

**Housing Services**

**Private Sector Housing Assistance Policy**

**V.2**

## **Introduction**

This policy document outlines Fylde Borough Council's policy in relation to the provision of information, advice and enabling activities to assist home owners and tenants requiring adaptations, energy efficiency measures and other support relating to their home. This policy is intended to replace and update elements of the existing housing policy relating to grant assistance from 2017.

The policy will become effective from the 1<sup>st</sup> July 2018 following approval at the Environment, Health and Housing Committee on the 5<sup>th</sup> June 2018.

The policy will continue to be reviewed as circumstances and finances dictate. Factors that may prompt a review of the policy could include:

- Changes to capital spending plans
- Acute changes to local circumstances (including increase in demand)
- Change in national or regional policy
- Legislative changes

Fylde Council (the Council) takes the view that the prime responsibility for maintaining and improving housing rests with home owners and landlords. However, the Council is committed to improving the quality of housing across all tenures, including owner occupation and private renting. In addition, it is acknowledged that there are some vulnerable homeowners who will need support to enable them to access relevant available assistance to keep their home to a decent standard.

## **Policy Aims**

- This policy is to update the previous private sector assistance policy produced in 2017 in relation to grant assistance.
- To provide advice, information and support on repair, maintenance and adaptation of properties.
- To offer a framework of assistance to vulnerable groups/households.
- To comply with the legal requirements placed on the Council under the Home Energy Conservation Act (HECA) 1995.
- To facilitate an increase in the number of households able to heat their homes at reasonable cost thereby reducing fuel poverty and helping households to achieve affordable warmth.
- To reduce carbon dioxide (CO<sub>2</sub>) emissions in the borough's private housing stock.
- To help to improve the physical conditions of both homes and neighbourhoods.
- To assist disabled people with adaptations to facilitate their movement in and around their home, thereby improving their quality of life.
- To contribute to the aims of the Better Care Fund, principally to reduce delayed transfers of care, minimise avoidable hospital admission and facilitate early discharge from hospital.

- In offering assistance the Council is seeking to enable people to help themselves and advise customers of services offered by other organisations.
- To treat individuals fairly regardless of age, sex, gender, disability and sexual orientation and to protect their rights under data protection and human rights legislation.

## **Corporate Objectives**

The housing assistance policy works towards meeting Fylde Council's priorities in relation to the following corporate objectives set in the Corporate Plan 2016-2020.

### **Clean and green**

- The provision of grant assistance and advice to reduce levels of co2, improve home insulation and improve the efficiency of and replace old defective heating systems, contributes towards providing a clean and green environment.

### **Great place to live**

- The provision of Disabled Facility Grants (DFG's) assists residents to live independently in their own homes.
- Adaptations reduce non elective admissions to hospital and improve the quality of life for persons with disabilities and their carer's.
- The DFG service is improving the housing stock in Fylde by increasing the number of adapted properties suitable for a range of needs.
- To ensure that Fylde properties remain below the England and North West averages for fuel poverty.
- Our Affordable Warmth Grant working in relation with Lancashire County Council and projects undertaken in connection with the Lancashire Energy Officers Group aim to reduce the number of households living in fuel poverty.

### **Value for money**

- The Housing Services Section has undergone a time lean process in order to improve delivery of our disabled facility service.
- Through this and several other processes the Council has reduced its holding list for adaptations from 80 in 2015 to 0 in 2018.
- Fylde Council now benchmarks the service with several other local authorities to ensure value for money and an efficient service.
- In 2017/18 the Council were able to process 37% more adaptations than in the previous year.

## **Disabled Facility Grants (DFGs)**

Under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 the Council has a legal duty to provide specialist adaptations to meet the care and mobility needs of people with disabilities to enable them to live independently with privacy and dignity.

The need for the adaptation is determined by an Occupational Therapist from the Lancashire County Council's Adult Social Care Services Department.

Fylde Council is the lower tier authority responsible for statutory housing functions, whilst Lancashire County Council (LCC) is the upper tier responsible for social care.

## **DFGs for Tenants of Registered Social Housing Providers**

In legal terms the ultimate responsibility for funding adaptations lies with the Council. However, registered providers also have a duty to their tenants to provide a home which is accessible and safe.

The Homes and Communities Agency's Regulatory Framework ('Home Standard') states:

"Registered providers shall co-operate with relevant organisations to provide an adaptations service that meets tenants' needs"

(the Regulatory Framework for Social Housing in England from April 2012)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419208/Home\\_Standard\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419208/Home_Standard_2015.pdf)

As such Fylde Council work in partnership with our registered providers to provide a suitable housing offer for the needs of residents in the borough.

All households who are resident in 'Intermediate home ownership' housing i.e. those living in Shared Ownership, properties purchased with an equity loan and discounted for sale properties are classed as 'private' owner occupiers for the purpose of DFG applications.

## **Lancashire County Council (LCC) Financial Threshold**

Where an adaptation will cost under £1,000 and the property is privately rented or owned, the County Council will arrange for the works to be completed as a minor adaptation. This is a legal requirement of Social Services to undertake adaptation work under £1,000.

## **Prioritisation of DFG Applications**

Fylde has now adopted the Lancashire criteria for prioritisation of DFG applications. This criteria has been worked on and agreed between all district authorities in Lancashire as well as LCC in order to remove a "postcode lottery" in relation to prioritisation. Applications are classified as either P1 requiring urgent attention or P2 non urgent. An applicant's needs are assessed monthly at the Priority Panel which consists of representatives from the district council, LCC and registered providers. The panel is also an avenue for one to one conversations with relevant organisations and allows for effective partnership working.

The Lancashire criteria is as follows. Regardless of priority all cases will be dealt with by the council.

### **1. URGENT (P1)**

**The applicant has an urgent need for an adaptation such as :**

1. To facilitate hospital discharge/prevention of hospital re-admission
2. Under the recommendation of the Occupational Therapist acting on behalf of the Social Services.
3. Provision of independent or safe access to essential facilities and to the property without which there would be a potential breakdown of the current situation.
4. Service user and/or carer at high risk of physical injury needing alternative care arrangements until/unless work is completed

### **2. NON URGENT (P2)**

**The applicant has a need for a DFG however the need is not an urgent priority such as :**

1. Under the recommendation of the Occupational Therapist acting on behalf of the social services authority.
2. Works which prevent long term admission to residential care
3. Improve the service user's long term ability to remain at home

Within the system there is flexibility for applicants with unusual circumstances to be given priority however it would be expected that such circumstances are provided with supporting evidence from various medical/health professionals.

There is a strong emphasis on the OT recommendation to determine prioritisation as they are the best placed professional to assess the client and their needs from a medical perspective.

Fylde will contact all clients to notify them of their priority based on this system.

## **Eligibility**

A customer who is a disabled person as described by the Housing Grants, Construction and Regeneration Act 1996 is eligible for assistance.

The duty is 'tenure blind', thus adaptations should be provided for those in need, irrespective of the type of home that they live in.

In addition,

- Applicants must be over 18.
- Parents or guardians may apply on behalf of children.
- Landlords may apply on behalf of tenants.
- The property must be a legal residence which includes dwellings, mobile homes, caravans and houseboats.
- Works must be "reasonable and practicable" to carry out, as determined by a designated Council officer in consultation with an OT and the applicant.

## **DFG Grant Conditions**

All applications are dealt with in accordance with the priority awarded them (see above) and in date order (received from LCC). All applications are subject to a test of financial resources in accordance with the Housing Grants, Construction and Regeneration Act 1996 (as amended) to determine the amount, if any, to be contributed by the applicant towards the cost of the work.

In accordance with legislation the test of financial resources will not be applied in cases where an application is being made on behalf of a child or young person (within the context of the legislation).

From April 2018 and in consultation with Fylde Council's finance section the Council increased its administration fee for approved grants in 2018/19 from 10% to 15%.

## **Eligible Works (specified by an OT assessment)**

- To assist entry and exit from the property.
- To aid access into and around the living areas, bedrooms, kitchens and bathrooms.
- To improve or provide heating and/or light controls.
- To make the dwelling safe for the disabled occupant and other people residing with him/her.
- Access to and from the garden by a disabled occupant.
- Where the existing footprint or layout of the dwelling, including outbuildings and garages, can be adapted or converted to accommodate the facilities required the Council will not consider any extension to the property.
- Where an extension is necessary and there is no other option, the Council will consider the most cost effective method of meeting the applicant's requirements.

- Where the applicant has a preference for works that are over and above those necessary to meet the disabled person's needs (such as an extension rather than the provision of stair lift and level access shower) the Council will only fund the cost of the original recommended works, with the remainder being funded by the applicant.
- Applications for grants where works have started but have not been completed will only be considered where the applicant can demonstrate exceptional circumstances as to why they did not apply and seek approval prior to the start of the work. In such cases any work already completed will be excluded from the subsequent application.

## **Service Standards**

- Legislation requires a decision from the Council to approve the grant (or not) within 6 months of receiving the full application (this includes all necessary information e.g. proof of home ownership or landlord consent);  
**Fylde Council will aim to achieve this within 8 weeks or less.**
- In accordance with legislation, the Council will aim to complete the installation of all disabled adaptations within 12 months from the date of grant approval.  
**Fylde Council will aim to achieve this within 15 weeks or less.**
- Delays in the process are often associated with factors which are external to the Council for example, obtaining owners consents, asbestos surveys, delays in the ordering, construction and supply of equipment or delays in receiving invoices from contractors or partner agencies. The reasons for any delays beyond the time periods which the Council aim to achieve will be monitored and recorded.
- The Council aims to process applications fairly, efficiently, courteously and promptly.
- The Council aims to pay grant money due within 30 days of a valid claim on certified work.

## **Legal Charges and repayments**

In accordance with the legislation set out in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, where the adaptation is carried out to a property which is privately owned and the cost of the work is £5,000, or more, the Council will place a legal charge on the property through the Land Registry.

The legal charge will last for ten years. If the property is sold or otherwise changes ownership within ten years of the completion date, the Council will require repayment of the grant. The maximum repayable amount at the change of ownership is £10,000.

The following is the criteria set in the above legislation to determine grant repayments:

- The extent to which the recipient of the grant would suffer financial hardship were he or she be required to repay all or any of the grant;
- Whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
- Whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises; and
- 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,

Decisions in relation to grant repayments are made at the discretion of the Principal Housing Services Officer based on the above criteria.

## **The DFG application process: considering alternative options**

During the period that the Council is considering the application a number of options will be explored with the applicant which include:

- Possibly moving to a property owned by a registered provider or a private sector property.
- If the customer is a Registered Provider tenant, the Council will liaise with the Registered Providers to determine whether it is more cost effective for the applicant to transfer to another property rather than adapt the existing property. This is discussed at the Priority Panel when necessary.
- Exploring options to assist the applicant in funding any contribution required by them in the form of third sector assistance.

## **Contractors**

The applicant for a Disabled Facility Grant (DFG) can instruct any contractor to obtain quotes and undertake works in relation to a DFG. However the Council has a list of contractors who have a history of successfully undertaking work to adapt properties which an applicant can use as part of the agreement. Please note this is not an approved list of council contractors and the contract for undertaking works remains between the applicant and the contractor.

Two quotes are usually obtained in relation to undertaking DFG work. The cheaper of the two will be awarded the works if the quote covers all the required elements of the adaptation. To minimise disruption and to ensure the works are conducted as quickly as possible for the applicant it is not usual for us to instruct more than 2 contractors to quote for works.

One quote will be deemed as acceptable for works where the situation permits (for example where the works are required urgently, to minimise disruption to clients who are vulnerable or where the works are conducted within the social housing sector (see below). Where one contractor quotes for the works the reasons will be specified and agreed by the Housing Services Manager. The price of the quote will be scrutinised to ensure it is reasonable for the proposed works.

In some circumstances the client will wish to use their preferred contractor. In these cases the Council will check the quote which is returned to ensure it is reasonable based on similar works which have been undertaken previously. If the client insists on the use of only one contractor and the quote is above what the Council would reasonably expect for the works proposed the Council will only pay what is deemed as reasonable and the client will be required to pay the difference.

All quotes are checked to ensure they are reasonable by the Senior Housing Technical Officer, Principal Housing Services Officer and Housing Services Manager as part of the grants approval process. If the quote is above what would be expected for such works then the Senior Technical Officer would go back to the contractor to obtain further details about the reasons for this.

The exception to the above process is the procurement and supply of equipment. Stair lifts, through floor lifts, step lifts, specialist equipment for bathing and ceiling track hoists form part of a procurement partnership with LCC, who also arrange installation. This process occurs across Lancashire and allows fixed low cost prices of equipment due to economies of scale of bulk ordering. Adaptations of this type only require one quote for the reasons stated above.

However Fylde Council will continue to arrange for the purchase and installation of wash/dry toilets in order to improve delivery times. Included within the grant sum paid for such items of equipment is an extended warranty which gives the customer reassurance in the event of maintenance issues or breakdown of the item. Once the warranty period has expired, the customer assumes the responsibility for maintaining the item(s) of equipment.

Progress Housing Group are the largest provider of social housing in Fylde. Progress Group have undertaken their own procurement of contractors in relation to DFG adaptations. As such only contractors which are approved with the registered provider are permitted to undertake work on these properties.

## **Contractor checks**

Any contractor who undertakes work as part of a DFG will be required to provide sufficient documentation to satisfy the Council that the works will be conducted in a safe and timely fashion and that sufficient insurance is in place (see below).

### **What Fylde Council require for a NEW contractor**

- Signed declaration to adhere to agreed working practices including legislative requirements.
- Copy of current Public Liability Insurance
- Copy of current Employers Liability Insurance
- Copy of current all risks/contract works insurance (for larger extensions only)

### **What Fylde Council require annually from EXISTING contractors**

That the above documents are sent to us annually including an updated declaration which may be amended year on year depending on legislative and procedural changes.

## **Maximum DFG entitlement**

The mandatory maximum that an applicant can be awarded (per application) under the DFG legislation is £30,000.

For 2018/19 the Council is trialing the provision of additional funds (subject to budget availability) of up to a further £20,000 being available to enable all the mandatory DFG-eligible works, as recommended by the Occupational Therapist, to be carried out.

This policy change has been introduced in recognition of the fact that extremely complex adaptation cases, mainly for children, involving extensions plus specialist equipment, are now resulting in quotes which exceed to statutory maximum grant of £30,000.

This facility to draw upon an additional sum of money will enable customers to receive their adaptations without progress being delayed while alternative funding solutions are explored.

Fylde Council have the discretion to increase the upper limit for DFG's if it is stated in the Housing Assistance Policy. This funding will be supplied from the Better Care Fund grant received by the Council in relation to Disabled Facility Grants and is therefore subject to annual review.

## **Better Care Fund**

From 2015/16 the grant paid from Central Government to Local Housing Authorities to help pay for DFGs has been a named part of the Department of Health's 'Better Care Fund'.

The Better Care Fund is described as a *'single pooled budget for health & social care services to work more closely together in local areas based on a plan agreed between the NHS & local authorities'*.

The Better Care Fund 2016/17 Policy Framework refers to the Better Care Fund as *'the biggest ever financial incentive for the integration of health and social care...it requires Clinical Commissioning Groups and Local Authorities to pool budgets and to agree an integrated spending plan for how they will use their Better Care Fund allocation''*.

The Better Care Fund 2016/17 Technical Guidance:

<http://www.local.gov.uk/documents/10180/5572443/Better+Care+Fund+Planning+Requirements+for+2016-17+Technical+Guidance+Annex+4/95d68c2e-8e5f-4ff0-9d5b-0478cd79d118>

Confirms that *'the statutory duty on local housing authorities to provide DFG to those who qualify for it will remain. Therefore each area will have to allocate this funding to its respective housing authorities (district councils in two-tier areas) from the pooled budget to enable them to continue to meet their statutory duty to provide adaptations to the homes of disabled people, including in relation to young people'*.

In Lancashire the custodian of the Better Care Fund is the Health and Wellbeing Board

<http://www3.lancashire.gov.uk/corporate/web/?siteid=6715&pageid=40271&e=e>

The Council intends to use the funding that it receives via the Better Care Fund to help to address the stated Better Care Fund priorities, namely:

- **Reducing delayed transfers of care**
- **Minimising avoidable hospital admissions**
- **Facilitating early discharge from hospital**

## **Adaptations grant**

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“the RRO”) removed most of the prescriptive housing renewal grant legislation contained in the Housing Grants, Construction and Regeneration Act 1996.

Article 3 of the RRO introduced wide ranging discretionary powers to allow Councils to develop different forms of assistance to meet local needs.

The Council intends to continue to make use of the RRO provisions to enable it to use funds received from the Better Care Fund more flexibly, responsively and effectively.

From July 2018, and subject to available funding, the Council intends to remove the financial assessment for certain types of adaptation requests submitted by the Occupational Therapy service.

To qualify for the non-means tested route to obtaining an adaptation:

- For a single adaptation if the works cost under £6,000
- For two adaptations if the combined works cost under £10,000
- That supply and installation of equipment (which is procured and supplied externally to the Council) is removed from the means testing process.

This would not include any fee which the Council would charge for undertaking and arranging the works. It is important to note that these grants would **not** be classified as a Disabled Facility Grant.

If the recommended works are above the maximum amounts stated above the application will follow the standard DFG route.

The Council also reserve the right, in exceptional circumstances, to consider a more flexible approach by offering customers other adaptation items that are not available under DFG such as the provision of safe rooms for children or adults with behavioral disabilities.

There are a number of reasons for the Council introducing an alternative approach to its adaptation service:

- The Council’s wish to make best use of the financial resources received from the Better Care Fund.
- The Council’s wish to streamline the adaptation service for the benefit of customers.
- The need to address the ‘prevention and early intervention’ agenda.
- To enable the Council to provide assistance to customers who already have or who would fail the DFG financial assessment, but who still have a need determined by a Health Care Professional for an adaptation.

The Council intend to operate the “Adaptation Grant” using some of the same features that are used in processing DFG applications, namely:

- The recommended work must be ‘reasonable and practical’ using the DFG definition.
- The work would still require landlord’s permission where the applicant rents from a private or social landlord.
- A 15% agency fee, payable to the Council, would be included in the cost of the grant award.
- The applicant would be eligible to apply for a DFG in the future should their needs change and an Occupational Therapist referral confirms this.
- Repayments would be required for any amount over £5,000 within 10 years of the certified date of completion if the property is sold.

However, the applicant would not be prevented from making a full DFG application if they preferred to do so. Under the RRO the Council is not permitted to deny an applicant the right to make a full DFG application, although in practice such a scenario would be unlikely.

### **Energy Efficiency**

The Home Energy Conservation Act (HECA) 1995 requires Councils to improve the energy efficiency of homes in their area, i.e. to reduce energy usage and carbon dioxide emissions within the housing stock.

The Council meets its HECA requirements through a variety of projects and funding bids which it undertakes in conjunction with the Lancashire Energy Officers Group.

Since March 2013, HECA has required the Council to publish a biennial progress report setting out measures the Council considers practical and cost effective in improving the energy efficiency in the borough.

A link to the full 2017-2019 HECA report is here:

<http://www.fylde.gov.uk/resident/housing/housingstrategy/>

‘Fuel Poverty’ is currently defined in England (under the ‘Low Income, High Costs’ definition) as a household whose income is below the poverty line (when energy costs are taken into account) and whose energy costs are also higher than the median for their household type.

Recent examples include the successful bids for funding include :

- Affordable Warmth Funding via Lancashire County Council of £53,689.50 over two years.
- Central heating fund of £2,200,000 for installation of first time central heating under the Cosy Homes in Lancashire initiative (CHiL) across County.
- Warm Home Fund of £1,000,000 for installation of first time central heating under the CHiL umbrella across County.

Information in relation to the Council’s energy efficiency grant service can be found here:

<http://www.fylde.gov.uk/resident/housing/grants/>

## **Home Improvement Agency (Care and Repair, Wyre & Fylde)**

The Home Improvement Agency for Fylde is delivered by Care and Repair (Wyre & Fylde). This is a long standing agreement which Fylde Council contribute £30,000 of funding per year.

The Care and Repair Service is administered from Wyre Council on behalf of the two authorities. Care and Repair (Wyre and Fylde) provide advice and support. Examples of services provided include: installation of grab rails, supporting client to access charity funding to carry out essential works, visiting clients in their own home to assess needs, provide support to complete claims for Attendance Allowance and making referrals for the Affordable Warmth Initiative.

The provision of a Handy Person scheme for small scale repairs such as security measures, draught proofing, tripping hazards and falls prevention.

The Minor Adaptation service is a statutory function of LCC which provides housing related support to disabled individuals. Minor Adaptations customers are not subject to a financial assessment. If customers have medical needs – as confirmed by an OT assessment – which can be met by the provision of Minor Adaptations costing less than £1000 (typically banister rails, external metal rails and adjustments to steps) LCC send these cases direct to Care and Repair who arrange for the works to be carried out.

## **Fylde Coast private landlords forum**

The Council recognises the important role of the Private Rented Sector (PRS) within the overall housing offer in Fylde.

The Council seeks to maintain an effective dialogue with private landlords and lettings agents. To this end the Council are members of the Fylde Coast Landlords forum. This is a long established group of landlords across the Fylde coast which includes landlords from Wyre and Blackpool.

The landlords forum set their own agenda and Fylde Council are available for comments or information as required.

Any private landlord or lettings agent who own or manage privately rented accommodation in Fylde are welcome to attend the Landlord Forum meetings.

<http://www.fyldecoastlandlordsforum.co.uk/>

## **Complaints or Comments**

In the event of dissatisfaction with the service being provided the enquirer/applicant should first raise the matter with the member of staff dealing with the case. Given the opportunity to do so most issues should be resolved by the member of staff concerned.

In the event of the matter not being resolved the Council has a formal complaints procedure which can be accessed here.

<http://www.fylde.gov.uk/business/customer-services/complain/>

Or in writing to the Housing Services Manager, Fylde Council, Town Hall, St. Anne's on sea, FY8 1LW.

The housing service routinely asks for comments through its customer satisfaction survey and applicants are encouraged to return questionnaires.

The Council also welcomes comments at any time about its services.