

Appendix 4

Cheltenham Borough Council Housing Assistance Policy

The Housing Assistance Policy sets out agreed discretionary policies and funding available within Cheltenham Borough Council in association with adaptations to the home of a disabled person, whose needs are assessed by a County Council Occupational Therapist. The Housing Assistance Policy is published under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which allows Councils to use Government funding for Disabled Facilities Grants (DFGs) more flexibly.

All discretionary assistance is subject to the availability of funding and any applications and awards of discretionary assistance need to be linked to an ongoing DFG application and is subject to conditions. No stand-alone applications for these forms of assistance will be considered unless specifically stated.

The Council will grant mandatory DFGs in accordance with the relevant legislation, mainly the Housing Grants, Construction, and Regeneration Act 1996, as well as subordinate Regulations and Orders (including any amendments) and guidance issued by central Government.

Information on mandatory DFGs and the application process can be found on www.gov.uk/disabled-facilities-grants or on Gloucestershire County Council's website www.gloucestershire.gov.uk/health-and-social-care/disabilities/disabled-facilities-grants

The agreed discretionary policies and funding available in association with adaptations to a disabled person's home included in the Housing Assistance Policy are:

1. Local land charge.
2. Extended warranties and servicing of specialist equipment.
3. Funding for abortive fees.
4. Shortfall funding.
5. Funding towards disabled person's assessed contribution.
6. Funding for rapidly progressing and/or highly debilitating conditions.
7. Adaptation support grant.
8. Relocation grant.
9. Funding for temporary rehousing to facilitate adaptations.

Please note the Council will consider all requests for funding towards adaptations to a disabled person's home on a case-by-case basis. In exceptional circumstances, this may result in discretionary assistance being offered which is outside the specific examples listed in the Housing Assistance Policy.

1. Local land charge

In 2008 using the Disabled Facilities Grant (Condition relating to approval or payment of grant) General Consent, Cheltenham Borough Council introduced a grant condition which imposes a local land charge on a dwelling if it is sold or otherwise disposed of within 10 years of the date of the completed adaptations (the certified date). The local land charge is applied to all owner's applications for a mandatory DFG where the amount of grant exceeds £5,000. The maximum charge is £10,000.

Any charge repaid to the Council will be specifically used to help fund adaptations to the homes of disabled people within Cheltenham Borough Council. This policy therefore allows the recycling of some funding made available for adaptations.

If a dwelling is sold or disposed of within ten years, the Council will demand repayment, but will consider whether it is reasonable to demand repayment or part repayment of the charge considering:

- the financial hardship it would cause.
- whether the sale is due to an employment-related relocation.
- whether the sale relates to the physical or mental health or wellbeing of the grant recipient or of a disabled occupant of the premises; and

- whether the sale will enable the recipient of the grant to provide care to another disabled person.

If a grant is initially awarded for an amount of less than £5,000, an applicant will be consulted before the grant is revised if it would result in a charge being placed.

Some discretionary funding given in association with adaptations to the home of a disabled person may also result in a local land charge/additional land charge. Details of when a local land charge will be included as a condition for discretionary funding are described later in this policy. Matters considered when deciding if repayment is reasonable are the same as above.

Appeals concerning the Council's demand for payment of a land charge will be considered by the Head of Public Protection, whose decision is final in this respect.

2. Extended warranties and servicing of specialist equipment

Mandatory DFGs are available to help with the installation of specialist equipment such as stairlifts, through-floor lifts, external step lifts and wash-dry toilets. This equipment once installed becomes the responsibility of the grant applicant/disabled person and should be serviced on an annual basis to ensure it remains in good working order. Where the equipment is not serviced this could limit the length of time the equipment continues operating correctly.

For grant applicants who are council tenants and some social housing tenants, their landlords will take on the responsibility of carrying out the annual servicing and any necessary repairs (where the fault has not arisen due to mistreatment of the equipment).

For owner-occupiers, occupiers of mobile homes, private tenants and some social housing tenants the cost of the annual service and any repairs will be their responsibility. For these tenures, to ensure the essential equipment remains in good working condition and is well maintained for an extended period after installation, the Council will provide discretionary grant assistance towards an extended warranty for a period of 5 years, if possible and pay the annual service cost for the equipment for 4 years from the date the equipment was installed (certified date). The Council is not, however, responsible for the cost of carrying out any repairs that are not covered by the extended warranty.

A single grant payment will be made for the cost to install the specialist equipment and cover the cost of the extended warranty and servicing.

For owner's applications this discretionary funding will be included as part of the local land charge.

3. Funding for abortive fees

As part of the Disabled Facilities Grant process, it is strongly recommended that applicants appoint an agent/surveyor to act on their behalf to assist with the grant application, although it is the applicant's choice whether to use the services of a surveyor and who they choose to contractually appoint as their surveyor. All agents/surveyors involved with a DFG should comply with The Professional Services Guidance (see Appendix 5) which lists what is expected from the surveyor. The guidance also contains information of the level of fees eligible for grant assistance.

The appointment of an agent/surveyor is not recommended where grant assistance is provided towards the installation of specialist equipment only.

Grant assistance is available towards the cost of any professional fees incurred but only where a grant application proceeds to full approval and the grant work is completed. If the grant applicant decides not to proceed with their grant application after appointing a surveyor, it will be their responsibility to pay any incurred fees.

There are, however, certain circumstances where works are abandoned that the council will consider making a payment for abortive fees without proceeding with a grant approval or completion of adaptations. These are:

- The disabled person passes away.
- Deterioration of function/health requiring a house move.
- Death of a relative/carer resulting in moving home.

The abortive fees will be considered on a case-by-case basis having regard to the following guidelines prepared by the Gloucestershire DFG Forum. These figures will be subject to an annual review.

Fee payment stage	Stage description at time of grant is discontinued	Less complex DFG works
1	Feasibility Visit (per visit at the discretion of funding authority)	£150.00
2	Survey Completed - No other tasks initiated	£250.00
3	Drawings and/or Schedule of Works started	£350.00
4	Drawings and/or Schedule of Works issued to District Council for approval	£550.00
5	Tenders issued to contractors	£650.00
6	Tenders received & works; costs plus VAT checked.	80% of fee charged on agreed tender
7	After the building contract issued and start date confirmed	85% of fee charged on agreed contract sum
8	Grant discontinued after commencement of contract; works may not have started	90% of fee charged on agreed contract sum

The abortive fee payment stages listed are not cumulative. Final payment will be according to stage where abortive fees application has been submitted.

The abortive fees will be paid directly to the agent/surveyor.

4. Shortfall funding

On 22nd December 2020 the Gloucestershire DFG Forum agreed that discretionary shortfall funding through the Better Care Fund would be made available for mandatory adaptations exceeding the £30,000 grant limit.

Purpose: The maximum grant limit for a mandatory DFG is £30,000, although any grant assistance is subject to a means test unless the work is for a disabled child. This grant limit was first introduced in 2008 and has not been increased to reflect changes in inflation and building costs. It is therefore no longer possible to fund, for example, the cost of a ground floor bathroom extension within the mandatory DFG limit. To address this, the Council offers discretionary funding to cover the shortfall between the cost of the grant eligible adaptations and the mandatory £30,000 limit.

Grant applicants who decide to proceed with their preferred scheme (as opposed to the grant eligible minimum scheme) or wish to carry out private works when the grant is on site will not qualify for shortfall funding.

Eligible Applicants: Those eligible for a mandatory DFG

Property Tenure: All tenures

Land Charge: The full value of the assistance awarded will be placed as land charge from the date of completion of works for owner-occupiers only. If a dwelling is sold or disposed of within ten years, the Council will demand repayment, but will consider whether it is reasonable to demand repayment or part repayment of the charge.

This is in addition to any Mandatory Disabled Facilities Grant land charge.

Maximum Value: The Council can offer discretionary shortfall funding up to an additional £40,000 (£70,000 in total).

If the grant eligible works cost more than £70,000, a report must be submitted to the Gloucestershire DFG Forum to obtain approval to give further additional shortfall funding.

A report for additional funding over £70,000 will not be required where a grant approval has been approved for discretionary funding and unforeseen work is identified once the scheme has started on site and the additional work takes the cost of the scheme over £70,000. Similarly, approval to cover the cost of unforeseen work on schemes costing over £70,000 will not need approval from the DFG Forum.

Means Test: DFG means test. No additional means test applied.

Eligible Works: Available towards the cost of DFG eligible works only.

Limitations: One application in relation to the property in any 5-year period

5. Funding towards disabled person's assessed contribution

On 13th July 2021 the DFG Forum agreed to provide discretionary funding through the Better Care Fund to cover the cost of a disabled person's assessed contribution where the contribution is less than £10,000.

Purpose: The level of grant assistance available through a mandatory DFG is subject to a means test unless the work is for a disabled child. The means test calculation looks at the income and savings of the disabled person and their partner, if applicable, and compares this to notional outgoings based on a variety of premiums provided by government. If there is deemed to be more money coming into the household that is needed to live on, the disabled person is expected to use some of this surplus money to fund the adaptations identified as necessary. This calculated figure is the disabled person's assessed contribution. The mandatory grant assistance available is the difference between the disabled person's assessed contribution and the actual cost of the proposed adaptations.

The premiums used within the means test calculation have not been increased since 2008 but since that time state benefits, salaries, occupational pensions etc have increased. This means that a disabled person calculated as having no assessed contribution in 2008 may be calculated as having a contribution in 2024 despite their financial circumstances being the same. To address this, the Council offers discretionary funding to cover the cost of a disabled person's assessed contribution where the contribution is less than £10,000.

Eligible Applicants: Those eligible for a mandatory DFG.

Property Tenure: All tenures

Land Charge: For owner's applications this discretionary funding will be included as part of the local land charge.

Maximum Value: £10,000

Means Test: DFG means test.

Eligible Works: Available towards the cost of DFG eligible works only.

Limitations: If a disabled person's assessed contribution goes over £10,000, they will be required to pay the full cost of their assessed contribution before receiving any mandatory grant assistance.

6. Funding for rapidly progressing and/or highly debilitating conditions.

On 22nd November 2022 the Gloucestershire DFG Forum agreed that all local authorities within Gloucestershire will offer discretionary funding for rapidly progressing and/or highly debilitating conditions through the Better Care Fund based on the below criteria:

Purpose: This discretionary funding has been introduced to assist disabled people with a rapidly progressing and/or highly debilitating conditions such as Motor Neurone Disease (MND). Often people with MND want to continue to work during the early stages of the disease, which can make them ineligible for a DFG through means testing. But by the time they can no longer work an un-adapted home can make day to day activities very difficult to manage. To assist with these cases the Council will fast track any requests for grant assistance from a disabled person with a rapidly progressing and/or highly debilitating condition and carry out a provisional Test of Resources (ToR). If the disabled person is calculated to have a high assessed contribution which means they would not be eligible for a mandatory DFG, but it is anticipated that their medical condition will impact on their financial circumstances in the future, they will be offered discretionary funding for works up to £15,000. As this discretionary funding is only available to disabled people where their medical condition will impact their future financial circumstances it is most likely to benefit disabled people who are currently in work or have partners who work.

It is envisaged grant assistance up to a limit of £15,000 will cover the cost of smaller adaptations such as bathroom adaptations/improved access, work that could be implemented quickly.

Eligible Applicants: Applications for this discretionary funding will be identified by the Occupational Therapist (OT) carrying out the assessment of the disabled person. The OT will highlight within their referral if the disabled person has a medical condition that is rapidly progressing and/or highly debilitating such as Motor Neurone Disease. Applications will only be accepted after the OT has consulted with their clinical lead for approval. Palliative conditions, where the appropriateness of the proposed work has been thoughtfully considered, can also be included.

Property Tenure: All tenures

Land Charge: None

Maximum Value: £15,000

Means Test: Once the provisional TOR has been carried out there is no further means test.

Eligible Works: Available towards the cost of DFG eligible works only up to the maximum cost of £15,000.

Limitations: This grant is a "one-off" grant. It would not, however, prevent the disabled person making an application for mandatory grant assistance at some point in the future if there is a change in circumstances. The grant applicant/disabled person will be required to privately fund the cost of any work exceeding the £15,000 limit.

Once the work is on site, if any unforeseen/additional work is identified this will be required to be privately funded if the total cost exceeds the £15,000 grant limit.

7. Adaptation support grant.

Purpose: This discretionary grant is available to carry out repairs or other work required to support or facilitate the completion of the DFG eligible works. The most common example of this would be works carried out to upgrade the electrical installation at a property to enable the installation of an electric shower or a stairlift. The work needed to upgrade the electrics would be classed as a repair and not an adaptation, but the adaptation cannot be completed without the repair.

The maximum grant assistance given towards support to complete adaptations is £10,000.

If the cost of work needed to ensure the completion of the adaptations is more than £10,000 and the grant applicant/disabled person cannot afford to fund this work privately then a decision will be taken about whether it is reasonable to proceed with the proposed adaptation.

Eligible Applicants: Those eligible for a mandatory DFG

Property Tenure: All tenures although it is most likely to benefit owner occupiers and occupiers of mobile homes if the support is required to fund repairs to facilitate the completion of adaptations. If a property is occupied by a council tenant, housing association tenant or private tenant, any essential repairs would usually be considered to be the landlord's responsibility.

Land Charge: The full value of the assistance awarded will be placed as land charge from the date of completion of works for owner-occupiers only. If a dwelling is sold or disposed of within ten years, the Council will demand repayment, but will consider whether it is reasonable to demand repayment or part repayment of the charge.

This is in addition to any Mandatory Disabled Facilities Grant land charge.

Maximum Value: £10,000

Means Test: DFG means test. No additional means test applied.

Limitations: Only one application in relation to the property in any 5-year period.

8. Relocation grant

Purpose: This discretionary grant is designed to assist with relocation costs and/or purchasing costs of a new property where adaptations to existing accommodation are considered less appropriate or too costly and a cheaper option is to assist with re-housing and if necessary, to assist with carrying out adaptations to an alternative property.

Eligible Applicants: Those eligible for a mandatory DFG. Applications must be supported by a community Occupational Therapist who must confirm that the new property will meet the needs of the disabled person or be suitable for adaptation at a reasonable cost.

Property Tenure: All tenures although it is most likely to benefit owner occupiers.

Land Charge: None

Maximum Value: There is no upper limit to the Relocation Grant but the cost to adapt the disabled person's existing home set against the cost to re-house and if necessary, carry out adaptations to their new home will need to be considered. If relocation remains a more affordable option and represents value for money for the Council the Relocation Grant will be considered.

Means Test: DFG means test. Applicants will be eligible for a Relocation Grant if they are calculated to have an assessed contribution less than £15,000.

Families with a disabled child will not be subject to a means test.

Eligible Works: The specific eligible relocation expenses are:

- Estate agent fees
- Solicitor costs
- Survey costs

- Stamp duty
- Removal expenses (lowest of at least two quotes)

Limitations and conditions: Applicants must currently live within Cheltenham Borough Council boundaries and be looking to relocate in Cheltenham.

Assistance will not be given towards the purchase price of a property.

If the move is aborted at the fault or choice of the applicant, costs will not be paid.

9. Funding for temporary rehousing to facilitate adaptations

Purpose: This discretionary funding is available in exceptional circumstances to help with the cost of providing temporary accommodation whilst adaptations are undertaken at the disabled person's home.

It is normally expected that the disabled person and their family remain at their home while any adaptation work is carried out. If the work on site causes a specific problem for the disabled person, it may be possible to arrange respite care for the disabled person while the remainder of the household remains at the property. Funding for the respite care will be arranged through the Occupational Therapist. There may, however, be occasions where neither the disabled person nor their family can remain at the property while the building works are on site. Applicants will need to demonstrate they have considered other options such as moving in with relatives or taking a holiday while work is carried out on site before consideration will be given to providing discretionary funding towards temporary accommodation costs.

Eligible Applicants: Those eligible for a mandatory DFG.

Property Tenure: All tenures

Land Charge: None

Maximum Value: £10,000

Means Test: DFG means test.

Eligible Works: The specific eligible temporary accommodation expenses are:

- Rental costs for temporary accommodation
- Council tax charge relating to temporary accommodation, if applicable
- Gas and electricity bills associated with temporary accommodation.

Limitations and conditions: Only one application in relation to the applicant in any 5-year period.