



# CABINET

31 July 2024

A meeting of the CABINET will be held on Thursday, 8th August, 2024, 6.00 pm in Town Hall, Market Street, Tamworth

## A G E N D A

### NON CONFIDENTIAL

**1 Apologies for Absence**

**2 Minutes of Previous Meeting (Pages 5 - 8)**

**3 Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*

**4 Question Time:**

To answer questions from members of the public pursuant to Executive Procedure Rule No. 13

**5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules**

**6 Disabled Adaptations Policy (Pages 9 - 96)**

*(Report of the Portfolio Holder for Housing, Homelessness and Planning)*

**7 Annual Garden Waste Subscription Charge (To Follow)**

*(Report of the Portfolio Holder for Environmental Sustainability, Waste and Recycling)*

## **8 Exclusion of the Press and Public**

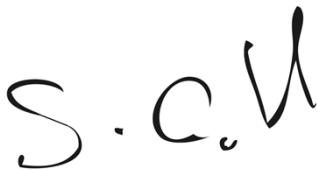
To consider excluding the Press and Public from the meeting by passing the following resolution:-

*“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”*

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

- 9 Joint Waste Service Update and Fleet Procurement (To Follow)**  
*(Report of the Portfolio Holder for Environmental Sustainability, Waste and Recycling)*
- 10 Disabled Adaptations Service Development Plan (Pages 97 - 124)**  
*(Report of the Portfolio Holder for Housing, Homelessness and Planning)*

Yours faithfully



**Chief Executive**

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### **Access arrangements**

*If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail [democratic-services@tamworth.gov.uk](mailto:democratic-services@tamworth.gov.uk). We can then endeavour to ensure that any particular requirements you may have are catered for.*

### **Filming of Meetings**

*The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.*

*If a member of the public is particularly concerned about being filmed, please contact a member of Democratic Services before selecting a seat.*

## **FAQs**

*For further information about the Council's Committee arrangements please see the FAQ page [here](#)*

To Councillors: C Dean, D Foster, N Arkney, B Clarke, S Daniels and L Smith.

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## **MINUTES OF A MEETING OF THE CABINET HELD ON 18th JULY 2024**

PRESENT: Councillors C Dean, D Foster, N Arkney and L Smith

The following officers were present: Anica Goodwin (Executive Director Organisation), Rob Barnes (Executive Director Communities), Zoe Wolicki (Assistant Director People), Thomas Hobbs (Head of Economic Development and Regeneration), Leanne Costello (Senior Scrutiny and Democratic Services Officer) and Laura Sandland (Democratic and Executive Support Officer)

### **10 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor B Clarke and S Daniels.

### **11 MINUTES OF PREVIOUS MEETING**

The minutes of the previous meeting held on 27<sup>th</sup> June 2024 were approved as a correct record.

*(Moved by Councillor L Smith and seconded by Councillor N Arkney)*

### **12 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **13 QUESTION TIME:**

There were none.

### **14 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

The Chair confirmed that this matter would be presented alongside item 8 as the recommendation are relevant to this report

### **15 QUARTER 4 2023-24 PERFORMANCE REPORT**

Report of the Leader of the Council to provide the Committee with an overview of Council performance for the fourth quarter of the 2023-24 financial year (January to March 2024). It reports the position in relation to progress with strategic corporate projects and updates on the financial position, corporate risk, audit,

information governance and complaints. Corporate Scrutiny Committee considered the report on 25th June 2024.

**Resolved that Cabinet:**

1. Endorsed the content of this report.

*(Moved by Councillor N Arkney and seconded by Councillor L Smith).*

**An additional recommendation was proposed and it was resolved that Cabinet:**

2. Approved, for each of the projects detailed within the capital outturn section of the report at 3.7, the re-profiling of budget into the Council's capital programme for 2024/25 (total £30.146m).

*(Moved by Councillor D Foster and seconded by Councillor N Arkney)*

## **16 CORPORATE PLAN 2025 DEVELOPMENT TIMELINE**

Report of the Leader of the Council to advise members of the emerging Corporate Plan and seek approval for the programme of consultation to finalise its development.

**Resolved that Cabinet:**

1. Approved the proposed timeline and process for the creation of the new corporate plan as set out in Appendix 1.

*(Moved by Councillor L Smith and seconded by Councillor N Arkney)*

## **17 TAMWORTH ELECTRIC VEHICLE STRATEGY**

Report of the Portfolio Holder for Environmental Sustainability, Waste and Recycling detailing the work undertaken in developing the Tamworth Electric Vehicle Charging Infrastructure Strategy, and requests approval from Cabinet for the adoption and formal publication of the Strategy.

**Resolved that Cabinet:**

1. Approved the final version of the Tamworth Electric Vehicle Charging Infrastructure Strategy.

*(moved by Councillor N Arkney and seconded by Councillor D*

*Foster)*

Report of the Chair of the Infrastructure, Safety and Growth Scrutiny Committee  
To notify Cabinet of the report and recommendations from the Tamworth Electric Vehicle Strategy item that was discussed at the meeting of the Infrastructure, Safety and Growth Scrutiny Committee on the 11<sup>th</sup> July 2024.

**Resolved that Cabinet agreed:**

1. That the Strategy would be reviewed in two years.

**The Committee proposed an amendment to the second recommendation from Scrutiny and it was resolved that Cabinet agreed:**

2. That new developments contain EV charging points, to be reviewed every two years, with the view to commit if electric vehicles are still a priority for housing developments.

*(Moved by Councillor N Arkney and seconded by Councillor D Foster).*

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Leader

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Thursday 8<sup>th</sup> August 2024**Report of the Portfolio Holder for Housing, Homelessness and Planning****Disabled Adaptations (Housing Assistance) Policy****Exempt Information**

None

**Purpose**

For Cabinet to approve and formally adopt the Housing Assistance Policy (Appendix A) for the delivery of mandatory and discretionary Disabled Facilities Grants (DFGs) for private sector residents, and in the interim period of not having a Council Adaptations Policy, adopt the same Policy position and foundations for Council delivery.

In addition, approve and formally adopt the Interim Policy Position Statement (IPPS) for Council adaptations in scenarios where the Council can reject, refuse, or pend permission for an adaptation request, for example where tenants are intending to purchase their property, are in arrears or facing eviction action, or are looking to move home, and the exceptional circumstances that will be used for applying discretion in these scenarios (Appendix B).

**Recommendations**

It is recommended that:

1. Cabinet approves and adopts the assistance provided by the Council under the draft Housing Assistance Policy (Appendix A).
2. Cabinet approves and adopts the inclusion of the various 'Discretionary Schemes'.
3. Cabinet approves and adopts the utilisation of the Policy to cover Council adaptations until such a time as a separate Policy can be submitted.
4. Cabinet approves and adopts the Interim Policy Position Statement for Council adaptations (Appendix B) for adoption.

**Executive Summary**

The provision of adaptations to a person's home has wide reaching benefits for the person, their family, and society. Adaptations can make a home safer and easier to get around, restoring independence, privacy, confidence, and dignity. The types of adaptations the service provides include level access showers, wash and dry toilets, ramps, widened doors, stairlifts, access to the garden, and in some instances home extensions.

The Housing Grants, Construction, and Regeneration Act, 1996 remains the primary piece of legislation pertaining to the provision of adaptations to support independent living. This Act places a statutory duty on local housing authorities for the provision of adaptations to eligible disabled applicants in certain circumstances, with timescales for approval set out in the legislation<sup>1</sup>.

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<sup>1</sup> The Council has a maximum of six months to approve a grant from the date of submission of a Valid Application, work thereafter should be completed within twelve months, however options for extension exist.

It is a statutory requirement for a local housing authority to have a published Housing Assistance Policy in place for the delivery of mandatory Disabled Facilities grants (DFGs) and any other discretionary assistance it offers to residents. It is also a requirement where a local housing authority places a land charge<sup>2</sup> against a property for such assistance, that this is outlined in writing and included in such a policy.

The Council does not have a Policy in place at present, and therefore is not being transparent with its citizens to the extent of the assistance it provides, nor in the terms and conditions it applies to such assistance. This Policy seeks to address these issues.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gives local housing authorities greater freedoms to provide financial assistance for adaptations, essential home repairs or improvements to improve housing conditions to benefit an individual's health, wellbeing, or quality of life. Article 3 of the Act introduces a wide range of discretionary powers to allow the Council to develop different forms of assistance to meet local needs, based on the local housing conditions and the resources available to the local authority. Without a published Policy in place, the Council, and its residents are unable to take advantage of these additional freedoms afforded through the Act.

In developing this Policy, the Council has used the evidence and learning from year one of bringing the adaptations service in-house to frame the schemes included. In particular, the discretionary schemes on offer have been created considering the barriers individuals are facing when accessing funding, and funding at an appropriate level to service their needs, and the Council's financial position regarding DFG funding, which has historically been precarious with demand outstripping supply for mandatory DFGs. We therefore know that as Council, we are regrettably unable to offer the breadth of discretionary schemes that other authorities with greater levels of grant funding from government can offer their citizens.

The following is an overview of the discretionary schemes, however more detail can be found within the Policy found in Appendix A.

### 1. Means Testing Benefits Extension

The Policy proposes to expand the list of passporting benefit to include Council Tax Support, a means tested benefit. Residents in receipt of this benefit will not be subjected to the statutory Test of Resources.

### 2. Discretionary Schemes

The proposed draft Policy also includes various 'Discretionary Schemes' linked to the mandatory DFG assistance, subject to available resources. These include:

- Top up Grant (TUG) of £25,000. This is to counter the increasing build costs experienced for more extensive work. This amount is over the mandatory £30,000 threshold set by central Government in 2008, analysis on which indicates that had the mandatory threshold been increased in line with cost inflations, the grant maximum threshold would be raised to £55,000 in 2023.
- Professional Fees Grant (PFG) of up to £5,000 to cover costs of professional fees, such as Occupational Therapy (OT) costs, Architect fees etc. for grants that do not progress to approval stage. This is important given the way Staffordshire County Council operates and the need for TBC to provide and pay for OT assessments as part of the grant process, and not request money from the resident to pay for these services up front.

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<sup>2</sup> A land charge for a mandatory DFG is only applied to owners' applications for works costing over £5,000 up to a maximum of £10,000. This is placed for a maximum of ten years.

- Help to Move Grant (HtMG) of up to £5,000 to support applicants to move home where the adaptation would be costly, or moving would produce a better outcome, e.g. to an adapted home or closer to existing support.
- Exceptional Circumstances Contribution Grant (ECCG) up to the cost of the eligible work where a disabled person's assessed contribution is more than the savings and/or income they have available, and they have exhausted all means of securing this funding elsewhere. This is to cover circumstances whereby people have limited savings and disposable income available to cover the cost of work under the mandatory assessed DFG, but their income through the means test shows they have a contribution towards the work to make.

Full details of these schemes, their scope and eligibility are set out within the draft Policy.

### 3. Service Delivery

The Policy outlines the support service the Council offers residents wishing to apply for assistance, either through a managed service where the Council will support a resident to apply for the grant and assist in getting the adaptation work completed satisfactorily, or occasions where a resident wishes to manage their own application, as they would like to use their own contractor or deliver a preferred scheme<sup>3</sup>, as the legislation allows for.

### 4. Consideration of Armed Forces Personnel

Under Section 343 of the Armed Forces Act 2006 (inserted by section 8 of the Armed Forces Act 2021), the Council is required to have due regard to the Armed Forces Covenant when allocating DFGs, however, the Act nor the Covenant obligates the Council to take specific actions or goes as far as to say that members receive special treatment over and above other groups of people. The Covenant, therefore, does not give an automatic entitlement for serving and ex-serving personnel to be prioritised over and above others for mandatory DFGs, especially in circumstances where those others may have a greater clinical need.

Given Members interest in the potential prioritisation of this specific cohort above others, Officers have consulted with Foundations, the government appointed body for Home Improvement Agencies and DFGs, and our consultant to frame the Armed Forces section of the Policy. They have advised against a blanket policy position and are satisfied with the wording we have included in the draft Policy. Having also extensively reviewed other local authority policies on this topic, we could not find any reference to prioritisation for this cohort in other local authority provision, and generally minimal reference in its entirety to the Covenant or Armed Forces personnel, meaning the Council's proposed Policy is advanced in its thinking when it comes to this group.

Further concerns around discrimination of people with protected characteristics under the Equality Act, 2010 are considered within this report, alongside any legal implications.

We have therefore made provision within the Policy for serving and ex-Armed Forces personnel through the following:

- Ensure that serving armed forces personnel and their families living in regular accommodation, and veterans, are not disadvantaged when compared to other citizens in the provision of public services.

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<sup>3</sup> A preferred scheme is a scheme additional to the mandatory assessed DFG scheme of eligible works, for example a resident is assessed as needing a stairlift at a cost of £5,000 but would like a ground floor extension for a bathroom instead. The cost of the mandatory assessed DFG scheme can be off set against the cost of the preferred scheme if it can be demonstrated that the preferred scheme will equally meet the disabled persons need. It will be for the resident to pay the difference in costs.

The Council will ensure, through this Policy and other available literature, that service and ex-service personnel are aware of the housing assistance and grants that maybe available to them, subject to the needs assessment, eligibility criteria, and means test applied, and will be able to access the discretionary support on offer through the Council to support any application for assistance.

- Income received through Armed Forces Independence Payments, Armed Forces Compensation Scheme or War Pensioners Mobility Support will be disregarded as income for the purposes of the statutory means test. The appropriate equivalent premiums will be applied in accordance with the regulations.
- Have considered the 'special considerations principle' for service personnel and ex-service personnel who have given the most - those that are injured or bereaved and positively have included a criterion that may give prioritisation in these limited and exceptional circumstances.

## 5. Prioritisation

Any prioritisation scheme adopted by the Council must be fair, equitable, and transparent and not seek to directly or indirectly discriminate. In addition, given the Council's limited resources to deliver, it must not be administratively burdensome for Officers, so as not to redirect resource into the prioritisation process over the actual delivery of grants

Therefore, when deciding upon the prioritisation scheme for Tamworth, the Council have been minded to adopt the government's own DFG Best Practice Guidance, 2022. This Guidance proposes a prioritisation system of 'standard' and 'urgent' enquiries based on clinical need as identified by an Occupational Therapist or someone with relevant training and experience. Inclusion of prioritisation for Armed Forces personnel injured because of their service has been included in addition to the prioritisation set within the Guidance, however, a blanket policy to prioritise all Armed Forces personnel has been discounted following advice, research, and importantly on grounds of potential discrimination.

What we hope to achieve through this Policy, and associated Service Development Plan, is a fairer, much faster and sustainable delivery of DFGs for all groups of people, and not one at the expense of another.

## 5. Legislative Terms and Conditions

The Policy finally sets out the legislative terms and conditions that will apply to the grant, ensuring that we are being transparent with residents as to the assistance on offer, and to applicants of the grant as to the terms and conditions that will apply. This does not seek to replace the legislation, and therefore the Policy should be read alongside the Housing Grants, Construction, and Regeneration Act, 1996.

## Council Housing Adaptations

Adaptations to Council owned properties will be subject to a separate policy submitted to this Committee in due course.

It is proposed that while this policy is being prepared that the eligibility criteria (excluding the means test), prioritisation, terms and conditions, and discretionary schemes in operation within the Housing Assistance Policy will be transferred over to Council tenants in the interim to give us the ability to offer our own tenants the same degree of opportunity afforded to private sector residents.

We now routinely complete tenancy checks following an adaptations enquiry, to determine if the tenant can sign the requirement to stay within their current property for a period of 5

years and is conducting their tenancy and managing their property in accordance with the terms and conditions of their tenancy agreement with us. These checks cover:

- Rent arrears and any associated actions
- Tenancy type
- Unacceptable behaviour
- Right to Buy application
- Application to move home
- On any bathroom or kitchen upgrade programmes

In the short-term we have prepared an Interim Policy Position Statement (IPPS) in Appendix B to allow for us to take decisions on where we may not be able to give landlord consent for an adaptation to proceed to a Council owned property, or when we would consider delaying the decision to give an opportunity to the tenant to address any behaviours that are not aligned with their tenancy agreement. This document also importantly sets out where exceptional circumstances may exist and the process for how these will be considered, alongside how decisions made by the Council can be reviewed. This gives greater transparency to tenants on circumstances where we may not be able to assist them.

### **Options Considered**

To not have a Policy in place is contrary to legislation and best practice guidance. This option has been discounted.

The Policy could consider a mandatory only provision of DFG. However, this would mean those residents in need of extensive adaptations due to complex needs or those in exceptional financial circumstances that fail the means test may not get the assistance they need, and their health and wellbeing would suffer.

The benefit of introducing the TUG is:

- Previously extensive adaptations in Tamworth have been completed under the splitting of grants. This is not considered good practice and impacts both the resident and service capacity due to the burden of administering multiple grants at once.
- Not all grant applications can be split given the nature of their co-dependence on one another, e.g. extensions for bathrooms and/or bedrooms, leaving residents in need and applications being cancelled due to funding shortfalls.
- Ability to place an additional land charge against the property (above and beyond the mandatory charge), this time a lifetime charge against the property being adapted for the full cost of the TUG. On sale or transfer of the property, funds will be returned into the DFG for re-use.
- Ability to means test the applicant, rather than the disabled person if different, as per the grant rules prior to any TUG being awarded.

The benefits of a HtMG are:

- Assisting someone to move to a property that is adapted, can be adapted, or may have better outcomes once adapted.
- Assisting someone to move closer to their care and support network, which may mean out of the area.

The benefits of the PFG are:

- Ability to claim grant funding towards abortive fees if someone drops out of the application process, especially important in Staffordshire due to the payment of OT assessments through the grant.

The benefits of a ECGS are:

- Support available to deliver grants to those that fail the means test but have limited savings and income to be able to service their own needs or raise capital from elsewhere.
- Ability to place an additional land charge against the property (above and beyond the mandatory charge), this time a lifetime charge against the property being adapted for the full cost of the ECCG. On sale or transfer of the property, funds will be returned into the DFG for re-use.

Eligibility for all discretionary assistance will be based on eligibility for the Mandatory DFG.

A Council Adaptions Policy requires significant input from cross Council departments, given the need to make the best use of our available stock and the different options to ensure this. To confirm this policy meets these requirements, time is required to consider options and develop this. As in interim measure, the IPPS give us a consistent and transparent way of approving, pending, rejecting, and refusing applications for assistance in the interim period.

### **Resource Implications**

None – completed within existing budget allocations.

Budgets for the Discretionary Schemes will be set by the Service Manager annually, based on likely demand from previous years.

It is suggested that the following budgets are allocated from the main DFG budget in 2024/25<sup>4</sup>: Similar budget allocations will be made available through the Council adaptations budget.

TUG - £50,000  
 PFG - £20,000  
 HtMG - £20,000  
 ECCG - £50,000

Any application for discretionary schemes will only be considered in line with budget availability, as the need to deliver mandatory DFGs in required timescales exist. The mandatory DFG and pipeline of work will be checked annually to ensure there is enough budget available to service demand.

Any underspend from these budgets will be rolled over to subsequent years if there is enough budget in the mandatory DFG available for pipeline works for the year ahead.

The Council has the sole discretion to amend, suspend, or remove discretionary schemes as the budget dictates, and monies will need to be moved back into the main DFG budget should demand from mandatory DFGs dictate.

### **Legal/Risk Implications Background**

Having a Housing Assistance Policy is a legislative requirement.

Not having a Policy in place leaves us open to challenge and means we are not operating in a transparent way; especially should complaints escalate to the Local Government and Social Care Ombudsman, leaving the Council at greater reputational risk.

Should Member's seek to further revise the prioritisation scheme as outlined within the draft Policy to give greater weighting to Armed Forces personnel, this could lead to claims of

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<sup>4</sup> The budget for 2024/25 includes underspends from previous years allocations, it is likely that future year allocations towards discretionary schemes will reduce from this starting point as the backlog of work is delivered.

discrimination against people with protected characteristics under the Equality Act obligations. This is especially true given the Council's future financial budget to spend on DFG and the very real scenario where some grants will be approved and delivered more quickly than others. Specific legal advice would need to be sought to understand the implications and risk of this decision for the Council should this go ahead.

**Equalities Implications**

A Community Impact Assessment has been prepared for the draft Policy, as written, available in Appendix C. It is intended that this is published alongside this Policy. Should changes to the Policy be proposed, this would need to be reviewed.

The Equality Act 2010 prohibits discrimination against people with protective characteristics that are specified in Section 4. Section 29 of the Act provides that a council, in providing a service to a section of the public, must not discriminate against a person with a protected characteristic who requires the service by not providing the person with the service

As outlined above, should Member's seek to include greater prioritisation for Armed Forces personnel than that which is outlined in the draft Policy, it is believed that there may be direct discrimination risks associated with this decision. We would therefore request should this Policy again be rejected on the grounds of this inclusion that the following requirements be instigated:

- Full demographic analysis of all people waiting for adaptations since service transfer to profile the likely impact.
- Following collation of this evidential base, legal advice gained on likely issues of discrimination, and should this be deemed as acceptable by legal,
- A public consultation on the Policy and its implications, to include proactive engagement with any cohorts likely to be negatively impacted by the further changes suggested to the prioritisation scheme for certain cohorts.

**Environment and Sustainability Implications (including climate change)**

N/A

**Background Information**

N/A

**Report Author**

Lucy Mitchell, Paul Weston – Disabled Adaptations Manager, Assistant Director Assets

**List of Background Papers**

N/A

**Appendices**

- Appendix A – Draft Housing Assistance Policy
- Appendix B – Draft Interim Policy Position Statement – Council Adaptations
- Appendix C - Draft Community Impact Assessment

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# Tamworth Borough Council - HOUSING ASSISTANCE POLICY

August 2024

Issue Number	1	Date	August 2024
Approved		Next Review Date	August 2029

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## 1. Policy Statement

- 1.1 This Policy sets out how Tamworth Borough Council (The Council) will exercise its statutory obligations for the provision of mandatory Disabled Facilities Grants (DFGs) under the provisions of the Housing Grants, Construction, and Regeneration Act 1996 and use the discretion afforded under Article 3 of the Regulatory Reform Order (Housing Assistance) (England & Wales) Order 2002 (the RRO) to provide discretionary assistance to help improve the living conditions of disabled people living within the Borough.
- 1.2 In accordance with the RRO, this Policy has been adopted by the Council and details the:
  - a) Scope of adaptations available under the DFG.
  - b) Other types of assistance the Council may make available based on an assessment of local need.
  - c) Eligibility conditions for the assistance.
  - d) Amount of assistance available.
  - e) Conditions that will apply to the provision of the assistance.
  - f) Circumstances when repayment is required.

## 2. Introduction

- 2.1 The Council recognises the importance that good quality, accessible, safe, and secure housing has in contributing to resident's health, wellbeing, and quality of life outcomes and for creating sustainable communities.
- 2.2 This Policy sets out how the Council will offer the provision of mandatory DFGs and discretionary assistance to eligible disabled adults, children, older and vulnerable residents to help with adapting and improving the safety and conditions of their homes.
- 2.3 The assistance delivered through this Policy will be undertaken in line with relevant legislation, good practice guidance, the Better Care fund plan, and through offering excellent value for money.
- 2.4 The Policy also supports the Council to deliver the aims and objectives as set out in several of its strategies and plans, providing quality housing that is safe, meets the needs of the community, and promotes health and wellbeing.
- 2.5 The primary responsibility for maintaining and repairing homes remains with the property owner. However, the Council recognises that some people may need assistance where they cannot reasonably do this for themselves, especially those who are elderly, on a low income, or have disabilities. This Policy considers how the Council will support eligible residents to adapt their homes to meet their needs.
- 2.6 This Policy has been developed in a period of increasing pressures on resources to deliver mandatory DFGs and uses discretionary assistance to target assistance to meet the needs of the most vulnerable and eligible residents living in Tamworth.
- 2.7 The amount of assistance to be given each year will be dependent upon the level of resources available for this purpose.

### 3. Legislative Context

- 3.1 Housing Assistance is offered in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, along with the underlying legislation governing the provision of mandatory Disabled Facilities Grants (DFG), namely the Housing Grants, Construction, and Regeneration Act 1996. The regulatory framework enables the Council to use its discretionary powers to make better use of limited resources.
- 3.2 The Housing Grants, Construction and Regeneration Act 1996: Part 1 as amended by the Disabled Facilities Grant Order 2008 states that the local housing authority has a statutory duty to provide adaptations to homes for eligible disabled adults, children, and older people. Funding for these adaptations is provided through the DFG. Mandatory DFGs have a maximum upper limit of £30,000, which is set by government and are means tested.
- 3.3 The Care Act 2014 is applicable to adults, and it makes clear that local authorities with responsibility for welfare, must provide or arrange services that help prevent people developing needs for care and support, or delay people deteriorating such that they would need on-going care and support.
- 3.4 The Chronically Sick and Disabled Act 1970 is relevant in relation to addressing the needs of children. Chapter 44 states where a local welfare authority has functions under Part 3 of the Children Act 1989, in relation to a disabled child and the child is ordinarily resident in their area, they must, in the exercise of those functions, make any arrangements within subsection (6) that they are satisfied it is necessary for them to meet the needs of the child. Section 6(e) of the act requires the provision of assistance for the child in arranging for the carrying out of any works of adaptation in the child's home or the provision of any additional facilities designed to secure greater safety, comfort, or convenience for the child.
- 3.5 Disabled Facilities Grant Guidance 2022 states that where the social care (welfare) authority determines that a need has been established, it is their duty to assist, even where the housing authority is unable to approve or to fully fund an application.

In Staffordshire there is a two-tier local authority structure, with Staffordshire County Council being the local authority responsible for welfare and providing adult social care and children's services and Tamworth Borough Council being the local housing authority responsible for the administration and authorisation of the DFG.

- 3.6 The Equality Act 2010 prohibits discrimination against people with protective characteristics that are specified in Section 4. Section 29 of the Act provides that a council, in providing a service to a section of the public, must not discriminate against a person with a protected characteristic who requires the service by not providing the person with the service. However, Section 15

provides that discrimination on grounds of disability may be justified in law if a council has appropriately balanced the needs of the person with a disability and those of others in need of accommodation.

Providing adaptations to people's homes, making the best use of the overall housing stock available within Tamworth and meeting the needs of our residents with disabilities is a legitimate aim.

3.7 Under Section 343 of the Armed Forces Act 2006 (inserted by section 8 of the Armed Forces Act 2021), the Council is required to have due regard to the Armed Forces Covenant when awarding DFGs, but this does not require the Council to take specific actions, or that members receive special treatment over and above other groups. The Council has exercised due regard through the following:

3.7.1 Ensuring that serving armed forces personnel and their families living in regular accommodation, and veterans, are not disadvantaged when compared to other citizens in the provision of public services.

3.7.2 The Council will ensure, through this Policy and other available literature, that service and ex-service personnel are aware of the housing assistance and grants that maybe available to them, subject to the needs assessment, eligibility criteria and means test applied, and will be able to access the discretionary support on offer, outlined in Section 9.8, through the Council to support any application for assistance.

3.7.3 Income received through either the Armed Forces Independence Payments, Armed Forces Compensation Scheme or War Pensioners Mobility Support will be disregarded as income for the purposes of the statutory means test. The appropriate equivalent premiums will be applied in accordance with the regulations.

3.7.4 Having considered the 'special considerations principle' for service personnel and ex-service personnel who have given the most, those that are injured or bereaved.

3.8 Given the limited grant allocation the Council has available, and the exceptional demand for this, the Council is unable to prioritise all service and ex-service personnel above other groups of disabled people for a DFG. Therefore, the same prioritisation scheme as identified in Section 14 will generally apply.

3.9 However, the Council may use its discretion to prioritise veterans as '**urgent**' where it can be demonstrated that the following criteria are met:

- a) their disability is as a direct result of their service in the Armed Forces;  
and

- b) their application for a DFG is directly linked to this disability; and
- c) they are in receipt of an Armed Forces Compensation Scheme Award at a tariff level of 1 to 8; or
- d) they are in receipt of a War Pension at 80% plus Constant Attendance Allowance.

3.10 In line with DFG legislation and best practice guidance, disabled service personnel living in Service Accommodation and who continue to work for the Armed Forces, funding for adaptations is provided by the Ministry of Defence (MoD). Any requests received from injured or disabled personnel who live in Service Accommodation will be signposted to the MoD for assistance.



## 4. Strategic Alignment with Aims, Objectives, and Priorities

### 4.1 Staffordshire Health and Wellbeing Strategy 2022-27

The Staffordshire Health and Wellbeing Strategy 2022-27<sup>1</sup> contains a series of principles that this Policy can contribute to:

- Prioritising prevention and early intervention
- Commissioning and delivering high quality services that provide excellent value for money for those who need them most, tailored to people's needs
- Communicating clearly to make sure we are understood, and that information is accessible to everyone
- Ensuring that local people have access to the information and support they need to remain independent and stay well

### 4.2 Tamworth Borough Council Corporate Plan 2022-25<sup>2</sup>

The Council's current Corporate Plan sets out the vision and ambitions Tamworth Borough Council aspire to achieve over the period from 2022 to 2025.

It is centred around five themes, namely:

- The Environment
- The Economy
- Infrastructure
- Living in Tamworth
- Town Centre

This Policy supports the ambitions set out within the Plan through the following:

Under the theme 'The Economy' the Council have made the provision of 'good quality and affordable housing' a priority. Good quality housing is shaped around meeting the needs of its residents and facilitates people to live

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<sup>1</sup> <https://www.staffordshire.gov.uk/Advice-support-and-care-for-adults/Information-resources/Health-and-wellbeing-board/Health-and-wellbeing-strategy-2022-2027.aspx>

<sup>2</sup> <https://www.tamworth.gov.uk/corporate-plan-2022-2025>

as independently as possible in their homes and communities. The provision of adaptations is a crucial part of meeting this priority.

In addition, the delivery of adaptations supports the theme 'Living in Tamworth' through both 'investing in Neighbourhoods and Place environment' and the priority of 'supporting business growth to generate employment opportunities by working with businesses'.

The Council's emerging corporate plan includes the importance of developing and creating homes that are accessible and the benefit these bring to Tamworth's residents.

## 5. Evidence of Local Need

- 5.1 There is a clear need in Tamworth to assist our community and the following information provides a summary of key determinates that have influenced this Policy.
- 5.2 The housing stock profile of Tamworth creates a range of accessibility issues for older and disabled adults and children, and it is not always possible to provide a suitably accessible home. A Help to Move Grant is included in the Policy to assist with these issues (subject to eligibility).
- 5.3 Tamworth has seen an increase of 32.8% in people aged 65 years and over between 2011 and 2021.
- 5.4 It is expected that Tamworth will see more people become frail and require support from health and social care services as they age. Assistance outlined in the Policy will support people to remain living in their homes for as long as it is safe for them to do so and help to address the variations in health and wellbeing that is found across Tamworth.

## 6. Policy Capital Resources

- 6.1 The main sources of funding that are available to support the delivery of this Policy are:
- a) The annual capital grant from central Government distributed through the Better Care Fund (BCF).
  - b) Recycled ring-fenced receipts from land charge sales.
  - c) Money obtained from charitable or other sources on behalf of applicants.
- 6.2 Local housing authorities are obliged first and foremost to deliver mandatory DFGs either via the 1996 Act route or an equally effective parallel pathway. Alternative discretionary assistance will not normally be promoted at the expense of delays to the statutory DFG.
- 6.3 In addition to mandatory DFGs, the Council may offer a range of discretionary grants to help vulnerable, older, and disabled residents to live as independently and safely as possible in their homes as long as funding remains available.
- 6.4 Full details of the current available discretionary assistance can be found in Appendix A of this policy.
- 6.5 It may be necessary to make changes to the range and the financial level of each type of grant assistance and/or develop new types of assistance throughout the life course of this Policy. Any such changes will be approved through the appropriate governance structures and published on the Council's website as policy amendments, available in the appendix.

## 7. Eligibility and Scope of Assistance

- 7.1 The Council will award Mandatory DFGs according to governing legislation - principally the 1996 Act, subordinate Regulations and Orders (as amended) which details amongst other matters the types of work that are to be funded, the maximum grant payable (currently £30,000 per applicant), and the test of financial resources where applicable. This Policy should be read alongside this legislation, amendments and circulars.
- 7.2 Local authorities are free to decide their own policies and procedures through the general power to provide assistance, being mindful to the legislation surrounding DFG and other relevant legislation, such as, but not limited to, the Equality Act 2010 when designing and shaping inclusive services and the Local Government Act 1999 in providing best value through customer focused, cost effective and efficient procedures.
- 7.3 The Council will endeavour to deliver its DFG service in line with current DFG Guidance, where relevant, which at the time of policy publication is the 2022 DFG Guidance. It is noted that the Guidance references best practice and is guidance and not legislation and therefore the Council has the authority to frame its own Housing Assistance Policy and service according to its own needs. In particular, the guide timescales stated within this Guidance are not sustainable for the Council given the allocation from Government and the demand for assistance witnessed in the Borough, therefore the Council will seek to develop its own timescales that are reasonable and sustainable as part of its service development.

### 7.4 The Disabled Occupant

- 7.4.1 For the purposes of a DFG application, a person is disabled if:
- Their sight, hearing or speech is substantially impaired.
  - They have a mental disorder of impairment of any kind.
  - They are physically substantially disabled by illness, injury or impairment.
- 7.4.2 A valid application can only be made by the owner, or tenant, (or occupant in the case of a houseboat or caravan) where a disabled person lives or is going to live, and there is an intention for the disabled person to remain living there for the next five years, or such shorter period as health and other relevant circumstances permit.
- 7.4.3 In the case of joint custody arrangements for disabled children, only the disabled child's main residence, usually the home of the parent in receipt of child benefit, will normally be adapted to meet the disabled child's need.

7.4.4 Applications for disabled children placed into foster care in Tamworth may be considered, depending on the type and length of placement, including considerations of the grant period. Should the cost of necessary adaptation work exceed the grant limit, the placing social services authority would be liable to fund the excess.

## 7.5 Qualifying Criteria and Eligible Works

7.5.1 In Summary, the qualifying criteria for an individual making an application for a mandatory DFG are:

- a) Be over 18 years of age at the date of the application.
- b) Live in the dwelling as their only main residence; and
- c) Have an owner's 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 landlord's family, with a tenancy or licence permitting occupation of the dwelling for a minimum period of 12 months after approval of the assistance; and
- d) 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
- e) Satisfy such test(s) of resources as the legislation requires.
- f) Not be ineligible, by virtue of the Housing Grants, Construction, and Regeneration Act 1996, regulations made under the Act or any other relevant legislation.

7.5.2 As a part of the application process for mandatory DFG assistance, the Council will require certificates relating to property ownership and future occupation and will request permission for the work to be carried out from all property owners. The Council will reasonably want to ensure the tenant has the right to carry out the works and that the landlord would not object or attempt to reinstate the property and evict the applicant.

7.5.3 No grant will be payable to:

- a) Public bodies (such as local authorities or clinical commissioning groups).
- b) A person from abroad.
- c) Anyone under 18 years of age.

7.5.4 The following circumstances will mean that an individual will not be eligible for assistance:

- a) Where ownership of the property is disputed.
- b) Where the owner(s) of the property have a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so.
- c) Where the residence is not regarded as permanent.

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

- a) Facilitating access by the disabled occupant to and from the dwelling, qualifying houseboat, or qualifying park home.
- b) Making the dwelling, qualifying houseboat, or qualifying park home safe for the disabled occupant and other persons residing with them.
- c) Facilitating access by the disabled occupant to a room used or usable as the principal family room.
- d) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping.
- e) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility.
- f) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both) or facilitating the use by the disabled occupant of such a facility.
- g) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a wash hand basin or facilitating the use by the disabled occupant of such a facility.
- h) Facilitating the preparation and cooking of food by the disabled occupant.
- i) Improving any heating system in the dwelling, qualifying houseboat, or qualifying park home to meet the needs of the disabled occupant or, if there is no existing heating system or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet their needs.

- j) Facilitating the use by the disabled occupant of a source of power, light, or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control.
- k) Facilitating access and movement by the disabled occupant around the dwelling, qualifying houseboat, or qualifying park home to enable them to care for a person who is normally resident and is in need of such care.
- l) Facilitating access to and from a garden by a disabled occupant; or making access to a garden safe for a disabled occupant.

7.5.6 Any works completed must be assessed as needed to meet one of the purposes set out above.

## 7.6 The Most Cost Effective Option

7.6.1 The Council must be mindful of securing best value for money given its limited budget and demand for the service. Where there are potential alternative options for adaptations works, the Council will usually progress the lower cost option as the 'Mandatory Scheme of Work'.

## 7.7 Existing Footprint Principle

7.7.1 Linked to the above principle, in deciding which works are appropriate to meet the assessed needs of the applicant, or their family member, the Council will always seek to use the existing footprint of the dwelling. This may mean using existing rooms for alternative purposes, having regard to the size and makeup of the household.

7.7.2 The Council will only consider an extension of a dwelling, or other significant building project to meet the assessed needs as a mandatory scheme, where an adaptation within the existing footprint is not possible.

7.7.3 The Council cannot dictate what works are undertaken in a person's home. However, we are required to assess the most reasonable way to spend public funds. Applicants can pursue their own schemes with financial input from the mandatory DFG, subject to them meeting the assessed needs. See Section 11 for further information. No discretionary funding will be made available for costs incurred to deliver 'preferred schemes' that are over and above the cost of the mandatory scheme.

## 7.8 Necessary, Appropriate, Reasonable, and Practicable

7.8.1 A mandatory DFG application can only be made if the works are both 'necessary and appropriate' and 'reasonable and practicable' and these criteria will be considered in the following order as set out in the 2022 DFG Guidance: necessary, practicable, appropriate, and reasonable.



## 7.9 Financial Assistance Award

- 7.9.1 Mandatory DFG assistance will be subject to a means test in accordance with the regulations made under the 1996 Act, including any local amendments within this Policy.
- 7.9.2 Note that where an applicant is in receipt of a recognised, qualifying means tested benefit, including any amendments made under this policy, they will not be further means tested and they will have no calculated contribution to make.
- 7.9.3 Where works are for the benefit of a child or young person of 19 years of age or younger at the date of application – they too will be exempt from a means test.
- 7.9.4 The maximum mandatory DFG award at the time of policy publication is £30,000 per applicant, minus any contribution calculated by the means test. If the maximum grant limit is changed by statute, then the maximum available DFG award by the Council will reflect this.
- 7.9.5 The actual amount of funding awarded will be calculated based on the cost of delivering the mandatory scheme of work, minus any client contribution assessed as being payable through the statutory test of resources and could be less than the £30,000 upper limit.

## 7.10 Local Enhancement to Disabled Facilities Grant in Tamworth

- 7.10.1 The Council has re-introduced Local Council Tax Reduction (LCTR) as a 'passporting' benefit for applicants for Mandatory DFG. Prior to the Government's revision of Council Tax Benefit support in 2013, applicants in receipt of Council Tax Benefit were exempt from the Test of Resources. Council Tax Benefit was the predecessor national benefit to Local Council Tax Reduction is a similar benefit to LCTR.
- 7.10.2 Inclusion of entitlement to LCTR as a passported benefit will enable several residents receiving LCTR to apply for a mandatory DFG without undergoing the Test of Resources.
- 7.10.3 Applicants in receipt of LCTR will be exempted from the requirement of the Test of Resources. (Means Test). The passporting benefit for the purposes of a DFG is 'Local Council Tax Reduction' not a single person discount or any other discount scheme which may be available.

## 7.11 Successive Applications

- 7.11.1 Where successive applications are awarded over time, an applicants' assessed contribution to the first grant award will be considered if within the period of the contribution originally calculated (10 years for owners, 5 years for tenants).

## **8. Summary of Assistance Available in Tamworth**

- 8.1 The following tables provide a summary of the assistance provided through each of the schemes available under this Policy.
- 8.2 All assistance provided through this Policy directly supports delivery of the mandatory DFG and the BCF metrics.
- 8.3 To achieve this, the Council uses the powers within the RRO, except for the mandatory DFG, which is prescribed in the Housing, Grants and Construction Act 1996.
- 8.4 All discretionary types of assistance are provided at the sole discretion of the Council and subject to the availability of sufficient resources from funding outlined in the previous section.
- 8.5 At times of high demand, waiting lists for discretionary schemes may be instigated, or schemes may be amended, suspended, or removed entirely to ensure the Council can meet its statutory responsibilities in delivering the Mandatory DFG.
- 8.6 Full details of each type of assistance, how to apply, and the conditions attached can be found in the Appendices of this Policy, the below is intended only as an overview of the assistance on offer.

## 8.7 Mandatory Disabled Facilities Grant (DFG)

This overview details the local variations in operation. Further information can be found in Appendix A and the statutory legislation relating to DFG.

<b>8.7.1 DFG Overview</b>	
<b>Eligible Applicants</b>	<p>Anyone with a permanent disability aged 19 or over, or anyone applying on behalf of someone under 19 with a permanent disability.</p> <p>A statement of need in line with the DFG purposes and requirements must be provided from a suitably qualified person, such as an occupational therapist or other qualified trusted adaptations assessor.</p> <p>The Council reserve the right to investigate the suitability of the assessment when provided by the applicant directly (not commissioned by the Council).</p> <p>Where costs are incurred for this, they will be charged to the grant where eligible.</p>
<b>Tenure</b>	<p>All tenures, although Tamworth Borough Council Tenants are encouraged to use the Council's housing scheme which mirrors the mandatory DFG but does not require means testing.</p>
<b>Land Charge</b>	<p>All DFG funding approved for an owned property over the value of £5,000 will be subject to the statutory land charge for a period of 10 years from the date of completion of work.</p> <p>The maximum statutory land charge applied will be capped at £10,000.</p> <p>This will be in addition to any land charges applied for discretionary assistance, as outlined in this Policy.</p>
<b>Maximum Value</b>	<p>The cost of the eligible work, minus any applicant contribution.</p> <p>An upper limit of £30,000 applies, or as per the statutory limit if this changes during this Policy being in operation.</p>
<b>Means Test</b>	<p>This is the statutory means test, as set out in the Housing Grants, Construction &amp; Regeneration Act 1996, which determines eligibility for a DFG.</p>
<b>Local Amendments</b>	<p>To include Local Council Tax Reduction as a passporting benefit.</p>

<b>to the Means Test</b>	This does not include the single person reduction or the severe mental disablement reduction or other such assistance that may be available from the Council.
<b>Eligible Works</b>	Works assessed by the Council as 'necessary and 'appropriate' and 'reasonable and practicable' to meet needs identified, as described in the Housing Grants, Construction and Regeneration Act 1996
<b>Application Form</b>	The Council's standard DFG application form and all required accompanying paperwork and proofs.

## 8.7 Discretionary Assistance - Linked to a Mandatory DFG Application

Any application and award of the following forms of assistance is linked to an on-going Mandatory DFG application and subject to resource availability. No stand-alone applications for assistance will be considered.

<b>8.8.1 Top-Up Grant (TUG) Overview</b>	
<b>Eligible Applicants</b>	Those eligible for mandatory DFG.  Works must have been assessed and confirmed as necessary and appropriate and will reduce the impact on alternative health and care provision.
<b>Tenure</b>	All tenures, as per the mandatory DFG. Conditions for applications apply, as set out in Appendix A.
<b>Land Charge</b>	The full value of any TUG awarded would be placed as a lifetime land charge from the date of completion of works.  This local land charge is in addition to any mandatory DFG land charge or charge incurred following other forms of discretionary assistance.
<b>Maximum Value</b>	Up to an additional £25,000 (£55,000 in total) can be approved by the Adaptations Panel.
<b>Means Test</b>	Additional financial criteria for eligibility will be applied, as set out in Appendix A.
<b>Limitations</b>	Only one TUG application will be considered in any five-year period for the same property / household.  Five years is calculated from the date of certification of completed works funded by a previous TUG grant.
<b>Eligible Works</b>	As per the mandatory DFG.  Not available for equipment or works that are not identified as part of a mandatory DFG designed adaptation of to cover a person's assessed contribution towards the mandatory DFG.
<b>Application Form</b>	A means test of the applicant / homeowner and subsequent income and expenditure assessment along with a short application form and separate consent to the additional local land charge being applied.

Further detail can be found in Appendix A.

<b>8.8.2 Professional Fees Grant (PFG) Overview</b>	
<b>Eligible Applicants</b>	Those eligible for mandatory DFG.
<b>Tenure</b>	All tenures.
<b>Land Charge</b>	The cost of the PFG will be added into the overall mandatory DFG should this progress, meaning any local land charge applicable in 9.5.1 will apply.
<b>Maximum Value</b>	Up to £5,000.
<b>Means Test</b>	No additional means test to the mandatory DFG,
<b>Eligible Works</b>	Fees approved by the Service Manager as eligible, where the DFG does not proceed.  Fees are paid directly to the professional or contractor providing the service.
<b>Limitations</b>	Fees will only be eligible for payment under PFG where the application cannot proceed due to circumstances beyond the control of either the Applicant or the Council's Adaptations Team.
<b>Application Form</b>	No additional application paperwork required.

Further detail can be found in Appendix A.

### 8.8.3 Help to Move Grant (HtMG) Overview

<b>Eligible Applicants</b>	Those eligible for mandatory DFG.
<b>Tenure</b>	All tenures.
<b>Land Charge</b>	None.
<b>Maximum Value</b>	Up to £5,000.
<b>Means test</b>	No additional means test to the mandatory DFG.
<b>Eligible works</b>	<p>The specific eligible relocation expenses are:</p> <ul style="list-style-type: none"> <li>a) Estate agent fees</li> <li>b) Solicitor costs</li> <li>c) Survey costs</li> <li>d) Stamp duty</li> <li>e) Removal expenses</li> <li>f) Disconnection/reconnection of appliances</li> <li>g) Occupational therapy assessment costs for assessing properties.</li> <li>h) Short-term rental costs on the property being moved into, where the property requires minor adaptation prior to an applicant being able to move in</li> </ul>
<b>Limitations</b>	<p>Applicants must be moving from a property which is their main residence and is within the Borough of Tamworth to a property that will be their main residence.</p> <p>Assistance will not be given towards the purchase price of a property.</p> <p>Applications must be supported by an Occupational Therapist and the Adaptations Team who must confirm that the new property will meet the needs of the disabled person or be suitable for adaptation at a reasonable cost.</p> <p>Assistance will not be given in cases where the new property has not been inspected by the Council and</p>

	<p>assessed as adaptable to meet the needs identified by the Occupational Therapist.</p> <p>Assistance will not be given unless and until the results of this assessment, and any input from the Occupational Therapist, have been received by the applicant in writing.</p> <p>If the move is not completed at the fault or choice of the applicant, costs will not be paid.</p>
<b>Application Form</b>	<p>A short application form to validate the requirements and supporting evidence from the Occupational Therapist and an Officer of the Council.</p>

Further detail can be found in Appendix A.



#### 8.8.4 Exceptional Circumstances Contribution Grant (ECCG) Overview

<b>Eligible Applicants</b>	<p>Those eligible for mandatory DFG.</p> <p>Works must have been assessed and confirmed as necessary and appropriate and will reduce the impact on alternative health and care provision.</p> <p>Subject to the savings and income criteria set out in Appendix A.</p>
<b>Tenure</b>	<p>All tenures, as per the mandatory DFG. Conditions for applications apply, as set out in Appendix A.</p>
<b>Land Charge</b>	<p>The full value of any ECCG awarded would be placed as a lifetime land charge from the date of completion of works.</p> <p>This land charge is in addition to any mandatory DFG local land charge or charge incurred following other forms of discretionary assistance.</p>
<b>Maximum Value</b>	<p>£12,000.</p>
<b>Means test</b>	<p>Additional financial criteria for eligibility will be applied, as set out in Appendix A.</p>
<b>Eligible works</b>	<p>As per the mandatory DFG.</p> <p>Not available for equipment or works that are not identified as part of a mandatory DFG designed adaptation of to cover a person's assessed contribution towards the mandatory DFG.</p>
<b>Limitations</b>	<p>Only one ECCG application will be considered in any five-year period for the same property / household.</p> <p>Five years is calculated from the date of certification of completed works funded by a previous ECCG grant.</p>
<b>Application Form</b>	<p>A savings, income and expenditure assessment alongside the assessment criteria and a short application form and separate consent to the additional local land charge being applied.</p>

Further detail can be found in Appendix A.

## 9. Application Routes

9.1 The Council operates two routes to a DFG Application:

- a) Option One – Managed Application Process
- b) Option Two – Applicant Managed Process

Details of these routes and what is included / entailed are outlined below.

## 10. Option One – Managed Application Process

10.1 The Council's DFG support service (the Service) is provided on behalf of the Council by Tamworth Borough Council's Adaptations Team, 'AdaptAble Homes Tamworth'.

10.2 This Service fully organises and manages the mandatory DFG application process, plus any application for Discretionary Assistance that may be available to the applicant, and subsequently supports the applicant in delivering the work to satisfactory completion.

10.3 The Team will:

- a) Triage all requests received for initial eligibility for the mandatory DFG, providing signposting back to the original referring officer where a person is ineligible for a grant for them to consider other ways to potentially meet any needs identified under their duties.
- b) Where applicable, complete an early assessment of the disabled person's financial circumstances through a statutory means test which will identify any contribution to be paid towards the cost of the works and inform the disabled person of the outcome and establish how they would like to proceed.
- c) Where applicable, seek relevant initial permissions from the property owner for the potential work to take place and work with the disabled person to inform of alternative rehousing options should permission be rejected. (The HtMG may be utilised in this scenario).
- d) Arrange for an OT or Trusted Assessor assessment to consider holistically how best to meet the disabled person's needs, this could be in the form of equipment or minor adaptations, or through the provision of major adaptations.

Should minor work or equipment be needed, these will be referred back to Staffordshire County Council to fulfil under their duties.

- e) At all times when a person is ineligible for the grant, their contribution be more than the likely works value, or the landlord / owner refuses

permission for the work to take place, we will inform the referring officer of this outcome to ensure that if alternative provision can be secured through these alternative statutory means, it is.

- f) Arrange for a Technical Officer to visit to discuss how the adaptations can be provided in the home and what building works or alterations are required to provide them.
- g) Draw up a schedule of works and plans (including applying for any Planning Permission, Building Regulation Notices and Full Plans approval and Party Wall approval if required).
- h) Help find a suitably experienced contractors vetted by the Council to undertake the work.
- i) Assist in the completion of the formal DFG application forms.
- j) Supervise the contractor on site on behalf of the applicant.
- k) Support with any unforeseen works.
- l) Make any interim payments that have been agreed.
- m) Arrange for the final payment to be made to the contractor and collect any certificates, warranties and guarantees from them and pass them on the applicant.

10.4 We are unable to support people who do not want to apply for a DFG but wish to fund their own major home adaptations.

10.5 This Service is subject to an Agreement between the applicant and the Council.

10.6 The Council has a zero-tolerance approach to abuse and harassment of its staff. The Council reserves the right to withdraw this discretionary Service should an applicant's behaviour be deemed by the Service Manager to breach the rules set by the Council in the delivery of its services to the public.

## 11. Option Two – Applicant Managed Process

11.1 This option is for applicants who wish to complete any aspect of the DFG application, supporting information, and building management themselves.

11.2 This option should be used when an applicant wishes to:

- a) Use their own architect or draftsman; and/or
- b) Use their own contractor; and/or

c) Build a 'Preferred Scheme'<sup>3</sup>, see Section 13.

11.3 Under this route the Applicant manages all aspects of the grant process and the Council's role is limited to:

- a) Providing information and advice on the grant process; and
- b) Assessing the mandatory scheme of work eligible for DFG funding should this differ to what is proposed by the applicant; and
- c) Approving or rejecting an application for funding; and
- d) Making payments, including interim payments where agreed by the Council, for works that have been completed and certified, including confirmation in writing by an Occupational Therapist that the identified needs have been met.

11.4 A comprehensive information pack will be provided to any applicant who wishes to pursue their own application. This outlines the information required to make a formal mandatory DFG application and the requirements to receive mandatory DFG funding.

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<sup>3</sup> A preferred scheme is one which differs, in any design way from the mandatory scheme proposed by the Adaptations Service. Changes in 'cosmetic' items such as tiling choice in a bathroom could still be considered a mandatory designed scheme.

## 12. Estimating Costs and Selecting a Contractor

- 12.1 It is important that genuine and full competition can be achieved, therefore an application submitted for assistance under Section 11 should be accompanied by at least two itemised quotations for work along with plans and specifications. In circumstances where works are extensive and expensive (over £20,000) a minimum of three itemised quotations will be required along with plans and specifications.
- 12.2 Through the Council's managed process (Section 10), the Council will award DFG adaptation works through a list of accredited and competent contractors, basing these decisions to award on both quality and costs values, either through an agreed schedule of rates with prior competition or through a mini tender exercise, both ensuring best value.
- 12.3 The Council will actively monitor the quality of delivery through this selection process and will remove or suspend contractors whose behaviour does not meet with the Council's Code of Conduct.
- 12.4 Applicants, however, may specify and choose their own contractors, agent, products, and design, but take responsibility for those choices (see Section 11).
- 12.5 In these cases, 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.
- 12.6 Works cannot be carried out by the Applicant or a member of their family due to the potential for collusion and/or fraud. With the Council's express permission, it may consider applications for invoices for the costs of materials only from a third party where the Applicant or their family member provides the labour free of charge.
- 12.7 It is the Applicant's responsibility to notify their home insurance provider and/or their mortgage provider that they are having build work undertaken at their address prior to commencement.
- 12.8 It is recommended that a formal contract is signed between the Applicant and the Contractor for all adaptation works. This will set out the rights and responsibilities of both parties.
- 12.9 In either case, the works contract remains between the Applicant and the Contractor, however for the managed application route (Section 10) the Council will arrange for this contract to be signed and support the Applicant in the managing agent role. In the applicant managed process (Section 11) this will be for the Applicant or their appointed agent to produce and manage.

## 13. Preferred Schemes

- 13.1 Applicants who meet the mandatory DFG eligibility and are therefore entitled to apply for a grant may wish to add their own funding to the DFG award.
- 13.2 The scheme developed by the Council will be based on the DFG recommendation by the assessing officer or Occupational Therapist. This scheme will be for the most cost-effective solution which meets all identified needs within the existing footprint (where possible) of the property – the ‘Mandatory Scheme’.
- 13.3 Where an Applicant wishes to pursue a different ‘Preferred Scheme’, they will be financially responsible for the difference in costs between the DFG ‘Mandatory Scheme’ and the final cost of the works of a ‘Preferred Scheme’, including any unforeseen costs.
- 13.4 Depending on the difference between the ‘Mandatory Scheme’ and the ‘Preferred Scheme’ will dictate whether the Council can continue to act as the Applicant’s managing agent. For example, where the Applicant wishes to make minor amends to a scheme, such as additional or different tiling for example, or different sanitaryware, providing that this still meets the needs of the Applicant, the Council will continue to provide the Applicant with the managed service outlined in Section 10.
- 13.5 Any difference in cost between a ‘Mandatory’ and ‘Preferred’ scheme will be invoiced to the Applicant directly by the Contractor.
- 13.6 The Council may require confirmation that the Applicant has the financial means to cover the difference in cost if costs are considered more than nominal.
- 13.7 However, should the Applicant wish to deviate from the ‘Mandatory Scheme’ to include additional build work or structural alterations, or changes that are considered by the Council to be more significant in nature, they become responsible for compiling and submitting a valid application, seeking estimates for the work and managing the works whilst they are on site, as outlined in Section 11.
- 13.8 The Adaptations Team will need to ensure that the ‘Preferred Scheme’ meets the disabled person’s needs, and where applicable, planning and building control regulations have been adhered to. In the case of applicant managed schemes, it is likely that confirmation from the Occupational Therapist would be sought by the Council to ensure the preferred scheme will meet need prior to any funding being awarded. The costs of this confirmation will be taken from the ‘Mandatory Scheme’ costs.

## 14. Fees and Ancillary Charges

- 14.1 The Council will consider reasonable fees for support in undertaking the application and/or subsequent approved works.
- 14.2 One or more of the following fees may be eligible for financial assistance if they have been properly incurred in making an application, seeking approval for the proposed works, or to ensure the satisfactory completion of works assisted under this Policy when funded through mandatory DFG funding.
- a) Confirmation, if sought by the Council, that the applicant has a relevant owner interest.
  - b) Relevant legal fees.
  - c) Occupational Therapy assessment of need (DFG assessment only).
  - d) Technical and structural surveys.
  - e) Design and preparation of plans and drawings.
  - f) Preparation of schedules of relevant works.
  - g) Assistance in completing forms.
  - h) Applications for building regulations approval (including application fee and preparation of related documents), planning permission, listed building consent and conservation area consent (and similar).
  - i) Obtaining of estimates.
  - j) Consideration of tenders.
  - k) Supervision of the relevant works.
  - l) Disconnection and reconnection of utilities where necessitated by relevant works.
- 14.3 Any eligible fees or ancillary charges will form a part of the mandatory DFG and will therefore be funded from the maximum statutory grant limit at the time of DFG approval. At the time of writing this Policy, this is £30,000.
- 14.4 Should the DFG not be approved, or proceed to be approved, the Council may consider payment of these fees under the discretionary Professional Fees Grant (PFG) if the circumstances surrounding the inability to proceed mean they are eligible, and there are funds available to support this discretionary assistance.

## 15. Applications

- 15.1 All applications for assistance should be made on the Council's approved Application Form – Part 1, available on request.
- 15.2 Application Form Part 2 will be required from applications requiring a statutory test of resource (means test). These will be instances where the disabled person is not under 19 or not in receipt of an eligible passporting benefit or LCTR, as approved by this Policy.
- 15.3 Further paperwork will be required depending on the application type being submitted, for example, Owners Certification, Landlord approval etc. Please see the Council's FAQs for assistance.
- 15.4 All supporting evidence required should be submitted along with the application submission and dated within three months of the application date.
- 15.5 The Council reserve the right to request supplementary evidence, including bank statements dating back further than three months where deemed necessary.
- 15.6 Any application will need to be accompanied by plans and a scheme of works, alongside two or three itemised quotations (See Section 12).
- 15.7 Deviations from the mandatory approved scheme will be assessed by the Council's Occupational Therapist to ensure that they will continue to meet the disabled person's needs. The Costs for such assessment will be borne through the overall cost of the mandatory scheme of work.
- 15.8 Further information on the application process can be found in the Council's FAQs as to how to prepare your own DFG application.



## 16. Decisions, Notifications, & Redeterminations

16.1 The Council will notify the Applicant, in writing, when their application has been approved or refused.

16.2 The decision will be made as soon as reasonably practicable and, in any event, no later than six months after receipt of a full and valid application.

### 16.3 Approvals

16.3.1 If the application is approved, the notification will specify:

- a) The eligible works.
- b) The value of the assistance.
- c) The builder/contractor who will carry out the works.
- d) The value of any Land Charge to be applied at the point of the approval (if applicable). Please note this may be subject to change, see Section 14.5 Redeterminations.
- e) The value of any contribution the applicant needs to make towards the work.

16.3.2 There may be occasions where the Council approve an application, but at its discretion, delay the payment of a grant for up to twelve months. This will be used in instances where the Council has received a high number of applications and approving them all within the statutory six-month timeframe would create serious resourcing problems for the Council. Consideration to the hardship and suffering of the applicant who has been assessed as 'urgent' under this Policy definition will be taken into consideration prior to any decision being taken to defer.

### 16.4 Refusals

16.4.1 The Council may refuse any application for assistance lacking the required information or documentation.

16.4.2 Any refusal on these grounds will be given to the Applicant in writing, along with the reason for refusal and confirmation of the procedure for appealing the decision, which is outlined in Section 22.

16.4.3 The Council will return all application paperwork and supplementary documentation in support of an application to the Applicant, along with the refusal letter.

16.4.4 The date from any re-application submission will be used as the date for submission and not the earlier date.

## 16.5 Redeterminations

16.5.1 Where Assistance has been approved and the Council is 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 has the discretion to re-determine the assistance given and notify the applicant accordingly by issuing a re-approval notice.

16.5.2 See Section 17.7 on Unforeseen Works as to how this will be applied.

16.5.3 The total assistance approved will not exceed the maximum amounts specified in this Policy.

## 16.6 Works in Commencement

16.6.1 No assistance will be given for work started before the formal grant approval has been issued.

16.6.2 No grant payment will be made for retrospective works, except if the Professional Fee Grant (PFG) is applicable (see Appendix A).

## 17. Works

- 17.1 The Council's DFG award is for a sum of funding only and is not inclusive or exclusive of using any specific contractors or products, however, the contractor listed in the award letter should be the one to complete the work. To amend this, you will need to seek permission from the Council in advance or risk the DFG award not being paid (see Section 17.4).
- 17.2 In approving an application for financial assistance, the Council will require as a condition that the eligible works are carried out in accordance with any agreed specification.
- 17.3 If you are using the Council's Managed Application Process, the contractor selected will be one that has been pre-vetted by the Council.
- 17.4 The eligible works must be carried out by the contractor(s) upon whose estimate the financial assistance is based, or if estimates were submitted, by one of those contractors. The Council's consent must be obtained prior to the works if a contractor who did not submit an estimate is to carry out the works, and if agreement is given, an estimate from the new contractor must be submitted to the Council (this does not automatically convey a difference in revised grant award – any additional costs may be required to be separately financed by the applicant).
- 17.5 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 and Occupational Therapist / Trusted Assessor or other appropriate person's requirements.
  - c) In accordance with building, planning, and installation regulations where applicable; and
  - d) All applicable Health and Safety regulations.
- 17.6 The Council will not enter into any contractual agreement with a contractor on the Applicant's behalf. The contract remains between the Applicant and the Contractor, irrespective of whether the Council has arranged for the work to take place, or the Applicant has self-managed their own application.
- 17.7 Payment of grant/assistance will be made, in whole or by part payments, on receipt of contractor's invoice following satisfactory completion of the eligible work as determined by the Council. Any invoice should be addresses to the Applicant for the purpose of audit and VAT exemptions.

17.8 More information on the work undertake, the steps to prepare and managing contractors whilst on-site can be found in the Council's FAQ documents.

### 17.9 Unforeseen Works (Variations)

- 17.9.1 From time to time, planned work can differ from the planning stage to when this starts on site and unforeseen work items are discovered (variations to the original scope of works) that incur additional costs.
- 17.9.2 Additional works, or changes from the approved works carried out without prior approval of the Council will not be considered for any increased financial assistance and would remain the responsibility of the Applicant to fund. It is therefore important that the Applicant and Contractor communicate in a timely way with the Council should such events occur, both in terms of increased costs and additional funding requests and any extensions of time to complete such work.
- 17.9.3 Where the Applicant deviates from the scheme of work(s) submitted and subsequently approved by the Council without prior consultation with, or agreement of, the Council, the Council may rescind the approval or refuse to make any further payment of assistance. The Council may also seek to recover any interim payments made.
- 17.9.4 Variations which arise during the carrying out of mandatory DFG scheme of eligible works may be considered for further assistance if the works could not have been reasonably foreseen and if they are vital to the completion of a safe and effective adaptation.
- 17.9.5 Variations which arise during the carrying out of a preferred scheme of work will be considered by the Council if this would have formed part of the mandatory DFG scheme only. If, however, this is because of more extensive works which was outside of the scope of the mandatory DFG scheme, additional funding will not usually be considered.
- 17.9.6 Unforeseen works carried out without prior approval of the Council and without sufficient evidence will not be eligible for assistance.
- 17.9.7 Any request for unforeseen work should be supported by a cost breakdown of work, and photos identifying the remedial work required to the Council for consideration. Reference should also be made to any Extension of Time required to complete the works so the Council do not invoke the Ascertained Damages clause of the contract on behalf of the Applicant (Section 10 Managed Application Process only).
- 17.9.8 Where unforeseen works are necessary, these will be added to the grant up to the specified maximum for Mandatory DFG. Costs above the mandatory grant maximum may be supported as flexible assistance in accordance with this policy but are not guaranteed.

17.9.9 Any variations and increased costs agreed will be subject to the redetermination process outlined in Section 16.5. Please note, should a Land Charge be determined, this may increase due to any increased grant award approved.

## 17.10 Payments

17.10.1 Payment of grant/assistance will be made, in whole or by part payments, on receipt of contractor's invoice following satisfactory completion of the eligible work as determined by the Council.

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

17.10.3 All invoices must be addressed to the Applicant at their address and must contain sufficient detail for the Council to identify the works carried out, the prices charged, and any agreed variations and any VAT applicable and payable.

17.10.4 In all but the most exceptional cases, the grant funds will be paid directly to Contractor(s) on satisfactory completion of works.

17.10.5 Where the Applicant disagrees with a payment made direct to a contractor, no payment shall be made until any dispute is resolved. Legislation permits the Council to make payment by delivering to the Applicant an instrument of payment in a form made payable to the contractor, or by making payment direct to the Applicant in accordance with information provided prior to grant approval.

NOTE: Contractors receiving direct payment may be required to provide sufficient information to be set up on the Council's financial systems. This process is essential to process payments and is not there to, and should not, frustrate the client's choice. The mandatory DFG is an award of funds and not an award tied to a specific contractor.

## 17.11 Stage (Interim) Payments

17.11.1 Assistance is usually paid upon satisfactory completion of the works for smaller works. However, in some circumstances, Staged Payments maybe agreed by the Council for larger value works.

17.11.2 Stage Payments (interim payments) will only be made with the express prior approval by the Council and where it is satisfied that the value of work completed exceeds the value claimed.

17.11.3 The absolute maximum grant value that will be released through interim payments is 90%, as stated in the legislation, but more generally only up to 70% of funds will be released during works unless the circumstances are deemed exceptional by the Council.

17.11.4 The Council will inspect works at pre-agreed stages to ensure that the work has reached the required point for payment and has been completed to a satisfactory standard. Certification and/or sign off evidence may also be required, for example, Building Control certification of interim stages achieved prior to interim payments being processed.

## 18. General Principles of Assistance

18.1 Assistance will only be paid if:

- a) The eligible works are completed within 12 months from the date of the grant approval, unless the delay was caused by the Council, or an appropriate approval time-extension has been agreed due to exceptional circumstances. Applications for extensions must be made in writing and prior to the 12-month period ends and will be considered by the Council on a case-by-case basis.
- b) The eligible works are carried out in accordance with the approved specifications, or as varied with the prior written agreement of the Council.
- c) The works are carried out to the satisfaction of the Council, and the Applicant where appropriate.
- d) The Council is provided with an invoice, demand, or receipt for payment in an acceptable format alongside all associated certification and/or warranties as applicable.

### 18.2 Common Parts Applications

18.2.1 In the case of common parts of a dwelling, the applicant must prove a repairing liability for the common parts and confirm that the necessary fire risk assessments have been completed as well as on-going maintenance liabilities accepted by all relevant persons before assistance will be granted.

18.2.2 The Council may, where financial or operational demands dictate, defer payment of a DFG for a period not exceeding 12 months. Any deferment will be detailed in the approval notice.

18.2.3 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 Revenue's criteria) and sheds, outbuildings or appurtenances will not qualify.

### 18.3 Future Occupation of the Dwelling

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

### 18.4 Additional Conditions

18.4.1 The Council reserves the right to impose additional conditions when making a grant/assistance approval.

These may include, but are not restricted to:

- a) A contribution to the cost of the assisted works by the Applicant.
- b) The right to nominate tenants to housing accommodation available for rent.
- c) Housing accommodation being maintained in a good state of repair after completion of the assisted works.
- d) The right of the Council to recover specialised equipment when no longer needed under the first right of refusal contained within the legislation.

## 18.5 Insurance Claims

18.5.1 Grant assistance will not normally be provided for works covered by insurance.

18.5.2 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.

18.5.3 Where assistance is approved, a condition may 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 DFG; and/or
- b) Claims on the applicant's property insurance or on a third party 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.



## 19. Repayment

- 19.1 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.
- 19.2 Where assistance has been approved, the works must be completed within 12 months of the approval date, except where an extension of time has been agreed in writing 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 made.

### 19.2 Land Charges

- 19.2.1 Some mandatory DFG funding may be recoverable in accordance with permitted values as outlined in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008.

All land charges placed by the Council regarding mandatory DFG will be placed in accordance with this Order.

- 19.2.2 Where the Applicant is an Owner Occupier and the 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.
- 19.2.3 Charge will not be placed on the first £5,000 of any award of mandatory DFG funding.
- 19.2.4 Any mandatory DFG sum awarded above £5,000 will be subject to a land charge, up to a maximum land charge value of £10,000.
- 19.2.5 All land charges for mandatory DFG funding are placed for a 10-year period from the date of completion and the value of the charge will not change throughout that period.

Worked example of Mandatory DFG Land Charges:

Cost of works	Value of DFG Funding	Land Charge placed
<b>£4,999</b>	£4,999	NIL
<b>£6,000</b>	£6,000	£1,000
<b>£11,000</b>	£11,000	£6,000
<b>£15,000</b>	£15,000	£10,000
<b>£30,000</b>	£30,000	£10,000

19.4.5 Discretionary funding is subject to its own Land Charge rules, as set out within this Policy and associated Appendices.

19.4.6 For the TUG and ECGG both will be placed as indefinite (lifetime) land charges for the full amount awarded.

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

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

## 19.5 Death of an Applicant

19.5.1 Where the applicant or disabled person for whom the adaptation is required dies prior to the grant application being decided, then no funding will be available via the mandatory DFG for any costs incurred. The Council may consider use of the PFG in these circumstances to cover the costs incurred as any Managed Scheme (Section 10).

19.5.2 Where the applicant or disabled person dies after the mandatory grant has been approved, then reasonable fees will be paid from the grant where those have been incurred and can be evidenced.

19.5.3 If works have been started but not completed when the applicant or disabled person dies, then works will be completed to a reasonable point, excluding the provision of any specialist equipment. Each case would be decided individually based on circumstances and the stage of works completed, but it would be expected that all electrical and plumbing installation works would be completed and able to be used and decorations/finishes will be completed to a basic standard.

## 20. Prioritisation of Enquiries

- 20.1 Where possible, the Council will commence consideration of an enquiry for assessment for financial support or other services within this Policy in chronological order of receipt of enquiry, subject to the following provisions.
- 20.2 All DFG enquiries will be allocated a priority of '**Standard**' or '**Urgent**' by the Council upon completion of assessment by a suitably qualified person, such as an Occupational Therapist or Trusted Assessor, using the criteria set out in 20.3.
- 20.3 An enquiry will be considered '**urgent**' and may be dealt with in a 'fast track' manner, if any of the following apply:
- a) The disabled person has limited life expectancy and is at significant risk; and/or
  - b) Works are required to facilitate discharge from hospital, or a residential care setting and the applicant is at significant risk; and/or
  - c) The disabled person is living without heating or hot water and is deemed at significant risk; and/or
  - d) The disabled person has severe cognitive dysfunction and is deemed at significant risk; and/or
  - e) The property subject to an enquiry is in such condition as to present an immediate and significant danger to occupants or visitors; and/or
  - f) The disabled person is a member or veteran of the armed forces and their circumstances meet with all those identified in Section 3.9 (a-d).

At times of high demand for the DFG, the Council may have to suspend or withdraw part, or all, of this prioritisation scheme and process applications in accordance with the Mandatory DFG legislation.

- 20.4 For the purposes of budgetary control, a category of financial assistance may be given priority over another, or sums may be transferred between categories, but never to the detriment of the Mandatory DFG.
- 20.5 Applicants may request a review of their priority if they believe their needs have changed at any time in the process.

## 21. Exceptional circumstances

- 21.1 The Council recognises that this policy cannot cover every likely situation and there may be persons who genuinely need some form of urgent support that are precluded from accessing the assistance (as outlined in the Policy) due to a specific aspect.
- 21.2 In these exceptional circumstances, the Council may consider offering assistance, in particular where support would help the Council meet its strategic objectives, as determined by the Service Manager and approved by the Adaptations Panel.
- 21.3 Any departure from this Policy will only be considered where the Applicant can demonstrate both **'wholly exceptional'** circumstances to justify such a departure and that the applicant does not have the means by which they could reasonably be expected to otherwise fund and undertake the necessary work.

'Wholly exceptional' refers to situations that may not have been foreseen when drafting this Policy, or situations that are more uncommon, for example: more than one disabled occupant living in a dwelling, each with differing needs or the need for additional funds for an extension, does not by itself constitute 'wholly exceptional' circumstances.

- 21.4 This Policy recognises the need to go above and beyond the statutory minimum DFG funding and includes discretionary funding routes to support the delivery of the mandatory DFG.
- 21.5 Exceptional grant funding will be considered as follows:
- a) No exceptional funding will be considered until certain criteria have been met, including, as appropriate, the report of a multi-agency meeting involving relevant professionals.
  - b) Discretion around the level of funding is subject to an initial decision by the relevant Assistant Strategic Director following a report from the Service Manager.
  - c) Any discretionary outside policy funding is subject to available funds.
  - d) Mandatory DFGs outlined in the policy will be given priority over any additional discretionary funding.

## 22. Review of the Council's Decision Making

- 22.1 Any person having made a valid application for mandatory DFG or discretionary assistance may request a review of the decision not to consider or to refuse an application.
- 22.2 A request for review of a decision must be submitted to the Council within 21 days of the date of the decision letter. The request must be in writing.
- 22.3 A review of the decision will be undertaken by someone not involved in the original decision-making process.
- 22.4 The decision of this review will be notified to the applicant in writing.
- 22.5 If the person remains dissatisfied with the review decision, they have the right to follow the Council's Corporate Complaints procedure.
- 22.6 Complaints about service delivery rather than Policy must be made to the Council who will investigate the complaint in accordance with their Complaints Procedure which is available on request and can be found [here](#).

## 23. Service Standards and Key Targets

23.1 There is no national standard for the Services provided through this Policy, except for the statutory requirement for a local housing authority to determine a valid and fully made application<sup>4</sup> for a Mandatory DFG within six months from the date of submission.

N.B. This does not account for pre-application activities such as the screening process and the 'application support' and administration including occupational therapy assessment, means testing, producing specifications, finding contractors etc.

23.2 In practice, when an application is fully prepared by the Service (as outlined in Section 10) and is submitted for funding approval, it will be at a point where, subject to funds being available, a grant approval determination should be available within twenty (20) working days, and not the six months stated within the legislation.

23.3 Where an application is managed and submitted directly by the Applicant (as outlined in Section 11), the Council will aim to determine whether it is a 'full and valid' application within the same period outlined in Section 23.2.

23.4 If a self-managed application is determined as not 'full and valid' it will be rejected, as per the requirements itemised in Section 16.4, and the 'clock' from a legislation and service management perspective ended.

23.5 In these cases, the application would need to be re-submitted by the Applicant, at which time the Council would again determine whether it is a valid application within the timescales set in Section 23.2.

23.6 Legislation requires that works be completed within 12 months of any DFG approval being issued.

23.7 Extensions by negotiation to this 12-month deadline can be agreed if there are valid reasons to do so, such as the Applicant receiving care, occasional changes in contractor, specification, complex snagging etc.

23.8 Locally, the service aims to commit the funding it receives fully each year with minimal waiting lists and with maximum benefit to applicants.

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<sup>4</sup> A valid application is one submitted on the approved application form, with all associated documents and proofs required to complete the assessment of eligibility in line with the DFG legislation and in the 2022 DFG Guidance Chapter 5.

## 24. Service Performance Monitoring

- 24.1 The Service records all key activities and dates and can report on a variety of measures, including:
- a) Date enquiry received
  - b) Date valid application submitted
  - c) Date of grant determination
  - d) Date works started
  - e) Type and value of works
  - f) Value of contributions
  - g) Date works finished
  - h) Date works practically complete
- 24.2 Cases will be recorded separately by Service Managed (Section 10) and Applicant Managed (Section 11) routes to ensure that the Service Managed case timescales can inform service improvements.
- 24.3 Applicant Managed case timescales will be recorded for information purposes and to ensure compliance with the relevant statutory timescales.
- 24.4 The Council is committed to ensuring good quality services, and the performance measures used are based around measuring and improving the quality of service and applicant outcomes as well as ensuring improvements in the speed of service delivery.

## 25. Equality and Diversity

- 25.1 The Council recognises the importance of fair treatment and the positive promotion of equality and to prevent discrimination on any grounds.
- 25.2 This Policy will be applied fairly and consistently to all our residents, and we will act sensitively towards the diverse needs of individuals and communities.
- 25.3 It will not directly or indirectly discriminate against any person or group of people, and we will take positive action to reduce discrimination and harassment.
- 25.4 The Policy has been written in line with legislation and covers the protected characteristics as detailed in the Equalities Act 2010 and has been subjected to the Council's Community Impact Assessment process. A copy of which is published alongside this Policy.



## 26. Data Protection and Fraud

- 26.1 All data in relation to an application for DFG will be held securely in accordance with the General Data Protection Regulations (EU) 2016 (GDPR).
- 26.2 To progress an application for grant funding, it may be necessary to share the information an applicant provides with relevant other Council departments and externally with Adult Social Care, other relevant professionals, agencies, and providers of adaptations.
- 26.3 Applicants will be informed of the data sharing requirements at the time of initial enquiry and permission sought for this sharing. Data sharing requirements are also available in the form of a Privacy Notice.
- 26.4 The Council has a duty to protect the public funds it handles; therefore, proof will be required to verify that the information provided by an Applicant in support of their application is correct. This may mean sharing the information they provide for the prevention and detection of fraud.
- 26.5 Should an Applicant knowingly provide false information or withhold relevant information during the course of their enquiry or as part of their informal or formal application for DFG funding to obtain public funding by deception, this could lead to the Council seeking legal action to recover any funding awarded and pursuing a prosecution for fraud.

## **27. Policy Monitoring and Review**

- 27.1 The formal mechanism for endorsement will be at the Tamworth Borough Council Cabinet meeting in August 2024.
- 27.2 This Policy will commence on the 1<sup>st</sup> of August 2024 and will apply to all applications in progress or received after this date.
- 27.3 Applications for discretionary assistance outlined in this policy cannot be made retrospectively.
- 27.4 Policy performance will be monitored as described in Section 24.
- 27.5 This Policy will be reviewed as required, based on the availability of finance to provide the necessary discretionary assistance, any changes in legislation, or changes to identified good practice.
- 27.6 In any case, the Policy will be reviewed no later than five years after initial formal adoption by the Council.

## 27. Glossary & Explanation of Terms

Abbreviation / Name	Definition
<b>Adaptations Review Panel</b>	A Panel made up of Members of Tamworth Borough Council who will decide upon funding for Discretionary Assistance available through this Policy. More details can be found in Appendix C.
<b>Better Care Fund (BCF)</b>	The Better Care Fund is a budget for social care and community services administered in partnership between NHS England, the Ministry of Housing, Communities and Local Government, and the Department of Health and Social Care. The pooled budget includes DFG funding for local authorities.
<b>DISABLED FACILITIES GRANT (DFG)</b>	Disabled Facilities Grant (Mandatory Grant, as outlined in the 1996 Housing Grants, Construction and Regeneration Act)
<b>DHSC</b>	Department of Health and Social Care
<b>DLUHC</b>	Department of Levelling Up, Homes & Communities
<b>HAP</b>	Housing Assistance Policy
<b>HGCRA</b>	Housing Grants Construction & Regeneration Act 1996  (The legislation which defines the DFG)
<b>Housing Associations (HA)</b>	These are providers (see also: registered providers) of social housing (excluding the Council stock) registered with the regulator of social housing. They are considered private organisations for the purpose of this Policy.
<b>Housing Health and Safety Rating System (HHSRS)</b>	A statutory risk assessment method introduced by the Housing Act 2004 as a way of identifying and prioritising risks to health, safety and wellbeing of occupiers and visitors to dwellings.
<b>Land Charge</b>	Owner-occupiers who are in receipt of a DFG or discretionary assistance will be required to repay a proportion of the grant in certain circumstances e.g. if the property is sold within a certain number of years of the grant being completed. In these cases, the Council

	will register a Local Land Charge against the property for the repayment.
<b>Local Council Tax Reduction (LCTR)</b>	a benefit available to residents to support with Council Tax Payments
<b>Means Test (MT) or Test of Financial resources (ToR)</b>	A DFG is means-tested and the amount of grant awarded is dependent on the applicant's household income and savings. There is no means test if the works are for the benefit of a disabled child or young adult (aged 19 years or younger)
<b>OT / OTA</b>	Occupational Therapist / Occupational Therapy Assistant
<b>PFG</b>	Professional Fees Grant a flexible use of DFG funding assistance provided under this policy directly linked and used to support delivery of the mandatory DFG requirement.
<b>PRS</b>	Private Rented Sector
<b>Registered Providers (RP)</b>	Registered Providers include local authority landlords and private registered providers (such as not-for-profit housing associations and for-profit organisations).
<b>RRO</b>	Regulatory Reform Order 2002
<b>TUG</b>	Top-Up Grant – a flexible use of DFG funding assistance provided under this Policy directly linked and used to support delivery of the mandatory DFG requirement.
<b>Wash/Dry style toilet</b>	A toilet intended people with disabilities who are unable to use the toilet independently and require a built-in wash and dry facility to maintain good hygiene.
<b>Welfare or Care Authority</b>	The local authority that provides social services to safeguard and promote the welfare and wellbeing of children and vulnerable adults.  Staffordshire County Council for Tamworth residents.

## APPENDIX A

### Flexible Assistance Linked to a Mandatory DFG - Application Conditions

#### 1. Terms and Conditions

- 1.1 All assistance under this section of the policy will be delivered under the same principles and guidelines as the mandatory DFG.
- 1.2 All Grant assistance outlined in this policy will be funded from a dedicated part of the DFG budget held solely for flexible purposes. The value of this budget will be set by the Service Manager on an annual basis.
- 1.3 If usual financial monitoring processes identify there is only enough budget available to meet the mandatory DFG assistance requirements, then the discretionary flexibility will not be utilised for any full or part year where that situation is applicable, and schemes may be suspended or withdrawn.

#### 2. Registered Land Charges

- 2.1 Land charges placed for discretionary funding, as specified in this section, are separate to the £10,000 recoverable mandatory DFG charge, which expires at 10 years from certification of works completion.
- 2.2 Land charges placed on discretionary grants awarded will be levied at the full amount of any discretionary grant awarded and as a lifetime charge against the property.

#### 3. Applications

- 3.1 Applications for assistance, as outlined in this section, is through the Adaptations Team.
- 3.2 Funding for all discretionary assistance will be awarded on a case-by-case basis at the discretion of the Service Manager.

#### 4. Adaptations Panel

- 4.1 The Adaptations Panel (The Panel) consists of Managers from both Property and Tenancy Services and may include representation from the Occupational Therapy Service where appropriate.
- 4.2 The Panel's remit is to review and discuss complex and complaint cases as well as those where costs exceed available funding.

A copy of the Panels terms of reference are included as Appendix C.

## 5. Top-Up Grant (TUG)

<b>Top-Up Grant (TUG)</b>
<b>Aims</b>
<p>The aim of the TUG is to help vulnerable residents in all tenures where the mandatory DFG is insufficient to cover the full cost of the eligible adaptation works.</p> <p>TUG is only available for works eligible under the mandatory DFG.</p> <p>In exceptional circumstances, TUG may be available where the works are out of scope of the legislation, but by completing them there would be demonstrable savings to the wider public purse and clear benefits to the applicant and/or their family/carers. Any decision to fund such works will be made by the relevant Strategic Manager, following a report from the relevant Operational Manager.</p>
<b>Who will it help?</b>
<p>Those who have been assessed as eligible to apply for mandatory DFG assistance and towards the mandatory designed scheme to meet identified needs and the cost of such works exceeds the statutory maximum limit of £30,000.</p>
<b>Means Testing</b>
<p>This assistance will be subject to a formal means test on the Applicant or property owner and their household, should this differ from the disabled person, to determine the amount of any assessed contribution that could be reasonably expected to be paid towards the cost of any eligible adaptation work in excess of the mandatory DFG limit.</p> <p>In addition, the Applicant / property owner will need to prove that they:</p> <ol style="list-style-type: none"><li>Do not have savings and/or investments / assets worth over the amount of the assessed contribution; and/or</li><li>Do not have savings and/or investments / assets over the amount of the estimated cost of works; and in either case,</li><li>Do not have savings over £23,250 (the current Social Care Cap); and</li><li>Are unable to fund the difference in costs through borrowing, including equity release options (confirmation of being unable to obtain finance or afford loan repayments may be required); and</li><li>Are unable to obtain funding from charitable sources or family towards the cost of the works; and</li></ol>

- f) Are unable to obtain funding from other statutory bodies who may have a duty to consider supporting major adaptations, e.g. Social Care Authorities under the Chronically Sick and Disabled Persons Act 1974 or the Care Act 2014.

This assistance will only be considered where all other funding options have been explored and where there are no other reasonable available options.

For tenant applications, assistance will only be considered where it can be demonstrated that the landlord is unable to contribute for financial reasons.

### **Available Funding**

The maximum amount of TUG available is £25,000.

The approval decision will be based upon evidence provided with the Mandatory DFG application by the Panel.

It may be that the Panel agrees to part fund the costs along with alternate provision.

### **Registered Land Charge**

For owner-occupiers TUG will be registered, in full and in perpetuity, as a local land charge against the property and will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales.

### **Grant Conditions**

The person must be a permanent resident of Tamworth and the property must be their permanent address.

Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of TUG:

- a) The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- b) The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- c) TUG will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.

- d) It is a condition of TUG that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the TUG shall be repayable in line with this policy.
- e) The land charge will be placed in perpetuity and will be repayable upon sale of the property. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
- f) If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, in order to recover the grant repayable.

### **Tenant Applications**

If the applicant for TUG is a tenant, then the Council will liaise with the appropriate landlord to explore whether alternative funding options, such as funding from the landlord and/or moving to alternative suitable accommodation is an option, before approving a TUG.

Should additional funding be granted for a rented property, a condition on nominations rights for a set period of time will be required.

### **Other Conditions**

Applications for TUG may be considered once works have already been started and unforeseen costs arise if the scheme is a Mandatory Designed Scheme.

Where an applicant is pursuing a 'preferred' design scheme and has received the maximum eligible grant funding then applications for TUG will not be considered.

A maximum of one application for TUG will be considered in any 5-year period.



## 6. Professional Fees Grant (PFG)

<b>Professional Fees Grant (PFG)</b>
<b>Aims</b>
<p>The preparation of a Mandatory DFG application often incurs necessary professional fees or preparatory/exploratory works. However, funding under a Mandatory DFG can only be paid once a grant has been approved. This can result in an applicant being liable for costs if the application cannot proceed due to unforeseen circumstances or the Council is left with costs it cannot pay.</p> <p>The purpose of this grant is to enable the Council to pay, on behalf of an applicant, any professional fees incurred where an application for a Mandatory DFG cannot proceed due to unforeseen circumstances, such as the death of the applicant or a significant change in need meaning that adaptations are no longer appropriate.</p> <p>Where an applicant changes their mind regarding an adaptation, once a Mandatory DFG application is at an advanced stage and incurring fees, then this grant would not be available, and the outstanding costs would remain the liability of the Applicant.</p>
<b>Who will it Help?</b>
Those who have been assessed as being eligible to apply for Mandatory DFG.
<b>Means Testing</b>
There will be no additional formal means test in addition to the Mandatory DFG.
<b>Available Funding</b>
<p>PFG support will be available up to a maximum of £5,000.</p> <p>Funding will be awarded on a case-by-case basis at the discretion of the Adaptations Service Manager.</p>
<b>Registered Land Charge</b>
There will be no land charge placed against the property for professional fee grant awards.
<b>Grant Conditions</b>

The person must be a permanent resident of Tamworth and the property must be their permanent address.

## 7. Help to Move Grant (HtMG)

<b>Help to Move Grant (HtMG)</b>
<b>Aims</b>
The aim of the scheme is to help the vulnerable members of the community where it is not possible to adapt their current home, but by supporting them to move to more suitable accommodation there would be demonstrable savings to the wider public purse and clear benefits to the applicant and/or their family/carers.
<b>Who will it Help?</b>
Those eligible for Mandatory DFG.
<b>Means Testing</b>
There will be no formal means test in addition to the Mandatory DFG test of resources.
<b>Available Funding</b>
Funding up to a maximum of £5,000 will be available.  Help to Move funding will be subject to the availability of resources.
<b>Criteria for Eligibility</b>
Funding may be available to cover some of the costs to assist the disabled person to move to a more suitable property where it is impracticable to adapt, or more cost effective than adapting the current home of a disabled person to make it suitable for their present or future needs.  It is recognised that in many cases, the new property may need some adaptation.  Criteria for consideration in HtMG cases (this is not an exclusive or exhaustive list, as other factors may become apparent with experience):  a) The disabled person may need to move to give or receive care, or to receive medical treatment.  b) The disabled person may need to move to maintain or gain employment.  c) The cost of works to the current property may exceed the benefit to the applicant.

- d) The cost of works may exceed the available grant funding maximum and any available applicant or third-party contribution.
- e) The applicant's calculated contribution may be unaffordable, and moving/buying is a better financial solution.
- f) The applicant may need to move to reduce rent and/or release spare bedrooms which they can no longer afford (e.g. the benefits cap and/or the spare room subsidy).
- g) A different property may provide a greater benefit for the applicant for the funds.
- h) The current property may not be adaptable, and another property may be more suitable for adaptation.
- i) The current property may contain hazards or defects which would not be sufficiently addressed by the works or otherwise by the applicant or owner.
- j) The property owner (landlord) refuses to permit the adaptation.
- k) The property is for sale, or pending foreclosure, bankruptcy (as security against debt) or repossession.
- l) The tenancy is due to end and not be renewed or is otherwise unstable.
- m) Relationship breakdown.

### **Eligible Costs**

Funding will not be given towards the purchase price of an alternative property but may be provided towards legal and moving costs as well as funding short-term rental costs on the property being moved to if minor adaptations are required prior to the person being able to move in.

### **Registered Land Charge**

There will be no land charge registered against the property.

### **Grant Conditions**

The person must be a permanent resident of Tamworth and the existing and new properties must be their permanent address.

Applications must be supported by an OT who can confirm that the new property will meet the needs of the disabled person or be suitable for adaptation as a reasonable cost in conjunction with the Adaptations Team.

Applicants must be moving within or outside the Tamworth Council area to a property that will be their main residence.

Only a single award of this grant will be available in any five-year period.

### **Other Information**

HtMG funding will be awarded on a case-by-case basis determined by:

- a) The tenure and location of the original and new properties; and
- b) The residual equity and any increased mortgage debt; and
- c) Whether moving within the Council's jurisdiction, or beyond; and
- d) Whether the original property is unadaptable, unaffordable, or poor value to adapt; or
- e) Moving is purely an occupier choice or because of a landlord's refusal to permit adaptation.

Mandatory DFG of up to £30,000 is available for adaptations in a property the disabled person has moved to but will be subject to an updated assessment by an Occupational Therapist and a new DFG enquiry.

A further TUG will not be considered for applicants accessing the HtMG.

## 8. Exceptional Circumstances Contribution Grant (ECCG)

<b>Exceptional Circumstances Contribution Grant (ECCG)</b>
<b>Aims</b>
<p>The aim of the ECCG is to help vulnerable residents in all tenures who have been assessed under the statutory means test as having a contribution to make, yet have no savings, assets or disposable income to meet this contribution.</p> <p>ECCG is only available for works eligible under the mandatory DFG.</p>
<b>Who will it Help?</b>
<p>Those people who have an assessed means test contribution towards the mandatory DFG adaptation work and have insufficient savings assets and/or income to pay towards their assessed contribution.</p>
<b>Means Testing</b>
<p>This assistance will be subject to a formal means test on the Applicant or property owner and their household, should this differ from the disabled person, to determine the amount of any assessed contribution that could be reasonably expected to be paid towards the cost of any eligible adaptation work in excess of the mandatory DFG limit.</p> <p>In addition, the Applicant / property owner will need to prove that they:</p> <ul style="list-style-type: none"><li>g) Do not have savings and/or investments / assets worth over the amount of the assessed contribution; and/or</li><li>h) Do not have savings and/or investments / assets over the amount of the estimated cost of works; and in either case,</li><li>i) Do not have savings over £23,250 (the current Social Care Cap); and</li><li>j) Are unable to fund the difference in costs through borrowing, including equity release options (confirmation of being unable to obtain finance or afford loan repayments may be required); and</li><li>k) Are unable to obtain funding from charitable sources or family towards the cost of the works; and</li><li>l) Are unable to obtain funding from other statutory bodies who may have a duty to consider supporting major adaptations, e.g. Social Care Authorities under the Chronically Sick and Disabled Persons Act 1974 or the Care Act 2014.</li></ul>

- m) For the purpose of carrying out the means test, the first £6,000 of savings / capital will be disregarded, as per the statutory means test rules, however is included within the savings threshold of £23,250.
- n) Completed an income and expenditure assessment which details all forms of income, savings, and returns from investments against known and standardised priority debts which determines there is no surplus income that could over a reasonable time be used towards the cost of the contribution.

This assistance will only be considered where all other funding options have been explored and where there are no other reasonable available options.

For tenant applications, assistance will only be considered where it can be demonstrated that the landlord is unable to contribute for financial reasons.

### Available Funding

Up to a maximum of £12,000.

The approval decision will be based upon evidence provided with the Mandatory DFG application by the Panel.

It may be that the Panel agrees to part fund the costs along with alternate provision.

### Registered Land Charge

For owner-occupiers ECCG will be registered, in full and in perpetuity, as a local land charge against the property and will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales.

The person must be a permanent resident of Tamworth and the property must be their permanent address.

Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of ECCG:

- a) The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- b) The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- c) ECCG will be registered as a charge against the property in perpetuity and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.

- d) It is a condition of ECCG that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the ECCG shall be repayable in line with this policy.
- e) The land charge will be placed in perpetuity and will be repayable upon sale of the property. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
- f) If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, in order to recover the grant repayable.

### **Tenant Applications**

If the applicant for ECCG is a tenant, then the Council will liaise with the appropriate landlord to explore whether alternative funding options, such as funding from the landlord and/or moving to alternative suitable accommodation is an option, before approving a ECCG.

Should additional funding be granted for a rented property, a condition on nominations rights for a set period will be required.

### **Other Conditions**

A maximum of one application for ECCG will be considered in any 5-year period.



## APPENDIX B

### Adaptations Panel - Terms of Reference

#### Purpose

- a) To review adaptation referrals where costs exceed available funding.
- b) To ensure the adaptations budgets are used transparently and to adapt suitable homes.
- c) To ensure decisions are informed and in line with the Council's Housing Assistance Policy and the Adaptations Policy for Council Tenants.
- d) To make recommendations from the referral review, that allows for the adaptation of council owned homes in line with the Asset Management Strategy.

#### Aims & Objectives

- a) To review each referred case on its individual merits and make recommendations from the findings.
- b) To investigate alternative options with regards to suitable accommodations or property.
- c) To ensure agreed works are progressed and delivered within an appropriate timescale.
- d) To identify any overlapping works between the voids team and adaptations teams and decide upon responsibility to undertake these works.
- e) To share information between relevant departments to ensure the most appropriate outcome for referred tenants and the Council.

#### Valuing Diversity

The Panel shall promote equal opportunities and value diversity, and work for good relations amongst all resident, specifically prohibiting any conduct, which discriminates or harasses on the ground of race, gender reassignment, age, sexuality, disability and religion or belief, pregnancy and maternity, marriage and civil partnership, sex, or sexual orientation.

#### Confidentiality

Panel members or attendees must not pass any information gained through their involvement with the Panel to a third party without approval from Tamworth Borough Council.

All information should be regarded as confidential within the Panel members and attendees.

## Membership

Members of the group

Quorate Membership	Adaptations Service Manager
	Head of Assets
	Assistant Director Assets
Internal Attendees by Invitation	Housing Management
	Allocations/ Lettings
	Voids
External Attendees by Invitation	OT's

Other representatives may be invited to the Panel by the members where relevant.

Invitations will be forwarded on an ad hoc basis to Occupational Therapist's whose cases are due to be reviewed.

## Meetings

The Panel shall schedule meetings as cases for review are identified and shall endeavour to meet within 15 working days of a request from the Service Manager for case review.

Cases that require an urgent and immediate review, such as where works are in progress and additional costs identified, may be circulated via email for everyone to comment with any action(s) minuted at the next meeting.

Members of the Panel must show commitment to the group and endeavour to attend all meetings or ask another relevant team member to stand in.

## Review

The effectiveness and membership of the Panel will be reviewed annually.

# Tamworth Borough Council INTERIM POLICY POSITION STATEMENT FOR COUNCIL ADAPTATIONS

June 2024

Issue Number	1	Date	August 2024
Approved		Next Review Date	August 2029

## 1. Policy Position Statement

- 1.1 In the absence of a formal Policy, this adopted Interim Policy Position Statement sets out how Tamworth Borough Council (The Council) will approve, pend, refuse, or reject permission for any major adaptations requests it receives from its own tenants, or a disabled member of their household.
- 1.2 This also sets out the process for the consideration of exceptional circumstances (Section 6) and how to review the Council's decision making (Section 7).

## 2. Process for Application

- 2.1 All enquiries for adaptations requests should be submitted via Staffordshire County Council (SCC) in the first instance. This is to ensure that the most appropriate solution is applied at the earliest opportunity, e.g. minor works and equipment is funded by SCC directly, or a referral for an assessment for care is made.
- 2.2 Should SCC determine through this triage process that major adaptation work may be required, they will send an enquiry to the Council for further assessment.
- 2.3 Enquiries received by the Council will be subject to the following process.

Although note that while the process is linear, should a case not progress, not all steps will be applied to every request:

- a) Adequate triage on all available options by an employee of the Council to determine if a major adaptation is likely to be needed.
- b) Tenancy checks to determine:
  - i. If there is an application in progress to purchase the property.
  - ii. If there is an active housing register application in place and the tenant is seeking to move.
  - iii. The tenancy type and how the tenancy is being managed, and what action, if any, is being taken.
  - iv. The current rent account, if any arrears are owed what action is being taken and what repayment plans are in place.
  - v. If any other works are planned at the property over the course of the financial year.

- c) An assessment of need carried out by an Occupational Therapist (OT), or other suitably trained officer as appointed by the Council.
- d) OT recommendations verified by the Council for if they are necessary and appropriate.
- e) Property condition assessment.
- f) A feasibility visit undertaken to scope out the extent of works at the property and are reasonable and practicable to achieve.
- g) Plans and costings for work drawn up.
- h) Approval from the OT (or other suitably qualified person as appointed by the Council) and tenant on the proposals.
- i) Tenancy checks may be required again depending on the length of time elapsed between the first checks being completed and submission of application.
- j) Submission of a formal application.

### 3. Circumstances for Rejection

#### 3.1 Council Triage and/or Assessment Process (2.3(a) or 2.3(c))

- 3.1.1 Should the Council determine through its own triage process or assessment that the needs of the disabled person can be met through minor adaptations or through equipment provision, the enquiry will be rejected and returned to SCC to complete this assessment and for them to fund such a provision.
- 3.1.2 Any decision made on these grounds will be provided in writing.

#### 3.2 Planned Works (2.3(v))

- 3.2.1 Should it be determined on enquiry that the work requested is on the planned works list with the Council within twelve months from date of enquiry, for example the request is for a level access shower, and this is on the planned works list for a bathroom upgrade, the request for adaptations work will be rejected as this will be undertaken through the planned works programme.
- 3.2.2 Any decision made on these grounds will be provided in writing.

#### 3.3 Mobility Scooters

- 3.3.1 The Council appreciates that some tenants will enable their own independence in accessing shops and facilities through the purchase of a Mobility Scooter.
- 3.3.2 The Council are unable to support with adaptations requests for Mobility Scooters unless these have been prescribed instead of a wheelchair through Wheelchair Services as these do not meet the purposes of funding.
- 3.3.3 Any decision made on these grounds will be provided in writing.

## 4 Circumstances for Refusal

### 4.1 Right to Buy Application

4.1.1 In accordance with the limited property improvements and repairing obligations of a landlord when a tenant is exerting the legal right to buy their Council property, no permission for adaptations requests will be progressed and/or approved during this period and permission refused.

4.1.2 This does not limit an applicant's right to apply for a Disabled Facilities Grant (DFG) under the Council's Housing Assistance Policy once the property is in their ownership. This is subject to the eligibility criteria and terms and conditions as set out in this policy.

### 4.2 Housing Register Application

4.2.1 A tenant must be willing to sign up to the terms and conditions of the funding having an intention for the disabled person to remain in the property for a period of five years following the completion of adaptations work.

4.2.2 If a tenant has an active housing register application in place with the Council, or if they actively discuss their desire to move while their request for adaptation assistance is progressing, their enquiry for adaptations assistance will be placed on hold and permission for adaptations may be refused subject to the outcome of further discussions with the tenant.

4.2.3 A tenant will therefore usually need to cancel any housing register application open with the Council or another Council prior to progressing a request for adaptations assistance.

4.2.4 There may be limited circumstances where the Council will allow both applications for rehousing and requests for adaptations to progress in unison. This is where there are concerns at the outset as to the feasibility of the adaptation work required, where costs are likely to exceed the funding limit, or alternate housing may provide a better long-term solution. This list is not exhaustive and there may be discretion applied to this ruling. Your Caseworker will inform you of the requirements needed.

4.2.5 Should a tenant refuse to remove themselves from the Housing register, or continue with their desire to move home, permission to request adaptations to the current home will be refused.

## 4.3 Unacceptable Behaviour

- 4.3.1 In circumstances where a tenant, or a member of their household is using their home for illegal or immoral purposes and/or is causing a threat, nuisance, or annoyance to their neighbours or local community and/or has convictions or civil injunctions in place or pending for unreasonable or abusive behaviour and/or any of these are at a level serious enough that the Council is considering or entitled to seek an order for possession, the request for adaptations will be placed on hold for an initial period of three months.
- 4.3.2 Should this behaviour still be of concern to the Council on expiry of this pending decision, the request for adaptations permission will either be deferred again for a further period as determined reasonable by the Service Manager or refused.
- 4.3.3 Should the decision be made that the request can progress due to an improvement in behaviour, it is expected that at the formal application stage for adaptations 2.3 (i-j) that behaviour has not relapsed to that outlined in 4.3.1. Should this happen, the Council will follow 4.3.2.
- 4.3.4 In instances where permission is refused on grounds of unacceptable behaviour, the Council will notify SCC to consider their duties as the local welfare authority. Please note that this does not mean that major adaptations will be provided by SCC.

## 4.4 Rent Arrears

- 4.4.1 If it is determined on enquiry that a tenant has rent arrears of above £250, the request for adaptations will be placed on hold for a period of up to three months while the tenant seeks to reduce this debt to under £250. If on expiry of this date there has been no reasonable attempt to reduce these arrears and the tenant does not submit any extenuating circumstances for not reducing the debt, the request for adaptations permission will be refused.
- 4.4.2 Should a reasonable attempt to reduce the debt be evidenced, but more time is required to reduce this to under £250 a further extension of time may be granted at the discretion of the Service Manager for a period of up to a further three months.
- 4.4.3 Should a tenant reduce their debt to under £250 to enable the request for adaptations to proceed beyond 2.3 (b) or have rent arrears of under £250 on initial enquiry, it is expected that at the formal application stage for adaptations 2.3 (i-j) that this debt is reduced to nil. If this is not, 4.4.1 and 4.4.2 or 4.4.4 will apply.
- 4.4.4 If it is determined on enquiry that a tenant has arrears equivalent to eight weeks rent, the request for adaptations permission will be refused and the tenant asked to reapply at a time that the arrears have reduced to under this

threshold, at which point the requirements outlined in 4.4.1 through to 4.4.3 would then apply.

- 4.4.5 In instances where permission is refused on grounds of rent arrears, the Council will notify SCC to consider their duties as the local welfare authority. Please note that this does not mean that major adaptations will be provided by SCC.

## 4.5 Property Condition

- 4.5.1 If, following property inspection there is cause for concern to either the property condition, or the living arrangements of the tenant, further requests for support may be made prior to any decision being made on permission being granted for adaptation work.
- 4.5.2 In these circumstances, the adaptations work may be placed on hold while the other, more urgent issues are completed.
- 4.5.3 Examples of such concerns could include, but are not limited to:
- a) Hoarding behaviour
  - b) Overcrowding
  - c) Property condition, e.g. disrepair, major property defects or outstanding urgent repair works
  - d) Safeguarding concerns
- 4.5.4 Should the identified property condition issues remain unresolved; the Council may have to pend or refuse permission to complete the adaptation request.

## 4.6 Costs

- 4.6.1 Should the likely costs of adaptation work exceed the maximum funding threshold of £30,000, and the tenant is unable or unwilling to contribute towards the cost of works and/or there is no discretionary Top-Up Grant (TUG) available, regrettably, there will be no mechanism to fund the extent of works and therefore the tenant may need to move to a more suitable home to meet their needs. In these instances, the decision will be taken to refuse permission.
- 4.6.2 In certain circumstances, it may be appropriate to review and revise the scheme to fall to within the funding limit available, where possible.

## 4.7 Feasibility

- 4.7.1 Should work be deemed by the Council as unfeasible, or the work required extensive, permission will be refused.



- 4.7.2 Any decision made to refuse permission on any of the grounds in 4.1 – 4.7 above will be provided in writing to the tenant.

## 5. Approvals

- 5.1 Where it can be evidenced that work is necessary and appropriate to meet the needs of the applicant, or disabled household member, and the works are reasonable and practicable to complete given available funding and extent of the work, the Council will notify the tenant in writing of this decision, outlining the extent of the eligible work, the cost of such work and the contractor.

## 6. Exceptional Circumstances

- 6.1 The Council recognises that it cannot cover every likely situation and there may be persons who genuinely need some form of urgent support that are precluded from accessing the assistance (as outlined in this Interim Policy Position Statement) due to a specific aspect.
- 6.2 In these exceptional circumstances, the Council may consider offering assistance, in particular where support would help the Council meet its strategic objectives, as determined by the Service Manager and approved by the Adaptations Panel.
- 6.3 Any departure from this will only be considered where a tenant can demonstrate both **‘wholly exceptional’** circumstances to justify such a departure.

‘Wholly exceptional’ refers to situations that may not have been foreseen when drafting this Statement, or situations that are more uncommon.

## 7. Review of the Council’s Decision Making

- 7.1 Any tenant having made an enquiry for adaptations under this Interim Policy Position Statement may request a review of the decision to reject, pend or refuse permission for adaptations.
- 7.2 A request for review of a decision must be submitted to the Council within 21 days of the date of the decision letter. The request must be in writing.
- 7.3 A review of the decision will be undertaken by someone not involved in the original decision-making process and may be undertaken by the Adaptations Panel where appropriate to do so.

- 7.4 The decision of this review will be notified to the tenant in writing.
- 7.5 If the tenant remains dissatisfied with the review decision, they have the right to follow the Council's Corporate Complaints procedure.
- 7.6 Complaints about service delivery rather than Policy must be made to the Council who will investigate the complaint in accordance with their Complaints Procedure which is available on request and can be found [here](#).

# Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Housing Assistance Policy and Council Adaptations Policy	
Date Conducted	08/01/2024	
Name of Lead Officer and Service Area	Lucy Mitchell	
Commissioning Team (if applicable)	n/a	
Director Responsible for project/service area	Rob Barnes	
Who are the main stakeholders	Disabled and vulnerable residents of Tamworth Relatives of said residents Staffordshire County Council	
Describe what consultation has been undertaken. Who was involved and what was the outcome	n/a	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	n/a	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	X
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	X
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

Having a published Housing Assistance Policy is a statutory requirement.

The Policy sets out how the Council will make best use of its limited funding received from Government for the provision of adaptations through the Mandatory Disabled Facilities Grant (DFG) scheme and how the Council can use its discretionary powers under the regulatory Reform Order 2002 to enable best use of this funding to assist and support eligible residents.

This Policy states the Terms and Conditions applied to the mandatory and discretionary assistance available through the Council and the eligibility criteria to be applied, giving clarity and transparency to those seeking to apply for assistance.

The Policy also identifies the level of support the Council can provide should residents want to accept this support, but also how to complete the application themselves should they want an alternative provision.

Who will be affected and how?

The Policy provides a clear structure for how support under the DFG and associated monies will be used. It sets out how people can apply and what help and support is available as well as enabling the Council to ensure relevant support is available with a clear and robust decision-making process.

Any resident of the Borough who has a permanent disability can apply for funding from the relevant scheme. This is set in legislation.

Are there any other functions, policies or services linked to this impact assessment?

Yes

No



If you answered 'Yes', please indicate what they are?

The Council's Adaptations Policy & Housing Assistance Policy are linked.

The Council's adaptations policy is currently being written and will be subject to a separate CIA.

### Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Most applications for assistance are from older people (aged 65+) given the nature of conditions and deterioration in health that ageing often brings.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies to all residents with a permanent disability who require assistance in adapting their home. Applicants must have a permanent disability to be eligible for assistance.
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those with caring/dependent responsibilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Carers of those with a permanent disability may support residents to apply for adaptations to make their home more suitable.
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Children	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Children with a permanent disability are eligible for assistance under these policies.
Vulnerable Adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Many residents with permanent disabilities are classed as vulnerable and the policies aim to support them to remain living independently.
Families	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Children with a permanent disability are eligible for assistance under these policies. Its ambition is to support families with making their homes safer and more suitable for them.
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those on low income	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Disabled applicants in receipt of means tested benefits are eligible to apply for the grant. Others will be means tested to see if eligible as per the legislation.
Those with drug or alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Those with mental health issues	X	<input type="checkbox"/>	A person with a permanent mental health condition is eligible to apply for assistance if their home requires adaptations.
Those with physical health issues	X	<input type="checkbox"/>	A person with a permanent physical health condition is eligible to apply for assistance if their home requires adaptations.
Social inclusion Please include refugees and asylum seekers,	X	<input type="checkbox"/>	A person must have recourse to public funds in order to be eligible for assistance under the DFG legislation. Therefore some refugees and asylum seekers may not be eligible for assistance due to the governing legislation.
Social inclusion: Armed Forces The Armed Forces Covenant is a pledge that together we acknowledge and understand that those who have served in the armed forces, and their families, should be treated with fairness and respect and any impact should be considered	X	<input type="checkbox"/>	Applications will be received from Members of the Armed Forces. There is no legal requirement in place to treat these applications any differently to other applications received.
Health and Wellbeing	X	<input type="checkbox"/>	The policies aim to promote health and wellbeing through improving the home environment of disabled people.
Climate Change	X	<input type="checkbox"/>	The policy has no direct impact on climate change but through the delivery mechanism of its delivery the Council will be looking to use carbon neutral materials and encourage energy efficiency.

#### **Part 4 – Risk Assessment**

**From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications. this includes climate change considerations**

**This is the section in which to please outline any actions to mitigate negative or enhance positive impacts in terms of economic, environmental or wider societal considerations, and actions to review and monitor the overall impact of the change accordingly.**

Impact Area	Details of the Impact	Action to reduce risk
Children	Improved assistance and clear guidance regarding application routes to enable adaptations to be	None required

	completed.	
Vulnerable Adults	Improved assistance and clear guidance regarding application routes to enable adaptations to be completed.	None required
Families	Improved assistance and clear guidance regarding application routes to enable adaptations to be completed.	None required
Those with mental health issues	Improved assistance and clear guidance regarding application routes to enable adaptations to be completed.	None required
Those with physical health issues	Improved assistance and clear guidance regarding application routes to enable adaptations to be completed.	None required
Social Inclusion: Asylum	Assistance limited by statute	Statute determines the assistance available, to note and record back to Government any cases where assistance has not been able to be provided.
Health & Wellbeing	Improved assistance and clear guidance regarding application routes to enable adaptations to be completed.	None required
Climate Change	The implementation of the policies should enable improve energy efficiency adaptations to be installed	Risk is minimal as the ambition is to improve energy efficiency. This will be monitored through regular specification reviews with other colleagues from housing and associated teams.

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your Community Impact Assessment, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Pentana			
Improved availability of assistance and clear criteria and guidelines for applications	To monitor the number of applications and completions of the new forms of assistance and their impact on the recipients.	Lucy Mitchell	Annual review	Increased number of adaptations completed and faster end to end times for residents.

Date of Review (If applicable) .....

Guidance and form updated July 2023 following CMT approval.



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