

Southampton City Council

Disabled Adaptations Financial Assistance Policy





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Introduction

1. The Southampton City Council Disabled Adaptations Financial Assistance Policy sets out how the Council can offer financial assistance in the form of grants or loans towards helping improving, repairing, etc. in the private housing stock in the city. This policy sets out assistance that the council is able to offer; who can apply, what it can be used for and any conditions attached to taking the assistance.
2. This policy updates and supersedes previous policies relating to the issuing of grants for housing adaptations, including elements of the Southampton City Council Private Rented Sector Strategy and Private Sector Housing Renewal Policy (2003) and any previous policies relating to the Accessible Homes Grant.

Legal context

3. The Housing Grants, Construction and Regeneration Act 1996 (HGCRA 1996) places a mandatory duty on the Local Housing Authority to provide grants to be made towards the cost of works required for the provision of facilities for people living with disabilities as defined by the Equality Act 2010. These are called Disabled Facilities Grants (DFGs).
4. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO 2002), made under the Regulatory Reform Act 2001, enabled Local Authorities the discretion to provide additional financial assistance in addition to the use of mandatory Disabled Facilities Grants (DFGs). In order to provide non mandatory financial assistance Local Authorities must have a published strategy policy and defined tools as to how any financial assistance will be granted.
5. The Care Act 2014 requires local authorities to provide or arrange for the provision of services, facilities or resources, or take other steps, which will meet the eligible care and support needs of an individual or carer.
6. The Southampton City Council Adult Social Care and Support Planning Policy 2016 sets out how the council will meet the requirements of the Care Act to provide services that meet the needs of eligible individuals, which may include adaptations to the individual's home (section 10.9 Southampton City Council Adult Social Care and Support Planning Policy).
7. Southampton City Council will have regard to relevant legislation, regulations and guidance including;
 - ODPM Circular 05/2003
 - The Housing Renewal Grants (Services and Charges) Order 1996
 - The Housing Renewal Grants Regulations 1996
 - The Disabled Facilities Grant (Maximum Amounts & Additional Purposes)(England) Order 2008
 - The Equality Act 2010 and code of practice
 - Human Rights Act 1998 and United Nations Convention of the Rights of Person With Disabilities
 - The Children Act 1989

- The Care Act 2014, Statutory Guidance and Regulations

Definitions

8. Under S100 HGCRA 1996, a person is defined as being disabled if: their sight, hearing, or speech is substantially impaired, they have a mental disorder or impairment of any kind, or they are physically substantially disabled by illness, injury, and impairment present since birth or otherwise.
9. 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.
10. 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 (Southampton City Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989.
11. 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.

Disabled Facilities Grant (DFGs)

12. DFGs are provided to adapt a home environment to restore or enable independent living for individuals with a disability. The maximum amount of grant funding that can be awarded under a mandatory DFG is currently £30,000.
13. Southampton City Council will deliver DFGs within the guidance and scope set out in the HGCRA 1996 and other relevant legislation, regulations and guidance. The information in this policy provides a summary of these provisions and should be read in conjunction with the full relevant legislation, regulations and guidance.
14. The purposes for which a DFG may be given are set out in Housing Grants, Construction and Regeneration Act 1996 and can be summarised as follows:
 - Facilitating Access – works facilitate the disabled person's access to their home or garden.
 - Making a Dwelling or Building Safe – adaptations to ensure the safety of the disabled person within their home.
 - Access to a room usable for sleeping
 - Access to a bathroom
 - Facilitating preparation and cooking of food – adaptations to enable the disabled person to utilise a kitchen.
 - Heating, lighting and power – improvements to the home of the disabled persons home to meet their needs.
 - Dependant Residents – works to enable a disabled occupant better access around the dwelling in order to care for a dependent.

- Common parts – works to the common parts of a building to facilitate access to the individual disabled person's home or garden.

Eligibility

15. Southampton City Council will consider applications for DFGs by owner occupiers, private tenants and Registered Providers of Social Housing (excluding Southampton City Council Tenants – who may be eligible separately for adaptations funded by the council using the Housing Revenue Account). In the case of tenants, the landlord may make an application on their behalf.
16. The purpose of the grant is to enable people to continue to live at home as safely and independently as possible. Applications can be made by an individual to meet their needs, or on behalf of a person for whom they are legally responsible (child or adult).
17. DFGs and financial assistance may be awarded to individuals living outside the boundary of Southampton City Council, where the council is responsible for the service user's care and adaptation.
18. All applicants must be eligible under the Act and there are no age restrictions. Applications must be supported by a recommendation from an Occupational Therapist confirming that the person is disabled for the purposes of the Act and that the proposed works are necessary and appropriate to meet the needs of the disabled person.
19. Applicants for a DFG will be subject to a formal means test in accordance with the Housing Renewal Grants Regulations 1996 to determine the customer's 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.

Conditions

20. Terms and conditions of DFGs are set out in the Act. In addition to general terms and conditions the following conditions will apply:
 - Where the cost of the DFG exceeds £5,000, Southampton City 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 take into account the individual circumstances of an applicant in deciding whether the charge should be made.
 - There is no restriction on DFGs for the same property, and depending on the time lapse between applications, there is provision for any means tested contribution made on the first grant to be taken into account on a subsequent application. This is five years for a tenants' application, and ten years for an owner-occupier's application.

Discretionary Disabled Adaptations Financial Assistance (DDAFA)

21. Under the RRO 2002 Southampton City Council has powers and flexibility to provide additional financial assistance schemes. This can include assistance to meet people's needs through adaptations to their homes in cases including (but not limited to) the following:
- Where the amount of spend exceeds the maximum amount awarded as a Disabled Facilities Grant (currently £30,000).
 - To facilitate the relocation to a more suitable property for disabled people.
 - To facilitate urgent adaptation to a home to enable hospital discharge.
 - 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.
 - To facilitate early adaptation in advance of the disabled person becoming eligible for DFG in the next 2 years, and an early adaptation will reduce risk of harm and cost of care package over future years.
 - To facilitate ongoing warranty for service, statutory inspection & maintenance of existing equipment so that it is safe, serviceable and legally compliant for continued use by the disabled person and/or carers.
 - Financial assistance where Disabled occupant fails to qualify for Mandatory DFG due to calculated financial contribution level exceeding grant amount.
 - Occupational therapy supported care or assisted technology adaptations needed to assist in improving the quality of life for those with disabilities and those living with Dementia.
22. Discretionary assistance may also be offered where a particular type of adaptation is not provided for within the mandatory DFG process, or where financial assistance will enable flexibility, quality and choice for the applicant to meet their specific needs, and help achieve person-centred integrated care.

Eligibility

23. Discretionary financial assistance is funded and delivered as part of the Better Care Plan, and in accordance with the Southampton City Council Adult Social Care and Support Planning policy. The discretionary funding may be granted in cases where issuing of the grant helps define one or more of the outcomes specified in the Better Care Plan.
24. 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 loan.
25. Exceptions to the eligibility criteria for DFGs that may be considered for discretionary financial assistance include but may not be limited to the following:
- Cases where assistance would enable the applicant to obtain or enable them to remain in remunerative employment
 - Cases where the adaptation will significantly reduce the costs or delay the future costs of care and support provided by the council under the Care Act 2014. This will

assist the council in meeting its statutory duties to promote individuals' wellbeing and prevent needs arising or escalating.

26. The council also has discretion on a case by case basis not to apply the means test normally applied to DFG applications. Any discretionary award will only be considered having regards to the amount of resources available to the council at that time, and the council reserves the right not to approve discretionary assistance if funds are not available or the applicant is reasonably considered to be in a position to afford to meet the costs of the adaptation.

Conditions

27. The payment of this DDAFA is fully at the discretion of the local authority. There is no minimum or maximum amount. The amount awarded will be assessed on its own merits, to meet the needs of the individual applicant(s) as agreed by the occupational therapist.
28. Payment arrangements will be agreed at the time of approval of the financial assistance.
29. Where DDAFA is approved to facilitate relocation to a more suitable home, the costs which can be covered include but are not limited to the following:
- Legal fees incurred by the applicant in connection with the sale and purchase of their home;
 - Stamp duty on the cost of the new home;
 - Necessary and appropriate estate agent and survey fees;
 - Any other professional fees as deemed suitable by the council;
 - Removal costs.
30. Where the cost of the DDAFAs exceeds £5,000, Southampton City 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 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 take into account the individual circumstances of an applicant in deciding whether the charge should be made.
31. This Legal Charge will be registered at HM Land Registry and secured against the property.
32. Detailed terms and conditions will be set out in the DDAFA agreement, and may vary depending on the nature of the financial assistance and circumstances of the applicant. Appendix 1 provides indicative examples of eligibility and conditions for types of financial assistance granted.

Governance

33. This policy will be reviewed when legislative changes come into force that effect the council's responsibilities with regards Disabled Facilities Grants and associated discretionary payments.

Appendix 1: Discretionary Disabled Adaptations Financial Assistance Criteria

The following criteria are illustrative and should be used as a guide for practitioners and applicants to indicate how applications will be assessed. The council has the discretion to offer financial assistance on a case by case basis and will not be restricted by these criteria.

Outcome	Indicative Eligibility Criteria	Indicative Conditions
<p>To top-up a mandatory DFG where cost of work exceeds maximum grant (this can include ancillary costs such as architect fees, temporary rehousing, unforeseen works)</p>	<p>Will usually be eligible for a mandatory DFG.</p> <p>The applicant will not be eligible for a discretionary DFG top-up grant where a relocation grant has previously been provided by the council.</p> <p>Cost/benefit analysis will be prepared; The council must deem Mandatory DFG with top-up as most suitable and cost-effective option.</p>	<p>Cost/benefit analysis of options available including relocation to a more suitable property.</p> <p>Land charge placed on property, equivalent to level of assistance provided (maximum £10,000). Repayable in full if the property is sold within 10 years of the grant being provided.</p>
<p>To facilitate the relocation to a more suitable property for disabled people</p>	<p>Will usually be eligible for a mandatory DFG.</p> <p>Occupational Therapist report that new home is suitable to fully meet, or has the potential to meet, the needs of disabled person and their family.</p> <p>Cost/benefit analysis must be prepared; The council must deem rehousing as most suitable and cost-effective option.</p>	<p>Land charge placed on property, equivalent to level of assistance provided (maximum £10,000). Repayable in full if the property is sold within 10 years of the grant being provided.</p>
<p>To facilitate urgent adaptation to a home to enable hospital discharge</p>	<p>Must be in hospital at time of referral and awaiting discharge.</p> <p>Referral from hospital Occupational Therapist advising of urgent needs to facilitate hospital discharge.</p>	<p>Property must be occupied on a permanent basis by applicant unless hospital Occupational Therapist advises appropriate to discharge to another property.</p> <p>Land charge would not normally apply.</p>
<p>To facilitate essential repairs in addition to the mandatory DFG, to meet the needs of vulnerable individuals.</p>	<p>On a case by case basis.</p>	<p>Land charge placed on property, equivalent to level of assistance provided (maximum £10,000). Repayable in full if the property is sold within 10 years of the grant being provided.</p>

Outcome	Indicative Eligibility Criteria	Indicative Conditions
<p>To facilitate early adaptation in advance of the disabled person becoming eligible for DFG in the next 2 years. Whereby an early adaptation will reduce risk of harm and cost of care package over future years.</p>	<p>In line with Mandatory DFG conditions.</p>	<p>In line with Mandatory DFG terms and conditions.</p>
<p>To facilitate ongoing warranty for service, statutory inspection & maintenance of existing equipment so that it is safe, serviceable and legally compliant for continued use by the disabled person and/or carers</p>	<p>Owner occupier or private tenant. Report from Occupation Therapist to show ongoing requirement for that equipment and cost benefit analysis for its continued use.</p>	<p>Property must be occupied on a permanent basis by applicant. Land charge would not normally apply.</p>
<p>Financial assistance where Disabled occupant fails to qualify for Mandatory DFG due to Calculated financial contribution level exceeding grant amount.</p>	<p>Applicants grant contribution exceeds £30,000. Report from Occupational Therapist recommending requirement & demonstrating severe health impact if assistance refused. Evidence of financial hardship required. E.g. Confirmation from High Street Bank/Lender of refusal to loan funds.</p>	<p>Land charge placed on property, equivalent to level of assistance provided (maximum £10,000). Repayable in full if the property is sold within 10 years of the grant being provided.</p>
<p>Occupational Therapist supported care or assisted technology adaptations needed to assist in improving the quality of life for those with disabilities and those living with Dementia.</p>	<p>Owner occupier or private tenant. Report from Occupational Therapist recommending requirement.</p>	<p>No means test. No conditions.</p>