



# DISABLED FACILITIES GRANT POLICY AND REGULATORY REFORM ORDER POLICY 2020-2023

**DRAFT V3.**

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## 1. Introduction

1.1. This policy succeeds Darlington Borough Council's Disabled Facilities Grant Policy 2014-2017 and sets out guidance for Home Adaptations and Assistance 2020- 2023. Darlington Borough Council recognises that improved housing is a key determinant of the health and wellbeing of its local communities. Good housing benefits people's mental and physical wellbeing, enables informal carers' ability to care, and underpins older people's ability to live independently, safely wherever possible.

Whilst it is recognised that the main responsibility for maintaining and improving housing rests with the owner, it also acknowledges that there are occasions where it is necessary to intervene. This includes situations where vulnerable people are unable to afford to carry out works that are affecting health and safety, and to support people with disabilities to live independently in their own home, safely, in comfort for as long as possible.

This policy provides advice and guidance in respect of disabled facilities in accordance with the legislative framework. Disabled Facilities Grants (DFGs) are governed by Part 1 of Housing Grants, Construction and Regeneration Act 1996 and the Regulatory Reform (Housing Assistance) Order 2002.

The Regulatory Reform Order 2002 introduced a new discretionary power to allow local authorities to provide a range of options to develop innovative forms of financial assistance to meet need. This has enabled councils to use the DFG for wider purposes and allowed the pooling of resources with other funding streams so that adaptations can be better arranged around people's lives.

The Regulatory Reform Order 2002 discretionary powers recognises that the DFG needs to evolve and develop in order for Councils to support as many adults and young people as possible. The DFG is a key part of services that the Council provides which help people live independently and reduce the need for more formal care such a residential and domiciliary care services.

1.2. In Darlington, the key issues that the policy is seeking to address are:

- To meet statutory requirements and government guidance
- To offer practical help for the people in Darlington so that they can live independently in their own homes and this will include the provision of equipment and adaptations thereby preventing, delaying or reducing the need for care and support.
- Supporting disabled children, young people and their families.
- Helping people to **live** in their own homes rather than in a care home
- Improving housing safety and security
- Reducing the risk of falls at home

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.

1.3. This policy will explain:

- How the Council will use its money and staff to assist people who need adaptations
- Who can apply for a Disabled Facilities Grant
- How Disabled Facility Grants are approved
- What type of properties are eligible for the DFG
- What is a Disabled Facilities Grant Financial Assessment
- The type of adaptation work that is normally completed
- The rules and conditions that apply to a DFG award
- What happens after the Disabled Facilities Grants works are completed

## 2. Legislative 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:

- Housing Grant, Construction and Regeneration Act 1996 (HGCR)
- Regulatory Reform (Housing Assistance) Order 2002
- The Care Act (2014)
- Carers (Recognition and services) Act 1995
- Carers and Disabled Children Act 2000
- Chronically Sick and Disabled Persons Act 1970
- Children's Act 1989
- Equality Act 2010
- The Community Care (Delayed Discharges etc.) Act 2003

2.2. The principle legal provisions are contained in Part 1 of the Housing Grants, Construction & Regeneration Act 1996 (HGCR) 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 “**relevant 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. An Occupational Therapist employed by the Children and Adult Service Department would determine whether proposed adaptations were “**necessary and appropriate**”.

- DFGs are also subject to a means-test- this is also sometimes known as a “test of resources” (**except in the case of children and young people aged 18 and younger**), 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 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.
- The maximum DFG is currently set at £30,000 as determined by The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008. However, in certain circumstances to be determined by the Council under the Regulatory Reform Order (2002) Policy, the Council can decide to “top up” the Grant. In any event, the Council will consider a DFG application based on eligibility and need and not the cap. The cap will not be applied for DFG applications for Disabled Children.

### 3. Who can apply for a Disabled Facilities Grant?

3.1. 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 HGCR are eligible to apply for a Disabled Facilities Grant.

3.2. 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**

#### 3.3. **Necessary** and **Appropriate**

In order to determine if adaptations are ‘necessary and appropriate’ an assessment of the clients’ needs and their home is required. 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.

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

Darlington Borough Council 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, to ensure best use of resources all alternative solutions need to be identified and explored.

#### 3.4. 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, the Council needs 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.
- (b) conservation considerations and planning constraints may prevent certain types of adaptation being carried out; and
- (c) the impact on other occupants of proposed works which will reduce or limit the existing facilities or amenities in the dwelling

3.5. 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.

3.6. Clients who are refused a grant under any of the categories outlined above will be provided with full clear reasons and explanation from the Occupational Therapy Service.

#### **4. What types of properties and adaptations are included in a Disabled Facilities Grant?**

4.1. 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.
- 4.2. Works should not commence prior to written approval being received. If work is urgent this should be discussed with the Council at the earliest opportunity and it may be possible to fast track applications particularly where there is an urgent /extreme requirement to facilitate a hospital discharge or in respect of palliative care applicants.
- 4.3. 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.

## **5. How is a Disabled Facilities Grant Application made and approved?**

- 5.1. 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.

### **FUNDING**

- 5.2. If the household is in receipt of any means tested benefits, they are automatically 'passport' 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

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



- 5.3. Where a tenant is an occupier of a Council owned property the Council will seek to fund the adaptations via the Housing Revenue Account.
- 5.4. Applications for a DFG can only be made to the Council in whose area the dwelling which is subject of the application is situated.
- 5.5. Any application for grant assistance will only be processed upon receipt of a referral/agreed application (paragraph 5.1) from a member of the Occupational Therapist (OT) team (or suitably qualified persons).
- 5.6. 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 for an adaptation, including a preliminary test of resources of the client for the DFG is then sent to the Council.
- 5.7. 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.
- 5.8. All applications in excess of £15,000 are reviewed by the DFG Approval Panel taking into consideration the recommendations. Works under £15,000 will follow the same process, in respect of means testing, funding etc., but do not need Panel approval and can be approved by the OT Service. This threshold may be reviewed where it is deemed necessary.
- 5.9. 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.
- 5.10. In some circumstances the Panel may seek alternatives or a DFG Grant.

- 5.11. 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 below.
- 5.12. 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.
- 5.13. 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.
- 5.14. 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 Occupational Therapy Service.
- 5.15. Owner-occupiers are required 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.
- 5.16. Where an owner of the living accommodation does not reside at the property written consent will be obtained from them before works are undertaken.
- 5.17. 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.
- 5.18. Clients are also informed throughout the grant enquiry process they can at any time make their own valid application for grant assistance.
- 5.19. 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.

- 5.20. 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.
- 5.21. 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).
- 5.22. 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.
- 5.23. 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.
- 5.24. The Council will carry out each step of the process within the timescales.

## 6. What is a Disabled Facilities Grant Financial Assessment?

- 6.1. The maximum grant that can be paid is £30,000 per application. It is possible under certain circumstances to make successive applications.
- 6.2. 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.
- 6.3. If the relevant person's resources are more than the means test assessment, then a contribution may be required from them towards the cost of the works.
- 6.4. 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.
- 6.5. 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 any additional costs over £30k
  - Ask the DFG Approval Panel to fund the additional costs over £30k in accordance with the RRO (2002) Policy.
  - Subject to availability, providing the client (if eligible) with a **Council Equity Release Scheme loan up to a maximum of £30,000**. 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.

- **Interest free unsecured loan** in partnership with Darlington Credit Union which is available to vulnerable homeowners who can afford to repay £5,000 over 5 years to carry out necessary repairs to their homes.

6.6. 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.

## 7. What are the Conditions?

7.1. The conditions relating to a DFG are contained within the HGCRA 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.

7.2. Works will be carried out in accordance with the specification of works accompanying the grant approval document.

7.3. 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).

7.4. The Council will issue payment direct to the contractor for works which have been carried out to the Council's satisfaction.

- 7.5. Unless otherwise stated, the "grant condition period" means the period of 5 years beginning with the "certified date".
- 7.6. 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.
- 7.7. 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.
- 7.8. 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.
- 7.9. 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.
- 7.10. 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.
- 7.11. 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.
- 7.12. 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 the property is sold before the 10 year period has expired the DFG will need to be repaid (up to £10,000).
- 7.13. When applying the local land charge, the Council will have regard to the details set out in HGCR 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008.

## 8. How are Disabled Facilities Grants works completed?

- 8.1. To ensure a high quality of work is achieved, close controls over the building process are in place.
- 8.2. Work in progress visits are made by the provider at regular intervals to check both the progression and quality of works being undertaken.
- 8.3. 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.
- 8.4. In order to ensure value for money a minimum of three competitive estimates are required.
- 8.5. 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.
- 8.6. 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.
- 8.7. 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.

It is recognised that in some circumstances interim payments are required to be made particularly where eligible works are large and complex.
- 8.8. 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 the final decision regarding remedial works.
- 8.9. 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.

8.10. 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.

8.11. Where an applicant has provided false or misleading information in their grant application or in their request for payment, the grant approval will be withdrawn and a demand will be made by the Council for repayment of any monies already paid.

## **9. Successive Applications**

9.1. Chapter 1, Part 1 of the HGCRA places no express restriction on successive applications for a DFG on the same property.

9.2. 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.

9.3. 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 amount which the client may have to pay towards this successive application.

9.4. Successive applications for DFG will have their own grant conditions applied.

## **10. Post Completion of Works**

### **10.1. 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.

### **10.2. 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 Occupational Therapist.

## 11. Regulatory Reform Order (Housing Assistance) 2002.

### 1. Introduction

This document sets out Darlington Borough Council (hereby referred to as 'the Council') policy of assistance pursuant to the Regulatory Reform Order (Housing Assistance) 2002. The Order provides local authorities with a general power to assist households with the improvement of living conditions. A local authority must adopt a policy to exercise the powers set out in the Order.

The Council believes that it is primarily the responsibility of property owners to maintain the housing they own to a satisfactory standard of repair. Nevertheless, the Council is aware that some property owners, including the disabled and the vulnerable, will have difficulty in doing so without assistance. This policy sets out the Council's response to this and the range of programmes and packages available to assist people in better maintaining housing they own and/or live in.

The programme of assistance may include but is not exclusively limited to the following areas:

#### Specific Projects

- Funding the additional cost of providing purpose-built adaptations to new or existing registered provider property for disabled people in need
- Recharge the cost of the Occupational Therapy Services (OT) for the time spent on **"necessary and appropriate"** assessments in respect of privately owned, privately rented and housing association properties. It is estimated that this will be 15% of the occupational therapist costs and will be approximately £75k
- Funding up to £30k of extensions/ property configurations to facilitate kinship care arrangements thereby avoiding overcrowding.
- Acquisition and refurbishment of six long term empty homes in the Northgate area to be let to high and medium dependency rough sleepers. The total estimated cost is around £600K but MHCLG have encouraged a bid for 30% of the costs from the capital element of the Rough Sleeper Fund announced on 17 July 2020. Intensive management and support would be required, and the proposal is to work closely with the relatively new Public Health Drug and Alcohol Service. However, the Council would also need to commission a 24/7 wrap around service at an estimated cost of £30K pa and a specialist Mental Health worker at an estimated cost of £40K pa. MHCLG have indicated the revenue element of the Rough Sleeper Fund will be very heavily oversubscribed and have advised the Council to seek match funding. It is proposed therefore, to bid for £35K capital funding and use £35K of the savings made from recharging the OT Service to the DFG budget. This is an example of using funding innovatively to address housing need and improve and make best use of housing stock.

#### Amendments to existing DFG Policy

The Council will, on a case by case basis, consider the payment of Disabled Facilities Grant to assist with securing alternative accessible accommodation for a disabled person. Such



payments could include, amongst other costs, financial assistance towards purchasing new housing or relocation costs.

- The introduction of a discretionary power which permits the Council to make addition grants / loans etc. pursuant to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to top up the maximum permissible grant. The relevant legislation regarding the maximum grant fund being £30,000 is the Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008 No. 1189, which limits the award of DFG to a maximum of £30,000 per application.
- Hospital Discharge Grants payable where NHS continuing healthcare funding is not available and the sole reason for a patient cannot return home is an adaptation or heating repair to a property on an urgent, fast track basis.
- Removal of the means test for DFG applications up to £5k and in addition waive the means test in circumstances which would cause undue financial hardship.
- Top slice the DFG allocation to pay the fees in respect of the works direct to the HIA - this would enable applicants to receive the full £30k as opposed to the net figure of £27,600. Based upon spend for 2019/20 this would be approximately £60,000 pa.
- Exercise discretion to impose a land charge on adapted properties of owner occupiers. This applies where the cost of the DFG exceeds £5,000 and the property is subsequently sold within 10 years. In such a circumstance, the Council can claim back the costs over the first £5,000 up to the limit of the maximum recovery of £10,000.
- Relocation Assistance for owner occupiers of up to £10k where existing home is unsuitable for improvement, repair or adaptation and the person is eligible for a DFG to avoid the necessity of providing costly adaptations to their existing property.

### **Loans and Equity Release**

The provision of loans, including equity release and interest free, to help vulnerable home owners to improve their homes and to facilitate property owners bringing housing stock back into use.

- Equity release scheme loan of up to £30k for the cost of eligible works that exceed the mandatory DFG limit of £30k. The interest free loan can be registered as a charge against the property and then reclaimed by the Council when the property is sold. The Council will judge each case on its individual merits before recovering costs.
- Interest free unsecured loan in partnership with Darlington Credit Union which is available to vulnerable homeowners who can afford to repay £5,000 over 5 years to carry out necessary repairs to their homes.

Eligibility for different programmes will be subject to meeting specific criteria. Exceptions will be considered by senior managers within Darlington Borough Council.

## **Appendix 1 – 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.