

Gateshead Council

Home Adaptations Policy

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1. Introduction

- 1.1 Poor quality housing can have an adverse effect on the health and well-being of occupants. This policy explains how adaptations support is provided in Gateshead.
- 1.2 Disabled Facilities Grants are offered to applicants who meet the eligibility criteria. This policy also defines the approach to minor works delivered by Gateshead Council.

2. The purpose of the Policy is to:

- 2.1 Assist in the interpretation and implementation of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (The Order) so far as it relates to the adaptation of the homes of disabled people.

Ensure fair, equitable and consistent treatment for all disabled people who require the Council's assistance in adapting their home.

- 2.2 This Policy should be read in conjunction with the following frameworks:-

- Housing Grants, Construction and Regeneration Act 1996 (The Act).
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (The Order)
- Gateshead Council's Housing Strategy 2019-2030

- 2.3 The Council accepts that there may be circumstances that warrant exceptions to this Adaptations Policy. The Adaptations Manager is authorised to assess individual cases and where appropriate, and reasonable to do so, decide that an exception be made to the normal Adaptations Policy.
- 2.4 In addition the Council has determined that under certain circumstances it shall use its discretion under the legislation to provide additional discretionary grant assistance (see section 9).

3. Eligibility

- 3.1 Any resident who owns or privately rents a house, bungalow, flat, houseboat or caravan with an occupant who is registered (or registerable as) disabled may apply for a DFG for adaptations to their home to enable them to continue to live at home as safely and independently as possible. A disability is defined in Section 100 of The Act.
- 3.2 Tenants of the Gateshead Housing Company (TGHC) may apply direct to TGHC for home adaptations assistance.

3.3 All applications for DFGs must meet the statutory requirements as set out within the legislation (The Act and The Order). The applicant must be disabled, and the grant must be for qualifying works. Works being requested must be 'necessary and appropriate' to meet the needs of the disabled occupant and it must be 'reasonable and practicable' to carry out the relevant works having regard to the age and condition of the dwelling or the building.

3.4 What works are eligible?

DFG grants can be awarded for the following works:

1. Facilitating a disabled person's access to:
 - a. The dwelling;
 - b. A room usable as the principal family room, or for sleeping in;
 - c. A WC, bath, shower, etc (or the provision of a room for these facilities);
2. Facilitating the preparation of food by the disabled person;
3. Improving/providing a heating system to meet the disabled person's needs;
4. Facilitating the disabled person's use of a source of power;
5. Facilitating access and movement around the home to enable the disabled person to care for someone dependent upon him or her;
6. Making the dwelling safe for the disabled person and others residing with him or her;
7. Facilitating access to and from a garden or making a garden safe.

For more detail see Appendix 1.

3.5 Adaptations to facilitate access around the home can include adaptations allowing a disabled person to do things such as prepare and cook food, although full adaptations to a kitchen are unlikely to be funded if the majority of cooking is done by another family member or is provided via a formal care package. Adaptations for access will also include work for access to the principal family room, a room used for sleeping and rooms containing a lavatory and/or washing facilities.

4. The Role of the Council as Housing Authority / Process

4.1 The legal responsibility for the provision of Disabled Facilities Grants (DFGs) sits with the Council as a Housing Authority. The maximum grant available is £30,000.

4.2 The Council will consider applications for DFGs and make determinations on those applications within 6 months of the date of the application. The Council considers that an application for a DFG has been submitted only at the point when a satisfactorily completed application form, along with quotations for the work, landlord certificates and any relevant permission has been received. Where a grant is to be means tested, evidence of financial income and savings and signed certificates of future occupation will be required. The Council shall provide support to applicants to assist them with this process.

- 4.3 Once an application for a DFG is approved the Council may delay payment of the grant by up to 12 months from the date of the decision to approve it.
- 4.4 To determine whether works being requested are 'necessary and appropriate' to meet the needs of the disabled occupant, an Occupational Therapist will undertake an assessment of need which shall be considered as part of the application.
- 4.5 The Council also has a duty to determine whether it is 'reasonable and practicable' to carry out the relevant works having regard to the age and condition of the dwelling or the building.
- 4.6 In addition a property should normally meet the Housing Health and Safety Rating System Standard (free from Category 1 hazards) before adaptation works are undertaken, however the Council reserves the right to use its discretion to undertake such works as required to resolve identified hazards in order to enable the adaptations to proceed. This could be arranged under the discretionary grant process detailed at 8.1(b) below. The Council reserves the right to take other enforcement action in relation to such hazards outside of this scheme.
- 4.7 Where the Council is likely to refuse an application for a DFG, the Council will contact the applicant to give them the opportunity to provide additional information which may affect such a decision, prior to a formal refusal being made, further information must be supplied within 6 months of that request.
- 4.8 Where the Council refuses an application for a DFG, the Council will advise the applicant of the reasons for the refusal.
- 4.9 An applicant will have the right to a Review of such a decision. Such a request must be in writing to the Adaptations Manager within 21 days of the date of the refusal letter (see section 11. Appeals Procedure).
- 4.10 Where works are approved and undertaken they must be carried out to the satisfaction of the Council. The Council will have the overriding decision as to whether the works have been carried out to a satisfactory standard. The Council will make direct payments to contractors, other than where a prior agreement has been made with the applicant.
- 4.11 Applicants are encouraged to utilise the comprehensive service provided, by the Council which includes:
 - i) Support, information and advice
 - ii) Information/assistance with applying for funding for adaptations
 - iii) Technical advice, schedules of works and drawings
 - iv) Assistance/advice with planning applications and building control
 - v) Assisting clients to choose contractors
 - vi) Monitoring work to ensure it meets the Council's standards
 - vii) Other ancillary services

- 4.12 The council will assist clients with the procurement of a suitable contractor to undertake works. The Council has an agreed framework of contractors to undertake such works. Should applicants wish to use an alternative contractor they will be given the option to self-fund any additional costs and will be solely responsible for ensuring all works are completed to the satisfaction of the Council.
- 4.13 Applicants not wishing to use the Council's comprehensive service can still apply for a DFG. Under these circumstances the applicant shall be solely responsible for making the application, sourcing contractors and overseeing any works undertaken. Works undertaken in these circumstances must be completed to the satisfaction of the Council prior to the release of any grant funding.
- 4.14 The Council top slices the DFG budget to support the delivery of adaptations, this covers costs such as, fees for professional, technical and administration charges incurred in providing advice, preparing schedules, supervision and project management. The fee is included in the DFG calculation and is not charged separately to individual applicants.

5. The role of the Occupational Therapist

- 5.1 The Occupational Therapist's assessment will be considered when determining whether a request for a DFG is necessary and appropriate to meet the needs of the disabled occupant.
- 5.2 The Occupational Therapist assessment will provide a written recommendation of their assessment detailing the purpose for which the grant must or may be given in accordance with section 23(1) of the Act.
- 5.3 If any of the works requested by the client are not necessary and would thus not fall within the scope of a DFG, the Occupational Therapist will highlight the issue with the client. An example of this may be that the applicant would like additional work to what is specified within the standard DFG specifications (e.g. additional wallboards within a bathroom adaptation). In these circumstances the Council may agree to contribute the cost of the standard necessary adaptations, but the client may be required to fund any increased costs, relating to other more expensive works that will meet the same needs.

6. Equipment and minor adaptations

- 6.1 A referral may be made by an Occupational Therapist or a Social worker for equipment or minor adaptations valued at less than £1000 (including fittings)
- 6.2 Minor adaptations may vary according to circumstances and could include grab rails, ramps etc. See Appendix 2 for indicative framework.

7. Emergency Adaptations

- 7.1 Notwithstanding the Council's duty to consider applications within 6 months and to make a grant for a successful application within a further 12 months, the Council will endeavour to prioritise Critical Fast Track cases;
- 7.2 Critical Fast Track grants are only available in the following scenarios:
- a) Allows the applicant to be discharged from hospital, or;
 - b) The applicant is at the end of their life (with a life expectancy of less than 6 months), or
 - c) The applicant cannot access essential hospital appointments, dialysis or day care without adaptations.
 - d) The current situation is placing the service user and their Carers at considerable risk of injury e.g. from unsafe moving or handling.
- 7.4 Cases will only be deemed as Critical Fast Track following a social care assessment undertaken by the Council. Each case is dealt with on an individual basis.

8. Means Tested Contributions

- 8.1 As part of the standard DFG application process a test of resources is undertaken to determine whether the applicant needs to make a financial contribution toward the cost of works undertaken. See Appendix 3 for further details
- 8.2 In addition a means test shall not be applied where the works needed are considered to be an emergency adaptation or a category 1 hazard by the Council (see 3.6), or they are for a child with a disability.

9. Direct Applications

- 9.1 Whilst many requests for a DFG come to the Council via a Social Services assessment, applicants also have the right to make applications to the Council directly.
- 9.2 In addition, referrals for DFG applications may come from other organisations, including health professionals, voluntary sector organisations and different Council departments. These will be referred for an Occupational Therapy assessment.

10. Discretionary Assistance

- 10.1 The Council may use its discretion under the Regulatory Reform Order to pay for works under a DFG that may otherwise not be eligible for assistance. Typically, these works could include the cost of undertaking repairs to a property for a disabled or extremely vulnerable resident. These could include:
- a) Insulating a home or providing uPVC double glazing where a DFG is being provided to install a new heating system.
 - b) Undertaking works to resolve category one hazards within a property, such as remedial works to tackle damp or excess cold.
 - c) Undertaking electrical repairs to a home where a new level floor shower or chair lift or other specialist equipment is being provided.
 - d) Undertaking measures to improve the safety and security of eligible households such as windows and door locks, fixing loose flooring, undertaking repairs to pathways and the removal of trip hazards.
 - e) Providing a 'top-up' to the grant contribution where costs exceed the normal maximum amount of £30,000.
- 10.2 In addition the Council may fund the replacement of existing adaptations where they meet the end of their lifespan. These could include the replacement of stair lifts, through floor lifts and step lifts.
- 10.3 Such discretionary assistance shall only be awarded to households eligible where a disabled or extremely vulnerable person is resident. In addition, the Council has placed some additional restrictions and rules regarding eligibility for such discretionary assistance. A full breakdown of conditions is included within Appendix 4.

11. Dual Residency of a Disabled Child

- 11.1 Mandatory DFG assistance can only be provided for the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it would be assumed that one party would apply for mandatory grant on the basis that the child occupies the subject property as their sole or main residence. The main residence will be determined by which adult party receives child benefit for the disabled child. This dwelling must be located within the Borough of Gateshead for the purposes of the Council providing a mandatory DFG.
- 11.2 In cases where families separate and a court order provides that residency of the subject child is split between the mother and father (or other designated guardian) the Council may consider the award of a discretionary DFG for the other property. The proposed adaptations will only be considered for discretionary assistance if they fall within the headings normally applied to mandatory schemes (See Eligible Works Appendix 2).

- 11.3 The Council will consider the details of any court order and specifically the allocation of time spent with each parent/guardian in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be considered on an individual basis. Factors taken into consideration include the specific details of any order, the likely time spent at each dwelling and whether the child will stay overnight at the subject dwelling and if so, for what period etc.
- 11.4 In determining the discretionary works that might be considered as eligible for assistance the Council will consider the suitability of the dwelling for adaptation, the complexity and scope of the adaptation required and any observations or referral made by the Occupational Therapy Service. The scope of the works will not necessarily mirror those to be undertaken at the sole or main residence.
- 11.5 Any discretionary DFG assistance provided for dual residency children will not be subject to any form of means-testing. The Council may reclaim funding up to a maximum of £10,000 where home owners sell the home within 10 years of the grant award. This money is recouped via a land charge. (S52. The Act).

12. Re-Housing to more suitable accommodation

- 12.1 Where required adaptations involve substantial structural alterations or extensions and in any event where the cost of the adaptation work exceeds £30,000, then re-housing shall be considered to address the needs of the household.
- 12.2 In order to help facilitate a move to appropriate alternative, temporary or permanent, accommodation the Council shall provide relocation assistance to cover the 'moving costs' associated with such a move/s.
- 12.3 Eligible 'moving costs' include removal expenses and the connection or disconnection of appliances or the payment of a bond to a landlord. Assistance is offered to cover 100% of these costs up to a maximum payment of £5,000.

13. Repayment of Grant

- 13.1 The Council will reclaim funding for extensions up to a maximum of £10,000 where home owners sell the home within 10 years of the grant award. This money is recouped via a land charge.(S52. The Act)
- 13.2 If a home owner, who has already received a DFG, makes a choice to move-house, they may request a further grant. The council will examine the request on a case by case basis and may reject applications if the needs of the individual have already been met. If a grant is made the council may reclaim funding up to a maximum of £10,000 where home owners sell the home within

10 years of the grant award. This money is recouped via a land charge. (S52. The Act).

- 13.3 Where charges are levied, then in each case the Council must be satisfied that it is reasonable to require the repayment.

14. Appeals Procedure

- 14.1 In circumstances where the applicant does not agree with the outcome of their application, they may submit an appeal against the decision made.
- 14.2 Any appeal must be made in writing within 21 days of the adaptations outcome letter. The applicant must set out the reasons why they do not agree with the decision. An appeal panel of three elected members will determine the appeal.
- 14.3 Any appeal received outside of the 21 days' timescale will lose the right to a panel hearing and will be determined by the Operational Housing Coordinator who is the designated independent senior officer who will send a written response. In cases where there are exceptional circumstances which prevent the applicant from being able to submit their appeal within the 21-day deadline, the council may exercise its discretion and allow a panel hearing.
- 14.4 If the person or their family does not agree with the outcome of the adaptations appeal, they may make a formal complaint through the Council's Complaint Procedure (see details below).
- 14.5 If the person or their family are still dissatisfied with the outcome, they may refer the case to the Local Government Ombudsman.

15. Complaints

- 15.1 Details of the complaint's procedure can be found on the Gateshead Council website : <https://www.gateshead.gov.uk/article/2939/Have-your-say>
- 15.2 Please note that the purpose of the council's complaints procedure is to review the procedure that has been followed in reaching a decision and / or the service which has been provided. The council's complaints process will not change a decision not to provide major adaptations or the recommendation for rehousing unless there has been a procedural error in the making of that decision. The council complaints procedure will not change the outcome of an appeal.

Appendix 1.

Works Eligible for Assistance (from DFG Guidance)

1 General

The adaptation works eligible for assistance will be those listed under section 23 (1) of the Housing Grants, Construction and Regeneration Act 1996, as follows.

2 Access to the Dwelling

Works eligible for assistance may include:

- i) Ramped access to main entrance door for wheelchair use; widened or shallower steps to main entrance door or a step lift;
- ii) Widened entrance door for wheelchair use;
- iii) Resurfaced or re-graded path to entrance door;
- iv) Alterations to secondary entrance door/patio window to provide access to rear garden/yard where access cannot easily be gained via the adapted main entrance and drive/side path;
- v) Structural alterations required to allow installation of stair lift through floor lift or step lift equipment.

3 Making the Dwelling Safe

Works eligible for assistance may include:

- i) Works to provide means of escape from fire (usually to flats);
- ii) Provision of guards or cladding etc; to prevent persons with behavioural problems harming themselves;
- iii) Specialised glazing or shades to windows to protect occupants with a medical condition which make them sensitive to sunlight;
- iv) Repairing defective stairs or floors etc which are hazardous

4 Access to Principal Family Room

Works eligible for assistance may include:

- i) Widened doorway for wheelchair access;
- ii) Provision and installation of stair lift/through-floor lift equipment and structural alterations required to allow installation, if the principal living room is on an upper floor;
- iii) Widened doorway in entrance hall to access principal family room for wheelchair use;

5 Access to Sleeping Room

Works eligible for assistance may include:

- i) Provision and installation of stair lift/through-floor lift equipment and structural alterations required to allow the installation, where access is required to a bedroom or room suitable for sleeping which is above ground floor level;
- ii) Conversion of a ground floor room into a bedroom; Widened doorway for wheelchair access to sleeping room;
- iii) Construction of bedroom extension (see notes on extensions);

iv) Strengthened ceiling and/or preparation works for ceiling track hoist, where hoist is to be provided through DFG.

6 Access to WC

Works eligible for assistance may include:

- i) Provision of a WC where one does not exist.
- ii) Provision and installation of stair lift/through-floor lift equipment and structural alterations required to allow the installation, where access is required to a WC above ground floor level;
- iii) Strengthened ceiling and/or preparation works for ceiling track hoist, where hoist is to be provided through DFG
- iv) Repositioning WC to facilitate access by wheelchair user;
- v) Raised/lowered WC pan;
- vi) Provision of grab rails;
- vii) Provision of ground floor WC where upper floor cannot be accessed;
- viii) Widened doorway for wheelchair access;
- ix) Extension for a WC (see notes on extensions).

7 Access to Bathing Facilities

Works which may be eligible for assistance include:

- i) Provision and installation of stair lift/through-floor lift equipment and structural alterations required to allow the installation, where access is required to an existing bathroom above ground floor level;
- ii) Provision of bath or shower for the first time;
- iii) Provision of shower (thermostatically controlled) over a bath, including necessary curtain, tiles and grab rail;
- iv) Replacement of bath with shower facility;
- v) Replacement of shower with a bath;
- vi) Provision of bath and shower where there are 2 or more disabled occupants with differing needs;
- vii) Provision of bathroom extension (see notes on extensions);
- viii) Relocation of bath/shower to facilitate use by wheelchair user;
- ix) Strengthened ceiling and/or preparation works for ceiling track hoist, where hoist is to be provided through DFG;
- x) Widened doorway for wheelchair access;
- xi) Provision of fixed seat/grab rails;
- xii) Non-slip/sloping floor to create shower facility.

8 Access to Wash Basin

A wash-hand basin will normally be provided in the same room as the WC. Works to provide access may include:

- i) Relocation of wash-hand basin to facilitate use by wheelchair user;
- ii) Replacement of wash-hand basin with more suitable type e.g. replace vanity unit with wall fixed wash-hand basin;
- iii) Replacement of taps with lever taps in association with above.

9 Access to Kitchen Facilities

The extent of adaptation work in a kitchen should be related to the extent of cooking and food preparation normally undertaken by the disabled person. Works which may be eligible for assistance include:

- i) Rearrangement of kitchen fittings/appliances to facilitate their use;
- ii) Enlargement of the kitchen if it is too small to allow its safe use by wheelchair user;
- iii) Adapted work-top/storage unit for wheelchair user;
- iv) Adapted doorway for wheelchair user;
- v) Widened doorway for wheelchair user

10 Access to Power, Light and Heat

Works which may be eligible for assistance include:

- i) Relocating power points to make them accessible;
- ii) Adaptation of heating/lighting controls to make them accessible;
- iii) Replacement of solid fuel fire with other heating appliance in living/sleeping rooms normally used by a disabled occupant;
- iv) Improvement of inadequate heating in living/sleeping rooms normally used by disabled occupant;
- v) Provision of central heating.

11 Access to Permit Care of Other Persons

Where the disabled occupant cares for other persons e.g. spouse, young children or elderly relatives who are normally resident in the dwelling, works may be provided to other rooms in the dwelling to allow the disabled person access to care for those persons, including:

- i) Provision and installation of stair lift/through-floor lift equipment and structural alterations required to allow the installation, where the disabled person lives on the ground floor but needs access to bedrooms;
- ii) Widened doorways to bedrooms of those being cared for by disabled, wheelchair user;

12 Access to the Garden

In deciding the extent of providing access to the rear garden, the following will be taken into account.

- i) Grant assistance will not be given where there is already access to the garden but grant assistance may be given to improve an existing access to make it safe for the disabled occupant to use. It does not include extending an existing access e.g. creating a side access so a person can also go around the side of a property.
- ii) Generally, the most modest solution for providing access to both the property and the garden will be considered and this can mean that one access may be sufficient to access both the property and the garden.
- iii) Where homes have communal gardens, e.g., blocks of flats served by a single access, grants will not normally be provided for an individual access to the garden unless it can be demonstrated that because of the disabled persons condition the travel distance to the garden would be excessive and unreasonable.

Appendix 2.

Minor works / adaptations or equipment of £1000 or under.

1.1 Introduction

Clause 2 of the Care Act [2014] recognises the value and importance of early intervention, to prevent, and delay the need for care and support and reduce any need that already exists.

The following are examples of equipment or minor adaptations that would provide assistance in the home to support daily living and thus can be provided free of charge providing the request comes to a total of £1000 or less;

- the provision of handrails to a staircase to allow access to upper floors,
- fitting of grab rails in a shower/bath area to reduce risk of falls,
- fitting of a key-safe and provision of additional lighting.

This is not an exhaustive list

1.2 Application / referral for Minor Works assistance

The need for minor works will usually be identified by a member of Occupational Therapist team (following referral into adult or children's social care service) but maybe also be identified by another appropriately designated officer.

Appendix 3.

Means test

- 1.1 The mandatory part of Disabled Facilities Grants are means tested, which means that some people may have to pay a contribution towards their grant. Only the financial circumstances of the disabled person, his or her spouse or civil partner or co-habiting partner are assessed. Applications on behalf of a disabled person under the age of 19 are not means tested.
- 1.2 The means test takes into account net income and any savings over a certain limit.
- 1.3 The current legislation allows for circumstances where it is assumed that income does not exceed the applicable amount, and in these cases a test of resources is not carried out. This includes applications on behalf of a disabled child and where the disabled person receives one of the “passporting” benefits:
 - Income Support
 - Income-based Employment and Support Allowance (not contribution based ESA)
 - Income-based Jobseeker's Allowance (not contribution-based JSA)
 - Guarantee Pension Credit (not Savings Pension Credit alone)
 - Housing Benefit
 - Working Tax Credit and/or Child Tax Credit provided that the annual income for the purposes of assessing entitlement to the tax credit is less than £15,050 Universal Credit (this includes any amount of Universal Credit which is being introduced from 2013 onwards as a replacement for working age benefits and tax credits).
- 1.4 Following the means test, if the net income is below a certain threshold you will be entitled to the full cost of any adjustments which need to be made, up to the mandatory maximum of £30,000. If the net income exceeds the threshold, the grant may be reduced by a certain amount depending on your income.

The legislation can be found at:

<http://www.legislation.gov.uk/ukxi/1996/2890/part/II/made>

Passporting for Stairlifts

- 1.1 In Gateshead all stairlifts are supplied through a stairlift refurbishment and recycling scheme and remain the property of the Council. A stairlift will be awarded without being subject to means testing (subject to an application meeting the tests of Necessary, Practicable, Appropriate and Reasonable).

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APPENDIX 4.

DISCRETIONARY REPAIRS ASSISTANCE

Purpose/key outcomes

The purpose of this financial support is primarily to fund additional works for disabled residents to help to alleviate the most significant hazards within domestic dwellings that have the potential to impact on the health of the most vulnerable residents.

Where no external funding solution is available the Council will consider funding any necessary works by way of additional grant (subject to conditions). The scope of the works will be limited to those required to alleviate category 1 hazards as defined under the Housing Health and Safety Rating System (HHSRS).

Eligibility Criteria

Any applicants who are deemed to be disabled as per DFG legislation or extremely vulnerable, who are owner occupiers or who live in private rented accommodation.

Eligible works can include:

- Electrical Repairs
- Damp
- Structural repairs
- Measures to tackle excess cold within dwellings including heating upgrades, additional insulation, windows etc.

Special Conditions and Requirements

Maximum of £15,000 per property

The grant amount (above £1000) will be placed as a Local Land Charge on the property for a term of 5 years.

Where charges are levied, then in each case the Council must be satisfied that it is reasonable to require the repayment and will consider this in line with the DFG legislation

Where the applicant is a tenant the landlords consent will be required and the grant will only be provided where the landlord agrees to make a 50% contribution towards the cost of works.