

# **Disabled Facilities Grants (DFG) Policy**

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## 1. Purpose Statement

- 1.1 Disabled Facilities Grants (DFG's) provide funding to improve accessibility and enable people to remain living independently in their own homes. Initially introduced by s.114 of the Local Government and Housing Act 1989, it is a means tested (adults only), mandatory grant administered by the Local Authority to meet or contribute towards the cost of 'relevant' adaptations that are 'necessary and appropriate' and 'reasonable and practicable' to meet the needs of a disabled adult or child.
- 1.2 The Housing Grants, Construction and Regeneration Act 1996; as amended by the Regulatory Reform (Housing Assistance)(England & Wales) Order 2002 (RRO) requires all Local Authorities to have a published document in place setting out Council policy on the aims and application of the local grant scheme.
- 1.3 This policy sets out the mandatory legal framework for DFGs, and how the Council intends to use its powers under the RRO to provide interventions to promote independent living and well-being.
- 1.4 BCP Council is committed to awarding grants to achieve equality, prevent harm and improve the quality of life for disabled residents in the BCP area.
- 1.5 To meet these commitments the policy:
  - Provides clear information to ensure eligible applicants can make informed choices about their adaptation and accommodation options
  - Provides an accessible, understandable, and transparent grant scheme
  - Helps the Council effectively manage its DFG budget
  - Aims to provide a straight-forward process that achieves an outcome for the applicant within the statutory time frame
  - Sets out the intention of the Council to promote the Council's wholly owned company Seascope South Limited to complete any works as part of a comprehensive in-house service to applicants.

## 2. Who the policy applies to

- 2.1 This policy applies to all home owners, private rented and social housing tenants in the BCP area who are determined as requiring adaptations by Occupational Therapy professionals and qualify for funding under the means testing requirements for, a contribution towards or full funding for, their adaptation(s).
- 2.2 Council tenants do not apply for a DFG and follow a different process for funded adaptations outside of this policy.
- 2.3 Persons from abroad, with no recourse to public funds are not eligible to apply for a DFG.

## 2.4

This policy adheres to the following relevant legislation in defining a person as disabled:

- The Housing Grants, Construction and Regeneration Act 1996, under which a person is defined as being disabled if: their sight, hearing, or speech is substantially and permanently impaired, they have a mental disorder or impairment of any kind, or they are physically substantially and permanently disabled by illness, injury, and impairment present since birth or otherwise.
- A person aged 18 years or over is taken to be disabled if: they are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948, or they are a person for whose welfare arrangements have been made under that section or might be made under it.
- A person aged under the age of 18 is taken to be disabled if: they are registered in a register of disabled children maintained under the Children Act 1989, or in the opinion of the social services authority they are a disabled child as defined for the purposes of Part III of the Children Act 1989.
- Under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

## 2.5

This policy also applies to all:

- Housing staff who advise and support residents with grant applications
- Housing staff who provide housing options advice and allocate properties under any relevant nomination arrangements
- Children's Social Care/SEND and Adult Social Care staff who are assessing and advising residents around their needs
- Members who are acting on behalf of their constituents
- Agencies supporting or acting on behalf of applicants with their consent

## 3. This policy replaces

- 3.1 This policy replaces legacy Bournemouth Borough Council Policy for Giving Grants for Home Improvements and Adaptations 2014/15 and supersedes any other policy relating to Disabled Facilities Grants under legacy arrangements across Bournemouth, Christchurch and Poole.

## 4. Approval process

- 4.1 In developing this policy, the Council has consulted with key stakeholders; Adults' and Children's Social Care/SEND; Finance and Legal services; service user groups, Housing Associations who have housing in the area; and local third sector organisations.
- 4.2 This policy requires Cabinet approval.

## 5. Links to Council Strategies

- 5.1 This policy supports the Corporate Strategy to deliver the aims under the Fulfilled Lives key priority – helping people lead active, healthy and independent lives, add life to years and years to life. This policy specifically contributes to the following aims:

- **Support people to live safe independent lives** by adapting properties so adults and children can remain in their own homes whilst retaining their independence and wellbeing.
- **Value and support carers** to continue caring for family members in their own homes in a safe and manageable environment
- **Enable people to live well through quality social care** by providing adaptations to support safe delivery of care within the home environment.
- **Tackle homelessness** by carrying out adaptations to people's homes to negate the need for individuals and families to move.

5.2 This policy supports the Council's sustainable development goals:

#### Good Health and Well Being

- Facilitates residents remaining in their own homes, enabling access to and use of all areas and contributing to their health and wellbeing by maintaining their independence.
- Enables residents to access their gardens and leave their homes to enjoy local green spaces.

#### Clean Water and Sanitation

- Enables residents to continue to access and use bathroom and kitchen facilities

#### Reduced Inequalities

- Facilitates residents remaining in their own homes, maintaining their independence.

#### Sustainable Cities and Communities.

- Enabling people to remain in their own homes accessing and contributing to their community.

There will be an environmental impact from the delivery of our disabled facilities grant scheme under this policy and we are committed to encouraging applicants to choose local and sustainable organisations to carry out works. Any contractors promoted by the Council will adopt sustainable business practices where possible including waste reduction and sustainable transport.

5.3 During the preparation of this policy document due consideration has been given to the following key Council Strategies:

- Corporate Plan
- Health & Wellbeing Strategy
- Safeguarding Strategy
- Housing Strategy
- Children in Care Strategy
- Communities Engagement Strategy
- Equality & Diversity
- Special Educational Needs and Disability (SEND) and Improvement Strategy 2021-24

5.4 Disabled Facilities Grant funding is allocated through the Better Care Fund (BCF). Since 2013 the BCF has been a programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and wellbeing and live independently in their communities for as long as possible.

## 6. The Policy

### 6.1 Assessment and Application

- 6.1.1 Applications must be supported by a recommendation from an Occupational Therapist confirming that the person is disabled and that the proposed works are necessary and appropriate to meet the needs of the disabled person.
- 6.1.2 Adaptation recommendations for a DFG application for persons up to 18 years are received by the Grants Team from Children's Social Care/SEND following an assessment under the Children Act 1989 and any needs arising out of an assessment.
- 6.1.3 Adaptation recommendations for a DFG application for persons 18 years and over are received by the Grants Team from Adult Social Care following an assessment under the Care Act 2014 and any needs arising out of an assessment.
- 6.1.4 The Act sets out for what purpose DFGs can be used and eligible works are summarised below:
- Facilitating access to the dwelling and garden, to overcome or remove any obstacles, and allow free movement around the property.
  - Making the dwelling or building safe, e.g. lighting
  - Facilitating access to a living or family room
  - Facilitating access to a room used for sleeping
  - Access to, or the provision of, a W/C, bath or shower (or both) and washhand basin facilities.
  - Facilitating accessible food preparation/cooking amenities.
  - Improving or providing a suitable heating system where necessary.
  - Providing accessible sockets, switches and controls for power, light and heat.
  - Allowing better access to care for a dependant resident in the dwelling.
  - To allow access to the dwelling through common-parts of a building.
- 6.1.5 The initial assessment process evaluates what major adaptations are necessary and appropriate to meet the needs having regard to whether major adaptations are reasonable and practicable given the age and condition of the dwelling, the practicalities and cost- effectiveness of alterations, conservation considerations and the structural characteristics of the property.
- 6.1.6 From the outset, discussions are held with the applicant to consider and determine the most reasonable and practicable solution to meet their identified needs. The Council may discuss alternative options with the applicant including how rooms in the dwelling could be used differently to accommodate the disabled occupant or a move to alternative accommodation may be more practical and sustainable than funding alterations.
- 6.1.7 If an applicant is proposing to buy a new home, a DFG can only be awarded once the purchase has been completed and this can be proven. If an applicant is looking to move either through selling and buying or moving within both the private and social rented sector, they will be encouraged to liaise with the Council regarding the suitability of the dwelling to meet the needs of the person with a disability, whether it is possible to adapt the property, and the likely timescales, cost and contribution expected to do so.
- 6.1.8 The property must be the person with a disability's main or only residence at the time of the application or will be once adapted. The grant is awarded to the person therefore there may be more than one applicant living at the property and adaptations being funded under separate grant applications to meet the needs of more than one individual.

- 6.1.9 The applicant and where relevant the landlord will be required to provide the necessary paperwork to confirm ownership, tenancy and consent for the grant works to proceed.
- 6.1.10 DFG applications are processed by an inhouse Grants Team who will support applicants and social care colleagues to navigate the process, ensure applicants receive the funding to progress the adaptations they need and BCP Council administer the grant in line with current legislation and local policy.
- 6.1.11 The Grants Team process applications in date order. Where an application is identified by Social Care and SEND colleagues as urgent there is a fast track process in place to ensure applications are prioritised.

## 6.2 Grant Funding

- 6.2.1 The maximum amount of grant funding that can be awarded under a mandatory DFG is currently £30,000.
- 6.2.2 Applicants for a DFG will be subject to a formal means test in accordance with the Housing Renewal Grants Regulations 1996 to determine their contribution towards the cost of the works. Applications where the work is to meet the needs of a child will not be subject to a formal means test.
- 6.2.3 Both homeowners and tenants must have the intention to live in the property for a period of not less than 5 years and where the person is not the home owner, the owners will also need to confirm they have the intention to allow the person to remain in the property for a period of not less than 5 years.
- 6.2.4 Where the cost of the DFG exceeds £5,000, BCP Council will place a charge against the property (limited to a maximum charge of £10,000). This will be repayable if the property is disposed of or ownership is transferred, or the conditions of the grant are breached within ten years. This applies to owner occupiers only. In each case the Council will consider the individual circumstances of an applicant in deciding whether the charge should be made.
- 6.2.5 There is no restriction on DFGs for the same applicant, and depending on the time lapse between applications, there is provision for any means tested contribution made on the first grant to be accounted for on a subsequent application. This is five years for a tenants' application, and ten years for an owner-occupier's application.
- 6.2.6 If the outcome of an applicant's means test is that they are not eligible for a grant contribution from BCP Council, and fund any works themselves, these costs will be taken in to account for subsequent applications subject to the necessary information being provided.
- 6.2.7 Where an applicant wishes to proceed with a more expensive quote they will be liable for the difference in addition to any means tested contribution.
- 6.2.8 Where an applicant wishes to extend the remit of works beyond what is necessary and appropriate for their own purpose, they will be liable for the cost of the additional works above the agreed grant and must enter into a private arrangement with the contractor for these works. Any additional works will be planned in consultation with the Occupational Therapist and must not compromise the purpose of the necessary and appropriate funded works.

6.2.9 The Authority may not assess or approve applications where works have commenced before approval. Any works carried out before a grant is approved may not be funded. Grant cannot be retrospectively applied for after works are complete.

6.2.10 Payment of Grant Funding is made based on the following:

- that the eligible works are carried out by the contractor whose estimate accompanied the application
- Any variations to the schedule of works were agreed in advance
- Works are completed to the satisfaction of the Council
- The Council receive an acceptable invoice, demand or receipt for payment for works and/or services/charges in respect of which grant or part of the grant is to be paid

6.2.11 Where grant conditions are not met, the Council may refuse payment of grant, pay in part or request that the grant is repaid to the Council considering the individual circumstances of the applicant. In circumstances where grant conditions are breached and grant has already been paid out, the Council may take appropriate action to recover it.

6.2.12 In the event an amount of grant is payable, but the works in question have not been completed to the satisfaction of the applicant, the Council will act as intermediary to reach an agreed resolution and may at the applicant's request and if they consider it appropriate to do so withhold payment from the contractor.

### 6.3 Discretionary Grant Funding

6.3.1 Under the RRO 2002 BCP Council has powers and flexibility to provide additional financial assistance.

6.3.2 The Council recognise that extensive adaptations and rising costs mean works often exceed the current mandatory limit of £30,000. BCP Council will assess and where necessary award grants above the mandatory maximum up to £40k for any applications subject to the same means testing framework that is applied to grants within the mandatory limit.

6.3.3 In addition to this a Discretionary Funding Panel made up of Senior officers from Housing, Social Care/SEND and Financial Services will evaluate and agree further assistance up to a maximum of £100k on the following basis:

- Where the cost of works is estimated to exceed the maximum amount (£40k) awarded as a DFG under this policy.
- To facilitate the relocation to a more suitable property
- To facilitate essential repairs in addition to the mandatory DFG, to meet the needs of vulnerable individuals.
- Where the individual is significantly impacted by statutory means testing in relation to adaptations.
- Where there are unique circumstances that the Council recognise require an innovative approach to achieve the best outcome for the applicant

6.3.4 All funding awards will be approved and made in compliance with the Council's financial regulations and after Financial Services confirmation of funding available.

6.3.5 For owner occupiers the maximum amount repayable to the Council upon change of ownership is £10,000 for a mandatory DFG up to £30,000. Where the Council exercises discretion and pays a grant in excess of £30,000 a legal charge will be placed on the

property for the whole amount in excess of £30,000 for a period of 10 years. This Legal Charge will be registered at HM Land Registry and secured against the property.

- 6.3.6 Discretionary disabled adaptations financial assistance will be subject to the same eligibility criteria as mandatory DFGs, in terms of tenure of property, and the purpose of the funding.
- 6.3.7 The Council will provide the applicant with documentation clearly outlining the agreed terms and conditions of any grant funding giving appropriate advice and/or information about the extent and nature of any obligations. This will include payment arrangements.
- 6.3.8 Discretionary grant assistance may be withdrawn by the Council at any time depending on the availability of DFG funding.

#### 6.4 Works

- 6.4.1 Seascap South Limited is a wholly owned company of BCP Council and has a proven track record delivering major and minor adaptations across the BCP area. As part of the in-house Grant Team service all applicants will be offered the services of Seascap South Limited to carry out any DFG works.
- 6.4.2 The applicant retains the right to choose another contractor who has submitted a value for money quote as per the schedule of works.
- 6.4.3 The contractual relationship lays with the applicant and the contractor. The Council acts as financial provider and intermediate, at the request of the applicant, throughout the grant process. The Council decides what works are eligible under grant funding. The applicant has control over which contractor to employ.
- 6.4.4 Warranties and maintenance agreements vary and change over time for equipment and the relevant liabilities will be made clear to the applicant before proceeding with the grant funded works.
- 6.4.5 Where eligible works require planning permission or building regulation approval, applicants will need to apply for this in addition to making a grant application. The Grants Team can support the applicant with this process or carry this out on their behalf.

## 7. How to use this policy

- 7.1 Housing and Adult and Children's Social Care/SEND work jointly where the need for a major adaptation is identified.

Housing's role includes:

- providing a bespoke service to the applicant and their parent, where relevant, throughout the process
- acting as conduit between applicant and landlord, where relevant to the application
- working in partnership with registered providers of social housing, where relevant to the application
- conducting the means test where a grant is requested for a disabled adult
- arranging technical property inspections by surveyors with Occupational Therapy where appropriate
- preparing the schedule of works with the Occupational Therapist
- confirmation of grant payment method with the applicant
- confirming conditions for grant approval are met

- organising quotations for the works at the request of the applicant
- co-ordinating and managing the tender process where relevant to the application
- co-ordinating contractors where relevant
- Application approval or refusal

Adult and Children's Social Care's role includes:

- providing a bespoke service to the applicant and their parent, where relevant, throughout the process
- establishing applicant meets the definition of disabled
- assessing and identifying care and support needs
- the provision of minor home adaptations or community care equipment where relevant
- determine whether major adaptations are 'necessary' and 'appropriate' to meet the care and support needs of the disabled applicant
- conducting dwelling inspections to recommend 'necessary' and 'appropriate' major adaptations
- requesting Relocation Grants where applications for major adaptations are not considered reasonable and practicable.

7.2 Minor adaptations (any adaptation costing under £1000) or the provision of community care equipment fall outside of this policy and are provided for by Social Care/SEND following assessment. All minor adaptations and equipment are provided free of charge and are not subject to means testing.

### 7.3 Service Standards

7.3.1 The Council will provide notification in writing, the decision to approve or refuse an application for grant as soon as reasonably practicable and not later than six months after the date of application.

7.3.2 Approved applications will confirm the following:

- a statement of the works eligible for grant
- the costs which, in the Council's opinion are properly incurred by the eligible works
- any assessed applicant contribution
- the amount of grant which will be paid

7.3.3 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.

7.3.4 The Council aims to pay grant money due within 30 days of a valid claim on certified work.

### 7.4 Customer Feedback

7.4.1 BCP Council encourage feedback on the process to improve the experience for all future applicants including where things may have gone wrong. Feedback can be provided at the following link: <https://www.bcpCouncil.gov.uk/Contact-us/Feedback-and-complaints/Feedback-and-complaints.aspx>. Alternatively a feedback form can be provided by the Grants Team.

7.4.2 In the event the applicant is not satisfied by the outcome of a complaint they can contact the Local Government & Social Care Ombudsman at the following link: <https://www.lgo.org.uk/make-a-complaint>

## 8. Roles and responsibilities

- 8.1 For minor changes to the policy to comply with new legislation and national guidance authority is delegated to the Chief Operations Officer in consultation with the Director of Housing and the Portfolio Holder for Homes. All major changes to the existing policy will require Cabinet approval.
- 8.2 To suspend approval of any discretionary grant assistance under this policy in line with budgetary constraints authority is delegated to the Chief Operations Officer in consultation with the Director of Housing and the Portfolio Holder for Homes.
- 8.3 The majority of, day to day decisions on assessment of applications for the grant will be made by the Adaptations Officers except for the decisions listed below:

Decision	Responsible person
Applicant Feedback and Reviews	Housing, Health & Social Care Manager
Discretionary Funding up to £100k	Discretionary Funding Panel Chair
Discretionary Funding over £100k	Director of Housing

## 9. Enforcement and sanctions

- 9.1 Failure to follow this DFG Policy in line with the relevant legislation under which grant funding is awarded will leave the Council at risk of a charge of maladministration and judicial review.
- 9.2 The Council may be subject to investigation by the Local Government and Social Care Ombudsman where an applicant has not been satisfied through review, that the Council has followed their policy or met their responsibilities under the relevant legislation. This can result in additional costs to rectify circumstances and compensate applicants.
- 9.3 The application process and award of grants will be subject to internal audit to ensure funding is awarded in line with policy.
- 9.4 Grant Applications will be reviewed on a regular basis to ensure that funding has been awarded as per the terms of the policy.

## 10. Appendices

Appendix A DFG Action Plan

Appendix B DFG Policy Equality Impact Assessment