

Policy: Disabled Facility and Additional Grants

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Contents

1.0	Purpose	2
2.0	Scope	2
3.0	MANDATORY DISABLED FACILITIES GRANTS	2
	Amount of Mandatory DFG	4
4.0	DISCRETIONARY GRANTS	4
	Discretionary DFG Top-up (Linked to the Mandatory DFG)	4
	Minor Repairs Works (Linked to the Mandatory DFG)	5
5.0	OTHER DISCRETIONARY GRANTS	6
	Dementia Adaptations.....	6
	Hospital Discharge Grant.....	6
	Warm Homes on Prescription (WHOP).....	7
	Dual residency for a disabled child	8
	Relocation Grant.....	9
	Armed Forces Personnel, Veterans and Immediate Family	10
	General points in respect of Discretionary Grants.....	11
6.0	GENERAL REQUIREMENTS AND GRANT CONDITIONS.....	11
	Cost of Work	11
	Means Tested Contributions	12
	Grant Approval.....	13
7.0	PAYMENT OF GRANT	13
	Completion of work	13
	Changes in circumstances.....	14
	Cases in which grant may be recalculated, withheld or repaid	15
	General Provisions.....	16
	Deferring of Grant Payments	16
8.0	INSTALLATION OF EQUIPMENT AND MAINTENANCE.....	16
9.0	CHOICE OF CONTRACTORS AND AGENTS	17
	Contractual Relationships	17
10.0	REPAYMENT OF GRANT	17
11.0	COMPLAINTS	18
12.0	Risk.....	19
13.0	Responsibilities.....	19
14.0	Related Policies, Standards and Guidelines	19
15.0	Review	19
16.0	Document Information	20
	Document History	20
	Coverage	20

1.0 Purpose

This document describes how Broxtowe Borough Council (the Council) will provide both mandatory and discretionary Disabled Facilities Grants (DFG's) and additional discretionary grants for private sector residential adaptations.

This document contains information on eligibility for grant assistance, conditions relating to applications, approval and payment of grants and other relevant conditions and requirements. It is to be read in conjunction with the relevant sections of the Housing Grants Construction and Regeneration Act 1996 (The Act). This Policy has been produced in collaboration with the District Councils within Nottinghamshire and Nottinghamshire County Council.

2.0 Scope

The scope of this Policy includes mandatory and discretionary disabled facilities grants and additional discretionary grants. This Policy excludes adaptations to our own housing stock, which is dealt with by a separate Policy.

3.0 MANDATORY DISABLED FACILITIES GRANTS

- 3.1 The Council, in its role as a local housing authority, is under a statutory duty by virtue of the provisions of the Act to provide Disabled Facilities Grants (DFGs) for private sector residential adaptations where the appropriate legislative conditions are met.
- 3.2 The purpose of a mandatory DFG is set out in the Housing Grants Construction and Regeneration Act 1996 and subsequently supplemented by The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008 and The Housing Renewal Grants (Services and Charges) Order 1996, and is broadly summarised as follows:
 - Facilitating Access – works to remove or help overcome any obstacles which prevent a disabled occupant move freely into and around a dwelling, access to the garden and enjoying the use of the dwelling (including facilitating access to the principal family room) and the facilities and amenities (including facilitating care of dependant residents - such access as is required to allow for a disabled occupant to provide care for a person who is normally resident whether or not they are related to the disabled person and this may include adaptations to a part of the dwelling to which the disabled person would not normally need access, but which is used by the person to whom they are providing care and therefore it is reasonable for such works to be carried out.),
 - Facilitating access to a room usable for sleeping – works to provide a room usable for sleeping where adaptation of an existing room in a dwelling (upstairs or downstairs) or the access to that room is unsuitable. Where the disabled person shares a bedroom with a

spouse or partner a grant may be given to provide a room of sufficient size so that normal sleeping arrangements can be maintained.

- Facilitating access to a bathroom – This may include provision of, or access to, a WC, washing, bathing and/or showering facilities and includes the use of such facilities,
- Facilitating preparation and cooking of food. This may include rearranging or enlarging a kitchen to improve the manoeuvrability for a wheelchair or mobility aid and to provide specially modified or designed storage units, worktop area etc. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate to carry out certain adaptations that enable the disabled person to perform minor functions in the kitchen, such as preparing light meals or hot drinks,
- To make a dwelling safe for a disabled applicant and other persons residing with them. This may include the provision of lighting where safety is an issue or for adaptations designed to minimise the risk of danger where the disabled person also has behavioural challenges.
- Facilitating the use by a disabled occupant of a source of power, light or heat. This may include providing or improving a heating system. A grant will not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected.
- Facilitating Access through common parts. This may include works to facilitate access to a dwelling through common parts of a building.

The Council will have regard to the Act and associated guidance in determining the eligibility of any works for DFGs.

- 3.3 In order to approve DFGs, officers will work with the Occupational Therapy (OT) Service at Nottinghamshire County Council in accordance with the requirements of the Act which requires consultation with the relevant social care authority on the adaptation needs of disabled people seeking help through DFG's.
- 3.4 The OT service will make referrals to the Council recommending work to be carried out which is necessary and appropriate in line with the above, to meet the needs of their client. Any referral made by an independent OT will be considered in the same way and the Council will refer all relevant documentation to the Social Care Authority for comment in compliance with its statutory duty to consult. The Council themselves must decide what action to take on the basis of that advice and therefore the type, if any, for which the grant is approved and will consider if it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the property.
- 3.5 Although the provision of mandatory DFGs is covered by the Act and the Council must comply with the legislation, this document sets out the Policy that will be applied by the Council in the provision of grants with regard to matters not covered by the legislation.

- 3.6 Applicant and eligibility criteria, including property owner or occupation and consent certificates are detailed in the application information.
- 3.7 Repayment Conditions are detailed in section 7.

Amount of Mandatory DFG

- 3.8 The maximum amount of a mandatory disabled facilities grant that the Council can pay in respect of any single grant application is set by Order and is currently £30,000. This amount is reduced by any contribution statutorily assessed through a 'Test of Resources' as payable by the grant applicant.

4.0 DISCRETIONARY GRANTS

- 4.1 In addition to providing mandatory DFGs, the Council has the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. This section sets out the Policy that will be applied by the Council in the provision of discretionary grants. Using these powers, the Authority has agreed to offer discretionary grants for private sector residential adaptations in certain specific circumstances. This section relates solely to discretionary grant assistance provided by the Council toward disabled adaptations where eligibility for a mandatory grant has been identified or approved **OR** alternative schemes (such as Dementia Grants, Hospital Discharge, Warm Homes on Prescription etc.) to meet the identified needs of the applicant and which meet the Better Care Funding objectives of reducing the reliance on health and social care by improving the conditions in the home.

Discretionary DFG Top-up (Linked to the Mandatory DFG)

- 4.2 The Council may provide an additional maximum amount of £30,000 as a discretionary top-up where circumstances are such that the cost of work exceeds £30,000 (either as a result of unforeseen works or the extent of the original work inclusive of a contingency sum, that is recommended to the Council). **This type of assistance will only be offered as a top up for schemes that fall within the mandatory grant headings as previously described.** Any discretionary top-up may however be repayable on any subsequent disposal of the subject property and will be recorded as a charge against the property.
- 4.3 Any discretionary assistance awarded under this part of the scheme will be given without prejudice and will have no regard to any agreed Nottinghamshire County Council funding or the ability of the applicant to self-fund the identified additional costs. Such discretionary assistance will only be considered having regard to the amount of resources the Authority has at that time. If it does not have sufficient resources available to deal with other referrals that have been passed to the Authority by the Occupational Therapy Service at the time, the Authority reserves the right not to approve any discretionary top-up grant. The

Council will however consider the likely demand for discretionary assistance and where practicable build this into its financial planning and bidding process.

- 4.4 In some cases of hardship and exceptional and compelling circumstances for higher cost adaptations, we may provide a discretionary top-up to the grant beyond the discretionary £30,000 limit. The requests are assessed on a case by case basis and require approval by cabinet as greater than the normal Policy limits. The occupational therapist can endorse and initiate this additional funding request where they are satisfied that the proposed scheme of works is necessary and appropriate to meet the assessed person's needs. This will be subject to funding being available.

Minor Repairs Works (Linked to the Mandatory DFG)

- 4.5 Where a mandatory DFG is to be given in respect of adaptations to a dwelling, the Council may provide funding to undertake minor works at the same time in the same dwelling where it is considered these will have a positive impact on the health and well-being of the disabled person. These works will include the following:
- Works to eliminate Category 1 hazards (Housing Health and Safety Rating System) which could impact on the disabled person.
 - Replacement of single glazed windows, or obsolete double glazed windows, in living rooms, bedrooms, and bathrooms regularly used by the disabled person.
 - Replacement, repair, or upgrade of defective fixed heating systems that will directly impact on the disabled person.
 - Replacement repair, or upgrade of electrical system that will directly impact on the disabled person.
- 4.6 Grant for minor repairs work will not be available in respect of properties where the applicant is a tenant.
- 4.7 The amount of grant given for this purpose will be limited to a maximum of £10,000
- 4.8 The works for which grant is to be made available will be specified by the Housing Grants Officer.
- 4.9 No grant will be made available for works already completed.
- 4.10 The whole of any grant given under this discretion will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's. If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as for mandatory grants in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10-year period from the certified date.

5.0 OTHER DISCRETIONARY GRANTS

Dementia Adaptations

- 5.1 These grants are available to someone who has been diagnosed with dementia and is still living in their own home. This can be as an owner occupier or tenant.
- 5.2 The scheme will provide a grant of up to £2,500 for minor adaptations designed to help the individual, and their carers, cope with the challenges of living with the condition. A letter from the GP or specialist confirming that dementia has been diagnosed will be required.
- 5.3 The grant can cover adaptations within the home such as:
- Replacing floor coverings that cause confusion or safety issues
 - Replacing tiling or bathroom fittings (such as toilet seats and rails) to improve visual perception
 - Changing cupboards to clear fronted doors, to enable recognition of where items are in the kitchen
 - Changing lighting schemes to improve visibility around the home
 - Installing noise reduction measures
 - Ensuring gardens and paths are level and free from hazards.
- 5.4 The specification for works will be provided by any one of the GP, specialist dementia care worker, occupational therapist, or other suitably qualified practitioner.
- 5.6 The Dementia Adaptation Grants will not cover items that could be funded through a Disabled Facilities Grant or through Nottinghamshire Social Care, but can be used in addition to them.
- 5.7 The Dementia Adaptation Grants will not be subject to the Test of Resources and the grants will not be repayable.

Hospital Discharge Grant

- 5.8 This grant is for people in hospital awaiting discharge back to their homes and provides up to £10,000 to applicants to carry out urgent adaptations and /or other works to their home which are needed to facilitate their discharge from hospital.
- 5.9 Works can include works to the property itself, including work to heating systems. Grant can also be given to undertake clearance of the property where hoarded goods are preventing hospital discharge.
- 5.10 Applicants must be:
- an owner occupier or a tenant in a privately rented property
 - in receipt of a means tested benefit*

- in hospital at the time of referral and awaiting discharge

5.11 The application must be accompanied by a referral from a hospital Occupational Therapist advising of the urgent adaptations that are required to the home to enable discharge.

5.12 The property to be adapted must normally be occupied on a permanent basis by the applicant and their family.

5.13 Works will be ordered to and undertaken by a contractor selected by the Council. Payment of the grant will be made when the works have been completed and evidence of this provided to the Council.

*Currently: Guaranteed pension credit

Housing benefit

Universal Credit

Income based job seekers allowance

Income based employment and support allowance

Working tax credit and/or child tax credit where annual income for the purposes of the tax credit assessment was below £15,276

Council Tax support (excluding single person discount)

5.14 Hospital Discharge Grants are not subject to the Test of Resources and will not be repayable.

5.15 Hospital Discharge grants will not be given in respect of any matters which would be eligible under the Handy Person Adaptation Service (HPAS) or other grant funding.

Warm Homes on Prescription (WHOP)

5.16 These grants are available to residents where they or members of their household have a specified medical condition exacerbated by cold, and they meet the criteria and are in receipt of a qualifying benefit or household income below a specified level.

5.17 A single grant of a maximum of £6,000 will be awarded to eligible applicants in order to undertake improvements to the dwelling to eliminate problems associated with cold or damp.

Examples of such works include, but are not limited to the following:

- Boiler repairs / replacement (NB. This is not an emergency service)
- Provision / replacement of radiators
- New heating controls
- Draught-proofing
- Insulation works

5.18 Currently this scheme is delivered in conjunction with other partner organisations who undertake visits to assess the energy efficiency of the home and whether the resident can afford to keep the house at a healthy temperature. A range of actions are then taken to achieve affordable warmth on

behalf of the householder, including commissioning heating and insulation works, income maximisation (benefits checks and fuel switching) and accessibility to other grant funding measures all of which will allow the resident to remain independent in their own homes.

- 5.19 WHOP Grants are subject to the applicants meeting the specific criteria but are not repayable.

Dual residency for a disabled child

- 5.20 Mandatory DFG's can only be provided to the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it is assumed that one party would apply for any mandatory grant on the basis that the child occupies the subject property as their sole or main residence. The main residence will be determined by consideration of the applicant's particular circumstances including which party receives child benefit and the details of any court order or mediation agreement.
- 5.21 The Authority will consider the details of any court order or mediation agreement and specifically the allocation of time spent with each parent in determining eligibility for assistance. No specific percentage split is proposed by this Policy as each case will be reviewed on its own merits. Factors to be considered include the specific details of any order, likely time to be spent at each property, whether the child will stay overnight at the subject property and for what period etc.
- 5.22 Where dual residency occurs, the Authority may consider the award of a discretionary grant for the other property, if they fall within the headings applied to mandatory schemes and are determined to be necessary, appropriate, reasonable and practicable and having regard to the resources the Authority has available at the time.
- 5.23 Any assistance provided under this heading will be determined and assessed using the mandatory DFG criteria and will be up to a maximum award of £30,000 and will not be subject to any form of means testing as per mandatory DFG applications for children/young persons. The grant will be recorded as a Land Registry charge against the property.
- 5.24 The whole of any grant given under this discretion will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's. If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as for mandatory grants in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10-year period from the certified date.
- 5.25 Any discretionary award will only be considered having regard to the amount of resources the Authority has at the time. If the Authority does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves

the right not to approve any discretionary assistance. The Council will however consider the likely demand for discretionary assistance and where practicable build this into its financial planning and bidding process

Relocation Grant

- 5.26 A relocation grant may be available to an applicant who owns or privately rents their property if adaptations to their current home through DFG are determined not to be reasonable or practical and they are considering relocation to a property they intend to purchase or rent.
- 5.27 Applicants must be 18 or over on the date of application is made and, in the case of a disabled child, the parent(s) or legal guardian would make the application. Any application must be supported by a recommendation from the Nottinghamshire County Council's OT service or relevant Health or Social Services Care partner in the event of hospital discharge.
- 5.28 The Authority and the OT must be satisfied that the proposed property already meets the needs of the disabled person without further adaptation or are satisfied that it can adapted at a reasonable cost.
- 5.29 Applicants must be relocating within the Authority's boundary. Consideration may be given to a move within Nottinghamshire, but this would require the approval of the relevant district/borough council, whether or not adaptations are required and the scale of any adaptations before a relocation grant can be considered.
- 5.30 A grant of up to £5,000 may be made available towards specific relocation expenses, which includes estate agent fees, legal costs, removal costs and up to a 75% contribution toward cooker and/or fridge if built-in appliances are being left behind and none are, or have been fitted in the new property.
- 5.31 Applications must be submitted prior to the relocation as grants cannot be paid retrospectively. Assistance will not be given toward the purchase price of the new property.
- 5.32 The Authority will require quotations from independent contractors in compliance with the Authority's adopted procurement rules, that realistically reflect the cost of the works/service provided. In some circumstances, one estimate may be accepted if the Authority is satisfied that the cost is reasonable.
- 5.33 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. Valid invoices or receipt must be provided prior to payment.
- 5.34 If on sale of the applicant's existing property, a net equity of more than £20,000 is released, the Relocation Grant will only fund the physical removal costs. (Net equity refers to any equity released when the purchase price of the new property is less that the existing property's selling price).

- 5.35 If the move is aborted through the fault of the applicant then costs will not be paid, and any costs already paid will be reclaimed from the applicant. If the reason for the move failing is through no fault of the applicant, then the Authority will not recover the costs.
- 5.36 The new property must be the disabled person's main residence and no applicant will be awarded a Relocation Grant on more than one occasion.
- 5.37 The Relocation Grant scheme will be subject to the same Test of Resources as the mandatory Disabled Facilities Grant scheme unless the relocation is for a disabled child in which case no test will be applied.
- 5.38 The whole of any grant given under this discretion will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's. If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as for mandatory grants in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10-year period from the certified date.

Armed Forces Personnel, Veterans and Immediate Family

- 5.39 As a signatory to the Armed Forces Covenant, Broxtowe Borough Council is committed to supporting both serving and veteran armed forces personnel in any way possible and this includes ensuring those personnel and their families who require adaptations receive appropriate assistance. The limited financial disregard for armed forces pensions and compensation schemes adversely influence contributions required for mandatory DFG. This discretionary grant recognises these barriers and provides solutions to prioritise and be more inclusive to armed forces personnel in the spirit of the covenant. This grant will provide an alternative to a DFG and will not be offered in combination with a mandatory scheme. It does not however restrict or prohibit any individuals right to apply for a mandatory grant.
- 5.40 Eligibility for a grant will be limited to serving and veteran personnel and their co-habiting families who do not live within a recognised Ministry of Defence accommodation or (MOD) base. This is on the basis that the MOD retains responsibility for adapting accommodation of those personnel who reside on base. Applicants for this grant will need to provide suitable evidence of their armed forces or veteran status.
- 5.41 Any application for this discretionary grant will be restricted to those categories of eligible works defined for mandatory grants as detailed in Section 3.2 of this Policy. The scheme will not offer enhanced works so assessment by OT staff will mirror the current DFG process.
- 5.42 The grant will have an amended Test of Resources to remove some of the recognised limitations of the standard DFG Test and provide an enhanced offer to eligible applicants. The means test will disregard in full the following pensions and compensations schemes:

- Armed Forces Pension Scheme,
- Armed Forces Compensation Scheme – Guaranteed Income Payments,
- War Widow pensions.

All other earned and pension income plus eligible capital will be assessed as per the standard test of resources. Any grant offer will be calculated as per a standard DFG – i.e. eligible costs less client contribution using the revised Test of Resources. Competitive quotations for the eligible costs will be required as for other DFGs.

- 5.43 The maximum grant offer will mirror that of the mandatory DFG in force at the time (see Section 3.6) and grant recovery conditions will also mirror those associated with a mandatory DFG. See Section 7

General points in respect of Discretionary Grants

- 5.44 The decision on any application for discretionary grants shall be made by the Head of Environmental Health, Licensing and Private Sector Housing.
- 5.45 Any discretionary DFG will only be considered having regard to the amount of resources the Council has available at the time. If the Council does not have sufficient resources to deal with other referrals that have been received from the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary grant. In addition, financial priority will be given to mandatory DFGs referred by the OT Service.

6.0 GENERAL REQUIREMENTS AND GRANT CONDITIONS

The following general requirements and conditions will apply to both mandatory DFGs and discretionary grants.

Cost of Work

- 6.1 The Council uses public money to fund the provision of both mandatory and discretionary grants and as such it must take into account value for money.
- 6.2 When officers schedule the work to be carried out, they will ensure it meets the needs of the applicant but at the same time they will only prepare a basic specification. If grant applicants want to have a higher specification that costs more, they will have to pay the difference themselves.
- 6.3 The applicant will be required to obtain at least two quotes* for the cost of work in accordance with the Authority's adopted procurement rules for the cost of the work. 3 quotes must be obtained for extensions and larger or complex cases. *The provision of stair lifts and other equipment that falls within scope of the Nottinghamshire Procurement Framework, will be exempt from the requirement to obtain 2 quotes, unless specified by the Housing Grants Officer. The grant will usually be approved on the basis of the lowest quote unless there are extenuating circumstances. Where the applicant wants to use a contractor providing a higher quote than the one that is deemed acceptable by the

Council, the applicant will have to pay the difference direct to the contractor. The Council will notify the contractor that the client will have to make a contribution and advise them of its value.

- 6.4 Quotes must be costed on the basis of the individual items in the schedule, provided. An overall price will not be accepted.
- 6.5 If the Council considers that the cost of any individual item or work within a schedule is unreasonably high, even if the overall quote was the lowest, it may reduce the cost allowed to what it considers reasonable for that particular item.
- 6.6 If a grant applicant has a preferred scheme of works that meets their assessed need to the same degree as the scheme proposed by the OT, for example the provision of a ground floor extension in lieu of a vertical through-floor lift installation, the Council will part fund the preferred scheme to the same degree as the grant eligible works. Any extra costs associated with the applicant's preferred scheme, including unforeseen works, architect's fees etc., must be met by the grant applicant. Evidence that the applicant has sufficient funds in place for the extra work must be made available prior to works starting. Nottinghamshire County Council's Occupational Therapy Service will be consulted to ensure that the applicant's preferred scheme meets their assessed need in full. Grant will not be fully paid until the whole scheme has been satisfactorily completed.

Means Tested Contributions

- 6.7 Applicants for DFGs will be required to complete a statutory test of resources form (means test) to determine whether any contribution is to be paid towards the cost of works. At present this does not apply in the case of an application in respect of a disabled child. In the majority of cases a Preliminary Test of Resources will be undertaken prior to the provision of an OT referral to provide the prospective applicant with an early indication of their likely contribution. Such preliminary tests will not be applied in urgent cases or where the OT is aware that the client is in receipt of a passport benefit. The evidenced receipt of a passport benefit (a number of means tested mainstream benefits) will automatically be assessed as having a NIL contribution toward any grant award and will receive full grant.
- 6.8 Where the statutory test of resources determines that the applicant has a contribution to make towards a grant, that contribution will be paid to Broxtowe Borough Council prior to the works commencing. The money will be retained by the Council and paid direct to the builder on satisfactory completion of scheduled works.
- 6.9 In circumstances where an applicant has a degenerative condition and where it is likely additional adaptations may be required over time it should be noted that there is no restriction on further grant applications at a later date. Any contribution paid by an applicant towards an initial application will be deducted from any future assessed contribution if the second application is made within the prescribed period (10 years for owner occupiers and 5 years for tenants).

Grant Approval

- 6.10 The Council is required to approve or refuse the grant within six months of the application being made. An application is deemed to be made when the following documentation is submitted:
- A completed application form
 - The appropriate certification together with proof of ownership or tenancy
 - The appropriate evidence of financial resources in order that the Council can undertake the Test of Resources
 - The appropriate number of quotes
 - Confirmation from the County Council Occupational Therapy Service that the works which are the subject of the application are necessary and appropriate to meet the needs of the disabled occupant
 - Any necessary planning permission/Building Regulation Approval
- 6.11 Officers from the Council's Private Sector Housing Team will work with prospective grant applicants to ensure the appropriate documentation is in place to make a valid application.
- 6.12 The Authority will not usually approve an application for grant where the relevant work has already begun. Any grant offer may be reduced to reflect the works undertaken prior to approval.
- 6.13 The Authority will not approve an application for a DFG if the relevant works have been completed.

7.0 PAYMENT OF GRANT

Completion of work

- 7.1 The legislation requires the Council to pay the grant on condition that the work has been carried out to its satisfaction. It also states that the Council is able to pay the contractor direct where it has advised the grant applicant prior to the grant being approved that this would be the method of payment.
- 7.2 The Council's officers will inspect the works once completed and if in their professional opinion the work has been carried out satisfactorily, the Council will pay the value of the grant. The Council will always pay the contractor direct, other than in exceptional circumstances. Any other payments that the grant applicant is responsible for must be made by the applicant. If the Council is not satisfied with the standard of work it will retain the grant money until such time as any works issues have been resolved at which point they will pay the contractor.
- 7.3 The payment will be processed in consultation with the grant applicant.

- 7.4 If there is a dispute between the grant applicant and the contractor, but the Council is satisfied that the work has been completed to an adequate standard, the Council may arrange review by another officer with relevant experience or, may appoint an independent suitably qualified surveyor to assess the standard of such works.
- 7.5 Where a request is received for a grant to be paid in instalments, any contribution which the applicant is required to make based on the Test of Resources must be paid to the contractor before any element of the grant funding is released.

Changes in circumstances

- 7.6 In some cases there is a change in circumstances after the grant has been approved that affects the payment of grant. These circumstances (which are prescribed in the legislation) are;
- where the works cease to be necessary or appropriate to meet the needs of the disabled occupant;
 - the disabled occupant ceases to occupy the dwelling; or
 - the disabled occupant dies.
- 7.7 In such circumstances, the legislation states that the Council can take such action as appears to be appropriate and may decide:
- that no grant shall be paid or as the case may be, no further instalments shall be paid;
 - that the works or some of them should be completed and the grant or an appropriate proportion of it paid; or
 - that the application should be re-determined in the light of the new circumstances.
- 7.8 The Council has the right under the legislation to demand any instalment that has already been paid to be repaid to the Council forthwith together with interest from the date on which it was paid until repayment.
- 7.9 Where the applicant has a contribution to pay, the Council will seek to recover any instalments already paid up to the value of the contribution. If the amount of contribution does not cover the instalments that have been made, the Council will consider each case on its own merits in deciding whether to recover any further payments.
- 7.10 Where the applicant has no contribution to pay (i.e. the grant is for 100% of the costs of works) the Council will consider each case on its own merits in deciding whether to recover any instalments.
- 7.11 Decisions in respect of the Council's action relating to a change of circumstances shall be made by the Head of Environmental Health, Licensing and Private Sector Housing.

Cases in which grant may be recalculated, withheld or repaid

- 7.12 The Council is entitled to refuse to pay a grant or any further instalment of a grant which remains to be repaid or make a reduction in the amount of grant in the following situations detailed in the legislation:
- The Council ascertains that the amount of grant was approved on the basis of inaccurate or incomplete information and exceeds that which the grant applicant was entitled,
 - The Council ascertain that without their knowledge the eligible works were started before the application was approved,
 - The works are not completed within 12 months,
 - The cost of works is less than the estimated expense upon which the grant was calculated,
 - The work has been carried out by a contractor who was not one of the contractors who originally quoted for the work.
- 7.13 Where any of the above circumstances arise, the Council can demand repayment by the applicant in whole or part, of the grant or any instalment of the grant paid together with interest from the date of payment until repayment. In cases where the applicant has a contribution to pay, the Council will seek to recover any instalments up to the value of the contribution. If the amount of contribution does not cover the instalments that have been made, the Council will consider each case on its own merits in deciding whether to recover any further payments.

Repayment in case of compensation

- 7.14 It is a condition of the grant that the applicant takes reasonable steps to pursue any relevant claim and to repay the grant so far as appropriate out of the proceeds of such a claim. A claim is:
- (i) an insurance claim or legal claim against another person in respect of damages to the premises to which the grant relates, or
 - (ii) a legal claim for damages in which the cost of the works to premises to which the grant relates is a part of the claim, and a claim is a relevant claim to the extent that the works to make good the damage or the cost of which is claimed are works to which the grant relates.
- 7.15 In the event of a breach of this condition the applicant shall on demand pay to the Authority the amount of grant so far as relating to any such works together with compound interest from such date as may be determined, calculated at such reasonable rates as the Authority may determine.
- 7.16 The Authority may determine not to make such a demand or to demand a lesser amount. The assumption is that the amount will be demanded in full however on representations from the applicant, the Authority will consider each case on its own merits.

General Provisions

- 7.17 Where work has commenced but grant entitlement has ceased and where the Council has decided that the works or some of them should be completed and the grant, or an appropriate proportion of it, repaid, the Council will arrange to make good the work so that the property is safe, secure and water-tight.
- 7.18 This may not include carrying out such work as finishing internal surfaces and plumbing any new facilities (unless these are the only facilities in the property) for example. Any work over and above making the property safe, secure and water-tight may have to be paid for by the applicant or some other appropriate person.
- 7.19 Decisions in respect of the Council's action in respect of grant being deferred, re-calculated, withheld, or re-paid shall be made by the Head of Environmental Health, Licensing and Private Sector Housing.

Deferring of Grant Payments

- 7.20 The Council has the discretion to defer any payment of an approved grant for a period of up to 12 months from the date of grant approval. Any such decision must be set out in within the grant approval notice.

8.0 INSTALLATION OF EQUIPMENT AND MAINTENANCE

- 8.1 Equipment which can be installed and removed fairly easily with little or no structural modification will not be funded by either a mandatory or discretionary DFG. The cost of supplying such equipment will fall to Nottinghamshire County Council.
- 8.2 Typically the type of equipment that will be covered by a mandatory DFG includes the following (although this is not an exhaustive list):
- Stair lifts
 - Ceiling track hoists (excluding slings)
 - Through floor lifts
 - Rise and fall showering tables that are electrically powered
 - Rise and fall baths that are electrically powered
 - Wash and dry toilets
- 8.3 Where the provision of equipment is funded by a mandatory DFG it is usually the responsibility of the applicant to take out the necessary insurances and maintenance agreements to ensure the equipment is properly maintained. However, the Council will include within the grant the cost of a supplier's standard maintenance agreement to give cover for up to five years. This will exclude hoists where cover is arranged by Nottinghamshire County Council.
- 8.4 If a grant application is made for new equipment, it will not be approved if it can be shown that the equipment can be repaired at a cheaper cost than renewal. In such cases the costs of the repairs will fall to the householder.

9.0 CHOICE OF CONTRACTORS AND AGENTS

Contractual Relationships

- 9.1 Following the referral from the Occupational Therapy Service at Nottinghamshire County Council, officers from Broxtowe Borough Council will schedule the works that are required. The scheduled works will form the basis upon which contractors quote. As referred to above, the grant applicant will need to obtain appropriate quotations, however officers may source such quotes on behalf of the applicant if requested.
- 9.2 Whilst work is being undertaken, the Housing Grants Officer may visit the property to ensure that the work is being undertaken satisfactorily and when the work is completed, the officer will carry out a final inspection to ensure it has been completed satisfactorily.
- 9.3 However, except in respect of Hospital Discharge Grants, the Council is in no way responsible for the work of the contractor and there are no contractual obligations between the contractor and the Council. The purpose of the final inspection is simply to protect the public purse. All contractual relationships with respect to the carrying out of the work are between the grant applicant and the contractor.
- 9.4 If there is a dispute between the grant applicant and the contractor, the Council will not be able to get involved unless by some act or default where the Council has caused the issue which has led to the dispute.
- 9.5 Within the parameters of the legislation, the choice of contractor and any agent is that of the grant applicant. The Council will provide a list of contractors and agents who carry out this type of work. However, although contractors will be removed from the list if the Council becomes aware of unacceptable standards or practices, inclusion on the list does not constitute any recommendation by the Council or offer any form of guarantee.

10.0 REPAYMENT OF GRANT

- 10.1 In the case of mandatory grants, if the applicant (the recipient) has a qualifying owner's interest in the premises on which the relevant works are carried out, the Council will register a local land charge against their property, where the grant payment exceeds £5,000.

The Council will demand the repayment by the recipient of such part of the grant that exceeds £5,000 (but may not demand an amount in excess of £10,000) if—

- (a) the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date (the date the Council has certified the works have been carried out to its satisfaction); and

- (b) the Council, having considered—
 - (i) the extent to which the recipient of the grant would suffer financial hardship were they be required to repay all or any of the grant;
 - (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
 - (iii) whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises; and
 - (iv) 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,

is satisfied that it is reasonable in all the circumstances to require the repayment.

If a grant recipient is of the opinion that any of the exemptions may be appropriate, they will be required to submit written representations to the Council setting out their case in full. The decision on whether to waive the grant recovery will be made by the Head of Environmental Health, Licensing and Private Sector Housing in consultation with the Head of Finance.

If no exemption is deemed appropriate the eligible element of the grant that can be reclaimed following a disposal of the property will be recovered in full.

Where an applicant is dissatisfied with a decision to demand repayment, they can access the Council's formal complaints procedure.

- 10.2 In the case of Top-up Grants, Dual-residency Grants, and Relocation Grants, the whole of any grant given under this discretion will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's. If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as for mandatory grants in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10-year period from the certified date.

11.0 COMPLAINTS

- 11.1 Where an applicant is dissatisfied with the service they have received (including where a grant has been refused), they should contact the Head of Environmental Health, Licensing and Private Sector Housing in the first instance. If the matter is not resolved to the applicant's satisfaction they can access the Council's formal complaints procedure.

12.0 Risk

Risk	Mitigation
Risk of Policy being unlawfully drafted	Legal section checks the Policy before approval
Risk of unreasonable decision-making	Clear criteria spelt out in Policy

13.0 Responsibilities

The Head of Environmental Health, Licensing and Private Sector Housing has delegated authority to make minor Policy amendments which do not affect the broad thrust of Policy direction. Other changes must be approved by Cabinet.

The Head of Environmental Health, Licensing and Private Sector Housing will be responsible for ensuring records of applications and decisions are kept in accordance with the Council's document retention scheme

14.0 Related Policies, Standards and Guidelines

Enforcement Policy

15.0 Review

This document will be reviewed every five-years as a minimum or wherever there may be a change of influencing circumstances.

16.0 Document Information

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24/01/2025	Review, update, addition of WHOP, Armed Forces Section and increase of discretionary top up linked to mandatory to £30,000.	

Coverage

Name/Group:

All Staff in environmental health section

End of Document