

Medway Council
Disabled Facilities Grant
& Financial Assistance
Policy 2023

DRAFT

Document name:	Medway Council Disabled Facilities Grant & Financial Assistance Policy 2023
Document type:	Policy

Version (e.g., first draft, final report):	Draft
Approved by: Mark Breathwick	Date:
Date of adoption and implementation	
Interim review:	

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1.0 Introduction

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

The Care Act 2014 shifted the focus to earlier intervention that offers a more preventative approach to supporting people.

The principle of the service for residents across Medway is to *'help me live in my own home, easily and with dignity with the right adaptation when I need it.*

This is funded via the Better Care Fund. More detail on this is included at 3.0

This policy is in two parts:

Mandatory Disabled Facilities Grants - sets out the mandatory legal framework for DFGs in accordance with the 1996 Act, including eligibility criteria and the prescribed means test assessment.

Discretionary Assistance - sets out the council's policy to provide discretionary interventions to promote independent living and wellbeing. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) and latterly the Better Care Fund enables councils to support the wider prevention agenda of housing, social care, and health authorities.

General Expectations

The council's decision making will take into account the following specific expectations and presumptions:

Works funded by means of DFG will be the simplest and most cost-effective adaptations that will meet the client's assessed needs. Grant works should properly and fully meet the assessed needs of the client. Grants that only partially meet those needs will only be considered in exceptional cases.

Wherever the council judge it to be a practicable and realistic option, the re-ordering and/or change of use of existing rooms will be the preferred solution and will take precedence over the construction of extensions.

Works funded via the Homeowner Improvement Loan or Emergency Repairs Grant will be the most cost-effective works to remedy issues identified under the Housing Health and Safety Rating System (HHSRS).

2.0 Mandatory Disabled Facilities Grants

Mandatory grants are available for people who are disabled and meet the criteria set out in s100 of the Housing Grants, Construction and Regeneration Act 1996 and for eligible works that includes the following:

- facilitate access by the disabled occupant to, from and within the dwelling (for the purpose of this grant a dwelling includes park homes).
- provide essential facilities and amenities within the dwelling; and
- facilitate access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant.

2.1 Eligibility

All owner-occupiers and tenants, licensees or occupiers meeting the statutory criteria and financial assessment (means test) set out in the Housing Grants Construction and Regeneration Act 1996 are eligible for DFGs. At Medway Council's discretion the means test will exclude all military compensation as income. Applications must be supported by the Occupational Therapy Service at Medway Council.

The council works closely with housing associations to deliver adaptations and whilst they are expected to build funding into their business plans there is a statutory duty for the council to approve DFGs across all tenures. The council will therefore work with the housing associations in the area.

2.2 Making an Application for Assistance

A preliminary enquiry about assistance should be made to the Private Sector Housing Team who are located at Medway Council, Gun Wharf, Dock Road, Chatham, Kent, ME4 4TR.

An enquiry can be made in the following ways: -

- by telephone to the Private Sector Housing Team on 01634 331200
- in writing to the Private Sector Housing Team, address as above
- by e-mail to disabled.adaptations@medway.gov.uk
- by making an appointment to attend the office during office hours which are 9:00am – 5:00pm Monday to Thursday and 9.00am – 4.00pm Friday.

If an enquiry is being made for a Disabled Facilities Grant, Homeowners Improvement Loan or Emergency Repairs Grant, the applicant will be asked to provide details of their financial resources, income, investments, savings and/or details of passported benefits to assess eligibility. Applicants will be signposted to the relevant department relating to their enquiry.

The applicant will then be placed on a waiting list for a survey. The council and/or representatives will endeavour to carry out the survey as soon as possible. From the survey, a schedule of the works will be provided, and an application pack will be issued.

The valid application pack should be submitted within three months of the date of the survey. At the end of this period, if the council receives no application, unless there are good reasons for the delay, the application will be cancelled.

When the application is received the applicant will be asked to verify details of their financial status by providing bank account statements, pay slips etc. If further information on other matters is required following receipt of the application, the council will request this in writing. The amount of the assistance and the time frame within which the works must be completed will be confirmed in writing. The amount of the assistance will normally be based on the lowest estimate. The council will, however, review any estimate it considers to be unreasonable and can award the assistance based on reasonable building costs.

Where the cost of the works is above the maximum assistance available, the applicant will be required to fund the additional costs as a condition of receiving assistance. Where possible the council will work with its partners to advise on other sources of assistance available to complete the scheme.

2.3 Timescales

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

Medway Council aim to assess applications and make decisions well in advance of the statutory timescales.

2.4 Verifying Information

The council will take all reasonable steps to verify the information and documents provided as part of the application. This may include checks with/of.

- Electoral Roll
- Experian or other credit reference agencies
- Companies House
- Land Registry
- VAT
- Builders – those on the Medway Fair Trader list will not be subject to any further checks
- Gas Safe, NICEIC or other professional body

2.5 Fees and Other Charges

Fees and other charges incurred in making the application and carrying out the works may be included, these could include:

- Technical and structural surveys
- Building regulation and planning approvals
- Preparation of plans and drawings
- Onsite technical supervision of the work
- Fees in relation to Party Wall Agreements
- Land Registry fees

Applicants should be aware that they will be responsible for any charges made by an agent in the preparation of a grant application and if the application is not successful, they will have to meet those charges out of their own funds.

In cases where a grant/loan application does not reach approval due to unforeseen circumstance, i.e., client death, any professional fees and associated charges incurred during the application process will be the responsibility of the applicant or their estate. However, in exceptional circumstances the council may consider part or full payment of these fees from the DFG budget.

2.6 Estimated Expenses

A grant is calculated and approved by determining the estimated expenses and the following elements are considered:

- Which of the relevant works are eligible for grant funding (the grant eligible works).
- The amount of the expenses to be properly incurred in the execution of the eligible works.
- The estimate or the lowest estimate that meets the specification will be the one approved. The grant applicant may select a higher value estimate provided they are willing and able to pay the difference between their preferred contractor's estimate and the lowest and that the works meet the applicants assessed needs.
- Costs attributable in relation to grant works, i.e., fees and charges.
- Extended warranties for lifts, wash-dry toilets, etc.
- The grant is means tested and the amount of grant paid will be determined by a 'test of resources' (means test) which determines the applicant's financial contribution to the works.
- For the mandatory DFG, the relevant person (and their partner*) is the subject of the means test. The relevant person is the person who will benefit from the proposed grant eligible works.

The mandatory grant will not exceed £30,000.

Applicants who have a financial contribution to make (following the financial means test) towards the cost of the works, may be able to apply for further financial assistance under the council's Discretionary Grants. Subject to qualifying criteria.

Applications in respect of dependant disabled children and young people under the age of 19 are exempt from the financial means test.

2.7 Commencement of Works

Work cannot commence before the grant is approved. Any works that are started before a grant is approved will not be grant aided.

2.8 Payment of Grant

Grant payments will be made when the grant eligible works are completed satisfactorily and on receipt of the contractor's (or in the case of materials, supplier's) invoice. Council officers or representatives will inspect the grant works during their progress and are able to make interim payments where appropriate.

Payments will generally be paid directly to the contractor and/or their agent.

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

2.9 Conditions of Grant

The grant eligible works must be undertaken by the contractor(s) who provided the approved estimate(s) included in the application. Prior permission shall be obtained in writing from the council by the applicant before any change in contractor can take place. In cases where applicants are using the Home Improvement Agency (HIA), applicants are required to contact the HIA directly to request this. The use of a different contractor to the one included in the application, without permission, may result in cancellation of the grant and/or repayment by the relevant person(s).

A grant approval can be re-determined where the eligible works cannot be completed without carrying out unforeseen further works or where the works are required to ensure the property is free from serious health and safety risks (Category One Hazard under the Housing Act 2004). Unforeseen works can only be considered for grant funding by the council where the work has not started prior to being agreed as 'unforeseen work' by the council.

If applicants are required to contribute to the grant, this must be paid and satisfactory evidence provided that payment has been made, i.e., a signed and dated receipt, before the council will make any grant payment.

Where additional works are taking place that are not grant aided (e.g.: via an alternative or additional scheme) and are being funded by the applicant, these works must be completed and paid for by the applicant before any grant payment is released regarding to the grant eligible works or by agreement with a council officer administering their application.

Grant eligible works must meet all the professional recommendations regarding the disabled person and any additional/alternative scheme must have the prior written agreement of the recommending professional before grant funding is approved.

In the event of a breach of any of the conditions set by the council, repayment may be demanded from the applicant/owner/occupier/landlord/trustee/beneficiary (whichever is appropriate) in a sum up to or equal to the amount of the grant paid or any interim payment made. Councils have the discretion either not to demand repayment, or to require payment of less than the full amount.

2.9.1 Summary of Assistance Conditions

*This is a **summary only** of the legislation relating to the conditions applying to assistance made by the council and is intended as a **general guide, not a complete statement of the law.***

Carrying out and Completion of Works:

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

It is a condition of assistance that the eligible works are completed within 12 months from the date of approval of the application. This period may, however, be extended by the council if they think fit, particularly where they are satisfied that the eligible works cannot be, or could not have been, carried out without carrying out other works which could not have been reasonably foreseen when the application was made. If an applicant requires additional time to complete the works a formal request must be made in writing before the end of the 12-month period, otherwise the right to assistance cannot be guaranteed.

The payment of assistance, or part of assistance, is conditional on the eligible works being carried out to the satisfaction of the council and the council being provided with an acceptable invoice, demand or receipt for payment for the works and any preliminary or ancillary services or charges. An invoice, demand or receipt will not be acceptable if it is given by the applicant or a member of the applicant's family.

An applicant should take reasonable steps to pursue any relevant insurance or legal claim and to repay the assistance, so far as is appropriate, out of the proceeds of such a claim. If, after assistance has been approved, an applicant is successful in (a) an insurance claim or legal claim against another person in respect of damage to the premises to which the assistance relates, or (b) a legal claim for damages in which the costs of the works to the premises is part of the claim, the applicant should notify the council of that fact and will be required to repay the assistance, so far as is appropriate, out of the proceeds of the claim.

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

Owner-Occupation

(in a case where a Certificate of Owner-Occupation accompanies the application)

It is a condition of the assistance that throughout the assistance condition period the dwelling is occupied in accordance with the intention stated in the certificate of owner-occupation. This is binding on any person who is for the time being the owner of the dwelling. If this condition is breached, the council may demand the repayment of the assistance in full, with interest.

It is also a condition of the assistance that the council may by written notice require the owner to provide within 21 days a statement showing how the above condition is being fulfilled.

It is also a condition of the assistance that, where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, within the assistance condition period, he will be required to repay the assistance to the council on demand. This condition remains in force for the whole of the assistance condition period and is binding not only on the person who gives the certificate, but also on any subsequent owner, except that where an exempt disposal is made (other than a disposal referred to in note (a) or (b) in the definition of exempt disposals set out below), the conditions as to repayment cease to have effect. An owner is required to notify the council forthwith in writing of his intention to make a relevant disposal and to give the council any information reasonably requested by them in that connection.

The council may decide not to make any demand for repayment in a case where they are satisfied that (a) the owner is elderly or infirm and is disposing of the property with the intention of going to live in a hospital, hospice, sheltered housing, a residential care home or similar accommodation, or a place where care will be provided; or (b) the owner is making the disposal

with the intention of going to live with and care for an elderly or infirm member of his family or his partner's family.

Where a Through Floor Lift, Stairlift or External Lift has been installed and funded (in part or full) under a Disabled Facilities Grant, it is the applicant's responsibility to ensure that is included in their insurance policy to cover any form of accidental damage not covered under the lift company's warranty.

After the grant assisted works have been completed and any warranties or guarantees have expired, it is the homeowners (or grant applicants) responsibility to maintain any equipment and the 'works' that were carried out, as part of your usual home maintenance and to be covered by home insurance.

The council cannot and does not act as the Clerk of Works, Agent, Architect or Surveyor, and any subsequent dispute regarding the quality, standard or amount of the work undertaken will be a matter wholly for the grant applicant to resolve with the Contractors/Builders/Suppliers or Agent.

2.10 Local Land Charge

Where the cost may increase the value of the property e.g. extensions or garage conversions a Local Land Charge may be applied. A Local Land Charge may be placed on the owner occupier's adapted property where the DFG exceeds £5,000. The land charge will be limited to a maximum of £10,000 (mandatory scheme - statutory limit). The Charge will be incurred if the property is sold, or ownership transferred (subject to the consideration of certain criteria by the council).

The DFG will be registered as a Local Land Charge/Land Registry and will be enforced when the applicant has disposed (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given. In this event the council may require repayment of the land charge before being removed from the local Land Charges Register.

The applicant is required, from the certified date throughout the grant condition period of 10 years, to notify the council of their intention to sell or otherwise dispose of the property. The applicant will need to provide the council with any information reasonably requested by them in connection with such notification.

2.11 Agents & Fees

All applicants are encouraged, though this is not a mandatory requirement, to enlist the services of an agent, such as a Home Improvement Agency (HIA)/architect/architectural technician/surveyor to assist them in the process of application where the adaptation involves significant building alterations, complex or non-standard works.

Fees incurred for such services are eligible for grant funding (subject to the financial assessment/means test), but in addition to the £30,000 grant maximum.

2.12 Extended warranties

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

3.0 Discretionary Disabled Facilities Funding

In 2015 Government funding was pooled into a single budget for health and social care services to work more closely together – the Better Care Fund. The Fund provided an increase in funding for home adaptations and related opportunities to improve integration between health, social care, and housing services, in particular to reduce hospital admissions and allow early hospital discharges.

The Better Care Fund is contributing to the additional allocation for DFGs provided to Medway Council under an annual determination from central government. The grant aims to improve health and wellbeing by encouraging more flexible use of DFG monies.

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

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

3.1 Contribution Based Grant

If an applicant's assessed contribution, via the Early Financial Assistance (EFA/means test) procedure, would leave them in financial hardship, Medway Council could offer assistance, as per the below table-

Assessed contribution	Action
Assessed contribution up to £1,000	100% grant top-up to max of £1,000
Assessed contribution over £1,000	Contribution Based Grant eligibility is based on the client's capital. (See <i>Contribution Based Grant Eligibility Criteria and worked example below.</i>)
If their assessed contribution is 50% or more of their capital (See <i>example below</i>)	Contribution Based Grant for the full amount
If their assessed contribution is 50% or less of their capital (See <i>example below</i>)	Not eligible for Contribution Based Grant
Capital over £10,000	Not eligible for Contribution Based Grant

Worked example:

Applicants assessed contribution is £5,000 and they have capital of £6,225.40. As the £5,000 is in excess of 50% of their capital (capital of £6,225.40) {50% would be £3,112.70}, they would be entitled to financial assistance.

Applicants assessed contribution is £3,000 and they have capital of £9,235.70. As the £3,000 is *NOT* in excess of 50% of their capital (capital of £9,235.70 {50% would be £4,617.85}), they would **NOT** be entitled to financial assistance.

3.2 Funding in Excess of the Statutory Maximum Mandatory Disabled Facilities Grant of £30,000.

3.2.1 Discretionary Adaptations Assistance Grant

Where proposed adaptations exceed the maximum Disabled Facilities Grant of £30,000, a discretionary grant amount of up to £15,000 may be considered. Cases will be required to be discussed by a panel consisting of Private Sector Housing Manager, Private Sector Housing Team Leader, Private Sector Housing Officer, Occupational Therapist, Senior Occupational Therapist and Surveyor prior to this grant being offered.

3.2.2 Disabled Facilities Loan

This is intended to assist in cases where a major adaptation has been identified as essential to meet the needs of the disabled adult or child and once all other options such as moving home have been considered. This would only be offered in circumstances where the full cost of adaptations exceeds the maximum of both the Disabled Facilities Grant and Discretionary Adaptations Assistance Grant (£45,000).

The Disabled Facilities Loan is a maximum of £15,000 **per property** and would be registered as a charge with the Land Registry, plus fees* (**Fees do not form part of the charge*).

Cases will be required to be discussed by a panel consisting of Private Sector Housing Manager, Private Sector Housing Team Leader, Private Sector Housing Officer, Occupational Therapist, Senior Occupational Therapist and Surveyor prior to this assistance being offered.

3.2.3 Discretionary Stairlift Grant

Where a client is identified by Occupational Therapy as requiring a stairlift only, this can be funded via discretionary non means tested grant to a maximum of £7,000. If the client requires other adaptations alongside the stairlift, they will not qualify for this discretionary assistance and would be considered under a DFG subject to means testing eligibility.

3.2.4 Discretionary Moving Home Grant

In some cases, moving home is more appropriate and cost effective to meet the needs of a disabled occupant, where it is not 'Reasonable or Practicable' to adapt the existing home or where there is under or over occupation of the home.

A maximum of £10,000 may be considered at the council's discretion. The alternative property must either be already adapted or be adaptable at a reasonable cost. The grant can be used towards the expenses involved in moving home for example estate agent's fees, solicitor's fees, Stamp Duty, removal costs, disconnection, and reconnection of services costs etc. Supporting quotes and/or invoices will be required, and the grant can only be paid once the applicant has exchanged contracts with a legally binding completion date.

This part of the grant is not subject to the means test (test of resources).

The proposed property must be confirmed as suitable by the council's Private Sector Housing Officer and Medway Council Occupational Therapist. The property should be assessed as being able to meet the needs of the disabled person or child or be more easily adaptable, within the Medway Council district.

3.2.5 Emergency Repairs Grant

An Emergency Repairs Grant will be provided to help elderly/vulnerable owner-occupiers within the following categories remain in their home.

- At least one member of the household is on an income related benefit or qualifies under the policy's means test.
- Households where a person is eligible for a disability benefit and qualifies under the policy's means test.

Medway Council will use the statutory Government means testing scheme for DFGs to assess if applicants qualify for an Emergency Repairs Grant. To qualify the applicant must be in receipt of means tested benefits or where an applicant's contribution is assessed as less than £1,000 an Emergency Repairs Grant will be offered.

- The grant will not be available in those situations where the necessary works are considered to be so significant as to render the property eligible for a Homeowner Improvement Loan
- A grant is available to fund 100% of the cost of eligible work up to a maximum of £10,000 excluding any agreed associated fees, these will form part of the Emergency Repairs Grant application.
- Further applications may be made subject to the total grant aid not exceeding the £10,000 limit within any five-year period.
- The grant is not designed to "top up" the Homeowners Improvement Loan and the applicant cannot apply simultaneously for both.
- No grant aid can be offered on items covered by a building insurance policy.

Eligible Works

General housing repairs including but not exclusively:

- Roofing repair.
- Electrical rewire/repair.
- Plumbing/heating repairs.
- Window/door replacement or repair.
- Safety measures including smoke and carbon monoxide detectors.
- Gutters, rainwater down pipes and soil and ventilation stack replacement or repair.
- Works to remedy a Category 1 Hazard under the Housing Health and Safety Rating System (HHSRS).

3.2.6 Homeowner Improvement Loans

The applicant must be: -

- Either a freeholder or leaseholder with at least five years on the lease unexpired, and
- be defined as vulnerable or satisfy the means test and
- occupy the property that is assessed as containing a Category One Hazard under the Housing Health and Safety Rating System (HHSRS).
- Properties that are tenanted or licensed would not qualify for this assistance.

Medway Council will use the statutory Government means testing system to assess if applicants qualify for a Homeowner Improvement Loan. People in receipt of an income related benefit will have a nil contribution towards the cost of the works. In addition, where an applicant's contribution is assessed as less than £1,000, full assistance will be offered.

The maximum loan that will be made available is £10,000, excluding any agreed associated fees, these will form part of the Homeowner Improvement Loan application.

In addition to offering the Homeowner Improvement Loan the council will work with its partners to identify other assistance available for the applicant to provide additional resources to bring the property up to the standard set by the Housing Health and Safety Rating System.

All loans must be repaid on the transfer or sale of the property, unless determined to be an exempt sale.

On completion of the works the property must be free of Category One Hazards as assessed under the Housing Health and Safety Rating System. Additionally, whenever a Homeowner Improvement Loan is approved the loft insulation, should be increased to a level to comply with current building regulations.

Homeowner Improvement Loans will not be available for mobile homes or houseboats as mobile homes and houseboat owners do not own the land on which their home is situated so loans cannot be secured as a financial charge.

4.0 General points

4.1 Grant Funding or Part Funding Repaid by Applicants

Any grant monies repaid by applicants to the council for whatever reason (e.g., breach of grant conditions, ceasing occupation etc.) will be paid into the DFG fund from which they originated so that the funding can be recycled via further DFGs to other residents in need.

4.2 Equipment and Minor Adaptations

The general principle is that equipment or a minor adaptation are tried first to assess whether it will meet the resident's needs prior to an application for a DFG. This will help to manage the demands made on the DFG budget.

4.3 Accessible Kitchens

Specialist or **non-standard** integrated hobs and ovens can be included as part of the DFG and grant funded works if they are assessed as being an essential part of the adaptation to meet the resident's needs.

4.4 Fees

Fees for preliminary or ancillary charges associated with the provision of assistance will only be considered as part of the assistance and application. This may include fees charged by private architects and surveyors or the Home Improvement Agency (HIA).

Only reasonable and necessary fees and charges would be eligible and considered for assistance.

In accordance with the requirements of Best Value, authorities should actively compare these costs with other local authorities and service providers and should carry out market testing where appropriate. At all times authorities should seek to keep the cost of eligible fees and charges to a minimum but without compromising the quality of service provided to the customer.

4.5 Review of Policy

The policy will be reviewed annually or as a consequence of changes to funding levels or the cycle of funding allocations.