

***Tendring***  
***District Council***



**Financial Assistance Policy**  
**for**  
**Private Sector Housing**

**May 2020 (Revised and Updated)**

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## **Tendring District Council**

### **Financial Assistance Policy for Private Sector Housing**

#### **INTRODUCTION**

Poor and unsafe housing increases the risk of ill-health and injury and having decent housing that is suitable for the use of the occupants contributes positively towards improved health and wellbeing.

By providing advice and financial assistance alongside our enforcement options the Council can contribute to improving housing conditions for residents of Tendring thereby reducing the cost to the NHS and society as a whole.

Tendring has a mostly elderly population with a higher percentage of residents on a low income compared to the UK average; it also includes the most deprived area in the country, Jaywick Sands. The Council is committed to working with home owners, landlords and tenants to tackle the worst housing conditions using all of our available powers as well as providing residents with funding for adaptations and other works to enable them to live independently and safely at home.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 came into force on 18 July 2002. It repealed much of the prescriptive legislation governing the provision of previous housing assistance, replacing it with wide ranging powers to provide assistance for housing renewal, based on local needs and achievement of strategic objectives.

The Council first introduced a financial assistance policy in 2002 that has since been revised and replaced in 2009 & 2015. It is aimed at addressing local need and details what assistance is offered including, how the policy will be administered and funded.

Since 2015 the Disabled Facilities Grant (DFG) budget determined by central government has been a part of the wider Better Care Fund (BCF) and administered to Tendring District Council through Essex County Council. The Better Care Fund is a pooled budget bringing together Health, Social Care and Local Government. Although the mandatory requirement to provide the Disabled Facilities Grant still exists the funding can now also be used for other capital projects to support Social Care and Health (see Appendix F – Grant conditions no.5 ).

#### **Policy Objectives**

This policy is intended to:

- Help those living with a disability to adapt their home in order to maintain their independence using mandatory and discretionary schemes.
- Provide discretionary financial assistance to those who do not have the income or savings to maintain their homes to prevent further disrepair and safeguard their health and wellbeing
- Assist with hospital discharge and reduce avoidable admissions using discretionary schemes.
- Provide localised ward specific schemes targeted to combat inequalities in privately owned homes where the average percentage of properties with hazards or deficiencies is higher than the English Housing Survey or any locally commissioned survey.

## Policy Implementation

This revised policy will be implemented immediately and will be reviewed every three years. Amendments should only be necessary in the case of a significant change to policy items or for addition of further types of assistance. The Assistant Director for Housing and Environment in consultation with the Housing Portfolio Holder will make changes to the document without the need for formal ratification, where such changes make no significant change to service provision. Where amendments produce significant change to service provision those amendments will require the approval of Cabinet before the operational policy is changed.

There may be external factors that require major review earlier than anticipated, e.g.

- Changes to Capital Spending Plans
- Acute changes to local financial circumstances
- National policy/legislative changes
- Local strategic influences

## Policy Background

This policy has been designed in accordance with the legislation below and informed by:-

- The Better Care Fund Plan 2019-2020  
[www.gov.uk/government/publications/better-care-fund-how-it-will-work-in-2019-to-2020](http://www.gov.uk/government/publications/better-care-fund-how-it-will-work-in-2019-to-2020)
- Essex Well Homes Group DFG Guidance 2019 (see appendix E)
- the most recent government appointed review of the Disabled Facilities Grant  
<https://www.gov.uk/government/publications/disabled-facilities-grant-and-other-adaptations-external-review>
- The Disabled Facilities Capital Grant Determination (2020-21) **[31/5037]** (appendix F).

This policy is formulated in light of the Council's Corporate Plan for 2020-2024 "*Community Leadership – Tending4 Growth* ", which is a statement of the Council's vision, service priorities and values.

### **The Vision of the Council is:**

**"To put community leadership at the heart of everything we do through delivery of high quality, affordable services and working positively with others."**

The Priorities for the Council that this policy relates and contributes to are:

#### Community Leadership through Partnerships

- Health and wellbeing – for effective services and improved public health
- Joined up public services for the benefit of our residents and businesses
- Law and Order – for a safer community
- Influence and lobby – for Tending's future

## A Growing and Inclusive Economy

- Support existing businesses
- Develop and attract new businesses

## Strong Finances and Governance

- Balanced annual budget
- 10 year financial plan

The Council's Housing Strategy 2020 – 2024 sets out ambitions around housing growth and delivery and this financial assistance policy firmly underpins two of the four key priorities of that strategy;

- Making the best use of and improving existing housing
- Supporting people in their homes and communities

The forms of financial assistance provided through this Policy, both discretionary and mandatory, will improve the quality and suitability of residents' housing, prevent hospital and care home admissions, support timely discharge from hospital removing strain on the NHS, as well as contribute towards tackling fuel poverty and other housing related hazards in the district.

As well as working with our Health, Social Care and voluntary organisation partners to support other services in Tendring we are following guidance to widen the scope of the Disabled Facilities Grant and BCF, exploring new assistive technology and other types of capital works that provide assistance to disabled residents and their carers.

To facilitate this it has been agreed with Essex County Council (appendix E) that we shall fund a temporary part time Senior Occupational Therapist employed by Essex to work in Housing. This post will be funded from the Tendring BCF budget allocation.

It is the intention that our own services within Housing can become more joined up with each other and with Essex County Council and the North East Essex Health and Wellbeing Alliance – for instance we hope to reduce the time for assessments of void properties for prospective disabled tenants saving not only time for residents but also savings to the Housing Revenue Account void and housing repairs budgets.

We also plan to use the Occupational Therapist's expertise and links with other health services to design area or hazard specific assistance schemes. For instance to design and implement a targeted scheme giving funding for work towards falls prevention in areas with far higher than the England average % of falls hazards found during the stock condition survey.

Schemes such as these utilising BCF funding will not need full Cabinet approval and will therefore be added as minor amendments by the Assistant Director of Housing and Environment in consultation with the Housing Portfolio Holder.

The BCF plan and guidance also promotes the use of Approved Trusted Assessors within the Private Sector Housing Team and the number employed by the Council is now reported yearly to central government. The Council will expand the number of Trusted Assessors we have to Level 4 which will enable them to undertake simple assessments without consulting with ECC Social Care for items such as stairlifts. The

ordering of simple equipment through the ECC online system such as toilet frames by Trusted Assessors at Level 3 will continue.

## **The Legal Framework**

Apart from mandatory Disabled Facilities Grants, which are still administered under the Housing Grants, Construction and Regeneration Act 1996, all other forms of assistance that are to be funded by the Council using our own Capital funding, Better Care Fund allocation or any other external funding under this policy are done so under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO).

This legislation provides local councils with a general power to offer grants, loans and other forms of assistance to support various priorities which may include private sector housing renewal, minor works and adaptation.

All councils must have in place a policy for their area if they are to provide assistance under the RRO. The policy must set out the local priorities, the nature of the assistance that is to be provided, and who is eligible to receive it.

This policy will be used in conjunction with our enforcement powers to ensure that the best outcome is achieved for the resident while protecting public health. In some instances financial assistance will not be suitable or possible and therefore other enforcement options will have to be considered. If the Council has a duty to take enforcement action this does not prevent the use of financial assistance at the same time in all cases and each case will be assessed on its individual merits.

This policy document updates and supersedes the Financial Assistance Policy for Private Sector Housing dated March 2015 that was revised and updated in 2019.

## **Resourcing the Financial Assistance Policy**

The financial landscape of local government is continually evolving due to significant reductions in central government revenue and capital support grant funding. It is important that this policy and the assistance it offers remains self-sustaining as far as possible while providing opportunities for local businesses and support for other public health partners.

Whilst other funding streams have all but disappeared the Disabled Facilities Grant allocation has risen steadily from £227,000 in 2003 to £1.895M in 2019 & 2020 (appendix F) and has therefore been the key focus of the service as the only mandatory grant remaining.

Disabled Facilities Grants and discretionary schemes which are designed to support joint Essex Well Homes Group priorities such as alternative adaptations, preventing untimely discharge from hospital and works to prevent hospital admission or social care interventions will be solely funded from the Council's allocation received from the Better Care Fund. This includes:

- Disabled Facilities Grants
- Discretionary Disabled Facilities Assistance
- Discretionary Stairlift Grant
- Discretionary Disabled Facilities Grant Top-up Assistance
- Discretionary Home Safe from Hospital Grant

- Discretionary Home Safety Grant
- Discretionary Emergency Repairs Grant

Any repayment of BCF funded grants received shall be returned to the same budget it was used from and in this way the Council hopes to maintain a constant offer of discretionary assistance as well as mandatory DFGs and support to other local services and the NHS.

Other discretionary schemes paid for from the BCF or the Council's Capital Receipts may be added to this policy at a later date.

Each type of financial assistance (apart from the mandatory Disabled Facilities Grant) are discretionary, reliant on sufficient funding and may be withdrawn at any time where funds are not available.

The Council will not approve any discretionary assistance or commit monies to any property when the spending allocation from the Better Care Fund allocation has been exhausted or is needed for mandatory Disabled Facilities Grants. Should the Better Care Fund allocation be unable to meet the needs for the delivery of Disabled Facilities Grants there are separate rules and procedures available including the option to provide a delayed approval.

The Council may from time to time utilise special funding from central government or other sources aimed at specific subjects to target issues of local and national concern in accordance with any special conditions, e.g. replacement of inefficient boilers. Any special terms and conditions applicable to such initiatives will be appended to the Financial Assistance Policy, as they will not significantly alter the Council's primary approach to the subject.

### **Partnership Working and Consultation**

The Council does not approach housing issues in isolation, and takes account of the wider picture and the social and environmental issues that also affect communities.

The Essex Well Homes Group consists of ECC and all the local authorities in the County and selected other stakeholders ensuring the constant review of the Disabled Facilities Grant and other BCF funded projects. Tending Officers take a lead role in this group ensuring that our residents have a voice within Essex. This group links to the North Essex Health and Wellbeing Board and ensures the inclusion of the groups work in the Essex Joint Health and Wellbeing Strategy 2018-2022.

The most notable examples of partnership working of particular relevance to this Policy are shown in the following table:-

<b>Key Partner</b>	<b>Range of Service Relevant to this Policy</b>
Foundations	➤ Foundations is appointed by the Ministry of Housing, Communities & Local Government to oversee a national network of nearly 200 home improvement agencies (HIAs) and handyperson providers across England. They were a key

	<p>stakeholder in the recent DFG review for government and a member of the Essex Well Homes Group.</p>
Home Improvement Agencies	<ul style="list-style-type: none"> <li>➤ Helping vulnerable people remain independent in their homes by the provision of a Handy Person Service, Gardening Service, Benefits Advice Service, referral to charitable and other sources of advice and financial assistance, Home from Hospital Service and through the administering of the Disabled Facilities Grants process.</li> </ul>
Essex County Council Social Care services	<ul style="list-style-type: none"> <li>➤ Delivery of adaptations of homes to meet the needs of people with disabilities through the Disabled Facilities Grant route.</li> <li>➤ Referrals in relation to clients that are already under the care of social services who may need repairs to their property or assistance with going home from hospital.</li> <li>➤ TDC referral to social services in relation to clients who may need their assistance.</li> </ul>
Hospital Discharge Teams and GP Care Advisors	<ul style="list-style-type: none"> <li>➤ Referrals for people needing assistance to return home or prevent readmission</li> <li>➤ Advice and referrals for those suffering with long-term health conditions in need of home improvements.</li> <li>➤ Referrals to GP care advisors to assist residents to access services or claim benefits.</li> </ul>
The Energy Savings Trust	<ul style="list-style-type: none"> <li>➤ Providing free impartial and tailored energy efficiency advice.</li> </ul>
Other Councils through Essex wide and Regional and Sub Regional private sector housing groups	<ul style="list-style-type: none"> <li>➤ Sharing best practice</li> <li>➤ Achieving consistency of approach</li> </ul>
Charitable Partners	<ul style="list-style-type: none"> <li>➤ Royal British Legion offer home repair loans to ex-service personnel.</li> <li>➤ Charis Trust – administer grants and loans on behalf of the large utility companies for their customers. They usually cover utility debts but can help purchase white goods and repair properties.</li> </ul>

## Housing Stock Condition

Tendring District Council recognises the vital part that private sector housing plays in meeting housing need.

Approximately 70% of households across the district are owner occupiers, with 20% living in private rented accommodation and 9% of households renting from Registered Social Landlords. Only 1% of people live in shared ownership properties.

Section 3 of the Housing Act 2004 requires the Local Authority to keep the housing conditions in its area under review with a view to identifying any action that may need to be taken by them under any provisions of the Act.

A survey was commissioned by Tendring District Council in 2015 to comply with this legal requirement - this was the BRE Dwelling Level Housing Stock Models - Tendring. A new survey specifically targeted in parts of Jaywick Sands has just been commissioned and will inform future policies.

The 2015 survey found that the percentage of private sector dwellings in disrepair in the Tendring district was the same as the national average. There are, however, more households suffering from a low income, excess cold hazards and fuel poverty than the average in England.

Hazards are assessed using the Housing Health and Safety Rating System introduced by the Housing Act 2004. The categorisation of hazards is determined by a risk assessment of the effect of a defect on the health and safety of the occupant. The Council has a duty to deal with category 1 hazards and a discretionary power to deal with category 2 hazards. The overall aim of the system is to ensure that the Council can deal with risks from hazards to health and safety in dwellings by requiring them to be reduced to no worse than the average risk for a property of a certain age and type. (See Appendix B)

This local data is then broken down at ward level and it is there that differences are found. The data shows a difference for those living in rural areas in relation to fuel poverty and excess cold. Traditionally due to the lack of mains gas and sparse nature of properties in these areas they have always been hard to target by companies for government schemes such as the discontinued "Warm Front". Cold homes has a major effect on long-term health conditions and causes a great cost to our NHS and social care services and is linked to the other hazard specified in the report - falls. The data shows specific wards where the risk of falls caused by poor housing is higher than the national average and provides a starting point for the Council to work with our Health partners to address this inequality.

The BRE "The cost of poor housing to the NHS" briefing paper from 2010 gives the cost to NHS for hazards in the home. It then gives an approximate cost for reducing the hazard and the payback in years to the NHS for doing this. Falls mitigation works are one of the lowest costing hazards to fix producing a large saving to the NHS.

It also stated that in England 1 in 3 people over 65 and 1 in 2 people over 80 are likely to fall at home each year and are the leading cause of ambulance call outs for the over 65s. As well as the cost of the ambulance service those who fall are likely to have recurrent falls increasing the chance of fracture and the cost to the NHS for hip fractures is approximately £6m per day. Falling is also a major reason people move from their own home into care increasing social care costs. The Office of National Statistics states that the population of Tendring over the age of 65 is 26.9% and is far higher than the England average of 16.4%, therefore, the cost to the NHS and Social

Care in relation to falls and other age related hazards will be higher than in other areas of the country.

## **Climate Change**

In August 2019 the Council declared a Climate Emergency with a commitment to the Council's business activities becoming net zero carbon by 2030. A commitment was also made to act as a community leader in encouraging the Tendring district as a whole to become net zero carbon.

Whilst at the time of publication initial work is being undertaken to establish the Councils "carbon footprint" and that of the wider district it is evident that this policy can have an influence on the installation of measures that will reduce the emission of greenhouse gases from homes in the district. For example, renewable heating sources will be encouraged and funded where appropriate and take up of energy efficiency measures will be promoted and encouraged.

The focus of this policy will however be on the safety and wellbeing of residents and reducing fuel poverty and as such there will be instances where renewable heating sources or the most environmental friendly installations are not appropriate. A balanced approach will therefore be taken.

## **TYPES OF FINANCIAL ASSISTANCE**

### **Disabled Facilities Grants**

Mandatory disabled facilities grants are available to help qualifying applicants pay for the cost of adapting a home to meet the needs of a disabled person.

#### **Eligibility for a Grant**

Home owners, housing association tenants and private tenants can apply as well as landlords on behalf of a disabled tenant. Applications will only be considered where an Essex County Council Occupational Therapist has recommended the work. If a private Occupational Therapist has provided a report this will have to be referred to Essex County Council for review. The works need to provide the most effective long-term solution, taking into account the assessed need and relevant circumstances of those affected.

#### **Qualifying Works**

In considering the Occupational Therapist's recommendations, the Council must establish that the proposed works are necessary and appropriate **and** are reasonable and practicable.

The adaptations which are eligible for mandatory disabled facilities grant are detailed in the legislation, but in summary include -

- Adaptations to aid access into and around the dwelling and to the garden areas.
- Provision of appropriate bathroom facilities including removal of a bath to be replaced with a graded floor shower reducing the risk from falls in the bath,

access to suitable sleeping facilities and heating, and access to lighting and power.

- Appropriate kitchen adaptations if the disabled person is the main carer (minor kitchen adaptations if the disabled person is not the main carer).
- Adaptations to enable the disabled person to care for dependent residents.

Where a number of suitable options have been identified to meet the needs of the disabled person, the Council will only provide a grant in respect of the most cost effective option. Alternative options can be considered but the Council will only fund the value of the most cost effective option. The final works must meet the Occupational Therapist's recommendation.

A recent report found that you are 40% more likely to be burgled if your property shows you are vulnerable such as by having ramps to the front of the property. Security will now be a main factor in assessments and the use of things like landscaping instead of traditional construction measures will be considered for all applications.

In some instances, the existing home will not be suitable for adaptation and, with the disabled person's agreement, the Council may decide that it is better to help them move to more suitable accommodation. Grant funding can be offered towards the cost of moving and making minor adaptations subject to the means test and maximum grant explained below.

### **Means Test and Maximum Grant**

All applications will be subject to the standard government set means-test of the disabled person and their partner. If the disabled person is a child under the age of 18 the application will not be subject to a means test. Means testing determines how much the applicant will be required to contribute towards the cost of the qualifying works.

There is no right of appeal in relation to the means-test as it is set under legislation and Tendring District Council has no control over the calculation.

The applicant's contribution will be reduced by the amount of any previous contribution they have made towards a disabled facilities grant at that property within the 10 years preceding the application date if they are an owner or within 5 years if they are a tenant.

In the case of a landlord's application, the landlord may be required to make a contribution towards the cost of the works if they are in relation to communal access. The size of the applicant's contribution will be determined by the Council's Housing portfolio holder according to the particular circumstances and merits of the case.

The maximum disabled facilities grant payable is £30,000 **less** any assessed contribution.

### **Repayment**

Repayment conditions will generally be attached where the grant awarded is for a sum exceeding £5,000 and the applicant has a qualifying owner's interest in the premises on which the relevant works are to be carried out. A charge will be registered against the property as a local land charge.

The repayment conditions are that the Local Authority may demand the repayment of such part of the grant that exceeds £5,000, but that it may not demand in excess of £10,000 repayment. Repayment would be required if the applicant 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. (The certified date is the date of the final grant payment)

Before requiring repayment, the Local Authority has to consider the following and be satisfied that it is reasonable in all the circumstances before they require the repayment –

The extent to which the recipient including their partner would suffer financial hardship were they to be required to repay all or any of the grant; (This will be considered by the Strategic Housing and Needs Manager in consultation with the Housing Portfolio Holder)

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 the 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

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.

### **Discretionary Disabled Facilities Assistance**

A Disabled Facilities Assistance grant can be provided on a discretionary basis to help with the cost of adapting the home of a disabled person, where the work does not fall into the eligibility criteria for a mandatory disabled facilities grant.

#### **Eligibility for Assistance**

Home owners (but not owners of mobile homes, caravans or houseboats) can apply in respect of a disabled occupant. Applications will only be considered, however, where an Essex County Council Occupational Therapist has recommended the work.

Where assistance is being sought for adaptations, it will be means-tested as per the standard means test on the applicant (and their partner if applicable) and take the form of a repayable grant. The amount paid will be registered against the property as a land charge at Tendring District Council's Land Charges department and occupation monitored by the private sector housing team.

The Discretionary Disabled Facilities Assistance will be subject to repayment by the applicant when the home is sold or transferred to another owner (or is no longer the disabled occupants main residence) if that period is within 15 years of the certified date. After this time the land charge will be removed and not require repayment.

## **Qualifying Works**

In considering the Occupational Therapist's recommendations, the Council must establish that the proposed works are reasonable and practicable and that although not mandatory there is a reasonable need for the provisions.

As with the mandatory Disabled Facilities Grant, the works must provide an effective long-term solution taking into account the relevant circumstances of those affected.

The following examples of work may be eligible for a disabled facilities assistance:

- Provision of specialist treatment facilities.
- Provision of a safe play area.
- Adaptations to help a disabled person to work from home.
- Suitable alternative options to those offered under disabled facilities grant.

## **Maximum Funding for Disabled Facilities**

The maximum funding for a Discretionary Disabled Facilities Assistance grant is £30,000 **less** any assessed contribution.

Where an applicant is also having a separate Disabled Facilities Grant at the same time only one means test will be carried out and any contribution will be paid as part of the Disabled Facilities Grant.

Where an applicant has been means tested for a Disabled Facilities Grant within the last 10 years any contribution paid will be taken into account when means testing for a Discretionary Disabled Facilities Assistance in the same way as per a Disabled Facilities Grant.

## **Discretionary Stairlift Grant**

Stairlifts provide access to essential facilities within the home as well as access into the property enabling independence for disabled adults and children with a minimum of additional work. In 2019/20 the Council funded 34 stairlift installations and associated warranty and servicing contracts via Disabled Facilities Grants at an average cost of £4,000.

Stairlifts are usually a relatively straightforward installation requiring little in the way of other home alterations (they need only minor works for installation and are fixed to the stair treads). Given their ease of procurement and installation they can be processed from initial referral to completion more quickly than other types of assistance and provide a proportionally significant enhancement to the lives of those who needs them. In view of this the Council will offer a simple non-means tested grant for all those in need, subject to continuing BCF funding levels.

Only those stairlifts costing more than £5,000 will be subject to repayment and applicants will still be eligible for a mandatory Disabled Facilities Grant should they choose not to have this form of financial assistance.

## **Eligibility for Assistance**

Any disabled occupier or parent of a disabled child assessed by an Occupational Therapist at Essex County Council or Tendring District Council officer trained to Approved Assessor Level 4 standard.

Proof of identity and a simple property ownership declaration will be required but no means testing will be necessary. Applicants will be required to make a declaration to say that they intend to live in the property or allow the disabled occupant to live in the property for the next 5 years.

## **Qualifying Works**

To qualify for assistance the property must be suitable for a stairlift and that the lift be suitable for the disabled user.

Stairlifts will be funded to facilitate access to essential rooms and facilities such as a room suitable as a bedroom or bathing facilities only. Any stairlifts wanted for accessing non-essential facilities that would not be included in a Disabled Facilities Grant will not be eligible.

Two comparable quotes will be necessary and the grant will fund a servicing and warranty contract for up to 5 years. Funding will be offered for the lowest combined quote where they are deemed suitable.

Replacement lifts will only be funded as long as the current lift is not reasonably repairable and has been serviced regularly and maintained, or, it no longer meets the need of the user through a change in health condition or originally being installed for a different user.

The funding will be provided to the grant applicant and they will own the stairlift once payment is made on their behalf. Any costs associated with future removal of the lift are down to the grant applicant and any dispute arising from ownership of the lift or in regard to the property ownership declaration will not be any responsibility of Tendring District Council.

Any lifts on communal staircases will need to be approved by the Fire Service, Building Control and block management company (or equivalent) before grant aid can be given.

Where a Disabled Facilities Grant has or is also applied for and this is deemed not "Reasonable and Practicable" then Tendring shall not fund a discretionary stairlift.

## **Amount of Assistance Provided**

The maximum Stairlift Grant that can be provided is £10,000. Any stairlift costing more than this will have to be part of a Disabled Facilities Grant application.

Where the grant amount exceeds £5,000 the full grant amount will be registered as a local land charge with Tendring District Council's Land Charges service and will be repayable on sale or transfer of the property within 5 years of the certified date. The same exemptions as for the repayment of Disabled Facilities Grants will apply.

## **Discretionary Disabled Facilities Grant Top-up Assistance**

A DFG top-up assistance grant can be provided on a discretionary basis to help with the cost of extensions above the current grant maximum of £30,000 on the home of a disabled person up to a maximum of £15,000 (Total works totalling a maximum of £45,000) in accordance with the latest Government DFG review and will be removed as a form of assistance should the DFG maximum be increased.

### **Eligibility for Assistance**

Home owners (not landlords or owner occupiers of houseboats, mobile homes and caravans) can apply in respect of a disabled occupant for a top-up grant for extensions only that go above the grant maximum. Applications will only be considered, however, where an Essex County Council Occupational Therapist has recommended the extension and all other options including assistance with moving to a more suitable property have been exhausted.

The top-up grant will be means-tested in accordance with the standard DFG means test. Where the works are for a disabled child or dependent the means test will still be a requirement and undertaken in respect of the property owners (and their partners) as the “relevant person” as well as the “applicant”.

The assistance will take the form of a repayable grant meaning that if the property is sold, transferred or no longer used by the applicant/s as their main home within set periods as set out below it will need to be repaid.

The amount paid will be registered against the property as a local land charge with Tendring District Council’s Land Charges service and occupation of the property monitored by the Private Sector Housing team.

If the property is sold or transferred (or the applicant no longer occupies the property as their main home) within 10 years of the certified date then the full amount is repayable. If the property is sold or transferred after this period and up to 20 years from the certified date (or the applicant does not occupy the property as their main home) then only the amount above £5,000 is repayable. If the property is not sold or transferred within 20 years of the certified date and the applicant remains in the property as their main home the land charge will be removed without requiring repayment.

Repayment is subject to the same exceptions as 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.

### **Qualifying Works**

In considering the Occupational Therapist’s recommendations, the Council must establish that the proposed works are reasonable and practicable and that although the cost will go above the Disabled Facilities Grant maximum of £30,000 there is a reasonable need for the provision of assistance as all other avenues have been exhausted.

Proof that moving is not a suitable option (even with grant assistance) will be required in every case and may include, but not be limited to, the Council receiving proof of mortgage and other debts.

## **Maximum Funding for DFG Top-up Assistance**

The maximum funding for disabled facilities grant top-up assistance is £15,000 **less** any assessed contribution. Where a contribution has been assessed using the standard means test for the Disabled Facilities Grant funded portion this will be taken from the Disabled Facilities Grant and not the top-up assistance.

## **Discretionary Home Safe from Hospital Grant**

A non-repayable grant provided on a discretionary basis to help vulnerable people return home from hospital. Available for anyone by referral to make repairs or alterations to their home to assist hospital discharge, prevent admittance to temporary care placements and prevent re-admission.

### **Eligibility for Assistance**

A referral is required from the Hospital Discharge Team or another Health professional such as a GP Care Advisor. The person must be in hospital, discharged to a care placement or be within 4 weeks of discharge home to a micro-environment and unable to arrange the works themselves.

No means test or passporting benefits will apply.

Only works where the occupier has a duty to carry them out will be included. Any works that are the duty of a landlord or owner (who is not the patient in question) will not be eligible. The Council will give advice and further financial assistance options as applicable but also ensure that anything noted of concern will be passed to enforcement teams or external agencies.

Only one Home Safe from Hospital Grant (even if this was not to the maximum amount) can be provided per year except for a deep clean of essential facilities which is only available once in total per property.

### **Qualifying Works**

Home Safe from Hospital Grants are available to provide minor repairs, clean ups or alterations to assist discharge from hospital where they would be unable to afford such repairs or would struggle to arrange the works themselves. The fees of a home improvement agency can be included.

The eligible works can include but are not restricted to;

- moving furniture
- minor roof and window repairs
- securing doors & windows
- changing light bulbs and putting up curtains
- fixing paths
- repairs to lighting or sockets
- repairing pipes or toilets

- providing a key safe (as long as no other funding is available)
- providing Care Line equipment (but does not include cost of the service itself)
- Deep clean necessary areas (not available in hoarding situations and only if referral made or known to social care for assistance with obtaining home help)

Any minor adaption works such as grab rails and half steps would remain the responsibility of Essex County Council.

The maximum amount of assistance under a Home Safe from Hospital Grant is £1000 (there is no minimum) and can be used alongside any other BCF funded types of assistance. These grants are not repayable and are not registered as a land charge against the property.

### **Discretionary Home Safety Grant**

A non-repayable grant provided on a discretionary basis to help vulnerable occupying home owners (including leasehold owners with a repairing responsibility) to make urgent and essential minor repairs or alterations to their home to ensure their safety.

#### **Eligibility for Assistance**

All owner occupiers (and those occupying leaseholders who have a legitimate and reasonable contractual obligation to repair and maintain the premises) are eligible for assistance, including those who occupy mobile homes and caravans, as long as they are in receipt of an income related benefit as per the below list;

Universal Credit

***not** when your UC award is £0.00*

Income Support

Income-related Employment and Support Allowance

***not** contribution-based ESA alone*

Income-based Jobseeker's Allowance

***not** contribution-based JSA alone*

Guarantee Pension Credit

***not** Savings Pension Credit alone*

Working Tax Credit and/or Child Tax Credit (where your annual income for the purposes of the tax credits assessment was **below** £15,050)

Housing Benefit

Applicants must have lived in the Tendring District for the last 3 years and have been resident in their property for the last 18 months.

Only one Home Safety Grant (even if this was not to the maximum amount) can be provided per year and would not usually be available for anyone who has previously had discretionary financial assistance to improve their (current or previous) property in the last 15 years.

#### **Qualifying Works**

Home Safety Grants are available to provide minor repairs or alterations to make a property safe or useable for the owner where they would be unable to afford such repairs or would struggle to arrange the works themselves. The fees of a home improvement agency can be included.

The works should not include those that could form part of a claim under any home insurance policy.

The eligible works can include but are not restricted to;

- boiler repairs
- roof repairs
- securing doors
- securing windows
- fixing paths or steps
- repairs to lighting or power sockets
- repairing water supply or drainage pipes

Works to be funded will be determined by the inspecting officer.

The maximum amount of assistance under a Home Safety Grant is £1000 with no minimum amount and can be used alongside other BCF funded types of assistance except Discretionary Emergency Repairs Grants. These grants are not repayable and are not registered as a land charge against the property.

### **Discretionary Emergency Repairs Grant**

Emergency Repairs Grants are provided on a discretionary basis to help low income households pay for urgent works necessary to reduce or eliminate serious risks to health and safety. Priority will be given to works recommended to prevent hospital admissions and aid timely hospital discharge.

#### **Eligibility for Assistance**

Emergency Repairs Grants are available to help households who own or have a lease-hold interest in their home and have a legitimate and reasonable contractual obligation to repair and maintain the premises. The applicant must have lived in the district for at least 3 years and owned and lived in the property for a period of at least 18 months prior to the date of application and the property must normally be more than 10 years old. This form of assistance is also available to owner occupiers of houseboats and residential mobile homes. Priority will be given to those in the vulnerable groups as per the HHSRS guidance or those who are vulnerable due to serious health conditions.

To be eligible for an Emergency Repairs Grant applicants must receive one of the following benefits:

Guaranteed Pension Credit  
Housing Benefit

Universal Credit  
Income Support  
Income-related Employment and Support Assistance  
Income-based Job Seekers Allowance  
Working/Child Tax Credits (where your assessed income is below £15,050)

Where an applicant does not receive a benefit from the above list but otherwise qualifies for the grant, approvals will be given to those applicants who have a nil contribution using the standard means test process in-line with mandatory grants.

### **Qualifying Works**

An Emergency Repairs Grant may be considered for the reasonable cost of the works necessary to:

- Prevent falls and/or reduce or eliminate other immediate risks that are likely to cause serious harm or injury or to deal with any Category 1 hazards identified under the Housing Health and Safety Rating System (Housing Act 2004). Examples may include structural repairs to floors, staircases and steps, boiler repairs or the replacement of dangerous wiring.
- Install suitable home security measures if the applicant is elderly or deemed to be at risk

Any residents who may be eligible for a Disabled Facilities Grant or any government funded energy efficiency schemes will be directed to those schemes. If the applicant is required to make a financial contribution in order to receive works under a government funded energy efficiency scheme an Emergency Repairs Grant may be used to top-up the scheme funding. The usual eligibility criteria for the grant will apply.

Where the applicant has a defective boiler that supplies both the central heating and hot water and requires a full replacement they will first be directed to Government schemes or alternatives if applicable to their circumstances. Where unreasonable delays would occur in accessing those schemes an Emergency Repairs Grant may be offered towards the cost of a full boiler replacement and associated works to those vulnerable to excess cold.

In some instances the balance of the Emergency Repairs Grant may be used to assist the home owner with energy efficiency measures where they would not qualify for any Government funded schemes or there would be unreasonable delays in providing the measures. Priority will be given to funding the most effective measures within the remaining balance.

The minimum grant funding that can be paid is normally £200. The maximum is £6,000. These grants are not repayable and are not registered as a charge against the property.

Only one Emergency Repairs Grant is available in any financial year and the total of Emergency Repairs Grant(s) paid in any 3 year period cannot exceed £6,000.

Those who have had a form of financial assistance to bring their home up to the Decent Homes Standard within the last 15 years will not normally be eligible for an Emergency Repairs Grant.

The professional fees associated with a home improvement agency or architect/surveyor are eligible for grant aid.

## **TERMS AND CONDITIONS COMMON TO ALL FORMS OF ASSISTANCE**

### **Information Provided**

All applicants must be 18 years of age or older at the date of application and in the case of joint applications at least one must be over 18 at the date of application.

Grant assistance will only be approved for the benefit of applicants who are able to provide evidence of a valid national insurance number.

Information provided to the Council by applicants as part of the application process will be checked thoroughly and may be shared with other departments of the Council and other organisations involved in any aspect of handling public funds to help prevent and detect fraud or in investigation of other possible criminal activities.

Applications will only be accepted if they are made on the current form provided by the Council.

Applicants will be required to provide full details of financial circumstances on a form provided by the Council. In completing this form applicants will be required to sign a declaration as to the accuracy of information provided and that of supporting paperwork, e.g. wages slips and accounts, etc. The Council will routinely carry out cross checks on information provided. If incorrect information is provided to the Council the grant will be repayable to the Council on demand.

### **Home Improvement Agency Services**

The Council encourages the use of home improvement agency (HIA) services and will always seek to have a Memorandum of Understanding in place with a suitable agency/agencies. HIAs are no longer appointed by Essex County Council but private organisations will be sort who can provide services to residents. This includes assisting older people and people with disabilities to gain access to funding and specific services including helping people to re-establish their life at home following hospital, a handyperson scheme for small scale repairs and a gardening service.

### **Flexibility within the Policy**

Although the Council has been quite specific about the circumstances in which an application for assistance will be given priority, it will consider each application on its individual merits, even if it appears to fall outside the Council's system of priority.

It is envisaged, however, that such applications will normally be approved only where an applicant is able to demonstrate exceptional hardship or provide very strong justification on the basis of need.

Anyone who feels their request for financial assistance has been refused unfairly and the matter cannot be resolved by discussion with officers is entitled to request a review. In such circumstances details of the case are referred to the Council's Housing portfolio holder for a decision.

An appeal cannot be made in regard to the outcome of the standard means-test as this is set in legislation and not the responsibility of the Council. If you feel there is an error in your test results please speak to the team to ensure it is reviewed by a third officer.

The Assistant Director for Housing and Environment has the discretion to:

- Increase the maximum level of grants in individual cases where the levels of disrepair require further investment to ensure the property meets the Decent Home Standard on completion of works.
- In consultation with the Housing Portfolio Holder provide assistance outside of this policy where it is clear that there are exceptional circumstances and the case has been considered on its merits.

### **Worsening Circumstances**

Applicants will not be entitled to financial assistance if they have deliberately worsened their housing circumstances or if their housing situation has been made worse because they have acted in a manner that is unreasonable.

### **Local Builders**

The Council will only normally approve funding for work that is to be undertaken by builders from within the Tendring area or who employ local residents. This is in order to provide sustainability and promote employment in the area whilst supporting housing led regeneration. Discretion will be applied where specialist work is needed or value for money cannot be demonstrated.

### **Payment of Fees**

At the discretion of the Council, the reasonable cost of preliminary or ancillary services, fees and charges will be included within the calculation of financial assistance. Each submission of fees will be individually considered for reasonableness. The payment of such fees is conditional on a grant being approved and the completion of all specified works, otherwise the Council will not be held responsible for any fees incurred before or after approval.

Where an applicant or a member of their household is elderly, disabled or vulnerable and they need the services of a home improvement agency, architect or surveyor to organise and oversee works funded by any form of assistance in this policy the Council will include the reasonable fees in the calculation of the financial assistance.

Where there has been an award under the Party Wall Act reasonable fees and works to neighbouring properties detailed in the award will be considered eligible for financial assistance, only where the works being undertaken are those scheduled or approved by the Council.

### **Approvals for Works**

The responsibility to gain all necessary approvals for works to be undertaken rests with the applicant or their agent. Such approvals may be Planning Permission or Building Regulations Approval or any other approvals as advised by the Council.

### **Contractual Arrangements**

It is the applicant who employs the builder to undertake agreed works and the Council have no contractual liabilities in that relationship as their role is only to administer the grant process.

By approving an application for assistance, the Council is providing the applicant with an undertaking to pay a specific sum of money, subject to satisfactory completion of the approved works and on condition that the applicant complies with the agreed terms.

An applicant who fails to comply with the terms and conditions of assistance will be wholly liable for meeting any costs incurred under the contract.

The contractor who is chosen by the applicant, is responsible for ensuring that the works progress to a satisfactory conclusion. Before the works commence, it is essential that the applicant (or their representative) and their chosen contractor agree the following:

- (a) The exact scope and cost of the works (what is included and what is not).
- (b) The time it is likely to take to complete the contract.
- (c) Arrangements for gaining access to the property, including hours of work.

### **Resolving Disputes**

The applicant is ultimately responsible for ensuring the quality of the completed works. Applicants are strongly advised to engage a professional agent e.g. an architect, surveyor or Home Improvement Agency to act on their behalf/supervise the works on their behalf. The applicant and builder will be expected to resolve any disputes that arise. The Council will not act as clerk of works or become involved in any disputes.

### **Ensuring Value for Money**

It is the responsibility of the applicant (and their representative, if they have one) to satisfy themselves that the contract price provides value for money.

However, to safeguard public money, the Council will only approve financial assistance on the basis of what it considers to be the reasonable cost of the works. Costs above this amount will not qualify for assistance.

On considering applications for the benefit of people with disabilities the Council will not grant aid adaptations for which County Council Social Services are responsible under the Chronically Sick and Disabled Persons Act 1970 or there are other possible alternative sources of funding, e.g. the NHS.

### **Unforeseen Works and Savings**

Where a contractor discovers the need for further works after starting on site, additional financial assistance will **only** be considered if those works could not have been foreseen prior to the commencement of the works **and** if the extra costs have been approved in writing **before** the additional work is carried out.

The Council must be notified of any reduction in costs that occur as the works progress.

### **Situations where the amount of Grant assistance may change**

The amount of grant approved represents the reasonable cost of undertaking eligible works together with any associated ancillary costs such as architects' fees.

The amount approved will be paid upon satisfactory completion of work following submission of valid invoices together with any necessary guarantees/certificates etc.

However, there are circumstances where the amount of financial assistance paid may vary from that originally approved. The following list describes those situations where applicants are required to notify the in writing Council of a change in circumstances as payments may be affected.

- Proposed change of contractor if different from one of those who provided an estimate forming part of the application for financial assistance. If the contractor proposed is one that did not provide an estimate for consideration at the approval stage the Council will need to agree this in writing before works commence.
- Where unforeseen works eligible for assistance become evident during the course of work.
- Where final invoices for the works involved are less than the sum approved.
- Where works are not completed within the time scale specified (as set out in Stage 5 – Approval of Applications – Page 19 refers).

Applicants are encouraged to contact the Council in advance if they believe that their circumstances may change in order that they can be given advice on the options available.

Where an applicant dies or needs to move into residential care because of deterioration in their health, the Council will provide financial assistance for any works that have already been completed, or need to be completed to make the building weather tight or useable e.g. an unfinished extension or bathroom.

### **Payment of Financial Assistance**

Payments will normally only be made on satisfactory completion of the works. However for large works (or where several contractors are being employed) interim payments can be made for up to a total of 90% of the financial assistance originally approved.

Payments shall be conditional upon receipt of an acceptable invoice accompanied by any relevant supporting documentation e.g. damp proofing guarantee, certification issued by Gas Safe Register contractor for gas installations, electrical work completed by a contractor registered under a scheme for Approved Document Part P as able to self-certify their own electrical work, window and door installations under FENSA or a similar approved organisation as appropriate and a Certificate of Completion if the work was subject to Building Regulation control.

Payment will normally be made direct to the appropriate contractor following agreement with the applicant that works to the appropriate stage have been satisfactorily completed. Where the applicant has already paid the contractor, payment will be made direct to the applicant on production of a receipt for payment. In the case of a dispute between the applicant and contractor which is not resolved in a reasonable time period the grant, or part thereof, may be paid to the applicant at the discretion of the Council.

Payment of any grant approved will only be considered after any applicant's contribution has been accounted for in the value of invoices submitted.

## **Repayment of Financial Assistance**

Repayment conditions are attached to all types of assistance available under this policy. Please see the specific types of financial assistance for more details. Grants will be recoverable in full if the applicant ceases to be eligible during the works or if it is found that the applicant was not eligible for the assistance before the certified date.

Where repayment may cause undue hardship the Strategic Housing and Needs Manager, in consultation with the Housing Portfolio Holder will consider waiving repayment of all or part of a grant (when the property is sold or transferred).

When considering such requests, the Council will consider the value of the property, the amount of equity and the reasons why it is being sold or transferred. It will also want to know about the personal circumstances of the applicant's household (such as their health, mobility, employment, income, outgoings and savings) and the type of housing and support they require.

Prior to reaching a decision, the Council will seek from the applicant all information and evidence that is considered relevant. If the applicant withholds this information or fails to demonstrate that they will be caused significant hardship by the requirement to repay all or part of the grant, their request is unlikely to be met.

In the event of a recipient of assistance pursuing a successful insurance claim, action for legal damages, etc. which covers the cost of works for which assistance was previously paid the applicant will on demand repay the total value of the funding relating to such works or the value of the insurance payment/legal damages if lower.

## **Land Charges**

Where applicable to the type of assistance given the value of a grant will be registered against the property as a local land charge interest with the Council's Land Charge service and will be subject to a repayment when the home is sold or transferred to another owner or in some cases due to change in occupation. Disabled Facilities Grants have their own repayment conditions and registration at Land Charges.

The Private Sector Housing Service will undertake annual checks where repayment conditions apply to ensure ongoing compliance with the grant conditions and the applicant's acceptance of this will form part of the grant application. Failure to comply with grant conditions or respond to requests for information may result in a repayment demand.

## **GENERAL MATTERS AND THE APPLICATION PROCESS**

### **Future Development of the Policy**

In the longer-term, it is hoped that the Council will work closely with mortgage lenders, benefit maximisation specialists and financial advisers to make it easier for low income households (especially those without a mortgage) to increase their income and release the equity in their homes and fund repairs and improvements from their own resources. It is hoped that future schemes will be implemented jointly with ECC and other partners to support local service provision within social care and the NHS.

## **Equality and Diversity**

The Council has undertaken an Equality Impact Assessment of this Policy.

## **Sources of Advice and Alternative Funding**

The Private Sector Housing team provides technical advice on housing conditions, disabled facilities and HMOs and fire safety, as well as information on financial assistance available.

The Operational Services Private Sector Housing Grants team can be contacted by telephone on 01255 686744.

By letter to Council Offices, 88-90 Pier Avenue, Clacton on Sea, CO15 1TN.

By email to [dfgteam@tendringdc.gov.uk](mailto:dfgteam@tendringdc.gov.uk)

Home Improvement Agencies provide disabled and vulnerable people with advice on a range of housing options, and in some cases can organise and oversee repairs and adaptations. For advice about provision covering Tendring please contact Foundations on 0300 124 0315 or use the postcode finder at [www.findmyhia.org.uk/](http://www.findmyhia.org.uk/). Foundations is appointed by the Ministry of Housing, Communities & Local Government to oversee a national network of nearly 200 home improvement agencies (HIAs) and handy person providers across England.

The Energy Savings Trust provides advice on home energy efficiency including insulation and heating improvements, including the various sources of funding at [energysavingtrust.org.uk/](http://energysavingtrust.org.uk/)

Simple Energy Advice is a government endorsed advice service and can be accessed at [www.simpleenergyadvice.org.uk/](http://www.simpleenergyadvice.org.uk/) or you can call on 0800 444 202

Colchester Credit Union offers convenient savings and low interest loans to its members:

Colchester Credit Union Ltd.,  
7 The Centre  
Hawthorn Avenue  
Colchester  
CO4 3PX  
Telephone: 01206 798 823  
[info@colchestercreditunion.co.uk](mailto:info@colchestercreditunion.co.uk)  
[www.colchestercreditunion.co.uk](http://www.colchestercreditunion.co.uk)

## **Applying for Financial Assistance**

The following summarises the procedure for applying to the Council for assistance but stages of the process may or may not be applicable to all forms of assistance:

### **Stage 1 – Initial Enquiry**

For Disabled Facilities Grants initial enquiries have to be made to Social Services at Essex County Council as we can only grant aid work that has been recommended by an Occupational Therapist. The telephone number for Social Services is 0345 603 7630 (option 3 for Occupational Therapy). A visit from an Occupational Therapist will be arranged. If however you wish to

undertake a preliminary means-test or want advice about passporting benefits please contact Private Sector Housing Grants on 01255 686744.

Applicants for other discretionary grants should contact the Private Sector Housing Team on 01255 686744 to register their enquiry and request an enquiry form.

### **Stage 2 – Preliminary Assessment**

The applicant or referral agent will usually complete and return an enquiry form, providing the Council with the information it requires on their circumstances including details of their financial situation and the condition of their home.

Using the information on the enquiry form, the Council will make a preliminary assessment of the applicant's entitlement to assistance and decide whether an officer should inspect the property.

With regard to Disabled Facilities Grants, on receipt of recommendations from an Occupational Therapist an administrator will either make an appointment for a Technical Officer to inspect the property or send you a financial assessment form.

### **Stage 3 – Home Survey**

An officer from the Private Sector Housing Team will visit and survey the applicant's home to establish whether or not, based on its condition, the property is eligible for assistance. In respect of Disabled Facilities Grants they will be looking to see that the adaptations proposed by the Occupational Therapist are both reasonable and practical.

### **Stage 4 – Formal Application**

After surveying the applicant's home, if eligible for assistance, the Council will send the applicant an application pack containing written instructions, an application form and copies of a schedule of qualifying works. If the property does not qualify for assistance, the applicant will be advised and the enquiry cancelled. If the applicant has chosen an agent to act on their behalf this information will be sent to the agent.

To make a valid application, the applicant must complete the application form in accordance with the written instructions provided, and they or their agent must normally obtain at least two competitive estimates from contractors, using the Council's schedule of works. The contractor who is chosen to undertake the work is appointed by the applicant, not the Council. All applicants will be required to provide evidence of benefit entitlement and/or detailed financial information. The Council will normally make an enquiry with HM Land Registry to confirm ownership of the property. In cases where a property is not registered a proof of ownership certificate must be completed, signed and officially stamped either by the applicant's Solicitor, a notary or by the company holding the title deeds of the applicant's home. In addition, the applicant and any joint owners will be asked to sign a repayment agreement if applicable.

Reasonable costs arising in respect of the above will be included as part of the grant.

In making an application for financial assistance, the applicant agrees to the terms and conditions attached to the provision of that assistance.

### **Stage 5 – Approval of Application**

Before approving an application for assistance, the Council must be satisfied that the application is complete and that it accurately reflects the applicant's circumstances. The Council must also be satisfied that the cost of the qualifying works is reasonable.

An approval certificate will be sent to the applicant, informing them of the nature and value of the assistance that is to be provided and giving the applicant details of the terms and conditions that are attached to the provision of that assistance.

### **Stage 6 - Arranging Payment**

Upon receiving the grant approval certificate, the applicant should contact the contractor to make arrangements for the work to commence and contact the Council officer to inform them of the start date. Please keep your officer informed of any changes to the start or completion dates and about any issues that arise during the works.

The works will normally be inspected at some time before completion – several times a week for larger works.

On satisfactory completion of the works, the applicant must sign the satisfaction certificate, and provide this together with the contractor's invoices.

Interim payments can also be made following the satisfactory completion of certain elements of work and upon receipt of the contractor's invoice together with any relevant supporting documents such as guarantees or certificates.

To satisfy audit requirements, a member of the Private Sector Housing team will visit the property to inspect the works before arranging final payment.

Unless otherwise specified in the application form or if it is a materials only grant the payment will normally be made directly to the contractor by BACS transfer.

### **Appeals, Complaints and Feedback**

If you wish to provide any feedback or comments about this Financial Assistance Policy please contact the team on 01255 686744 or via [dfgteam@tendringdc.gov.uk](mailto:dfgteam@tendringdc.gov.uk).

The Council's Corporate Director with responsibility for the Housing Service has overall responsibility for this policy.

As mentioned previously there is no appeal procedure in relation to means testing as this is set by Central Government legislation. All tests of resources are double checked by another officer. If you wish for your test results to be explained to you or would like your results to be further reviewed please contact the department on 01255 686744.

If an applicant wishes to seek a review of an unsuccessful application or alternative approval, they should first contact the Senior Housing Renewal & Adaptations Officer via 01255 686744, [dfgteam@tendringdc.gov.uk](mailto:dfgteam@tendringdc.gov.uk) or by writing to the address below:

Senior Housing Renewal & Adaptations Officer  
Private Sector Housing  
88-90 Pier Avenue  
Clacton-on-Sea  
Essex CO15 1TN

The applicant will receive a response within 10 working days of their enquiry.

Should the applicant be unsatisfied by the response given they should then write to the Assistant Director of Housing & Environmental Health at the address below:

Assistant Director of Housing & Environmental Health  
88-90 Pier Avenue  
Clacton-on-Sea  
Essex CO15 1TN

The applicant will receive a written reply to their complaint or request for a review from the Assistant Director of Housing & Environmental Health within 21 days of their correspondence being received. If the applicant remains dissatisfied, their complaint or request for a review will be dealt with under the Council's Corporate Complaints Procedure

## **Appendix A**

### **The Decent Home Standard**

A decent home is one which:

#### **a – Meets the current statutory minimum standard for housing**

- The home meets the current minimum statutory standard for housing i.e. it is free of significant health and safety hazards under the Housing Health and Safety Rating System.

#### **b – Is in a reasonable state of repair**

Dwellings which fail to meet this criterion are those where either:

- One or more of the key building components are old and, because of their condition, need replacing or major repair; or
- Two or more of the other building components are old and, because of their condition, need replacing or major repair.

#### **c – Has reasonably modern facilities and services**

Dwellings which fail to meet this criterion are those which lack three or more of the following:

- A reasonably modern kitchen (20 years old less).
- A kitchen with adequate space and layout.
- A reasonably modern bathroom (30 years old or less).
- An appropriately located bathroom and WC.
  - Adequate insulation against external noise (where external noise is a problem).

#### **d – Provides a reasonable degree of thermal comfort**

This criterion requires dwellings to have both effective insulation and efficient, programmable heating.

## Appendix B

### The Housing Health and Safety Rating System (HHSRS)

This is a means of identifying faults in dwellings and evaluating their potential effect on the health and safety of occupants, visitors, neighbours and passers-by. The Housing, Health and Safety Rating system defines 29 hazards that may affect the health and safety of residents and visitors to any dwelling over a 12 month period. These are:-

- Damp & Mould Growth
- Excess Cold
- Excess Heat
- Asbestos (and Manufactured Mineral Fibres)
- Biocides
- Carbon Monoxide & fuel combustion products
- Lead
- Radiation
- Uncombusted fuel gas
- Volatile Organic Compounds
- Crowding and Space
- Entry by Intruders
- Lighting
- Noise
- Domestic Hygiene, Pests & Refuse
- Food Safety
- Personal Hygiene, Sanitation & Drainage
- Water Supply
- Falls associated with baths etc.
- Falling on level surfaces etc.
- Falling on stairs etc.
- Falling between levels
- Electrical hazards
- Fire
- Flames, Hot surfaces etc.
- Collision & Entrapment
- Explosions
- Position and operability of amenities etc.
- Structural collapse & falling elements

More detailed information can be found on the DCLG website. [www.dclg.gov.uk](http://www.dclg.gov.uk)  
All hazards are risk assessed by reviewing the deficiencies which contribute to the hazard, scoring the likelihood of the deficiency causing an occurrence of the hazard within the next 12 months and then scoring the outcome for each class of harm (this range from life-threatening to minor harm requiring medical attention such as moderate cuts). This will give a numerical score which is used to decide on the hazard band.

#### Meaning of Category 1 and Category 2 hazards:

Once the hazard has been scored and given a hazard band, the hazard is then classed as either a Category 1 or Category 2 hazard. The reason that this is important is because all local authorities have a duty to take the appropriate enforcement action to eliminate or reduce Category 1 hazards. They have

discretionary powers to take the appropriate enforcement action to eliminate or reduce Category 2 hazards.

For the purpose of this financial assistance policy:

- a Category 1 hazard is one that has a hazard band of A, B or C and therefore a hazard score in excess of 1000
- a high Category 2 hazard is one that has a hazard band of D, E and F and therefore a hazard score between 100 and 999
- a low Category 2 hazard is one that has a hazard band of G, H, I or J and therefore a hazard score between 1 and 99.

## Appendix C

### SERVICE STANDARDS

The Private Sector Housing team aims to provide all service users with a professional, efficient and responsive service of the highest quality.

#### Standards of Service

The Service operates to the following standards of performance where applicable and some sections do not apply to Home Safe from Hospital Grants or Disabled Facilities Grants:

- An enquiry form will be sent out within 5 working days of the request unless not required for the assistance type.
- Within 10 working days of the Council receiving a completed enquiry form, an appointment will be made to carry out a home survey to confirm eligible works and to ensure that the most appropriate grant application is made.
- Within 20 working days of the home survey being carried out, an application pack will be sent to the applicant, including a schedule of the repairs, improvements and adaptations for which the Council is prepared to offer financial assistance, or, a letter cancelling the enquiry if the property is not eligible for assistance.
- Within 8 weeks of receiving a complete and valid application, the Council will write to the applicant, confirming the nature and value of the assistance that is to be provided. (If the application is incomplete or further information or estimates are required, the applicant will be notified of what is required within 10 working days of submitting the application).
- All payments will be made within 28 days of the Council receiving valid invoices and being satisfied that all qualifying works have been completed satisfactorily.

The level of funding the Council has available for grant purposes varies each year.

**Although the Council will strive to meet the above service standards, it reserves the right in the event that the demand for grants exceeds the available funding, to introduce a prioritised grant allocation scheme (waiting list) or suspend services altogether.**

The scheme would be implemented in consultation with the Housing Portfolio Holder and have regard to the needs of the applicants and the degree of risk to their health and safety to ensure remaining funds are targeted to the most vulnerable living in the worst housing.

## Appendix D

### PERFORMANCE STANDARDS

There are a number of Legislative targets and Performance Indicators which are relevant to the objectives of this Financial Assistance Policy:

- The legislation requires that a Disabled Facilities Grant is approved within 6 months of a valid application date.
- The national indicator is to determine (i.e. approve or refuse) 100% of valid Disabled Facilities Grant applications within 8 weeks of receipt of a valid application.
- The government guidance is for a valid application for a Disabled Facilities Grant to be determined within 30 days.
- To determine (i.e. approve or refuse) 100% of valid Grant applications within 20 weeks of receipt of a valid application.

**Our department objective is to be below the government guidance stated above, to constantly review the process to improve our timescales and ensure our residents get the best possible service they can from us.**

In order to ensure that we deliver on the commitments and performance targets set out above, we will monitor our statistics and performance monthly through cross checking our systems at all levels. These processes ensure that operational arrangements are considered by those responsible for delivering the initiatives.

## Appendix E



Lisa Wilson

Essex County Council

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20-12-2018

Dear DFG Essex Group member

This Letter of interpretation is for Essex District, Borough and City Councils Better Care Fund (BCF) usage.

As there have been differing interpretations over the use of BCF funds for purposes other than the mandatory DFG grants as set down in the Housing Grants, Construction and Regeneration (HGCR) Act 1996 and subsequent guidance documents, a new set of guidance for Essex authorities to jointly work to should be established. This has been discussed at a recent Essex-wide DFG meeting and suggestions were received by ECC to formulate the following recommendations.

Local District, Borough and City councils hold the power to decide how to interpret policy governing the use of DFG & BCF funding and should ensure all works are in line with the mandatory DFG framework and/or any local discretionary policies agreed under the Regulatory Reform Order (RRO) 2002, to ensure the maximum use of adaptations and fully using the grants awarded each year for the benefit of residents. It should be noted principles around the treatment of underspends are currently under discussion and will be confirmed at a later date.

To assist this to happen Essex County Council has developed this document to assist LAs to fully utilise the grants by setting out some guidelines to form an Essex wide approach, ensuring all Essex residents have fair access to the appropriate grants. Any caution regarding the application of this guidance should be addressed at a local level alongside any policy changes required by each LA.

Although how the DFG can be used is set down in the HGCR, the approval of each specific applicants DFG is subject to an assessment by 'the social services authority' that the work is 'necessary and appropriate' and by the housing authority to ensure that the proposed work is both 'reasonable and practical'. This can give rise to differing interpretations about when a disabled person may be eligible for a DFG.

Alongside the mandatory DFG framework an increasing number of local authorities are using their discretion under the Regulatory Reform Order (RRO) to develop discretionary uses of the BCF DFG funding to complement the mandatory grant. Further details are available on the website of Foundations, the national body for Home Improvement Agencies and Handyperson Services - <https://www-foundations-uk-com/dfg-adaptations/dfg-regulations/the-regulatory-reform-order/>

As we use DFG funds more flexibly in line with this guidance it will be important to understand the outcomes and benefits achieved for both individuals and the wider

system. We will continue to work with LAs around how we better understand these through approaches such as the outcomes framework, quarterly financial monitoring and annual reporting mechanisms we are already working together to develop and implement.

**Elements to be found in discretionary private sector housing policies may include:**

- a) **Providing discretionary finance to enable work to be completed.** This could include:
- Removing means testing on recommendations such as access e.g.: Stair lifts and ramps, particularly to avoid delays with hospital discharge. This does have a risk that on some occasions the award is going to a person who has the means to undertake this work themselves however the benefits to people are likely to outweigh the risks.
  - Awards over the £30k threshold - as discretionary top-ups do not breach any national conditions on upper limits of adaptation spend (LAs are advised to set an upper limit to this). However, all other options should be exhausted, and the reasons for this expenditure will need to be justified. Also if not registered as a loan an agreement for paying back part of the grant would be expected. This is for use only in exceptional circumstances, and must demonstrate positive outcomes for the client.

It is acceptable to place a charge on a property where discretionary grant funding has been awarded under the RRO as long as the LA has an agreed and published policy to do this. Issues to consider include:

- Privately owned dwelling: you may insist that the grant or loan is paid back in part or in full when the house is sold or transferred due to recipient moving house or dying. This may be timescale dependent.
- You may include a sliding scale of payback based on the length of time that has passed since the grant was paid
- You may insist that if a person moves into a care/residential setting you can reclaim or reuse the adaptation.

b) **Removing HHSRS Category 1 hazards** (although it may be more appropriate to consider the use of the enforcement process) Issues which could be dealt with could include excess cold, domestic hygiene (including hoarding), food safety, and disrepair. Consideration of the use of discretionary grants or loans to deal with excess cold/affordable warmth issues should also be considered in the light of any other sources of energy related funding.

c) **Moving to alternative accommodation** - either on a temporary basis whilst major work is carried out or to facilitate a move to permanent alternative accommodation where this may be in the best long-term interests of the disabled person.

d) **Assisting the timely discharge of patients from hospital/hospice** - helping to avoid unnecessary residential placements.

e) **Handyperson services for preventative work** - including fitting of key safes and grab rails, bed moving and reconfiguration of furniture in home to limit falls.

f) **Administrative, technical or OT services over and above those provided for the mandatory DFG provision** - to enable the non-mandatory grants and loans for the above reasons as well as to assist with Social Housing offers.

LAs will need to review their policies covering *safe and warm* homes and/or environmental health policy to ensure that these items are covered by these policies.

**NB** Adaptations in Council housing stock for Social tenants are the responsibility of the landlord and should not be funded from the direct DFG budget.

Other related support

**Essex County Council's Therapists/ Social Care Services** are responsible for:

Community Equipment Services (CES): These services are contracted by Partner Organisations to provide community equipment on loan to adults and children following assessment by health and/or social care practitioners within a Section 75 Agreement. Equipment is provided to assist people to perform essential activities of daily living and to maintain their health, independence and wellbeing in the community.

Taken from ECC Guidance for Provision of Community Equipment in Care Homes across Essex 2.3 page 2

[https://www.essex.gov.uk/Documents/Guidance\\_for\\_Provision\\_of\\_Equipment\\_in\\_Care\\_Homes.pdf](https://www.essex.gov.uk/Documents/Guidance_for_Provision_of_Equipment_in_Care_Homes.pdf)

If the service provider of any of the services listed above changes, the principles of the guidance will stand.

I hope colleagues will find this information useful in developing local policies and in making sure DFG funds go towards improving outcomes for residents in Essex.



Lisa Wilson Head of Strategic Commissioning and Policy – Adult Social Care (PSI and Personalisation) Essex County Council

*Please note this document/paper is for guidance purposes only and whilst the information provided has been done so in the utmost good faith and based on information currently available each Authority/reader must have regard and adopt their own policies and governance first and in the event of a conflict those internal policies prevail. Essex County Council assumes no responsibility for errors or omissions in the contents of this guidance and in no event shall Essex County Council be liable for any breach by an Authority of its own internal policies and obligations in adopting or following the guidance nor is ECC liable for any damages whatsoever, whether in an action of contract, negligence or tort arising out of or in connection with the contents of the guidance*

**THE DISABLED FACILITIES CAPITAL GRANT (DFG) DETERMINATION 2020-21  
[31/5037]**

**The Parliamentary Under Secretary of State (Minister for Local Government and Homelessness)** (“the Minister”) in exercise of the powers conferred by section 31 of the Local Government Act 2003 hereby makes the following determination:

**Citation**

1. This Determination may be cited as the Disabled Facilities Capital Grant Determination (2020-21) **[31/5037]**.

**Purpose of the grant**

2. The purpose of this grant is to provide support to local authorities in England towards capital expenditure lawfully incurred or to be incurred by them.

**Determination**

3. The Minister determines as the Tier 1 authorities, unitary authorities and London Boroughs to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in **Annex B** to this determination.

**Grant conditions**

4. Pursuant to section 31(4) of the Local Government Act 2003, the Minister of State determines that the grant will be paid subject to the conditions set out below.

**Treasury consent**

5. Before making this determination in relation to local authorities in England, the Minister obtained the consent of the Treasury.

Signed by authority of the **Parliamentary Under Secretary of State (Minister for Local Government and Homelessness)**.



**Cathy Page**  
Deputy Director  
Housing Support Division

**May 2020**

## GRANT CONDITIONS

1. Grant paid to a local authority under this determination may be used only for the purposes of meeting capital expenditure and as provided for in paragraphs 2 to 5 below.
2. Grant paid under this determination must be spent in accordance with a Better Care Fund (BCF) spending plan jointly agreed between the relevant local authority or local authorities and the relevant Clinical Commissioning Groups. This plan must be developed in keeping with the 2020-21 BCF Policy Framework and BCF Planning Guidance (which provides specific guidance on the DFG) which will be published shortly.
3. In two-tier authority areas each Tier 1 authority must pay the amounts specified in **Annex B** below as allocated to the named Tier 2 authorities in their area to those authorities in full **no later than 28<sup>th</sup> June 2020**, subject to paragraph 4.
4. A Tier 1 authority may retain part or all of an amount specified in **Annex B** below as allocated to a Tier 2 authority in their area if the relevant Tier 2 authority has expressly agreed, in accordance with National Condition 1, that the money is to be used for other social care capital projects.
5. Any money paid under this grant determination must only be used for the specific purpose of funding adaptations for disabled people who qualify for a Disabled Facilities Grant made under the Housing Grants, Construction and Regeneration Act 1996 or under the Regulatory Reform (Housing Assistance) Order 2002 (or any other social care capital projects where otherwise agreed as above).
6. The Chief Executive or Chief Internal Auditor of each of the recipient payment authorities (London Boroughs, Unitary Authorities and Upper Tier Authorities) are required to sign and return to [Disabled.facilitiesgrants@communities.gov.uk](mailto:Disabled.facilitiesgrants@communities.gov.uk) at the Housing Support Division of the Ministry of Housing, Communities and Local Government a declaration, **to be received no later than 31<sup>st</sup> October 2021**, in the following terms:

“To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to the **Disabled Facilities Capital Grant Determination (2020-21) No [31/5037]** have been complied with”.
7. If an authority fails to comply with any of the conditions and requirements of paragraphs 1, 2, 3 and 5 the Minister of State may-
  - a) reduce, suspend or withhold grant; or
  - b) by notification in writing to the authority, require the repayment of the whole or any part of the grant.

8. Any sum notified by the Minister of State under paragraph 6(b) shall immediately become repayable to the Minister.

#### DISABLED FACILITIES GRANT ALLOCATIONS 2020-21

Tier 1 Authorities	2020/21 Allocations
<b>Essex</b>	<b>£10,474,954</b>
Basildon	£1,267,929
Braintree	£931,069
Brentwood	£370,282
Castle Point	£732,741
Chelmsford	£970,881
Colchester	£1,279,778
Epping Forest	£855,956
Harlow	£798,153
Maldon	£539,488
Rochford	£475,968
Tendring	£2,045,092
Uttlesford	£207,619