

Private sector housing renewal policy 2021-25

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1.0 INTRODUCTION

1.1 The Purpose and Scope of this document

- 1.1.1 This Private Sector Housing Renewal Policy supports Rutland County Council's (RCC's) Housing and Homelessness Strategy and Adult Social Care Strategy. It sits alongside RCC's Private Sector Housing Enforcement Policy. It replaces the Private Sector Housing Renewal Policy that RCC adopted in 2017. It is also RCC's policy on disabled adaptations. Further information on RCC's action and partnership working regarding fuel poverty can be found in RCC's [Home Energy Conservation Act Progress Report](#).
- 1.1.2 In accordance with article 4 of the [Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002](#), this document sets out in full the policy that has been adopted by RCC, and includes details of –
- (a) how the RCC intends to exercise its article 3 powers and ensure that the statutory qualifications to that power are observed;
 - (b) the types of assistance RCC may make available;
 - (c) the circumstances in which persons will be eligible for assistance;
 - (d) how the amount of any assistance awarded will be calculated;
 - (e) the conditions that will apply to the provision of assistance;
 - (f) how and in what circumstances any assistance made may be repaid.
- 1.1.3 The right home environment is central to health and wellbeing throughout life. Adaptations improve the quality of life of the person, carers and other family members (Heywood and Turner 2007:14). This link between housing and wellbeing is well acknowledged by RCC and is promoted by the Private Sector Housing Renewal Policy, which also covers adaptations to social housing. RCC also has other arrangements, generally outside the scope of the Private Sector Housing Renewal Policy, covering minor aids and adaptations, telecare, telehealth and handyperson-type services.
- 1.1.4 RCC recognises that the best way to promote a person's wellbeing is through preventative measures that enable the person to live as independently as possible for as long as possible.
- 1.1.5 The budget for these grants is approved at full Council.

1.2 The legislative framework

- 1.2.1 RCC is required under section 3 of the [Housing Act 2004](#) to keep the housing conditions in their area under review, with a view to identifying any action that may need to be taken under the relevant private sector housing legislation. The Act also established the framework for the inspection and

assessment of properties under the Housing Health and Safety Rating System (HHSRS).

- 1.2.2 Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gives local authorities the power to provide assistance (either directly or indirectly) to any person for the purpose of improving living conditions in the local authority area. The clause allows this assistance to be provided in any form, but also contains certain restrictions. Local housing authorities have the power to make assistance subject to certain conditions, including making repayment or a contribution.
- 1.2.3 Article 4 of the Order prevents local housing authorities from exercising their article 3 power unless they have adopted a policy for the provision of assistance under that article and given publicity to the policy and act in accordance with it.
- 1.2.4 The [Care Act 2014](#) ensures that the focus of the provision of care and support starts with the individual and their needs, and their chosen goals or outcomes. Its underpinning precepts is that the central purpose of adult care and support is to support individuals achieve outcomes that matter to them in their life. [Government guidance](#) states “*Local authorities must provide or arrange services, resources or facilities that maximise independence for those already with such needs, for example interventions such as rehabilitation/reablement services, e.g. community equipment services and adaptations.*” The guidance goes on to state “*Integrated services built around an individual’s needs are often best met within the home. The suitability of living accommodation is a core component of an individual’s wellbeing and when developing integrated services, local authorities should consider the central role of housing within integration.*”
- 1.2.5 The [Housing Grants, Construction and Regeneration Act 1996 \(as amended\)](#) sets out the legislative basis for Disabled Facilities Grants.
- 1.2.6 RCC has also taken account of its duties under the [Equality Act 2010](#) to promote equality for groups with protected characteristics when delivering its services. An assessment has been carried out and [is available on request](#).

1.3 Commencement and transitional arrangements

- 1.3.1 This revised policy shall have effect from 1st April 2021.
- 1.3.2 From 1st April 2021 a valid application for assistance made under a power derived under article 3 of the Order will be determined under the provisions of the policy described in this document.
- 1.3.3 Grants approved before 1st June 2017 are covered by the terms of the [Private Sector Housing Renewal Policy 2009](#), except in cases where the recipient could benefit under the change of rules regarding the discretionary

waiving of repayment of Disabled Facilities Grant.

2.0 THE NATIONAL CONTEXT

2.1 The Housing Health and Safety Rating System

2.1.1 The Ministry of Housing, Communities and Local Government's (MHCLG) [English Housing Survey 2017 – 2018](#) stated:

- Of the estimated 23.2 million households in England in 2017-18, 14.8 million (64%) were owner occupied. 4.5 million (19%) households were privately renting and 4.0 million (17%) households lived in the social rented sector ([Annex Table 1.1 to headline report](#)).
- In 2017, 4.5 million homes (19% of the total number of properties) failed to meet the decent homes standard. The private rented sector had the highest proportion of non-decent homes (25%). 19% of owner occupied homes failed to meet the decent homes standard, as did 13% of social rented homes ([MHCLG Table DA3201](#)).
- The energy efficiency of English housing stock has continued to improve and in 2017 the average Standard Assessment Procedure (SAP) rating for households was 62 compared with 60 in 2013 ([MHCLG Table DA7103](#)).

2.1.2 The Housing Act 2004 brought about changes to the way in which properties are assessed and has replaced the former system based on the test of fitness for human habitation. The Housing Health & Safety Rating System [HHSRS] assessment process incorporates a full inspection of the residential premises to identify any deficiencies. The inspecting officer will judge whether the deficiencies mean that there are any hazards that are significantly worse than the average for residential premises of that age and type. The inspecting officer then assesses the likelihood of an occurrence that could cause harm over the next twelve months and the severity of the outcomes from such an occurrence.

2.1.3 A hazard is a situation where there is risk of harm. The hazards assessed by the inspecting officer are:

- Damp and mould growth – exposure to dust mites, damp, mould or fungal growth
- Excess cold – exposure to low temperatures
- Excess heat – exposure to high temperatures
- Exposure to asbestos & manufactured mineral fibres
- Biocides – exposure to chemicals used to treat timber and mould growth

- Carbon Monoxide and fuel combustion products – exposure to carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke
- Ingestion of lead
- Exposure to radiation (e.g. radon gas)
- Exposure to uncombusted fuel gas
- Exposure to volatile organic compounds
- A lack of adequate space for living and sleeping
- Difficulty in keeping the dwelling secure against unauthorised entry
- A lack of adequate lighting
- Exposure to noise
- Domestic hygiene, pests and refuse – poor design, layout or construction such that the dwelling cannot readily be kept clean, exposure to pests; an adequate provision for the hygienic storage and disposal of household waste
- Food Safety – an inadequate provision of facilities for the storage, preparation and cooking of food
- Personal hygiene, sanitation and drainage – an inadequate provision of facilities for maintaining good personal hygiene, sanitation and drainage
- Water supply – an inadequate supply of water free from contamination, for drinking and other domestic purposes
- Falls associated with toilets, baths, showers or other washing facilities
- Falling on any level surface or falling between surfaces where the change of level is less than 300 mm
- Falling on stairs, steps or ramps where the change of level is 300 mm or more
- Falling between levels where the difference in levels is 300 mm or more
- Exposure to electricity
- Exposure to uncontrolled fire and associated smoke
- Contact with controlled fire or flames, hot objects, liquid or vapours
- Collision with, or entrapment of body parts in doors, windows or other architectural features
- An explosion in the dwelling
- The position, location and operability of amenities, fittings and equipment
- The collapse of the whole or part of the dwelling.

2.1.4 To allow for the comparison of the significance of the widely differing hazards, the HHSRS uses a formula to generate hazard scores. Hazards are classified as either Category 1 or Category 2.

2.1.5 The Housing Act 2004 imposes a duty on Local Authorities to deal with

identified Category 1 hazards and a power to deal with Category 2 hazards. Providing financial assistance to owner occupiers who have low incomes or who are at risk - as well as taking appropriate and proportionate enforcement action - are two ways Local Authorities may exercise that duty and power.

2.1.6 The Decent Homes Standard applies to both the social and private housing sectors. To meet the decent homes standard, a property must:

- (i) be free of health and safety hazards assessed as Category 1 under the Housing Health & Safety Rating System
- (ii) be in a reasonable state of repair
- (iii) have reasonably modern facilities (i.e. kitchen and bathroom) and
- (iv) provide a reasonable degree of thermal comfort (i.e. adequate heating and insulation).

2.1.7 In 2019 there were 648,000 empty homes in England of which 226,000 were long term empty (empty for more than 6 months) (source: [MHCLG, Dwelling Stock Estimates \(21 May 2020\)](#)). Bringing empty property back into use will contribute towards the increase of the supply of available housing with the potential reduction of homelessness. This coupled with community related benefits including the enhancement of local neighbourhoods, the reduction of vandalism and anti-social behaviour and the improvement of housing standards should be priorities for councils to improve the quality of life and the environment of their residents.

2.2 Housing and Health

2.2.1 The Building Research Establishment (BRE), supported by the Chartered Institute of Environmental Health, published a report “The real cost of poor housing” in 2010. Using BRE methodology developed for this study, it was estimated that it was costing the NHS some £600 million per annum in first year treatment costs to leave people living in the poorest housing in England (that which has a HHSRS Category 1 hazard). A later review of the methodology and data sources suggested that this figure was an underestimate and a more realistic cost to the NHS was £1.4 billion per annum for people living in the poorest 15% of housing stock in England, rising to £2.0 billion when all English homes with a significant HHSRS hazard were allowed for.

2.2.2 A comparison was made of the costs to the NHS from other common health hazards, illustrated in the table below:

Risk Factor	Total Cost Burden to the NHS
Physical Inactivity	£0.9 - £1.0 billion
Overweight & Obesity	£5.1 - £5.2 billion
Smoking	£2.3 - £3.3 billion
Alcohol Intake	£3.2 billion
Housing	£1.4 - £2.0 billion

Housing Cost to NHS compared with other common health hazards

- 2.2.3 The estimate for housing is perhaps similar to that of smoking or alcohol but programmes to educate people on the health and safety risks in their own homes are not as prevalent as these other health hazards.
- 2.2.4 The BRE produced a research paper “Homes and Ageing in England”, again using the methodology devised for “The Cost of Poor Housing” Report and the English Housing Survey (EHS). The key messages from this research were:
- Over one fifth of all older household groups (55 – 64, 65 – 74, over 75 and over 80) lived in a home that failed to meet the Decent Homes standard.
 - 780,000 households aged 55 years and over were in fuel poverty.
 - 1.3 million households aged 55 years and older lived in a home with at least one category 1 hazard.
 - The BRE estimates that, for older households aged 55 years or more, the cost of poor housing to the NHS (for first year treatment costs) is £624 million with these costs dominated by excess cold hazards and those associated with falls (on stairs and on the level).
 - The proportion of older households living in a home with the four “visitability” accessibility features assessed by the English Housing Survey (level access, flush threshold, WC at entrance level and sufficiently wide doors and circulation space) ranged from 4% (aged 55 – 64 years) to 7% (aged 80 years and over). Around a fifth of homes occupied by all age groups aged 65 years and over had none of these key features and this figure was 24% for households aged 55 – 64 years. A permanent home for a person with restricted mobility requires suitable parking, downstairs living space, shower on the ground floor, wheelchair turning space, bed space on the ground floor and the entrance illuminated or covered. The research estimated that only 110,000 dwellings (0.5%) were fully accessible.
- 2.2.5 Disabled Facility Grants provide funding to older and disabled people in owner occupied, private rented and registered provider properties to help them make changes to their home environment. Facilities can include the installation of showers and lifts and suitable ground floor wheelchair accessible rooms in order for them to remain living in their own homes and reduce the cost of care.
- 2.2.6 The Public Health Outcomes Framework “Healthy Lives, Healthy People: Improving Outcomes and Supporting Transparency” (Department of Health 2013, updated 2016) sets out desired outcomes for public health and how they will be measured. Many of the measurements have links to housing including falls and injuries in over 65s, Fuel Poverty and Excess Winter Deaths.

2.2.7 Through the Energy Act 2013, the Government changed the definition of fuel poverty in England to the Low Income High Costs Indicator (LIHC). Using LIHC, a household is considered to be fuel poor if:

- they have required fuel costs that are above average (the national median level)
- were they to spend that amount, they would be left with a residual income below the official poverty line.

3.0 THE RUTLAND CONTEXT

3.1 Housing Conditions and Priorities

3.1.1 There are currently 17,755 dwellings in Rutland (source: Housing Flows Reconciliation Return 2020). Rutland is part of a Housing Market Area (HMA) which also consists of South Holland, South Kesteven and Peterborough councils' areas. The Census 2011 (quoted in Strategic Housing Market Assessment 2014) found that 70% of properties were owner-occupied, 11% were social rented and 16% private rented.

3.1.2 The vision for Rutland's Housing and Homelessness Strategy 2017-22 is: "fair access to suitable and sustainable housing for everyone in Rutland, particularly those whose needs are not readily met through the open market."

3.1.3 The strategy supports RCC's Corporate Plan and the Adult Social Care Strategy. Two of the Housing and Homelessness Strategy's aims are particularly relevant to the Private Sector Housing Renewal Policy:

- **Aim 2 – Provide targeted support for vulnerable households**
 - *Working with partner organisations to see that people get the help or advice they need to remain safe and independent.*
- **Aim 4 – Ensure existing homes are fit-for-purpose**
 - *Safe, warm, occupied homes with the adaptations people need.*

3.1.4 There are four cross-cutting themes that underpin how the Housing and Homelessness Strategy's Aims are delivered. These are equally relevant to the Private Sector Housing Renewal Policy:

- a good quality service which is within available resources
- promoting independence, through where possible, prevention and early intervention
- safeguarding adults at risk, children and young people in line with Council policy

- partnership working.

3.1.5 Rutland has a strong housing market, but one which is challenged by affordability issues, a housing stock with more than the average number of bedrooms and an ageing population. Further information on this and its implications is in the Housing, Homelessness and Rough Sleeping Strategy, its 2019 Progress Report and refreshed Action Plan and in the Strategic Housing Market Assessment.

	Number of properties with 1 bedroom	Number of properties with 2 bedrooms	Number of properties with 3 bedrooms	Number of properties with 4 or more bedrooms
East Midlands	8%	27%	45%	19%
Housing Market Area	8%	25%	44%	23%
Rutland 31/3/15	6%	20%	46%	28%

Source: Rutland - calculated from 31/3/15 VOA data from HI4EM; East Midlands & HMA data from Table 6 SHMA 2014 from Census 2011

3.1.6 Key findings of the stock modelling which informs this Policy are summarised below.

Indicator	Private Sector Stock		
	Rutland	Rutland %	2011 EHS England %
No of private dwellings	14,320 ¹		
All Category 1 hazards	2,450 ²	17%	17%
Falls	1,486 ³	10%	10%
Disrepair	1,019 ⁴	7%	11% ⁵
Damp	466 ⁶	3%	4% ⁷

Estimates of dwellings meeting key indicator criteria

3.1.7 There are no areas of private sector housing in Rutland which are in need of area based improvement.

3.1.8 RCC transferred its housing stock of 1,242 dwellings to Spire Homes on 9 November 2009, following an evaluation of options for bringing the dwellings up to the Decent Homes Standard. The sale price Spire had to pay for the homes took into account the future income from their continued use as social rented housing and the amount of work which needed to be carried out to the

¹ CLG Live Table 100, 2015 plus private sector completions from AMR 2015/16.

² I.e. Bands A to C, Private Sector House Condition & Energy Survey Report 2005 draft (Fig. 12.2).

³ Rutland average across 2005 survey area for moderate & severe risk.

⁴ Decent Homes definition for Rutland, BRE 2007 model, HI4EM table, adjusted to 2016 stock levels.

⁵ English Housing Survey 2011, Annex Table 3.16, 'substantial disrepair'.

⁶ Rutland average across 2005 survey area for moderate & severe risk.

⁷ English Housing Survey 2011, Annex Table 3.16, 'damp in one or more rooms'.

properties. By 2015, Spire had:

- spent £21 million on improvements
- replaced 956 kitchens & 920 bathrooms
- upgraded 745 heating systems
- replaced 176 roofs
- carried out environmental improvements
- regenerated two run-down garage sites and a low demand sheltered housing scheme at Branston Road, Uppingham and replaced them with 38 homes (36 of which were affordable)
- had plans well advanced to regenerate a low demand sheltered housing scheme at Beckworth Court, Empingham and refurbish or replace outdated concrete housing at a range of locations. This has since led to the construction of 21 new affordable homes in Empingham and 18 at Brooke Road, Oakham.

3.1.9 The vast majority of the other housing association properties in Rutland are new builds constructed from 1980 onwards and are generally in good condition.

3.1.10 The Housing and Homelessness Strategy 2017-22 contains a target to reduce the number of properties vacant in Rutland for more than 6 months by 15% between 31/3/16 and 31/3/19. The Empty Homes Officer, employed by Peterborough City Council in a shared service arrangement, works actively with owners and partners to bring empty properties back into use.

3.1.11 There are a relatively small proportion of housing association properties which some tenants may still find unsatisfactory. These are addressed in more detail in our Home Energy Conservation Act Progress Report 2017.

3.2 Housing and Health

3.2.1 RCC recognises the threat cold or damp homes can pose to vulnerable people, through depression, stroke, heart disease and pneumonia. These can contribute to excess winter deaths. Safe, warm and good quality housing can promote good health, good employment and good educational attainment for Rutland's residents.

3.2.2 RCC promotes the reduction of energy consumption, to help residents save money and reduce carbon emissions. It is also a priority for RCC's Housing, Homelessness and Rough Sleeping Strategy and Private Sector Housing Renewal Policy. RCC's Home Energy Conservation Act Progress Reports 2017 and 2019 set out further statistics regarding property condition and targets for reducing fuel poverty locally through information and practical action.

- 3.2.3 The table below shows the proportion of fuel poor households in Rutland against the Low Income High Costs target.

	2011 %	2012 %	2013 %	2014 %	2015 %	2016 %	2017 %	2018 %
Rutland	13.6	11.9	9.3	10.6	11.3	10.3	8.0	10.9
East Midlands	13.3	13.2	10.4	10.1	12.7	11.7	9.3	10.9
England	11.1	10.8	10.4	10.6	11.0	11.1	10.9	10.3

Proportion of fuel poor households (all tenures) – source BEIS tables

- 3.2.4 Housing is one of the ‘Wider Determinants of Health’ and is an integral part of RCC’s social care assessment and support planning responsibilities under the Care Act 2014. The Rutland Health and Wellbeing Board oversees RCC’s public health responsibilities.
- 3.2.5 RCC’s Adult Social Care Strategy (the Future of Adult Social Care in Rutland) sits alongside other complementary strategies, notably the Better Care Together programme and Rutland’s Better Care Fund plan. The latter is a locally-held budget to improve the ways health services and social care services work together, starting with services for older people and people with long term conditions, to support them to remain independent for as long as possible and to reduce the risk of non-elective admissions to acute settings.
- 3.2.6 As a result we have embedded a fully integrated and multi-disciplinary hospital and reablement team to support the hospital discharge process. The team works closely with health partners both in our local health area and across borders. Its assessments and the delivery of care are therapy led which seeks to improve wellbeing and maximise independence and continues to support people in the community after discharge for a maximum of six weeks.
- 3.2.7 Disabled Facilities Grants are now a component within the Better Care Fund. We are looking at flexibilities within the Better Care Fund to see if our increased Disabled Facilities Grant funding can be used in a more flexible way, to maximise the benefits for service users.
- 3.2.8 These programmes are integrating social care with health services, to extend the range and reach of provision in the community. Projects are supporting falls prevention through awareness-raising about hazards and accessible design in the home, which may in turn influence people’s own housing choices.
- 3.2.9 RCC funds a range of organisations which can provide advice to service users, including Citizens’ Advice Rutland, specialist advocacy and support groups, the Housing MoT and the Home Improvement Agency. It may also be appropriate for service users to seek their own legal advice in some cases.

3.2.10 A Housing MOT is a home check service delivered across Rutland which provides information, advice and support to help people to maintain their independence and live as safely as possible in their own home for as long as they choose. At the home visit, an assessment of the property and individual needs will be carried out, which includes discussions about:

- general wellbeing;
- how you are managing in your home;
- falls prevention;
- general housing conditions;
- alternative housing options;
- minor and major adaptations;
- assistive technology;
- minor handyperson works;
- warm home/energy advice and support; and
- eligibility for welfare benefits and grants.

3.2.11 Radon is a natural radioactive gas which is present in all parts of the UK. In some parts of the County, some buildings contain a higher than average amount of radon due to local geological conditions. Sometimes, owners of older properties need to carry out works in order to reduce radon to a safe level. This can help to prevent health problems in the future.

4.0 HELP TO ADDRESS FUEL POVERTY

4.1 RCC works with partners to provide advice on home energy efficiency and choosing a cost-effective energy tariff. The Energy Company Obligation (ECO) is a government energy efficiency scheme to help reduce carbon emissions and tackle fuel poverty. Under the scheme, larger energy suppliers have to deliver energy efficiency measures to homes and are given targets based on their share of the domestic gas and electricity market. The scheme focuses on the installation of insulation and heating measures and supports vulnerable consumer groups. RCC works with services to advise customers on options and where to seek advice. This includes Peterborough City Council and the LEAP project. Information is also available from the national Simple Energy Advice line on 0800 444 222 and from RCC's website www.rutland.gov.uk.

4.2 ECO includes local flexibility for councils to guide where a proportion of this funding is spent by providers. In RCC's case this supports LEAP. RCC's main priorities regarding local flexibility are to:

- a. reduce the number of fuel poor households;
- b. improve levels of energy efficiency in private sector housing and reduce carbon dioxide emissions;

- c. target resources to households on specified benefits, to older households and lower income households with children.
- 4.3 Further information, including statistics on energy efficiency in Rutland, is in the HECA Progress Report and in RCC's Housing and Homelessness Strategy.

5.0 DISABLED FACILITIES GRANTS (DFGs)

5.1 Mandatory DFGs

- 5.1.1 RCC has a responsibility to provide and assess a grant application form and approve all valid applications. Applications must be submitted in writing. The need to use a Government application form was removed in 2010.
- 5.1.2 The following types of work and all associated fees and charges are eligible for grant funding provided it is "necessary and appropriate" and "reasonable and practicable" 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 a WC or facilitating the use of such a facility
 - Provision of a room containing a 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)
 - Providing or improving a heating system
 - 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.
- 5.1.3 The provisions governing Mandatory DFGs are set out in the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. Further information is given in section 9 of this Private Sector Housing Renewal Policy.

- 5.1.4 A statutory limit of £30,000 applies to all DFGs in any one application and will be subject to a means test on the disabled person, his or her spouse and any dependent children.
- 5.1.5 The parents of disabled children are not means tested for DFG applications.
- 5.1.6 To qualify for assistance an applicant should be the homeowner or tenant, but the grant is available to adapt the home to meet the needs of any disabled person living in the property to enable them to continue living there. Landlords may also apply for a DFG on behalf of a disabled tenant but must satisfy the requirements of future occupancy. Tenants of housing associations / Registered Providers of social housing can apply for DFGs and are assessed for needs on the same basis as private owners and under the same means testing arrangements, with the proviso that RCC will liaise with Registered Providers of social housing to award tenants who are entitled to a mandatory DFG funding on a 50:50 split or any other funding amount agreed.
- 5.1.7 Customers in receipt of the following income related benefits at the time the application is made, will be exempt from the means testing process.
- Income support
 - Income-related Jobseeker's Allowance
 - Income based Employment Support Allowance
 - Guaranteed Pension Credit
 - Housing Benefit
 - Working Tax or Child Tax Credit with income under £15,050 (subject to review)
 - Universal Credit
- 5.1.8 Where the works cost over £30,000 and the applicant and/or their family is considered to be in financial hardship:
- RCC will investigate alternative means of funding, including charitable contributions to meet the applicant's costs above the value of the DFG.
 - If alternative sources of funding are not forthcoming, consideration will be given, subject to funding, to awarding a discretionary DFG in addition to the mandatory DFG.
- 5.1.9 In certain circumstances it may be required to undertake a feasibility visit to look at identified needs and to establish the most suitable housing solution to meet those needs. In this instance a Contractor / Surveyor may be requested to support with this visit.
- 5.1.10 The most cost effective adaptation that meets the customer's needs will be recommended for grant aid. In most cases, properties can be adapted internally rather than extended.

- 5.1.11 If the property does not lend itself to internal adaptation, consideration will be given to assessing the disabled person's (and family's) ability to relocate to a more suitable property. The Disabled Person's Relocation Grant is covered in section 8 of this policy.
- 5.1.12 Only when internal adaption, rearrangement or relocation is not feasible will consideration be given to providing additional sleeping and/or bathing accommodation by way of an extension to the existing dwelling.
- 5.1.13 In circumstances where the applicant wishes to and can demonstrate to RCC that they have the financial resources to pay for an enhanced scheme which exceeds that which RCC has deemed necessary to meet the needs of the disabled person, RCC may consider funding elements of the adaptation which it could have funded under the mandatory DFG.
- 5.1.14 Grant aid can be given to enable a disabled occupant access around the dwelling in order to care for another person who normally resides there. This may include spouse, partner or a family member, another disabled person or a child. The dependent being cared for need not be disabled. Such works could include adaptations to part of the dwelling to which the disabled person would not normally need access but which is used by a person to whom they are providing care.

5.2 Discretionary top-up to mandatory DFGs

- 5.2.1 A Discretionary Grant up to £20,000, subject to available funding, may be awarded in order to provide assistance where the cost of eligible works exceeds the current mandatory maximum grant limit of £30,000. The Discretionary Grant will contribute to the total cost of eligible works to meet the needs of the disabled person. All work must be "necessary and appropriate" and considered "reasonable and practicable".
- 5.2.2 The arrangements for the Test of Resources are the same as for mandatory grants, except that those households which have to pay the mandatory £30,000 themselves can be assessed to see whether they would be entitled to assistance towards a top-up.
- 5.2.3 The applicant must have an owner's interest in the property or be a leaseholder with a legal obligation to repair with a minimum of 5 years left unexpired. The charge on the adapted property will last for 10 years from the completion of the Discretionary Top-up and will be placed on the local land charges register.

6.0 MAKING A VALID APPLICATION

- 6.1 The applicant has to provide all such information and/or evidence (including information relating to the disabled person's financial circumstances) as may reasonably be required for determining an application for a grant.

- 6.2 An owner's application will only be considered as valid if it is accompanied by an owner-occupation certificate.
- 6.3 A tenant's application will only be considered as valid if it is accompanied by a tenant's certificate and a statement of consent to the works signed by the person who, at the time of application, is the landlord under the tenancy.
- 6.4 **Determining a valid application for grant – eligibility conditions**
- All applications for DFG, HaP Grants or RROs will be managed by RCC. Financial means tests will be completed by RCC's appointed Home Improvement Agency. In all cases and for all types of grant, the proposed works, their cost and the level of fees must constitute good value for money in the opinion of RCC. Applicants must be willing to agree by any reasonable conditions imposed by RCC to protect public funds from misuse.

7.0 DISCRETIONARY ASSISTANCE

7.1 Regulatory Reform Order (including HaP Grants)

- 7.1.1 The Ministry of Housing, Communities and Local Government February 2020 outlines the need for local authorities to provide a vehicle for funding essential repairs to reduce injury and accidents in the home, to ensure homes are adequately heated, and to expand the scope of adaptations available under the DFG legislation. Local authorities can also use the RRO to create assistance schemes which help people meet their needs without going through the full DFG process. Schemes such as these can, for example, provide 'fast track' mechanisms for low level adaptations, which do not require a full social care assessment or means test.
- 7.1.2 In Rutland, a grant to support Health, wellbeing and Prevention policy priorities (HaP Grant), subject to available funding, may be awarded on a discretionary basis as an alternative to the mandatory DFG to offer flexible support to disabled and vulnerable clients in order for them to live independently, to return from hospital and/or to potentially reduce expensive care packages and/or to make a carer's role more sustainable. The exercise of this discretion will be overseen by the Head of Prevention and Complex Care Services, on behalf of the Strategic Director - Places.
- 7.1.3 All work must be "necessary and appropriate" and considered "reasonable and practicable". Please see below for funding thresholds:
- **Up to the value of £5000** - HaP Grant
 - **£5000 - £6000** - Application presented to OT Team Manager who will consider awarding additional HaP funding on a case by case basis.
 - **Over £6000** -DFG Grant

7.1.4 The use of HaP Grants to support health, wellbeing and prevention policy priorities will be provided under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The below are examples of adaptations which can be considered under the HaP:

- Bathroom conversions to wet rooms
- Stairlifts
- Equipment to facilitate single handed care such as Ceiling Track Hoists
- Access such as ramping
- Necessary work to promote a hospital discharge or independent living, prevent readmission, or deterioration of health.

7.1.5 To qualify, the applicant (or the landlord, who must support the application) must have an owner's interest in the property or be a leaseholder with a legal obligation to repair with a minimum of 5 years left unexpired. A legal charge will be placed on the property for 10 years where RCC's contribution exceeds £5,000, unless there are exceptional circumstances.

7.1.6 Tenants of housing associations / Registered Providers of social housing can apply for HaP and are assessed for needs on the same basis as private owners, with the proviso that RCC will liaise with Registered Providers of social housing to award tenants who are entitled to a HaP funding on a 50:50 split or any other funding amount agreed.

7.1.7 RCC may limit awards to help ensure a more even spend of the funding available for grants under this scheme and/or introduce a Test of Resources if necessary, using the Fairer Charging System on the same basis as Domiciliary Care. This process will be monitored by the manager's quarterly budget meetings. RCC occupational therapists and their management may also prioritise according to the level of risk prevention.

7.2 Joint residency arrangements for a disabled child

These cases will be considered on a case by case basis. Please refer to Annex C, point 58, page 104 of the Home Adaptations for Disabled People: A detailed guide to related legislation, guidance and good practice.

8.0 DISABLED PERSON'S RELOCATION GRANT

8.1 Applications for assistance to move to more suitable accommodation may be approved if:

- a) An adaptation recommendation has been received from a relevant occupational therapist or a relevant healthcare professional.

b) In RCC's opinion the disabled person's existing accommodation is not reasonably and practically capable of being adapted to meet the needs of the disabled person or for cost or social reasons.

- 8.2 To qualify, the applicant must have an owner's interest in the property or is proposing to acquire an owner's interest or be a leaseholder with a legal obligation to repair with a minimum of 5 years left unexpired. Tenants moving into housing association (or registered provider of social housing) properties will be considered on a case by case basis. The new property must be the disabled person's main residence.
- 8.3 The Relocation Grant scheme will be subject to the same Test of Resources as the mandatory Disabled Facilities Grant scheme unless the relocation is for a disabled child in which case no test will be applied.
- 8.4 No repeat relocation grants will be awarded.
- 8.5 A visit will be made to the property being considered for relocation by an Occupational Therapist to ensure that it is suitable and will meet the needs of the disabled person.
- 8.6 A DFG may also be subsequently awarded after relocation in order to provide internal adaptations to meet the disabled person's needs within Rutland.
- 8.7 An award made under this section may include the cost of expenses (not exceeding £5,000) considered reasonable. The maximum grant payable will be £30,000 which includes both the relocation element and the adaptation costs in the new property.
- 8.8 Disabled Person's Relocation Grants will be secured as a legal land charge for a period of 10 years from the certified completion date and will be required to be repaid on sale or transfer of the freehold or leasehold.
- 8.9 Where an award has been made under this section of the Policy and the applicant deceases before the relocation has taken place, RCC may decide not to pay some or all of the relocation grant.
- 8.10 Disabled Person's Relocation Grant is discretionary and is provided subject to funding availability.

9.0 CONDITIONS ON FINANCIAL ASSISTANCE

- 9.1 This section (which should be read alongside the Housing Grants, Construction and Regeneration Act 1996 and relevant regulations⁸) will apply

⁸ The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002, the Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008, the various Housing Renewal Grants regulations 1996 and the Disabled Facilities Grant (Condition relating to approval or

when an owner occupier's application for assistance has been approved by RCC and an offer made to the applicant which the applicant has accepted. The term "assistance" means any form of financial assistance approved for the purpose of housing renewal, maintenance, improvement or adaptation. "Condition" means any condition attached to any such assistance. Grants approved before this policy came into force are covered by the terms of the Private Sector Housing Policy 2009, except in cases where the recipient could benefit under the change of rules regarding the discretionary waiving of repayment of Disabled Facilities Grant.

- 9.2 Any reference to "owner" or "person responsible" is to be taken to mean any owner or other person who is responsible for the relevant condition(s), assistance either singly or jointly. This includes the original person(s) who applied for and/or received the assistance, as well as any other person who has subsequently become responsible for any condition as a result of acquiring the property or an interest in it.
- 9.3 Conditions come into force from the date the assistance is approved so that RCC may recover any interim payments or costs incurred where necessary. Where a condition period is specified, this takes effect from the certified date of completion of the eligible works.
- 9.4 The premises must qualify as a dwelling for the purpose of payment of Council Tax. Any financial assistance and related conditions will be secured as a legal charge against the property, where breach of condition would require the repayment of all or part of the assistance. This charge will not be removed until either the condition period expires or until the assistance is repaid, together with any interest that may apply.
- 9.5 In some cases, if the conditions are broken RCC may specify that only part of the assistance has to be repaid. In these cases the charge will be removed upon payment of the specified part of the assistance.
- 9.6 Where RCC has the right to demand repayment, it may at its discretion determine not to demand payment or to demand a lesser amount if the recipient of the grant would suffer undue financial hardship (or be unable to make a move necessary for welfare reasons) were s/he required to repay all or any of the grant, taking into account his/her care and medical needs and those of any family member who is disabled, aged over 75, or a person at risk.
- 9.7 A charge on the property is binding on any person who is, for the time being, an owner of the property concerned.
- 9.8 Where a condition is in force, RCC may require the person responsible to provide any information to satisfy RCC that the condition is being complied

with. RCC can require this information in writing or in any other reasonable form. It is a condition that this information is provided in a reasonable time period specified by RCC and as fully, accurately and honestly as reasonably possible. Failure to comply with this requirement is a breach of conditions in itself and the assistance, or part assistance where this is specified, must then be repaid to RCC.

- 9.9 It is the responsibility of the person responsible for any condition to demonstrate to RCC's satisfaction that the condition is being complied with. Failure to do so will be treated as failure to comply with the condition. RCC does not have the burden of having to prove that the condition is not being complied with.
- 9.10 Any reference to a member of a person's family is to be taken to mean someone who is their:
- Parent
 - Grandparent
 - Child
 - Grandchild
 - Brother or Sister
 - Uncle or Aunt
 - Nephew or niece
 - Long term foster relation / guardian.

A relationship by marriage is treated as if it were a relationship by blood. A half-blood relationship is treated as a full blood relationship.

- 9.11 "Disposal" means
- A conveyance of the freehold
 - An assignment of the lease - where the lease was used to qualify for the assistance, e.g. a long lease that was treated as effective ownership
 - The grant of a lease, other than a mortgage term, for a term of more than 21 years otherwise than at a rack rent
 - In the case of a mobile home or a houseboat, the sale, pledge or assignment of the mobile home or houseboat.

It is assumed that any option to renew or extend a lease or sub-lease, whether or not forming part of a series of options, is exercised and that any option to terminate a lease or sub-lease is not exercised. Also, the grant of an option enabling a person to call for a disposal shall be treated as such a disposal made to that person.

- 9.12 An exempt disposal means that there is no requirement to repay. However, all the conditions do then continue to apply and are binding upon the person or persons to whom the disposal is made for the remainder of the condition

period. A disposal is classed as exempt where the person, or each of the persons, to whom it is made is:

- The person, or one of the persons, by whom the disposal is made
- A member of the family of that person, or one of those persons
- The spouse or former spouse of that person, or one of those persons, in the case of a company, an associated company of the company by whom the disposal is made.

- 9.13 No retrospective application or request for financial assistance will be considered where the relevant work has already started or completed.
- 9.14 Unless otherwise specified, all relevant work must be completed, to the satisfaction of RCC, within 12 months of the approval date of the assistance. RCC may agree, in writing, an extension to this period, but this will only be done if there is an extremely good reason.
- 9.15 Work must be carried out by the contractor who provided the estimate or who was allocated from the Schedule of Rates Framework. RCC will carry out checks on all properties receiving grant assistance. The check will consider information provided in the application process as well as the quality and cost of the works carried out. Access **must** be provided for the purpose of follow up surveys if a property is selected. Failure to provide access could lead to a requirement for the grant to be repaid.
- 9.16 A grant will only be paid when RCC receives a satisfactory invoice in relation to the work, together with any supporting documentation or information requested by the RCC.
- 9.17 The approval of assistance does not give or imply RCC's approval of any consents that may be required, such as planning permission or Building Regulation consent.
- 9.18 It is a condition of any assistance that the applicant takes all reasonable steps to pursue any insurance or legal claim that may be relevant to any part of the work to be carried out and to repay RCC the assistance, so far as appropriate, out of the proceeds of such a claim. A claim is relevant if it relates to any damage or defect to the property, to the extent that the works required to make good damage or defect are works to which the assistance relates. It is also relevant if it is a claim for an injury received elsewhere and is intended in part to pay for adaptations to make housing suitable.
- 9.19 Conditions will generally be enforced in all cases.

9.20 Condition Periods

Assistance Type	Value	Condition Period from Certified Completion Date	Interest Applied
Mandatory DFG	Amount of Grant over £5,000 to a max of £30,000	10 years	No
Discretionary Top Up DFG	Up to £20,000	10 years	Yes
HaP Grant	Up to £5,000	5 years (10 years where the contribution exceeds £5,000)	No
Disabled Persons Relocation Grant	Up to £30,000	10 years	Yes
Empty Homes Assistance	Up to £20,000	Duration of Lease period	Yes

10.0 OTHER MATTERS

10.1 Decision Review

10.1.1 Any decision made under the Policy may be reviewed at the request of the applicant. The review request should be addressed to the officer who made the decision being appealed against in writing, and within 21 days of the date of the decision letter unless RCC determines otherwise in any particular case.

10.1.2 The review will be conducted by a senior RCC officer not previously connected with the case (the "Review Officer").

10.1.3 The Review Officer will make such enquiries and request such evidence as he/she thinks necessary and will inform the appellant in writing of his/her decision within ten working days of receiving such evidence.

10.1.4 Where he/she refuses an appeal, the Review Officer will inform the appellant of his/her rights under the appropriate Council's complaint procedure and the Local Authority Ombudsman procedure.

10.2 Reviewing the Policy

10.2.1 This Policy was approved by Cabinet on 12 January 2021 and came into force on 1 April 2021. RCC reserves the right to vary the eligibility criteria specified in the policy based on changes to funding amounts, benefit criteria, legislation and national guidance.

10.2.2 Minor changes which do not affect the broad scope of the policy may from time to time be made by the Strategic Director - Places in consultation with the Strategic Director - People; the Leader of the Council; the Portfolio Holder for Environment, Planning, Property, and Finance and the Portfolio Holder for Safeguarding – Adults, Public Health, Health Commissioning & Community Safety.

10.2.3 More significant changes to the Policy may be made by Cabinet, including (but not limited to) the addition of appendices to cover any new types of grant or loan that may become available.

10.3 Performance

10.3.1 The performance of the policy will be monitored by the Senior Environmental Services Manager, in consultation with the Deputy Director – Adult Services.

10.4 Cases falling outside of the policy

10.4.1 For those applicants whose circumstances fall outside the normal scope of this policy but where they believe that there are exceptional circumstances, the applicant must put their case in writing to RCC's Senior Environmental Services Manager who will review the circumstances of the case with the Head of Prevention and Complex Care Services. Should the case be refused the applicant can exercise their right to complain through the appropriate RCC complaints procedure.

**A large print version of this document is
available on request**



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