



Private Sector Housing Assistance Policy

CONSULTATION DRAFT

2017-2018

Housing Grants, Construction and Regeneration Act
1996

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

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INTRODUCTION

This policy document outlines Chorley Council's policy in relation to the provision of information, advice and enabling activities to assist home owners and tenants requiring adaptations, energy efficiency measures and other support relating to their home.

Whilst this document is principally for private sector owners, tenants and landlords, the adaptations section is also relevant to tenants occupying social housing.

The policy reflects current legislation and guidance as set out in documents such as:

"Home Adaptations for Disabled People: A good practice guide"
(Care and Repair England 2013)

"The Disabled Facilities Grant – before and after the introduction of the Better Care Fund"
(Foundations 2016)

Chorley Council (the Council) takes the view that the prime responsibility for maintaining and improving housing rests with home owners and landlords. However, the Council is committed to improving the quality of housing across all tenures, including owner occupation and private renting.

In addition, it is acknowledged that there are some vulnerable homeowners who will need support to enable them to access relevant available assistance to keep their home to a decent standard.

POLICY AIMS

- To provide advice, information and support on repair, maintenance and adaptation of properties.
- To offer a framework of assistance to vulnerable groups/households.
- To facilitate an increase in the number of households able to heat their homes at reasonable cost thereby reducing fuel poverty and helping households to achieve affordable warmth.
- To reduce carbon dioxide (CO₂) emissions in the borough's private housing stock.
- To help to improve the physical conditions of both homes and neighbourhoods.
- To assist disabled people with adaptations to facilitate their movement in and around their home, thereby improving their quality of life.
- To contribute to the aims of the *Better Care Fund*, principally to reduce delayed transfers of care, minimise avoidable hospital admission and facilitate early discharge from hospital.
- In offering assistance the Council is seeking to enable people to help themselves and advise customers of services offered by other organisations.
- To treat individuals fairly regardless of age, sex, gender, disability and sexual orientation and to protect their rights under Data Protection and human rights legislation.

How the policy links to the Council's Corporate Strategy 2016/17 to 2018/19

The policy helps to work towards three priorities of the Corporate Strategy by meeting the objectives as detailed below:

Strategic Objective: Clean, safe and healthy communities

- **Reduced health inequalities**

The Home Improvement Agency (HIA) advises people with disabilities and older people about the services which are available to enable them to live independently in their own homes, thereby helping to reduce health inequalities.

- **High quality, affordable and suitable housing**

The HIA has an enabling role in helping residents live in decent homes as well as facilitating adaptations for people with disabilities.

Strategic Objective: Involving residents in improving their local area and equality of access for all

- **All residents are able to take an active part in their community**

The HIA helps residents to live independently in their own homes, and thereby helps them to take an active part within their community.

Strategic Objective: An ambitious Council that does more to meet the needs of the residents of the local area

- **An ambitious Council that continually strives to improve**

The policy aims to reduce the number of households in 'fuel poverty'.

DISABLED FACILITIES GRANTS (DFGs)

Under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 the Council has a legal duty to provide specialist adaptations to meet the care and mobility needs of people with disabilities to enable them to live independently with privacy and dignity.

The need for the adaptation is determined by an Occupational Therapist from the Lancashire County Council's Adult Social Care Services Department.

Chorley Council is the lower tier authority responsible for statutory housing functions, whilst Lancashire County Council is the upper tier responsible for social care.

DFGs for Tenants of Registered Social Housing Providers

In legal terms the ultimate responsibility for funding adaptations lies with the Council.

However, Registered Providers also have a duty to their tenants to provide a home which is accessible and safe.

The Homes and Communities Agency's Regulatory Framework ('Home Standard') states:

"Registered Providers shall co-operate with relevant organisations to provide an adaptations service that meets tenants' needs" (the Regulatory Framework for Social Housing in England from April 2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419208/Home_Standard_2015.pdf

A number of Registered Providers who operate in Chorley have entered into a Memorandum of Understanding (MoU) with the Council.

The MoU covers major adaptations, classified as those which are expected to cost £1,000 or more.

Tenants of Registered Providers should approach their landlord for assistance in the first instance.

Under the terms of the MoU, the Council and Registered Providers share the cost of major adaptations on a 50/50 basis.

For works which the Council's Home Improvement Agency (HIA) manages, the Council will charge the Registered Provider a 10% fee (based on the total cost of the work) for procuring and project managing the work.

All households who are resident in 'Intermediate home ownership' housing i.e. those living in Shared Ownership, properties purchased with an Equity Loan and Discounted for Sale (such as the Council's Low Cost Home Ownership scheme) properties are classed as 'private' owner occupiers for the purpose of DFG applications, and therefore these customers should approach the Council for assistance in the first instance.

Lancashire County Council Financial Threshold

Where an adaptation will cost under £1,000 and the property is privately rented or owned, the County Council will arrange for the works to be completed as a **Minor Adaptation** under the Integrated Home Improvement Service.

Prioritisation of DFG Applications

All applications are treated in the same way regardless of tenure and are triggered by the receipt of a referral from the Occupational Therapist (OT).

The OT will classify each case into one of the following categories:

- High Priority
- Standard Priority

The Council adheres to these prioritisation categories, in addition to using the date received as a further way of distinguishing between referrals.

Eligibility

A customer who is a disabled person as described by the Housing Grants, Construction and Regeneration Act 1996 is eligible for assistance.

The duty is 'tenure blind', thus adaptations should be provided for those in need, irrespective of the type of home that they live in.

In addition,

- Applicants must be over 18.
- Parents or guardians may apply on behalf of children.
- Landlords may apply on behalf of tenants.
- The property must be a legal residence which includes dwellings, mobile homes, caravans and houseboats.
- Works must be "reasonable and practicable" to carry out, as determined by a designated Council officer in consultation with an OT and the applicant.

DFG Grant Conditions

All applications are dealt with in accordance with the priority awarded them (see above) and in date order. All applications are subject to a test of financial resources in accordance with the Housing Grants, Construction and Regeneration Act 1996 (as amended) to determine the amount to be contributed by the applicant towards the cost of the work.

In accordance with legislation the test of financial resources will not be applied in cases where an application is being made on behalf of a child or young person aged 19 or below.

The Council will add a 10% fee to the value of each DFG application which it processes.

Eligible Works

- To assist entry and exit from the property.
- To aid access into and around the living areas, bedroom, kitchen and bathroom.

- To improve or provide heating and/or light controls.
- To make the dwelling safe for the disabled occupant and other people residing with him/her.
- Access to and from the garden by a disabled occupant.
- Where the existing footprint or layout of the dwelling, including outbuildings and garages, can be adapted or converted to accommodate the facilities required the Council will not consider any extension to the property.
- Where an extension is necessary and there is no other option, the Council will consider the most cost effective method of meeting the applicant's requirements.
- Where the applicant has a preference for works that are over and above those necessary to meet the disabled person's needs (such as an extension rather than the provision of stair lift and level access shower) the Council will only fund the cost of the original recommended works, with the remainder being funded by the applicant.
- Applications for grant aid will not be considered where works have previously been completed.
- Applications for grants where works have started but have not been completed will only be considered where the applicant can demonstrate exceptional circumstances as to why they did not apply and seek approval prior to the start of the work. In such cases any work already completed will be excluded from the subsequent application.

Service standards

- Legislation requires a decision from the Council to approve the grant or not within 6 months of receiving the full application (this includes all necessary information e.g. proof of home ownership or landlord consent); the Council will aim to achieve this within 8 weeks.
- In accordance with legislation, the Council will aim to complete the installation of all disabled adaptations within 12 months from the date of grant approval.
- The Council aims to process applications fairly, efficiently, courteously and promptly.
- The Council aims to pay grant money due within 30 days of a valid claim on certified work.

Legal Charges

In accordance with the legislation set out in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, where the adaptation is carried out to a property which is privately owned and the cost of the work is £5,000, or more, the Council will place a legal charge on the property through the Land Registry.

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

The maximum repayable amount at the change of ownership is £10,000.

The DFG application process: considering alternative options

During the period that the Council is considering the application a number of options will be explored with the applicant as follows:

- Alternative options such as a possible move to a property owned by a Registered Provider or a private sector property.
- If the customer is a Registered Provider tenant, the Council will liaise with the Registered Providers to determine whether it is more cost effective for the applicant to transfer to another property rather than adapt the existing property.
- Complete a financial assessment to determine eligibility for assistance and if a financial contribution will need to be made by the applicant.
- Explore options to assist the applicant in funding any contribution required by them.

Tendering of DFGs

All DFGs are tendered via 'The Chest' website www.the-chest.org.uk

In accordance with the Council's procurement policy, if the anticipated cost of work is lower than £10,000 two quotations are required. If the anticipated cost of work exceeds £10,000 three quotations are required from the Council's list of approved contractors.

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

There are exceptions to the tendering process as stair lifts, through floor lifts, step lifts, ceiling track hoists and automatic wash & dry WCs form part of a procurement partnership with LCC, who also arrange installation.

Included within the grant sum paid for such items of equipment is an extended warranty of 5 years which gives the customer reassurance in the event of maintenance issues or breakdown of the item. Once the warranty period has expired, the customer assumes the responsibility for maintaining the item(s) of equipment.

Maximum DFG entitlement

The mandatory maximum that an applicant can be awarded (per application) under the DFG legislation is £30,000.

For 2017/18 the Council is trialling the provision of additional funds (subject to budget availability) of up to a further £10,000 being available to enable all the mandatory DFG-eligible works, as recommended by the Occupational Therapist, to be carried out.

This policy change has been introduced in recognition of the fact that extremely complex adaptation cases, mainly for children, involving ground floor extensions plus specialist equipment, are now resulting in tenders which exceed £30,000.

This facility to draw upon an additional sum of money will enable customers to receive their adaptations without progress being delayed while alternative funding solutions are explored.

Other Options

Registered Providers have the discretion to offer a tenant living in an adapted rented property who no longer needs the adaptations a disturbance grant to help them move into a non-adapted property and for a DFG applicant to move into the existing adapted property.

This policy is voluntary for both the tenant living in the adapted property and the DFG applicant who may be offered the existing adapted property.

There are benefits to this arrangement as it ensures resources within the borough are effectively utilised and may enable needs to be met more quickly. Registered Providers will seek to optimise the use of their stock by facilitating the transfer of an existing tenant whose needs may be better met by a move to more suitable accommodation such as a ground floor flat or bungalow, rather than adapting their existing home.

Applicants should refer to the Registered Provider's policies for further details on this option. The Council will expect the applicant to accept a reasonable offer of suitable alternative accommodation rather than progress a DFG application.

Better Care Fund

From 2015/16 the grant paid from Central Government to Local Housing Authorities to help pay for DFGs has been a named part of the Department of Health's 'Better Care Fund'.

The Better Care Fund is described as a '*single pooled budget for health & social care services to work more closely together in local areas based on a plan agreed between the NHS & local authorities*'.

The Better Care Fund 2016/17 Policy Framework refers to the Better Care Fund as '*the biggest ever financial incentive for the integration of health and social care...it requires Clinical Commissioning Groups and Local Authorities to pool budgets and to agree an integrated spending plan for how they will use their Better Care Fund allocation*'.

The Better Care Fund 2016/17 Technical Guidance

<http://www.local.gov.uk/documents/10180/5572443/Better+Care+Fund+Planning+Requirements+for+2016-17+Technical+Guidance+Annex+4/95d68c2e-8e5f-4ff0-9d5b-0478cd79d118>

confirms that '*the statutory duty on local housing authorities to provide DFG to those who qualify for it will remain. Therefore each area will have to allocate this funding to its respective housing authorities (district councils in two-tier areas) from the pooled budget to enable them to continue to meet their statutory duty to provide adaptations to the homes of disabled people, including in relation to young people*'.

In Lancashire the custodian of the Better Care Fund is the Health and Wellbeing Board

<http://www3.lancashire.gov.uk/corporate/web/?siteid=6715&pageid=40271&e=e>

The Health and Wellbeing Board is administered by Lancashire County Council, and thus it is ultimately via Lancashire County Council that Chorley Council now receives its funding allocation to provide DFGs for residents of Chorley.

The Council intends to use the funding that it receives via the Better Care Fund to help to address the stated Better Care Fund priorities, namely:

- Reducing delayed transfers of care
- Minimising avoidable hospital admissions
- Facilitating early discharge from hospital

CHORLEY ADAPTATION GRANT (CAG)

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“the RRO”) removed most of the prescriptive housing renewal grant legislation contained in the Housing Grants, Construction and Regeneration Act 1996.

Article 3 of the RRO introduced wide ranging discretionary powers to allow Councils to develop different forms of assistance to meet local needs.

The Council intends to make use of the RRO provisions to enable it to use funds received from the Better Care Fund more flexibly, responsively and effectively from 2017.

From April 2017, and subject to available funding, the Council intends to remove the financial assessment for the following types of adaptation requests submitted by the Occupational Therapy service:

- Level Access Shower
- Stairlifts (procured via LCC)
- Through Floor Lifts (procured via LCC)
- Ceiling Track Hoists (procured via LCC)
- Wash-dry toilets (procured via LCC)
- Hospital release cases identified by health and/or social care professionals

To qualify for the non-means tested route to obtaining an adaptation, the required adaptation work would consist of one item only from the above list.

If the recommended works consist of a combination of items from the above list, or contain items which are not on the above list, the application will follow the DFG route.

The Council also reserve the right, in exceptional circumstances, to consider a more flexible approach by offering customers other adaptation items that are not available under DFG.

There are a number of reasons for the Council introducing an alternative approach to its adaptation service:

- The Council's wish to make best use of the financial resources received from the Better Care Fund.
- The Council's wish to streamline the adaptation service for the benefit of customers.
- The need to address the 'prevention and early intervention' agenda.

- To enable the Council to provide assistance to customers who already have or who would fail the DFG financial assessment, but who still have a need determined by a clinician for an adaptation.

The Council intends to operate the adaptations process for the Chorley Adaptations Grant using some of the same features that are used in processing DFG applications, such as:

- The recommended work must be 'reasonable and practical' using the DFG definition.
- The work would still require landlord's permission where the applicant rents from a private or social landlord.
- The MoU would still be invoked in cases where the work was carried out in properties owned by those Registered Providers who are signatories to the MoU.
- A 10% agency fee, payable to the Council, would be included in the cost of the grant award.
- The Five Year grant period would still apply, meaning that the applicant would not be able to apply for a further Chorley Adaptation Grant from a different address within the Borough within five years of receiving such a grant at the original address.
- The applicant would be eligible to apply for a further 'Chorley Adaptation Grant' in the future should their needs change.

However, the applicant would not be prevented from making a full DFG application if they preferred to do so. Under the RRO the Council is not permitted to deny an applicant the right to make a full DFG application, although in practice such a scenario would be unlikely.

In order to make the Chorley Adaptation Grant more accessible and to further streamline the application process, it is proposed that the Council enters into a partnering arrangement with its adaptation contractors in 2017/18, agreeing fixed prices for Level Access Showers, based on an average cost of showers procured by formal tendering during 2016/17.

Thus it is proposed that contractors would be invited to carry out the work to install Level Access Showers on a rota basis, with the Home Improvement Agency managing these arrangements.

THE HOME IMPROVEMENT AGENCY

The Home Improvement Agency (HIA) is a team within Chorley Council's Early Intervention and Support Directorate.

The aim of the team is to ensure that vulnerable people can remain living as independently as possible in their own homes whilst also maintaining their health and wellbeing.

The main 'client groups' assisted by the HIA are older people and people with disabilities.

As well as facilitating and providing adaptations, the HIA also carries out an important enabling role to assist customers to make informed choices about their housing options, including advice on how to access any available funding streams, including funding to help customers to achieve affordable warmth within their homes.

The HIA aims to prevent the need for residential or domiciliary care, as well as helping people move on from hospital, therefore also assisting health and social care partners.

The HIA strives to extend the healthy life expectancy of older people, reducing the need for intensive emergency services, maximising income by offering advice on benefits, and helping to reduce the fear of crime.

The HIA works in partnership with other Local Authorities and stake holder organisations to improve services in the borough and throughout Lancashire.

ENERGY EFFICIENCY

The Home Energy Conservation Act (HECA) 1995 requires Councils to improve the energy efficiency of homes in their area, i.e. to reduce energy usage and carbon dioxide emissions within the housing stock.

The Council meets its HECA requirements by performing an enabling role by linking Chorley residents to energy efficiency schemes which emanate from the Government's Fuel Poverty Strategy for England ("cutting the cost of keeping warm") published in 2015:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408644/cutting_the_cost_of_keeping_warm.pdf

Since March 2013, HECA has required the Council to publish a biennial progress report setting out measures the Council considers practical and cost effective in improving the energy efficiency in the borough.

'Fuel Poverty' is currently defined (under the 'Low Income, High Costs' definition) as a household whose income is below the poverty line (when energy costs are taken into account) and whose energy costs are also higher than the median for their household type.

In its Corporate Strategy 2016/17 to 2018/19 the Council has set a target that aims to ensure the percentage of households living in fuel poverty remains below the North West average.

Thus, improving the energy efficiency of the borough's housing stock is key to reducing fuel poverty.

The Council will continue to bid for any available funding which will allow its residents to achieve affordable warmth.

Recent examples include the successful bids for "Affordable Warmth Funding" via Lancashire County Council.

It is the responsibility of individual landlords to ensure that privately rented homes are free from 'excess cold'. This can be verified by an Officer from the Council's Regulatory Services team on 01257 515151.

For tenants of Registered Providers of social housing it is the responsibility of the landlord to ensure that the property is free from excess cold and provides a reasonable degree of thermal comfort. Tenants should contact their landlord in the first instance if they do not believe their home does not meet these criteria.

INTEGRATED HOME IMPROVEMENT SERVICE (IHIS)

In July 2015 the Council entered into a Collaboration Agreement with Lancashire County Council to deliver the IHIS service in Chorley for the period 1st July 2015 to 31st March 2018.

LCC have an option to extend the arrangement for a further two years to 31st March 2020.

The IHIS service is an LCC initiative which is intended to support the broad aims of improving or maintaining health and quality of life, and maintaining residents' independence.

By achieving these broad aims it is anticipated that there will be a corresponding reduction in customers experiencing falls, hospital admissions, residential care admissions and overall demand for health and social care services.

The service model is aligned to the health and social care integration agenda, particularly the Better Care Fund plans submitted by the County Council in partnership with the Clinical Commissioning Groups.

The IHIS service consists of a number of features:

- Core HIA service
- Handyperson
- Minor Adaptations
- Retailer of small items of equipment

The **Core HIA service** is delivered by the Council's HIA team. It encompasses services such as helping customers with their housing options, making referrals and signposting to help them to access other local support services, and checking whether customers are entitled to any financial help.

The **Handyperson Service** is currently sub-contracted to Preston Care and Repair www.carerepair.org

The service includes a number of interventions (this is not an exhaustive list):

- Supplying and fitting grab rails and hand rails
- Changing light bulbs
- Fitting draught excluders
- Carrying out small repairs to paths and steps
- Removing clutter in hallway and on stairs
- Putting up and taking down curtains
- Relocating and/or fixing trailing flexes
- Tracking down or taping loose or fraying carpets

Eligibility for Free Handyperson services

The eligibility criteria for the free handyperson service has been set down by LCC as commissioners of the IHIS service. The eligibility criteria are as follows:

Customers in the private sector aged 18 and above must **either** have

- a disability that is, or could be, registered and/or have a diagnosed long term health condition/s that directly affects their mobility or independence to stay safe at home.

Or

- an imminent and/or major risk that will lead to the person having an unscheduled admission to hospital or residential care without intervention.

Or

- The service is needed to facilitate a discharge from hospital where it would not be deemed safe for them to return without intervention

Customers who do not meet these eligibility criteria should contact Preston Care and Repair on 01772 204096 to discuss their Handyperson service for paying customers.

The **Minor Adaptation service** is a statutory function of LCC which provides housing related support to disabled individuals. Minor Adaptations customers are not subject to a financial assessment. If customers have medical needs – as confirmed by an OT assessment – which can be met by the provision of Minor Adaptations costing less than £1000 (typically banister rails, external metal rails and adjustments to steps) LCC send these cases to the Council who arrange for the works to be carried out.

In Chorley the Minor Adaptation service is currently sub-contracted to Mobility Care Services www.mobcare.co.uk

Mobility Care Services are also the Council's appointed accredited retailer of **small items of equipment**. These *Simple Aids for Daily Living* (SADLs) are items costing less than £100. Typical items include grab rails, raised toilet seats, walking sticks and bath boards.

Further details of the availability of small items of equipment are available at www.mobcare.co.uk/tces.php

PRIVATE LANDLORD FORUM

The Council recognises the important role of the Private Rented Sector (PRS) within the overall housing offer in Chorley.

The Council seeks to maintain an effective dialogue with private landlords and lettings agents. To this end the Council facilitates regular meetings with PRS representatives which provide opportunities to share Good Practice, legislative updates and Council initiatives which affect the PRS.

Any private landlord or lettings agent who own or manage privately rented accommodation in Chorley are welcome to attend the Landlord Forum meetings.

For further details please contact the Council's HIA team on 01257 515151.

COMPLAINTS/COMMENTS

Complaints and comments are important feedback on our services. We can use this information to ensure we are responsive to customer needs and concerns. Dealing with customer complaints well will show our commitment to customer care and continuous improvement.

Complaints and feedback may be received in writing, by email or text, or verbally.

- Complaints and feedback will be initially logged in CRM by Customer Services. Wherever possible, things will be put right immediately.
- Where it is not possible to resolve the issue immediately the complaint will be passed to the relevant Service Head or Senior Manager.
- An acknowledgment, including an explanation of the procedure and the name of the person dealing with the complaint, should be sent within 5 working days
- A full response should be sent within 10 working days
- If the response is likely to take longer than 10 working days, the customer needs to be informed why this is and when they can expect to receive a full response.
- A copy of the response should be sent to the Customer Services Manager for recording centrally.
- Where the customer is still not happy the complaint may be escalated to the Chief Executive.

Some complaints, depending on the degree of seriousness, may go directly to the Chief Executive.

- An acknowledgment should be sent within 5 working days and a full response within 10 working days.
- The customer should be advised that if they are still dissatisfied they may refer their complaint to the Local Government Ombudsman and should be sent a leaflet explaining how to do this. These are available from Customer Services.

In all cases it should be considered whether direct contact with the customer is the most appropriate way of dealing with the complaint. It can help to clarify any issues and to quickly reach agreement on an outcome.

LOCAL GOVERNMENT OMBUDSMAN

The Ombudsman will only normally investigate complaints where they have been dealt with by the Council's own complaints procedure:

Contact Details:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
Tel No 0845 602 1983
Website www.lgo.org.uk
Email advice@lgo.org.uk

MONITORING AND REVIEW

The Head of Early Intervention and Support is responsible for ensuring that Council Officers adhere to this policy and that the policy is effective.

This policy is reviewed on an annual basis. It may be reviewed earlier if there are significant changes in legislation, statutory guidance, local priorities or capital funding.