

MALDON DISTRICT COUNCIL
DISABLED FACILITIES GRANTS POLICY
2022 - 2025

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SECTION 1 - INTRODUCTION

1.0 Introduction

- a) Maldon District Council, in its role as a local housing authority, has a statutory duty to provide Disabled Facilities Grants (DFGs) to qualifying applicants under the Housing Grants, Construction and Regeneration Act 1996 (the Act).
- b) This Policy was formally part of the Housing Assistance Policy made under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and commenced on 22 May 2008. It was reviewed and revised in October 2008. It has now been further revised with effect of 23 November 2020 and will form part of the current Homelessness, Rough Sleeper and Housing Strategy 2018-2025.
- c) This Policy sets out the basis on which Maldon District Council (MDC) will offer Disabled Facility Grants in the private housing sector. This Policy is to be read in conjunction with Housing Grants Construction and Regeneration Act 1996 as amended and the current MDC Housing Strategy 2018-2025.
- d) DFGs are mandatory grants and are available to disabled people when works to adapt their home are judged as being 'necessary and appropriate' to meet their needs. Furthermore, the Council must determine works 'reasonable and practicable' to carry out having regard to the age and condition of the dwelling.

Subject to all the eligibility criteria being met, the Council must 'determine' a valid application as soon as reasonably practicable with existing resources, but no later than 6 months from the application date.

- e) This Policy will be subject to review and amended as required to take into account changing policies at national, regional and county level and all available information on the condition of private sector housing in the District.
- f) The principal aims of this Policy are but not limited to:
 - To improve the wellbeing and independent living of older or vulnerable residents in the private residential sector;
 - To seek to maximise use of external funding opportunities;
 - To ensure that residents can live in a decent home;
- g) The Lead Specialist – (Community) in conjunction with the Senior Specialist Coordinator (Housing) has delegated authority to make minor policy amendments, such as procedural changes or to accord with changes of legislation and government policy, which do not affect the broad remit or direction of the Policy

SECTION 2 – TYPES OF GRANT ASSISTANCE AVAILABLE

2.0 Financial housing assistance for disabled people

a) Mandatory Disabled Facilities Grants (DFG) - Maximum £30,000

This is a **mandatory** grant provided to adapt the home of a disabled person to meet specific needs and enable the disabled occupant to maintain the maximum degree of independence.

b) Disabled Facilities Repayable Loan (DFRL) - Maximum £5,000

This is a discretionary loan to help applicants meet the cost of recommended disabled facilities adaptation work. The amount of money paid will be registered as a charge on the property and will be subject to repayment when the home is sold or transferred to another owner, or the disabled person no longer needs the facilities provided.

c) Discretionary Relocation Grant (DRG)

To help eligible applicants relocate to a suitable property within the Maldon District if recommended adaptations to their current dwelling is not feasible or reasonable.

SECTION 3 – ELIGIBILITY FOR FINANCIAL ASSISTANCE

3.0 Mandatory Disabled Facilities Grants (DFGs).

- a) The provisions for processing Mandatory DFGs and the conditions attached to them are laid down in the Housing Grants Construction and Regeneration Act 1996 as amended. The purposes for which a DFG must or may be given are subject to section 23 (1) of the Act and in summary are to provide, but not limited to;
- b) Essential facilities within the home, such as a bathroom adaptation; and/or,
- c) Essential adaptations to give better freedom of movement into, around the home and to essential facilities within it, such as a stairlift or ramped wheelchair access.
- d) The amount of the Grant is determined by the "Test of resources" or 'Means test' carried out on the person that the work is being carried out for. If this person is under 16 years of age or is aged 16 to 19 and is entitled to Child Benefit for being still in full-time non-advanced education (i.e. up to and including A level) no means test is carried out and the Grant is for the full cost of the work up to the maximum eligible expense limit.
- e) The maximum eligible expense for mandatory DFGs is currently £30,000 which includes for reasonable fees incurred in making the application (project management, building control or planning etc) and VAT at the current rate.
- f) Regardless of who the work is for, the application must be made by the legal owner, tenant or landlord of the dwelling and any applicant must be over 18 at the time the application is made. Tenants must get their Landlord's permission before the grant can be approved.
- g) The person for whom the work is being requested must live in the dwelling as their main or sole residence. They must be registered, or eligible to be registered, as a disabled person. Adult Social Care - Essex County Council must confirm that the work is both necessary and appropriate for the user. This assessment is carried out by Occupational Therapists (OT) from the County Council's 'Hub of Independent Practitioners'. When considering the OT recommendations, the Council must be satisfied that the proposed works are necessary and appropriate and reasonable and practicable, taking into account the age, condition and also suitability of the footprint of the property for adaptation.
- h) If the property is sold in the ten-year period following the completion of the work, the Council may recover specialist equipment installed under the DFG. If the Council intends to do so this will be specified in the grant Approval Notice.
- i) Where the DFG is above £5,000, the Council will recover costs up to a maximum of £10,000 if the property is disposed of (sold, assignment, transfer or otherwise) within 10 years of the date of the completion of the approved work. This will be protected by a charge on a property which will be removed after a period of 10

years if there is no disposal of the property. The Council may waive this requirement in exceptional circumstances. DFG's below £5,000 are excluded from this condition.

- j) Home owners, housing association tenants, private tenants and landlords can apply in respect of a disabled occupant. Mobile home owners and houseboat occupiers are also eligible to apply for assistance.
- k) Priority will be given to applications assessed as 'Urgent or Critical' by OT's. The Council will process such priority cases ahead of all other referred cases and aims to fund all registered applications within the financial year of assessment or full application.
- l) In DFG applications where appropriate, housing options will be considered and discussed with the applicant in the first instance. To ensure equality of service, the general principles of Maldon District Council's Housing Allocations Policy will be used as the guiding document to determine accommodation type and size required. Assistance may be available in the form of a Mandatory DFG as above.

3.1 (Discretionary) Disabled Facilities Repayable Loan (DFRL)

DFRL is available;

- Where a person qualifies for a mandatory DFG, but the necessary works are not feasible at their existing property or could only be carried out at wholly disproportionate cost, then the Council may consider a discretionary loan towards essential relocation costs. No household can receive more than one DFRL for the purpose of relocation;
 - Where an applicant is unable to meet their assessed financial contribution, and is unable to obtain a commercial loan, the Council and Social Services will explore the funding options available.
 - Where a person qualifies for a Mandatory DFG but is unable to meet their assessed contribution toward essential works because of the means test;
- a. In all cases the DFRL will be registered as a charge on the property and will be subject to repayment when the home is sold or transferred to another owner.
 - b. In order to consider a DFRL for this purpose the property must be capable of being occupied as it stands or with adaptation at reasonable cost.
 - c. The maximum grant in these circumstances will be £5,000 which includes reasonable fees incurred (project management, building control or planning etc) in making the application and VAT at the current rate.
 - d. At the Councils discretion and in special circumstances, DFRL is available to private landlords. The amount of money paid will be registered as a charge on the property and will be subject to repayment when the home is sold or transferred to another owner. DFRL is not available to Registered Social Landlords.
 - e. The Council reserves the right to refuse DFRL assistance where the works are not `necessary and appropriate' and `reasonable and practicable' or are excessively expensive or where the property is not suitable for adaptation.
 - f. DFRL is discretionary, will only be considered in exceptional circumstances and subject to the Council having sufficient funds and can be withdrawn at any time.

3.2 Discretionary Relocation Grant (DRG)

- a. A Discretionary Relocation Grant (DRG) may be available to an applicant who owns or privately rents their dwelling if adaptation of their current home through a mandatory DFG is determined not to be a feasible or reasonable option, and they are considering relocating to a suitable property they intend to purchase.
- b. DRG may be available where the applicant would otherwise qualify for mandatory DFG and the following criteria exist:-
 - adaptations to their current home through DFG are determined not to be reasonable and practical,
 - the adaptations involve major work and it would be beneficial to the disabled person and more cost effective if they moved to a home more suitable to their needs,
 - a landlord has reasonably refused to give consent to the adaptation work to a rented property.
 - DRG will not be made available towards the purchase price of a new dwelling, rent or any rental agreement.

- c. DRG is not available to Registered Social Landlords.

Applicants must be aged 18 or over on the date the application is made and in the case of a disabled child, the parent(s) would make the application. Any such application must be supported by a recommendation from the Occupational Therapy Service at Essex County Council. The Council and the Occupational Therapist must both be satisfied that the proposed dwelling already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.

- d. Applicants must be relocating within the Maldon District.
- e. A DRG of up to £5,000 may be made available towards specific relocation expenses which includes estate agents fees, legal costs and removal costs.
- f. Where a DRG is offered and further adaptation of the new property is required the combined cost of relocation and adaptation must not exceed the statutory maximum DFG of £30,000.
- g. DRG applications must be submitted prior to relocation. Grants will not be paid retrospectively.
- h. All applicants will be required to complete the move within 12 months from the date of approval of their application. Any payments made will be made either directly to the service/work provider or to the grant applicant. In either case, valid invoices or receipts must be provided prior to payment.

- i. The Council will require two quotations from independent contractors that reflect the cost of the works or service being provided. The Council may accept one quotation if is satisfied that the cost is reasonable and value for money.
- j. If, on the sale of the applicant's existing dwelling, a net equity of more than £5,000 is released, the DRG will only fund the physical removal costs.
- k) Net equity refers to any equity released when the purchase price of the new dwelling is less than the existing dwelling's selling price. If the move is aborted through the fault of the applicant, then the Grant will not be paid and any monies already paid will be reclaimed from the applicant. If the reason for the move falling through is no fault of the applicant, then the Council will cover the full costs.
- l) The new dwelling must be the disabled person's main residence and no applicant will be awarded a discretionary relocation grant on more than one occasion.
- m) If the disabled occupant moves from the new dwelling with 5 years or if the dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise for any reason within a period of 5 years the DRG must be paid back in full to the Council unless there are exceptional circumstances. The DRG will be recorded as a charge on the property for a period of 5 years from the date that the new dwelling is occupied by the disabled occupant.

The DRG will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child in which case no such test will be applied.

- n) DRG will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been received from by the Occupational Therapy Service at the time, the Council reserves the right not to approve any DRG.

SECTION 4 – ELIGIBILITY FOR FINANCIAL ASSISTANCE

4.0 Dual residency of a disabled child and discretionary assistance

- a. In cases where families separate, and a court order provides that residency of the subject disabled child is split between the mother and father (or other designated guardian) the Council may consider the award of discretionary DFG to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within the eligibility applied to mandatory DFG schemes.
- b. In determining the discretionary works that might be considered as eligible for assistance the Council will consider the suitability of the dwelling for adaptation, the complexity and scope of the adaptation required, and any observations or referral made by the Occupational Therapy Service. The scope of the works will not necessarily mirror those to be undertaken at the sole or main residence. The main residence will be determined by which adult party receives child benefit for the disabled child. Discretionary assistance is subject to the Council having sufficient funds at the time of application and can be withdrawn at any time.

4.1 Stairlifts

- a. In support of the aims and recommendations of the current Better Care Fund programme and the Regulatory Reform Order 2002, the Council aims to utilise funding more flexibly to address wider objectives within housing, health, care, and prevention to enable resident to live independently in their own home.
- b. To prevent hospital admissions or expedite hospital discharges, reduce the likelihood of falls associated with stairs and to enable the fast track delivery of stairlifts the requirement for a means test for this equipment alone is removed. All eligible DFG applicants who are recommended for a stairlift by an Occupational Therapist and who meet the eligibility criteria for a mandatory DFG will no longer be required to undergo a financial means test. All such applicants will be passported through the DFG process.
- c. The grant conditions as provided in 3.6 will not apply to stairlifts only.

SECTION 5 – GUIDANCE ON APPLICATIONS

5.0 Assistance with applications

- a. The provisions for processing Mandatory DFGs and the conditions attached to them are laid down in the Housing Grants Construction and Regeneration Act 1996 as amended.
- b. An application for DFG will only be accepted from an applicant, or on behalf of an applicant who is registerable as disabled and with referral from the Occupational Therapy Service at Essex County Council.
- c. The Council provides an in-house Home Improvement Agency to manage DFG applications on behalf of eligible applicants who are older, vulnerable, or in need of care and support through the application process. The service is subject to existing staffing resources and optional to applicants should they elect to use the service.

The service provides but not limited to;

- Completing all initial means test forms and application forms as appropriate;
 - Obtaining landlord's or freeholders consent to the adaptation works where appropriate;
 - Arranging for inspection or survey to prepare specification or plans;
 - Arranging for any building regulation and/or planning permission where appropriate;
 - Engaging and dealing with consultation with relevant parties;
 - Obtaining builder's estimates from vetted contractors for the adaptation works;
 - Inspecting the adaptation works when the grant has been approved;
 - Certifying work as complete;
 - Dealing with Grant payments.
- d. The Council charges a project management fee of 15% of the contract sum of the adaptation works for this service. This fee is added to the total cost of the DFG. In normal circumstances, the Council will only manage DFG works that are within the mandatory DFG limits.
 - e. The Council's in-house agency has discretion to refuse to manage any DFG application on reasonable grounds. Examples may be, but not limited to, inadequate resources, complexity or scope of scheme, specialism, condition of property, lack of supportive funding and or contractual obligations.
 - f. DFG applicants, including referrals from Registered Social Landlords, are given a choice in whether to elect to use this service at the referral stage or first contact with a member of the Private Sector Grants team. If the applicant chooses not to use the Councils in-house service to manage their DFG they will be advised that they will have to manage the process themselves.

5.1 Scope of works and enhanced schemes

- a. The proposed alternative or enhanced scheme shall meet the end users' needs as assessed by the Occupational Therapist in the original recommendation. Such example is where a through-floor lift would meet the needs of the disabled person, but the preference of the owner applicant is for the construction of a ground floor extension. Here, DFG equal to the cost of the lift could be approved.
- b. In the event of enhanced schemes, the Council must be satisfied that the applicant has sufficient financial resources to complete the alternative scheme, including proportionate contingency sums for unforeseen works, project management and all relevant building consents.
- c. The Council will only pay DFG amount equal to the cost of the works originally recommended by the Occupational Therapist. The Council will not pay DFG until all works have been completed and certified as satisfactory by the Council.

5.2 Grant approval

- a. The Council is required by the Act to approve or refuse a mandatory DFG within 6 months of a valid grant application being made. A valid application is deemed to be made when the Council is in receipt of all following documentation;
 - Evidence of Occupational Therapist recommendation of adaptations;
 - Council confirmation that recommended works are 'reasonable and practicable';
 - Completed application forms;
 - Evidence of financial resources to complete a means test of resources;
 - Contractor estimates as required by the Council;
 - All necessary property owner consents, ownership or proof of tenancy;
 - Planning or building consents;
 - Evidence of supportive funding as appropriate;
 - Any other document deemed as necessary and appropriate to enable fair and consistent decision making.
- b. The Council will not normally approve a DFG application where the specified work has already begun. However, it can approve such a grant if it is satisfied that there were good reasons for beginning the works before the application was approved. Any such grant approval may be reduced to reflect the works undertaken prior to approval of the DFG.
- c. The Council will not approve an application for a DFG if the relevant works have already been completed.

5.3 Approved works on site

- a. The DFG is an agreement made between the grant applicant and the Council. The grant provides the means to pay for some or all of eligible works. However, the execution of the works is a contractual agreement made between the grant applicant and the employed contractor. The contractor is working for the grant applicant and not the Council.
- b. Additional DFG funding will only be provided above the original grant approval in the event of unforeseen works or agreed additional works as required to allow for the completion of the works. All such work must be authorised by the Council in advance. The grant will be re-calculated when all works have been completed and a revised approval notice will be issued when the grant is paid.
- c. Where a dispute arises regarding the standard of a contractor's workmanship the Council will withhold payment to the contractor until the works have been completed satisfactorily in the opinion of the Council. Where works are deemed to meet the Council's approval, but the grant applicant is not satisfied the Council will not unreasonably withhold payment to the contractor.

5.4 Payment of grant

- a. The Act allows the Council to pay the grant directly to the contractor on satisfactory completion of the specified approved works. Therefore, the Council will pay the contractor following the final inspection to certify the works has been carried and in accordance with the Occupational Therapist's recommendation and schedule of works prepared by the Council.
- b. Grant payment will only be made on production of invoice and receipt of relevant certification such as Gas Safe, Electrical Installation Certificates or Building Control Completion Certificates.

5.5 Equipment, maintenance and removal

- a. When equipment is installed under a DFG, the grant applicant becomes the owner of the equipment and is responsible for maintenance, repair or for removing equipment once it is no longer required beyond any warranty and maintenance period included for in the grant.

Examples of the type of equipment that can be funded by a DFG includes;

- Stair lifts;
 - Through floor lifts;
 - Ceiling track hoists;
 - Wash and dry toilets.
- b. The Council do not remove adaptations or provide DFG funding to do so when they are no longer required. Neither are any reinstatement works carried out.

5.6 Registered Social Landlords (RSL)

- a. Registered Social Landlords have a duty of care to their tenants and have obligations to meet current Decent Homes Standards relating to the condition of their dwellings.
- b. In all cases where the Council receives a DFG recommendation for a tenant of an RSL, they will be issued with a formal written request for a financial contribution towards the cost of the adaptation works and consent for works to be undertaken at the dwelling.

The DFG may not proceed until a response has been received.

SECTION 6 – QUALITY OF SERVICE

6.1 Comments or compliments

- a. Where a customer or applicant wish to give feedback on the Disabled Facilities Grants service provided by the Council they can do so using the following channels:

[Contact Us form - Self \(maldon.gov.uk\)](#)

6.2 Complaints

- a. Where a grant applicant is dissatisfied with the service, including where a DFG has been refused or where they wish to request a reassessment of a grant decision, they should contact the DFG Team who will aim to resolve the issue in the first instance.

Where the applicant remains dissatisfied with the service, the complaint can be escalated through the Council's official complaints procedure. This will be detailed in any reassessment correspondence from the DFG Team

6.3 Contact

- a. All enquiries should be addressed to the Private Sector Grants Team on 01621 73 2648 or 01621 73 2678 or by e-mail from privatesectorgrants@maldon.gov.uk

6.4 Data protection

- a. Anyone wishing to review the Councils approach to Data Protection and GDPR, please refer to the link below

[Data Protection Act 2018 \(GDPR\) | Data Protection Act 2018 \(GDPR\) | Maldon District Council](#)