

Date: 18 November 2022

The logo for Eden District Council features the word "Eden" in a large, elegant, black serif font. A decorative wavy line is positioned above the letter "E".

**District Council**

Town Hall, Penrith, Cumbria CA11 7QF

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Dear Sir/Madam

## **Housing and Health Portfolio Holder Meeting Agenda - 28 November 2022**

Notice is hereby given that a meeting of the Housing and Health Portfolio Holder Meeting will be held at 3.30 pm on Monday, 28 November 2022 in Council Chamber, Town Hall, Penrith.

### **1 Declarations of Interest**

To receive declarations of the existence and nature of any private interests, both disclosable pecuniary interests and any other registrable interests, in any matter to be considered or being considered.

### **2 Amended Housing Assistance & Disabled Facilities Grant Policy (Pages 3 - 24)**

To consider Report No: DoR90/22 of the Assistant Director Customers, Performance & Housing which seeks approval for the amended Housing Assistance & Disabled Facilities Grant Policy, and to include a discretionary grant for the Heating System Service and Repair Grant for homeowners.

**RECOMMENDATION:** It is recommended that the Portfolio Holder for Housing & Health approves:

The amended Housing Assistance & Disabled Facilities Grant Policy (Appendix A) which now includes a discretionary grant for the Heating System Service and Repair Grant for homeowners.

Yours faithfully,

A handwritten signature in black ink, appearing to be "I. Frost", is written over a light grey rectangular background.

I Frost  
Interim Chief Executive

\*Democratic Services Contact: Email: [cttee.admin@eden.gov.uk](mailto:cttee.admin@eden.gov.uk)  
or telephone: 01768 212266

Encs

**For Attention**

All members of the Council

**Chair** – Councillor J Derbyshire, Liberal Democrat Group

**Please Note: Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting (unless stated otherwise) and as such could be filmed or recorded by the media or members of the public**

**Report No: DoR90/22**

**Eden District Council  
Housing & Health Portfolio  
28 November 2022**

## **Amended Housing Assistance & Disabled Facilities Grant Policy**

<b>Portfolio:</b>	Housing & Health Portfolio
<b>Report from:</b>	Assistant Director – Customers, Performance & Housing
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

### **1 Purpose**

- 1.1 To seek approval for the amended Housing Assistance & Disabled Facilities Grant Policy, and to include a discretionary grant for the Heating System Service and Repair Grant for homeowners.

### **2 Recommendation**

It is recommended that the Portfolio Holder for Housing & Health approves:

- 2.1 The amended Housing Assistance & Disabled Facilities Grant Policy (Appendix A) which now includes a discretionary grant for the Heating System Service and Repair Grant for homeowners.

### **3 Report Details**

- 3.1 The original policy was approved by the Cabinet on 19 April 2022. Recently we have had the policy reviewed by Foundations who are the National Body for Disabled Facilities Grants and Home Improvement Agencies. They are contracted by the Department of Levelling Up, Housing and Communities to oversee a national network of nearly 200 Home Improvement Agencies (HIAs) and handyperson providers across the country.
- 3.2 The amendments suggested by Foundations are highlighted in red text for ease of reference in the attached Appendix A.
- 3.3 In addition to these changes we are also recommending an additional discretionary grant to assist home owners with the servicing and repairs to their heating systems.
- 3.4 This will help those homeowners that cannot afford to have their heating serviced, to ensure it is safe and runs efficiently, and to assist with the cost of carrying out of minor repairs. This is not for the replacement of heating systems.
- 3.5 This will be administered by our Home Improvement Agency Team.

## **4 Policy Framework**

4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

4.2 This report meets Healthy, Safe and Secure corporate priority.

## **5 Consultation**

5.1 The portfolio holder for Housing and Health has been consulted with, and is supportive of the amendments along with the proposed new discretionary grant.

## **6 Implications**

### **6.1 Financial and Resources**

6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.

6.1.2 There are no proposals in this report that would reduce or increase resources. The cost of the grant will be funded from the Discretionary Renovation Grant budget.

### **6.2 Legal**

6.2.1 The Council is duty bound to approve applications made under section 23(1) of the Housing Grants, Construction and Regeneration Act 1996 that satisfy the requirements of that Act, for example mandatory Disabled Facilities Grants (DFGs).

6.2.2 In 2002 the government brought in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which provide freedom and opportunities for the Local Authority to address housing issues. In 2008-9 the government extended the scope of the RRO to include use of the DFG money. This enables the authorities to use specific DFG funding for wider purposes. The Council has discretionary powers under "the Order" to provide assistance in any form for the purpose of improving living conditions. The assistance provided must allow for at least the same level of assistance as that offered by the existing Mandatory DFG

### **6.3 Human Resources**

6.3.1 There are no Human Resources implications arising out of the proposal.

### **6.4 Environmental**

6.4.1 There are no significant effects on carbon emissions and ecosystems, although the efficient use of heating systems could contribute to less carbon emissions across Eden.

## 6.5 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no equality implications.
Health, Social Environmental and Economic Impact	This will assist people to heat their homes safely, and could reduce the instances of fuel poverty.
Crime and Disorder	There are no implications.
Children and Safeguarding	There are no implications.

## 6.6 Risk Management

Risk	Consequence	Controls Required
Reputational risk of not supporting vulnerable households	Bad press for EDC. Continued fuel poverty.	Use of existing DHR budget
Fuel poverty for low income households	Poor standard heating systems, unable to afford to repair, higher carbon emissions	Refer to Warm Homes grants and Sustainable warmth programme where eligible

## 7 Other Options Considered

- 7.1 The Council could decide not to offer this discretionary grant to homeowners. However, in the current cost of living crisis the Council is keen to assist those most in need.

## 8 Reasons for the Decision/Recommendation

- 8.1 To improve the current Policy ensuring it meets best practice, and to assist homeowners who may need their heating serviced and/or repaired.

### Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	18 November 2022 (Deputy)
Monitoring Officer (or Deputy)	18 November 2022
Relevant Assistant Director	16 November 2022

### Background Papers:

Appendices: **Appendix A - Housing Assistance & Disabled Facilities Grant Policy**

Contact Officer: **Amanda Yellowley, Assistant Director Customers, Performance & Housing**

# Housing Assistance and Disabled Facilities Grant Policy



## **Housing Assistance and Disabled Facilities Grant Policy**

Housing Grants, Construction and Regeneration Act 1996

The Regulatory Reform (Housing Assistance)  
(England and Wales) Order 2002

**February 2022  
(Amended December 2022 - Draft)**

## **1. Introduction**

1.1 The Council aims to be as helpful to potential applicants for financial assistance as resources will allow. It is happy to give guidance and advice to older, disabled and vulnerable clients regardless of whether they are eligible for financial assistance. At times of heavy demand it will be obliged to prioritise the workload and it may have to operate waiting lists.

1.2 Provided they meet the defined criteria, all owner-occupiers and tenants, licensees or occupiers are eligible for a Disabled Facilities Grant (DFG). Private Sector landlords and Register Providers (RP) may also apply for a DFG on behalf of a disabled tenant but the tenant must also satisfy the relevant requirements under the same means testing arrangements.

1.3 The Council is duty bound to approve applications made under section 23(1) of the Housing Grants, Construction and Regeneration Act 1996 that satisfy the requirements of that Act, for example mandatory Disabled Facilities Grants (DFGs).

1.4 In 2002 the government brought in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which provide freedom and opportunities for the Local Authority to address housing issues. In 2008-9 the government extended the scope of the RRO to include use of the DFG money. This enables the authorities to use specific DFG funding for wider purposes. The Council has discretionary powers under “the Order” to provide assistance in any form for the purpose of improving living conditions. The assistance provided must allow for at least the same level of assistance as that offered by the existing Mandatory DFG.

1.5 This policy will remain in force until such time as it is reviewed and amended. It is intended that there will be a management review of this new policy no later than the end of the 2022/23 financial year so that demand, and any further funding changes in 2022/23, can be assessed and the policy amended accordingly to account for this.

## **2. Aims and priorities**

2.1 Improving the housing conditions across Eden district will support improvements in health and well-being as well as having a positive impact on the quality of local neighbourhoods, particularly for those residents who are vulnerable and cannot access their homes and gardens due to their disability.

2.2 Adapting homes to suit the needs of older, disabled or vulnerable clients will assist in keeping residents safely in their own homes, avoiding or delaying the need for a potential move into residential care facilities.

2.3 The health and well-being of disabled and vulnerable residents is often compromised due to their homes not meeting their specific needs, and this can impact upon their ability to live with dignity within their homes.

2.4 This policy sets out in greater detail our offer to disabled occupants and their families. It also details to local Councillors, local residents and our stakeholders how we will work to maintain and improve the provision of adapted property across the District.

### **3. Summary of Types of Assistance**

3.1 In brief, assistance will be provided for the following purposes, details of which are provided later in this document:-

#### **Disabled Facility Grant - Mandatory**

3.2 Housing is a key determinant of health and poor housing is directly linked to poor health. This Disabled Facilities Grant policy details the financial assistance that Eden District Council aims to provide to support improvements to enable disabled occupants to remain in their own home through the use of the Better Care Fund allocation.

#### **Discretionary Housing Assistance Grants**

3.3 Eden District Council has adopted a Discretionary Disabled Facilities Grant Policy which sets out how it intends to use its discretion to develop schemes with regard to the needs of the District, the availability of funding, and the Council's priorities.

3.4 This Discretionary Disabled Facilities Grant Policy forms part of the Council's over-arching Housing Strategy.

3.5 The following forms of assistance are discretionary housing assistance grants:

- The Adapted Homes Grant – Discretionary Grant
- Relocation Assistance – Discretionary Grant
- Discretionary Disabled Facilities Grants
- Handyperson – Discretionary Assistance Grant

3.6 The availability of Discretionary Housing Assistance Grants is at the discretion of Eden District Council and only remains available while funds permit. Funding may be withdrawn with immediate effect for grants yet to be approved.

3.7 The ability to provide Discretionary Grants will be reviewed quarterly with regard to financial capacity to award the discretionary element. Mandatory grants will take priority.

3.8 The provision of Discretionary Grants will be reported to the Portfolio holder.

3.9 The policy will be reviewed annually by officers resulting in a report to the Portfolio holder.

### **4. Disabled Facilities Grants**

4.1 The Council has a statutory obligation to administer mandatory Disabled Facilities Grants (DFGs) to provide aids and adaptations to enable disabled residents to live independently within their own homes.

4.2 The eligibility requirements, scope of works, and the general requirements governing mandatory DFGs are prescribed and the Council is unable to deviate from these requirements.

4.3 Both carers, who have formal joint custody arrangements, will be allowed to apply for Disabled Facilities Grants for adaptations for disabled children, confirmed by the Occupational Therapist referral.



4.4 The Council is required to administer Disabled Facilities Grants to all eligible applicants irrespective of their tenure, and the Council aims to work collaboratively with housing associations to help fund aids and adaptations within social housing wherever possible to ensure everyone has the same opportunities to have their home adapted.

4.5 In some cases the use of Disabled Facilities Grants is able to assist with reducing the length of stay in hospital and facilitating a quick return to home. This also reduces the demand for residential care placements.

### **Eligible Grant Works**

4.6 In accordance with the Regulations and Eden District Council's policy it has been determined that the following works can attract mandatory DFG funding.

Mandatory Funding includes:

- Work to aid entry and exit from a building e.g., installation of ramps
- Work to aid access into and around living areas e.g., installation of stair lifts
- Provision of accessible kitchen and bathroom facilities
- Improvement of access into and around the home
- Access to suitable sleeping facilities

Facilitating access by the disabled occupant:

- To and from the dwelling
- To a room used or usable as the principal family room
- To a room used for or usable for sleeping
- To a room where there is a lavatory
- To a room in which there is a bath or shower
- To a room with a wash hand basin, and;
- To a garden

4.7 This is not an exhaustive list.

4.8 The maximum amount of grant allowed will be £30,000, or other such amount determined by the Secretary of State.

### **Eligibility Criteria**

4.9 The Council must satisfy itself that the works are necessary and appropriate by consulting with the Adult Social Care department following a referral from an Occupational Therapist or **Trusted Assessor**, and will assess whether the proposed works are reasonable and practicable. **The Occupational Therapist or Trusted Assessor needs to consider whether adaptations:**

- **Are needed for a care plan that will enable the disabled occupant to remain living at home as independently as possible**
- **Would meet, as far as practicable, the assessed needs of the disabled person**
- **Distinguish between what is desirable and what is actually needed.**

4.10 In order that the Council can make decisions about eligibility, about the help it can give, if the client is eligible for a grant and about the works which are most appropriate, Officers need to gather and consider a range of information.

4.11 In addition to the Occupational Therapist's recommendations Officers must also take into account the following:

- The client's financial circumstances;
- The cost of the works;
- The time it is likely to take to deliver the adaptation(s) proposed;
- The extent of any family or other practical support;
- The suitability of the client's home for adaptation (including the extent of any under-occupation or over-occupation);
- The practicalities of adapting the client's home (taking into account both the site it sits on and its wider location);
- The length of time for which the client is likely to be able to take advantage of the adaptation(s) (to be expeditiously concluded with applicants' needs in mind);
- The likely need for future adaptations;
- The availability of, and eligibility for, suitable alternative accommodation; and
- The extent to which the adaptation(s) make appropriate use of the funding available to Eden District Council.

4.12 This policy must not fetter the discretion of Eden District Council to provide assistance. The Council may legitimately turn down an application for assistance that falls outside their policy, but cannot refuse to consider an application, or refuse an application that is outside their policy without each case being considered on a sound and informed basis and approved where appropriate. This will be achieved through a delegated decision process.

4.13 Payment of the grants within this policy will be restricted in the following circumstances:

- Where the ownership of the property is disputed.
- Where the owner(s) has a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so.
- Where the residence is not regarded as permanent.
- No assistance will normally be given for work started before the formal approval of an application, except that:
  - (i) The appointed agent in liaison with the Council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.

- (ii) The appointed agent and/or the Council may, with consent of the applicant, treat the application as varied so exclude any works that have been started before approval.
- Grant assistance will not normally be provided for works covered by insurance.

### **Additional Costs**

4.14 Eden District Council will only fund the recommended work and will not consider funding works that have already started or have already been completed.

4.15 Should the applicant wish to enhance the recommended adaptation over and above the referral recommendations then they should do so at their own expense. The funding of additional work should be discussed with the contractor directly.

4.16 Eden District Council will consider a minimum of two contractors to quote for the recommended adaptation unless in exceptional circumstances. Eden District Council will always choose the most cost-effective quote and should the applicant wish to approve a more expensive quotation this additional cost must be met by the applicant themselves.

4.17 A scheme of adaptations must, in general terms, be reasonable, considering costs, building regulations and planning permission and the practicability of carrying out the works. Where a scheme involves substantial structural alterations or extensions, officers should consider re-housing the applicant as an alternative if more suitable accommodation is available.

4.18 The council's decision making will consider the following specific expectations and presumptions:

- Grant work should properly and fully meet the assessed needs of the client for the present and the immediate future. Grants which only partially meet those needs will only be considered in exceptional circumstances.
- Works funded by means of DFG will be the simplest and most cost-effective adaptations that will meet the clients assessed needs.
- Facilities will be provided on the ground floor unless the council judges that to be impractical or more costly.
- Wherever the council judges it to be a practicable and realistic option, the re-ordering and/or change of use of existing rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of equipment. This solution will also take precedence if it will result in a reduction in the requirement for, or cost of, equipment.
- There will be a presumption against approving a grant for adaptation of a new home if the client already occupies an adapted home. Each request will be assessed on a case-by-case basis, for example if the adaptations are no longer suitable or a recommendation has been made by an occupational therapist.
- There will be a presumption against the refitting of any adaptations which have previously been removed by, or at the request of the applicant.
- There will be a presumption against the adaptation of under-occupied homes, and of under-occupied social rented houses in particular, and

- There will be a presumption against the adaptation of overcrowded homes or homes which are likely to become overcrowded.
- Applications for grant aided work will not normally be considered where works have started but have not been completed or where work has been completed.

4.19 Where assistance has been approved and the Council is satisfied that through circumstances beyond the control of the applicant, which could not have reasonably been foreseen, the cost of the assisted works has either increased or decreased, the Council may, at their discretion re-determine the assistance given and notify the applicant accordingly by issue of a re-approval notice.

4.20 Additional unforeseen work or deviations from the approved works carried out, only with the prior approval of the Council, would be accommodated within the grant. This approval would typically include ad to comply with Building Regulations or to ensure the Health and Safety of the client.

### Financial Assessment

4.21 All DFG applicants will be subject to a test of resources in accordance with the Housing Renewal Grants Regulations 1996 (as amended) to determine whether all or any assistance will be made available. Where the applicant is in receipt of certain benefits, known as “passported” benefits”, or the adaptation is for a disabled child under 16 years of age or a young person in full-time education under 21 years of age (evidence of current child benefit award as confirmation), there will be no test of resources. The “passported” benefits referred to include:

- Income-based Jobseeker’s Allowance
- Income-related Employment and Support Allowance
- Income Support
- Guarantee Pension Credit (excluding Savings Credit)
- Housing Benefit
- Council Tax Reduction (Local scheme)
- Working or Child Tax Credits where the income for tax credits award purposes are below £15,050
- Universal Credit

4.22 Should an applicant have previously received a DFG in one financial year then, along with consultation with the Occupational Therapist, their eligibility for a further grant will initially take into account any decline in their physical or mental health followed by the application of the eligibility criteria described in section 4.9 to 4.11.

4.23 The maximum grant allocation per application is £30,000.

4.24 Where applicants are assessed as having to make a financial contribution following a test of resources, the amount of grant to be awarded for eligible works will be reduced by an amount equivalent to the assessed contribution. Should the financial contribution be higher than the cost of the eligible works the applicant would not qualify for the Disabled Facility Grant aided assistance but they would be eligible to apply for the Adapted Homes Grant (section 5).

4.25 The maximum amount of grant will include the cost of eligible works and professional fees, any VAT on eligible works, and eligible fees.

4.26 Applicants who are not eligible for Disabled Facilities Grant assistance may still use the HIA service, subject to a 15% (plus VAT) charge on the overall cost of the adaptation works, to progress the work to their property in line with our current procedures as detailed in the Disabled Facilities Grant application pack. **This 15% (plus VAT) fee would incorporate the following services irrespective of how many of the services were utilised:**

- Confirming ownership of the property
- Building surveys
- Preparing drawings
- Preparing specifications
- Assistance to complete forms
- Advice on other funding
- Planning and Buildings Regulations applications
- Obtaining estimates
- Advice on contracts
- Provide advice regarding supervision of the work
- Provide advice regarding connecting services

4.27 The Grant can only be paid on the provision of an acceptable invoice, demand or receipt of payment for the work **and will be paid directly to the contractor**. An invoice is not acceptable if it is for work or services provided by the applicant, where the works are carried out by the applicant or by a relative, only invoices for materials or services that are bought in will be acceptable.

#### **DFG placed as recoverable land charges**

4.28 A Local Land Charge will be placed on an owner occupier's property, where the mandatory grant recipient is an owner occupier, and where the DFG adaptation exceeds £5,000. The land charge will be limited to a maximum of £10,000 (this is a mandatory limit). The Charge will be incurred if the property is disposed of (whether by sale, assignment, transfer or otherwise) within 10 years (subject to the consideration of certain criteria by the council). See 4.32(b)

4.29 The DFG will be registered as a local Land Charge and will be enforced when the applicant has disposed (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given. In this event the Council may require repayment of the land charge before it is removed from the local Land Charges Register.

**4.30 A land charge would not be placed on an owner occupier's property, under the mandatory or discretionary DFG process, if the adaptation is for a stair lift, modular ramping or a level access shower, as these measures are not considered to add value to the property.**

4.31 The applicant is required, from the certified date, throughout the grant condition period of 10 years, to notify Eden District Council of their intention to sell or

otherwise dispose of the property. The applicant will need to provide Eden District Council with any information reasonably requested by them in connection with such notification.

4.32 Eden District Council may demand the repayment by the recipient of such part of the grant that exceeds £5,000 (but may not demand an amount in excess of £10,000) if:

(a) the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and

(b) Eden District Council, having considered:

- (i) the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
- (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of employment;
- (iii) whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises; and
- (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity, is satisfied that it is reasonable in all the circumstances to require the repayment.

4.33 Any decision on repayment will be made in line with the Council's Constitution.

#### **Priority Points System for allocation of DFG's**

4.33 In the event that resources become limited in the future or demand increases significantly, Eden District Council will allocate DFG funding based on a priority points system determined by the Occupational Therapist.

4.34 Where this occurs the applicant will be advised that they have been placed on a waiting list and will receive an update every 3 months as to the projected timescale for their application to be invited. Each applicant will be invited to make an application in date order. However, priority will be given to urgent applications as determined by Eden District Council and the Occupational Therapist.

**4.35 Discretionary grant funding may cease, if those funds are no longer available, to ensure Mandatory Disabled Facilities Grants are always available.**

#### **Maintenance**

4.36 Applicants benefitting from a DFG must understand that Eden District Council only facilitate the grant process. The contract to supply and install the required equipment, in line with the recommendations made by the Occupational Therapist, is between the applicant and the chosen contractor.

4.37 Once the Disabled Facilities Grant has been signed off, as complete, it is the applicant's responsibility, moving forward, to service and maintain the equipment that has been supplied. Some suppliers provide free extended warranties but many offer servicing packages that the applicant will have to enter into with them directly.

4.38 Home owners will be responsible for the ongoing servicing and maintenance of any equipment installed as part of a DFG.

4.39 Applicants who are private tenants will need to discuss, and agree, the future servicing and maintenance requirements of any specifically installed equipment with their landlord, before agreeing to commence with the DFG.

4.40 Housing Association tenants may find their landlords will take on the servicing and maintenance provision but as a result they may increase the applicants rent to cover the additional cost. Other housing associations may decide that it is the applicant's responsibility to service and maintain the equipment that has been specifically installed. Before the applicant agrees to go ahead with the DFG they need to discuss, and agree, the future servicing and maintenance requirements of any of the specifically installed equipment with the relevant housing association.

4.41 This is also relevant to the removal of any specifically installed equipment should the tenant no longer reside in the property.

## **5. Adapted Homes Grant – Discretionary Grant**

5.1 For some households the means testing requirement of the Disabled Facilities Grant means they are not eligible for assistance. This often means the works are not carried out or don't fully meet the persons' needs. **The Adapted Homes Grant will provide a solution where an individual is not financially eligible for a Mandatory DFG and requires an adaptation which assists with independent living, provided they are supported by an Occupational Therapists or Trusted Assessor recommendation.**

5.2 The Adapted Homes Grant, at Eden District Council's discretion, is intended to help Eden District Council residents to adapt their current home. The maximum grant available under this scheme is £10,000 (including any fees and VAT). If the total cost of work exceeds £10,000 (including any fees and VAT) the applicant will be subject to a test of resources.

5.3 The Eden District Council Adapted Homes Grant is similar to the eligibility criteria for the Disabled Facilities Grant scheme with some exceptions, which are intended to make this assistance easier to approve and more flexible.

5.4 The Eden District Council Adapted Homes Grant will only be available whilst funds permit as it is a discretionary grant. Funding may be withdrawn with immediate effect, however in such instances Mandatory DFG will continue to be available.

### **Who can apply for an Adapted Homes grant?**

5.5 Those persons eligible for a Disabled Facilities Grant, but have not qualified under the test of resources criteria, are eligible for an Adapted Homes Grant and also including any person who is, or is applying on behalf of someone who is:

- registered or registerable as disabled \*

\* registerable - the person is eligible under the definition of disabled as defined under section 6(1) of the Equality Act

5.6 A person over the age of 18 is eligible to apply for an Adapted Homes Grant under the same criteria as a Disabled Facilities Grant, this can be for themselves or on behalf of the disabled person if they:

- Own their own home as a freeholder or leaseholder (with at least 5 years left to run),
- Are a tenant or life tenant,
- Or have a license to occupy a park home on a licensed site and live within Eden District. Permission would need to be sought from the licensed park owner.

### **What other criteria is there?**

5.7 Only one referral per financial year per person can be made for an Adapted Homes Grant. However a mandatory DFG will continue to be available in all circumstances. **If more than one referral is received in one financial year, and the applicant does not qualify for a mandatory grant, any second or subsequent referral will be capital means tested.**

**If a referral is received and includes more than one adaptation, and the applicant does not qualify for a mandatory DFG, then the applicants capital will be means tested (see 5.11).**

5.8 The person applying for the grant will normally need to confirm that the disabled person (this could be themselves or somebody that they are applying for) intends to live at the property subject to the Eden District Council Adapted Homes Grant for the next five years, as their main residence.

5.9 If the property is jointly owned, the applicant will need to get the written consent from any joint owners (who do not live at the property as their main residence), that they confirm the eligible works can be completed to the property.

5.10 If the applicant is a tenant, the applicant will need to obtain the written consent of the property owner agreeing that the eligible works can be completed to the property.

### **Test of Financial Resources**

5.11 Any grant eligible works paid under this grant will not be subject to a full 'means test' of the financial resources of the disabled occupant however **applicants will be asked to provide information of their savings and capital as means to self fund an adaptation. Applicants will not be eligible for the grant if they have savings over £60,000 per household or £35,000 for an individual. The exception is where the referral is for either a stair lift or modular ramping and they were the sole adaptation on that referral. For the purposes of this grant savings and capital can include balances of all bank or building society accounts held, investments and any property held.**

5.12 Unless otherwise stated in this document all other aspects of the provision of Disabled Facilities Grant under the Housing Grants Construction and Regeneration Act 1996 and associated regulations and guidance shall apply including the list of eligible works.

### **What works are eligible?**

5.13 In considering the eligible works Eden District Council consult a suitably qualified professional which includes an Occupational Therapist.



5.14 The cost of the eligible works shall be determined so as to provide 'best value' and maybe decided by an appropriate schedule of rates, a 'mini tender' process or in exceptional circumstances, a single quotation for the eligible works.

5.15 Minor Works up to £1,000 are referred by and undertaken by Adult Social Care by telephone on 0300 3033249 or emailing penrithssd@cumbria.gov.uk. For works that exceed the £1,000 limit the Adapted Homes Grant will be used.

5.16 The eligible works shall be 'necessary and appropriate' to meet the needs of the disabled occupant and it must be 'reasonable and practicable' to carry out the relevant works having regard to the age and condition of the dwelling.

5.17 Regard shall be had to the associated guidance and good practice in determining these factors.

5.18 The maximum grant payable for eligible works is £10,000, including the cost of any associated 'preliminary and ancillary charges' associated with the eligible works.

5.19 The Adapted Homes Grant is subject to a land charge in line with DFG legislation. See 4.28 – 4.33. The Charge will be incurred if the property is disposed of (whether by sale, assignment, transfer or otherwise) within 10 years (subject to the consideration of certain criteria by Eden District Council). See 4.32(b)

5.20 The Grant can only be paid on the provision of an acceptable invoice, demand or receipt of payment for the work and will be paid directly to the contractor. An invoice is not acceptable if it is for work or services provided by the applicant, where the works are carried out by the applicant or by a relative, only invoices for materials or services that are bought in will be acceptable.

## **6. Relocation Grant – Discretionary Grant**

6.1 The Eden District Council Relocation Grant can provide financial assistance to help disabled persons move to a more appropriate home.

6.2 An Eden District Council resident may also apply for assistance for expenses incurred in moving to a more appropriate home outside of Eden District Council.

### **Eligibility**

6.3 To qualify for this type of assistance the applicant must be:

- a person who would otherwise qualify for a mandatory Disabled Facilities Grant, were it possible to carry out the works; and
- whose contribution towards the cost of the works would, using the test of resources prescribed by the Government for determining mandatory Disabled Facilities Grants, be less than £5,000; and
- is an owner-occupier whose sole residence is within Eden District or a private/social tenant who resides within Eden District.

6.4 To qualify, the Council must be satisfied that either:

(a) it is not practicable to carry out works that would be considered "necessary", "appropriate" and "reasonable" under section 24 of the Housing Grants, Construction and Regeneration Act 1996, or

(b) The 'new' property shall, in the opinion of the Eden District Council HIA, provide a long term, sustainable home for the person for whose benefit the works are required

so that either an adaptation is not necessary or the new adaptation is significantly smaller than the original DFG request. The total cost incurred in the eligible relocation expenses at the 'new' property should not be greater than the cost of adapting the applicant's current home.

(c) The recommended works cannot be carried out as permission has not been given by a third party, including but not exclusively landlords and mortgage lenders.

6.5 Eden District Council will not provide this type of assistance retrospectively and will only consider an application for this type of assistance where Eden District Council has notified the applicant in writing that one of the three criteria listed above apply.

6.6 In exceptional circumstances, the Council will consider providing assistance to enable a private tenant to move to more suitable accommodation.

### **Eligible Costs**

6.7 Eden District Council will pay any of the following reasonable costs subject to satisfactory evidence that the expenditure has been incurred:-

- (a) Stamp duty;
- (b) Mortgage arrangement fees;
- (c) Estate agents' fees;
- (d) Furniture removal costs;
- (e) Utility connection costs;
- (f) Conveyancing costs and/or;
- (g) Any other costs that are deemed by Eden District Council to be essential to effect the move;

6.8 This is subject to a maximum total level of assistance of £15,000 per household.

### **Application**

6.9 An application shall be made in a format prescribed by Eden District Council.

### **Conditions**

6.10 A person who receives relocation assistance shall not be entitled to claim similar assistance for a period of 10 years. However, the provision of this type of assistance does not remove the right of any person to apply for a mandatory Disabled Facilities Grant at any time.

### **Payment**

6.11 A single payment will be made to the applicant upon completion of the move and upon receipt of satisfactory copies of any receipts, demands or other evidence of payment.

## **7. Discretionary Disabled Facilities Grants**

7.1 The Council will consider applications for discretionary Disabled Facilities Grants in exceptional cases. This is at the discretion of Eden District Council and subject to availability of funding.

7.2 These grants will be subject to the client having a contribution of less than £5,000 from the mandatory DFG prescribed test of resources and will be subject to a maximum limit of £10,000 each financial year.

7.3 Assistance is limited to properties within Eden District and applications will be considered for help to pay towards a mandatory DFG which has exceeded the £30,000 limit.

7.4 Where applicants have a contribution to make according to the outcome of the prescribed test of resources, they may provide written evidence to the Council, from an Independent Financial Advisor of their inability to raise sufficient funds to cover their own contribution. In these circumstances Eden District Council will consider approving discretionary grant aid if that is the only option for enabling the agreed works to proceed. Eden District Council may seek further advice before determining the application.

7.5 The full Discretionary Disabled Facilities Grant will be registered as a land charge if the works include alterations to the property on owner occupied properties. The Charge will be incurred if the property is disposed of (whether by sale, assignment, transfer or otherwise) within 10 years (subject to the consideration of certain criteria by Eden District Council).

## 8. **Heating System Service and Repair Grant – Discretionary Grant**

8.1 The Heating System Service and Repair Grant provides financial assistance to vulnerable homeowners who are unable to meet the cost of servicing or maintaining their domestic heating systems.

### **Eligibility**

8.2 A person is eligible to apply for a Heating System Service and Repair Grant if they:

- (a) Are an owner-occupier whose sole residence is within Eden District Council, **and**
- (b) Are aged over 18, **and**
- (c) Are in receipt of a “passported” benefit as follow:
  - Universal Credit
  - Income Support
  - Guarantee Pension Credit (excluding Savings Credit)
  - Housing Benefit
  - Council Tax Reduction (Local scheme)
  - Working or Child Tax Credits where the income for tax credits award purposes are below £15,050
  - Income-based Jobseeker’s Allowance
  - Income-related Employment and Support Allowance, **or**
- (d) Have a gross household income (excluding non-dependents) of less than £31,000 per annum and savings less than £16,000.

### **What works are eligible?**

8.3 The Heating System Service & Repair grant applies to domestic oil, gas and electric heating systems and will cover the following measures:

- (a) Servicing and repair costs up to £750 (including VAT).
- (b) The Heating System Service and Repair Grant will not fund, or part fund, new heating systems.

### **How to apply?**

- Complete an application form.
- You will be advised whether you qualify for the Heating System Service and Repair Grant subject to passing the eligibility criteria.
- Before arrangements have been made for the work to be carried out Eden District Council must be advised who the chosen engineer is. Appropriate checks will be made to establish that the chosen heating engineer is either Gas Safe or OFTEC registered as appropriate.
- Payment will be made direct to the client on receipt of the invoice and proof of payment. The grant payment will be for a maximum of £750 including VAT.

### **Availability**

8.4 The grant is only available until 31<sup>st</sup> March 2023 or until funds are no longer available.

Grants will be assessed on a first come first served basis.

## **9. Additional discretionary grants**

9.1. **From time to time the council may consider introducing new discretionary grants. This would be dependant on the funds available.** These could include:

- Handyperson Service
- Minor repairs and adaptations
- Decluttering
- Health and Safety checks
- Home from Hospital
- Servicing of heating boilers and systems to assist homeowner in need

This list is not exhaustive.

9.2 **Any discretionary grants which are introduced can be approved by the Portfolio holder at a formal meeting or Cabinet in accordance with our Constitution.**

## **10. Paying for Staff**

10.1 Some local authorities have engaged in-house Occupational Therapists where extended waiting lists occur and covered the costs using the Better Care Fund (BCF) funding. Eden District Council may use BCF to engage an Occupational Therapist or other similar support posts in order to help meet the directives of the BCF funding. This will be referred and approved by the appropriate Head of Service.

## 11. Administration

### How to Apply for Assistance

#### Administration

11.1 Assistance will be provided through Eden District Councils' Home Improvement Agency (HIA). Enquiries can be made in person at the Town Hall, by telephone (01768 817817), in writing (Housing Services Team, Town Hall, Corney Square, Penrith, Cumbria, CA11 7QF, by e-mail, [better.homes@eden.gov.uk](mailto:better.homes@eden.gov.uk) or via the Council's Website ([Housing support and grants \(eden.gov.uk\)](http://eden.gov.uk)).

11.2 A preliminary enquiry system will allow enquiries to be routed quickly to the most appropriate form of assistance. Enquirers will be advised wherever delays are likely, including the likely length and the reason for a delay.

11.3 The preliminary enquiry system will help to ensure that higher risk cases are dealt with first if delays are likely. For low priority cases a waiting list will be kept. Discretionary grant funding may cease, if those funds are no longer available, to ensure Mandatory Disabled Facilities Grants are always available.

11.4 The initial administration of any of the above grants will be carried out by a Case Worker whose role is to provide a liaison service, for the client, throughout the process and with all other agencies, contractors and departments. The Case Worker takes the lead on the provision of advice, assistance and support. This includes assisting with the completion of application forms, the gathering of any relevant information and further support in understanding the process if required. All applications must be made in writing and all application forms can be produced in hardcopy or emailed directly to the client as required.

11.5 The grant application process will follow a standard procedure which will be included in the application pack.

11.6 The decision will be notified as soon as reasonably practical and, in any event, no later than six months after receipt of a full and valid application. It will specify the eligible works, the value of the assistance and the builder/contractor who will execute the works. In the case of a Disabled Facilities Grant the Council may, where financial or operational demands dictate, defer payment of the assistance for a period not exceeding 12 months. Any deferment will be detailed within the grant approval notice.

11.7 If the application for the assistance is refused please see the section 11.5 for the appropriate action to appeal such a decision.

11.8 Should the applicant die the following apply:

- If the applicant dies before assistance is approved then the application will be cancelled.
- Should the applicant die after the grant is approved, but the work has not yet commenced, the work will be cancelled and the contractor informed.
- Should the applicant die whilst the works are in progress the works will be completed.
- Where an applicant receiving Disabled Facilities Grant assistance dies following the completion of the works, but prior to the ten year expiry

date of the local land charge, that land charge will remain in place unless one of the criteria in 4.32 is met and accepted in line with the Council's constitution.

## **Grant Conditions**

11.9 All works for which discretionary grants and assistance are awarded must be completed within 6 months, or such longer period of time that has been agreed in writing by the Council. No retrospective applications will be considered.

11.10 All works must be completed in accordance with a specification of works agreed by the council. The agreed works must be carried out to a satisfactory standard of workmanship.

11.11 Supervision of the works sits with the applicant, or with any suitably qualified and indemnified building professional or agent acting on the applicant's behalf, and not with the Council. Larger projects will be supervised by an architect whose fees are covered within the grant.

11.12 The requirements of the works are set out as follows:

- In accordance with manufacturers recommendations and best practice.
- In accordance with building, planning and installation regulations where applicable and Health and Safety regulations.
- In accordance with and to the satisfaction of the Council in conjunction with the two previous requirements.

11.13 The payment of any form of financial assistance will be subject to bona fide invoices being provided by the approved contractor or in exceptional circumstances, with the approval of the Technical officer, an alternative contractor. For example if the original contractor is unable to carry out the works.

11.14 Eden District Council may give a qualified financial assistance approval in certain circumstances. For example, approval may be given for a scheme of works with payment not being guaranteed until the following financial year. This will allow some payments to be made for preliminary or ancillary fees. For example fees for drawings and legal costs.

11.15 The HIA agency fee at date of publication was 15% plus VAT, however this is reviewed annually.

## **12. Policy Implementation**

12.1 This policy shall come into effect following the approval of Full Council at its meeting on 24 March 2022. The policy shall remain in force until Eden District Council approves any amendments or a successor policy is approved.

12.2 We have consulted with colleagues from both Barrow-In-Furness Borough Council and South Lakeland District Council, with a view to align our DFG Policies as we progress through Local Government Reorganisation to become Westmorland and Furness Council.

12.3 It is intended that the policy will be reviewed annually and any proposed changes will be evaluated and implemented as soon as practically possible, if adopted.

12.4 Circumstances that might necessitate an earlier review might include changes in the available financial resources or changes to the Councils' wider corporate strategies.

12.5 Any correspondence appealing a decision, made by the HIA, should be forwarded as soon as possible to the Assistant Director Legal and Democratic Services at [dcls@eden.gov.uk](mailto:dcls@eden.gov.uk). This will ensure complaints are properly acknowledged and investigated, and the complainant advised of the process and timescales for responding.

12.6 A copy of this policy can be found on Eden District Council's website using the following link [Disabled facilities grants \(eden.gov.uk\)](https://www.eden.gov.uk/Disabled-facilities-grants). Hard copies are available upon request by contacting Eden District Council's contact centre on 01768 817817, emailing [better.homes@eden.gov.uk](mailto:better.homes@eden.gov.uk) or writing to Eden District Council, Mansion House, Friargate, Penrith, Cumbria CA11 7YF.

### **13. Review**

13.1 We will monitor and consider the effectiveness of this policy and it will be subject to reviews as and when appropriate and also to accommodate changes in legislation and as local need and budget dictates.

Date policy updated	February 2022
Date policy amended	November 2022

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