

Adult Social Care Operations

Private Sector Housing Assistance Policy

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London Borough of Newham

Private Sector Housing Assistance Policy 2024-2026

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Introduction

Private Sector Housing includes those who are owner-occupiers, tenants in private rented accommodation and those tenants in a Housing Association or Registered Social Landlord (RSL) property. Private sector housing excludes Council tenants living in Council owned accommodation and those living in Private Finance Initiative (PFI) and Tenant Management Organisations (TMO). Temporary accommodation is also generally excluded although support may be provided in exceptional circumstances and cases are reviewed on a case by case basis.

This document formalises and describes the Council's policy for the provision of Assistance for Private Sector Housing Renewal ("Assistance Policy".) It complements the priorities in **Newham's Corporate Plan 2022-2026, Building a Fairer Newham**, and in particular priority one: 'A Healthier Newham and Aging Well.' It also complements **Newham's Health and Wellbeing Strategy 2024-2027 – '50 Steps to a Healthier Newham.'**

Drivers for Housing Assistance

The Council provides support to older and disabled individuals, and their carers, to help them to remain living independently, confidently, safely and with dignity in their own homes. Private Sector Housing Assistance can help to improve wellbeing, reduce the effects of the disabling environment and thus maximise independence and quality of life. It can furthermore help to prevent the need for care and support, or delay the need for further support, central themes of the Care Act 2014.

In addition Housing Assistance provides support to carers in their caring role and underpins a wide range of individual and carer outcomes including; improved safety, greater independence, personal resilience and well-being.

Background

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) set a requirement for a Private Sector Housing Assistance Policy. It repealed the former prescriptive legislation with flexible and wide-ranging powers to provide assistance for housing renewal based on local circumstances and needs.

The RRO gives local authorities wide powers for providing assistance for repairs, improvements and adaptations, as well as to demolish and re-construct houses. The assistance may take the form of a grant, loan, equity release, or more practical methods of assistance. The assistance cannot be given unless a policy for the provision of assistance has been adopted and published.

Housing assistance offered covers:-

- **Owner occupiers with disabilities in need of home adaptations to support them with everyday tasks**
- **Private tenants with disabilities in need of home adaptations to support them with everyday tasks**
- **Housing Association (Registered Social Landlord - RSL) tenants with disabilities in need of home adaptations to support them with everyday tasks**
- **Frail individuals at risk of falls due to easily rectifiable low level home hazards**
- **Vulnerable people requiring assistance with heating and insulation, or minor repairs where the criteria is met**

Funding and Type of Housing Assistance Available

Mandatory Disabled Facilities Grants (DFGs)

Disabled Facilities Grants are available to owners or tenants of properties (including those in permanent residential mobile homes) under Section 23 of the Housing Grants Construction and Regeneration Act 1996 (as amended) to provide physical adaptation to dwellings to meet the needs of a disabled person. Disabled Facilities Grant Funding are an integral part of the Better Care Fund (BCF). The BCF pools a number of funding streams to support integrated pathways between health, housing and Adult Social Care.

Disabled Facilities Grants (DFG) are mandatory grants. Below is a brief description of the scope of the legislation.

The following types of work, when recommended for a disabled person (by an Occupational Therapist, Occupational Therapy Assistant or Trusted Assessor Technician) are eligible for a grant provided they are 'necessary' and 'appropriate', and 'reasonable' and 'practical' having regard to the age and condition of the property:-

- Making the building or dwelling safe
- Facilitating access to and from the building
- Facilitating access to or providing a bedroom
- Facilitating access to the principal family room
- Provision of a room containing a bath or shower or facilitating the use of such a facility
- Provision of a room containing 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

The applicant (who may not be the disabled person) must either own the property or be a tenant. Nationally a maximum limit of £30,000 applies to mandatory Disabled Facilities Grants. The applicant should intend to remain at the property for five years.

DFG Application Process

Newham has introduced an 'up-front' approach to identify as early as possible whether an applicant meets the criteria for a Disabled Facilities Grant (DFG). This helps to ensure that individuals who are not eligible for a grant or who may have to contribute to the cost of the works are informed as soon as possible in the process. This enables individuals and their families to decide whether they wish to pursue the Council supported route or whether to self-fund. Where applicable, staff will assist and give advice on alternative funding that may be available. Individuals will be signposted to the Home Adaptations Guide, available on the Adults Information and Advice internet pages (see link below) and to a case worker where applicable.

<http://adultsocialcare.newham.gov.uk/Pages/home-adaptations.aspx>

Application of the Test of Resources for a Disabled Facilities Grant (DFG)

Nationally in relation to **children under 18** there is no test of resources for mandatory Disabled Facilities Grants up to the £30,000 ceiling. Newham has also removed the Test of Resources for the provision of some adaptations (e.g. ceiling track hoists) recognising central government support for adaptations and the mounting evidence that timely provision of adaptations can delay the need for greater support, significant care costs and support carers' needs.

Customer Adaptation Budget (CAB)

Newham offer a direct payment DFG, termed a 'Customer Adaptation Budget' (CAB) which offers greater individual choice and control over the adaptations process, for those who wish and are able to take a lead organising the works. Once eligibility for a Disabled Facilities Grant (DFG) has been confirmed the resident may wish to appoint their own builder and organise the recommended works. Residents are requested to provide a detailed quote of the works within a set timescale which the Council will review and authorise. On completion, the works are checked to ensure they are in line with the recommendations by the Occupational Therapist or prescribing officer and payment is made directly to the resident to cover the cost of the works. Full details of the Customer Adaptations Budget (CAB) process are in the Guide to Home Adaptations booklet sited above and located on the Newham Council website.

CABs offer significant benefits to both the individual and Council; they promote individual resilience allowing the individual to drive the adaptations process. They are more likely to result in an adaptation where the tiles and decoration is to the resident's taste and increase satisfaction with the outcome. From the Council perspective they require less time to administer and often complete in a shorter time than framework cases.

Customer Own Schemes (COS)

Those residents who meet the Disabled Facilities Grant (DFG) eligibility and are therefore entitled to a grant allocation may wish to 'top-up' the DFG funding. The DFG recommendation by the Occupational Therapist or prescribing officer will be for the most cost effective adaptation solution within an existing property e.g. removing the bath and replacing with a level access shower (wet room). Individuals may however, prefer to choose a different option that still meets the needs of the individual but is more costly. The resident will be responsible for the difference in costs between the DFG and the final cost of the works, including unforeseen costs. Written evidence of being able to afford the cost of the more extensive works is required before support to use the DFG as a Customer Own Scheme (COS) will be given by the Council.

The Occupational Therapist or prescribing officer will need to ensure that the final scheme meets the disabled or older person's needs and where applicable planning and building control regulations have been adhered to. The Home Adaptations for Independent Living (HAIL) team Caseworker will provide full terms and conditions of the COS option, and further information is in the adaptations guide referred to above.

The rigorous terms and conditions applied to the COS option help to manage individual and family expectations whilst facilitating a more flexible approach to adaptations, which permits wider family support to meet the individual's needs and provides greater choice and control.

Discretionary Financial Assistance for Adaptations

The general power under article 3 of the regulatory Reform (Housing Assistance) (England and Wales) order 2002 enables the Local Authority to give discretionary assistance in any form for adaptations (e.g. grant, loan or equality release.) There is no restriction on the amount of assistance that the Local Authority may provide. In addition the discretionary funding may be in addition to the mandatory Disabled Facilities Grant.

Assistance can be given under Article 3 for a wide range of purposes, for example:-

- to provide small-scale adaptations to either fulfil needs not covered by mandatory DFGs or, by avoiding the procedural complexities of mandatory DFGs, to deliver a much quicker remedy for urgent adaptations;
- to provide top-up assistance to mandatory DFG where the local authority takes the view that the amount of assistance available under DFG is insufficient to meet the needs of the disabled person and their family; and
- to assist with the acquisition of other accommodation (whether within or outside the authority's area) where the authority is satisfied that this will benefit the occupant at least as much as improving or adapting his existing accommodation.

The Article 3 power may not be used unless the local authority has published a Housing Assistance policy such as this one, setting out what use it intends to make of the power.

As part of its policy to provide support for disabled residents living in private sector housing, Newham provides Discretionary DFGs (DDFG). This funding is designed to top up DFGs in exceptional cases where a home adaptation exceeds the £30,000 DFG ceiling. It is recognised that the mandatory grant may be insufficient to provide adequate support to maximise individual outcomes or provide carer support in some cases.

Discretionary support (DDFG) may be given to those residents where the Council considers such assistance will enable the resident to remain in remunerative employment, or if the adaptation will significantly reduce the costs or delay the future costs of care and support funded by the Council.

Newham will offer a DDFG of up to £15,000 where the works exceed the mandatory DFG limit. This additional funding will not be subject to the DFG test of resources where the works are for children. This offers a realistic financial contribution to enable sufficient works to be undertaken to deliver an adaptation which will provide long term, suitable support to both the child, and their family and carers. It is intended that these works will

enable the child to remain in the family home and prevent carer breakdown and injury. It will also ensure that there is less delay and uncertainty for people requiring major works.

Where the total cost of the works exceeds the combined mandatory DFG and additional DDFG, any further request for funding will be subject to DFG test of resources. Children under 18 years of age are not subject to financial means testing for the mandatory DFG but there is a test of resources for DDFGs over the £15,000 ceiling that the Council may offer.

Work that is funded by a DDFG must be recommended by the Occupational Therapist or prescribing officer and be approved as part of the grant process.

The HAIL team Caseworker will advise the applicant / their family on potential funding sources where works exceed the DDFG. This may include equity release, charitable funding, former employer funding, low interest rate loans, etc.

Private tenants and Housing Association tenants are not eligible for Discretionary DFGs. Where the person assessed for a DFG is a tenant of a Housing Association, or a member of the tenant's family and the grant ceiling is exceeded, the Housing Association is expected either to offer a transfer to a more appropriate property or provide the top-up funding itself.

Relocation Assistance Protocol

In cases where a home adaptation would not be practicable, the Disabled Facilities Grant legislation enables the Council to offer Relocation Assistance. This can be granted in situations where an adaptation has been:-

- a) identified as being required in a home that is privately owned or privately rented (excluding Housing Associations /Registered Social Landlords, who

should access accessible housing via landlords and or the Councils Housing Register and Choice Based Letting's systems)

And

- b) the adaptation cannot be reasonably carried out for reasons of expense, disruption, feasibility, long-term need is not met or inability to agree with the proposed scheme.

Newham Adult Social Care has agreed that assistance can be given in the form of a DFG. Funding requests to support relocation will require a case conference meeting and need to demonstrate a clear cost benefit, along with significantly improved individual outcomes. Sign-off is required in line with the scheme of delegation in Adults and Health.

Relocation Assistance is recommended by the Occupational Therapist or prescribing officer in conjunction with their Manager and, requires the Council surveyor to confirm adaptations are not feasible or are prohibitive due to cost or disruption or don't provide a long term solution. The disabled resident / home owner needs to be in agreement with the recommendation before it is presented for authorisation. Eligibility will only apply in situations where the applicant would normally have qualified for a Disabled Facilities Grant (DFG).

Assistance may include one or more of the following:-

- Estate agent's fees for selling the current home
- Solicitor's fees for selling the existing home and buying a more suitable property
- Stamp duty payable
- Removal costs
- Survey and valuation costs
- Reconnection of services, for example, electricity, gas and telephone etc.

Approval is only given if the following criteria have been met:

- The applicant would have qualified for a Disabled Facilities Grant (DFG) but it was not reasonable or practicable to carry out the work
- The home to which the disabled resident intends to move is suited to their needs (as assessed by the Occupational Therapist) and, if any adaptations are required to the new home, they are minimal, reasonable and practicable
- The applicant is financially eligible for the DFG. Financial eligibility is determined on the same basis as eligibility to the Disabled Facilities Grant (DFG)
- The disabled resident / applicant (in the case of a parent) are in agreement with moving home

The Newham Relocation Assistance Protocol provides full details of the process, eligibility criteria and support available. The Occupational Therapist or Caseworker will provide a copy of the protocol should relocation be the preferred option. It is recognised that due to a combination of the housing market, lack of suitable housing stock, complexity / disruption of moving home and established, local family support networks, the opportunity for relocation is limited and not an option that is widely taken up.

Charge Against The Property

The Council may take security in the form of a Charge against the property under the DFG legislation. It is authorised to remove the charge or reduce the charge's priority at any time. Charges against a property are applied where works are funded by a Disabled Facilities Grant. There are two bands for charges against the property:-

- Works in excess of £15,000 up to £30,000 and where the adapted property is sold or ownership is transferred within five years of completing the adaptation
- Works in excess of £30,001 and where the property is sold or ownership is transferred within 10 years of completing the adaptation

Charges against the property where works have been DFG funded will be subject to review within this policy.

The Trusted Assessor Technician (TAT) Service for Low Level Hazards

A resident contacting Adult Social Care may be referred to the Trusted Assessor Technician (TAT) where they are having functional difficulties managing everyday tasks such as getting in / out of the bath safely or difficulty managing the stairs or getting in / out of their home where there are steps. The TAT will assess the home situation and where applicable will immediately adjust and install equipment such as rails and banisters to improve the safety, support and confidence of the person.

If whilst already visiting the home of the person the Trusted Assessor Technician identifies a low level repair or minor adjustment which is a hazard to the safety of the resident and which is quick to rectify they are permitted to undertake this work immediately, where the resident consents. The type of low level repair or minor adjustment is outlined below. This is not an exhaustive list. Work should be of a 'see and do' nature and is able to be completed with 10-15 minutes, requiring minimal tools and materials.

- Fixing down the edge of loose carpets or rugs
- Re-hanging curtains
- Tightening loose grab rails or banisters
- Changing batteries – for example smoke alarms
- Assisting with adjusting thermostats
- Changing light bulbs
- Moving or removing clutter, obstacles or furniture to facilitate safer mobility
- Making safe trailing wires
- Removing loose rugs

- Installing a grab rail / key safe

The Trusted Assessor Technician will not undertake work that is the responsibility of the landlord or any extensive disrepair work, and will ask permission to undertake the task.

Home and Settle Service

This service primarily supports the hospital discharge process by helping patients to return home safely, avoiding readmissions. It applies to all tenures. The Home and Settle service provides a handyman service element (similar to the TAT service above) and offers a range of low-level support for up to six weeks including:-

- healthy home checks
- practical low-level tasks
- handyman service
- signposting to other services

Equipment and Minor Adaptations

Whilst the provision of equipment and minor adaptations (under £1,000) is not part of this Housing Assistance policy, it is recognised in the Care Act (2014) they are a cost effective and preventative way of supporting independence and safety within the home environment. The most cost effective and appropriate solution will be identified following a conversation with the resident. Any necessary authorisation will be obtained following the internal governance process. Provision and installation of the equipment or minor adaptation recommended by the Occupational Therapist or prescribing officer is organised via the equipment service operated by Enabled Living Healthcare.

Solutions /Options to Disrepair Problems and Identified Hazards

Using the powers under RRO Newham can offer Prevention Grants funded by the DFG. These grants assist vulnerable owner occupiers or tenants on low incomes with repairing obligations to undertake essential repairs. Where it is identified that a property has a category one hazard or a number of category two hazards which collectively pose a significant risk to the household (defined in the Housing Act 2004) support to make the property safe may be provided.

Properties excluded from the Prevention Grant are London Borough of Newham, registered social landlords and privately rented accommodation, where there is a responsibility to maintain and repair, by the landlord. Owner occupiers are advised to contact their Home Insurance provider in the first instance to determine whether the works will be funded this way.

Help with Energy Efficiency

Newham has high rates of fuel poverty. There is a link between a cold home and poor health. Practitioners in Adult Social Care as necessary provide information, advice and guidance in relation to recommended indoor temperatures; health implications of living in cold and damp homes; heat loss in the home; condensation dampness, etc. Signposting to appropriate organisations for help and assistance with boiler repair / replacement, insulation and damp, energy efficiency advice is available through SHINE, WHHPL, Green Homes Grant, etc.

Availability of Funding

In some cases, Newham's ability to provide assistance may be subject to the availability of sufficient funding. Additional funding may not always be available for assistance, particularly through discretionary funding routes. However, the government have made significant increases to the DFG allocations in recent years.

Working with the Private Rented Sector

The Council recognises the important role filled by the private rented sector in accommodating the increasing number of families unable to afford home ownership.

The Housing Act 2004 revised the enforcement duties and powers conferred on local Councils, introducing a Housing Health and Safety rating Scheme (HHSRS) to evaluate the potential risks to health and safety from deficient dwellings.

Newham operates a borough-wide property licensing scheme for all private rented properties. Under the scheme, all private landlords with properties within the scheme will require a licence for each of their rented properties. The Council will determine that the proposed licence holder is a fit and proper person to manage the properties.

Where there are significant hazards or issues of disrepair, or the landlord refuses adaptations in the Private Rented Sector, then the tenants will be directed to contact the Private Sector Housing Enforcement Team who will take appropriate action.