



Disabled Facilities Grant policy

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Part I: Mandatory disabled facilities grants

Introduction

West Oxfordshire District Council, in its role as a local housing authority, is under a statutory duty by virtue of the provisions of the Housing Grants, Construction and Regeneration Act 1996 (the Act) to provide Disabled Facilities Grants (DFGs) for private sector and housing association residential adaptations where the appropriate legislative conditions are met.

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

- Facilitating Access – grant may be given for works to remove or overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling, access to the garden and enjoying use of the dwelling and facilities or amenities within it.
- Making a Dwelling or Building safe – grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons residing 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 behaviour problems.
- Access to a room usable for sleeping – grant may be given for the provision of a room usable for sleeping where adaptation of an existing room in a dwelling (upstairs or downstairs) or the access to that room is unsuitable. Where the disabled person shared a bedroom 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 – grant may be given for the provision of, or access to, a WC, washing, bathing and/or showering facility.
- Facilitating preparation and cooking of food – grant may be given to re-arrange or enlarge a kitchen to improve the manoeuvrability 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 normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate to carry out certain adaptations that enable the disabled person to perform minor functions in the kitchen, such as preparing light meals or hot drinks.
- Heating, lighting and power – 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 will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected. Provision is also made under the section for the adaptation of heating, lighting and power to make them suitable for use by the disabled person.
- Dependant Residents – grant may be given for works to enable a disabled occupant better access around the dwelling in order to care for another disabled person who normally resides there whether or not they are related to the disabled person. 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 the person to whom they are providing care and therefore it is reasonable for such works to be carried out.
- Common parts – grant may be given for works to facilitate access to a dwelling through common parts of a building.

In order to approve DFG's officers of the Authority will work primarily with the Occupational Therapy (OT) Service at Oxfordshire County Council and the Councils Trusted Assessors.

The OT/Trusted Assessor will make referrals to West Oxfordshire District Council recommending work to be carried out which is necessary and appropriate to meet the needs of their client. The Authority will

approve grants if, amongst other things, it is satisfied that the work is reasonable and practicable to carry out.

Although the provision of mandatory DFG's is covered by the Act and the Authority must comply with the legislation, this document sets out the policy that will be applied by the Authority in the provision of DFG's with regard to matters not covered by the legislation.

Amount of Mandatory DFG

The maximum amount of mandatory grant that the Authority can pay for any single grant application is set by Order and is currently £30,000. This amount is reduced by any contribution assessed as payable by the grant applicant. (Paragraph 12 outlines means tested contribution)

Part 2: Discretionary disabled facilities grants

Introduction

In addition to providing mandatory DFG's the Authority have the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. Using these powers, West Oxfordshire District Council has agreed to offer discretionary DFG's for private sector residential adaptations in certain specific circumstances.

Top-Up to Mandatory Scheme

Although the maximum amount of grant available for a mandatory DFG is currently £30,000 West Oxfordshire District Council has agreed through this policy to potentially provide an additional maximum amount of up to £30,000 as a discretionary top-up where circumstances are such that the cost of work exceeds £30,000 (either as a result of unforeseen works or the extent of the original work that is recommended to the Council). This type of assistance will only be offered as a top up for schemes that fall within the mandatory grant headings as previously described in 2.1.

When determining any application or discretionary assistance the Authority will consider any agreed Oxfordshire County Council funding, plus the ability of the application to self-fund any identified additional costs through the test of resources (means test). Subject to this assessment discretionary award will potentially make up the difference between the maximum grant and the cost of eligible works (up to a maximum of £30,000). Any discretionary top-up will be repayable on the eventual sale of the subject property and will be recorded as a Land Registry charge.

Any discretionary top-up will only be considered having regard to the amount of resources the Authority has at the time. If it does not have sufficient resources left to deal with other referrals that have been passed to the Authority by the Occupational Therapist or Trusted Assessor at the time, the Authority reserves the right not to approve any discretionary top-up.

Dual residency of a disabled child

In cases where families separate and a court order provides that residency of the subject disabled child is split between the mother and fathers (or other designated guardian) the Authority may consider the award of discretionary DFG to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within those headings normally applied to mandatory schemes as detailed in the [Mandatory facilities grant section](#).

Mandatory DFG can only be provided to 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 party receives child benefit. This property may or may not be

within the West Oxfordshire District although the Authority would only be liable for mandatory grant to any property within its boundaries.

The Authority will consider the details of any court order and specifically the allocation of time spent with each parent in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be reviewed on its own merits. Factors to be considered include the specific details of any order, likely time to be spent at each property, whether the child will stay overnight at the subject property and for what period.

In determining the works that might be considered as eligible for assistance the Authority will consider the suitability of the subject property for adaptation, the complexity and scope of the adaptations required and any observations or referral made by the Occupational Therapist.

Any assistance provided under this heading will be up to a maximum award of £30,000 inclusive of any fees, such as surveyors; but will not be subject to any form of means testing. Any award will be repayable to the Authority if the subject property is sold within 10 years of the certified date (the date the eligible works are completed). The award amount will be recorded as a Land Registry charge. Any decision by the Authority to recover Discretionary Grant payments will be based on the same criteria applied to mandatory grant recovery. The factors that would be considered in such circumstances are set out in Section 12 of this document.

Situations outside of these prescribed circumstances would be considered on their own merits following the receipt of written representations from the grant applicant.

Any discretionary award will only be considered having regard to the amount of Resources the Authority has at the time. If the Authority does not have sufficient resources left to deal with other mandatory referrals that have been passed to the team by the Occupational Therapist's or Trusted Assessor's at the time, the Council reserves the right not to approve any discretionary assistance.

Relocation Grant

A relocation grant may be available to an applicant who owns or privately rents their property if adaptations to their current home through DFG are determined not to be feasible or reasonable and they are considering relocation to a property they intend to purchase.

Applicants must be 18 or over on the date of application is made and, in the case of a disabled child, the parent(s) would make the application. Any application must be supported by a recommendation from the Occupation Therapist and/or Trusted Assessor.

he Authority's Trusted Assessor or the OT must be satisfied that the proposed property already meets the needs of the disabled person without further adaption or are satisfied that it can be adapted at a reasonable cost.

Applicants must be relocating within the West Oxfordshire District. Consideration may be given to a move within Oxfordshire but this would require the approval of the relevant district/borough council, whether or not adaptations are required and the scale of any adaptations before a relocation grant can be considered.

A grant may be made available towards specific relocation expenses, which includes estate agent fees, legal costs, and removal costs.

The cost of the relocation grant together with the cost of any adaptations required to the new property must demonstrate value for money, whether the move is within West Oxfordshire District Council or to another district/borough council in Oxfordshire.

Applications must be submitted prior to the relocation, grants cannot be paid retrospectively. Assistance will not be given toward the purchase price of a new property.

The Authority will require two quotations from independent contractors that realistically reflect the cost of the works/service provided.

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

If on sale of the applicant's existing property a net equity of more than £10,000 is released, the Relocation Grant will only fund the physical removal costs.

If the move is aborted through the fault of the applicant then costs will not be paid and any costs already paid will be reclaimed from the applicant.

Excessive Contribution

Where applicants have a contribution to make according to the outcome of the prescribed test of resources, they may provide written evidence to the Council, from an Independent Financial Advisor of their inability to raise sufficient funds to cover their own contribution. In these circumstances the Council will consider approving discretionary grant aid if that is the only option for enabling the agreed works to proceed. The Council may seek further advice before determining the application.

Safe, Warm and Well

This assistance is for owner occupiers or private tenants (who have a full repairing responsibility in their tenancy) over the age of 65, or those with chronic or severe health conditions affected by poor housing conditions that need to undertake essential repairs to their home in order to remain safe and healthy.

Example of relevant conditions includes:

- Arthritis (osteo and rheumatoid, requiring regular treatment and review)
- Cardiovascular disease (such as heart disease or stroke)
- Respiratory disease (such as chronic bronchitis, severe asthma, emphysema or chronic pulmonary disease)

Eligible works for this purpose will be determined as a Category 1 (serious) or significant Category 2 (other) hazards as determined by the Housing Act 2004, which affects the ability of the property to be safe, wind and weather proof. Examples of work may include:

- Heating repairs or replacement
- Works to prevent falls
- Roof repairs

Any associated fees such as technical surveys, obtaining proof of title etc. will be included within the assistance given. All properties will be subject to inspection and assessment by the Council or its agent.

Making Homes Dementia Friendly

This assistance will provide aids and adaptations in the home designed to enable people with a diagnosis of dementia to manage their surroundings and retain their independence.

Applicants must be owner occupiers or private tenants with a clinical diagnosis of dementia and referred by a General Practitioner, Dementia Support Worker or other relevant health professional, confirming the

works which are necessary and appropriate to support them to retain their independence. Examples of work may include:

- Contrasting coloured hand rails
- Thermostatic taps
- Lighting and door signage

Part 3: General requirements and grant conditions

The following general requirements and conditions will apply to both mandatory and discretionary DFG's.

Applications for grant: Definition of disabled person

For the purposes of the legislation relating to DFG's 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 substantially disabled by illness, injury, impairment present since birth or otherwise

A person aged 18 or over is taken to be 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 whose welfare arrangements have been made under that section or might be made under it.

A person aged under 18 is taken to be disabled if:

- they are registered in a register of disabled children to maintain under the Children Act 1989; or
- in the opinion of the social services authority they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

Applicant's criteria

The Authority cannot consider an application for a mandatory or discretionary DFG unless it is satisfied that:

- the applicant has or proposes to acquire an owner's interest in every area of land on which the relevant works are to be carried out; or
- the applicant is a tenant of the dwelling where the relevant works are to be carried out

An owner's application for a DFG must be accompanied by an owner's certificate which will certify that the applicant has or proposes to acquire an owner's interest and that they intend that the disabled occupant will live in the dwelling as their only or main residence throughout the period of five years following completion of the works.

A tenant's application for a DFG must be accompanied by a tenant's certificate which will certify that the application is a tenant's application and that the applicant intends that the disabled occupant (whether that is the applicant or someone in the applicant's household) will live in the dwelling as their only or main residence throughout a period of five years following completion on the works.

A tenant's application should be accompanied by an owner's certificate from the person who at the time of application is the landlord under the tenancy. The Authority can waive this where it is not reasonable in the circumstances to request a certificate.

Private tenants must obtain their landlords written permission for the subject works before a DFG can be approved. Where a landlord withholds this permission for the works to be undertaken a grant cannot be approved. Any DFG approved would not normally include any element of reinstatement.

Occupiers of houseboats and park homes must provide an 'occupiers certificate' certifying the intention of the disabled occupier to occupy the qualifying houseboat or park home as his only or main residence throughout the grant conditions period (5 years from the certified date). Any such certificate must also be accompanied by a 'consent certificate' from each person who owns the mooring or land on which the houseboat or park home is stationed or who owns the houseboat or park home.

Cost of Work

The Authority uses public money to fund the provision of both mandatory and discretionary DGFs and as such it must take into account value for money.

When officers schedule the work to be carried out, they will ensure it meets the needs of the applicant but at the same time they will only prepare a basic specification. If grant applicants wish to have a higher or more complex specification that costs more, they will have to pay the difference themselves.

Two quotes for the cost of work will be obtained. The grant will usually be approved on the basis of the cheapest quote unless there are extenuating circumstances. Where the applicant wants to use a contractor that will cost more than the quote that is deemed acceptable by the authority, the applicant will have to pay the difference direct to the contractor. The Authority will notify the contractor that the client will have to make a contribution and advise them of the value of the contribution.

Means Tested Contributions/Successive Applications

Applicants for DFG's will be required to complete a test of resource form (means test) to determine whether any contribution is to be paid towards the cost of works. The Council will undertake such means tests in line with the prevailing statutory provisions in force at the point of application. At present parents of disabled children and young person are not subject to a test of resources. In the majority of cases a Preliminary Test of Resources will be undertaken prior to the provision of an OT or Trusted Assessor referral to provide the prospective application with any early indication of their likely contribution. Such preliminary tests will not be applied in urgent cases or where the OT or Trusted Assessor is aware that the client is in receipt of a passport benefit. The recipient of a passport benefit (such as housing benefit, income support, guaranteed pension credit, etc.) will automatically be assessed as having a NIL contribution toward any grant award and will receive full grant.

If an applicant has an assessed contribution toward any application any payment of this contribution is made to the contractor on completion of the works. If the level of contribution is high the council may require evidence that the applicants have the resources in place to fund their contribution and that they may wish to seek independent financial advice on how they might raise the necessary funds.

In circumstances where an applicant has a degenerative condition and where it is likely the additional adaptations may be required over time it should be noted that there is no restriction for further grant applications at a later date. Any contribution paid by an applicant toward an initial application will be deducted from any future assessed contribution if the second application is made with a prescribed period (10 years for own occupiers and 5 years for tenants)

This provision means that it may be in the interest of applicants to proceed with a grant application even if their assessed contribution is higher than the likely cost of works, leading to the award of a 'nil grant' approval. In such circumstances the applicant must proceed to complete the subject works to a

satisfactory standard. If a second application is submitted within the prescribed period the cost of the previously completed works will be deducted from any assessed contribution the applicant might have.

Grant Approval

The Council is required to approve or refuse the grant within 6 months of a valid grant application being made. A valid application is deemed to be made when the following documentation is submitted:

- A completed application form
- The appropriate certification as detailed above together with proof of ownership or tenancy
- The appropriate evidence of financial resources in order that the Council can undertake the Test of Resources
- The appropriate number of quotes

The Council is required to consult with and obtain confirmation from the OT or Trusted Assessor that the works which are the subject of the application are necessary and appropriate to meet the needs of the disabled occupant.

Officers from the Council will work with prospective grant applicants to ensure the appropriate documentation is in place to make a valid application.

The Council will not usually approve an application for grant where the relevant work has already begun. It can approve however, if it is satisfied that there were good reasons for beginning the works before the application was approved. Any grant offer may be reduced to reflect the works undertaken prior to approval.

Payment of Grant

The legislation requires the Council to pay the grant on condition that the work has been carried out to its satisfaction. It also states that it is able to pay the contractor direct where it has advised the grant applicant prior to the grant being approved that this would be the method of payment. Only in exceptional circumstances will a payment be made to a third party.

The Council will inspect the works once completed and if in their opinion the work has been done satisfactorily will pay the contractor direct to the value of the grant. Any other payments that the grant application is responsible for must be made by the application.

If the Council is not satisfied with the standard of work it will retain the grant money until such time as any work issues have been resolved at which point it will pay the contractor or if the applicant is still not satisfied, it will pay the applicant.

Entitlement to a grant ceases

Where a grant applicant ceases to be entitled to a grant before completion of the works the legislation states that the Council cannot pay any grant or any further instalments (as the case may be) after that date. If the grant applicant makes an owner's application he ceases to be entitled to a grant when he ceases to have a qualifying owner's interest or ceases to have the intention specified in the owner's certificate which accompanied the grant application. If the grant applicant makes a tenant's application he ceases to be entitled to a grant when he ceases to be a qualifying tenant of the dwelling or if the landlord ceases to have the intention specified in the owner's certificate submitted with the application.

The Council has the right under the legislation to demand any instalment that has already been paid to be repaid forthwith together with interest from the date on which it was paid until repayment. The Council will consider each case on its own merits in deciding whether to recover any such payments.

Changes in circumstances

In some cases there is a change in circumstances after the grant has been approved that affects the payment of grant. These circumstances (which are prescribed in the legislation) are as follows:

- where the works cease to be necessary or appropriate to meet the needs of the disabled occupant;
- the disabled occupant ceases to occupy the dwelling; or
- the disabled occupant dies.

In such circumstances, the legislation states that the Council can take such action as appropriate and may decide:

- that no grant shall be paid or as the case may be, no further instalments shall be paid;
- that a percentage of the grant is paid on the agreement the full works will be completed
- that the works or some of them should be completed and the grant or an appropriate proportion of it paid; or
- that the application should be re-determined in the light of the new circumstances.

Cases in which a grant may be recalculated, withheld or repaid

The Council is entitled to refuse to pay a grant or any further instalment of grant which remains to be repaid or make a reduction in the amount of grant in the following circumstances:

- The Council ascertains that the amount of grant was approved on the basis of inaccurate or incomplete information and exceeds that which the grant applicant was entitled
- The Council ascertain that without their knowledge the eligible works were started before the application was approved
- The works are not completed within 12 months
- The cost of works is less than the estimated expense upon which the grant was calculated
- The work has been carried out by a contractor who was not one of the contractors who originally quoted for the work

Repayment in case of Compensation

It is a condition of the grant that the applicant takes reasonable steps to pursue any relevant claim and to repay the grant so far as appropriate out of the proceeds of such a claim. A claim is:

- an insurance claim or legal claim against another person in respect of damages to the premises to which the grant relates, or
- a legal claim for damages in which the cost of the works to premises to which the grant relates is a part of the claim, and a claim is a relevant claim to the extent that the works to make good the damage or the cost of which is claimed are works to which the grant relates

In the event of a breach of this condition the applicant shall on demand pay to the Council the amount of grant so far as relating to any such works together with compound interest from such date as may be determined, calculated at such reasonable rates the Council may determine.

The Council may determine not to make such a demand or to demand a lesser amount. The assumption is that the amount will be demanded in full however on representations from the applicant, the Council will consider each case on its own merits.

General Provisions

Where work has commenced but grant entitlement has ceased and where the Council has decided that the works or some of them should be completed and the grant or an appropriate proportion of it is paid the council will arrange to make good the work so that the property is safe, secure and water-tight.

This may not include carrying out such work as finishing internal surfaces and plumbing any new facilities (unless these are the only facilities in the property) for example. Any work over and above making the property safe, secure and water-tight would have to be paid for by the applicant or some other appropriate person.

Deferring Grant Payment

The Council has the discretion to defer any payment of an approved grant for a period of up to 12 months from the date of grant approval. Any such decision must be set out within the grant approval notice.

Grant conditions following completion

There are certain grant conditions that run for a period of time following the completion of the grant (the grant condition period). These conditions will run from the certified date i.e. the date at which the Council has certified that the works have been carried out to its satisfaction. The application of such conditions will only apply if the grant application has an owner's interest in the subject property and will remain in place for 10 years from the certified date.

Repayment in cases of disposal of the premises

The Council has resolved that it will demand repayment by the applicant of such part of the grant that exceeds £5,000, (but may not demand an amount in excess of £10,000) where the work must also have increased the habitable floor area of the property and is satisfied that it is reasonable in all circumstances to do so.

If a grant recipient is of the opinion exemptions may be appropriate then they will be required to submit written representations to the Council setting out their case in full. The decision on whether to waive either all or a proportion of the grant recovery will be made by the Group Manager for Customer Services, Revenues and Housing Support Services.

This condition to repay will be a legal local land charge and is binding on any person who is for the time being an owner of the dwelling or building and will apply for 10 years following practical completion.

If in the event of death of the grant recipient during the 10 year period the charge will only be reclaimed in the property is sold in that period.

Installation of Equipment and Maintenance

Typically the type of equipment that will be covered by a mandatory DFG includes (this is not an exhaustive list):

- Stair lifts
- Through floor lifts
- Rise and fall showering tables that are electrically powered
- Rise and fall baths that are electrically powered
- Wash and dry toilets

Where the provision of equipment is funded by a mandatory DFG it is the responsibility of the applicant to take out the necessary insurances and maintenance agreements to ensure the equipment is properly maintained.

If a grant is made for replacement of defective/obsolete equipment it will not be approved if it can be shown that the equipment can be repaired at a reasonable cost in comparison to renewal. In such cases the costs of the repairs will fall to the householder.

Contractual Relationships

Following the referral from the Occupational Therapist officers from West Oxfordshire District Council will schedule the works that are required. The schedule of works will form the basis upon which the contractors quote. As referred to above at paragraph 8.3 the grant applicant will need to obtain two quotes as a minimum.

Whilst work is being undertaken officers will wherever possible visit the property to ensure that the work is being undertaken as per the specification and when the work is completed, the officer will carry out a final inspection to ensure it has been completed satisfactorily.

Grant applicants must be aware however, that the Council is in no way responsible for the work of the contractor and that there are no contractual obligations between the contractor and West Oxfordshire District Council.

The purpose of the final inspection is simply to protect the public purse. All contractual relationships with respect of the carrying out of the work are between the grant applicant and the contractor.

If there is a dispute between the grant applicant and the contractor, the council will not be able to get involved unless by some act or default the Council has caused the issue which has led to the dispute.

Complaints

Where applicants are dissatisfied with the service they have received (including where a grant has been refused) they should contact the Business Service Manager at the main Council address. If the matter is not resolved to the applicants' satisfaction they can make a formal complaint via the councils adopted Complaints procedure.

If after receiving the Council's response the complainant is still dissatisfied, they can write to the Local Government Ombudsman.

Declarations of Interest

All officers and Trusted Assessors involved within the assessment and administration of the grant will complete an annual declaration of interest.

The Council has a zero tolerance approach to fraud and works hard to protect the public purse. All applications will be checked and verified to confirm eligibility and works carried out will be inspected to ensure they comply with the criteria for funding