

# **METROPOLITAN BOROUGH OF WIRRAL**

## **Service Standards & Service Level Agreement for Disabled Facilities Grants (DFGs) & Adaptations**

This document contains the procedures for all disabled facilities adaptations, including the standards and target time-scales. The Chronically Sick and Disabled Persons Act 1970 (CSDP) and Housing Grants, Construction & Regeneration Act 1996 (HGCR) form the legislative framework, within which local advocates, service users and the Council developed this local policy.

The Directors from the key departments involved in delivering the adaptations service are committed to its continuous improvement and demonstrate this commitment in signing-up to, and improving, the target timescales, contained herein. Thereafter, this document serves as the Adaptations Service Level Agreement between the key departments, namely:

Department of Social Services

Department of Housing and Environmental Protection

Department of Property Services

Department of Construction Services

Under the current legislation, the administration of all stages of a DFG, from enquiry to completion, is the responsibility of the Housing Authority. The Housing Authority has the final decision, regarding which applications are approved, having regard to, amongst other things, whether it is reasonable and practicable to carry out the proposed works.

Social Services have responsibilities to carry out physical and functional assessments and make recommendation to the Housing Authority

Disabled applicants whose physical and functional assessment identifies the need for a 'permanent' adaptation to his or her home, may qualify for one of the following:

**Note:** permanent is defined as 'fixed' as the case of a concrete ramp. Certain items of equipment may also qualify under this definition e.g. lifts, hoists, door intercoms etc. In order to qualify, the equipment must have its own dedicated electricity supply (be hardwired) and not portable. An example of portable equipment, ineligible for Grant: Community Alarm telephone.

## **Mandatory Disabled Facilities Grant (DFG)**

- DFG legislation currently places a maximum limit of £25,000 on the level of mandatory DFG. Housing Authorities currently have *discretion* to exceed this limit for mandatory works (note: recent information indicates discretionary grants will cease in 2003)
- Currently, there are 13 mandatory work categories, under Section 23(1) of the HGCR Act. All but three of the categories are concerned with 'facilitating access' for the disabled occupant into and around his/her home. The adaptation work should remove, or help overcome, obstacles for the disabled occupant and/or their carers.

- Cabinet agreed the minimum limit for DFG as £1,200 for the period 2001-2002. This limit is subject to annual review to reflect both demand and available resources. The cumulative total of adaptations below the limit will be treated as non-grants, whilst those which together reach the target, will be subject to a test of financial resources (means-test)
- DFGs are funded either wholly from the Housing Revenue Account (for Council tenants) or directly from the DFG budget

## **Discretionary Disabled Facilities Grant**

- Discretionary DFGs are primarily concerned with the welfare of the disabled occupant, around the home, and may also be used as a top-up when mandatory works exceed the £25,000 limit (this type of grant is anticipated to cease during 2003)

## **Non-grant aided Adaptation**

- Adaptations costing less than the DFG limit.
- Funded from the Housing Revenue Account, for Council tenants and Social Services General Fund for all other applicants.
- Not currently means-tested
- Note: it is the total value of work to be undertaken, or undertaken within the previous 12 months, whether related or not, which determines whether it is grant or non-grant work.

- Therefore, once the cumulative total, within a 12 month period, reaches the DFG limit; all subsequent work exceeds that limit and is subject to the outcome of a means-test

\*\*\*\*\*

## **NOTE: Grant Condition Period: 5 years**

- ◆ The applicant is expected to occupy the property as the main and principal home throughout the grant condition period and will be required to confirm, at the outset, whether or not they intend to do so. If the applicant needs to move on health, or other related grounds, there may be no requirement to repay the grant.
- ◆ If the applicant moves for reasons unrelated to health, then the grant condition period may apply and a 'like for like' DFG, within an existing DFG grant condition period, may not be approved, for the new home.
- ◆ Adaptations are expected to last throughout the grant condition period. The adaptation will not be repaired or replaced (like for like) by a subsequent DFG, within an existing DFG grant condition period, unless it can be established that the adaptation has been regularly maintained and serviced and that the requirement to replace is not a consequence of misuse.
- ◆ The Council has a duty to recover all payments made in cases which are subsequently proven to be fraudulent
- ◆ Grant Condition Period is not to be confused with any guarantee period. For details on guarantee periods, please see Limits

# The Grant Procedure

## 1. Initial Enquiries

All applicants are referred to Social Services, Central Advice and Duty Team (CADT) for the Occupational Therapy (OT) team to determine whether the works are necessary and appropriate, within the terms of the legislation.

- Target visit and assessment: 90 days (max.)
- Where adaptations are necessary and appropriate, OT will forward a written referral to the Housing Authority. Referral to specify mandatory (and discretionary) items, client contact details, including courtesy titles, post-code, priority requirements etc.

Procedure and checklist for completion of Referral Form known as OT3, including prioritization is attached. [Appendix 1](#).

OT will:

- Establish client's tenure, name and address of landlord etc
- Issue DTLR leaflet ([Appendix 3](#))
- Explain the process and discuss options
- Go through leaflet entitled 'What Happens Next' ([Appendix 4](#)) and leave a copy with client
- Show photographs of similar work at various stages
- Ensure applicants are aware of their rights and responsibilities, in relation to the process (e.g. if they wish to cancel their application, they should do so at the earliest opportunity, otherwise the work may be ordered and the client may incur costs)

- Where applicant needs more than one adaptation, all works will be listed together (no need for separate OT3s for same applicant)
- OT & applicant to complete and sign OT3
- OT3 forwarded to the Housing Authority (requests for joint visits to be kept to a minimum)
- Changes or additions to the detail in the original OT3 to be in writing, within 14 days of any feedback from the surveying officer
- OT will make no commitment to any work being done
- Following referral to the Housing Authority, applicants with queries to be advised to contact a Client Liaison Officer within Housing

## **2. The test of Financial Resources for all DFG Applicants**

### **(Means-Test)**

**Means testing** ensures that the resources available to local authorities are effectively targeted on those in the greatest need of help in paying for essential adaptations and that those who are better able to contribute to the cost of works should do so.

Where the cost of the work will clearly be above the non-grant limit, the Housing Authority's Home Assistance Team will carry out an assessment of the income, capital and personal allowances of the disabled occupant or other relevant person to determine the 'applicable amount'. If a relevant person's financial resources are less than the applicable amount, the grant will be the full, reasonable cost of the works up to the maximum DFG limit

- Target 12 weeks (max.) for HAT to complete means-test

- A relevant person is defined as:
  - a. the disabled occupant, for whose benefits the works are carried out; and
  - b. the spouse or partner of the disabled occupant; and
  - c. the parents of the disabled occupant who is a dependent child (in the case of foster children, any shortfall in DFG may be paid by Social Services)
- HAT will liaise with the client and give a written account of the results of the means test.

Note: If the client contribution is estimated to exceed the cost of works, the client may still proceed with the application. For disabled people whose conditions are degenerative, further adaptations to their home to cater for their deteriorating condition may be necessary at a later date. DFG legislation places no express restriction on successive applications on the same property (other than 'like for like'). In such cases and depending on the time lapse between the two applications, (5 years, maximum, for rented properties. 10 years, maximum, for owner occupied properties) the Council will reduce the amount of an applicant's current contribution, by any previous assessed contribution, if the applicant went ahead with the previous adaptations. For example, if the applicant's contribution was £8,000 and the amount of grant was £10,000 any contribution in a subsequent application, within the time limit, would be reduced by £8,000. If, on the other hand, the applicant's assessed contribution was £12,000 any contribution in a subsequent application would be reduced by £12,000.

During the means-test appointment, HAT will:

- Explain the process and discuss options

- Establish client choice as to who will carry out the work (e.g. private contractor, in-house services or agency services)

Note: Adaptations to Council properties are funded and maintained by the Housing Revenue Account, therefore generally only the Council's own workforce are eligible to carry out this work

- Show photographs of similar work at various stages
- Ensure applicants understand rights and responsibilities involved
- Confirm, in writing, the outcome of the means-test
- Forward file to appropriate surveying department

### **3. The Survey Procedure**

The surveying officer may be a representative of HAT or the Department of Property Services (DPS) (including Lift Engineer). However, where the client has chosen a private contractor to carry out the works, then DPS would not normally visit the property. In such cases the contractor or agent would liaise with the OT. HAT surveyor may visit to verify costs.

Visiting surveyor will establish property condition and whether the adaptation requested is feasible. The outcome of this survey will be almost immediate, in some cases, whilst in others, it may take several months to obtain various consents and permissions

- Target surveyor's visit: 12 weeks from outcome of means-test

Note:

- A full and detailed survey of the property will not be required if the property is fit and the adaptations requested are straightforward.



- If a property is unfit or borderline unfit, a full survey will be carried out and recorded. DFGs to unfit properties will not normally be approved. The alternative action in this case would be dependent upon the applicant's circumstances and may include transfer, equity release, other grants and loans etc.
- The surveying officer may consider the appropriateness of another type of grant, such as Renovation or Home Repair Assistance, which may need to be carried out before approving a DFG. The surveying officer will also be mindful of the following:
  - Certain types of properties and construction may be relevant in determining whether or not adaptation is a suitable course of action, e.g. older or smaller terraced houses may not be suitable for wheelchair access, similarly some flights of steep stairs may rule out effective adaptation.
  - Properties which lie in Conservation Areas or which are Listed Buildings may be subject to planning constraints which may preclude adaptations.
  - The architectural and structural characteristics of the dwelling may render certain types of adaptation inappropriate.
  - The impact on the other occupants of the property of proposed works, which will reduce or limit the existing facilities or amenities in the dwelling.
- It should not normally be necessary to have a joint visit between the surveyor and OT. However, in complex and difficult cases, either party may instigate a joint visit.
- It is the surveyor's responsibility to make an appointment to visit the property. This should normally be done in writing.
- Where there has not been a joint visit and there is any deviation from the original request, the surveying officer will feedback the outcome, in writing, to the OT, within

14 days of the visit. In many cases a new OT3 is required to support the revised plan. Where the alterations are minor, a memo outlining the revised request, from the OT, will suffice. In the case of any revised request, it must be requested in writing, by the OT, within 14 days from the date of the feedback by Surveyor.

- The surveying officer will produce or obtain a specification and cost breakdown, including any plans, consents and drawings as necessary
- It is the responsibility of the surveying officer to ensure that the proposed schedule complies with the local and legislative limits and to ensure the client is fully aware of the proposed method and style of the adaptation.
- It is also the surveyor's responsibility to obtain the client's signed consent to the work and any variations thereafter
- It is only when the Housing Department has the OT3, surveying officer's opinion, specification and estimated costs that the application can be considered valid.

## **4. The Valid Application**

In accordance with the legislation the Housing Authority has a maximum of six months from receipt of the valid application, in which to confirm its decision to the applicant.

Consideration will be given to the following:

- Is the adaptation needed to provide for a care plan to be implemented which will enable the disabled occupant to remain living in their existing home and/or is it
- Needed to meet the assessed needs of the disabled occupant, taking into account both their medical and physical needs and

- Actually needed and for which grant aid is fully justified as opposed to what is desirable and
- The adaptation is not replacing 'like for like' a previous adaptation which, it can be established, has not been maintained and serviced by the applicant (or his/her landlord or agent) and for which the grant condition period still applies

Note: In a legal challenge on the interpretation of 'need' when referring to mandatory DFG, Lord Lloyd of Berwick described 'need' in the following terms:

***"To need is not to want. 'Need' is the lack of what is essential for the ordinary business of living"***

**Appeals:** where the applicant disagrees with the Housing Authority's decision, he/she has the right to appeal to the Adaptations Service Improvement Team. This Team comprises representatives from each department involved in delivering adaptation. Meetings are held on the 2<sup>nd</sup> Wednesday of each month and the Team is responsible for ongoing policy development, streamlining and setting standards and limits.

- First Stage Appeals must be in writing, to the Adaptations Service Improvement Team (SIT) via the Housing Authority's Home Assistance Team. The Appeal will be heard at the next available SIT meeting. The outcome will be confirmed in writing within 14 days of the meeting.
- Second Stage Appeals (i.e. dissatisfied with the written outcome of the SIT decision) must be in writing, to the Housing Authority's Director within 28 days of the receiving

the outcome from Stage 1. The Housing Authority's Director will consult all parties, including the Director of Social Services and give a written response, within 14 days

## **5. The Adaptation**

- Adaptations under the DFG threshold (non-grants) will always be carried out, or managed, by the Council's own workforce.
- DFG clients have opportunity to select the Council's workforce, or appoint their own architect and contractor, or appoint an agent to oversee the work on their behalf.
- Adaptations to Council properties are funded by the Housing Revenue Account. The Council will, therefore, ensure the Schedule of Rates is applied. Normally, the Council's own workforce will carry out work to its own stock, particularly where the adaptation will require maintenance thereafter, as in the case of central heating.
- The Council, or the applicant's appointed agent, will liaise with the contractor to ensure that the work is completed within 12 months from the date of formal approval. There can be exceptions to this.

In the case of the Council's own workforce carrying out the adaptation, the Council will:

- Contact the client (& OT if appropriate) to arrange either a start date for routine work or site visit for more complex work
- Advise client of estimated start date and duration of work
- Keep to estimated start and completion dates

- Where possible, keep work within the state specification and, where is this not possible, the Council will document all changes and obtain consents as appropriate
- Where, once started, it is established that further works are needed, the surveyor will be kept informed
- The Council will not change the specification, without prior documented consultation and written approval from the surveyor and, if appropriate, the client
- Upon practical completion, ensure the client is aware and satisfied what the work is complete and, if possible, obtain the client's signature to this effect
- Update the computer records to practical completion stage and
- Submit final account
- It is the responsibility of the surveying officer to ensure final inspections are made, where appropriate and final accounts agreed within 30 days from completion for adaptations costing under £10,000 and within 30 days from expiry of the defects liability period for adaptations costing over £10,000.
- It is the responsibility of the surveying officer to ensure final accounts are forwarded to HAT immediately following the targets stated above
- It is HAT's responsibility to ensure that payments and final accounts are processed within 15 days of receipt

### **Private Contractors**

- Clients who wish to opt for a private contractor are advised to select from Wirral's Approved Contractor list
- Where client selects a contractor not on the Approved Contractor list, then the Council will, as part of its duty of care, require the contractor to complete a vetting form **Appendix 5** (covering Health & Safety, insurance etc)
- Other than the Council's own workforce, contractors must submit their estimates to the client and not the Council. This is not part of the Council's formal tendering process as the Grant belongs to the client and not the Council
- The client, or client's agent, is ultimately responsible for appointing a contractor. The Council is under no obligation to pay the full estimate price unless it considers it is reasonable to do so.

### **Fees:**

In determining the 'reasonableness' of any claims for fees, the Council will such claims only where costs have been 'appropriately and necessarily incurred'. The maximum amounts listed below are taken from the Council's approved fee policy:

#### a. Tendering Process:

*£100 maximum allowable fee for the range of services listed at a. below*

1. Obtaining of estimates
2. Consideration of tenders

3. Arranging of technical and structural surveys
4. Arranging of design and preparation of plans and drawings

b. Contract

*£50 maximum fee for range of services in b. below*

1. Advice on contracts
2. Payment of contractors

c. Ancillary Expenses

*£50 maximum fee for range of services in c. below*

1. Confirmation, if sought by the local authority, that the applicant has an owners interest
2. Assistance in completing forms
3. Advice on financing the costs of the relevant works which are not met by grant
4. Arranging of application for building regulations approval
5. Arranging of application for planning permission
6. Arranging of application for listed building consent
7. Arranging of application for conservation area consent

d. Supervision

*4% of grant eligible works in d. below*

Supervision of the relevant works

e. Local Authority Service

Preparation of schedules of relevant works, as above

f. Allowed at Reasonable Cost

1. Disconnection and reconnection of electricity, gas, water or drainage utilities where this is necessitated by the relevant works
2. Actual cost of technical and structural surveys
3. Actual cost of design/plans/drawings (items 1, 2 and 3 to be considered on production of invoice from engineer, surveyor, service utilities)
4. Private Occupational Therapist, if reasonably incurred, following confirmation from the Department of Social Services, that the service was not available free of charge as part of the general services available to DFG applicants
5. Where approval of the grant has been made, but the grant is no longer required (e.g. client deceased or permanently rehoused) Professional fees (in respect of preliminary and ancillary services or charges) incurred may be charged to and paid from the grant. In cases where the work has commenced, the Council will cease working on the adaptation as soon as practical to do so, making good disturbed areas in accordance with the Limits attached.



g. Other

- Fees over and above the agreed policy are not funded by the grant
- The Council, in vetting and monitoring work undertaken by contractors not on the approved contractor list, may charge costs to the grant as per d. above

## **6. Releasing the Grant**

Council officers will post inspect all non-grant and small adaptations carried out by its own workforce (e.g. adaptations costing less than £5,000). In such cases, post inspections will be done by the Council's own workforce, upon completion of work. HAT will carry out a 10% quality assurance check. Where possible, the Council will obtain the client's written consent to release DFG funding.

- a. In the case of structural work, and work costing more than £5,000 the surveyor will personally carry out the post inspection within 15 days of practical completion
- b. In the case of all work carried out by private contractor, the surveyor will personally carry out the post inspection, within 15 days of practical completion
- c. In the case of work carried out by the Council's workforce, other than 'a' above, the surveyor will post inspect 10% of adaptations, providing the client has signed consent to the work being complete.
- d. In the case of adaptations for central heating to Council stock, the Council's 'PMI' team will carry out the post inspection
- e. Where signed completion consent is withheld; the surveyor will visit each case and decide on the most appropriate action. This may include arranging

mediation or, in certain circumstances, payment without the client's completion consent or etc.

- f. Private contractors will be advised, in writing of any snags and given a reasonable period to rectify. Payment will not be released until the snags have been rectified. However, there may be occasions where it is appropriate to make interim payments
- g. In the case of the Council's workforce, snagged work on adaptations costing over £10,000 will require the surveyor to move the status from 'Completed' to 'Held' immediately and to list the snagged work in the appropriate field. At the same time confirming the full list of snagged work in a memo. The surveyor will monitor response. The workforce to rectify snags within 30 days of receipt of the memo.
- h. In the case of case of Council workforce, adaptations costing under £10,000 and where the client has no contribution, snagged work to be passed for payment, in order to manage the budget. The surveyor will list the snags in a memo and will monitor response. Again, the Council's workforce to rectify snags within 30 days from receipt of memo
- i. Satisfactory completed works can be paid off immediately, without waiting for defects liability period to elapse. Final adjustments (up or down) can be made at the end of the defects liability period
- j. Payments to private contractors are to be in accordance with the Council's Standing Orders and payment target deadlines (currently 30 days)

## 7. Collaboration & Good Practice

Co-operation and collaboration are key to the effective management of the DFG funding. The Council consider the following to be examples of good practice:

- a. Joint visits where adaptations are likely to be complex. This includes not only the initial assessment but also at practical completion.
- b. Joint training for all staff involved with the adaptation process, irrespective of department. This ensures everyone has a clear understanding of each other's responsibilities, an appreciation of disability issues and an awareness of health and safety and good practice issues.
- c. Well documented policies and procedures on processing grant applications as a ready source of reference, available to staff in all departments
- d. Simple leaflets explaining the procedures for administering the DFG funding, available to staff in all departments and to the general public
- e. Information to clients available not only in a larger font size and with minimum number of capital letters, but also in other media, such as language options, Braille and audio
- f. Regular liaison meetings, within the Council in the form of the Adaptations Service Improvement Team and with external agencies such as Registered Social Landlords in the form of Wirral Adaptations Group and between neighbouring local authorities with the aim of standardising the service across the Merseyside area, to benefit residents transferring within the area
- g. Regular user/advocate forum meetings, in the form of the Adaptations Advisory Forum, seeking advice, guidance and feedback on the operation of the process

- h. Development of regular workflow monitoring and customer satisfaction surveys
- i. Development of common database systems providing up to date information on the progress of DFGs
- j. Development of a register of adapted homes
- k. The creation of a dedicated Home Assistance Team, taking overall responsibility and being the single point of contact for the DFG process

Directors have agreed the policies, procedures, time-scales and standards, contained in this document from the Council's departments involved in the adaptation service.

Signed

Director

Signed

Director

Signed

Director