



Provision of Housing Assistance Policy

**February 2012
Amended February 2019**

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Schedule of changes February 2019

From time to time it may be necessary to amend this policy in line with new guidance and changing operational procedures.

Changes made to the December 2018 version of the policy:

Date of change	Page number – December version 2018	Section	Amendment
February 2019	3	1. Introduction	Deletion – ‘and help bring empty homes back into use’
February 2019	4	2.1 How this policy sits within the wider strategic framework	Deletion of bullet point – Reducing the number of Empty Homes (HRA)
February 2019	11	4.2 Home Repair Assistance (HRA)	Deletion of 4.2.5 – Loan for Social Needs Letting
February 2019	11	4.2 Home Repair Assistance (HRA)	Deletion of 4.2.6 – Loan for Own Use or Gain
February 2019	12	4.2.5 Conditions for Grant or Loan Assistance	Deletion – ‘unless the dwelling to which the application relates is an empty property and has been so for at least six months at the time the application was made’.

1. Introduction

Daventry District Council (the Council) considers that the enhancement of the condition and suitability of housing in the District is an important aspect of its work. This is consistent with the Government's view (ODPM Circular 05/2003) that everyone should have the opportunity of a decent home. However, there are many people who own or rent a property that is unsuitable and they may be unable to restore it to a decent standard without financial aid. This is particularly likely to be true for the elderly and the most vulnerable, some of whom do not have the resources to carry out improvements that are essential for their comfort and safety. As a result, local authorities such as the Council have an important role to play in ensuring that these people are provided with assistance to repair or adapt their home to an acceptable standard. In addition to adapting homes for people with an illness or disability, financial assistance can also assist with energy efficiency issues within the home.

This policy has been made under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (the "Order"). This document is the Council's policy towards the provision of housing assistance under Regulation 2 of the Order, (as required by Regulation 3 of the Order).

This document sets out how Daventry District Council will assist with the condition and suitability of housing in the District by offer of financial assistance ("Housing Assistance"). Housing Assistance may be offered by Daventry District Council in accordance with this policy.

With the exception of Disabled Facilities Grants (DFGs), Housing Assistance referred to in this policy is discretionary and therefore subject to the Council having sufficient funds.

Throughout this policy, wherever legislation is referred to, the reference is that legislation as amended from time to time or any replacement legislation which may be enacted.

2. Legislative, Policy and Strategic Context

2.1 How this policy sits within the wider strategic framework

Local Housing Authorities have:

- A statutory duty to provide grant aid to disabled people for a range of adaptations to their homes under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (the “Act”). These are “Disabled Facilities Grants” (DFG).
- A power to assist with non-DFG works under Article 3 of the Order.

To exercise the power under the Order, a local authority must set out its plans to provide housing assistance as an adopted policy. Daventry District Council has had such a policy in place since 2003 and it can be seen in Figure 2 how this document sits amongst the wider Policy and Legislative Framework. Aside from the necessity to outline its housing assistance policy under the Order, this document aims to satisfy a number of corporate priorities, as follows.

- To Promote Healthy, Safe and Strong Communities and individuals, as identified in Council’s Corporate Strategic Plan and also complement key priorities within Daventry Districts Community Strategy.
- To improve the quality of life of people within our district as detailed within Daventry District’s Community Strategy. To support the achievement of Corporate Plan priority H3, People have the housing they need.
- To assist in addressing a number of objectives that are contained within Daventry District’s Strategic Housing Plan.

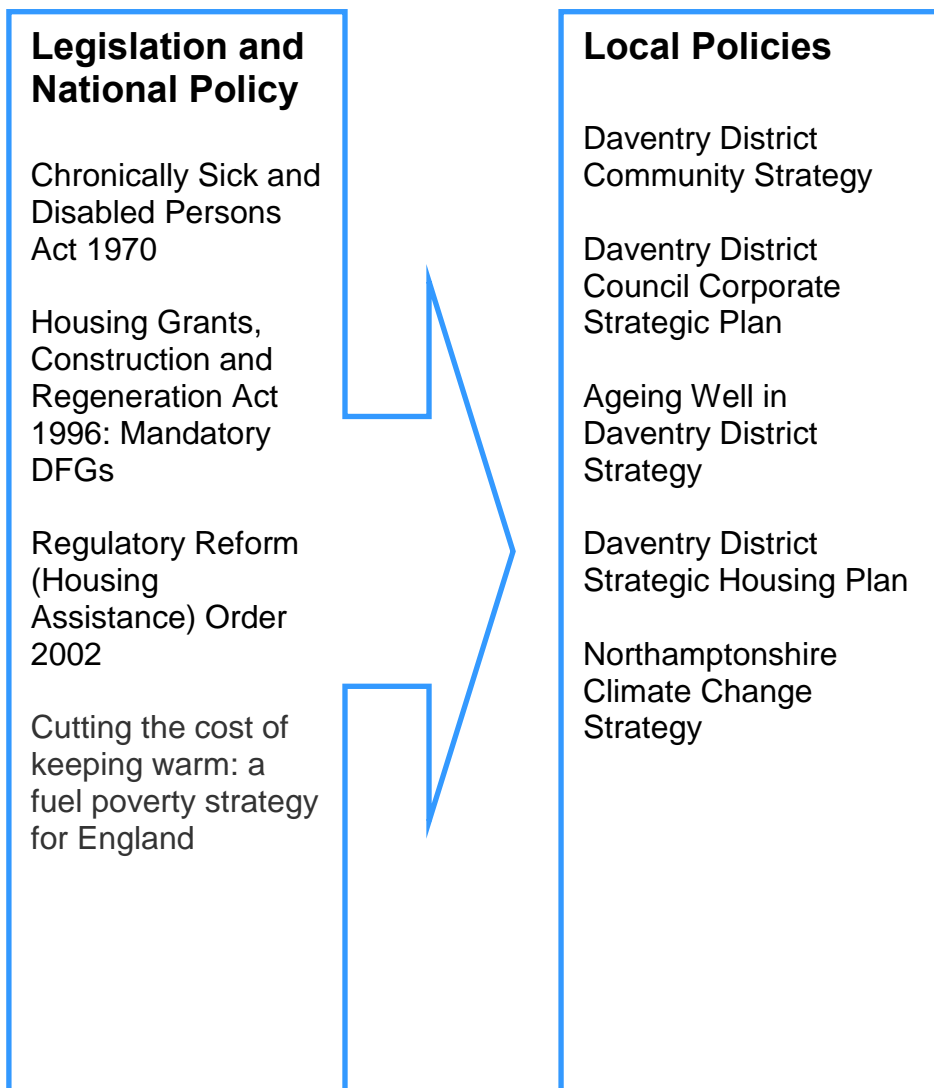
It will achieve this by outlining Daventry District Council’s approach to the following.

- Supporting housing adaptations for disabled people (DFG)
- Improving Homes in Poor Condition (Home Repair Assistance (“HRA”))
- Improving Energy Efficiency in Homes (HRA)

2.2 How this policy will be reviewed and updated

With the aid of relevant officers within the Housing Options Service and Care & Repair Service, this policy will be reviewed from time to time by the Local Strategy Service, which will be responsible for the document’s relevance and accuracy.

Figure 2: Diagram showing how this Policy is tied in with wider key Guidance, Policy, and Legislative documents from a National to Local level



3. Types of Assistance Available

3.1 Information and Communication

Where possible, residents will be given information upon request that will help them identify an appropriate service for their needs, as well as identify what potential risks or issues their current residence may pose to them. This will be in the form of both direct advice from Council officers as well as signposting to other agencies, the aim of which will be to facilitate the individual to address as many of the issue themselves and if or when necessary offer direct assistance through the form of an adaptation grant or loan (specified below).

The Care and Repair Service will be mainly responsible for this.

3.2 Financial Assistance

There are a number of different forms of assistance available to residents of private sector accommodation in Daventry District, these are:

- Disabled Facilities Grants (DFG)
- Home Repair Assistance (HRA) grants or loans

Financial Housing Assistance can be given as:

- A grant – Money that is given to be used for a specific purpose, where few or no conditions apply, and there is no repayment required
- A loan – Repayable amount

The consideration of suitability will be based on a financial assessment as detailed within this policy.

There may be circumstances where a combination of the above can be used; this is at the discretion of the Council. It is a requirement that the recipient of the assistance understands and agrees any terms and conditions of the assistance provided including any financial commitment they are taking on.

When a charge is to be applied to a property, the Council must first be satisfied that there is a sufficient level of equity in the property for this option to be suitable.

4. Grants and Loans

4.1 Disabled Facilities Grants

4.1.1 About the Grant

Disabled Facilities Grants (DFG) are administered to households who require adaptations and facilities to enable the disabled person to continue to live in their home. Such grants are given by the Council under Part 1 of the Act.

Specifics of this mandatory grant are summarised below:

- The maximum grant that can be paid is £30,000 per application.
- A financial assessment or means test is completed to establish if a contribution is required and to ensure that funding goes to households in need. Applicants in receipt of certain income related benefits Housing Benefit and Tax Credits can “passport” through the system and will not need to provide any additional financial information. Children aged 17 and under are not means tested.
- The actual amount of grant awarded will be determined from the means test and the cost of the works and fees.
- The purposes for which a mandatory DFG may be given are set out in section 23(1) of the Act and include facilitating or modifying access, making a dwelling safe, improving heating, lighting or power or installing assisted technology.
- The funding can support any local authority expenditure incurred under the Order. This means that funding can be pooled to cater for a number of programmes, or assistance could be provided with a degree of flexibility where there is a more appropriate solution.
- The Council does not give discretionary “top ups” or additional grants for adaptations to properties to make them suitable for disabled people in addition to statutory DFG entitlement, but will help signpost people in need to other sources of grant or means of carrying out adaptations they need if possible.

4.1.2 Resources

The Council funds DFG out of its own resources, supported to a degree by grants (currently, an allocation from the Integration and Better Care Fund).

4.1.3 Conditions for Grant Funding

An applicant must either be the owner of the dwelling or a tenant or an occupier of a qualifying houseboat or park home and be able to provide the Council with the necessary certificates set out in Sections 21 to 22A of the Act, which certify the intention for the disabled person it is intended should benefit will occupy the dwelling as his or her only or main residence throughout the “grant condition period”. The grant condition period is currently ten years but a shorter period may be reasonable in individual cases dependent on the disabled person’s health or other relevant circumstances.

Grants will only be approved where the Council is satisfied that the work is required in order to meet the disabled person’s needs and where the property is in a reasonable condition to carry out the works, this will be dependent on the age and condition of the property. Where it is deemed for works to not be practicable, advice will be provided on alternative action.

The applicant may not necessarily be the actual disabled person for whom the works are required. Where the disabled person is not the applicant, the applicant should make it clear on whose behalf the application is being made.

Approval in respect of a grant will not be given towards any work that has already been started or been completed. The Council may refuse a grant application where it is apparent that the request is the result of a deliberate act or omission.

A local land charge will be placed on the property whenever possible in accordance with legislation, for the repayment of the costs of works if the property is sold. If this cannot apply due to the nature of the property (such as a qualifying houseboat) alternative security will be sought where legally possible.

4.1.4 Application Process

A potential applicant for a DFG may:

- a) Express interest themselves.
- b) Be referred by their occupational therapist or other appropriate health professional.
- c) Be referred by Northamptonshire County Council (NCC), the service services authority.

The potential application shall be triaged under medical and functional grounds and it shall be explored if any other potential or cost effective alternatives to grant funding exist and would benefit the prospective applicant. If it is concluded that an application would not comply with the terms of the Act for the award of DFG the prospective applicant will be informed of this, but also informed that if they wish they can still make a formal application. If the triage indicates that it is likely that DFG should be paid and the prospective applicant wishes to proceed, or if the prospective applicant has been informed an application is unlikely to succeed but nonetheless wishes to proceed, a formal application shall be made. If the applicant needs assistance in completing a formal application, the Care & Repair Service will provide this.

A formal application shall be considered against the provisions of the Section 24 of the Act. In the case of doubt about whether the proposed “works are necessary and appropriate to meet the needs of the disabled occupant”, and in all cases where it is considered that without further justification a formal application should be rejected on these grounds, the advice of NCC as social services authority will be sought in accordance with Section 24(3) of the Act prior to a decision being taken. The advice of NCC (if offered) will be given due weight but ultimately the decision is for the Council taking into account all relevant factors.

The applicant will undergo a preliminary test of resources, which acts as a qualifying means test to determine the level of grant to be paid. However, this step may be adapted or disregarded in the most urgent of cases to avoid unnecessary delay to processing the application. The full criteria for means assessment is currently set out in Housing Renewal Grants Regulation 1996 (SI 1996/2890).

The Care and Repair Service will procure three quotations from contractors for the work to be carried out. This step may be adapted in the most urgent of cases.

The legislation allows an applicant to independently send tender documents to their preferred supplier. However, the authority will always request tenders from their own procured list of suppliers/contractors and will always consider the cost of previous works to ensure the best value use of the grant budget. The grant to be paid will be based on the lowest cost quotation obtained, subject to the maximum grant level currently set in legislation.

Landlords, charities and other parties may also contribute to the costs of works. Where:

- The application relates to a housing association property, the housing association will be contacted to establish whether it would be more appropriate for such works to be carried out by them or a contribution made to the Council for carrying out the works.
- In particular, if it seems likely that the works should be carried out by Futures Housing Group (FHG) pursuant to the agreement between the Council and FHG at the time the Council's housing stock was transferred to FHG (which was then Daventry and District Housing), FHG will be contacted and the matter discussed with them as soon as possible.
- It seems likely that the applicant or prospective beneficiary would be entitled to assistance from Northamptonshire County Council (NCC) under the Chronically Sick and Disabled Persons Act 1970; the matter will be raised with the applicant and/or NCC.

These provisions are, however, without prejudice to the Council's statutory obligations.

4.1.5 Execution of and Payment for the Works

Works will be organised either by or on behalf of the property owner, including if this is agreed, by the Care and Repair Service. Once completed, whether via the Care and Repair Service or by the applicant's own contractor, the works will then be approved as reflecting the approved grant purpose and signed off by an authorised manager.

The invoice and claim forms will be received by the Care and Repair Service or the Medical Liaison Officer and the payment of the grant authorised and paid direct to the contractor or applicant. Any cost above the level of grant awarded will be the responsibility of the property owner/beneficiary to pay, although the Council may consider increasing the level of grant if costs increase during the works for reasons which could genuinely not have been foreseen at the time the grant was awarded ensuring that this does not exceed the capped amount.

4.2 Home Repair Assistance (HRA)

4.2.1 About the Scheme

HRA is an array of provisions designed to assist people who require small-scale improvements or repairs to their home in order to make it safer, more suitable or to bring it back into use subject to eligibility criteria (4.2.5).

Assistance is in the form of:

- A grant and, if applicable, top up loan
- An interest free loan
- A loan with interest

- Explanation of equity release

4.2.2 Resources

The Council funds HRA out of its own resources. However, when opportunities arise for external funding to displace the use of the Council's own resources and/or extend the assistance available to residents of the District these will be pursued in accordance with the Council's External Funding Policy.

When external funding is secured, it shall be used in accordance with its terms, but subject to that as HRA (see Section 5 on terms and conditions for recipients of grants and loans in these situations). In particular, as appropriate given the purpose for which it is provided and the terms under which it is provided, externally funded HRA may:

- Be available in greater amounts or on different terms than set out in this policy.
- Have different limits on applications (or no limits) than those set out in this policy.
- Be given to different descriptions of people or property than set out in this policy.

4.2.3 Grants and Top up Loans

Grants will be provided when the applicant would be eligible for a full amount of grant using a means test.

The maximum amount of grant available is £5,000 per proposed beneficiary and per property within a 12-month period.

Where the cost of work in a HRA application exceeds £5,000 the applicant may also request a loan, up to a maximum of £5,000, to make up the difference.

Such loans will be subject to the following terms and conditions

- The maximum amount of loan that can be provided is £5,000
- The loan will be secured against the property (unless exceptionally this is not possible or appropriate) and therefore the Council will need to be satisfied that there is a sufficient amount of equity available at the current property. Should there be a transfer of ownership; the loan will remain secured against the property.
- Interest will not be charged
- If the property is sold or ceases to be used for its intended purpose, the loan will be repayable forthwith.
- A fee of £50 or 2% will be charged (depending on which is greatest) to cover administration and land registration costs.

4.2.4 General Loans

A HRA Loan can be provided and secured against the property if:

- It has been assessed as a suitable option which is dependent on the amount of equity available at the current property.
- an applicant is not eligible for an HRA Grant under the means test (as in 4.2.3) but cannot afford to carry out work required; or

- an applicant would be eligible for an HRA Grant but one cannot be given because grant funding is already allocated or a funding limit is reached.

Such loans will be subject to the following terms:

- The maximum amount of loan that can be provided is £15,000.
- The maximum period of the loan is five years.
- If the property is sold or ceases to be used for its intended purpose, the loan will be repayable forthwith.
- A fee of £50, or 2% will be charged (depending on which is greatest) to cover administration and land registration costs.

4.2.5 Conditions for Grant or Loan Assistance

To be eligible for a grant, an applicant must fulfil all of the following:

- Be aged over 18 on the date of the application.
- Live in their dwelling as their only or main residence.
- Have an owner's interest in the dwelling.
- Have a duty or power to carry out the works in question.
- Meet the means test requirement (see 4.2.3).

To be eligible for a loan, an applicant must fulfil all of the following:

- Be aged over 18 on the date of the application.
- Have an owner's interest in the dwelling.
- Own no other dwellings
- Have sufficient equity in their property such that using the market value assessed at the point of consideration of the grant the Council would be able to recover the loan on sale of the property (allowing for any existing loans which have a higher priority than the security the Council is able to obtain for its loan).
- Demonstrate that they have the ability to make regular repayments of capital and the required interest payments.
- Have savings less than the amount required for the works.

4.2.6 Application Process

Applications must be made to the Council using the forms currently issued by the Council for that purpose. The Council will consider the application and make a decision in accordance with this policy, if necessary following discussion with the applicant to clarify their circumstances.

4.2.7 Execution of and Payment for the Works

Works will be organised either by or on behalf of the property owner, including if this is agreed, by the Care and Repair Service. Once completed, whether via the Care and Repair Service or by the applicant's own contractor, the works will then be approved as reflecting the approved grant purpose and signed off by an authorised manager.

The invoice and claim forms will be received by the Care and Repair Service and the payment of the grant authorised and paid direct to the contractor. Any cost above the level of grant will be the responsibility of the property owner/beneficiary to pay, although the Council may consider increasing the level of grant if costs increase during the works for reasons which could genuinely not have been foreseen at the time the grant was awarded.

5. Terms, Conditions and Enforcement

5.1 Standard Terms and Conditions

The Council will apply the nationally defined terms and conditions for DFG, with such local additions and adjustments as are permissible and appropriate to the particular circumstances of Daventry District. These are called the “DFG Conditions”

The Council will have a standard set of conditions for HRA grants and another standard set for HRA loans (the “HRA Grant Conditions” and “HRA Loan Conditions”, respectively), each containing variant provisions to cover the main different circumstances anticipated by this policy.

The DFG Conditions, HRA Grant Conditions and HRA Loan Conditions are collectively called the “Base Conditions”.

Where the Council is accessing external funding which adds to the resources it would otherwise apply to DFG or HRA which requires the application, in whole or part, of other terms and conditions (“External Conditions”) the External Conditions shall (insofar as legally permissible) apply. To the extent they conflict with the Base Conditions the Base Conditions shall not apply or be modified so as to be compatible with the External Conditions. These, including the External Conditions they relate to, shall be called “Modified Conditions”.

The Base Conditions together with such set(s) of Modified Conditions as may exist from time to time shall be:

- Called the sets of “Standard Conditions”
- Published on the Council’s website.

5.2 Key Provisions

Base Conditions shall include provisions:

- a) Establishing as relevant the ownership and occupation of the property to which a grant or loan is proposed to be directed.
- b) For minimising opportunity for fraud, corruption and money laundering.
- c) In cases of fraud, corruption or money laundering, for recovery or grant or loan and the Council’s costs in processing and awarding the same and of investigation.

- d) For recovery of grant or loan in the event that (as applicable) the intended beneficiary ceases to live in the property or the property ceases to be used for the purposes for which the grant or loan was given.
- e) That information, including personal information and sensitive personal information or special category data, about the applicant, intended beneficiary, property owner and any other person involved with the application or property may be processed by the Council and shared with others for the specific purpose of dealing with the application, preventing or detecting crime and anti-social behaviour and for the provision of public services. These purposes are outlined in the Privacy Notice available to the applicant either on the application form or on the Council's website.
- f) That it is the applicant who is responsible for the works and any approvals required for them, and who employs any builder or other contractor. The Council has no responsibility for the quality of the work carried out, even if the Council has paid the builder directly.

In the event that the result of applying external funding should be a set of Modified Conditions which made inadequate provision for (a), (b) or (c) above, the external funding shall not be accepted.

5.3 Enforcement

The Council will pursue vigorously any attempt to defraud it or to otherwise obtain unlawful benefit from grant or loan support it gives. Enforcement will be in accordance with (as applicable) its current Anti-Fraud, Bribery and Corruption Policy (February 2014) and its policies on debt recovery.

In respect of housing health and safety issues relevant to properties that have remained empty for 6 months or more, the Council applies its own enforcement policies and procedures to this effect. Should informal action fail, the Council is prepared to exercise its enforcement capabilities in order to achieve its objectives.

6. Data Protection and Information Sharing

The information that applicants provide is likely to be considered personal data and/or special category data as defined in the Data Protection Act 2018 and the General Data Protection Regulations (GDPR).

Employees of the Council will treat all personal data/special category data provided by applicants in accordance with the Council's Data Protection Policy and Procedures and in line with the Privacy Notice set out in the Application form.

Right of Access

All applicants for housing assistance have the right to see information held about them by the Council, in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). The right applies to all personal information regardless of the date that information was recorded.

With regard to housing assistance records, applicants have a right of access to information held about themselves and members of their family held for the purposes of that application. This right of access extends only to 'personal' information, namely, factual information and expressions of opinion which relate to a living individual. In certain circumstances the Council may refuse access. This arises where, for example, the information:

- may identify a third party and that party has not consented to the disclosure;
- concerns an individual's health and disclosure may cause serious harm to the well-being of the applicant; or
- is held for the purpose of prevention or detection of crime or in respect of some other legal proceedings.

Requests for access to records can be made in writing by post or email:

Data Protection Officer, Daventry District Council, Lodge Road, Daventry, Northamptonshire NN11 4FP or email dataprotection@daventrydc.gov.uk.

Applications will be processed within one calendar month from the date that the request and proof of identity (eg. driving licence/passport) are received. For more information go to the Council's website www.daventrydc.gov.uk and search for 'subject access request'.

Applicants have the right to challenge the accuracy of the information held about them and may request the erasure or correction of records which they believe to be inaccurate. If the Care & Repair Manager or nominated officers agree that the information is inaccurate, the record will be corrected and the applicant will be given a copy of the corrected documentation. If the Manager or nominated officer does not agree that the information is inaccurate, or refuses access to the information, the applicant has a right of appeal to the Information Commissioner. This information will be provided free of charge. Requests for

information should be made to the Data Protection Officer at dataprotection@daventrydc.gov.uk

Information Sharing

The Council will share personal data with certain third parties for the specific purpose of dealing with the application for housing assistance. This information may be shared on a 'need to know' basis with relevant third parties, such as health professionals and contractors.

No other third parties will have access to this information, except where permitted or required by law. No information will be provided to other members of the public without the consent of the applicant.

7. Complaints and Appeals

7.1 Service Complaints

If a grant recipient or prospective recipient is unhappy with the service provided by the Council they should first let the person know who has been dealing with their case and give them the opportunity to improve matters or explain why things have happened as they have. If this does not resolve the issue then the formal steps set out in the Council's current Complaints Procedure should be used to take the matter further.

Should the recipient be unhappy with the service provided by the contractor, initial contact should be made with the person dealing with their case who will work to resolve the issue. Should there continue to be a dispute the recipient will be advised accordingly.

7.2 Reviews and Appeals

Where an applicant has made a valid application for assistance and have received decision that the application has been refused, the applicant must inform the Council of its intention to request a review within 14 days of receipt of the decision. The review should be made in writing addressed to the Housing Options Manager. The Council has the discretion to extend the time limit if it considers that this would be reasonable action.

Request for a review can be made by a representative on the applicant's behalf.

A review should reach a conclusion within 21 days and the Council will provide written notification of the decision following this. Should this timescale need to be amended, the applicant will be informed in writing.

Any legal challenge to review decisions, or to any decisions that do not carry the right to request a review, can only be brought by judicial review, on the grounds that Daventry District Council has infringed administrative law.