



**DARLINGTON  
BOROUGH COUNCIL**

**DISABLED FACILITIES**

**GRANT POLICY**

**2014-2017**

SEPTEMBER 2013

## DEFINITIONS

<b>Independently Arranged</b>	Relates to circumstances where an individual has chosen not utilise the commissioned support and is themselves applying for the DFG, sourcing a works contractor and project Managing the completion of the works.
<b>Provider</b>	The successful Contractor appointed by Darlington Borough Council to provide the Home Improvement Agency Service. Home Improvement Agencies (HIAs) are not for profit organisations funded They provide advice, support and assistance to elderly, disabled and vulnerable people who own and live in their own property. They help people to repair, improve, maintain or adapt their home to meet their changing needs. The purpose of the service is to help people to remain independent, safe and secure. Specifically with regard to Disabled Facilities Grants (DFG) they provide support with the application for Grant, associated administration, sourcing of an Adaptation Contractor and the Project Management of works. HIA's will take a fee from the DFG for this support.
<b>Loans</b>	For the purpose the Policy the reference to the Regional Loans Scheme is primarily to the North East Private Sector Housing Renewal Financial Assistance. The provision of these loans is subject to availability. (Please note this service provision is currently not available, but may become so over the lifetime of the policy)

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## Introduction and objectives

- 1.1 Disabled adaptations are an important component of Government's Community Care agenda with a general objective of allowing people with disabilities to remain in their own homes, safely, in comfort and with independence wherever possible.
- 1.2 The purpose of an adaptation is to modify disabling environments in order to restore or enable independent living, privacy, confidence and dignity for individuals and their families. It is therefore not primarily a matter of building work, the provision of equipment or otherwise modifying a dwelling, but providing an individualised solution to the problem of people experiencing a disabling environment. This approach is often referred to as reflecting the social model of disability, in contrast to a model that focuses upon functional deficits in individuals. Whatever name is adopted to describe it this approach is the only sound foundation for work in this area.

Because of improvements in health care it is apparent that the number of individuals with support needs living in the community is increasing. People are living longer; the age structure of the population has changed. Moreover there is a preference among people with support needs to live independently in their own homes.

With this increasing demand Darlington Borough Council is committed to supporting disabled residents and will administer Disabled Facilities Grants (DFG's) so as to assist them to achieve a home that meets their needs.

However, the Council knows that in future as the number of people seeking DFG's and the cost of providing adaptations grow, its finite resources are likely to mean that it cannot provide immediate assistance to all those seeking support.

This policy is intended to explain how the Council will use its resources to assist those who need adaptations and how decisions will be made about the assistance it can give, the circumstances in which people may wait for assistance and how the Council will seek to make the best use of the resources available.

The objectives, ambitions and targets of Darlington Borough Council are set out in a hierarchy of strategies. The top-level, over-arching strategy for the Council and its partners is the Sustainable Communities Strategy; beneath it sits the Council's Housing Strategy and, building in more detail in relation to the private sector, its Private Rented Housing Strategy. These strategies all reflect the Council's desire and commitments to tackle deprivation, assist older people and disabled people, improve levels of health and to help people to live independently.

## 2.0 Legal Framework

2.1 The duties and responsibilities of local authorities to provide assistance to disabled people to enable them to move into and out of their homes, to utilise living and sleeping areas within the home and to access cooking, bathing and toilet facilities are contained in the legislation detailed below:

- N.H.S. and Community Care Act 1990
- Carers(Recognition and services) Act 1995
- Carers and Disabled Children Act 2000
- Chronically Sick and Disabled Persons Act 1970
- Children’s Act 1989
- Disability Discrimination Act 1995
- The Community Care (Delayed Discharges etc.) Act 2003
- Housing Grant, Construction and Regeneration Act 1996 (HGCRA)
- Regulatory Reform (Housing Assistance) Order 2002

2.2 The principle legal provisions are contained in the Housing Grants, Construction & Regeneration Act 1996 (HGCRA) and regulations made under it. The following is a summary of the key legal provisions:

- DFGs are mandatory grants and are available to disabled people when works to adapt their home are judged necessary and appropriate to meet their assessed needs, and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling or building.
- DFGs are also subject to a means-test (except in the case of children), see para. 6.2, which means that applicants’ and partners income and savings have to be assessed to determine the amount of any contribution they are required to make towards the cost of the required work, and hence the amount of grant available to them. The way in which the means-test is carried out is set by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are however exempted.
- Subject to all the eligibility criteria (outlined in section 4) being met, the Council must ‘determine’ (i.e. approve) properly made applications ‘as soon as reasonably practicable’, but no later than 6 months from the application date (see also 7.6 below).

- The maximum DFG is currently set at £30,000 as determined by The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008

### **3.0 Works Eligible for DFG**

3.1 The purposes for which the mandatory DFG may be given are set out in section 23(1) of the HGCRA. They fall into a number of categories as follows:

- a. facilitating access by the disabled occupant to and from
  - i. The dwelling, qualifying houseboat or qualifying park home/caravan, or
  - ii. the building in which the dwelling or, as the case may be, flat is situated;
- b. making
  - i. the dwelling, qualifying houseboat or qualifying park home, or
  - ii. the building,safe for the disabled occupant and other persons residing with him;
- c. facilitating access by the disabled occupant to a room used or usable as the principal family room;
- d. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
- e. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility;
- f. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;
- g. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a wash-hand basin, or facilitating the use by the disabled occupant of such a facility;
- h. facilitating the preparation and cooking of food by the disabled occupant;
- i. improving any heating system in the dwelling, qualifying houseboat or qualifying park home to meet the needs of the disabled occupant or, if there is no existing heating system there or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;

- j. 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;
  - k. facilitating access and movement by the disabled occupant around the dwelling, qualifying houseboat or qualifying park home in order to enable him to care for a person who is normally resident there and is in need of such care;
  - l. such other purposes as may be specified by order of the Secretary of State.
- 3.2 Works should not commence prior to written approval being received. If work is urgent you should discuss this with the Council.
- 3.3 Where the works are commenced but not completed before the application is determined, a local authority may approve an application where there were good reasons for commencing the work. This may include a variation to the application to exclude the original works.

### **Approval of Application**

- 3.4 An initial application will be agreed between the client and a member of the Occupational Therapy Team when the needs have been identified. The date of this application will determine any future approval and delivery timescales.

### **ELIGIBLE APPLICANTS**

- 3.5 Eligibility for a Disabled Facility Grant is set by legislation (see Section 2). All owner-occupiers and tenants, licensees or occupiers who are able to satisfy the criteria in sections 19-22 of the HGCRA are eligible to apply for a Disabled Facilities Grant.
- 3.6 Approval for a Disabled Facilities Grant is subject to the following criteria being met:
- The works are **necessary** and **appropriate**, and
  - The works are **reasonable** and **practicable**
- 3.7 **Necessary and Appropriate**

In order that we can decide if adaptations are 'necessary and appropriate' we need an assessment of the clients need and their home. This is usually carried out by a member of the Occupational Therapist (OT) team but may also involve other officers of the Council. The assessment focuses on the client's ability to continue living independently in a home of their own. Once an assessment has been carried out the member of the OT team makes a referral to the Council indicating both recommended works and an assessment of the priority for work which the client



should be allocated. Judgements on both these issues have an important part to play in the proposals in this policy.

In reaching a decision as to whether works are 'necessary and appropriate' the Council is required to 'consult the social services authority'. In the majority of cases our practice has been to accept the works recommended in the referral as those which are appropriate, and to use the broad priority specified by the OT team. However, if we are to make best use of our resources we shall need to better identify and fully explore alternative solutions. If we do not do so we are at risk of spending our budget on a smaller number of people than we could otherwise help; in effect meeting some clients' aspirational needs entirely at the expense of for others e.g. increased waiting time.

### 3.8 **Reasonable and Practicable**

There are times when it is simply not reasonable and/or practicable to adapt a property (e.g. if there are multiple or excessive changes in level, if space is limited or where moving existing services would be prohibitively expensive or due to the age or condition of the property). In cases where it is not possible to adapt a property to an appropriate standard, the Council may properly take the view that the works are not 'reasonable and practicable'.

There is no minimum age of a property which is the subject of a DFG application. However we need to have regard to a number of factors in deciding whether it is reasonable and practicable to carry out the relevant adaptation works. Each case will present its own problems which need to be resolved in reaching decisions but the following are issues which commonly arise in the processing of grant applications:

- (a) the architectural and structural characteristics of the dwelling may render certain types of adaptation inappropriate;
- (b) the practicalities of carrying out adaptations to properties with narrow doorways, halls, stairways and passages which might make wheelchair use in and around the dwelling difficult; or with difficult or limited access e.g. steep flights of steps making access for wheelchair use difficult and therefore making continued occupation of the dwelling open to question.
- (c) conservation considerations and planning constraints may prevent certain types of adaptation being carried out; and
- (d) the impact on other occupants of proposed works which will reduce or limit the existing facilities or amenities in the dwelling

- 3.9 Landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the requirements of the legislation. Housing Association tenants are eligible to apply for a DFG and are assessed for needs on the same basis as private owners and tenants and under the same means testing arrangements.
- 3.10 Clients who are refused a grant under any of the categories outlined in para. 4.4 & 4.5 will be provided with full clear reasons and explanation.

## **FUNDING**

- 3.11 If the household is in receipt of any means tested benefits, they are automatically 'passported' through the means testing process. Examples of means tested benefits include:

- Income Support
- Income Based Job Seekers Allowance
- Guarantee Pension Credit
- Housing and/or Support Allowance
- Working/Child Tax Credit (if income for tax credits is below £15,050)
- Universal Credits (when introduced)

If you are in receipt of other means tested benefits, you will need to discuss this with the Council.

- 3.12 Where a tenant is an occupier of a Council owned property the Council will seek to fund the adaptations via the Housing Revenue Account. This does not affect an individual's right to a Disabled Facilities Grant.
- 3.13 Applications for a DFG can only be made to the Council in whose area the dwelling which is subject of the application is situated.
- 3.14 Any application for grant assistance will only be processed upon receipt of a referral/agreed application (paragraph 4.1) from a member of the Occupational Therapist (OT) team (or suitably qualified persons).

## 4.0 Application for a DFG

- 4.1 A member of the Occupational Therapist (OT) team, following an assessment of need for a client, will identify with that person, the adaptations required to meet their needs and are **necessary** and **appropriate**. An agreed initial application (as per para. 4.1) for an adaptation, including a preliminary test of resources of the client for the DFG is then sent to the DFG Panel.
- 4.2 Officers from the Council are responsible for deciding whether the requested works are **reasonable** and **practicable** having regard to the age and condition of any building that may need to be adapted. This may require visiting the property to enable a full assessment. The Council reserves the right to inspect the property for quality checks and assessment purposes.
- 4.3 All applications in excess of £3,000 are reviewed by the DFG Approval Panel taking into consideration the recommendations. Works under £3,000 will follow the same process, in respect of means testing, funding etc., but do not need Panel approval. This threshold may be reviewed where it is deemed necessary.
- 4.4 Panel may recommend alternatives to the proposed DFG including, but not limited to:
- urging the disabled occupant to seek other assistance (if available) for renovation or repair works to make the property fit following which the proposed adaptations can proceed;
  - considering whether alternative adaptations to the property, which would satisfy the needs of the disabled occupant and also satisfy the practicality considerations, would be appropriate; and
  - considering with the disabled person re-housing and any support that may be required to other more suitably adapted accommodation in the locality especially if the disabled person expresses such a preference. This would make sense if major expenditure on adaptations could be avoided and a suitably adapted property was available.
- 4.5 In some circumstances the Panel may seek alternatives or refuse grant.
- 4.6 If the number of clients waiting for a DFG far exceeds the limited budget available for the provision of adaptations, clients will be placed on a waiting list and dealt with in strict date order to ensure fairness and transparency. Clients must be approved or

refused within 6 months of the application date. Where a case is approved, work must be completed as outlined in para. 5.15 below.

- 4.7 The waiting list will be reviewed on a monthly basis to identify changing need by the Occupational Therapy Team. If a client feels their needs have become urgent they can also approach a member of the Occupational Therapist (OT) team for review.
- 4.8 Where a client has an urgent need identified by the Occupational Therapy Team, their referral will be dealt with as a priority. A decision regarding this priority is only made after a detailed risk assessment is carried out by a member of the Occupational Therapist (OT) team.
- 4.9 Clients will receive written confirmation of the receipt of the referral from the Occupational Therapy Team and will also be kept informed of their progress on the waiting list by the Council.
- 4.10 Owner-occupiers have to provide proof of ownership and sign a consent form. A land registry certificate will be obtained by the Council. Where a property is not registered with the Land Registry, clients will be asked for the name and address of the appropriate organisation (e.g. Bank, Building Society or solicitor) holding their deeds, we will then write to them asking them to confirm proof of ownership.
- 4.11 Where an owner of the living accommodation does not reside at the property written consent will be obtained from them before works are undertaken.
- 4.12 For clients who do not have a mortgage on their property and the deeds to their home are held in safe keeping they will be requested to provide a certified copy of the deeds for inspection.
- 4.13 Clients are also informed throughout the grant enquiry process they can at any time make their own valid application for grant assistance.
- 4.14 All applications for grant assistance will be approved or refused by the Council within 6 months of receipt. The provider will notify the client of the decision and will set out in writing confirmation of the terms and conditions under which any assistance is being provided. Clients will then be asked to confirm in writing that they understand and are fully aware of these terms and conditions.
- 4.15 The Council may approve an application on the basis that the grant, or part of the grant, will not be paid before a specified date in the notification of their decision. The date specified must not be later than 12 months after the date of the application.

- 4.16 Some Disabled Facilities Grant work that the Council will carry out will be Zero rated VAT. This will be applied as per the current VAT Guidelines as stated in HMRC Reference: Notice 701/7 (August 2002).
- 4.17 In order for any of the works to qualify for zero-rating the contractor will be supplied with a form of declaration from the disabled person.
- 4.18 The Council shall on approving a grant application specify in writing to the client details of any specialist equipment and/or portable accommodation that may be recovered if no longer needed.
- 4.19 The Council will carry out each step of the process within the timescales.

## **5.0 Financial Assessment**

- 5.1 The maximum grant that can be paid is £30,000 per application.
- 5.2 The grant is subject to a means test which considers the income and capital of the disabled person and their spouse or partner, collectively called the relevant person. Where the application is for a disabled child or young person under the age of nineteen there is no means test.
- 5.3 If the relevant person's resources are more than the assessment, then a contribution may be required from them towards the cost of the works.
- 5.4 If a contribution is required from the client this must be deducted from the amount of the grant which would otherwise have been paid. Therefore if the cost of the works is above the maximum £30,000 limit, the grant will be that limit less the contribution. If the cost of works is less than the £30,000, the grant will be the cost of the works less the contribution.
- 5.5 Where works have been estimated to cost in excess of the maximum amount (including ancillary fees), the Council will seek to address any shortfall by:
- Asking the client to fund the excess costs
  - Ask the DFG Approval Panel to fund the excess costs.
  - Review alternative solutions
  - Subject to availability, providing the client (if eligible) with a loan from the Regional Loans Scheme up to a maximum of £10,000. Loans cannot be used to fund a client's means tested contribution. The current position is outlined in the definitions section at the beginning of this policy.
- 5.6 In all cases any means tested contribution towards the cost of works or contributions to fund any costs in excess of the £30,000 maximum DFG must be paid to the Council in full by the client before works can commence.

## **6.0 Conditions**

- 6.1 The conditions relating to a DFG are contained within the HGCR and are summarised as follows:
- a. The eligible works shall be carried out within twelve months from the date of approval of the application. The Council may extend this period if they think fit, particularly where it is satisfied that the eligible works cannot be, or could not have been, carried out without carrying out other works which could not have been reasonably foreseen when the application was made.
  - b. The eligible works shall be carried out by one or more of the contractors or sub-contractors whose estimates accompanied the formal application for grant.
  - c. The Council (DFG Panel) may relax this condition where they are satisfied that circumstances have arisen which could not reasonably have been foreseen at the time the application for grant was made, which have materially altered the ability of one or more of the aforementioned contractors to carry out the eligible works within the time period specified.
- 6.2 Works will be carried out in accordance with the specification of works accompanying the grant approval document.
- 6.3 The payment of a grant, or part of a grant, is conditional upon:-
- a. the eligible works being executed to the satisfaction of the Council, and inspections carried out by the provider,
  - b. the Council being provided with an acceptable invoice, demand or receipt for payment for the works and any preliminary or ancillary services or charges in respect of which the grant or part of the grant is to be paid. (For this purpose an invoice, demand or receipt is acceptable if it satisfies the Council and is not given by the client or a member of his family).
- 6.4 The Council will issue payment direct to the contractor for works which have been carried out to the Council's satisfaction.
- 6.5 Unless otherwise stated, the "grant condition period" means the period of 5 years beginning with the "certified date".
- 6.6 The "certified date" means the date certified by the Council as the date on which the execution of the eligible works is completed to the satisfaction of the Council.

- 6.7 Unless otherwise stated, breach of any grant conditions may result in a demand for repayment by the Council for the full amount of grant paid, or any part therefore, together with compound interest on that amount as from the certified date, calculated at such reasonable rate as the Council may determine on an annual basis.
- 6.8 In the case of an owner's application it is a condition of grant that he/she (if the disabled occupant) or the client intends that the disabled occupant will live in the dwelling or flat as his only or main residence throughout the grant condition period, or for such shorter period as the Council may allow having regard to his health or other relevant circumstances.
- 6.9 In the case of a tenants application, it is a condition of grant that the applicant intends that he/she (if the disabled occupant) or the disabled occupant will live in the dwelling or flat as his/her only main residence throughout the grant condition period or for such shorter periods as the Council may allow having regard to his health or other relevant circumstances.
- 6.10 In the case of an occupier's application it is a condition of grant that the disabled occupant will live in the qualifying houseboat or parkhome as his/her only main residence throughout the grant condition period or for such shorter period as his/her health or other relevant circumstances permit.
- 6.11 The Council may require the return of certain types of specialist equipment or portable accommodation for the disabled. The applicant shall notify the Council if and as soon as the equipment and/or portable accommodation is no longer needed.
- 6.12 Depending on the nature of the work carried out, the Council may seek to place a local land charge (up to a maximum of £10,000) against a property where the cost of the DFG provided exceeds £10,000 (including Agency and Ancillary fees). The charges will last a maximum of 10 years and will be binding on any persons who are for the time being the owner of the property. Applicants will be advised of the amount they will be expected to repay at the DFG approval stage. This means that if you sell your home before the 10 year period has expired, you will need to repay the DFG value (up to £10,000).
- 6.13 When applying the local land charge, the Council will have regard to the details set out in HGCRA 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008.



## **7.0 Undertaking Works**

- 7.1 To ensure a high quality of work is achieved, close controls over the building process are in place.
- 7.2 Work in progress visits are made by the provider at regular intervals to check both the progression and quality of works being undertaken.
- 7.3 All contractors appointed by the Provider are from an approved contractors list (unless a client makes their own application for assistance). This may include a regular inspection from the Council, to ensure this is being maintained appropriately.
- 7.4 In order to ensure value for money a minimum of three competitive estimates are required.
- 7.5 A pre-start meeting between an officer of the Council, the contractor and client will take place before works commence. Where larger scale extension works are to be completed, a member of the OT team will also form part of the pre-start meeting. The meeting will determine work start and work completion dates. Both the client and contractor will be advised of their responsibilities and the works involved will be explained fully to the client. The client, or appropriate representative, will then be asked to sign their adaptation booklet to confirm they have fully understood what has been explained to them and agree to the works going ahead.
- 7.6 Any work for which assistance is being provided can only be varied:
  - a. Where alterations are required to the original recommendations provided by the OT Team, any variances to the specification need approval by the OT Team.
  - b. Where amendments to the Technical construction are required, the providers Technical Officer can authorise variations within the financial limits detailed within the specification, otherwise section 8.6 (a) applies.
- 7.7 Contractors will only be paid in full upon receipt of a satisfactory invoice when the DFG works are certified as complete or part complete to the satisfaction of the Authority. Clients will also be asked to sign a letter of satisfaction to confirm they are satisfied with the completed works.
- 7.8 Where a client is not satisfied with the completed works a senior officer from the Provider will determine whether or not remedial works are required or confirm if the contractor can be paid. This may also include officers from the Council. The DFG panel reserves the right to make Final decision.

- 7.9 Should there be any discrepancies with an invoice or the necessary certificates/guarantees have not been provided, the invoice will be disputed. The contractor will then be contacted by the Council in order to obtain the relevant certificates/guarantees.
- 7.10 Where a client has arranged their own works, the Council will pay the Contractor on production of a satisfactory invoice to the client, subject to satisfactory completion of sections 8.4, 8.6 and 8.7 of this document.

## **8.0 Successive Applications**

- 8.1 Chapter 1, Part 1 of the HGCRA places no express restriction on successive applications for a DFG on the same property.
- 8.2 Clients (where appropriate) will be advised on the merits of pursuing an application through to completion even where it is clear the assessed contribution exceeds the cost of the present works and therefore the outcome will be that a 'nil' grant is approved.
- 8.3 If the client then makes a successive application for a DFG any previously assessed contribution will be taken into account (or the amount equivalent to the original approved cost of works if this is lower) when determining any amounts the client may have to pay towards this successive application.
- 8.4 Successive Applications for DFG will have their own grant conditions applied.

## **9.0 Post Completion of Works**

### **9.1 Stairlifts**

- a. Where a stairlift has been installed under a DFG, the Occupational Therapy Team, under contractual agreement with the lift provider, will ensure the lifts are serviced on an annual basis and maintained as necessary.

### **9.2 Other Works**

- a. For all other types of work clients are notified that should any problems occur within 12 months of completion, details should be reported to the provider who will in turn ensure the contractor concerned rectifies any problems identified.
- b. Where a problem occurs more than 12 months of completion, details should be reported to the contractor in line with any existing Guarantees or Warranty arrangements. Where a Guarantee or Warranty has expired, the client should contact their Care Manager.

## **Appendix 1 - DFG Process and Decision Map**

**DFG Process and Decision Map to insert here**

## **Appendix 2 - Abbreviations/Terminology**

<b>DFG</b>	<b>Disabled Facilities Grant</b>
<b>HGCRA</b>	<b>Housing Grants, Construction &amp; Regeneration Act 1996</b>
<b>HRA</b>	<b>Housing Revenue Account</b>
<b>OT</b>	<b>Occupational Therapy/Therapist</b>
<b>VAT</b>	<b>Value Added Tax</b>

### **Appendix 3 – Complaints, Comments & Compliments**

Our aim is to put you, the customer, first and provide you with the best possible service. It is important that you have the opportunity to tell us what you think about the services we provide. You can tell us when we get things right, make comments about the things we do and suggest new ways of doing things. You can also tell us when we get things wrong so we can put them right.

If you are not happy with any decisions or the way your Disabled Facilities Grant has been processed, in the first instance, you should try to:

- i. Discuss with a member of the Occupational Therapy Team
- ii. Discuss with your Care Manager

If you are unable to resolve in this manner or do not feel you are able to follow those options, using the Council's complaints procedures is another way you can do this. The Complaints and Information Governance Team handles all complaints for the Council. How we deal with your complaint will depend on which service it is about.