

**Lichfield District
Council
Housing Assistance
Policy 2021**

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1. Introduction

This policy sets out how Lichfield District Council (the Council) will offer financial help for improving and adapting homes in the district, together with the conditions and eligibility criteria associated with each type of assistance. Its aim is to support residents to improve their health and wellbeing by addressing problems with unsuitable homes that do not meet their needs.

This policy replaces the previous Housing Assistance Policy 2019 and will apply to all new applications from 1 April 2021.

2. Legal Context

The **Housing Grants, Construction and Regeneration Act 1996** (the 1996 Act) places a statutory duty on Local Authorities to provide assistance to qualifying disabled people¹ for home adaptations. These works (called eligible works) must be considered “necessary and appropriate” to meet their needs and “reasonable and practicable” with regard to the age and condition of the property. These are called mandatory Disabled Facilities Grants (DFGs).

As well as these mandatory grants, Local Authorities also have the general power under the **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002** (the RRO) to give assistance for home repairs, improvements and adaptations for the purpose of improving living conditions in its area.

Funding for this assistance is provided through the Better Care Fund (BCF²) which combines money from health and social care budgets in order to deliver health and care services. Any assistance provided from this fund must only be used for the specific purpose of funding adaptations for disabled people who qualify for a DFG made under the 1996 Act or the RRO.

The Care Act 2014 requires local authorities to identify, provide and arrange services, facilities and resources to prevent, delay or reduce the needs of individuals either for care and support. This includes the adaptation of properties.

Under the **Housing Act 2004**, Local Authorities have a duty to keep housing conditions under review, including having regard to particular hazards that might be dangerous or prejudicial to health for certain vulnerable groups.

The Home Energy Conservation Act (HECA) 1995 requires each authority to assess the energy conservation needs for their local area and the policies, strategies and practical measures which will help to make improvements. This includes providing assistance for those residents that are experiencing fuel poverty.

3. Local Context

Lichfield district is relatively prosperous and ranks within the lowest 25% of local authorities for overall deprivation. However, there are some parts of the district falling within 20% of the most deprived areas nationally, resulting in 4% of the population (nearly 4,000 residents) living in areas of relative deprivation.

¹ These are people who are defined as disabled under section 100 of the Housing Grants, Construction and Regeneration Act 1996

² The Better Care Fund (BCF) is a programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and wellbeing, and live independently in their communities for as long as possible.

Home ownership is high at 75% of homes in the district but has dropped by 4% since the 2001 census. Private renting has increased from 5% to 12% and social renting remains the same at 13%.

Like many areas of the country, it is predicted that there will be a significant increase in the number of older people. By 2035, the number of residents aged 65 or older will increase by 27%, the over 75 population by 44% and the over 85 population by 110%. It is predicted that the number of people with long term conditions and care needs will increase as a result, and dementia will become more prevalent amongst the older population³.

11% (around 4,600) of households live in fuel poverty⁴ and the district has a significant rural population of nearly twice the national average, with limited access to the mains gas network. This contributes to around 70 excess winter deaths annually, similar to the national average.

Our **Housing, Homelessness and Rough Sleeping Strategy 2019-2023** recognises these challenges and sets out our vision for housing, in particular how it will meet housing needs within the district. To do this we have established priorities and identified targets for action to enable the provision of suitable and good quality housing for current and future residents of the district. The priority which is relevant to this policy is:

- To enable people to live in good quality homes that are suitable for their needs

The policy has also been developed to reflect the Council's **Strategic Plan** which states that we will work collaboratively to:

- Enable people to help themselves and others and live healthy and active lives
- Be a good council that is responsive and customer focused.

The policy also helps to deliver our **Health and Wellbeing Strategy** and our commitment to incorporating Health in All Policies (HIAP) and the priority to:

- Support older and vulnerable people in our communities to live and age well.

4. Types of Assistance available

The Council provides mandatory Disabled Facilities Grants (DFGs) to disabled residents who meet the required qualification criteria as set out in the 1996 Act, the accompanying regulations and subsequent amendments.

Under the RRO 2002 the Council has powers and flexibility to provide additional discretionary financial assistance based on local needs, local housing conditions and the resources available. The discretionary forms of assistance that we currently provide are detailed in **Appendix A**.

Following an assessment of need and the resources available to us, new forms of discretionary assistance may be developed and added in the future; these will be published on the Council's website as policy Appendix A amendments.

4.1 Mandatory Disabled Facilities Grants (DFGs)

DFGs are provided to adapt a home environment to restore or enable independent living for individuals with a disability. The Council will provide DFGs within the guidance and scope set out in

³ Housing LIN: Research: assessment of the housing needs of older people, people with learning disabilities, people with mental health needs and people with physical disabilities in Lichfield District, February 2020

⁴ A household is considered to be in fuel poverty if they need to spend more than 10% of their income to maintain a satisfactory heating regime.

the 1996 Act and other relevant legislation, regulations and guidance. The maximum grant set by central government is currently £30,000⁵ minus any contribution required by a 'means test' (test of financial resources). Detailed information, including the grant conditions regarding our provision of DFGs can be found in **Appendix B** and should be read in conjunction with the full relevant legislation, regulations and guidance.

4.2 Discretionary Assistance

4.2.1 Discretionary Disabled Facilities Grants

Discretionary DFGs are funded and delivered as part of Staffordshire County Council's Better Care Fund Plan. The Council reserves the right not to approve discretionary grants if funds or resources are not available at the time of application.

The discretionary assistance for disabled adaptations that are currently available are detailed in **Appendix A**.

4.2.2 Other Discretionary Assistance

In addition to assistance to help our disabled residents, the Council provides other assistance for certain qualifying households. Information on current schemes available is in **Appendix A**.

5. Review

The Council will review the discretionary grants and their impact on a regular basis and will endeavour to ensure that those available make the best use of the funds available to us.

New forms of discretionary assistance that we introduce in the future will be published on the Council's website as amendments to Appendix A. Changes to the appendices and minor changes to the policy will be approved by the relevant Cabinet Member prior to publication on the website.

⁵ The maximum grant available is subject to change by central government in future years.

Appendix A Part 1 Discretionary Grants available for disabled adaptations

Grant	Maximum Amount	Is a Means Test Required?	Who is Eligible?	How is Eligibility assessed?
<p>Discretionary Top-Up Grant</p> <p>To top-up a mandatory DFG where cost of eligible work exceeds the maximum grant (currently £30,000)</p>	£15,000	No	<ul style="list-style-type: none"> Disabled applicants who are owner-occupiers, private or social sector tenants. Parents/guardians applying on behalf of children under 19 years old. 	<ul style="list-style-type: none"> The applicant has been assessed as eligible for a mandatory DFG The household is assessed as being in financial hardship All other means of funding e.g. charitable contributions have been explored.
<p>Discretionary Contribution Grant</p> <p>To assist with the payment of a contribution where the adaptation works cannot be carried out due to applicant affordability issues</p>	<p>Assessed contributions up to £5,000 granted where the applicant does not have the financial resources and has insufficient savings.</p> <p>£5,001 up to £30,000 will be reviewed on a case by case basis by a Senior Council Officer against agreed criteria (available upon request)⁶</p>	No additional means test – the grant is to assist with the outcome of a mandatory DFG financial assessment which will already have been carried out. An assessment of hardship will be completed.	<ul style="list-style-type: none"> Disabled applicants who are owner-occupiers, private or social sector tenants. 	<ul style="list-style-type: none"> The applicant has been assessed as requiring works that are eligible for a mandatory DFG It is considered that payment of the assessed contribution would cause financial hardship All other means of funding e.g. charitable contributions have been explored.
<p>Relocation Grant</p> <p>To assist where it is not possible to suitably adapt the applicant's current home to meet their needs, or the cost of doing so is prohibitive. It will contribute to the cost of moving to a more appropriate home.</p>	£5,000	No	<ul style="list-style-type: none"> Disabled applicants who are owner-occupiers, private or social sector tenants. Parents/guardians applying on behalf of children under 19 years old. 	<ul style="list-style-type: none"> The applicant has been assessed as eligible for a mandatory DFG The cost of the relocation grant must be smaller than the original grant, including the estimated costs of any adaptations required in the new home

⁶ The criteria will be agreed by the Head of Service and will be reviewed from time to time.

Note: In all the above discretionary grants, a land charge will be placed on the property if owner-occupied, equivalent to level of assistance provided for a period of 10 years from the date of certified completion. This charge is in addition to any land charge placed for any Mandatory DFG award.

Part 2 Other discretionary assistance

In addition to the mandatory and discretionary assistance we provide to help our disabled residents, the following grant assistance is currently available for certain qualifying households. The Council reserves the right not to approve discretionary grants if resources are not available at the time of application.

1. Energy Efficiency Grant

This grant is to assist eligible low income and vulnerable home owners to install energy improvements in their homes when government funding does not meet the full cost of installation.

Applicants will first be assessed to determine if they are eligible for the government's **Energy Company Obligation (ECO)** scheme which is intended to help with energy improvements such as cavity wall and/or loft insulation and the replacement of inefficient boilers or other heating systems. Its purpose is to reduce fuel poverty and cold homes, promote energy reduction and encourage the uptake of lower carbon energy technologies.

Local Authorities can determine eligibility criteria for these schemes under **Flexible Eligibility**⁷ (or 'Flex'), allowing certain vulnerable householders to access these grants that would not normally qualify under the government's criteria. The Council has included private tenure households deemed to be fuel poor as eligible for this funding and who:

- live in a cold home with EPC rating of E, F or G; and/or
- have a long term health condition made worse by living in a cold home.

In addition to this scheme, the Council also participates in the **Staffordshire Warm Homes** programme which funds the installation of first time gas connections and central heating systems into eligible homes.

For eligible home owners, where the government funding for these two schemes does not meet the full cost of installation, the Council's Energy Efficiency Grant will provide supplementary funding to ensure these works go ahead up to a maximum of £2,000.

⁷ Details are available on the website at <https://www.lichfielddc.gov.uk/downloads/download/44/statement-of-intent-for-eco-flexible-eligibility>

APPENDIX B - Grant conditions for Disabled Facilities Grants

1. Mandatory Disabled Facilities Grants

The Council will award a Mandatory Disabled Facilities Grant (DFG) according to the governing legislation, principally the 1996 Act and subordinate regulations and orders as amended, as well as guidance issued by central government. These publications detail, amongst other matters, the types of work that may be funded, the maximum grant payable (currently £30,000), and the test of financial resources where applicable.

1.1 Qualifying Criteria

All owner-occupiers and tenants, licensees or occupiers who can satisfy the criteria in sections 19-22 of the 1996 Act are eligible to *apply* for a DFG, but applicants must be aged 18 or over (this does not apply to the disabled person, who may be younger). Tenants of some social landlords (Registered Providers) may have parallel and equally effective systems which can be no less effective or generous than DFG. Being eligible to apply does not automatically confer approval. Some applications will not meet statutory tests as described below, and other applicants may have significant means tested contributions in excess of the cost of works.

As a part of the application process, the Council will require certificates relating to property ownership and future occupation, and will request permission from the owner to do the work. The Council would reasonably want to ensure the tenant has the right to carry out the works and that the landlord would not object or attempt to reinstate the property and evict the applicant. The Council can also waive the owner's certificate requirement if it is considered 'unreasonable' in the circumstances.

1.2 Qualifying Works

Those works eligible for a mandatory DFG are set out in section 23(1) of the 1996 Act, as amended. These are:

- i. facilitating access by the disabled occupant to and from the dwelling, qualifying houseboat or qualifying park home, (now including the garden) or
- ii. making the dwelling, qualifying houseboat or qualifying park home safe for the disabled occupant and other persons residing with him;
- iii. facilitating access by the disabled occupant to a room used or usable as the principal family room;
- iv. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
- v. 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;
- vi. 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;
- vii. 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;
- viii. facilitating the preparation and cooking of food by the disabled occupant;
- ix. 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 or any

- such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;
- x. 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;
 - xi. 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 and is in need of such care;
 - xii. facilitating access to and from a garden by a disabled occupant; or making access to a garden safe for a disabled occupant.

2. Local enhancement to DFG in Lichfield district

The Council may include as part of the Mandatory DFG, the cost of a maintenance agreement for an extended period (where available) from the certified date for stair lifts, through-floor lifts, Wash/Dry style toilet, step-lifts and similar equipment installed with the assistance of that grant.

3. Necessary, Appropriate, Reasonable & Practicable

A DFG will only be awarded if the works are both **‘necessary and appropriate’** and **‘reasonable and practicable’**, where the housing authority has consulted the welfare authority or its agents. Where an applicant prefers a different scheme of works to that designated as ‘Mandatory’ in terms of meeting identified needs by the Council, the Council may offer to ‘offset’ the value of the original scheme towards those greater works with appropriate safeguards. This is at the discretion of the Council (or its nominated Home Improvement Agency).

Works which have been commenced prior to the approval of an application will not be eligible for financial assistance.

Unexpected works which arise during the carrying out of eligible works will be considered for assistance if the additional works could not have been reasonably foreseen before commencement and are vital to the completion of a safe and effective scheme.

Unforeseen works carried out without prior approval of the Council will not be eligible for assistance. Approval should always be sought in writing, timed and dated with details of the extra items and costs. Where unforeseen works are necessary these will be added to the grant up to the specified maximum for mandatory DFG. Costs above the mandatory grant maximum may be supported by discretionary assistance in accordance with this policy. Care must be taken when agreeing to schemes of works on third-party property such as tenanted accommodation, to ensure that the property owner is fully engaged with the decision process.

4. Fees

The Council is funding the Home Improvement Agency (HIA) service in part through fees which have been contractually agreed and will be funded based upon the cost of works and through grant applications. HIA fees have no impact on an applicant’s assessed contribution – the applicant does not contribute towards the fees. An applicant’s actual costs may exceed their assessed contribution if the works cost exceeds the maximum, or the applicant has arranged for a wider scope or change of works or product or has chosen a more expensive contractor.

The Council’s DFG award is for a sum of funding only and is not inclusive or exclusive of using a particular contractor or product. Applicants may, if they choose, specify and their own contractors,

agents, products and design but will take responsibility for those choices which may fall outside of the remit of the Council's appointed HIA Service and become a 'Preferred Scheme' (see below) under their own management.

5. Financial Assistance

A mandatory DFG will be subject to a means test in accordance with the regulations made under the 1996 Act, as amended. The maximum mandatory DFG award is currently £30,000 minus any contribution required by a 'means test' (test of financial resources). Successive applications may be awarded for those persons whose condition is degenerative, or they develop additional needs. If the maximum grant limit is changed by statute then the maximum available DFG award by Lichfield District Council will reflect this.

Where successive applications are awarded, the applicants' assessed contribution to the first grant award will be considered if within the time period of the contribution originally calculated (10 years if owner, 5 years if tenant).

NOTE: where an applicant is in receipt of a recognised, qualifying, means tested benefit they will not be further means tested and they will have no calculated contribution to make. Where works are for the benefit of a child or young person of 19 years age or younger at the date of application – they too will be exempt a means test.

6. Order of processing applications

All DFG applications will usually be processed in chronological order, in line with any approved priority system, excepting in extenuating circumstances at the discretion of the Council.

7. Recovery of assistance awarded

Some mandatory DFG may be recoverable in accordance with permitted values. Where the applicant is an owner-occupier and not a tenant, a sum of up to £10,000 may be recovered for works in excess of £5,000 if the property was sold or title otherwise transferred within 10 years of the certified (completion) date of works. This is subject to the Council's discretion to reduce or waive this in the case of financial hardship. All recoverable costs would be registered as a **land charge** against the property.

NOTE: this is separate and different to the potential repayment of grant in the event of a breach of occupancy conditions or detected fraud. Also, local authorities are entitled to recalculate grant awards in limited circumstances, such as for example if any relevant insurance claims are pending, and to cease making payments and to seek repayment in some cases as detailed in sections 40-42 of the 1996 Act.

The Council will also impose a standard condition that it may recover specialised equipment, such as stair lifts, where no longer required.

8. Conditions relating to Contractors, Standard of Works and Invoices

In approving an application for financial assistance, the Council will require as a condition that the eligible works are carried out in accordance with any specification it has decided to impose.

The eligible works must be carried out by the contractor(s) upon whose estimate the financial assistance is based, or if two estimates were submitted, by one of those contractors. The Council's consent must be obtained prior to the commencement of works if a contractor who did not submit an estimate is to carry out the works, and if an agreement is given, an estimate from the new contractor must be

submitted to the Council (this does not automatically convey a difference in revised grant award – any additional costs must be separately financed by the applicant).

An invoice, demand or receipt will not be acceptable if it is given by the applicant or a member of the applicant's family. Where works are carried out by the applicant or a member of their family, **only** the cost of materials used will be eligible for financial assistance.

It is a condition of the financial assistance that the eligible works are carried out within 12 months of the date of approval of the application. This period may be extended by the Council if it thinks fit, particularly where it is satisfied that the eligible works cannot be completed for good cause – requests for additional time must be made in writing before the 12 month period ends, and approved extra time will be confirmed in writing by the Council.

The payment of the financial assistance to the applicant will be dependent upon the works being carried out to a standard that is satisfactory to the Council and upon receipt of a satisfactory invoice, demand or receipt for the works and any preliminary or ancillary services or changes.

The Council will usually make payments direct to the contractor on behalf of the applicant, and not usually to the applicant. Where the applicant disagrees with a payment made direct to a contractor, no payment shall be made until any dispute is resolved. Legislation permits the Council to make payment by delivering to the applicant an instrument of payment in a form made payable to the contractor, OR by making payment direct to the applicant in accordance with information provided prior to grant approval.

NOTE: Contractors will receive payment by electronic means only and in order to receive direct payment will be required to provide sufficient information to be set up on the Council's financial systems – BUT this should not frustrate the applicant's choice, as the mandatory DFG grant (only) is an award of funds and not an award tied to a specific contractor with additional financial conditions. Other discretionary awards and forms of assistance may allow different rules on payment in kind etc.

9. Recovery of compensation

It is a condition of the grant that the applicant must take all reasonable steps to pursue any relevant claim for personal injuries which caused the applicant to apply for a DFG or related assistance, and to repay to the Council the grant or assistance, so far as is appropriate, out of the proceeds of any claim, or to use that award directly to fund the adaptations work.

10. Future occupation of the dwelling

It is a condition of the grant that throughout the grant condition period (that is 5 years from the date of certification) the dwelling is occupied in accordance with the intention stated in the certificate of owner occupation or availability for letting, or intended tenancy.

NOTE: There are no provisions regarding the possible repayment of a mandatory DFG in the event of an exempt disposal of the property. No conditions apply in respect of future occupation of a dwelling where a DFG is approved for works to the common parts of a dwelling.

11. Preferred Schemes

Applicants who meet the Disabled Facilities Grant (DFG) eligibility criteria and are therefore entitled to a grant may wish to 'top-up' the DFG funding themselves with a 'preferred scheme'. The DFG recommendation by the Occupational Therapist will be for the most cost-effective solution which will look to adapt an existing property e.g. by removing the bath and replacing with a level access shower

(wet room). Applicants may prefer to choose a different option and a wet room upstairs may not be the preferred washing facility. The applicant will be responsible for the difference in costs between the DFG and the final cost of the works, including unforeseen costs. Written evidence of being able to afford the cost of the additional works is also required.

The HIA technical officer and Occupational Therapist will work with the applicant, their architect and builders as applicable, to ensure that the final scheme meets the disabled person's needs and where applicable planning and building control regulations have been adhered to.

If an applicant pursues their own scheme then the Council or its nominated HIA will provide a copy of all necessary documentation required for a valid and complete application to be made and will provide an information pack regarding how to proceed.

12. Recovery of specialised equipment

For clarity – the equipment installed in a property is the responsibility of the applicant, both during and after any warranty period, but in the event it is no longer required for the applicant the Council have an automatic first right to recovery for re-use, subject to the condition of the equipment and any making-good costs. Such equipment recovery, assessment, repair, refurbishment, cleaning, storage and reinstallation is at the Councils discretion, cost and risk, and not at the applicants. The applicant or their family, executor or heirs should notify the Council in such circumstances, and the Council will endeavour to provide a swift assessment and decision. The Council may also waive this recovery requirement if it considers it appropriate to do so and is not obliged to remove or dispose of unwanted equipment.

13. Repayment

Where a land charge (repayable grant) is due for recovery, on receipt of a written request from the responsible person the Council will consider the options to reduce or waive repayment in particular circumstances to be determined in accordance with the following criteria:

- the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
- whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of their employment;
- whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises;
- whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

If that initial decision is not accepted and further appealed, details of that appeal will be determined by the appropriate Senior Officers of the Council.

All recoverable charges will be recorded as local land charges.

The land charge will be placed in accordance with 2008 General Consent⁸ which enabled local authorities to place a local land charge for the portion of the grant over £5,000. The charge can be up to

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7811/generalconsent2008.pdf

£10,000 and applies if the owner wants to sell the property within 10 years of the certified (completion) date.

Worked examples of the charge are given below:

Total Grant Awarded	£12,000	£15,000	£25,000
Exempt amount	£5,000	£5,000	£5,000
Remaining value of grant	£7,000	£10,000	£20,000
Charge placed	£7,000	£10,000	£10,000

GLOSSARY

Better Care Fund	The Better Care Fund is a budget for social care and community services administered in partnership between NHS England, the Ministry of Housing, Communities and Local Government, and the Department of Health and Social Care. The pooled budget includes Disabled Facilities Grants funding for local authorities.
Land charge	Owner-occupiers who are in receipt of a DFG will be required to repay a proportion of the grant in certain circumstances e.g. if the property is sold within a certain number of years of the grant being completed. In these cases, the Council will register a Local Land Charge against the property for the repayment.
Means Test or Test of Financial Resources	A Disabled Facilities Grant is means-tested and the amount of grant awarded is dependent on the applicant's household income and savings. There is no means test if the works are for the benefit of a disabled child or young adult(aged 19 years or younger)
Registered Providers	Registered Providers include local authority landlords and private registered providers (such as not-for-profit housing associations and for-profit organisations).
Staffordshire Warmer Homes	Staffordshire Warmer Homes is a scheme run by Staffordshire County Council, in partnership with the 8 district and borough councils. The scheme aims to combat fuel poverty and helps residents to heat their home mainly by funding first time central heating systems to eligible homes.
Step-lifts	Step lifts (also known as low rise platform lift, wheel chair lift or open platform lift) are low-rise lifting platforms for wheelchair users usually provided where there are steps leading to the front door. They are an alternative to ramps and can be used where vertical access is one metre or less.
Wash/Dry style toilet	A toilet intended people with disabilities who are unable to use the toilet independently and require a built in wash and dry facility to maintain good hygiene.
Welfare authority	The local authority that provides social services to safeguard and promote the welfare and wellbeing of children and vulnerable adults. This is usually the County Council unless it is a unitary authority. In Staffordshire this is Staffordshire County Council.