

# Disabled Facilities Grant Policy Review 2021 – proposed changes



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## Background

South Lakeland District Council's Disabled Facilities Grant Policy dated March 2018 requires an annual review. This document outlines the proposed changes following internal audit and review.

## Review Aim

The aim of this review is to ensure our policy continues to reflect current legislation, central government regulation and guidance, need in the locality, our housing strategy, council priorities and audit recommendations. Due to the Local Government Reorganisation ('LGR') this policy review has been limited to aspects similar to Eden District Council and Barrow Borough Council. The remainder will be reviewed to align with the other districts as part of the LGR.

## Proposed Changes

The proposed changes to the 2018 policy are outlined in the table below and further paragraph. If approved will be added as an addendum to the 2018 policy.

Change proposed	Reason	Consequences of no change
Demonstrate links with council priorities (see detail below)	This was recommended by internal audit, it will show our commitment to serving our residents in line with the council priorities	We are unable to show how we are working with and contributing to the benefit of our communities and the council priorities
Increase the level at which we apply a means test; from works which are likely to cost £5,000 to the new figure of £10,000.	This is the same as Eden District Council and Barrow Borough Council and is proposed due to increase of adaptation costs. The cost of works in the past 6 months, particularly for level access showers which account for about 80% of DFG grants in this area, has been exceeding £5,000. Customers' incomes have not increased during this time. This causes an imbalance. As a result, we are means testing more customers who would have been automatically eligible a year	More and more applicants will be means tested leading to longer waiting times for application decisions. Anecdotally customers are often reluctant to be means tested or, are reluctant to pay a contribution or are unable to afford the contribution. Without the adaptations, this may increase the risk of trips, slips and falls and increase risk of injury and hospitalization, which the DFG funding is there to reduce.

Change proposed	Reason	Consequences of no change
	ago without means test or financial contribution. Means testing increases waiting time for application decisions and ultimately work commencement.	
Delegate power to Director of Customer and Commercial Services where a change in the means testing level is required	The pandemic has shown us that we need to be able to be more responsive to change in order to meet service demands and need. This will ensure customers are not penalized by waiting for policy change decisions through the usual route.	If we are unable to respond efficiently, we may find ourselves in a position where customers may lose out on financial assistance and as a consequence may not receive the adaptations they need.
Policy Review time frame to be reviewed when the Policy is reviewed as part of the LGR process.	This will provide an opportunity for Westmorland and Furness to determine the frequency of reviews.	A full review annually is considered unnecessary given the legislation has not changed since 2002. However, this will be considered by Westmorland and Furness Council.
Provide further clarity on the Agency contract arrangements (see below)	The DFG process is unusual in that SLDC acts as agent for the customer. The Audit recommended this is made clearer in the policy.	Confusion may arise for a customer as to responsibility for contract of works.
Clarify Service Standards (see below)	The audit recommended our standards were set out more clearly in the policy, this provides clarity for customer expectation and ensures standards are upheld.	Customer may not know what to expect and when.

## The Council Priorities and Strategies

The Council sets out 4 key priorities in the Council Plan, this policy aims to support the following priorities in particular.

### Delivering Balanced Communities

This policy invokes the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 'RRO', which enhances our powers and duties under the primary legislation (Housing Grants, Construction and Regeneration Act 1996). By administering grants in this way it helps to facilitate adaptations aiding safety and independence in the home as well as

assisting Carers to care. This enables a better quality of life for our residents and helps support in the delivery of balanced communities.

## Delivering a fairer South Lakeland

Having this policy empowers the council to maximize access and use of the DFG funding particularly by way of discretionary grants. This enables the council to assist more residents across the district where it might not without such a policy.

## Housing Strategy

The Council has a statutory duty to assess the housing need within the District including National Parks and plan to meet those needs. The DFG service feeds into the strategy action plan by adapting and improving homes to improve the health and wellbeing of older, young and vulnerable people. The DFG legislation is clear that it applies irrespective of the property tenure.

## Service Standards

- On receipt of an Occupational Therapist 'OT' recommendation, we aim to contact the applicant within 10 working days to start the application process (this might involve a home visit to determine feasibility of the home for the adaptation recommended or sending out an application form)
- We aim to determine a DFG application within 6 weeks of receipt of all information necessary to help us make that decision, such as but not limited to; proof of ownership/ consent/ assessment of feasibility.
- We aim to facilitate installation of the adaptation within 12 months from the grant approval date. Where an applicant uses their own contractor, we expect works to be completed within this time frame. The time frame can be extended at the Council's discretion such as; major works, unforeseen circumstances etc.
- We aim to pay grant money due within 30 days of a valid claim of certified work (on large works such as extensions payments may be made in stages)

## Agency

As suggested by legal advice to amend the 2018 policy as follows; 'The Council will make arrangements for contractors to undertake works in accordance with the Council's Disabled Facilities Grant Procedure. The Council will complete the paperwork with the contractor on behalf of, and as the agent for, the applicant. This means that even though the Council signs the paperwork with the contractor, the contract agreement is between the applicant and contractor; the Council is not a party to the contract acting in its own capacity and will not be liable for disputes arising between the parties. The Council will promote the use of Joint Contracts Tribunal 'JCT' contracts (although it cannot insist on these) to be drawn up and signed before any works start (particularly for works over £5000).

In cases where more than one contractor is needed to complete works then a separate contract will be drawn up with each contractor where the cost exceeds £5000. In the event of any disputes between the applicant and the contractor the Council will help to resolve these, however should this not be possible it may be necessary for the applicant to seek legal advice to remedy any dispute. The Council will normally arrange for grant payments to be made directly to contractors on behalf of the applicant upon completion of works. This may be done in phased stages as the work progresses. It is for applicants to pay contractors directly for any contribution that they are required to pay. The Council will make clear, in writing, how much applicants will need to pay. If phased payments are required applicants should only pay a percentage of their contribution in line with the Council's payments, for example, if the Council pays a contractor 50% of the grant as half of the works are complete the applicant should pay the contractor 50% of their contribution. The Council will guide applicants through the payment process'.

## Consultation

The review has taken into account internal audit recommendations and comments of key stakeholders (including; Eden DC, Barrow BC, Occupational Therapists at County and NHS 08.12.21) and the Housing Providers Advisory Group (08.12.2021).

## Local Government Re-organisation

Proposals for the re-organisation of local government in Cumbria which will take effect in 2023 will result in the abolition of South Lakeland District Council and Cumbria County Council. The local housing authority and county council roles will then assume a new unitary council 'Westmorland and Furness Council'. These proposals have been developed in consultation with Barrow Borough, Eden District and Cumbria County Councils to ensure that it is fit for purpose to influence the policy framework of the new authority. Communications will continue in relation to this service and how it fits in the new unitary status, the policy will be reviewed again in light of this.

## Conclusion

Approved proposals will be attached as an annex to The DFG Policy 2018

## Resources

Housing Strategy 2016 - 2025

Foundations – [www.foundations.uk](http://www.foundations.uk)

Housing Grants Construction and Regeneration Act 1996 'The Act' as amended

The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (conditions relating to approval or payment grant) General consent 2008

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO)

The Housing Renewal Grants (Amendment) (England) Regulations 2008

The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008

The Equality Act 2010

The Construction (Design and Management) Regulations 2015

