

# Disabled facilities grant financial assistance policy



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| <b>Name of policy</b>     | Disabled Facilities Grant Financial Assistance Policy   |
| <b>Document reference</b> | HLSPOL15  |
| <b>Purpose of policy</b>  | This Policy sets out the mandatory legal framework for disabled facilities grants, and how the Council intends to use its powers under the RRO to provide interventions to promote independent living and well-being.                   |
| <b>Policy applies to</b>  | This policy applies to all residents that require adaptations to their home in assisting them to remain independent and safe within their property, and applies to residents who live within Council housing stock and private housing. |
| <b>Lead officer</b>       | Private Sector Housing Manager  |
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| <b>Review period</b>      | At least every three years from date of issue or as a result of legislative, contractual, organisational changes.   |
| <b>Update overview</b>    | - May 2023, New Policy  |

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# 1. Introduction

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Disabled Facilities Grants (DFGs) provide funding to improve accessibility and enable people to remain living independently in their own homes. Initially introduced by s.114 of the Local Government and Housing Act 1989, they are a means tested (for adults only), mandatory grant administered by New Forest District Council to meet or contribute towards the cost of 'relevant' adaptations that are 'necessary and appropriate' and 'reasonable and practicable' to meet the needs of a disabled adult or child.

The Housing Grants, Construction and Regeneration Act 1996; as amended by the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 (RRO) requires all Local Authorities to have a published document in place setting out the Council's policy on the aims and application of the local grant scheme.

The Care Act 2014 shifted the focus to earlier intervention that offers a more preventative approach to supporting people.

This policy sets out the legal framework for DFGs, and how the Council intends to use its powers under the RRO to provide interventions to promote independent living and well-being.

This policy is set out in two parts:

- Mandatory Disabled Facilities Grants - the mandatory legal framework for DFGs in accordance with the Housing Grants, Construction and Regeneration Act 1996 including eligibility criteria and the prescribed means test assessment.
- Discretionary DFGs – the Council's policy to provide discretionary interventions to promote independent living and wellbeing. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) and latterly, the Better Care Fund enable Councils to support the wider prevention agenda of housing, social care and health authorities.

Mandatory and Discretionary DFGs carried out in New Forest District Council owned social Housing stock are funded via the Housing Revenue Account (HRA) as per the provision made for expenditure in the 2012 – 13 self-financing settlement.

All grant funds in the policy are aimed at NFDC housing stock and private properties in the New Forest District.

## 2. Mandatory disabled facilities grants

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The Council has a statutory obligation to administer mandatory DFGs to provide aids and adaptations to enable disabled residents to live independently within their own homes.

The eligibility requirements, scope of works, and the general requirements governing mandatory DFGs are prescribed in legislation, and the Council is unable to deviate from these requirements.

New Forest District Council is required to administer DFGs to all eligible applicants irrespective of their tenure, and the Council aims to work collaboratively with Registered Providers to help fund aids and adaptations within social housing, to ensure everyone has the same opportunities to have their home adapted.

Both parents and/or carers, who have formal joint custody arrangements of children, will be allowed to apply for DFGs for adaptations for children with disabilities, confirmed by an Occupational Therapist referral from Hampshire County Council.

### Eligible Grant Works

In accordance with the regulations and this policy the following works will attract mandatory DFG funding:

- Providing access to and from a home - for example, ramping, shallow steps, and hard standings/dropped kerbs for vehicular access;
- Making a home safe for a disabled person living in in the dwelling- for example, guard rails, safety glass;
- Providing access to the principal family room - door widening;
- Providing access to a bedroom - providing a stair lift or extension;
- Providing access to toilet facilities - by altering bathroom layouts or providing specialist WCs;
- Providing access to bathing/shower facilities - for example, level access shower;
- Providing access to a wash-hand basin;
- Enabling the disabled occupier to prepare and cook food - improved kitchen layout;
- Improving or providing space heating or heating controls;
- Enabling the disabled occupier to use and control power, light and heat - altering the position of light switches and power sockets;
- Enabling the disabled occupier to move around the home to care for another person - for example, enabling a disabled parent to care for a child.

In accordance with the regulations, the maximum amount of grant allowed for each referral is up to **£30,000**, or other such amount determined by the Secretary of State.

### Eligibility Criteria

In determining whether a grant should be awarded, the relevant works must be “necessary and appropriate” and “reasonable and practicable”.

### Necessary and Appropriate

Section 24 of the Housing Grants, Construction and Regeneration Act 1996 places a duty on housing authorities who are not themselves a social services authority, to consult with the relevant social services authority upon receipt of any referral.

## 2. Mandatory disabled facilities grants (Cont'd)

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Furthermore, an Occupational Therapist must undertake an assessment and make a professional recommendation of works that are considered necessary and appropriate for the disabled person. The Council will then assess whether the proposed works are reasonable and practicable as per the criteria below.

### Reasonable and practicable

Section 24 of the 1996 Act requires the local housing authority to be satisfied that it is reasonable and practicable to carry out the relevant works (as requested by an Occupational Therapist) having regard to the age and condition of the dwelling.

This reasonableness can relate to cost and includes where the works required are excessively costly due to the construction and type of property.

Consideration can also be given to offering alternative housing that meets the applicant's needs, particularly long-term needs, or which can be adapted at a lower cost.

In order that the Council can make decisions about eligibility, including the help that can be given if the client is eligible for a grant and about what works are most appropriate, Officers will need to gather and consider a range of information, which includes:

- The client's financial circumstances;
- The cost of the works;
- The time it is likely to take to deliver the adaptation(s) proposed;
- The extent of any family or other practical support;
- The suitability of the client's home for adaptation (including the extent of any under-occupation or over-occupation);
- The practicalities of adapting the client's home (taking into account both the site it sits on and its wider location);
- The length of time for which the client is likely to be able to take advantage of the adaptation(s) (to be expeditiously concluded with applicants' needs in mind);
- The likely need for future adaptations;
- The availability of, and eligibility for, suitable alternative accommodation; and
- The extent to which the adaptation(s) make appropriate use of the funding available to New Forest District Council.

### Cost Decisions

New Forest District Council will only fund the recommended work on the referral and are not able to consider retrospective referrals/applications to fund works that have already started, or have already been completed.

Should the applicant wish to enhance the recommended adaptation over and above the referral recommendations then they will need to do so at their own expense. The funding of additional work should be discussed with the appointed contractor directly.

A scheme of adaptations must, in general terms, be reasonable, considering costs, building regulations and planning permission and the practicability of carrying out the works. Where a scheme involves substantial structural alterations or extensions, officers should consider re-housing the applicant as an alternative, if more suitable accommodation is available.

The council's decision making will consider the following specific criteria:

- Grant work should properly and fully meet the assessed needs of the client for the present and the immediate future. Grants which only partially meet those needs will only be considered in exceptional circumstances;
- Works funded by means of a DFG will provide the simplest and most cost-effective adaptations that will meet the client's assessed needs;
- Wherever the Council judges it to be a practicable and realistic option, the re-ordering and/or change of use of existing rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of equipment. This solution will also take precedence if it will result in a reduction in the requirement for, or cost of, equipment;
- There will be a presumption against approving a grant for adaptation of a new home if the client already occupies an adapted home. Each request will be assessed on a case-by-case basis, for example, if the adaptations are no longer suitable or a recommendation has been made by an occupational therapist;
- There will be a presumption against the refitting of any adaptations which have previously been removed by, or at the request of the applicant;
- There will be a presumption against the adaptation of under-occupied homes, and of under-occupied social rented houses in particular, and
- There will be a presumption against the adaptation of overcrowded homes or homes which are likely to become overcrowded.

### **Means Test (Financial Assessment)**

The DFG means test is in place to ensure that funding reaches those people who are on the lowest incomes and least able to afford to pay for the adaptations themselves. Means testing applies to applications made by owner-occupiers, tenants and occupants of qualifying houseboats or caravans.

The assumed weekly needs of the householder (the "applicable amount") is calculated considering the number of people, their ages and other circumstances. This is then compared to actual income, and where income is greater than the applicable amount, a "loan generation factor" is applied to the "excess income" to arrive at a notional "affordable loan".

Contribution = (actual income-applicable amount) x loan generator factor.

This is the amount by which the grant is reduced, or the contribution expected by the applicant. The reduction in grant caused by this test is lower for tenants because it is assumed that loans will be available on less favourable terms than owner-occupiers.

It is the income of the disabled person, and where applicable their partner, that is considered, rather than the applicant if that is a different person (known as the "relevant person").



## Exemptions to the means test

Where the disabled person is a child or young person, or is in receipt of one of the following income related benefits, then they are exempt from means testing and the amount of the grant is not reduced i.e. they do not have an assessed contribution:

- Income Support;
- Housing Benefit;
- Universal Credit;
- Guaranteed Pension Credit;
- Income-based Job-Seekers Allowance;
- Working Tax Credit with an annual income of less than £15,050; and
- Income Related Employment and Support Allowance.

A child is a person under 16. A "young person" follows the definition of a qualifying young person for child benefit purposes. This refers to young people who are 16 or over but under 20 and receiving full time education up to and including A level.

Where the cost of the eligible works (including services and charges) is over £30,000, any assessed contribution from the means test is deducted from the maximum amount, not the cost of the works.

## Successive applications

Should an applicant have previously received a DFG then, along with consultation with the Occupational Therapist, their eligibility for a successive grant will initially consider any decline in their physical or mental health followed by the application of the eligibility criteria described in section above.

If a successive application for a DFG on the same property is made, any previous contributions will be considered in the last 5 years for tenants and 10 years for owners. Any newly assessed contribution will be reduced by any previously assessed contribution if the applicant went ahead with the previous adaptations.

## Nil Grant

Following the means test, should an applicant's contribution exceed the cost of the works deemed necessary and the applicant wishes to fund the works themselves then the applicant will be offered a "Nil Grant" application.

A Nil Grant application will ensure that any applicant contributions for eligible and relevant works will be considered and offset with respect to any future Disabled Facilities Grant applications.

The council will require a full and completed application for a "Nil Grant" award and all works will be subject to inspection and sign off as the cost of these works will potentially offset any Disabled facility Grant contributions.

Applicants who apply for a nil approval grant, can still benefit from the Council's Caseworker service, subject to a 7% (plus VAT) charge on the overall cost of the adaptation works, to co-ordinate and progress the work to their property. Caseworker fees will be charged for all completed administration work in the event of the applicant cancelling proposed works.



## Payments

The maximum amount of grant will include the cost of eligible works, any VAT on eligible works, and other eligible services and charges associated with preparing the application and the carrying out of works, which include:

- confirming that the applicant has an owner's interest;
- technical and structural surveys;
- the design and preparation of plans and drawings;
- the preparation of specifications or schedules of relevant works;
- assistance in completing forms;
- advice on financing the costs of the relevant works which are not met by grant;
- making applications for building regulations approval (including any application fee and the preparation of related documents);
- making applications for planning permission (including any application fee and the preparation of related documents);
- making applications for listed building consent (including any application fee and the preparation of related documents);
- making applications for conservation area consent (including any application fee and the preparation of related documents);
- obtaining tenders/estimates;
- providing advice on building contracts;
- considering tenders;
- supervising the relevant works;
- disconnecting and reconnecting electricity, gas, water or drainage utilities where this is necessitated by the relevant works; and
- paying contractors.

The grant will only be paid on the provision of an acceptable invoice, demand or receipt of payment for the work from the applicant or contractor operating on their behalf.

An invoice will not be accepted:

- if it is for work or services provided by the applicant,
- where the works are carried out by the applicant or by a relative,
- for works not stated on the referral or pre-agreed before works commenced
- or materials and/or services that are gifted or not procured.

The grant can be either be paid to the applicant in instalments as work progresses or in full on completion. If paying by instalments, no more than 90% of the grant can be paid before the works are completed.

## Property Charge

A Local Land Charge will be placed on an owner occupier's property, where the mandatory grant recipient is an owner occupier, and where the DFG adaptation exceeds £5,000. The land charge will be limited to a maximum of £10,000 (this is a mandatory limit). The Charge will be incurred if the property is disposed of within 10 years of completion of the DFG (subject to the consideration of certain criteria by the council listed below).

If a dwelling is sold or disposed of within 10 years, New Forest District Council will consider whether or not it is reasonable to demand repayment or part repayment of the charge taking into account:

- the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
- whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of employment;
- whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises; and
- whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity, is satisfied that it is reasonable in all the circumstances to require the repayment.

## Grant Conditions

All works must be completed within 12 months of the application approval date, or a longer period of time that has been agreed in writing by the Council. No retrospective applications will be considered.

All works must be completed in accordance with a specification of works agreed by the Council. The agreed works must be carried out to a satisfactory standard of workmanship.

The payment of any form of financial assistance will be subject to bona fide invoices being provided by the approved contractor, or in exceptional circumstances, with the approval by the Council, an alternative contractor. For example, if the original contractor is unable to carry out the works.

The Caseworker fee at date of publication was 7% plus VAT, however this is reviewed annually.

The disabled occupant must continue to occupy the property as their only or main residence for 5 years from the certified grant date, unless their health or personal circumstances prevent them from doing so

Where fraud is identified the award of the grant may be cancelled and we may seek to recover from the applicant any monies already paid, or costs incurred.

All decisions required to be taken by the Council under this Policy, in relation to the mandatory functions shall be made by the Private Sector Housing Manager

## Maintenance

Applicants benefitting from a DFG must understand that New Forest District Council only facilitate the grant process. The contract to supply and install the required equipment, in line with the recommendations made by the Occupational Therapist, is between the applicant and the chosen contractor.

Once the DFG has been signed off, as complete, the responsibility, to service and maintain the equipment that has been supplied falls upon different parties:

- Owner-occupiers will be responsible for the ongoing servicing and maintenance of any equipment installed as part of a DFG;
- Private tenants will need to discuss and agree, the future servicing and maintenance requirements of any specifically installed equipment with their landlord, before agreeing to commence with the DFG;
- Housing Association tenants may find their landlords will take on the servicing and maintenance provision but as a result they may increase the applicant's rent/ service charge to cover the additional cost. Other housing associations may decide that it is the applicant's responsibility to service and maintain the equipment that has been specifically installed. Before the applicant agrees to go ahead with the DFG they need to discuss and agree, the future servicing and maintenance requirements of any of the specifically installed equipment with the relevant housing association;
- New Forest District Council tenants will have servicing and maintenance of any equipment installed as part of a DFG provided by the Housing Service.

# 3. Additional mandatory grant features

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## **Extended warranties for lifts, wash/dry toilets etc**

A five-year warranty and servicing contract is to be provided for all relevant adaptations and equipment (lifts, wash dry toilets, automatic doors etc) for private tenants and owners.

NFDC take on the responsibility for repairs, servicing, and maintenance of any equipment installed within their housing stock after the expiry of the manufacturer's one year warranty, unless otherwise stipulated and agreed.

## **Reduction in number of quotes required**

One written contractor quote is required for grant eligible works estimated at under £15,000 unless they are particularly complex/non-standard. A minimum of two written contractor quotes are required for grant eligible works of £15,000 or over.

## **Consultation with the 'welfare authority' (Hampshire County Council - HCC)**

The Council will consult with HCC via email to advise that a referral has been received from another service, E.g. NHS, private OT, giving a 14 calendar day period for any response or comments.

# 4. Discretionary disabled facilities grants

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The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) and latterly the Better Care Fund for private residents enable Councils to support the wider prevention agenda of housing, social care and health authorities through the allocation of discretionary funding.

For New Forest District Council owned properties, any discretionary funding will be funded via the Housing Revenue Account.

## Discretionary Provision

Discretionary grants will be awarded in exceptional circumstances only, and with the express agreement of the Private Sector Housing Manager in consultation with the Assistant Director of Housing and are subject to funds being available. Mandatory grants will be prioritised first. It is important to note that discretionary funding will only be available for eligible works identified by an Occupational Therapist.

The discretionary policy elements are:

### DFG Top Up Grant (Funding more than the statutory maximum grant of £30,000)

This grant is intended to assist in cases where a major adaptation has been identified, which is likely to exceed the mandatory grant of £30,000 and is deemed essential to meet the needs of the disabled person once all other options such as moving home have been considered. This will involve a cost/benefit analysis to deem that the DFG top up is the most suitable and cost-effective option.

The discretionary grant is up to a maximum of £30,000 per property and will be applied in exceptional circumstances only following consultation with the Service Manager.

Examples where this additional grant may be awarded up to the maximum are:

- Where no alternative housing can provide the required solution;
- An extension is required to increase space in the home;
- An extensive set of refurbishments and alterations are required to the fabric of the building;
- The client receives 24-hour care and requires additional room for a carer and equipment.

If the applicant is considered for a discretionary grant, a financial means test will not be applied to this separate grant, even if the applicant has been assessed as having to make a contribution to top up the mandatory grant, following a means test to determine the mandatory grant. The contribution will still be required by the applicant to top up the mandatory grant.

In the same way a property charge is applied for a mandatory grant, a local land charge for the full amount of the discretionary DFG grant will be placed on the owner-occupied property for up to a ten-year period in addition to any mandatory grant local land charge.

Approval for this grant will be signed off by the Private Sector Housing Manager.

### Partial Waiver of up to £10,000 contribution following the Means Test

The Private Sector Housing Manager will be granted the discretion to waive an amount up to £10,000 of an assessed contribution upon an assessment of individual circumstances, where it is likely that the DFG will not go ahead due to the size of applicant contribution calculated. Consideration will be given to the risk to health of a DFG not proceeding and alternative solutions. If discretion is applied, the applicant will not be required to fund this portion of the contribution towards the works.

This grant will not be applied in addition to the DFG Top Up Grant. Approval for this grant will be signed off by the Private Sector Housing Manager.

# 4. Discretionary disabled facilities grants

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## Hospital Discharge Grants

An additional grant of up to £7,500 is made available to disabled and/or vulnerable people being discharged home from hospital, rehabilitation centres or step-down beds to prevent re-admission (or admission) to hospital/rehabilitation centres/step down beds.

Eligibility applies for up to a month after the original discharge. This grant is not means tested. The Hospital Discharge Grant excludes people funded by NHS continuing healthcare or care provision provided by Hampshire County Council.

Works can include anything reasonable which would allow the person to return home/stay at home. Approval for this grant will be signed off by the Private Sector Housing Manager.

## Relocation Grant

In some cases, moving home is more appropriate and cost effective to meet the needs of a disabled occupant, where it is not reasonable or practicable to adapt the existing home, where there is a suitably adapted home available elsewhere, or where there is under or over occupation of the home.

A grant up to a maximum of £5,000 to assist with moving costs will be considered at the Council's discretion and subject to available funds being available. The alternative property must either be already adapted or be adaptable at a reasonable cost. The grant can be used towards the expenses involved in moving home for example estate agent's fees, solicitor's fees, stamp duty, removal costs, disconnection and reconnection costs etc. Supporting quotes and/or invoices will be required, and the grant can only be paid once the applicant has exchanged contracts, or signed a new tenancy agreement, with a legally binding completion date.

This grant is not means tested.

The proposed property must be confirmed as suitable by the council's private sector housing team and be assessed to meet (or more easily adaptable) the needs of the disabled person, or child by an appropriately qualified professional e.g. a Hampshire County Council OT.

Approval for this grant will be signed off by the Private Sector Housing Manager.

## Safe, Suitable and Warm Grant

Subject to funds being available, a grant of up to £5,000 is available to assist disabled people, including those with dementia or a visual impairment, to make changes to their home environment which supports them to live independently for longer and with reduced risks. This also includes palliative/end of life situations.

The grant is not means tested. Approval for this grant will be signed off by the Private Sector Housing Manager.

## Abortive Fees Grant

A grant of up to £2,000 is available to cover reasonable professional fees and associated charges, where engaged to advise on what works are required and specialist technical detail e.g. structural engineer, surveyor to determine whether a DFG project is feasible. Fees are paid as part of the DFG if the works go ahead or paid via the abortive fees grant if the work cannot proceed.

It should be noted that the Abortive Fees Grant may not be approved where the council determines that the applicant has engaged the professional / specialist involved and then cancelled the works without justifiable cause.

Applicants cannot make more than one application for an Abortive Fees Grant in respect of the same grant eligible works.

The grant is means tested, see above. Approval for this grant will be signed off by the Private Sector Housing Manager.

#### DFG Top Up Loan (Funding in excess of the statutory maximum grant of £30,000)

This loan is intended to assist in cases where a major adaptation has been identified as essential to meet the needs of the disabled person and all other cost-effective options have been exhausted, including to a more suitable property.

The loan amount is up to a maximum of £15,000 per property and is repayable. Approval for this loan will be signed off by the Private Sector Housing Manager.

#### Client Contribution Loan

This loan is intended to assist in cases where a client has been assessed to make a contribution towards to cost if the eligible works.

The loan amount is up to a maximum of £10,000 per property and is repayable. Approval for this loan will be signed off by the Private Sector Housing Manager.

#### Home Repair Loan

This loan is intended to assist in cases where a Category 1 or serious Category 2 hazard have been identified as defined within the Housing Health and Safety Rating System (HHSRS). This is limited to repair works as determined by New Forest District Council.

The loan amount is up to a maximum of £15,000 per property and is repayable. Approval for this loan will be signed off by the Private Sector Housing Manager.

#### Low-cost Loans

Parity Trust who are a not-for-profit community financial institution administer the loan's on behalf of NFDC.

#### Additional Discretion

##### Council Tax Reduction (Income related only) to be considered a passported benefit

Council tax reduction benefit will be considered as a passported benefit for the purposes of the financial means test under a discretionary DFG scheme.

##### Promotional work to raise the profile of DFGs

Better Care funding is also used by the Council to work in partnership with other organisation to promote DFGs.

To meet these aims NFDC currently provides an annual grant to New Forest Disability Information Services (NFDIS) to provide two schemes monitored by a Service Level Agreement, which are;

- Just Got Home
- Independence Matter



# 5. General points

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## **Exceptions and delegated authority**

This policy is not intended to fetter the discretion of the Council. The policy is not intended to cover all circumstances and therefore the Council has the authority to deal with applications not meeting the requirements of the above policy and criteria. Grants outside of, and in excess of, the criteria set out above can be awarded at the discretion of the Assistant Director of Housing based on 'exceptional circumstances'. Such an award will only be made subject to the provision of the Regulatory Reform (Housing Assistance) England and Wales Order 2002 and subsequent guidance.

This delegation may also include authorisation for housing as an alternative solution.

## **Complaints procedure**

If an applicant for a DFG whether mandatory or discretionary has cause for dissatisfaction with a service or decision, they will be directed to follow the Council's formal complaints procedure.

## **Grant funding or part funding repaid by applicants**

Any grant monies repaid by applicants to the Council for whatever reason (e.g. breach of grant conditions, ceasing occupation etc.) will be paid into the DFG fund from which they originated, in order that the funding can be recycled to fund DFGs to other residents in need.

## **Equipment and minor adaptations first**

The general principle is that equipment or a minor adaptation is tried first to assess whether it will meet the resident's needs prior to application for a DFG. This will help to manage the demands made on the DFG budget.

## **Accessible kitchens**

Specialist or non-standard integrated hobs and ovens can be included as part of the DFG and grant funded works if they are assessed as being an essential part of the adaptation to meet the resident's needs.

## **Review of policy**

This policy will be reviewed every 3 years or whenever there is a fundamental change in legislative or regulatory provisions. Minor amendments to this Policy will be subject to the approval of the Portfolio Holder for Housing.

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