

Housing Regeneration and Investment

Disabled Facilities Grant Policy

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1.0 Introduction

- 1.1 A suitable, well adapted home can be a defining factor in enabling a disabled person to live well and independently.
- 1.2 This policy outlines the duties, responsibilities, and powers Stockton- on-Tees Borough Council (the Council) hold to provide assistance for disabled people to live as independently as possible in homes that are safe and comfortable with the help of Disabled Facilities Grants (DFGs). The Housing Regeneration and Investment Team are responsible for the administration of DFGs.

2.0 Policy Aims and Objectives

- 2.1 This policy sets out the strategic direction for housing adaptations and aligns with the Council's Housing Strategy 2018-20123, Objective 3: meeting Housing Needs and Supporting Vulnerable People.
- 2.2 At a time of financial constraints the aims of this policy provide a framework for delivering help with home adaptations in the most effective, efficient and equitable ways.

3.0 Statutory Framework

- 3.1 Since 1990 Councils have had a statutory duty to provide grant aid to disabled people for a range of adaptations to their home. The main legislation which governs the provision of DFGs is contained within the Housing Grants, Construction and Regeneration Act 1996 (HGCRA).
- 3.2 Other legislation that defines the duties of the Council include:
 - Care Act 2014
 - Chronically Sick and Disabled Persons Act 1970 (CSDP)
 - Disabled Persons Act 1986
 - Children Act 1989
 - Equality Act 2010
 - Human Rights Act 1998
 - Housing Act 2004
- 3.3 Further information regarding DFG's can be found at: <https://www.gov.uk/disabled-facilities-grants>

3.4 The key principles set out in legislation governing DFG's are: -

- The right for residents of the Borough to receive an assessment of need. This assessment is carried out by the Occupational Therapy Department.
- The Council have a duty to make residents aware of the options available to meet their identified needs, how the provision can be made and who is responsible.
- The Council must give reasons when DFGs are not granted on the basis that this does not appear to meet an essential need.
- The Council must make residents aware of how to complain or appeal a decision.

4.0 Financial Information

4.1 The maximum grant set by Government for an individual DFG is £30,000 (in England).

4.2 All applications for Disabled Facilities Grants (DFG) are means tested in accordance with the HGCRA. The test of resources only considers the resources of the disabled client and their spouse or partner, where applicable.

Where the disabled occupant is a child or qualifying young person, there is no means test (a 'qualifying young person' is defined by the Housing Renewal Grants (Amended) (England) Regulations 2009).

4.3 Where works have been estimated to cost in excess of the maximum amount (including ancillary fees) the Housing Regeneration and Investment team will seek to address any funding shortfall by:

1. Asking the client to fund the excess costs
2. Directing the client to the Home Improvement Agency to determine if they can assist the client to raise their contribution.
3. Making a referral to the Five Lamps Organisation, the Council's appointed loan administrator, who will undertake a financial assessment and affordability test of the client(s) to determine if they will be eligible for a loan under the Council's bespoke DFG Top Up Loans Scheme. Please see Section 13 (Local Discretion and Flexibilities) within this policy for further information.

4.4 In all cases any means tested contribution towards the cost of works or contributions to fund any costs in excess of the £30,000 maximum DFG must be paid to the Housing Regeneration and Investment team in full in advance of works commencing.

5.0 Eligibility

5.1 All owner-occupiers and tenants, licensees or occupiers who can satisfy the criteria in

sections 19-22 of the HGCRA are eligible to apply for a DFG. Landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the requirements of the legislation. Registered Provider tenants are eligible to apply for a DFG and are assessed for needs on the same basis as private owners and tenants and under the same means testing arrangements.

- 5.2 Any application for grant assistance will only be processed upon receipt of a referral and assessment from the Occupational Therapy Department.
- 5.3 Clients in receipt of one of the following types of income will be 'pass ported' through the means testing process:
- Income Support
 - Income Based Job Seekers Allowance and Joint Job Seekers Allowance
 - Income Based Employment Support Allowance
 - Guarantee Pension Credit
 - Housing Benefit
 - Working/Child Tax Credit (if income for tax credits is below £15,050)
 - Universal Credit
- 5.4 Applications for a DFG can only be made to the Council by residents of the Stockton-on-Tees Borough.

6.0 Works Eligible for Mandatory Grant

- 6.1 The purposes for which mandatory DFG may be given are set out in section 23(1) of the HGCRA. They fall into several categories and are summarised as follows:
- **Facilitating Access**
These include works to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around their home and the facilities or amenities within it and access to the garden. For example, widening doors and installing ramps.
 - **Making a Dwelling or Building Safe**
Adaptations to make a dwelling safe for the disabled person and other people living with them. For example, adaptations designed to minimise the risk of danger where a disabled person has behavioral problems causing them to act in a boisterous or violent manner, damaging the house, themselves or other people.
 - **Access to a room usable for sleeping**
The provision of a room usable for sleeping. This will only be undertaken if the Council are satisfied that the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable. Where the disabled person shares a bedroom with another person, mandatory grant may be given to provide a room of sufficient size so that the normal sleeping arrangements can be maintained.

- **Access to a bathroom**

The provision of bathing facilities to ensure a disabled person has adequate access to a wash hand basin, a WC and shower or bath that meets their individual requirements.

- **Facilitating preparation and cooking of food**

Eligible works include the re-arrangement or enlargement of a kitchen to improve the maneuverability for a wheelchair user and specially modified or designed storage units, gas, electricity and plumbing installations to enable the disabled person to use these facilities independently.

Where most of the cooking and preparation of meals is done by another household member, it would normally not be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate that certain adaptations be carried out to enable the disabled person to perform certain functions in the kitchen, such as preparing light meals or hot drinks.

- **Heating, lighting and power**

Provision is made for the improvement of an existing heating system in the dwelling to meet the disabled person's needs. Where there is no heating system or where the existing heating arrangements are unsuitable, a heating system may be provided. A DFG will not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating to the dwelling will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected.

Provision is also made for works to enable a disabled person to have full use of heating, lighting and power controls in the dwelling. Such work includes the relocation of power points and the provision of suitably adapted controls where a disabled person has difficulty in using normal types of controls.

- **Dependent Residents**

Eligible works required to enable a disabled occupant better access and movement around the dwelling to care for another person who normally resides there. The dependent being cared for need not be disabled.

- **Common Parts**

A DFG is intended to support works not only to dwellings but also to the common parts of buildings containing flats, where a disabled person is the occupant of one of the flats. The purposes for which grant is available are limited to works to facilitate access to the dwelling through the common parts or facilitating the use by the disabled person of a source of power, lighting or heating in the common parts.

6.2 Each application will be dealt with taking into account the Clients individual circumstances. Any works provided through DFG will be to the minimum requirement to meet the client's needs.

7.0 Enquiry Process

- 7.1 The Occupational Therapy Department, following an assessment of need of a client, will identify with that person, the adaptations required to meet their needs. A referral is then sent to the Housing Regeneration & Investment team.
- 7.2 Officers from the Housing Regeneration & Investment team are responsible for deciding whether the requested works are *reasonable and practicable* to meet the needs of the disabled person, having regard to the age and condition of any building that may need to be adapted. In some circumstances we may reduce the level of work, seek alternatives or refuse grant.
- 7.3 The Housing Regeneration & Investment Team operate a waiting list to ensure a fair and transparent process is adhered to because the number of clients waiting for a DFG can exceed the limited budget available. Applicants are dealt with in chronological order once on the waiting list, unless they meet the urgent criteria to be fast tracked.
- 7.4 Where an applicant has been fast-tracked by The Occupational Therapy department, their referral will be dealt with as a priority. A decision to fast-track an application is only made after a detailed risk assessment has been carried out by an Occupational Therapist.
- 7.5 Applicants will receive written confirmation from the Housing Regeneration and Investment team of receipt of the referral from the Occupational Therapy department and will be kept updated with regards to their position on the waiting list.
- 7.7 Once an applicant reaches the top of the waiting list an appointment is made with them to commence the formal grant application process.

8.0 Application Process

8.1 The Legislation

The legislation contained within the HGCRA states that an application for grant assistance must contain the following: -

- Particulars of the work subject to the application (a detailed schedule of works)
- Two estimates from different contractors of the cost of carrying out the works, (unless the case is fast-tracked or where the works are part of an approved single contractor scheme)

8.2 Ramps, Stairlifts and all other works provided through the Agency service are carried out by single approved contractors in Stockton. They are as follows:

1. Ramps - Easiaccess

2. Stairlifts and Through Floor Lifts – ThyssenKrupp Encasa Limited
3. All other works – Stockton Council Building Services Unit

8.3 Preliminary or Ancillary services and charges

Certain fees and charges are eligible for grant aid. The services that attract grant assistance include those for:

- Carrying out a technical or structural survey
- Submitting/ Liaising with the Planning department
- Preparing a schedule of works
- Help in completing the application form and supporting documentation
- Obtaining estimates
- Asbestos surveys and removal work
- Supervising the works
- Payment of contractors

8.4 Additional Information

All applications for DFG must include a certificate of future occupation. There are 3 different types of certificate:

1. Owner occupiers

Owner-occupiers must provide proof of ownership. A land registry certificate will be obtained by the Housing Regeneration and Investment team.

Where a property is not registered with Land Registry applicants will be asked either to produce a copy of the deeds or provide contact details for the organisation (e.g. bank, building society or solicitor) holding the deeds in order that we can contact them to confirm proof of ownership.

2. Tenants

Written consent must be obtained from the Landlord (Private Landlord or Registered Provider) before works are undertaken.

3. Occupiers Certificate

In relation to houseboat and park home applications.

8.5 Agency Service

The Housing Regeneration & Investment Team offers an Agency Service to all applicants funded through 'Top Slicing' 15% from the allocated budget per year.

This covers a proportion of staffing costs, miscellaneous costs incurred during the year (such as bespoke staff training / and necessary IT upgrades) and abortive costs (i.e. costs incurred on DFG applicants which are subsequently cancelled).

A reconciliation will be undertaken each financial year and any 'top-sliced' monies not committed will be returned to the DFG budget.

This agency service is optional, and applicants are informed during the enquiry process that they can at any time make their own valid application for grant assistance.

8.6 Approval

All applications for grant assistance will be approved or refused within 6 months of receipt. The Council will confirm the terms and conditions under which any assistance is being provided, and applicants sign a declaration acknowledging the terms and conditions.

Where an application is refused, reasons for refusal will be provided.

The Council may approve an application for mandatory grant on the basis that the grant, or part of the grant will not be paid before a specified date, no later than 12 months after the date of the application.

On approving an application, the Council will specify in writing details of any specialist equipment and/or portable accommodation that may be recovered if no longer needed. The Council will also provide information on warranties that may come with equipment installed, and confirmation that once any warranties expire the equipment becomes the responsibility of the client.

8.7 VAT

The following works will be zero-rated for VAT where they are carried out to a disabled person's private residence.

- The construction of ramps or widening of doorways or passages
- The installation of a lift
- The provision, extension or adaptation of a bathroom or lavatory.

For any of the works to qualify for zero-rating the contractor will supply and complete a form of declaration with the disabled person.

9.0 Conditions:

9.1 The conditions relating to DFGs are contained within the HGCRA and are summarised as follows:

- Eligible works must be carried out within twelve months from the date of approval of a DFG application. The Council MAY consider extending this period, where unforeseen circumstances prevented the works being carried out when the application was made.
- Repayment of any interim grant payments will be required where grant conditions have been breached or because of client actions the eligible works were not

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completed within twelve months from the date of approval. Repayment may also include compound interest on the grant amount.

- Eligible works should only be carried out by contractors whose estimates accompanied the formal application for grant.
- Eligible works shall be carried out in accordance with the specification accompanying the grant approval document. For clients who elect NOT to utilise the Housing Regeneration and Investment Agency Services the specification will be produced by the Council, upon consideration of a surveyor's report submitted by the applicant.
- The payment of a grant, or part of a grant, is conditional upon: -
 - the eligible works being completed to the satisfaction of the Council, and;
 - the Council receiving an acceptable demand for payment for the works and any preliminary or ancillary services or charges.
 - The Council will issue payment direct to the contractor for completed works.
 - Unless otherwise stated, the "**grant condition period**" means the period of 5 years beginning with the "certified date". The "**certified date**" means the date the Council confirms the eligible works have been completed to the satisfactory standard.
 - It is a condition of grant that the grant recipient (if the disabled occupant) intends to live in the dwelling or flat as his only or main residence throughout the grant condition period, or for such shorter period as the Council may allow having regard to his health or other relevant circumstances.
 - Where the Council requires the return of any specialist equipment or portable accommodation, the applicant must notify the Council as soon as this is no longer needed.

9.2 Land Charges

Depending on the work carried out, the Council will seek to place a local land charge (up to a maximum of £10,000) against a property where the cost of the DFG provided exceeds £10,000 (including Ancillary fees).

The charges will last a maximum of 10 years and will be binding on the owner of the property. Should the owner sell or otherwise dispose of the property within the 10-year period the Council will demand repayment of the charge. The charge will be calculated by applying a £5,000 exemption and multiplying the remaining amount by 30%. The examples shown below illustrate the minimum and maximum amount that could be charged.

a) A DFG costing £10,000

$£10,000 - £5,000 = £5,000 \times 30\% = £1,500$ charge to be placed

b) A DFG costing £30,000

$£30,000 - £5,000 = £25,000 \times 30\% = £7,500$ charge to be placed

Applicants will be advised of the exact amount they will be expected to repay at the DFG approval stage.

These charges will in the longer term allow the Council to recycle a small amount of money back into the budget for DFGs. Property charges will not be placed where Fixed Mechanical Equipment (FME) has been installed as the Council operates a recycling policy which allows the Council to claim back any FME that is no longer required by the disabled person.

10.0 Undertaking Works:

- 10.1 To ensure a high quality of work is achieved, close controls over the building process are in place.
- 10.2 For clients wishing to make their own application, work in progress visits are made at regular intervals by officers from the Housing Regeneration & Investment Service to check the progression and quality of works being undertaken.
- 10.3 All contractors appointed by the Council are under contractual arrangements (unless a client makes their own application for assistance). Please see 8.2.
- 10.4 To ensure good value for money a minimum of two competitive estimates will be obtained if the BSU cannot carry out the works, unless the works are classed as urgent, are of a specialist nature or are part of a contractual agreement.
- 10.5 A pre-start meeting for larger works such as an extension or conversion between a technical officer from the Housing Regeneration & Investment team, the contractor and the client will take place before works commence. A schedule of works is provided to the Client and contractor at the approval stage confirming what works are part of the grant. The meeting will determine work start and completion dates. Both the client and contractor will be advised of their responsibilities and the works involved will be explained fully to the client.
- 10.6 Other than technical issues, any work for which assistance is being provided can only be varied with the consent of the persons likely to be affected by the variation and written confirmation from the Occupational Therapy department that the variations meet the needs of the client.
- 10.7 Contractors will only be paid in full upon receipt of a satisfactory invoice when the DFG

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works are certified as complete to the satisfaction of the Authority.

Clients will also be asked to sign a letter of satisfaction to confirm they are satisfied with the completed works.

10.8 Where a client is not satisfied with the completed works a senior officer from the Housing Regeneration & Investment team will determine whether remedial works are required.

10.9 Should there be any discrepancies with an invoice, or the necessary certificates/guarantees have not been provided, the Housing Regeneration & Investment team will liaise with the contractor to obtain the relevant certificates/guarantees.

11.0 Successive Applications:

11.1 Chapter 1, Part 1 of the HGCRA places no express restriction on successive applications for DFGs on the same property.

11.2 Clients (where appropriate) will be advised on the merits of pursuing an application through to completion even where it is clear the assessed contribution exceeds the cost of the present works and therefore the outcome will be that a 'nil' grant is approved.

11.3 If the client then makes a successive application for DFG any previously assessed contribution will be taken into account (or the amount equivalent to the original approved cost of works if this is lower) when determining any amounts, the client may have to pay towards this successive application.

12.0 Post Completion of Works:

12.1 Stairlifts

Stairlifts are covered by a 5-year warranty and upon expiry the Occupational Therapy Department, under contractual agreement with ThyssenKrupp Encasa Ltd, will ensure the lifts are serviced on a bi-annual basis and maintained as necessary.

The Council's own insurance company Zurich on an annual basis check the stairlifts are safe and in good working order.

12.2 Other Works

For all other types of work clients are notified that should any problems occur within 12 months of completion, details should be reported to their agency officer in the Housing Regeneration and Investment team who will in turn ensure the contractor concerned rectifies any problems identified.

For those clients not using the Housing Regeneration & Investment Agency Service they are advised in the first instance to contact the contractor themselves.

13.0 Local discretion and flexibilities:

13.1 Local authorities have **discretionary powers** to provide financial assistance for housing adaptations. The Regulatory Reform Order (2002) gives local authorities a general power to introduce policies for assisting individuals by providing grants, loans and advice for the purpose of repairing, improving, extending, converting or adapting housing. There is no restriction on the amount of financial assistance that a local housing authority may provide, and discretionary assistance can be given in addition, or as an alternative to a mandatory DFG.

13.2 In order to use these flexibilities, councils must have a written and published policy, which sets out how the authority intends to use its powers. SBC has a published 'Housing Services Financial Assistance Policy', which outlines the following discretionary policies in relation to DFG works:

13.3 'Homeowner DFG Top-up Loan' (for adaptations above £30,000)

The maximum DFG payable is £30,000, however on occasions the cost of works can exceed this, and clients must fund this contribution before any works can commence. Whilst some clients have access to the necessary funds, some do not have the resources available, and require financial assistance.

To prevent any unnecessary / untimely delays in the delivery of extensive DFG works the Housing Regeneration and Investment Team can make a referral to the Councils Loan Administrator, currently the Five Lamps Organisation. The Five Lamps will check that the client(s) are not able to secure any other form of mainstream lending, and if assessed as being able to access a loan on the open market they will be signposted to available loans

If a client(s) cannot access a mainstream loan then depending on the applicant's financial circumstances a repayable loan can be offered on either a Capital or Interest Repayment basis, an Equity Loan (which is a charge against the property) or an Interest Free Loan.

The minimum amount available is £100 and the maximum £10,000.

13.4 'Home owner DFG Loan'

Following the DFG means test, a client may be required to make a financial contribution, which must be paid before an adaptation can commence. There are occasions when applicants who are unable to make this payment 'drop out'/cancel their application.

To prevent any un-timely delays or 'drop-outs' the Housing Regeneration and Investment Team can make a referral to the Five Lamps, who will check that the client(s) are not able to secure any other form of mainstream lending, and if assessed as being able to access a loan on the open market they will be signposted to available loans.

If a client(s) cannot access a mainstream loan then depending on the applicant's financial circumstances a repayable loan can be offered on either a Capital or Interest Repayment basis, an Equity Loan (which is a charge against the property) or an Interest Free Loan.

The minimum amount available is £100 and the maximum £7,000.

13.5 Tenant DFG Loan

Privately Rented and Registered Housing Provider tenants are also able to make a DFG application. They are also subject to a means test and following this process may be required to make a financial contribution towards their DFG works.

To ensure that there is equity between tenures, the Housing Regeneration & Investment team can make a referral to the Five Lamps, who will check that the client(s) are not able to secure any other form of mainstream lending. If they are unable to secure any form of mainstream lending the Housing Regeneration and Investment team will put their case forward for consideration by the Director of Finance, Development and Business Services and the Director of Adults and Health who will consider the case. Loans under this category are approved on a case-by-case basis and are limited to an Interest or Interest Free Loan.

All tenants will be made aware that this loan will continue to be their responsibility should they vacate or be asked to vacate a rented property.

14.0 Service Standards

14.1 We currently aim to achieve the following service standards.

Receipt of referrals	-	Acknowledged within 5 days
Test of Resources	-	Completed and acknowledged within 10 days of receipt.
Approval	-	Within 6 months of receipt of valid application.
Work Start	-	Within 16 weeks of approval
Completion	-	*1-2 working days for stairlifts *2-3 working days for ramps *4-6 working days for level entry showers, *12-14 Weeks - Extensions.

*Should there be any unexpected delays we will contact you to provide an updated timescale.

15.0 Complaints

15.1 If you have any complaints about this policy, we will investigate your complaint and look carefully at the issue you have raised. Please forward any complaints to the Housing Regeneration and Investment team via email housingregenerationinvestment@stockton.gov.uk or via telephone 01642 526537.

- 15.2 We will respond to complaints in accordance with the Council's procedure. Please refer to Council's Customer Feedback and complaints Procedure document for further information, this document can also be found by clicking the following link: <https://www.stockton.gov.uk/stockton-council/customer-services/customer-feedback-and-complaints/>