

# WORCESTER CITY COUNCIL

# HOUSING ASSISTANCE POLICY

Title	Housing Assistance Policy
Status	Final
Document Version	V7
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Sponsor	Nina Warrington
Owner	Strategic Housing
Approved by	Communities Committee
Approved date	10 <sup>th</sup> March 2020
Review frequency	As required (legislative/strategic or financial change)
Next Review:	October 2021

Version History		
Version	Date	Description
0.1 – 0.5	01-06-2016 – 02-12-2016	Policy based on Sub Group discussion
0.6	26-02-2017	Addition of DDG
0.7	24-10-2018	Amended for Communities Committee to include Hospital Discharge, Accessible Homes Assistance and Hoist Tracking Assistance
0.8	10-03-2020	Amendments following PIL change in service provider

## **WORCESTER CITY COUNCIL PRIVATE SECTOR HOUSING ASSISTANCE POLICY** **2020**

### **1. INTRODUCTION**

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 requires all councils to adopt and publish a policy outlining how they intend to exercise powers set out within the legislation, to include use of government funding received through the Better Care Fund, to meet both national aims, outcome measures, metrics and local needs in addition to locally funded forms of assistance.

The policy is designed to contribute towards the council's strategic aims and objectives by assisting with:

- a) The improvement of housing quality in all tenures
- b) Enabling people to stay in their home as they get older and provide disabled persons with maximum manoeuvrability around their homes
- c) Improving energy efficiency and eliminating fuel poverty
- d) Improvement of social care, health and social wellbeing

### **2. OUR POLICY AIMS**

The key aims are to address the issue of vulnerable persons or persons on low incomes who either cannot afford to maintain their properties in good repair or who cannot fund essential adaptations required in order that they might fully utilise their home, benefit from safe and decent housing and retain their independence. This will include;

- Increasing the number of people who are able to remain at home and prevent inappropriate admission to hospital, residential and care homes
- Preventing delayed release from hospital or other types of care
- Reducing the number of persons and particularly vulnerable persons living in homes that have category 1 and serious category 2 hazards (as set out within the Housing Act 2004)
- Improving the health of customers by reducing the number of households in fuel poverty
- Facilitating a range of housing options to help people move at an earlier stage to avoid unnecessary DFG spend and care/support costs.

The council will consider in all cases a person's ability to repay or contribute towards the assistance given whether under a mandatory requirement or as a criteria set within any discretionary form of assistance. The council or its appointed agent will provide in writing the conditions and any obligations to which any form of assistance provided is subject.

The council or its appointed agent will consider all applications for assistance on their merits however all cases will be assessed against the following criteria;

- All available options, including but not restricted to financial, have been fully explored
- Assistance through other means is not reasonably available or practicable

- The proposal fits the strategic aims of the council and/or national aims and metrics of the Better Care Fund Plan
- The proposal is economically viable considering the council resources available

The council will review this policy on a regular basis to changing policies at a national or local level or to reflect evidence concerning the conditions of housing within the area.

### **3. SUMMARY OF FINANCIAL ASSISTANCE AVAILABLE**

All are discretionary, except Mandatory Disabled Facilities Grant, and are subject to the council having sufficient resources.

The Policy grants discretion to extend or amend eligibility criteria, level of grant or assistance and scope of works where the situation is exceptional and, in the opinion of the Head of Strategic Housing in consultation with the Chair and Vice-Chair of Communities Committee that assistance would help the council meet its strategic housing objectives and/or Better Care Fund metrics.

Appendix 1 of this document provides details of additional local discretionary assistance available to residents. The general terms and conditions of this policy are applicable to these additional discretionary assistances.

#### **3.1 Mandatory Disabled Facilities Grants:**

These are mandatory grants to support the provision of adaptations to promote independent living within the home, subject to the provisions of the Housing Grants, Construction and Regeneration Act 1996.

#### **3.2 Discretionary Disabilities Assistance:**

The following are discretionary forms of assistance enabled through the central government Better Care Fund allocation, subject to the primary requirements of Mandatory Disabled Facilities Grant being firstly met:

- **Discretionary Disabled Facilities Grant** - To enable top-up funding to a Disabled Facilities Grant scheme that exceeds the Mandatory Disabled Facilities Grant maximum where the additional costing is considered justifiable.
- **Minor aids and adaptations** – Funding to support assistance available through the Minor Adaptations/Handyman Service to reduce necessity for full Disabled Facility Grant application.
- **Dementia Dwellings Grant** - To assist persons with dementia with specialised living aids to enable independent and safe living.
- **Ceiling Tracking & Hoists** - Top-up funding to support the provision of ceiling tracking and hoist equipment required to meet the needs of a disabled person, administered through the Integrated Equipment Service.
- **Hospital Discharge Scheme** – For fast-tracked and non-means tested works to the home to enable earlier hospital discharge where problems in the home are identified as a possible reason for delayed discharge.

### **3.3 Discretionary Assistance:**

- **Home Repair Assistance:** To ensure that vulnerable persons remain in their homes in safe, warm and healthy conditions.

### **4. HOW TO APPLY AND MAKING A FORMAL APPLICATION FOR A MANDATORY OR DISCRETIONARY DISABLED FACILITIES GRANT** (for information on how to apply for the other discretionary assistance please see section 5)

All applications must be on a form provided by the council or its appointed Agent and must include the following documentation:-

- (i) Particulars of the work to be carried out including, where appropriate, plans, specifications, schedule of work and specialist reports. This should include the complete scheme in cases where the whole scheme exceeds that which is eligible for Assistance.
- (ii) Details of any professional fees or charges relating to the work and for which assistance is being sought.
- (iii) Proof of ownership of all land and buildings pertaining to the application from a solicitor or mortgagee, or copies of the title deeds/land certificate, or a copy of the tenancy agreement or licence to occupy in the case of a tenanted property.
- (iv) Proof of occupation and/or tenancy where applicable.
- (v) Proof of a qualifying pass-porting benefit is being claimed.
- (vi) Where no pass-porting benefit is received, full financial documentation including but not limited to income received, benefits received, savings, pensions and where applicable rental income from tenants and boarders.
- (vii) Where applicable, permission of co-owners and landlords
- (viii) A VAT exemption form where the applicant or relevant person is registered disabled or capable of being registered.
- (ix) A signed conditions form accepting the obligation to repay the assistance in the event of any breach of the relevant conditions concerning future occupation, letting or ownership.
- (x) If required, permission under any statute including but not limited to, planning permission, Building Regulation approval, Party Wall Act, etc.

Applicants are not obliged to use the services of the council's appointed agent. However, where the application is being coordinated through the council's appointed agent then where there is a procurement frameworks approved by the council, this will be used. For a direct application to the council the applicant will need to provide quotes in line with the council's financial framework.

Applications relating to the disabled or infirm will require an assessment report from the Occupational Therapy Service or Trusted Assessor.

An application will only be considered complete or valid when the council or appointed Agent has all the information necessary in order to make a decision on the application.

Where an applicant uses the councils appointed agent to undertake the application the relevant agency fee will be included in the eligible costs.

The council reserves the right not to assist the applicant in the same manner as its appointed agent would provide where the applicant chooses not to utilise the appointed agency and to submit an application directly to the council.

Once approval has been given the applicant has 12 months from the date of the approval in which to complete the works, unless otherwise stated.

## **5. DETAILS OF FINANCIAL ASSISTANCE**

### **5.1 Mandatory Disabled Facilities Grants (DFG)**

These grants are mandatory under the Housing Grants, Construction and Regeneration Act 1996 and are subject to a statutory test of resources (means test) required to establish whether the applicant is financially able to contribute towards the costs of the eligible scheme.

Disabled Facilities Grants are awarded to enable applicants to have access to and around their homes, or to use essential facilities within the home to enable them to live safely and independently. Mandatory Disabled Facilities Grants can only be given for the purposes set out in the Act.

Ongoing maintenance and repair of adaptations and equipment provided under the grant will become the responsibility of the applicant or landlord as relevant.

Whilst it is recognised that a Disabled Facilities Grant is a mandatory grant, it is the Council's intention where possible to investigate all housing options that might meet the needs of the applicant in the most cost effective and suitable way before awarding a Disabled Facilities Grant. This could include moving to a more suitable and/or adapted accommodation that may be available to the applicant.

The maximum amount of Mandatory Disabled Facilities Grant is currently £30,000 set by statute. Discretionary Disabled Facilities Grant for costs above £30,000 will not be made available except upon the agreement of the council, in accordance with this policy under the Discretionary top up for Mandatory Disabled Facilities Grant, and where justified to be the most satisfactory course of action in the circumstances or to have arisen through reasonable and unforeseeable additional works or costs.

The council/appointed agent will endeavour to determine all valid applications within 2 weeks of receipt unless further information is required to enable that decision. Where additional information or other factors necessitate further investigation of options the council will determine the application at the earliest opportunity within the statutory timescale of 6 months.

#### Eligible Applicants

- Any applicant registered or capable of being registered under the Chronically Sick & Disabled Persons Act 1970 and requires adaptations to be provided.
- Any disabled person, as described by Housing Grants, Construction and Regeneration Act 1996, s.100. Applicants can be property owners or tenants or some landlords may apply on behalf of tenants.

## Qualifying Criteria

- A referral from the Community Occupational Therapist (COT) via Social Services or a Trusted Assessor confirming that the works are 'necessary and appropriate' is required. This referral will recommend works.
- Entitlement to a Disabled Facilities Grant is mandatory but before approval the council has to be satisfied that the relevant works are both necessary and appropriate for the disabled person, and additionally that it is 'reasonable and practicable' to carry out the works.
- A permanent and legal residence, or long-term in the case of fostering, including dwellings, mobile homes, caravans and houseboats.

Second or holiday homes will not be considered for assistance.

## Conditions

- Works must qualify as described in s23 of the Housing Grants, Construction and Regeneration Act 1996 (as amended).
- Works must be recommended by a Community Occupational Therapist or Trusted Assessor and be necessary and appropriate to meet the needs of the disabled applicant.
- The works must be reasonable and practicable to carry out having regard to the age and condition of the dwelling or building.
- Applicant will be subject to a financial assessment of resources except where
  - i) the applicant (relevant person(s)) is in receipt of one or more of the following means tested benefits; -Housing Benefit, Income Support, Guaranteed Pension Credit, Income-based Employment Support Allowance (ESA), Income-based Job Seekers Allowance (JSA), Working/Child Tax Credit where income is less than set threshold, Universal Credit
  - ii) The application is in respect of a disabled child.
- Proof of title is required
- Landlord consent to the works is required where applicable.
- Conditions relating to the recovery of equipment in specified circumstances are applied.
- The council will use its powers to place a local land charge against the property where the Mandatory Disabled Facilities Grant exceeds £5000. The charge may be up to a maximum of £10,000 and repayment of the sum on charge is required where the adapted property is sold, transferred or otherwise disposed of within a 10 year period from completion of the work.
- In the case of a Disabled Facilities Grant where a 10 year conditional repayment obligation exists and the recipient intends to dispose of the property by sale,

assignment, transfer or otherwise within the 10 year period, the charge must be repaid, unless the council, having considered :

- i) the extent to which the recipient of the assistance would suffer financial hardship were he/she to be required to repay all or some of the grant or charge;
- ii) whether the disposal of the property is to enable the recipient to take up employment, or to change the location of his/her employment;
- iii) whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the assistance or of the disabled occupant of the property; and
- iv) whether the disposal is made to enable the recipient of the assistance to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the assistance is intending to provide, or who is intending to provide care of which the recipient of the assistance is in need of by reason of disability or infirmity,

is satisfied that it is reasonable in the circumstances to waiver or reduce the repayable sum.

#### Maximum Assistance

- £ 30,000

## **5.2 DISCRETIONARY ASSISTANCE**

### **5.2.1 Discretionary Disabled Facilities Grant (Top Up)**

Where works requested are in excess of £30,000 or considered to be unreasonable given the age, construction and/or condition of the property, alternatives to discretionary DFG funding including the following will normally be considered;

- a) Referral to Social Services and other relevant organisations (including charities) for their consideration of providing additional resources
- b) Alternative schemes of work.
- c) Assistance to enable a move to alternative accommodation, with funding for adaptations to the new accommodation.

Subject to availability of funding the council may consider Discretionary Top up for Disabled Facilities Grant. Where Discretionary Top up for Disabled Facilities Grant is considered appropriate the discretionary assistance will not exceed £10,000, will be repayable to the Council in full on the sale transfer or disposal of the property and will be registered as a Local Land Charge.

#### Maximum Assistance

£10,000 (once only)

### **5.2.2 Dementia Dwelling Grant**

Subject to availability of funding the council will consider providing non means-tested assistance to provide aids and adaptations in the home designed to enable people with memory loss or a diagnosis of dementia to manage their surroundings, retain their independence and reduce feelings of confusion.

This service provides a range of measures which can include such items as night lamps, touch lamps, dementia clocks, illuminated switches and key safes.

#### Eligible Applicants

- A referral from the Early Intervention Dementia Team Service (EDTS) or other relevant referring agency.
- The grant offer will be a combination of standard and bespoke products based around an assessment of individual need.

#### Qualifying Criteria

- Dementia diagnosis or suffering from recognised memory loss affecting day-to-day independence.
- Aid the person to remain in the home independently for a longer period.

Initial contact will be with appointed agent who will arrange for a visit by a Dementia Advice Service. A Dementia Advisor will survey the home and assess individual need. Products will be provided and those requiring installation will be installed

#### Conditions

- Works must relate to the applicants dementia/memory loss needs.
- Assistance only available where it will aid the applicant to remain at home independently for a longer period.
- Only one application for assistance will be considered up to a maximum of £750 within any 2 year period. Exemption to this condition is at the discretion of the Head of Strategic Housing subject to justifying circumstances.
- The works must be completed within 12 months of the date of approval.

#### Maximum Assistance

- £ 750.00

### **5.2.3 Hospital Discharge Scheme**

Subject to availability of funding this assistance is intended to aid timely discharge from hospital and help avoid re-admission.

#### Eligible Applicants

- Recognised disabled persons as described by Housing Grants, Construction and Regeneration Act 1996, (as amended) and

#### Qualifying Criteria



- The property is the applicant's permanent and legal residence and not owned by the local authority
- Urgent minor adaptations that qualify under the Housing Grants, Construction and Regeneration Act 1996 (as amended)

#### Conditions

- All works must relate to the applicants needs.
- One off payment
- Must be referred by a relevant discharge practitioner
- Assistance will only be considered where a delay in provision of the necessary adaptations will cause and unreasonably delay release of the patient from primary care, or where an unreasonable delay in provision of the necessary works will cause a relevant person to be admitted to primary care.

#### Maximum Assistance

- £5,000 (one off)

### **5.2.4 Home Repair Assistance**

This discretionary assistance is intended to ensure that vulnerable persons remain in their homes in safe, warm and healthy conditions. It is available to home owners that do not have sufficient financial resources to maintain their homes in a safe, health enabling condition free of serious defects or hazards. The assistance is repayable on sale, transfer or disposal of the property and does not accrue interest charges.

#### Eligible Applicants

- Owner occupiers or private tenants with a repairing responsibility, having savings of less than £16,000 and in receipt of one or more of the following means-tested benefits:- Income Support, Guaranteed Pension Credit, Income-based Employment Support Allowance (ESA), Income-based Job Seekers Allowance (JSA), Working Tax Credit, Universal Credit, Housing/Council Tax Support (not including single person or disabled person discount).

#### Qualifying Criteria

- The property is the applicant's permanent and legal residence.
- The property is in need of essential repairs as determined by the Housing Act 2004 to address Category 1 or significant Category 2 hazards as determined under the Housing Health & Safety Rating System, in order to make the property safe, warm, weatherproof and healthy for the occupants
- No assistance will be granted in respect of properties built or converted less than 10 years prior to the application date.

## Conditions

- Only one application for assistance will be considered up to a maximum of £10,000 within any 5 year period. Where exceptional circumstances exist this condition may be relaxed at the discretion of Head of Strategic Housing.
- Assistance is repayable in full to the council on sale, transfer or other disposal of the property. A Local Land Charge will be placed on the property for this purpose.
- The applicant must have lived at the property for a minimum of 12 months immediately prior to the application date as his/her sole permanent residence.
- The approved works must be completed within 12 months of the date of approval.
- Where the works are in respect of common parts or group repair assistance will only be considered to a reasonable sum or proportion of costs reflecting the applicant's liability.

## Maximum Assistance

- £ 10,000 ( within 5 year period)

### **5.2.5 Ceiling Tracking and Hoists**

Subject to availability of funding this assistance is intended to meet the costs of providing fixed ceiling tracking and track mounted hoists where these do not form part of a Mandatory Disabled Facilities Grant new-build scheme. Where costs are below £1000 this equipment is provided by Worcestershire County Council Adult Social Care. This assistance will apply where the equipment and installation cost exceeds £1000.

Ownership of equipment installed through this assistance is transferred to Worcestershire County Council Adult Social Care including future maintenance and servicing costs, and equipment can be removed and recycled when no longer required, including making good to ceilings and décor where equipment is removed .

### **5.2.6 Minor Aids and Adaptations**

The provision of minor adaptations to assist people with disabilities is governed by legislation. The provision is to cover the adaptations required as recommend by Health and Social Care Services in order to provide a uniform service in line with local policies and procedures.

The individual must have a recognised permanent and substantial disability to be eligible for this service with the customer living in their own home or privately rented accommodation

All adaptations should be assessed for and requested by suitably trained and competent staff e.g. Occupational Therapists and OT Technicians, Trusted Assessors, Technicians in generic roles, employed by Health and Social Care. Any recommendations made will be based on an assessment of need addressing essential requirements only in accordance with eligibility criteria.

Minor adaptations will only be provided at the customers' main residence only.

## Maximum Assistance

Funding to cover the costs if available within annual budget limits.

## **6. GENERAL TERMS AND CONDITIONS**

Any person who makes an application for Assistance must;

- (i) Be over 18 years of age at the date of the application
- (ii) Live in the dwelling as his/her only main residence and
- (iii) Have an owners interest in the dwelling (other than by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration) or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlords family, with a tenancy or licence permitting occupation of the dwelling for a minimum period of 12 months after approval of the Assistance, and
- (iv) Have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works, and
- (v) Satisfy such test(s) of resources as the council, or statute, may from time to time have in place
- (vi) Not be ineligible, by virtue of the Housing Grants, construction and Regeneration Act 1996, regulations made under the Act or any other enactment
- (vii) Homeowners have the primary responsibility for ensuring their homes are properly maintained and in the first instance should pursue private finance. We may assist eligible, vulnerable homeowners to make sure they have the opportunity for achieving the correct property standards.

Where an owner occupier has given a signed undertaking to occupy a property as his/her principle residence after completion of the assisted works for a period of time, and if they cease to do so during that time, they will repay on demand to the council the total amount of Assistance paid out.

Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works, and if the landlord ceases to make the relevant property available for letting during the specified period then the landlord will repay on demand to the council the total amount of Assistance paid out.

Where the council has the right to demand repayment but extenuating circumstances exist, the council may determine to waive the right to repayment or to demand a sum less than the full amount of Assistance paid out.

## **7. SUPERVISION OF WORKS**

In the absence of any agency agreement with the council or its appointed Agent, the responsibility for supervision of the works rests with the applicant or with any suitably qualified and indemnified building professional or agent acting on the applicant's behalf and not with the council.

All work must be undertaken;

- a) In accordance with manufacturers recommendations and best practice.
- b) In accordance with and to the satisfaction of the council.
- c) In accordance with building, planning and installation regulations where applicable and Health and Safety regulations.

Payment of grant/assistance will be made, in whole or by part payments, on receipt of contractors invoice following satisfactory completion of the eligible work as determined by the council's Officer or its appointed Agent.

## **8. PAYMENT OF ASSISTANCE**

The Assistance will only be paid if;

- (i) The assisted works are completed within 12 months from the date of the approval unless the delay was caused by the council or its appointed Agent.
- (ii) The assisted works are carried out in accordance with the specifications set out in the formal approval or as varied with the prior agreement of the council or its appointed Agent.
- (iii) The assisted works are carried out to the satisfaction of the council or its appointed Agency and the applicant.
- (iv) The council or its appointed Agent are provided with an invoice, demand or receipt for payment in an acceptable format.

Invoices must be addressed to the applicant c/o the council or its appointed agent and must contain sufficient detail for the council to identify in full, the works carried out, the price charges and any variations previously agreed with the council or its appointed Agent, and must not be provided by the applicant or a member of his/her family.

The payment of the Assistance to the contractor may be made via the applicant, or, where requested within the original application, paid directly to the contractor engaged by the applicant.

The Assistance may be paid in one lump-sum on satisfactory completion of the works or by staged payments as the work proceeds. Stage payments (Interim payments) will only be made where the council or its appointed Agent, is satisfied that the value of work completed exceeds the value claimed. A maximum of three stage payments and final payment will be considered.

The council or its appointed Agent will not enter into any form of contract with a builder or contractor, and, in the absence of any Agency agreement with the applicant, it is a matter for the applicant to agree any contract with the builder or contractor. Whilst the council's Standing Orders on procurement do not directly apply as no contract exists with the council, the principles of the Standing Orders will be referred to for determining the administration of procedures regarding the obtaining of quotes, etc.

The provision of assistance other than Mandatory Disabled Facilities Grants is subject to the availability of funding. All applications will be considered based on the identified needs and circumstances of the applicant or household.

Assistance may be offered in a variety of forms including, but not restricted to, financial assistance, advice, provision of materials, carrying out of works, and loans. Advice offered may include Housing Options advice to ensure the most appropriate option for the applicant or household is considered and may include advice on housing rights, benefits entitlement, repairs or improvements, energy efficiency, re-housing or signposting to other agencies or services.

The council may enter into partnership or contractual arrangements with other organisations or agencies in order to deliver assistance in an effective and timely manner, such as a Home Improvement Agency or Energy Advice Service. The Home Improvement Agency is engaged to provide support to applicants throughout the process of seeking assistance and this may include identification of options, specifications, documentation, engagement of contractors, works supervision and monitoring through to completion.

Where assistance is provided the eligible costs will include necessary associated costs such as Building and Planning Fees, Architect and other professional fees and Home Improvement Agency/Energy Advice Service fees.

The provision of mandatory grants and discretionary financial assistance will be subject to internal and external auditing to ensure adequate procedures are in place and followed and that there is appropriate use of public funds.

## **9. WHERE ASSISTANCE WILL BE RESTRICTED**

The following will not be eligible for assistance:

1. Where ownership of the property is disputed.
2. Where the owner(s) has a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so.
3. The Council will not consider an application for assistance in respect of premises built or converted less than 10 years prior to the date of the application, except where the application is for a Disabled Facilities Grant.
4. No assistance will be given in respect of properties owned by Statutory Authorities or trusts. This includes properties owned by Registered Social Landlord, NHS Trusts and Police Authorities, except in the case of a Disabled Facilities Grant (Mandatory or Discretionary), Dementia Dwellings Grant, Minor Adaptations Top-Up or Hospital Discharge Scheme.
5. Where the residence is not regarded as permanent.
6. No assistance will normally be given for work started before formal approval of an application, except that:
  - (i) The council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.
  - (ii) The council may, with consent of the applicant, treat the application as varied so exclude any works that have been started before approval.
7. Grant assistance will not normally be provided for works covered by insurance. Where, before a grant for assistance is approved it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any. The level of assistance will be reduced by an amount equivalent to the insurance company's liability. Where assistance is approved, a condition will be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for;
  - a) Claims for personal injuries where the works are required under a Mandatory Disabled Facilities Grant.
  - b) Claims on the applicant's property insurance or on a third party where the application where the application is in respect of works for which financial

assistance has been given and to repay the financial assistance provided out of the proceeds of such a claim.

8. The council will assess whether the scope of the works are reasonable and eligible, in particular having regard to the age, condition and structural layout of the property.
9. The council will determine whether prices provided by contractors meet value for money. In determining this, the Officer will give consideration to similar jobs priced within the last year. The Officer may liaise with the relevant body or contractor to check the specification and any estimates, as part of the procurement procedure.
10. In the event that the Officer believes the price for contracts are too high and identifies an appropriate price for this work (which is lower) they will advise the client that the total eligible assistance will be the lower amount. The client is under no obligation to use the lower priced contractor but must be aware the council will only make a grant or assistance payment up to the value of the lower price.
11. In the case of an application for Disabled Facilities Grant where the client chooses to pursue a different scheme of work's or an enhanced scheme of works the client will be advised the Council will only provide assistance to the value of the scheme of works the Officer has determined would otherwise satisfy the basic primary requirement(s) identified by the report of the Occupational Therapy Service, subject to the Officer being satisfied the clients preferred scheme will also satisfy the primary requirements.
12. The council may refuse any application for assistance lacking the required information or documentation.
13. Where the client deviates from the scheme of work(s) submitted and subsequently approved by the council without prior consultation with, or agreement of, the Officer the council may rescind the approval or refuse to make any further payment of assistance. The council may also seek to recover any interim assistance payments previously made against the approved scheme.
14. If the applicant is an owner of the dwelling in respect of which Assistance has been approved and ceases to be the owner before the works are completed the applicant must repay to the council on demand the total amount of Assistance that has been paid.
15. Where a grant condition imposes a liability to repay the Assistance, or a part thereof, the condition will be registered by the council as a Local Land Charge.
16. Where Assistance has been approved the works must be completed within 12 months of the approval date, except where an extension of time, not exceeding 6 months has been agreed by the council. Where no extension is agreed the council may rescind the approval or refuse to make any further payment of assistance. The council may also seek to recover any interim assistance payments previously made against the approved scheme.
17. In the case of common parts of a dwelling the council will only consider assistance for the reasonable sum or proportion of the applicant's liability. The applicant must prove a repairing liability for the common parts.
18. The council may, where financial or operational demands dictate, defer payment of a Disabled Facilities Grant for a period not exceeding 12 months. Any deferment will be detailed in the approval notice.
19. The provision of Assistance is allowed for caravans and houseboats used as a main residence, subject to meeting other eligibility requirements. Holiday residencies, caravans on holiday sites or sites with restricted occupancy, second homes (as

defined by council Revenues criteria) and sheds, outbuildings or appurtenances will not qualify for Assistance.

20. The council recognises that this policy cannot cover every likely situation and there may be persons who genuinely are in need of some form of urgent support that are precluded from accessing Assistance due to a specific aspect. In these situations the council may consider offering assistance in exceptional circumstances, in particular where support would help the council meet its strategic objectives, as determined by the relevant officer.

## **10. SECURITY AND REPAYMENT OF ASSISTANCE**

Where a grant condition imposes a liability to repay the Assistance, or a part thereof, the condition will be registered by the council as a Local Land Charge.

The council will recover grant/assistance monies in full if the relevant conditions of the assistance are not met. Where not already a requirement of the specific terms of the assistance granted, a local/legal land charge may be entered against the property for the purpose of debt recovery.

If an application is approved but it subsequently appears to the council that the applicant (or one of two or more joint applicants) was not, at the time the application was approved, entitled to receive the assistance approved, then no payment, or further payments, of assistance will be made and the council may seek to recover immediately any payments made together with interest accruing from the date of payment.

The council may, at its discretion determine to require repayment of a lesser sum than the full amount of Assistance.

## **11. DEATH OF THE APPLICANT**

If the applicant should die before the Assistance is approved, the application will be treated as withdrawn.

If the applicant should die after approval of the Assistance or whilst the approved works are in progress, the council may, at its discretion agree to completion or making good of the works and pay the Assistance in full, or an appropriate proportion of the approved sum relative to the works completed.

Where an applicant receiving Disabled Facilities Grant assistance dies following completion of the works but prior to the expiry of the ten year local land charge the council will seek repayment of the sum on charge from the applicant's estate if a disposal by sale, transfer or other change in ownership or tenure takes place.

## **12. ADDITIONAL CONDITIONS**

The council or its appointed agent reserves the right to impose additional conditions when making a grant/assistance approval. These may include but are not restricted to:

- (i) A contribution to the cost of the assisted works by the applicant.
- (ii) The right to nominate tenants to housing accommodation available for rent.
- (iii) Housing accommodation being maintained in repair after completion of the assisted works.

- (iv) The right of the council or its appointed agent to recover specialised equipment when no longer needed.

### **13. DECISIONS, NOTIFICATIONS AND REDETERMINATIONS**

The council or its appointed Agency will notify the applicant in writing when their application has been approved or refused. The decision will be notified as soon as reasonably practical and in any event no later than six months after receipt of a full and valid application.

If the application is approved, the notification will specify the eligible works, the value of the assistance and the builder/contractor who will execute the works. In the case of a Disabled Facilities Grant the council may, where financial or operational demands dictate, defer payment of the assistance for a period not exceeding 12 months. Any deferment will be detailed within the grant approval notice.

If the application for Assistance is refused, the council or its Appointed Agent will give the reasons for the refusal and confirm the procedure for appealing the decision.

Where Assistance has been approved and the council or following consultation with its appointed Agent are satisfied that through circumstances beyond the control of the applicant which could not have reasonably been foreseen, the cost of the assisted works has either increased or decreased, the council may, at their discretion re-determine the assistance given and notify the applicant accordingly by issue of a re-approval notice.

Additional works or deviations from the approved works carried out without prior approval of the council or its appointed Agent will not be considered for any increased financial assistance and would remain the responsibility of the applicant to fund.

### **14. REVIEW OF THE COUNCIL'S DECISION**

Any person having made a valid application for Mandatory Disabled Facilities Grant or Discretionary Assistance may request a review of the decision not to consider or to refuse an application.

A request for review of must be submitted to the council/or appointed agent (where delegated decision) with 21 days of the date of the decision letter. The request must be in writing. A review of the decision will be undertaken and the decision will be notified to the applicant in writing. If the person remains dissatisfied with the review decision they have the right to go through the council's Corporate Complaints procedure or approach the Local Government Ombudsman.

Any departure from Policy will only be considered where the applicant can demonstrate both wholly exceptional circumstances to justify such a departure but also that the applicant does not have the means by which they could reasonably be expected to otherwise fund and undertake the work.

Complaints about service delivery rather than Policy must be made in writing to the council appointed Agent who will investigate the complaint in accordance with their Complaints Procedure which is available on request.



## APPENDIX 1

### Discretionary Disabled Adaptations Assistance

Subject to availability of funding the council may consider works undertaken as Discretionary Disabled Adaptations Assistance, under the value of £10,000, which will be repayable to the council in full on the sale transfer or disposal of the property and will be registered as a Local Land Charge. The aim of this grant is to enable applicants to have access to and around their homes, or to use essential facilities in the home to enable them to live independently.

It will be used to support timely intervention and reduce the requirement for more costly interventions e.g. to prevent unnecessary admission to hospital or care home, to aid timely discharge, and reduce the level of home/medical care packages.

There is no means test associated with this assistance which can be delivered through a shorter process, to help the customer.

#### Eligible Applicants

- Any applicant registered or capable of being registered under the Chronically Sick and Disabled Persons Act 1970 and requires adaptations to be provided.
- Any disabled person, as described by Housing Grants, Construction and Regeneration Act 1996, s100. applicants can be property owners or tenants, some landlords may apply on behalf of tenants.

#### Qualifying Criteria

- A referral from the Community Occupational Therapist (COT) via Social Services or a Trusted Assessor confirming that the works are 'necessary and appropriate' is required. This referral will recommend works.
- Before grant approval the Agent has to be satisfied that the relevant works are both necessary and appropriate for the disabled person, and also that it is reasonable and practicable to carry out the works.
- A permanent and legal residence including dwellings, mobile homes, caravans and houseboats.

#### Conditions

- The conditions will mirror the mandatory grant conditions with the exception of the following:
  - (i) It will not be subject to a financial assessment
  - (ii) The council will put a land charge on the dwelling in respect of all discretionary grants, with no maximum limit.
  - (iii) The charge will remain indefinitely for standard grants
  - (iv) The repayment mechanism applies to both owner-occupiers and landlords.
- If the dwelling is sold or transferred (ie a relevant disposal) before the grant process is completed and interim payments have been made, these will be repayable to the council in full.
- Where a dwelling is sold or transferred for any reason, including where the owner has died, the grant will be repayable to the council in full.

The council will seek to recover grant funding in all circumstances where a breach of conditions has occurred. This is the full grant funding which will be placed as a land charge on the dwelling.

#### Maximum Assistance

- £10,000

### **Home Move Grant Assistance**

The aim of providing this discretionary financial assistance is to enable people to move to more suitable accommodation where this is considered more beneficial than providing a Disabled Facilities Grant for adaptations to their existing home.

#### Eligible Applicants

- Any disabled person, as described by the Housing Grants, Construction and Regeneration Act 1996, s100.
- Applicants can be property owners or tenants.

#### Qualifying Criteria

- A permanent and legal residence
- Eligible costs - legal and ancillary fees, estate agent fees, removal costs, carpet and curtains

#### Conditions

- Assistance repayable in full if the property is disposed of, assistance amount secured as a local land charge against the property.
- The assistance will only be approved on a strict case by case basis and the move must be facilitated by Care & Repair Worcestershire.

#### Maximum Assistance

- £3,000 (once only)

### **Accessible Homes Grant**

Consideration by the Head of Strategic Housing will be given for provision of new technology equipment as part of a DFG, in circumstances which will provide better value for money than the usual structural works and will better meet the customer/family needs. For example the provision of a rising wheelchair instead of lowering the kitchen units and a bio-bedet.

#### Qualifying Criteria

- On a case by case basis

## **Independent Living Centre**

Consideration by the relevant officer will be given for the funding to facilitate the development of an innovation centre, with multi-agency / disciplinary staff co-located that enable applicants for a DFG and self-funders to test out potential aids and adaptations and make effective choices.

## **Capital Schemes**

Consideration by the relevant officer will be given to work with partners to develop projects (where required) that are required as part of wider capital schemes. For example financial assistance for building, adapting and improving properties: to offer financial assistance for costs associated with moving to a more suitable home and/or purchasing / building / improving properties (in conjunction with a Registered Provider or County Council).

## **Housing options**

Funding to facilitate the delivery of a housing options service where DFGs and care / support costs can be avoided through the move to more appropriate housing at an earlier stage.