

**West Lindsey District Council
Independent Living Policy 2017 - 2019**

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Introduction

‘We want people in West Lindsey to be able to choose a home and community that meets their needs and aspirations’

This Independent Living Policy sets out the forms of assistance that are available from West Lindsey District Council to assist people to remain living independently in their home. Funding for Disabled Facilities Grants is now received from Lincolnshire County Council through the Better care Fund.

The Better Care Fund (BCF) is a program spanning both the NHS and local government. It has been created to improve the lives of some of the most vulnerable people in our society, placing them at the center of their care and support, and providing them with ‘wraparound’ fully integrated health and social care, resulting in an improved experience and better quality of life.

The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 removed most of the prescriptive housing renewal grant legislation in the Housing Grants, Construction and Regeneration Act 1996, and introduced new wide ranging discretionary power to local housing authorities to develop different forms of financial assistance to meet local needs.

To be able to give financial assistance under the Act, the local housing authority must adopt and publish a policy setting out how it intends to use this general power to give assistance.

Policy objectives

This policy aims to assist disabled people to live safely and independently in their own home.

This Policy sets out how this will be done in line with the legislation, good practise guidance and through offering good value for money.

West Lindsey District Council will work with the following key partners in order to deliver this policy.

- Housing Associations
- Occupational Therapist and Customer Care officers
- Private Landlords
- Home Owner
- Local contractors and specialist equipment providers

Disabled Facilities Grant

Disabled Facilities Grant (DFG) is a mandatory entitlement to help fund the provision of adaptations, to enable people with disabilities to achieve independent living in their own home. The primary legislation covering Disabled Facilities Grants is the Housing Grants, Construction and Regeneration Act 1996.

DFG is a means tested grant and the amount that is awarded depends on:

- Household income. and;
- Household savings over £6,000

The maximum grant amount that can be awarded will be worked out using a means test, but is subject to a maximum of £30,000. Depending on the outcome of the means test an applicant may be required to pay towards some, or all, of the work carried out.

Under the current legislation, applications for disabled children are not subject to a means test. All other aspects of the DFG application process remain the same for both child and adult applications.

Awarding a DFG will not affect any other benefits that the applicant is in receipt of.

Eligible Applicants:

- **An applicants is only eligible for a DFG if a recommendation is received from an Occupational Therapist which will state what is required for the disabled person to remain living independently in the property.**
- Homeowners – an application can be made by the homeowner if the disabled person is living in their house, for example, partner, child, sibling etc.
- Private and socially rented – an application can only be made by the person who holds the tenancy, this can be on behalf of the disabled person. The landlord or owner of the property must give consent for the adaptation.

Eligible properties:

- Dwellings, houseboats and park homes on authorised permanent sites are eligible for assistance. Grants will only be awarded to adapt the only or main residence of the disabled person.
- The council must be satisfied that the work is necessary and appropriate for the disabled person's needs. It must also be deemed reasonable and can be carried out given the age and condition of the property.
- If the property is not considered to be a suitable home to adapt or the adaptations are not technically possible or feasible, the council will not offer grant assistance but can support the applicant in identifying suitable alternative housing, if this is something the applicant wishes to do.
- The council must be satisfied that the disabled person is living suitably within the home (i.e. has permanent use of a suitable bedroom and washing facilities) before allowing any grant work to commence. Grants will not be provided if the council considers that the disabled person would remain at risk, even with adaptations being provided. In such cases the reasons will be provided by the council in writing.
- Where the cost of the adaptations is less than £1,000 (usually minor adaptations, such as installing hand rails) the work will be completed by Social Services and the grant application closed.

- Where the cost of the adaptations requested is extensive and beyond what can reasonably be provided within the scope of DFG then the application will also be referred back to social services and the DFG application closed.
- A condition of the grant is that the disabled person must intend to occupy the property for at least the full grant period, which is currently 5 years from the date works are completed. This applies to **all** properties. For landlords, this means that they must accept this 5 year term as a condition of permitting the adaptations. Landlords should consider either long-term leases or how to make effective use of the adaptations if the disabled tenant moves away from the property, before accepting the grant.
- Grants for tenants in rented properties (including social rented properties) cannot be awarded if the relevant landlord does not consent to the property being adapted.
- No grant funding will be awarded if work has started at a property **before** the council has approved an application.

Key Facts about DFGs in West Lindsey:

All applications for Disabled Facilities Grants are determined by West Lindsey District Council. All applicants must have their medical needs assessed by an Occupational Therapist, appointed by Lincolnshire County Council, for a grant application to be considered.

Grant funding can only be provided to cover the cost of adaptations that are deemed to be *essential* for meeting the disabled person's needs. These are typically any adaptations that the disabled person is wholly dependent upon in order to remain living independently within the property. The council will determine how best to carry out any adaptations, considering both Occupational Therapist recommendations and an assessment of the applicant's home.

The council will always seek the most cost effective solution to meeting the disabled person's essential needs. Adaptations will be designed, and grants offered, on this basis. If an applicant makes a specific request for additional work that is not considered to be essential by the council, or makes a request for adaptations to be carried out in a different way to that proposed by the council, the council will limit the amount of grant offered to cover only the essential elements of the request.

Where the value of any grant awarded to a home owner exceeds £5,000 a local land charge will be applied to the property. The land charge will be up to a maximum charge of £10,000 and will remain in place for a 10 year period. If the house is sold during this period, the land charge will be required to be paid until the land charge is paid in full (usually when the property is sold) or after a period of ten years. Anyone wishing to purchase the property in this time would be made aware of the charge when they, or their solicitor, undertake a Local Land Charge property search.

Examples of Eligible Works:

The works must be for at least one of the following purposes:

- a) Facilitating access to and from the dwelling, houseboat or park home
- b) Making the dwelling, houseboat or park home safe
- c) Facilitating access to a room used or usable as the principal family room
- d) Facilitating access to, or providing, a room used or usable for sleeping
- e) Facilitating access to, or providing, a room in which there is a lavatory, or facilitating the use of a lavatory

- f) Facilitating access to, or providing, a room in which there is a bath or shower (or both), or facilitating the use of a bath or shower
- g) Facilitating access to, or providing, a room in which there is a wash hand basin, or facilitating the use of a wash hand basin
- h) Facilitating the preparation and cooking of food
- i) Providing or improving any heating system in the dwelling, houseboat or park home
- j) Facilitating the use of a source of power, light or heat by altering the controls or the position of the control, or providing additional controls
- k) Facilitating access around the dwelling, houseboat or park home for a disabled occupant to enable them to provide care for another person
- l) Facilitating access to and from a garden
- m) Making access to a garden safe
- n) Such other purposes as may be specified by order of the Secretary of State.

Extensions – Extensions can be offered under the following circumstances:

- All other possible avenues to adapt the home have been exhausted. Rooms within the home can be converted to make additional bedroom space for a disabled person, however, essential provision must still be available for cooking, dining and living. Studies, play rooms, utility areas and spare bedrooms are not classed as 'essential living'
- It would be expected the following applies when looking at current space available. 2 Children under 10 any sex can share a bedroom. 2 same sex children under the age of 18 can share a bedroom. Depending on room size, 3 children under the age of 10 could be expected to share a bedroom. If this criteria is being utilised to not provide additional bedroom space, the 5 year grant period must be taken into account.
- The applicants are unable to move home due to financial reasons. Their health and property suitability must be prioritised when determining whether or not a move is feasible.

All alternative means of providing assistance within the home must be trialled before a DFG application will be considered. As a minimum this will include asking for evidence that equipment has been trialled (and is no longer a suitable long term solution) and that the suitability of the property for the disabled person has been assessed.

All adaptations arranged by West Lindsey will be carried out by the council's approved contractor list. This list is updated annually and requires the contractors to provide the following information:

- Insurance Policies
- CRB checks for all employees
- Certificates for membership of any professional bodies
- Signed application forms which details company information
- References
- Signed form agreeing to timescales for providing quotes and undertaking work.

West Lindsey reserves the right to withdraw any contractor from this list at any point throughout the year if there is just reason to do so.

Under the terms of the grant there are limitations on the amount of grant that can be awarded if the applicant wishes to use a family member to complete the work for them. Applicants must discuss this with the council before any work commences and obtain

consent in writing if they wish to appoint a family member, to complete the work for them. Failure to do this may result in a grant offer being refused or withdrawn.

Professional technical fees, up to a maximum of 10% of the total value of the adaptation/building work requested, can be included in the grant application. This amount can cover items such as the production of technical drawings, completing applications for any additional permissions that are needed (such as Planning or Building Control applications) and other professional fees for surveys etc. that are agreed in advance with the council.

Applicants should consider purchasing or negotiating extended warranties for any work carried out in their properties or for any specialist equipment installed. This is a matter for the applicant to discuss directly with the contractor and will not affect the council's decision on whether or not to offer grant assistance. The council will not cover the cost of additional warranties under the DFG scheme.

The council cannot meet the costs of any additional work that is requested by an applicant unless this has been agreed with the council in advance of the work taking place. Where an applicant asks a contractor to carry out any additional work on-site, the applicant will become fully responsible for both the cost and quality of that work. Contractors are aware that any additional work or agreements to alter an approved scheme must be cleared by the council.

The council will pay the grant directly to the contractor once all work has been completed to the satisfaction of both the council and the grant applicant.

In line with the terms of accepting a DFG, once an adaptation has been completed the applicant will assume responsibility for all future maintenance and repairs. In addition, the council is not responsible for returning a property to its original condition in the event that any adaptations are removed or no longer required. Applicants and landlords are advised to consider how they will meet any future maintenance and repair costs when applying for and accepting a DFG.

Works which are ineligible for DFG assistance:

The following works are generally not eligible for assistance:

- Any works that can reasonably be expected to be normal maintenance issues for home owners or landlords
- Repair works that result from the misuse or have arisen due to the lack of regular maintenance by the property owner or landlord
- Work outside of the main property, including improving or installing driveways
- Works which would normally be covered by a household insurance policy
- Repairs to sheds, outbuildings, conservatories, fences, porches and similar items
- Cosmetic items, such as internal or external decoration, cleaning, gardening or landscaping
- Replacement of doors and windows which are in reasonable repair
- Replacement of any sanitary wear that is not required for a medical purpose
- Conversion of barns or outbuildings
- Completion or rectification of DIY work
- Loft conversions
- Installation of intruder alarm systems
- Work that is required following the serving of any enforcement notice(s)

Adaptations different to what is recommended

If an applicants would like a different adaptation to what is recommended by an OT, there is a procedure for undertaking this.

West Lindsey will have the scheme recommended by the OT drawn. The OT will then have to agree that this plan will meet the needs of the disabled person. At this point, the applicant will then need to submit to West Lindsey, 3 quotes for this work from 3 different contractors. West Lindsey will make a financial grant offer based on the quotations received within the limitations of DFG. This grant offer will last for 1 year. Within that year, it is up to the applicant to provide West Lindsey with the following information in order for the grant to be approved:

- Drawings for the adaptation they wish to undertake along with OT approval of these drawings
- All relevant building regulation and planning approval
- Quotation for the work
- Details of the contractor undertaking the works to include company name, address, and registration number (it is down to the applicant to do all relevant checks on the contractor as West Lindsey will accept no responsibility for their work)
- Consent from the landlord if applicable
- CDM action plan

Once all the above has been received, West Lindsey will formally approve the grant. This grant will be directly paid to the contractor once the works are complete and the following information received:

- Invoice
- A building control completion certificate
- Signed consent from the applicant that they are happy with the works
- Any relevant electrical completion certificates
- Asbestos removal confirmation if applicable

West Lindsey will not assist in providing quotes for adaptations being undertaken in this way.

Further DFG information:

Adaptations will be considered to have been completed when the necessary work has been completed to an acceptable standard, appropriate for the user. The customer must sign to confirm they are happy with the works that have been undertaken.

On accepting a DFG, the applicant will not be eligible for inclusion on the Housing Register in West Lindsey for at least the full grant period (5 years). Any applicant already on the register will be removed once their DFG application is complete. If the grant application is refused, an applicant's housing register status is not affected.

The council will always seek to recover in full any grants that are obtained with false or incorrect information. Applicants are responsible for ensuring that the council is made aware as early as possible if they believe that any information they have submitted contains errors or omissions. If the council becomes aware that any false or incorrect information has been supplied before work commences the grant offer may be withdrawn, or put on hold pending additional investigation.

Grant applications will only be considered to be 'valid applications' when all of the requested information has been supplied to the council. Failure to provide the necessary financial information, or any other supporting evidence as requested by the council, will result in the closure of a DFG application and applicants will be referred back to their Occupational Therapist to discuss alternative means of support.

Applicants that experience a change in their financial circumstances during the application process or after a grant amount has been approved must notify the council immediately. This is to ensure that a reassessment of resources (a revised means test) can be carried out to ensure that the applicant remains eligible for the grant.

Applicants wishing to submit a complaint about the service, challenge a decision issued or to raise a dispute about any work completed, will be referred to the adopted corporate complaints procedure.

Further details for applicants on how to apply for a grant and what a grant can be used for is set out in the council's *DFG Guidance for Applicants*.

Delivering Stairlifts through Independent Living – 1 year Pilot 2017

Background

Stairlifts are an essential part of the home for people who rely upon them to access upstairs facilities. When upstairs facilities cannot be safely accessed it can put the person in very high risk of falling both up and down the stairs. This can often result in hospitalisation.

Stairlifts can currently be delivered under DFG's. This process has been streamlined and is now delivered in an efficient way, however, the DFG process can still be time consuming as the delay comes from the customer completing and returning required information.

WLDC are proposing a scheme that will be under Independent Living and therefore fall outside of the DFG system as it is now while still being compliant of the legislation.

It is expected this will ensure stairlifts are fitted into people's homes who need them as soon as possible to reduce the risk of falls and hospitalisation. This will also ensure that everyone is able to access stairlifts whether they are eligible for DFG funding or not, reducing the risk of people who are identified as having a need for a stairlift, not having that installed due to the cost.

The financial determination of eligibility will be undertaken once the stairlift has been installed. If it is determined they would have been able to afford to install the stairlift themselves, WLDC will seek to recover the cost with the customer with an agreed payment schedule.

Aims and advantages of the scheme

- Quicker installation of stairlifts for customers who are identified as needing them.

- One stop shop for all people who require a stairlift whether eligible for a DFG or not
- Warranties offered for all stairlifts (currently not offered under DFG)
- Reduced risk of falls due to fast installations
- Help and advice for all people in West Lindsey seeking a stairlift. (not just those with an OT recommendation)

The process

The referrals will come from OTs in the same way they are received for DFG applications. If a referral made includes other adaptations, the stairlift will be completed through this route and the other adaptations will be completed via the DFG process, the customer will be made aware of this.

A very basic information gathering form will be completed by the customer during a home visit arranged within 48 hours of receiving the referral. This will include name, address, date of birth, property tenure and also information they must read and consent to for this process regarding the possibility of them having to fund the stairlift themselves based on their financial circumstances.

WLDC will be required to obtain consent for a stairlift to be fitted from the landlord, this will be done as soon as the referral is received. WLDC will seek to secure consent from all social landlords to allow stairlifts in their properties. Private landlords will be required to sign a consent form, verbal consent will be sufficient to start the process, written consent will still also need to be obtained.

Once the above is received, a request for the stairlift to be quoted for will be sent, this will be to the company who have the contract to provide stairlifts in West Lindsey. They will receive instruction from WLDC to quote for and arrange installation of the stairlift with the customer. Timescales for this will be set in the contract.

At this point, another application will be posted out to the customer, this will form the financial assessment. This will determine whether or not they are required to pay for the stairlift or if it will be funded by WLDC. This process is based around DFG legislation and will have the same eligibility criteria of pass-porting benefits and also the same requirements for financial information required.

If it is determined they would have been eligible for a DFG, the customer will receive a letter stating they are not required to pay anything towards their stairlift.

If it is determined they would have been required to pay a contribution towards the stairlift, or to cover the full amount, WLDC will agree a payment schedule, and there are 3 options for this:

- Pay in full on completion
- Pay monthly (agreed amount based on what is determined as affordable)
- Pay annually (agreed amount based on what is determined as affordable)

If monthly or annual payment schedule is agreed, a local land charge will be placed on the property to cover the full amount until payment has been made at which point it will be removed.

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For all stairlift provided, there will be an admin fee of £120 added to the cost. This is to cover the time of the all officers involved in administering the scheme.

Obtaining a stairlift without an Occupational Therapist recommendation

If no referral has been received from an OT stating that there is a need for a stairlift, West Lindsey residents can still take advantage of the stairlift scheme. This however cannot be funded through a DFG and all stairlifts will be required to be paid for with no financial assessment being undertaken. The fees for stair lifts delivered in this way will also be £120.

Appendix A:

Preliminary and Ancillary services and charges

Preliminary and ancillary services and charges which can be included in applications for assistance are determined by the Housing Renewal Grants (Services and Charges) Order 1996 (S.I. 1996/2889):

- Confirmation that you have an owner's interest in the property
- Technical and structural surveys
- Design and preparation of plans and drawings
- Preparation of schedules of the relevant works
- Assistance in completing forms
- Advice on financing the cost of the relevant works which are not met by grant
- Applications for building regulations approval or planning permission including the application fee and the preparation of related documents)
- Obtaining estimates for the relevant works
- Advice on contracts
- Consideration of tenders
- Supervision of the relevant works
- Disconnection and reconnection of electricity, gas, water or drainage utilities where this is made necessary by the relevant works (but not charges arising from non-payment of bills)
- Payment of contractors
- Services and charges of an occupational therapist in relation to the relevant works

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** Only eligible for mandatory Disabled Facilities Grant and Discretionary Disabled Facilities Assistance Applications and prior agreement with the Council

Appendix B:

Exemptions to Repayment

The Council will demand the repayment of the assistance in the circumstances outlined within this Policy, except in any of the following events:

- Where the recipient would suffer financial hardship if they were to be required to pay all or any part of the assistance. In this circumstance the Council will give consideration to whether the demand for repayment should be waived or delayed
- Where the disposal is made for reasons connected with the physical or mental health or well being of the recipient or a disabled occupant of the dwelling. In such cases evidence must be provided to support this.
- Where the property is sold or transferred compulsorily, or by agreement, to a public body with compulsory purchase powers

Delays to Repayment

The Council will consider an application to delay a demand for repayment of the assistance in the circumstances outlined within this Policy, in any of the following events:

- Where the recipient is deceased and the spouse, partner or family member who was living with the recipient for at least 12 months prior to the death continues to occupy the dwelling
- In the course of a domestic breakdown where the applicant sells or transfers the property to their spouse, partner or family member who was living with the recipient for at least 12 months prior to the domestic breakdown and continues to occupy the dwelling

Where an application to delay the repayment of assistance is approved, the Council will specify a time or an event in the future when the assistance must be repaid.