

# Disabled Facilities Grant Policy

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Department Name ADAPTATIONS TEAM

- **Strategy or policy:** Disabled Facilities Grants Policy
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**Southend 2050 Outcomes: -**

- Southend residents are remaining well enough to enjoy fulfilling lives, throughout their lives.
- We are well on our way to ensuring that everyone has a home that meets their needs.
- We are effective at protecting and improving the quality of life for the most vulnerable in our community.
- Residents feel safe and secure in their homes.

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## 1. Introduction

- 1.1 Adaptations are needed by many disabled people so that they can remain safe and independent in their own home. They can be needed by people of all ages, but as our population ages and life expectancy increases, the number of people needing assistance to adapt their homes is expected to grow.
- 1.2 Disabled Facilities Grants (DFGs) are mandatory grants available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling or building.
- 1.3 Southend on Sea Borough Council is committed to helping vulnerable and disabled residents and will administer Disabled Facilities Grants (DFGs) (and other forms of assistance such as discretionary grants, where available) to help them achieve a home which meets their needs.
- 1.4 This policy document sets out how the Council will use its resources to help those who need disabled adaptations and how decisions will be made about the help that it gives.

## 2. Regulatory Framework

There are a number of legal provisions governing DFGs and the application process including:

- Housing Grants, Construction and Regeneration Act 1996 (“The Act”) (as amended)
- Housing Renewal Grants (Services and Charges) order 1996
- The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to Approval or payment of Grant) General Consent 2008
- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“The Order”)
- The Housing Renewals Grants (Amendment)(England) Regulations 2008
- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes)(England) Order 2008
- Delivering Housing Adaptations for Disabled People – A good practice guide (June 2006)
- The Equalities Act 2010

## 3. Definition of a Disabled Person

- 3.1 For the purposes of the legislation relating to DFG’s a person is defined as being disabled if:
  - Their sight, hearing or speech is substantially impaired;
  - They have a mental disorder to impairment of any kind; or
  - They are physically disabled by illness or impairment present since birth or otherwise

- 3.2 A person aged 18 or over is considered disabled if:
- They are registered as a result of arrangements made under section 29(1) of the National Assistance Act 1948; or
  - They are a person for whom welfare arrangements have been made under that section or might be made under it.
- 3.3 A person aged under 18 is considered disabled if:
- They are registered as a disabled child maintained under the Children Act 1989; or
  - In the opinion of the Social Services Authority (Essex County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

## 4. Responsibility

- 4.1 The Housing Grants, Construction and Regeneration Act 1996 gives to Southend on Sea Borough Council as a local housing authority, the statutory duty for providing DFGs. The Council cannot, by law, refuse to process a properly made DFG application that it receives from an owner-occupier or tenant. If the eligibility criteria and proper process are satisfied, the Council must approve the appropriate grant providing funds are available.

## 5. Eligibility for DFG Grant Assistance and Grant Limit

- 5.1 DFGs are available to homeowners, owners of qualifying houseboats, owners of qualifying park homes, tenants of private landlords and tenants of Housing Associations. Grants are also available for adaptations to the common parts of buildings containing one or more flats.
- 5.2 Each case must be supported by a recommendation from an Occupational Therapist working with Southend on Sea Borough Council Social Services. Should an applicant provide an independent Occupational Therapist's recommendation, the Council will consult with the Occupational Therapy Service at Southend on Sea Borough Council, before processing the application.
- 5.3 The Council reserves the right to refuse grant assistance where the works are not necessary, appropriate, reasonable, practicable, are excessively expensive and/or where the property is not suitable for adaptation. If appropriate the Council may offer a discretionary DFG, in the form of a relocation grant to help the applicant move to a more suitable dwelling.
- 5.4 There is no restriction on multiple DFG's for the same property and depending on the time lapse between applications, there is provision for any means tested contribution made on the first grant not to be taken into account on subsequent application. This is five years for a tenant's application and 10 years for an owner occupier's application.
- 5.5 The maximum amount of grant is set by statutory instrument. The current statutory limit on the maximum amount of mandatory DFG is £30,000. The Council may consider payment of an additional discretionary grant in exceptional circumstances.

## 6. The Mandatory DFG Eligibility Criteria

6.1 DFGs are available to fund adaptations to the homes of elderly, vulnerable or disabled residents to enable them to live independently at home or be cared for at home. Grants are dependent on:

- The works being necessary and appropriate.
- The works being reasonable and practicable; and
- A financial assessment where appropriate, to establish the applicant's eligibility for a grant.

6.2 Eligibility criteria for DFGs are laid out in Section 23 of The Housing Grants, Construction and Regeneration (As Amended) Act 1996 and primarily relate to accessing principal rooms within the home and accessing and using essential facilities including access to gardens and outside areas of a property.

### 6.3 Works that are eligible for a mandatory disabled facility grant

A mandatory DFG may be given for the following types of work:

**Facilitating Access** - For works to remove or help overcome any obstacles that prevent the applicant from moving freely into and around the dwelling. This may include access to the garden or yard (front, side, or rear) which means immediate access from the dwelling, it does not include landscaping.

**Making a Dwelling or Building Safe** - Adaptations to the dwelling or building to make it safe for the applicant and other persons living with them.

**Access to a Family Room** – Works to ensure the applicant has access to a room used for or usable as the principal family room.

**Access to a Room usable for Sleeping** - The provision of a room usable for sleeping where the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances.

**Access to a Bathroom** - The provision of, or access to, a WC, washing, bathing and/or showering facilities.

**Facilitating Preparation of and Cooking of Food** - The rearrangement or enlargement of a kitchen to improve the access for a wheelchair and to provide specially modified or designed storage units, work top 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.

**Heating, Light and Power** - To provide or improve the existing heating system in the dwelling to meet the applicant's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the applicant.

Provision is also made under this category for the adaptation of heating, lighting, and power to make them suitable for use by the applicant.

**Dependent Residents** - Works to enable the applicant better access around the dwelling in order to care for another person who normally resides there whether or not they are related to the applicant.

**Common Parts** – Works to facilitate access to a dwelling through the commonparts of a building, but consent must be obtained from the freeholder / leaseholder prior to any works taking place.

## 7. Discretionary DFG assistance – General

7.1 In certain circumstances the council may consider offering a discretionary grant. Three types of discretionary assistance are available from Southend on Sea Borough Council

- Top up assistance (see 7.5)
- Special assistance (see 7.6)
- Relocation assistance (see 7.7)

7.2 Whilst the Council do not have to provide discretionary assistance it will consider applications on a case-by-case basis with a view to maximising independence, health and wellbeing.

7.3 Any discretionary award will only be considered having regard to the amount of available resources the Council has available at the time. If the Council does not have sufficient resources to deal with outstanding mandatory referrals, the Council reserves the right not to approve any discretionary assistance.

7.4 All discretionary grants to owner-occupiers will be recorded as a charge on the land registry and will remain indefinitely. The grant will be repayable in full where a dwelling is disposed of whether by sale, assignment, and transfer of the title or otherwise for any reason and funds reimbursed to the DFG funding. This is over and above the mandatory repayment requirements outlined in section 29.

7.5 For discretionary grants to privately rented properties, tenants must provide proof of intention to remain at the property for at least five further years. The most appropriate evidence of this is an Assured Shorthold Tenancy (AST) for a minimum of at least 5 years signed by both landlord and tenant, unless the Council considers it unreasonable in the circumstances to seek such arrangement. The Landlord will also be required to sign confirmation that the tenant is to remain living in the property for 5 years from the date of the grant application, thus enabling the long-term use of the adaptations.

### Discretionary DFG Assistance – “Top Up Assistance”

7.5.1 A discretionary top up grant may be considered where the cost of the proposed adaptation works exceed the maximum mandatory DFG limit of £30,000. However, the grant applicant must also meet the criteria for a mandatory DFG.

- 7.5.2 The discretionary DFG top-up grant will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child, in which case no such test will be applied.
- 7.5.3 The Adaptations Team Manager is authorised to agree a discretionary grant of up to £10,000 in exceptional circumstances subject to budget availability. Discretionary top-up grants in excess of £10,000 up to a maximum of £30,000 will be determined in consultation with the relevant Director of Services (Adult or Children). In exceptional circumstances where works exceed the grant limit for both mandatory and discretionary this will be taken to the Executive Director (Adults or Children's) for decision. (i.e., over £60k)
- 7.5.4 Before approving a top-up grant, the Council will have expected the applicant to have exhausted all other reasonable options with which to raise the required funds for any works over and above the £30,000 mandatory limit. This is to ensure a fair allocation of funding between the many applications received by the Council every year. Examples of these include, but are not restricted to:
- Equity release for owner occupied property
  - Bank loans
  - Charity Grants / Contributions
- 7.5.5 The Council reserves the right to decline any request for top up assistance if sufficient written evidence of the above is not provided.

### **Discretionary DFG Assistance – Special assistance**

- 7.6.1 A Discretionary Disabled Facilities “Special assistance” grant may be considered to help applicants pay for the cost of adapting their home where this is not covered by the mandatory DFG.
- 7.6.2 Each case must be supported by a recommendation from an Occupational Therapist working with Southend on Sea Borough Council. The Council reserves the right to refuse grant assistance where the works are not necessary, reasonable, practicable, or are excessively expensive or where the property is not suitable for adaptation.
- 7.6.3 Discretionary Disabled Facilities Grants Assistance will be considered to fund the following types of adaptations to enable an applicant to remain living in their own homes:
- a) To make the dwelling suitable for the applicant. Examples include:
    - The provision of a safe play space for a disabled child
    - The provision of more suitable internal arrangements which would directly benefit the applicant.
  - b) To make the dwelling suitable for the employment of the applicant within the existing footprint of the dwelling (examples include the provision or adaptation of a room for the applicant to use as a work area). Any such

assistance would be subject to the applicant obtaining any relevant planning permission that may be required for working/running a business from the dwelling.

- c) To provide an area for specialist care or treatment (e.g., provision of a dialysis room).
- d) The provision and installation of ceiling track hoists.
- e) The provision and installation of a dropped kerb to facilitate access to a hardstanding located within the curtilage of the applicants dwelling.
- f) The provision and installation of an appropriate storage facility for a mobility scooter with a fixed charging point.
- g) Provision of facilities for a child in foster care, where the likely length of care at a dwelling is likely to be years, rather than months.
- h) Provision of additional facilities in a second property in circumstances where a disabled child is living under a dual residency arrangement, where residency is split between the parents (or other designated guardian.)

This list is not exhaustive and other works may be considered subject to an Occupational Therapists recommendation being received by the Council.

- 7.6.4 Depending on the value of the works, the Discretionary Disabled Facilities “Special Assistance” grant, may be authorised by the Adaptations Team Manager in consultation with the Head of Service for Adults and the Head of Children Services for children where appropriate.

### **Discretionary DFG Assistance – Relocation Grant**

- 7.7.1 A discretionary relocation grant may be available to an applicant who owns or privately rents their dwelling if adaptation of their current home through a mandatory DFG is determined not to be a feasible or reasonable option and they are considering relocating to a suitable property they intend to purchase.
- 7.7.2 Applicants must be aged 18 or over on the date that the application is made and in the case of a disabled child, the parents would make the application.
- 7.7.3 Any such application must be supported by a recommendation from the Occupational Therapy Service at Southend on Sea Borough Council.
- 7.7.4 The Council and the Occupational Therapist must both be satisfied that the proposed dwelling already meets the needs of the applicant without further adaptation or are satisfied that it can be adapted at a reasonable cost.
- 7.7.5 Applicants must be relocating within the Southend on Sea Borough. Consideration may be given to a move in Essex, but this would require:
- The approval of the relevant district/borough council

- The council would not be expected to fund adaptations at the new dwelling.
- 7.7.6 The cost of the discretionary relocation grant together with the cost of any adaptations required to the new dwelling must demonstrate value for money, whether the move is within the Southend on Sea Borough or another district / borough within Essex.
- 7.7.7 Applications must be submitted prior to relocation; grants cannot be paid retrospectively.
- 7.7.8 Assistance will not be made available towards the purchase price of a new dwelling.
- 7.7.9 The Council will normally require two quotations from independent contractors that realistically reflect the cost of the works / service being provided. In some circumstances, one estimate may be accepted if the Council is satisfied that the cost is reasonable.
- 7.7.10 All applicants will be required to complete the move within 12 months from the date of approval of their application.
- 7.7.11 If on sale of the applicants existing dwelling, a net equity of more than £10,000 is released, the discretionary relocation grant will only fund the physical removal costs.
- 7.7.12 Net equity refers to any equity released when the purchase price of the new dwelling is less than the existing dwellings selling price.
- 7.7.13 If the move is aborted through the fault of the applicant, then the grant will not be paid, and any monies already paid will be reclaimed from the applicant. If the reason for the move falling through is, in the opinion of the Council, not the fault of the applicant, then the Council will cover the full costs.
- 7.7.14 The new dwelling must be the applicant's main residence and no applicant will be awarded a discretionary relocation grant on more than one occasion.
- 7.7.15 If the applicant moves from the new dwelling within 5 years or if the dwelling is disposed of whether by sale, assignment, transfer of the title or otherwise, for any reason within a period of 5 years, the grant must be paid back in full to the Council unless there are exceptional circumstances. SBC would expect the applicant to sign a certificate advising occupancy for the next five years.
- 7.7.16 The discretionary relocation grant will be subject to the same financial means test as a mandatory DFG unless the relocation is for a disabled child in which case no means test will be applied.
- 7.7.17 A discretionary disabled facilities "relocation assistance" grant may be authorised by the Adaptations Team Manager, in consultation with the Head of Service.

## **8. Suitability and Feasibility of an Adaptation for a Customer**

### **8.1 Necessary and Appropriate**

Necessary and Appropriate works are determined through an assessment of the applicant and their home environment by an Occupational Therapist from Southend on Sea Borough Council. This concentrates on the applicant's ability to remain living independently in their own home and must distinguish between works which are desirable, and those, which are necessary and appropriate.

## 8.2 Reasonable and Practicable

There are times when it is simply not reasonable and practicable to adapt a property, for instance where there are excessive changes in level; where there are space constraints; or where moving existing services is prohibitively expensive. Rather than investing funding to poorly adapt a property, grants may be declined because the works are not reasonable and practicable. This would normally be determined by the Adaptations Surveyor and Occupational Therapist via a joint visit to see if the adaptations are feasible before proceeding.

## 9. The Disabled Facilities Grant Process

### Prioritisation

- 9.1 Prioritisation of cases is most often based on date of receipt of referral of a report from the Occupational Therapist. However, where an Occupational Therapist makes additional requests for critical or emergency assistance, this additional information will usually be taken into account, when deciding on a prioritisation for an individual case.
- 9.2 The Council however reserves the right to start processing some cases out of strict priority order in exceptional circumstances (as determined by the Adaptations Team Manager) for instance, where it is determined that it is necessary to ensure efficient allocation of staff resources, or budget allocation and spend.

### Grant Application

- 9.3 Should the proposed recommendations require a pre application feasibility study, an Occupational Therapist at Southend on Sea Borough Council and Adaptation Surveyor from the Council will meet to discuss this matter. The Council, as a Statutory Regulator of the Housing Act 2004 is unable to allow works to take place which will result in the creation of Housing Health and Safety Rating System Hazards.
- 9.4 If the applicant is the tenant of a private landlord or Housing Association, the landlord/owner must give permission for the work to be carried out. Fixed items such as level access showers will usually become the property of the owner and the Council will not reinstate the original bathroom if the tenant moves out of the rented property.

## 10. Financial Assessment (The Means Test)

- 10.1 Applications for Disabled Facilities Grants are generally subject to a Means Test. Recommendations for adaptations that cost under £6,000 (or a curved stairlift up to £6,500) will be exempt from the means test enabling a faster process for the

resident – see 11.1.08 below.

- 10.2 As part of an application for a mandatory DFG and for works in excess of £6,000, a test of resources (financial means test) must be carried out in order to assess the amount, if any, that the applicant must contribute towards the cost of the proposed adaptation works.
- 10.3 The means test applies to the applicant (if aged over 18) and any spouse or partner. The applicant is required to provide information about all sources of income, including rent from another property, and all savings to provide evidence to support information given in the application form.
- 10.4 Applicants who are in receipt of one of the following types of income and can provide evidence at the time of assessment, will be “passported” through the means testing process and will not be required to make a contribution towards the cost of the proposed adaptation works:
- Income Support
  - Income Based Job Seekers Allowance
  - Guarantee Pension Credit
  - Housing Benefit
  - Working/Child Tax Credit (if income for tax credit is below a specified amount)

Note: This list is prescribed by central government and may be amended from time to time.

- 10.5 Where the result of the means test is a ‘nil’ contribution, it is accepted that the applicant will automatically wish to proceed with the application. Where the result of the means test is such that the applicant’s contribution is likely to be less than the total cost of the works the applicant will be required to confirm in writing their intention to proceed with their application on this basis.
- 10.6 Where the result of the means test is such that the applicant’s contribution is equal to or likely to exceed the cost of the works the applicant can request the Council to approve a ‘nil’ grant, however the applicant will be responsible for the costs of the works if they decide to proceed. This will also enable the cost of these works to be deducted from any future application for a DFG so long as any subsequent OT recommendation is received within 10 years from the approval of the ‘nil’ grant (5 years for a tenant’s application).
- 10.7 Where an applicant is unable to meet their assessed financial contribution under the means-test for a mandatory DFG and in the absence of any suitable affordable alternative, the Council may in exceptional circumstances provide the applicant with Discretionary Disabled Facilities Grant Assistance to enable the works to proceed, subject to the exhaustion of alternative funding options. Alternatively, if the applicant is an owner-occupier, we can offer a deferred loan against the property to be repaid when the property is sold.
- 10.8 Where the cost of the proposed adaptations is under £6,000 or require a curved stair

lift to £6,500 and the applicant is subject to all other eligibility criteria being met, the means test is removed. This will mean we are able to complete our adaptations quicker and positively change people's lives for the better. This will also reduce the amount of residents who do not proceed with urgent adaptations because they are unable to pay a contribution towards the costs.

## 11. DFG Application Conditions

- 11.1 All applications for assistance must be made on the appropriate Council application forms and shall be accompanied by all relevant supporting documents. The minimum age for applicants is 18 years of age at the date of application and in the case of joint applications, at least one person must be over 18 years of age at the date of the application. Grant applications for children under 18 years of age are completed by an authorised parent or guardian.
- 11.2 In making an application the applicant shall give the Council permission to share such given information with other Council services and departments or other statutory agencies by signing the Data Protection statement.
- 11.3 Private sector tenants may make applications where they are eligible for assistance, but the Council will require written consent from the owner of the property before approving the DFG.
- 11.4 Tenants of a Registered Social Housing Provider (RSHP) may make applications where they are eligible for assistance, but the Council will require written consent from the relevant RSHP.
- 11.5 South Essex Homes tenants in all cases should approach South Essex Homes in the first instance as the Council has funds set aside for disabled adaptation works in their own properties.
- 11.6 The adaptation works must be carried out in accordance with any plans, specifications and schedules provided by the Council.
- 11.7 Quotations for adaptation works must be provided on the specifications and schedules provided by the Council for this purpose and must be itemised and totalled on each page. Provisional sums are not acceptable except in cases where for example scaffolding *may* be required or where exploratory works *maybe* required. Works covered by insurance claims or work that should have been covered by such, will not be eligible for DFG assistance of any kind.
- 11.8 The Council will not normally approve any DFG application if the relevant works have started before the application is approved. One exception to this rule is where an authorised officer has already carried out an inspection of the dwelling and has agreed in writing that the works may commence, due to particular risks to the health and safety of the disabled applicant.
- 11.9 DFG assistance will only be approved for the benefit of the disabled applicant where they are able to provide evidence of a valid National Insurance Number.

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## 12. Decision Making Criteria

12.1 The Council will use the following criteria as part of its decision-making process:

- The DFG works should fully and properly meet the applicants assessed needs.
- The works funded by the DFG will be the simplest and most cost-effective adaptations
- The change of use of existing rooms or the re-ordering of rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of specialist equipment.
- Generally, the DFG will only fund one facility to a dwelling e.g., only one external door will be provided with a ramped access to the outdoors.

## 13. Alternative Scheme of Works

13.1 In certain circumstances a grant up to the value of the estimated cost of providing an adaptation can be used to contribute towards an alternative scheme. In any such case the following criteria must be met:

13.2 The proposed alternative scheme shall meet the applicant's needs as assessed by the Occupational Therapist and put forward in the original recommendation.

13.3 The Council must be satisfied that the applicant has sufficient financial resources to complete the alternative scheme, including a contingency sum of 10% of the total cost of works to account for any unforeseen works.

13.4 The applicant must refer to the SBC list of approved contractors for the proposed works. The Council reserves the right to seek an alternative estimate where those provided by the applicant seem either excessive or inadequate.

13.5 The Adaptation Surveyor shall design/control the works and shall certify their satisfactory completion. The applicant is responsible for any additional costs of designing the alternative scheme and for obtaining building regulation approval and/or planning permission where necessary.

13.6 The Council will only pay an amount equal to the cost of the works originally recommended by the Occupational Therapist. The Council will not pay for the DFG approved works until all works have been completed and certified as satisfactory by the Council or its agent.

13.7 The Council's payment shall be the final part payment made towards completion of the alternative scheme and will not be paid until the Council receives confirmation from the contractor that all other monies owing have been paid in full by the applicant. Payment will be subject to the Council or its agent inspecting the works and certifying the scheme as fully completed to its satisfaction (inside and out).

13.8 The alternative scheme must be completed within 12 months of the DFG being approved, unless a written request for an extension to the time limit is received within

6 weeks of the 12-month period expiring. Extension to the mandatory time limit for completion of the works will be at the discretion of the Council and the applicant should not assume that such a request will be agreed.

- 13.9 Where the alternative works are not completed within the 12-month time period allowed and where the Council has not received a written request to extend this period, the DFG will be void.
- 13.10 No variation of the approved DFG will be made for any additional unforeseen works; all such costs are to be borne by the applicant.
- 13.11 If, for whatever reason, during the course of the works, the need for them ceases, the DFG will not be paid in full.

## **14. Two Disabled Occupiers in the same Household**

- 14.1 Where two disabled people occupy the same dwelling as their main residence and both have individually assessed needs by an Occupational Therapist, depending on the adaptations, there may be a case for considering two separate DFG applications (for example, this is more likely to affect families with more than one disabled child.)

## **15. Approval of a DFG**

- 15.1 Although the Council is statutorily obliged to approve valid mandatory DFG applications within six months, where possible, the Council will aim to approve applications within 30 days of them being determined as complete and valid.
- 15.2 In the case of discretionary DFG's, the Council will aim for the same timeframe as above but mandatory DFG's may take preference if the Council needs to consider how to make best use of its available resources.
- 15.3 The Council will not normally approve a Disabled Facilities Grant application where the relevant work has already begun.
- 15.4 The Council will not approve an application for a Disabled Facilities Grant if the relevant works have already been completed.

## **16. Works on Site**

- 16.1 Though the DFG is an agreement made between the grant applicant and the Council, all works relating to the Disabled Facilities Grant are a contractual agreement made between the grant applicant and the contractor. The contractor is working for the grant applicant and not the Council.
- 16.2 The Council will be responsible for supervising the work of the contractor. The contractor must notify the Council of the date that they agree the works shall commence.
- 16.3 The Council will not be responsible for any damage caused by the applicant or household members once the installation has been completed.

## 17. Unforeseen Works

- 17.1 Additional DFG funding will only be provided for unforeseen works where it is proven that this is required to allow the completion of the eligible or associated works, it is needed to protect the health and safety of the applicant, and it could not have reasonably been foreseen at the time of the contractor pricing for the contract.
- 17.2 No unforeseen works can commence until written confirmation from the Council has been received as to whether these works are reasonable in terms of cost, are truly unforeseen and whether the works are necessary.

## 18. Abortive Works

- 18.1 This term relates to situations where a DFG application has been aborted before all works have been completed, for example, where the applicant has died.
- 18.2 In such circumstances, consideration will be given to payment of a proportion of the grant assistance in line with current legislation and guidance and at the discretion of the Adaptations Team Manager.

## 19. Completion of Works

- 19.1 The contractor shall notify the Council on the day that the adaptation works are completed. This will enable the Adaptations Surveyor to schedule an appointment to inspect the works at the earliest opportunity, thus expediting payment to the contractor.

## 20. Disputes with Workmanship

- 20.1 Where a dispute arises regarding the standard of a contractor's workmanship, the Council will withhold payment to the contractor until the works have been completed satisfactorily in the professional opinion of the Council.
- 20.2 Where works are deemed to meet the Council's approval, but the grant applicant is not satisfied the Council will not unreasonably withhold payment to the contractor.

## 21. Maintenance and Warranties (General)

- 21.1 When equipment is installed under a Disabled Facilities Grant, the grant applicant becomes the owner of the equipment and is therefore responsible for maintenance and repairs or for removing equipment once it is no longer required beyond any warranty and maintenance periods already paid for, and included in the grant, by the Council.
- 21.2 Once the DFG works are completed the Council will not finance or organise servicing, repairs, or maintenance after the expiry of any applicable warranty period, which is usually 12 months, with the exception of stairlifts provided through the SBC framework agreement.

## 22. Payment of Grant

- 22.1 The Council will pay the contractor following the final inspection visit as long as the works have been carried out to its satisfaction and in accordance with the Occupational Therapist's recommendation, the schedule of works, the surveyor's plan and the completion of relevant certificates e.g., Gas Safe Certificates, Electrical Installation Certificates, etc.
- 22.2 Payment will only be made on production of a final invoice.
- 22.3 Where there is an assessed applicant contribution, the Council will make the grant element of the payment to the contractor and the applicant will pay the contractor directly any assessed sums as calculated under the means test.
- 22.4 The Council will not consider requests for interim payment to the Contractor prior to the commencement of works. It will also not approve interim payments of more than the value of any completed works and, in aggregate no more than 90% of the total approved cost of the work will be paid before final completion.

## 23. Changes in Circumstances

- 23.1 Applicants must inform the Council of all changes in their circumstances from the date of making their enquiry through to approval and commencement of the works. Such examples may include
- Where the works cease to be necessary or appropriate to meet the needs of the applicant.
  - The applicant ceases to occupy the dwelling; or
  - The applicant dies.
- 23.2 In the circumstances outlined above, the Council has the right to demand the repayment of the grant that has already been paid, together with any interest. However, such cases will be considered on their own merit.

## 24. Cases in which a DFG may be Re-calculated, Withheld or Repaid

- 24.1 The Council is entitled to refuse to pay a grant; to refuse to pay further instalments on a grant or may recalculate the grant in circumstances such as:
- The grant was approved on the basis of inaccurate, incomplete or false information
  - The cost of the works is different to the original estimates so requires a recalculation
  - Additional works have been undertaken without prior authority of the Council

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## 25. Removal of Adaptations and Reinstatement Works

- 25.1 The Council will not be responsible for removing adaptations if they are no longer required.
- 25.2 The Council will not carry out any reinstatement works to previously adapted properties.
- 25.3 If an applicant changes their mind about an adaptation once the works have been completed, the Council will not remove or carry out further adaptation works unless there has been a significant change in the applicant's medical condition.

## 26. Replacement of Facilities & Specialist Equipment

- 26.1 The Council will only consider replacing damaged, broken, or worn-out facilities and/or equipment under a further DFG providing it:
- Cannot be repaired.
  - Has not been wilfully damaged.
  - Still meets the needs of the applicant.
  - Has been annually serviced and/or maintained, where applicable, and the warranty period has expired.
- 26.2 A further DFG will not be considered where a facility or equipment that was present in the dwelling previously has been removed by, or under the instruction of, the applicant unless there is a proven good reason for the removal.

## 27. Registered Social Housing Providers

- 27.1 RSHP's have a prescriptive duty of care to their tenants and must meet certain standards and targets relating to the condition of their dwellings such as The Decent Homes Standard, and they are able to access other sources of funding due to their status.
- 27.2 The Council therefore expects RSHP's to conform to these duties on behalf of their tenants, which would include the provision of disabled facilities adaptations for their own tenants.
- 27.3 In all cases where the Council receives a DFG recommendation for a tenant of a RSHP, they will be issued with a formal written request for a financial contribution towards the cost of the adaptation works.

## 28. Grant Repayment Conditions (Mandatory Only)

- 28.1 The Disabled Facilities legislation allows the Council to place a charge on a property to reclaim a proportion of the grant monies in the event that it is sold or disposed of.
- 28.2 In accordance with this repayment requirements will apply where the applicant disposes of the premises (whether by sale, assignment, transfer, or otherwise), in respect of which a Disabled Facilities Grant was paid, within 10 years of the certified

date of completion of works. This will apply to grants over £5,000 with a maximum repayment condition of £10,000. Grants below £5,000 will be exempt from repayment.

- 28.3 Repayment will also be required if a property is transferred from one person to another, whether or not this involves members of the same family, including situations where no monies are involved in the transaction.
- 28.4 The amount that is required to be repaid (if any,) will be recorded as a charge against the relevant property. Applicants who do not wish a charge to be placed against their property and have the resources to do so, may pay this amount to the Council prior to the charge being placed, or may repay the charge at any stage afterwards, by contacting the Council and asking for a settlement figure. A calculation of the reimbursed cost on a will be made once a completion date is received from the Solicitor on behalf of the applicant.
- 28.5 Where a premises for which Southend on Sea Borough Council has approved a Disabled Facilities Grant is disposed of, the Council will normally seek to recover the value of the grant that it is legally entitled to recover, unless there are exceptional circumstances.

## **29. Appeals, Complaints and Compliments**

- 29.1 In the first instance any issues should be brought to the attention of the authorised officer dealing with the application.
- 29.2 If you remain dissatisfied, to escalate any matter of concern, please access the Corporate Complaints Process on the Southend on Sea Borough Council web site.

## **30. Amendments to Policy**

- 30.1 Minor amendments to the DFG policy and guidance may be made by the Adaptations Team Manager in consultation with the Head of Service. Significant changes must be formally approved by the Council's Cabinet.