

# Housing Assistance Policy 2019



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## 1. Introduction

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Ensuring that homes are decent, accessible, safe and secure is not only important for the health and wellbeing of the occupants but it is also vital for the sustainability of communities. Many residents have the necessary resources to maintain and repair their own homes; however some may need some assistance to do this, especially those who are elderly, on a low income, or have disabilities.

The purpose of this policy is to set out how Lichfield District Council (the council) will provide housing assistance and implement a range of schemes to make best use of limited resources to raise housing standards in the district and also work with partners to improve the quality of housing available to residents.

## 2. Strategic Context

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This policy and its priorities have been developed to reflect national, sub-regional and local strategies in the context of local issues.

### 2.1. National Context

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The government's view is that the primary responsibility for maintaining privately owned properties rests with the homeowner. However, in certain circumstances it may become necessary for some assistance in the form of a grant or loan to be made available to assist in carrying out essential repairs or improvements.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gave the council the power to provide financial assistance for home repairs, adaptations and other improvements to reflect local needs, conditions and resources. The assistance provided under this policy is subject to individual terms and conditions, including a requirement to contribute or repay some or all of the assistance in certain circumstances.

The Order stipulates that a local housing authority may not exercise the power to provide assistance unless they have adopted a policy for the provision of assistance. This revised policy will apply to all new applications for assistance from 1<sup>st</sup> April 2019.

The Decent Homes Standard<sup>1</sup> was amended in 2006 to reflect the Housing Health and Safety Rating System (HHSRS) that was introduced by the Housing Act 2004. The HHSRS is a risk assessment procedure that allows local authorities to intervene where they consider housing conditions to be unacceptable on the basis of the impact of hazards on the health or safety of the most vulnerable occupant.

The Home Energy Conservation Act 1995 (HECA) sets out how all 326 local authorities in England have a role to play in improving the energy efficiency of the residential accommodation in their areas, and thereby achieving reductions in domestic carbon emissions. Since March 2013 local authorities have been required to produce biennial reports setting out the energy conservation measures that the

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<sup>1</sup> A Decent Home is defined under the Housing Health and Safety Rating System as one that has no Category 1 hazards, is in a reasonable state of repair, has reasonably modern facilities and services and provides a reasonable degree of thermal comfort. A Decent Home: Definition and guidance for implementation - June 2006 update.

authority considers practicable, cost-effective and likely to result in significant improvement in the energy efficiency of residential accommodation in the district.

In June 2013 the £5.3bn Better Care Fund (BCF) was announced by the government to ensure a transformation in integrated health and social care. It created a local, single pooled budget to incentivise the NHS and local government to work more closely together by placing a person’s wellbeing as the focus of health and care services and shifting resources into social care and community services for the benefit of the people, communities and health and care systems. From April 2015, government funding for Disabled Facilities Grants (DFGs) is no longer provided directly to the district and borough councils in the form of a grant, but is instead allocated through the BCF hosted by Staffordshire County Council. The statutory duty to deliver DFG’s however remains with district and borough councils.

## 2.2. Local Context – Stock Condition

The district does not suffer from large concentrations of housing disrepair; properties that are empty or in poor repair tend to be dispersed across all wards. The most recent housing stock condition survey for the district was carried out by the Building Research Establishment (BRE) in 2018.

The study found that, when compared to the English Housing Survey (EHS) England average, the district’s performance is mixed; performance as a percentage of housing stock is better for:

|                                 | <b>Lichfield District</b> | <b>National</b> |
|---------------------------------|---------------------------|-----------------|
| <b>Disrepair</b>                | 3%                        | 5%              |
| <b>Fuel poverty<sup>2</sup></b> | 11%                       | 14%             |
| <b>Low income households</b>    | 17%                       | 24%             |

and slightly worse for:

|                    | <b>Lichfield District</b> | <b>National</b> |
|--------------------|---------------------------|-----------------|
| <b>All hazards</b> | 14%                       | 13%             |
| <b>Excess Cold</b> | 6%                        | 5%              |
| <b>Falls</b>       | 8.4%                      | 7.6%            |

Similarly, when compared with the West Midlands region, the district performs better for all hazards except excess cold which is slightly worse (6% compared to 5%).

For the private rented stock, when compared to the EHS England average figures the district also performs better for the majority of indicators including all hazards.

<sup>2</sup> Using the definition of a household who needs to spend more than 10% of their income to heat their home to a temperature needed to maintain health and comfort.

The average Simple SAP<sup>3</sup> ratings for all stock in the district are the same as the national average (59) and better than the regional average (56). Our private stock is better than both the regional and England averages.

At the ward level, the highest concentrations of hazards in the private sector are found in the wards of Longdon, Mease Valley and Bourne Vale.

The highest concentrations of fuel poverty (Low Income High Costs definition) in the private sector are found in the wards of Chasetown, Mease Valley and Fazeley; for excess cold the highest concentrations are in Mease Valley, Longdon and Bourne Vale.

### **2.3. Links to Corporate Objectives**

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Housing has a key role to play in the council's mission to improve the quality of life of all of its residents and will have a major input into the council's ability to meet our 'Strategic Plan 2016 - 2020' particularly within the themes of 'healthy & safe communities' and 'clean, green and welcoming places to live'.

The Housing Assistance Policy forms a key part of the council's Housing Strategy and has links to other corporate priorities. One of the priorities of the Housing Strategy is to "ensure warm, healthy well maintained homes, reduce fuel poverty and cut carbon emissions".

The relationship between health and housing is well documented; the environment we live in can be an important influence on health and wellbeing and the demand for health and social care. Certain characteristics, such as trip hazards, overcrowding, sanitation and poor heating can have adverse effects on an individual's health.

Consequently, the Housing Assistance Policy is also an important tool for delivering the council's new Health and Wellbeing Strategy and in demonstrating our commitment to Health in All Policies (HIAP).

### **2.4. Equality Impact Assessment**

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The Housing Assistance Policy 2016-2018 underwent an Equality Impact Assessment (EIA) in September 2016. This interim update includes minor amendments which do not materially deviate from the original document; therefore the original EIA remains relevant.

## **3. Principles of Assistance**

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The council recognises that the primary responsibility for repairing and maintaining a property rests with the owner<sup>4</sup>. However the council has certain statutory responsibilities to fulfil and must also take steps to protect and assist vulnerable members of the community whilst providing advice to all residents to help them maintain their own homes and utilise government funding where appropriate.

Everyone lawfully resident in the district should have access to a decent home, and particularly so for social housing to which the Decent Homes Standard applies.

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<sup>3</sup> SAP is the Standard Assessment Procedure and is the government's standard method of calculating the energy efficiency of homes and is used to provide a home energy rating.

<sup>4</sup> 'The owner' is defined as the owner occupier or private landlord.

Eligibility for all types of assistance in this policy is subject to change due to funding levels and any alterations will be made with the agreement of the Cabinet Member for Regulatory Services, Housing and Wellbeing and will be published on the council's website.

**The provision of financial assistance is subject to the availability of funding and the support and assistance we provide should encourage private investment and maximise the impact of available public funds.**

## 4. Types of Assistance

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The following assistance measures are currently available from the council to residents in the district:

- Assistance for disabled persons - Disabled Facilities Grants (DFGs)
- Discretionary DFG top-up
- Discretionary relocation grant
- Emergency home repair assistance
- Target hardening
- Energy efficiency schemes

Following assessment of need and the resources available to the council, new initiatives may be developed and added at a future date.

### 4.1. Disabled Facilities Grants (DFGs)

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DFGs are grants that local authorities must make available to their disabled residents who meet the required qualification criteria as set out in the Housing, Grants, Construction and Regeneration Act 1996, and the accompanying regulations and subsequent amendments. Further information on eligibility and qualification can be found in Appendix A. The purpose of the grant is to enable adaptations to be completed to a disabled person's home to support them to live independently at home.

The council has contracted its duty to provide DFGs to a Home Improvement Agency (HIA) to ensure applicants receive a holistic assessment of their needs. This includes access to information, advice and support around equipment and adaptations to enable independent living, applying for the DFG and the eligibility requirements surrounding the grant and advice around alternative housing options.

The HIA will manage all parts of the DFG process, including making decisions on whether the work is necessary, appropriate, reasonable and practical to meet the needs of the disabled person, a person's eligibility for the grant including the test of resources, assistance with sourcing contractors and managing the work to ensure it meets the necessary standards for the grant to be paid.

Eligibility requirements:

- The applicant must be assessed as being disabled, as set out in the criteria in section 100 of the Housing (Grants, Construction and Regeneration) Act 1996.

- The proposed work is required to meet one or more of the identified needs of the disabled occupant to facilitate access to or around the home, or make the property safe. Full criteria is set out in Appendix A.
- The grant is means tested for adults; in this statutory means test the household's financial resources are assessed to determine if they can contribute towards the cost of the works. Applications for disabled children under the age of 19 are exempt from the means test.
- Assistance is available to an applicant who has, or proposes to acquire, an owners interest in every parcel of land on which the relevant works are to be carried out, or who is the tenant (alone or jointly with others) of the dwelling.
- The disabled person must intend to remain in the property as their only or main residence throughout the grant condition period, currently set at five years, or for such shorter period as health and other relevant circumstances permit.
- Work must be assessed as necessary and appropriate by the authorised officer of the HIA to meet the needs of the disabled occupant and an assessment undertaken to determine the reasonableness and practicality of carrying out the relevant work; having regard to the age and condition of the property to be adapted.
- The maximum grant payable is £30,000.
- All applications for funding will be determined by the HIA and will be assessed against the eligibility criteria detailed in Appendix A. Any fee charged for this service is grant eligible.
- Due to limited funding and the demand for assistance, a waiting list may be operated of duly made applications.
- Full grant conditions can be found in Appendix A.

## **4.2. Discretionary Top-Ups for DFG Work**

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In exceptional circumstances, the council will consider applications to top up the funding of a DFG to a maximum amount of £5,000 where this exceeds the maximum grant limit of £30,000.

While each case will be considered on its own merits, the following criteria must apply for an application to be valid:

- The applicant has been assessed as eligible for a mandatory DFG; and
- the household is considered to be in financial hardship; and
- all other means of funding i.e. charitable contributions have been explored and depleted.

Applications made towards the cost of an applicant's assessed contribution will not be considered.

If successfully awarded, the money will be paid in the form of a discretionary grant.

Should the applicant own their own home or have an owners interest in the property, a land charge for the amount of top up awarded will be applied for a period of 10

years in line with the grant conditions set out in Appendix A. This will be in addition to any land charge applied for the mandatory grant awarded.

### 4.3. Relocation Grants in Lieu of DFG

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In certain circumstances, it may not be possible to suitably adapt a disabled person's home to meet their needs, or the costs of doing so becomes prohibitive.

In order to effectively meet the disabled person's needs, the council will consider applications for a relocation grant to assist disabled households with the cost of moving to a more appropriate home where the following conditions apply:

- The applicant has been assessed as eligible for a mandatory DFG; and
- there is no possibility of adapting the current home, or moving would provide a better long term solution; and
- the cost of the relocation grant is smaller than the original grant, including the estimated costs of any adaptations required in the new home; and
- the amount requested, including the cost of any adaptations to the new home, does not exceed the grant maximum limit of £30,000.

Eligible costs can include:

- Removal costs (lowest of at least two quotes)
- Stamp duty
- Legal and estate agent fees
- Survey fees

If successfully awarded, the money will be paid in the form of a discretionary grant.

Should the applicant own their own home, or have a qualifying owner's interest in the property, a land charge will be applied for a period of 10 years in line with the grant conditions set out in appendix A.

### 4.4. Emergency Home Repair Assistance

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From April 2018 the administration of applications for home repair assistance (HRA) and any consequent grant allocations has been the responsibility of the council's Housing Strategy Team.

This grant ensures that the most vulnerable households living in the worst conditions receive help to enable them to remain in their homes. The assistance is available to **owner-occupiers** as follows:

- The maximum grant is £5,000 and is available to households:
  - who do not, or are unlikely to, qualify for any assistance through an equity-release product; or
  - where the works are considered prejudicial to health or dangerous were they to be delayed by the waiting times involved in a loan application.
- Eligibility criteria and eligible works are detailed in Appendix B.

Applications for assistance will be given priority in accordance with the eligibility criteria set out in Appendix B. The level of priority required to receive a grant will be dependent upon the availability of funding throughout the year; this will be reviewed on a periodic basis.

## **4.5 Energy Efficiency**

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Through the priorities for action set out in the Housing Strategy 2013-2017, we aim to support and, where possible, reduce the number of people living in fuel poverty, increase the energy efficiency of the housing stock and cut carbon emissions.

Our Warmer Homes, Greener District initiative<sup>5</sup> is our primary means for achieving this aim by:

- Maximising the amount of Energy Company Obligation (ECO) funding coming into the district for domestic energy efficiency installations. This includes the Flexible Eligibility scheme, for which the council has set its own qualifying criteria for residents in order to support otherwise ineligible households.
- Participating in the Staffordshire Warm Homes programme, funded by the Warm Homes Fund to reduce the number of off-gas homes in the district.
- Participating in a pilot scheme to reduce the likelihood of selected patients requiring unnecessary or premature hospitalisation by coordinating and integrating multiple measures.
- Identifying and making the best use of any other emerging funding and support opportunities.

Discretionary energy efficiency grant support from the council is only available to residents who meet the requirements for flexible eligibility or HRA criteria set out in Appendix B.

## **4.6. Target Hardening**

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The scheme aims to prevent homelessness through the provision of appropriate security measures which enable applicants who have suffered from domestic abuse and other violent crimes to remain living safely and securely in their current home, through the installation of security measures up to a value of £2,500.

Referrals to the scheme will be accepted from recommendations from the Multi Agency Risk Assessment Conference (MARAC), Multi Agency Hub (MAH) or any other agency where sufficient information is available to appropriately assess an applicant's eligibility.

The following criteria must apply for an application to be considered:

- The applicant must live in the district and be threatened with homelessness as a result of domestic abuse, hate crime, racial harassment or other violence.

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<sup>5</sup> Householders can call the WHGD energy advice line on 0800 677 1543, which is run on our behalf by specialist local service providers, and speak to trained advisors about energy efficiency, cold-aggravated health conditions and reducing their fuel bills.

- It is deemed safe for the applicant to remain in their home by the relevant professionals involved.
- The applicant must have expressed an intention to remain in the property and is likely to do so for at least the next six months.
- The perpetrator must not be resident in the property.
- The council must be satisfied that without the additional security measures the victim would be likely to make an application on the grounds of homelessness.
- The level of security available through the scheme should be sufficient to meet the identified requirements of the applicant.
- The applicant, and if appropriate the landlord, must agree to **all** of the recommended safety measures being installed.

#### 4.7. Empty Homes

The Empty Homes Policy 2016<sup>6</sup> was developed to address and to try to reduce the number of long term empty homes in the district. Local authorities have a number of legal powers to ensure that empty homes are brought back into use, however there is no statutory duty to do so. We have limited resources and will prioritise action depending on the associated risks and severity of the impact that the home is having on those affected by it.

In offering assistance to empty home owners, the council will seek to work with owners to identify the range of options available to them. This may include practical guidance on:

- Letting/leasing/custodian schemes
- Property valuation
- Building regulations and planning

#### 5. Enquiries, Advice & Assistance

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|--|--|
| For DFG's for adults in the first instance you should contact: | <p><b>Staffordshire Cares</b><br/>                 Staffordshire County Council<br/>                 Number 1 Staffordshire Place,<br/>                 Stafford<br/>                 ST16 2LP<br/>                 Telephone: 0300 111 8010</p>   |
| For DFG's for children with disabilities contact:              | <p><b>First Response Team</b><br/>                 Children and Lifelong Learning<br/>                 Wedgewood Building<br/>                 Tipping Street<br/>                 Stafford<br/>                 ST16 2 DH<br/>                 Freephone: 0800 1313 126 (Monday to Thursday, 8:30am-5:00pm and Friday 8:30am-4:30pm)<br/>                 Email: <a href="mailto:first@staffordshire.gov.uk">first@staffordshire.gov.uk</a></p> |

<sup>6</sup> <https://www.lichfielddc.gov.uk/Residents/Housing/Housing-strategy/Empty-properties.aspx>

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| <p>Enquiries for home repairs assistance (HRA) or Target Hardening can be made to:</p>   | <p><b>Housing Team</b><br/>District Council House<br/>Frog Lane<br/>Lichfield<br/>Staffordshire<br/>WS13 6YY</p> <p>Telephone: 01543 308000<br/>By email to: <a href="mailto:housing@lichfieldddc.gov.uk">housing@lichfieldddc.gov.uk</a></p>  |
| <p><b>The Trader Register</b><br/>For residents who are funding their own work and would like information on reliable contractors registered with SCC there is a trader register.</p> <p>For more information contact:</p> | <p><b>Staffordshire &amp; Stoke-on-Trent Trader Register</b><br/>Staffordshire County Council<br/>20 Sidmouth Avenue<br/>Newcastle-Under-Lyme<br/>ST5 0QN</p> <p>Telephone: 01785 330888 (Telephone lines are open between 8am – 8pm Monday to Thursday; 8am – 6pm Friday and 9am – 5pm Saturday)</p> <p>Website: <a href="http://www.traderregister.org.uk">www.traderregister.org.uk</a></p> |

## **Appendix A – Disabled Facilities Grants**

### **1. Disabled Facilities Grants (DFGs)**

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A mandatory grant to adapt the home of a person with a disability<sup>7</sup>.

### **2. Eligibility**

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The following criteria must be followed when assessing a disabled person for eligibility of the DFG.

The words and terms used below shall have the same meaning as defined in the Housing Grants, Construction and Regeneration Act 1996.

#### **2.1. Residence**

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The eligibility criteria for a DFG are as follows:

- a) The applicant has, or proposes to acquire, an owners interest in every parcel of land on which the relevant works are to be carried out; or
- b) the applicant is a tenant (alone or jointly with others) of the dwelling or of a flat in the building in the case of works to the common parts.

Following assessment of ownership, the HIA will also establish that:

- a) The disabled occupant intends to live in the dwelling or flat as his only or main residence for a minimum period of 5 years from the date of application; and
- b) the proposed works are required to meet one or more of the following identified needs of the disabled occupant.

#### **2.2. Purpose of Assistance**

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In assessing eligibility, the council or its nominated HIA delivery partner will have regard to whether the proposed works listed in section 2.2 a-m (below) are required to meet one or more of the needs of the disabled person.

- a) Facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling, qualifying houseboat or qualifying park home or, as the case may be, flat is situated.
- b) Making the dwelling, qualifying houseboat or qualifying park home, or the building, safe for the disabled occupant and other persons residing with them.
- 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.

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<sup>7</sup> An adaptation must be for the benefit of a person who is 'disabled' within the criteria in section 100 of the Housing (Grants, Construction and Regeneration) Act 1996.

- 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 or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet their 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 them to care for a person who is normally resident there and is in need of such care.
- l) Facilitating access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant.
- m) Such other purposes as may be specified by order of the Secretary of State.

### **2.3. Test of Financial Resources**

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In accordance with the Housing Grants, Construction and Regeneration Act 1996, the DFG is subject to a test of the financial resources of the disabled occupant and their household. The assessment will be carried out by an authorised officer of the HIA.

### **2.4. Necessary & Appropriate Assessment**

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The proposed DFG work must be deemed as necessary and appropriate for a grant to be considered. The HIA will complete an assessment of the individual to ensure the works are both necessary and appropriate to meet the needs of the disabled person, both now and in the future. The outcome of this assessment shall be recorded and maintained as supporting evidence.

This assessment will have regard to the potential for using equipment, making minor amendments to the home and other solutions such as moving to more suitable accommodation before determining that a DFG funded major adaptation is the necessary and appropriate solution. Where an applicant is registered on the housing register, their intention to remain in their current home must be determined prior to an application for a DFG being made.

### **2.5. Reasonable & Practicable**

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In designing adaptations to meet the needs of a disabled person, and to be eligible for a DFG, there are a number of sequential assessments that need to be

undertaken in order to determine whether the proposed works are both reasonable and practicable to deliver.

The reasonableness and practicalities of the proposed work must have regard to:

- a) The layout, construction age and condition of the accommodation.
- b) The number, ages and needs of the other occupants of the accommodation.
- c) The use of the accommodation by the disabled person and any other occupants.
- d) The location of the accommodation e.g. steep access to the property.
- e) Any other options that have been considered less practicable than the proposed work.
- f) The cost of the proposed work is assessed as reasonable having regard to the likely cost of any alternatives.
- g) The success of adaptations carried out in similar types of accommodation.
- h) The implications of carrying out the required adaptation with regard to its future use and classification and potential hardship issues, particularly with regard to spare room subsidy.

The assessment must be undertaken by the authorised officer of the HIA and will determine if the proposed works are reasonable and practicable. This assessment shall be recorded and maintained as evidence of assessment by the HIA.

### **3. Application Requirements**

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The following application forms and details are required for an application to be considered a valid application:

- a) A fully completed application form.
- b) Future occupation certificate.
- c) Owners certificate from either the applicant (if an owner) or the relevant landlord.
- d) Confirmation of ownership, e.g. land registry certification or equivalent; or
- e) permission from the owner.
- f) Proof of financial information and a test of resources to determine grant eligibility, or alternatively proof of a qualifying benefit dated within 3 months of grant approval.
- g) A schedule of the relevant work to be carried out that is grant eligible.
- h) A minimum of two quotes for the cost of relevant works for complex works from contractors, or for non-complex work a costed schedule of rates drawn up by the authorised officer of the HIA.
- i) An estimate of any fees that are being claimed. In the case of HIA fees these shall be calculated in accordance with the relevant contract.
- j) A completed referral from a suitable qualified person.

- k) An assessment that the proposed works are necessary and appropriate to meet the needs of the disabled person.
- l) An assessment that the proposed works are reasonable and practicable to deliver.

#### **4. Approval of the Disabled Facilities Grant**

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In order to approve a valid application and determine the level of funding required, the following actions will be carried out and recorded by the authorised officer of the HIA:

- a) Certify that the application forms have been correctly and fully completed.
- b) Certify that the applicant has the required interest in the accommodation to be adapted and is therefore eligible to make an application (where the applicant is a prospective owner or tenant the application cannot be approved).
- c) The applicant's contribution towards the cost of the works was calculated in accordance with the Housing Renewal Regulations 1996 as amended.
- d) That the proof of financial information provided matches that used to calculate the applicants contribution in c) above.
- e) That the estimates have been obtained in accordance with the financial regulations of the council or its partner HIA provider in accordance with the contract in place at the time (estimates must not be from members of the client's family).
- f) That the lowest estimate(s) for the works is/are identified and that a check is carried out that all of the works required by the specification and plans (if any) are included in all the estimate(s).
- g) That all estimates are itemised and individual costs should be added up to check if the total is correct, where VAT is being charged, a check shall be made that this is correct as most adaptations are free of VAT.
- h) That the works have not already begun.
- i) That any estimates for fees are eligible for grant assistance and are reasonable, eligible fees include fees for the use of the HIA services as detailed in the appropriate contract, the reasonable cost of obtaining plans and any necessary permissions, the cost of obtaining any certification required (e.g. details of ownership) and funding (reasonable cost will be determined having regard to competitive estimates being obtained or otherwise in compliance with the financial regulations the HIA).
- j) Where it has not been possible to certify that the application forms have been completed satisfactorily or the information required by this policy has not been met, the documentation will be returned to the applicant as an incomplete application.
- k) The eligible expense is calculated by adding together the total estimated cost and the total cost of fees, subject to a maximum grant of £30,000.
- l) The actual amount of grant is calculated by deducting the applicant's contribution (calculated in 'c' above) from the eligible expense (calculated in 'i' above).

- m) The authorised officer will check that sufficient funds will be available to enable the payment of the grant having regard to the funding available.
- n) A second certification shall be made that all of the forms, details and checks and calculations have been correctly carried out by a senior authorised officer, other than the officer who carried out the original checks.

Having completed all of the checks in a) to i) the application for the grant may then be approved in accordance with k) to n).

The HIA will issue the applicant a written decision notice as soon as reasonably practicable, but no later than six months after the date of receipt of the duly made application (as outlined in a-i above). The decision notice will outline whether the application has been approved or refused.

- a) In the case of grant approval, the applicant shall be notified of the relevant work to be carried out and how the grant has been calculated, including the total estimated cost, the total amount of fees, the eligible expense, the applicant's contribution and the amount of grant. The notice shall also state that the funding is being provided by the council and advise of the conditions that are attached to grant funding including repayment in certain circumstances; or
- b) in the case of a grant refusal, the applicant shall be notified of the reasons for the refusal.

#### **4.1. Register of Approved Applications**

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A register of approvals shall be maintained, which may be electronic, provided that the electronic means has an audit trail. The council and its auditors will have access to the register for the purposes of information and audit. The required information to be maintained in the register is as follows:

- a) Name, address, tenure and date of birth of the applicant.
- b) Name, address, tenure and date of birth of the disabled person (if different to the above).
- c) Date and source of referral.
- d) Total estimated cost of works.
- e) Applicant's contribution.
- f) Total amount of fees.
- g) Amount of grant.
- h) Date of approval.
- i) Type of adaptation work.
- j) Date of certified grant completion.

#### **4.2. Timescales**

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Grant approvals for DFG works are valid for 12 months from the date of approval. Therefore all works funded through a DFG must be completed within 12 months from the date of approval. In exceptional circumstances an application may be made to

the HIA for an extension, and the maximum extension which may be granted is 3 months.

## **5. Waiting List**

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Where a DFG application has been approved based on the terms set out in section 3 above and the council has insufficient funds to complete the assessed work, the application may be held on a waiting list. The HIA will notify the applicant of this within the notification of decision letter.

## **6. Completion of Work**

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Completion of DFG work will be in accordance with the following.

### **6.1. Site Supervision**

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Site supervision will be carried out by a suitably qualified technical officer from the HIA who will make records of the visits made, and of any advice or instructions given to the contractor and any complaints or concerns of the applicant.

In particular site supervision should cover the following in all cases:

- a) A full inspection of the works carried out to date.
- b) An assessment of the standard of work and in particular an assessment of whether the works carried out complies with the specification and plans (if any).
- c) Any concerns or complaints of the applicant.
- d) The availability of services; e.g. water, gas, electricity and heating whilst the works are in progress.
- e) Any problems with the proposed works specification that would require the input of the OT or the owner of the property; e.g. the landlord.

### **6.2. Approval of Additional Costs**

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Where changes to the approved specification are required, the technical officer shall record the circumstances and the extent of the changes required and, where appropriate, obtain approval for these changes from the applicant and the property owner before agreeing them with the contractor. A record shall be kept of all agreed changes to the specification.

Where agreed changes to the specification will revise the costs incurred, the technical officer of the HIA will assess these costs and approve them as appropriate if they are considered reasonable, or where works are no longer required, having regard to the original estimated cost.

The application for additional funding over £350 shall be submitted to the senior authorised officer for approval having regard to:

- a) The reasons for the additional costs and any alternative options considered (additional costs will not be approved to rectify contractor's errors or through the actions of some other person e.g. the applicant or their representatives).

- b) An assessment that the costs are reasonable for the works to be carried out by the technical officer; or
- c) Where works are no longer required, an assessment based on the original estimate of a reasonable reduction in costs.
- d) That there is not a more cost effective alternative available.
- e) Where additional costs exceed £350, the technical officer should obtain approval from a senior technical officer.
- f) The sources of funding available to meet the additional cost having regard to the maximum grant available, and the funding available.

The amount of any additional cost and the reasoning behind the decision to allow these costs will be recorded. The authorised officer of the HIA will authorise the revised grant and update the grant approval paperwork in line with the revised costings. They will ensure the applicant is informed of the changes, including any increase in land charge, and instruct the contractor to carry out the additional work, again keeping appropriate records.

## **7. Payment of the Disabled Facilities Grant**

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Where an application for grant has been approved, the grant may be paid:

- a) In whole after the satisfactory completion of the eligible works, subject to any delayed payment notification in the approval document; or
- b) in part by instalments as the work progresses to an approved standard and the balance after the satisfactory completion of the works subject to any delayed payment notification in the approval document.

Where a grant is paid by instalments, the aggregate of the instalments paid before completion of the eligible works shall not exceed 90% of the amount of the grant awarded.

Where the DFG has been approved with delayed payment, payment will not be made before a date specified in the notification of the decision on the applications. This date shall not be more than 12 months after the date of the application.

### **7.1. Stage Payments**

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Following a request from the contractor to pay a stage payment, the HIA authorised officer may agree to a stage payment of the grant, being mindful of the funding available and subject to the following:

- a) Being satisfied with the quality, workmanship and progress of works made by the contractor from the start on site and that that appropriate Interim Stage Payment Certificate has been completed satisfactorily.
- b) Where more than one contractor is carrying out works and the contractor requesting the payment has completed their works to a satisfactory standard and in accordance with the specification satisfactorily which has been certified by the authorised officer and appropriate certification provided, e.g. electrical certificates.

- c) That there is a satisfactory invoice from the contractor whose estimate was used to calculate the grant, and is not from a member of the applicant's family and is in accordance with the estimate.
- d) The applicant agrees to the request and authorises the stage payment on the appropriate form.
- e) That there is an agreed completion date for the works which is likely to be achieved.
- f) A maximum of 2 stage payments per grant. The council may agree to additional payments in exceptional circumstances or where the total costs exceed £25,000.
- g) A minimum payment of £1,000.
- h) That following the stage payment there will be a minimum of 10% of the original grant remaining.
- i) That the stage payment is only to the value of works already completed and does not include for any works that have not been carried out.

Payment will only be made to the contractor.

The HIA will keep records of the payments made including dates paid and amounts.

## **7.2. Final Completion of Works & Payments**

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Where the HIA authorised officer is satisfied that all of the grant aided works have been satisfactorily completed, the authorised officer shall certify the works as complete having regard to the following:

- a) That the works have been completed within 12 months of the approval date otherwise additional approval will be required.

That any necessary certification has been provided and checked for validity e.g. electrical certificate, Building Regulation Certificate.

Where the works have been certified as completed satisfactorily, the authorised officer shall authorise final payment subject to:

- a) The grant having been approved and the same contractor's estimate was used to calculate the grant.
- b) Being satisfied with the standard of workmanship and quality of work carried out to date and certifying on behalf of the council that it is in accordance with the specification and plans and that the amount requested by the contractor(s) is in accordance with estimate on the appropriate form.
- c) That the contractor(s) has provided a satisfactory invoice(s)
- d) The applicant agrees to the request and authorises the final payment on the appropriate form.
- e) That there is sufficient funding available.

Please note payment will only be made to the contractor and not to the applicant.

## **8. Conditions of Payment**

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Where an application for a DFG has been approved, any payment will be subject to the following conditions.

### **8.1. Entitlement to Payment**

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Where an application for a DFG is approved and it is subsequently found that the applicant(s) was not at the time of the application entitled to the DFG in accordance with the eligibility criteria, no DFG shall be paid. If instalments have already been made, then no further monies will be paid and the council may demand that any monies already paid shall be repaid forthwith together with interest from the date on which it was paid until repayment at such reasonable rate as the authority may determine.

### **8.2. Recalculations, Withholding & Repayment of Grant**

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Where an application for a DFG has been approved and the HIA partner ascertains that:

- a) The amount of DFG was determined on the basis of inaccurate or incomplete information and exceeds what the applicant was entitled to; or
- b) without their knowledge the eligible works were started before the application was approved; or
- c) the eligible works are not completed to their satisfaction within 12 months of the date of approval; or
- d) the aggregate of the cost of completing the eligible works and the costs incurred with respect to fees is or is likely to be lower than the estimated expense; or
- e) without their knowledge the eligible works were carried out by a contractor other than the contractor on whose estimate the DFG was based.

The HIA may:

- a) refuse to pay the DFG or any further installment of the DFG which remains to be paid, or
- b) make a reduction in the DFG which, in a case falling within subsection (2)(d), is to be a reduction proportionate to the reduction in the estimated expense; or
- c) refer to the council for determination of whether to require repayment by the applicant forthwith, in whole or part, of the DFG or any instalment of the disabled facilities grant, together with interest at such reasonable rate as the authority may determine from the date of payment until repayment.

### **8.3. Payment to Contractors**

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Payment of the amount of DFG due will be made directly to the contractor carrying out the work and whose invoice was supplied in support of the request for payment.

It is a condition of payment, unless agreed by prior arrangement with the council, or its nominated delivery partner that the eligible works are carried out by the contractor whose estimate accompanied the application or, where two or more estimates were submitted, by one of these contractors.

## **9. Change of Circumstances**

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Where an application for a DFG has been approved and before the certified date of completion of the works:

- a) The works cease to be necessary or appropriate to meet the needs of the disabled occupant, or
- b) the disabled person ceases to occupy the property or it ceases to be the intention that he should occupy it, or
- c) the disabled occupant dies.

The HIA, in consultation with the council where appropriate, may decide having regard to all the circumstances that:

- a) No DFG shall be paid or, as the case may be, no further installments shall be paid; or
- b) the relevant works or some of them should be completed and the DFG or an appropriate proportion of it paid, or
- c) the application should be re-determined in the light of the new circumstances.

Where any installments have been paid, the HIA will refer to the council for a decision regarding whether any installment of the DFG which has been paid should be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.

## **10. Change of Contractor**

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Where the contractor whose estimate was used to calculate the grant cannot carry out or complete the approved works, including remedial works, the HIA will give appropriate notice in writing to the original contractor of the decision to appoint an alternative contractor. The authorised officer may authorise the revision of the grant by recalculating the grant using the next lowest contractors estimate available, being mindful of the funding available.

In deciding to revise the grant the authorised officer will consider the following matters:

- a) The reason why the contractor cannot carry out or complete the works.
- b) The revised level of grant having regard to the maximum grant.
- c) Any other sources of funding available.
- d) That the replacement contractor has the experience and ability to carry out the work and is not a relative of the client.
- e) That the HIA and the owner of the property approve any changes required to the specification resulting from the change of contractor.

- f) Whether the applicant or property owner has any liability for the additional cost e.g. where there is a dispute or conflict between the applicant or property owner and original contractor.

The authorised officer will make adequate records of the decision to change contractors including the reason and any revision of the grant and notify the applicant in writing.

Where the next lowest contractor or any of the contractors who originally tendered are not able to carry out or complete the works, including remedial works, due to availability the authorised officer may procure an alternative contractor in accordance with the HIA's financial regulations. The authorised officer shall maintain adequate records of the decision.

Where a contractor is not able to complete the approved works to an adequate standard and remedial works are required to the works already completed. The authorised officer shall:

- a) Give notice in writing to the original contractor of the extent of remedial works required and the authorised officer's decision to appoint an alternative contractor to complete the remedial works.
- b) Identify the extent and costs of remedial works required to complete the approved works to a satisfactory standard.
- c) Obtain estimates for the work in accordance with the HIA's financial regulations.
- d) Appoint a contractor to complete the remedial works and issue any certificates required.
- e) Deduct the costs of the remedial works from any monies due to the original contractor for work that has been completed satisfactorily in accordance with the specification.
- f) Keep and maintain adequate records of the decisions made.

## **11. Maintenance & Repair**

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On expiry of the initial warranty for through-floor lifts, ceiling track hoists and step lifts, Staffordshire County Council will pay for their servicing, maintenance and repair subject to an annual review and further terms and conditions. The HIA will notify the County Council's Fixed Equipment Team on completion of the grant to ensure the item is added onto their maintenance programme. The County Council will not usually pay where repairs are due to damage or neglect.

Where adaptations have been provided any defects liability period (during which any faults will be rectified free of charge) would depend upon the terms of the contract signed between the grant applicant and the building contractor. After this period, responsibility for dealing with all maintenance and repair is the responsibility of the homeowner or landlord of the property.

## **12. Property Charges**

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Following legislative changes in May 2008, local authorities were given the power to apply a land charge on an owner occupied property where a mandatory DFG is

awarded, enabling limited repayment of the grant in the event of sale or other disposal of the property within ten years of the certified completion date of the relevant works.

The council will make use of this power for DFG funded works set out in this policy and the charge will be applied where:

- a) The funding given is for a sum exceeding £5,000; and,
- b) the applicant has a qualifying owner's interest in the property at which the relevant works are carried out.

## 12.1. Repayment of Charges

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The council will require the applicant to repay part of the award that exceeds £5,000, subject to a maximum repayment amount of £10,000 if the applicant disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the funding was given within 10 years of the certified date. The council will give full consideration to the reasons for the sale, including:

- a) The extent to which the applicant would suffer financial hardship if they were required to repay all or any of the DFG.
- b) Whether the disposal of the premises is to enable the applicant to take up employment, or to change the location of their employment.
- c) Whether the disposal is made for reasons connected with the physical, mental health or well-being of the applicant or of a disabled occupant of the premises; and
- d) whether the disposal is made to enable the applicant to live with or near any person who is disabled or infirm and in need of care, which the applicant is intending to provide, or who is intending to provide care of that the applicant is in need of by reason of disability or infirmity.
- e) That it is reasonable in all circumstances to require the repayment.

In accordance with the conditions set out above a local land charges will be applied for by the Council which are binding on any person who is the owner of the dwelling or building.

## 12.2. Worked examples

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| DFG award  | Disregarded amount | Amount of land charge to be added |
|------------|--------------------|-----------------------------------|
| £7,000.00  | £5,000.00          | £2,000.00                         |
| £15,000.00 | £5,000.00          | £10,000.00                        |
| £30,000.00 | £5,000.00          | £10,000.00                        |

### **13. DFG Top-Up - Property Charges**

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Should the council approve an application for a DFG top-up and the applicant has a qualifying owner's interest in the property at which the relevant works are carried out, a further land charge will be added to the property for the full amount of any top-up awarded.

The same rules outlined in section 12.1 (a-e) will be assessed in determining repayment.

### **14. Relocation Grant - Property Charges**

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Should the council approve a grant to assist an applicant move to more suitable accommodation, the same property charge rules outlined in section 12 and 12.1 will apply.

## Appendix B – Emergency Home Repair Assistance Grant

**Table A - Priority Assessment**

| Applicant   | Applicant Category | Works  | Work Category |
|---|--------------------|--|---------------|
| Disabled, Over 65 on income related benefits      | 1                  | Single item of disrepair leading to a dangerous situation which presents a Category 1 Hazard under HHSRS | A             |
| Disabled, under 65 and on income related benefits | 2                  | Protect the occupants from immediate exposure to dangerous insecure building elements                    | B             |
| Over 65 on Income related benefits                | 3                  | Single item of repair to remedy a situation prejudicial to the occupants health                          | C             |
| Under 65 and on income related benefits           | 4                  | Secure a property from the effects of wind and rain  | D             |
| 'Vulnerable' due to income level <sup>8</sup>     | 5                  | Works to improve the security of dwellings for repeat victims of crime                                   | E             |

- The category of the applicant will be determined from Table A above based on the information supplied by the applicant;
- The category of work in Table A will be assessed on the information given by the applicant.
- This will give an overall category. For example, an applicant is disabled, over 65 and on income-related benefits (Category 1); works required are an adaptation (Category E); therefore the overall Category is 1E.
- This overall category is then used to determine the priority score using Table B.

**Table B – Priority Score**

|   | A   | B  | C  | D  | E  |
|---|-----|----|----|----|----|
| 1 | 100 | 90 | 80 | 70 | 60 |
| 2 | 90  | 81 | 72 | 63 | 54 |
| 3 | 80  | 72 | 64 | 56 | 48 |
| 4 | 70  | 63 | 56 | 49 | 42 |
| 5 | 60  | 54 | 48 | 42 | 36 |

The priority score is determined by selecting the applicant category and reading across the table until the appropriate work category column is reached and this is the priority score. In the example given above, the overall category was 1E and by looking across the row beginning with 1 until the column marked E is reached the

<sup>8</sup> As determined by a financial assessment.

score is shown as 60. Where points allocated are equal, preference will be given to the applicant in the highest category in Table A.

**Table C – Examples of Work in Each Category**

| Category of Works | Works   | Definition of Work Category  |
|-------------------|---|--|
| A                 | Single item of disrepair leading to a dangerous situation                             | <ul style="list-style-type: none"> <li>• Category 1 Hazards under HHSRS</li> <li>• Dangerous Electrics – accompanied by NICEIC certificate to confirm</li> <li>• Movement of Foundations – incl. Structural Engineers Report</li> </ul>  |
| B                 | Protect the occupants from immediate exposure to dangerous insecure building elements | <ul style="list-style-type: none"> <li>• Collapsing floor, ceiling or wall</li> <li>• Fractured lintel over window or door</li> <li>• Defective Roofing</li> <li>• Chimney fractured &amp; spreading</li> </ul>  |
| C                 | Single item of repair to remedy a situation prejudicial to the occupants health       | <ul style="list-style-type: none"> <li>• Lead Piping to water supply ;damp; drainage Issues;</li> <li>• Lack of constant supply of hot &amp; cold running water;</li> <li>• Lack of WC &amp; foul drainage;</li> <li>• Evidence of rising, penetrating &amp; condensation damp &amp; mould;</li> <li>• Inadequate working heating system<sup>9</sup> in the main living and sleeping areas; or limited heating provision leading to risk to the health of the occupants</li> <li>• Lack of ventilation resulting in dampness &amp; mould.</li> </ul> |
| D                 | Secure a property from the effects of wind and rain                                   | <ul style="list-style-type: none"> <li>• Disrepair resulting in storm-water penetration into the property (incl. roof works; 'serious' door &amp; window defects &amp; flood prevention works).</li> </ul>   |
| E                 | Works to improve the security of dwellings for repeat victims of crime                | <ul style="list-style-type: none"> <li>• Possible lighting; locks &amp; alarms – works as detailed by crime prevention officer following at least 2 reported incidents.</li> </ul>   |

The list of items in Table C is not an exclusive list and is to be considered a guide on what may be eligible for Emergency Assistance. Each application for assistance will be considered on an individual basis.

<sup>9</sup> If there is gas central heating present it must be condemned, be beyond economical repair or have a permanent fault resulting in the applicant having no heating and/or hot water before a whole system will be replaced. This must be confirmed by a 'Gas-Care' Registered Engineers report. Where intermittent faults are present repairs will be considered, on a case-by-case basis, following receipt of a 'Gas Care' Registered Engineers report on the system. Grants are not available to properties with fully functioning storage heaters or warm air systems that provide 'whole house' heating regardless of age or model. Grants will not be given if the gas central heating present is working.