

**Epping Forest District Council  
Commercial and Regulatory Services**

**Private Sector Grants Service**

**Housing Assistance Policy**

**Effective 1<sup>st</sup> April 2020**

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The aim of the Councils Housing Assistance Policy is to:

- Promote the independent living of its vulnerable residents;
- Protect and improve the health and wellbeing of its vulnerable residents;
- Improve and protect the environment and the neighbourhood;
- Seek to maximise the use of external funding opportunities.

# **Disabled Facilities Grants (DFG) Policy**

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## 1. Legal Framework

Epping Forest District Council (“the 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.
- Mandatory DFGs are subject to a standard government set means-test (except where the adaptation is for the benefit of a child), which means that the applicants (and their partners) income must 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.
- There is no right of appeal in relation to the means-test as it is set under legislation and the council has no control or influence over the calculation.
- Applicants in receipt of certain specified benefits are exempt from the means-test.
- The applicants contribution will be reduced by the amount of any previous contribution they have made towards a DFG at that property within the 10 years preceding the application date if they are an owner or within 5 years if they are a tenant.
- 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.
- In accordance with the Housing Grants, Construction & Regeneration Act 1996 Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, grants 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.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 allows the local authority to provide assistance to improve living conditions which includes, amongst other things, adapting living accommodation. The assistance may be provided in any form and may be subject to conditions, including conditions such as the repayment of the assistance.

This policy introduces and sets out the basis upon which Epping Forest District Council will offer Discretionary Disabled Facilities Grants - Repayable Assistance and has been informed by the Essex Well Homes Group DFG Guidance 2019 (see appendix 5).

Discretionary Disabled Facilities Grants - Repayable 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 forms of Discretionary Disabled Facilities Grant - Repayable Assistance will be recorded as a charge on the Local Land Charges Register for the period specified in the relevant section below. 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.

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

Each request for a DFG 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.

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**

- 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.

### **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. 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.

### **Discretionary Disabled Facilities Grants (DFG) - Repayable Assistance**

The purpose of Discretionary DFG Repayable Assistance is to help applicants pay for adaptations to their homes to meet the needs of a disabled person where they are not covered by a mandatory DFG.

### **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 Epping Forest District 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 a Discretionary DFG – Repayable Assistance 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 – Repayable 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 assistance 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 DFG – Repayable 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.

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

The Council may consider 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 this will be a Discretionary DFG – Repayable Assistance and will be subject to the availability of adequate funding as indicated above.

Any Discretionary DFG – Repayable Assistance provided for a child in foster care will be up to a maximum award of £10,000 and will not be subject to any form of means-testing.

The assistance will be recorded on the Local Land Charges Register for a period of 5 years and will be repayable in full if the grant recipient disposes of the dwelling whether by sale, assignment, transfer or otherwise for any reason.

## **8. Relocation Grant**

A Discretionary Relocation DFG 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 Epping District. Consideration may be given to a move within Essex, but this would require:

- I. The approval of the other 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 DFG 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 DFG Assistance, together with the cost of any adaptations required to the new dwelling must demonstrate value for money, whether the move is within the Epping District 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 DFG 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 assistance 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 the same period, the grant assistance must be paid back in full to the Council unless there are exceptional circumstances. The Discretionary Relocation DFG 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 DFG 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 Relocation DFG 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” Repayable - 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 DFG “Top-Up” Assistance it will consider applications for such assistance on a case-by-case basis.

To be eligible for consideration of a Discretionary DFG “Top-Up” 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” 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 DFG “Top-Up” 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 are Repayable Assistance and will be recorded as a charge on the Local Land Charges Register and will remain indefinitely. The Discretionary Grant 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.

## **11. Eligibility for Discretionary DFG Assistance**

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.

## **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:

- 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 Discretionary DFG Assistance to enable the works to proceed. Any request for this form of assistance must be made in writing to the Residential Team Manager who will prepare a report for consideration by the Service 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 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 a dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise for any reason.

### **13. Discretionary Non-Means Tested Grant Applications**

- **Stairlifts**

The Council has removed the means test for stairlift applications. The decision was made in order to reduce the likelihood of falls associated with stairs and the potential harm outcomes to the victim and having considered the financial implications these incidents may have on the NHS.

Non-means testing for stairlifts will enable the fast track delivery of stairlifts and may help expedite hospital discharges.

DFG applicants who are recommended for a stairlift by an Essex County Council Occupational Therapist and who meet the eligibility criteria for a mandatory DFG will be **passported** through the DFG process.

Only those stairlifts costing more than £5,000 will be subject to repayment conditions. The amount of grant that exceeds £5,000 will be registered as a local land charge and will be repayable on the sale or transfer of the property within 5 years of the certified date.

Applicants will still be eligible for a mandatory DFG (means-tested) should they choose not to have this form of discretionary financial assistance.

The Council has 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 Epping district and the Council will only obtain quotations from Stannah unless they are unable to provide a stairlift to meet the grant applicant's needs.

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. However, in such cases, the Council will require the applicant to obtain 2 estimates which is likely to increase processing times.

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.

The Council will gift the stairlift to the DFG applicant at the end of the 5-year warranty period. The applicant will then be responsible for all future servicing and maintenance of their stairlift. Stannah will contact them towards the end of the 5-year warranty period to discuss the options for future servicing and maintenance of the stairlift.

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

- **Applications for adaptation works costing less than £10,000**

Applications for adaptation works costing less than £10,000 whether for single or multiple adaptations, other than stairlifts which will be treated separately, will **NOT** be subject to means-testing. Conditions will apply to the grant where the amount of grant exceeds £5,000 and will be registered as a local land charge and will be repayable on the sale or transfer of the property within 10 years of the certified date.

Where the adaptation works are estimated to exceed £10,000 the applicant will be subject to a full financial means test to determine the amount of any contribution they may be required to make towards the cost of the required adaptation works.

The Council reserves the right to re-introduce means testing at any time, as it sees fit, and having regard to the amount of resources 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.

#### **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 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 Residential Team Manager 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 and must 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 "passport" through the means testing process and will not be required to contribute 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)
- Local Council Tax Support\*

\* 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 **passport** through the means testing process. However, this will be at the Councils discretion and will be reviewed regularly.

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

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 client's 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 client's 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 Councils Private Sector Grants Team provides an in-house 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 and works schedules.
- 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 15% 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 most of the processes detailed above by themselves.

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

All applications DFG 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 Landlord (RSL) may make applications where they are eligible for assistance, but the Council will require written consent from the relevant RSL 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 Residential Team Manager 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 are reasonable and practicable, the following specific expectations and presumptions are considered:

- 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 applicant's 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 contractor and the client will both be required to sign and return a contract to the Council prior to the adaptation works commencing.

In order to comply with the Construction (Design and Management) Regulations 2015 the contractor will be required to provide the Council with a CDM prior to the adaptation works commencing.

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.

DFG funding will not exceed the maximum grant allowance and the costs of unforeseen works may have to be paid from the personal resources of the applicant.

## **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 Residential Team 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 have 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 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 based on 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 provides a comprehensive in-house Disabled Facilities Grants Service on behalf of eligible 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
- Title Checks
- 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 15% of the contractor's 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 use it they will have to deal with 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 15% 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 Council's 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 Council's DFG service to process their application to a 'nil' approval. The Council will charge the applicant a fee of 15% 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 may be 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 and baths
- 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 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 consider 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 Landlords**

RSL's have a prescriptive duty of care to their tenants and must 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.

RSL's also have a duty to provide reasonable adaptations to its own properties in order to meet the needs of occupying individuals and families with disability needs.

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

The Council does not believe that Registered Social Landlords should have an automatic right to access Disabled Facilities Grant Funding.

Therefore, with the exception of mandatory Disabled Facilities Grants, tenants of Registered Social Landlords (RSL) 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 an RSL, 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 DFG 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 Residential Team Manager will be responsible for determining the priority of a case based on information provided by the Occupational Therapist.

### **42. Appendices**

- Appendix 1: Grant Conditions Explained
- Appendix 2: Sequence of Events
- Appendix 3: Frequently Answered Questions

# **Discretionary Housing Assistance Policy**

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## **1. Introduction**

Epping Forest District Council (“the Council”) in its role as a local housing authority, has the discretion to provide a Housing Assistance Policy to qualifying applicants under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

This policy has been made in accordance with the above ‘Order’ and comes into effect on 1<sup>st</sup> April 2020.

The policy sets out the basis upon which Epping Forest District Council will offer discretionary repayable assistance (“Housing Assistance”) for works of repair, renewal or adaptations in the private housing sector. It is to be read in conjunction with the Housing Grants, Construction and Regeneration Act 1996 (“the Act”) as amended and the Council’s housing Strategy.

With the exception of mandatory Disabled Facilities Grants (DFGs) all Housing Assistance referred to in this policy is discretionary and subject to the Council having sufficient funds available.

This Discretionary Housing Assistance Policy will be subject to review and will be amended as required to take into account changes in the economic climate and changing policies at national and regional level and all available information on the condition of the private housing sector in the district.

Any Discretionary Housing 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 funds left to deal with an application for assistance at that time, the Council reserves the right not to approve any Discretionary Housing Assistance.

## **2. Purpose and form of Discretionary Housing Assistance**

Discretionary Housing Assistance may be offered by Epping Forest District Council in accordance with this Policy towards the costs of:

- a) The improvement, repair or adaptation of existing living accommodation including mobile homes and houseboats;
- b) The creation of new living accommodation by bringing empty properties back into use; and,
- c) Any other initiatives consistent with the aims and objectives of the Council’s Housing Strategy.

Discretionary Housing Assistance may be offered in the form of interest-free loans which are provided with no up-front cost to the applicant, but which attract a charge/entry in the Local Land Charges Register and will remain on the register indefinitely. The Discretionary Housing 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.

The Council may enter into partnership with other organisations or agencies to deliver financial assistance.

### **3. Persons Eligible for Discretionary Housing Assistance**

Any person who makes an application for Discretionary Housing Assistance must:

- a) Be over 18 years of age at the date of the application; and,
- b) Be able to provide evidence that they have a valid national insurance number; and,
- c) Live or, in the case of Empty Homes Repayable Assistance, intend to live in the dwelling as his/her main residence; or intend to let the dwelling to a tenant for a period of at least 12 months and,
- d) Prior to making the application, the property must (with the exception of Empty Homes Repayable Assistance) be lived in by the owner for at least:
  - One year in the case of Small Works Repayable Assistance and Decent Homes Repayable Assistance provided for a house, flat, bungalow, houseboat or mobile home.
- e) Have an owner's interest in the dwelling (other than an interest by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration), or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlord's family, with a valid tenancy or licence permitting occupation of the dwelling after approval of the discretionary Housing Assistance; and,
- f) Have the power or duty to carry out the works and, where appropriate, have the owner's consent in writing to carry out the works; and,
- g) Satisfy such test(s) of resources as determined by the Council; and,
- h) Not be ineligible by virtue of the Housing Grants, Construction and Regeneration Act 1996, the Housing Act 2004, Regulations made under the Acts or any other enactment.

### **4. The Means Test**

As part of an application for Discretionary Housing Assistance, 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 relevant works.

The means test applies to the owner occupier of the property and any spouse or partner living with them (non-resident joint owners are not included in the means-test).

**Empty Homes Repayable Assistance and Landlord's Energy Efficiency Repayable Assistance are not subject to a financial means-test.**

They are required to provide information about all sources of income and all savings and must provide evidence to support information given in the application form.

Specifically, the Council will require the property owner/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

Property owners/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 contribute towards the cost of the relevant 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)
- Local Council Tax Support\*

\* 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.

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

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 applicant's 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.

## **5. The Councils Discretionary Housing Assistance Fees**

The Councils Private Sector Grants Team provides a comprehensive in-house service to manage all Discretionary Housing Assistance applications on behalf of all eligible applicants.

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 and works schedules.
- 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 quotations for the relevant works
- Instructing the successful builder and managing the relevant works when the application 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 15% of the total cost of the relevant works for this service. This fee is added to the total cost of the Discretionary Housing Assistance and is clearly identified on the formal approval document.

It is a condition of receiving Discretionary Housing Assistance that the Councils Private Sector Grants Team manages the process on behalf of the applicant. Eligible applicants will be required to sign a form to confirm that they acknowledge that a fee of 15% will be added to the application to cover the Councils administration fees.

## **6. Making a Formal Application**

Applications will only be accepted if they are received on a form provided by the Council and must include the following original documentation:

- a) 2 sets of comparable builder's quotations for the works as set out on the Schedule of Required Works provided by the Council for this purpose. Quotations 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. The Council may accept fewer than the specified number of quotations where the work involves specialist services, or the nature of the work makes it reasonable to do so. The Council reserves the right to request additional quotations in all cases; and,
- b) Form signed by the applicant to confirm acceptance of the Councils 15% administration fee.
- c) Particulars of the works to be carried out including, where appropriate, schedules of works/specifications and specialist reports; and
- d) Details of any professional fees or charges relating to the work and for which Discretionary Housing Assistance is being sought; and

- e) Confirmation of Planning Permission, and/or Building Regulations Approval being granted, and/or Party Wall Act Notice having been served where appropriate; and
- f) Permission from the Housing Authority if the property was formerly in Council ownership; and
- g) Proof of ownership from a solicitor or mortgagee, or copies of the title deeds/land registry extract or a copy of the tenancy agreement or licence to occupy; and a signed undertaking to repay the Discretionary Housing Assistance if the conditions imposed by this Policy as to future occupation are breached.

Where the property is jointly owned and one or more of the owners is NOT resident at the property, when assessing the contribution, it will be the income and savings of the occupying owner and any spouse or partner living with them that is taken into account (non-resident joint owners are not included in the means-test).

The Application will only be considered complete (a 'formal application') when the Council has all the information it needs to be able to make a decision on the application. Part 17 of this Policy explains how to make initial enquiries for assistance and explains the processes involved before the Council will consider an application to have been formally made.

It is a condition of this Policy that all work that receives Discretionary Housing Assistance must be carried out by a reputable contractor known to the Council and with a proven record of completion of work to the Council's satisfaction. Details of the Council's requirements in respect of choice of building contractor can be read at '**General Conditions Common to all types of Housing Assistance**' at the end of this Policy. Further advice can be sought by contacting the Private Sector Grants Team in the Commercial and Regulatory Service (see also, contact details at the end of this Policy).

## **7. Restrictions on Discretionary Housing Assistance**

The Council will not approve an application for Discretionary Housing Assistance if the relevant works have been completed.

The Council will not normally approve any application for Discretionary Housing Assistance if the relevant works have started before the application is approved. Limited exceptions to this rule may be where the Residential Team Manager and/or another delegated member of the Private Sector Grants Team has already carried out an inspection of the dwelling and has agreed that the works may commence. Examples of the circumstances under which this might happen are, but not limited to:

- a) Where the defect presents a serious and/or imminent risk to health and safety;
- b) Where the relevant works are being carried out in order to comply with a Statutory Notice served by the Council.

In these circumstances the Council may treat the application as varied so as to exclude from the Discretionary Housing Assistance, works that have been started before approval of the application.

The Council will not consider an application for Discretionary Housing Assistance in respect of premises built or converted less than 10 years prior to the date of the application.

Assistance will not be given in respect of dwellings owned by Statutory Authorities or trusts. This includes property owned by NHS Trusts and Police Authorities.

The Council will not consider an application for Discretionary Housing Assistance for works which are subject to an insurance claim.

## **8. Works on Site**

Though the Discretionary Housing Assistance is an agreement made between the grant applicant and the Council, completion of the relevant works relating to the Assistance are a contractual agreement made between the grant applicant and the contractor. The contractor is working for the applicant and not the Council.

The contractor and the client will both be required to sign and return a contract to the Council prior to the adaptation works commencing.

Where relevant and in order to comply with the Construction (Design and Management) Regulations 2015 the contractor will be required to provide the Council with a CDM prior to the adaptation works commencing.

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

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

The applicant and/or the contractor must notify the Council when the works are complete in order that a member of the Private Sector Grants Team can arrange to inspect them to certify that they have been completed to the Council's satisfaction.

## **9. Completion of Works**

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

The Grants Officer will inspect the works and:

- a) Verify that all relevant works are complete;
- b) Verify that the relevant works have been completed in accordance with the Schedule of Required Works provided by the Council for this purpose and/or a specification set out in the formal Approval Notice, or as varied with the agreement of the Council;

- c) Note any snagging items and contact the contractor to resolve prior to arranging payment;
- d) 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;
- e) Ensure that the applicant is in receipt of all relevant guarantees and warranties;
- f) Collect any invoices which the contractor has left with the applicant;
- g) Provide the applicant with a survey form.

## **10. Unforeseen Works**

Additional Discretionary Housing Assistance funding will only be provided above the original approval amount 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 particular case 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 assistance will be re-calculated when all works have been completed and a revised approval notice will be issued when the grant is paid.

Discretionary Housing Assistance will not exceed the maximum allowance and the costs of unforeseen works may have to be paid from the personal resources of the applicant.

## 11. Paying for the Work

The Discretionary Housing Assistance will only be paid by the Council if:

- a) The relevant works are completed within six months from the date of approval of assistance; and
- b) The relevant works have been carried out in accordance with the Schedule of Required Works provided by the Council for this purpose and/or a specification set out in the formal Approval Notice, or as varied with the agreement of the Council; and
- c) The relevant works have been completed to the satisfaction of the Council. Where the works in question have not been executed to the satisfaction of the applicant, the Council may at the applicant's request, and if they consider it appropriate to do so, withhold payment from the Contractor. If they do so, the Council may make the payment directly to the applicant instead.
- d) In the case of Empty Homes Repayable Assistance, the Housing Assistance will be paid on confirmation by the Empty Homes Officer that the property is occupied which must be the case within 6 weeks of completion of the relevant works unless otherwise agreed by the Council.
- e) Payment of the Discretionary Housing Assistance shall be conditional upon receipt of an acceptable invoice accompanied by any supporting documentation e.g. damp proofing guarantee, certificate issued by a Gas Safe Registered contractor for gas installations, an Electrical Installation Certificate for works completed under a scheme for Approved Document Part P, a FENSA certificate for window and door installations and a certificate of completion for any works subject to Building Regulations.
- f) The Council may cancel the Discretionary Housing Assistance should reasonable progress not be made or should the relevant works not be started within 6 months of approval of the application.

If the cost of the relevant works varies because of agreed changes in the Schedule of Works/Specification or due to need to undertake additional previously unforeseen works, the Council may vary the amount of Discretionary Housing Assistance payable and will notify the applicant accordingly. The assistance may not exceed the maximum allowance.

In order to cover the additional administrative costs of processing these amendments the Council's fee will also be recalculated (at the same 15% 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 Council may vary the amount of Discretionary Housing Assistance payable will notify the applicant accordingly. The Council's fee will **not** be reduced because the administrative costs of processing the assistance have

already been incurred. Processing a reduction in the contractor's costs also adds to the administrative processing of the assistance but the Council will not apply any additional costs for this. In these circumstances the original fee will remain unchanged.

The Council will pay the approved Discretionary Housing Assistance direct to the builder or contractor(s) engaged by the applicant. The applicant will be informed before the application is approved that this will be the method of payment. Where the applicant has already paid the builder or contractor(s) the Council will make payment directly to the applicant, but this will only be made on production of a receipted invoice and upon the satisfactory completion of works as inspected by the Council.

The Discretionary Housing Assistance will be paid in one lump sum. Interim payments will only be made where there is consideration to the scope, nature and complexity of the relevant works and where the Council is satisfied that the value of the relevant works completed exceeds the value being claimed. The total value of interim payments shall not exceed 90% of the approved Discretionary Housing Assistance sum.

## **12. Types of Discretionary Housing Assistance**

The types of Discretionary Housing Assistance offered under this Policy and the conditions applicable to them are as follows and will remain so until the Policy is revised and published. All discretionary assistance is repayable and is subject to the Council having sufficient resources available.

### **12.1 Small Works Repayable Assistance**

This discretionary assistance is available:

- a) Where there is a defect within the property that gives rise to a significant Hazard to the occupier (Housing Health and Safety Rating System (HHSRS)) as defined under the Housing Act 2004. A defect which is likely to damage the fabric of the property unless repaired or other such works to improve the thermal comfort of the property will be considered for assistance. Guidance on the HHSRS, as defined by Central Government, can be found through the link detailed in Appendix 3.
- b) The maximum amount of eligible assistance is £5,000 per application or a maximum of £5,000 made up of more than one application over a rolling 12-month period (from the certified completion of the first assistance). This includes reasonable fees incurred in making the application and VAT at the current rate.
- c) Applicants must be aged 60 years or above, or be chronically sick or disabled, or be a household with dependent children.
- d) The applicant is required to complete a financial means test in order to determine the level of any financial contribution they are required to contribute towards the cost of the relevant works. Applicants on certain income related benefits will be passported through this process and will have no contribution to make (section 4 above).

- e) Owner occupiers and long leaseholders are eligible to apply. Tenants may **not** apply for this discretionary assistance.
- f) Owners of houseboats and mobile homes must have been resident in the dwelling for at least one year prior to making an application. The Council may consider waiving this requirement in exceptional circumstances.
- g) The applicant will enter into an agreement with the Council to repay the whole amount of the assistance upon the sale, transfer, assignment or any other form of disposal of the applicant's interest in the property.

**12.2 Decent Homes Repayable Assistance** is available:

- a) Where there is a significant Hazard within the property or disrepair which amounts to a breach of the Decent Homes Standard. Guidance on the Decent Homes Standard, as defined by Central Government, can be found through the link in Appendix 4.
- b) The maximum eligible expense is £15,000 per application or a maximum of £15,000 made up of more than one application over a rolling 12-month period (from the certified completion of the first assistance).
- c) So far as is reasonably practicable, eligible works will be those works necessary to ensure the property meets the Decent Homes Standard on completion of the relevant works.
- d) Applicants must be aged 60 years or above, or be chronically sick or disabled, or be a household with dependent children.
- e) The applicant is required to complete a financial means test in order to determine the level of any financial contribution they are required to contribute towards the cost of the relevant works. Applicants on certain income related benefits will be passported through this process and will have no contribution to make (section 4 above).
- f) Owner occupiers and long leaseholders are eligible to apply. Tenants may **not** apply for this discretionary assistance.
- g) Owners of houseboats and mobile homes must have been resident in the dwelling for at least one year prior to making an application. The Council may consider waiving this requirement in exceptional circumstances.
- h) The applicant will enter into an agreement with the Council to repay the whole amount of the assistance upon the sale, transfer, assignment or any other form of disposal of the applicant's interest in the property.

### **12.3 Empty Homes Repayable Assistance** is available:

- a) Where the property has been vacant for a minimum period of six months before the application is submitted and been subject to inspection by the Council.
- b) The maximum eligible expense is £15,000 inclusive of VAT and reasonable fees.
- c) Provided the applicant meets the generally eligibility criteria described in Part 3 of this policy, there is no requirement to undergo a financial means test as described in section 4 above.
- d) Eligible works will be those specified as a result of inspection by an authorised Officer of the Council. So far as is reasonably practicable, works considered for Discretionary Empty Homes Repayable Assistance will be those for repair or improvement to return the property to a Decent Homes Standard to those authorised as suitable to allow the property to be occupied. Retrospective works will not be considered for assistance.
- e) Empty property owners intending to live in the property or those intending to let the property in question are eligible to apply for assistance. Priority will be given to applications from:
  - Persons intending to let the property to a tenant nominated by the Council or to a key worker employed within the Epping district;
  - First time buyers intending to live in the property as an owner occupier;
  - Key workers employed within the Epping district intending to live in the property as primary home and owner occupiers.
- f) The applicant will enter into an agreement:
  - That the property is to be occupied within 6 weeks of the satisfactory completion of the works as approved by the Council or such other time as agreed by the Council;
  - That where a property is to be let, it will be of a minimum term of 12 months, or such longer minimum term set by statute, and in such cases where the first tenancy is not continued for the full term, that a new tenancy is immediately secured to meet the minimum criteria.
  - To repay to the Council the whole amount of, where the property becomes empty for a period of 6 months or more within 3 years of the certified completion date of the relevant works;
  - To repay to the Council the whole amount of the Discretionary Empty Homes Repayable Assistance paid on completion of the sale, transfer, assignment or any other form of disposal of the applicant's interest in the property.

### **12.4 Landlord's Energy Efficiency Repayable Assistance**

The Domestic Minimum Energy Efficiency Standard (MEES) Regulations 2018 set a minimum energy efficiency level for domestic rented properties. The Regulations apply to all domestic private rented properties that are:

- Let on specific types of tenancy agreement:
  - I. An assured tenancy
  - II. A regulated tenancy
  - III. A domestic agricultural tenancy
- Legally required to have an Energy Performance Certificate (EPC)
  - I. If the property has been marketed for sale or let, or modified, in the past 10 years then it will probably be legally required to have an EPC.

If the answer is yes to both above and the property has an EPC rating of F or G the landlord must take reasonable steps to comply with the requirements of the MEES Regulations.

**The Cost Cap:** a landlord is not required to spend more than £3,500 (including VAT) on energy efficiency improvements so if a property cannot be improved to an EPC rating of E for less than £3,500 he should make all the improvements which can be made up to that amount and he must register an “all improvements made” exemption.

Landlord’s Energy Efficiency Repayable Assistance is available for ‘hard to treat properties’ where:

- a) It would cost more than £3,500 to improve the property to the legally required minimum EPC rating, and the landlord has carried out all recommended measures that can be installed within £3,500.
- b) The discretionary assistance must be adequate to ensure that upon completion of the improvements, the EPC rating will be at least the minimum required EPC or higher and therefore the landlord will not be required to register for an exemption.
- c) The maximum eligible expense is £10,000 inclusive of VAT and reasonable fees.
- d) Provided the applicant meets the generally eligibility criteria described in Part 3 of this policy, there is no requirement to undergo a financial means test as described in section 4 above.
- e) The landlord will enter into an agreement with the Council to repay the whole amount of the assistance upon the sale, transfer, assignment or any other form of disposal of the applicant’s interest in the property.

### **13. Repayment of Discretionary Housing Assistance**

#### **General**

If an application is approved but it subsequently appears to the Council that the applicant (or one of two or more joint applicants) was not, at the time that the application was approved, entitled to the Assistance, then no payment shall be made (or no further instalments will be paid) and the Council may seek to immediately recover from the applicant any payments made together with interest accruing from the date the payment(s) were made.

If the applicant is the owner of a dwelling in respect of which Discretionary Housing Assistance has been approved and ceases to be the owner before the relevant works are completed, he/she shall repay to the Council on demand the total amount of Discretionary Housing Assistance that has been paid.

#### **14. Breach of Undertakings**

Where an owner occupier or long leaseholder has given a signed undertaking to occupy a property as his/her principal residence after completion of the relevant works, and if they cease to occupy the relevant dwelling as their principal residence during the period specified in the undertaking, then they shall repay on demand to the Council the total amount of Discretionary Housing Assistance paid out.

Where a property that is subject to Discretionary Empty Homes Repayable Assistance becomes empty again for a period of 6 months or more within 3 years of the certified date of completion of the relevant works, the owner shall repay on demand to the Council the total amount of the Discretionary Empty Homes Repayable Assistance paid out.

Where the Council has the right to demand repayment, but extenuating circumstances exist, the Council may determine to waive the right to repayment or to demand a sum less than the full amount of the Discretionary Housing Assistance paid out.

#### **15. Death of the Applicant**

If the applicant should die before the Discretionary Housing Assistance is approved and or before any approved relevant works commence, the application will be treated as withdrawn.

If the applicant should die after approval of the Discretionary Housing Assistance or while the approved works are in progress, the Council may, at its discretion, agree to completion or making good of the works and may pay the Discretionary Housing Assistance in part or full or, if the works originally agreed are not completed in full, the Council may agree to pay an appropriate proportion of the Assistance.

Where an applicant dies after the certified date of completion of the works, the Council will seek repayment of the Discretionary Housing Assistance from the applicant's estate if a disposal by sale, transfer, assignment or where a change in tenure takes place.

#### **16. Additional Conditions**

The Council reserves the right to impose additional conditions when making an approval for Discretionary Housing Assistance. These may include but are not restricted to:

- a) A contribution towards the cost of the Discretionary Housing Assistance works by the applicant;
- b) Housing accommodation being maintained in a reasonable state of repair after completion of the relevant works; and

Breach of any additional conditions will give the Council the right to seek repayment of the Discretionary Housing Assistance on demand.

## **17. Security and Repayment**

With the exception of houseboats and mobile homes, where a condition of the Discretionary Housing Assistance imposes a liability to repay the Assistance the Council will register the condition in the Local Land Charges Register.

The Council may, at its discretion, require repayment of a lesser sum than the full amount of the Discretionary Housing Assistance. Examples of circumstances where the discretion may be exercised include breaches of residency conditions arising because the applicant or their spouse or partner had had to move to avoid unemployment or because the applicant's employer has required a move or, where the property is subject to a mortgage entered into before the application for Discretionary Housing Assistance and the mortgagee is exercising the power of sale.

## **18. Enquiries and how to apply for Discretionary Housing Assistance**

All enquiries for Discretionary Housing Assistance should be addressed to the Council's in-house Private Sector Grants Team on 01992 564092. Leaflets explaining the types of discretionary financial assistance available and advice on these are available during normal office hours (9:00am to 5:00pm) or from the Council's website at [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Informal advice is also available by contacting the Grants Team on the number indicated above or by email at [pshgrants@eppingforestdc.gov.uk](mailto:pshgrants@eppingforestdc.gov.uk).

Applicants for Discretionary Housing Assistance where a means-test applies and is required to be carried out (see Part 12: Types of Discretionary Housing Assistance and Appendix 1 of this Discretionary Housing Assistance Policy) will be required to complete a Test of Resources Form to confirm their financial status and whether therefore they are eligible to apply for assistance. After the preliminary financial assessment, the Council will give an initial indication of the Discretionary Housing Assistance that is likely to be available so that the applicant can decide whether they wish to continue with the application or not.

Where the person decides to continue with their application the Council's in-house Private Sector Grants Team will handle the process on behalf of the applicant (see Part 6: Making a Formal Application).

The application will be considered to have been formally made when the Grants Team has received all the relevant application forms, documents, consents, quotations and any other documents or information it deems necessary and appropriate (such as plans, Building Regulations, Planning Permission, Party Wall Consents, specialists reports, etc.)

Once the Discretionary Housing Assistance has been formally approved by the Council the relevant works must be completed within 6 months from the date of the Approval Notice.

## 19. Decision and Notification

When the Council is in receipt of a complete and valid application for Discretionary Housing Assistance it will notify the applicant in writing whether their application has been approved or refused.

If the application is approved, the notification will specify the relevant works that are eligible for Assistance, the value of the Assistance, the value of the Councils administration fees, the form that the Assistance will take, the nominated contractor/builder who is to carry out the works and the time by which the works must be completed.

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

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.

The Housing Assistance 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 applicant's 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 Housing Assistance 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 Housing Assistance.

The Council will not approve an application for Housing Assistance if the relevant works have already been completed.

## **GENERAL CONDITIONS COMMON TO ALL TYPES OF HOUSING ASSISTANCE PROVIDED UNDER THIS POLICY:**

### **i. Contractors**

The Council keeps a list of preferred private contractors who have previously carried out Housing Assistance works. These are known to be reputable contractors with a proven track record specialising in this field of work (especially disabled adaptations) and the Council will automatically issue tenders for DFGs to contractors from the preferred list unless a client expressly requests otherwise.

The Councils expectation is that where it is providing funding under this Housing Assistance Policy (Disabled Facilities Grants and Discretionary Housing Assistance) that the relevant works are carried out by its preferred contractors but it will vet other competent contractors who will have to provide documentation to the Council before their quotations are accepted as part of any application.

The requirements are but not limited to the following:

- Valid Public Liability and Employer's Liability Insurance including Product Liability;
- Registered landline entry in the telephone directory;
- VAT registration Number (if applicable);
- Headed Notepaper;
- Proof of membership of a regulatory body or trade association e.g. Gas Safe Register, NICEIC, FENSA, Federation of Master Builders, Constructionline as appropriate to the associated works (if/where relevant); and,
- Any further checks as considered necessary and/or appropriate (such as company director searches, credit reports etc.) as part of the Council's ongoing commitment to tackling fraud.

Housing Assistance will not be given for work carried out by the applicant themselves or by anyone related to them. The Council will not allow and will not approve any Housing Assistance for DIY works to be carried out.

In normal circumstances the Council will only accept works being carried out by the contractor whose quotation the grant approval was based upon (this applies to Disabled Facilities Grants and any other form of Discretionary Housing Assistance approved under this policy). Quotations are considered on value for money, reasonable costs and competence.

Where for example, after approval of any form of assistance the contractor is found to no longer be trading and he cannot carry out the relevant works, the applicant must obtain written approval from the council to use a different contractor.

### **ii. Insurance**

In the event that a recipient of any form of Housing Assistance successfully pursues an insurance claim, action for damages etc. which covers the cost of works for which the Housing

Assistance was paid, the applicant will on demand repay to the Council the total value relating to such works or the value of the insurance payment/legal damages etc. if lower.

### **iii. Amendment to Policy**

The Service 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.

### **iv. Appeals against Decisions made under this Housing Assistance Policy (Disabled Facilities Grants and Discretionary Housing Assistance)**

Any person who is aggrieved by a decision not to give financial assistance as a consequence of this Housing Assistance Policy (Disabled Facilities Grants and Discretionary Housing Assistance) may appeal to seek a review of that decision.

Any possible departure from this Housing Assistance Policy will only be considered where the applicant can demonstrate wholly exceptional circumstances to justify such a departure.

If the applicant is not happy with the service it has received (rather than any part of this Housing Assistance Policy) they may contact the Residential Team Manager, Commercial and Regulatory Services on 01992 562186 or by email at: [pshgrants@eppingforestdc.gov.uk](mailto:pshgrants@eppingforestdc.gov.uk).

The decision of the Residential Team Manager is final with regard to the Council's internal processes although allegations of maladministration can be referred to the Local Government Ombudsman. The Council's complaints procedure can also be used if the applicant wishes to make a complaint about the way something has been done, or not done, after being asked.

The Council's residents are its top priority so it wants to know how it is doing and it wants to resolve any concerns as quickly as possible. Epping Forest District Council we define a complaint as an expression of dissatisfaction, where a resident feels that any of the following have happened:

- Failure to provide a service or an experience of dissatisfaction with the way the Council has provided a service;
- Unreasonable delays with the provision of a service;
- Dissatisfaction with the way a Policy has been applied or a decision made;
- Failure to fulfil statutory responsibilities;
- Provision of inaccurate or false information and advice was provided;
- The conduct of staff, partners or contractors has been inappropriate.

If a resident wishes to raise a concern with the Council, they can:

- Email: [contactus@eppingofestdc.gov.uk](mailto:contactus@eppingofestdc.gov.uk)
- Telephone: 01992 564000

### **v. Comments and Compliments**

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

- make a comment: [contactus@eppingforestdc.gov.uk](mailto:contactus@eppingforestdc.gov.uk)
- provide a compliment: [contactus@eppingforestdc.gov.uk](mailto:contactus@eppingforestdc.gov.uk)

Alternatively, they may:

- send an email to: [privatesectorgrants@eppingforestdc.gov.uk](mailto:privatesectorgrants@eppingforestdc.gov.uk)
- Telephone: 01992 564092

Visit in person at the Civic Offices, High Street, Epping, CM16 4BZ and speak to a Customer Services Advisor who will complete an e-form on their behalf;

Write by sending a letter to: Residential Team Manager, Epping Forest District Council, Civic Offices, High Street, Epping, CM16 4BZ.

## **vi. Feedback**

The Council welcomes feedback from all its Housing Assistance applicants (Disabled Facilities Grants and Discretionary Housing Assistance) in order to help it improve the service.

All Housing Assistance 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.

## **vii. Contacts**

Anyone who is not a Disabled Facilities Grant applicant or a Discretionary Housing Assistance applicant but who would still like to offer comments or suggestions about this Housing Assistance Policy, or the service in general, may contact the Residential Team Manager:

- By telephone: 01992 564287
- By email: [privatesectorgrants@eppingforestdc.gov.uk](mailto:privatesectorgrants@eppingforestdc.gov.uk)

## **viii. Data Protection and Fraud**

In the administration of Disabled Facilities Grants and/or all forms of Discretionary Housing Assistance covered under this Housing Assistance Policy, Officers in the Private Sector Grants Team will keep and hold personal information and will use this:

- Where the person concerned consented to the processing;

- For the reason that the information has been provided, e.g. in order to process the application, but also to assess whether the applicant might be eligible for other types of financial assistance and to monitor the Council's performance in responding to the applicant's request;
- To provide our service in a way that is appropriate to the applicant's needs, such as communicating with them effectively if they have visual or hearing difficulties;
- To ensure that we meet our legal obligations, including those under the Housing and Equalities Acts;
- Where necessary, for the Council's law enforcement functions e.g. preventing housing and/or benefit fraud and the prevention and/or detection of crime;
- To process financial transactions, such as those concerning grants and other types of housing assistance; and, where otherwise permitted under the General Data Protection Regulations (GDPR) (Regulation (EU) 2016/679), e.g. disclosure to comply with legal obligations.

In deciding what personal data to collect, hold and use, staff are committed to ensure that it will:

- Recognise that any personal data handled is held on behalf of that person and that Officers respect that responsibility;
- Adopt and maintain high standards in the handling and use of that personal data;
- Only collect, hold and use personal data where it is necessary and proportionate
- Securely delete any personal data where it is no longer needed;
- Keep all personal data secure and safe;
- Not unnecessarily and without good reason, infringe the privacy of our residents;
- Be open with individuals about how we use their information and who we give it to; and,
- Ensure that effective safeguards and systems are in place to make sure personal information is kept securely and does not fall into the wrong hands.
- The Council may discuss personal data to third parties, but only where it is necessary, to comply with a legal obligation, or where permitted under the GDPR, e.g. where the disclosure is necessary to allow a third party working for, or on behalf of the Council.

For further information on the GDPR refer to the Information Commissioner's website at [www.ico.org.uk](http://www.ico.org.uk)

Where the Council seeks to disclose sensitive personal data, such as medical details, to third parties, it will do so only with the prior express consent of the individual concerned or where it is legally required to do so.

Applicants using the Private Sector Grants Service can get information on how to access the personal information that the Council holds on them by contacting the Data Protection Officer on 01992 564180 or [performance@eppingforestdc.gov.uk](mailto:performance@eppingforestdc.gov.uk)

The Council has a duty to protect the public funds it handles and documentary proof will be required to verify that the information given by the applicant in support of any application is correct.

GRANT CONDITIONS EXPLAINED – OWNER OCCUPIER/OWNER’S INTEREST			
Grant Description:	Grant Condition: 5 year intended future occupation	Grant Condition: Repayment of Mandatory DFG’s in excess of £5,000 & non-means tested grants costing less than £10,000	Grant Condition: Discretionary DFG’s Local Land Charge Register
Where indicated by a ✓ in any of the following columns, the condition applies to the grant described in this column below	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/  The full amount can be recovered if this condition is breached*	The grant can be recovered following sale, transfer, assignment or any other form of disposal of the owner’s interest in the dwelling within 10 years of the certified date (5 years for stairlifts).  The maximum amount recoverable in any one case is £10,000. This is recorded on the Local Land Charges Register**	The full amount of the grant or discretionary repayable assistance can be recovered following the sale, transfer, assignment or any other form of disposal of the owner’s interest in the dwelling at any time in the future.  This enables the Council to recover discretionary grants and discretionary housing assistance and recycle the funds***
Mandatory DFG up to £30,000 maximum	✓	✓	
DFG for stairlifts (non-means tested)	✓	✓ 5 years only	
DFGs for adaptations costing less than £10,000 (non-means tested)	✓	✓	
Discretionary DFG Re-location Grant up to £10,000 maximum	✓		✓
Discretionary DFG “top-up” assistance up to £30,000 maximum	✓		✓

Discretionary DFG assistance (all other forms)	√		√
<b>GRANT CONDITIONS EXPLAINED – OWNER OCCUPIER/OWNER’S INTEREST</b>			
Decent Homes Repayable Assistance			√
Small Works Repayable Assistance			√
Empty Homes Repayable Assistance			√
Landlords Energy Efficiency Repayable Assistance			√

\* The Council may seek to reclaim any Disabled Facilities 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 adaptation works the applicant received 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, transfer, assignment 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 if they were required to repay all or any of the grant;
  - b) Whether disposal of the dwelling is to enable the grant recipient to take up employment or to change the location of their employment;
  - c) Whether 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 dwelling; 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 of by reason of disability or infirmity;
  - e)

It is satisfied it is reasonable in all circumstances to require repayment.

\*\*\* With the exception of non-means tested grants (stairlifts and adaptations costing less than £10,000) the Council will demand repayment of all discretionary Disabled Facilities Grants and all forms of Discretionary Housing Assistance in all circumstances and without exception. The entries in Local Land Charges Register will be indefinite and not time limited.

## Epping Forest District Council

## 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 Epping Forest District Council Private Sector Grants Team	As and when received.
2	A DFG enquiry is raised on the Council's computer system and a case file is raised and allocated to a Grants Officer who will obtain preliminary information such as land registry searches, landlord's consent to works etc.	1 week.
3	<p>The Grants Officer will telephone you (grant applicant) to make an appointment to visit you at home. Whilst on 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 Grants Officer visits you at home so that a financial means test can be conducted.</p>	1 week.
4	<p>The Grants 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 Grants Officer will also assess the feasibility of the proposed adaptations, 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 Grants Officer's 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 Grants Officer will review the plan and request amendments where necessary.	1 week.
13	When the Grants 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.
15a.	If certain permissions are required such as Building Regulations Approval and/or Planning Permissions, the Grants Officer will submit the applications at this stage.	It may take up to 8 weeks to obtain planning permission
15b.	Once the Planning Department have accepted a Planning Application as being 'valid' the Grants Officer will move to 16 below.	
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 Grants 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 Grants 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 Grants 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 Grants Officer will make an appointment to inspect the completed works.	Within 1 week of being notified of the completion.
27	The Grants 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.	
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Epping Forest District Council – Private Sector Grants Service  
 Disabled Facilities Grants (DFG) – Frequently Asked Questions

No.	Question	Answer
1.	How long will it take for the grant to be processed?	<p>Generally, we would expect to be able to process a grant from receipt of the Occupational Therapists recommendation to approval of the grant within 16 weeks.</p> <p>However, even though there is a set system for processing all grants, every case is different and may have its own issues so we cannot set an exact time frame for processing your application.</p> <p>We can only make a commitment to you that we aim to process your grant as quickly and efficiently as possible. If there are actions required by you, it is important that you complete these as quickly as possible so that you do not hold up the process.</p> <p>Once your grant has been approved, we would expect your contractor to be able to commence the adaptation works within a period of 4-6 weeks.</p>
2.	Do I have to do everything myself or can someone help me with application forms and finding builders?	<p>The Councils in-house Private Sector Grants Service can manage the entire process for you; they can complete all application forms, means test forms, land registry searches, arrange for plans to be produced, deal with Building Regulations Approval and Planning Permission (where relevant), can arrange builders to quote for the works and so on. The Council charges a fee of 15% for this service, the cost of which will be added to your grant.</p> <p>You will be asked to sign a form authorising the Councils Private Sector Grants Service to act on your behalf.</p> <p>You are under no obligation to use this service at all. However, you will then have to complete all application forms yourself. You will also need to engage your own</p>

		<p>surveyor to design your scheme and provide you with a schedule of works. You will have to conduct your own consultations, obtain your own estimates from reputable builders and confirm that they have adequate public liability insurance (£5million) in place. You will also have to project manage your own building works through to completion to the satisfaction of the Council.</p>
3.	What is the process/sequence of events?	Please refer to the separate document: <b>Sequence of Events</b> for full information.
4.	How much is the grant?	<p>The maximum amount of grant that the Council can pay is £30,000. However, we will only pay as much as the adaptation works cost in your particular case.</p> <p>For example, if your works have been priced at £2,500 and you have been assessed as not having to pay towards the works, the Council will pay £2,500.</p> <p>If your works have been priced at £2,500 and you have been assessed as having to pay £1,500 towards the cost of the works, the Council will pay £1,000.</p>
5.	What costs can be included in the grant?	<p>The following costs can be covered under a grant:</p> <ul style="list-style-type: none"> <li>• Preliminary fees such as design and architects' fees;</li> <li>• Contractors fees;</li> <li>• Consultancy fees,</li> <li>• The Council's management fees @15% of the cost of the works</li> <li>• Unforeseen works (once approved).</li> </ul>
6.	Will I have to pay anything towards the cost of the grant?	<p>All grants are means tested (with the exception of stairlifts and bathroom adaptations). This means that at the outset of the grant enquiry you will be required to provide the Council with details of your income, savings, investments and any capital and assets. You will need to provide the following:</p> <ul style="list-style-type: none"> <li>• 3 months bank statements</li> <li>• 3 months wages slips (or 6 weeks if weekly paid)</li> <li>• Pension statements</li> </ul>

		<ul style="list-style-type: none"> <li>• DWP letters for attendance allowance, DLA, PiP etc.</li> <li>• A recent utility bill.</li> <li>• If you are self-employed you will need to provide a copy of your most recently audited accounts.</li> </ul> <p>We enter the information into a government authorised computer programme that will calculate whether you have any disposable income and if so, how much you will be required to contribute towards the cost of the grant.</p> <p>If your contribution is likely to exceed the cost of the adaptation works, the Council will not be able to give you a grant.</p>
7.	Who will deal with the administration of the grant?	The Council will deal with all internal administration matters on your behalf.
8.	Who will draw up the plans for me?	If you elect to use the Council's in-house Private Sector Grants Service, we will appoint a Surveyor to draw up the plans for your adaptation. When these have been completed, they will be forwarded to you and your Occupational Therapist for approval. This is your opportunity to raise any issues or concerns that you may have with the scheme.
9.	Do I have to find my own builders, or will the Council do this for me?	<p>If you elect to use the Council's in-house Private Sector Grants Service, they will nominate contractors to tender for your adaptation works.</p> <p>If you do not use the Council's service you will have to find your own builders, but the Council can provide you with the contact details for contractors that regularly tender for DFG's if you need help with this.</p>
10.	Can I use my own builder and not someone that the Council recommends?	Yes, you can. However, your contractor must adhere to the Council's specification and must provide an itemised quotation to the satisfaction of the Council. If your contractor refuses or fails to do this, the Council will not accept this quotation.

		We must insist on this in order that we have comparative estimates and also to ensure that the contractor is made fully aware of his obligations and the Occupational Therapist's expectations in terms of the works that are necessary to meet your needs.
11.	Will I need to obtain Building Regulation approval for the adaptation works and if so, how do I do this?	<p>Some works will require Building Regulation Approval, e.g. the drainage alterations for bathroom adaptations need this approval but stairlifts do not need any approval. If you use the Council's in-house Private Sector Grants Service to manage your grant application, they will deal with this on your behalf.</p> <p>If you elect not to use this service, you will have to make your own Building Regulations application.</p>
12.	Will I need to obtain Planning Permission and if so, how do I do this?	<p>Most adaptations do NOT require planning permission (e.g. bathroom adaptations and stairlifts). However, extensions and permanent ramps will usually require planning permission, though there are some exceptions. If you use the Council's in-house Private Sector Grants Service to manage your grant application, they will deal with this on your behalf.</p> <p>If you elect not to use this Service, you will have to make your own planning application.</p>
13.	I am a tenant; do I need my landlord's permission to have the works carried out?	<p>Yes. If your landlord is a Registered Social Landlord (Housing Association) your Occupational Therapist will usually obtain permission at an early stage in the DFG process.</p> <p>If you have a private landlord, the Council will request written permission from your landlord at an early stage in the DFG process.</p>
14.	I share the ownership of the house with another organisation, will I need their permission to have the works carried out?	Yes. If you own the property jointly with another person or organisation, you will need their permission to have the works carried out.
15.	How can I prove that I own the property?	The Council will carry out Land Registry Search; if your property is recorded on the National Register, we can easily prove who owns the property.

		<p>If the property is not on the National Register you will need to produce your original Deeds to the Council's Solicitor so that he can verify that you own the property. Alternatively, you can provide the Council with a letter of confirmation from your own Solicitor.</p>
16.	Will I have to fill in any forms?	<p>If you use the Council's in-house Private Sector Grants Service you will not need to fill in any forms, an Officer from the Grants Team will complete all of the paperwork on your behalf. They will explain each form that has been filled in, will answer any questions that you have, and will ask you to sign the forms when you are happy to do so.</p> <p>If you elect not to use this Service, you will have to fill in all forms yourself.</p>
17.	Will I have to repay the grant if I move to a new house at a later date?	<p>Yes, in some circumstances. When you sign the grant application form you also sign to say that it is your intention to remain living in the property for a period of 5 years from the date that the Council certify the grant works as complete. If you move to a new house within this 5-year period, the Council can demand repayment of the full amount of the grant.</p> <p>However, if the move is due to ill-health or other relevant circumstances the grant will not usually have to be repaid.</p>
18.	Are there any conditions attached to the grant?	<p>Yes, in some circumstances. If the total cost of the grant exceeds £5,000 the Council will register a Local Land Charge entry for the amount of grant that exceeds £5,000 and will demand repayment of the grant if the property is sold or if the title is transferred within a period of 10 years from the date that the Council certify the works as complete.</p> <p>The grant repayment is capped at a maximum of £10,000.</p> <p>(e.g. if you had a grant which came to a total of £15,000 and you sold your property 8 years after the grant had been paid, you would have to repay the Council £10,000).</p> <p>There are no conditions attached to grants for stairlifts, but this is the only exception.</p>

19.	How long will the works take to complete?	<p>Stairlifts are usually installed within a day but in some cases, this may take longer depending on individual circumstances.</p> <p>Bathrooms can usually be adapted within 7-10 days.</p> <p>Other major adaptations such as extensions to create additional living accommodation may take much longer and it is not possible to give an accurate timescale.</p>
20.	What happens if the contractor finds other works are needed once he has started work?	<p>The contractor would need to stop work and notify the Council straight away. In most cases an Officer from the Council would need to inspect the works. The contractor would need to provide a price for these additional works. He shall not commence with these new and previously unforeseen works until he has the Council's approval to go ahead.</p> <p>Any failure to observe this requirement may mean that he must bear these costs himself and that the grant will not be increased to cover the costs.</p>
21.	What happens when the works have been completed?	<p>You and/or the contractor should notify the Council as soon as the works have been completed so that an Officer from the Grants Team can come and inspect them. You will be required to sign a completion form to say that you are happy with the works and that you agree to the Council paying the contractor for the works he has carried out.</p> <p>It is important that you raise any issues that you have and that you draw any imperfections to the attention of the Officer at that time.</p>
22.	Do I have to pay the contractor at the end of the job?	<p>The Council will pay the contractor direct, you do not need to do this.</p> <p>However, if you have been assessed as having a financial contribution towards the cost of the works you will usually be required to pay this when the builder starts the work, or when he has finished; you must make this payment direct to the builder. The Council will not make payment to the builder until it has received confirmation that your contribution has been paid in full.</p>
23.	Are the adaptation works guaranteed?	<p>Yes. The equipment is guaranteed in accordance with the manufacturer's warranty.</p>

		<p>The builders work is guaranteed for a period of 12 months. Any issues with workmanship etc. after the grant has been completed and paid must be raised with the contractor and not the Council.</p>
24.	Comments, Compliments and Complaints	<p>Should you wish to give feedback on the Disabled Facilities Grants service provided by the Council you can do so using the following channels:</p> <ul style="list-style-type: none"><li>• make a comment, compliment or complaint: <a href="mailto:contactus@eppingforestdc.gov.uk">contactus@eppingforestdc.gov.uk</a></li></ul> <p>Alternatively, you may:</p> <ul style="list-style-type: none"><li>• Telephone: 01992 564092</li><li>• Visit in person at the Civic Offices, High Street, Epping, CM16 4BZ and speaking to a Customer Services Advisor who will complete an e-form on your behalf.</li><li>• Write to us by sending a letter to the Residential Team Manager, Private Sector Grants, Epping Forest District Council, Civic Offices, High Street, Epping, Essex, CM16 4BZ.</li></ul>

## **Useful Contacts**

Empty Homes Officer  
Private Sector Housing Team  
Epping Forest District Council  
Civic offices  
High Street  
Epping  
CM16 4BZ

Email: [privatesectorhousing@eppingforestdc.gov.uk](mailto:privatesectorhousing@eppingforestdc.gov.uk)

Telephone: 01992 564348

## **Useful Links**

Link to Decent Homes Standard:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7812/138355](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7812/138355)

Link to Housing Health and Safety Rating System (HHSRS):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/9425/150940](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940)

Link to Keyworker eligibility criteria:

<https://www.moat.co.uk/uploadedFiles/PropertySearch/FAQs/keyworker%20criteria.pdf>

## Appendix 5



Essex County Council

County Hall Chelmsford

Essex

CM1 1QH

20-12-2018

Dear DFG Essex Group member

This Letter of interpretation is for Essex District, Borough and City Councils Better Care Fund (BCF) usage.

As there have been differing interpretations over the use of BCF funds for purposes other than the mandatory DFG grants as set down in the Housing Grants, Construction and Regeneration (HGCR) Act 1996 and subsequent guidance documents, a new set of guidance for Essex authorities to jointly work to should be established. This has been discussed at a recent Essex-wide DFG meeting and suggestions were received by ECC to formulate the following recommendations.

Local District, Borough and City councils hold the power to decide how to interpret policy governing the use of DFG & BCF funding and should ensure all works are in line with the mandatory DFG framework and/or any local discretionary policies agreed under the Regulatory Reform Order (RRO) 2002, to ensure the maximum use of adaptations and fully using the grants awarded each year for the benefit of residents. It should be noted principles around the treatment of underspends are currently under discussion and will be confirmed at a later date.

To assist this to happen Essex County Council has developed this document to assist LAs to fully utilise the grants by setting out some guidelines to form an Essex wide approach, ensuring all Essex residents have fair access to the appropriate grants. Any caution regarding the application of this guidance should be addressed at a local level alongside any policy changes required by each LA.

Although how the DFG can be used is set down in the HGCRA, the approval of each specific applicants DFG is subject to an assessment by 'the social services authority' that the work is 'necessary and appropriate' and by the housing authority to ensure that the proposed work is both 'reasonable and practical'. This can give rise to differing interpretations about when a disabled person may be eligible for a DFG.

Alongside the mandatory DFG framework an increasing number of local authorities are using their discretion under the Regulatory Reform Order (RRO) to develop discretionary uses of the BCF DFG funding to complement the mandatory grant. Further details are available on the website of Foundations, the national body for Home Improvement Agencies and Handyperson Services - <https://www-foundations-uk-com/dfg-adaptations/dfg-regulations/the-regulatory-reform-order/>

As we use DFG funds more flexibly in line with this guidance it will be important to understand the outcomes and benefits achieved for both individuals and the wider system. We will continue to work with LAs around how we better understand these through approaches such as the outcomes framework, quarterly financial monitoring and annual reporting mechanisms we are already working together to develop and implement.

## Elements to be found in discretionary private sector housing policies may include:

- a) **Providing discretionary finance to enable work to be completed.** This could include:
- Removing means testing on recommendations such as access e.g.: Stair lifts and ramps, particularly to avoid delays with hospital discharge. This does have a risk that on some occasions the award is going to a person who has the means to undertake this work themselves however the benefits to people are likely to outweigh the risks.
  - Awards over the £30k threshold - as discretionary top-ups do not breach any national conditions on upper limits of adaptation spend (LAs are advised to set an upper limit to this). However, all other options should be exhausted, and the reasons for this expenditure will need to be justified. Also if not registered as a loan an agreement for paying back part of the grant would be expected. This is for use only in exceptional circumstances, and must demonstrate positive outcomes for the client.

It is acceptable to place a charge on a property where discretionary grant funding has been awarded under the RRO as long as the LA has an agreed and published policy to do this. Issues to consider include:

- Privately owned dwelling: you may insist that the grant or loan is paid back in part or in full when the house is sold or transferred due to recipient moving house or dying. This may be timescale dependent.
- You may include a sliding scale of payback based on the length of time that has passed since the grant was paid
- You may insist that if a person moves into a care/residential setting you can reclaim or reuse the adaptation.

b) **Removing HHSRS Category 1 hazards** (although it may be more appropriate to consider the use of the enforcement process) Issues which could be dealt with could include excess cold, domestic hygiene (including hoarding), food safety, and disrepair. Consideration of the use of discretionary grants or loans to deal with excess cold/affordable warmth issues should also be considered in the light of any other sources of energy related funding.

c) **Moving to alternative accommodation** - either on a temporary basis whilst major work is carried out or to facilitate a move to permanent alternative accommodation where this may be in the best long-term interests of the disabled person.

d) **Assisting the timely discharge of patients from hospital/hospice** - helping to avoid unnecessary residential placements.

e) **Handyperson services for preventative work** - including fitting of key safes and grab rails, bed moving and reconfiguration of furniture in home to limit falls.

f) **Administrative, technical or OT services over and above those provided for the mandatory DFG provision** - to enable the non-mandatory grants and loans for the above reasons as well as to assist with Social Housing offers.

LAs will need to review their policies covering *safe and warm* homes and/or environmental health policy to ensure that these items are covered by these policies.

**NB** Adaptations in Council housing stock for Social tenants are the responsibility of the landlord and should not be funded from the direct DFG budget.

Other related support

**Essex County Council's Therapists/ Social Care Services** are responsible for:

Community Equipment Services (CES): These services are contracted by Partner Organisations to provide community equipment on loan to adults and children following assessment by health and/or social care practitioners within a Section 75 Agreement. Equipment is provided to assist people to perform essential activities of daily living and to maintain their health, independence and wellbeing in the community.

Taken from ECC Guidance for Provision of Community Equipment in Care Homes across Essex 2.3 page 2

[https://www.essex.gov.uk/Documents/Guidance\\_for\\_Provision\\_of\\_Equipment\\_in\\_Care\\_Homes.pdf](https://www.essex.gov.uk/Documents/Guidance_for_Provision_of_Equipment_in_Care_Homes.pdf)

If the service provider of any of the services listed above changes, the principles of the guidance will stand.

I hope colleagues will find this information useful in developing local policies and in making sure DFG funds go towards improving outcomes for residents in Essex.



Lisa Wilson Head of Strategic Commissioning and Policy – Adult Social Care (PSI and Personalisation) Essex County Council

*Please note this document/paper is for guidance purposes only and whilst the information provided has been done so in the utmost good faith and based on information currently available each Authority/reader must have regard and adopt their own policies and governance first and in the event of a conflict those internal policies prevail. Essex County Council assumes no responsibility for errors or omissions in the contents of this guidance and in no event shall Essex County Council be liable for any breach by an Authority of its own internal policies and obligations in adopting or following the guidance nor is ECC liable for any damages whatsoever, whether in an action of contract, negligence or tort arising out of or in connection with the contents of the guidance*

