

Disabled Facilities Grant Policy 2020-22

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Responsible Section	Strategic Housing	Version / Status	V4
Responsible Author	Mick Coogan	Agreed at ONS	16/07/18
Date last amended	23/10/2019	Agreed at Cabinet	27/11/19
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1. Introduction

Under the Housing Grants, Construction and Regeneration Act 1996 (the Act), Rossendale Borough Council (the Council), in its capacity of a housing authority, has a statutory duty to provide Disabled Facilities Grants (DFGs) to applicants who qualify. The primary aim of DFGs 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 for DFGs, and how the Council intends to use its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) to provide discretionary interventions to promote independent living and well-being.

In order for the Council to use its discretionary powers under the RRO it must have a policy. This policy sets out the new flexibilities the Council is adopting in respect of DFGs, including, but not restricted to, changes to the maximum award and as ceiling for means testing.

2. Aims of the Policy

- To improve the lives of people with disabilities by enabling access and movement around their own home with the use of adaptations
- To allow more effective use of the Better Care Fund, cutting out bureaucracy and contributing to the aims of the fund, in particular, reducing hospital admissions and allowing early hospital discharges.
- To reduce the need for domiciliary and residential care by allowing people with disabilities to live more independently in their own homes.
- To provide advice, information and support regarding the adaptation of properties to meet accessibility needs, and provide a framework of assistance to vulnerable groups
- To treat individuals fairly regardless of age, sex, gender, disability and sexual orientation and to protect their rights under Data Protection and human rights legislation.

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3. Links with the Council’s Corporate Strategy 2017-21

The policy works towards Priority 3 of the Council’s Corporate Strategy, which is **a proud, healthy and vibrant Rossendale**, in particular the Key Action of Healthy and the following objectives:

- Work with partners to improve the health and wellbeing of our residents, particularly through sport, leisure and our well used parks and open spaces
- Protect the most vulnerable in our communities

4. Mandatory Disabled Facilities Grant

4.1 Legal Framework and Eligibility

Although DFGs were introduced in 1990 the principal legal provisions are contained in the Housing Grants, Construction & Regeneration Act 1996 (the Act) and subsequent associated regulations. The following is a summary of main legal provisions that apply to mandatory DFGs:

- A customer, who defined by the Act as a person with a disability, is eligible for assistance.
- DFGs are mandatory grants which are available to people with disabilities for works which are necessary and appropriate to meet their needs, and when it is considered reasonable and practicable to carry out the works when having regard to the age or condition of the dwelling or building.
- DFGs are means-tested, except if the application is on behalf of a child or young person aged 19 or below. Therefore, the applicant’s income and savings are required to be assessed to determine if the applicant has a contribution to make or even pay the whole cost. Applicants who receive certain specified “passport” benefits are exempt for the means-test, however the means-test is set by law and the Council does not have any discretion when applying it.
- If an applicant is eligible then the Council has a maximum of six months to ‘determine’ the application, which means approve or otherwise, however the determination should be carried out as soon as is reasonably practicable.

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- The maximum mandatory DFG in England is currently £30,000, and this amount would be reduced by any contribution determined as payable under the means-test.
- The Council has the power to recover grants if the dwelling is sold within 10 years, with a maximum recoverable amount of £10,000. Grants below £5,000 are excluded from the recovery powers, and it must be 'reasonable' for the Council to require the repayment given the circumstances.
- The duty to provide DFGs is 'tenure blind', and therefore applications from home owners or those renting in the private or social sector are treated equally depending on their needs.
- An applicant must be 18 years of age or older.
- Parents or guardians are able to apply on behalf of children;
- Landlords are able to apply on behalf of their tenants;
- The property to be adapted must be a legal residence, and this can include dwellings, houseboats, caravans and mobile homes as well as buildings which contain dwellings.

4.2 Eligible works for Disabled Facilities Grants

The Act sets out for what purpose DFGs can be used and applies to all legal residences. Eligible works under the Act in respect to assisting the person with a disability are summarised below:

- Facilitating access to the dwelling and garden, to overcome or remove any obstacles, and allow free movement around the property.
- Making the dwelling or building safe, e.g. lighting or provision of a safe space.
- Facilitating access to a living or family room
- Access to, or the provision of, a W/C, bath or shower (or both) and washhand basin facilities.
- Facilitating accessible food preparation/cooking amenities.

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- Improving or providing a suitable heating system where necessary.
- Providing accessible sockets, switches and controls for power, light and heat.
- Allowing better access to care for a dependant resident in the dwelling.
- To allow access to the dwelling through common-parts of a building.

4.3 Referrals for Disabled Facilities Grants

Lancashire County Council (LCC) has the social care responsibility for 12 districts in Lancashire including Rossendale, whilst Rossendale Borough Council (the Council) and the districts are responsible for statutory housing functions. Therefore LCC has a duty to assess of the needs of disabled adults and children who live in Lancashire, and the assessment is normally carried out by LCC's Occupational Therapist (OT) service prior to an application for DFG funding. In some cases the customer may not come through LCC and customer makes an application direct to RBC, and in these cases RBC reserve the right to employ a private OT to carry out the assessment of need required.

4.4 Prioritisation of DFG Applications

On receipt of a referral from an OT, the Council will deal with each case on a priority basis, regardless of their tenure. Each case will be classified, by recommendation of the OT, into one of the following categories:

- High Priority
- Standard Priority

High Priority cases will be dealt with first by the Council in periods of high demand, and the date a referral is received is also taken into account when distinguishing between referrals.

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4.5 Lancashire County Council Financial Threshold

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

4.6 Residence and Ownership

The property must be the person with a disability's main or only residence to be eligible to be adapted, and if that is not currently the case, then the person with a disability must intend to occupy it as their main or only residence, once the work has been completed, for the grant condition period. The grant condition period is for 5 years, and starts when the works have been complete to the satisfaction of both the Council and applicant.

If an applicant is proposing to buy a new home, then a DFG can only be awarded once the purchase has been completed and this can be proven. If an applicant is looking to buy a new property, then they will be encouraged to liaise with the OT service and the Council regarding the suitability of the dwelling to meet the needs of the person with a disability, whether it is possible to adapt the property, and the likely timescales, cost and contribution expected to do so.

If the applicant is an owner occupier then an **Owner's Certificate** must be obtained. The Owner's Certificate needs to certify that the applicant has or proposes to acquire an owning interest in the property, and that the person with a disability intends to live in the property, as their main or only residence, during the course of the grant condition period.

If the applicant is a tenant then a **Tenant's Certificate** must be obtained. The Tenant's Certificate needs to certify that the application is a tenant's application, and that the tenant (or the person with a disability), intends to live in the property, as their main or only residence, during the course of the grant condition period (providing it is possible due to health and other factors). For rented properties an Owner's Certificate is also needed to be provided by the owner.

If the applicant lives in a **house boat, caravan or mobile home** then an **Owner-Occupation Certificate** must be obtained. The **Owner-Occupation Certificate** needs to certify that the application is an occupier's application, and that the occupier, (or the person with a disability, intends to live in a house boat, caravan or mobile home, as their main or only residence, during the course of the grant

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condition period (providing it is possible due to health and other factors). For rented properties an Owner’s Certificate also needs to be provided by the owner. A consent certificate , consenting to the work being carried out, is also required from each person, apart from the applicant, who is entitled to possession of the premises where the houseboat is moored, or caravan or mobile home are pitched.

4.7 Legal Charges

In accordance with the legislation set out in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, where the adaptation is carried out to a property which is privately owned and the cost of the work is £10,000, or more, the Council may place a legal charge on the property through the Land Registry.

The legal charge will last for ten years. If the property is sold or otherwise changes ownership within ten years of the completion date, the Council will normally require repayment of the grant, however each case will be judged on its own merits as detailed on the Repayment Conditions form the owner is required to sign.

The maximum repayable amount at the change of ownership is £10,000 for a mandatory DFG up to £30,000, however in some cases where discretion is shown and a grant is paid by the Council is in excess of £30,000 then then a legal charge may be placed on the property for the additional amount for a period of 10 years.

4.8 The DFG application process: considering alternative options

During the period that the Council is considering the application a number of options will be explored with the applicant as follows:

- Alternative options such as a possible move to a property owned by a Registered Provider or a private sector property.
- If the customer is a Registered Provider tenant, the Council will liaise with the Registered Providers to determine whether it is more cost effective for the applicant to transfer to another property rather than adapt the existing property.
- Complete a financial assessment to determine eligibility for assistance and if a financial contribution will need to be made by the applicant.
- Explore options to assist the applicant in funding any contribution required by them.

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5. Tendering of DFGs

In accordance with the Council's procurement policy, if the anticipated cost of work is lower than £10,000 two quotations are required. If the anticipated cost of work exceeds £10,000 three quotations are required from the Council's list of contractors who have expressed interest in tendering for such work.

The lowest quotation 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 quotation and the lowest. To ensure value for money, the Council will estimate the cost of job using a schedule of works as a benchmark for comparing the value of tenders.

There are exceptions to the tendering process as stair lifts, through floor lifts, step lifts, ceiling track hoists and automatic wash-dry WCs and rise & fall baths form part of a scheme for the provision of equipment with LCC. The stated items are recommended by LCC, who take ownership of the item as well as the responsibility to maintain it once the manufacturer's warranty has expired. When the item is no longer needed LCC will remove the item so that it can be utilised by another customer.

6. Service standards

Legislation requires a decision from the Council to approve the grant or not within 6 months of receiving the full application (this includes all necessary information e.g. proof of home ownership or landlord consent); the Council will aim to achieve this within 4 weeks. In addition the Council will use reasonable endeavours to meet the following standards:

- After receiving a recommendation from the LCC OT service we will write to the applicant within 5 working days to acknowledge the DFG request has been received and a 'Preliminary Test of Resources from' will be sent.
- Urgent cases will be visited within 4 weeks, and non-urgent cases will be visited in order of recommendation received.
- In accordance with legislation, the Council will aim to complete the installation of all disabled adaptations within 12 months from the date of grant approval.
- The Council aims to process applications fairly, efficiently, courteously and promptly.

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- The Council aims to pay grant money due within 30 days of a valid claim on certified work.

7. Other Options

Registered Providers have the discretion to offer a tenant living in an adapted property, where the adaptations are no longer needed, a disturbance grant to help them move into a non-adapted property and for a DFG applicant to move into the existing adapted property. The discretionary move requires the agreement of both the tenant living in the adapted property and the DFG applicant.

There are benefits to the arrangement as it ensures resources within the borough are effectively utilised and may enable needs to be met more quickly. Registered Providers will seek to optimise the use of their stock by facilitating the transfer of an existing tenant whose needs may be better met by a move to more suitable accommodation such as a ground floor flat or bungalow, rather than adapting their existing home.

Applicants should refer to the Registered Provider's policies for further details on this option. The Council will expect the applicant to accept a reasonable offer of suitable alternative accommodation rather than progress a DFG application.

8. Better Care Fund

From 2015/16 the grant paid from Central Government to Local Housing Authorities to help pay for DFGs has been a named part of the Department of Health's 'Better Care Fund'.

The Better Care Fund is described as a *“single pooled budget for health and social care services to work more closely together in local areas based on a plan agreed between the NHS & local authorities”*.

The Better Care Fund 2016/17 Policy Framework refers to the Better Care Fund as *“the biggest ever financial incentive for the integration of health and social care...it requires Clinical Commissioning Groups and Local Authorities to pool budgets and to agree an integrated spending plan for how they will use their Better Care Fund allocation”*.

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The policy framework confirmed that “*the statutory duty on local housing authorities to provide DFG to those who qualify for it will remain. Therefore each area will have to allocate this funding to its respective housing authorities (district councils in two-tier areas) from the pooled budget to enable them to continue to meet their statutory duty to provide adaptations to the homes of disabled people, including in relation to young people*”.

The current Better Care Fund policy framework 2017 to 2019 can be accessed below:

<https://www.gov.uk/government/publications/integration-and-better-care-fund-policy-framework-2017-to-2019>

In Lancashire the custodian of the Better Care Fund is the Health and Wellbeing Board:

<http://www3.lancashire.gov.uk/corporate/web/?siteid=6715&pageid=40271&e=e>

The Health and Wellbeing Board is administered by LCC, and thus it is ultimately via LCC that the Council now receives its funding allocation to provide DFGs for residents of Rossendale.

The Council intends to use the funding that it receives via the Better Care Fund to help to address the stated Better Care Fund priorities, namely:

- Reducing delayed transfers of care
- Minimising avoidable hospital admissions
- Facilitating early discharge from hospital

9. Maximum DFG entitlement

The mandatory maximum grant that an applicant can be awarded (per application) under the DFG legislation is £30,000.

The Council recognise that extremely complex adaptation cases, mainly for children, involve ground floor extensions plus specialist equipment, resulting in tenders which exceed £30,000.

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The ability to award grants above the mandatory maximum will help the customers to receive adaptations more quickly, rather than seeking alternative sources of funding which is a lengthy process. In exceptional circumstances, at the discretion of the Council and consultation with health and/or social care professionals, the Council may award grants exceeding £30,000 up to a limit of £100,000 from 1st January 2020, which is an increase on the £60,000 maximum award introduced on 1st October 2018. DFG awards above £30,000 will be required to be signed off by the relevant Director after formal consultation with the Portfolio Holder.

10. Flexible DFG Arrangements

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“the RRO”) removed most of the prescriptive housing renewal grant legislation contained in the Housing Grants, Construction and Regeneration Act 1996.

Article 3 of the RRO introduced wide ranging discretionary powers to allow Councils to develop different forms of assistance to meet local needs.

The Council made use of the RRO provisions to enable it to use funds received from the Better Care Fund more flexibly, responsively and effectively from 1st October 2018, and subject to available funding, the Council will use its powers to offer discretionary assistance as detailed in this section. However the Home Displacement Grant (see 10.8) is additional to the previous version of the policy and will be introduced from 1st January 2020.

10.1 Threshold for Financial Assessment

The Council has removed the financial assessment for DFGs in the following instances:

- All works where the cost of the approved grant does not exceed £7,000.
- Hospital discharge in urgent/extreme circumstances, cases identified by health and/or social care professionals, including where the costs exceed £7,000.
- At the discretion of the Council in consultation with health and/or social care professionals, including where the costs exceed £7,000.
- If the costs exceed £7,000 for the following types of adaptation requests, submitted by the Occupational Therapy service, providing the request contains only one of the following items:

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- Level Access Shower
- Stairlifts (via LCC Equipment Scheme)
- Through Floor Lifts (via LCC Equipment Scheme)
- Ceiling Track Hoists (via LCC Equipment Scheme)
- Wash-dry toilets (via LCC Equipment Scheme)

If additional works are required after approval of the grant that would increase the amended approval cost above £7,000 there will be no retrospective means test carried out.

10.2 Assistance with Assessed Contribution following a Means Test

The Council is aware that in some cases there may be difficulty for the applicant paying the assessed contribution. In such cases applicants will be able to complete a financial statement detailing their income and outgoings, and at the discretion of the Council the contribution may be reduced or rescinded if appropriate. 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.

10.3 Relocation Grant

In cases where the Council deem it not reasonable and practicable to adapt an applicant's current home to meet their needs, then a grant of up to £5000 may be awarded at the Council's discretion to assist the applicant to move to a more suitable home in addition to any adaptations required. The assessment of the suitability for adaptation of the existing and new property will be carried out by the Council in close liaison with a LCC OT. The OT will assess that the new property is suitable to meet the needs of the person with a disability. If the value of the grant for the adaptations in the new property is expected to be under the threshold (£7,000) for means testing according with section 10.1, then the relocation grant will not be subject to means testing. Any legal charge on the property in accordance with section 4.7 will not take into account the amount of the relocation grant. To be eligible for the Relocation Grant an owner occupier must commit to remain in the property for the grant condition period of 5 years.

10.4 Hospital Discharge Grants

The Council at its discretion may pay up to £2,000 to support people with disabilities or vulnerabilities being discharged from hospital. The funding will be available if

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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. Work which may be carried out include, but are not restricted to; deep cleaning, clearing properties, repairs needed to free a property of Category 1 Hazards under the Housing Health and Safety Rating System, other urgent repairs, repair of heating systems and the provision of emergency heating. The Hospital Discharge Grant will not be means tested.

10.5 DFG Fees Grant

The Council at its discretion may pay professional fees and associated charges required for preliminary DFG work to see if the project is feasible for cases where the DFG does not proceed. The fees must be reasonable, and are limited to £2,000, and cover, but are not limited to, surveyors' fees, structural engineer and private OT fees. All fees must be agreed with the Council before any work takes place, in order to be eligible, and this will be done on case by case basis.

10.6 Safe Homes Grant

The discretionary Safe Homes Grant is aimed at keeping people who are disabled or vulnerable, including those who suffer from dementia or have visual impairments, safe in their homes by providing repairs to disability related equipment. Referrals are accepted from LCC or hospital based OTs, the maximum payment is £5,000, and it is not means tested. The works exclude and equipment under warranty or maintained by LCC or where LCC can provide assistance.

10.7 Warm Homes Grant

The discretionary Warm Homes Grant is aimed at keeping people who are disabled or vulnerable, including those who suffer from dementia or have visual impairments, safe and warm in their homes by providing repairs to boilers and heating systems. Referrals are accepted from LCC or hospital based OTs. The maximum Warm Homes Grant payment is £3,000, and it is not means tested. The works exclude any equipment under warranty, or where other LCC, Council or similar funding/schemes are readily accessible and the applicant qualifies.

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10.8 Home Displacement Grant

The Home Displacement Grant is for those rare occasions when it is not possible for the applicant's households to remain in their home whilst the adaptation is being carried out. The maximum Home Displacement Grant payment is £5,500, or £55 per night of displacement, whichever is lowest, and it is not means tested. The Council will not pay more than the actual cost of the alternative accommodation, and the applicant will be responsible for finding suitable alternative accommodation and providing evidence such as invoices, bill or statements, before any grant is paid. Any Home Displacement Grants will need agreement in writing from the Council, and are only for extreme circumstances. Any legal charge on the property in accordance with section 4.7 will not take into account the amount of the relocation grant.

10.9 Review and Cessation of Flexible DFG Works

The policy will be reviewed within two years of its adoption to consider which flexible DFG works arrangements will continue. All flexible DFG works are discretionary and may be withdrawn by the Council at any time. The decision to award any flexible DFG work or services is completely at the discretion of the Council.

11. Compliments and Complaints

You can help us to improve our services by providing your feedback.

We would like to hear from you if:

- You have an idea that will help the council to do things better
- We have done a good job
- We have done something wrong or you want to complain

How to get in touch:

Online form or feedback form via www.rossendale.gov.uk

By email to: complaints@rossendalebc.gov.uk

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In writing: Committee and Member Services Team, Rossendale Borough Council, Futures Park, Bacup, Rossendale, OL13 0BB.

We aim to:

Write to you within 24 hours to tell you that your complaint /feedback is being dealt with and who is dealing with it.

Send you a full reply within a further 10 working days, or keep you informed of the progress of your complaint/feedback should it take longer than 2 weeks to resolve.

This is stage 1 of the process.

Provide you with a right to have your case reviewed by a senior manager if you are dissatisfied with the reply you receive or the action taken. This is stage 2 of the process.

The full complaints can also be found on the Council's website.

View the full complaints procedure in this section to find out more about how we will deal with your complaint

Local Government Ombudsmen

The Ombudsman will only normally investigate complaints where they have been dealt with by the Council's own complaints procedure:

Contact Details:

Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

Tel No 0845 602 1983

Website www.lgo.org.uk

Email advice@lgo.org.uk

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12. Monitoring and Review

The Director covering Strategic Housing is responsible for ensuring that Council Officers adhere to this policy and that the policy is effective.

This policy will be reviewed after 2 years. It may be reviewed earlier if there are significant changes in legislation, statutory guidance, local priorities or capital funding.

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