Introduction

6.1 Appropriate housing is a foundation of the right to an ordinary life for disabled children. As with many areas covered in this book, disabled children have the
same basic housing needs as their non-disabled peers. However, many disabled children also require adaptations to their homes to make them safe and reasonably accessible for them to live in. For some disabled children, for instance those with autism or who use bulky equipment, the need may simply be for more space than would be considered necessary for a non-disabled child. The practice guidance to the Children Act (CA) 1989 notes that ‘when houses are well adapted for a particular child, the family’s life can be transformed’. Yet as has been noted in chapter 1 (para 1.35 above), many families with disabled children currently live in housing which is restrictive and unsuitable for both the child or children and their carers. These families also frequently suffer from a chronic lack of space or live in housing which is simply sub-standard.

6.2 This chapter does not attempt to set out all the duties owed to children and families under the Housing Act 1996 and related legislation. Not only would this be impossible given the limited space, but also a number of other excellent handbooks can provide this information. This chapter instead focuses on the links between housing rights and duties and those rights and duties created by the community care scheme. Housing duties are owed by housing authorities, which will be part of the same (unitary) local authority as a children's services authority in some areas but in other areas will be a different authority; the housing authority will be the district council whereas the social services authority will be the county council. The particular focus of this chapter is on the duty to make adaptations to the home of a disabled child through a disabled facilities grant (DFG). The chapter also looks specifically at the ways in which families with disabled children can qualify for assistance as ‘homeless’ if their accommodation is seriously unsuitable for their child’s needs. The provision of accommodation under the Children Act 1989 to homeless children (section 20) is dealt with in chapter 3.

Responsibilities of housing authorities and duties to co-operate

6.3 In meeting their responsibilities to consider housing conditions and provision in their area, housing authorities are obliged under the Chronically Sick and Disabled Persons Act (CSDPA) 1970 s3 to have specific regard to the needs of disabled people, including disabled children. This duty is exemplified in practice guidance issued in England in 2006 which calls for the ‘social inclusion of all citizens’ and requires housing authorities to counter ‘disabling environments’ through planning and housing design.

6.4 When deciding who would have priority for public housing in their area (known as an ‘allocations scheme’), local authorities must give reasonable preference to individuals (including disabled children) who need to move on medical or welfare grounds. When a family has had their priority within their council’s allocations scheme assessed this becomes a material consideration in relation to any future community care assessment, which would include a Children Act initial or core assessment (see para 3.15).
6.5 There is an obvious requirement on housing authorities and children’s services authorities to co-operate to ensure that the housing needs of disabled children are met. This longstanding duty is presently to be found in Children Act 2004 s10 and Housing Act 1996 s213. In relation to this obligation, joint guidance issued by the then-Departments of Health and the Environment in 1992, which is still in force, states (at [16]) that:

Social services authorities and housing should construct an individual’s care plan with the objective of preserving or restoring non-institutional living as far as possible, and of securing the most appropriate and cost-effective package of care, housing and other services that meets the person’s future needs ...

6.6 Under section 3 of the Homelessness Act 2002, housing authorities must have a homelessness strategy which seeks to prevent homelessness, including arrangements for satisfactory provision of support for people at risk of homelessness. The Homelessness Code of Guidance stresses the importance of social services authorities, including children’s services authorities, working together to develop this strategy and prevent homelessness for specific groups, which would include families with disabled children. Examples of collaborative working are listed at 5.6 of the Homelessness Code and include joint protocols for referral of clients between agencies – a matter recently stressed as critical by Baroness Hale in relation to homeless teenagers in R (G) v Southwark LBC (see para 3.79).

6.7 Duties to co-operate with housing authorities also extend to health bodies: as we note above (see paras 5.10–5.15) NHS Act 2006 s82 places an obligation on NHS bodies and local authorities to co-operate with one another in order to ‘secure and advance the health and welfare of the people of England and Wales’. Although this longstanding duty has been stressed in many policy documents, the evidence suggests that its operation leaves much to be desired. By way of example, in 2008 the ombudsman criticised as ‘appalling’ the failure of Kirklees MBC to make suitable adaptations to the home of a quadriplegic young man following his discharge from hospital, with the result that he was confined to two unsuitable rooms without suitable facilities for washing for over 18 months.

Families with disabled children becoming ‘homeless’

6.8 Families with disabled children can come within the provisions of Part VII of the Housing Act 1996, which governs support for homeless people. In essence a housing authority is required to provide accommodation under these provisions if satisfied on four issues, namely: (1) that the person/family is homeless or threatened with homelessness; (2) that the person or a member of the family is ‘vulnerable’ and so in ‘priority need; (3) that the person/family has a ‘local connection’ with the council; and (4) that the person/family is not intentionally homeless.
6.9 Under section 175(3) of the 1996 Act, a person is considered to be homeless, not only if they lack a roof, but also if they have accommodation which for one reason or another it is not reasonable for them to live in. Furthermore, a family with a disabled child will be in ‘priority need’ for the purposes of Part VII and therefore will potentially qualify for homelessness assistance: see section 189(1)(c) of the 1996 Act.\(^\text{15}\)

6.10 The duties under the homelessness scheme to families with disabled family members were considered in detail in Birmingham CC v Ali and others.\(^\text{16}\) Baroness Hale, with whom the other Law Lords agreed, stressed that where a family are ‘homeless’ as a result of their accommodation being unsuitable, a housing authority may have an immediate duty to transfer the family to suitable accommodation.

6.11 The case concerned a number of large families who were unsuitably housed in accommodation that was seriously overcrowded.\(^\text{17}\) Baroness Hale paid particular attention to the fact that under section 175(3) of the 1966 Act (as above):

\[
\text{A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.}
\]

6.12 In the court’s opinion the duty under section 175(3) was a prospective and ongoing duty, ie one that had to be considered at all stages and kept under review.\(^\text{18}\)

6.13 If a family is homeless, eligible for assistance and has a priority need, then a housing authority is under an interim duty to secure suitable accommodation for the family pending a final decision on entitlement (HA 1996 s188(1)). The housing authority must decide that the ‘full’ housing duty is owed where a family is homeless, in priority need and is not homeless intentionally (HA 1996 s190(2) and (3)).\(^\text{19}\) Regardless of whether the accommodation is secured under section 188(1) as interim accommodation or under the ‘full’ housing duty, a housing authority must ensure that the accommodation is ‘suitable’: section 206(1).

6.14 The issue that fell to be decided in Ali and others was whether a local authority can leave a family in unsuitable housing pending suitable housing becoming available. In Baroness Hale’s judgment, although the question was primarily one for the local authority to determine, there would be situations when the courts would require the immediate provision of suitable accommodation. In her opinion:

there will be cases where the court ought to step in and require an authority to offer alternative accommodation, or at least to declare that they are in breach of their duty so long as they fail to do so. While one must take into account the practical realities of the situation in which authorities find themselves, one cannot overlook the fact that Parliament has imposed on them clear duties to the homeless, including those occupying unsuitable accommodation. In some cases, the situation of a particular applicant in her present accommodation may be so bad, or her occupation may have continued for so long, that the court will conclude that enough is enough.\(^\text{20}\)
6.15 Baroness Hale reinforced the potentially immediate nature of the duty on local authorities, stating, ‘In any case where the applicant could not be expected to spend another night in her accommodation, the council would be obliged to provide her with new accommodation forthwith’. The proper route to determine whether this point has been reached for families with disabled children may well be as part of an initial or core assessment in relation to section 17 of the CA 1989, given that housing is one of the specific assessment domains that must be considered: see para 3.16 above. 

**Housing adaptations – disabled facilities grants**

6.16 The primary route through which families with disabled children can get public support to meet the costs of adaptations to their homes is through a disabled facilities grant – known as a DFG. Housing authorities are responsible for DFGs, although it is likely that a family will be referred to their housing authority by their social worker or other professional employed by health or children’s services. The purpose of DFGs is to ‘modify disabling environments in order to restore or enable independent living, privacy, confidence and dignity for individuals and their families’. Blatant failures to take action to ensure that a property is suitable for the needs of a disabled person may result in a violation of both the private and family life rights within European Convention on Human Rights (ECHR) article 8: R (Bernard) v Enfield LBC. They may also be evidence that the award process for DFGs has not been subjected to a full impact review under the Equality Act 2000 s149 (see paras 9.73–9.85 below).

**Statutory scheme**

6.17 DFGs are made under Part 1 of the Housing Grants, Construction and Regeneration Act (HGCRA) 1996. The duties and powers under the 1996 Act are expanded upon by regulations, principally the Housing Renewal Grants Regulations 1996, which are updated annually in both England and Wales. Separate regulations are made to deal with the maximum amount of the grant, currently set at £30,000 in England, and for other related matters.

6.18 Guidance on the DFG scheme has been issued in both England and Wales. In England, detailed non-statutory practice guidance was issued in 2006, referred to in the remainder of this chapter as ‘the 2006 guidance’. Somewhat briefer guidance was issued in Wales in 2002.

**Grant-eligible works**

6.19 Section 23 of the HGCRA 1996 sets out the purposes for which a grant must be approved, which can be summarised as follows:
a) facilitating access to the home;

b) making the home safe;

c) facilitating access to a room used or usable as the principal family room;

d) facilitating access to, or providing for, a room used or usable for sleeping;

e) facilitating access to, or providing for, a lavatory, or facilitating the use of a lavatory;

f) facilitating access to, or providing for, a bath or shower (or both), or facilitating the use of such;

g) facilitating access to, or providing for, a room in which there is a washbasin, or facilitating the use of such;

h) facilitating the preparation and cooking of food by the disabled occupant;

i) improving any heating system in the home to meet the needs of the disabled occupant or, if there is no existing heating system there or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his or her needs;

j) facilitating the use of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;

k) facilitating access and movement by the disabled occupant around the home in order to enable him or her to care for a person who is normally resident there and is in need of such care; and

l) such other purposes as may be specified by order of the secretary of state.

6.20 Since May 2008 local authorities are also required to fund works which facilitate a disabled occupant’s access to and from a garden or works which make access to a garden safe for a disabled occupant.33

6.21 Entitlement to a DFG arises following an assessment which identifies the need for one or more adaptations to be made (see below)34 and the duty to make a DFG cannot be avoided by reason of a shortage of resources; R v Birmingham CC ex p Taj Mohammed.35 The main purposes for which grants must be made to families with disabled children are discussed further in paras 6.22–6.26 below.

**Facilitating access**

6.22 This heading includes works which are intended to remove or help overcome obstacles to the disabled child moving freely into or around the home and
accessing the facilities and amenities within it.\textsuperscript{36} These include family rooms, bedrooms and bathrooms.

\textit{Making the home safe}

6.23 Works under this heading may include adaptations to minimise the risk of danger posed by a disabled child’s behavioural problems\textsuperscript{37} as well as (for example) the installation of enhanced alarm systems for persons with hearing difficulties.\textsuperscript{38} Any grant made under this heading must reduce any identified risk as far as is reasonably practicable, if it is not possible to entirely eliminate the risk.\textsuperscript{39}

\textit{Room usable for sleeping}

6.24 The building of a new room ‘usable for sleeping’ should only be grant funded if the adaptation of an existing room is not a suitable option.\textsuperscript{40} Grants can be made to expand the size of a shared bedroom used by a disabled child and (for example) a brother or sister.

\textit{Bathroom}

6.25 The HGCRA 1996 separates out the provision of a lavatory and washing, bathing and showering facilities in order to emphasise that a grant must be available to ensure that a disabled child has access to each of these facilities and is able to use them.\textsuperscript{41} Any failure to ensure that a disabled child can access each of these facilities with dignity may be unlawful and/or constitute maladministration.\textsuperscript{42} On some occasions an existing room may be capable of adaptation to provide such facilities – but the ombudsman considers it unreasonable for DFG grants officers to expect disabled persons and their families to give up a family room in order to make way for a ground floor shower/toilet.\textsuperscript{43}

\textit{Fixtures and fittings}

6.26 One potential problem with the DFG scheme is the lack of clarity as to whether fixtures and fittings, including items such as specialist equipment, come within its terms. The 2006 guidance is silent on this point. However, the previous practice guidance suggested that equipment which requires structural modifications to a building should come within the DFG scheme, with smaller items remaining the responsibility of children’s services departments under the CSDPA 1970\textsuperscript{44} (see paras 3.48–3.57 above). The 2006 guidance does, however, stress that where major items of equipment have been installed, arrangements for servicing and repairs should be made at the time of installation and the costs factored into the grant payable.\textsuperscript{45}

\textbf{Individual eligibility for DFGs}

\textit{Main residence}
6.27 Once an individual child has qualified as a disabled person, DFGs will be available to make adaptations to the child’s only or main residence. If the child’s parents are separated, this may cause difficulties since the mandatory DFG remains only available for the ‘main’ residence. Adaptations to the home of the other parent may need to be carried out under CSDPA 1970 s2 if they are assessed as necessary: see para 3.56 above.

Tenure

6.28 A DFG is available where a disabled child’s parents are owner-occupiers, tenants (of all forms) and licensees. Where the applicant is a tenant the consent of the landlord will be required. Authorities should seek to obtain this consent from private landlords and should offer to ‘make good’ the adaptations once the family leave the home in appropriate circumstances. The 2006 guidance is clear (at 3.21) that the nature of a person’s housing tenure is irrelevant in relation to access to a DFG. Any material difference in treatment of applicants who have different tenure (for instance, council tenants and private tenants) would constitute maladministration.

6.29 A problem with the DFG scheme which has been identified by the local government ombudsman is that it only applies to existing tenancies. However, if a family with a disabled child propose to move house and therefore acquire a new tenancy, it would be unreasonable and maladministration for an authority not to expedite the works once the family have taken on the new tenancy.

Occupancy requirements

6.30 DFGs are made subject to a requirement that the disabled person lives or intends to live in the accommodation as his or her only or main residence for the grant condition period. This period is currently five years from the date certified by the housing authority as the date on which the works are completed to its satisfaction. The 2006 guidance states that any belief by the assessor that the applicant may not be able to live in the property for five years as a result of their deteriorating condition should not be a reason for withholding or delaying grant approval. However, the guidance somewhat qualifies this otherwise clear statement in a later paragraph which suggests that if the disabled person’s ‘degeneration’ may be ‘short-term’, this ‘should be taken into account when considering the eligible works’. This may be read as little more than a reminder that each applicant’s individual circumstances need to be taken into account.

Decisions on individual eligibility

6.31 The administration of the DFG scheme is the responsibility of the housing authority in whose area the relevant property is located. The housing authority is required to consult the relevant children’s services authority (if it is not itself a children’s services authority, as it will be in a unitary authority such as a London borough). A housing authority may not approve a DFG application unless it is...
satisfied that:

a) the relevant works are necessary and appropriate to meet the needs of a disabled child; and

b) it is reasonable and practicable to carry out the relevant works, having regard to the age and condition of the home. 59

6.32 The decision as to whether requested works are ‘necessary and appropriate’ must be taken with reference to the views of the relevant children’s services authority on the adaptation needs of disabled people. 60 Although under the CSDPA 1970 all assessed needs must be met once a child is deemed eligible (see para 3.45 above), an authority is entitled to consider a range of ways of meeting the need. 61 The Court of Appeal has stressed that the question of whether the works are of a type which come within the provisions of the scheme must be answered separately and prior to the question of whether the specific works requested are ‘necessary and appropriate’. 62

6.33 A situation may arise where the housing authority would consider it to be more cost-effective to relocate a family with a disabled child, but accepts that otherwise the proposed adaptations were ‘necessary and appropriate’ and ‘reasonable and practicable’. It is unclear whether a refusal to award a DFG to fund adaptations for this reason alone would be lawful; the answer to this question will depend to a very great extent on the individual circumstances of the case – especially the practical reality of an alternative property being available. The 2006 guidance 63 certainly suggests that this option should be considered where major adaptations are required and it is difficult to provide a cost-effective solution in the existing home.

Maximum grant

6.34 The maximum grant awarded as a DFG is now £30,000 in England 64 and £36,000 in Wales. 65 Local authorities are empowered to make higher awards as discretionary grants: see paras 6.42–6.44. Minor adaptations costing less than £1,000 are governed by a different scheme and are, in England, free of charge. 66 The previous government in England had a stated commitment dating from 2007 67 to seek to increase the maximum cap to £50,000. It remains to be seen whether the new coalition administration shares this intention.

6.35 If an adaptation is required to meet an assessed need and the cost of the works will exceed the maximum cap for a DFG, the remainder should be met either by the housing authority exercising its discretionary powers (see paras 6.42–6.44), the children’s services authority meeting the additional costs pursuant to its duty under CSDPA 1970 s2 (see para 3.56) or by a combination of the two. It will not be lawful for an authority to refuse to make adaptations which have been assessed as necessary solely by reason of cost.
Means testing

6.36 Applications for a DFG for a disabled person under the age of 19 are no longer subject to a means test.

Timescales and grant deferment

6.37 Housing authorities must approve or refuse a DFG application as soon as reasonably practicable and no later than six months after the date of application. The actual payment of the DFG, if approved, may be delayed until a date not more than 12 months following the date of the application. If any hardship is caused by delay even within these timescales, the children's services authority should be pressed to carry out the works under their parallel duties under the CSDPA 1970: see para 3.56.

6.38 Despite these clear statutory provisions, housing authorities routinely adopt a range of extra-statutory procedures to delay the processing of DFG applications. For instance, authorities have been criticised for creating inappropriate administrative hurdles prior to applications being received and for delaying preliminary assessments, citing a shortage of assessors. The 2006 guidance is unhelpfully not as strong in calling for authorities to expedite grant applications as its predecessors.

6.39 The 2006 guidance accepts that some DFG applications will be prioritised ahead of others by housing authorities. Although particular priority should be given to those with deteriorating conditions, authorities are also reminded to take a broader approach reflecting the social model of disability, which would consider wider risks to independence. It would of course be unlawful for an authority to operate a blanket policy which discriminated against applications made by families with disabled children in comparison to those made by disabled adults, or to adopt any similar policy which penalised one group of disabled people in relation to any other as a matter of course.

6.40 The 2006 guidance provides a table which illustrates a ‘possible approach’ to target times for each stage of a DFG. The indicative targets for the total process amount to 83 working days for high priority applications, 151 working days for medium priority applications and 259 working days for low priority applications.

6.41 Authorities also have a duty to make interim arrangements to ameliorate any hardship experienced by a disabled child between the assessment of the need for adaptations to their home and the completion of the works. The 2006 guidance states forcefully that it is ‘not acceptable’ for disabled people to be left for weeks or months without interim help. Furthermore, children’s services and housing authorities should consider meeting some or all of the costs occasioned if a family need to make other arrangements while work is being carried out, and should consider moving the family to temporary accommodation when major works are required.
Discretionary grants

6.42 Housing authorities in both England and Wales have a wide discretionary power to give assistance in any form for adaptations and other housing purposes. There is no financial limit on the amount of assistance that can be given. Specific guidance on the exercise of this discretion was given by the government in England in 2003. The 2006 guidance suggests that the types of assistance that can be provided under this power will include:

a) funding for small-scale adaptations not covered by mandatory DFGs, or to bypass the lengthy DFG timescales for minor works;

b) top-up funding to supplement a mandatory DFG where the necessary works will cost more than the maximum DFG cap; and

c) help to buy a new property where the authority considers that this will benefit the disabled child at least as much as improving or adapting the existing accommodation.

6.43 Discretionary support offered by an authority can be in any form, for instance as a loan or an outright grant. Any discretionary loan made to an individual family will not affect their entitlement to a mandatory DFG.

6.44 As with all discretionary powers, housing authorities must exercise their power to fund additional adaptations rationally and reasonably and must ensure like cases are treated alike. It would be unlawful for an authority to operate a blanket policy of refusing to make any discretionary payments to fund adaptations; each individual case must be considered on its merits.
Endnotes


3 This material draws heavily from L Clements and P Thompson, *Community care and the law*, LAG, 2007 (‘Clements and Thompson’), chapter 15, which provides more detailed information on the DFG scheme as it applies to both children and adults.

4 As inserted by the Housing (Consequential Provisions) Act 1985 s4 and Sch 2 para 20.


6 Housing Act 1996 s167(2)(d) as amended. See also Housing Act 2004 (Commencement No 2) (England) Order 2005 SI No 1120.

7 Known as a ‘housing needs assessment’.

8 *R (Ireneschild) v Lambeth LBC* [2006] EWHC 2354 (Admin); (2006) 9 CCLR 686. Approved by the Court of Appeal in [2007] EWCA Civ 234 at [64].

9 LAC(92)12/DOE Circular 10/92, *Housing and community care*.


11 See, in particular, the English Code, 1.6 and the Welsh Code, page vii.


14 Complaint No 07/C/05809 against Kirklees MBC, 26 June 2008. The ombudsman recommended a payment of £7,000 to the young man to reflect the unreasonable
restriction on his day-to-day life, including his social contact, caused by its delay and also recommended further payments to the young man’s parents.

15 It should, however, be noted that under the Homelessness (Priority Need for Accommodation) (England) Order 2002, young people aged 16 or 17 do not have priority need for Housing Act accommodation if they are owed a duty under CA 1989 s20: see paras 3.78–3.79. The precedence of the Children Act over the Housing Act in relation to homeless teenagers was confirmed by the House of Lords in *R (G) v Southwark LBC* [2009] 1 WLR 1299.


17 In the case of *Ali* itself, both the father and one of the children were disabled.

18 Speech at [20]. In the cases decided in *Ali* [2009] UKHL 36, Birmingham had accepted that the families were unintentionally homeless and in priority need by virtue of serious overcrowding.

19 In that case a housing authority must secure accommodation for the family (HA 1996 s193(1) and (2)).

20 See para [51] of the judgment.

21 See also *R (S) v Plymouth CC* [2009] EWHC 1499 (Admin).

22 Children can be eligible for a DFG if they meet the definition of disabled in section 100(1) of the Housing Grants, Construction and Regeneration Act 1996 or if they are named in the register of disabled children maintained by their local authority or if the local authority accepts that they are a disabled child for the purposes of Part III of CA 1989 (see para 3.7 above); section 100(3) of the 1996 Act.

23 NHS bodies have extensive statutory powers to transfer funds to social services authorities (including children’s services authorities) and these can be used to facilitate housing adaptations.


26 Formerly the Disability Discrimination Act 1995 s49A.

The most recent updating regulations being the Housing Renewal Grants (Amendment) (England) Regulations 2009 SI No 1807 and the Housing Renewal Grants (Amendment) (Wales) Regulations 2010 SI No 297 respectively.


Housing renewal guidance, NAFWC 20/02.


R (Fay) v Essex CC [2004] EWHC 879 (Admin) at [28].

(1998) 1 CCLR 441.


R (B) v Calderdale MBC [2004] EWCA Civ 134; [2004] 1 WLR 2017 at [24].


See, for example, complaint nos 02/C/8679, 02/C/8681 and 02/C/10389 against Bolsover DC, 30 September 2003.

Local Government Ombudsman Complaint no 05/C/13157 (Leeds City Council), 20 November 2007.

See Clements and Thompson, paras 15.74 – 15.75.

2006 guidance, para 8.1.
46 See fn 21 above.

47 HGCRA 1996 ss21(2)(b) and 22(2)(b).

48 Confirmed by the 2006 guidance, Annex B, para 50.

49 See HGCRA 1996 s19(5) re licensees.

50 2006 guidance, para 6.3.

51 See, for example, the Ombudsman reports on complaint 99/B/00012 against North Warwickshire DC, 15 May 2000 and 30 November 2000.

52 HGCRA 1996 s24(2).

53 See, for example, complaint no 00/C/19154 against Birmingham CC, 19 March 2002.

54 Or for such shorter period as his health and other relevant circumstances permit: HGCRA 1996 ss21(2)(b) and 22(2)(b).

55 HGCRA 1996 s44(3)(a) and (b).

56 Para 6.7, and see also para 5.22.


58 HGCRA 1996 s24(3). It is, however, a matter for the housing authority whether it accepts the children’s services authority’s advice following consultation: 2006 guidance, Annex B, para 34.

59 HGCRA 1996 s24(3). Guidance is given on the meaning of ‘reasonable and practicable’ in the 2006 guidance, Annex B, para 37.

60 HGCRA 1996 s24.


63 Para 6.15.


66 Community Care (Delayed Discharges etc) Act 2003 ss15 and 16 make provision of such free supports in England and Wales (respectively); the provision has come into effect in England but not in Wales: see Clements and Thompson, paras 15.45 – 15.46.


68 HGCRA 1996 s34. Any delay beyond six months from the referral by children’s services to the execution of the works will generally be considered unjustified and will constitute maladministration: Complaint no 02/C/08679 against Bolsover DC, 30 September 2003.

69 HGCRA 1996 s36.

70 Complaint no 02/C/04897 against Morpeth BC and Northumberland CC, 27 November 2003.

71 Complaint no 90/C/0336, 9 October 1991: delay of nine months for an occupational therapist assessment constituted maladministration.

72 See Clements and Thompson, para 15.85 for references to the predecessor guidance documents.

73 2006 guidance, para 4.8.


75 Para 9.3 p54. The table is reproduced in Clements and Thompson, p504, and is also accessible at www.communities.gov.uk/documents/housing/pdf/138595.pdf

76 Para 5.40.

77 2006 guidance, paras 5.43 – 5.44.

78 Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.


80 2006 guidance, para 2.24.

81 2006 guidance, para 6.22.