

WINCHESTER CITY COUNCIL
**DISABLED FACILITIES
GRANT POLICY**
2023 - 2025



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Introduction

- Adaptations are needed by many disabled people so that they can remain safe and independent in their own home. They can be needed by people of all ages, but as our population ages and life expectancy increases, the number of people needing assistance to adapt their homes is expected to grow. Winchester City Council (the council) is committed to helping these residents achieve a home which meets their needs.
- Under the Housing Grants, Construction and Regeneration Act 1996 (the Act), the council, in its capacity as a housing authority, has a statutory duty to provide Disabled Facilities Grants (DFGs) to applicants who qualify. DFGs are mandatory grants available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling or building. DFGs are available to fund adaptations to the homes of elderly, vulnerable or disabled residents to enable them to live independently at home or be cared for at home.
- In order for the council to use its discretionary powers under the Regulatory Reform Order (RRO) it must have a policy. This policy sets out the mandatory legal framework for DFGs, and how the council intends to use its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) to provide discretionary DFG assistance to promote independent living and well-being. It sets out the flexible policy the council has adopted in respect of DFGs.
- This policy replaces the former Disabled Facility Grants Policy and Procedure 2018 and supersedes any other council policy relating to Disabled Facilities Grants.
- The policy links with the Council Plan 2020-2025 and contributes towards the Council Plan priority of 'Living Well' as it assists residents with continuing to live well within their homes by supporting independent living for longer.

Aims 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 more effective use of the Better Care Fund, cutting out bureaucracy and contributing to the aims of the fund, in particular, reducing hospital admissions and allowing early hospital discharges.
- To reduce the need for domiciliary and residential care by allowing people with disabilities to live more independently in their own homes.
- To provide advice, information and support regarding the adaptation of properties to meet accessibility needs, and provide a framework of assistance to vulnerable groups.
- To treat individuals fairly regardless of age, race, religion, sex, gender, disability and sexual orientation and to protect their rights under Data Protection and human rights legislation.

Regulatory Framework

There are a number of legal provisions governing DFGs and their application. The administration of DFGs primarily comes under the Housing Grants, Construction & Regeneration Act 1996 (the Act) and subsequent associated legislation including:

- Housing Grants, Construction and Regeneration Act 1996 ("The Act") (as amended)
- Housing Renewal Grants (Services and Charges) Order 1996
- The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008
- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 ("The Order")
- The Housing Renewals Grants (Amendment)

(England) Regulations 2008

- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes)(England) Order 2008
- Delivering Housing Adaptations for Disabled People – A good practice guide (June2006)
- The Equalities Act 2010
- Disabled Facilities Grant (DFG) delivery: Guidance for Local Authorities in England 2022

Definition of a Disabled Person

For the purposes of the legislation relating to DFG's a person is defined as being disabled if:

- Their sight, hearing or speech is substantially impaired;
- They have a mental health disorder or impairment of any kind; or
- They are physically disabled by illness or impairment present since birth or otherwise

A person aged 18 or over is considered disabled if:

- They are registered as a result of arrangements made under section 29(1) of the National Assistance Act 1948; or
- They are a person for whom welfare arrangements have been made under that section or might be made under it.

A person aged under 18 is considered disabled if:

- They are registered as a disabled child maintained under the Children Act 1989; or
- In the opinion of Hampshire County Council's Children's Services they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

Mandatory DFG Eligibility Criteria

The Works

Eligibility criteria for DFGs are laid out in Section 23 of The Housing Grants, Construction and Regeneration (as amended) Act 1996 and primarily relate to accessing principal rooms within the home and accessing and using essential facilities including access to gardens and outside areas of a property.

Grants are dependent on:

- The works being necessary and appropriate;
- The works being reasonable and practicable; and
- A financial assessment where appropriate, to establish the applicant's eligibility for a grant.

Facilitating Access

For works to remove or help overcome any obstacles that prevent the applicant from moving freely into and around the dwelling. This may include access to the garden or yard (front, side, or rear) which means immediate access from the dwelling. It does not include landscaping.

Making a Dwelling or Building Safe

Adaptations to the dwelling or building to make it safe for the applicant and other persons living with them.

Access to a Family Room

Works to ensure the applicant has access to a room used for or usable as the principal family room.

Access to a Room usable for Sleeping

The provision of a room usable for sleeping where the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances.

Access to a Bathroom

The provision of, or access to, a WC, washing, bathing and/or showering facilities.

Facilitating Preparation of and Cooking of Food

The rearrangement or enlargement of a kitchen to improve the access 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.

Heating, Light and Power

To provide or improve the existing heating system in the dwelling to meet the applicant's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the applicant.

The Applicant

DFGs are available to homeowners, owners of qualifying houseboats, owners of qualifying park homes, tenants of private landlords and tenants of Housing Associations. Grants are also available for adaptations to the common parts of buildings containing one or more flats. Winchester City Council tenants can apply for a grant however, it is normal practise for housing authorities with a Housing Revenue Account (HRA) to fund these adaptations. The council's Property Services Team therefore have a separate policy for processing tenant's applications.

The council cannot, by law, refuse to process a properly made DFG application that it receives from an owner-occupier or tenant. If the eligibility criteria and proper process are satisfied, the council must, approve the appropriate grant, providing funds are available.

Application for a Disabled Facilities Grant is dependent firstly on the applicant having been assessed by either a Hampshire County Council Occupational Therapist (OT) or the council's in-house Private Sector Housing OT, or private registered OT. Assessments undertaken by the HCC OT will be forwarded to Winchester City Council. Alternatively, people can apply on-line via the council's web site after which they will be assessed to determine their eligibility: [winchester.gov.uk/housing/private-housing-and-empty-properties/disabled-facilities-gran](https://www.winchester.gov.uk/housing/private-housing-and-empty-properties/disabled-facilities-gran)

Further information and guidance regarding DFGs can be found in the Disabled Facilities Grant (DFG) delivery Guidance for Local Authorities in England published March 2022:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1065574/DFG_Guidance.pdf

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

- An applicant, who defined by the Act as a person with a disability, is eligible for assistance.
- 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. A financial assessment where appropriate may also be required, to establish the applicant's eligibility for a grant.
- The council reserves the right to refuse grant assistance where the works are not necessary, appropriate, reasonable, practicable, are excessively expensive and/or where the property is not suitable for adaptation. If appropriate the council may offer a discretionary DFG, in the form of a relocation grant to help the applicant move to a more suitable dwelling.
- DFGs are means-tested, except where the applicant is in receipt of a means-tested benefit or the adaptation is for a disabled child under 16 years of age or a young person in full-time education under 21 years of age, there will be no test of resources. Applicants who receive certain specified "passport" benefits are exempt from the means-test, however the means-test is set by law and the council does not have any discretion when applying it. See Appendix 3\ for a list of passporting benefits.
- If an applicant is eligible then the council has a maximum of six months to 'determine' the application, which means approve or decline the application. However, the determination should be carried out as soon as is reasonably practicable.
- 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 duty to provide DFGs is 'tenure blind', and therefore applications from home owners or those renting in the private or social sector are treated

equally depending on their needs. Applications received from tenants living in private rented housing must be accompanied by a tenant's certificate signed by the landlord to demonstrate that they will remain living in their home for the grant condition period (usually 5 years) or for such a shorter period as their health and other relevant circumstances allow.

- An applicant must be 18 years of age or older.
- Parents or guardians are able to apply on behalf of children.
- Landlords are able to apply on behalf of their tenants;
- 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.
- Both owner occupiers and tenants must have the intention to live in the adapted property for five years. Landlords and/or the property owners must certify they intend to allow the disabled person to remain in the property for not less than five years.
- There is no restriction on an applicant making multiple grant applications for funding.
- Persons from abroad with no recourse to public funds are not eligible to apply for a DFG.

Appendix 4 is a flow chart of the DFG process.

Discretionary Grants

Discretionary grants have the same application process as mandatory grants and the same criteria. However, the council's DFG policy allows up to £15,000 total costs to be funded before a means test is required. Below is a summary of each Discretionary Grant eligibility criteria:

Welfare Grant

Eligibility criteria for DFGs are laid out in Section 23 of The Housing Grants, Construction and Regeneration (as amended) Act 1996 and primarily relate to accessing principal rooms within the home and accessing and using essential facilities including access to gardens and outside areas of a property.

Primary Aim

To fund small scale works which are critical to a person's welfare which have been identified by a social worker or other professional. The applicant should have a clear medical need/ be eligible for disability registration. The works should be to improve and enhance the applicant's quality of life at home and support the continuation of them staying in their own home by preventing possible admission to care or hospital or enabling discharge home from hospital or care.

Eligible works

- Deep Cleans / Declutters of essential parts of the home up to a maximum of £2000. The grant will contribute towards converting a home that cannot currently be inhabited by the person applying for the grant into one which can be, (i.e. through cleaning/decluttering of the kitchen/ living room/ hallway/bathroom/bedroom (and extra bedrooms if carers need to stay overnight) in particular in preparation of the installation of equipment.
- Only applicants awaiting a discharge from hospital or care placement are eligible.
- Minor Essential Repairs and Improvements up to a maximum of £2000. To address a risk or serious hazard for a person with disabilities that would impact on the extent to which their home can be used. The works must be reasonably material in terms of their nature of the risk or hazard. A broken item must have a substantially deleterious impact on the extent to which a property can be used.

Examples include making good disrepair to flooring to make safe and remove a hazard, or improving the safety and security of a property to a higher standard to enable it to be occupied by a person with a disability.

- Stair lifts – Curved and straight stair lifts can be applied for by the referring professional if this would assist discharge / prevents admission to hospital (if not for discharge/admission risk purposes this can be applied for through a standard DFG application). The £2000 cap does not apply to stair lifts.

Heating Grant

Eligibility criteria for DFGs are laid out in Section 23 of The Housing Grants, Construction and Regeneration (as amended) Act 1996 and primarily relate to accessing principal rooms within the home and accessing and using essential facilities including access to gardens and outside areas of a property.

Primary Aim

Replacement of boilers, radiators and other substantial components of heating systems to bring systems and equipment up to a higher standard of reliability, safety or usability as might be required by an owner occupier with disabilities.

The referrals for this grant need to come directly through a professional body such as:

- LEAP (Local Energy Advice Partnership) which can be contacted at <https://applyforleap.org.uk/energy-support/>
- Hitting the Cold Spots, a Hampshire County Council based service which provides advice on heating and energy matters for Hampshire residents and can be contacted at <https://www.hants.gov.uk/socialcareandhealth/adultsocialcare/coldspots>,
- The Environment Centre (tEC), a charity based in Southampton which provides advice on sustainability and other matters including fuel poverty and can be contacted at <https://environmentcentre.com>

Receipt of referrals from the above (or other similar organisations) ensures that appropriate screening has been applied to the applicant's circumstances (applicants must be on pass porting benefits and disabled). Persons in the community who are not on any income assessed benefits, who come into contact with our service, and who are in need can be assisted with funding if they can prove they do not have savings in excess of £6,000. In exceptional circumstances a legal land charge will be considered in order to cover the value of the works (if the works exceed £4000).

Eligible works

- Replacement of boilers, replacement of faulty radiators or other substantial components of any heating systems to bring systems and equipment up to a higher standard of reliability, safety or usability as might be required by a person with disabilities.

Works can be funded up the value of £4000. If the necessary works exceed this amount the homeowner will be required to contribute the difference. The reasoning for limiting the cost of this grant is to enable the funding to be used as fairly as possible across the whole district and in anticipation of many possible referrals in the winter seasons up to 2024/25.

Relocation Grant

Eligibility criteria for DFGs are laid out in Section 23 of The Housing Grants, Construction and Regeneration (as amended) Act 1996 and primarily relate to accessing principal rooms within the home and accessing and using essential facilities including access to gardens and outside areas of a property.

Primary Aim

To assist disabled persons, who are owner/occupiers to relocate if adaptations to their current home through the DFG are determined not to be reasonable or practicable and they are considering relocation to another property they intend to purchase as their home. Such assistance supports best value by ensuring DFG grant funding is focused on properties where adaptations can be delivered and enabling people to move to suitable property where this is not the case.

Eligibility:

- Applicants must be 18 or over on the date the application is made (in the case of a disabled child, the parent(s) would make the application). Any application must be supported by a recommendation from the Hampshire County Council OT service, WCC in house OT, or a private OT.
- The council and the OT must be satisfied that the proposed property already meets the needs of the disabled person without further adaptation or be satisfied that it can be adapted at a reasonable cost under the mandatory grant limit of £30,000.
- This grant will cover the costs of purchasing

a property such as estate agent's fees and conveyancing, but not other relocation costs such as removal expenses.

Relocation costs can be funded up to the value of £8,000.

Adaptations Costing Under £15,000

Primary Aim

To enable persons with disabilities to remain in their own home for longer and to also enable them to live independently and safely for longer. Disregarding the means test for works under this limit allows more eligible disabled persons across the Winchester District to access adaptations to meet this aim.

Eligibility:

- Those works identified in The Housing Grants, Construction and Regeneration Act 1996 as recommended by an Occupational Therapist by a formal referral with full recommendations. Typically, this includes level access showers, stair lifts and ramped access.

Policy:

- Using powers provided by the above mentioned legislation, the council will provide the first £15,000 for works under any Adaptations Grant application regardless of the assessed contribution of the applicant. Any applicant assessed as needing to contribute to the cost of works will only be required to contribute when the cost of works exceeds this £15,000 threshold.

Top Up Grant - For works that exceed Mandatory Funding Level

Primary Aim

The council recognise that extensive adaptations and rising costs mean works often exceed the current mandatory grant limit of £30,000. This Top Up grant is to fund the cost of adaptations over £30,000 for eligible clients who are Owner Occupiers or Social Housing Tenants (see below) where the works are deemed 'necessary and appropriate' and 'reasonable and practicable'. The applicant is eligible if they are already entitled to a mandatory grant (e.g. children's cases); or if the applicant is not eligible for

a mandatory grant (i.e. their assessed contribution outweighs the cost of the works they require) then they must fall into at least one of the following Better Care Fund Key Criteria:

1. Where essential adaptations (to enable access to the home and access to key facilities to ensure that living at home is possible), need to be provided "urgently" to facilitate timely discharge from hospital/nursing or residential care, (avoiding delayed transfer of care and maximising opportunity for re-ablement at home).
2. Where applicants have a high and complex level of disability and/or life changing diagnosis; and the risk of sudden deterioration in their condition or reduced independence or increased risk of falls could be minimised by urgent provision of essential adaptations to the home, (to reduce risk of premature admission to hospital or residential care, or increase in care package).
3. Where the care situation in the home is at imminent risk of breakdown if essential adaptations are not provided quickly, (to support the carer and maximise the applicant's independence, health and wellbeing).
4. Where applicants have catastrophic and life changing/limiting diagnosis, and urgent essential adaptations could minimise the risk of breakdown of family life and care, and enable supported living at home, delaying the time scale for the start, or increase in external health or social intervention.
5. Where the timely provision of minor adaptations (in line with health and wellbeing targets and better care priorities), would reduce the risk of falls and promote a safer home environment when applicants have no immediate and safe access to alternative service options.

Depending on the works recommended by the OT, it would be advisable that applicants entitled to a mandatory grant also fall into one of the above key criteria. This ensures correct reasoning has been applied to their case to ensure their needs can only be met by topping up the mandatory funding available. Typically, an example of this in action would be where an extension must be constructed to contain a bedroom and washing facility for someone less than 18 year's old.

To ensure that the offer of Discretionary DFGs is equitable to all residents within the Winchester District every applicant will be assessed by council's in-house OT to establish the need for the additional

discretionary funding from the council.

Whatever their tenure the council will then require the applicant to consult with an agent from the council's recommended list to complete a plan for the most cost effective way to meet their need. This will be a required step regardless of whether the applicant already has plans of their own drawn up. Wherever possible all works should aim to be completed within the footprint of the property.

Any Top Up Grant funding will be considered having regard to the amount of financial resources the council has available at the time of the application. If it does not have sufficient resources left to fund other referrals passed to the DFG team by the Occupational Therapy Service or the in-house PSH Occupational Therapist, the council reserves the right not to approve any top up funding.

Funding Limit:

The funding limit for the Top Up Grant is £100,000 inclusive of all work costs and fees associated with the works including but not limited to a contingency fee, architect and planning fees and the council's service charge etc.

For applicants entitled to up to £30,000 mandatory funding this translates into a £30,000 mandatory grant and discretionary £70,000 Top Up Grant. For applicants not entitled to mandatory funding this translates to a £15,000 discretionary grant and a £85,000 discretionary Top Up Grant.

Local Land Charge and Client Contribution

All DFG applicants eligible for a discretionary grant in excess of £15,000 or £30,000 will be subject to a financial means test in accordance with the Housing Renewal Grants Regulations 1996 (as amended) to determine whether they will be required to make a financial contribution. The council has determined that where a contribution is required, applicants will pay 10% of the required contribution as determined by the government mandated means test towards the cost of the works. Should applicants additionally be eligible for a mandatory grant and / or the £15,000 discretionary grant, this along with their 10% contribution will be deducted from the grant costs. If an applicant cannot finance their 10% contribution then this will exclude them from being offered a discretionary grant. Where an applicant

can finance a 10% contribution the balance of the grant which exceeds the mandatory level will be secured on the property by a legal charge. **The legal charge will have no expiry date and therefore the charge will be paid back to the council upon sale, assignment, transfer or otherwise of the property.** The RRO enables local authorities to offer this financial assistance in the form of a zero interest loan. This loan is registered as a Local Land Charge against the value of the property, on which no interest is levied. When this circumstance arises the council will only consider waiver of the legal charge if it causes financial hardship. An example of hardship is if the property is being sold to fund care and the legal charge prevents the applicant being able to move to a suitable placement. It is for the applicant or interested parties of the applicant to make their case of hardship to the council with supporting evidence and for the council to use its discretion when making a decision.

SUMMARY TABLE OF FUNDING LEVELS

Funding level	Decision
Up to £20,000	Private Sector Housing Team Leader
Up to £50,000	Service Lead – Strategic Housing
Up to £100,000	Corporate Head of Housing

For cases exceeding £15,000 the final decision will be determined by a panel of the above officers depending on the level of funding being applied for.

Should there be exceptional circumstances where due to unforeseen works the value of the grant increases to beyond £100k, approval of the additional costs will require authorisation from the Portfolio Holder for Housing via a Decision Notice.

Applicant Living In Property Rented From Registered Social Landlord:

The Top Up grant can be applied for if eligible applicants live in a property owned by a Registered Social Landlord. The same funding limit of £100,000 applies, in cases where the grant cannot be secured with a legal charge.

Where a legal charge cannot be applied it must first be determined that the applicant cannot move to another property through Hampshire Home Choice which meets their needs or would meet their needs with less cost than the provision of a Top Up grant. This must be clearly evidenced in their application for funding.

Applicant Living In Property Rented from a Private Landlord:

Top Up Grants over £30,000 are not available to those privately renting as it would be more beneficial to assist them to move to a tenure with more security through the Hampshire Home Choice (HHC) a sub-regional choice based lettings scheme of which the council is a member.

Dual residency of a disabled child

In cases where families separate and a court order provides that residency of the subject disabled child is split between the mother and father (or other designated guardian) the council may consider the award of discretionary DFG to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within those headings normally applied to mandatory schemes.

A mandatory DFG can only be provided for the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it would be 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 which party receives child benefit. This property may or may not be within the Winchester District. In exceptional circumstances under the RRO a discretionary grant may be awarded in order to adapt the home of the other parent (or guardian) should there be a legitimate and evidenced need.

The council will consider the details of any court order 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.

In determining the works that might be considered as eligible for assistance the council will consider the suitability of the subject property for adaptation, the complexity and scope of the adaptations required and any observations or referral made by the Occupational Therapy service. The scope of any works will not necessarily mirror that to be undertaken at the sole or main residence.

Any assistance provided under this heading will be up to a maximum discretionary award of £15,000 but will not be subject to any form of means testing. Any award will be repayable to the council if and when the subject property is sold. The award amount will be recorded as a Land Registry charge in the same manner as a Top Up Grant.

Approval of Grants

Award of mandatory and discretionary DFGs is dependent on the council holding sufficient funds. Although the council is statutorily obliged to approve valid mandatory DFG applications within six months, where possible, the council aims to approve applications within 30 days of them being determined as complete and valid.

In the case of discretionary DFG's, the council aims for the same timeframe as above but mandatory DFG's may take preference if the council needs to consider how to make best use of its available resources.

The council will not approve a Disabled Facilities Grant application where the relevant work has already begun or been completed.

Fee Generating Service

The council recognises that applicants who do not qualify for mandatory grant assistance or discretionary grant or loan assistance nonetheless still have an identifiable need for adaptations. In some

cases, applicants may decide not to proceed with necessary adaptations for lack of confidence or desire to deal with the process of completing specifications, seeking and appointing suitable contractors and then managing the installation, dealing with contractors and payment demands.

The council wishes to encourage individuals to adapt their homes where necessary and appropriate to enable them to stay in their home in accordance with the wider prevention agenda of housing, social care and health authorities.

The council provides an end-to-end service, acting as agent for the applicant and charges a fee of 12% plus VAT of the grant provided towards the cost of works. This fee forms part of the grant funding allocated. The council will offer the same service at the same fee rate to all applicants, apart from when a grant approaches or exceeds £25,000. At this point a service fee of £2,030 plus VAT will be applied. This equates to a total service fee charge of £2,436.

The provision of fee paying support services can be advantageous to certain applicants who may need further works carried out in future years, as the legislation allows for the contribution made towards one scheme of works to be counted towards the applicant's contribution to a further scheme of works if this is carried out within 5 years in the case of rented property, or 10 years in the case of owner occupied property. This is provided that the earlier scheme has been managed through the DFG process.

Completing the Works

The process of sourcing and appointing contractors to complete the works will depend on the likely nature and value of the works to be carried out, and the applicant's preferred method of engagement.

The council offers an end to end Home Improvement Agency type service for the majority of straightforward grants and where the value of the works is likely not to exceed £15,000. For this approach, the council maintains a Framework of approved contractors whose service will be offered to the applicant if they wish to make use of the service offering.

Furthermore, the council offers a choice of approved agents for higher value schemes that will typically involve a planning application and Building Control application for extensions or other substantial building works.

Where either of the above options is adopted, the procurement of contractors will be carried out according to the council's procurement rules.

The applicant is under no obligation to use either approved list and is entitled to invite and submit quotes from their own choice of agents and contractors. In these circumstances the submitted quotes will be assessed only to confirm that the quotations are for works reasonably required to meet the identified needs of the applicant and for which the grant is being provided. The council may, however, wish to investigate the contractors proposed by the applicant to ensure that they are of sufficient competence and reliability to safeguard that the public purse is not put at unnecessary risk, and may seek assurance as to insurances and references before approving an award.

There may be occasions when a client would prefer a more extensive adaptation over and above what the authority has assessed as being necessary and appropriate. In these cases the council will support the application by making it clear to clients what level of grant funding will be awarded and what level of expense they would be required to finance themselves.

The council will base the award on the lowest quote that meets the applicant's agreed needs, however the applicant may still use a higher priced contractor provided they pay the difference in price. In exceptional cases the council may agree to base the award on a quote higher than the lowest where circumstances, such as time for completion or known specific expertise, would indicate a better value outcome.

Applicants should be aware that the legal and contractual relationship is between the applicant and contractor and NOT with the council. If there is a dispute between the 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. The council will generally pay contractors on behalf of the applicant, but in the case of an unresolvable dispute the council will pay the grant direct to the applicant. It is then for the two contracted parties, the applicant and their contractor, to take such action as they deem necessary to resolve their dispute.

Contract Variations

Grant approvals are made by assessing submitted bids for the specification provided. It is the nature of

any building work that variations may be required once work commences, either to the specification to provide a more practicable solution, or for additional works due to unforeseeable circumstances.

Applicants who chose to complete their own design must ensure that it satisfies the needs identified by their Occupational Therapist (OT).

If any applicants' design includes other works not provided for by the grant, the grant will be strictly limited to that part of the cost of works needed to satisfy the minimum necessary and appropriate requirements as identified by the OT and approved by the council.

Where variations will materially affect the design or function of the adaptation, agreement that the applicant's necessary and appropriate needs will continue to be met must be obtained from the originating OT before the variation is approved.

All requests for unforeseen works / variations from contractors that will involve additional costs must be agreed by the council in writing before those works proceed.

Where unforeseen works / variations are reasonably expected to reduce costs, the contractor must be required to identify this reduction before works proceed.

In both circumstances the grant approval documentation must be suitably amended.

No additional cost will be agreed for works that an experienced contractor should have reasonably foreseen as necessary for the completion of the specified works.

Abortive Works

The term abortive works relates to any situation where a DFG application has been aborted before all works have been completed, this is usually applicable where an applicant has died.

The council will consider the works to still be completed and a grant award may be made with consent of the property owner and residents of property.

Framework of Approved Contractors

The council will maintain a framework of approved contractors it reasonably considers capable of completing the works typically associated with Disabled Facility Grants, including specialists in the installation of wet-rooms and stair-lifts as well as general building contractors.

This framework will be informed by a 2 yearly invitation to contractors to tender against a given schedule of works, and confirmation of suitable insurances and professional accreditation.

It is expected that the framework will include no more than 12 contractors including a minimum of 3 in any specialism.

This framework will be used for any project with a likely value of up to £15,000 in line with the summary above.

Contractual Relationships and Responsibilities

In all circumstances, the contract for the completion of works will be between the applicant and the contractor appointed to complete the work.

Full details of the contractual relationships and responsibilities will be provided to all contractors invited to bid either by the council or by the applicant in the document Preliminary Information to Contractors which may vary from time to time to reflect changes in legislation and industry standards. This information will also be provided to applicants.

Warranties and Maintenance

Adaptations including installed equipment belong to the owner of the property in which they are installed. This means property owners are responsible for ongoing maintenance and repairs after any initial warranty period expires. The council will consider funding extended warranties for equipment installed using grant funding. This typically includes five year warranties for stair lifts and through floor lifts. The owner will also remain responsible for removing equipment and adaptations once no longer required.

Framework of approved agents

The council will maintain a framework of approved agents (architectural practices and project management organisations) capable of managing the process of design, statutory applications, sourcing and assessment of quotations from contractors, and project supervision to completion.

Agents will source and assess contractors' quotations in accordance with the council's Procurement Rules and will charge a fee in addition to the service fee applied by the council.

This list will typically be used for projects over £30,000 and where extensions to or substantial internal conversion of a property are required.

Contract Procedure Rules Summary

The Council Contract Procedure Rules identify five value of contract ranges for which the method of procurement varies as follows:

Under £10,000 (all contracts) - minimum of one quote sought from any contractor considered competent. **The framework of Approved Contractors identified in 13.0 above would all meet this competence condition.**

£10,000 – £250,000 (Works contracts only) – minimum of three written quotes sought and an evaluation model based on price (awarded to the lowest cost) or most economically advantageous criteria used. The use of the framework identified in 13.00 would meet the requirements for this value. Any contractor on the approved list may be used. If not using the approved list, three quotations must be sought.

Note: if purchasing Goods and Services the limit is £100,000.

Over £250,000 but below UK threshold for Works contracts (currently £5,336,937 inc VAT) – a formal competitive tender process by Public Invitation, Restricted Invitation or by invitation to contractors on the select list.

Above UK threshold (currently £5,336,937 inc VAT) and subject to the Public Contract Regulations 2015

NB: the Contract Procedure Rules do not apply where the applicant is not using the council's management service or approved framework of contractors or agents. In these circumstances the quotes will be assessed only to confirm that they are for works reasonably required to meet the identified needs of the applicant and for which the grant is being provided, and to determine the grant award, generally based on the lowest quote that meets the needs.

Assessment of bids

Where competitive bids are received for higher value works they will be assessed according to any published evaluation criteria set for the particular procurement.

For lower value projects where more than one quote is sought, the cheapest bid will determine the primary choice of contractor, provided that, in the view of the council's officers, the bid is reflective of the works specified and provides good value for money.

The council is under no obligation to accept either or any bid submitted and a further exercise could be progressed if deemed appropriate.

In view of the contractual relationship, the council will recommend the primary choice of contractor to the applicant and the applicant may accept or decline this recommendation. In the circumstance that they decline the primary choice, the council may require that the applicant makes a contribution equivalent to the difference in price between the primary choice and their choice of contractor.

Supervision of Works and Payment of Award

In all circumstances the council has a duty to inspect the works as they progress and on completion to ensure that monies from the public purse are being spent in accordance with the purpose for which the award was made.

The council may pay:

- The contractor directly (the council's preferred method)
- The applicant directly

- The contractor by providing the applicant with a suitable instrument of payment

Where works are deemed to meet the council's approval, but the grant applicant is not satisfied, the council will not unreasonably withhold payment to the contractor.

Disputes

If there is a dispute between the 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. The council will generally pay contractors on behalf of the applicant, but in the case of an unresolvable dispute the council will pay the grant direct to the applicant. It is then for the two contracted parties, the applicant and their contractor, to take such action as they deem necessary to resolve their dispute.

Complaints Procedure

Where an applicant is dissatisfied with the service they have received, including where a grant has been refused, they can make a complaint through the council's published complaints procedure which can be found at winchester.gov.uk/about/contact-us/complaints

In the first instance any issues should be brought to the attention of the council's authorised officer dealing with the application. If an applicant remains dissatisfied, to escalate any matter of concern, a corporate complaint can be raised as explained above.

Other Circumstances

In all other circumstances not detailed in this policy document reference should be made to the provisions of The Housing Grants, Construction and Regeneration Act 1996. Also reference Disabled facilities grant (DFG) Delivery: Guidance for Local Authorities in England 2022.

Amendments to Policy

When required minor amendments to DFG policy may be made by the Corporate Head of Housing in consultation with the Deputy Leader and Cabinet Member for Community and Housing.

Appendix 1

Customer Satisfaction Survey



Disabled Facilities Grant Customer Satisfaction Survey

The Private Sector Housing Team at Winchester City Council would like to know your feedback on the Disabled Facilities Grant service we provide. This is to monitor and improve our service for our future clients.

How satisfied or dissatisfied were you with the following:

	Very Satisfied	Satisfied	Neither	Dissatisfied	Very Dissatisfied
The time it took for your adaptation (s) to be completed					
The way you were kept informed about Progress?					
The quality of the work completed					
The contractor who carried out the work?					
How easy it was to understand the Information you were given?					
How we dealt with any problems along the way					
The amount of time staff spent with you?					
How easy it was to access the service					
Overall, how satisfied or dissatisfied were you with the service you received?					

How did you hear about the Disabled Facilities Grant service?

Do you have any comments or suggestions to help us improve the Disabled Facilities Grant service?

Thank you for taking the time to answer these questions
Please return this form in the self-addressed envelope provided

Appendix 2

Link to Latest Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1065574/DFG_Guidance.pdf

- Guarantee Pension Credit (not Savings Pension Credit alone)
- Working Tax Credit and/or Child Tax Credit (where your annual income for the purposes of the tax credits assessment was below £15,050)
- Housing Benefit

Appendix 3

- Universal Credit
- Income Support
- Income-based Employment and Support Allowance (not contribution-based ESA)
- Income-based Jobseeker's Allowance (not contribution-based JSA)

Appendix 4

Processing Procedure for Disabled Facilities Grant (DFG) referral

REFERRAL: Received electronically from Hampshire County Council (HCC) or following direct contact to Winchester City Council (WCC) and in house Occupational Therapy (OT) assessment

Case will then be added to the DFG waiting list unless the OT has assessed as Urgent.
URGENT cases will be actioned as soon as received by WCC DFG Grant Officer.
WAITING LIST CASES Client's will be sent a waiting list letter

ONCE THE SCHEME HAS BEEN AGREED

If works are under WCC discretionary policy of £15,000 including stair lifts, ramps and LAS no financial checks will be completed.

If over this threshold financial checks will be completed:

- Clients who are in receipt of pass porting benefits and children under 18 are eligible for the Mandatory £30,000 – See Appendix 3 of WCC DFG Policy for details of benefits.
- Client who do not fall into this category a financial means test will need to be completed – Please see policy Page 5 regarding funding.
 - Either WCC or the agent will obtain quotes.

WHAT NEXT

The process will differ slightly depending on the adaptation requested as follows:

- Stair lifts – WCC will have the quote and recommendations. The grant officer will raise the order and the supplier will liaise with the client to arrange install
- Level Access Showers (LAS) & Ramps – The grant officer will visit the client with or without a contractor, in house OT may attend if complex. Agree scheme to meet client's needs.
- Larger more complex adaptations including internal walls being moved and or extensions. In these cases WCC engage an agent to act as project manager. This is to provide technical support and obtain any permissions such as planning and obtain to correct number of tenders in line with WCC DFG policy. A visit with agent, will be arranged with grant officer and in house OT. There will be several visits to agree a scheme. The agent will then project manage and be the client's main contact.

GRANT OFFER

Once all the financial checks and costings are known by WCC grant officer, will send a grant offer letter. Once this has been signed by the client and returned to WCC, works can start at a mutually convenient date.

APPENDIX 5

Examples of the impact of recommended changes to DFG discretionary policy

Grant of £100,000 (Maximum Grant)	Family Circumstances	Ferret (Government Tool for Means Testing) Means Test Contribution Result:	Grant Entitlement	10% of Means Test Result (Client Contribution)	Legal Charge on Property (no expiry Date) after Client Contribution paid	Previous Policy Contribution Determination (5% of income as loan over 5 year term)	Previous Policy Legal Charge (With 10 Year expiry) Unlikely to be repaid to the council.
Example 1	<ul style="list-style-type: none"> x2 working age adults with a joint income of £60,000 x3 children x1 child with disabilities in receipt of DLA Home Owners £10,000 in savings 	£238,871.00	£30,000 Mandatory Grant (Childs Application)	£23,889.10	£46,112.90	£13,000	£57,000
Example 2	<ul style="list-style-type: none"> x2 Adults both of state pension age One adult in receipt of DLA The other adult is registered as a carer Both in receipt of an average weekly state pension of £185.00 per week and an Occupational pension each of £136.00 per week £30,000 in savings 	£101,093.40	£15,000 (does not qualify for a mandatory grant only the £15,000 discretionary grant)	£10,109.34	£74,890.66	£8600.00	£76,400.00

Example 3	<ul style="list-style-type: none"> x2 Adults 1 or both of whom are on a means tested benefits Owner Occupiers 	N/A as income is means tested benefits	£30,000 mandatory grant (as on means tested benefit)	N/A as income is means tested benefits	£70,000	N/A as income is means tested benefits	£70,000
Example 4	<ul style="list-style-type: none"> X2 Adults of working age 1 adult not working and in receipt of DLA (for whom the grant is for) 1 Adult working with an earned income of £25,000 2 Children Social Housing Tenants (RSL) £3000.00 in savings 	N/A as income is means tested benefits	£15,000 (does not qualify for a mandatory grant only the £15,000 discretionary grant)	£868.82	No legal charge can be secured as property belongs to RSL	£3950.00	No legal charge can be secured as property belongs to RSL



Winchester
City Council

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