

Disabled Facilities Grant Adaptation Policy

Version: 1.0

Date: 1 April 2024

Contents

Executive Summary	3
Introduction	3
Part 1 - Disabled Facilities Grants	4
Winter Warmth Loans	11
General Requirements and Grant Conditions	13
Payment of Grant	15
Repayment in Cases of Disposal of the Premises	17
Prioritisation for Grant Assistance	19
How to Apply for a Disabled Facilities Grant	21
Appendix a	22
Disabled facilities grant average timescales – based on 23/24	
Appendix B	23
Guidance and code of Practice for Agents/Advisors acting on behalf of clients wishing to access grants and loans	
Appendix C	24
Summary of Housing Assistance Available 2023/24	

Executive Summary

This policy sets out the help and support Ashford Borough Council can provide local residents who are in need of aids and adaptations in order to help them remain independent and cared for in their home.

Ashford Borough Council is committed to helping vulnerable and disabled residents and aims to level the playing field for disabled adaptations regardless of tenure.

This policy explains the assistance offered to private sector residents through the Disabled Facilities Grants, including discretionary financial assistance.

There are differences between DFG and HRA (Housing Revenue Account) because the rules, regulations and resources relating to each sector are different. However, in the interests of fairness and equality where possible the council has tried to adopt a consistent approach to both private and public sector residents.

Introduction

The Disabled Facilities Grant (DFG) is a mandatory grant, provided under the Housing Grants, Construction and Regeneration Act 1996, which helps towards the cost of eligible works necessary to support people of all ages and tenures to live independently and safely in their own homes. Local Authorities have a statutory duty and power to provide DFGs to applicants who qualify.

This policy adheres to the following relevant legislation:

The Housing Grants, Construction and Regeneration Act 1996, under which a person is defined as being disabled is if: their sight, hearing, or speech is substantially and permanently impaired, they have a mental disorder or impairment of any kind, or they are physically, substantially and permanently disabled by illness, injury, and impairment present since birth or otherwise.

- A person aged 18 years or over is taken to be disabled if: they are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948, or they are a person whose welfare arrangements have been made under that section or might be made under it.
- A person aged under the age of 18 is taken to be disabled if: they are registered in a register of disabled children maintained under the Children Act 1989, or in the opinion of the social services authority that they are a disabled child as defined for the purposes of Part III of the Children Act 1989.
- Under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.
- Care Act 2014. The general duty of a local authority, in exercising a function under this Part in the case of an individual, is to promote that individual's well-being.
- In 2002 the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) was brought in to provide opportunities and the freedom for Local Authorities to address housing issues. This was extended in 2008-9 by the government given wider scope of the RRO which would include that of DFG money. This would enable authorities to use DFG funds for wider purposes. Where discretionary powers are in place under the "Order" this could be used to provide assistance in any form for the purpose to improve living conditions.
- Disabled Facilities Grant (DFG) delivery: Guidance for local authorities in England 2022 - this guidance provides advice to local authorities in England on how they can effectively and efficiently deliver the DFG funds for adaptations to best serve all local older and disabled persons.

- Armed Forces Act 2006 - Section 343AA Due regard to principles: England - with reference to the relevant housing function and virtue of Part 1 to the Housing Grant, Construction and Regeneration Act 1996.

Under the Care Act, local authorities have new functions. This is to make sure that people who live in their areas:

- receive services that prevent their care needs from becoming more serious, or delay the impact of their needs.
- can get the information and advice they need to make good decisions about care and support.
- have a range of provision of high quality, appropriate services to choose from.

Therefore, this policy will aim to ensure that consistency of delivery for the adaption service and operation remains level and not based on a postcode.

The Better Care Fund

The Better Care Fund since 2015 has been supporting people to live healthy independent lives and allow dignity through joining up services such as health, social care and housing services. The objectives are to enable people to stay well, safe and independent at home for as long as possible. It also aims to provide people with the right care, at the right place and time.

We therefore aim in our adaption policies to run in line with these objectives and to ensure that the person remains the focus.

Part 1 - Disabled Facilities Grants

Mandatory Disabled Facilities Grants (DFG)

Ashford Borough Council, in its role as a local housing authority, is under a statutory duty to provide DFG's for private sector residential adaptations where the appropriate legislative conditions are met.

A Disabled Facilities Grant (DFG) is a means-tested grant that is designed to help meet the costs of adaptations to a property to improve the quality of life for a disabled occupant.

The disabled occupant

For the purposes of the DFG application a disabled person is classified if:

- their sight, hearing or speech is substantially impaired,
- they have a mental disorder or impairment of any kind,
- they are physically substantially disabled by illness, injury or impairment, and a person over 18 is taken to be disabled if - they are an adult who is or could be registered under Section 77 of the Care Act 2014.
- they are a disabled child as defined by s.17 of the Children Act 1989.
- they are registered in a register of disabled children maintained under the Children Act 1989, or in the opinion of the social services council (Kent County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989
- A person aged 18 or over is taken to be disabled if; they are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948, or they are a person for whose welfare arrangements have been made under that section or might be made under it.

Part 1 - Disabled Facilities Grants

Aims of the grant

This policy contributes to the following aims:

- Support people to live safe independent lives by adapting properties so adults and children can remain in their own homes whilst retaining their independence and wellbeing.

General eligibility for grant works

All owner-occupiers and tenants, licensees or occupiers meeting the statutory criteria and financial assessment (Means Test) set out in the Housing Grants Construction and Regeneration Act 1996 are eligible for DFGs

To be eligible to apply for a grant you or someone else living in the property must:

- Be disabled
- Have intentions to live in the property during the grant period which is usually 5 years but this can be shorter, i.e. if person is terminally ill.
- Be over 18 years of age at the date of the application made. Application made on behalf of children or younger persons aged 17 and under must be made by an appropriate adult, i.e. parent/carer.
- Not be ineligible by the virtue of the legislation under the Housing Grants, Construction and Regeneration Act 1996, or any other enactment.

The person submitting the application must:

- be the owner of the property
- the tenant of the property with landlord's approval to proceed
- landlord of property on behalf of tenant

The **types of work** that mandatory DFGs can cover includes:

- facilitating access by the disabled person to and from the premises
- making the dwelling, houseboat, caravan or building safe for the disabled occupant or other people living with them
- facilitating access by the disabled occupant to a room which is used or could be used as the main family room
- facilitating access to, or providing, a room which is used or could be used for sleeping
- providing, or making it possible for a disabled occupant to access, a room containing a lavatory, bath, shower, or wash-hand basin, or facilitating its use
- making it possible for food to be prepared or cooked by the disabled occupant.
- improving any heating system in the dwelling, houseboat or caravan to meet the needs of the disabled occupant, or, if there is no existing heating system or it is unsuitable, providing a suitable system
- facilitating the use by the disabled occupant of a source of power, light or heat, by altering the position of access and control or providing additional means of control
- facilitating access and movement by the disabled occupant around the dwelling in order to enable them to care for a person who is normally resident in the dwelling and is in need of such care (for example a disabled child) and
- an application can be made to fund adaptations to the common parts of buildings containing one or more flats. This can include the structure and exterior of the building, routine parts of the building such as the front door and paths, as well as common interior of the building including emergency/fire exits, stairwells and passageways.

Part 1 - Disabled Facilities Grants

Reasonable and practicable

In order to qualify for a DFG for alterations to a home, they must be reasonable and practicable. When deciding whether proposed alterations are reasonable and practicable, we will consider the age and condition of the building.

Necessary and appropriate

In addition to the requirement that any alterations be reasonable and practicable, the council's Grant Officer may also consult with Social Services to ensure that any alterations are both necessary and appropriate before a DFG is granted.

Applying for a disabled facilities grant

Applications for grant assistance will generally be dealt with by the council. Applicants should be aware that they may not automatically qualify for a grant as they are means tested to ensure a contribution isn't required towards the grant approved works.

A preliminary enquiry about assistance or making an application can be made to the Private Sector Housing Team at Ashford Borough Council.

An enquiry/application can be made in the following ways: -

- by telephone to the Private Sector Housing 01233 330624
- in writing to the Private Sector Housing Team Grants Officer, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
- by e-mail to privatesectorhousing@ashford.gov.uk
- by making an appointment to attend the office during office hours which are 9:00am – 5:00pm Monday to Thursday and 9.00am – 4.00pm Friday with the grants officer or to receive a return telephone call.

Following an enquiry to the council we will if requested send out the relevant application forms to apply for a DFG. Note: No works should start before an application is approved.

The application form will ask specific details on financial resources, income, investments, savings and/or details of Passporting Benefits. If further information on other matters is required following receipt of the application the council will request this in writing.

The amount of the assistance and the time frame within which the works must be completed will be confirmed in writing.

If an applicant is self-referring and requires assistance with the application forms, they may contact Town and Country Housing, who can visit to carry out applications in person. However, if applicants wish to undertake the process themselves, they can do so.

Town and Country Housing are a registered Home Improvement Agency who assist the council in delivering its DFGs, contact details are below in the policy. Their contact details are Town and Country Housing, Monson House, Monson Way, Tunbridge Wells, Kent, TN1 1LQ.

If an applicant prefers to complete the application form themselves, it is recommended to do so as soon as possible. Further help in applying for a DFG can be found through a government funded organisation called Foundations at www.foundations.uk.com

Grant Applicants should be made aware that no DFG will be awarded without a completed application form and a means test carried out.

Generally, enquiries to the council for a DFG will be referred to Social Services to carry out an initial assessment for adaptations required. To make a referral yourself – Armssac@kent.gov.uk or 0300 416161.

Part 1 - Disabled Facilities Grants

Amount of Mandatory DFG

Funding for our DFGs is allocated by the Government through the Better Care Fund (BCF) since 2015. The BCF is a programme spanning both the NHS and local government and seeks more joined up solutions to people's health issues. It has been created to improve the lives of some of the most vulnerable people in our society, placing them at the centre of their care and support, and providing them with 'wraparound' fully integrated health and social care, resulting in an improved experience and better quality of life.

The maximum amount of mandatory grant that the council can pay for any single grant application is set by Order and is **currently £30,000**. This amount is reduced by any contribution assessed as payable by the grant applicant. The first £5,000 of the grant is deemed to hold no charge on a property and anything above this and up to the amount of £15,000 (£10k maximum charge) will be placed as a local land charge. In exceptional circumstances the council may go above the maximum grant limit of £30,000.

Means testing

DFGs are means tested, which means that some people may have to pay a contribution towards their grant. Only the financial circumstances of the disabled person, his or her spouse or civil partner or co-habiting partner, are assessed, not other members of the household.

Applications for a disabled person under the age of 19 are not means tested currently. Applicants for DFGs will be required to complete a 'Test of Resources' form (means test) to determine whether any contribution is to be paid towards the cost of works, which forms part of the application process. The council will undertake such means tests in line with the prevailing statutory provisions in force at the point of application.



Part 1 - Disabled Facilities Grants

Timescales

DFG legislation requires that all valid and completed grant applications are to be determined no later than six months after a completed application is received by the council. The legislation also allows that the council may exercise their discretion to determine that grant monies will not be paid before a specified date (which cannot be later than 12 months after the date of application). (Please see Appendix A)

Ashford Borough Council aims to assess applications and make decisions well in advance of the statutory timescales.

Certificate

The applicant will be required to complete a certificate which states that the disabled person will be living in the property for at least five years after the work has been completed unless they are unable to due to health problems. This is an intention that the applicant will remain however it is not always a guarantee.

Local charge placed on the property

In England and Wales, local authorities have the discretion to claim back the cost of a DFG up to a maximum charge of £10,000 if a property is sold or changes ownership within 10 years. Local authorities disregard the first £5,000 of the grant.

As an example, the grant is approved and allocated for work totalling £9,000. The house is sold within the 10 year period the applicant is expected to pay back £4,000.

Applicant's Own scheme (Grant Off-set)

In line with the Government Good Practice for Adaptations guide, we offer the use of "off-setting", whereby a DFG applicant can fund their own preferred scheme

At times families may not wish to have works that have been recommended by an OT and may choose an alternative or more expensive scheme. Such a scheme will only be approved if it meets the requirements of an OT. It will be the job of the Grants Officer to accommodate the most modest solution within the chosen scheme and offset costings against the preferred scheme of the client/user as originally recommended by the OT.

It should be made clear that schemes, which are perceived for solely improving the value of a property are generally refused.

The scheme must show that it meets the needs of the applicant. For example if an applicant has been offered a stair lift (to gain access to a bedroom) and a shower (to enable them to wash) and they are considering building an extension, the plans must show a bedroom, toilet and shower.

There must also be enough living space left remaining for the rest of the family. We cannot reimburse any costs that an applicant might incur as a result of a potential scheme, such as plans etc.

In order to progress an offset case successfully to approval stage we advise the following procedures are observed in order for us to consider a valid application:

- The applicant (family) must be satisfied that they have an agreed plan for which planning permission has been obtained.
- Full Plans Building Regulations will need to be obtained, based on the agreed plan and the Grants Officer will need a copy of approval for their files.
- A draft itemised specification of works, based on the Occupational Therapist's current recommendations (and referenced to approved plans), will need to be agreed by the Grants Officer and the Occupational Therapist before going out to tender. The specification should be clear and the works easily identifiable.
- A comparable specification/costings of works will need to be supplied to the Grants Officer in line with agreement of costings for approved works confirmed between all parties prior to any commencement of works on site.

Part 1 - Disabled Facilities Grants

- The agreed specification will need to be tendered and two to three competitive tenders need to be obtained. There is no allowance in the grant for provisional sums or contingency costs. Please note that non-slip flooring to the shower room with coved up stands can be included within the grant, but carpets to bedroom or other areas cannot. Any works outside the scope of the grant (private works) needs to be clearly identified so that this can be removed easily for grant calculation purposes. All contractors should be aware payments can only be made for completed works on site and no up-front payments or payments of materials can be made by us.
- The winning contractor needs to identify which elements of the work attract VAT at the prevailing rate and which can be zero rated (upon completion of a disability exemption certificate).
- The winning contractor needs to provide confirmation of minimum £2m liability insurance and also provide details of CIS number and company registration number.
- Once competitive estimates are obtained, together with Building Regulations approval, we will need the grant application form completed and owner's certificate sent to the office or via email. Assistance to complete form is also available if required.
- Any concerns regarding the contractor must be identified as soon as possible to the grants officer. You must direct any initial concerns to the contractor in writing to ensure that this is formally advised.

The right to use another agent

All applicants are encouraged, though this is not a mandatory requirement, to enlist the services of an agent, to assist them in the process of application where the adaptations involves significant building alteration, complex or non-standard works. Fees incurred for such services are eligible for grant funding subject to the maximum amount of grant funding allowed.

Ashford Borough Council use the services of a Home Improvement Agency (Town & Country Housing) to manage the DFG referrals. This service will include, assisting applicants during the application process to the completion of the grant funded works on site.

As part of the DFG process, Town and Country as with most agents, will charge an administration fee which is included within the grant final allocated amount.

If an applicant wishes to use the services of another agent they can consult "Find my HIA" website for agencies accredited with Foundations who are the national body for DFGs and Home Improvement Agencies in England, on the following link:

- Home Improvement Agency Directory for England - Find Home Improvement Agencies - Find My HIA
- <https://wwwFOUNDATIONS.uk.com>

See Appendix B for Guidance and code of Practice for Agents /Advisors acting on behalf of clients wishing to access grants and loans.

Not using an agent.

If the applicant is intending not to use the services of an agent and wishing to manage the works they are able to do so but must consult the grants officer beforehand.

Such applicants will need to provide quotes for carrying out adaptation works along with supporting documentation which includes things like architects plans, schedules, specifications, costings and Planning and Building Regulation permissions. Under normal circumstances two 'comparable' estimates, based on the specification will be required, as part of the grant application.

Applicants must also show that they are able to fund any works over and above the contribution the Disabled Facilities Grant provides.

Once the works are approved you will have 12 months to complete the adaptations in line with the agreed scheme unless it can be evidenced that delays were unforeseen.

Part 1 - Disabled Facilities Grants

This service can be provided by Town and Country Housing or similarly approved providers.

(Please see Appendix B)

Discretionary Duty for DFGs

In addition to providing mandatory DFGs, the council has the power to offer discretionary financial assistance, by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. Using these powers, the council may offer discretionary DFGs for private sector residential adaptations in certain specific circumstances.

Discretionary loans and Grants are subject to funds being available and mandatory grants will be prioritised first. It is important to note that discretionary funding will only be available for eligible works.

Discretionary provision will be reviewed annually or to fit with the cycle of funding allocations. Given the unpredictable nature of the demand, costs, and funding of these applications, it is important to note that **any discretionary assistance can be withdrawn by the councils at any time.**

Grants exceeding the maximum limit (£30,000)

On occasions a property will require extensive adaptations far exceeding the mandatory limit and, in some circumstances, unforeseen matters arise that could not have been prevented. Such adaptations may involve extending the property and/or installation of specialist lifts or highly technical bathing equipment.

Conditions:

- A maximum loan of up to £10,000 can be considered to fund the costs of eligible works which exceed the maximum mandatory grant of £30,000. This is dependent on the financial year and budgetary restraints.
- The council's grant officer will consult with Kent County Council Occupational Therapists to determine if works above £30,000 are reasonable.
- The top up loan above the mandatory limit of £30,000, will be interest free, secured by a legal charge at land registry, and will be repayable upon sale or change of ownership of the property. This charge lasts for 10 years, after which the loan is written off. Again, this condition is based on budgetary constraints and held on discretion.
- The client/applicant to be notified in writing of the above conditions before approval is given.
- The legal charge may be removed based on each case depending on its merits and using the criteria outlined in the Housing Grants, Construction and Regeneration Act 1996.
- If the DFG has already been subject to a financial test of resources, no further means test will be made.

Emergency Stair lifts

Discretionary grants of up to £5,000 to install an urgent stair lift in a disabled person's home where cases of a delayed discharge from hospital occur or where a person is liable to become disabled following an operation, (such as leg amputation) a stair lift installation is critical to allow the person to be discharged.

- The grant will have no conditions and no means test will be applied. Owner-occupiers can access the grant and private tenants (with property owner's permission).
- The request for a stair lift will need be assessed by a suitably qualified person, such as an OT.
- The grants officer will require the critical referral request in writing from the OT before approving the works.
- The responsibility for its maintenance and servicing would be with the grant recipient.
- The council have the right to choose a preferred contractor to supply and install the lift, in line with the OT's quote for works following home assessment.

Winter Warmth Loans

The council can consider funding energy efficiency measures (heating and insulation) in the homes of the elderly, disabled and chronically sick residents to help them to maintain independence in the home for longer and prevent hospital admissions through suffering from cold and falls at home. This is also available under the DFG process via an OT recommendation.

The eligibility criteria for the Winter Warmth Loans are:

- Applicant must be a home owner who is over 65 years and suffer with a long-term illness
- Have a disability and be in receipt of benefits.
- In certain circumstances, applications from people under 65 can be considered. A care navigator or health care professional, general practitioner or OT must sign off the health element of the criteria.
- The funding is provided in the form of a repayable grant (with conditions). If the property is either sold or changes are made to the existing title ownership, the grant will have to be repaid.
- Conditions will remain in place for 10 years after the completion of the works and registered as a local land charge. This condition is applied to standard disabled facilities grants, for owner occupiers.
- Any discretionary assistance will only be considered having regard to the amount of resources the council has at the time. If it does not have sufficient resources left to deal with other referrals, the council reserves the right not to approve any discretionary top-up or assistance. The budget position will be reviewed on an annual basis.

Disabled Occupiers in the same Household

Where two disabled people occupy the same dwelling as their main residence and both have individually assessed needs by an Occupational Therapist, depending on the adaptations, there may be a case for considering two separate DFG applications (for example, this is more likely to affect families with more than one disabled child). Generally this may occur where the works may exceed the grant maximum and or the specific need is required for one person only, i.e. specialist bath, stretcher.

Relocation Grant

A relocation grant may be available to an applicant who owns or privately rents their property if adaptations to their current home through DFG are determined not to be practicable or reasonable and they are considering relocation to a property they intend to purchase.

The overall Relocation Grant maximum is set at £7,000.

- The offer will be subject to a report from an occupational therapist as to why the existing property is not suitable for adaptations and the suitability of the new property is considered to be the most viable option.
- An inspection and report will also be required as to the suitability of the prospective property. Both inspections will require the grant officer to attend to decide in conjunction with the OTs as to whether relocation will be a viable option to meet the requirements of the applicant.
- Any grant awarded to assist in relocating will have to meet the reasonable costs associated with moving together with the costs of any lesser adaptation that may be appropriate to meet the clients' needs in the new property as identified by Social Services.

Reasonable costs of moving would include the following;

- Legal fees
- Estate agents fees
- Land registration fees
- Survey fees
- Electrical and drainage inspection fees
- Removal costs (lowest of at least two quotes)
- Redirection of mail if necessary (for a period of 12 weeks maximum)

The above relate only to those reasonable costs incurred as a result of a relocation involving the sale and purchase of a property.

- The council will consider all relocation cases on their own merits and will give consideration to the most cost effective options/solutions.
- The council will not consider providing funding to meet any cost difference between the new and existing property price.
- The council will only consider assistance in respect to relocation to a property deemed to be more appropriate to meet the client's needs.
- The council will only provide a relocation grant if relocating within our Ashford district.

The Relocation Grant will be added to the total cost of the adaptations required to the new property and will be placed as a land charge. The cost will also be within the grant maximum limit of £30,000.

The Relocation Grant Scheme will be subject to the same Test of Resources as the mandatory Disabled Facilities Grant scheme unless the relocation is for a disabled child in which case no test will be applied.

Any Relocation Grant will be recorded as a land registry charge and will mirror those repayment conditions attached to mandatory DFGs that breach a £5,000 threshold.



General Requirements and Grant Conditions

The following general requirements and conditions will apply to both mandatory DFGs and discretionary DFGs.

Applicant's criteria

The council cannot consider an application for a mandatory or discretionary DFG unless it is satisfied that;

- the applicant has or proposes to acquire an owner's interest in every parcel of land on which the relevant works are to be carried out, or
- the applicant is a tenant of the dwelling where the relevant works are to be carried out

Certificate required in case of owner's application

An Owner's Application for a DFG must be accompanied by an owner's certificate which will certify that the applicant has or proposes to acquire an owner's interest and that they intend that the disabled occupant will live in the dwelling as their only or main residence throughout a period of five years following completion of the works.

Certificates required in case of tenant's applications

A Tenant's Application for a DFG must be accompanied by a tenant's certificate which will certify that the application is a tenant's application and that the applicant intends for the disabled occupant (whether that is the applicant or someone in the applicant's household) to live in the dwelling as their only or main residence throughout a period of five years, following completion of the works. Again, this is an intention and not a guarantee.

A tenant's application should be accompanied by an Owner's Certificate from the person who at the time of the application is the landlord under the tenancy. The council can waive this where it is not reasonable in the circumstances to request a certificate.

Private tenants must obtain their landlord's permission, ideally written, for the subject works before a DFG can be approved. Where a landlord withholds this permission for the works to be undertaken a grant cannot be approved.

Occupiers and consent certificates (houseboats and park homes)

Occupiers of houseboats and park homes must provide an 'Occupiers Certificate' certifying the intention of the disabled occupier to occupy the qualifying houseboat or park home as his only or main residence throughout the grant condition period (5 years from the certified date).

Any such certificate must also be accompanied by a 'Consent Certificate' from each person who owns the mooring or land on which the houseboat or park home is stationed or who owns the houseboat or park home.

Unforeseen works (as within discretionary works)

Additional DFG funding will only be provided above the original grant approval in the event that unforeseen works are required in order to allow the completion of the eligible works, or associated works, and where these works are of a nature to protect the health and safety of the applicant, and where these works could not have reasonably been foreseen at the time of the contractor pricing for the contract.

The following points must be observed in all cases of a request for additional unforeseen works:

- As soon as it becomes apparent that unforeseen works are necessary the applicant or agent or the contractor must notify the council;
- The council must be able to independently verify any such works as being necessary and this may involve a site inspection;

General Requirements and Grant Conditions

- The contractor must provide a written quotation to the council for the cost of completing the unforeseen works;
- No unforeseen works can commence until written confirmation from the council has been received as to whether these works are reasonable in terms of cost, are truly unforeseen and whether the works are necessary.

In exceptional circumstances, these terms can be waived where the Grants Officer dealing with the DFG agrees either verbally, or in writing, without necessarily carrying out an inspection that the works may commence, due to risks to the health and safety of the grant applicant.

Where unforeseen works are agreed by the council the grant will be re-calculated when all works have been completed and a revised approval notice will be issued when the grant is paid.

Cost of work

The council uses public money to fund the provision of both mandatory and discretionary DFGs and as such it must take into account value for money, i.e. most modest solution.

The council will require that a grant application should accompany in most circumstances, two quotes for the cost of works. The grant will usually be approved on the basis of the most modest solution unless there are extenuating circumstances.

Where the applicant wants to use a contractor that will cost more than the quote that is deemed acceptable by the council, the applicant will have to pay the difference direct to the contractor. The council will notify the contractor that the applicant will have to make a contribution and advise them of the value of the contribution.

Grant approval

The council is required to approve or refuse the grant within 6 months of a valid grant application being made. A valid application is deemed to be made when the following documentation is submitted:

- A completed application form
- The correct completion of the form itself.
- The appropriate certification together with proof of ownership or tenancy
- The appropriate evidence of financial resources in order to undertake the Test of Resources

The council is required to consult with the OT Service when making a decision on whether the works are necessary and appropriate to meet the needs of the disabled occupant

Works cannot commence before a grant is approved. Any works that are started before a grant is approved will not be granted.

Applicants' data with regards to the grant, will be held and maintained securely for a minimum of 10 years and or once the case has been closed following said period.

(Please see Appendix A for timescales as of 2023)

Payment of Grant

Completion of work:

The legislation requires the council to pay the grant on condition that the work has been carried out to its satisfaction. Payments will generally be paid directly to the contractor and or their agent. However, payment can also be paid direct to the applicant on approval of works and paid to the contractor via the applicant.

- The method of paying the applicant direct can sometimes have occurred as a result of a dispute between applicant and contractor following any form of mediation.

The council or TCH will inspect the works once completed and if in their professional opinion the work has been done satisfactorily, will complete the grant. Any payments that the grant applicant has been made responsible for, must be paid to the appropriate contractor or agent party.

If there is a dispute between the grant applicant and the contractor and the council is satisfied that the work has been completed to a satisfactory standard, payment of any outstanding grant money will be made to the contractor and it will be the responsibility of the applicant to pay any other outstanding amounts.

If the council is not satisfied with the standard of work it will retain the grant money until such time as any works issues have been resolved, at which point it will pay the contractor or if the applicant is still not satisfied, it will pay the applicant.

It is important to note that the councils' officers act on behalf of the council to ensure public funds are spent correctly and value for money is achieved. Applicants will be made aware that officers cannot act on their behalf. There are no guarantees as to the quality of workmanship and any disputes arising between applicants and their contractors are the applicant's responsibility.

Grant entitlement ceases

Where a grant applicant ceases to be entitled to a grant before completion of the works, the legislation states that the council cannot pay any grant or any further instalments (as the case may be) after that date.

- If the grant applicant makes an owner's application he ceases to be entitled to a grant when he ceases to have a qualifying owner's interest,
- or ceases to have the intention specified in the owner's certificate which accompanied the grant application.
- If the grant applicant makes a tenant's application he ceases to be entitled to a grant when he ceases to be a qualifying tenant of the dwelling
- or if the landlord ceases to have the intention specified in the owner's certificate submitted with the application.

The council has the right under the legislation to demand any instalment that has already been paid to be repaid forthwith together with interest from the date on which it was paid until repayment.

The council will consider each case on its own merits in deciding whether to recover any such payments.

Changes in circumstances

In some cases there is a change in circumstances after the grant has been approved that affects the payment of grant. These circumstances (which are prescribed in the legislation) are;

- where the works cease to be necessary or appropriate to meet the needs of the disabled occupant;
- the disabled occupant ceases to occupy the dwelling; or
- the disabled occupant passes away

Payment of Grant

In such circumstances, the legislation states that the council can take such action as appears to be. The council has the right under the legislation to demand any instalment that has already been paid to be repaid to the council. Each case will be considered on its own merits in deciding whether to recover any such payments.

Cases in which grant may be recalculated, withheld or repaid

The council is entitled to refuse to pay grant, or any further instalment of grant which remains to be repaid, or make a reduction in the amount of grant in the following circumstances:

- the council ascertains that the amount of grant was approved on the basis of inaccurate or incomplete information and exceeds that which the grant applicant was entitled,
- the council ascertain that without their knowledge the eligible works were started before the application was approved, except when communication between agent and officer confirms that in an exceptional circumstance a serious risk had been posed to health and safety and works were required to make this safe.
- the works are not completed within 12 months, case by case.
- the cost of works is less than the estimated expense upon which the grant was calculated,
- the work has been carried out by a contractor who was not one of the contractors who originally quoted for the work

Where any of the above situations arise, the council can demand repayment by the applicant in whole or part, of the grant or any instalments of the grant paid together with interest from the date of payment until repayment. Each case will be considered on its own merits in deciding whether to recover any such payments.

However additional to the above please see further considerations-

- Where financial or operational demands are such that dictate payments to be deferred for a period not exceeding 12 months details will be provided within any approval of works and or direct communication via letter to the applicant.
- Where works are covered by insurance grant assistance will not be available.
- Common parts applications will be considered on case-by-case application. In such instances a proportion of such works will only be considered and again this would be on a case-by-case application, dependant on the applicant's liability.



Repayment in Case of Compensation

The council has resolved that it will demand repayment by the applicant of such part of the grant that exceeds £5,000 but will not demand an amount in excess of £10,000 (i.e., grant approved at £15,000) if;

- the grant recipient disposes (whether by sale, assignment, transfer or otherwise of the premises in respect of which the grant was given within 10 years of the certified date; and

The council having considered:

- the extent to which the grant recipient 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 grant recipient 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 grant recipient or of a disabled occupant of the premises; and
- whether the disposal is made to enable the grant recipient to live with, or near, any person who is disabled or infirm and in need of care which the grant recipient is intending to provide or who is intending to provide care of which the grant recipient is in need by reason of disability or infirmity.
- If a grant recipient is of the opinion that any of the exemptions may be appropriate, then they will be required to submit written representations to the council setting out their case in full. The decision on whether to waive either all or a proportion of the grant recovery will be made by the Private Sector Housing Manager or furthermore Head of Service.

Where an applicant dies prior to the grant being approved the application will be treated as closed unless a partner and or member of the household had also been included within the Occupational Therapists recommendation for works as benefiting from said adaptations.

In difficult circumstances where an applicant dies following approval and work commencing, dependant on the need and on a case-by-case basis, the applicant's family shall be contacted and a decision made as to whether the works can be concluded and or made good as before. However, a local land charge may still be applied to the property following discussion with the family and or responsible persons.

Installation of Equipment and Maintenance

Equipment which can be installed and removed easily with little or no structural modification, will not be funded by either a mandatory or discretionary DFG. The cost of supplying such equipment will fall to Kent County Council. This is generally under the sum of £1,000.00.

Typically, the type of equipment that will be covered by a mandatory DFG includes (this is not an exhaustive list):

- Stair lifts
- Ceiling track hoists (excluding slings)
- Through floor lifts
- Rise and fall showering tables that are electrically powered
- Wash and dry toilets
- Body dryers

A five-year warranty and servicing contract to be provided for all relevant adaptations and equipment (lifts, wash-dry toilets, etc) for tenants and owners. Housing Associations are expected to take on the responsibility for repairs, servicing, and maintenance after the expiry of the manufacturer's five-year warranty. Private tenants and owner occupiers will have to fund this themselves.

If a grant application is made for replacement of defective/obsolete equipment, it will not be approved if it can be shown that the equipment can be repaired at a reasonable cost in comparison to renewal.

Repayment in Case of Compensation

In such cases the costs of the repairs will fall to the householder, unless still running under warranty. However in some cases the failure of the installation can result in the need to replace and or change of needs which should therefore be accompanied by an Occupational Therapists new referral.

Contractual Relationships

Following the referral from the Occupational Therapy Service at Kent County Council, the grant officers and (Town and Country Housing Officers) from Ashford Borough Council will schedule the works that are required. If a referral is received from a Private OT, officers will consult with the OT service at Kent County Council.

- Generally when a Private OT becomes involved it forms part of the applicants own scheme offset grant process and as previously will be carried out per policy and procedure.
- Grant applicants must be aware however that the council is in no way responsible for the work of the contractor and that there are no contractual obligations between the contractor and Ashford Borough Council.
- In applicants own scheme offset cases the Grant Officer will assist the process of dispute and withhold funding until a satisfactory resolution is found including the corrective works required.
- If however the relationship between applicant and contractor has diminished to the point works cannot be concluded, the contract will cease and the applicant is responsible for finding a further contractor to conclude the works in consultation with the grant officer.
- Once works have been agreed, communication would be made between the agents acting for council and the applicant, to ensure they are fully aware of the requirements to undertake works.
- Applicants can contact the case officer at any stage to discuss concerns and general communication as to what to expect from the DFG and contractors on site.

Contractors working in applicants' homes, will be expected to have the minimum of the necessary safeguarding certification in place to work with both adults and children, this will include any training that is associated to this. Checks will be made to ensure this is in place prior to awarding of any contract. This should be in accordance with Safeguarding Children and Adults at Risk 2023, in line with DBS checks and enhancement checks.



Prioritisation for Grant Assistance

Applicants for a DFG will be prioritised under the following criteria with each application being assessed case by case, considering the:

- Level of vulnerability of the applicant;
- The likelihood of severity if the adaption works are not undertaken urgently;
- Ability of the applicant to seek alternative assistance;

To ensure a fair and equitable service the council will deal with applications for a DFG as they are received in date order. Only where cases are deemed to be an emergency by Social Services, will an applicant be "fast tracked".

Summary of assistance

In approving an application for assistance, the council may require as a condition of the assistance that the eligible works are carried out in accordance with any specification they decide to impose.

As per the legislation of the Housing Grants, Construction and Regeneration Act 1996, a condition of the assistance is that the eligible works are to be completed within 12 months from the date of approval of the application.

However, this period may be extended by the council, particularly where they are satisfied that the eligible works cannot be, or could not have been, carried out without carrying out other works which could not have been reasonably foreseen when the application was made. This can be confirmed and is expected to be discussed with the applicant during the process of works.

If any applicant requires additional time to complete works, a formal written request must be made before the end of the 12-month period, otherwise the right to assistance cannot be guaranteed. However again, this is based on confirmation during the process of works with the case officer.

The payment of assistance, or part of assistance (interim payment), is conditional on the eligible works being carried out to the satisfaction of the council and the council being provided with an acceptable invoice, demand, or receipt for payment for the works and any preliminary or ancillary services or charges.

- In applicants' own scheme cases this will dependant on the officer receiving photographic evidence during the process and visiting at set working periods.
- An invoice, demand or receipt will not be acceptable if it is given by the applicant or a member of the applicant's family, unless this is an applicant's own scheme offset case.
- Any applicant contribution towards the works must be evidenced to the council during the process of interim and final completion stages.
- An applicant should take reasonable steps to pursue any relevant insurance or legal claim and to repay the assistance, so far as is appropriate, out of the proceeds of such a claim.

If, after assistance has been approved, an applicant is successful in-

- an insurance claim or legal claim against another person in respect of damage to the premises to which the assistance relates, or
- a legal claim for damages in which the costs of the works to the premises is part of the claim, the applicant should notify the council of that fact and will be required to repay the assistance, so far as is appropriate, out of the proceeds of the claim.

Unless the council direct otherwise the eligible works must be carried out by the contractor whose estimate accompanied the application, or where two or more estimates were submitted, by one of those contractors.

Prioritisation for Grant Assistance

Review of Policy

The policy will be reviewed every three years and or as a consequence of changes to any funding levels or the cycle of funding allocations to the authority. This policy replaces previous versions at time of development 2023 following feedback from relevant teams.

Review of Policy

The policy will be reviewed every three years and or as a consequence of changes to any funding levels or the cycle of funding allocations to the authority. This policy replaces previous versions at time of development 2023 following feedback from relevant teams.

How to apply for a Disabled Facilities Grant

Ashford Borough Council:

PrivateSectorHousing@ashford.gov.uk

01233 331111

Occupational Therapist numbers:

Children 03000 418119

Adult 03000 423228 or 03000 421788

To make a referral for a DFG please contact Social Services, Adult and Child.

Complaints Procedure

If an applicant for a grant, whether mandatory or discretionary, has cause for dissatisfaction with a service or a decision they will be directed to follow the council's complaints procedure.

Further to the above, please refer to the Private Housing Assistance Policy document found on the link below-

<https://www.ashford.gov.uk/housing/grants/private-sector-housing-assistance-policy>



Appendix A

Disabled Facilities Grant average timescales – based on 23/24



APPENDIX B

Guidance and code of Practice for Agents/Advisors acting on behalf of clients wishing to access grants and loans

It is the role of agents/advisors to act on behalf of the applicant in designing adaptations or a scheme of work, obtaining consents and securing the services of suitable builders, leading eventually to the satisfactory completion of works.

The works carried out are expected to satisfy the grant conditions and adaptation objectives of both the clients and the Occupational Therapist and meet the quality standards demanded by an ordinary reasonable person.

It is expected that the advisor/agent will work in a collaborative way with the Local Authority over the delivery of adaptations. They should acknowledge and understand the rationale and practicalities of managing expenditure and the need to demonstrate "fairness" to all applicants.

The Local authority may consider to pay or contribute towards the fees charged by the applicant's Agent for drawing plans, obtaining estimates, etc. Ashford Borough Council may only pay fees up to the level that would have been payable if the Home Improvement Agency had been appointed as the agent. The consideration will be based upon the extent of works and the value of grant made available to the client.

Inappropriate advisors/agents/advocates, often necessitate considerable extra input from the Local Authority, which is of little benefit either to the applicant or to the Local Authority.

The Local Authority will determine to whom fees will be paid and their decision will be final. Grant applicants are, of course, free to enlist the assistance of anyone they would like to help them on a non-fee-paying basis.

The agent should:

1. Have experience of designing for the disabled
2. Provide evidence of working collaboratively with a Local Authority or similar organisation
3. Provide evidence of up-to-date DBS checks or a suitable reference from another Local Authority or similar organisation
4. Provide evidence of appropriate insurances
5. Provide evidence of an appropriate applicant care charter
6. Provide evidence of an equal opportunities policy
7. Provide evidence of their vetting procedures for contractors
8. Have evidence of current professional qualifications or registration where appropriate, and compliance with appropriate codes of conduct (e.g. RIBA, RICS, etc.)
9. Provide details of complaints procedure and dispute resolution processes
10. Meet financial viability criteria

Agents must always treat clients with respect and dignity, acknowledging the specific needs of the applicant group.

Contractors should be checked by the advisor/agent to ensure they have adequate public liability and employee liability insurance and have a health & safety policy and any other legislative policies.

Details should be maintained of sub-contractors tax certificate or CIS registration, and any details on NICEIC, Gas Safe, FENSA etc. registrations. (and VAT registration number if applicable.)

The checking of all such certificates and policies should be carried out periodically, not exceeding annually and appropriate records of the checking process must be maintained and be produced to the Local Authority on demand.

APPENDIX C

Summary of Housing Assistance available 2023/24

Type of assistance available	Conditions of assistance
<p>Disabled Facilities Grant</p> <p>A home owner who is in receipt of a Disabled Facilities Grant can obtain assistance of up to £30,000.00 including fees. Conditions apply.</p>	<ul style="list-style-type: none"> • The grant is means tested • The grant is repayable on sale of property if made within 10 years on receipt of grant. • Both owner occupiers and tenants can apply
<p>Relocation grant funding</p> <p>Where a property cannot be adapted under any circumstances for a Disabled Facilities Grant a relocation grant will be considered. The value of up to £7,000.00 is currently considered for such circumstances and will contribute towards the move. This grant has conditions attached and is only for moving within the borough of Ashford.</p>	<p>Grant of up to £7,000.00</p> <ul style="list-style-type: none"> • Payment included within any new grant on new property • Placed as a charge and repayable within 10 years on sale of house. • Means testing applies as DFG.
<p>Emergency Stair lifts</p> <p>Discretionary grants of up to £5,000 to install an urgent stair lift in a disabled person's home where cases of a delayed discharge from hospital occur or where a person is liable to become disabled following an operation, (such as leg amputation) a stair lift installation is critical to allow the person to be discharged.</p>	<ul style="list-style-type: none"> • The grant will have no conditions and no means test will be applied. Owner-occupiers can access the grant and private tenants (with property owner's permission). • The request for a stair lift will need be assessed by a suitably qualified person, such as an OT. • The grants officer will require the critical referral request in writing from the OT before approving the works.
<p>Winter Warmth Loans</p> <p>Grant funding towards such items as heating. Applicants must provide appropriate information and quotes as per grant conditions. The value of grant is up to £4,000.00</p>	<ul style="list-style-type: none"> • Repayable on sale of home • Conditions on application
<p>Other assistance available</p> <p>We currently work with Town and Country Housing Enablement Service and Handyman service, working throughout Ashford, funding as of 23/24 period.</p> <p>We also operate a Health and Housing co-ordinator currently, 23/24.</p>	<ul style="list-style-type: none"> • Conditions may apply • Items such as hoarding assistance • House clearance and deep cleans • Key safe.

