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Notice of Meeting

Cabinet

Councillors Simon Werner (Chair), Lynne Jones (Vice-Chair), Richard Coe, Geoff Hill, Joshua Reynolds, Catherine Del Campo, Adam Bermange, Karen Davies and Amy Tisi

Thursday 27 July 2023 7.00 pm

Grey Room - York House - Windsor & on [RBWM YouTube](#)

www.rbwm.gov.uk



The following papers have been added to the meeting's agenda as they were not available for publication when the notice of meeting was issued, 5 working days prior to the meeting date.

Supplement

| Item | Description | Page |
|------|---|--------|
| 8 | <p>Disabled Facilities Grant Policy</p> <p><i>Cabinet Member for Adults, Health & Housing Services</i></p> <p>To note the report and delegate authority to the Executive Director of Place in consultation with the relevant Cabinet Member to publicly consult on the draft policy and to adopt the final version, once updated following consultation and to approve updates to the policy prior to publishing for consultation.</p> | 3 - 46 |

By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

Please contact Oran Norris-Browne, Oran.Norris-Browne@rbwm.gov.uk, with any special requests that you may have when attending this meeting.



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The Royal Borough of Windsor & Maidenhead

Disabled Facilities Grant & Housing Assistance Policy 2023

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1. Introduction

This Policy sets out how The Royal Borough of Windsor & Maidenhead Council (the Council) will offer financial support for improving and adapting homes within the Borough, together with the conditions and eligibility criteria associated with different types of assistance. It replaces the former Disabled Facilities Grant (DFG) Policy contained within the Environmental Health and Residential Services Housing Strategy 2008 – 2011.

The Policy will address the wider aims within the Council's Housing Strategy of Promoting Health and Wellbeing and will complement the aims and objectives of the Council's strategic Corporate Plan by "building thriving communities to empower our residents to achieve their full potential".

The Policy focuses on supporting vulnerable, elderly, and disabled people to maintain and improve their health, wellbeing, and dignity by identifying and resolving problems within the home that would otherwise impact on the quality of their life. Poor housing can be a barrier for older and disabled people, contributing to immobility, social exclusion, ill health, and depression. It recognises that by addressing issues that would otherwise make a home unsuitable, people are able to live in their homes for longer, promoting lasting independence and contributing towards lightening the burden on our social care system. Additionally, by ensuring that people's homes are decent, accessible, safe, and secure will also help to support, maintain, and sustain our local communities.

This Policy and its provisions apply to all residents specified in Part 1 Chapter 1 Sections 19, 22 & 58 of The Housing Grants, Construction and Regeneration Act 1996, including homeowners and tenants in both the social and private rented sectors

As a quick reference guide, the main points of the Policy which explain the operation and delivery of the RBWM DFG Service can be found here: -

Appendix A DFG Overview

Appendix B Financial Assistance Summary

Appendix C DFG Service Delivery Options

2. Local Context

According to the Indices for Multiple Deprivation 2019 (IMD), Windsor and Maidenhead is a very affluent Borough. The IMD is a widely used dataset within the UK to effectively measure poverty within small areas. The IMD is made up of 317 local authorities.

The Royal Borough holds a very impressive position within the IMD, being ranked the 13th least deprived of 317 other Local authorities. Over 50% of The Royal Borough's 87 wards are within in the highest categories for the lowest areas of poverty within the country¹, with no area within the Borough appearing in the lowest three brackets for deprivation.

The Borough is ranked highly in many of the categories within the IMD showing the area to be prosperous in many areas, including being ranked:

- 9th for employment
- 16th for income deprivation affecting children
- 18th for average income
- 22nd for education and training
- 30th for health deprivation and disability
- 40th for income deprivation affecting older people

This rating shows Maidenhead to be in the top 4% of local authority districts within England.

At the time of the Census 2021, the Boroughs population was 153,500 residents, with 27,700 aged 0-14, 97,500 aged 15-64 and 28,300 being aged 65 or over. The ethnicity of the Borough is estimated to be 86.1% of resident being from white ethnic background, and 13.9% from a BAME background. The population of Windsor and Maidenhead is estimated to rise to 159,700 by 2041.

[Windsor and Maidenhead population change, Census 2021 – ONS provides further details – Population and household estimates, England and Wales: Census 2021 - Office for National Statistics \(ons.gov.uk\)](#)

However, there is a wide variation of needs across the Borough and pockets of deprivation within neighbourhoods. Within some Lower Layer Super Output Areas² (wards with an average population of 1500 people or 650 households), over a quarter of children live in poverty, compared to only 1-2% in the least deprived neighbourhoods.

There is a housing affordability crisis in the UK and at a local level our residents face particularly high housing costs. The median house price in the Royal Borough is

¹ [English indices of deprivation 2019 - GOV.UK \(www.gov.uk\)](#)

² Lower Layer Super Output Area (LSOA) - Lower Layer Super Output Areas have an average population of 1500 people or 650 households. They are part of a geographic hierarchy designed to improve the reporting of small area statistics in England and Wales

£500,000³ and our housing affordability ratio is 11.49, one of the highest in the country. This has made it difficult for households on a low income to find suitable and sustainable accommodation, to rent or buy. Like many other local authorities, our social housing waiting list is oversubscribed meaning that households on a low income and vulnerable residents will likely be lacking in opportunity to find suitable accommodation. There are around 61,000 households in the Borough, with 66.8% owner occupiers, 20.6% living in privately rented homes and 12.6% occupying social housing.

[Housing, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk)

The Borough has an ageing population and the older residents in general enjoy high life expectancy⁴ and healthy lives, but an ageing population with a longer life expectancy for many disabled adults also means a rising demand for adult social care. A higher demand for our services means that we need to be smarter in the ways in which we deliver support to the most vulnerable residents, promoting their dignity and independence. This Policy will set out measures to support with this challenge.

3. Background

Home adaptations can contribute to meeting various Public Health, NHS and social care outcomes. Although the initial housing legislation relating to the provision of grants for disabled adaptations is 30 years old, there has been additional legislation to repealing elements of the initial legislation to enhance and improve the way adaptations can be made. This includes the scope for local innovation in delivery and opportunities to consider how home adaptations can better support housing, health, and social care to achieve improved health and wellbeing outcomes for those with care and support needs.

It is a widely accepted fact that housing is a wider determinant of public health and that the conditions an individual or family live in can have a significant impact on their quality of life. The Department of Health published a Guidance Paper in 2017 called 'Improving Health through the Home' the introduction of which states:

"The right home environment is essential to health and wellbeing, throughout life. It is a wider determinant of health."

The Council recognises the benefit and need for a holistic and focused approach across many of its services, enabling early, efficient, and effective assessments and ultimately a faster delivery of its DFG service. In January 2022 the Council introduced a number of new measures to aid streamlining the delivery of its DFG service and continually seeks to review and refine its processes, whilst considering the resources available to it.

³ Office for National Statistics, December 2020.

⁴ https://www.berkshirepublichealth.co.uk/wp-content/uploads/2021/02/Public_Health_Annual_Report_2020_FINAL_2.pdf

4. Links to Corporate and National Strategies

This Policy aims to contribute to the wider goals and approaches set out within the Council's Corporate Plan, such as creating thriving communities for residents and shaping service delivery around what local communities and residents need, whilst delivering value for money.

By creating a modern and flexible assistance offer available to residents, it is expected to vastly improve the independence and dignity of all applicants, allowing residents to live comfortably and in confidence, through the provision of adaptations. There is significant research that evidences the benefits of both major and minor adaptations to older and disabled people to help them to remain living safely and independently at home.

This Policy will also contribute to the aims set out in People at the Heart of Care: adult social care reform white paper ⁵, in particular, chapter 4 of the paper titled "Providing the Right Care, in the Right Place at the Right Time" outlines the government's aims and proposals regarding, amongst other things, housing adaptations and the DFG. The central ambition identified in this chapter is to *"give more people the choice to live independently and healthily in their own homes for longer."*

This Policy contributes to the aims set out in The Royal Borough's Corporate Plan ⁶ of creating thriving communities, where families and individuals are empowered to achieve their ambitions and fulfil their potential by improving their quality of life, dignity, and independence through the provision of adaptations.

The Policy contributes to the aims set out within The Royal Borough's Housing Strategy⁷ of Promote health and wellbeing and support vulnerable residents to obtain and sustain appropriate accommodation, through the provision of necessary and appropriate adaptations which will allow residents to remain in their homes for longer and with greater independence, whilst allowing them to complete everyday tasks much more easily.

This Policy will also contribute towards the vision and aims set out in The Royal Borough's Public Health's Health and Wellbeing Strategy⁸ of 'Everyone in the Borough lives a healthy, safe, and independent life, supported by thriving and connected communities' by allowing people the opportunities to access their communities safely and independently.

5. Legal & Regulatory Framework

The **Housing Grants, Construction and Regeneration Act 1996**⁹ (the 1996 Act) places a statutory duty on Local Authorities to help qualifying disabled

⁵ [People at the Heart of Care: adult social care reform white paper - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/people-at-the-heart-of-care-adult-social-care-reform-white-paper)

⁶ [Corporate Plan 2021-2026 | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/corporate-plan-2021-2026)

⁷ [Housing strategy | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/housing-strategy)

⁸ [Data and strategies | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/data-and-strategies)

⁹ <https://www.legislation.gov.uk/ukpga/1996/53/contents>

people¹⁰ for home adaptations. These works (called eligible works) must be considered “necessary and appropriate” to meet their needs and “reasonable and practicable”, taking into account the age and condition of the property. These are called mandatory Disabled Facilities Grants (DFGs).

Funding for this assistance is central government funding channelled through the Better Care Fund¹¹ (BCF) which combines money from health and social care budgets to deliver health and care services. Any assistance provided from this fund must only be used for the specific purpose of funding, adaptations for disabled people who qualify for a DFG made under the 1996 Act or the Regulatory Reform Order (RRO) 2002.

The **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002**^{12a} introduced a new discretionary power to allow local authorities to provide a range of options to develop innovative forms of financial assistance to meet the changing need. Since an amendment to the act in 2008, this has enabled councils to use the DFG for wider purposes and allowed the pooling of resources with other funding streams so that adaptations can be better provided in a more flexible manner. The introduction of the RRO within this Policy supports new forms of assistance for home repairs, improvements, and adaptations for the purpose of improving the living conditions of its residents.

Under the **Housing Act 2004**¹³, Local Authorities have a duty to keep housing conditions under review, including having regard to hazards that might be dangerous or prejudicial to health for certain vulnerable groups.

Under the **Housing Act 2004**¹⁴, (as amended) local authorities have a duty to ensure that households living in unsuitable accommodation are provided with advice and assistance under Part 7 (homelessness legislation).

The **Equality Act 2010**¹⁵ includes a definition of a “disabled” person which The Royal Borough will use to determine eligibility for assistance under this Policy. The definition states that a person is ‘disabled’ if they have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on their ability to do normal daily activities.

The Care Act 2014¹⁶ requires local authorities to identify, provide and arrange services, facilities, and resources to prevent, delay or reduce the needs of individuals to access care or support. This includes the adaptation of properties. It

¹⁰ These are people who are defined as disabled under section 100 of the Housing Grants, Construction and Regeneration Act 1996

¹¹ The Better Care Fund (BCF) is a programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and wellbeing, and live independently in their communities for as long as possible.

¹² <https://www.legislation.gov.uk/ukxi/2002/1860/contents/made>

¹³ <https://www.legislation.gov.uk/ukpga/2004/34/contents>

¹⁴ <https://www.legislation.gov.uk/ukpga/1996/52/contents>

¹⁵ <https://www.legislation.gov.uk/ukpga/2010/15/section/6>

¹⁶ <https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

requires practice and rationale to be defined and guided by wellbeing and prevention principles.

Care and Support Statutory Guidance 2023¹⁷ section 2.1 emphasises that it is critical to the vision within the Care Act that the care and support system works to actively promote wellbeing and independence and does not just wait to respond when people reach a crisis point. To meet the challenges of the future, it will be vital that the care and support system intervenes early to support individuals, helps people retain or regain their skills and confidence, and prevents need or delays deterioration wherever possible.

Where the social care authority determines that a need has been established, and the housing authority is unable to approve or to fully fund an application, then the social care authority may choose to consider providing further financial assistance¹⁸. Social care authorities have wide-ranging powers and duties to meet the needs of disabled people living in their area who require care and support. The responsibilities of authorities who provide social services are set out:

- for adults in the Care Act 2014; and
- for children in Part 3 of the Children Act 1989 and
- section 2 of the Chronically Sick and Disabled Person's Act 1970.

Powers and duties under the Care Act relate to provision of assistive technology in the home, aids, equipment and adaptations. These include a duty on Adult Social Care's Occupational Therapy Service to provide minor adaptations up to the value of £1,000 (see Appendix D2), as well as other equipment to any value, for any Borough resident where a need has been established as necessary and appropriate by their Occupational Therapist.

6. Equality & Diversity

The Royal Borough of Windsor and Maidenhead Council is committed to fulfilling its roles as an employer, service provider, purchaser of goods and services and community leader, without discrimination. We will apply this Policy fairly and give equal treatment regardless of age, disability, gender, sexual orientation, transgender status/gender reassignment, race and religion/belief, pregnancy, or socio-economic background. All members, employees and agents of the Council must seek to eliminate discrimination and promote equality and good relations between all groups. The Council's equality information can be found on the council's website at the following location: [Our commitment to equality and diversity | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](#)

¹⁷ <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

¹⁸ <https://www.gov.uk/government/publications/disabled-facilities-grant-dfg-delivery-guidance-for-local-authorities-in-england/disabled-facilities-grant-dfg-delivery-guidance-for-local-authorities-in-england>
Sec 2.27

The Council aims to improve the lives and well-being of everyone within the Borough. This Policy is particularly relevant for anyone who has a disability or long-term condition. Our aim is to ensure that people can access and live within a safe and suitable home for as long as possible whilst promoting their independence.

The Council and its Registered Providers of Social Housing, appointed contractors and associated members of staff, will actively support applicants, and treat them fairly throughout the application journey. Examples of practical help may include removing barriers for those with alternative communication needs, supporting them with understanding complex technical issues and/or demonstrating how to use equipment in a safe manner.

7. Principles of assistance

The Council recognises that the primary responsibility for repairing and maintaining a property rests with the owner¹⁹. However, the Council has certain statutory responsibilities to fulfil and must also take steps to protect and assist vulnerable members of the community. The council will provide relevant guidance to schemes that utilise government funding/grants where appropriate. This may include, but will not be restricted to, delivering energy efficiency grants via Heat the Home Counties, the Flexible Home Improvement Loans Ltd for home improvement or Empty property loans²⁰, or utilisation of other provisions made available via The Royal Borough's Sustainability and Climate Change Team or Residential Services.

The Council provides support to older and disabled individuals, and their carers, to help them to remain living independently, confidently, safely and with dignity in their own homes through the Disabled Facilities Grant. Housing assistance can help to reduce the impact of a disabling environment and therefore maximise independence. It can also help to prevent or delay the need for care and support, both of which are central themes of the Care Act 2014. In addition, housing assistance provides support to carers in their caring role and underpins a wide range of applicant and carer outcomes including improved safety, increased independence, personal resilience, and welfare.

a. Types of Assistance provided by the Council.

Disabled Facilities Grant – This mandatory grant is to carry out works to facilitate access to facilities and in and around the home as set out in the Housing Grants, Construction and Regeneration Act 1996 – works must be deemed necessary, appropriate, reasonable, and practicable by the OT Service and DFG Service.

¹⁹ The owner' is defined as the owner occupier or landlord.

²⁰ <https://www.fhil.org/>

Disabled Facilities Assistance – This discretionary element to provide up to an additional 30k funding for a DFG where the mandatory 30k funding is not sufficient, an additional 10k can be authorised by the DFG Lead with a further 20k to be authorised by the Head of Service.

Palliative Care Assistance – This grant can be accessed to fund the loan and installation of a second hand, reconditioned stair lift. Further details can be found in Appendix B.

Housing Relocation Assistance – This grant is to support and fund moving costs for households where an adaptation is not feasible or economically viable, or there is a more suitable property available. Further details can be found in Appendix B.

Housing Assistance – This grant can be made available on a discretionary basis to assist elderly homeowners carry out minor works or adaptations where defects in the property constitute a potential hazard(s) to health. Due to the Borough offering Flexible Home Improvement Loans to the same client group this discretionary grant is not available at RBWM, further details can be found in Appendix B.

Minor Adaptations – This grant can be used in privately owned or rented houses minor works up to a value of £1000, which have been assessed by an occupational therapist as being necessary and appropriate maybe carried out to make improvements within the home, further details can be found in the Appendix B.

b. Prioritisation of the DFG Funding by assistance types

The council recognise that applicants will have differing needs, vulnerabilities and financial backgrounds and will benefit from having access to a range of financial assistance. The Council also acknowledge that every applicant's case is likely to be unique and require varying amounts of urgency and financial assistance. The Council cannot uniformly address and prioritise each case with the same amount of urgency and financial assistance, therefore after considering its approach to funding across its range of assistance, the following order of funding priority will be utilised below: -

1. Disabled Facilities Grant (DFG) Mandatory
2. Palliative Care Assistance (PCA) Discretionary
3. Disabled Facilities Assistance (DFA) Discretionary

4. Housing Relocation Assistance (HRA) Discretionary
5. Housing Assistance (HA) Discretionary – not provided by the Borough, however, loans are available through the flexible home improvement loan service.

Note: Budget restrictions may necessitate the re-prioritisation of financial assistance and use of waiting lists. Please see Appendix 2.

c. General enquiry processing and exceptions

The Council will consider each enquiry and assessment for financial support, or other services within this Policy, in chronological order of receipt. Typically, a mandatory DFG application would be identified by receipt of the Occupational Therapists referral date. Enquiries covering other forms of assistance may be taken from postal or email dates. The Council recognise that certain circumstances and medical conditions will require early intervention where possible and therefore the following exceptions may be considered when processing enquiries in chronological order.

- a) An enquiry will be considered urgent if the applicant would be unable to remain in their home safely unless the works are expedited.
- b) Enquiries from individuals who are assessed as requiring palliative care or who may have a life limiting condition.
- c) The Council may also expediate enquiries at its discretion in other emergency circumstances, such as supporting discharge from hospital, nursing or residential care or for applicants living with an elderly or disabled carer in line with the DFG guidance²¹.
- d) The Council may, for the purposes of budgetary control, later decide a category of financial assistance may be given priority over another or opt to transfer sums between categories but NOT at the detriment of mandatory DFG funding.
- e) Where resources (financial, staffing, or other) are limited, those services which are provided for vulnerable groups, or the most vulnerable individuals will take priority over other types of assistance or enquiries.

Note: Where an exception for an enquiry or category of service is considered outside the prescribed chronological order, the Head of Service will sanction the action with a written record being retained on file justifying that decision. The Council

²¹ [Disabled Facilities Grant \(DFG\) delivery: Guidance for local authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/disabled-facilities-grant-dfg-delivery)

will also not fetter its discretion and will consider applications for assistance that fall outside of the mandatory DFG criteria set out below.

8. Summary of Assistance

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) came into force in July 2002. This Order repeals much of the previous prescriptive legislation governing the provision of the renewal Grants to homeowners and replaces it with a wide-ranging power to provide assistance for Housing Renewal. The Grants and loans within this Policy are offered in accordance with the Regulatory Reform Order. Based on current needs the Council has decided to adopt a Financial Assistance Policy that is person-centred, rather than theme-based and which focuses upon vulnerable people.

Subject to funding availability, the Policy will offer the following categories of financial assistance:

| | | Maximum Assistance |
|----|--|--------------------|
| 1. | Disabled Facilities Grant (Mandatory) | £30,000 |
| 2. | Disabled Facilities Assistance (Discretionary) | £30,000 |
| 3. | Palliative Care Assistance (Discretionary) | £ 5,000 |
| 4. | Housing Relocation Assistance (Discretionary) | £10,000 |
| 5. | Minor Adaptations (Discretionary) | £ 1,000 |

For a full breakdown of assistance, please see Appendix B

9. Capital Resource & Funding Priorities

The Department for Levelling up, Housing & Communities (DLHC) on the 10th of May 2022 announced that it had made £573 Million available for the provision of DFG grants to local authorities within England. It also went on to confirm a capital grant determination for The Royal Borough of Windsor & Maidenhead Council amounting to £1,032,131. The budget for DFGs is channelled through the Better Care Fund (BCF), of which the DFG funding is only a small, ring-fenced part. It is in effect a single pooled budget for health and social care services.

1. The following capital financial resources are available to deliver assistance through this Policy:
 - a) Capital grants from central government distributed through the Better Care Fund or otherwise. Where capital monies are provided through the BCF they will be allocated for spending in line with decisions regarding capital expenditure agreed with the Health and Wellbeing Board / Better Care Fund Plan.
 - b) Reserve funding from any previous year DFG underspend.

- c) Local capital from the Council which may be provided for any specified purpose.
- d) Money provided from partners or other public sector organisations to address specified problems.
- e) Money obtained from charitable or other sources on behalf of applicants.

The above will be utilised in accordance with the following priorities.

1. Local Housing Authorities are obligated first and foremost to deliver mandatory disabled facilities grants as prescribed in the Housing Grants, Construction and Regeneration Act 1996 or an equally effective parallel pathway. These grants can only be spent on adaptations for disabled persons, as set out in the 1996 Act (a detailed breakdown of a mandatory DFG is available in Appendix 1).
2. The Council has recognised the need to offer a range of discretionary assistance to complement its mandatory obligations set out in the above 1996 Act.

Discretionary assistance is further explained in section 7.2 and Appendix B of this Policy and will be limited to the resources available at the time of application, with no guarantee that funding will always be available-

The Council will set out its annual financial budget, aiming to ensure any discretionary funding allocation does not impact on the delivery of mandatory grants.

Note: Discretionary assistance will not normally be promoted at the expense of delays to any statutory grant.

An ongoing assessment of the need and the resources available to the Council, may result in new forms of discretionary assistance being developed and added in the future. Any minor changes to the current Policy will be approved by the Council's Head of Housing, with the Policy review date set to 2026, which will incorporate any major changes required.

a. Assistance within a wider strategic context

The DFG Team will work in partnership with statutory and partnering organisations to deliver the above categories of financial assistance. In addition, the team will also partner and collaborate with other Council departments including Planning & Building Control departments, Adult Social Care partners Optalis and Children's Social Care Partners Achieving for Children to promote the financial assistance outlined within this Policy and offered by other organisations.

These working partnerships will contribute to the vision set out in within the Council's Housing Strategy, to enable every resident to have access to a home that meets

their needs. They will also compliment and contribute to the Council's Corporate Plan to support the health and wellbeing of Windsor & Maidenhead residents.

b. The Introduction of Discretionary Assistance

The disabled facilities grant has remained static since its last major reform in 2008, where the limit was increased from £25,000 to the current £30,000. The combination of just over 14 years of inflationary pressures and the current grant limit of £30,00 DFG is one of the key drivers for the Council wishing to adopt new discretionary powers within this Policy. Inflationary pressures have seen substantial increases in the cost of building materials of some 21.5% from 2020 to the beginning of January 2022, placing further financial constraints on the cost of building major adaptations within the current DFG Grant limit of £30,000.

The general power under Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 will enable the Council to include discretionary assistance within this Policy and offer a range of discretionary assistance packages as set out in Appendix B.

Introducing discretionary powers will allow more flexibility to consider and address the needs of disabled applicants who might otherwise find themselves isolated from accessing the necessary funding to provide adaptations that would result in lasting independence, sustaining quality of life and in some cases would reduce the burden on the social care system.

c. Funding limitations

All discretionary assistance (up to the maximum £30k limit) will be subject to available funding at the time of both enquiry and approval. All forms of assistance are dependent upon their respective available budget provisions and where budgets have been exhausted, applications for any discretionary assistance will be refused if there is to be any detrimental impact on delivering mandatory DFG's, which cannot be refused based on a lack of budgetary availability. See Appendix B.2

d. Funding outside of the Mandatory and Discretionary provisions within this Policy.

To ensure cases requiring additional funding outside of the mandatory and discretionary provision can be determined a panel has been set up including internal and external partner organisations.

The Council alongside its partner organisations may consider applications for additional funding for the provision of large-scale adaptations / extension works that exceed the mandatory DFG award of £30k and the £30k discretionary limit set out within this Policy.

All applications for this Discretionary DFG, will be means-tested. In the case of applications for children and qualifying young persons the means-test will be undertaken using the resident parent's income and capital. The Grant will fund works exceeding the mandatory Grant maximum up to a value of £30,000.

For owner-occupiers, all discretionary DFG's are subject to a land charge for a period of 10 years, this is in addition to the Mandatory Grant charge.

Further funding maybe considered by the Council and its partners, upon clear evidence that there is no viable alternative to meet the housing needs of the applicant. Typically, this would include understanding if relocating to a more suitable property would be more cost effective or that the provision of alternative minor adaptations within the property have been fully explored and cannot meet the criteria of necessary and appropriate.

In circumstances where an applicant wishes to apply for additional funding, their case will be presented to the board of professionals to further understand the basis and need for the request. The board will be chaired by the Head of Housing, accompanied by representatives from Adult and Children's social services, the Better Care Fund, the DFG Service Lead, the current landlord (if applicable) and the case's allocated Occupational Therapist. The applicant's DFG Officer and OT will present their case to the board outlining the required works with accompanying plans, along with any further evidence that supports the adaptation(s) are necessary, appropriate, reasonable, and practicable. If schedules of work have been completed and tender information returned with exact costs known, these will be made available to the board. Alternatively, in the absence of known costs the applicant's case will utilise provisional cost estimate(s) based upon outline plans. The board will be offered further information regarding the client's current health needs and guidance regarding their longer-term prognosis, updated on known local family /private sector support networks, made aware of the locality of nearby amenities such as schools and or shopping centres, offered opinion(s) that identify and or support the need for the applicant to continue to reside in their home and finally discuss what options have already been explored to facilitate the adaptation request.

The board will discuss and assess the applicant's case based upon the following 4 Ps criteria: -

- Person - Level of risk to health and care costs
- Property - Likely costs of the adaptation in relation to available budget
- Provider - Consideration of re-housing alternatives, the likelihood of lower cost options and any contributions from the current landlord for the adaptations
- Public Purse - The cost of care if the adaptation is not supported

The Council trust that using the above criteria will ensure a transparent, holistic and proportionate review of each case, that will support future board decision making and assist with constructive feedback. Upon the completion of a panel review, the applicant shall be given a written notice and explanation of the outcome.

e. [Local Authority - Flexible Home Improvement Loans](#)

In addition to the assistance set out within this Policy, the Council has access to low-cost home improvement loans, which are available outside of DFG funding. Loans are available to homeowners over the age of 60 and The Council will consider improvements that will make the home safer, warmer, healthier, or more comfortable for the occupants, based on a low rate of interest and linked to the

Bank of England Interest Rate²². This option can be explored by contacting the Council's DFG Team to discuss a Flexible Home Improvement loan on 01628 683820 or by visiting the website below.

<https://www.rbwm.gov.uk/home/housing/homeowners-and-landlords/flexible-home-improvement-loans>

10. Fees and Ancillary Charges

The following fees will be eligible for financial assistance under The 1996 Services and Charges Order, if they have been properly incurred in making an application or seeking approval for the proposed works, or to ensure the satisfactory completion of works assisted under this Policy.

- Assistance in completing forms.
- Confirmation, if sought by the Council, that the applicant has a relevant owner interest
- Relevant legal fees
- Technical and structural surveys
- Advice on financing the costs of the relevant works which are not met by grant
- Design and preparation of plans and drawings
- Applications for building regulations approval (including application fee and preparation of related documents), planning permission, listed building consent and conservation area consent (and similar)
- Preparation of schedules of relevant works
- Obtaining estimates
- Consideration and selection of tenders and advice on contracts
- Site management and inspections where applicable
- Disconnection and reconnection of utilities were necessitated by relevant works
- Payment of contractors
- The services and charges of an occupational therapist

Fees will be charged to an applicant's grant award upon completion and final payment of the works. The Council also has discretion to waiver or reduce fees in the event the project becomes financially unviable.

a. Home Improvement Agency (HIA) fees

When applying for any of the Grants and loans set out in this policy, the applicant is able to manage their own application privately. However, where applications are overseen and managed by the HIA team, applications will be subject to an agency fee of 12%.

²² [Flexible Home Improvement Loans Limited \(fhil.org\)](https://www.fhil.org)

It is not possible for loan applications to be made privately and these must be managed and administered by the HIA team.

Agency fees can be waived at the Council's discretion, for example, where charging a fee may cause financial hardship to the applicant or where additional fees mean that the Grant maximum is exceeded and thereby preventing the applicant from continuing with the Grant. Where a request is received to waive agency fees, all cases will be considered on a case-by-case basis.

b. Private Cases

Where an individual is ineligible for Grants and loans under this policy, they can opt to have their adaptation work managed privately by the HIA team. This is subject to sufficient resources being available. Private cases will be subject to HIA agency fees.

Important Note: The applicant will be responsible for all abortive costs incurred should a project be cancelled, or their grant not approved. Examples would include architects/ surveyors' fees, associated tendering costs etc. The Council has the discretion within this Policy to waive any abortive costs on a case-by-case basis, subject to individual circumstances.

Assistance can also be given to pay for any associated fees and charges, including in cases where the work does not finally proceed, if the authority is satisfied those fees fall within the terms of their local Housing Assistance Policy.

11. Future Policy implementation and review

The DFG Service Lead will be responsible for maintaining this, Policy. A full review will be undertaken every 5 years. In the event minor changes are required, then these may be made without going through consultation or through cabinet. However, should significant change(s) be required to be made to this published Policy, then this will be completed in line with the relevant consultation periods and will be ratified via the Cabinet process.

Significant changes will include those related to eligibility and scope as well as any new forms of assistance which might be introduced, or changes to or removal of current assistance.

Unforeseen budget restrictions may necessitate the re-prioritisation of financial assistance and use of waiting lists.

12. Complaints

If a customer should have a question or encounter a problem within the process of applying for help via this Policy, they are encouraged to discuss this with their allocated DFG officer or the DFG Team Leader in the first instance. As an organisation we aim to understand and assist our customers by encouraging and practicing early engagement at every opportunity. We believe that resolving concerns at an early stage will improve the customer experience and reduce the likelihood of a formal complaint being raised. However, should a customer want to make a formal complaint regarding the DFG process or not be entirely satisfied with their experience, the Council's complaints procedure is outlined below.

If a customer has already logged a service request or spoken to a member of the DFG team involved with their case and this has not resolved the issue, the customer may be able to escalate their concerns under the formal corporate complaint's procedure. This is a two-stage internal process, with a third independent stage.

Any initial complaints will be acknowledged within five working days and a customer updated if their concerns can be progressed under Stage One of the formal corporate complaint's procedure. Upon further review by the complaints team, if this is not possible the customer will be advised if there is an alternative way that their concern can be considered.

a. Stage one

A complaint raised under stage one, will be passed to the relevant Manager within the service that the complaint relates to. The council will aim to reply to the customer's complaint within twenty working days from the acknowledgement date recorded by the Compliments and Complaints Team. In the event an early response cannot be given, the customer will be updated that a formal response will take longer and passed the details as to the reason(s) why.

b. Stage two review

If a customer is not satisfied with the outcome of a stage one complaint review, they will have the right to ask for a second review of their complaint again at stage two. If a customer wishes to further explore this route, they may do so in writing by indicating why they feel the complaint has not been answered in the stage one response. If the customer's complaint is then progressed to stage two, this will be passed to the appropriate head of service, who will be asked to review and reply within twenty working days. Should a reply not be possible within this time scale, the customer will be advised a formal response will take longer.

In some circumstances, customers may be referred directly to the Local Government and Social Care Ombudsman (LGSCO) rather than take a complaint to stage two. If the compliments and complaints team deem this appropriate, they will write to the customer and explain the reasons why this action has been taken.

c. Stage three – Local Government and Social Care Ombudsman (LGSCO) Review

If a customer has completed both stages of the formal corporate complaint's procedure, or they have been referred at stage one, then the Ombudsman (LGSCO) will further review the customer's complaint. The Ombudsman offer a free service and investigate complaints in a fair and independent way and will not take sides.

Customers can speak to the [Local Government and Social Care Ombudsman](#) at any time however, they would normally expect the Council to be afforded the opportunity to deal with a complaint before they are contacted. Customers can find further details at <https://www.lgo.org.uk/>

Should a customer not be contacted by the Compliments and Complaints Team within a reasonable time frame, then the Ombudsman (LGSCO) may elect to review the complaint anyway.

Customers may choose to make a complaint about our services in any of the following ways:

- Online, using our complaints form; [Formal corporate complaints | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](#)
- Email to: complaintsandcompliments@rbwm.gov.uk;
- A letter addressed to: Compliments and Complaints team, Town Hall, St Ives Road, Maidenhead SL6 1RF.
- [Make representation to a Councillor](#), who will pass the complaint on for further consideration and response.

13. Timelines & Targets

a. Key Government Guidance

Recent guidance released from the government²³ working in collaboration with Foundations, the national body for DFG's and Home Improvement Agencies, has outlined the key stages of applying for a DFG and the associated best practise timescales. Foundations are contracted by the Department of Levelling Up, Housing and Communities to oversee a national network of nearly 200 Home Improvement Agencies (HIAs) and handyperson providers across the country.

The stages are as follows;

- **Stage 0:** First contact with services
- **Stage 1:** First contact to assessment and identification of the relevant works;
- **Stage 2:** Identification of the relevant works to submission of the formal grant application
- **Stage 3:** Grant application to grant approval
- **Stage 4:** Approval of grant to completion of works.

²³ [Disabled Facilities Grant \(DFG\) delivery: Guidance for local authorities in England - GOV.UK \(www.gov.uk\)](#)

The timescales for moving through these stages will initially depend upon the urgency and complexity of each adaptation required. Urgent cases will be prioritised for action without delay (see section 5.2), but larger and more complex schemes will likely take longer to complete. Timings through these stages will be impacted by variables such as reaching a design agreement, planning and building control permissions, raising additional funding, availability of contractors and their respective commitments, availability of general labour and building materials and in some cases weather conditions. The following table sets out best practice targets.

| Type | Stage 1 | Stage 2 | Stage 3 | Stage 4 | Total Days |
|----------------------|---------|---------|---------|---------|------------|
| Urgent & Simple | 5 | 25 | 5 | 20 | 55 |
| Non-urgent & Simple | 20 | 50 | 20 | 40 | 130 |
| Urgent & Complex | 20 | 45 | 5 | 60 | 130 |
| Non-urgent & Complex | 35 | 55 | 20 | 80 | 180 |

The statutory requirement for Councils to determine valid and fully completed applications for a mandatory DFG is six months. Legislation also requires that works are completed within twelve months of any DFG grant approval being issued, but this can be extended by negotiation if there are valid reasons to do so, such as the applicant receiving care, occasional changes in contractor or specification, complex snagging etc.

b. Local Team Targets

The DFG Team will aim to fully utilise its annual funding, striving to minimise waiting times and maintain its professional service image through continued learning, client focus and feedback.

The service will aim to: -

- Acknowledge the Occupational Therapist’s referral within 5 working days of submission to the DFG Fasttrack Service
- Update applicants to confirm they are on the waiting list within 5 working days of receiving an OT referral to the DFG Fasttrack Service
- Minimise waiting times through the continued monitoring and re-prioritisation of the waiting list cases, using the following criteria: -
 - Priority 1 - Urgent Hospital Discharge – Palliative Care request
 - Priority 2 - Client aged 80+ at Risk of Falls / MND or similar life limiting condition
 - Priority 3 - Default priority for each new case – Automatically moved to Priority 2 after 3 months

- Deliver a minimum of 75 grants within each financial year

The DFG Team is committed to ensuring good quality customer service and the performance measures applied are aimed on improving the quality and speed of service delivery, with the aim of improving customer satisfaction through the DFG application journey.

DRAFT

14. Key definitions, references & abbreviations

RRO – Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 <http://www.legislation.gov.uk/ukxi/2002/1860/article/3/made>

The ‘Act’ (1996) – Housing Grants, Construction and Regeneration Act 1996 <http://www.legislation.gov.uk/ukpga/1996/53/contents>

DFG – Disabled Facilities Grant.

BCF – Better Care Fund

DFG – Disabled Facilities Grant

HHSRS – the Housing Health and Safety Rating System, the prescribed system under the Housing Act 2004 for measuring hazards associated with housing conditions

Certified Date – the date certified by the service on behalf of the Council as that on which the execution of eligible works is completed to the Councils satisfaction. In this instance being the works complete date.

Dwelling – a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouse and appurtenance belonging to it or usually enjoyed with it.

Disabled Person – the disabled person is the person who requires the adaptations within their home / dwelling which the DFG has been applied for. *You’re disabled under the Equality Act 2010 if you have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities²⁴.*

Relevant Person - relevant person refers collectively to the disabled person and, if they have one, their spouse or partner. It is the relevant person who is means tested, if this is different to the disabled person.

Owner/ occupier - Whilst this term is self-explanatory, where appropriate it will include certain tenants with repairing type leases (sometimes called FRI or Full Repairing and Insuring Leases, of a suitable duration) who would otherwise be unable to insist their ‘superior landlord’ undertake renovations. Repairing lease tenants would qualify for DFG in their own right, with permission.

Occupier – this refers to an applicant who may be residing within an owned residential property, in which the works are required to be completed. For example, this could include living with a family member or friend, or in a house owned by a spouse /partner. Permission will still need to be sought for the works.

Tenant – A person who pays occupies a house, flat, mobile home / houseboat etc from a landlord.

²⁴ [Definition of disability under the Equality Act 2010 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

15. Appendices

Appendix A – DFG Overview

Introduction

The Council will award mandatory Disabled Facilities Grants (DFG) according to the governing legislation – principally the 1996 Act and subordinate Regulations and Orders as amended - and guidance issued by Central Government, and which details amongst other matters the types of work that are to be funded, the maximum grant payable (currently £30,000), and the test of financial resources where applicable.

a. Qualifying Criteria

All qualifying people, as set out in sections 19-22 of the 1996 Act, are eligible to *apply* for DFG. Applicants must be aged 18 or over (this refers to the applicant who may be different to the disabled person) and must be either the owner or the tenant of the property in which the adaptations is to be carried out. Being eligible to apply for a grant does not automatically mean a grant will be approved, some cases will not meet the statutory tests as described below, and others may have means tested contributions which are more than the cost of works. Private tenants may also apply for mandatory DFG. For all tenant applications, the landlord must give permission for the works to be carried out for a grant to be approved. All applicants are required to sign to confirm that it is their intention to remain in that property for a 5-year period after works have been completed. DFG funding is available to meet the needs for all types of disability including (but not exclusively) physical, mental, and learning.

b. Qualifying Works

Those works eligible for mandatory DFG are set out in section 23(1) of the 1996 Act, as amended. The exact purposes for which a DFG may be awarded as set out in the legislation are set out below:

- i. facilitating access by the disabled occupant to and from the dwelling, qualifying houseboat, or qualifying park home, (now including the garden) or*
- ii. making the dwelling, qualifying houseboat or qualifying park home safe for the disabled occupant and other persons residing with them.*
- iii. facilitating access by the disabled occupant to a room used or usable as the principal family room.*
- iv. facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping.*

- v. *facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility.*
- vi. *facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility.*
- vii. *facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a wash hand basin, or facilitating the use by the disabled occupant of such a facility.*
- viii. *facilitating the preparation and cooking of food by the disabled occupant.*
- ix. *improving any heating system in the dwelling, qualifying houseboat or qualifying park home to meet the needs of the disabled occupant or, if there is no existing heating system or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet their needs.*
- x. *facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control.*
- xi. *facilitating access and movement by the disabled occupant around the dwelling, qualifying houseboat or qualifying park home in order to enable them to care for a person who is normally resident and is in need of such care.*
- xii. *facilitating access to and from a garden by a disabled occupant; or making access to a garden safe for a disabled occupant.*

c. Initial Means Test

A Mandatory DFG will be subject to a means test in accordance with the regulations made under the 1996 Act, as amended. The maximum mandatory DFG award is currently £30,000 minus any contribution required by a 'means test' (test of financial resources). Successive applications may be awarded for those persons whose condition is degenerative, or they develop additional needs. If the maximum grant limit is changed by statute, then the maximum available DFG award by RBWM Council will reflect this.

Where successive applications are awarded, the applicants' assessed contribution in regard to the first grant award will be taken into account, if within the relevant time period (10 years if owner, 5 years if tenant).

Where an applicant is in receipt of a recognised, qualifying, means tested benefit they will not be further means tested and they will have no calculated contribution to make. Where works are for the benefit of a child or young person under the age of 19 years at the date of application – they too will be exempt from a means test.

Upon the completion of initial test of resources, if the client has agreed to continue with their application, a visit will be arranged to survey their property to begin the application process.

d. Survey & Discussion

The assistance detailed within this Policy can only be considered if the required works are agreed upon as necessary and appropriate by the supporting Occupational Therapist and reasonable and practical by the assigned DFG officer. An initial survey will be conducted to carry out an assessment of the applicant's home to consider the age, type of construction, general condition, and suitability of the proposed adaptations, prior to accepting any application. The applicant's home must also be considered structural sound, reasonably weather tight, fit for human habitation and in such a condition that would not raise cause for concern around serious Health & Safety issues. The Council may use its discretion to refuse applications that fail the above criteria, until such time that the conditions within the home have been either remedied or improved upon.

e. Mandatory & Preferred Schemes of works

During the initial survey the officer will discuss the occupational therapist's referral and look to further understand the client's requirements, whereupon the proposed works may fall into one of two categories, that of a mandatory or a client preferred scheme. A mandatory scheme of work will look to consider the most cost-effective adaptation within the home, which will meet all the identified needs of the disabled person(s). Where an applicant prefers a different scheme of works to that approved by the Council and its representatives, the Council may offer to 'offset' the value of the original mandatory scheme towards those greater works with appropriate safeguards. This will be at the discretion of the Council.

As per mandatory schemes, all preferred schemes of work must still be thoroughly guided by the recommendations proposed by the Occupational Therapist and must meet all the identified needs of the disabled person(s).

Note:

The Council cannot consider works which have already commenced prior to the approval of a client's application and accordingly they will not be eligible for financial assistance.

f. Future occupation of the dwelling

It is a condition of the grant that throughout the grant condition period (that is 5 years from the date of certification) the dwelling is occupied in accordance with the intention stated in the certificate of owner occupation or availability for letting or intended tenancy, or for such shorter period as their health or other relevant circumstances permit.

g. Tenanted Application Considerations

Care must be taken when agreeing to schemes of works on third-party property such as tenanted accommodation, that the property owner is fully engaged with the decision process. This is also particularly important where an architect or similar is acting on the applicant's behalf, and where issues such as planning permission, building control and other regulations are involved.

Tenant applications that seek to explore making provisions for new bedrooms and or bathrooms that require larger schemes of works such as extensions, may be asked to demonstrate that an application to explore alternative housing by means of relocation or exchange have initially been considered with their housing provider, prior to accepting a request for assistance. Authorisation must be provided by the landlord prior to commencing any new provisions including agreement the tenant can continue to reside in the accommodation for as long as it is practicable to do so.

h. Insurance

The Council would advise that all applicants who seek to employ their own contractor(s), gain evidence to support satisfactory levels of Public Liability and Employers Liability Insurance are in place, prior to the commencement of any works. Typically, these levels would be set at a standard £10,000,000 for both types of insurance. Applicants who own their home, must also notify their insurers of major works such as extensions or if larger internal structural alterations are required, they must ensure their property insured for the duration of the works.

i. Conditions relating to Contractors, Standard of Works and Invoices

In approving an application for financial assistance, the Council will require as a condition, that the eligible works are carried out in accordance with any specification it has decided to impose. Noting that all quotations for the works must be addressed to the client and not directly to the Council.

The eligible works must be carried out by the contractor(s) upon whose estimate the financial assistance is based, or if two estimates were submitted, by one of those contractors. The Council's consent must be obtained prior to the works if a contractor who did not submit an estimate is to carry out the works, and if an agreement is given, an estimate from the new contractor must be submitted (this does not automatically convey a difference in revised grant award – any additional costs must be separately financed by the applicant).

Dependent upon the type of financial assistance, the Council may need to understand that the costs for larger schemes include a provision for a 10% contingency prior to grant approval. The applicant will be asked to evidence that these funds are in place and set aside prior to the commencement of any works.

j. Time scale to complete the works

The 1996 Act sets a maximum period of 6 months for a local authority to decide upon an application outcome. However, this period will only commence upon the successful full registration of the application, which must satisfy and include the applicant providing all the required supporting information, relevant permissions and completion of the means test if required. Noting that at the time of writing this Policy, a current waiting list of 3- 6 months exists prior to any initial engagement for referrals that are given a priority status of (3) non-urgent **see section 12.2**. Once an application has been successfully registered, the 6-month determination period will commence.

When an application is finally approved, it is a condition of the 1996 Act that the eligible works are carried out within 12 months from that date. This period may be extended if appropriate, particularly where it is satisfied that the eligible works cannot be completed for good reasons. Requests for additional time must be made in writing before the 12-month period ends and approved extra time will be confirmed in writing.

k. Works in progress – Unforeseen works

Whilst the works are in progress should unforeseen works arise, they must be appropriately costed and reported back to the DFG officer who will then decide how to proceed. If deemed necessary, the additional costs will be added to the approved grant sum and must not exceed the specified maximum award for the mandatory DFG. Costs above the mandatory grant maximum award may be supported as discretionary DFA in accordance with this Policy. Note, unforeseen works carried out without prior approval of the Council, or its agents will not be eligible for assistance.

l. Payments

Payment of financial assistance to the applicant will be dependent upon the works being carried out to a standard that is satisfactory to the Council or its appointed agent and upon receipt of a satisfactory invoice, demand or receipt for the works and any preliminary or ancillary services or changes.

Grant payments for minor works will usually be made directly to the contractor on behalf of the applicant, unless a request is made to the Council to directly pay the applicant, which must be agreed prior to grant approval.

If the applicant opts to self-manage a preferred scheme, a single payment for the approved grant award will be finalised when the works are completed. This will require both the presentation of a completion certificate obtained from Building Control and a site inspection by the assigned DFG officer to ensure the works are as per specification and or fit for purpose.

Payments may at the discretion of the Council also include contractual arrangements for the provision of staged payments directly payable to the client or the contractor. Payment provisions may vary dependent upon contract selection and will be agreed prior to the works commencement with both the applicant and contractor.

m. Payment Disputes

Where the applicant disagrees with a request to make payment direct to a contractor and no contract has been formed, no payment shall be made until the dispute is resolved or the Council is satisfied the works are of reasonable standard. Legislation permits the Council to make payment by delivering to the applicant an instrument of payment in a form made payable to the contractor, OR by making payment direct to the applicant in accordance with information provided prior to grant approval. Where a contract has been formed between the client and the contractor, the provisions set out within the contract to remedy and adjudicate disputes will apply. Typically, adjudication would include The Royal Institution of Chartered Surveyors (RICS).

n. Recovery of DFG Assistance – Local Land Charge

Mandatory DFG funding may be recoverable in accordance with permitted values detailed within a General Charge Consent agreement or as detailed within this Policy. Where the applicant is an owner-occupier and not a tenant, a sum of up to £10,000 may be recovered for works costing more than £5,000. This sum would only be recovered if the property were to be sold or the title otherwise transferred within 10 years of the certified (completion) date of works. All recoverable costs will be registered as a local land charge with the prior consent of the owner(s).

o. Repayment

Where a charge (repayable grant) is due for recovery or an enquiry is made to redeem the charge, upon receipt of a written request from the responsible person, the DFG Lead will consider in “particular circumstances” all options to reduce or exempt repayment to be determined in accordance with the following criteria;

- the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
- whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of their employment;
- whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises;
- whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

p. Appeals

If an initial decision by the DFG Lead is not accepted and further appealed, details of that appeal will be determined by The Head of Service.

q. Breach

In the event of a breach of occupancy conditions or detected fraud, the Council will be entitled to recalculate grant awards in limited circumstances, for example if any relevant insurance claims are pending, and to cease making payments and to seek repayment in some cases as detailed in sections 40-42 of the 1996 Act.

r. Mandatory Grant Land Charges Explained

All land charge will be placed in accordance with 2008 General Consent²⁵ which enable the Council to place a local land charge for the portion of the grant over £5,000. Worked examples of a charge calculation are given below:

| | DFG Grant Award Placed | Exempt Amount | Remaining Value of Grant | Charge |
|------------------|-------------------------------|----------------------|---------------------------------|---------------|
| Example A | £ 5,499 | £ 5,000 | £ 499 | |
| £ 0 | | | | |
| Example B | £ 5,500 | £ 5,000 | £ 500 | |
| £ 500 | | | | |
| Example C | £12,000 | £ 5,000 | £ 7,000 | |
| £ 7,000 | | | | |
| Example D | £15,000 | £ 5,000 | £10,000 | |
| £10,000 | | | | |
| Example E | £30,000 | £ 5,000 | £25,000 | |
| £10,000 | | | | |

Note: The Council will elect to wavier all land charge values that would fall under £500, all charges between £500 up to a maximum of £10,000 will be registered in accordance with this Policy.

s. Recovery of Discretionary Funding Assistance – Local Land Charge

Discretionary Assistance outside any Mandatory grant award may be recoverable in full where the applicant is an owner-occupier and not a tenant. This sum would only be recovered if the property were to be sold or the title otherwise transferred within 10 years of the certified (completion) date of works. All recoverable costs will be registered as a local land charge with the prior consent of the owner(s) via a signed charge consent authorisation. Worked examples of a charge calculation are given below:

²⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/78111/generalconsent2008.pdf

| | DFA Award | Exempt Amount | Charge Placed |
|------------------|----------------------|--------------------------|--------------------------|
| Example A | £ 1000 | £ 0,000 | £ 1000 |
| Example B | £100,000 | £ 0,000 | £100,000 |

Note: There will be no exempt amount for Discretionary funding. Where a Mandatory DFG attracts a land charge and utilises Discretionary funding as a top-up the two charge amounts will be added together to form one combined charge.

Worked examples of a combined charge calculation are given below:

| | DFG Grant Award | Exempt Amount | Remaining Value of Grant | Charge Amount |
|------------------|--|--------------------------|-------------------------------------|--------------------------|
| Example A | £ 30,000 | £ 5,000 | £ 25,000 | £10,000 |
| | DFA Award | Exempt Amount | | Charge Amount |
| Example A | £ 25,000 | £ 0,000 | | £25,000 |
| | <u>Total Local Land Charge placed</u> | | | |
| | <u>£35,000</u> | | | |

Appendix B – Financial Assistance Summary

1. Disabled Facilities Grant – DFG (Mandatory)

| Scope of works | Max grant available | Means Tested | Eligibility |
|---|---|--|---|
| <p>To carry out works to facilitate access to facilities and in and around the home as set out in the Housing Grants, Construction and Regeneration Act 1996 – works must be deemed necessary, appropriate, reasonable and practicable by the OT Service and DFG Service.</p> | <p>Up to £30,000 for eligible works</p> | <p>Adults – Yes Children – No</p> | <p>As set out in S.100 of the Housing Grants, Construction and Regeneration Act 1996 – the person must be disabled</p> <p>The applicant must be an owner or tenant of the property (where the disabled person lives with family then the owner or tenant would apply on behalf of the disabled person – e.g. parents would apply on behalf of a child for funding towards an adaptation)</p> <p>The application must be accompanied by a referral or consultation with Social Services. This would normally be in the form of a referral from an Occupational Therapist within Social Care Services. Applications from the NHS or a private practice will be reviewed by a member of the Social Care Occupational Therapy Team.</p> |

2. Disabled Facilities Assistance – DFA (Discretionary) discretionary housing assistance

| Scope of works | Max Assistance available | Means Tested | Eligibility |
|---|--------------------------|--|---|
| <p>To 'top-up' Mandatory DFG schemes where works exceed the maximum grant available.</p> <p>Applications for works that fall outside of the Mandatory DFG criteria will also be considered under the DFA.</p> | <p>Up to £30,000*</p> | <p>No additional means test to the Mandatory DFG</p> | <p>Applicants must be eligible for Mandatory DFG</p> <p>The household is considered to be in financial hardship and cannot afford to fund the works</p> <p>All other means of funding (i.e. charities) have been explored unsuccessfully</p> <p>To fund means tested contributions where it can be proven that the applicant cannot afford the works. Not completing the works would incur additional costs to Social Care and/or place the individual at significant risk of harm</p> <p>Only available to provide schemes as assessed by the OT Services & DFG Team (not applicant own/ preferred/ enhanced schemes)</p> <p>Only 1 application within a 5-year period</p> |

3. Palliative Care Assistance – PCA (Discretionary)

| Scope of works | Max grant available | Means Tested | Eligibility |
|---|---------------------|------------------|--|
| A grant to fund the loan and installation of a second hand, reconditioned stair lift. | £5,000 | Not means tested | <p>Homeowners or private tenants who are in palliative care.</p> <p>A person in palliative care living at home with family</p> <p>Parents or Guardians with a disabled child in palliative care living at home.</p> <p>Applications supported by The Royal Borough Council Social Care Occupational Therapist.</p> <p>Applications from or supported by hospices to enable people to return home for care.</p> |

Notes: When a stair lift is no longer needed for the purpose for which it was provided, the supplier will arrange for this to be collected at the convenience of the family.

4. Housing Relocation Assistance – HRA (Discretionary)

| Scope of works | Max grant available | Means Tested | Eligibility |
|---|---------------------|-------------------------|---|
| <p>To support and fund moving costs for households where an adaptation is not feasible or economically viable, or there is a more suitable property available.</p> <p>These costs can include:</p> <ul style="list-style-type: none"> • estate agent's fees • solicitor's fees • removal costs • essential utility connection costs • deposit for a privately rented property • stamp duty • essential floor coverings | <p>£10,000</p> | <p>Not Means Tested</p> | <p>Applicants must be eligible for Mandatory DFG</p> <p>Available across all tenures.</p> <p>The current home is unable to be adapted or it is unviable to adapt</p> <p>The move is necessary to enable care provision</p> <p>The move is necessary due to landlord refusal of permission</p> <p>Other such reasons as may be determined over time</p> <p>Only 1 application within a 5-year period</p> |

5. Housing Assistance – HA (Discretionary) – Not provided at RBWM due to the adoption of the Flexible home improvement loan for homeowners over 60.

| Scope of works | Max grant available | Means Tested | Eligibility |
|--|---------------------|------------------|--|
| A grant to help homeowners carry out minor works or adaptations where defects in your property constitute a potential hazard(s) to health. | £2,000 | Not means tested | Applicants must be in receipt of an income-based benefit: The grant would be available to homeowners who are over 60 and have owned their home for longer than three years. |
| The Borough offer a flexible home improvement loan for this client group - https://www.rbwm.gov.uk/home/housing/homeowners-and-landlords/flexible-home-improvement-loans | | | |

Notes: To apply for a lifeline alarm or key safe then please contact Home Assistance on 01628 543101. You are not required to own your own home or be over 60 to be eligible for these.

Appendix C – Maintenance, Works Under £1000 & Equipment

1. Maintenance

A Disabled Facility Grant is a grant to provide a specific adaptation to a client via a mandatory entitlement if they meet the qualifying conditions as set out in the Policy. Equipment provided under this grant will become the property of the client who equally will assume the full ongoing responsibility of maintenance. New grant applications to cover the costs of ongoing maintenance for existing equipment will not be supported by this Policy.

In some cases, a grant may provide funding for new equipment such as a stairlift or a hoist which may be accompanied by a guarantee and maintenance agreement spanning up to 5 years. When equipment guarantees or any associated maintenance agreements come to an end, the ongoing maintenance responsibilities will become that of the grant recipient. For owner occupiers this will mean contacting the equipment supplier to renew your maintenance agreement, for Housing Association tenants this will require you to contact your Planned Maintenance department to ensure the equipment has been registered as an asset and included within your Housing Provider's equipment maintenance contract. Tenants in the private sector will have to approach their landlord(s).

2. Minor Adaptations

In privately owned or rented houses minor works up to a value of £1000, which have been assessed by an occupational therapist as being necessary and appropriate maybe carried out to make improvements within the home. This will cover installations such as grab rails, handrails, bath boards, special taps or door handles and temporary ramps. Minor aids and adaptations may be ordered directly by either an Adult, Children Services or NHS OT and Housing association tenants can also access minor aids and adaptations directly by approaching their landlord, who will normally carry out minor works at no cost.

3. Equipment

Most items of temporary equipment such as bath or shower seats, bath lifts, mobile hoists, WC riser seats (or potentially specialist washing and drying WC seats) and modular ramps are supplied by Adult & Children's Social Care rather than the Council. Items available as equipment are reviewed by Social Care from time to time. If items cannot be supplied, Adult Social Care or Children Services will advise on where temporary aids or devices can be obtained elsewhere or for applicants to purchase themselves.

Appendix D – Suitability assessment of your home for an adaptation

1. Mandatory Grant Assistance up to £30k

The primary legislation for the administration of a DFG is set out in the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act). The Department for Levelling up Housing & Communities published guidance for Councils in March 2022, this appendix summarises the relevant legislation and guidance to help inform an applicant how the Council approach applications around it's determination of what is reasonable and practicable: It is important to note that this legislation and guidance is only specific to the administration of a mandatory grant award.

1a. Where the relevant works have been judged to be necessary and appropriate by the referring OT, the Council will then consider whether it is reasonable and practicable to carry out the works having “regard to the age and condition” of the applicant’s property. The reason for this test is that it may not be a good use of resources to award a DFG to adapt an old, run-down building.

1b. Each application will be considered on its own merits but where a home is in serious disrepair or beyond economic repair then the Council may consider that the relevant works are not reasonable and practicable. In these cases, the Council will provide information and advice to the applicant on their housing options.

1c. Other issues, such as whether the property is otherwise suitable for the disabled person are not relevant considerations.

2. Discretionary Assistance up to £30k

In the event discretionary funding is to be considered by the Council under the powers of Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO), it may utilise at its discretion a different set of decision criteria than as set out above, which refers to Mandatory Grants. The Council recognise that extensive adaptations and rising building costs will often mean works will likely exceed the current mandatory grant limit of £30,000.

2a. The Council will consider extenuating factors such as the effect on other residents, the practicalities of carrying out work on properties with limited access, conservation considerations, and the structural characteristics of the property.

2b. Where there are unique circumstances that the Council recognise require an innovative approach to achieve the best outcome for the applicant.

2c. The Council may consider a written business case for investment into large scale adaptations requiring funding above the mandatory maximum DFG award, where it can be demonstrated that alternatives would have a greater impact on the public purse.

2d. The Council may consider it more reasonable to offer a person to move to another property by working in conjunction with one of its registered housing

providers, rather than fund the alterations which have been requested and deemed not reasonable or practicable.

3. Summary Table of Funding Levels

| Funding Level | Decision Makers |
|---|--|
| Mandatory Grant up to £30,000 | DFG Team Officer / DFG Team Lead |
| Discretionary Funding up to £30,000 | DFG Lead up to an additional £10,000 funding, Head of Housing up to a further £20k additional funding. |
| Discretionary Funding over £30,000 up to £100,000 from the wider Borough Capital funding pot The budget for Discretionary Funding is determined on a case-by-case basis including Adult Social Care budget, Children Services Budget, Registered Provider Landlord Budget and Public Health budget | <p>Discretionary Funding Panel</p> <p>Discretionary Funding Panel Head of Housing RBWM - Chair</p> <p>Assoc Director to Children Services Deputy Director of Children's Social Care</p> <p>Director of Adult Social Services Assistant Director of Adult Social Services</p> <p>Head of Housing Services for register Social Housing Providers within RBWM including Housing Solutions, Abri, One Housing, Anchor as appropriate</p> <p>Public Health Lead for RBWM</p> |
| Discretionary Funding over £100,000 from the wider Borough Capital funding pot | Chief Executive Officer RBWM to approve recommendation of panel above |

Appendix E – GDPR

The following form will be utilised to collect client specific data that is required to support the completion of each disabled facilities grant application.

1. [Data Protection Act 2018 & General Data Protection Regulations \(GDPR\)](#)

We need to collect certain information to assist with the processing of applications for mandatory and/ or discretionary financial assistance to enable us to approve applications to adapt properties, to remove health and safety issues and to render properties habitable for elderly, vulnerable and disabled people.

This Privacy notice applies to the following Areas of Work

- Housing Adaptations for disabled adults and children, and elderly people
- Housing Improvements within the Private Sector
- Facilitating Hospital Discharge – to allow people to return to their home
- Boiler Replacement/ Heating Improvements/ Energy Efficiency Schemes

The information we will collect in order to process the application:

- Name of applicant
- Address of applicant
- Relationship information
- Name of beneficiary of the works if not the applicant
- National Insurance number of applicant/ beneficiary
- Resident status
- Names of other people living at the property where work is to be carried out including any dependent and non-dependent children
- Contact details including land line, mobile phone and email details of applicant and contact details of any person nominated as a point of contact
- Date of birth of applicant
- Housing status – owner-occupier/ owner/ private rented/ social rented
- Name and contact details for landlord and/or landlords agent
- Ownership and Land registry details for occupiers and owner-occupiers
- Medical information relating to disability

We may collect the following information if the financial assistance applied for requires a means test:

- Employment details including contact details of employer
- Details of benefits being received by the applicant/ beneficiary
- Income and other financial details relating to you and your partner/ spouse (including but not restricted to bank details, salary/ pensions/ savings/ investments/bonds/ land & property, etc.)
- Other information as specified on the application form in order to process the application

Agencies and other organisations with whom we may share some of this information:

- Adult Social Care
- Children's Services
- Doctors, GP's or medical services within RBWM.
- The NHS service if your treatment was conducted outside the Borough of Windsor & Maidenhead
- RBWM Legal Services
- RBWM Revenue Services incl Council Tax
- DWP
- HMRC
- Registered Social Housing Providers
- HM Land Registry and local land charges
- Contractors engaged for the purpose of delivering grant assistance
- Local Government Ombudsman

We will only share information that is necessary to allow us to carry out our responsibilities to process your application. We will share limited information with contractors/ suppliers to enable them to make contact with you for the purposes of carrying out works at your property.

Processing your Information

Information you share with the Council may be subject to processing by a third-party organisation. We may undertake a Data Protection Impact Assessment prior to commencing any such activity and will always ensure that processing of your data falls under one of the following lawful bases:

- a. We have your consent;
- b. We have to fulfil a contractual obligation to you or you have asked us to do something before entering into a contract or agreement;
- c. We have a legal obligation to process your personal data;
- d. We need to process your personal information to protect someone's life. This is known as a vital interest;
- e. We need to process your information "in the exercise of a public authority". This covers the public functions, powers, and obligations placed on the Council and set out in law;
- f. The final lawful basis is a legitimate interest. The majority of the Council's work is carried out as a public authority and there may be occasions where it performs a task which is outside the scope of being a public authority. In those instances, the Council will perform a three part test to assess the purpose, necessity, and balance of the processing to ensure your rights and freedom are protected.

You have the right to opt out of RBWM receiving or holding your personal identifiable information. Your right to opt out may prevent us from delivering the assistance you have requested. There are occasions where service providers will have a legal duty to share information; for example for safeguarding, fraud or criminal issues. The process for opting out will depend on the specific data and what programme it relates to.

For further information please visit <https://www.tameside.gov.uk/dataprotection> or email information.governance@tameside.gov.uk

Agency Service/ Home Improvement Agency – Adaptations and Home Improvements
Data Protection Act 2018 & General Data Protection Regulations (GDPR)

2. [Authorisation to Process Personal Data](#)

We need to collect certain information about you to assist with the processing of your application for mandatory and/ or discretionary financial assistance for work which may include adaptations to your property, removal of health and safety issues at your property, or to make your property habitable for elderly, vulnerable or disabled people to continue to live in. Due to the nature of the grant process failure to provide all or some of the information requested may result in the Council being unable to process your application.

By signing this form you agree to us collecting and processing your personal information in order to assist you with your application for financial assistance to carry out adaptations to your home, to allow works of a health and safety nature to be carried out to your home or to allow us carry out other forms of work to a property that will benefit you and/ or your family.

The information we collect will, notwithstanding our duty to follow the lawful bases noted above, only be used for the purposes of processing your application for financial assistance and to enable us to carry out certain checks to determine eligibility for that assistance. Some of the information we collect (address and contact details for you or a nominated person, etc.) will, with the exception of Personal Applications, when approved be passed to the contractor to enable them to arrange the works direct with you.

Upon completion of the works, we may retain a paper file for 12 months after which we will scan and then destroy the paper file. The information is retained for 12 months during the guarantee/ warranty period should it be necessary to recall the contractor after the works are complete and for the purposes of audit which requires us to retain financial information for up to 7 years from completion of the works. Where we do not create a paper file, we will create and retain an electronic file for the same reasons and 7 year period as noted above.

When you make a personal application for a Disabled Facilities Grant you will be responsible, not the Council, for the personal information you provide to your contractor. You should speak with your contractor about their data collection and retention Policy. Any information we retain upon completion of the works will be for prevention of fraud, to record the General Consent Order information, and audit purposes only.

Name

Date

Address

.....

Signature of person named

DRAFT

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