



Housing Assistance Policy

Proposed amendments
January 2021

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Introduction

The policy will become effective from January 2022 if adopted by the Environment, Health and Housing Committee in January 2022

This policy document outlines Fylde Borough Council's proposed policy in relation to the provision of information, advice and enabling activities to assist homeowners 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.

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 homeowners 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 2019 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 1995. (HECA)
- 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 (CO₂) 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.
- 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 2020 - 2024.

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. Fylde council continue to be an active member of the CHIL partnership of local authorities across Lancashire - <https://www.chil.uk.com/about-chil>

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.

Value for money

- The Housing Services Section has undergone a time lean process to improve delivery of our disabled facility service.

Disabled Facilities 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 Regulator of Social Housing sets standards that registered social housing providers must comply with.

Promoting a viable, efficient, and well-governed social housing sector able to deliver homes that meet a range of needs (The regulatory framework for social housing in England, 1st April 2015) Included in the regulatory standards is the, home standard, which states, "*the approach should include responsive and cyclical repairs, planned and capital work, work on empty properties, and adaptations.*"

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/914576/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 – Minor Adaptations

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 for Social Services to undertake adaptation work under £1,000.

DFG Delivery

Prioritisation of DFG Applications

Fylde has now adopted the Lancashire criteria for prioritisation of DFG applications. This criterion 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.

Certificate of Future Occupation

Owner’s application:

The owner must sign an owner-occupation certificate which certifies that they have, or propose to acquire, a qualifying owner’s interest in the property and that they intend that they or a member of their family (in the case of Disabled Facilities Grants this must be the disabled person) will live in the property as their, or that family member’s only or main residence for 5 years.

Tenant’s application:

- a. The tenant must sign a tenant’s certificate which certifies that their intention is that they or a member of their family will live in the property as their, or the member’s, only or main residence for 5 years.
- b. This certificate must be accompanied by a certificate of intended letting from the landlord.

Occupier’s application

An occupier must sign an occupier’s certificate indicating they have acquired and occupy a qualifying houseboat or park home.

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).

An administration fee for approved grants is set at 15%.

From January 2022 and in consultation with Fylde Council’s finance section the Council has reduced its administration fee for approved grants in child adaptations from 15% to 5%. In complex child adaptations where the maximum grant plus the full discretionary payment is required the fees will be waived.

Eligible Works (specified by an OT assessment)

- To assist entry and exit from the property by means of ramps, door wideners, and steps
- To aid access into and around the living areas, bedrooms, kitchens, and bathrooms.
- To improve or provide light controls to essential rooms.
- improve/provide heating 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.
- To aid with essential pathways for ease of access
- 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.
- Other adaptations will only be considered in exceptional circumstances, these are not mandatory and may only be possible if discretionary funding is available. All enquiries are considered on a case-by-case basis and at the discretion of the Principal Housing Services Officer.
- 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);
- In accordance with legislation, the Council will complete the installation of all disabled adaptations within 12 months from the date of grant approval. Fylde Council will aim to complete works within a reasonable time.
- 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.
- All works are carried out in accordance with current Building Regulations and British Standards.

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 Council do not register a legal charge on works amounting to less than £5,000 or on a tenanted property.

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.

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.

Social Housing Contractors

Social housing providers may undertake their own procurement of contractors in relation to DFG adaptations. As such, only contractors which are approved with the registered providers are permitted to undertake work on these properties.

Quotation process

Two quotes are usually obtained in relation to undertaking major alterations. The cheaper of the two will be awarded the works if the quote covers all the required elements of the adaptation. To minimise disruption, the council may instruct more than one contractor in order to complete works within a timely manner.

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. As part of the grant's approval process, each quote is checked by the Senior Technical Housing Officer to ensure it is reasonable. Contractors will be required to provide further details where quotes are above what would usually be expected. All quotes go to the Principal Housing Services Officer and Housing Services Manager for final approval.

Clients may wish to use their preferred contractor. In these cases, the Council will compare the quote against similar works previously undertaken to ensure it is reasonable. If the client decides to use their preferred contractor, and the quote exceeds what is reasonably expected for the works proposed. The Council will only pay what is deemed as reasonable and the client will be required to pay the difference.

Specialist equipment

The exception to the above process is for specialist equipment where a single quote is sufficient, this includes the supply and installation of stair lifts, through floor lifts, step lifts, semi permeant ramps and wash/dry toilets.

Fylde council are in partnership with LCC, who arrange the supply and installation of specialist equipment for bathing, and ceiling track hoists (for adults and children) This process occurs across Lancashire and allows fixed low-cost prices of equipment. Children's adaptations are supplied, and installed by LCC children's services

Warranty

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.

Customer Satisfaction

Fylde council measure DFG performance to ensure an excellent customer service is provided. Therefore, performance is measured throughout the year. All applicants receive a feedback form and performance is measured on responses received.

- The percentage of customers who agree or strongly agree that the adaptation has increased their independence on completion of DFG
- The quarterly percentage of customers who agree or strongly agree that the adaptation has increased their independence.
- The percentage of customers rating the DFG service as good or excellent on completion.
- The quarterly percentage of customers who rate the service as good or excellent.

The percentage of the total BCF DFG Budget committed.

- At each quarter the DFG Technical Officer compiles the total percentage of annual BCF committed.

Maximum DFG entitlement

The mandatory maximum that an applicant can be awarded (per application) under the DFG legislation is £30,000. Since 2018/19 the Council has allocated additional funds (subject to budget availability) of up to a further £20,000. This additional funding will continue to be available for children where complex adaptations are required, as recommended by the Occupational Therapist, and exceed the statutory maximum grant of £30,000.

From January 2022 The Council will trial match funding, up to the maximum grant of £30,000, with social housing providers. This is where extensions are considered to be the most appropriate and cost-effective solution for families to remain in their home. Before match funding is considered, the social housing provider will have exhausted the alternatives.

The head of Planning and Housing, and the Housing Services Manager 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 review dependent on changes to Better Care Fund grant changes.

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''.*

Integration and Better Care Fund planning requirements for 2017-19 (and other subsequent policy frameworks) <https://www.england.nhs.uk/wp-content/uploads/2017/07/integration-better-care-fund-planning-requirements.pdf>

Paragraph 31 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'.*

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

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

Adaptation's 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.

For all referrals received on or after 6th December 2020, the Council will install all equipment through their procurement arrangement with Stannah. A means test will be carried out on all applicants, and subject to available funding, equipment being installed irrespective of the outcome.

For other adaptations the following test of resources will be applied for all referrals received on or after January 2022.

- For a single adaptation of a value of up to £7,000: The standard means test will be carried out and, if the applicant has a contribution of £14,000 or more towards the cost of the work, they will be ineligible for grant aid.

- For two adaptations of a value of up to £12,000: The standard means test will be carried out and, if the applicant has a contribution of £24,000 or more towards the cost of the work, they will be ineligible for grant aid.

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 behavioural 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.
- A Local land charge will not be registered on properties that are rented from a private landlord or a housing association and this grant condition will therefore not apply.

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.

(updated

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. The Home Energy Conservation Act 1995 asks local authorities (LAs) to publish a report by 31 May 2021, outlining their plans to promote improved energy efficiency in their area. The council have completed the report, and this is accessible by visiting www.fyldecouncil.gov.uk Customers can contact the Housing Services Team to obtain the current version of the HECA report, and to find out about the grants currently available

Fylde Council Handyperson and Sanctuary Scheme

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. Customers who 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 will send these cases direct to Care and Repair who arrange for the works to be carried out.

From August 2021, Fylde Council joined partnership with Preston Care and Repair to run a pilot a handy person and sanctuary scheme. Enquiries from Fylde residents made to the Council are referred to Preston Care and Repair as the handyperson and sanctuary scheme. The service is targeted at lower income households and comprises both health, housing, and social care aims and objectives to enable vulnerable clients to remain in their own homes. This is done by assisting households to keep on top of minor household repairs and DIY.

The service will offer impartial and practical help including:

- Handyperson and minor works service
- Healthy home checks to improve home safety and security
- Advice and assistance with larger adaptations and home repairs
- Practical support to people returning from hospital

The Sanctuary Scheme is designed to enable victims of domestic abuse to remain in their own homes, where it is safe for them to do so, and where it is their choice. It encompasses the council's duty under the new Domestic Abuse Act 2021, which states the act will, "*place a duty on local authorities in England to provide accommodation-based support to victims of domestic abuse and their children in refuges and other safe accommodation.*" The service ensures when clients move into their new home security measures can be installed.

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: <https://new.fylde.gov.uk/complaints/> Or in writing to the Housing Services Manager, Fylde Council, Town Hall, St. Annes 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.



