



DISABLED FACILITIES GRANT POLICY

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Disabled Facilities Grant Policy 2022-2027

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1. Introduction

Under the Housing Grants, Construction and Regeneration Act 1996 (the Act), East Hampshire District 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.

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 adjusts the threshold 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, particularly, 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.

3. Links with the Council's Corporate Strategy

The DFG policy is directly in line with Theme 2 of the Council's Corporate Strategy, which is 'A safer, healthier and more active East Hampshire', and would play a key role in helping to deliver the Welfare and Wellbeing Strategy.

4. Funds for Disabled Facilities Grants

Central Government makes capital funding available for DFGs as part of the Department of Health's Better Care Fund. The grant is for the provision of adaptations to disabled people's homes to help them to live independently in their own homes for longer. The Better Care Fund is made up of local pooled funds, local partnerships between Care Commissioning Groups and Local Authorities.

The DFG has been included in the Fund so that the provision of adaptations can be incorporated into the strategic consideration and planning of investment to improve outcomes for service users. Hampshire County Council (HCC) has allocated the funding to the Council from the pooled budget, to enable the Council to continue to meet its statutory duty to provide adaptations to the homes of disabled people, including in relation to young people aged 17 and under.

5. Legislation/Guidance

Housing Grants, Construction and Regeneration Act 1996, Part 1

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

ODPM Circular 05/2003: Housing Renewal: A Strategic Approach

Provides comprehensive guidance on processing grants, legal requirements for applications and approvals, grant conditions and financial/exchequer subsidy matters; guidance on the fitness standard, service of Repair notices, Demolition and Closing Orders.

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.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

Gives councils greater powers to provide discretionary assistance. This may take the form of top up grants or restructuring the means testing process. The Order also enables councils to provide other sorts of assistance, for example, providing a grant to address serious hazards in a vulnerable person's home. Councils may give discretionary assistance in addition to mandatory disabled facilities grants.

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). NB. local authorities may award discretionary grant awards in excess of this limit in appropriate circumstances.

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.

2017-19 Integration and Better Care Fund Policy Framework

This outlines the policy framework under which Better Care Fund monies are

allocated and their intended purpose and details the agreed National Conditions for its use.

NHS & Community Care Act 1990

The NHS and Community Care Act 1990 provides the context for the assessment of and response to potential needs including the adaptation of properties. The Act establishes a requirement that a needs assessment must be carried out where it appears to the social services authority that any person for whom they may provide or arrange community care services, may be in need of such services.

Housing Renewal Grants (Services and Charges) Order 1996

Under this statutory instrument a fee can be charged for a wide ranging list of local authority duties and services including specialist and professional duties in relation to the administering and delivery of local authority grants, in particular the grants specified within Housing Grants, Construction and Regeneration Act 1996.

Equality Act 2010

The Equality Act 2010 abolished the earlier Disability Discrimination Act 1995 and hence the current definition of disability is provided in the most recent legislation. 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 to 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 response by the welfare authority

6. Mandatory Disabled Facilities Grants

This grant is available to help disabled people who live in public or private sector housing to carry out essential adaptations to their homes so that they can continue to live in their own homes.

The DFG is a mandatory grant for works considered necessary and appropriate by the Occupational Therapy Service, and reasonable and practicable depending on the condition and age of the property by the Council. The maximum mandatory grant is £30,000, however by using funding from the Better Care Fund the Council currently has discretion (exercised by a panel of officers) to increase this to £60,000 (please see further detail in section 8 ‘Top-up Grant’ below).

The following works are eligible for mandatory DFG, subject to confirmation of the need by HCC’s OT Service.

- Facilitating access by the disabled occupant to and from their home or the building in which their home is situated.
- Making the home safe for the disabled occupant.

- Facilitating access by the disabled occupant to the main family room.
- Facilitating access by the disabled occupant to, or providing, a room used for sleeping.
- Facilitating access by the disabled occupant to, or providing a room in which there is, a lavatory, or facilitating the use of this facility.
- Facilitating access by the disabled occupant to or providing a room in which there is a bath or shower and a wash basin or facilitating the use of such facilities.
- Facilitating access by the disabled occupant for the preparation and cooking of food within the home.
- Improving, or making more suitable, an existing heating system to meet the needs of the disabled occupant, or if there is no existing heating system, providing one to meet his/her needs.
- Facilitating the use by the disabled occupant of a source of power, light or heat by altering the access to, or control of that source, or by providing additional means of control.
- Facilitating access by the disabled occupant around the home to enable him/her to care for another person who normally lives there and is in need of such care.
- Facilitating access by the disabled occupant to the garden of the dwelling.

7. DFG Applications

Home owners, housing association tenants and private tenants are eligible to apply for a DFG in respect of a disabled occupant. Private landlords can also apply on behalf of an occupant who is registered disabled or eligible to register. Applications will only be considered where an Occupational Therapist (OT) has recommended the works.

The works proposed should provide the most effective, long-term solution taking into account the relevant circumstances of those affected. In some instances, the existing home will not be suitable for adaptation and after consultation with the OT, the Council may recommend that to be able to provide the adaptation the client requires, it would be more practical for the disabled person to move to more suitable accommodation.

All applications, except those for a child under the age of 16, or a young person under 19 who is in full time education, are subject to a standard financial means test of the disabled person and their partner, unless they are in receipt of a passporting benefit e.g. Housing Benefit. This determines the level of contribution, if any, that the applicant will be required to make towards the cost of the work.

Where an applicant is unable to fund their assessed financial contribution the

Council and Social Services, working together with partners will explore other possible funding options available. In the case of the landlord's application, the landlord may be required to contribute towards the cost of the work.

8. Discretionary Assistance

The Better Care Fund brought together money from several health and social care budgets into a central pool. The aim of the fund is to provide more joined-up and customer focussed services to reduce hospital and care admissions and enable people to return from hospital more quickly. While Mandatory DFGs are provided for in legislation, the Better Care Fund provides the opportunity for local authorities to broaden the scope of DFG financial assistance and provide discretionary grants.

Assistance by providing discretionary grants will support prevention, promote independence, and delay transfer of care. These grants would run alongside the mandatory DFG scheme, which will remain the Council's priority.

The agreed discretionary assistance measures are as follows:

Applicant's Contribution Disregard

The test of resources will still apply for all grants for adults regardless of tenure. The first £13,000 of a client contribution will be disregarded. Therefore, a client with a contribution up to £13,000 will pay nothing. The official test of resources included with the approval documentation will be sent out in the usual way showing the calculation. (Disregard figure based on data analysed from financial year 2019/20. N.B. To be reviewed annually due to significant increases in building costs since 2020).

Top-up Grant

The current maximum mandatory DFG stands at £30,000. A DFG top-up of up to £30,000 may be available at the discretion of the Council and every case put forward for the top-up grant will be examined by a panel of not less than two officers including the grants officer, and a senior officer within Environmental Health.

This grant is intended to assist in cases where a major adaptation has been identified as essential to meet the needs of the disabled person and once all other options have been considered. Matters considered will include the applicant's ability to afford the excess cost of mandatory works, the likelihood of the scheme not proceeding and consequences for the disabled occupant. A check list of criteria will be on an additional form.

Discretionary grants are subject to funds being available and mandatory grants will be prioritised. It is important to note that discretionary funding will only be available for eligible works. Discretionary provision will be reviewed annually or to fit with the cycle of funding allocations. Given the unpredictable nature of the demand, costs and funding of these applications it is important to note that any discretionary DFG grant may be withdrawn by the Council at any time.

Abortive Fees Grant

Professional fees are normally paid as part of the DFG if the works proceed. However, professional fees and associated charges may be incurred to determine whether a DFG project is feasible and, in some cases, works may be unable to proceed e.g., planning consent refused or death of disabled person etc. In such cases the Abortive Fees Grant will be available to cover reasonable justified costs.

It should be noted that the Abortive Fees Grant may not be approved where the Council determines that the applicant has engaged the professional / specialist involved and then cancelled the works without justifiable cause.

Applicants cannot make more than one application for an Abortive Fees Grant in respect of the same grant eligible works.

Critical Repairs Grants

These discretionary grants are only available to owner occupied homes and are to assist homeowners carry out improvements or repairs to remove serious hazards as defined by the Housing Health and Safety Rating System (HHSRS). If such a hazard is present, an officer will prepare a schedule listing the works that the Council is prepared to fund by way of a Critical Repair Grant.

Grant awards are up to a maximum of £5,000 plus VAT (if applicable). Where eligible works exceed the grant limit, applicants will normally be expected to raise the additional funding. Priority will be given to those applicants most vulnerable by age, health, mental capacity or financial status. If the grants officer feels it is appropriate, they may consult with Social Services Occupational Therapy.

Only one Critical Repairs Grant application will be entertained within a period of 3 years.

The applicant will be required to provide a completed application form and at least one competitive estimate. Applicants will be subject to the same means test as mandatory DFG applicants (Applicant's Contribution Disregard applies) and proof of title being confirmed by the Land Registry.

This is a discretionary grant and therefore such assistance only remains available while funds permit. Funding may be withdrawn with immediate effect for grants yet to be approved.

Specialist Equipment Replacement Grant

These discretionary grants are to assist applicants to replace specialist equipment shown to be beyond economic repair e.g. stairlifts, through floor lifts, step lifts, wash/dry toilets, etc.

Applicants must provide evidence that the equipment has been regularly maintained under the terms of a service plan (if applicable) and submit evidence from a reputable company to demonstrate that repair is impossible or unreasonably expensive.

If the equipment is needed by a person other than the person for whom it was originally provided, a prerequisite will be a referral and recommendation from an OT e.g. where the original disabled person is deceased or the equipment is needed by another occupant.

Applicants will be subject to the same means test as mandatory DFG applicants (Applicant's Contribution Disregard applies).

This is a discretionary grant and therefore such assistance only remains available while funds permit. Funding may be withdrawn with immediate effect for grants yet to be approved.

Disability Repair Grants

These discretionary grants are intended for essential repair of adaptations fitted under a DFG to keep a disabled person safe after the guarantee/warranty period has expired.

These grants are only available to owner occupied homes and private tenants. Grant awards are up to a maximum of £3,000 plus VAT (if applicable). Where eligible works exceed the grant limit, applicants will normally be expected to raise the additional funding.

The applicant will be required to provide a completed application form and at least one competitive estimate. Applicants will be subject to the same means test as mandatory DFG applicants (Applicant's Contribution Disregard applies) and proof of title being confirmed by the Land Registry.

This is a discretionary grant and therefore such assistance only remains available while funds permit. Funding may be withdrawn with immediate effect for grants yet to be approved.

Stairlift Grants

Stairlifts are commonly provided under mandatory DFGs which are subject to means testing. However, such grants are relatively expensive to administer compared to the value of the grant. These discretionary grants are therefore to assist applicants with stairlift provision without the obligation to undergo means testing where a referral and recommendation has been submitted by an OT identifying the need for a stairlift(s).

The applicant will be required to provide completed application forms and at least two competitive estimates.

This is a discretionary grant and therefore such assistance only remains available while funds permit. Funding may be withdrawn with immediate effect for grants yet to be approved.

Urgent Adaptation Grant

These discretionary grants are to assist with adaptations where a report has been submitted by the OT identifying the need for urgency e.g. palliative cases or where there is an imminent risk to health. These grants will only be applicable where the

likely cost is judged to be less than £5,000. In all cases the grant officer will need to concur with a senior colleague and agree the need for the case to be eligible for this type of grant. In these cases, only one quotation for the work may be needed if agreed by the senior colleague. Similarly, at the discretion of the grant officer in consultation with a senior colleague, the grant may be based on a quotation which was not the lowest if by so doing the adaptation can be achieved significantly faster.

This is a discretionary grant and therefore such assistance only remains available while funds permit. Funding may be withdrawn with immediate effect for grants yet to be approved.

Occupational Therapy Support

Embedding OT's and/or Trusted Assessors in the district via secondment from the local welfare authority is an effective way to ensure residents have access to specialist advice, expedite the referrals process, and can receive a detailed needs assessment. The local welfare authority would in turn be compensated for the secondment and would be paid from the Better Care Funding allocation. Section 2(2) of the Housing Renewal Grants (Services and Charges) Order 1996 provides the legislative grounding for this.

Capitalise some existing staff salary costs to cover the chargeable costs of delivering the DFG service

Department for Levelling Up, Housing, and Communities (DLUHC) guidance on DFG delivery clarifies that staff costs for supporting the delivery of major adaptations can be considered as capital expenditure for direct support to clients/applicants (including advice) linked to the activities in the Housing Renewal Grants (Services and Charges) Order 1996. Those activities include the full range of duties carried out by a Private Sector Housing Officer in the processing of DFG applications and all associated works.

Therefore the existing salary costs for two Private Sector Housing Officer posts are capitalised to provide a more sustainable team, and enable the council to ensure it can deliver a high quality service to vulnerable residents.

Capital funding levels will be reviewed annually. In the unlikely event that the BCF allocation is reduced to a point whereby we no longer receive enough to continue to capitalise the posts, the posts would then revert back to being funded by the revenue budget.

9. DFG Conditions

Where DFG adaptations are carried out in owner-occupied properties and the grant funding exceeds £5,000, a Local Land Charge will be registered against the property for a period of 10 years. If the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date of completion, the Council will require the repayment of the proportion of the grant that exceeds £5,000, by demand. The amount repaid to the Council will not exceed £10,000.

Appeal against the requirements to repay the grant within the grant condition period.

Before requiring repayment of any DFG the Council must be satisfied that it is reasonable in all the circumstances to require repayment, and will take into consideration:

- i. The financial hardship which would be suffered by having to make the repayment;
- ii. Whether the sale/disposal is to allow the recipient of the grant to take up employment, or to change the location of his employment;
- iii. Whether the sale/disposal is connected with the physical or mental health or well being of the recipient or disabled occupant;
- iv. Whether the sale/disposal is to enable the recipient of the grant to live with or near any person who is disabled, infirm and in need of care which the recipient of the grant will provide, or who is intending to provide care of which the recipient of the Grant is in need by reason of disability or infirmity.

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 the circumstances of the appeal.

An appeal must be addressed to the Council in writing explaining the grounds on which the appeal is made (see the grounds listed above). Accompanying evidence/proof will also need to be submitted e.g. bank statements, mortgage statements etc. demonstrating financial circumstances.

10. General Information

The council work in partnership with a Home Improvement Agency to provide additional support to DFG applicants. The service includes advice, the preparation of schedules, supervision and project management of applications for financial assistance. The fee charged for this work is a percentage of the cost of the works required (excluding VAT). Subject to the applicant's individual financial circumstances, financial assistance may be available, and the fee incurred in employing the agency added to the overall grant.

11. How to Apply for a Disabled Facilities Grant

For more information about applying for a Disabled Facilities Grant, please contact:

Adult's Health and Social Care:

Hampshire County Council's Occupational Therapy Team

Telephone: 0300 555 1378

Online enquiry:

<https://www.hants.gov.uk/socialcareandhealth/adultsocialcare/contact/start-a-referral>

Children and Families

Children and Families Occupational Therapy Service

Hampshire County Council's Multi Agency Safeguarding Hub (MASH)

Telephone: 0300 555 1384

Website:

<https://www.hants.gov.uk/socialcareandhealth/childrenandfamilies/safeguardingchildren/childprotection/mash>

12. Equal Opportunities

The Council operates an Equal Opportunities Policy and seeks to make all its services accessible for all members of the community.

13. Complaints Procedure

If an applicant for a grant, whether mandatory or discretionary, has cause for dissatisfaction with a service or decision, they will be directed to follow the Council's formal complaints procedure.

14. Review of Policy

This document will be reviewed every 5 years. Changes will also be introduced into this document where necessary to accommodate new legislation or guidance and local needs.

We will consult and work with business representative organisations to ensure our services continue to improve and remain fit for purpose. We are committed to delivering excellent services and welcome constructive feedback and comments to further refine our service offer and will review how we are performing against the standards we have set ourselves.

For further information, please contact Environmental Health on 01730 234304, or ehealth@easthants.gov.uk