



Disabled Facilities Grant Policy

2023

1. Introduction

- 1.1 Under the Housing Grants, Construction and Regeneration Act 1996 (the Act), The Council District Council (The Council,) in its capacity as a housing authority, has a statutory duty to provide Disabled Facilities Grants (DFGs) to applicants who qualify.
- 1.2 The primary aim of DFG's is to provide aids and adaptations to enable people with disabilities to live independently and safely in their own homes. This policy sets out the mandatory legal framework and how The Council will be administering DFG's for its residents.

2. Legislation & Guidance

2.1 Housing Grants, Construction and Regeneration Act 1996

Part 1 The parts relating to mandatory DFGs remains in force. Reference should be made to the relevant sections as it affects and regulates the various stages of the grants process.

2.2 The Housing Renewal Grants Regulations 1996 (as amended)

Implements the test of resources (means test) for all grant applicants and thereby reduces the grant awarded by the amount of the means tested contribution to the eligible adaptation/improvement costs.

2.3 The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008

This prescribes the maximum amount of mandatory grant which a local can give (currently £30,000).

2.4 Housing Grants Construction and Regeneration Act: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008.

This defines the powers of a Local Authority to impose repayment conditions on a grant recipient subject to specified criteria and circumstances

2.5 Regulatory Reform (Housing Assistance) (England and Wales) Order 2002,

Allows local authorities the option to provide financial and other assistance for repair, improvement and adaptation. This is help available in addition to Disabled Facilities Grants.

2.6 Disabled Facilities Grant Delivery: Guidance for local authorities in England – March 2022

This guidance details how DFG's should be delivered by local authorities

3. Policy objectives

- 3.1 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 practice guidance, the Better Care fund plan and through offering good value for money.
- 3.2 The policy sets out The Council's interpretation of the legislation and guidance documents and details what applicants can expect from the DFG service.
- 3.3 The 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 Owners
- Local contractors and specialist equipment providers
- Better Care fund leads
- Other districts within Lincolnshire

Delivering DFG's in West Lindsey

4. Eligibility Criteria

4.1 Applications

- 4.1.1 All applications for DFG's are determined by The Council. DFG's can only be provided to cover the cost of adaptations that are deemed to be *necessary and appropriate* 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.
- 4.1.2 The Council will determine how best to carry out any adaptations, considering both Occupational Therapist recommendations and an assessment of the applicant's home.
- 4.1.3 All alternative means of providing assistance within the home must be explored before a DFG application will be considered. As a minimum this will include asking for evidence that equipment has been trialed (and is no longer a suitable long term solution) and that the suitability of the property for the disabled person has been assessed.
- 4.1.4 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.
- 4.1.5 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, The Council will limit the amount of grant offered to cover only the essential elements of the request.
- 4.1.6 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.

4.2 Financial

- 4.2.1 DFG is a means tested grant which is determined by a national formula, the amount of grant that can be offered is determined by:
- Household income through earnings and benefits
 - Household savings over £6,000
 - Disabilities
 - Household composition
 - Tenure
- 4.2.2 Means tests are undertaken on the "relevant person" and their partner. The relevant person is the disabled person.
- 4.2.3 The maximum grant amount that can be awarded will be calculated 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 a specified contribution towards the adaptation.

4.2.4 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.

4.3 Applicants

4.3.1 An applicant is only eligible for a mandatory 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.

4.3.2 Homeowners – an application can be made by the homeowner if the disabled person is living in their house, for example, partner, child, sibling etc.

4.3.3 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.

4.3.4 Landlords can make applications for a Disabled Facilities Grant on behalf of the disabled tenant.

4.4 Properties

4.4.1 Dwellings, houseboats and park homes on authorised permanent sites are eligible for assistance. Mandatory grants will only be awarded to adapt the only or main residence of the disabled person.

4.4.2 It must be deemed *reasonable and practicable* for the adaptation to be completed and ensure it can be carried out given the age and condition of the property.

4.4.3 The Council must be satisfied that the disabled person is living suitably within the home (i.e. has permanent use of a suitable bedroom, washing facilities and access to the property) 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 in writing as to why the property has been deemed unsuitable.

4.4.4 Where the cost of the adaptations requested is extensive and beyond what can reasonably be provided within the scope of a Mandatory DFG, this will be discussed as early in the process as possible with the client and the OT's to ensure a suitable solution can be reached.

4.4.5 Grants for tenants in rented properties (including socially rented properties) cannot be awarded if the relevant landlord does not consent to the property being adapted. However, a landlord cannot unreasonably withhold consent

4.4.6 Annexes are regarded together with the main property to which they are attached. Annexes are not considered as a separate property or means tested as separate units. Only the property owner(s) is eligible to apply for a grant, and not the person residing in the annex

4.4.7 No grant funding will be awarded if work has started at a property before The Council has approved an application.

5. Approval of grant

5.1. For the application to be approved by The Council, the following must be complete:

- Application
- Determination of financial eligibility
- Quote and plan (if appropriate)
- OT confirmation the adaptation will meet the need of the disabled person
- Consent from landlord or joint home owner
- Any planning permission required

5.2 Only at the point all of the above is complete will the application be deemed valid. From the date the application becomes valid, The Council have 6 months to approve the grant. A flow chart for the DFG process can be found at appendix 1.

6. Local Land charge

6.1 Where the value of a mandatory 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.

6.2 If the house is sold during this 10 year period, the land charge will be required be repaid in full at the point of sale. 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.

6.3 Under certain circumstances, The Council may decide not to recover the debt and this decision will be made on a case by case basis, depending on particular circumstances of the applicant.

- The recipient of the grant would suffer financial hardship
- If disposal of the premises would enable the recipient to take up or relocate for employment purposes
- If disposal is due to reasons connected with physical or mental health
- If disposal is made to enable the recipient to live with or near any person to provide care for the disabled person

7. Contractors

7.1 All applicants have the choice of which contractor to use to undertake their adaptation. This option will be given to the applicant once the application process is complete.

7.2 If the applicant would prefer The Council to select the contractor on their behalf, adaptations arranged by The Council will be carried out by the Contractor Framework. The Framework began in July 2018 and undertakes a contract with The Council and the contractors to undertake the works on behalf of the applicant.

7.3 The Council reserves the right to withdraw any contractor from the framework at any point throughout the framework period if there is just reason to do so.

7.4 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.

7.6 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.

7.7 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.

8. Completion and Payment

8.1 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.

8.2 The Council will pay the grant once all work has been completed to the satisfaction of both The Council and the grant applicant and the following documentation has been received, grants cannot be paid until all documents are returned:

- Invoice (addressed to the customer)
- Signed customer completion form
- Any relevant certificates including electrical
- Building regulation certificate (if required)
- Any warranty documents

9. Maintenance, repairs and warranties

9.1 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.

9.2 All stairlifts and through floor lifts come with an extended 5 year warranty

9.3 All works are guaranteed for 12 months, should any problems arise within 12 months of the works being completed, the cost of repair can be covered by The Council. Outside of 12 months, no repairs can be undertaken by The Council and the responsibility will lay with the home owner.

9.4 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.

10. Adaptations different to what is recommended

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

10.2 The Council will have the adaptation 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 Council will produce a cost from the Framework Schedule of Rates (SOR) or request 3 quotes for this work from 3 different contractors. The Council will make a financial grant offer based on the SOR or 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 The Council 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 The Council will accept no responsibility for their work)
- Consent from the landlord if applicable
- CDM action plan

10.3 Once all the above has been received, The Council will formally approve the grant. This grant will be directly paid to the contractor once the works are complete and the above information is provided as detailed in completion and payment.

11. Further DFG information

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

11.2 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.

11.3 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.

12. Regulatory Reform Order 2002

12.1 Due to the high demand for Mandatory DFG's and no increased allocation via the Better Care Fund, there are no current plans to adopt a Housing Assistance policy. Therefore, The Council are only able to offer Mandatory DFG adaption works delivered in line with Housing Grants, Construction and Regeneration Act 1996.

12.2 The Council will continue to monitor its position, should circumstances change, a new Housing Assistance policy will be adopted to offer additional and more flexible discretionary financial assistance.

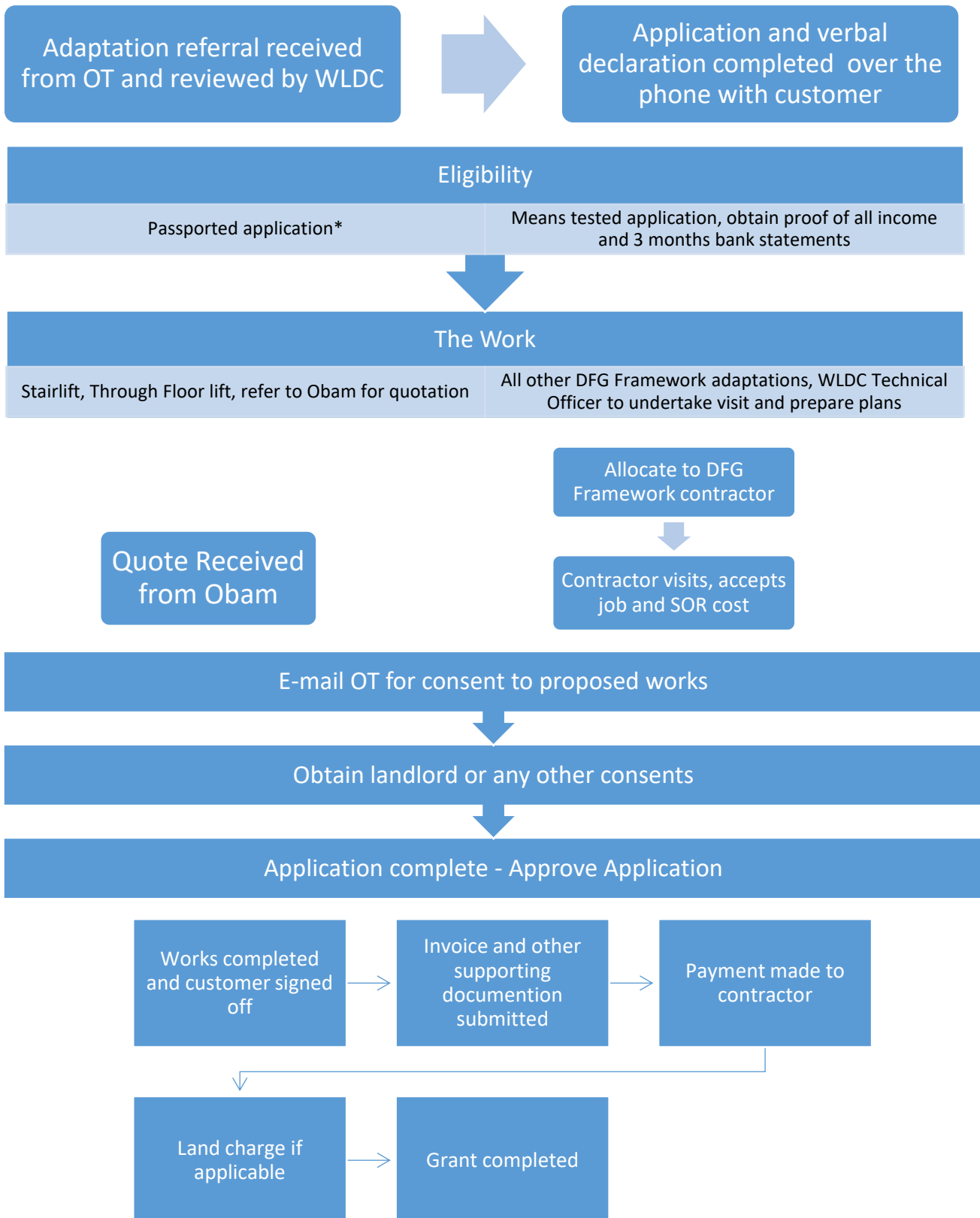
13. Complaints

13.1 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.

14. Policy Review

14.1 This policy will be reviewed annually or as required based on the availability of finance to provide the necessary assistance.

Appendix 1 - DFG Flow chart



*Passported Applications - Housing Benefit, (Housing Benefit, Universal Credit, Guarantee Pension Credit, Income Support, IR Employment and Support Allowance, Income based Job Seekers Allowance