

Private Sector Housing Assistance Policy

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1.0 Introduction and Background

The Disabled Facilities Grant (DFG) is a mandatory grant, provided under the Housing Grants, Construction and Regeneration Act 1996 (the 96 Act), towards the cost of eligible works necessary to support people of all ages and most tenures (adaptions to council owned housing are provided via a different funding stream) with the aim to assist them to live independently and safely in their own homes. Local Authorities have a statutory duty to provide mandatory DFGs to applicants who qualify.

DFGs are mandatory grants and are available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling.

DFGs are generally subject to a test of resources which means that the applicant's income and savings have to be assessed.

Prior to agreement of a DFG an Occupational Therapist will assess whether any works are necessary, but the statutory responsibility for providing the DFG is with the council. The Council is given a sum of money each year by the Government, which is specifically to be used for providing grants to help disabled people to live more independently in their own homes.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) gives local housing authorities the power to adopt discretionary policies with regard to housing interventions to further promote independent living and wellbeing.

The aim of this policy is to ensure that residents in Welwyn Hatfield receive the necessary assistance to *'help them live in their own homes, safely and with dignity with the right adaptation when they need it'*.

This policy is in two parts:

Mandatory Disabled Facilities Grants – this sets out the mandatory legal framework for DFGs in accordance with the 96 Act including eligibility criteria and the prescribed means test assessment.

Discretionary Assistance– this sets out the councils' 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.

The Private Sector Housing Assistance Policy contributes towards the council's commitment 'we will provide high quality housing, thriving neighbourhoods and sustainable communities.

1.1 General Expectations

The councils' decision making will take into account the legislative requirements of providing works that are 'necessary and appropriate' to meet the needs of the applicants and are 'reasonable and practicable' in their nature whilst following some specific expectations and presumptions:

Works should properly and fully meet the assessed needs of the disabled occupier. 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 or adapting floor coverings to disturbed areas.

Wherever the council judges it to be a practicable and realistic option, the rearrangement and/or change of use of existing rooms will be the preferred solution and will take precedence over the construction of extensions.

Applications for grant aided work may be considered on a case by case basis where relevant works have started but not been completed.

Applications for a grant will not normally be considered if the relevant works have already been completed.

2.0 Mandatory Disabled Facilities Grants (M1)

Mandatory DFG grants are available for people who are disabled and meet the criteria set out in Section 100 of the 96 Act for eligible works that include the following:

- facilitating access by the disabled occupant to and from the dwelling;
- making the dwelling safe for the disabled occupant and other persons residing with them; this would include the remedy of any significant hazard identified under the Housing Health and Safety Rating system and any works to assist disabled people including those with a dementia or a visual impairment to make changes to their home environment which supports them to live independently for longer and with reduced risks, including palliative/end of life situations.
- facilitating access around the dwelling;
- facilitating access by the disabled occupant to, or providing a room used or usable for sleeping;
- facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory and suitable washing facilities;
- facilitating the preparation and cooking of food by the disabled occupant;
- improving any heating system in the dwelling to meet the needs of the disabled occupant
- facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;
- facilitating 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 (with the exception of Welwyn Hatfield Council Tenants), licensees or occupiers meeting the statutory criteria & financial assessment set out in 96 Act are eligible to apply for DFGs. The DFG maximum is set by the Government and is currently £30,000

A summary of the application process and the grant conditions can be found in Appendix 2.

2.2. Extended warranties for lifts, wash/dry toilets etc. (M2)

Where available extended manufacturer's warranty and servicing contract will be provided for all relevant adaptations and equipment (lifts, wash dry toilets, automatic doors etc.) for private tenants and owners. Housing Associations are expected to take on the responsibility for repairs, servicing and maintenance after the expiry of the manufacturer's one year warranty.

3.0 Discretionary Assistance

3.1 The Better Care Fund

In 2015 Government funding 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, Social Care and Housing services, in particular the aim was to reduce hospital admissions and allow early hospital discharges.

The Better Care Fund is contributing to the additional allocation for DFGs provided to the councils in Hertfordshire under an annual determination from Central Government. The grant aims to improve health and wellbeing by encouraging more flexible use of DFG monies.

3.2 Discretionary Assistance

The Discretionary assistance offered by the Council is subject to funds being available and that the mandatory DFGs grants will be prioritised. It is important to note that discretionary funding will only be available for eligible works.

The budget available for 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 types of assistance, it is important to note that any type of discretionary assistance may be withdrawn by the councils at any time.

The discretionary policy elements are:

3.2.1 Waiver of up to £5,000 contribution following the Means Test (D1)

The first £5,000 of an assessed contribution will be waived and the applicant will not be required to fund this portion of the contribution towards the works.

3.2.2 Help with assessed contribution exceeding £5000 following the means test (D2)

Generally the financial test of resources focuses on income and savings and provides a nominal figure for outgoings. However, the grant applicant may have significant expenditure in relation to their disability. This assistance is therefore specifically intended where there are particular difficulties or exceptional circumstances for the applicant and/or relevant person to pay the assessed contribution following a means test and genuine impact and hardship would be caused.

All applicants will be given the opportunity to complete a financial statement of their exceptional outgoings which must be directly linked to the applicant's disability. Such expenditure may include for example care costs, the need to fund overnight accommodation to support a child in hospital, transport to treatment etc.

The council will consider the exceptional disability related expenses on a case by case basis. The assessment is about the impact and hardship created by the need to spend resources on these areas.

3.2.3 Funding in excess of the statutory maximum mandatory grant of £30,000 also known as 'top up grant' (D3)

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 such as moving home and internal alterations have been considered.

For this discretionary element, the financial means test will be on the owner or tenant of the property irrespective of whether they are considered the relevant person for the purposes of the Mandatory Disabled Facility Grant application

There will be no upper limit on this grant, but each case would be considered on its merits and only reasonable costs would be considered. The payment of top up grant would also be dependant on available funds.

A local land charge for the full amount of top up will be placed on the owner occupied property for up to a ten year period in addition to any mandatory grant local land charge (see section 2.7 above) the maximum amount available per application will be limited to elements that are considered necessary and appropriate to meet the needs of the disabled occupant and reasonable and practicable taking into consideration the property.

3.2.4 Moving Home Grant (D4)

In some cases, moving home is more appropriate and cost effective to meet the needs of a disabled occupant, where it is not reasonable or practicable to adapt the existing home or where there is under or over occupation of the home.

A maximum of £10,000 will be considered at the council's discretion for eligible applicants, following a referral and where a site visit indicates that it is not feasible or practicable to adapt the current property. The alternative property must either be already adapted or be adaptable at a reasonable cost. The grant can be used towards the expenses involved in moving home for example estate agent's fees, solicitor's fees, stamp duty, removal costs, disconnection and reconnection costs etc. Supporting quotes and/or invoices will be required

and the grant can only be paid once the applicant has exchanged contracts with a legally binding completion date.

The grant is not subject to the means test (test of resources).

The proposed property must be confirmed as suitable by the relevant council's private sector/housing standards team and be assessed to meet, or be easily adaptable, to meet the needs of the disabled person or child by an appropriately qualified professional e.g. a Hertfordshire County Council OT.

3.2.5 Hospital Discharge Grants (D5)

This grant of up to £5,000 is for disabled and vulnerable people being discharged home from hospital, rehab or step down beds and to prevent re-admission (or admission) to hospital. Eligibility applies for up to a month after discharge. The Hospital Discharge Grant is not means tested. The Hospital Discharge grant excludes people funded by NHS continuing healthcare.

Works can include anything reasonable which would allow the person to return home or stay at home safely.

3.2.6 Abortive Fees Grant (D6)

A grant to cover reasonable professional fees and associated charges where engaged to advise on what works are required and necessary specialist technical services e.g. structural engineer, surveyor to determine whether a DFG project is feasible, planning and building control charges. Fees are paid as part of the DFG if the works go ahead or paid via this abortive fees grant if the work cannot proceed.

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 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.

3.2.7 Hoarding Grant (D7)

A non means tested grant to cover clearance and removal of items in a property where the degree of 'hoarding' is considered to be making a significant adverse impact on the mental or physical wellbeing of an occupier who is suffering from a physical and/or mental disability and/or their neighbours.

A hoarding grant is aimed to support vulnerable occupiers with significant hoarding that without assistance could lead to health issues, fire or serious injury and to hospital admissions, accidents and infections in their home. Such cases would be considered via the council's Hoarding group, and the possible assistance will be reflected in the Hoarding Protocol.

The maximum grant that can be claimed is £10,000. Interim payments will be considered subject to the time duration of the clearance works. If the clearance programme ceases the grant will be paid estimated to the level of clearance carried out, any future grant payments will cease. Applicants cannot make more than one application for a Hoarding in respect of the same property.

4.0 General points

4.1 Exceptions and delegated authority

This policy is not intended to fetter the discretion of the Council as no policy can cover all circumstances and therefore we may have to deal with applications not meeting the requirements of the above policy and criteria. Assistance outside of those set out above can be awarded at the discretion of the Head of Service. 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.

This delegation may also include authorisation for housing as an alternative or partnership solution.

4.2 Complaints procedure (G1)

In the event that an applicant for assistance, 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.

4.3 Grant funding or part funding repaid by applicants (G2)

Any grant monies repaid by applicants to the council for whatever reason (e.g. breach of grant conditions, ceasing occupation etc.) will be paid into the DFG fund from which they originated in order that the funding can be recycled via further DFGs to other residents in need.

4.4 Council Tax Reduction to be considered a passported benefit (G3)

Council tax reduction benefit will be considered as a passported benefit for the purposes of the financial means test under the DFG scheme.

4.5 Review of policy

The policy will be reviewed every three years or as a consequence of changes to funding levels or the cycle of funding allocations.

Appendix 1

Welwyn Hatfield Borough Council Disabled Facilities Grant Policy Summary

1.Description	2.Eligibility criteria & conditions	3.Subject to means test	4.Amount available	5.Charge on property/local land charges
M1 Mandatory DFG	<p>The works must be assessed as being necessary and appropriate to meet the disabled occupant's needs and reasonable and practicable. The type of works considered will include, but not be limited to the following;</p> <ul style="list-style-type: none">• facilitating access by the disabled occupant to and from the dwelling;• making the dwelling safe for the disabled occupant and other persons residing with them; this would include the remedy of any significant hazard identified under the Housing Health and Safety Rating system and any works to assist disabled people including those with a dementia or a visual impairment to make changes to their home environment which supports them to live independently for longer and with reduced risks, including palliative/end of life situations.• facilitating access around the dwelling;• facilitating access by the disabled occupant to, or providing a room used or usable for sleeping;• facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory and suitable washing facilities;• facilitating the preparation and cooking of food by the disabled occupant;• improving any heating system in the dwelling to meet the needs of the disabled occupant• facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control	Yes – except for applications made for Children which are legally exempt.	£30,000	A Local Land Charge will be placed on the owner occupier's adapted property for ten years where the Assistance exceeds £5,000. The land charge will be limited to a maximum of £10,000

1.Description	2.Eligibility criteria & conditions	3.Subject to means test	4.Amount available	5.Charge on property/local land charges
	<ul style="list-style-type: none"> facilitating access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant 			
M2 Extended warranties for lifts, was dry toilets etc.	<p>Eligible for mandatory DFG</p> <p>5 year warranty to be provided for all relevant adaptations. Housing Associations are expected to take on the repairs, servicing and maintenance after the expiry of the manufacturers guarantee.</p>	No	N/A	No
<p><u>Discretionary Assistance elements</u></p> <p><u>D.1</u></p> <p>waiver of up to £5,000 contribution following means test</p>	<p>Eligible for mandatory DFG</p>	Yes	Up to £5,000 of first £5,000 of assessed contribution.	No
<p><u>D.2</u></p> <p>Help with assessed contribution exceeding £5000 following means test.</p>	<p>Eligible for mandatory DFG</p> <p>In cases where there is particular difficulty/exceptional circumstances paying an assessed contribution following the statutory means test, all applicants will be given the opportunity to complete a financial statement of their exceptional outgoings which must be specifically linked to their disability e.g. care costs, transport to treatment, overnight accommodation for parents with children in hospital etc.</p> <p>This list of exceptional disability related expenses will be considered by the Council</p>	Yes – linked to D1 first £5,000 of contribution to be waived	No maximum	No

1.Description	2.Eligibility criteria & conditions	3.Subject to means test	4.Amount available	5.Charge on property/local land charges
	<p>and a decision made on a case by case basis.</p> <p>The assessment considers the impact and hardship on the applicant/family created specifically by the need to spend resources on these areas.</p>			
<p><u>D.3</u></p> <p>Funding in excess of current maximum mandatory grant ; also known as a ‘Top up grant’</p>	<p>Eligible for mandatory DFG</p> <p>Intended for Major adaptations which have been identified as essential to meet the disabled person and their family’s needs & once all other options (such as moving) have been considered.</p>	<p>Yes (see link to D1 re first £5000 of contribution to be waived and D2 help with assessed contribution)</p>	<p>No set upper limit subject to an assessment that the works are both necessary and appropriate and reasonable and practicable.</p>	<p>Yes – a charge for the full amount is placed on owner occupied property for a 10 year period.</p> <p>Charges will not apply to Housing Associations or privately rented property.</p>
<p><u>D.4</u></p> <p>Moving Home Grant</p>	<p>Eligible for mandatory DFG</p> <p>To assist when moving to more suitable accommodation is the more affordable option or where it is not reasonable or practicable to adapt the property to meet the disabled person’s assessed needs or the property is under/over occupied.</p> <p>The proposed property must be confirmed as suitable by the relevant Private Sector Housing Standards Teams and be assessed to meet the needs (or be more easily</p>	<p>No</p>	<p>Maximum of £10,000 to cover the costs arising from moving home</p>	<p>No</p>

1.Description	2.Eligibility criteria & conditions	3.Subject to means test	4.Amount available	5.Charge on property/local land charges
	<p>adaptable to do so) of the disabled person by a suitably qualified OT.</p> <p>Payment can be made only once contracts have been exchanged (owner occupiers) or the tenancy has commenced (rented)</p>			
<p><u>D.5</u></p> <p>Hospital Discharge Grants</p>	<p>Available to disabled people needing to be discharged home from hospital, rehab or step down beds and to prevent re-admission (or admission) to hospital. Eligible for up to a month after discharge.</p> <p>Referrals accepted from adult social care or hospital OT / physiotherapists , rehabilitation/intermediate care teams, discharge coordinator, or Patient Advice and Liaison Service (PALS)</p> <p>Excludes packages of care funded by NHS continuing healthcare</p> <p>Works to include anything reasonable which would allow the person to return home/stay at home.</p>	No	Maximum of £5000	No
<p><u>D.6</u></p> <p>Abortive DFG Fees Grant</p>	<p>Eligible for mandatory DFG.</p> <p>To cover reasonable professional fees and associated charges where services engaged to advise on what works are required and specialist technical e.g. Structural Engineer fees, surveyor fees or similar to determine if a DFG project is feasible.</p>	No	No upper limit if the costs incurred are necessary and reasonable	No

1.Description	2.Eligibility criteria & conditions	3.Subject to means test	4.Amount available	5.Charge on property/local land charges
<u>D7</u> Hoarding Grant	Available to person with physical or mental disability which has contributed to the property being 'hoarded' to an extent to affect the physical or mental wellbeing of the occupant.	No	Up to a maximum £10000	No
<u>D8</u>				
Other general points				
G1 Applicants to follow the respective Council's Formal Complaints procedure in cases where applicant unhappy with a service or decision.		N/A	N/A	N/A
G2 Disabled Facilities Grants repaid by applicants to be repaid into the Councils DFG budget for reuse	Grants monies repaid to be returned to the Council DFG budget from which they were funded	N/A	N/A	N/A
G3 Passporting benefit	Council tax reduction benefit will be considered as a passported benefit for the purposes of the financial means test under the DFG scheme	No	N/A	N/A

1.Description	2.Eligibility criteria & conditions	3.Subject to means test	4.Amount available	5.Charge on property/local land charges
G4 Local land charges	For mandatory DFG grants up to statutory maximum and max value of discretionary top up grant (see D3) for a period of up to ten years.	N/A	Up to £10,000 mandatory scheme Full amount of top up discretionary grant amount	Yes

Appendix 2 - Application process

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

- A fully completed application form.
- A recommendation from an appropriately qualified professional for example an Occupational Therapist (OT).
- Details of passported benefits and/or information necessary to apply the test of resources (means test).
- Details of any additional fees or charges, e.g. architects or structural engineers.
- Certificate of Future Occupation (normally 5 years).
- Proof of Title (e.g. from the Land Registry).
- Cost of works, drawing, schedule, and proof of ID.

In addition where appropriate:

- The property owners Consent

The DFG legislation requires that all valid and completed grant applications are to be determined no later than six months after a completed application is received by the Council, however our aim is to determine all applications within a month.

Eligible Expenses

The Council works in partnership with an external contractor and has undergone a robust procurement and tendering process to come up with a framework of an agreed schedule of works and costings for the common aids and adaptations. Works that fall outside of this scope will require two comparable estimates for the recommended works.

They will also act as a project manager and assist the applicant in making their application for a set agreed cost.

The amount which is potentially grant fundable is estimated by considering the following:

- Which of the relevant works are eligible for grant funding (the grant eligible works).
- The amount of the expenses to be properly incurred in the execution of the eligible works.
- Costs attributable in relation to grant works, i.e. fees and charges.
- Extended warranties for lifts, wash-dry toilets, automatic doors etc.
- The grant is means tested and the amount of grant paid will be determined by a 'test of resources' which determines the applicant's financial contribution to the works.
- For the mandatory disabled facility grant, the relevant person is the subject of the means test.

The relevant person is the person who will benefit from the proposed grant eligible works.

Applicants who have a financial contribution to make (following the financial means test) towards the cost of the works, may be able to apply for further financial assistance under the councils Discretionary Grants (see Section 3).

Applications in respect of dependant disabled children and young people in full time education under the age of 19 are exempt from the financial means test.

The applicant can choose to make their own application and/or appoint their own agent. In this case two estimates will be required to support the application and normally the cheapest will be chosen and the eligible amount of fee will be based on the councils preferred contractor. The reasonable cost of an appointed agent or other necessary associated professional fees, such as architect or structural engineer, are eligible for DFG.

Commencement of Works

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

2.5 Payment of Grant

Grant payments will be made when the grant eligible works are completed satisfactorily and on receipt of the contractor's invoice. Council Officers may inspect the grant works during their progress and are able to make interim payments where appropriate.

Grant monies are actually legally awarded to the applicant and it is they who are technically responsible for paying their contractors. However, it is common practice for most grant applicants to request that payments are made directly to the contractor or agent.

It is important to note that the Councils' Officers act on behalf of the Council to ensure public funds are spent correctly and value for money is achieved. The Council does not guarantee the work and any disputes arising between applicants and the contractors are primarily the applicant's responsibility.

Grant Conditions

The grant eligible works must be undertaken by the contractor(s) who provided the approved estimate(s) included in the application. Prior permission shall be obtained in writing from the Councils by the applicant before any change in contractor takes place. The use of a different contractor to one included in the application without permission may result in cancellation of the grant and/or repayment by the relevant person.

The amount of grant approval can be re-determined where the eligible works cannot be completed without carrying out unforeseen or further works.

Unforeseen works can only be considered for grant funding by the Council where work has not started prior to being 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 Councils will make any grant payment.

Where additional works are taking place in addition to grant aided works, but are not grant aided and are being funded by the applicant these works must be completed and paid for by the applicant before any grant payment is released regarding the grant eligible works.

Grant eligible works must meet all the professional recommendations regarding the disabled person and any alternative scheme must have the prior written agreement of the recommending professional before grant funding is approved.

In the event of a breach of any of the conditions set by the Council, repayment may be demanded from the applicant/owner/occupier/landlord/trustee/beneficiary (whichever is appropriate) in a sum up to or equal to the amount of the grant paid or any interim payment made. The Council has the discretion either not to demand repayment, or to require payment of less than the full amount.

Local Land Charge (G4)

A Local Land Charge will be placed on the owner occupier's adapted property where the Assistance exceeds £5,000. The land charge will be limited to a maximum of £10,000 which is the mandatory statutory limit.

The assistance 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 assistance was given. In this event the Council may require repayment of the land charge before it is removed from the local Land Charges Register. The Charge will be incurred if the property is sold within 10 years subject to the consideration of the criteria 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 certain set criteria.

The considerations are;

- The extent to which the recipient of the grant would suffer financial hardship
- Whether the disposal of the premises is to enable the take up of employment
- Whether the disposal is made for reasons connected with the physical or mental health or wellbeing
- Whether the disposal is made to enable the recipient of the grant to live with, or near, any person who can provide care

The applicant is required, from the certified date of the grant throughout the grant condition period of 10 years, to notify the relevant Council of their intention to sell or otherwise dispose of the property. The applicant will need to provide the Council with any information reasonably requested by them in connection with such notification.