

# Tamworth Borough Council - HOUSING ASSISTANCE POLICY

April 2024

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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:
- Scope of adaptations available under the DFG.
  - Other types of assistance the Council may make available based on an assessment of local need.
  - Eligibility conditions for the assistance.
  - Amount of assistance available.
  - Conditions that will apply to the provision of the assistance.
  - 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 and for creating sustainable communities.
- 2.2 This Policy sets out how the Council will offer the provision of mandatory DFGs and discretionary grant and loan assistance to eligible disabled adults, children, and 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 support 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 grants and use 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 authority has a statutory duty to provide adaptations to homes for 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.

- 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 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 make 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 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.

Making better overall use of the housing stock and meeting more needs, including those with disabilities, is a legitimate aim.

The cost of adaptations and the suitability of the current accommodation (including under-occupation) are relevant factors when considering proportionality. Alternative means of meeting needs other than adapting the current property, including transfers to more suitable accommodation or applicants contributing to cost of adaptations are options which may be considered.

- 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 allocating DFGs and allowing special consideration for veterans in some circumstances.

## 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 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 the needs of its residents and facilitates people to live as independently as possible in their homes and communities. The provision of adaptations is a crucial part of meeting this priority.

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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>

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'.

## 5. Evidence of Need

- 5.1 There is a clear need in Tamworth to assist our community.
- 5.2 The following information provides a summary of key determinates that have influenced this Policy.
- 5.3 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).
- 5.4 Tamworth has seen an increase of 32.8% in people aged 65 years and over between 2011 and 2021.

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:
  - Annual capital grant from central Government distributed through the Better Care Fund (BCF).
  - Recycled ring-fenced receipts from land charge sales.
  - 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 will offer a range of discretionary grants to help vulnerable, older, and disabled residents to live as independently and safely as possible in their homes.

Full details of the current available discretionary assistance can be found in Appendix B of this policy.



- 6.4 It may be necessary to make changes to the range and 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. Equality and Diversity**

- 7.1 The Council recognises the importance of fair treatment and the positive promotion of equality and to prevent discrimination on any grounds.
- 7.2 This Policy will be applied fairly and consistently to all our residents and will act sensitively towards the diverse needs of individuals and communities. 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.
- 7.3 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 this is published alongside this Policy.

## **8. Data Protection**

- 8.1 All data in relation to an application will be held securely in accordance with the UK-GDPR (UK General Data Protection Regulation) and the Data Protection Act 2018.
- 8.2 In order 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 and other relevant professionals.
- Applicants will be informed of this data sharing at the time of applying and in the form of a Privacy Notice.
- 8.3 The Council is under a duty to protect public funds and may use the information provided for the prevention and detection of fraud.

## 9. Summary of Assistance

9.1 The following tables provide a summary of the assistance provided through each of the schemes available under this Policy.

9.2 All assistance provided through this Policy directly supports delivery of the mandatory DFG and the Better Care Fund metrics.

To achieve this, the Council uses the powers within the Regulatory Reform Order, except for the Mandatory DFG, which is prescribed in the Housing, Grants and Construction Act 1996.

9.3 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.

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 Mandatory DFG.

9.4 Full details of each type of assistance, how to apply, and the conditions attached can be found in the Appendices of this Policy.

## 9.5 Mandatory Disabled Facilities Grant (DFG)

This Grant is set out fully in legislation. This overview is included for completeness and details the local variations in operation.

<b>9.5.1 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 must be provided from a qualified person, such as an Occupational therapist. Where costs are incurred for this, they will be charged to the grant.</p>
<b>Tenure</b>	All tenures, although Tamworth borough Council Tenants are encouraged to use the Council's housing scheme which mirrors the DFG but does not require means testing.
<b>Land Charge</b>	<p>All DFG funding 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 – see further information in Appendix A.</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>	The cost of the eligible work, minus any applicant contribution. An upper limit of £30,000 or as per the current statutory limit if this changes.
<b>Means test</b>	This is the statutory means test, as set out in the Housing Grants, Construction & Regeneration Act 1996, which determines eligibility for a DFG.
<b>Local Amendments to the means test</b>	To include Local Council Tax Reduction (not the single person reduction or the severe mental disablement reduction) as a passporting benefit.
<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>	Standard DFG Application form and accompanying paperwork.

Further detail can be found in Appendix A.

## 9.6 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>9.6.1 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 B.
<b>Land Charge</b>	The full value of any grant awarded would be placed as a lifetime land charge from the date of completion of works.  This land charge is in addition to any Mandatory DFG Charge or charge incurred as a result of 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 B.
<b>Limitations</b>	In cases where multiple DFGs are approved, only one TUG application will be considered in any five-year period. 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.
<b>Application Form</b>	A short application form to include consent to the additional land charge.

Further detail can be found in Appendix B.

<b>9.6.2 Professional Fees Grant (PFG) Overview</b>	
<b>Eligible Applicants</b>	Those eligible for Mandatory DFG
<b>Tenure</b>	All Tenures
<b>Land Charge</b>	None
<b>Maximum Value</b>	£5,000
<b>Means test</b>	No additional means test
<b>Eligible works</b>	<p>Fees approved by the Adaptations Team Manager as eligible, where the DFG does not proceed.</p> <p>Fees are paid directly to the professional or contractor providing the service.</p>
<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 B.

### 9.6.3 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>	£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>• Estate agent fees</li> <li>• Solicitor costs</li> <li>• Survey costs</li> <li>• Stamp duty</li> <li>• Removal expenses</li> <li>• Disconnection/reconnection of appliances</li> <li>• Occupational therapy assessment costs for assessing properties.</li> <li>• 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 Council area 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 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>

	If the move is not completed at the fault or choice of the applicant, costs will not be paid.
<b>Application Form</b>	A short application form to validate the requirements and supporting evidence from the Occupational Therapist and an Officer of the Council.

Further detail can be found in Appendix B.

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## 10. Application Routes

10.1 The Council operates two routes to a DFG Application.

- Option One – Managed Application Process
- Option Two – Applicant Managed Process

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

### 10.2 Option One – Managed Application Process

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

10.2.2 This Service fully organises and manages the 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.

The Team will:

- Where applicable, assess the applicant's financial circumstances by a statutory means test which will identify any contribution to be paid towards the cost of the works.
- 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.
- Draw up a schedule of works and plans (including applying for any Planning Permission, Building Regulation Notices and Party Wall approval if required).
- Help find a suitably experienced contractor to undertake the work that has been vetted by the Council.
- Assist in the completion of the formal DFG application forms.
- Supervise the contractor on site on behalf of the applicant.
- Support with any unforeseen works and make any interim payments that have been agreed.
- Arrange final payment to the contractor and collect any certificates and guarantees from them and pass them on the applicant.

10.2.3 This Service is subject to an Agreement between the Applicant and the Council.

10.2.4 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 Adaptations Manager to breach the rules set by the Council in the delivery of its services.



## 10.3 Option Two – Applicant Managed Process

10.3.1 This option is for applicants who wish to complete **ALL** elements of the DFG application, supporting information, and building management themselves.

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

- Use their own Architect or Draftsperson; and/or
- Use their own Contractor; and/or
- Build a 'Preferred Scheme'. 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.

10.3.3 Under this route, the Council's role is limited to:

- Providing information and advice on the grant process.
- Assessing the mandatory scheme of work eligible for DFG funding should this differ to what is proposed by the applicant.
- Approving or rejecting an application for funding.
- 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.

10.3.4 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 DFG application and the requirements to receive DFG funding.

## 11. Fees and Ancillary Charges

11.1 The Council will consider reasonable fees for support in undertaking the application and/or subsequent approved works.

11.2 The following fees will be eligible for financial assistance if they have been properly incurred in making an application or seeking approval for the proposed works, or to ensure the satisfactory completion of works assisted under this policy when funded through Mandatory DFG funding or any associated grants:

- Confirmation, if sought by the Council, that the applicant has a relevant owner interest.
- Relevant legal fees.
- Technical and structural surveys.
- Design and preparation of plans and drawings.
- Preparation of schedules of relevant works.
- Assistance in completing forms.

- Applications for building regulations approval (including application fee and preparation of related documents), planning permission, listed building consent and conservation area consent (and similar).
  - Obtaining of estimates.
  - Consideration of tenders.
  - Supervision of the relevant works.
  - Disconnection and reconnection of utilities where necessitated by relevant works.
- 11.3 Unless a grant does not go ahead, any fees or ancillary charges authorised in writing by the adaptations team will form a part of the mandatory DFG and will therefore be funded from the £30,000 maximum grant.
- 11.4 Written approval must be obtained by the applicant from the Council in advance of any expenditure for fees or charges to be grant funded.

## 12. Prioritisation

- 12.1 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.
- 12.2 An enquiry will be considered '**urgent**' and dealt with in a 'fast track' manner, if any of the following apply:
- The disabled person has limited life expectancy and is at risk.
  - Works are required to facilitate discharge from hospital, or a residential care setting and the applicant is at risk.
  - The disabled person is living without heating or hot water and is deemed at risk.
  - The applicant has severe cognitive dysfunction and is deemed at risk.
  - The property subject to an enquiry is in such condition as to present an immediate and significant danger to occupants or visitors.
- 12.3 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 NOT to the detriment of mandatory DFGs.
- 12.4 All DFG referrals 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 12.2.
- 12.5 Applicants may request a review of their priority if they believe their needs have changed at any time in the process.
- 12.6 This prioritisation is in line with the national DFG Guidance, 2022.

## 13. Service Standards and Key Targets

- 13.1 There is no national standard for the Services provided through this Policy, except for the statutory requirement for a local housing authority to determine valid and fully made applications for mandatory DFG within six months. 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.
- 13.2 In practice, when an application is fully prepared by the Service (10.2) 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.
- 13.3 Where an application is managed and submitted directly by the applicant (as per 10.3) the Council will aim to determine whether it is a full and valid application within the same twenty (20) working day period. If an application is determined as not full and valid then it will be rejected and the 'clock' from a legislation and service management perspective ended. The application would then need to be re-submitted by the applicant, at which time the authority would again determine whether it is a valid application within a twenty (20) working day period.
- 13.4 Legislation requires that works be completed within 12 months of any DFG approval being issued. This can be extended by negotiation if there are valid reasons to do so, such as the applicant receiving care, occasional changes in contractor or specification, complex snagging etc.
- 13.5 Locally, the service aims to apply the funding it receives fully each year with minimal waiting lists and with maximum benefit to applicants.

## 14. Service Performance Monitoring

- 14.1 The service records all key activities and dates and can report on a variety of measures, including date enquiry received, date application submitted, date of grant determination, date works started, type and value of works, value of contributions, date works finished, and date works practically complete. Cases will be recorded by service managed and applicant managed to ensure that the service managed case timescales can inform service improvements. Applicant managed case timescales will be recorded for information purposes and to ensure compliance with the relevant statutory timescales.
- 14.2 The Council is committed to ensuring good quality applicant service 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.

## 15. General Principles of Assistance

15.1 Assistance will only be paid if:

- The assisted works are completed within 12 months from the date of the 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 will be considered by the Council on a case-by-case basis.
- The assisted works are carried out in accordance with the specifications set out in the formal approval, or as varied with the prior written agreement of the Council.
- The works are carried out to the satisfaction of the Council, in consultation with the applicant and Occupational Therapist where appropriate.
- 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.

15.2 All invoices must be addressed to the applicant at their address and must contain sufficient detail for the Council to identify, in full, the works carried out, the prices charged, and any variations previously agreed with the Council.

**Invoices provided by the applicant, or a family member will not be accepted.**

15.3 In all but the most exceptional cases, the Council will seek to pay any approved grant funds directly to Contractor(s) on satisfactory completion of works.

The Assistance may be paid in one lump-sum on satisfactory completion of the works or in staged payments as the work proceeds with the Council's express approval. Stage payments (interim payments) will only be made where the Council is satisfied that the value of work completed exceeds the value claimed. The maximum grant value that can be released through interim payments is 90% as stated in the legislation.

15.4 The Council will not enter any form of contract with a Builder or Contractor, and, in the absence of any Agreement with the applicant, it is a matter for the applicant to agree any contract with the builder or contractor.

Whilst the Council's Standing Orders on procurement do not directly apply as no contract exists with the Council, the principles of the Standing Orders will be referred to for determining the administration of procedures regarding the obtaining of a minimum of two suitable quotations, etc. as the proper administration of public funds requires the Council to ensure value for money.

- 15.5 The provision of assistance other than mandatory DFGs is subject to the availability of funding. All applications will be considered based on the identified needs and circumstances of the applicant and/or their household.
- 15.6 Assistance may be offered in a variety of forms including, but not restricted to, financial assistance, advice, provision of materials and carrying out of works.

Advice offered may include Housing Options advice to ensure the most appropriate option for the applicant or their household is considered and may include advice on housing rights, benefits entitlement, repairs or improvements, energy efficiency, re-housing or signposting to other agencies or services.

- 15.7 Where assistance is provided, the eligible costs include necessary associated costs such as Building and Planning Fees, Architect and other professional fees and council grant administration fees.
- 15.8 The provision of mandatory grants and discretionary DFG financial assistance will be subject to internal and external auditing to ensure adequate procedures are in place and followed and that there is appropriate use of public funds.
- 15.9 The following will not be eligible for assistance:
- Where ownership of the property is disputed.
  - Where the owner(s) have a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so.
  - Where the residence is not regarded as permanent.
- 16.2 No assistance will be given for work started before the formal approval of the valid DFG application by the Council.
- 16.3 Grant assistance will not normally be provided for works covered by insurance.

Where, before a grant for assistance is approved, it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any. The level of assistance will be reduced by an amount equivalent to the insurance company's liability.

Where assistance is approved, a condition may be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for:

- Claims for personal injuries where the works are required under a Mandatory DFG.
- 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.

- 16.4 The Council will assess whether the scope of the works is reasonable and practicable, having regard to the age, condition, and structural layout of the property.
- 16.5 For Mandatory Schemes managed by the Adaptations service the Council will determine prices based upon agreed and market tested Schedules of Rates.
- 16.6 In the case of an application for DFG where the client chooses to pursue a different scheme of works or an enhanced scheme of works, the Council will only provide assistance to the value of the scheme of works the Officer has determined would otherwise satisfy the basic primary requirement(s) identified by the report of the Occupational Therapist or other suitably qualified Officer approved by the Council, subject to the Council being satisfied the clients preferred scheme will also satisfy the primary requirements.
- 16.7 Where the client deviates from the scheme of work(s) submitted and subsequently approved by the Council without prior consultation with, or agreement of, the 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 assistance payments previously made against the approved scheme.
- 16.8 In the case of common parts of a dwelling, the Council will only consider assistance for the reasonable sum or proportion of the applicant's liability. The applicant must prove a repairing liability for the common parts.
- 16.9 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.
- 16.10 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 for Assistance.

## **17. Refusals**

- 17.1 The Council may refuse any application for assistance lacking the required information or documentation.
- 17.2 Any refusal on these grounds will be given to the applicant in writing, along with the reason for refusal.

- 17.3 The Council will return all application paperwork and supplementary documentation in support of an application to the applicant along with the refusal letter.
- 17.4 The date from the re-application submission will be used as the date for submission and not the earlier date.
- 17.5 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.
- 17.6 Where a grant condition imposes a liability to repay the assistance, or a part thereof, the condition will be registered by the Council as a Local Land Charge.
- 17.7 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 previously made against the approved scheme.
- 17.8 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 Assistance (as outlined in the Policy) due to a specific aspect. In these situations, the Council may consider offering assistance in exceptional circumstances, in particular where support would help the Council meet its strategic objectives, as determined by the Disabled Adaptations Manager and approved by the Adaptations Panel.

## **18. Additional Conditions**

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

These may include but are not restricted to:

- A contribution to the cost of the assisted works by the applicant.
- The right to nominate tenants to housing accommodation available for rent.
- Housing accommodation being maintained in a good state of repair after completion of the assisted works.
- The right of the Council or its appointed agent to recover specialised equipment when no longer needed.

## 19. Decisions, Notifications, & Redeterminations

- 19.1 The Council will notify the applicant in writing when their application has been approved or refused.

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

- 19.2 If the application is approved, the notification will specify:

- The eligible works.
- The value of the assistance.
- The builder/contractor who will execute the works.

- 19.3 The Council may, where financial or operational demands dictate, defer payment of the assistance for a period not exceeding 12 months. Any deferment will be detailed within the grant approval notice.

If the application for Assistance is refused, the Council will give the reasons for the refusal and confirm the procedure for appealing the decision.

- 19.4 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 may, at their discretion re-determine the assistance given and notify the applicant accordingly by issue of a re-approval notice. Total assistance approved will not exceed the maximum amounts specified in this policy.

- 19.5 Additional works or deviations 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.

## 20. Exceptional circumstances

- 20.1 Any departure from 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.



20.2 This Policy recognises the need to go above and beyond the statutory minimum DFG funding and includes a few discretionary funding routes to support the delivery of the mandatory DFG.

20.3 Exceptional grant funding will be considered as follows:

- 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, including representatives from Staffordshire County Council and Tamworth Borough Council.
- Discretion around the level of funding is subject to an initial decision by the relevant Assistant Strategic Director following a report from the Adaptations Manager.
- Any discretionary funding is subject to available funds.
- Mandatory DFGs outlined in the policy will be given priority over any additional discretionary funding.

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

21.1 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.

21.2 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.

21.3 An officer of the Council with a more senior status than the decision-making officer will review the decision. The outcome of this decision will be notified to the applicant in writing. If the person remains dissatisfied with the review decision, they have the right to follow the Council's Corporate Complaints procedure.

21.4 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](#).

## 22. Policy Monitoring and Review

22.1 The formal mechanism for endorsement will be at the Tamworth Borough Council Cabinet meeting in March 2024. This Policy will commence on the 01 April 2024 and will apply to all full applications received after this date. Applications for flexible DFG assistance outlined in this policy cannot be made retrospectively.

22.2 Policy performance will be monitored as described in Section 14.

- 22.3 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.
- 22.4 In any case, the Policy will be reviewed no later than five years after initial formal adoption by the Council.

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## 23. Glossary & Explanation of Terms

Abbreviation / Name	Definition
<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.
<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>RR</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

### 26. Mandatory Disabled Facilities Grants & Amendments

#### Background

- 26.1 This is included for context and information purposes and includes a means test amendment within Tamworth.
- 26.2 The Council will award mandatory DFGs according to governing legislation - principally the 1996 Act, subordinate Regulations and Orders (as amended) - and guidance issued by central Government, which details amongst other matters the types of work that are to be funded, the maximum grant payable (currently £30,000), and the test of financial resources where applicable.

#### Qualifying Criteria

- 26.3 Any person who makes an application for Mandatory DFG must:
- i. Be over 18 years of age at the date of the application.
  - ii. Live in the dwelling as his/her only main residence; and
  - iii. Have an 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
  - iv. Have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works; and
  - v. Satisfy such test(s) of resources as the Council, or statute, may from time to time have in place.
  - vi. Not be ineligible, by virtue of the Housing Grants, Construction and Regeneration Act 1996, regulations made under the Act or any other enactment.
  - vii. Homeowners have the primary responsibility for ensuring their homes are properly maintained and in the first instance should pursue private finance. We may assist eligible, vulnerable homeowners to make sure they have the opportunity for achieving the correct property standards.
- 26.4 Where an owner occupier has given a signed undertaking to occupy a property as his/her principal residence after completion of the assisted works for a period, and if they cease to do so during that time, they will repay on demand to the Council the total amount of Assistance paid.
- 26.5 Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works, and if the landlord ceases to make the relevant property

available for letting during the specified period, then the landlord will repay on demand to the Council the total amount of assistance paid.

- 26.6 Where the Council has the right to demand repayment, but extenuating circumstances exist, the Council may determine to waive the right to repayment or to demand a sum less than the full amount of assistance paid.
- 26.7 As a part of the application process, the Council will require certificates relating to property ownership and future occupation and will request permission from the owner. 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 client.

## Qualifying Works

- 26.8 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, (now including the garden).
  - 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.

## Local Enhancement to Disabled Facilities Grant in Tamworth

- 26.9 The Council has re-introduced Local Council Tax Reduction as a 'passporting' benefit for applicants for Mandatory DFG. Prior to the Government's revision of the list of passported benefits in 1996, 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.
- 26.10 Inclusion of entitlement to LCTR as a passported benefit restores the pre-1996 position and consequently will enable a number of residents receiving LCTR to apply for a mandatory DFG without undergoing the Test of Resources.
- 26.11 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.

## Necessary, Appropriate, Reasonable & Practicable

- 26.12 A mandatory DFG application will only be made if the works are both 'necessary and appropriate' and 'reasonable and practicable' and will be considered in the following order necessary, practicable, appropriate, and reasonable.
- 26.13 Where an applicant prefers a different scheme of works to that approved by the Council, the Council may offer to 'offset' the value of the original scheme towards those alternative works with appropriate safeguards. This is at the discretion of the Council. Any alternative scheme will need to meet the identified needs of the approved scheme if it is to attract DFG funding.
- 26.14 Works which have been started prior to the approval of an application will not be eligible for financial assistance. No grant payment will be made for retrospective works, except if the Professional Fee Grant (PFG) is applicable (see Appendix B).
- 26.15 Unexpected works which arise during the carrying out of eligible works will be considered for assistance if the works could not have been reasonably foreseen and if they are vital to the completion of a safe and effective adaptation.
- 26.16 Unforeseen works carried out without prior approval of the Council will not be eligible for assistance. 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.

- 26.17 Care must be taken when agreeing to schemes of works on third-party property such as tenanted accommodation, that the property owner is fully engaged with the decision process. This is also particularly important where an architect or similar is acting on behalf of the applicant, and where issues such as planning permission, building control and other regulation are involved.

### Existing Footprint Principle

- 26.18 In deciding which works are reasonable and practicable 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.
- 26.19 The Council will only consider an extension of a dwelling, or other significant building project to meet the assessed needs where an adaptation within the existing footprint is not possible.
- 26.20 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 'Preferred Schemes' for further information. No discretionary funding will be made available for 'preferred schemes' that are costed over and above the mandatory DFG.

### Contractors

- 26.21 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.

Applicants may specify and choose their own contractors, agent, products, and design, but take responsibility for those choices. 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.

- 26.22 All work must be undertaken:

- In accordance with manufacturers recommendations and best practice.
- In accordance with and to the satisfaction of the Council and Occupational Therapist/Trusted Assessor or other appropriate person's requirements.
- In accordance with building, planning, and installation regulations where applicable and Health and Safety regulations.



- 26.23 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's Officer.

### Financial Assistance Award

- 26.24 Mandatory DFG will be subject to a means test in accordance with the regulations made under the 1996 Act, including any local amendments within this policy. The maximum mandatory DFG award at the time of policy publication is £30,000 minus any contribution calculated by a test of financial resources. If the maximum grant limit is changed by statute, then the maximum available DFG award by Tamworth Council will reflect this.
- 26.25 Where successive applications are awarded over time, the applicants' assessed contribution to the first grant award will be taken into account if within the period of the contribution originally calculated (10 years for owners, 5 years for tenants).

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

### Order of Processing Applications

- 26.26 DFG applications or recommendations will usually be processed in chronological order, in line with any approved priority system, except in emergency circumstances at the discretion of the Council.

### Conditions Relating to Contractors, Standard of Works, and Invoices

- 26.27 In approving an application for financial assistance, the Council will require as a condition that the eligible works are carried out in accordance with any specification it has decided to impose.
- 26.28 The eligible works must be carried out by the contractor(s) upon whose estimate the financial assistance is based, or if two estimates were submitted, by one of those contractors. The Council's consent must be obtained prior to the works if a contractor who did not submit an estimate is to carry out the works, and if an agreement is given, an estimate from the new contractor must be submitted to the Council (this does not automatically convey a difference in revised grant award – any additional costs must be separately financed by the applicant).
- 26.29 An invoice, demand or receipt will not be acceptable if it is given by the applicant or a member of the applicant's family. Where works are carried out by the applicant or a member of their family, only the cost of materials used will be eligible for financial assistance.

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

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

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

NOTE: Contractors 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.

### Future Occupation of the Dwelling

26.33 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.

### Death of an Applicant

26.34 Where the applicant or disabled person for whom the adaptation is required dies prior to grant application then no funding will be available via the Mandatory DFG for any costs incurred.

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

26.36 If works have been started then they 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.

## Preferred Schemes

- 26.37 Applicants who meet the DFG eligibility and are therefore entitled to a grant allocation may wish to 'top-up' the DFG funding. 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 an existing property.
- 26.38 Where an applicant wishes to pursue a different scheme, they will be financially responsible for the difference in costs between the DFG 'Mandatory Scheme' and the final cost of the works, including unforeseen costs. The applicant will also be responsible for compiling and submitting a valid application and managing the works whilst they are on site.
- 26.39 The Adaptations Team need to ensure that the final scheme meets the disabled person's needs and where applicable, planning and building control regulations have been adhered to.
- 26.40 All 'preferred schemes' would be managed and applied for via the 'Applicant Managed' Process outlined in section 10.3.

## Recovery/ Repayment of Assistance Awarded

- 26.41 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.
- 26.42 Where the applicant is an owner-occupier and not a tenant, a sum of up to £10,000 may be recovered for DFG grant value of more than £5,000. This sum would only be recovered if the property were sold or title otherwise transferred within 10 years of the certified (completion) date of works, subject to the Council's discretion to reduce or waive in the case of financial hardship. All recoverable costs would be registered as a land charge against the property.

NOTE: this is separate and different to the potential repayment of grant in the event of a breach of occupancy conditions or detected fraud. Also, Councils are entitled to recalculate grant awards in limited circumstances, such as for example if any relevant insurance claims

are pending, and to cease making payments and to seek repayment in some cases as detailed in sections 40-42 of the 1996 Act.

- 26.43 Where a charge (repayable grant) is due for recovery, on receipt of a written request from the responsible person, the Adaptations Team Manager will consider the options to reduce or waive repayment in particular circumstances to be determined in accordance with the following criteria:
- the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant.
  - whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of their employment.
  - whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises.
  - whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.
- 26.44 If that initial decision is not accepted and further appealed, details of that appeal will be determined by the Adaptations Manager in consultation with the appropriate Assistant Director of the Council.
- 26.45 All recoverable charges will be recorded as local land charges. The charge will not be placed on the first £5,000 of any award of mandatory DFG funding.
- 26.46 Any DFG sum awarded above £5,000 will be subject to a land charge, up to a maximum land charge value of £10,000.
- 26.47 All land charges for 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

£30,000

£30,000

£10,000

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## APPENDIX B

### 27. Flexible Assistance Linked to a Mandatory DFG Application Conditions

- 27.1 All assistance under this section of the policy will be delivered under the same principles and guidelines as the Mandatory DFG.
- 27.2 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 Adaptations Manager.
- 27.3 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.

### Registered Land Charges

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

### Applications

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

### Adaptations Panel

- 27.8 The Adaptations Panel (TAP) consists of Managers from both Property and Tenancy Services and may include representation from the Occupational Therapy Service where appropriate.
- 27.8 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.

## 28. Top-Up Grant (TUG)

<b>Top-Up Grant</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 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.</p>
<b>Means testing</b>
<p>This assistance will be subject to no further formal means test, but assistance will be subject to the following conditions (n.b. these conditions relate to the applicant for this funding who may or may not be the disabled person).</p> <p>The applicant must prove they:</p> <ul style="list-style-type: none"><li>- Do not have savings over £23,250 (the current Social Care Cap)</li><li>- Are unable to fund the difference in costs through borrowing.</li><li>- Are unable to obtain funding from charitable sources towards the cost of the works.</li><li>- 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> <p>This assistance will only be considered where all other funding options have been explored and where there are no other reasonable available options.</p> <p>For tenant applications, assistance will only be considered where it can be demonstrated that the landlord is unable to contribute for financial reasons.</p>

### **Available funding**

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

Where the TUG required is less than £25,000 (i.e. up to £55,000 in total), the approval decision will be based upon evidence provided with the DFG application by the Panel/

### **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 TUG.

### **Other Conditions**

Applications for TUG will 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.

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## 29. Professional Fees Grant (PFG)

<b>Professional Fees Grant</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 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 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.
<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.

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## 30. Help to Move Grant

<b>Help to Move Grant</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 and Help to Move funding will be subject to the availability of resources.
<b>Criteria for eligibility</b>
<p>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.</p> <p>Criteria for consideration in HTMG cases (this is not an exclusive or exhaustive list, as other factors may become apparent with experience):</p> <ul style="list-style-type: none"><li>a) The disabled person may need to move to give or receive care, or to receive medical treatment.</li><li>b) The disabled person may need to move to maintain or gain employment.</li><li>c) The cost of works to the current property may exceed the benefit to the applicant.</li><li>d) The cost of works may exceed the available grant funding maximum and any available applicant or third-party contribution.</li><li>e) The applicant's calculated contribution may be unaffordable and moving/buying is a better financial solution.</li></ul>

- f) The applicant may need to move to reduce rent and/or release spare bedrooms which they can no longer afford (e.g., 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.
- a) 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 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**

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

- a) the tenure and location of the original and new properties,
- b) the residual equity and any increased mortgage debt,
- c) whether moving within the Council's jurisdiction, or beyond,

- d) whether the original property is unadaptable, unaffordable, or poor value to adapt,
- e) or that 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 properties applicants have moved to but will require an updated assessment by an Occupational Therapist and a new DFG application. A further TUG will not be considered for applicants accessing the HtMG.

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## 31. APPENDIX C – Adaptations Panel Terms of Reference

### Purpose

- To review adaptation referrals where costs exceed available funding.
- To ensure the adaptations budgets are used transparently and to adapt suitable homes.
- To ensure decisions are informed and in line with the Council's Housing Assistance Policy and the Adaptations Policy for Council Tenants.
- 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

- To review each referred case on its individual merits and make recommendations from the findings.
- To investigate alternative options with regards to suitable accommodations or property.
- To ensure agreed works are progressed and delivered within an appropriate timescale.
- To identify any overlapping works between the voids team and adaptations teams and decide upon responsibility to undertake these works.
- 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 tenants, 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 Adaptations 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 ARP 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 AARP will be reviewed annually.