

# Disabled Facilities Grant Policy 2018



## Key Information (To correspond with Covalent)

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## 1. Introduction

Basildon Borough Council, in its role as a local housing authority, has a statutory duty to provide Disabled Facilities Grants (DFGs) to qualifying applicants under the Housing Grants, Construction and Regeneration Act 1996 ('the Act').

This document sets out the way in which Basildon Borough Council will provide both mandatory and discretionary Disabled Facilities Grants for private sector residential adaptations.

This document contains information on eligibility criteria for grant assistance, conditions relating to applications, approval and payment of grant and other relevant conditions and requirements.

References to the 'Council' in this policy relate to Basildon Borough Council unless otherwise stated and any reference to the 'Occupational Therapy Service' relates to Essex County Council's Occupational Therapy Service.

## 2. Executive Summary

The purpose of this policy is to enable the Council to provide more flexibility and discretion in the allocation and delivery of the Disabled Facilities Grants, thereby providing residents of the Borough greater access to home adaptations, in order to support people living safely and independently in their own homes for as long as possible.

All discretionary grants will be at the discretion of the Council; they shall be considered on a case by case basis and will be subject to the Council having sufficient financial resources available at the time of the application being made. The following list provides an overview of the provisions contained in this policy:

- The option for the Council to offer a discretionary disabled facilities "top-up" grant of up to **£30,000.00** for major adaptations, typically extensions;
- A non-means tested disabled facilities grant for stairlifts to enable a fast track service for this adaptation to reduce the risk of trips and falls associated with stairs and to provide the applicant with access to the whole of their dwelling. It will also aid speedy hospital discharge thus preventing 'bed blocking'<sup>1</sup>;
- The option to offer a Discretionary Disabled Facilities Relocation Grant of up to **£10,000.00** towards specific expenses in circumstances where the Council determines that it is not feasible or reasonable to adapt the applicant's current home through a DFG;

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<sup>1</sup> Bed Blocking is a term used to describe hospital patients who are medically fit to be discharged but are still in hospital.

- The option to offer Discretionary Disabled Facilities Grant Assistance to help applicants pay for the cost of adapting their home to meet the needs of a disabled person where they are not already covered by a mandatory DFG.
- Number of qualifying works that can be funded under this heading including the provision of ceiling track hoists and dropped kerbs.
- One of the most significant inclusions to this policy is the ability of the Council to offer, in exceptional circumstances, a discretionary grant to meet an applicant's financial contribution towards a grant where they are unable to do so themselves and, in the absence of any suitable affordable alternative being available, or where in meeting the contribution it would cause the applicant extreme financial hardship such that the grant aid might not otherwise be taken up.

In developing this policy, the Council has consulted with the Occupational Therapy Service at Essex County Council and with the Community Diversity Council.

### **3. Policy Statement**

To ensure that all eligible Disabled Facilities Grants applicants receive the appropriate home adaptation to meet their needs, in order that they can remain living in their own homes safely and independently for as long as possible.

### **4. Disabled Facilities Grant (DFG) Funding - Overview**

The Council, in its role as a local housing authority, has a statutory duty<sup>2</sup> to provide Disabled Facilities Grants (DFGs) to qualifying applicants. DFGs are mandatory grants and are available to disabled people when works to adapt their home are judged as being '*necessary and appropriate*' to meet their needs, and when it is '*reasonable and practicable*' to carry them out having regard to the age and condition of the dwelling.

For the purposes of this policy a person is defined as being disabled if:

- Their sight, hearing or speech is substantially impaired;
- They have a mental disorder or impairment of any kind; or
- They are physically disabled by illness or impairment present since birth or otherwise.

A person aged 18 or over is considered disabled if:

- They are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948; or

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<sup>2</sup> Housing Grants, Construction and Regeneration Act 1996, though there are numerous other 'Acts' and Statutory Instruments that also have a relevance and bearing on the provision of DFG's.

- They are a person for whom welfare arrangements have been made under that section or might be made under it.

A person aged under 18 is considered disabled if:

- They are registered in a register of disabled children maintained under the Children Act 1989; or
- In the opinion of the Social Services Authority (Essex County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

Disabled Facilities Grant funding is provided to Essex County Council in the form of the Better Care Fund (BCF), which is then distributed to District and Borough Councils to meet local need.

Councils are encouraged to be creative and flexible in their approach to DFGs, whilst operating within the boundaries prescribed by legislation.

Listed below is a summary of the key legal provisions relating to DFGs:

- DFGs are subject to a means-test (except where the adaptation is for the benefit of a child), which means that the applicants (and their partners) income has to be assessed to determine the amount of any contribution they may be required to make towards the cost of the required adaptation works. The way in which the means-test is carried out is set by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are, however, exempt from the means-test.
- Subject to all the eligibility criteria being met, the Council must 'determine' a valid application '*as soon as reasonably practicable*' but no later than 6 months from the application date.
- The maximum amount of a DFG is set by statute and is currently £30,000. This amount is reduced by any contribution assessed as payable by the applicant under the means-test.
- Grant can be recovered following sale, assignment, transfer or otherwise of the title of the dwelling within 10 years of payment of the grant in cases where the Council '*is satisfied that it is reasonable in all circumstances to require repayment*'. Grants below £5,000 are excluded from this condition. For instance, a grant awarded in the sum of £12,000 would result in a repayment demand of £7,000 in the event the property was sold within 10 years of the DFG being paid. The maximum amount recoverable in any one case is limited to £10,000.

## **1. Eligibility for DFG – Overview**

Any resident who owns or rents a house, bungalow, flat, houseboat or caravan with an occupant who is registered (or registerable as) disabled may apply for a DFG for adaptations to their home to enable them to continue to live at home as safely and independently as possible.

Registered Social Housing Providers (RSHP) are eligible to apply for a mandatory DFG only, but in these situations the Council will firstly investigate the RSHP's ability to carry out and fund the adaptation works themselves. In all such cases, the Council will request that the RSHP contributes towards the cost of the adaptation works before processing the application.

Each case submitted to Basildon Council must be supported by a recommendation from an Occupational Therapist working with Essex County Council Social Services. Should an applicant provide an independent Occupational Therapist's recommendation the Council will consult with the Occupational Therapy Service at Essex County Council before processing the application.

The Council reserves the right to refuse grant assistance where the works are not necessary, appropriate, reasonable and practicable or are excessively expensive or where the property is not suitable for adaptation.

The Council may offer a discretionary DFG, in the form of a relocation grant to help the disabled person move to a more suitable dwelling.

There is no restriction on DFGs for the same property and depending on the time lapse between applications there is provision for any means-tested contribution made on the first grant not to be taken into account on a subsequent application. This is five years for a tenant's application and 10 years for an owner occupier's application.

## **5.1 Eligible Works for a mandatory DFG**

The purposes for which a DFG may be given are set out in the Act<sup>3</sup> and can be summarised as follows:

### **Facilitating Access**

- a) A grant may be given for works to remove or help overcome any obstacles that prevent the disabled person from moving freely into and around the dwelling.
- b) Access to the garden or yard (front, side or rear) means immediate access from the dwelling and does not include landscaping. This would be fulfilled by either improving existing access or by providing a suitable outdoor space that can be accessed safely from inside the dwelling to allow appreciation of the outdoor area by the disabled person.

### **Making a Dwelling or Building Safe**

- a) A grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons living with them. This may include the provision of lighting where safety is an issue, or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems.

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<sup>3</sup> Housing Grants, Construction and Regeneration Act 1996



### **Access to a Family Room**

- a) A grant may be given to ensure the disabled person has access to a room used for or usable as the principal family room (i.e. living room or lounge).

### **Access to a Room usable for Sleeping**

- a) A grant may be given for the provision of a room usable for sleeping where the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances. Where the disabled person shares a room with a spouse or partner a grant may be given to provide a room of sufficient size so that normal sleeping arrangements can be maintained.

### **Access to a Bathroom**

- a) A grant may be given for the provision of, or access to, a WC, washing, bathing and/or showering facilities.

### **Facilitating Preparation of and Cooking of Food**

- a) A grant may be given to re-arrange or enlarge a kitchen to improve the access for a wheelchair and to provide specially modified or designed storage units, work top area etc. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate that certain adaptations be carried out to enable the disabled person to perform minor functions in the kitchen, such as preparing light meals or hot drinks.

### **Heating, Light and Power**

- a) A grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating to the dwelling will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected.
- b) Provision is also made under this category for the adaptation of heating, lighting and power to make them suitable for use by the disabled person.

### **Dependent Residents**

- a) A grant may be given for works to enable a disabled occupant better access around the dwelling in order to care for another person who normally resides there whether or not they are related to the disabled person. Importantly, the dependent being cared for need not be disabled.
- b) Such works could include adaptations to a part of the dwelling to which the disabled person would not normally need access but which is used by a person to whom they are providing care and therefore it is reasonable for such works to be carried out.

## **Common Parts**

- a) A grant may be given for works to facilitate access to a dwelling through the common parts of a building.

### **5.2 Amount of Mandatory DFG Assistance available**

The maximum amount of grant is set by statutory instrument. The current statutory limit on the maximum amount of mandatory DFG is **£30,000**.

### **5.3 Dual Residency of a Disabled Child**

Mandatory DFG assistance can only be provided for the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it would be assumed that one party would apply for mandatory grant on the basis that the child occupies the subject property as their sole or main residence. The main residence will be determined by which adult party receives child benefit for the disabled child. This dwelling must be located within the Borough of Basildon for the purposes of the Council providing a mandatory DFG.

In cases where families separate and a court order provides that residency of the subject child is split between the mother and father (or other designated guardian) the Council may consider the award of a discretionary DFG for the other property. The proposed adaptations will only be considered for discretionary assistance if they fall within the headings normally applied to mandatory schemes (See Eligible Works).

The Council will consider the details of any court order and specifically the allocation of time spent with each parent/guardian in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be considered on its own merits. Factors taken into consideration include the specific details of any order, the likely time spent at each dwelling and whether the child will stay overnight at the subject dwelling and if so, for what period etc.

In determining the discretionary works that might be considered as eligible for assistance the Council will consider the suitability of the dwelling for adaptation, the complexity and scope of the adaptation required and any observations or referral made by the Occupational Therapy Service. The scope of the works will not necessarily mirror those to be undertaken at the sole or main residence.

Any discretionary DFG assistance provided for dual residency children will be up to a maximum award of £10,000 and will not be subject to any form of means-testing. The award will be recorded on the Local Land Charges Register indefinitely and will be repayable in full if the grant recipient disposes of the dwelling whether by sale, assignment, transfer or otherwise for any reason.

Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient

resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

#### **5.4 Child in Foster Care**

The Council may award a disabled facilities grant for a child in foster care providing that the likely length of care at that dwelling is expected to be years rather than months. In such circumstances the disabled facilities grant will be discretionary and will be subject to the availability of adequate funding as indicated above.

### **6. Discretionary Relocation Grant**

A Discretionary Relocation Grant may be available to an applicant who owns or privately rents their dwelling if adaptation of their current home through a mandatory DFG is determined not to be a feasible or reasonable option and they are considering relocating to a suitable property they intend to purchase.

Applicants must be aged 18 or over on the date the application is made and in the case of a disabled child, the parent(s) would make the application.

Any such application must be supported by a recommendation from the Occupational Therapy Service at Essex County Council.

The Council and the Occupational Therapist must both be satisfied that the proposed dwelling already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.

Applicants must be relocating within the Basildon Borough. Consideration may be given to a move within Essex but this would require:

- I. The approval of the relevant district/borough Council
- II. Whether or not adaptations are required to the new dwelling; and
- III. The scale of any adaptations before a relocation grant can be considered.

A discretionary relocation grant of up to £10,000 may be made available towards specific relocation expenses which includes estate agents fees, legal costs and removal costs.

The cost of the discretionary relocation grant together with the cost of any adaptations required to the new dwelling must demonstrate value for money, whether the move is within the Basildon Borough or to another district/borough Council in Essex.

Applications must be submitted prior to relocation; grants cannot be paid retrospectively.

Assistance will not be made available towards the purchase price of a new dwelling.

The Council will normally require two quotations from independent contractors that realistically reflect the cost of the works/service being provided. In some circumstances, one estimate may be accepted if the Council is satisfied that the cost is reasonable.

All applicants will be required to complete the move within 12 months from the date of approval of their application. Any payments made will be made either directly to the service/work provider or to the grant applicant. In either case, valid invoices or receipts must be provided prior to payment.

If, on the sale of the applicant's existing dwelling, a net equity of more than £10,000 is released, the discretionary relocation grant will only fund the physical removal costs.

Net equity refers to any equity released when the purchase price of the new dwelling is less than the existing dwelling's selling price.

If the move is aborted through the fault of the applicant then the grant will not be paid and any monies already paid will be reclaimed from the applicant. If the reason for the move falling through is no fault of the applicant, then the Council will cover the full costs.

The new dwelling must be the disabled person's main residence and no applicant will be awarded a discretionary relocation grant on more than one occasion.

If the disabled occupant moves from the new dwelling within 5 years or if the dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise for any reason within a period of 5 years the grant must be paid back in full to the Council unless there are exceptional circumstances. The discretionary relocation grant will be recorded on the Local Land Charges Register for a period of 5 years from the date that the new dwelling is occupied by the disabled occupant.

The discretionary relocation grant scheme will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child in which case no such test will be applied.

Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

## **7. Discretionary Disabled Facilities Grant "top-up" Assistance**

The maximum amount of mandatory DFG was set by statute in 2008 at £30,000. Since this time there has been a general increase in build costs for major adaptations such that in some instances £30,000 is insufficient to provide adaptations to meet the needs of the disabled person and their family.

Whilst the Council does not have to provide discretionary "top-up" assistance it will consider applications for such assistance on a case-by-case basis.

To be eligible for consideration of a discretionary top-up grant in cases where the cost of the proposed adaptation works exceed the maximum mandatory DFG limit of £30,000, the grant applicant must meet the criteria for a mandatory DFG.

The Council may fund a Discretionary DFG “top-up” to a maximum of £30,000.

The discretionary DFG “top-up” grant scheme will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child in which case no such test will be applied.

Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

All discretionary DFG “top-up” Grants will be recorded as a charge on the Land Registry and will remain indefinitely. The grant will be repayable in full where a dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise for any reason. An administration fee will be added to the discretionary DFG “top-up” to cover the Councils expenses in registering this charge.

## **8. Discretionary Disabled Facilities Grant Assistance**

The purpose of Discretionary Disabled Facilities Grant Assistance is to help applicants to pay for the cost of adapting their home to meet the needs of a disabled person where they are not covered by the mandatory DFG.

If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary grant assistance.

These new discretionary grants will incur a charge registered on the Local Land Charges Register and will be repayable upon sale, assignment, transfer or otherwise of the title of the property. In the case of discretionary DFG Top-Up Grants, these will incur a charge on the Land Registry and will also be repayable upon sale, assignment, transfer or otherwise of the title of the property.

### **8.1 Eligibility**

In order to be eligible for Discretionary Disabled Facilities Grant Assistance an applicant must meet the qualifying criteria for a mandatory DFG.

Any resident who owns or rents a house, bungalow, flat, houseboat or caravan with an occupant who is registered (or registerable as) disabled may apply for a Disabled Facilities Grant for adaptations to their home to enable them to continue to live at home as safely and independently as possible. Landlords may also apply on behalf of their tenant.

Each case must be supported by a recommendation form from an Occupational Therapist working with Essex County Council Social Services.

The Council reserves the right to refuse grant assistance where the works are not necessary, appropriate, reasonable and practicable or are excessively expensive or where the property is not suitable for adaptation.

## **8.2 Qualifying Works**

Discretionary DFG Assistance is available to fund the following adaptations to enable a disabled person to remain living in their own home:

- I. To make the dwelling suitable for the disabled person. Examples include:
  - The provision of a safe play space for a disabled child
  - The provision of more satisfactory internal arrangements which would directly benefit the disabled person
- II. To make the dwelling suitable for the employment of the disabled person within the existing footprint of the dwelling (examples include the provision or adaptation of a room for the disabled person to use as a work area). Any such assistance would be subject to the applicant obtaining any relevant planning permission that may be required for working/running a business from the dwelling.
- III. To provide an area for specialist care or treatment (e.g. provision of a dialysis room).
- IV. The provision and installation of ceiling track hoists.
- V. The provision and installation of a dropped kerb to facilitate access to a hard standing located within the curtilage of the disabled person's dwelling.
- VI. The provision and installation of an appropriate storage facility for a mobility scooter with a fixed charging point.
- VII. In exceptional circumstances, where an applicant is unable to meet their assessed financial contribution under the means-test for a mandatory DFG or for Discretionary Disabled Facilities Grant Assistance, and in the absence of any suitable affordable alternative, the Council may provide the applicant with a discretionary DFG assistance to enable the works to proceed. Any request for this form of assistance must be made in writing to the Grants Team Leader who will prepare a report for consideration by the Building Control Manager.
- VIII. In exceptional circumstances, where it is deemed to be inappropriate for an applicant to remain living in their home whilst adaptation works are being carried out due to the nature of the works and/or where the level of disruption may have a negative health impact, and where relatives and friends are not able to offer

suitable temporary accommodation, the Council may provide the applicant with discretionary DFG assistance to cover the cost of temporary respite care.

- IX. This list is not exhaustive and other works may be considered subject to an Occupational Therapist's recommendation being received by the Council.

Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

All discretionary DFG Assistance will be recorded on the Local Land Charges Register indefinitely. The assistance will be repayable in full where a dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise for any reason.

### **8.3 Decision Making Criteria**

Once the Council is satisfied that the proposed adaptation works are necessary and appropriate and reasonable and practicable the following specific expectations and presumptions are taken into account:

- The DFG works should fully and properly meet the applicants assessed needs. DFGs that only partially meet those needs will only be considered in exceptional cases (e.g. where the disabled person's condition is deteriorating and independent living is unlikely to be sustained for very much longer).
- The works funded by the DFG will be the simplest and most cost-effective adaptations that will meet the need of the applicant's assessed needs (this includes any equipment provided).
- Wherever practicable and realistic, the change of use of existing rooms or the re-ordering of rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of specialist equipment.
- Generally, the DFG will only fund one facility to a dwelling e.g. only one external door will be provided with a ramped access to the outdoors.

### **8.4 Alternative Scheme of Works**

In certain circumstances a grant up to the value of the estimated cost of providing an adaptation can be used to contribute towards an alternative scheme. For example, where a through-floor lift would meet the needs of the disabled person but the preference of that person is for the construction of a ground floor extension, a DFG equal to the cost of the lift could be approved. In any such case the following criteria must be met:

- The proposed alternative scheme shall meet the applicant's needs as assessed by the Occupational Therapist and put forward in the original recommendation.
- The Council must be satisfied that the applicant has sufficient financial resources to complete the alternative scheme, including a contingency sum of 10% of the total cost of works to account for any unforeseen works.
- The applicant must provide the Council with a minimum of 2 estimates from competent contractors for the proposed works. The Council reserves the right to seek an alternative estimate where those provided by the applicant seem either excessive or inadequate.
- An experienced agent shall design/control the works and shall certify their satisfactory completion. The applicant is responsible for any additional costs of designing the alternative scheme and for obtaining building regulation approval and/or planning permission where necessary.
- The Council will only pay an amount equal to the cost of the works originally recommended by the Occupational Therapist.
- The Council will not pay for the DFG approved works until all works have been completed and certified as satisfactory by the Council.
- The Council's payment shall be the final part payment made towards completion of the alternative scheme and will not be paid until the Council receives confirmation from the contractor that all other monies owing have been paid in full by the applicant. Payment will be subject to the Council inspecting the works and certifying the scheme as fully completed to its satisfaction (inside and out).
- The alternative scheme must be completed within 12 months of the DFG being approved, unless a written request for an extension to the time limit is received within 6 weeks of the 12 month period expiring. Extension to the mandatory time limit for completion of the works will be at the discretion of the Council and the applicant should not assume that such a request will be agreed.
- Where the alternative works are not completed within the 12 month time period allowed and where the Council has not received a written request to extend this period, the DFG will be void.
- No variation of the approved DFG will be made for any additional unforeseen works; all such costs are to be borne by the applicant.
- If, for whatever reason, during the course of the works, the need for them ceases, the DFG will not be paid in full.

### **8.5 Two Disabled Occupiers in the same Household**

Where two disabled people occupy the same dwelling as their main residence and both have individually assessed needs by an Occupational Therapist, depending on the



adaptations, there may be a case for considering two separate DFG applications (for example, this is more likely to affect families with more than one disabled child).

## **8.6 Unforeseen Works**

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

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

- As soon as it becomes apparent that unforeseen works are necessary the applicant or the contractor must notify the Council;
- The Council must be able to independently verify any such works as being necessary and this may involve a site inspection;
- The contractor must provide a written quotation to the Council for the cost of completing the unforeseen works;
- No unforeseen works can commence until written confirmation from the Council has been received as to whether these works are reasonable in terms of cost, are truly unforeseen and whether the works are necessary.

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

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

## **8.7 Abortive Works**

This term relates to situations where a DFG application has been aborted before all works have been completed, e.g. where the applicant has died.

In such circumstances, consideration will be given to payment of a proportion of the grant assistance in line with current legislation and guidance and at the discretion of the Grants Team Leader and the Building Control Manager.

## **8.8 Changes in Circumstances**

Applicants (or their representative/parent/guardian) must inform the Council of all relevant changes in their circumstances from the date of making their enquiry through to approval and payment of their grant assistance.

Applicants are encouraged to contact the Council in advance if they believe that their circumstances may change in order that they can be given advice on the options available to them.

Certain changes in the applicants' circumstances may affect the payment of the Disabled Facilities Grant. Such changes, prescribed by legislation, are:

- Where the works cease to be necessary or appropriate to meet the needs of the disabled person;
- The disabled person ceases to occupy the dwelling; and
- The disabled applicant dies.

In such circumstances the Council can decide:

- Not to pay the grant, or pay not to pay any further instalments;
- That some or all of the works should be completed and the grant or a partial grant will be paid; or
- That the grant application should be re-determined.

Under the Act, the Council has the right to demand the repayment of the grant that had already been paid, together with any interest in the circumstances outlined above. However, such cases will be considered on their own merit.

The right to demand repayment also applies where the applicant ceases to be entitled to a grant before completion of the works. An example of where this may apply would be if the applicant ceases to own the dwelling or does not have a tenancy agreement for the dwelling to be adapted.

## **8.9 Cases in which a DFG may be re-calculated, withheld or repaid**

The Council is entitled to refuse to pay a grant, to refuse to pay further instalments on a grant or may recalculate the grant in circumstances such as:

- The grant was approved on the basis of inaccurate, incomplete or false information;
- The cost of the works is less than/more than the original estimates.

## **8.10 Maintenance and Warranties (General)**

When equipment is installed under a Disabled Facilities Grant, the grant applicant becomes the owner of the equipment and is therefore responsible for maintenance and repairs or for removing equipment once it is no longer required beyond any warranty and maintenance periods already paid for, and included in the grant, by the Council.

Therefore, once the DFG works are completed the Council will not finance or organise servicing, repairs or maintenance after the expiry of any applicable warranty period, which is usually 12 months (see exceptions below). Applicants are therefore encouraged to consider a longer warranty at the time of the installation as subsequent and future repairs can be expensive.

Exceptions: A 5 year warranty will be funded as part of the DFG for the following specialist equipment:

- Stairlifts
- Through Floor Lifts
- Specialist Toilets
- Ceiling Track Hoists\*

No additional warranty will be provided for other equipment.

\*The warranty provided for ceiling track hoists will not include the costs of complying with the 6 monthly inspection requirements of the Lift Operations and Lifting Equipment Regulations 1998; the cost of this must be met by Essex County Council's Equipment Service.

## **8.11 Removal of Adaptations and Reinstatement Works**

Generally, the Council do not and will not remove adaptations if and when they are no longer required. Neither are any reinstatement works carried out.

If an applicant changes their mind about an adaptation once the OT assessment has been carried out and the works have been completed, unless there has been a significant change in the applicant's medical condition the Council will not remove or carry out further adaptation works.

## **8.12 Replacement of Facilities & Specialist Equipment**

The Council will give consideration to the replacement of damaged, broken or worn out facilities and/or equipment under a further DFG providing it:

- Cannot be repaired;
- Has not been wilfully damaged;
- Still meets the needs of the applicant;
- Has been annually serviced and/or maintained, where applicable, and the warranty period has expired.

A further DFG will not be considered where a facility or equipment that was present in the dwelling previously has been removed by, or under the instruction of, the applicant unless there is a proven good reason for the removal.

### **8.13 Registered Social Housing Providers (RSHPs)**

RSHPs have a prescriptive duty of care to their tenants and have to meet certain standards and targets relating to the condition of their dwellings such as The Decent Homes Standard, and they are able to access other sources of funding due to their status.

The Council therefore expects RSHP's to conform to these duties on behalf of their tenants.

**As a matter of principle, the Council does not believe that Registered Social Housing Providers should have any right to access Disabled Facilities Grant Funding at all.**

Therefore, with the exception of mandatory Disabled Facilities Grants, tenants of Registered Social Housing Providers (RSHP) cannot apply for assistance under any other form of assistance contained within this policy.

In all cases where the Council receives a DFG recommendation for a tenant of a RSHP, they will be issued with a formal written request for a financial contribution towards the cost of the adaptation works. The DFG may not proceed until a response has been received.

### **8.14 Waiting List**

Generally the Council does not have a waiting list for Disabled Facilities Grants, but on occasions it may be necessary to implement a system e.g. to adequately manage resources, particularly financial resources, to ensure that those most in need receive assistance. Notwithstanding, any valid DFG applications subject to the waiting list will comply with statutory time limits for approval.

Where a waiting list is introduced it will be a simple priority points-based system. The Grants Team Leader will be responsible for determining the priority of a case based on information provided by the Occupational Therapist.

## **9. Stairlifts**

There are 38,385 people aged over 60 in the borough which represents 22% of the total population<sup>4</sup>. One of the greatest risks to the elderly, infirm and frail in the home is the risk of trips and falls. Falls on stairs account for about 25% of all home falls.

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<sup>4</sup> Community Baseline Data 2013.

Proportionally the elderly are most at risk as they usually suffer worse injuries from which they take longer to recover<sup>5</sup>.

Although typically the harm suffered from a fall is a physical impact type of injury, the health of an elderly person can deteriorate generally following a fall. The cause of their death within weeks or months of the initial fall injury can be cardio-respiratory illness including heart attack, stroke or pneumonia<sup>2</sup>.

The Council now has greater flexibility and freedom to develop fast track systems to deliver urgent and small-scale adaptations and it is also encouraged to promote new methods of procuring adaptations equipment to reduce costs.

All eligible DFG applicants who are recommended for a stairlift by an Occupational Therapist and who meet the eligibility criteria for a DFG will no longer be required to undergo a financial means test and will be *passported* through the DFG process for the stairlift only. If additional adaptation works are required a means test will be applied for the other works involved.

## 10. Council Promises

Corporate Promises	Levels of Impact			
	High	Medium	Low	None
<p>1. Strong, safe and healthy communities with access to quality homes:</p> <ul style="list-style-type: none"> <li>• Children and adults are safe from harm;</li> <li>• People are healthier, happier, independent and active;</li> <li>• Decent housing;</li> <li>• Raised standards in private sector.</li> </ul> <p>Health and Wellbeing Priorities:</p> <ul style="list-style-type: none"> <li>• Improving mental health and wellbeing;</li> <li>• Reducing health inequalities &amp; tackling poverty</li> </ul>	<u>X</u>			
<p>2. Vibrant town centres and a thriving economy for everyone:</p> <ul style="list-style-type: none"> <li>• A skilled workforce retained in the borough</li> </ul>		<u>X</u>		

<sup>5</sup> Housing Health and Safety Rating System, Operating Guidance, Housing Act 2004.

3. Enhance local environment and increase pride in the borough:			<u>X</u>	
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This policy supports safe, healthy and independent living for our residents with disabilities by providing adaptations to enable them to remain living in their own homes.

We will provide a high level of support for the local economy by working with locally based building contractors for the delivery of the Disabled Facilities Grants Service, wherever practicable.

The Disabled Facilities Grants System will have a low impact on the transformation of the Borough of Basildon, but will have a high impact on transforming the lives of its disabled residents and will encourage and support independent living.

## 11. Outcomes and Priorities

### Outcomes

One of the strategic goals of this Disabled Facilities Grants Policy is to ensure that the Council has a published document that is fit for purpose in 2018 and for the foreseeable future that will enable the Council to continue to fulfil its statutory duties in relation to the delivery of Disabled Facilities Grants for its residents.

The main strategic goal of this new Disabled Facilities Grants Policy is to introduce discretionary grant assistance that will enable the Council to:

- Deliver a wider range of adaptation works than were previously eligible under a mandatory Disabled Facilities Grant;
- Contribute discretionary funding to major adaptations that exceed the current £30,000 mandatory grant limit where the lack of this funding would have previously prevented the adaptation from going ahead;
- Offer discretionary assistance to fund an applicant's financial contribution where they are not able to meet this or where in doing so, it would cause financial hardship
- Provide a fast-track non means tested DFG for the provision and installation of all stairlifts to reduce the likelihood of accidents associated with falls in the home and to expedite home from hospital discharge for relevant applicants.

The policy also aims to bring the conditions relating to the repayment of certain Disabled Facilities Grants in line with current legislation.

### Priorities

Outcome: To provide a fit for purpose Disabled Facilities Grants Policy.

Priority: Introduce discretionary grant assistance to enable the delivery of a wider range of adaptation works.

Priority: To provide discretionary funding up to a maximum of £30,000 in relevant situations. Provide discretionary funding to meet applicants financial contributions where they are unable to meet this cost or where in doing so it would cause financial hardship.

Priority: To provide non means tested Disabled Facility Grant Assistance for all stairlift recommendations received from the Occupational Therapy Service.

Priority: To ensure that repayment of certain grants is brought in line with current legislation in order to allow the Council to recover and recycle grant monies.

## **12. Links to other Corporate Policies or Partner documents**

This policy links to the following key corporate documents:

- **Corporate Plan**
- **Health and Wellbeing Policy**

## **13. Appendices**

- Grant Conditions Explained
- Sequence of Events
- DFG Guidance





## GRANT CONDITIONS EXPLAINED

Grant Description:	Grant Condition: 5 year intended future occupation	Grant Condition: Repayment of Mandatory DFGs in excess of £5,000	Grant Condition: Local Land Charge Register	Grant Condition: Land Registry
Where indicated by a √ in any of the following columns, the condition applies to the grant described in this column below.	<p>The grant applicant signs a declaration to say that it is their intention to remain living in the dwelling for a period of 5 years from the certified date.</p> <p>The full amount of the grant can be recovered if this condition is breached*</p>	<p>Grant can be recovered following sale, assignment, transfer or otherwise of the title of the dwelling within 10 years. The maximum amount recoverable in any one case is limited to £10,000. This is recorded on the local land charge register.**</p>	<p>The full amount of the grant can be recovered following sale, assignment, transfer or otherwise of the title of the dwelling for an indefinite period of time.</p> <p>This enables the Council to recover discretionary grants in order to recycle funds.***</p>	<p>The full amount of the grant can be recovered following the sale, assignment, transfer or otherwise of the title of the dwelling for an indefinite period of time.</p> <p>This enables the Council to recover larger discretionary grants in order to recycle funds.***</p>
Mandatory DFG up to £30,000 maximum	√	√		
Mandatory DFG for stairlifts only	√			
Discretionary Relocation Grant up to £10,000 maximum	√		√	
Discretionary DFG “top-up” assistance up to £30,000 maximum	√		√	√
Discretionary DFG assistance	√		√	

\*The Council may seek to reclaim any grant paid if the disabled person moves within 5 years of the certified date, unless their move is due to ill-health or other relevant circumstances. The certified date is the date when the Council certifies that the works the applicant has received a grant for have been completed to its satisfaction.

\*\*The Council will demand repayment by the grant applicant the part of the grant that exceeds £5,000, but will not demand an amount in excess of £10,000 if:

- I. The grant recipient disposes, whether by sale, assignment, transfer or otherwise of the dwelling in respect of which the grant was given within 10 years of the certified date; and
- II. The Council having considered-
  - a) The extent to which the grant recipient would suffer financial hardship were they required to repay all or any of the grant;
  - b) Whether disposal of the premises is to enable the grant recipient to take up employment or to change the location of their employment;
  - c) Whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the grant recipient or of a disabled occupant of the premises; and
  - d) Whether the disposal is made to enable the grant recipient to live with, or near, any person who is disabled or infirm and in need of care which the grant recipient is intending to provide or who is intending to provide care of which the grant recipient is in need by reason of disability or infirmity;

Is satisfied that it is reasonable in all circumstances to require the repayment.

- III. Stairlifts are exempt from this specific repayment requirement.

\*\*\* The Council will demand repayment of these discretionary grants in all circumstances and without exception. The local land charge register and land registry entries will be indefinite and as such are not time limited.





## Basildon Building Consultancy

### Disabled Facilities Grants (DFG) – Sequence of Events

The following sequence of events and activities relate to the Council's involvement in a disabled facilities grant enquiry once an applicant has been assessed by an Occupational Therapist who has forwarded the Council a recommendation for adaptation works.

This list is not exhaustive and other events and activities may take place and may be required in certain (sometime unforeseen) circumstances.

The purpose of this document is to provide you (the applicant) with an indication of the DFG process and approximate timescales for processing your enquiry.

No	Activity	Estimated Time Scales (maximum)
1	Occupational Therapist's Scheme and Recommendation received by Basildon Borough Council Grants Team	As and when received.
2	A DFG enquiry is raised on the Councils computer system and a case file is raised and allocated to a Technical Officer who will obtain preliminary information such as land registry searches, landlord's consent to works etc.	1 week.
3	<p>The Technical Officer will telephone you (grant applicant) to make an appointment to visit you at home. Whilst of the telephone they will ask questions about your finances to establish if you are in receipt of a means tested benefit (which would mean that you have nothing to pay towards the cost of the adaptation works).</p> <p>If you are not on a means tested benefit you will be advised to obtain 3 months evidence of your income, savings, investments and capital and to have this available when the Officer visits you at home so that a financial means test can be conducted.</p>	1 week.
4	<p>The Technical Officer will visit you at home to complete the following forms:</p> <ul style="list-style-type: none"> <li>• DFG application form and intended future occupation certificates</li> <li>• DFG means test form</li> <li>• Joint owner form (if relevant)</li> <li>• Occupier forms (for tenants)</li> </ul>	2-3 weeks (depending on your availability).

	The Technical Officer will also assess the feasibility of the proposed adaptation, draw a sketch and take measurements and photographs.	
5	The means test information is used to calculate whether you will have a financial contribution towards the costs of the adaptation works.	2 days from date of visit (4 above).
6	The Council will write to you with the results of the means test.	5 days from date of visit (4 above).
7	If you have a nil contribution it is assumed that you wish to proceed with your enquiry and the council will continue process it.	5 days from date of visit (4 above).
8	If you have a contribution that is likely to be less than the cost of the adaptation works you will be required to complete a form to let the council know if you wish to proceed with your enquiry – if you do the council will continue to process your enquiry when the form is returned.	Dependent on receipt of acceptance form from you.
9	If you have a contribution that is likely to be in excess of the cost of the adaptation works the council will not be able to offer a grant and you will be advised that the case is to be closed unless you wish to proceed with a nil grant application (this process is explained in more detail in the relevant letter that will be sent in this circumstance).	Case will be closed if you do not advise the Council that you wish to proceed with a nil grant application.
10	The Occupational Therapist's recommendation and scheme will be sent to the Council's surveyor with the Technical Officers sketch & notes.	1 week (from 7, 8 & 9 above).
11	The surveyor will forward preliminary plans to the Council for evaluation.	4 weeks.
12	The Technical Officer will review the plan and request amendments where necessary.	1 week.
13	When the Technical Officer is satisfied with the plan they will send it out for consultation to all relevant parties, e.g. you, Occupational Therapist, landlord (where relevant) for comments.	1 week from receipt from surveyor.
14	All consultees of the plan must send back a form with any comments to the Council before the case can be progressed further.	Dependent on receipt of comments form from consultees.

15	When all consultations have been returned a formal schedule of works will be prepared by the surveyor which will accompany the plan.	1 week.
16	The schedule of works and the plan will be sent out to tender to 2 contractors from the Councils list of DFG contractors.  You do not have to use these contractors; you are free to obtain quotations from other contractors is you wish to do so.	1 week.
17	Tenders are returned to the Council by the contractors.	3 weeks.
18	The tenders are checked for financial accuracy and to ensure that all items have been priced for. Any errors or omissions will be reported back to the contractor for amendment.	1 week.
19	When the Technical Officer is satisfied that the tenders are acceptable the computer system will be updated and the grant enquiry will be accepted as a valid application.	1 week.
20	Pre-approval checks will be carried out and the grant will be calculated. Approval letters and an Approval Notice will be prepared, checked and signed by the relevant officer.	1 week.
21	The approval letter and notice will be forwarded to you and the contractor with other relevant information. It is important to note that this is a private contract between you and the contractor. You should be contacted by them within 2 weeks to arrange a start date for the adaptation works.  You are free to contact the contractor prior to this time to make an appointment for the start of the works.	Same day as the approval is signed.
22	The Technical Officer will contact you and/or builder to check that these arrangements have been made.	2 weeks from the approval of the grant.
23	You shall notify the council when the works commence.	When a date has been agreed with the contractor.
24	If any issues arise during the course of the works you should contact the Technical Officer for advice and assistance.	

25	You shall notify the council when the works have been completed.	Just before completion or on the day of completion.
26	The Technical Officer will make an appointment to inspect the completed works.	Within 1 week of being notified of the completion.
27	The Technical Officer will check the works have been completed to the satisfaction of the council and will ask you to sign a completion form in order that the contractor can be paid.	At the completion inspection.
28	When the contractor has submitted satisfactory invoices, receipts, certificates etc. the council will raise a payment voucher. This will be checked and authorised before being forwarded for a BACS payment direct to the contractor.	1 week from receipt of satisfactory invoices etc.
29	Invoices and certificates (where relevant) will be returned to you for retention, the council will keep copies for its own records.	1 week from payment of invoices.
30	Where a grant has been paid which exceeds £5,000 a local land charge entry will be made for a period of 10 years in order that the council can recover its expenses over £5,000 (up to a maximum of £10,000) if the property is sold or transferred within this time period.  The charge will be removed after the 10 year conditions period has elapsed.	When grant has been paid in full.
31	Case is closed	When grant has been paid in full.
Note:	The grant will also be required to be repaid in full if you fail to comply with the future occupation certificate (signed within the application form) unless your move is due to ill-health or other relevant circumstances.	







**Basildon Borough Council  
Building Control Section**

**Disabled Facilities Grants (DFG)  
Guidance**

**Effective 1<sup>st</sup> April 2018**

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## 1. Legal Framework

Basildon Borough Council, in its role as a local housing authority, has a statutory duty to provide Disabled Facilities Grants (DFGs) to qualifying applicants under the Housing Grants, Construction and Regeneration Act 1996 (the Act).

The following is a summary of the key legal provisions for DFGs:

- DFGs are mandatory grants and are available to disabled people when works to adapt their home are judged as being '*necessary and appropriate*' to meet their needs, and when it is '*reasonable and practicable*' to carry them out having regard to the age and condition of the dwelling.
- DFGs are subject to a means-test (except where the adaptation is for the benefit of a child), which means that the applicants (and their partners) income has to be assessed to determine the amount of any contribution they may be required to make towards the cost of the required adaptation works. The way in which the means-test is carried out is set by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are, however, exempt from the means-test.
- Subject to all the eligibility criteria being met, the Council must 'determine' a valid application '*as soon as reasonably practicable*' but no later than 6 months from the application date.
- The maximum amount of a DFG is set by statute and is currently £30,000. This amount is reduced by any contribution assessed as payable by the applicant under the means-test.
- Grant can be recovered following sale, assignment, transfer or otherwise of the title of the dwelling within 10 years of payment of the grant in cases where the Council '*is satisfied that it is reasonable in all circumstances to require repayment*'. Grants below £5,000 are excluded from this condition. For instance, a grant awarded in the sum of £12,000 would result in a repayment demand of £7,000 in the event the property was sold within 10 years of the DFG being paid. The maximum amount recoverable in any one case is limited to £10,000.

## 2. Definition of a Disabled Person

For the purposes of the legislation relating to DFGs a person is defined as being disabled if:

- Their sight, hearing or speech is substantially impaired;
- They have a mental disorder or impairment of any kind; or

- They are physically disabled by illness or impairment present since birth or otherwise.

A person aged 18 or over is considered disabled if:

- They are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948; or
- They are a person for whom welfare arrangements have been made under that section or might be made under it.

A person aged under 18 is considered disabled if:

- They are registered in a register of disabled children maintained under the Children Act 1989; or
- In the opinion of the Social Services Authority (Essex County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

### **3. Eligibility for DFG**

Any resident who owns or rents a house, bungalow, flat, houseboat or caravan with an occupant who is registered (or registerable as) disabled may apply for a Disabled Facilities Grant for adaptations to their home to enable them to continue to live at home as safely and independently as possible. The tenant will need to obtain the landlords consent for the proposed adaptations. Alternatively, a Landlord may also apply for a DFG on behalf of their tenant.

Registered Social Housing Providers (RSHP) are also eligible to apply for a mandatory DFG, but in these situations the Council will firstly investigate the RSHP's ability to carry out and fund the adaptation works themselves. In all such cases, the Council will request that the RSHP contributes towards the cost of the adaptation works before processing the application.

Each case must be supported by a recommendation from an Occupational Therapist working with Essex County Council Social Services. Should an applicant provide an independent Occupational Therapist's recommendation the Council will consult with the Occupational Therapy Service at Essex County Council before processing the application.

The Council reserves the right to refuse grant assistance where the works are not necessary, appropriate, reasonable and practicable or are excessively expensive or where the property is not suitable for adaptation.

The Council may offer a discretionary DFG, in the form of a relocation grant to help the disabled person move to a more suitable dwelling.

There is no restriction on DFGs for the same property and depending on the time lapse between applications there is provision for any means-tested contribution made on the first

grant not to be taken into account on a subsequent application. This is five years for a tenant's application and 10 years for an owner occupier's application.

#### **4. Eligible Works for a mandatory DFG**

The purposes for which a DFG may be given are set out in the Act and can be summarised as follows:

##### **Facilitating Access**

- c) A grant may be given for works to remove or help overcome any obstacles that prevent the disabled person from moving freely into and around the dwelling.
  
- d) Access to the garden or yard (front, side or rear) means immediate access from the dwelling and does not include landscaping. This would be fulfilled by either improving existing access or by providing a suitable outdoor space that can be accessed safely from inside the dwelling to allow appreciation of the outdoor area by the disabled person.

##### **Making a Dwelling or Building Safe**

a) A grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons living with them. This may include the provision of lighting where safety is an issue, or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems.

##### **Access to a Family Room**

a) A grant may be given to ensure the disabled person has access to a room used for or usable as the principal family room (i.e. living room or lounge).

##### **Access to a Room usable for Sleeping**

a) A grant may be given for the provision of a room usable for sleeping where the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances. Where the disabled person shares a room with a spouse or partner a grant may be given to provide a room of sufficient size so that normal sleeping arrangements can be maintained.

##### **Access to a Bathroom**

a) A grant may be given for the provision of, or access to, a WC, washing, bathing and/or showering facilities.

##### **Facilitating Preparation of and Cooking of Food**

a) A grant may be given to re-arrange or enlarge a kitchen to improve the access for a wheelchair and to provide specially modified or designed storage units, work top area etc. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate that certain adaptations be carried out to enable the disabled person to perform minor functions in the kitchen, such as preparing light meals or hot drinks.

### **Heating, Light and Power**

- c) A grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating to the dwelling will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected.
- d) Provision is also made under this category for the adaptation of heating, lighting and power to make them suitable for use by the disabled person.

### **Dependent Residents**

- c) A grant may be given for works to enable a disabled occupant better access around the dwelling in order to care for another person who normally resides there whether or not they are related to the disabled person. Importantly, the dependent being cared for need not be disabled.
- d) Such works could include adaptations to a part of the dwelling to which the disabled person would not normally need access but which is used by a person to whom they are providing care and therefore it is reasonable for such works to be carried out.

### **Common Parts**

a) A grant may be given for works to facilitate access to a dwelling through the common parts of a building.

## **5. Amount of Mandatory DFG Assistance available**

The maximum amount of grant is set by statutory instrument. The current statutory limit on the maximum amount of mandatory DFG is £30,000.

## **6. Dual Residency of a Disabled Child**

Mandatory DFG assistance can only be provided for the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it would be assumed that one party would apply for mandatory grant on the basis that the child occupies the subject



property as their sole or main residence. The main residence will be determined by which adult party receives child benefit for the disabled child. This dwelling must be located within the Borough of Basildon for the purposes of the Council providing a mandatory DFG.

In cases where families separate and a court order provides that residency of the subject child is split between the mother and father (or other designated guardian) the Council may consider the award of a discretionary DFG for the other property. The proposed adaptations will only be considered for discretionary assistance if they fall within the headings normally applied to mandatory schemes (See Eligible Works).

The Council will consider the details of any court order and specifically the allocation of time spent with each parent/guardian in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be considered on its own merits. Factors taken into consideration include the specific details of any order, the likely time spent at each dwelling and whether the child will stay overnight at the subject dwelling and if so, for what period etc.

In determining the discretionary works that might be considered as eligible for assistance the Council will consider the suitability of the dwelling for adaptation, the complexity and scope of the adaptation required and any observations or referral made by the Occupational Therapy Service. The scope of the works will not necessarily mirror those to be undertaken at the sole or main residence.

Any discretionary DFG assistance provided for dual residency children will be up to a maximum award of £10,000 and will not be subject to any form of means-testing. The award will be recorded on the Local Land Charges Register indefinitely and will be repayable in full if the grant recipient disposes of the dwelling whether by sale, assignment, transfer or otherwise for any reason.

Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

## **7. Child in Foster Care**

The Council may award a disabled facilities grant for a child in foster care providing that the likely length of care at that dwelling is expected to be years rather than months. In such circumstances the disabled facilities grant will be discretionary and will be subject to the availability of adequate funding as indicated above.

## **8. Discretionary Relocation Grant**

A Discretionary Relocation Grant may be available to an applicant who owns or privately rents their dwelling if adaptation of their current home through a mandatory DFG is determined not to be a feasible or reasonable option and they are considering relocating to a suitable property they intend to purchase.

Applicants must be aged 18 or over on the date the application is made and in the case of a disabled child, the parent(s) would make the application.

Any such application must be supported by a recommendation from the Occupational Therapy Service at Essex County Council.

The Council and the Occupational Therapist must both be satisfied that the proposed dwelling already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.

Applicants must be relocating within the Basildon Borough. Consideration may be given to a move within Essex but this would require:

- IV. The approval of the relevant district/borough Council
- V. Whether or not adaptations are required to the new dwelling; and
- VI. The scale of any adaptations before a relocation grant can be considered.

A discretionary relocation grant of up to £10,000 may be made available towards specific relocation expenses which includes estate agents fees, legal costs and removal costs.

The cost of the discretionary relocation grant together with the cost of any adaptations required to the new dwelling must demonstrate value for money, whether the move is within the Basildon Borough or to another district/borough Council in Essex.

Applications must be submitted prior to relocation; grants cannot be paid retrospectively.

Assistance will not be made available towards the purchase price of a new dwelling.

The Council will normally require two quotations from independent contractors that realistically reflect the cost of the works/service being provided. In some circumstances, one estimate may be accepted if the Council is satisfied that the cost is reasonable.

All applicants will be required to complete the move within 12 months from the date of approval of their application. Any payments made will be made either directly to the service/work provider or to the grant applicant. In either case, valid invoices or receipts must be provided prior to payment.

If, on the sale of the applicant's existing dwelling, a net equity of more than £10,000 is released, the discretionary relocation grant will only fund the physical removal costs.

Net equity refers to any equity released when the purchase price of the new dwelling is less than the existing dwelling's selling price.

If the move is aborted through the fault of the applicant then the grant will not be paid and any monies already paid will be reclaimed from the applicant. If the reason for the move falling through is no fault of the applicant, then the Council will cover the full costs.

The new dwelling must be the disabled person's main residence and no applicant will be awarded a discretionary relocation grant on more than one occasion.

If the disabled occupant moves from the new dwelling within 5 years or if the dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise for any reason within a period of 5 years the grant must be paid back in full to the Council unless there are exceptional circumstances. The discretionary relocation grant will be recorded on the Local Land Charges Register for a period of 5 years from the date that the new dwelling is occupied by the disabled occupant.

The discretionary relocation grant scheme will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child in which case no such test will be applied.

Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

## **9. Discretionary Disabled Facilities Grant “top-up” Assistance**

The maximum amount of mandatory DFG was set by statute in 2008 at £30,000. Since this time there has been a general increase in build costs for major adaptations such that in some instances £30,000 is insufficient to provide adaptations to meet the needs of the disabled person and their family.

Whilst the Council does not have to provide discretionary “top-up” assistance it will consider applications for such assistance on a case-by-case basis.

To be eligible for consideration of a discretionary top-up grant in cases where the cost of the proposed adaptation works exceed the maximum mandatory DFG limit of £30,000, the grant applicant must meet the criteria for a mandatory DFG.

The Council may fund a Discretionary DFG “top-up” to a maximum of £30,000.

The discretionary DFG “top-up” grant scheme will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child in which case no such test will be applied.

Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

All discretionary DFG “top-up” Grants will be recorded as a charge on the Land Registry and will remain indefinitely. The grant will be repayable in full where a dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise for any reason. An administration fee will be added to the discretionary DFG “top-up” to cover the Council's expenses in registering this charge.

## **10. Discretionary Disabled Facilities Grant Assistance**

The purpose of Discretionary Disabled Facilities Grant Assistance is to help applicants to pay for the cost of adapting their home to meet the needs of a disabled person where they are not covered by the mandatory DFG.

### **11. Eligibility**

In order to be eligible for Discretionary Disabled Facilities Grant Assistance an applicant must meet the qualifying criteria for a mandatory DFG.

Any resident who owns or rents a house, bungalow, flat, houseboat or caravan with an occupant who is registered (or registerable as) disabled may apply for a Disabled Facilities Grant for adaptations to their home to enable them to continue to live at home as safely and independently as possible. Landlords may also apply on behalf of their tenant.

Each case must be supported by a recommendation form an Occupational Therapist working with Essex County Council Social Services.

The Council reserves the right to refuse grant assistance where the works are not necessary, appropriate, reasonable and practicable or are excessively expensive or where the property is not suitable for adaptation.

### **12. Qualifying Works**

Discretionary Disabled Facilities Grant Assistance is available to fund the following adaptations to enable a disabled person to remain living in their own home:

- X. To make the dwelling suitable for the disabled person. Examples include:
  - The provision of a safe play space for a disabled child
  - The provision of more satisfactory internal arrangements which would directly benefit the disabled person
  
- XI. To make the dwelling suitable for the employment of the disabled person within the existing footprint of the dwelling (examples include the provision or adaptation of a room for the disabled person to use as a work area). Any such assistance would be subject to the applicant obtaining any relevant planning permission that may be required for working/running a business from the dwelling.
  
- XII. To provide an area for specialist care or treatment (e.g. provision of a dialysis room).
  
- XIII. The provision and installation of ceiling track hoists.

- XIV. The provision and installation of a dropped kerb to facilitate access to a hard standing located within the curtilage of the disabled person's dwelling.
- XV. The provision and installation of an appropriate storage facility for a mobility scooter with a fixed charging point.
- XVI. In exceptional circumstances, where an applicant is unable to meet their assessed financial contribution under the means-test for a mandatory DFG or for Discretionary Disabled Facilities Grant Assistance, and in the absence of any suitable affordable alternative, the Council may provide the applicant with a discretionary DFG assistance to enable the works to proceed. Any request for this form of assistance must be made in writing to the Grants Team Leader who will prepare a report for consideration by the Building Control Manager.
- XVII. In exceptional circumstances, where it is deemed to be inappropriate for an applicant to remain living in their home whilst adaptation works are being carried out due to the nature of the works and/or where the level of disruption may have a negative health impact, and where relatives and friends are not able to offer suitable temporary accommodation, the Council may provide the applicant with discretionary DFG assistance to cover the cost of temporary respite care.
- XVIII. This list is not exhaustive and other works may be considered subject to an Occupational Therapist's recommendation being received by the Council.

Any discretionary award will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

All discretionary DFG Assistance will be recorded on the Local Land Charges Register indefinitely. The assistance will be repayable in full where a dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise for any reason.

### **13. Stairlifts**

The Council has introduced 2 important policy changes to the provision and installation of stairlifts provided under a DFG.

I. The Council has entered into a Procurement for Housing Framework (PFH) with Stannah Lift Services Limited (Stannah). Stannah are now the sole provider of stairlifts provided under a DFG application in the borough of Basildon and the Council will only obtain quotations from Stannah unless the grant applicant specifically requests otherwise:

The DFG applicant is under no obligation to use Stannah; all applicants are free to obtain quotations for the supply, installation and maintenance of their stairlift from any other provider who can meet the specification provided by the Occupational Therapist.

The PFH allows for the provision and installation of straight flight and curved track stairlifts which are installed and maintained for a period of 5 years by the Council. The stairlifts remain the property of the Council during this 5 year warranty and maintenance period.

Should circumstances arise within this period where the stairlift is no longer required, Stannah will remove the lift and store it on behalf of the Council until such time that it can be re-used by another applicant.

Re-cycled stairlifts will be provided and installed at a reduced cost to the Council but will be installed in the new dwelling with the same 5 year warranty and maintenance period for the new DFG applicant.

At the end of the 5 year period, the Council will gift the stairlift to the DFG applicant who will then be responsible for all future servicing and maintenance of their stairlift. Stannah will contact the DFG applicant towards the end of the 5 year period regarding the future servicing and maintenance of the stairlift.

NOTE: This PFH arrangement enables the Council to re-cycle perfectly good stairlifts at a reduced cost, thus making better use of DFG funding and will provide value for money.

II. In an effort to expedite hospital discharges and reduce the likelihood of falls associated with stairs and to enable the fast track delivery of stairlifts under the DFG system the Council has decided to remove the means test for this equipment alone.

**All eligible DFG applicants who are recommended for a stairlift by an Occupational Therapist and who meet the eligibility criteria for a mandatory DFG will no longer be required to undergo a financial means test. All such applicants will be *passported* through the DFG process.**

The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 says that where a local authority approves a grant exceeding £5,000 they may impose conditions as to the repayment of the part of the grants that exceeds of £5,000 (but may not demand an amount in excess of £10,000). However, there will be no grant conditions applied to DFGs for stairlifts other than the 5 year future occupancy/intended letting conditions that apply to all DFGs.

This has been decided on the basis that under the terms of the contract that the Council has entered into with Stannah, the vast majority of stairlifts will cost less than £5,000 and one of the purposes of the *fast track* stairlift DFG is to reduce the bureaucracy involved with the DFG process.

#### **14. The DFG Application Process**

The availability of a DFG is dependent on the applicant meeting the eligibility criteria mentioned earlier in this document and also on whether the Council is satisfied that the adaptations proposed by the Occupational Therapist are:

- **Necessary and Appropriate**

In reaching a decision as to whether the works are *necessary and appropriate* the Council is required to consult with the Occupational Therapy (OT) Team at Essex County Council.

The OT will visit and assess the disabled person's needs and where necessary will consult with the Disabled Grants Team when advice relating to technical matters is needed. The Council will accept the works recommended in the OT's referral as being necessary and appropriate to meet the disabled person's needs. However, where major adaptations, such as extensions are recommended, the Council may consider any alternative solutions that will meet a person's needs in order to make the best use of limited resources.

The Council will also consider what adaptations are 'desirable' and what are 'essential' to meet the assessed needs of the person concerned.

The aim of this assessment is to reduce the risk of spending the available budget on a smaller number of people than could otherwise be helped; in effect, meeting some applicants aspirational needs at the expense of increased waiting time for others.

Where the OT proposes an extension to the dwelling, they must undertake a joint feasibility study with the Grants Team Leader and/or other delegated members of the team prior to submitting a recommendation to this effect.

- **Reasonable and Practicable**

The Council must be certain that it is *reasonable and practicable* to approve a grant for an adaptation having regard to the age and condition of the dwelling concerned. It is not always reasonable and practicable to adapt some dwellings, for example:

- I. Where there are multiple or excessive changes in levels;
- II. Where the dwelling is in a poor or dilapidated condition;
- III. Where moving existing services would be prohibitively expensive;
- IV. Where the dwelling is a listed building or in a conservation area and the adaptation would be prohibitively expensive or inappropriate;
- V. Where the footprint or location of the dwelling make an adaptation inappropriate;
- VI. Where the adaptation work would have a negative effect on other residents.

In cases where it is not possible to adapt a dwelling to an appropriate standard or where the cost of works is considered excessive, the Council will take the view that the works are not 'reasonable and practicable'.

Where a proposed adaptation is not considered to be 'reasonable and practicable' applicants would be asked to seriously consider if they are currently in the most appropriate housing and if moving to a more suitable dwelling would be a better option (see the section on Discretionary Relocation Assistance above).

## **15. The Means Test**

As part of an application for a mandatory DFG, a test of resources (financial means-test) must be carried out in order to assess the amount, if any, that the applicant must contribute towards the cost of the proposed adaptation works.

The means test applies to the disabled applicant and any spouse or partner. The applicant is required to provide information about all sources of income and all savings to provide evidence to support information given in the application form.

Specifically the Council will require the disabled applicant to provide the following:

- 3 months' payslips (where monthly paid) or 6 weeks' payslips (where weekly paid)
- Copies of most recent state pension letters
- Copies of most recent private/occupational/other pensions in payment
- Copies of any disability benefit letters (attendance allowance, Disabled Living Allowance, Personal Independence Payments, and Employment Support Allowance etc.) where in payment
- 3 months bank statements (immediately prior to the application date)
- Up to date statements/balances of all savings accounts and ISA's
- Copy of a recent utility bill (dated within 6 months of the DFG application)
- Up to date statements/balances of all other savings and investments such as premium bonds, stocks and shares
- Details of any other capital and property owned

Applicants who are in receipt of one of the following types of income will be "passported" through the means testing process and will not be required to make a contribution towards the cost of the proposed adaptation works:

- Income Support
- Income Based Job Seekers Allowance
- Guarantee Pension Credit
- Housing Benefit
- Working/Child Tax Credit (if income for tax credit is below a specified amount)



This list is prescribed by central government and may be amended from time to time.

Though no longer included as a passporting benefit by government, applicants who are in receipt of Local Council Tax Support (not a single person reduction) will also be passported through the means testing process. However, this will be at the Councils discretion and will be reviewed regularly.

Where the result of the means test is a 'nil' contribution it is accepted that the applicant will automatically wish to proceed with the application.

Where the result of the means test is such that the clients contribution is likely to be less than the total cost of the works the client will be required to confirm in writing their intention to proceed with their application on this basis.

Where the result of the means test is such that the clients contribution is equal to or likely to exceed the cost of the works the client can request the Council to approve a 'nil' grant. This will enable the cost of these works to be deducted from any future application for a DFG so long as any subsequent OT recommendation is received within 10 years from the approval of the 'nil' grant (5 years for a tenant's application).

Where an applicant is unable to meet their assessed financial contribution under the means-test for a mandatory DFG and in the absence of any suitable affordable alternative, the Council may in exceptional circumstances provide the applicant with Discretionary Disabled Facilities Grant Assistance to enable the works to proceed.

Any Discretionary DFG Assistance will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

All Discretionary DFG Assistance will be recorded on the Local Land Charges Register indefinitely. The assistance will be repayable in full where the applicant disposes of the dwelling whether by sale, assignment, transfer of the title or otherwise for any reason.

## **16. Making an Application**

The Council's Building Control Service provides an in-house Building Consultancy Service to manage DFG applications on behalf of all eligible applicants should they elect to use the service. Briefly, the service provides the following:

- Completing all initial means test forms and application forms (including joint owner forms where relevant).
- Obtaining landlord's consent to the adaptation works (where relevant).
- Providing satisfactory evidence that the applicant owns the property (where relevant).
- Arranging for a surveyor/architect to prepare plans.

- Arranging for any building regulation and/or planning permission (where relevant).
- Engaging in consultation with all relevant parties.
- Obtaining 2 sets of comparable builder's estimates for the adaptation works (1 estimate for stairlifts).
- Instructing the successful builder and managing the adaptation works when the grant has been approved.
- Certifying work as complete and/or dealing with snagging items and any unforeseen works.
- Paying contractors invoices
- Other matters that may be relevant in particular circumstances.

The Council charges a fee of 12.5% of the total cost of the adaptation works for this service. This fee is added to the total cost of the DFG.

Applicants are given a choice in whether to elect to use this service at the first appointment with a member of the Disabled Facilities Grants Team. The applicant will be required to sign a form to confirm that they wish to use the service.

If the applicant chooses not to use the Council's in-house service to administer and process their grant they will be advised that they will have to manage much of the above tasks themselves.

### **17. The following conditions apply to DFG Applications**

All applications for assistance must be made on the appropriate Council application forms and shall be accompanied by all relevant supporting documents.

The minimum age for applicants is 18 years of age at the date of application and in the case of joint applications, at least one person must be over 18 years of age at the date of the application.

In making an application the applicant shall give the Council permission to share such given information with other Council services and departments or other statutory agencies.

Private sector tenants may make applications where they are eligible for assistance, but the Council will require written consent from the owner of the property before approving the DFG.

Tenants of a Registered Social Housing Provider (RSHP) may make applications where they are eligible for assistance but the Council will require written consent from the relevant RSHP and will seek a financial contribution from them towards the cost of the works before approving the DFG.

The adaptation works must be carried out in accordance with any plans, specifications and schedules provided by the Council.

Quotations for adaptation works must be provided on the specifications and schedules provided by the Council for this purpose and must be itemised and totalled on each page. Provisional sums are not acceptable except in cases where for example scaffolding *may* be required or where exploratory works *may* be required.

Works covered by insurance claims or work that should have been covered by such, will not be eligible for DFG assistance of any kind.

The Council will not normally approve any DFG application if the relevant works have started before the application is approved. One exception to this rule is where the Grants Team Leader and/or another delegated member of the Disabled Grants Team has already carried out an inspection of the dwelling and has agreed in writing that the works may commence, due to particular risks to the health and safety of the disabled applicant.

DFG assistance will only be approved for the benefit of the disabled applicant where they are able to provide evidence of a valid National Insurance Number.

## **18. Decision Making Criteria**

Once the Council is satisfied that the proposed adaptation works are necessary and appropriate and reasonable and practicable the following specific expectations and presumptions are taken into account:

- The DFG works should fully and properly meet the applicants assessed needs. DFGs that only partially meet those needs will only be considered in exceptional cases (e.g. where the disabled person's condition is deteriorating and independent living is unlikely to be sustained for very much longer).
- The works funded by the DFG will be the simplest and most cost-effective adaptations that will meet the need of the applicant's assessed needs (this includes any equipment provided).
- Wherever practicable and realistic, the change of use of existing rooms or the re-ordering of rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of specialist equipment.
- Generally, the DFG will only fund one facility to a dwelling e.g. only one external door will be provided with a ramped access to the outdoors.

## **19. Alternative Scheme of Works**

In certain circumstances a grant up to the value of the estimated cost of providing an adaptation can be used to contribute towards an alternative scheme. For example, where a through-floor lift would meet the needs of the disabled person but the preference of that person is for the construction of a ground floor extension, a DFG equal to the cost of the lift could be approved. In any such case the following criteria must be met:

- The proposed alternative scheme shall meet the applicant's needs as assessed by the Occupational Therapist and put forward in the original recommendation.
- The Council must be satisfied that the applicant has sufficient financial resources to complete the alternative scheme, including a contingency sum of 10% of the total cost of works to account for any unforeseen works.
- The applicant must provide the Council with a minimum of 2 estimates from competent contractors for the proposed works. The Council reserves the right to seek an alternative estimate where those provided by the applicant seem either excessive or inadequate.
- An experienced agent shall design/control the works and shall certify their satisfactory completion. The applicant is responsible for any additional costs of designing the alternative scheme and for obtaining building regulation approval and/or planning permission where necessary.
- The Council will only pay an amount equal to the cost of the works originally recommended by the Occupational Therapist.
- The Council will not pay for the DFG approved works until all works have been completed and certified as satisfactory by the Council.
- The Council's payment shall be the final part payment made towards completion of the alternative scheme and will not be paid until the Council receives confirmation from the contractor that all other monies owing have been paid in full by the applicant. Payment will be subject to the Council inspecting the works and certifying the scheme as fully completed to its satisfaction (inside and out).
- The alternative scheme must be completed within 12 months of the DFG being approved, unless a written request for an extension to the time limit is received within 6 weeks of the 12 month period expiring. Extension to the mandatory time limit for completion of the works will be at the discretion of the Council and the applicant should not assume that such a request will be agreed.
- Where the alternative works are not completed within the 12 month time period allowed and where the Council has not received a written request to extend this period, the DFG will be void.
- No variation of the approved DFG will be made for any additional unforeseen works; all such costs are to be borne by the applicant.

- If, for whatever reason, during the course of the works, the need for them ceases, the DFG will not be paid in full.

## **20. 2 Disabled Occupiers in the same Household**

Where two disabled people occupy the same dwelling as their main residence and both have individually assessed needs by an Occupational Therapist, depending on the adaptations, there may be a case for considering two separate DFG applications (for example, this is more likely to affect families with more than one disabled child).

## **21. Approval of a DFG**

The Council will aim to approve applications within 30 days of receipt of them being determined as complete and valid. If information is missing from the application the applicant will be contacted and notified as to what they need to provide before the application can be considered complete.

Though the Council aim to approve all grants in less than 30 days in some cases and at certain times it may take longer to determine an application. This is particularly relevant where discretionary cases are concerned as the Council must make the best use of its financial resources. It is important to note that where mandatory Disabled Facilities Grants are concerned, the Council must determine applications within 6 months of receiving a complete and valid application so these cases may take priority over discretionary DFG assistance.

The DFG approval notice will set out:

- The amount of assistance approved and the name of the successful contractor upon whose estimate the grant has been calculated.
- The applicants contribution (where relevant) towards the cost of the works as determined by the financial means test.
- The conditions applied to the approval of the grant.

The Council will notify the winning contractor that the grant has been approved and will forward them a contract that is to be signed by the applicant and the contractor and returned to the Council prior to the commencement of the adaptation works.

The Council will not normally approve a Disabled Facilities Grant application where the relevant work has already begun. However, it can approve such a grant if it is satisfied that there were good reasons for beginning the works before the application was approved. Any such grant approval may be reduced to reflect the works undertaken prior to approval of the DFG.

The Council will not approve an application for a Disabled Facilities Grant if the relevant works have already been completed.

## **22. Works on Site**

Though the DFG is an agreement made between the grant applicant and the Council, all works relating to the Disabled Facilities Grant are a contractual agreement made between the grant applicant and the contractor. The contractor is working for the grant applicant and not the Council.

The Council will not be responsible for supervising the work or the contractor.

The grant applicant and/or the contractor must notify the Council of the date that they agree the works shall commence.

The applicant must ensure that they receive from the contractor any instruction manuals for equipment that they have installed; this includes warranties for any specialist equipment, such as a stairlift, through floor lift, ceiling track hoist and wash/dry toilets.

Once the adaptation works are complete applicants will need to arrange and pay for any future repairs or maintenance of their adaptation and equipment when any warranty periods have expired or where warranties paid by the Council as part of the DFG have expired as these future costs cannot be paid by the Council.

## **23. Unforeseen Works**

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

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

- As soon as it becomes apparent that unforeseen works are necessary the applicant or the contractor must notify the Council;
- The Council must be able to independently verify any such works as being necessary and this may involve a site inspection;
- The contractor must provide a written quotation to the Council for the cost of completing the unforeseen works;
- No unforeseen works can commence until written confirmation from the Council has been received as to whether these works are reasonable in terms of cost, are truly unforeseen and whether the works are necessary.

In exceptional circumstances, these terms can be waived where the Grants Officer dealing with the DFG agrees either verbally, or in writing, without necessarily carrying out an

inspection that the works may commence, due to risks to the health and safety of the grant applicant.

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

#### **24. Abortive Works**

This term relates to situations where a DFG application has been aborted before all works have been completed, e.g. where the applicant has died.

In such circumstances, consideration will be given to payment of a proportion of the grant assistance in line with current legislation and guidance and at the discretion of the Grants Team Leader and the Building Control Manager.

#### **25. Completion of Works**

The grant applicant and/or the contractor shall notify the Council on the day that the adaptation works are completed. This will enable the Grants Officer to schedule an appointment to inspect the works at the earliest opportunity, thus expediting payment to the contractor.

The Grants Officer will inspect the works and:

- Verify that all works are complete;
- Verify that the works have been completed in accordance with the OT's recommendation, the Councils' schedule of works and the surveyor's plan;
- Note any snagging items and contact the contractor to resolve prior to arranging payment;
- Ensure that the applicant signs a completion form to confirm that they are satisfied with the works and to authorise the Council to release payment to the contractor;
- Ensure that the applicant is in receipt of all relevant guarantees and warranties;
- Collect any invoices which the contractor has left with the applicant;
- Provide the applicant with a survey form.

#### **26. Payment of Grant**

The Act allows the Council to pay the grant directly to the contractor on satisfactory completion of the works. Most applicants prefer the Council act in this manner. Therefore,

the Council will pay the contractor following the final inspection visit so long as the works has been carried out to its satisfaction and in accordance with the Occupational Therapist's recommendation, the Councils schedule of works and the surveyors plan.

Payment will only be made on production of a final invoice.

Where the applicant chooses to take responsibility for paying the contractor direct, then on production of a receipt confirming that payment has already been made to the contractor, the Council will make the payment to the applicant.

Payment of grant will be subject to the satisfactory receipt of all certificates relevant to the adaptation works carried out e.g. a Gas Safe Certificates, Electrical Installation Certificates and Building Control Completion Certificates etc.

The Council will consider requests for interim payments if they are requested before works commence but usually this will only apply to DFG's approved at the maximum mandatory grant amount of £30,000. The Council will not normally approve an interim payment of more than 90% of the cost of the completed works and, in aggregate no more than 90% of the total approved cost of the work will be paid before the final completion of the adaptation works.

## **27. Changes in Circumstances**

Applicants (or their representative/parent/guardian) must inform the Council of all relevant changes in their circumstances from the date of making their enquiry through to approval and payment of their grant assistance.

Applicants are encouraged to contact the Council in advance if they believe that their circumstances may change in order that they can be given advice on the options available to them.

Certain changes in the applicants' circumstances may affect the payment of the Disabled Facilities Grant. Such changes, prescribed by legislation, are:

- Where the works cease to be necessary or appropriate to meet the needs of the disabled person;
- The disabled person ceases to occupy the dwelling; and
- The disabled applicant dies.

In such circumstances the Council can decide:

- Not to pay the grant, or pay not to pay any further instalments;
- That some or all of the works should be completed and the grant or a partial grant will be paid; or



- That the grant application should be re-determined.

Under the Act, the Council has the right to demand the repayment of the grant that had already been paid, together with any interest in the circumstances outlined above. However, such cases will be considered on their own merit.

The right to demand repayment also applies where the applicant ceases to be entitled to a grant before completion of the works. An example of where this may apply would be if the applicant ceases to own the dwelling or does not have a tenancy agreement for the dwelling to be adapted.

## **28. Cases in which a DFG may be re-calculated, withheld or repaid**

The Council is entitled to refuse to pay a grant, to refuse to pay further instalments on a grant or may recalculate the grant in circumstances such as:

- The grant was approved on the basis of inaccurate, incomplete or false information;
- The cost of the works is less than/more than the original estimates.

## **29. The Council's DFG Fees**

The Council's Building Control Department provides an in-house Building Consultancy Service to manage DFG applications on behalf of applicants. Briefly, it handles all aspects of the grants process on behalf of the client including but not restricted to the following:

- Completion of all application forms and paperwork
- Obtaining details for means testing
- Obtaining Building Regulations Approval
- Obtaining Planning Permission
- Dealing with Occupational Therapists
- Preparing plans for consultation
- Preparation of specification of works
- Tendering to contractors
- Checking quotations
- Overseeing works on site
- Dealing with unforeseen works, snagging items
- Paying contractors

The Council charges a fee of 12.5% of the contractors total cost to complete the adaptation works for providing this service. The fee is added to the DFG and is clearly identified of the formal approval document.

Applicants are under no obligation to use this service, but if they elect not to us it they will have to deal with most of these matters themselves.

Should there be a change in the works after the DFG has been approved the Councils fees may change:

- If additional, previously unforeseen, works are required which incur additional costs from the contractor the DFG will be recalculated. In order to cover the additional administrative costs of processing these amendments the Councils fee will also be recalculated (at the same 12.5% rate) and will increase accordingly.
- If some works are deemed unnecessary when on site and are omitted from the scheme there will be a decrease in the contractor's costs and the DFG will be recalculated. The Councils fee will not be reduced because the administrative costs of processing the grant have already been incurred. Processing a reduction in the contractor's costs also adds to the administrative processing of the grant but the Council will not apply any additional costs for this. In these circumstances the original fee will remain unchanged.

In cases where an applicant is not entitled to a DFG e.g. their calculated contribution exceeds the cost of the adaptation works, they may still elect to use the Councils DFG service to process their application to a 'nil' approval. The Council will charge the applicant a percentage fee of the contractor's total costs to complete the works (and any other allowable ancillary or preliminary fees incurred) in these circumstances.

Fees for this service are re-assessed annually and will be discussed with the grant applicant at the time of them making an initial service request/enquiry.

### **30. Disputes with Workmanship**

Where a dispute arises regarding the standard of a contractor's workmanship the Council will withhold payment to the contractor until the works have been completed satisfactorily in the professional opinion of the Council.

Where works are deemed to meet the Council's approval but the grant applicant is not satisfied the Council will not unreasonably withhold payment to the contractor.

### **31. Maintenance and Warranties (General)**

When equipment is installed under a Disabled Facilities Grant, the grant applicant becomes the owner of the equipment and is therefore responsible for maintenance and repairs or for

removing equipment once it is no longer required beyond any warranty and maintenance periods already paid for, and included in the grant, by the Council.

Therefore, once the DFG works are completed the Council will not finance or organise servicing, repairs or maintenance after the expiry of any applicable warranty period, which is usually 12 months (see exceptions below). Applicants are therefore encouraged to consider a longer warranty at the time of the installation as subsequent and future repairs can be expensive.

Exceptions: A 5 year warranty will be funded as part of the DFG for the following specialist equipment:

- Stairlifts
- Through Floor Lifts
- Specialist Toilets
- Ceiling Track Hoists\*

No additional warranty will be provided for other equipment.

\*The warranty provided for ceiling track hoists will not include the costs of complying with the 6 monthly inspection requirements of the Lift Operations and Lifting Equipment Regulations 1998; the cost of this must be met by Essex County Council's Equipment Service.

### **32. Removal of Adaptations and Reinstatement Works**

Generally, the Council do not and will not remove adaptations if and when they are no longer required. Neither are any reinstatement works carried out.

If an applicant changes their mind about an adaptation once the OT assessment has been carried out and the works have been completed, unless there has been a significant change in the applicant's medical condition the Council will not remove or carry out further adaptation works.

### **33. Replacement of Facilities & Specialist Equipment**

The Council will give consideration to the replacement of damaged, broken or worn out facilities and/or equipment under a further DFG providing it:

- Cannot be repaired;
- Has not been wilfully damaged;
- Still meets the needs of the applicant;
- Has been annually serviced and/or maintained, where applicable, and the warranty period has expired.

A further DFG will not be considered where a facility or equipment that was present in the dwelling previously has been removed by, or under the instruction of, the applicant unless there is a proven good reason for the removal.

#### **34. Registered Social Housing Providers**

RSHP's have a prescriptive duty of care to their tenants and have to meet certain standards and targets relating to the condition of their dwellings such as The Decent Homes Standard, and they are able to access other sources of funding due to their status.

The Council therefore expects RSHP's to conform to these duties on behalf of their tenants.

**As a matter of principle, the Council does not believe that Registered Social Housing Providers should have any right to access Disabled Facilities Grant Funding at all.**

Therefore, with the exception of mandatory Disabled Facilities Grants, tenants of Registered Social Housing Providers (RSHP) cannot apply for assistance under any other form of assistance contained within this policy.

In all cases where the Council receives a DFG recommendation for a tenant of a RSHP, they will be issued with a formal written request for a financial contribution towards the cost of the adaptation works. The DFG may not proceed until a response has been received.

#### **35. Grant Conditions Explained in Detail**

Please see the appendices for a table illustrating all grant repayment conditions and how they are applied to each type of grant covered in this policy. Grant conditions apply to all disabled facilities grants where the grant applicant has a qualifying owner's interest in the subject dwelling.

#### **36. Waiting List**

Generally the Council does not have a waiting list for Disabled Facilities Grants, but on occasions it may be necessary to implement a system e.g. to adequately manage resources, particularly financial resources, to ensure that those most in need receive assistance. Notwithstanding, any valid DFG applications subject to the waiting list will comply with statutory time limits for approval.

Where a waiting list is introduced it will be a simple priority points-based system. The Grants Team Leader will be responsible for determining the priority of a case based on information provided by the Occupational Therapist.

#### **37. Amendment to Policy**

The Group Manager has delegated authority to make minor policy amendments, such as procedural changes or to accord with changes of legislation and government policy, which do not affect the broad remit or direction of the policy.

#### **38. Service Complaints/Review of Decisions**

Where a grant applicant is dissatisfied with the Disabled Facilities Grants Service, including where a disabled facilities grant has been refused or where they wish to request a re-assessment of a grant decision they should contact the Grants Team who will aim to resolve the issue.

If the applicant is still unhappy they may request a further review by contacting The Building Control Manager.

### **39. Comments and Compliments**

Should a grant applicant wish to give feedback on the Disabled Facilities Grants service provided by the Council they can do so using the following channels:

- make a comment: [comments@basildon.gov.uk](mailto:comments@basildon.gov.uk)
- provide a compliment: [compliments@basildon.gov.uk](mailto:compliments@basildon.gov.uk)

Alternatively they may:

- send an email to: [disabledfacilitiesgrants@basildon.gov.uk](mailto:disabledfacilitiesgrants@basildon.gov.uk);
- Telephone: 01268 206650;
- Visit in person at the Basildon Centre and speak to a Customer Services Advisor who will complete an e-form on their behalf;
- Write by sending a letter to: Basildon Borough Council, Building Control Department, The Basildon Centre, St Martin's Square, Basildon, Essex, SS14 1DL

### **40. Feedback**

The Council welcomes feedback from all of its Disabled Facilities Grant applicants in order to help it improve the service.

All DFG applicants receive a Customer Satisfaction Survey and pre-paid envelope at the end of the process and are encouraged to complete and return the form. The information is used to continually improve the service as far as legally possible.

### **41. Contacts**

Anyone who is not a Disabled Facilities Grant applicant but who would still like to offer constructive comments or suggestions about this policy, or the DFG service in general, may contact the Grants Team Leader:

- By telephone: 01268 206740 / 01268 207895
- By email: [disabledgrants@basildon.gov.uk](mailto:disabledgrants@basildon.gov.uk)

Monday to Friday  
10am to 5pm



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