

Committee: Cabinet

Date: 17 July 2023

Agenda item:

Subject: Private Sector Housing Assistance Policy

Lead officer: Lucy Owen, Executive Director, Housing & Sustainable Development; John Morgan, Executive Director, Adult Social Care, Integrated Care & Public Health

Lead member: Councillor Andrew Judge, Cabinet Member for Housing and Sustainable Development; Councillor Peter McCabe, Cabinet Member for Health and Social Care

Recommendations:

- A. Cabinet approve the adoption and publication of the Housing Assistance Policy
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1. Purpose of report and executive summary

- 1.1 Borough and District Councils have a statutory responsibility, under the Housing Grants, Construction and Regeneration Act (HGCR) 1996 to award Disabled Facilities Grants (DFGs) and provide a service which delivers these in line with the legislation. These means tested grants enable people with disabilities to have adaptations installed in their homes to improve access into and around their homes. The maximum grant is set at £30,000 by legislation.
- 1.2 Council's obligations and powers extend beyond the mandatory provisions of HGCR 1996 in relation to DFGs. The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 (RRO 2002) introduced powers for local housing authorities to provide discretionary financial assistance for vulnerable and elderly residents to carry out essential repairs and home improvements, to keep their home environment safe and to provide advice about other support services. The assistance may take the form of a grant, loan, equity release or practical method of assistance, but only in accordance with an adopted Housing Assistance Policy which has also been published.
- 1.3 The policy has been produced to enable the Council to implement the discretionary assistance provisions. As the Council is a non-stock holding authority, the Policy relates primarily to the private sector,

although some provisions relate to social housing stock in the borough. The Policy is defined as Private Rented Sector Housing Assistance Policy referred to as the Housing Assistance Policy (HAP) and is set out at Appendix 2.

- 1.4 The Council receives an annual grant from government to fund DFG services. The DFG allocation is ring-fenced within the Better Care Fund (BCF) which was established to join up NHS, social care, and housing services to enable older people, and those with complex needs, to manage their own health and wellbeing and live safely and independently in their communities. In 2023/24 the DFG income available within the BCF is £1,452,224, out of the total BCF income of £21,519,476.
- 1.5 The purpose of the DFG grant is to provide support for local authorities in England for capital expenditure lawfully incurred in meeting their statutory duty in relation to provision of disabled adaptations.

2. Details

2.1 The Private Sector Housing Assistance Policy (HAP) is the product of a strategic work stream relating to the Council's provision of the statutory Disabled Facilities Grant service. The work stream has consisted of two preceding strands, The 2021 DFG Review project was completed and led to the process to procure a new supplier arrangement for delivering a more effective DFG service, which is currently underway. Although the Council's obligations and duties are set out in relation to the statutory DFG provision, it has not approved and published a discretionary policy, which is required by law to enable discretionary assistance to be provided. The HAP addresses this gap, as well as taking into account recent relevant government guidance and regulations. In particular the HAP has been developed taking into account:

- The need for the Council's service to have regards to the White Paper published by the Department for Levelling Up, Housing and Communities (DLUCH) on 16th June 2022, titled 'A Fairer Private Rented Sector'.
- The 2022 DLUCH and DSC White Paper Disabled Facilities Grant (DFG) delivery: Guidance for local authorities in England.
- Potential impact of the new Minimum Energy Efficiency Standards (MEES) in the residential and commercial private rented sector.

2.2 The overall aim of the policy is to address the needs of elderly, disabled and vulnerable residents living in inappropriate or inaccessible housing, where adaptations can improve accessibility of the

accommodation, and improve health and wellbeing of disabled persons in homes that do not meet their needs. The discretionary provisions in the policy enable the Council to provide assistance to applicants that are unable to meet their contribution requirements where a mandatory DFG may be awarded but be insufficient to meet the needs of the applicant. Other groups that would benefit include those that do not qualify for DFGs and those on low incomes that are unable to meet means test requirements and have insufficient resources to enable their properties to be adapted to meet their needs.

- 2.3 Government provides ringfenced DFG funding to Better Care Fund (BCF) budget holders. Funding must be spent in accordance with BCF Plans which are agreed between the Council and local health commissioners and overseen by the Health and Wellbeing Board.
- 2.4 A key focus of the discretionary policy provisions will be to support the BCF Plan objectives, in relation to the priorities aimed at reduction in delayed discharges from hospital and avoidance of admission to hospital or residential care. Service areas that would assist in addressing those priorities include:
 - Hoarding support to enable discharge
 - Dementia support (have use of the handyman service)
 - Deep clean services to enable safe return to property
 - Relocation Assistance
 - Energy efficiency and warmth services to enable hospital discharge
- 2.5 The key significant value discretionary grants proposed are:
 - Discretionary DFG top-up funding £15,000
 - Relocation Assistance Grant £15,000
 - Energy Efficiency Prevention Grant £8,000
- 2.6 Summary criteria for accessing the discretionary grants are set out in Appendix 2 of the Policy document. Further work is ongoing to develop the detailed assessment and approval processes involving the relevant teams.
- 2.7 As the Council has not provided grants under the relevant regulations there is no accurate information on likely numbers of qualifying applicants, and this will be developed as part of the financial modelling.
- 2.8 Anticipated DFG expenditure for 2023-24 is £879k. Merton's DFG allocation from the DLUCH for 2023/24 is £1.42m. The grant funding has been at this level for a number of years, apart from an additional allocation of £172k in 2020-21. This one-off allocation provided councils with support to deliver more home adaptations for people with disabilities under the Support for Health and Social Hospital Discharges scheme.

- 2.9 Merton's DFG allocation has been underspent annually for a number of years and has acquired a reserve of over £2m.
- 2.10 For expenditure to qualify for funding under the DFG it must comply with the DLUCH guidance set out in Annex A of The Disabled Facilities Capital Grant (DFG) Determination 2022-23 [31/6092]. The Annex is set out in Appendix 1 of this report.
- 2.11 Although the DFG regulations apply strict capital expenditure requirements some forms of expenditure will be able to be treated as capital expenditure as indicated in paragraphs 6.2 and 6.3. Some discretionary assistance proposed under the policy will not qualify as capital expenditure, and legal advice may be required to clarify whether some expenditure may be charged as capital to the DFG. The latest Guidance for local authorities in England includes the caveat that the guidance reflects government departments' understanding of the law, and authorities are advised to seek their own legal advice.
- 2.12 Initial estimates based on previous data indicates that around half of the approximate 160 annual applications proceed to a referral to the Council's DFG service supplier. Assuming that the cases not referred to the service supplier would qualify for a discretionary grant assistance, the following figures and estimated spend have been produced.

Application Type	No. Applications	Max Cost / Case £	Total £
DFG Top-up	20	15,000	300,000
General Discretionary	35	8,000	280,000
Emergency Adaptation	1	30,000	30,000
Energy Efficiency	15	8,000	120,000
Relocation	3	15,000	45,000
Total Estimated Discretionary Spend			775,000

- 2.13 The ongoing underspend and the reserves acquired are expected to be significantly in excess of the increased spend likely to result from the additional discretionary spend. The estimated spend will be updated once the financial modelling has been completed. However, once reserves are utilised the basic DFG allocation received will need to be managed in relation to increasing demands. It is important that realistic expectations are held in relation to the impact that the discretionary HAP provisions can deliver, in the longer term, taking account of the DFG budget limits and qualifying capital expenditure constraints.

- 2.14 Currently disabled adaptations minor works expenditure of up to £1,000 is considered de minimis in capital terms and not chargeable to DFG grant. Going forward the de minimis threshold will be removed and qualifying minor works will be charged to the DFG as capital expenditure. In order to support the new policy aims, and to increase the scope of discretionary provision.
- 2.15 Expectations need to be managed in that some of the aspirational increase in the range of discretionary services may relate to works that are the responsibility of, for example, private landlords with repairing obligations, or registered providers such as housing associations, which have obligations to their residents.
- 2.16 An inter-departmental Task & Finish Group has been established to review the HAP governance arrangements, decision-making process, structure and authorisation levels.

3. Alternative options

- 3.1 The Council could consider not to provide discretionary assistance; however, such a stance would be inconsistent with good practice and the recent updated government guidance. By not providing discretionary assistance residents that are not entitled to DFGs or who are on low incomes and fail to meet the means test may be unable to access adaptations that improve accessibility of the accommodation, and improve health and wellbeing, where homes do not meet their needs. Support for social care and hospital discharge objectives would be impeded.

4. Consultation undertaken or proposed

- 4.1 The following consultation has been undertaken:

- Head of Housing Needs & Strategy C&H
- Head of Direct Provision C&H
- Head of Business Planning
- Service Financial Adviser CS
- Legal Advisor SLLP
- Assistant Head of Transformation – Integrated Care (Merton)
- Housing Environmental Team C&H
- Occupational Therapy Manager C&H
- Foundations

5. Timetable

- 5.1 Policy publication and go live is expected to be achieved by September 2023. The key next steps are:

- LSG / Cabinet Approval - July 2023
- Task & Finish Group – guidance, process and procedure framework finalised - August 2023.
- HAP governance, decision-making process, structure, and authorisation – August 2023.
- Policy Document accessibility and website compliant formatting – September 2023.
- Publish Policy and operational commencement – September 2023

6. Financial, resource and property implications

- 6.1 Merton’s DFG allocation from the DLUHC for 2023-24 is £1.4m, the same sum as for the 2022-23. However, the DFG has been underspent annually for a number of years and has acquired a reserve pot of over £2m.
- 6.2 The purpose of this grant is to provide support towards capital expenditure lawfully incurred or to be incurred by the authority. Any money paid under this grant determination must only be used for the specific purpose of funding adaptations for disabled people who qualify for a Disabled Facilities Grant made under the Housing Grants, Construction and Regeneration Act 1996 or under the Regulatory Reform (Housing Assistance) Order 2002 (or any other social care capital projects where otherwise agreed as above).
- 6.3 Technically this expenditure is classified as “Revenue Expenditure Funded from Capital under Statute (REFCUS)”. Expenditure is charged to the capital programme but as this expenditure relates to assets the Council does not own, it cannot be added to the balance sheet resulting in the expenditure and the grant funding being charged through to revenue at year end. Utilising the REFCUS classification and the guidance from the Department for Levelling Up, Housing Communities and the Department of Health and Social Care it is possible to remove or reduce the de-minimis threshold as the assets will not need to be accounted for on the Authority’s Balance Sheet.
- 6.4 The Section 151 officer will need to amend accounting policy so that qualifying minor works may be charged to the capital programme (meeting the grant conditions detailed in the report) and funded from the DFG.
- 6.5 If the authority fails to comply with any of the conditions and requirements stipulated by grant conditions, DLUHC may reduce, suspend, or withhold grant or by requirement in writing to the authority, require the repayment of the whole or any part of the grant.
- 6.6 The current capital programme has an approved budget of £879k funded from DFG.

- 6.7 In Implementing this scheme it is envisaged that there will be no additional impact on revenue budgets that fund activity contained within it.

7. Legal and statutory implications

- 7.1 The report sets out the primary and secondary legislation governing the obligations the Council has in administering a Disabled Facilities Grant. The report also notes the relevant Guidance that the Council need to consider in implementing the Policy and any relevant application for assistance.
- 7.2 By adopting a Housing Assistance Policy and therefore the ability to consider the discretionary power offers the Council some flexibility in utilising Government funding for DFG's, but the Council remains under a statutory duty to approve an application for a DFG where that application meets all the relevant statutory requirements.
- 7.3 Members will be aware that as with any Policy where the Council exercises a discretion that attention must be had to all relevant factors to avoid any challenges in public law.

8. Human rights, equalities and community cohesion implications

- 8.1 The proposed policy will directly benefit individuals within the disability protected characteristic group. The policy will also benefit certain qualifying households within low income groups.

9. Risk management and health and safety implications

- 9.1 N/A

10. Appendices – the following documents are to be published with this report and form part of the report

- 10.1 Private Sector Housing Assistance Policy 2023-26

11. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

- 11.1 DFG Review and Procurement Project Report 2021
- 11.2 Department for Levelling Up, Housing Communities and Department of Health & Social Care – Disabled Facilities Grant (DFG) delivery: Guidance for Local Authorities in England – March 2022

12. Report author

Name: Shawn Scott

Tel: 020 8545 4003

email: shawn.scott@merton.gov.uk

Appendix 1: Identifying capital expenditure for DFG purposes

(Disabled Facilities Grant (DFG) delivery: Guidance for local authorities in England: Appendix A); Department for Levelling Up, Housing and Communities (DLUHC) and Department of Health and Social Care (DHSC))

Type of Expenditure	Is it Capital Expenditure?	Reason
Construction of an extension to an existing dwelling	yes	Creation of an asset, which will provide benefit for more than one accounting period.
Major adaptations to existing facilities such as a shower adaptation, ramp or stairlift	yes	A major adaptation, which will increase the economic benefits offered by it – e.g. Increased independence / reduced care costs.
Replacing a floor covering or repairing a shower unit	no	Repairs only maintain the asset; they do not increase the life of the dwelling.
New replacement stairlift	yes	Creation of an asset, which will provide benefit for a period of more than one accounting period.

Type of Expenditure	Is it Capital Expenditure?	Reason
Repairs to stairlift after breakdown	no	Repairs only maintain the asset; they do not materially increase the life of the stairlift.
Extended warranties for lifts and hoists	sometimes	Can be considered for capitalisation as part of the overall project costs of a new adaptation, as it will ensure that an asset that will provide benefit for more than one accounting period
Slings for hoists and shower seats	sometimes	Can be considered for capitalisation as part of the overall project costs of the new adaptation, which results in the creation of an asset that will provide benefit for more than one accounting period
Smart lighting, smart thermostats	sometimes	Can be considered for capitalisation as part of the overall project costs of the new adaptation, which results in the creation of an asset that will provide benefit for more than one accounting period

Type of Expenditure	Is it Capital Expenditure?	Reason
Hoists, shower tables, etc.	yes	New assets that provide benefit for more than one accounting period.
Refurbishment of existing adaptations	sometimes	<p>The repair of broken or worn-out adaptations is not capital. However, costs could be capitalised if adaptations are being replaced with a better product (enhancement).</p> <p>For example, flush floor shower replacing a tray with a step would qualify as betterment.</p>
Conversion of a garage into a habitable room	yes	Enhancement of an existing asset which will last for more than one accounting period.
Installation of a new kitchen including new cooker, dishwasher, microwave	yes	Enhancement of an asset that will extend its useful life.
Internal decoration of an existing property	sometimes	Decoration only maintains the asset; it does not increase the life of the building. Can be

Type of Expenditure	Is it Capital Expenditure?	Reason
		considered as capital expenditure if included as part of the whole project costs of the adaptation
Purchase of materials only for a major adaptation project	yes	<p>If the materials will be used for enhancement/betterment of the property the purchase of materials is classed as capital.</p> <p>Materials for routine repairs and maintenance are classed as revenue costs.</p>
Purchase of materials for repairs and maintenance (e.g. a new shower hose, replacement sections of fencing, parts for equipment etc)	no	Purchases associated with routine maintenance and repairs would be classed as revenue expenditure.
Agency fees - for a major adaptation. Applies to other fees such as planning etc.	yes	Can be considered as capital expenditure if included as part of the whole project costs of the adaptation – see services and charges order below.

Type of Expenditure	Is it Capital Expenditure?	Reason
Staff costs for supporting the delivery of major adaptations	yes	Can be considered as capital expenditure for direct support to clients/applicants (including advice) linked to the activities in the services and charges order (below)
Occupational therapy assessment fees	yes	Can be considered as capital expenditure if included as part of the whole project costs of the adaptation and carried out and invoiced by a private OT (see services and charges order as below)
Funding other temporary accommodation when residents need to move out during the execution of building works	yes	Can be considered as capital expenditure if included as part of the whole project costs of the adaptation
Training of staff	no	No, as no asset is being created.
Funding towards purchase of a new dwelling?	yes	Acquisition of an asset, which will provide benefit for more than one accounting period. Be careful around leases. Can also

Type of Expenditure	Is it Capital Expenditure?	Reason
		include cost of advising and supporting someone to move.
Assessment and approval of grant applications	no	No, as no asset is being created.
Developing policies and strategies on home adaptations	no	No, as no asset is being created.
Supervision of staff	no	No, as no asset is being created.
Monitoring of the program	no	No, as no asset is being created.
Delivering a handyman service	sometimes	Yes, where new adaptations are being fitted that will last longer than a year and support someone to live independently. But not if the service is predominantly carrying out repairs



**PRIVATE SECTOR
HOUSING ASSISTANCE POLICY
2023 – 2026**

Image Placeholder

Images Under Review

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1 INTRODUCTION

Disability in the UK

- 1.1 Across the UK the population is ageing and combined with greater life expectancy generally, there are increasing numbers of disabled working age and older adults. The numbers of families with disabled children are also increasing. Most people with a disability live in ordinary housing. Research has shown that most homes are not well designed for disabled people. The Ministry of Housing and Local Government (MHCLG) English Housing Survey 2014 to 2015: Housing for Older People report indicated that in 2014 only 7% of homes (around 1.7 million) had all four basic accessibility features of level access, flush threshold, downstairs toilet, and sufficiently wide doorways and circulation space.
- 1.2 The Disabled Facilities Grant (DFG) is a means tested capital grant which can contribute towards the cost of providing equipment in or adapting a home, for example by installing a stairlift, creating a level access shower room, widening doorways, providing ramps and hoists, or creating a ground floor extension. However, delivery of the grant is changing. DFG funded services are increasingly being used to provide a wider range of solutions to the problems people face in their home and to prevent the need for those affected by disability to go into care or require other statutory service interventions such as hospital services. The maximum limit of £30,000 applies to mandatory Disabled Facilities Grants. The grant is tenure neutral and available to owner occupiers and tenants.

Statutory Context and National Policy

- 1.3 Borough and District Councils have a statutory responsibility, under the Housing Grants, Construction and Regeneration Act (HGCR) 1996 to award Disabled Facilities Grants (DFGs) and provide a service which delivers these in line with the legislation. These grants enable people with disabilities to have adaptations installed in their homes to improve access into and around their homes. Provision of improved access to use bathing facilities and bedrooms and enabling people with disabilities to remain independent in their own homes for longer are key objectives of the legislative and grant making framework. Grants are means tested.
- 1.4 Councils' obligations and powers extend beyond the mandatory provisions of HGCR 1996 in relation to DFGs. The Regulatory Reform Order 2002 (RRO2002) introduced powers for local housing authorities to provide discretionary financial assistance for vulnerable and elderly residents to carry out essential repairs and home improvements to keep their home environment

safe and to provide advice about other support services. The assistance may take the form of a grant, loan, equity release or practical method of assistance. The assistance cannot be given unless a policy for a provision of assistance has been adopted and published.

- 1.5 In 2018 the MHCLG commissioned an independent review of the DFG, which recommended new guidance setting out expectations for local authorities in administering the DFG and the rights of disabled persons applying for the grant. In March 2022 the successor to MHCLG, the Department for Levelling Up, Housing and Communities (DLUHC), published new guidance for local authorities in England on how they can effectively and efficiently deliver DFG funded adaptations to residents. The guidance did not make policy changes, and instead brought together existing policy frameworks, legislative duties, and powers, along with recommended best practice.

Policy Aims and Objectives

- 1.6 The aim of the policy is to address the needs of elderly, disabled and vulnerable residents, including children, living in inappropriate or inaccessible housing, where adaptations can improve accessibility of the accommodation, and improve health and wellbeing of disabled persons in homes that do not meet their needs.
- 1.7 The older population is increasing in Merton and whilst many people will age in good health, others will live with long-term conditions that will cause both minor and severe impacts on their mobility, health, and care needs. The 2021 census indicates that in England, there has been an increase of 20.1% in people aged 65 years and over, an increase of 3.6% in people aged 15 to 64 years, compared with the 2011 census data.
- 1.8 In Merton there has been an increase of 17.2% in people aged 65 years and over, an increase of 6.0% in people aged 15 to 64 years. A key focus of this policy is ensuring that the Council uses its discretionary powers under the Regulatory Reform Order 2002 (RRO 2002) to provide assistance for vulnerable and elderly residents, including children, in a way that meets needs, and supports integrated partnership work, for example, enabling NHS hospital discharge and provision of community adaptations related support.
- 1.9 Each year the council prioritises funding to enable works and adaptations to be carried out in the home to help older and or vulnerable residents to:
- Remain independent in their own home for longer
 - Keep safe from crime and the fear of crime
 - Live in decent and safe housing

The overall objective is to improve the quality of life for residents, reduce unnecessary admissions to hospitals and care homes, and prevents

homelessness. This policy therefore supports the Council's overarching strategic theme of Sustainable Future.

Policy Review

- 1.10 This policy will be kept under review and updated in line with any changes to legislation or council finances. A full review of the policy will be undertaken no later than 5 years and will be dependent on sufficient financial resources being available.

Policy Context

- 1.11 The overarching ambition of the current administration is to build pride in Merton with four strategic themes that are currently in development and broadly as follows:
- Creating a borough of sport
 - Clean streets and environment
 - Sustainable future
 - High Streets and communities
- 1.12 This policy supports the Sustainable future strategic aims by enabling residents to remain independent in their accommodation where practicable and enables the sustainability of housing stock to meet the needs of residents.
- 1.13 To assist in the application of its statutory obligatory and discretionary powers, the Council has published this policy setting out how it will use them to help our residents remain independent and safe in their own home. The policy is effective from 1st April 2023. The Assistance approved prior to this date will be subject to the terms of the policy existing at the time approval was granted.
- 1.14 The Housing Assistance Policy also supports aims of the White Paper published by the Department for Levelling Up, Housing and Communities (DLUCH) on 16th June 2022, titled 'A Fairer Private Rented Sector'. The White Paper sets out the government's commitment to a decent homes standard for the private rented sector and halving the number of non-decent rented homes by 2030. Ensuring that residents in the private rented sector with disabled adaptation related needs and who may not qualify for a mandatory DFG adaptation will benefit from the Housing Assistance Policy.
- 1.15 The policy also has regard to the 2022 DLUH and DSC White Paper Disabled Facilities Grant (DFG) delivery: Guidance for local authorities in England. The guidance set out how councils can effectively and efficiently deliver DFG funded adaptations to residents. The guidance did not make policy changes, and instead brought together existing policy frameworks, legislative duties, and powers, along with recommended best practice.

Housing Assistance Policy

- 1.16 This policy describes the Council's provision of disabled adaptations and other services for individuals in need of such services, and who qualify under the relevant criteria. The Council is a non-stock holding authority and therefore the Policy primarily relates to the private sector and covers owner occupiers, tenants in private rented accommodation and tenants living in Housing Association or a Registered Social Landlord (RSL) property. Conditions apply to grants to residents of RSLs and these landlords are expected to provide alternative accommodation where they are unable to undertake works to the stock, or make a contribution to the costs of grants provided by the Council.
- 1.17 The Council provides support to individuals to help them remain living independently, confidently, and with dignity and privacy, within their homes. Private Sector Housing Assistance can help to reduce the effects of a disabling environment and thus maximise independence. Home adaptations are changes made to the fabric and fixtures of a home to make it safer and easier to get around and to use for everyday tasks such as cooking and bathing.
- 1.18 Assistance may also be provided to vulnerable people requiring assistance with maintaining warm housing, through provision of support for heating and insulation improvements. It can furthermore help to prevent the need for care and support or delay the need for further support, which are central themes of the Care Act 2014.
- 1.19 Home adaptations are changes made to the fabric and fixtures of a home to make it safer and easier to get around and to use for everyday tasks like cooking and bathing. Adapting a home environment can help restore or enable independent living, privacy, confidence and dignity for individuals and their families. Adaptations may also provide quick and effective solutions to enable rapid discharge of people from hospital, or to prevent admission to hospital or residential care.
- 1.20 The Housing Assistance Policy covers a range of household types and circumstances arising in the community, where there is a need for home adaptations to support individuals to live safely and be able to manage everyday tasks. Household types covered by the policy include:
- Owner occupiers with household members with disabilities
 - Private Sector Tenants
 - Housing Association (Registered Social Landlord) tenants

Temporary Accommodation is excluded although support may be provided in exceptional circumstances and cases may be reviewed on a case by case basis.

1.21 Except for mandatory Disabled Facilities Grants (DFG's) all funding for assistance in the private sector is "discretionary" and will be governed by the annual budget set by the Council. The Council will, subject to applicants meeting the requisite eligibility criteria and conditions, make the following grants available:

- Mandatory
- Discretionary

2 MANDATORY GRANTS

Disabled Facilities Grants (DFG's)

2.1 Disabled Facilities Grants are available to owners or tenants of properties (including those in permanent residential mobile homes) under Section 23 of the Housing Grants Construction and Regeneration Act (as amended) to provide physical adaptations to dwellings to meet the needs of a disabled person. Since April 2015 the Disabled Facilities Grant Funding has been an integral part of the Better Care Fund (BCF). The BCF pools several funding streams to support the development of integrated pathways between health, housing and Adult Social Care.

2.2 The following types of work when recommended for a disabled person (usually by an occupational therapist) are eligible for a grant provided they are necessary, appropriate, reasonable, and practical, having regard to the age and condition of the property.

- Making the building or dwelling safe.
- Facilitating access to and from the building.
- Facilitating access to or providing a bedroom.
- Facilitating access to the principal family room.
- Provision of a room containing a bath or shower or facilitating the use of such a facility.
- Provision of a room containing wash hand basin or facilitating the use of such a facility.
- Facilitating the preparation and cooking of food (only if used by the disabled person).
- Facilitating the use of power, light or heat by altering the same or by providing additional means of control.
- Facilitating access and movement around the dwelling to enable the disabled person to provide care for another person.

- 2.3 The applicant (who may not be the disabled person) must either own the property or be a tenant, and occupy the property as their principal or only residence. Nationally the maximum limit of £30,000 applies to mandatory Disabled Facilities Grants. The amount of grant paid is based on a financial assessment of average weekly income in relation to outgoings. There is no means testing for disabled adaptations for children under 19 years old. Depending on the outcome of this assessment, the amount of financial assistance offered can vary from zero to 100% of the work up to the statutory maximum amount that is payable under the scheme. Applicants will normally bypass the means test (passporting) if they are already in receipt of a means tested benefit that is relevant under legislation.
- 2.4 Registered social landlords are expected to contribute towards the costs of the works. Separate rules apply to tenants of Clarion Housing Association who are the Council's stock transfer Landlord.
- 2.5 Where the recipient of a grant has a qualifying owner's interest in the premises on which works are to be carried out, the Council may require repayment of part of the grant as set out in the regulations. Under the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, the local housing authority may require the repayment by the recipient of part of the grant that exceeds £5,000 (but may not demand an amount in excess of £10,000). The repayment would be required if the recipient disposes of the premises such as via sale or transfer within 10 years, subject to the Council considering that reasons for the transfer and that repayment is a reasonable requirement. Further details appear in Appendix 1.

Right to choose a contractor

- 2.6 DFG applicants have the right to choose which contractor to use to undertake their adaptations. This option will apply once the application process is complete, and the grant agreed by Council. Where an applicant chooses the contractor to carry the works as opposed to using the Council's contracted supplier, the following conditions will need to be met:
- Three independent quotes for the agreed works will be required to be submitted to and approved by the Council.
 - All work completed must fully comply with all relevant standards, legal requirements and have all certification necessary to ensure the Council can satisfy itself as to its integrity and compliance.
 - Works must be completed to the satisfaction of an approved building surveyor and be agreed as meeting the client's disability need by the Council's Occupational Therapist (OT).
 - On completion the scheme of work must fully meet the client's disability need. The Council's OT will be required to approve this criterion.

- On completion the scheme of work must fully comply with all relevant standards and legal requirements and have all the certification necessary to ensure the Council can satisfy itself as to its integrity and compliance. Work must be completed to the satisfaction of the Council's building surveyor.
 - Where an applicant asks a contractor to carry out any additional work on-site, or in addition to works approved by the Council, the applicant will become fully responsible for both the cost and quality of that work.
 - Contractors must be made aware that any additional work or agreements to alter an approved scheme must be approved by the Council.
 - Professional technical fees, up to a maximum of 10% of the total value of the adaptation/building work requested, can be included in the grant application. This amount can cover items such as the production of technical drawings, completing applications for any additional permissions that are needed (such as Planning or Building Control applications) and other professional fees for surveys etc. that are agreed in advance with the council.
- 2.7 Under the terms of the grant there are limitations on the amount of grant that can be awarded if the applicant wishes to use a family member to complete the work for them. Applicants must discuss this with the council before any work commences and obtain consent in writing if they wish to appoint a family member, to complete the work for them. Failure to do this may result in a grant offer being refused or withdrawn.

DFG Works to Communal Areas

- 2.8 In general works in communal areas are not normally covered by DFG's as they are normally the responsibility of the freeholder and in some circumstances can interfere with the means of escape in case of fire e.g. stair lift blocking the stairs.

3 DISCRETIONARY GRANTS

- 3.1 The following policy conditions will apply:
- Assistance under the discretionary policy, is not obligatory and the Council is not bound to approve any application where there is no legal entitlement to assistance.
 - Assistance under this policy is provided subject to the availability of council financial resources.
 - Where demand for this assistance exceeds the available resources, the Council will take into account the risk to health posed as a result of not providing the assistance; the length of time that persons have waited for assistance, and other factors that appear relevant.

Financial Assistance

- 3.2 The general power under Article 3 of the regulatory Reform (Housing Assistance, England & Wales Order 2002) enables the Local Authority to give assistance in any form for adaptations (e.g. grant, loan or equity release). There is no restriction on the amount of assistance that the Local Authority may provide. The discretionary funding may be awarded in addition to the mandatory Disabled Facilities Grant.
- 3.3 Assistance can be given under Article 3 for a wide range of purposes, for example:
- To provide small scale adaptations to either fulfil needs not covered by Mandatory DFG's or by avoiding the procedural complexities of mandatory DFG's to deliver a much quicker remedy for urgent adaptations.
 - To provide top up assistance to mandatory DFG's where the local authority takes the view that the amount of assistance under the DFG is insufficient to meet the needs of the disabled person and their family, and
 - To assist with the acquisition of other accommodation (whether within or outside of the Local Authority's District) where the Council is satisfied that this will benefit the occupant at least as much as adapting his/her existing accommodation
- 3.4 The Article 3 power may not be used unless the Council has published a Housing Assistance Policy, such as this one, setting out how it intends to make use of the power. As part of this Policy to provide support for disabled residents living in private sector housing, Merton will provide discretionary Disabled Facilities Grants. This funding is designed to top-up DFG's in exceptional circumstances where a major adaptation involves work exceeding the £30,000 DGF ceiling.
- 3.5 Discretionary support may be given to the resident where the Council considers that such assistance will enable him/her to retain his/her home and will significantly reduce the costs or delay the future costs of care and support funded by Adult Social Care.
- 3.6 Merton will offer a Discretionary DFG of up to £15,000 where the works exceed the mandatory DFG limit. This reflects an increase on the previous level of £10,000. This additional funding will not be subject to the DFG test of resources where the works are for children.
- 3.7 As part of the assessment to determine an applicant's eligibility advice and information will be provided to explore other sources of funding where works exceed the mandatory DFG limit. This may include Equity Release, Charitable Funding, etc. The Council will need to be satisfied that the applicant and or their family where relevant has no financial ability to service

the additional costs from these sources before agreeing to a Discretionary DFG.

- 3.8 Where the applicant for a Discretionary grant is a tenant of a RSL, or a member of the tenant's family, and the grant ceiling is exceeded, the RSL on is expected to either offer a Tenant Transfer to more appropriate property or to provide the top-up of funding itself.
- 3.9 For Homeowners, the Grant will be placed as a Land Charge against the property in question and will be repayable on the sale of the property within 10 years.

Hospital to Home Assistance

- 3.10 To prevent bed blocking in hospital and to assist with preventing admission or re-admission to hospital, funding for adaptations will be available to a maximum of £5,000 per case. Applications for such works and related assessments will be referred to and be administered by the Council's OT service.

Type of works may include:

- Blitz cleaning
 - Moving furniture
 - Basic equipment such as beds and bedding
 - Minor repairs and adjustments in the home (eg Handyman or Helping Hand Technician service)
- 3.11 Referrals must be made by a professional acting on the applicant's behalf e.g. social worker, occupational therapist, mental health team professional, or hospital discharge worker.
- 3.12 This grant is intended to speed up the discharge process to enable residents to return to a home that is suitable for their needs and prevent a return to hospital. It must be supported by the hospital discharge team or social worker.

Relocation Assistance

- 3.13 In cases where a home adaptation would not be practicable the legislation allows Merton to offer Relocation Assistance. This can be granted in situations where an adaptation has been:
- (a) Identified as being required in a home that is privately owned or privately rented (excluding Housing Association/Registered Social Landlords who should access the housing register via Choice Based Lettings Scheme).

and

(b) The adaptations cannot be reasonably carried out for reasons of expense, disruption, feasibility, or inability to agree with the proposed scheme.

- 3.14 Assistance can be given up to a limit of £15,000 in the form of a DFG type grant. Funding requests above £15,000 to support relocation would require a case conference and need to demonstrate a clear cost benefit, along with an improved customer outcome. Approval will be required by the Director of Adult Social Care, and the Head of Housing Needs & Strategy.

Relocation Assistance is required to be recommended by the occupational therapist, in conjunction with the Council's DFG service supplier (Home Improvement Agency), having confirmed adaptations are not feasible or are prohibitive due to cost. Eligibility would only apply in situations where the applicant would normally have qualified for a DFG.

- 3.15 Assistance may include one or more of the following

- Estate agents' fees for selling current home.
- Solicitors' fees for selling the existing home and buying a more suitable property.
- Removal costs.
- Survey and valuation costs.
- Reconnection of services, for example electricity, gas, and telephone.

- 3.16 Approval is only given if the following criteria have been met.

- The applicant would have qualified for a DFG, but it was not reasonable or practicable to carry out the work.
- The home to which the disabled person is moving is suited to their needs (as assessed by the Occupational Therapist and approved by the Council as being suitable without the need for further major adaptations).
- They are financially eligible. Financial eligibility is determined on the same basis as eligibility for the DFG.
- If a subsequent DFG is applied for at the new property, the relocation grant sum will be considered as being part of the overall mandatory DFG.
- Standard statutory grant conditions will be applied if the alternative property is sold or transferred as part of a relocation or DFG grant.

Emergency Adaptations

- 3.17 The Council can use its discretion, in certain cases, to fund emergency adaptations. This will only be used in urgent cases for applicants who for example:

- Cannot sustain living, or life, at home unless essential adaptations are undertaken.
- Cannot access essential hospital admissions, dialysis, or day care without adaptations.
- The current situation is placing the applicant and his/her carers at considerable risk of injury e.g., from unsafe moving and handling.

3.18 The type of works that could be funded are:

- Stair lifts for access to the property.
- Stair lifts where living on the ground floor is not possible.
- Ramping.
- Other works which in the opinion of the Occupational Therapist would facilitate hospital discharges or are needed urgently.

3.19 Approval will be required by the Director of Adult Social Care, and the Head of Housing Needs & Strategy. For adaptations funded via the emergency adaptations scheme, the normal adaptations process will be by-passed to install the adaptations as speedily as possible. However, the means test will still apply as with mandatory DFG's for owner occupiers, private sector tenants and Housing Association tenants.

Processing Emergency Adaptations

3.20 Emergency referral to the Housing Grants Officer from the Occupational Therapist (OT) and confirmation that the applicant is in receipt of a passport benefit. Housing Grants Officers refer cases to Home Improvement Agency (HIA) who will ensure applicant signs a consent form confirming they own the property or in the case of private and housing association tenants that the landlord agrees to the adaptation. The HIA must also obtain proof of a passport benefit. The works will be ordered and overseen by the HIA in consultation with the Occupational Therapist. The upper limit for works under this scheme will be £5,000.

Dementia Friendly Aids and Adaptations Grant

3.21 This will provide aids and adaptations in the home designed to enable people with a diagnosis of dementia to manage their surroundings, retain their independence and reduce feelings of confusion and anxiety. The maximum grant will be £2,000 and will be non-means tested. Access to the Grant must be supported by a professional i.e. social worker, occupational therapist, mental health team, or hospital discharge professional.

3.22 The Grant can be a combination of standard products and bespoke products based around individual need, including:

- Easy to use phone.
- Day clock
- Carpet strips
- Toilet seat of a contrasting colour
- A bed settee for a relative to stay and look after someone who lives in a one- bedroom flat.

Helping Hand Service for Low Level Hazards

- 3.23 A resident contacting Adult Social Care may be referred to the Handyperson service when they are having functional difficulties managing everyday tasks such as getting in/out of the bath safely or difficulty managing the stairs or getting in/out of their home where they have steps. The Helping Hand Technician will assess the home situation and where applicable will adjust and install equipment such as rails and banisters to improve the safety, support, and confidence of the applicant.
- 3.24 The Helping Hand Technician is also permitted to undertake a low-level repair or minor adjustment to remove a hazard to the applicant. Excluded works include those that are the responsibility of the landlord, or which amounts to significant disrepair work. The types of low-level repairs carried out includes.
- Fixing down the edge of loose carpets or rugs.
 - Rehangng curtains.
 - Tightening loose grab rails or banister.
 - Changing batteries.
 - Changing light bulbs.
 - Installing a grab rail/key safe.
 - Make safe trailing wires.

Assistive Technology

- 3.25 Grants of up to £2,000 will be available for assistive technology to enable applicants to live safely and independently in their homes. Assistance may include:
- Smart heating, power, lighting, and temperature control systems that can be remotely controlled
 - Dementia friendly remote control devices for domestic appliances and voice task reminder systems
 - Wearable monitoring and alarm devices
 - Facilitating access to and movement within the dwelling such as sensors triggered by movement or a timer.
 - Technology to assist with household chores, such as robot vacuum cleaners and lawn mowers

- Smartphone and table devices integrated with household systems such as video doorbells and electronic curtain controls.

Energy Efficiency Assistance for the Home

- 3.26 There is a link between a cold home and poor health. The statistical evidence shows that there is a continuous relationship between indoor temperature and vulnerability to cold-related death. The percentage rise in deaths in winter is greater in dwellings with low energy efficiency ratings. This is particularly the case for persons aged over 65.
- 3.27 The Council will provide information, advice and guidance in relation to enabling disabled people to improve thermal energy efficiency in their homes, and maintain the recommended indoor temperatures i.e. within rooms. Using the powers under the RRO, Merton can offer a “Prevention Grant” funded by the DFG. This grant would assist vulnerable owner-occupier or tenants with repairing obligations to undertake essential repairs. To qualify an applicant would need to meet the following policy criteria for vulnerability:
- Have a disability and meet the general requirements that would be applicable were a DFG application made.
 - Be in receipt of a passported benefit.
 - An OT assessment confirms that the applicant would be unable to remain in the accommodation safely or require hospital admission or significant medical or care related intervention without the required works.
- 3.28 The maximum grant is £8,000 (excluding any architectural fees). The property must have a Category One Hazard assessed by the Housing Act 2004 or be significantly non-decent as assessed by an Environmental Health Housing Officer. Examples of works which could be eligible are:
- Heating system to replace one which is beyond repairs or inefficient, or
 - An overhaul of the electrical installation.
 - Roof repairs and/or loft insulation.

Minimum Energy Efficiency Standards (MEES)

- 3.29 Central government have introduced regulations to improve the quality of private rented buildings and reduce the overall CO2 emissions in accordance with the UKs targets for decarbonisation. In 2016, The Energy Efficiency (Private Rented Property) Regulations 2015 established the new Minimum Energy Efficiency Standards (MEES) in the residential and commercial private rented sector. From 1st April 2018, phase one of the MEES regulations came into force. These have significant implications for landlords of private rented property as they state that it is now deemed unlawful to let properties with an Energy Performance Certificate (EPC) rating below an 'E' rating. Further

legislation has now been passed to further raise the EPC standards to a D rating by 2025 and a B rating by 2030.

- 3.30 The Council expects private landlords to address poor energy efficiency in their rented homes, especially where conditions impact on the health and well-being of residents.
- 3.31 Sustainable warmth funding is currently available for a limited period for qualifying low-income households in London. The Mayor of London secured £40.2m in funding from central government to upgrade around 3,200 fuel poor homes, to be delivered through the Warmer Homes scheme from 1st April 2022 until 31st March 2023. Grants are available between £5000 - £25,000 (depending on the EPC rating, tenure, and current fuel type) for heating, insulation, and ventilation improvements to low-income Londoners (below £20k after housing costs) who own their own homes or rent privately. The scheme ends in March 2023 and there is no current indication that a further a scheme or further funding will be available thereafter. However, there may be future grants available from government or other sources that could help to improve the energy efficiency of homes by installation of insulation, heating systems, or other services. The Council's website (www.merton.gov.uk/council-tax-benefits-and-housing/warm-green-homes) should be checked to see whether there are any sources of grant funding or other support measures available.

4 APPLICATION INFORMATION

- 4.1 This Policy, or any part of it, may be amended or withdrawn at any stage, due to for example changes in legislation, or government policy or guidance. Existing applicants whose individual applications have yet to be approved, would remain eligible for the existing Disabled Facilities Grant, subject to meeting the existing criteria at the time of application.

How to make an application

- 4.2 Applicants wishing to apply for assistance who live in the London Borough of Merton should contact the Occupational Therapy Service to request an OT assessment and start the DFG application process, via the following contact options:

Occupational Therapy Service
Civic Centre
London Road
Morden
SM4 5DX
Email: ssotduty@merton.gov.uk
Tel: 020 8545 4477 / 4428 (available 9am – 5pm Monday to Friday)
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4.3 An application must be submitted in writing by applicants or their representatives with all the relevant and required information to support the application. A completed application is one which must include: -

- Completed and signed application forms.
- Completed and signed certificates of future occupation where required.
- Evidence, where necessary to demonstrate the applicant's ability to meet their share of the costs.
- At least two competitively priced estimates for grants of less than £1,000 one estimate would suffice.
- The Council will confirm the exact works that are eligible for assistance.

DFG Grant Application Appeals Procedure

4.4 An appeal submission must include the specific grounds on which the appeal is based. Appeals will only be considered on the following grounds:

- That the policy has not been applied correctly
- That there is an exceptional case for providing assistance which is not within the Council's existing policy.
- There has been some error or excessive delay in the processing of a grant.

In such cases the applicant should write to:

The Head of Housing Needs & Strategy
The London Borough of Merton
Civic Centre
London Road
SM4 5DX
Or via Email: ehhousing@merton.gov.uk

4.5 The Council will acknowledge the appeal request within 5 working days and respond within 28 days. Any written comments and complaints about the Policy may also be considered under the Council's complaints Policy.

APPENDIX 1: REPAYMENT CONDITIONS – DISABLED FACILITY GRANT DISPOSAL OF THE DWELLING

The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008:

Where a grant is for a sum exceeding £5,000, the Council may demand repayment of such part of the grant that exceeds £5,000 (but may not demand an amount in excess of £10,000) if:

- The 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
- The Council, having considered:
 - i. the extent to which the recipient of the grant would suffer financial hardship were he required to repay all or any of the grant.
 - ii. whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment.
 - iii. whether the disposal is made for reason connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises.
 - iv. whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity. is satisfied that it is reasonable in all the circumstances to require the repayment.

Notes:

1. Repayment will not be required immediately where a joint owner(s) dies, and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s), but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.
3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force.

4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

Definitions:

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:
 - i. sale of the freehold or an assignment of the lease or
 - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
 - iii. any other form of sale, assignment, transfer or disposal.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7: General Guidance on the operation of the housing assistance policy.

Insurance and compensation claims

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG, C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party, we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest. As claims can be protracted there is no time limit attached to this provision.

In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

APPENDIX: 2 SUMMARY OF DISABLED FACILITIES GRANT RELATED ASSISTANCE AVAILABLE

Assistance	Funding (Maximum Sum)	Eligibility Requirements	Objective	Land Charge Applicable	Other Information
Mandatory Disabled Facilities Grant (DFG)	£30,000	Means tested – contributions may be required	To provide physical adaptations to dwellings to enable disabled persons to remain in their own home.	Max £10,000 for grants over £5,000. Charge period 10 years	The applicant (who may not be the disabled person) must either own the property or be a tenant and occupy the property as their principal or only residence. Occupational Therapist (OT) Assessment required.
Discretionary DFG	£15,000	Means tested assessment	To provide top-up funding in exceptional circumstances such as meeting the policy vulnerability criteria, where major adaptations required will exceed the £30,000 DGF ceiling	Max £10,000 for grants over £5,000. Charge period 10 years	Other sources of funding will be explored e.g. Equity Release, Charitable Funding, etc.
Hospital to Home Assistance	£5,000	Occupational Therapist (LBM) assessment &	Funding for adaptations to prevent bed blocking	None	Occupational Therapist (LBM)

		approval required. No financial assessment required.	in hospital and to assist with preventing admission or re-admission to hospital		assessment & approval required.
Helping Hand Technician (MASCOT)	N/A	Referral by Adult Social Care Team, Hospital to Home Team	To improve safety in accommodation.eg by adjusting or installing equipment such as rails and banisters, fixing loose carpets or rugs, installing a grab rail or key safe.	None	Not applicable to works that are the responsibility of a landlord
Handyperson (MASCOT)	N/A	Referral by Adult Social Care Team	Minor repairs and adjustments to enable independence and safety in the home	None	
Dementia Friendly Grant	£2,000	Referral by OT, Adult Social Care,	To provide aids and adaptations to enable people with a diagnosis of dementia to manage their surroundings, retain independence and reduce feelings of confusion an anxiety	None	Access to the Grant must be supported by a professional i.e. social worker, occupational therapist, mental health team, or hospital discharge professional
Assistive Technology	£2,000	Referral by OT, Adult Social Care,	Provision of assistance to enable applicants to live safely and	None	Access to the Grant must be supported by a professional i.e. social worker,

			independently in their homes. Assistance may include remote controlled systems for heating, lighting, sensors, and appliances.		occupational therapist, mental health team, or hospital discharge professional
Relocation Assistance Grant	£15,000	Meets DFG criteria but not practicable to carry out works on current property.	To enable move to suitable accommodation where adaptations unable to be made to existing home.	Max £10,000 for grants over £5,000. Charge period 10 years	Home is privately owned or privately rented (excluding Housing Association/Registered Social Landlords who should access the housing register via Choice Based Lettings Scheme). OT and Home Improvement Agency recommendation required. OT Assessment of the alternative property required, and Council approval required to ensure applicant needs will be met without further major adaptations.

Emergency Adaptations	£30,000	DFG mandatory criteria to be met and financial assessment test	To enable emergency works where a person cannot sustain living, or life, at home unless essential works are undertaken. E.g. cannot access essential hospital admissions, dialysis, without adaptations.	Max £10,000 for grants over £5,000. Charge period 10 years	
Energy Efficiency Prevention Grant	£8,000	DFG criteria to be met and financial assessment test	To assist vulnerable owner-occupiers or tenants with repairing obligations to undertake essential repairs such as heating system replacements if beyond repair, or overhaul of the electrical installation. or loft insulation.	None	Excludes architect /surveyor fees. Excludes works which are a landlord's responsibility. Vulnerability criteria apply as set out in para 3.27 of the policy.

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