

HOUSING ASSISTANCE POLICY

2022 - 2026



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1. Introduction

This policy sets out how Newcastle-under-Lyme Borough Council will offer financial help for improving and adapting homes in the borough, together with the conditions and eligibility criteria associated with each type of assistance. Its aim is to support residents to improve their health and wellbeing by addressing problems with unsuitable homes that do not meet their needs.

The objectives of the policy are to have;

- A clear and transparent grants policy that is fair, equitable and accessible to all sectors of the community.
- To ensure that the funding is available and targeted at those people in the community in greatest need.

2. How this policy contributes to our Housing Strategy and priorities

Our housing strategy sets out our strategic housing priorities and details a range of actions we intend to take in partnership with relevant partners and stakeholders to support residents to access good quality, suitable and affordable housing while preventing homelessness and rough sleeping.

The strategy recognises Housing is fundamental to the wellbeing of people, their families and their wider communities. Improving housing standards, options, conditions and neighbourhoods within the borough is essential for enhancing economic growth, tackling vulnerabilities, improving outcomes for our children including their educational attainment, health, wellbeing, and community cohesion.

Priority 1 of the Housing Strategy relates to housing, health, wellbeing and partnerships and includes an objective to;

- Work in partnership to deliver an efficient and responsive grants service for adaptations.

3. Legal Context

The Housing Grants, Construction and Regeneration Act 1996 places a statutory duty on Local Authorities to provide assistance to qualifying disabled people for home adaptations. These eligible works must be “necessary and appropriate” to meet their needs and “reasonable and practicable” with regard to the age and condition of the property. These are mandatory Disabled Facilities Grants (DFGs).

The Council also has discretionary powers under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to provide assistance in any form for the purpose of improving living conditions.

The Care Act 2014 requires local authorities to identify, provide and arrange services, facilities and resources to prevent, delay or reduce the needs of individuals either for care and support. This includes the adaptation of properties.

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

The Home Energy Conservation Act 1995 requires each authority to assess the energy conservation needs for their local area and the policies, strategies and practical measures which

will help to make improvements. This includes providing assistance for those residents that are experiencing fuel poverty.

Funding for assistance is provided through the Better Care Fund which combines money from health and social care budgets to successfully deliver the integration of health and social care in a way that supports person-centred care and better outcomes for people and carers. Any assistance provided from this fund must only be used for the specific purpose of funding adaptations for disabled people who qualify for a DFG made under the 1996 Act or the Regulatory Reform Order.

In March 2022 the Department for Levelling Up, Housing and Communities and the Department of Health and Social Care issued Disabled Facilities Grant (DFG) Delivery: Guidance for Local Authorities in England.

This policy is written having regard to the relevant legislation and the national guidance.

4. Types of Assistance

4.1 Mandatory Disabled Facilities Grants

These are grants that local authorities must make available to their disabled residents who meet the required qualification criteria as set out in the Housing Grants, Construction and Regeneration Act 1996, and the accompanying regulations and subsequent amendments.

Eligible works are contained in section 23 (1) of the Act which defines 12 classes of adaptations for disabled occupiers that are mandatory and are based around:

- Giving access into and around the dwelling;
- Making a dwelling safe for the disabled person residing there;
- Accessing sleeping and bathing facilities;
- Facilitating the preparation and cooking of food;
- Ensuring the power, heating and lighting system are suitable;
- Giving access to the garden.

In determining eligibility for a Disabled Facilities Grant, the local housing authority must be satisfied, that the 'relevant works' are 'necessary and appropriate' to meet the needs of the disabled occupant and it is 'reasonable and practicable' to carry out the works having regard for the age and condition of the housing to which the works will be carried out.

Grants for over 18s are means tested and repayment conditions may apply. There is a £30,000 maximum amount set for a mandatory DFG. Further details on the grant, eligibility criteria and terms and conditions are set out in appendix 1.

4.2 Discretionary Grants

It is the Council's primary responsibility to deliver Disabled Facilities Grants and control the budget accordingly to ensure its statutory duties are met in a timely manner. However, if the budget allows, the Council may decide there are sufficient resources to accept applications for discretionary aid.

The aim of the discretionary grants is to help vulnerable members of the community where the Mandatory DFG is insufficient to cover the full cost of the works or where the works are outside of the eligibility criteria. However completing them would provide significant benefits to the applicant and/or their family/carers and would create savings to the wider public purse. Further details on all the discretionary grants can be found below and in appendix 2.

Means testing will apply to discretionary grant applications. However if the grant is for top up assistance to a mandatory DFG where the applicant is subject to a means test and has a contribution no further contribution will be requested.

For discretionary funding the Council will assess each case on its own individual merits and has the discretion to refuse, part fund or fully fund a request.

Discretionary grants will be kept under review to understand how they contribute to supporting needs locally. Following assessment of needs and the resources available new forms of discretionary assistance may be proposed and added in the future.

4.2.1 Top-Up Assistance

To top-up the financial assistance for adaptation works where the cost exceeds the DFG maximum (currently £30,000). The amount of top-up assistance in such circumstances must be reasonable up to a maximum of £15,000. The Council reserves the right to consider alternative solutions where they appear more cost effective, reasonable, practicable or appropriate. It is expected that other funding sources will also be sought by the applicant including landlord contributions and charity applications.

4.2.2 Relocation Grant

In some instances it may not be possible to adapt accommodation to meet the needs of the disabled occupant or the works required would be so major that it would not be cost effective. A discretionary relocation grant, which is means tested, provides assistance to move by helping with removal costs and legal expenses.

4.2.3 Support for essential repairs that otherwise present hazards to health

To assist residents whose health is being affected by hazards to health in the home that will otherwise exacerbate existing health conditions and create ill health or an unplanned hospital admission. Examples include repairs to heating and hot water provision, first time heating, preventing falls or accidents, preventing damp conditions and support to clear hoarded properties. This would be applicable where the hazard has been assessed under the Housing Health and Safety Rating system as a serious hazard to health.

4.2.4 Fees Grant

Fees can be charged on a grant for specific works set out in the legislation and the Disabled Facilities Grant (DFG) Delivery: Guidance for Local Authorities in England. Fees can limit the available grant to an applicant especially if the cost of works is approaching the mandatory limit. This discretionary grant can cover fees where this may adversely affect the works which can be completed or where there are upfront fees that need to be met to allow a grant to proceed ie occupational therapy report or architects drawings.

5. How assistance is delivered

5.1 Direct application

This option is where an applicant completes all elements of the application themselves. This includes completing forms, obtaining competitive, itemised estimates, managing and overseeing contractors.

5.2 Equipment application

This option is for equipment only applications ie stair lift, step lift, through floor lift, modular ramp where the Council works with specific contractors to supply the equipment. The applicant completes the application forms and the contractor will provide the on-site support.

5.3 Landlord Application

This option is to allow registered provider landlords to handle applications on behalf of their tenants. This allows the registered provider to fully consider available housing options and to have greater involvement in the design and specification and delivery of works.

5.4 Supported Application

This option is where the local authority case workers and surveyors will manage the grant process, obtaining estimates from contractors and on site supervision.

6. Prioritisation

Where possible the Council will process requests for financial assistance in chronological order following receipt of an initial enquiry. However it may be necessary to prioritise applications at times of high demand.

An enquiry will be considered as urgent if the customer meets one of the criteria as outlined in the 2022 DFG Guidance;

- Coming out of hospital and at risk,
- Living alone and deemed at risk,
- Severe cognitive dysfunction and at risk,
- Living with a carer who is elderly or disabled,
- Living without heating or hot water and at risk,
- Limited life expectancy,
- The property is in such a condition as to present an immediate and significant danger to the occupants or visitors.

7. Fees

Fees can be charged on a grant for specific works set out in the legislation and the Disabled Facilities Grant (DFG) Delivery: Guidance for Local Authorities in England. Following detailed preparatory work the proposed fee is 18%. This will be kept under review as the service matures. The discretionary fees grant ensures this figure does not impact on funding available to individuals.

8. Applicant Responsibilities

Within the grant process there are applicant responsibilities.

- To have adequate resources available for any means tested contribution to the grant or to discuss any concerns at an early stage in the process.
- To respond to requests for information or appointments, case officer's time is taken up if we have to chase for responses.
- To understand that compromises do often have to be made ie in moving furniture, re-arranging rooms, reducing stored items in order that all space can be fully and appropriately utilised.
- To notify the Council if any circumstances change ie change in financial or medical situation which may affect eligibility.
- If choosing to undertake a preferred scheme rather than a mandatory scheme to take responsibility for the scheme via a direct application.

9. Appeals / Complaints

Grant funding is limited to essential works to meet a need and therefore cannot cover desirable works or those not specifically covered by the eligibility criteria. Applicants may appeal against funding decisions made under both the mandatory and discretionary schemes. Appeals can be

made through the Council's formal route for complaints with written reasons for the appeal and supporting information. Similarly this route should be used for complaints relating to the policy and grants process. Complaints will be reviewed on a regular basis to inform improvements and developments to the service.

<https://www.newcastle-staffs.gov.uk/customer-service/comments-compliments-complaints>

This Housing Assistance Policy 2023 cannot account for every situation, in determining appeals and complaints relating to any stage of the process the relevant legislation and guidance will be used to guide the determination.

Appendix 1 - Mandatory Disabled Facilities Grant

1. Eligible works

The purposes for which adaptation must be provided are set out in section 23 of the Housing Grants, Construction and Regeneration Act 1996 as amended, and are;

- a) facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated; including facilitating access to and from a garden by a disabled occupant and making access to a garden safe for a disabled occupant.
- b) making the dwelling or building safe for the disabled occupant and other persons residing with him/her;
- c) facilitating access by the disabled occupant to a room used or usable as the principal family room;
- d) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
- e) 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;
- f) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;
- g) facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a hand-wash basin, or facilitating the use by the disabled occupant of such a facility;
- h) facilitating the preparation and cooking of food by the disabled occupant;
- i) improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his/her needs;
- j) 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;
- k) facilitating access and movement by the disabled occupant around the dwelling in order to enable him/her to care for a person who is normally resident in the dwelling and is in need of such care;
- l) such other purposes as may be specified by order of the Secretary of State.

2. Qualifying Criteria

All owner-occupiers and tenants, licensees or occupiers who can satisfy the criteria in sections 19-22 of the 1996 Act are eligible to apply for a DFG, but applicants must be aged 18 or over (this does not apply to the disabled person, who may be younger).

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 for the work to be carried out.

3. Necessary and Appropriate

Works must be identified as necessary and appropriate by an Occupational Therapist or Trusted Assessor. Their report should include an analysis of options and justifications for the eligible

works. These works must meet the eligibility criteria set out in legislation and be the simplest, most straightforward and cost effective means to meet the need taking into account all available space and facilitates within the property.

4. Test of Financial Resources

A mandatory DFG will be subject to a test of financial resources in accordance with the regulations made under the 1996 Act, as amended. The maximum mandatory DFG award is £30,000 minus any contribution required by the test of financial resources. Successive applications may be awarded for those persons whose condition is degenerative, or they develop additional needs.

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

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

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

In approving an application for financial assistance, the Council will require that the eligible works are carried out in accordance with any specification provided.

Unless otherwise directed two competitive estimates for the work will be required broken down so that individual elements can be compared like for like and against standard costs. The amount of financial assistance will usually be based on the lower of the two estimates.

The grant approval will specify the amount of grant and the contractor(s) on whose estimate it has been based and who should carry out the work. Any changes to the contractor will require prior approval or the grant approval will be invalidated.

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.

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 applicant which will be by electronic means.

6. Unexpected works

Unforeseen works which arise during the carrying out of eligible works will be considered for assistance if the additional works could not have been reasonably foreseen before commencement and are vital to the completion of a safe and effective scheme.

Unforeseen works carried out without prior approval of the Council will not be eligible for assistance. Approval should always be sought in writing, timed and dated with details of the extra

items and costs. Where unforeseen works are necessary these will be added to the grant up to the specified maximum for mandatory DFG. Costs above the mandatory grant maximum may be supported by discretionary assistance in accordance with this policy.

7. Repayment of Assistance

The Council will require that any grant amount over £5,000 given to a qualifying owner is repaid up to a maximum repayment of £10,000 if the recipient disposes of, (whether by sale, assignment, transfers or otherwise) the premises in respect of which the grant was given within 10 years of the certified date. Providing that:

- The recipient of the grant would not suffer excessive financial hardship were they required to repay all or any of the grant.
- The disposal of the premises was not to enable the recipient of the grant to take up employment, or to change the location of his employment.
- The disposal was not 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.
- The disposal was not 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.
- The Council is satisfied that it is reasonable in all the circumstances to require the repayment.

The condition requiring repayment will be a local land charge and will be binding on any person who is for the time being an owner of the dwelling or building.

8. Preferred Schemes

Under the grants process the Council will specify the works that can be funded both through mandatory and discretionary works. If the applicants chooses to fund an alternative scheme, termed a preferred scheme, then the grant amount can be put towards the alternative scheme. For example if a through floor lift is identified as the eligible works for a disabled occupant to reach their bedroom however the applicant wishes to pursue an alternative approach of building an accessible ground floor extension. The identified cost of the through floor lift can be put towards the extension works. In such cases the Council will ask the applicant to follow the direct application route.

9. Terms and Conditions

The Housing Grants, Construction and Regeneration Act 1996 lays down legal requirements for mandatory DFGs and the application and payment processes.

Appendix 2 - Discretionary Disabled facilities Grants

1. Eligibility

Discretionary grants are designed to help those eligible for Mandatory DFG assistance.

2. Test of Resources

A test of resources will be applied to discretionary funding. This will be waived if the assistance is top-up funding where the applicant already has a means tested contribution to the mandatory grant.

3. Repayment clauses

Discretionary funding will be registered 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 any funds recoverable under a mandatory DFG which expires at 10 years from certification of works completion.

4. Types of Assistance

4.1 Top-Up Assistance

To top-up the financial assistance for adaptation works where the cost exceeds the DFG maximum (currently £30,000). The amount of top-up assistance in such circumstances must be reasonable. The Council reserves the right to consider alternative solutions where they appear more cost effective, reasonable, practicable or appropriate. It is expected that other funding sources will also be sought by the applicant or home improvement agency including landlord contributions and charitable applications.

The maximum assistance will be for £15,000 and the same criteria and conditions will apply as for a mandatory DFG.

4.2 Relocation Grant

In some instances it may not be possible to adapt accommodation to meet the needs of the disabled occupant or the works required would be so major that it would not be cost effective. A discretionary relocation grant, which is means tested, provides assistance to move by helping with removal costs and legal expenses

The alternative property must be assessed by an Occupational Therapist as being suitable or easily adaptable to meet long term needs. Properties which require extending or will be overcrowded on occupation will not usually be considered suitable.

4.2.1 Maximum Grant

The maximum grant will be £5,000 for owner occupiers and £2,000 for tenants.

4.2.2 Eligible works

The grant can be used to assist with moving and resettlement costs, such as reinstatement of utilities, disconnection and reconnection of household appliances and any disability equipment. Legal and other fees, including solicitors, surveys, estate agents. Whilst the grant is open to tenants and owner-occupiers for tenants it will only cover the removal and resettlement costs and consideration will be given to the long term suitability of the tenancy.

The grant will only be approved once the purchase process in relation to the property has been completed. However, a provisional approval may be given prior to this which will indicate the amount of grant available.

Payment of the grant will only be made upon receipt of satisfactory invoices and receipts for eligible works/costs. If these have already been paid, then reimbursement to the applicant will be paid upon satisfactory proof of payment.

4.3 Support for essential repairs that otherwise present hazards to health

To assist residents whose health is being affected by hazards to health in the home that will otherwise exacerbate existing health conditions and create ill health or an unplanned hospital admission. Examples include repairs to heating and hot water provision, first time heating, preventing falls or accidents, preventing damp conditions and support to clear hoarded properties. This would be applicable where the hazard has been assessed under the Housing Health and Safety Rating system as a serious hazard to health. Grants will usually only be available to owner occupiers, as the works are the landlord or owner's responsibility in other tenures. The maximum grant will be £5,000.

4.4 Fees Grant

The fees grant will be available to DFG applicants where the fees on the grant will adversely affect funding to complete the scheme or where upfront costs are needed for technical and feasibility studies.

The following fees will be eligible for financial assistance if they have been properly incurred in making an application or seeking approval for the proposed works, or to ensure the satisfactory completion of works assisted under this policy when funded through options in the Housing Assistance Policy.

- Confirmation that the applicant has a relevant owner interest,
- Relevant legal fee,
- 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 an occupational therapist in relation to the relevant works.