

Policy on Assistance with Home Adaptations, Repairs, and Improvements

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1. Introduction

Fareham Borough Council is a local housing authority and is committed to improving the quality of life for its residents and to provide a high-level service to households requiring assistance to remain in their own homes. This policy document sets out the financial assistance in the form of grants available through the Council to support housing adaptations and improvements to the private housing stock in the Borough.

In 2020-21 **£757,036** plus an additional **£101,938** was allocated to Fareham Borough Council through the Better Care Fund towards achieving this aim. This financial year **£858,974** has been made available¹.

The Housing Grants, Construction and Regeneration Act 1996 (HGCRA 1996) places a mandatory duty on the Local Housing Authority to provide grants to be made towards the cost of works required for the provision of facilities for people living with disabilities as defined by the Equality Act 2010. These are called Disabled Facilities Grants (DFGs).

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO 2002) made under the Regulatory Reform Act 2001, enabled local authorities the discretion to provide financial assistance in addition to the use of mandatory DFGs. In order to do so local authorities must have a published policy as to how any financial assistance will be given.

2. The Legal Context

This policy has regard to the Council's existing work on improving the private housing stock in the Borough and to the following legislation, regulations, and guidance:

- The Chronically Sick and Disabled Persons Act 1970
- The Children Act 1989
- The Housing Grants, Construction and Regeneration Act 1996 (as amended)
- The Housing Renewal Grants (Services and Charges) Order 1996
- The Housing Renewal Grants Regulations 1996
- Human Rights Act 1998 and United Nations Convention on the Rights of Person with Disabilities
- The Regulatory Reform Act 2001
- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- ODPM Circular 05/2003
- The Housing Act 2004
- The Disabled Facilities Grant (Maximum Amounts & Additional Purposes) (England) Order 2008
- The Equality Act 2010, in particular s149 Public Sector Equality Duty; and Code of Practice
- The Care Act 2014

¹letter dated 4 May 2021 from the Ministry of Housing, Communities & Local Government specifying amount allocated to be paid to Fareham Borough Council by end of June 2021

3. Mandatory Grants

Under the HGCRA 1996 local authorities have a duty to issue mandatory DFGs. For residential adaptations, including homeowners, private renters, Housing Association tenants, and occupiers of qualifying houseboats and caravans. (NB. Conversion requests for the Council's own housing stock will be funded by the Council's Housing Revenue Account). Adaptations are limited to the following:

- facilitating access (including through common parts of a building);
- making a dwelling safe;
- access to a room usable for sleeping;
- access to a bathroom;
- facilitating preparation and cooking of food;
- works to care for dependant residents; and
- provision of heating, lighting, and power.

Under Part 1, Section 24(3) of the HGCRA 1996 there is a duty to consult with social services authorities on whether the proposed works are necessary and appropriate to meet the needs of the disabled person who is seeking a DFG. In order to approve DFGs, officers of the Council will work primarily with an Occupational Therapist (OT). Referrals (for both mandatory and discretionary grants) may however originate from other health and social care professionals. Local authorities can, should they choose, waive any requirement to repay a grant or reduce the amount required to be repaid.

4. Discretionary Grants

Whereas the DFG is to help older and disabled persons to remain living as independently and safely as possible in their homes, a portion of the funding can be used for contributing to the wider prevention agenda of housing, social care, and health authorities, which gives significant additional scope on how grants can be used. Examples include funding essential repairs to reduce injury and accidents in the home, as well as ensuring homes are adequately heated. Under the RRO 2002, local authorities can provide discretionary grants in accordance with a published policy. These assistance packages are discretionary and therefore are provided subject to funds being available.

4.1. Circumstances under which a discretionary grant will be offered:

4.1.1. Top-up to the mandatory grant amounting to an extra £10,000 or proportion thereof

On occasion the mandatory grant, which is limited to £30,000, will not be enough to undertake all the adaptations and improvements required to the home. This discretionary amount is over and

above the maximum mandatory award of £30,000 and is subject to the same conditions applying to the mandatory scheme. However, any additional money paid, on top of the £30,000, will not be repayable. In effect this means where money is repayable (see section 4.5.) no person will be asked to pay back more than £10,000. The Council reserves the right not to approve any discretionary top-up.

4.1.2. Cases of dual residency of a disabled child

A mandatory grant can only be provided to the 'sole or main residence'. A discretionary sum of up to £6000 (plus agency fee where applicable) will therefore be available for works to the other property where that is in the Council's area. This discretionary grant would not be means tested.

4.1.3. Relocation Grant

If adaptations to their current home through DFG are determined not to be feasible. Applicants must be over 18 and any application must be supported by a recommendation from an OT. The proposed property must meet the needs of the disabled person without or with only minor further adaptation. Relocation must be within the borough of Fareham and the move must be completed within 12 months from application/ grant approval. A grant of up to £6000 (plus agency fee where applicable) will be made available towards specific relocation expenses, which includes estate agent fees, legal costs, removal costs, and up to a 75% contribution towards a cooker and/ or fridge if built-in appliances are being left behind and none are fitted in the new property. The new property must be the disabled person's main residence and no applicant will be awarded a Relocation Grant on more than one occasion. Depending on the applicant's circumstances (see section 4.3.1.) a test of resources may be required.

4.1.4. Removal of means testing for repairs/ improvements below £6000 (plus agency fee where applicable)

Typical examples are the provision of stair lifts and level access baths/ showers. In the case of level access baths/ showers within the existing bathroom, access ramps, and stair lifts² (whether they be curved or straight) all applicants will be eligible for the works irrespective of the actual cost on completion of tender.

4.1.5. Work to remove serious hazards

Category 1 Hazards (and Category 2 Hazards where an occupant is in the vulnerable age group³). This might include, but is not limited to, cases for facilitating timely hospital discharge or reducing admissions to hospital (e.g. fall prevention measures) and residential care homes.

²Only one stair lift will be supplied and fitted

³As specified in the Housing Health and Safety Rating System Operating Guidance

Includes those in palliative care living at home with family, and where any application is supported by an OT or hospice or such like. There is no limit to the amount of grant that could be made available, however works will be prioritised to Category 1 Hazards. Works costing under £6000 (plus agency fee where applicable) will have the means test waived.

4.1.6. Property Deep Cleans

For example, to facilitate hospital discharges. None means tested.

4.1.7. The Council employing the services of a private OT / secondment of OTs

To prevent a shortage of available OTs in the public sector holding up necessary adaptations, repairs, and improvements, the Council will pay for the services of a private OT either on an ad hoc basis or on a temporary contract. Alternatively, the Council can choose to second OTs for an indefinite period.

5. General Requirements and Grant Conditions

5.1. Applicant's Criteria

- Homeowner or private/ Housing Association tenant (evidence required: land registry check or deeds inspection check, and owners certificate/ copy of tenancy agreement);
- Disabled of any age (**see Annex A for a definition of disabled person**); and/ or vulnerable person for specified discretionary grants;
- Must have or be intending to live in the property for at least 5 years, unless their health or personal circumstances prevent them from doing so;
- Private/ Housing Association tenants must obtain written permission for the works to be carried out prior to grant approval. A Relocation Grant could alternatively be considered; and
- Successive applications are allowed (NB. The OT looks at the applicant's needs now and 5 years hence).

5.2. Agency Service Fee

Portsmouth City Council (PCC) Private Housing Team administer the DFGs on behalf of Fareham Borough Council. Where applicants choose to use the PCC Agency Service to arrange for example contractors, then a fee of 15% is payable and included in the grant. Applicants will be required to sign a form agreeing to this. PCC will prepare a building works specification and obtain any necessary permissions for the works. A contractor is then selected from a pre-approved list and invited to tender for the works. If the applicant is then in agreement the works can proceed. After building work has started, PCC will continue to liaise with the contractor to ensure the works are completed satisfactorily and within the terms of the contract. If applicants

wish to use their own contractors (which they are quite within their rights to and are afforded the option to) then PCC Agency Service purely administer the grant and do not charge a fee.

5.3. Cost of Work

The Council uses public money to fund the provision of both mandatory DFGs and discretionary grants and as such it must consider value for money. All cases to be viewed on their own merits. Other than in circumstances where the applicant wishes to use their own preferred contractor, there is no minimum number of quotes required for the works. So long as the applicant is happy with just one quote and the costs appear reasonable, then no further quotes will be sort. Otherwise at least two quotes for the works are required.

The maximum mandatory award is £30,000 and includes the actual costs of carrying out the works (including 15% Council agency service fee, where applicable) and other admissible expenses and charges necessarily incurred, such as: architects/ surveyors fees, charges for planning permission or building regulations approval, and fees for the professional services of an OT. Discretionary grants are subject to the limits specified above. When officers schedule the work to be carried out, they will ensure it meets the needs of the applicant but at the same time will only prepare a basic specification. There is nothing to prevent applicants having a higher specification that costs more, however they will have to cover the difference themselves. If the applicant does choose to privately fund an alternative option or higher specification product(s) over and beyond the grant specification, they must ensure the work carried out is fully in accordance with the OT's recommendation. If upon final inspection it is identified this is not the case and the works do not meet the needs of the applicant, the Council reserves the right to withhold any payments until the matter is put right.

5.3.1. Means Testing

Parents of disabled children and young persons (under 19) are not subject to a test of resources, and neither are certain specified discretionary grants. Recipients of specified means tested benefits (e.g. housing benefit/ income support or Universal Credit) also automatically pass this stage. Otherwise all applicants for DFGs will be required to complete a means test to determine whether any contribution is to be paid towards the cost of works.

The Council's private sector housing team (or the OT) may be able to advise and assist applicants by signposting to other sources (e.g. the Parity Trust) that may help with any additional costs that may be required, or where applicants are not eligible for an award.

5.4. Grant Approval

Grants are required to be approved or refused within 6 months of a valid application being made. The Council must satisfy itself that the works which are the subject of the application are necessary and appropriate to meet the needs of the disabled occupant and are reasonable and practicable to implement, depending on the age and condition of the property. In doing so, the Council will consult with and obtain necessary confirmation from the OT service. In reaching a decision, the disabled persons medical and physical needs will be taken into account, and distinction will be made between the person's desirable, possible and legitimate aspirations and what is actually needed and fully justified.

A grant approval notice will then be issued setting out any conditions attached to the grant – only works agreed by the Council will be covered; approved works must be completed within 12 months of the DFG approval unless an extension has been agreed; approved works must be completed by the appointed contractor; and payment of unforeseen and addition costs is subject to prior agreement. The Council will not approve an application where the works have already been completed. Prior to the works starting a suitable building contract must be drawn up and signed by all parties. In instances where applicants are proceeding with works with their own preferred contractor, the applicant is responsible for ensuring a sufficient building contract is in place prior to works commencing.

Where changes in circumstances, such as where the works cease to be necessary or appropriate to meet the needs of the disabled occupant after the grant has been approved, the Council may agree to the completion of some or all the works and payment of such, or that the application should be redetermined. The Council reserves the right to take such action as appears to be appropriate. The Council will always ensure as far as is reasonably possible the property is left safe, secure and watertight.

5.5. Payment and Recovery of Grant

On completion of the works on condition it has been carried out to the Council's satisfaction, then payment will be made to the contractor.

In any cases of dispute, the steps set out in the building contract are to be followed. Where the applicant ceases to be the owner or occupier of the property prior to completion of the works then the Council will not make any payments after that date. In such circumstances, the Council has the right to demand any payment that has already been paid to be repaid including with interest.

Where any of the following situations come to the Council's attention, the Council can demand repayment of the grant by the applicant in whole or part:

- The amount of grant was approved on the basis of inaccurate or incomplete information;
- The eligible works were started before the application was approved;

- The works are not completed within 12 months without an extension being agreed;
- The cost of works is less than that upon which the grant was approved; and/ or
- The work has been carried out by a contractor who was not one of the contractors who originally quoted for the work.

Each case will be considered on its own merits in deciding whether to recover any such payments, and a sympathetic stance will always be taken.

For mandatory grants in excess of £5000, up to a maximum of £10,000 can be recouped by the Council where a property is sold or disposed of or there is a change of ownership on the title deeds within 10 years of completion of the works (the certified date, which is 12 months from grant approval subject to any agreed extension). A local land charge will be entered in Part 4 of the Local Charges Register for this purpose. (Not applicable to private renters or Housing Association tenants). **None of the discretionary grants are repayable.**

Exemption from full or partial payment will only be agreed in exceptional circumstances, which may include financial hardship or disability needs. At the time of a grant needing to be repaid the applicant can write to the Head of Environmental Health to request an exemption from all or part of the amount, explaining the circumstances and providing appropriate supporting information. The decision whether to waive either all or a proportion of the grant recovery will be made by the Head of Environmental Health.

5.6. Equipment Maintenance/ Repairs

Where the provision of equipment is funded by a mandatory or discretionary grant it is usually the responsibility of the applicant to take out the necessary insurances and maintenance agreements to ensure it is properly maintained. Stair lifts and through floor lifts will however include a 5-year maintenance/ service agreement funded through the grant.

Grant applications for replacement equipment will not be approved where it is shown the equipment can be repaired at reasonable cost, which will fall to the householder.

5.7. Contractual Relationships

These are set out in the building contract. The Council will schedule the works that are required, which will form the basis upon which contractors quote. Officers of the Council will attend the property from time to time to ensure the work is being undertaken as per the specification and on completion a final inspection will be made prior to payment. The Council is not responsible for the work of the contractor and there are no contractual obligations between the contractor and Fareham Borough Council.

6. Policy Exceptions

Whilst this policy is quite specific, any exceptions to it will be considered and agreed between Hampshire County Council and the Head of Environmental Health with comments and views from other interested parties and agencies taken into account as appropriate. Exceptions could take any form which is permissible under the legislation applicable. Examples include where not undertaking the work results in significant hardship or risk to the applicant (or other relevant person) or significant cost or risk to the Council or NHS Trust, without reasonable alternatives.

Amounts awarded under the discretionary financial assistance packages will be assessed on their own merits, to meet the needs of the individual applicant(s) as agreed with the OT. This will be assessed on the individual circumstances and on a case by case basis.

7. Complaints Procedure

In the event applicants feel they have been treated unfairly, then contact should be made with the Head of Environmental Health so that the matter might be resolved.

If applicants remain unhappy then they can complain to the Local Government and Social Care Ombudsman. Complaints should be raised within 12 months of a problem arising. The Ombudsman Service can be contacted at www.lgo.org.uk or by telephoning 0300 061 0614.

8. Reporting

Quarterly to Hampshire County Council and to include the following information: case identifier, age of applicant, tenure type, referral date, decision date and outcome, total value of the grant and client contribution, summary of works, and completion date.

9. Governance

This policy will be reviewed when legislative changes come into force that effect the Council's responsibilities with regards DFGs and associated discretionary payments.

ANNEX A

Definition of disabled person

For the purposes of the legislation relating to DFGs, a person is defined as being disabled if:

- their sight, hearing, or speech is substantially impaired;
- they have a mental disorder or impairment of any kind; and/ or
- they are physically substantially disabled by illness, injury, impairment present since birth or otherwise.

A person aged 19 or over is taken to be disabled if:

- they are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948; or
- they are a person for whose welfare arrangements have been made under that section or might be made under it.

A person aged under 19 is taken to be disabled if:

- they are registered in a register of disabled children maintained under the Children Act 1989;
or
- in the opinion of Hampshire County Council they are a disabled child as defined for the purposes of Part III of the Children Act 1989.