

# Discretionary Disabled Facilities Grant Policy 2023-25

Housing Grants, Construction and Regeneration Act 1996  
The Regulatory Reform (Housing Assistance) (England & Wales) Order  
2002

## **Introduction**

The Disabled Facilities Grant (DFG) is a mandatory grant, provided under the Housing Grants, Construction and Regeneration Act 1996, towards the cost of eligible works necessary to support people of all ages and most tenures to live independently and safely in their own homes. Local Authorities have a statutory duty to provide DFGs to applicants who qualify. DFGs have existed for in excess of 30 years to help people to stay safe and independent at home.

The Care Act 2014 shifted the focus to earlier intervention that offers a more preventative approach to supporting people.

This policy sets out the mandatory legal framework for DFGs, and how the Council intends to use its powers under Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 (RRO) to provide discretionary interventions to promote independent living and wellbeing.

In order for the Council to use its discretionary powers under the RRO it must have a policy. The Council is required to adopt a Discretionary Disabled Facilities Grant Policy which sets out how it intends to use its discretion to develop schemes having regard to the needs of the District, the availability of funding and the Council's priorities.

## **Aims and priorities of the policy**

- To improve the lives of people with disabilities by enabling access and movement around their own home with the use of adaptations.
- To allow for more effective use of the Better Care Fund, contributing to the aims of the fund, in particular reducing hospital admissions and allowing hospital discharges.
- To reduce the need and demand for formal, informal and residential care by allowing people with disabilities to live independently within their own homes.
- Improving the housing conditions across the district will support improvements in health and wellbeing as well as allowing vulnerable residents to access their homes and gardens independently.

## **This policy is in two parts:**

- a) **Mandatory Disabled Facilities Grants** - Sets out the mandatory legal framework for DFGs in accordance with the Housing Grants, Construction and Regeneration Act 1996 including eligibility criteria and the prescribed means test assessment.

Mandatory grants are available for people who are disabled and meet the criteria set out in section 100 of the Housing Grants, Construction and Regeneration Act 1996 and for eligible works.

- b) **Discretionary DFGs** – Sets out the Councils' policy to provide discretionary interventions to promote independent living and wellbeing. The RRO and latterly the Better Care Fund enable Councils to support the wider prevention agenda of housing, social care and health authorities.

## **The Better Care Fund**

In 2015 Government funding was pooled into a single budget for health and social care services to work more closely together. The fund provided an increase in funding for home adaptations and related opportunities to improve integration between health, social care and housing services, in particular to reduce hospital admissions and allow early hospital discharges.

The grant aims to improve health and wellbeing by encouraging more flexible use of DFG monies.

## **Section 1 - Mandatory Disabled Facilities Grant**

### **1. Legal Framework and Eligibility**

The following is a summary of main legal provisions that apply to mandatory DFGs:

- A customer, who defined by the Act as a person with a disability, is eligible for assistance.
- Applications must be supported by a recommendation from an Occupational Therapist or trusted assessor confirming that the person is disabled and that the proposed works are necessary and appropriate to meet the needs of the disabled person.
- DFGs are mandatory grants which are available to people with disabilities for works which are necessary and appropriate to meet their needs, and when it is considered reasonable and practicable to carry out the works when having regard to the age or condition of the dwelling or building.
- DFGs are means-tested, except if the application is on behalf of a child or young person aged 19 or below. Therefore, the applicant's income and savings are required to be assessed to determine if the applicant has a contribution to make towards the cost of any adaptation work. Applicants who receive certain specified "passport" benefits are exempt for the means-test, however the means-test is set by law and the Council does not have any discretion when applying it.

- The maximum mandatory DFG in England is currently £30,000, and this amount would be reduced by any contribution determined as payable under the means-test.
- The Council has the power to recover grants if the dwelling is sold within 10 years, with a maximum recoverable amount of £10,000. Grants below £5,000 are excluded.
- The duty to provide DFGs is 'tenure blind', and therefore applications from home owners or those renting in the private or social sector and treated equally depending on their needs.
- An applicant must be 18 years of age or older.
- Parents or guardians are able to apply on behalf of children
- The property to be adapted must be a legal residence, and this can include dwellings, houseboats, caravans and mobile homes as well as buildings which contain dwellings.

### **1.1 Eligible works for Disabled Facilities Grants**

The Act sets out for what purpose DFGs can be used and applies to all legal residences. Eligible works under the Act in respect to assisting the person with a disability are summarised below:

- Facilitating access to the dwelling and garden, to overcome or remove any obstacles, and allow free movement around the property.
- Facilitating access to 'essential' rooms within a dwelling i.e. a living or family room
- Access to, or the provision of, a W/C, bathing facilities and wash hand basin facilities.
- Facilitating accessible food preparation/cooking amenities.
- Improving or providing a suitable heating system where necessary.
- Providing accessible sockets, switches and controls for power, light and heat.

### **1.2 Referrals for Disabled Facilities Grants**

Referrals for DFG can be made in a number of ways, these include:

- Self-referral – to North Norfolk District Council 'front door'
- Self-referral – to Norfolk Adult social services 'front door'
- Third party referral e.g. community health practitioner, GP, Housing association
- Referral from Informal carer / family member

### **1.3 Prioritisation of DFG Applications**

On receipt of a referral, the Council will deal with each case on a priority basis, regardless of their tenure. Each case will be classified, by recommendation of the OT, into one of the following categories:

- Urgent / High Priority
- Standard Priority

Urgent or High Priority cases will be dealt with first by the Council in periods of high demand, and the date a referral is received is also taken into account when distinguishing between referrals.

## **1.4 Residence and Ownership**

The property must be the person with a disability's main or only residence to be eligible to be adapted, and if that is not currently the case, then the person with a disability must intend to occupy it as their main or only residence, once the work has been completed, for the grant condition period. The grant condition period is for 5 years, and starts when the works have been complete to the satisfaction of both the Council and applicant.

If the applicant is an owner occupier then an Owner's Certificate must be obtained. The Owner's Certificate needs to certify that the applicant has or proposes to acquire an owning interest in the property, and that the person with a disability intends to live in the property, as their main or only residence, during the course of the grant condition period.

If the applicant is a tenant then consent for the adaptations must be obtained from the registered owner of the property. The Owner's Certificate for a tenanted property needs to certify that the tenant (or the person with a disability), intends to live in the property, as their main or only residence, during the course of the grant condition period (providing it is possible due to health and other factors).

If the applicant lives in a house boat, caravan or mobile home then an Owner- Occupation Certificate must be obtained. The Owner-Occupation Certificate needs to certify that the application is an occupier's application, and that the occupier, (or the person with a disability), intends to live in a house boat, caravan or mobile home, as their main or only residence, during the course of the grant condition period (providing it is possible due to health and other factors). For rented properties an Owner's Certificate also needs to be provided by the owner. A consent certificate, consenting to the work being carried out, is also required from each person, apart from the applicant, who is entitled to possession of the premises where the houseboat is moored, or caravan or mobile home are pitched.

## **1.5 Legal Charges**

In accordance with the legislation 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, where the adaptation is carried out to a property which is privately owned and the cost of the work is £5,000, or more, the Council may place a legal charge on the property through the Land Registry.

The legal charge will last for ten years. If the property is sold or otherwise changes ownership within ten years of the completion date, the Council will normally require repayment of the grant.

The maximum repayable amount at the change of ownership is £10,000 for a mandatory DFG up to £30,000.

## **1.6 Tendering of DFGs**

In accordance with the legislation set out in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant if the anticipated cost of work is lower than £10,000 two quotations are required. If the anticipated cost of work exceeds £10,000 three quotations are required from the Council's list of contractors who have expressed interest in tendering for such work.

The lowest quotation that meets the specification usually wins the tender, however the customer may select a higher value tender provided they are willing to pay the difference between their preferred contractor's quotation and the lowest. To ensure value for money,

the Council will estimate the cost of job using a schedule of works as a benchmark for comparing the value of tenders.

There are exceptions to the tendering process as stair lifts, through floor lifts, step lifts and automatic wash-dry WCs and rise & hand wash basins.

Where an applicant wishes to extend the remit of works beyond what is necessary and appropriate for their own purpose, they will be liable for the cost of the additional works above the agreed grant and must enter into a private arrangement with the contractor for these works. Any additional works will be planned in consultation with the Occupational Therapist and must not compromise the purpose of the necessary and appropriate funded works.

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

### **1.7 Payment of Disabled Facilities Grant Funding conditions**

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

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

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

## **Section 2 - Discretionary Provision**

Discretionary grants are subject to funds being available and mandatory grants will be prioritised first. It is important to also note that discretionary funding will only be available for works the Council deem as eligible.

Discretionary funding will be reviewed annually, the expiry of the policy is 31/03/2025 however funding may be withdrawn prior to this if all allocated funds have been committed or there is increased demand for mandatory DFGs.

Given the unpredictable nature of Disabled Facilities Grants demand, costs and funding it is important to note that **any discretionary DFG funding is subject to availability and may be withdrawn by the Council at any time.**

### **Local Land Charge for Discretionary overview**

It is proposed that any discretionary funding should be registered as a local land charge against the resident's (owner occupier's) property following the completion of work.

The local land charge relating to mandatory grants is up to a maximum of £10,000 when the cost of work is over £5,000. The proposed local land charge relating to identified discretionary grants would be applied for the full amount of discretionary funding provided to an applicant. This will be repayable when the occupancy condition is breached or upon the sale or transfer of the property.

This would give some protection to the discretionary projects and increase their longevity by recycling funds back into to the DFG Budget.

***A policy summary can be found within appendix 1***

## **Discretionary policy elements**

### **1.1 Partial Waiver of up to £5000 contribution following the means test**

The first £5000 of an assessed contribution will be waived and the applicant will not be required to fund this portion of the contribution towards the cost of works.

### **1.2 DFG architects and Surveyors Fees Grant**

The Council at its discretion may pay professional fees and associated charges up to a **maximum** of £5000 required for DFG work. The fees must be reasonable and agreed with the Council before any work takes place in order to be eligible and this will be done/agreed on a case by case basis.

For this discretionary element, a financial means test will be on undertaken on the owner or the registered tenant of the property irrespective of whether they are considered the relevant person for the purposes of the mandatory Disabled Facilities Grant application.

### **1.3 Funding in excess of the statutory maximum mandatory grant of £30,000 (also known as top-up funding)**

This grant is intended to assist in cases where a major adaptation has been identified as essential to meet the needs of the disabled person, where failure to have the work carried out would mean that the disabled applicant is unable to remain living in the community. All other options for funding and/or seeking alternative accommodation have been considered and are not accessible to meet the disabled applicant's needs.

The grant is a maximum £30,000 **per property**. The additional £30,000 can only be accessed where the full £30,000 of mandatory grant has been utilised. The maximum amount of DFG assistance may therefore be £60,000.

Top up funding will only be considered or approved by the Housing Adaptations Team Leader.

For this discretionary element, the financial means test will be on the owner or the tenant of the property irrespective of whether they are considered the relevant person for the purposes of the mandatory Disabled Facilities Grant application.

A local land charge for the full discretionary grant amount will be placed on the owner occupied property in addition to any mandatory grant local land charge, which will be repayable when the occupancy condition is breached or upon the sale or transfer of the property.

The provision of this top up funding ensures that where a need has been identified, and work has been recommended as being necessary and appropriate but the DFG mandatory maximum amount does not cover the full cost of the adaptation the Council fulfils its duty to assist with meeting need.

### **1.4 Fast track End of life grant**

Where there is an urgent exceptional need to progress works, usually due to medical circumstances. The Council recognises that some residents who require palliative care at the end of their lives may be unable to return home from hospital or remain in their home due to the lack of suitable aids and adaptations. A fast track end of life grant is available to fund this work, which enables the adaptations to be completed quickly outside the DFG regulations. Work up to the value of £5,000 will not be means tested and with minimal paperwork which means that single adaptations costing less than £5,000 such as a stair lift or ramp can be provided quickly. This will be at the discretion of the Housing Adaptations Team Leader.

### **1.5 Home repairs, safe and secure grant**

This discretionary grant offers provision of simple measures to ensure that the elderly, vulnerable or disabled residents can occupy their homes safely and reduce likelihood of developing ill-health or having an accident in the home. The grant may also be used for works to ensure that properties are suitable for people to be discharged from hospital without undue delay.



The grant available per household may be up to £10,000 depending on eligible works. Grant funded works will be delivered via the Council's approved contractors via existing measured term contracts.

To qualify for assistance an applicant must fall within one of the following three categories, A, B or C:

- a) Be a disabled adult or child i.e. registered as disabled. This will include those with a disability, chronic illness, mental health condition or sensory impairment, which restricts their functioning on a day to day basis.
- b) Be aged over 60 and require works available through the home repairs, safe and secure grant which relate to home safety improvements, repairs to essential items or required to facilitate hospital discharge.

To be eligible for the Home repairs, safe and secure grant the applicant is required to be in receipt of one of the following income or disability related benefits:

- Any of the pass-porting benefits for DFG eligibility
  - Disability living allowance
  - Personal Independence Payment (PIP)
- c) Be a person who is awaiting discharge from hospital but is unable to return home due to unsuitable conditions, which works or the provision of minor adaptations will resolve and who is in receipt of one of the income or disability related benefits listed in category B above.

**Eligible works will include:**

- Provision and installation of equipment to help prevent the risk of falls or other accidents within the home, as well as promote independence. For example galvanised external hand rails.
- Repair work to help reduce the risk of accidents and hospitalization and to assist with hospital discharges such as essential repairs and minor adaptations.
- Minor works of home repair – minor plumbing or electrical repairs, installing carbon monoxide / smoke alarms etc.
- Works to improve door or window security where there is a risk of break in or following a break in/attempted break in.

The grant will fund up to £10,000 worth of work provided by the Council's approved contractors under the pre-existing measured term contract. This includes an initial visit and assessment of client's needs / risks, the provision of labour, materials costs, and VAT, up to a total of £10,000.

As with the other proposed discretionary elements related to DFGs, provision of the Home repairs, safe and secure grant will only be considered having regard to the available budget at the time. If the budget does not have sufficient resource in reserve to deal with the mandatory referrals that may present throughout the financial year, the Council reserves the

right not to approve any discretionary elements including Home repairs, safe and secure grant.

A local registered land charge for the full discretionary grant amount will be placed on the owner occupied property, which will be repayable when the occupancy condition is breached or upon the sale or transfer of the property.

#### **1.6 Non-means tested minor adaptations works up to £1,000**

The grant will fund Minor adaptations up to the value of £1000 that have been identified as necessary and appropriate following an assessment with an appropriate practitioner. Applicants will not be subjected to a means test to access the grant which may delay the installation.

The maximum total grant award of £1000 includes the provision of labour, materials costs, and VAT and any other associated cost to complete the minor adaptation.

**Appendix 1**

**Summary table of Discretionary assistance  
available**



<b>Scheme</b>	<b>Assistance available</b>	<b>Purpose</b>	<b>Eligibility / Subject to means test</b>	<b>Amount available</b>	<b>Charge on property/local land charge</b>	<b>Other</b>
Discretionary DFG Partial Waiver of assessed contribution	Partial Waiver of contribution following the DFG means test assessment.	- Meet the Council's statutory obligation to assist disabled residents to live independently in their own home.	Eligible for DFG Yes	Up to £5000	No	All other sources of funding to have been explored and exhausted prior to application for discretionary grant being considered.
DFG architects and Surveyors Fees Grant	Discretionary payment towards architects and/or surveyors fees connected to DFG application	- Meet the Council's statutory obligation to assist disabled residents to live independently in their own home. - Provide funding to meet the reasonable costs of exploring feasibility of adaptations and facilitating adaptations to progress	Eligible for DFG Yes - the financial means test will be on the owner or the tenant of the property irrespective of whether they are considered the relevant person for the purposes of the mandatory Disabled Facilities Grant application	Up to £5000	No	
Funding in excess of the statutory maximum mandatory grant of £30,000 (also	Discretionary top-up funding for DFG eligible applicants who exceed the statutory £30,000 DFG max limit.	- Provide top-up funding to meet the reasonable cost of adaptations to assist the applicant to live	Eligible for DFG Yes - the financial means test will be on the owner or the tenant of the property	Up to £30,000 where the DFG Mandatory grant maximum of £30,000 has been utilised first.	Yes – if owner occupied. DFG mandatory grant land charge applied and additional legal	Available when all other options for funding and/or seeking alternative accommodation have been

known as top-up funding)		independently in their home, where a DFG is approved at the statutory maximum and the eligible expense (less any contribution) exceeds the statutory maximum of £30,000.	irrespective of whether they are considered the relevant person for the purposes of the mandatory Disabled Facilities Grant application		Land registry charge applied for entire 'top-up' funding provided. The Top-up grant to be repaid in full if the occupancy condition is breached or the property is sold or ownership transferred.	considered and are not accessible/available to meet the disabled applicant's needs.
Fast track end of life grant	Discretionary funding for end of life clients to facilitate hospital discharge or a safe home environment	Fast track element that bypasses means test due to urgency of cases and minimizes required paperwork to allow to adaptations to be installed without delay.	No means test. Cases approved a the team leaders discretion and recommendation from health care professional.	Up to £5000	No	
Home repairs, safe and secure grant	-Home repairs which are required to allow resident to remain within their home safely -Measures to improve safety within the home to either prevent hospital admissions or	Discretionary grant offers provision of simple measures to ensure that the elderly, vulnerable or disabled residents can occupy their homes safely and reduce likelihood of developing ill-health or having an	- disabled adult or child i.e. registered as disabled. Be aged over 60 and require works available through the home repairs, safe and secure grant which relate to home safely improvements,	Up to £10,000	Yes –local land registry charge for full grant amount awarded above a minimum grant threshold of £250. Grant to be repaid in full if the property is sold, transferred or assigned within the 10 year grant condition period.	Subject to budgetary availability. Repayment within 10 years if occupancy condition is breached or the property is sold or ownership transferred.

	facilitate hospital discharge	accident in the home.	<p>repairs to essential items or required to facilitate hospital discharge.</p> <p>The applicant to be in receipt of one of the following income or disability related benefits:</p> <p>Any of the pass- porting benefits for DFG eligibility Disability living allowance Personal Independence Payment (PIP)</p> <p>Be a person who is awaiting discharge from hospital but is unable to return home due to unsuitable conditions, which works or the provision of minor adaptations will resolve and who is in receipt of one of the income or disability related</p>			
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			benefits listed in category B above.			
Non-means tested minor adaptations grant	Minor adaptations grant to fund minor adaptations that have been identified as necessary and appropriate	To fund minor adaptations without the need for a means test that might delay the installation.	Need for minor adaptation has been identified by an appropriate practitioner	Up to £1000	N/A	





**Financial, legal, staffing and other implications and risk assessments**

Financial Implications	As detailed in this report
Legal Implications	Recovery of funds following identified grant breaches.
Staffing implications	Risk of increased demand on the service and resources, risk of increasing customer wait times and impact on overall completed adaptations. Risk can be balanced with reduced demand for major adaptations with discretionary grants placing emphasis on reduce, prevent delay model.
Administrative implications	Risk of increased administration demand to process discretionary grants. This can be balanced with the potential decrease in applicants needing to progress through the DFG process.
Risk assessment	There is a risk that demand may exceed supply but, as there is no legal obligation to provide discretionary assistance. If demand increases a waiting list will be set up and managed accordingly by the Housing Adaptations Team.