extensions). <p>Grant will have conditions attached to it, including</p> <ul style="list-style-type: none"> • securing all the appropriate building warrants and planning permissions • conforming to any specific requirements set by the local authority. So a homeowner must carry out the works as agreed, or agree an alteration with the local authority. • waiting until the local authority has approved the grant work in writing before starting the work. • A requirement to use the house as a private dwelling, although this does not prevent part of a home from being used as a shop or office. • A requirement that the owner must keep the property in good repair.
<p>Mandatory Local Authority Grant</p>	<p>There is an 80% mandatory grant for most essential structural adaptations when adapting a property to make it suitable for a disabled person. There is no longer a test of resources required for eligibility to 80% grant.</p> <p>Funding rises to 100% if the disabled person is in receipt of any of the following 'passport' benefits:</p> <ul style="list-style-type: none"> • Income Support • Income Based Jobseeker's Allowance • Pension Credit (guarantee element) • Income Related Employment and Support Allowance. <p>Mandatory grant is only available for essential works. The definition of essential works is set by each local authority and should be included in the local Scheme of assistance. The Guidance expects this to be a corporate decision, with close collaboration taking place between housing and social work colleagues. Essential works includes:</p>

	<ul style="list-style-type: none"> • provision of standard amenities (bathroom, toilet facilities and kitchen sink) • the addition and replacement of these standard amenities where this is essential to the needs of the disabled person • structural work, or work that involves other permanent changes to the house to make it suitable for the needs of the disabled person. This includes the building itself and also the garden, thus including any works required to ensure the disabled person can access their home. <p>Grant funding for extensions, which provide additional living space, is not available as a mandatory grant.</p> <p>There is no expense limit for adaptation work. In other words, a maximum amount of grant cannot be prescribed by the local authority.</p>
<p>Discretionary Funding and Other Assistance</p>	<p>Local authorities have discretion to offer top up and non mandatory funding. This may be provided from the housing service or social services. Given current pressure on resources, opportunities for discretionary funding are likely to be limited.</p> <p>Top up funding refers to funding which the local authority can provide to those eligible for 80% mandatory grant, but who do not meet the criteria for 100% grant.</p> <p>Non mandatory funding refers to grant which the local authority can make available for other works not eligible for mandatory grant. This might, for example, include an extension. Levels of grant funding can be any where between 1-100% of costs.</p> <p>The type of work or circumstances under which top up and non mandatory grant will be provided should be set out within the local Scheme of Assistance. It is likely to be means tested.</p> <p>Discretionary funding can also be made to assist with later reinstatement works if this will help secure the consent of a private landlord to the major adaptation being undertaken.</p>
<p>Contribution by the tenant or landlord</p>	<p>There are various circumstances in which the tenant will be expected to make a contribution to the cost of the major adaptation</p> <ul style="list-style-type: none"> • When the tenant is only eligible for 80% mandatory grant • When the tenant or landlord wishes to 'add' work that is not eligible for grant. For example, they might wish to fund additional tiling works to a bathroom. • When the tenant is not eligible for a mandatory grant and non mandatory funding covers none or part of the costs only. <p>When the tenant does not have sufficient resources to fund a contribution, top up funding from the local authority is one way forward. Alternatively, or in addition, grants can be available from various charitable organisations. These tend to be for relatively small amounts compared to the costs of adaptations works and are often means tested.</p>

<p>Possible stumbling blocks</p>	<p>Some difficulties which can arise are:</p> <ul style="list-style-type: none"> • Difficulties in obtaining the necessary consents from the landlord. Housing authorities are keen to improve their relationship with private landlords and these prove effective in reducing this sort of difficulty. The local authority can also offer assistance (not necessarily in the form of grant) for subsequent reinstatement of the property. • The tenant or landlord negotiating changes to the works with the contractor without considering the implications for grant funding - it is important to stress the necessity of getting agreement to any changes from funders. Avoiding this situation arising by emphasising the importance of getting approval is essential: where it nevertheless occurs, immediate contact with the person/team whose approval is required may enable the situation to be recovered. • Tenants are unwilling or unable to raise any required contribution. A tenant's willingness to contribute may depend on the type of tenancy agreement they have and whether they are confident of being able to remain in their home for the foreseeable future. There are also some opportunities through charitable organisations. But, it is also important to remember the local authority's overall duty to meet the needs of a person assessed as requiring assistance. • There can be a delay in getting the go ahead to proceed with the works where the annual grant budget has been spent. The local authority still has a duty to meet the disabled person's needs and discussion between social services and housing on the options is essential in these circumstances
<p>Further Information</p>	<ul style="list-style-type: none"> ▪ The Scheme of Assistance regulations are available here¹⁰. ▪ Volume 6¹¹ of the Scottish Government's Statutory Guidance for implementing Parts 1 and 2 of the Housing (Scotland) Act 2006 looks specifically at work to meet the needs of disabled people and gives detailed information on local authorities' duties under the 2006 Act.

¹⁰ www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080406

¹¹ www.scotland.gov.uk/Publications/2009/03/25154356/8

Chapter 4: Local authority (Council) properties

Chapter 5 sets out some of the key information in relation to funding adaptations to local authority (Council) properties.

From a funding perspective, getting necessary adaptations done to a Council property should be straightforward.

Checklist 4

<p>Summary</p>	<ul style="list-style-type: none"> • 100% funding of major adaptations is available from the Council for most essential major adaptations. • There is no detailed specification of the types of work in an essential major adaptation, and the definition within CCD 05/2009 applies • Tenants have the right to self fund an adaptation, although the consent of the landlord is required
<p>Local Authority funded works</p>	<p>Disabled people who have been assessed as requiring a major adaptation will have eligible works funded in full by the Council.</p> <p>There are no longer lists of what is included as an essential major adaptation, and the general definition set out in CCD 05/2009 applies. This refers to work which is structural or permanent. Local authority policy tends to vary as to whether an extension will be eligible for funding. Where major adaptation costs are high, alternatives, such as transferring to a more suitable, or adaptable, home are likely to be considered.</p> <p>The tenant will have no direct involvement in the funding process and no requirement to make a personal contribution.</p> <p>However, only a certain amount of funding is usually set aside to fund adaptations and if demand is high there can sometimes be delays in accessing the funding.</p>
<p>Other sources of funding</p>	<p>Technically, if funding is not available through the usual route a Council tenant can apply for grant funding under the 2006 Act (in the same way that someone living in the private sector would do). However, the Guidance on the Implementation of the 2006 Act states that this should only happen under exceptional circumstances and that generally work should be carried out (and hence funded) by the Council as a landlord.</p>
<p>Tenant funded works</p>	<p>The tenant has the right to adapt (and improve) their home and can self fund adaptation works if they wish. It will be very uncommon for a tenant to be able, or choose, to self fund a major adaptation. The more common situation is where the tenant wishes to supplement adaptation works funded by the Council.</p> <p>If the adaptation makes the property more difficult to rent in the future the Council can ask for the property to be returned to its pre-</p>

	<p>adapted condition when the tenant leaves. On the other hand, the tenant can seek compensation if the works have increased the property's value. The Scottish Government leaflet on Tenant's Rights to Compensation for Improvements is available here¹²</p>
<p>Other permissions and approvals</p>	<p>As with any other domestic property, and irrespective of whether Council or tenant funded, the necessary planning permissions and building warrants will be required before any work can be carried out.</p> <p>Tenants who choose to self fund must obtain permission from the Council (as their landlord) before going ahead. The Council cannot withhold their consent unreasonably, although they can impose certain conditions. For example they could ask to inspect or comment on the plans and expect any work to take due account of the condition and age of the property to be adapted.</p>
<p>Possible stumbling blocks</p>	<p>Difficulties in major adaptations in local authority tend to be rare. Most likely are</p> <ul style="list-style-type: none"> • The costs for the major adaptation are considered by the housing service to be excessive and a move to alternative accommodation to be the best solution. A full and open discussion between housing, social work and the tenant about the situation and the options should take place as soon as possible • The annual budget has been spent and a delay is involved. Again a full and open discussion between housing, social work and the tenant about the situation and the options should take place as soon as possible.

¹² www.scotland.gov.uk/Publications/2002/09/15486/11216

Chapter 5: Housing association (RSL) properties

Chapter 6 sets out the key information in relation to funding a major adaptation to a housing association (RSL) property.

The source of funding for major adaptations to a housing association property will depend on the level of grant funding available to the housing association, the capacity of the housing association to fund the costs itself and – in the case of ‘stock transfers’ from the Council or Scottish Homes – the terms of the stock transfer agreement.

Grant funding in the form of Housing Association Grant (HAG) is provided from the Scottish Government’s Affordable Housing Investment Programme. Housing Associations obtain these grants from the Scottish Government, except in Glasgow and Edinburgh where funds are managed by the Local Authority.

These differences should not affect the tenant’s experience of having their home adapted.

Checklist 5

Summary	<ul style="list-style-type: none">• 100% funding of major adaptations is available from the housing association (RSL) for most essential major adaptations. This can come from HAG of the RSL’s own resources.• Eligible works include most structural and permanent alterations to a disabled person’s home: this can include extensions.• All housing associations (RSLs) are encouraged to use their own resources to enable adaptations, including major adaptations, to be funded.• The tenant will have no direct involvement in the funding process, unless they choose to self fund.• Tenants have the right to self fund an adaptation, although the consent of the landlord is required
Housing Association (RSL) funded works	<p>Disabled people who have been assessed as requiring a major adaptation will have eligible works funded in full by the housing association (RSL). This funding may come from HAG (Housing Association Grant) or the housing association’s (RSL’s) own resources.</p> <p>Only a certain amount of HAG funding is set aside annually to fund adaptations and if demand is high this may not be available. In that case Housing Associations will generally be expected to fund the work themselves. Subject to resources being available, the housing association may be able to recoup HAG funding from the following year’s allocation.</p> <p>Where HAG funding is being accessed for the works, the eligible works have to meet the requirements set out in Guidance (SHGN 2001/02). Works of an estimated value more than £15,000 require 3 tenders. This Guidance also includes a list of the types of work</p>

	<p>which are admissible for HAG: eligible works can include extensions to provide standard amenities and additional living space.</p> <p>Not all housing associations will be able to access HAG funding for such adaptations and this may affect how they define eligible works.</p> <p>All housing associations are encouraged to use their own resources to enable adaptations, including major adaptations, to be funded.</p> <p>The tenant will have no direct involvement in the funding process, unless they choose to self fund.</p>
<p>Other sources of funding</p>	<p>Technically, if funding is not available through the usual routes a housing association tenant can apply for grant funding under the 2006 Act (in the same way that someone living in the private sector would do). However, the Guidance on the Implementation of the 2006 Act states that this should only happen under exceptional circumstances and that generally work should be carried out (and hence funded) by the housing association.</p> <p>If no other sources of funding are available, the local authority still has a duty to meet the needs of a disabled person.</p>
<p>Tenant funded works</p>	<p>There may be circumstances under which a tenant would like to adapt their home but housing association funding is not available, for example if the work does not fall within the association's eligibility criteria.</p> <p>The tenant can go ahead if they are in a position to fund the work:</p> <ul style="list-style-type: none"> • the tenant must obtain permission from the housing association (as their landlord) to go ahead with the work. • The housing association cannot withhold their consent unreasonably, although they can impose certain conditions. For example they may ask to inspect or comment on the plans and expect any work to take due account of the condition and age of the property to be adapted. • When the tenant leaves, the housing association is entitled to ask for the property to be returned to its pre-adapted condition if the adaptation has made the property more difficult to rent in the future. <p>If a tenant pays for adaptation work themselves, and provided they gain approval for the work from the housing association in advance, they may be entitled to some compensation when they move out of property. This will only apply if the housing association considers that the work carried out has improved the property. A Scottish Government leaflet on Tenant's Rights to Compensation for Improvements is available here¹³</p>

¹³ www.scotland.gov.uk/Publications/2002/09/15486/11216

<p>Other permissions and approvals</p>	<p>As with any other domestic property, and irrespective of whether housing association (RSL) or tenant funded, the necessary planning permissions and building warrants are required before any work can be carried out.</p> <p>Tenants who choose to self fund adaptations work must obtain permission from the housing association (RSL) before going ahead. The housing association (RSL) cannot withhold their consent unreasonably, although they can impose certain conditions. For example they could ask to inspect or comment on the plans and expect any work to take due account of the condition and age of the property to be adapted.</p> <p>Consent of the housing association (RSL) is also required in relation to shared ownership properties, even though these are treated as owner occupied properties in terms of funding.</p>
<p>Possible stumbling blocks</p>	<p>Difficulties in major adaptations in housing association (RSL) properties are unusual. Most likely are</p> <ul style="list-style-type: none"> • The allocation of HAG has been spent and a delay is involved. The RSL in this instance may be willing to pay for the adaptations from their own maintenance budget. If not, a full and open discussion between the housing association (RSL), social work and the tenant about the situation and the options should take place as soon as possible. • The costs for the major adaptation are considered by the housing association (RSL) to be excessive and a move to alternative accommodation to be the best solution. A full and open discussion between the RSL, social work and the tenant about the situation and the options should take place as soon as possible