



Housing Assistance Policy – Mandatory and Discretionary Assistance

Approved XXX

1.0 Introduction

- 1.1 This policy is required to meet the requirements of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 (The Order). Article 3 of this Order specifies that Local Authorities may provide, directly or indirectly, assistance to any person for various purposes including those of enabling them to adapt or improve living accommodation or to repair living accommodation.
- 1.2 Article 4 of the Order provides that before exercising the power conferred by Article 3 the Local Housing Authority must have adopted a policy for the provision of such assistance, publicised the policy and made the policy available in certain specified ways.
- 1.3 The Council is required to publish under the Order a policy that sets out its approach to the provision of assistance. A key element of such a policy is how the Council deals with its mandatory responsibilities including the delivery of adaptations under the Housing Grants, Construction and Regeneration Act 1996.
- 1.4 In addition to the above there is a mandatory duty to act in relation to serious (Category 1) hazards identified under the Housing Health and Safety Rating System (HHSRS). The Council's obligations and powers in relation to this are contained within the Housing Act 2004.
- 1.5 This policy will be subject to review every 5 years or sooner if there are legislative changes.
- 1.6 The Disabled Facility Grant (DFG) allocation is part of the pooled health and social care budget now known as the Better Care Fund (BCF).

2.0 Policy Aims

- 2.1 To summarise all forms of assistance provided by the Council and to clarify the approach to delivering both mandatory and discretionary grants and loans to assist vulnerable residents.
- 2.2 The policy deals with not only the mandatory assistance provided through disabled facilities grants but also the discretionary range of support made under the Order, to assist the most vulnerable households.
- 2.3 The Council may help households seeking assistance to access alternative sources of funding, and for those households unable to access private finance and who therefore cannot help themselves, the Council will continue to provide limited assistance for essential repairs.
- 2.4 In accordance with the Circular 05/2003 Chapter 4 the Council will always consider exceptional cases on their merits.
- 2.5 The Council will ensure that the available capital resources are focussed on meeting the needs of the most vulnerable.
- 2.6 The policy provides authority for minor amendments to be made to the specific appendices by delegated power given to the relevant Director.

3.0 Objectives

- 3.1 Objective 1
To help enable disabled people and people with mobility issues to live independently in their own homes. This relates predominantly to the mandatory duty to carry out works under the Disabled Facilities Grant programme.
- 3.2 Objective 2
To tackle housing conditions that represent a hazard to the health and wellbeing of the occupier, focusing on the needs of the most vulnerable of households.
- 3.3 As resources are limited within each financial year a degree of flexibility is required to meet changing needs, but these will be taken in priority order according to our statutory duties:

Priority 1

- DFG or adaptation works meeting the eligibility for a mandatory DFG.

Priority 2

- Enabling the DFG adaptation work to be carried out, such as condition reports or work required to facilitate the adaptation.

Priority 3

- Addressing Category 1 and high Category 2 hazards.

3.4 These priorities will ensure available resources are targeted to ensure that the Council adequately meets its statutory obligations in respect to meeting the needs of the most vulnerable.

4.0 Assistance Available

4.1 The assistance available from the Council is detailed within four main appendices:

Appendix 1: Mandatory Adaptations Assistance – Disabled Facilities Grant (DFG)

Appendix 2: Discretionary Adaptation Assistance

Appendix 3: Mandatory Means Test and Means Tested Benefits

Appendix 4: Conditions of Financial Assistance

These appendices will be subject to regular review to ensure that the limited resources available is managed and prioritised in accordance with the above.

5.0 Fees Charged

5.1 It will be at the discretion of the Council as to the level of professional fees (e.g. Architects) deemed reasonable to be covered in the calculation of financial assistance.

5.2 For Disabled Facilities Grants and discretionary grants issued from the Better Care Fund the Council staffing costs for administering these are covered directly from the Better Care Fund allocation.

6.0 Appeals and Exceptional Cases

6.1 Any person aggrieved by the way this policy is administered in an individual case has the right of appeal, this appeal should be made to the Private Sector Housing Manager for consideration in the first

instance and then the Housing Manager if they are not satisfied with the Private Sector Housing Manager's response.

- 6.2 The appeal must set out the grounds on which the appeal is based. An appeal will not be considered simply on the grounds that the appellant does not agree with the policy, although any complaint about the general policy will be dealt with by a written response. Further complaints can be addressed through the corporate complaints' procedure.
- 6.3 An appeal will therefore only be considered on the grounds that either the adopted policy has not been applied correctly; or that the potential application for assistance is so exceptional that it justifies consideration by the Council outside the normal policy.
- 6.4 The Housing Manager will give a full written response to all appeals. It is not possible to set out the detailed criteria that may comprise exceptional circumstances or the type or amount of assistance that the Council may offer.
- 6.5 Each appeal will be treated on the individual circumstances of the case and will be judged against the particular financial circumstances of the applicant, the strategic objectives of the Council, other options available to the applicant, the resources available to the Council and the long-term public benefit.
- 6.6 Any complaint about the outcome of an appeal can be addressed through the corporate complaints' procedure. Details will be included in the decision letter for all appeals.

7.0 Contact Details

- 7.1 To enquire about assistance from the Council please contact:

<https://www.breckland.gov.uk/housing-grants>

The Grants and Adaptations Team
Breckland District Council
Elizabeth House,
Walpole Loke
Dereham,
Norfolk, NR19 1EE
Telephone: xxx
Email: adaptations@breckland.gov.uk

APPENDIX 1

MANDATORY ASSISTANCE

1. Disabled Facilities Grant – DFG

The Council will award Mandatory Disabled Facility grants (DFG's) according to the governing legislation and guidance issued by Central Government, which determines amongst other things the maximum amount of grant, the type of work that can be funded, the maximum contribution to be made and the test of financial resources that must be applied.

Purpose

To adapt the home of a disabled person to meet their needs in providing access to the property and to essential facilities. The needs will be assessed and recommended by an Occupational Therapist or suitably trained Assessment Officer that has been deemed competent by the Council.

Eligibility

To qualify for assistance the property must be reasonably and practically capable of being adapted to meet the needs of the disabled person.

To qualify for assistance an applicant should be the homeowner or tenant, but the grant is available to help the home to be adapted to meet the needs of any disabled person living in the property and enable them to continue living there.

Qualifying Works

The Housing Grants, Construction and Regeneration Act 1996 lays down the legal framework for the DFG, and sets out the qualifying work.

In general, the grant can be used to fund a range of measures providing access to the property and the basic facilities within it. Commonly it will provide the following:

- Bathroom adaptation including level access showers
- Stair lifts and the provision of ramps
- Kitchen modifications
- Extensions to provide access to any of the above

Other qualifying works are specified in the Housing Grants Construction and Regeneration Act 1996, the 'Package of changes to modernise the programme' published in 2008 and any subsequent amendments.

Reasonable and Practical

Grant assistance for a DFG is only available in circumstances where it is reasonable and practical to carry out work. In some circumstances the condition of the dwelling (such as seriously substandard electrics, structural conditions, or a high level of asbestos) may make the work unreasonable or impractical to carry out. At such times an assessment under Part 1 of the Housing Act 2004 will be carried out. If a category 1 hazard exists then either a Hazard Awareness Notice, Improvement Notice or Prohibition Order may be served. For the full list of mandatory actions and a definition of a Category 1 Hazard please refer to Part 1 Housing Act 2004.

Other examples of a dwelling where adaptation is not reasonable and practical may be where there is instance of statutory overcrowding as defined in Part 10 of the Housing Act 1985.

In these circumstances other options will be explored with the disabled person, including loans (when applicable) and the possibility of relocation.

Type and Level of Financial Support

Measures funded by way of a grant (subject to conditions)

Maximum grant limit is presently £30,000. This may be subject to change during the life of the policy, where this occurs the legal grant maximum will be applied. Where the costs of adaptation works are in excess of this limit any eligible applicant will be referred to the Additional Adaptations Assistance (Top-Up) section of this policy.

Property Charges:

Where the applicant has an owner's interest and, in the event of a grant exceeding £5,000, it is a condition of the grant that the Council may demand the repayment by the recipient of such part of the grant that exceeds £5,000 (but may not demand an amount in excess of £10,000) if –

- the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
- the Council, having considered the extent to which the recipient of the assistance would suffer financial hardship were they to be required to repay all or any of the assistance provided and
- all other circumstances as deemed relevant

The repayable amount is not subject to interest. A local land charge will be placed on the property to ensure repayment.

APPENDIX 2

DISCRETIONARY ADAPTATION ASSISTANCE

1. Test & Report Grant

Purpose

Where an inspection and report is required a) to decide whether the DFG work is reasonable and practical or b) to explore options for the DFG specification or c) in order to write the specification of work. Examples of reports are an electrical report, an asbestos survey or a drainage survey.

Eligibility

For those eligible for a DFG

Type and Level of Financial Support

Assistance provided by way of a grant (subject to conditions) up to a value of £500 (including all fees and VAT at the prevailing rate).

2. Relocation Grant

Purpose

- a. To provide assistance to a person qualifying for a Mandatory DFG but where the property cannot be practically adapted, to help that person move to a more suitable property where the needs can be met.

- b. Assist with relocation (subject to conditions) to a more appropriate property where the cost of such relocation would be less than the provision of adaptations to the existing property.

Eligibility

Relocation is available to homeowners, private and social rented tenants (subject to conditions).

This grant will be subject to the national means test for mandatory grants. The applicant must be eligible for a Disabled Facility Grant.

Qualifying Works/Considerations

- Legal fees
- Estate agents' fees
- Stamp duty
- Land registry fees
- Survey fees
- Electrical and drainage inspection fees

- Removal costs (lowest of at least two quotes)
- Installation of telephone where one was provided previously
- Installation of washing machine or other appliances where installed previously
- Redirection of mail if necessary (for a period of 12 weeks max)
- Purchase of curtains and carpets and other fitments (to a maximum of £500 and where it can be evidenced that it is not reasonable to re-use existing carpets, curtains etc.)

These qualifying works are not exclusive and other works can be considered. The grant is to cover costs, and is payable on production of itemised receipts with VAT shown.

Type and Level of Financial Support

Assistance provided by way of a grant (subject to conditions) up to a value of £3,000 (including all fees and VAT at the prevailing rate).

3. Professional fees

Purpose

To cover the costs of architect fees or structural surveys for complex cases. Complex cases are stalled where structural works require pricing prior to approval. A grant to cover these costs will help to ensure a smooth process for complex cases where structural works usually in the form of an extension are required.

Eligibility

For those eligible for a DFG.

Qualifying Works

Those considered by the team to be complex, usually home extensions.

Type and Level of Financial Support

Assistance provided by way of a grant (subject to conditions) up to a value of £1,500 (including all fees and VAT at the prevailing rate).

4. Storage Grant

Purpose

To cover the cost of storage of furniture or belongings to enable DFGs works to be carried out.

Eligibility

For those eligible for a DFG.

Qualifying Works

Those that cannot go ahead without furniture and belongings are being moved and where there is no-where else in the property to store them.

Type and Level of Financial Support

Assistance provided by way of a grant (subject to conditions) up to a value of £500 (including all fees and VAT at the prevailing rate).

5. Additional Adaptations Assistance (Top-Up) Loan

Purpose

To provide additional loan assistance where the cost of the work exceeds the maximum mandatory DFG to adapt the home of a disabled person

To provide a loan in means test contribution cases in exceptional cases where no other forms of funding can be obtained and where not having the work completed will be detrimental to the person's health.

Eligibility

Available to owner occupiers (subject to conditions) who are in receipt of one of the means tested benefits listed within the Appendix 2.

The applicant must be in receipt of a Disabled Facility Grant.

Qualifying Works

Top up assistance where works qualifying under the DFG programme exceed the maximum statutory DFG limit (£30,000) or the works relate to a means test contribution.

Normally works as defined under the Housing Grants Construction and Regeneration Act 1996.

Referrals may be made by Occupational Therapists, Assistant Practitioners and those other assessment officers as deemed suitably qualified and competent by the Council.

Type and level of financial support

Assistance provided by way of a loan (subject to conditions) up to a value of £10,000 (including all fees and VAT)

The assistance provided is secured by way of a charge on the property via a local land charge.

The assistance becomes repayable when the occupancy condition is breached or on the sale or transfer of the property and should this occur within 5 years of completion of the works.

Upon the assistance becoming repayable the Council will consider;

- the extent to which the recipient of the assistance would suffer financial hardship where they required to repay all or any of the assistance provided
- and all other circumstances as deemed relevant

6. House Repair Loans

Purpose

To cover the costs of essential house repairs to enable the DFG work to proceed.

Eligibility

Available to owner occupiers (subject to conditions) who are in receipt of one of the means tested benefits listed within the Appendix 3.

The applicant must be in receipt of a Disabled Facility Grant.

Qualifying Works

Repairs that are essential for the DFG work to go ahead.

Type and Level of Financial Support

Assistance provided by way of a loan (subject to conditions) up to a value of £8,000 (including all fees and VAT)

The assistance provided is secured by way of a charge on the property via a local land charge.

The assistance becomes repayable when the occupancy condition is breached or on the sale or transfer of the property and should this occur within 5 years of completion of the works.

Upon the assistance becoming repayable the Council will consider;

- the extent to which the recipient of the assistance would suffer financial hardship where they required to repay all or any of the assistance provided
- and all other circumstances as deemed relevant

7. Serious Illness Grant

Purpose

To provide adaptations, initiate repairs or improve thermal capacity of homes for all residents diagnosed with a terminal condition, as detailed by a medical practitioner.

Eligibility

Available to any person diagnosed with a serious, (terminal), illness such as Motor Neurones Disease or a stage 4 cancer, living in a permanent and legal residence. (Serious / terminal illness to be confirmed by a medical professional.)

Qualifying Works

Any repair or maintenance work to the structure of a property or equipment required to provide a safe and warm home for the resident to return to from hospital or care facility. Examples include installation of a level threshold door, safe access ramps, hand and grab rails, key safes, repairs to heating systems, etc.

Type and Level of Financial Support

Assistance provided by a non-means tested grant of up to £5,000.

These applications will be fast tracked through the council's processes.

8. Forget Me Not Grant

Purpose

To assist people living with Dementia and those caring for them in the maintenance of a safe, decent, and warm home.

To prevent admission to, and aid discharge from hospital or residential care.

Eligibility

Available to any person with a diagnosis of dementia or who is likely to have dementia.

Must have lived in the relevant property for 12 months at the time of the initial enquiry and intend to remain in occupation for 5 years

The grant will not be used to effect repairs/works that are the responsibility of a private or social landlord.

Qualifying Works

Works will include small-scale works following an assessment of the property such as.

- Additional lightning in the home

- Decorating in such a way to provide contrast to the walls and skirting boards
- Adding signage to rooms and cupboard doors
- Removing and installing glass fronted cupboard doors
- Fitting memory cues, photos frames to the wall, clocks, and notice boards
- Essential repairs to remedy category one hazard
- Essential minor improvements and adaptations
- Home Safety and Security
- Energy Efficiency measures where alternative home energy assistance is unavailable
- Works to prevent unreasonable delay to the release of a patient from primary care
- Works to prevent a relevant person being admitted to primary care

Type and Level of Financial Support

Assistance provided by a non-means tested grant of up to £500.

9. Bathing pods – provision or lease

Purpose

To assist people who need an accessible shower room by providing a self contained Bathing Pod that can be installed in an existing downstairs room or attached to a home. This could be a preferred option where either the need is short term or the alternatives are not possible due to home design or prohibitive costs.

Eligibility

For those eligible for a DFG.

Qualifying Works

Where there is an identified need for access to a ground floor bathroom.

Type and Level of Financial Support

.Assistance provided by way of a grant (subject to conditions).

APPENDIX 3

Mandatory Means Test and Means Tested Benefits

The means test is as defined and set out in the Housing Grants, Construction and Regeneration Act 1996, The Housing Renewal Grants Regulations 1996 and the Housing Renewal Grants (Amendment) (England) Regulations 2008 No. 1190.

A pass-porting benefit is a benefit that someone receives, and this is a means tested benefit. Such benefits change from time to time but at the time this policy was written the relevant means tested benefits were the following:

- Income Support
- Income-based Employment and Support Allowance
- Income-based Jobseeker's Allowance
- Guarantee Pension Credit
- Working Tax Credit (where annual income is below £15,050)
- Child Tax Credit (where annual income is below £15,050)
- Housing Benefit

The above benefits will qualify a person automatically for a mandatory Disabled Facility Grant without the requirement for a means test (financial assessment).

Proof of these benefits will be required.

Means Test Contributions

In some cases, the means test will show that the disabled person is entitled to a DFG but is expected to make a financial contribution. This contribution will apply to both mandatory grants and discretionary grants. A person in receipt of more than one grant will only need to pay the contribution once. The applicant will be notified of their contribution in writing when the grant is approved. Before work commences they will be asked to sign an agreement to pay. When the work is complete the applicant will be invoiced. Any unpaid invoices will be pursued using the Council's existing debt collection methods.

APPENDIX 4

Conditions of Financial Assistance, Land Charge, Fees, Interest on Loans

Conditions

All Grants and Loans offered under this assistance will be subject to conditions:

- All grant or loan conditions will be specified separately
- In the case of a breach of grant/loan conditions the grant/loan becomes repayable to the council.

In the case where an applicant ceases to be the owner, or it appears to the council that the applicant was not at the time of the application being approved entitled to the grant, no payment shall be made, and the grant cancelled. In the case where interim payments have been paid, no further payments will be made, and the council may recover and previous payments. In all cases, the applicant will be informed of the appeal procedure against any decision. The Council may in exceptional circumstances determine not to require repayment or require a lesser amount.

Disposal

It is a condition of some assistance that it will have to be re-paid in whole or in part, if the property or part of it is disposed of, transferred or sold during the period of the grant/loan conditions. In the case of a Disabled Facilities Grant, the first £5000 of the grant is not repayable and the maximum repayment is £10,000.

- Grant and loan conditions will be registered as a local land charge

Interest on Loans

Interest is not currently charged on Council loans.

Professional or other fees

The following fees will be classed as eligible expense when forming necessary expenditure to ensure the scheme can be completed.

- Planning and Building regulation fees
- Fees to support the applicant to apply for and carry out the works
- Fees for the preparation of plans and/or a technical survey
- Fees for the supervision of works
- The fees for professional advice for example obtaining proof of title
- Occupational Therapy fees
- Value Added Tax where applicable