

# Housing Assistance Policy

2023-2028

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## Version control

Date	Details	Updated by
12 <sup>th</sup> January 2023	First Draft	Foundations
2 August 2023	Final Draft Grant allocation updated. Change to grant award approval sign off process for discretionary grants. Client Contribution Support: - (1) land change updated to include full land charge (2) Assessment to be undertaken on any contribution. (3) Grant for Owner Occupiers	Torbay Council - Divisional Director Community and Customer Services
16 August 2023	Review	Torbay Council - Divisional Director Community and Customer Services
27 September	Review Armed Forces Commitment	Torbay Council - Divisional Director Community and Customer Services

# 1. INTRODUCTION

This policy sets out how Torbay Council will offer financial help for improving and adapting homes in Torbay, together with the conditions and eligibility criteria associated with each type of assistance.

Its aim is to support disabled adults, children, and older residents to improve their health and wellbeing by addressing problems with unsuitable homes that do not meet their needs. In a period of increasing pressures on resources it is important to target assistance to meet the needs of the most vulnerable residents living in Torbay.

Ensuring that homes are decent, accessible, safe, and secure is not only important for the health and wellbeing of the occupants, but it is also vital for the sustainability of communities. The amount of assistance to be given each year will be determined by the Council and will be dependent upon the level of resources available.

# 2. LEGISLATIVE CONTEXT

Housing Assistance is offered in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 with the underlying legislation governing the provision of mandatory Disabled Facilities Grants (DFG) covered by the 1996 Housing Grants, Construction and Regeneration Act. This enables the council to use its discretionary powers to make better use of its limited resources.

The Housing Grants, Construction and Regeneration Act 1996: Part 1 as amended by the Disabled Facilities Grant Order 2008 states that the local authority has a statutory duty to provide adaptations to homes for disabled people. Funding for these adaptations is provided through Disabled Facilities Grants.

The Care Act 2014 states that local authorities must provide or arrange services, resources or facilities that maximise independence. The core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life. Local authorities must promote wellbeing when carrying out any of their care and support functions in respect of a person. This may sometimes be referred to as 'the wellbeing principle' because it is a guiding principle that puts wellbeing at the heart of care and support. The wellbeing principle is intended to cover the key components of independent living.

Disabled Facilities Grant Guidance 2022 states that where the social care authority determines that a need has been established it is their duty to assist, even where the housing authority is unable to approve or to fully fund an application.

### 3. STRATEGIC ALIGNMENT

There are several key Council strategies and plans with which the Housing Assistance Policy will help deliver some of their key priorities and objectives. The key documents are listed below.

- **Community & Corporate Plan 2019 - 2023**

The Torbay Community and Corporate Plan sets out Torbay's priorities for the area to ensure that services being provided will meet the varied needs of the residents living in Torbay.

- **Torbay Council Housing Strategy 2023 - 2030**

The strategy aims to deliver these 3 priorities:

1. Improve Housing Supply
2. Improve Housing Quality
3. Improve Housing Support

This policy will contribute to delivering across all three of these priorities and will support the strategy's cross cutting principles. These are as follows:

- Put our customers first – developing a person-centered approach when finding adaptation solutions for customers.
- Tackle climate change – including recycling of adaptations and working with contractors who are working in a sustainable way.
- Work in partnership – improve the strategic and operational integration of the disabled facilities grant service within the Better Care Fund Plan.

- **The Torbay Market Position Statement**

The Torbay local Market Position Statement summarises supply and demand in the local care provider market and forms the basis for the strategic commissioning decisions. The vision is to support people to stay as well and as independent as possible, for as long as possible and to manage their own health and well-being in their own homes wherever possible.

The Housing Assistance Policy will support the delivery of the overarching priorities within the document which are:

- Enabling more people to be healthy and stay healthy
- Enhancing self-care and community resilience
- Integrate and improve community services and care in people's homes
- Deliver modern, safe, and sustainable services.

- **Better Care Fund Plan**

The Better Care Fund (BCF) programme is a pooled health and social care budget which significantly increased disabled facilities grant allocation to Housing Authorities. In providing the additional disabled facilities grant funding the government has encouraged a more integrated approach to improve outcomes across health, social care and housing using a more joined up approach to working. The policy will introduce a wider range of discretionary assistance designed to meet the needs of disabled, older, and vulnerable local residents and support delivery of the Better Care Fund priorities.

## 4. EVIDENCE OF NEED

There is a clear need in Torbay to assist our community. The following information provides a summary of key determinates that have influenced this policy.

- Torbay is mainly urban and has an ageing housing stock with 75% of this stock recorded as below an energy standard band C. There is a high percentage of private rented sector accommodation (26%) which is higher than the national average at 19% and the most common category one hazards identified through the Housing, Health, and Safety Rating Scheme (HHSRS) being excess cold.
- The hilly nature of Torbay creates a range of accessibility issues for older and disabled adults and children and despite the high proportion of bungalows in the area it does not always provide a suitably accessible home.
- Torbay is ranked as one of the most deprived local authorities in the South-West and the assistance provided in the policy will help mitigate this by providing a greater level of financial assistance to address the higher cost of materials and work for disabled facilities grants and contributions for households on low incomes.
- There is an ageing population with 27% of Torbay's population aged 65 or over, and the over 85 expected to increase by over 50% within the next decade. As the population ages it is also expected that Torbay will see more people become frail and require support from health and social care services. A key theme for health and social care is to enable and sustain independence in the home and prevent, reduce, and delay the need for higher cost social care and health interventions. Assistance outlined in the policy will support this agenda and help to address the variations in health and well-being that is found across Torbay.

## 5. THE POLICY PRIORITIES AND CAPITAL RESOURCES

The main sources of funding that are available to support the delivery of this policy are:

- Annual capital grant from central government distributed through the Better Care Fund (BCF)
  - 2023 -2024, allocation of £2,128,698 was received. This grant level is forecast to be available until 2024–2025.
- Where capital monies are provided through the BCF they will be allocated for spending in line with decisions regarding capital expenditure agreed with the BCF spending plan.
- Money provided from partners or other public sector organisations to address specified problems.
- Money obtained from charitable or other sources on behalf of customers.

Local Housing Authorities are obliged first and foremost to deliver mandatory Disabled Facilities Grants. In addition, Torbay Council will offer a range of discretionary grants to help older and disabled people of all ages to live as independently and safely as possible in their homes. Full details of discretionary assistance can be found in Appendix B of this policy. This additional assistance however should not be promoted at the expense of delays to the statutory function under the mandatory grant process.

Where funding allows, and subject to meeting the requirement for mandatory and discretionary assistance, part of the funding may be allocated for specified social care capital projects. These will be decided in accordance with the BCF spending plan jointly agreed between the Council and the relevant Clinical Commissioning Groups. This plan must be developed in keeping with the appropriate BCF Policy Framework and BCF Planning Guidance for the specified year (which provides specific guidance on Disabled Facilities Grants).

This information will be used to make necessary changes to grant assistance available. These will be approved through the appropriate governance structures and published on the Council's website as policy Appendix B amendments.

This Policy is designed to contribute towards the council's and partners strategic aims and objectives by assisting with (the list below does not imply a priority order):

- A person-centered and strengths-based approach will be used.
- Supporting the improvement of Housing quality in accordance with the grant provisions.
- Enable older and disabled people to stay well, safe, connected to the community and independent at home for longer through supporting the provision of aids and adaptation or an appropriate move to suitable accommodation.
- Safeguard the health and well-being of residents by removing unnecessary hazards to health in the home with prioritisation towards the older, disabled, and vulnerable.
- Support the reduction in demand for services from social care, health, and support social wellbeing.
- Improving the environment, using sustainable materials, and recycling adaptations where possible and working with contractors who work in a sustainable way.

## 6. EQUALITY AND DIVERSITY

The Council recognises the importance of fair treatment and the positive promotion of equality and prevent discrimination on any grounds.

This policy will be applied fairly and consistently to all our residents and will act sensitively towards the diverse needs of individuals and communities. It will not directly or indirectly discriminate against any person or group of people, and we will take positive action to reduce discrimination and harassment.

The Housing Assistance Policy has been written in line with legislation and covers all the 'protected characteristics' as detailed in the Equalities Act 2010.

## 7. SUMMARY OF ASSISTANCE

The following tables provide a summary of the assistance provided through each of the schemes available under this policy. Full details of each scheme, how to apply, and conditions can be found in Appendix B.

**All assistance provided through this policy is discretionary, except the Mandatory Disabled Facilities Grant and is therefore subject to funding.**

The Policy grants discretion to make minor amendments to the eligibility criteria, level of grant or assistance and delegates that authority to the responsible Divisional Director, if it can be demonstrated that any such changes will help the Council meet its strategic housing objectives and/or Better Care Fund metrics.

### Mandatory Disabled Facilities Grants (DFG)

This grant is set out within legislation and outlines the local variations that Torbay have adopted regarding the inclusion of warranty costs and local council tax reduction as a passporting benefit.

<b>Grant type: Mandatory Disabled Facilities Grants</b>	
<b>Eligible Applicant</b>	Anyone with a permanent disability aged 18 or over or anyone applying on behalf of someone until 19 <sup>th</sup> birthday with a permanent disability
<b>Property Tenure</b>	All tenures
<b>Land Charge</b>	All works over the value of £5,000 will be subject to the Statutory Land Charge for a period of 10 years from the date of completion – see further information in Appendix A
<b>Warranty Provision</b>	A 5-year warranty is included in the purchase cost of all lifts and wash/dry toilets.
<b>Maximum Value</b>	£30,000 or as per the current statutory limit
<b>Means Test</b>	Works are subject to the statutory means test as set out in legislation, which identifies that works for children and young people will not be subject to any means test for Mandatory DFG. Local Amendment to the means test: <ul style="list-style-type: none"> <li>To include Local Council Tax Reduction (not single person reduction) as a passporting benefit</li> </ul>

## Discretionary Assistance linked to a Mandatory DFG Application

Any applications and award of the following forms of assistance need to be linked to an on-going Mandatory DFG application. No stand-alone applications for these forms of assistance will be considered.

<b>Type of Grant: Discretionary Top-Up Grant Assistance</b>	
<b>Purpose of Grant</b>	This is discretionary grant to top up mandatory DFG to carry out works that are above the current mandatory limit of £30,000. Reducing the need of applicants to self-fund. The top up limited to £40,000.
<b>Eligible Applicants</b>	Those eligible for Mandatory DFG
<b>Property Tenure</b>	All tenures
<b>Land Charge</b>	The full value of this grant awarded would be placed as a lifetime land charge from the date of completion of works. This is in addition to any Mandatory Disabled Facilities Grant land charge
<b>Maximum Value</b>	Up to an additional £20,000 (£50,000 in total) can be approved by the appropriate Divisional Director in consultation with Disabled Facilities Grant Service Manager. Amounts above £20,000 (and more than £50,000 in total) to be approved by the appropriate Divisional Director following consideration and supporting report by Adaptations Panel.
<b>Means Test</b>	No additional means test applied
<b>Eligible works</b>	Available towards the cost of mandatory scheme eligible building works only. Not available for equipment that is not normally provided via the DFG.
<b>Limitations</b>	One application in any 5-year period

<b>Type of Grant: Client Contribution Support</b>	
<b>Purpose of Grant</b>	This is a discretionary grant to support applicants who are assessed as having a means tested contribution that is unaffordable. This will be up to a maximum of £10,000.
<b>Eligible Applicants</b>	Those eligible for Mandatory DFG
<b>Property Tenure</b>	Owner Occupier
<b>Land Charge</b>	The full value of any grant awarded placed as a lifetime land charge from the date of completion of works
<b>Maximum Value</b>	£10,000
<b>Means Test</b>	Mandatory DFG means test
<b>Eligible works</b>	Mandatory DFG works
<b>Limitations</b>	Funding will be reviewed on an individual case basis
<b>Eligible Applicants</b>	Eligibility for funding will be assessed based on a banded basis:



<b>Assessed Contribution</b>	<i>Funding for contributions up to the maximum award of £10,000) will be subject to the applicant being able to prove they have insufficient funds available to pay their assessed contribution (i.e., less than £10,000 in savings<sup>1</sup>)</i>
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<b>Type of Grant: Professional Fees Grant</b>	
<b>Purpose of Assistance</b>	To pay incurred professional fess which were necessary as part of a mandatory DFG application that was unable to proceed through no fault of the applicant or the DFG Service. To ensure applicants are not left liable for fees that might place them in financial hardship.
<b>Eligible Applicants</b>	Those determined as eligible for Mandatory DFG
<b>Property Tenure</b>	All tenures
<b>Land Charge</b>	No
<b>Maximum Value</b>	£2,500
<b>Means Test</b>	No additional means test
<b>Eligible works</b>	Fees approved by Manager where the DFG does not proceed Fees are paid directly to Professional providing the service
<b>Limitations</b>	Fees will not be eligible for payment under this scheme unless the application cannot proceed due to circumstances beyond the control of either the applicant or the Council's DFG Service.

<b>Type of Grant: Safe &amp; Secure Grant</b>	
<b>Purpose of Assistance</b>	A grant of up to £5,000 for emergency works, which can be administered quickly to remedy an urgent situation that has arisen though adaptation being undertaken.
<b>Eligible Applicants</b>	Residents who have been deemed eligible and are applying for a mandatory DFG Owner-Occupiers who have owned and lived in the property for a period of at least 5 years prior to application
<b>Property Tenure</b>	Owner Occupiers
<b>Land Charge</b>	The full value of any grant awarded would be placed as a lifetime land charge from the date of completion of works
<b>Maximum Value</b>	£5,000
<b>Means Test</b>	Applicants must be in receipt of a DFG 'Passporting' Benefit as outlined in Appendix B4
<b>Eligible works</b>	Repair works that are required to support or facilitate the completion of works under a Mandatory DFG.
<b>Limitations</b>	Only 1 application in any 5-year period

<sup>1</sup> For the purposes of this grant, the term 'Savings' refers to any cash, bank or other financial institutions accounts, shares or capital that is considered as part of the Mandatory DFG means test. It is not limited to bank 'savings' accounts.

<b>Type of Grant: Help to Move Grant</b>	
<b>Purpose of Assistance</b>	Where it is not possible, necessary, appropriate, practical, or reasonable to adapt someone's current home, a grant of up to £5,000 can be obtained to assist with costs of relocating to a more suitable property.
<b>Eligible Applicants</b>	Those eligible for Mandatory DFG. Any applications for this assistance will be supported by a social care occupational therapist and that options regarding adaptations to the current home will already have been explored.
<b>Property Tenure</b>	All tenures
<b>Land Charge</b>	None
<b>Maximum Value</b>	£5,000
<b>Means Test</b>	No additional means test to the Mandatory DFG
<b>Eligible works</b>	The specific eligible relocation expenses are: <ul style="list-style-type: none"> <li>▪ Estate agent fees</li> <li>▪ Solicitor costs</li> <li>▪ Survey costs</li> <li>▪ Stamp duty</li> <li>▪ Removal expenses</li> <li>▪ Disconnection/reconnection of appliances</li> <li>▪ Occupational therapy assessment costs for assessing properties</li> </ul>
<b>Limitations</b>	<ul style="list-style-type: none"> <li>- Applicants must be moving from a property which is their main residence and is within the Torbay Council area to a property which will be their main residence.</li> <li>- Assistance will not be given towards the purchase price of a property.</li> <li>- Applications must be supported by a Social Care Occupational Therapist who must confirm that the new property will meet the needs of the disabled person or be suitable for adaptation at a reasonable cost.</li> <li>- If the move is aborted at the fault or choice of the applicant, costs will not be paid.</li> </ul>

## 8. HOW IS ASSISTANCE DELIVERED?

All types of discretionary assistance offered through this policy will be managed by the Council's disabled facilities grant service.

For mandatory disabled facilities grant, there are three options available to residents regarding the way in which an application can be supported and made.

### Option 1 – Fully managed application process

The Council's disabled facilities grant support service will fully manage the application and works on behalf of the applicant, through an agreement between the applicant and the service. This is the easiest and least stressful option for an applicant, particularly for more extensive adaptations

The Team will:

- Where applicable, assess the applicant's financial circumstances by a statutory means test which will identify any contribution to be paid towards the cost of the works.
- Arrange for a technical officer to visit to discuss how the adaptations can be provided in the home and what building works or alterations are required to provide them.
- Draw up a schedule of works and plans (and planning permission or building regulations approval if required).
- Assist in the completion of the formal disabled facilities grant application forms.
- Identify and instruct a contractor to undertake the works on behalf of the applicant.
- Supervise the contractor on site on behalf of the applicant.
- Deal with any unforeseen works and interim payments.
- Arrange final payment to the contractor and collect any certificates, guarantees from them, and pass them on the applicant.

The council will include the relevant fee in the eligible costs to undertake the application support<sup>2</sup>.

### Option 2 – Customer Contractor Process

This option is where an applicant may wish to use the services of the Council's disabled facilities grant support service to prepare their application for disabled facilities grant, including the preparation of drawings but wishes to use their own choice of contractor to carry out the works.

A comprehensive information pack will be provided to any applicants who wish to pursue this option including the role that the disabled facilities grant support service and the responsibilities regarding the works which will transfer to the applicant.

The council will include the relevant fee in the eligible costs to undertake the application support<sup>1</sup>.

### Option 3 – Customer Managed Process

This option is where an applicant may wish to complete all elements of the application, supporting information and building management themselves. An applicant can use their own architect or draftsman and contractors to plan, develop or build a preferred scheme.

A comprehensive information pack will be provided to any applicants who wish to pursue their own application which outlines the information required to make a disabled facilities grant application and the requirements to receive disabled facilities grant funding.

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<sup>2</sup>The fee is amended annually and can be found published on the Council's website.

## 9. FEES AND ANCILLARY CHARGES

The Council will consider reasonable fees and offer financial assistance to cover them. The following fees will be eligible for financial assistance if they have been incurred as part of the application process for mandatory disabled facilities grant funding.

- Confirmation, if sought by the Council, that the applicant has a relevant owner interest
- Relevant legal fees
- Technical and structural surveys
- Design and preparation of plans and drawings
- Preparation of schedules of relevant works
- Assistance in completing forms.
- Applications for building regulations approval (including application fee and preparation of related documents), planning permission, listed building consent and conservation area consent (and similar)
- Obtaining of estimates
- Consideration of tenders
- Supervision of the relevant works
- Disconnection and reconnection of utilities where necessitated by relevant works
- Payment of contractors
- In a case where the application is for adaptations support, the reasonable services, and charges of a (private) occupational therapist in relation to the relevant works.

It is important to note that if a private occupational therapist is used then the Council will still seek input from the Council's Occupational Therapy Service to determine the works that are eligible for Disabled Facilities Grant funding.

## 10. HOW THE ASSISTANCE WILL BE PAID

The Assistance will only be paid if.

- The assisted works are completed within 12 months of the date of the approval unless the delay was caused by the council, or an appropriate approval time-extension has been agreed due to exceptional circumstances. Applications for extensions will be considered on a case-by-case basis.
- The assisted works are carried out in accordance with the specifications set out in the formal approval or as varied with the prior agreement of the council.
- The assisted works are carried out to the satisfaction of the council and the applicant.
- The council is provided with an invoice, demand, or receipt for payment in an acceptable format.

Invoices must be addressed to the applicant c/o the council and must contain sufficient detail for the council to identify in full, the works carried out, the price charges and any variations previously agreed with the council. Any invoice must not be produced by the applicant or a family member. The payment of the assistance to the contractor may be made via the applicant, or, where requested within the original application, paid directly to the contractor engaged by the applicant.

The Assistance may be paid in one lump-sum on satisfactory completion of the works or by staged payments as the work proceeds. Stage payments (interim payments) will only be made where the council, is satisfied that the value of work completed exceeds the value claimed to date. A maximum of three stage payments and final payment will be considered.

The contract for works funded by disabled facilities grants, and associated assistance, will be between the applicant and the contractor, as set out in the legislation. Whilst the Council's Standing Orders regarding Procurement do not directly apply, as the Council is not entering into a contract, when obtaining quotes on behalf of applicants the DFG Service will follow the same principles to ensure appropriate service is provided for applicants it is supporting.

The provision of assistance other than Mandatory Disabled Facilities Grants is subject to the availability of funding. All applications will be considered based on the identified needs and circumstances of the applicant or household.

Any associated costs which are incurred as part of the application for funding, such as Architects fees or Land Registry charges, will be included in the value of any funding awarded and will not be paid separately apart from exceptional circumstances where works cannot proceed, and such costs may be eligible for discretionary assistance.

The provision of mandatory grants and discretionary financial assistance will be subject to internal and external auditing to ensure adequate procedures are in place and followed and that there is an appropriate use of public funds.

## 11. WHERE ASSISTANCE WILL BE RESTRICTED

There will be instances where it will not be possible to provide assistance, or funding may be reduced or reclaimed due to certain criteria. These are listed below:

1. Where ownership of the property is disputed.
2. Where the owner(s) has a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so.
3. Where the residence is not regarded as permanent.
4. No assistance will normally be given for work started before formal approval of an application, except that:
  - i. The council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.
  - ii. The council may, with consent of the applicant, treat the application as varied so exclude any works that have been started before approval.
5. Grant assistance will not normally be provided for works covered by insurance. Where, before a grant for assistance is approved it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any. The level of assistance will be reduced by an amount equivalent to the insurance company's liability. Where assistance is approved, a condition will be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for.
  - i. Claims for personal injuries where the works are required under a Mandatory Disabled Facilities Grant.
  - ii. Claims on the applicant's property insurance or on a third party where the application is in respect of works for which financial assistance has been given. Then the applicant will be required to repay the financial assistance provided out of the proceeds of such a claim.
6. The council will only provide assistance where the age and condition and structural layout of the property have been determined as appropriate, reasonable, and practicable to achieve the scope of works required.
7. The council will determine whether prices provided by contractors are value for money. In determining this, the Officer will consider similar jobs priced within the last year. The Officer may liaise with the relevant body or contractor to check the specification and any estimates, as part of the procurement procedure.
8. If the Officer believes the price for contracts are too high and identifies an appropriate price for which is lower, they will advise the client that the total eligible assistance will be the lower

amount. The client is under no obligation to use the lower priced contractor but must be aware the council will only make a grant or assistance payment up to the value of the lower price.

9. Where the client chooses to pursue a different scheme or an enhanced scheme of works, the council will only provide financial assistance to the value that would satisfy the primary requirement(s) identified by the Occupational Therapy Service or similar service. This is, subject to the clients preferred scheme also satisfying the primary requirements identified.
10. The council may refuse any application for assistance lacking the required information or documentation.
11. Where the client deviates from the scheme of works approved by the council, without prior agreement, the council may rescind the approval or refuse to make any further payment of assistance. The council may also seek to recover any interim assistance payments previously made against the approved scheme.
12. If the applicant is an owner of the dwelling in respect of which Assistance has been approved and ceases to be the owner before the works are completed, the applicant must repay the council on demand the total amount of Assistance that has been paid.
13. Where a grant condition imposes a liability to repay the Assistance, or a part thereof, the condition will be registered by the council as a Local Land Charge, which will be payable upon the sale of the property.
14. Where assistance has been approved the works must be completed within 12 months of the approval date, except where an extension of time, not exceeding 6 months has been agreed by the council. Where no extension is agreed the council may rescind the approval or refuse to make any further payment of assistance. The council may also seek to recover any interim assistance payments previously made against the approved scheme.
15. In the case of common parts of a dwelling the council will only consider assistance for the reasonable sum or proportion of the applicant's liability. The applicant must prove a repairing liability for the common parts.
16. The council may, where financial or operational demands dictate, defer payment of a Disabled Facilities Grant for a period not exceeding 12 months. Any deferment will be detailed in the approval notice.
17. The provision of Assistance is allowed for caravans and houseboats used as a main residence, subject to meeting other eligibility requirements. Holiday residencies, caravans on holiday sites or sites with restricted occupancy, second homes (as defined by council Revenue's criteria) and sheds, outbuildings or appurtenances will not qualify for assistance.
18. The council recognises that this policy cannot cover every likely situation and there may be persons who genuinely need some form of urgent support that are precluded from accessing Assistance due to a specific aspect. In these situations, the council may consider offering assistance in exceptional circumstances, in particular where support would help the council meet its strategic objectives, as determined by the relevant officer.

## 12. ADDITIONAL CONDITIONS

The council reserves the right to impose additional conditions when making a grant/assistance approval. These may include but are not restricted to:

- i. A contribution to the cost of the assisted works by the applicant.
- ii. The right to nominate tenants to housing accommodation available for rent.
- iii. Housing accommodation being maintained in a good state of repair after completion of the assisted works.
- iv. The right of the council or its appointed agent to recover specialised equipment when no longer needed.

## 13. DECISIONS, NOTIFICATIONS & REDETERMINATIONS

The council will notify the applicant in writing when their application has been approved or refused. The decision will be notified as soon as reasonably practical and, in any event, no later than six months after receipt of a full and valid application.

If the application is approved, the notification will specify the eligible works, the value of the assistance and the builder/contractor who will undertake the works. In the case of a Disabled Facilities Grant the council may, where financial or operational demands dictate, defer payment of the assistance on approval for a period not exceeding 12 months. Any deferment will be detailed within the grant approval notice.

If the application for assistance is refused, the council will give the reasons for the refusal and confirm the procedure for appealing the decision.

Where assistance has been approved and the council is satisfied that through circumstances beyond the control of the applicant, which could not have reasonably been foreseen. If the cost of the works has either increased or decreased, the council may, at their discretion re-determine the financial assistance given and notify the applicant accordingly by issue of a re-approval notice.

Additional works or deviations from the approved works carried out without prior approval of the council will not be considered for any increased financial assistance and would remain the responsibility of the applicant to fund.

## 14. REVIEW OF THE COUNCIL'S DECISION

Any person having made a valid application may request a review of the decision not to consider or to refuse an application.

The request must be submitted to the council within 28 days of the date of the decision letter. The request must be in writing. A review of the decision will be undertaken, and the decision will be notified to the applicant in writing. If the person remains dissatisfied with the review decision, they have the right to go through the council's Corporate Complaints procedure or approach the Local Government Ombudsman.

Any departure from Policy will only be considered where the applicant can demonstrate exceptional circumstances and do not have the means by which, they could reasonably be expected to otherwise fund and undertake the work.

Complaints about service delivery rather than Policy must be made to the council who will investigate the complaint in accordance with their Complaints Procedure which is available on request. A copy of the Council's complaints process can be found [here](#).

## 15. SERVICE STANDARDS, KEY TARGETS

There is no national standard for the services provided through this policy excepting a statutory requirement for Councils to determine valid and fully made applications for mandatory disabled facilities grant within six months. This does not account for pre-application activities such as the screening process and the 'application support' and administration including occupational therapy assessment, means testing, producing specifications, finding contractors, etc.

In practice, when an application is fully prepared by the disabled facilities grant service and is submitted for funding approval it will be at a point where, subject to funds being available, a grant approval determination should be available within 20 working days. The service records all key activities and dates and can report on a variety of measures, including date inquiry, received, date application submitted, date of grant determination, date works started, type and value of works and contributions, date works finished, and date works practically completed.

Legislation also requires that works be completed within 12 months of any disabled facilities' grant approval being issued. This can be extended by negotiation if there are valid reasons to do so, such as the customer receiving care, occasional changes in contractor or specification, complex snagging etc.

Locally, the service aims to apply the funding it receives fully each year with minimal waiting lists and with maximum benefit to customers. It will also work in partnership with relevant Boards to support delivery of the Better Care Fund Plan metrics.

The disabled facilities grant support service is committed to ensuring good quality customer service in line with Council service standards

## 16. POLICY CONSULTATION AND IMPLEMENTATION PLAN

The policy has been consulted and developed with a wide range of partners through one-to-one interviews, a workshop and sharing of the early drafts and options for the policy. A survey and telephone interviews were also conducted with previous and present customers of the service. The draft policy was also made available for comment online to reach a much wider audience. The feedback was used to inform the content of the final policy. The formal mechanism for endorsement is anticipated to be at the Torbay Council Cabinet meeting on the 17 October 2023. The policy will commence as soon as practicable after that date and will apply to all full applications received after this date only. Applications for discretionary assistance outlined in this policy cannot be made retrospectively.

This policy will be reviewed bi-annually or as required based on the availability of finance to provide the necessary assistance and any changes in legislation or identified good practice.



## 17. GLOSSARY & EXPLANATION OF TERMS

<b>Abbreviation / Name</b>	<b>Definition</b>
<b>Better Care Fund</b>	The Better Care Fund is a budget for social care and community services administered in partnership between NHS England, the Ministry of Housing, Communities and Local Government, and the Department of Health and Social Care. The pooled budget includes Disabled Facilities Grants funding for local authorities.
<b>CCS</b>	Client Contribution Support – a discretionary grant provided under this policy
<b>DISABLED FACILITIES GRANT</b>	Disabled Facilities Grant (Mandatory Grant, as outlined in the 1996 Housing Grants, Construction and Regeneration Act)
<b>DHSC</b>	Department of Health and Social Care
<b>DTUA</b>	Discretionary Top-Up Assistance – a discretionary grant provided under this policy
<b>HAP</b>	Housing Assistance Policy
<b>Help to Move Grant</b>	A discretionary form of assistance provided through this policy
<b>HGCRA</b>	Housing Grants Construction & Regeneration Act 1996 <i>(The legislation which defines the disabled facilities grant)</i>
<b>Housing Associations (HA)</b>	These are providers of social housing (excluding the council stock) registered with the regulator of social housing. They are considered private organisations.
<b>Land charge</b>	Owner-occupiers who are in receipt of a disabled facilities grant or discretionary assistance will be required to repay a proportion of the grant in certain circumstances e.g., if the property is sold within a certain number of years of the grant being completed. In these cases, the Council will register a Local Land Charge against the property for the repayment.
<b>LCTR</b>	Local Council Tax Reduction – a benefit available to residents to support with Council Tax Payments
<b>Means Test (MT) or Test of Financial Resources (TOR)</b>	A Disabled Facilities Grant is means-tested, and the amount of grant awarded is dependent on the applicant's household income and savings. There is no means test if the works are for the benefit of a disabled child or young adult (aged 19 years or younger)
<b>MHCLG</b>	Ministry of Housing Communities and Local Government
<b>OT / OTA</b>	Occupational Therapist / Occupational Therapy Assistant
<b>PRS</b>	Private Rented Sector
<b>Professional Fees Grant</b>	A discretionary form of assistance provided through this policy
<b>Registered Providers (RP)</b>	Registered Providers include local authority landlords and private registered providers (such as not-for-profit housing associations and for-profit organisations).

<b>RRO</b>	Regulatory Reform Order 2002
<b>Safe &amp; Secure Grant</b>	A discretionary form of assistance provided through this policy for emergency works, which can be administered quickly to remedy an urgent situation that has arisen though adaptation being undertaken.
<b>Step-lifts</b>	Step lifts (also known as low rise platform lift, wheelchair lift or open platform lift) are low-rise lifting platforms for wheelchair users usually provided where there are steps leading to the front door. They are an alternative to ramps and can be used where vertical access is one metre or less.
<b>Wash/Dry style toilet</b>	A toilet intended people with disabilities who are unable to use the toilet independently and require a built-in wash and dry facility to maintain good hygiene.
<b>Welfare or Care Authority</b>	The local authority that provides social services to safeguard and promote the welfare and wellbeing of children and vulnerable adults.

# Appendix A – Mandatory Disabled Facilities Grants & amendments

This is included for context and information purposes and includes a means test amendment within Torbay.

The Council will award mandatory Disabled Facilities Grant (DFG) according to the governing legislation – principally the 1996 Act and subordinate Regulations and Orders as amended - and guidance issued by central Government. This 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.

## Qualifying Criteria

Any person who makes an application for Mandatory Disabled Facilities Grant must.

- i. Be over 18 years of age at the date of the application
- ii. Live in the dwelling as his/her only main residence and
- iii. Have an owner's interest in the dwelling (other than by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration) or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlord's family, with a tenancy or license permitting occupation of the dwelling for a minimum period of 12 months after approval of the Assistance, and
- iv. Have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works, and
- v. Satisfy such test(s) of resources as the council, or statute, may from time to time have in place
- vi. Not be ineligible, by virtue of the Housing Grants, Construction and Regeneration Act 1996, Regulations made under the Act or any other enactment
- vii. Homeowners have the primary responsibility for ensuring their homes are properly maintained and in the first instance should pursue private finance. We may assist eligible, vulnerable homeowners to make sure they have the opportunity for achieving the correct property standards.

## Occupation Requirements

Where an owner occupier has given a signed undertaking to occupy a property as their principal residence after completion of the works, and if they cease to do so during that time, they will repay on demand to the council the total amount of Assistance paid out.

Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works and ceases to make the relevant property available for letting during the specified period. Then the landlord will repay on demand to the council the total amount of Assistance paid out.

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

As a part of the application process, the Council will require certificates relating to property ownership and future occupation and will request permission from the owner. The Council would reasonably want to ensure the tenant has the right to carry out the works and that the landlord would not object or attempt to reinstate the property and evict the client.

## Qualifying Works

Those works eligible for mandatory disabled facilities grant are set out in section 23(1) of the 1996 Act, as amended. These are.

- 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) and 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.

## Local enhancement to Disabled Facilities Grant in Torbay

Torbay Council has decided to re-introduce Local Council Tax Reduction (LCTR) as a 'passporting' benefit for applicants for Mandatory Disabled Facilities Grant. Prior to the Government's revision of the list of passported benefits in 1996, applicants in receipt of Council Tax Benefit were exempt from the Test of Resources. Council Tax Benefit was the predecessor national benefit to Local Council Tax Reduction is a similar benefit to LCTR.

Inclusion of entitlement to LCTR as a passported benefit restores the pre-1996 position and consequently will enable a number of residents receiving LCTR to apply for a mandatory disabled facilities grant without undergoing the Test of Resources.

## Local Council Tax Reduction (LCTR) Amendment to the means test

Applicants in receipt of LCTR will be exempted from the requirement of the Test of Resources. (Means Test) The passporting benefit for the purposes of a disabled facilities grant is 'Local Council Tax Reduction' not a single person discount or any other discount scheme which may be available.

## Armed Forces

Armed Forces Independence Payments (AFIP) as with the civilian equivalents, are ignored as income as for the purposes of DFG means-test and should be treated as receipt of the daily living component of Personal Independence Payments at the enhanced rate. These criteria are set by government as part of the means test criteria for the grant.

Due to the unique obligation and sacrifice of danger for serving and veteran military personnel, any lump sum payments received through military compensation as well as military war pension will be disregarded as part of the Disabled Facilities Grant means test.

All other aspects of the means test conditions still apply where a client does not receive a passporting benefit.

## Warranty Provision

The Council will include as part of the mandatory disabled facilities grant the cost of a maintenance agreement for a period of five (5) years (where available) from the certified date for stair lifts, through-floor lifts, Clos-o-mat type toilet, step-lifts and similar equipment installed with the assistance of that grant. Where maintenance agreements of 5 years are not available through the Manufacturer the Council will fund the maximum warranty that is available. Where installing a reconditioned stair lift, any unspent warranty will be increased to the full 5 years if possible.

## Necessary, Appropriate, Reasonable & Practicable

A mandatory disabled facilities grant application will only be made if the works are both 'necessary and appropriate' and 'reasonably practicable.' Where an applicant prefers a different scheme of works to that approved by the Council, the Council may offer to 'offset' the value of the original scheme towards those greater works with appropriate safeguards. This is at the discretion of the Council.

Works which have been started prior to the approval of an application will not be eligible for financial assistance.

Unexpected works which arise during the carrying out of eligible works will be considered for assistance if the works could not have been reasonably foreseen and if they are vital to the completion of a safe and effective adaptation.

Unforeseen works carried out without prior approval of the Council will not be eligible for assistance. Where unforeseen works are necessary these will be added to the grant up to the specified maximum for mandatory disabled facilities grant. Costs above the mandatory grant maximum may be supported as discretionary assistance in accordance with this policy. 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 customer's behalf, and where issues such as planning permission, building control and other regulation are involved.

## Contractors

The Council's disabled facilities grant award is for a sum of funding only and is not inclusive or exclusive of using any specific contractors or products. Customers may specify and choose their own contractors, agent, products, and design – but take responsibility for those choices. The responsibility for supervision of the works rests with the applicant or with any suitably qualified and indemnified building professional or agent acting on the applicant's behalf and not with the council.

All work must be undertaken.

- a) In accordance with manufacturers recommendations and best practice.
- b) In accordance with and to the satisfaction of the council and Occupational Therapist/Trusted Assessor or other appropriate person's requirements.
- c) In accordance with building, planning and installation regulations where applicable and Health and Safety regulations.

Payment of grant/assistance will be made, in whole or by part payments, on receipt of contractor's invoice following satisfactory completion of the eligible work as determined by the council's officer.

## Financial Assistance Award

Mandatory disabled facilities grant will be subject to a means test in accordance with the regulations made under the 1996 Act, including any local amendments within this policy. The maximum mandatory disabled facilities grant award at the time of policy publication is £30,000 minus any contribution required by a 'means test' (test of financial resources). If the maximum grant limit is changed by statute, then the maximum available disabled facilities grant award by Torbay Council will reflect this.

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

*NOTE: 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 up until their 19<sup>th</sup> birthday or younger at the date of application – they too will be exempt from a means test.*

## Order of processing applications

Disabled facilities grant applications or recommendations will usually be processed in chronological order, in line with any approved priority system, excepting in emergency circumstances at the discretion of the Council.

## 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. 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 to the Council (this does not automatically convey a difference in revised grant award – any additional costs must be separately financed by the client).

An invoice, demand or receipt will not be acceptable if it is given by the applicant or a member of the applicant's family. Where works are carried out by the applicant or a member of their family, only the cost of materials used will be eligible for financial assistance.

It is a condition of the financial assistance that the eligible works are carried out within 12 months of the date of approval of the application. This period may be extended by the Council if it thinks fit, particularly where it is satisfied that the eligible works cannot be completed for good cause – requests for additional time must be made in writing before the 12-month period ends and approved extra time will be confirmed in writing by the Council.

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

The Council will usually make payments direct to the contractor on behalf of the client, and not usually to the applicant. Where the applicant disagrees with a payment made direct to a contractor, no payment shall be made until any dispute is resolved. 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.

*NOTE: Contractors receiving direct payment may be required to provide sufficient information to be set up on the Council's financial systems – BUT this should not frustrate the client's choice, as the mandatory disabled facilities grant (only) is an award of funds and not an award tied to a specific contractor with additional financial conditions.*

## 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.

## Applicant dies

Where the applicant or disabled person for whom the adaptation is required dies prior to grant application then no funding will be available via the Mandatory DFG for any costs incurred.

Where the applicant or disabled person dies after the grant has been awarded, then reasonable fees will be paid from the grant where those have been incurred and can be evidenced. If works have been started then they will be completed to a reasonable point, excluding the provision of any specialist equipment. Each case would be decided individually based on circumstances and the stage of works completed, but it would be expected that all electrical and plumbing installation works would be completed and able to be used, although decoration and finishes etc. may not be completed.

## Customer Own Schemes

Customers who meet the Disabled Facilities Grant eligibility and are therefore entitled to a grant allocation may wish to 'top-up' the Disabled Facilities Grant funding. The disabled facilities grant recommendation by the Occupational Therapist will be for the most cost-effective solution which meets all identified needs and will look to adapt an existing property. Where a customer wishes to pursue a different scheme, they will be responsible for the difference in costs between the disabled facilities grant 'Mandatory Scheme' and the final cost of the works, including unforeseen costs.

The disabled facilities grant team surveyor and Occupational Therapist will work with the customer, their architect, and builders as applicable, to ensure that the final scheme meets the disabled person's needs and where applicable planning and building control regulations have been adhered to.

## Recovery/ Repayment of assistance awarded

Some Mandatory Disabled Facilities Grant funding may be recoverable via land charges and in accordance with permitted values as outlined in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008. All land charges placed by the Council with regard to mandatory disabled facilities

grants will be placed in accordance with this Order.

Where the customer is an owner-occupier and not a tenant, a sum of up to £10,000 may be recovered for works more than £5,000. This sum would only be recovered if the property were sold or title otherwise transferred within 10 years of the certified (completion) date of works, subject to the Council's discretion to reduce or waive in the case of financial hardship. All recoverable costs would be registered as a land charge against the property.

*NOTE: this is separate and different to the potential repayment of grant in the event of a breach of occupancy conditions or detected fraud. Also, Councils are entitled to recalculate grant awards in limited circumstances, such as 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.*

Where a charge (repayable grant) is due for recovery, on receipt of a written request from the responsible person within the Disabled Facilities Grant team will consider the options to reduce or waive repayment in particular circumstances 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.

If that initial decision is not accepted and further appealed, details of that appeal will be determined by the Head of Service, together or in consultation with the appropriate Divisional Director of the Council.

All recoverable charges will be recorded as local land charges. The charge will not be placed on the first £5,000 of any award of mandatory disabled facilities grant funding. Any sum awarded above £5,000 will be subject to a land charge, up to a maximum land charge value of £10,000.

All land charges are placed for a 10-year period from the date of completion and the value of the charge does not change throughout that period.

Worked examples of the charge are given below:

**1. Works and funding awarded below £5,000**

No land charge placed

**2. Works and funding awarded between £5,001 and £15,000**

Land charge value would be the value of works above £5,000

i.e.

- a. Works costing and grant award of £7,000 would result in a £2,000 land charge
- b. Works costing and grant award of £14,000 would result in a £9,000 land charge
- c. Works costing and grant award of £15,000 would result in a £10,000 land charge

**3. Works and funding awarded in excess of £15,000**

The land charge placed would be £10,000 for all cases where the cost of works and grant awarded was £15,000 or more as this is the maximum land charge that can be placed for a mandatory DFG.



## Appendix B – Additional Discretionary Support for Mandatory Disabled Facilities Grant Applicants

All assistance under this section of the policy will be delivered under the same principles and guidelines as the Mandatory Disabled Facilities Grant and is subject to funding be available.

### B 1. Discretionary Top-Up Assistance

#### Aims

The aim of the scheme is to help the vulnerable members of the community where the Mandatory Disabled Facilities Grant is insufficient to cover the full cost of the works or where the works are out of scope of the legislation but by completing them there would be demonstrable savings to the wider public purse and clear benefits to the applicant and/or their family/carers.

#### How will it be funded?

The grants would be funded from the Disabled Facilities Grant Budget from a dedicated part of the budget held solely for discretionary purposes. The value of this budget will be set annually.

#### Who will it help?

Those who have been assessed as eligible to apply for mandatory disabled facilities grant assistance and towards the mandatory designed scheme to meet identified needs.

#### Will it be means-tested?

There will be no additional formal means test.

#### How much funding might be available?

Discretionary Top-Up Assistance (DTUA) may be awarded and will be subject to the availability of resources. Where the additional funding required is less than £20,000 (i.e., up to £50,000 in total) then the decision will be based upon evidence provided by the relevant officers from occupational therapy and the DFG Team to the appropriate Divisional Director.

However, if additional funding is required over £20,001 then it must be presented to a Decision-Making panel which would include Senior Representative from Adults and Children's Occupational Therapy, and alternative options, such as moving, would need to have been demonstrated to have been explored in full, including contributions from landlords for housing association or private tenants. The funding application would then be presented the appropriate Divisional Director responsible for the service for final approval.

#### Will there be a charge against the property?

For owner-occupiers DTUA will be registered, **in full and in perpetuity**, as a local land charge against the property and will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales.

Note – this is separate to the £10,000 recoverable disabled facilities grant which expires at 10 years from certification of works completion.

## Conditions attached to the grant

The person must be a permanent resident of Torbay and the property must be their permanent address. Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of DTUA.

- The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- Discretionary Top-Up Assistance will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- It is a condition of DTUA that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the DTUA shall be repayable subject to above.
- The land charge will be placed in perpetuity and will be repayable upon sale of the property. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
- Funding will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, in order to recover the grant repayable.

If the applicant for DTUA is a tenant then the Council will liaise with the appropriate landlord to explore whether alternative funding options, such as funding from the landlord and/or moving to alternative suitable accommodation is an option, before approving DTUA.

Applications for DTUA will be considered once works have already been started and unforeseen costs arise if the scheme is a Mandatory Scheme.

Where an applicant is pursuing a 'preferred' scheme and has received the maximum eligible grant funding then applications for DTUA will not be considered.

A maximum of one application for DTUA will be considered in any 5-year period.

## How to apply?

Further information on how to apply for an apply for assistance can be found on the Council website

<https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above.

## B 2 – Client Contribution Support Aims

The means test, as set out in the Housing Grants Construction and Regeneration Act 1996 has remained unchanged since the introduction of disabled facilities grants in their current form in 1996. It is widely accepted as being out of date and does not consider the outgoings of a household when assessing a contribution towards disabled facilities grant. The result is that, on occasion, anomalous results can occur which mean that vulnerable people are unable to proceed with the adaptations they need to help them live at home due to an unaffordable contribution level. The 2018 Disabled Facilities Grant Review recommended that the means test be overhauled, and this is currently proposed in the Social Care White Paper 2021, but until changes are made it is proposed that discretionary contribution assistance is provided.

The aim of this scheme is to help the vulnerable members of the community where the applicant is unable to proceed with adaptations because of a means tested contribution which means that they are at significant risk in their home and/or the failure to complete adaptations will result in increased costs to the wider Social Care budgets. It gives the Council the ability to pay these contributions from discretionary funding therefore enabling works to go ahead and the applicant to remain living in their home.

### How will it be funded?

The grants would be funded from the Disabled Facilities Grant Budget from a dedicated part of the budget held solely for discretionary purposes. The value of this budget will be set annually.

### Who will it help?

Those who have been assessed as being eligible to apply for mandatory disabled facilities grant assistance.

### Will it be means-tested?

There will be no additional formal means test.

### How much funding might be available?

Client Contribution Support (CCS) support, up to a maximum of £10,000, may be awarded where the following conditions are met:

- i. The applicant owner the property
- ii. The applicant is not able to proceed with the works due to the assessed contribution.
- iii. There is a report from the OT recommending and demonstrating a severe health impact if assistance is refused.
- iv. Evidence that the lack of adaptations leaves the applicant at risk in their home.
- v. Evidence that not completing the adaptations could result in increased costs to the Social Care Budget.
- vi. The resident has less than £10,000 in savings<sup>3</sup>

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<sup>3</sup> For the purposes of this grant, the term 'Savings' refers to any cash, bank, or other financial institutions accounts, shares or capital that is considered as part of the Mandatory DISABLED FACILITIES GRANT means test. It is not limited to bank 'savings' accounts.

## Will there be a charge against the property?

Any value of CCS funding awarded, will be registered, in full, as a local land charge against the property and will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales.

Note – this is separate to the £10,000 recoverable disabled facilities grant which expires at 10 years from certification of works completion.

## Conditions attached to the Client Contribution Support

The person must be a permanent resident of Torbay and the property must be their permanent address.

Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of CCS.

- The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- Client Contribution Support will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- It is a condition of CCS that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the CCS shall be repayable subject to above.
- Funding will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- The land charge will be placed in perpetuity and will be repayable upon sale of the property. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
- If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, to recover the grant repayable.

## How to apply?

Further information on how to apply for an apply for assistance can be found on the Council website

<https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above

## B 3 – Professional Fee Grant

### Aims

The preparation of a mandatory disabled facilities grant application often incurs necessary professional fees. However, funding under a mandatory disabled facilities grant can only be paid once a grant has been approved. This can result in an applicant being liable for abortive costs if the application cannot proceed due to unforeseen circumstances or the Council is left with costs it cannot pay.

The purpose of this grant is to enable the council to pay, on behalf of an applicant any abortive professional fees incurred where an application for disabled facilities grant cannot proceed due to unforeseen circumstances, such as the death of the applicant or a significant change in need meaning that adaptations are no longer appropriate.

Where an applicant changes their mind regarding an adaptation once an application is at an advanced stage and incurring fees, then this grant would not be available, and the outstanding costs would remain the liability of the applicant.

### How will it be funded?

The grants would be funded from the disabled facilities grant budget from a dedicated part of the budget held solely for discretionary purposes. The value of this budget will be set annually.

### Who will it help?

Those who have been assessed as being eligible to apply for mandatory disabled facilities grant assistance.

### Will it be means-tested?

There will be no additional formal means test.

### How much funding might be available?

Professional Fee Grant support will be available up to a maximum of £2,500

### Will there be a charge against the property?

There will be no land charge placed against the property for professional fee grant awards.

### Conditions attached to the Grant

The person must be a permanent resident of Torbay and the property must be their permanent address.

A maximum of one application for assistance will be considered in any 5-year period.

The Council may consider additional applications under exceptional circumstances. These cases would be reviewed by the Adaptations Panel for final decision.

## How to apply?

Further information on how to apply for an apply for assistance can be found on the Council website <https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above

## B 4 - Safe and Secure Grant

### Purpose of the assistance

The purpose of this grant is to assist owner-occupies in Torbay who are applying for a Disabled Facilities Grant and to elimination category one hazards in order to support works being carried out through the mandatory disabled facilities grant.

### How will it be funded?

The grants would be funded from the disabled facilities grant budget from a dedicated part of the budget held solely for discretionary purposes. The value of this budget will be set annually

### Who will it help?

Funding will be available subject to the following eligibility criteria:

- The applicant must be the owner-occupier of the property
- The applicant must have owned the property for a minimum period of five years
- The applicant must meet the following financial criteria:
  - Be in receipt of:
    - Income Support
    - Income-based Job Seekers Allowance
    - Income-related Employment and Support Allowance
    - Support under Part IV of the Immigration and Asylum Act 1999
    - The Guarantee element of State Pension Credit
    - Child Tax Credit (as long as there is no entitlement to Working Tax Credit and the household income does not exceed £16,190 as assessed by HM Revenue and Customs)
    - Universal Credit
    - Council Tax Support (not single person reduction)
  - or**
  - The applicant is aged 55 years or over and their income level is below the income tax threshold
- Works required must not be eligible for funding from any other sources, such as insurance policies or owner resources.
- Works required must have been identified as necessary to facilitate or support the delivery of an adaptation via the mandatory disabled facilities grant

## Will it be means tested?

There is no formal means test to assess a contribution, but applicants must meet the financial criteria set out above.

## How much funding might be available?

A maximum of £5,000 is available under this scheme.

## Will there be a charge against the property?

All funding will be registered, in full, as a local land charge against the property and will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales.

Note – this is separate to the £10,000 recoverable disabled facilities grant which expires at 10 years from certification of works completion.

## Conditions attached to the grant

The person must be a permanent resident of Torbay and the property must be their permanent address.

Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of this grant.

- The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- Discretionary Top-Up Assistance will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- It is a condition of DTUA that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the DTUA shall be repayable subject to above.
- Funding will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- The land charge will be placed in perpetuity and will be repayable upon sale of the property. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
- If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, to recover the grant repayable.

Only a single award of this grant will be available in any five-year period.

## How to apply

Further information on how to apply for an apply for assistance can be found on the Council website

<https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above

## B 5 - Help to move / Relocation Grant

### **What assistance you might get if a DFG cannot proceed**

#### Aims

The aim of the scheme is to help the vulnerable members of the community where it is not possible to adapt their current home, but by supporting them to move to more suitable accommodation there would be demonstrable savings to the wider public purse and clear benefits to the applicant and/or their family/carers.

#### How will it be funded?

Grants would be funded from the disabled facilities grant budget. This is subject to the council's usual financial monitoring processes. If usual financial monitoring processes identifies there is only enough disabled facilities grant budget available to meet the mandatory disabled facilities grant assistance requirements, then the discretionary flexibility will not be utilised for any full or part year where that situation is applicable.

#### Who will it help?

Those eligible for mandatory disabled facilities grant assistance.

#### Will it be means-tested?

There will be no formal means test.

#### Support to move / relocate

Funding may be available to assist the disabled person to move to a more suitable property where it is impracticable to adapt or more cost effective than adapting the current home of a disabled person to make it suitable for their present or future needs, even though the new property may need some adaptation.

Criteria for consideration in cases of help-to-move/relocate; (this is not an exclusive or exhaustive list as other factors may become apparent with experience):

- The disabled person may need to move to give or receive care, or to receive medical treatment.
- The disabled person may need to move to maintain or gain employment.
- The cost of works to the current property may exceed the benefit to the applicant.
- The cost of works may exceed the available grant and loan maximum and any available applicant or third-party contribution.
- The applicant's calculated contribution may be unaffordable and moving/buying is a better financial solution.
- The applicant may need to move to reduce rent and/or release spare bedrooms which they can no longer afford (e.g., benefits cap and/or the spare room subsidy).
- A different property may provide a greater benefit for the applicant for the funds.
- The current property may not be adaptable, and another property may be more amenable to adaptation.



- The current property may contain hazards or defects which would not be sufficiently addressed by the works or otherwise by the applicant or owner.
- The property owner (landlord) refuses to permit the adaptation.
- The property is for sale, or pending foreclosure, bankruptcy (as security against debt) or repossession.
- The tenancy is due to end and not be renewed or is otherwise unstable.
- Relationship breakdown.

The disabled facilities grant team is required to consult the OT service to consider what assistance would be necessary and appropriate for the applicant, and then apply a test of what is reasonable and practicable in the circumstances of the property. The service must consider viable alternative solutions which appear more cost effective.

Such solutions may include contributions towards costs incurred as part of an alternative house-purchase and moving to an already adapted or more economically adaptable and suitable property. Funding will not be given towards the purchase price of an alternative property but may be provided towards legal and moving costs.

Moving and house purchase finance will be determined on a case-by-case basis determined by:

- the tenure and location of the original and new properties,
- the residual equity and any increased mortgage debt,
- whether moving within the Council's jurisdiction, or beyond,
- whether the original property is unadaptable, unaffordable, or poor value to adapt,

or that moving is purely an occupier choice or because of a landlord's refusal to permit adaptation. Mandatory disabled facilities grant of up to £30,000 is available for adaptations in properties residents have moved to (within the local area only) but may be reduced by any assessed contributions.

Help to move assistance is available to owner-occupiers and to tenants' subject to individual determination.

As there are too many variables to set a fixed policy on awards for moving or buying property, each case will be determined on its merits subject to resources by recommendation from the appropriate Divisional Director responsible for the service, sufficient discretionary authority to approve works of that value.

## How much funding might be available?

Help to Move funding may be awarded and will be subject to the availability of resources. A maximum of £5,000 may be available to support costs solely associated with moving home.

## Will there be a charge against the property?

There will be no land charge registered against the property.

## Conditions attached to the Grant

The person must currently be a permanent resident of Torbay and the property must be their current and intended permanent address.

A maximum of one application will be considered in any 5-year period.

## How to apply?

Further information on how to apply for an apply for assistance can be found on the Council website <https://www.torbay.gov.uk/health-and-wellbeing/independent-living/staying-in-your-own-home/adapting-your-home/>

Funding will be awarded on a case-by-case basis as outlined above

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This document can be made available in other languages and formats. For more information, please contact Disabled Facility Grant Team on 01803 208020.

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