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Lewes District Council



Working in partnership with Eastbourne Homes

Disabled Facilities grants Policy 2019

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1. Introduction

The Disabled Facilities Grant (DFG) is a mandatory grant, as provided by The Housing Grants, Construction and Regeneration Act 1996 (the 96 Act), available to all applicants, towards the cost of eligible works necessary to support people of all ages and tenure to live independently and safely in their own homes. Local Authorities have a statutory duty to provide DFGs to applicants who qualify. The Policy covers Lewes and Eastbourne Councils which are referred to as 'the Council' throughout the document.

This policy is in two parts:

1) Mandatory DFGs - sets out the mandatory legal framework for DFGs in accordance with the 96 Act including eligibility criteria and the prescribed means test assessment.

2) Discretionary DFGs – sets out 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. Whilst the Better Care Fund will primarily support private sector housing clients, if an intervention supports the Prevent agenda it will not exclude residents of Local Authority stock.

2.0 Mandatory DFGs

Mandatory grants are available for people who are registered disabled and meet the criteria of the 96 Act for works to:

- facilitate access by the disabled occupant to, from and within the dwelling (for the purpose of this grant a dwelling includes mobile homes and houseboats);
- provide essential facilities and amenities within the dwelling; and
- facilitate access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant.

2.1 Eligibility

All owner-occupiers and tenants, licensees or occupiers (meeting the statutory criteria set out in the Housing Grants Construction and Regeneration Act 1996) are eligible for DFGs. All applications must be supported by East Sussex County Council's (ESCC) Adult Social Care or Children's Services Department.

Council tenants can apply for adaptations but unless they meet the Better Care Fund criteria they will not be funded via the DFG process as all works are funded from the Housing Revenue Account. The Council works closely with Housing Associations to deliver adaptations and whilst Residential Social Landlords (RSLs) are expected to build funding into their business plans there is a statutory duty for Councils to approve DFG's across all tenures. LDC will therefore work with each Housing Association in its area to develop robust and equitable funding agreements which are reviewed on an annual basis.

2.2 Application

In order for the Council to consider awarding a DFG a complete and valid application must have been received. Such an application consists of:

- A completed application form.
- A minimum of two complete estimates from different contractors detailing particulars of all relevant eligible works.
- An Occupational Therapist's (OTs) recommendation detailing the relevant works.
- Details necessary to apply the test of resources (means test)
- Details of any fees or charges, e.g. architect's or agent's fees. These will normally not exceed 12.5% of the eligible expenses for major adaptations and no more than 7% for the provision of equipment.
- Certificate of Future Occupation (normally 5 years)
- Proof of Title.

Where appropriate:

- Owners Consent
- Freeholders consent
- A Tenant's Certificate
- A Certificate of Intended Letting
- An Occupier's Certificate

All valid and completed grant applications are to be determined no later than six months after a completed application is received by the Council. The Council may exercise its discretion to determine that grant monies will not be paid before a specified date (which cannot be later than 12 months after the date of application).

2.3 Estimated Expenses

In determining the estimated expense and calculating a DFG the following elements are considered:

- Which of the relevant works are eligible for grant 'the eligible works'.
- The amount of the expenses to be properly incurred in the execution of the eligible works.
- The lowest estimate that meets the specification usually wins the tender, however the customer may select a higher value tender provided they are willing to pay the difference between their preferred contractor's estimate and the lowest.
- Costs attributable in relation to grant works, i.e. fees and charges.
- Extended warranties for external stair lifts, communal stair lifts, through floor lifts and wash-dry toilets, automatic doors, and rise and fall baths.
- The grant is means tested and the amount of grant paid will be determined by a 'test of resources' that determines the applicant's contribution to the works. The mandatory grant will not exceed £30,000.

If the grant applicant is unable to meet their assessed contribution they can apply for a Home Trust Loan under the Council's subsidised loan scheme. In such circumstances the Housing, Health and Safety Rating system (HHSRS) criteria does not have to be met, providing the DFG has been assessed as being necessary and appropriate, reasonable and practical.

Any work that falls outside the criteria for mandatory DFGs will be referred to ESCC's Social Services Department for their consideration under the Chronically Sick and Disabled Persons Act 1970.

Applications in respect of disabled children and young people under the age of 19, who are dependant, are exempt from the means test.

2.4 Commencement of Works

Work cannot commence before the grant is approved. Any works started before grant is approved will not be grant aided.

2.5 Minor Works

If an adaptation is expected to cost below £1,000 then it will be considered to be a Minor Adaptation and East Sussex County Council will arrange for the works to be completed and a referral will not be made to Lewes and Eastbourne Councils.

2.6 Supervision and Payment of Grant

Council Officers will inspect the grant works during their progress and, subject to satisfactory execution; officers can recommend the Authority makes interim payments. Final payments will be made on the Officer's satisfaction that the works have been completed satisfactorily and on receipt of the builder's (or in the case of materials, suppliers) invoice.

Payments will be paid directly to the builder/agent unless the applicant has indicated otherwise.

NB The Council Officers act on behalf of the Authority to ensure public funds are spent correctly and value for money is achieved. Applicants must be aware that Officers do not act on their behalf. There are therefore no guarantees as to the quality of workmanship and any disputes arising between applicants and their contractors are the applicant's responsibility.

2.7 Conditions of Grant

The eligible works must be undertaken by the contractor(s) who provided the approved estimate(s) included in the application. We may vary this requirement where we consider there is a genuine reason to do so and it is in the interest of achieving the OT's recommendations. Prior permission shall be obtained in writing from the Council by the applicant before any change in contractor takes place. The use of a different contractor to one included in the application without our permission may result in our cancellation of the grant and/or repayment by the relevant person.

We will consider re-determining a grant approval where the eligible works cannot be completed without carrying out unforeseen further works or where the works are required to ensure the property is free from Category One Hazards. Unforeseen works will only be considered for financial assistance by the Council where work has not been started prior to the work having been agreed as 'unforeseen work' by the Council.

If applicants are required to contribute to the grant, this must be paid and satisfactory evidence provided that payment has been made, i.e. a signed and dated receipt, before the Council will make any grant payment.

Where works are taking place in addition to grant aided works, but which are not grant aided and are funded by the applicant, these works must be completed and paid for by the applicant before any payment will be made with respect to the grant aided works.

Grant aided work must meet all the OT's recommendations unless the OT has given written approval of an alternative suitable scheme.

In the event of a breach of any of the conditions set by the Council, we may demand payment from the applicant/owner/occupier/landlord/trustee/beneficiary (whichever is appropriate) a sum equal to the amount of the grant paid or any instalments of grant paid. We have the discretion either not to demand repayment, or to require payment of less than the full amount.

2.8 Local Land Charge

A Local Land Charge will be placed on the owner/occupiers adapted property where the cost of the DFG exceeds £5,000, limited to a maximum of £10,000. The Charge will be incurred if the property is sold within 10 years.

The grant will be registered as a Local Land Charge and will be enforced when the applicant has disposed (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given. In which case the Council may demand repayment of up to £10,000, inclusive of any fees or charges.

The applicant shall, from the certified date throughout the grant condition period of 10 years, notify the Council of their intention to sell or otherwise dispose of the property. Pursuant to this condition the applicant shall furnish the Council with any information reasonably requested by them in connection with such notification.

2.9 Agents

All applicants are encouraged, though this is not a mandatory requirement, to enlist the services of an agent, architect or architectural technician or surveyor to assist them in the process of application where the adaptation involves building alterations. Agency assistance is not normally required where the adaptation involves the straightforward installation of lifting equipment e.g. stair lifts. Agents fees are grant aided. Fees will be no more than 12.5% (excluding VAT) of the eligible work and not more than 7% on equipment.

2.10 General Expectations

The Council's decision making will take into account the following specific expectations and presumptions:

Grant works should properly and fully meet the assessed needs of the client. Grants that only partially meet those needs will only be considered in exceptional cases.

Works funded by means of DFG will be the simplest and most cost-effective adaptations that will meet the client's assessed needs. This will include 'making-good' any works, such as painting disturbed areas.

Wherever the Council judges it to be a practicable and realistic option, the re-arranging 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.

Applications for grant aided work will not normally be considered where works have started but have not been completed or where work has been completed.

3.0 Discretionary Disabled Facilities

3.1 The Better Care Fund

In 2015 £3.8 billion was pooled into a single budget for health and social care services to work more closely together – the Better Care Fund. The Fund provided an increase in funding for home adaptations and related opportunities to improve integration between health and housing services, in particular to reduce hospital admissions and allow early hospital discharges.

The Better Care Fund is contributing to the additional allocation for DFGs provided to Lewes and Eastbourne Councils under a determination from Central Government. The grant aims to improve health and wellbeing by encouraging more flexible and instant availability of DFG monies. The Councils will encourage and consider any bid for funding from the Better Care Fund for schemes which will demonstrably support the stated purposes of the Fund, whether from individuals or from organisations, to support individual disabled people within a housing adaptation setting.

It is important to note that discretionary funding will only be available for eligible works, i.e. those meeting the mandatory DFG criteria. The Discretionary process will also mirror the mandatory process in terms of application, payment and conditions. Discretionary grants are subject to funds being available and mandatory grants will be prioritised first.

Discretionary provision will be reviewed within one year of its adoption to consider which flexible DFG works arrangements will continue after the first year. All flexible DFG works are discretionary and may be withdrawn by the Council at any time.

3.2 Discretionary Provision

There are six discretionary elements:

3.2.1 Fast Track grants

The Council will remove the financial assessment i.e. means test for DFGs in the following instances:

- For all works where the cost of the approved grant does not exceed £8,000.

- If the costs exceed £8,000 for the following types of adaptation requests submitted by the OT, providing the request contains only one of the following items:
 - Level Access Showers
 - Stair lifts
 - Through Floor Lifts
 - Ceiling Track Hoists
 - Wash-dry toilets
- If there are several elements to the work i.e. a shower and a ramp, and the applicant is assessed to have a contribution then the first £8000 would be funded by a DFG before they have to contribute.
- If additional works are required after approval of the grant that would increase the cost of works above £8000 then no retrospective means test would be applied.
- Hospital discharge in urgent/extreme circumstances where cases are identified by health and/or social care professionals.
- For palliative care applicants, in consultation with health and/or social care professionals, including where the costs exceed £8000.

3.2.2 Maximum Grant Amount

With the increase in the cost of building material and labour in the 9 years since the £30,000 limit was introduced, an additional £20,000 will be made available as 'top up' from the DFG budget before recourse to funding from ESCC. For any work above 50k the Council will match fund any top up offered by ESCC to a maximum of £10,000. For example if the cost of work was 60k, the Council would fund 55k of the work and ESCC contribute 5k. A Local Land Charge will be applied, see below for details.

3.2.3 Relocation Expenses

In some cases, it is considered that moving home is more appropriate to meet the needs of a disabled occupant, and it is not reasonable or practicable to adapt the existing home.

Relocation expenses up to a maximum of £10,000 will be considered at the Council's discretion where the property is not cost effective to adapt. The new property must either be already adapted or be adaptable at a reasonable cost. The expenses may include estate agent's fees, solicitor's fees, stamp duty, and/or removal costs.

This grant may be used towards the cost of purchasing a new home where the applicant owns their existing home or for moving to alternative rented accommodation for an existing tenant. The Council will also offer up to £1,000 for

applicants living in the private rented sector to move to a more suitable rental property to cover reallocation expenses.

3.2.4 Hardship DFG

Where DFG applicants have a means tested contribution but have insufficient capital to meet that obligation they are guided to Parity Trust for a loan to cover their contribution. If Parity Trust is unable to approve a loan (i.e. the applicant will be left in unnecessary financial hardship by making loan repayments) the Council will provide discretionary funding to a maximum of £10,000 for eligible work. Assistance will be awarded on a case by case basis, and is aimed at stopping applicants facing hardship in order to receive appropriate adaptations to their home.

3.2.5 Feasibility Studies

Where complex work is anticipated, or where preliminary investigations/work is required to determine whether a grant is viable the Council will, at its' discretion, provide £1000 towards a feasibility study/preliminary work before a grant is approved. If a grant is then awarded the £1,000 will be included in the grant and not be an additional amount.

3.2.6 Hospital Discharge Grants

The Council at its discretion may pay up to £3,500 to support people with disabilities or vulnerabilities being discharged from hospital. The Hospital Discharge Grant will not be means tested. The funding will only be available if there is no other relevant health or social care funding obtainable, and following a referral from an OT or relevant healthcare professional. The Hospital Discharge grant excludes packages of care funded by NHS continuing healthcare. Example of interventions which may be carried out include, but are not restricted to; decluttering, deep cleaning, clearing properties, repairs needed to free a property of Category 1 Hazards under the Housing Health and Safety Rating System and repair of heating systems.

3.2.7 Local Land Charge for Discretionary Funding

Any discretionary funding awarded over the mandatory £30,000 will be registered a Local Land Charge against the resident's (owner occupier's) property for 10 years following the completion of work. For any discretionary funding the Land Charge will be a maximum of £20,000 which will be in addition to the £10,000 maximum for mandatory work. The maximum land charge will be 30,000.

For example if the cost of work was £70,000 the Council would fund 60k (30k mandatory and 30k discretionary) of the work and ESCC be asked to contribute 10k. A Local Land Charge would be placed on the property for 30k (10k mandatory and 20k discretionary) which would be the maximum Land Charge possible.

4.0 The Equality Act 2010

The definition of disability is provided by the Equality Act 2010. A person has a disability for the purposes of this Act if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities. Schedule 1 of the Act expands on this definition including further definition of 'long term effects', normal day to day activities' and 'substantial adverse effects.'

However, there may be people who, whilst not meeting the substantial and long-term test, will have had needs identified and assessed under the NHS & Community Care Act 1990, The Carers (Recognition and Services) Act 1995, or The Carers and Disabled Children Act 2000, for whom an adaptation will form part of an appropriate service to address their needs.

All potential DFG applicants will be provided with suitable and sufficient support and guidance appropriate to their needs throughout the application process. All information will be transparent, easily understood and appropriately communicated. If, for whatever reason a DFG does not go ahead the applicant will be supported by an OT to ensure their health and welfare is not adversely affected.

All documents will be available in different formats and languages on request

5 Exemptions Policy

Grants not meeting the requirements of the above policy and criteria can be awarded at the discretion of the Director of Service Delivery in consultation with the Lead Member for Housing. 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.