West Suffolk Council Housing Assistance Policy under the Regulatory Reform Order 2021-2026

Final Version 07 December 2020

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1. Introduction

1.1 West Suffolk Council is committed to improving the lives of the most vulnerable residents in our communities and ensuring that families and households have a safe place to live. The Housing Assistance Policy will enable West Suffolk to meet the aspirations set out in the West Suffolk Strategic Framework 2020-2024 by creating resilient families and communities that are healthy and active and providing appropriate housing, through adaptations where appropriate, in our towns and rural areas.

2. Strategic aims

- 2.1 The West Suffolk Strategic Framework 2020-2024 includes a priority for 'increased and improved provision of appropriate housing in West Suffolk in both our towns and rural areas'. The West Suffolk Housing Strategy 2018-2023 further describes how we aim to deliver housing through our priorities to plan for housing to meet future need, improve the quality of existing housing and the local environment and enable people to access suitable and sustainable housing. It is the priority to improve the quality of housing that we will deliver through this Housing Assistance Policy.
- 2.2 The quality of housing has an impact on the health of the occupants. This link between health and housing is well established and recognised in the Housing Health and Safety Rating System (HHSRS) introduced with the Housing Act 2004. In their assessment of housing conditions, local councils must consider the health impact associated with poor housing rather than concentrating on disrepair.

3. Delivering improved housing through Disabled Facilities Grants

- 3.1 The Housing Grant, Construction and Regeneration Act 1996 (as amended) provides the statutory framework and responsibilities for mandatory Disabled Facilities Grants (DFGs). Power is also available under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) to provide financial assistance to their residents to maintain and adapt their homes if the Authority have adopted and published a Policy relating to the exercise of this power.
- 3.2 The Housing Assistance Policy will enable West Suffolk to make best use of the funding provided for DFG, meet the council's strategic priorities and ensure that our residents homes are safe and suitable for their needs.

4. Key objectives

- 4.1 By adopting and implementing this policy across West Suffolk we aim to:
 - improve the quality of life of elderly, disabled and vulnerable residents by appropriate improvements to their homes, where those residents are not in a position to do so;

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- assist occupiers in addressing <u>Category 1 hazards</u>, in accordance with the Housing, Health & Safety Rating System, which have a significant impact on their health, safety and wellbeing;
- provide disabled residents with essential adaptations and facilities to enable them to live independently and safely in their home;
- help prevent hospital, care home or residential home admissions.
- facilitate prompt discharge of residents from hospital;
- enable people living with dementia to live as independently as possible.
- minimise the application process, where appropriate, proportionate to the scale of works required;
- ensure that we provide flexibility through a tailored service that puts our residents at centre of the process;
- ensure we deliver value for money for our residents;
- maximise our available funding for residents by using less of our Better Care Fund allocation for staffing; and
- contribute to other funding schemes that benefit our residents.

5. Delivering our aims

- 5.1 West Suffolk Council recognises the need to ensure that residents live in safe homes which meet their needs. We will take action to support households in improving the condition of their homes, to ensure their health, safety and wellbeing, with priority given to homes owned and occupied by vulnerable people.
- 5.2 We will deliver our aims through the following actions.

Advice and education

By providing information, advice and signposting services for all homeowners, landlords and residents in the private rented sector to help them to ensure that they can be occupied safely and meet the needs of the occupier.

Enforcement

By taking enforcement and regulatory action to secure compliance with housing standards in the private rented sector in accordance with West Suffolk's Enforcement Policy, which can be found at the following link: http://www.westsuffolk.gov.uk/Council/Policies Strategies and Plans/enforcementpolicy.cfm mainly relating to private rented properties.

• Financial assistance

Disabled Facilities Grants are funded through an allocation made to local authorities by central government through the Better Care Fund. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 widens the support available to local authorities, allowing DFG funding to be used more flexibly as part of wider strategic projects to keep people safe and well at home and ensure a streamlined approach to the administration of grants.

Local authorities can therefore utilise the DFG budget to fund essential repairs, where the deficiencies in the home have a significant impact on the health, safety and wellbeing of the occupiers. This will help to reduce injury and accidents in the home and ensure homes are adequately heated.

This policy also looks to expand the scope of adaptations available under the Disabled Facilities Grants legislation. We aim to reduce hospital admissions, facilitate hospital discharge so reducing the burden on hospital beds and enable patients to return safely to their home when they are medically ready to be discharged. Funding can also be provided to help people relocate to alternative accommodation if their current home cannot be adapted to meet their needs.

West Suffolk will make best use of the limited funding available for these grants through effective and efficient partnership working and accessing other funding that may be available.

If the demand for grants included in this policy exceeds the available budget in a particular financial year, it may be necessary to prioritise requests and/or applications or delay applications being processed, until sufficient funds are available.

In such circumstances, requests/applications will be prioritised by considering factors such as the:

- vulnerability of the occupant(s).
- potential harm to health.
- condition of the property.
- alternative options available (other than financial assistance).
- wider benefit and impact to the community under our strategic priorities.

In all cases, prior to grant approval, the recommended adaptation or essential repairs and/or improvements to the property should be the most appropriate course of action.

6. Mandatory Financial Assistance

(a) **Disabled Facilities Grants**

Purpose – to adapt the home of a disabled person so that they are able to gain access to, and safely use all the normal facilities in their home. An applicant does not need to be registered as a disabled person, only registerable.

Eligibility – owners and occupiers that are living with disabilities in West Suffolk, subject to an essential needs assessment by an Occupational Therapist (OT) employed or contracted by Suffolk County Council that shows they have existing needs that require adaptions to their home.

Qualifying works

- All works that are mandatory as described in the Housing Grants, Construction and Regeneration Act 1996, as amended, to meet the essential needs of the client and that can be completed at a reasonable cost; or
- Where major internal adaptations or extensions are being proposed, it may be appropriate to refer the application through a panel, as detailed in the Disabled Facilities Grant Protocol (attached as Appendix 1), for further discussion, and to look at any other appropriate, alternative options.

Maximum level of grant - £30,000.

Applied conditions

- Where the applicant has a qualifying owner's interest in the premises on which the relevant works were carried out, the grant will be registered as a local land charge for a period of ten years from the certified date.
- The council awarding the grant may demand the repayment by the applicant of such part of the grant that exceeds £5000, subject to a maximum of £10,000, where the applicant disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date. This charge will be entered on to the Local Land Charges Register.
- The matters in section 3(2)(b) of the Disabled Facilities (Conditions relating to approval or payment of Grant) General Consent 2008 have been considered and it is considered reasonable in all the circumstances to require the repayment.

7. Discretionary Financial Assistance

(a) Disabled Facilities Grant - Relocation

Purpose – to assist an applicant eligible for a mandatory Disabled Facilities Grant to move to a property that is either adapted to meet their needs or is capable of being adapted, and where it is not reasonable or practicable to undertake the adaptations required at their existing home. The new property must be one that has been assessed by an OT as already meeting the needs of the disabled person, or capable of meeting the needs, by adapting at a reasonable cost.

Eligibility – owners and occupiers that qualify for the mandatory Disabled Facilities Grant.

Qualifying works - include grant aid towards the approved cost of moving to a more suitable property.

Maximum level of grant - £10,000.

Applied Conditions:

- Means test as in accordance with mandatory DFG.
- The applicant must be a resident within the West Suffolk council area and the property moved to must be within the West Suffolk council area.
- Where applicable, an application for a mandatory Disabled Facilities Grant must be made within 12 months of the payment of the Relocation Grant.
- Where the applicant has a qualifying owner's interest the grant costs will be registered as a Charge on HM Land Charges Register, from the certified date
- The council will demand the repayment of the grant in full, if the property in respect of which the grant was paid is disposed of (whether by sale, assignment, transfer or otherwise).

(b) Disabled Facilities Grant - Top-up

Purpose - to assist an applicant who is eligible for a mandatory Disabled Facilities Grant where the cost of the eligible works exceeds the maximum DFG of £30,000 and they are unable to finance the additional costs.

Eligibility – owners and occupiers that qualify for the mandatory Disabled Facilities Grant and their grant has been approved by the local authority.

Qualifying works - as approved under the mandatory DFG.

Maximum level of grant - £10,000.

Applied conditions:

- The applicant (not the relevant person) will be means tested as in accordance with mandatory DFG.
- The applicant and relevant person must be a resident within the West Suffolk council area and the adaptations undertaken are to their main residence.
- Where the applicant has a qualifying owner's interest the grant costs will be registered as a Charge on HM Land Charges Register, from the certified date.
- The council will demand the repayment of the grant in full, if the property in respect of which the grant was paid is disposed of (whether by sale, assignment, transfer or otherwise).

(c) Disabled Facilities Grant - Financial Assistance

Purpose - to provide financial assistance where an applicant is eligible for a mandatory Disabled Facilities Grant but have insufficient capital to fund their contribution towards the cost of the works that are eligible for a mandatory DFG, following the means test.

Eligibility – owners and occupiers that qualify for the mandatory Disabled Facilities Grant and their grant has been approved by the local authority (even if "nil" grant awarded,) in order to determine their contribution.

Qualifying works - as approved under the mandatory DFG.

Maximum level of grant - £40,000 (made up of £30,000 mandatory DFG and £10,000 Top-up grant).

Applied conditions:

- The applicant must be a resident within the West Suffolk council area and the adaptations undertaken are to their main residence.
- Where the applicant has a qualifying owner's interest the grant costs will be registered as a Charge on HM Land Charges Register, from the certified date.
- The council will demand the repayment of the grant in full, if the property in respect of which the grant was paid is disposed of (whether by sale, assignment, transfer or otherwise).

(d) Fast-track Minor Adaptions Grant

Purpose - to provide non-means tested, financial assistance for adaptations in the home; to help a vulnerable person to be discharged from hospital; help reduce an occupier's need for a hospital admission, or, if under hospice care, to be cared for at home. In addition, to provide people living with dementia, essential aids and adaptations to enable them to live as independently as possible.

Eligible applicants:

- Must be referred by an Occupational Therapist, adult social care, hospital admittance or discharge team or other health care professional who has a direct knowledge of the applicant's health condition.
- The referral must specify the works requested, the reason for the request and how the criteria for the patient's eligibility are met.
- The work must be considered by the person referring to be necessary and appropriate, to secure the persons safety and/or wellbeing within their home.

Qualifying works:

- include works or services as deemed necessary to provide adaptations in the applicant's home, to facilitate in the discharge from hospital or hospice, or to prevent re-admission.
- the provision of aids and adaptions for people living with dementia.
- the repair or replacement of essential equipment to enable the occupier to remain independent in their home.

Maximum level of grant - £7,500

Applied conditions:

- The applicant must be a resident within the West Suffolk council area and the works undertaken are to their main residence.
- All applications must be made by or on behalf of the person in need of the work or service and be agreed, in writing, by the owner of the property if different to the applicant.
- One quote will be required to be submitted for all works or services. The
 quote will be approved if the Local Authority considers it to be a
 reasonable cost for the carrying out the work.
- Payment will be made, following the satisfactory completion of the work and on receipt of all invoices and required certification, where applicable.

(e) Home Assistance Grant

Purpose – to assist owner-occupiers to maintain their properties where a category 1 hazard, in accordance with the Housing, Health and Safety Rating System is identified. To understand how the council assesses the suitability of housing conditions visit:

https://www.westsuffolk.gov.uk/housing/upload/HHSRS Assetskills.pdf

The deficiencies giving rise to the hazard must be considered to have a significant impact on the health, safety and wellbeing of the occupier and the repairs/improvements to be undertaken will enable the occupier to safely remain in the property.

Eligible owner-occupiers are those who:

- are in receipt of a means tested benefit or
- have savings of less than £16,000, and/or
- have a gross income of less than £20,000 for a single person, £24,500 for a couple, plus £2500 for each child up to a maximum of two children.

Qualifying works

 Works to remedy Category 1 hazards (as assessed under the Housing Health and Safety Rating System) which are considered to have a significant impact on the health, safety and wellbeing of the occupier.

Maximum level of grant - £20,000

Applied conditions:

- Two contractors' estimates must be provided in respect of the relevant works.
- The grant costs will be registered as a Charge on HM Land Charges from the certified date.
- The council will demand the repayment by the applicant of the grant, in full, if the applicant disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given.

 Where central heating is provided or boilers are repaired or replaced it is a condition that loft insulation, to current Building Regulations Standard, and cavity wall insulation, if applicable, is installed.

Qualifying benefits: As specified by the Government and as agreed by the authorised officer.

8. Guidance on applications for financial assistance

General guidance

- 8.1 An application for assistance must be in a form specified and provided by the council and shall include:
 - full particulars of the proposed works including, where relevant, plans and specifications of the works; and
 - particulars of any professional fees or other charges which relate to the preparation of the scheme, the supervision of the works or administration of the contract.
- 8.2 Potential applicants can request help with their application. Applicants may also get help from a Home Improvement Agency, surveyor or architect, although such fees will only be eligible as part of a grant if the council considering the award agrees that they are reasonable.
- 8.3 Applicants will not be entitled to assistance if they:
 - start or complete the work before their application is determined;
 - deliberately worsen their housing conditions, for example by damaging the structure or fittings;
 - have commenced a project and have been unable to complete it;
 - make a fraudulent application or request for payment;
 - are not resident in the property at the time of the application (unless a discretionary Disabled Facilities Grant Relocation is applied for).
- 8.4 Applicants (or their agents) must inform the council of all relevant changes in their circumstances from the date of enquiry through to approval and payment of assistance. Applicants should contact the council in advance if they believe their circumstances may change.
- 8.5 Where the eligibility of a grant is dependent upon the receipt of a specified benefit the grant will only be approved where the owner of the property, or where applicable the tenant, is in receipt of the benefit. Where other persons, not in receipt of such a benefit, have a shared interest in the property (excluding partners and shared ownership schemes) the council may restrict or refuse a grant.
- 8.6 Where the Government introduces a new benefit, change, vary or otherwise alter existing benefits, the authorised officer will determine whether the benefit is a qualifying benefit for the purposes of the grant.
- 8.7 There will be general conditions concerning ownership and tenure as part of the application for respective grants.

9. Contractual arrangements

- 9.1 The council will only approve financial assistance on the basis of what it considers to be the reasonable costs of the works. Applicants will be responsible for paying any amounts in excess of this.
- 9.2 The building contractor is responsible to the applicant (or their representative or agent) for ensuring that works progress to a satisfactory completion.

 Before works commence, it is essential that the applicant and the contractor agree the following:
 - The scope and cost of the works to be carried out (this may be the eligible grant works as approved by the council, but it may also include items that are not considered eligible for grant assistance). This should also include VAT where applicable and proof of public liability insurance;
 - The time it will take to complete the contract;
 - All the relevant practical arrangements for working on site: for example, the hours of work, what services can be used by the contractor, the provision of dustsheets to protect furniture and possessions and other preliminaries; and
 - How the work is to be paid for, for example by instalments or on completion.
- 9.3 The applicant and contractor will be expected to resolve any contractual disputes. Any disputes which involve breach of contract by either party are civil law and may require specialist advice from a solicitor or a Citizens Advice Bureau.
- 9.4 Conditions for repayment of financial assistance
 - Repayment conditions, in the form of a Charge on HM Land Charges are attached to a Discretionary Home Assistance Grant, Disabled Facilities Grant – Top-up, Disabled Facilities Grant – Relocation and a Disabled Facilities Grant - Financial Assistance.
 - Where a repayment condition is applied, it is registered as a Charge until it has been repaid.
 - For Mandatory Disabled Facilities Grants, where the applicant has a qualifying owner's interest, the grant will be registered as a local land charge for a period of ten years from the certified date. Repayment conditions (registered as a local land charge) apply where the grant exceeds £5000, subject to a maximum of £10,000, where the applicant disposes of the premises in respect of which the grant was given within 10 years of the certified date.
 - The date of completion of the qualifying works, to the satisfaction of the council, is the certified date.
 - If an application is approved but it subsequently appears to the council that the applicant (or applicants) was not, at the time of the

application's approval, entitled to assistance, no payment will be made. The council may demand that any payments already made are repaid with interest.

- Applicants will be wholly liable for meeting any costs incurred under the contract and/or will be required to repay the money upon any breach of the conditions; and
- The council will demand the repayment of grant from the applicant in whole where an interim payment has been made but the relevant works have not been completed.

9.5 Applications that do not comply with the policy

Where an application falls outside the specific policy, but in the opinion
of the authorised officer there would be a benefit to the West Suffolk
councils' strategic aims in considering the scheme, then the authorised
officer may approve the application.

9.6 Prior approval

• In exceptional circumstances, and at the discretion of the authorised officer, approval may be given to commence the relevant works prior to the formal approval of a grant. An application for 'prior approval' must be made in writing stating the reasons why the particular works should commence before approval of the grant. Prior approval will only be given where a grant application form has been received by the council together with estimates for the works that are intended to be carried out under the prior approval.

If, for whatever reason, formal grant approval is not granted, no payment will be made towards any 'prior approved' works completed.

9.7 Payment of grant

- When the council approves an application for assistance, it is forming a
 contract with the applicant to pay the correct amount of money on
 satisfactory completion of the eligible works and on condition that the
 applicant complies with the terms under which assistance is given.
- It is a condition of payment of every grant that the eligible works are carried out and completed within twelve months from the date of the approval. The council may allow further time where it is satisfied that any delay in the completion of the works was beyond the control of the applicant.
- Final payment of the grant will only be made on the completion of all relevant works to the satisfaction of the council and the submission of invoices and relevant certificates of compliance.
- It is a condition of the payment of every grant that the eligible works are carried out by the contractor whose estimate accompanied the

application, or where two or more estimates were submitted, by one of those contractors. The cost of the grant eligible works will however be calculated on the lowest quote submitted.

- Interim payments may be made at the discretion of the authorised officer in the following circumstances:
- the payment is for a minimum of £1500.
- at least 50 per cent of the eligible works are completed.
- in the case of a mandatory Disabled Facilities Grant, the applicant has paid 90 per cent of their contribution (the 'notional loan') to the grant.
- the total of interim payment should not exceed 90 per cent of the grant value.
- a maximum of two interim payments can be made.

Where there is more than one contractor carrying out grant works an interim payment may be made when the above criteria do not apply, where one contractor completes the works ahead of another.

The interim payment will be repayable if for any reason the applicant fails to complete all the approved grant works to the satisfaction of the council within the period specified.

9.8 Unforeseen works

At the discretion of the authorised officer additional grant assistance (up to the maximum for that grant) may be approved towards the cost for relevant works that could not have reasonably been foreseen prior to the grant approval. Grant assistance towards unforeseen works will only be considered where the defect/deficiency has been notified to the council prior to its remedy. No payment for additional works and/or increased expenditure will be made unless the council is satisfied that the works are eligible for additional grant.

10. Appeals, complaints, standards of service

- 10.1 Any applicant who is dissatisfied with any decision or the standard of service relating to a grant enquiry or application should initially discuss their concern with the Service Manager for Housing Standards. If the customer is still dissatisfied, their complaint will be investigated under West Suffolk's Corporate Complaints Procedure as the Grant Authority.
- 10.2 There is no appeal against the outcome of the statutory test of resources ('means test') in respect of applications for mandatory Disabled Facilities Grants. Applicants will be advised how their contribution to the grant was calculated. The calculation is based on Government guidance and legislation, over which the council have no discretion.

11. Definitions

Authorised Officer: an officer authorised by West Suffolk Council in respect of grant decisions made under this policy.

Certified date: the date the eligible, or qualifying works, are completed to the council's satisfaction.

Completion to the council's satisfaction: means when the work has been completed to an acceptable standard and in accordance with the submitted and approved plans, quotations, planning approvals, building regulations and any other relevant statutory requirements.

Disabled Facilities Grant (DFG): mandatory DFGs are available from local authorities for essential adaptations to give disabled people better freedom of movement into and around their homes and to give access to essential facilities within the home. The legislation governing DFGs is the Housing Grants, Construction and Regeneration Act 1996

Eligibility: the criteria that determines who the grant will be available to.

Grant period:

- for mandatory Disabled Facilities Grant a period of 10 years from the certified date.
- for all Discretionary Grants included in section 7 the grant period is up to the disposal of the property by the applicant (whether by sale, assignment, transfer or otherwise.

Means test: a statutory test of the applicant's resources to determine the amount of eligible grant aid.

Notional loan contribution: the contribution the applicant will have to make to their mandatory Disabled Facilities Grant when a full grant is not available following a means test.

Owner-occupier: where grant eligibility is in respect of owner-occupiers the applicant must be resident in the property at the time of the application.

Owner's interest: a person will be deemed to have an owner's interest if that person is on the deeds of the property as an owner, either in full or part, of the property which is subject to the grant application.

Qualifying works: the works that will be eligible for grant aid.

Regulatory Reform Order: The full name of the order is The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and gives local authorities a general power to introduce policies for assisting individuals with renewals, repairs and adaptations in their homes through grants or loans. A copy of the Order can be found at:

https://www.legislation.gov.uk/uksi/2002/1860/contents/made

Relevant person: A relevant person in respect of a Disabled Facilities Grant is defined in Section 5 of the Housing Renewal Grants Regulations 1996 and is any person who:

- (a) is the disabled occupant, or one of the disabled occupants,
- (b) is the partner, or a partner, of the disabled occupant or of one of the disabled occupants,
- (c) the parent or responsible person where the disabled occupant or any of the disabled occupants is aged less than 18.

Valid application: means an application which includes a fully completed application form(s), all necessary plans, quotations for the works, RX1 form for HM Land Charges (if appropriate) and copies of any planning and building regulation approvals.

APPENDIX 1 - Disabled Facilities Grant referral protocol

1. Purpose

- 1.1 To ensure that, as the grant authority, we meet our statutory obligations in that all works that have been recommended are eligible, will meet the essential needs of the client and can be completed at a reasonable cost.
- 1.2 To ensure that we consider alternative options to Disabled Facilities Grants (DFG), where appropriate, and therefore discuss these alternatives with the client and their family, as well as the Occupational Therapist (OT), so as to provide real choice.

2. Challenge

2.1 In some circumstances it may be appropriate to challenge the essential needs being recommended, particularly where major internal adaptations or extensions are being proposed.

3. Panel

3.1 Referring an application, which is more complex, through the proposed panel will enable appropriate discussions on the proposals to consider any suitable alternative options.

4. Relocation

4.1 This would include the possibility of relocation, where adaptations would not be considered reasonably practicable or the cost of an adaptation is considered excessive.

5. Maximise funding

5.1 By ensuring that only grant eligible works are approved and grant schemes are both reasonable and practicable to maximise the limited funding available.

6. Managing expectations

6.1 It is very important to manage the expectations of applicants and their families from an early stage so that they are fully aware that any grant offered will be for the minimum scheme of works required to meet the essential needs of the disabled person.

7. Process

7.1 It is essential that the OT referral clearly states the essential needs of the client and explains why the client needs a particular adaptation. Where it is considered that the proposed adaptation will need to include complex and extensive provision for future needs, for example, a wheelchair accessible bathroom, or ceiling tracks for a hoist, where the client's condition is likely to deteriorate in the future, these must be clearly stated and explained. This information may be submitted at the initial referral stage or following a site visit as below. There is no need for a detailed specification as part of the OT referral as this can be worked up at a later stage if adaptation is appropriate.

- 7.2 A site visit with the OT will help to establish if the adaptation is considered to be reasonably practicable, having taken account of the construction and layout of the property concerned. This will also provide an opportunity to discuss alternative ways of achieving the required outcomes if appropriate.
- 7.3 Consideration must also be given to the overall suitability of the property to accommodate the occupiers and existing overcrowding issues will need to be taken into account.
- 7.4 Where it is considered that the property cannot be reasonably adapted for the essential needs of the client, the possibility of a Discretionary Disabled Facilities Grant Relocation to a property which can be adapted should be discussed. It may be appropriate for the housing options officer to visit and discuss alternatives with the applicant(s). If adaptation is not appropriate, then a letter should be sent to the applicant(s) advising of this decision and giving the reasons.
- 7.5 Where extensive internal adaptations or extensions are being considered, it is recommended that the officer draws up a rough plan of the property, with appropriate dimensions, positions of windows and doors etc. The proposal and any possible alternative options can then be discussed with the DFG panel and the OT where considered appropriate, to determine and agree any works which should be funded through a DFG, prior to confirmation of the eligible works with the client. This will enable all parties to be clear of the adaptations required to meet the essential needs of the client prior to plans being drawn up for planning or building regulation approval, if required.