



# Mansfield

## District Council

### Disabled Facilities Grants Policy Document

### Private Sector Housing

Author:	Private Sector Housing Manager
Responsible Officer:	Private Sector Housing Manager
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## **POLICY INTRODUCTION**

This document sets out the way in which Mansfield District Council will provide both mandatory and discretionary Disabled Facilities Grants (DFGs) for private sector residential adaptations.

This document contains information on eligibility for grant assistance, conditions relating to applications, approval and payment of grant and other relevant conditions and requirements.

## PART 1 MANDATORY DISABLED FACILITIES GRANTS

### 1.0 Introduction

1.1 Mansfield District Council, is under a statutory duty by virtue of the provisions of the Housing Grants, Construction and Regeneration Act 1996 (the Act) to provide Disabled Facilities Grants (DFGs) for private sector residential adaptations where the appropriate legislative conditions are met.

1.2 The purposes for which mandatory DFGs may be given are set out in section 23(1) of the 1996 Act and have subsequently been added to by The Disabled Facilities Grants (Maximum Amounts and Additional Purposes)(England) Order 2008. The following is a summary of the categories for which grant might be provided but more detailed information can be found in the Act and associated guidance – see the following link: <https://www.legislation.gov.uk/ukpga/1996/53/contents> The Council will have regard to the Act and associated guidance in determining the eligibility of any works for DFG. The categories can be broadly summarised as follows:

- **Facilitating Access** – grant may be given for works to remove or overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling, access to the garden and enjoying use of the dwelling and facilities or amenities within it. This includes facilitating access to the principal family room.
- **Making a Dwelling or Building Safe** – grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with them. This may include the provision of lighting where safety is an issue or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems.
- **Access to a room usable for sleeping** – grant may be given for the provision of a room usable for sleeping where adaptation of an existing room in a dwelling (upstairs or downstairs) or the access to that room is unsuitable. Where the disabled person shares a bedroom with a spouse or partner a grant may be given to provide a room of sufficient size so that normal sleeping arrangements can be maintained.
- **Access to a bathroom** – grant may be given for the provision of, or access to, a WC, washing, bathing and/or showering facilities and includes facilitating the use of such facilities.

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- **Facilitating preparation and cooking of food** – grant may be given to re-arrange or enlarge a kitchen to improve the manoeuvrability for a wheelchair and to provide specially modified or designed storage units, work top area etc. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate to carry out certain adaptations that enable the disabled person to perform minor functions in the kitchen, such as preparing light meals or hot drinks.
- **Heating, lighting and power** – a grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating will only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected. Provision is also made under this section for the adaptation of heating, lighting and power to make them suitable for use by the disabled person.
- **Dependant Residents** – grant may be given for works to enable a disabled occupant better access around the dwelling in order to care for another disabled person who normally resides there whether or not they are related to the disabled person. Such works could include adaptations to a part of the dwelling to which the disabled person would not normally need access but which is used by the person to whom they are providing care and therefore it is reasonable for such works to be carried out.
- **Common parts** - grant may be given for works to facilitate access to a dwelling through common parts of a building.

1.3 Section 24 of the Act places a duty on housing authorities who are not themselves a social care authority, to consult the relevant social care authority on the adaptation needs of disabled people seeking help through DFG's. Housing authorities themselves must decide what action to take on the basis of that advice and therefore the type of adaptations, if any, for which grant is approved. Any decision must be based on whether the proposed adaptations are necessary and appropriate to meet the needs of the disabled applicant and whether it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the property.

1.4 The OT service will identify an applicants needs and make referrals to Mansfield District Council recommending work to be carried out which is necessary and appropriate to meet the needs of the applicant and the Council in line with the previous paragraph will consider these. Any referral made by an independent OT will be considered in the same way and the Council will refer all relevant documentation to the Social Care Authority for comment in compliance with its statutory duty to consult.

1.5 Although the provision of mandatory DFGs is covered by the Act and the Council must comply with the legislation, this document sets out the policy that will be

applied by the Council in the provision of DFGs with regard to matters not covered by the legislation.

## **2.0 Amount of Mandatory DFG**

2.1 The maximum amount of mandatory grant that the Authority can pay for any single grant application is set by Order and is currently £30,000. This amount is reduced by any contribution assessed as payable by the grant applicant (see section 10.0 on the Test of Resources).

## **3.0 Mandatory DFG – Repayment Conditions on Disposal**

3.1 Grant repayment conditions run for a specific period following the completion of any mandatory grant that exceeds a grant total of £5,000. These conditions commence from the grants certified date i.e. the date at which the Authority has certified that the works have been carried out to its satisfaction, for a maximum of 10 years. The application of such conditions will apply only if the grant applicant has an owner's interest in the subject property. The maximum amount that the Authority can recover is £10,000.

- 3.2. The Authority has determined that it will require repayment by the applicant if –
- (i) the grant recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
  - (ii) the Authority having considered –
    - (a) the extent to which the grant recipient would suffer financial hardship were they required to repay all or any of the grant;
    - (b) whether the disposal of the premises is to enable the grant recipient to take up employment or to change the location of their employment;
    - (c) whether the disposal is made for reasons connected with the physical or mental health or well-being of the grant recipient or of a disabled occupant of the premises; and
    - (d) whether the disposal is made to enable the grant recipient to live with, or near, any person who is disabled or infirm and in need of care which the grant recipient is intending to provide or who is intending to provide care of which the grant recipient is in need by reason of disability or infirmity;

is satisfied that it is reasonable in all the circumstances to require the repayment.

- 3.3 If a grant recipient is of the opinion that any of the exemptions detailed above may be appropriate then they will be required to submit written representations to Mansfield District Council setting out their case in full.
- 3.4 If no exemption is deemed appropriate the eligible element of the grant that can be reclaimed following a disposal of the property will be recovered in full.
- 3.5 In all cases, before demanding repayment, the Council will consider the reasons for the sale/transfer of the property, and whether and to what extent the payee would suffer financial hardship if the grant had to be repaid; the Council will not demand repayment unless it is satisfied that it is reasonable in all circumstances to do so.
- 3.6 This condition is a local land charge and is binding on any person who is for the time being an owner of the dwelling or building.

## **PART 2 DISCRETIONARY GRANTS**

### **4.0 Introduction**

- 4.1 In addition to providing mandatory DFG's, the Authority has the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. Using these powers, the Authority has agreed to offer discretionary grant for private sector residential adaptations in certain specific circumstances. This section relates solely to discretionary grant assistance provided by the Council toward disabled adaptations or approved alternative schemes to meet the identified needs of the disabled applicant.

### **5.0 Top-Up to Mandatory Schemes + Repayment Conditions on Disposal**

- 5.1 Although the maximum amount of grant available for a mandatory DFG is currently £30,000, the Authority has agreed through this policy to potentially provide up to an additional £20,000 as a discretionary top-up. A grant will be considered where circumstances are such that the cost of eligible work exceeds £30,000 (either as a result of unforeseen works post approval or the extent of the original work that is recommended to the Council). This type of assistance will only be offered as a top up for schemes that fall within the mandatory grant headings as previously described.
- 5.2 Any discretionary assistance awarded under this part will be given without prejudice and will have no regard to any agreed Nottinghamshire County Council funding or the ability of the applicant to self-fund the identified additional costs. Subject to this assessment any discretionary award will potentially make up the difference between the maximum grant and the cost of eligible works (up to a maximum of an additional £20,000). Any discretionary top-up may however be repayable on any subsequent disposal of the subject property and will be recorded as a local land charge against the property.

5.3 If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as detailed in sections 3.2 to 3.4 (above) in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10 year period from the certified date.

5.4 The award of any discretionary top-up will only be considered having regard to the amount of resources the Authority has at that time. If it does not have sufficient resources available to deal with other referrals that have been passed to the Authority by the Occupational Therapy Service at the time, the Authority reserves the right not to approve any discretionary top-up. The Council will however consider the likely demand for discretionary assistance and where practicable build this into its financial planning and bidding process.

## **6.0 Dual residency of a disabled child**

6.1 In cases where families separate and a court order or mediation agreement provides that residency of the subject disabled child is split between the mother and father (or other designated guardian) the Authority may consider the award of discretionary grant to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within those headings applied to mandatory schemes and are determined to be necessary and appropriate and reasonable and practicable (see section 1.2).

6.2 Mandatory DFG can only be provided to the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it is assumed that one party would apply for mandatory grant on the basis that the child occupies the subject property as their sole or main residence. The main residence will be determined by consideration of the applicant's particular circumstances including which party receives child benefit and the details of any court order or mediation agreement. This property may or may not be within the Authority's district although the Authority would only be liable for mandatory grant to any property within our boundaries.

6.3 The Authority will consider the details of any court order or mediation agreement and specifically the allocation of time spent with each parent in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be reviewed on its own merits. Factors to be considered include the specific details of any order, likely time to be spent at each property, whether the child will stay overnight at the subject property and for what period etc.

6.4 Any assistance provided under this heading will be determined and assessed using the mandatory DFG criteria and will be up to a maximum award of £30,000, and will not be subject to any form of means testing as per mandatory DFG applications for children/young persons. The grant will be recorded as a local land charge against the property.

6.5 If the subject property is disposed of within 10 years of the certified date the Authority may require repayment of all or a proportion of the grant following consideration of the reasons behind the disposal. The Authority will apply the same criteria as detailed in sections 3.2 to 3.4 (above) in determining if and how much of the grant will be repayable. All grant conditions will cease on expiry of the 10 year period from the certified date.

6.6 Any discretionary award will only be considered having regard to the amount of resources the Authority has at the time. If the Authority does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance. The Council will however consider the likely demand for discretionary assistance and where practicable build this into its financial planning and bidding process.

## **7.0 Relocation Grant**

7.1 A relocation grant may be available to an applicant who owns or privately rents their property if adaptations to their current home through DFG are determined not to be feasible or reasonable and they are considering relocation to a property they intend to purchase or rent.

7.2 Applicants must be 18 or over on the date the application is made and, in the case of a disabled child, the parent(s) would make the application. Any application must be supported by a recommendation from the Nottinghamshire County Council's OT service or relevant Health or Social Services Care partner in the event of hospital discharge.

7.3 The Authority and the OT must be satisfied that the proposed property already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.

7.4 Applicants must be relocating within the Authority's boundary. Consideration may be given to a move within Nottinghamshire but this would require the approval of the relevant district/borough council, whether or not adaptations are required and the scale of any adaptations before a relocation grant can be considered.

7.5 A grant of up to £5,000 may be made available towards specific relocation expenses, which includes estate agent fees, legal costs, removal costs and up to a 75% contribution toward cooker and/or fridge if built-in appliances are being left behind and none are, or have been fitted in the new property.

7.6 Applications must be submitted prior to the relocation as grants cannot be paid retrospectively. Assistance will not be given toward the purchase price of the new property.

7.7 The Authority will require quotations from independent contractors in compliance with the Authority's adopted procurement rules, that realistically reflect the cost of

the works/service provided. In some circumstances, one estimate may be accepted if the Authority is satisfied that the cost is reasonable.

- 7.8 All applicants will be required to complete the move within 12 months from the date of approval of their application. Any payments made will be made either directly to the service/work provider or to the grant applicant. Valid invoices or receipt must be provided prior to payment.
- 7.9 If on sale of the applicant's existing property, a net equity of more than £20,000 is released, the Relocation Grant will only fund the physical removal costs. (Net equity refers to any equity released when the purchase price of the new property is less than the existing property's selling price).
- 7.10 If the move is aborted through the fault of the applicant then costs will not be paid and any costs already paid will be reclaimed from the applicant. If the reason for the move failing is through no fault of the applicant then the Authority will not recover the costs.
- 7.11 The new property must be the disabled person's main residence and no applicant will be awarded a Relocation Grant on more than one occasion.
- 7.12 The Relocation Grant scheme will be subject to the same Test of Resources as the mandatory Disabled Facilities Grant scheme unless the relocation is for a disabled child in which case no test will be applied.
- 7.13 Any Relocation Grant will be recorded as a property charge and will mirror those repayment conditions attached to mandatory DFG's that breach a £5,000 threshold (see section 3.2 to 3.4).

## **8.0 Armed Forces Personnel, Veterans, and Immediate Family Grant**

- 8.1 As a signatory to the Armed Forces Covenant, Mansfield District Council is committed to supporting both serving and veteran armed forces personnel in any way possible and this includes ensuring those personnel and their families who require adaptations receive appropriate and priority assistance. Historically few armed forces personnel, including veterans, progress through the DFG application process and this is often attributed to the timescales associated with assessment, application and approval process. In addition, the limited financial disregards for armed forces pensions and compensation schemes adversely influence contributions toward mandatory DFG.
- 8.2 This discretionary grant recognises these barriers and provides solutions to prioritise armed forces personnel in the spirit of the Covenant. This grant will provide an alternative to a DFG and will not be offered in combination with a mandatory scheme. It does not however restrict or prohibit any individual's right to apply for a mandatory grant.
- 8.3 Eligibility for a grant will be limited to serving personnel and their co-habiting families plus veterans and their co-habiting families who do not live within a recognised Ministry of Defence base. This is on the basis that the MoD retains

responsibility for adapting accommodation of those personnel who reside on base accommodation. Applicants for this grant will be required to provide suitable evidence of their armed forces status.

- 8.4 Any application for this discretionary grant will be restricted to those categories of eligible works defined for mandatory DFG as detailed in Section 1.2 of this policy.
- 8.5 The scheme will not offer enhanced works so assessment by Occupational Therapy staff will mirror the current DFG process. Both NCC OT Services and Local Authority Grants Teams will fast-track any application to this scheme to ensure a rapid delivery of assessed adaptations. Any fast-track process will however consider any funding and staffing restrictions relevant at the time of application.
- 8.6 The grant will have an amended Test of Resources to remove some of the recognised limitations of the standard DFG Test and provide an enhanced offer to eligible applicants. The subject means test will disregard in full the following pensions and compensation schemes:
- Armed Forces Pension scheme.
  - Armed Forces Compensation Scheme – Guaranteed Income Payments.
  - War Widow pensions.
- 8.7 All other earned and pension income plus eligible capital will be assessed as per the standard test of resources. Any grant offer will be calculated as per a standard DFG i.e. eligible costs less client assessed contribution using the revised Test of Resources. Competitive quotations for the eligible cost will be required as detailed elsewhere within this policy.
- 8.8 The maximum grant offer will mirror that of the mandatory DFG in force at the time of application (see Section 2.1) and grant recovery conditions will also mirror those associated with a mandatory DFG (see Section 3.0).

### **PART 3 GENERAL REQUIREMENTS & GRANT CONDITIONS**

**The following general requirements and conditions will apply to both mandatory DFGs and discretionary DFGs.**

#### **9.0 Applications for a Grant**

#### **9.1 Definition of disabled person**

9.1.1 For the purposes of the legislation relating to DFGs, 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, impairment present since birth or otherwise.

9.1.2 A person aged 18 or over is taken to be disabled if:

- they are registered as a result of any arrangements made under the care act or any subsequent act, or
- they are a person for whose welfare arrangements have been made under that section or might be made under it.

9.1.3 A person aged under 18 is taken to be disabled if:

- they are registered in a register of disabled children maintained under the Children Act 1989 or any subsequent act, or
- in the opinion of the social services authority (Nottinghamshire County Council) they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

## **9.2 Applicant's criteria**

9.2.1 The Authority cannot consider an application for a mandatory or discretionary DFG unless it is satisfied that;

- the applicant has or proposes to acquire, an owner's interest in every parcel of land on which the relevant works are to be carried out, or
- the applicant is a tenant of the dwelling where the relevant works are to be carried out.

### *Certificate required in case of owner's application*

9.2.2 An owner's application for a DFG must be accompanied by an owner's certificate which will certify that the applicant has or proposes to acquire an owner's interest and that they intend that the disabled occupant will live in the dwelling as their only or main residence throughout a period of five years following completion of the works.

### *Certificates required in case of tenant's applications*

9.2.3 A tenant's application for a DFG must be accompanied by a tenant's certificate which will certify that the application is a tenant's application and that the applicant intends that the disabled occupant (whether that is the applicant or someone in the applicant's household) will live in the dwelling as their only or main residence throughout a period of five years following completion of the works.

9.2.4 A tenant's application should be accompanied by an owner's certificate from the person who at the time of the application is the landlord under the tenancy. The Authority can waive this where it is not reasonable in the circumstances to request a certificate.

- 9.2.5 The Council will require a landlord certificate to be signed by the landlord of the property providing explicit permission for the adaptation works to go ahead. Where a landlord withholds this permission for the works to be undertaken a grant cannot be approved. Any DFG approved would not normally include any element of reinstatement.

Occupiers and Consent Certificates (houseboats and park homes)

- 9.2.6 Occupiers of houseboats and park homes must provide an 'occupiers certificate' certifying the intention of the disabled occupier to occupy the qualifying houseboat or park home as his only or main residence throughout the grant condition period (5 years from the certified date). Any such certificate must also be accompanied by a 'consent certificate' from each person who owns the mooring or land on which the houseboat or park home is stationed or who owns the houseboat or park home.

**10.0 Cost of Work**

- 10.1 The Council uses public money to fund the provision of both mandatory and discretionary DFGs and as such it must take into account value for money.
- 10.2 When officers schedule the work to be carried out, they will ensure it meets the needs of the applicant but at the same time they will only prepare a basic specification. If grant applicants want to have a higher specification that costs more, they will have to pay the difference themselves.
- 10.3 The applicant will be required to obtain quotations in compliance with Authority's adopted procurement rules for the cost of work (although the Authority will do this for applicants if they request us to do so- see section 20.1 below). The provision of stair lifts that fall within the scope of the Nottinghamshire Procurement Framework will however be exempt from this requirement. The grant will be approved on the basis of the cheapest quote unless there are extenuating circumstances. Where the applicant wants to use a contractor that will cost more than the quote that is deemed acceptable by the Authority, the applicant will have to pay the difference direct to the contractor. The Authority will notify the contractor that the client will have to make a contribution and advise them of the value of the contribution.
- 10.4 If a grant applicant has a preferred scheme of works that meets their assessed need to the same degree as the scheme proposed by Authority i.e. the provision of a ground floor extension in lieu of a vertical through floor lift installation, the Authority will part fund the preferred scheme to the same degree as the grant eligible works. Any extra over costs associated with the clients preferred scheme, including unforeseen works, architects fees etc., must be met by the grant applicant. Evidence that sufficient funds are in place must be made available prior to works starting. The Occupational Therapy Service will be consulted to ensure that the applicants preferred scheme meets their assessed need in full.

## **11.0 Means Tested Contributions/Successive Applications**

- 11.1 Applicants for DFG's will be required to complete a test of resources form (means test) to determine whether any contribution is to be paid towards the cost of works. The Authority will undertake such means tests in line with the prevailing statutory provisions in force at the point of application. At present parents of disabled children and young persons are not subject to a test of resources. In the majority of cases a Preliminary Test of Resources will be undertaken prior to the provision of an OT referral to provide the prospective applicant with an early indication of their likely contribution. Such preliminary tests will not be applied in urgent cases or where the OT is aware that the client is in receipt of a passport benefit. The recipient of a passport benefit (a number of means tested mainstream benefits) will automatically be assessed as having a NIL contribution toward any grant award and will receive full grant.
- 11.2 If an applicant has an assessed contribution toward any application any payment of this contribution is generally made to the scheme contractor on completion of the works. In certain circumstances the client may however be asked to pay this contribution in advance, to be held by the Local Authority until satisfactory completion of the works i.e. schemes within the Nottinghamshire Procurement Framework agreement for stair lift installations. If the level of contribution is high the Authority may require evidence that the applicants have the resources in place to fund their contribution and that they may wish to seek independent financial advice on how they might raise the necessary funds.
- 11.3 In circumstances where an applicant has a degenerative condition and where it is likely additional adaptations may be required over time it should be noted that there is no restriction on further grant applications at a later date. Any contribution paid by an applicant toward an initial application will be deducted from any future assessed contribution if the second application is made within a prescribed period (10 years for owner occupiers and 5 years for tenants).
- 11.4 This provision means that it may be in the interest of applicants to proceed with a grant application even if their assessed contribution is higher than the likely cost of works, leading to the award of a 'nil grant' approval. In such circumstances the applicant must proceed to complete the subject works to a satisfactory standard. If a second application is submitted within the prescribed period the cost of the previously completed works will be deducted from any assessed contribution the applicant might have.

## **12.0 Grant Approval**

- 12.1 The Council is required to approve or refuse the grant within 6 months of a valid grant application being made. A valid application is deemed to be made when the following documentation is submitted:
- A completed application form
  - The appropriate certification (see 7.2 above) together with proof of ownership or tenancy

- The appropriate evidence of financial resources in order that the Council can undertake the Test of Resources
- The appropriate number of quotes

The Council is required to consult with and obtain confirmation from the OT Service that the works which are the subject of the application are necessary and appropriate to meet the needs of the disabled occupant.

- 12.2 Officers from the Council will work with prospective grant applicants to ensure the appropriate documentation is in place to make a valid application.
- 12.3 The Council will not usually approve an application for grant where the relevant work has already begun. It can approve however if it is satisfied that there were good reasons for beginning the works before the application was approved. Any grant offer may be reduced to reflect the works undertaken prior to approval.
- 12.4 The Council will not approve an application for a DFG if the relevant works have been completed.

### **13.0 Completion of work**

- 13.1 The legislation requires the Council to pay the grant on condition that the work has been carried out to its satisfaction. It also states that the Council is able to pay the contractor direct where it has advised the grant applicant prior to the grant being approved that this would be the method of payment.
- 13.2 The Council has resolved through this policy that it will always pay the contractor direct and the grant applicant will be notified of this prior to the grant being approved. This also applies where an applicant chooses to have a charge on their property to cover their contribution. The total cost of works (including the applicant's contribution and DFG) will be paid to the contractor direct upon completion of work.
- 13.3 The Council's Technical Surveyors from the Private Sector Housing team will inspect the works once completed and if in their opinion the work has been done satisfactorily, the Council will pay the contractor direct to the value of the grant. Any other payments that the grant applicant is responsible for must be made by the applicant.
- 13.4 If there is a dispute between the grant applicant and the contractor and the Council is satisfied that the work has been completed to a satisfactory standard, the Council will pay any outstanding grant money to the applicant and it will be the responsibility of the applicant to pay the contractor. If the Council is not satisfied with the standard of work it will retain the grant money until such time as any works issues have been resolved at which point it will pay the contractor or if the applicant is still not satisfied, it will pay the applicant.

#### **14.0 Entitlement to a grant ceases**

- 14.1 Where a grant applicant ceases to be entitled to a grant before completion of the works the legislation states that the Council cannot pay any grant or any further instalments (as the case may be) after that date. If the grant applicant makes an owner's application he ceases to be entitled to a grant when he ceases to have a qualifying owner's interest or ceases to have the intention specified in the owner's certificate which accompanied the grant application. If the grant applicant makes a tenant's application he ceases to be entitled to a grant when he ceases to be a qualifying tenant of the dwelling or if the landlord ceases to have the intention specified in the owner's certificate submitted with the application.
- 14.2 The Council has the right under the legislation to demand any instalment that has already been paid to be repaid to the Council forthwith together with interest from the date on which it was paid until repayment. The Council will consider each case on its own merits in deciding whether to recover any such payments.

#### **15.0 Changes in circumstances**

- 15.1 In some cases there is a change in circumstances after the grant has been approved that affects the payment of grant. These circumstances (which are prescribed in the legislation) are;
- where the works cease to be necessary or appropriate to meet the needs of the disabled occupant;
  - the disabled occupant ceases to occupy the dwelling; or
  - the disabled occupant dies.
- 15.2 In such circumstances, the legislation states that the Council can take such action as appears to be appropriate and may decide:
- that no grant shall be paid or as the case may be, no further instalments shall be paid;
  - that the works or some of them should be completed and the grant or an appropriate proportion of it paid; or
  - that the application should be redetermined in the light of the new circumstances.
- 15.3 The Council has the right under the legislation to demand any instalment that has already been paid to be repaid to the Council forthwith together with interest from the date on which it was paid until repayment.

#### **16.0 Cases in which grant may be recalculated, withheld or repaid**

- 16.1 The Council is entitled to refuse to pay grant or any further instalment of grant which remains to be repaid or make a reduction in the amount of grant in the following circumstances:

- The Council ascertains that the amount of grant was approved on the basis of inaccurate or incomplete information and exceeds that which the grant applicant was entitled,
- The Council ascertain that without their knowledge the eligible works were started before the application was approved,
- The works are not completed within 12 months,
- The cost of works is less than the estimated expense upon which the grant was calculated,
- The work has been carried out by a contractor who was not one of the contractors who originally quoted for the work.

16.2 Where any of the above situations arise, the Council can demand repayment by the applicant in whole or part, of the grant or any instalment of the grant paid together with interest from the date of payment until repayment.

### **17.0 Repayment in case of compensation**

17.1 It is a condition of the grant that the applicant takes reasonable steps to pursue any relevant claim and to repay the grant so far as appropriate out of the proceeds of such a claim. A claim is:

- (i) an insurance claim or legal claim against another person in respect of damages to the premises to which the grant relates, or
- (ii) a legal claim for damages in which the cost of the works to the premises to which the grant relates is a part of the claim, and a claim is a relevant claim to the extent that the works to make good the damage or the cost of which is claimed are works to which the grant relates.

17.2 In the event of a breach of this condition the applicant shall on demand pay to the Council the amount of grant so far as relating to any such works together with compound interest from such date as may be determined by the Council calculated at such reasonable rates as the Council may determine with yearly rests.

17.3 The Council may determine not to make such a demand or to demand a lesser amount. The assumption is that the amount will be demanded in full however on representations from the applicant, the Council will consider each case on its own merits.

### **18.0 General Provisions**

18.1 Where work has commenced but grant entitlement has ceased and where the Council has decided that the works or some of them should be completed and the grant or an appropriate proportion of it paid the Council will arrange to make good the work so that the property is safe, secure and water-tight.

18.2 This may not include carrying out such work as finishing internal surfaces and plumbing any new facilities (unless these are the only facilities in the property) for example. Any work over and above making the property safe, secure and water-

tight would have to be paid for by the applicant or some other appropriate person.

## **19.0 Deferring Grant Payment**

19.1 The Council has the discretion to defer any payment of an approved grant for a period of up to twelve months from the date of grant approval. Any such decision must be set out within the grant approval notice.

## **20.0 Installation of Equipment and Maintenance**

20.1 Equipment which can be installed and removed fairly easily with little or no structural modification will not be funded by either a mandatory DFG or discretionary grant. The cost of supplying such equipment will fall to Nottinghamshire County Council.

20.2 Typically the type of equipment that will be covered by a mandatory DFG includes (this is not an exhaustive list):

- Stair lifts
- Ceiling track hoists (excluding slings)
- Through floor lifts
- Rise and fall showering tables that are electrically powered
- Rise and fall baths that are electrically powered
- Wash and dry toilets

20.3 Where the provision of equipment is to be funded by a mandatory DFG it is usually the responsibility of the applicant to take out the necessary insurances and maintenance agreements to ensure the equipment is properly maintained. However, the Authority will include within the grant the cost of a supplier's standard maintenance/service agreement to give cover for up to 5 years. This will exclude hoist installations where cover is arranged by Nottinghamshire County Council.

20.4 If a grant application is made for replacement of defective/obsolete equipment it will not be approved if it can be shown that the equipment can be repaired at a reasonable cost in comparison to renewal. In such cases the costs of the repairs will fall to the householder.

## **21.0 Contractual Relationships**

21.1 Following the referral from the Occupational Therapy Service at Nottinghamshire County Council, officers from the Council will schedule the works that are required. The scheduled works will form the basis upon which contractors quote. As referred to above at paragraph 9.3 the grant applicant will need to obtain appropriate quotations however officers will source such quotes on behalf of the applicant if requested. The Council reserves the right to recover their costs for this and associated services i.e. scheme design, producing plans and specification, release of interim payments, assistance with the completion of application forms etc.

- 21.2 Whilst work is being undertaken officers will wherever possible visit the property to ensure that the work is being undertaken as per specification and when the work is completed, the officer will carry out a final inspection to ensure it has been completed satisfactorily (see paragraph 12.3 above).
- 21.3 Grant applicants must be aware however that the Council is in no way responsible for the work of the contractor and that there are no contractual obligations between the contractor and the Council. The purpose of the final inspection is simply to confirm that the works have been completed as per the scheme specification and therefore protect the public purse. All contractual relationships with respect to the carrying out of the work are between the grant applicant and the contractor.
- 21.4 If there is a dispute between the grant applicant and the contractor, the Council will not be able to get involved unless by some act or default the Council has caused the issue which has led to the dispute.

## **22.0 Complaints**

- 22.1 Where Applicants are dissatisfied with the service they have received (including where a grant has been refused), they should contact the Private Sector Housing Manager at the main Council address. If the matter is not resolved to Applicants' satisfaction, they can make a formal complaint via the Council's Customer Comments procedure.
- 22.2 If after receiving the Council's response the complainant is still dissatisfied, they can write to the Local Government and Social Care Ombudsman.

## **23.0 Policy Amendments**

- 23.1 The Head of Housing has delegated authority to make minor policy amendments which do not affect the broad thrust of policy direction. Other changes must be approved by the Council's Portfolio for Safer Communities, Housing and Wellbeing.

DISABLED FACILITIES GRANT POLICY