

DRAFT

Social Care Health and Wellbeing

Home Support Fund Policy for Major Adaptations

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1. BACKGROUND

- 1.1 The Occupational Therapist following an assessment of need under the NHS and Community Care Act 1990, may make recommendations for the provision of adaptations to people's homes under section 2 of the Chronically Sick and Disabled persons Act 1970, where that person has a permanent and substantial disability as defined by the Act.
- 1.2 The local authority has a statutory duty under Section 2 of the Chronically Sick and Disabled Persons Act 1970 to 'make arrangements for home adaptations or for the provision of any additional facilities designed to secure their greater safety, comfort or convenience' but only where their needs have been determined to be eligible under the Fair Access to Care Services (FACS) Guidance on eligibility criteria for Adult Social Care England 2010.
- 1.3 There is a statutory duty for district councils to provide mandatory Disabled Facilities Grants (DFG) for disabled people under the Housing Act 1989 for essential home adaptations. This provision was revised through The Housing Grants, Construction and Regeneration Act 1996 which provides the current legislative framework.
- 1.4 The current maximum grant available under the DFG is £30,000 in England and is subject to a nationally determined means test which applies to those aged 18 and over to establish their contribution to the cost of the works. Those service users aged under 18 are not means tested for the DFG and therefore do not have a contribution.
- 1.5 The local authority has responsibility to support the disabled person to make arrangements for the provision of financial assistance in two ways:
 - Where the cost of the agreed adaptation exceeds the maximum DFG
 - Where the applicant for the DFG has difficulty meeting their assessed contribution determined by the means test and seeks financial assistance.

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2. SOCIAL CARE FUNDING

- 2.1 Client contribution to DFG – Adults. Where the disabled adults has been assessed through the test of resources as having to make a contribution to the costs of works, they will generally be expected to make their own arrangements to pay this amount.
- 2.2 However, where a disabled adult or the parents of a disabled child can demonstrate that they are unable to find the necessary funds from savings or a loan from a bank or building society they can approach Social Care for financial support from the Home Support Fund. This is either for their assessed contribution or for top up above £30,000 DFG limit. The offer of support will be made through a loan with an upper limit of £10,000 (see section 3 for funding above this amount). This offer will be made, subject to the availability of funding, in the following way:
 - a grant up to or for the first £1,000
 - a loan, interest free, for the additional funding required up to £9,000 with a signed loan agreement. The repayment period should be over a period no longer than 5 years
- 2.3 The policy to offer a loan for the figure not greater than £9,000 provides a clear and fair approach to offering financial support where an assessed contribution has been identified through the Disabled Facilities Grant test of resources. This approach negates the need for a further financial assessment given that one has been completed through the grant process.
- 2.4 Flexibility will be available in terms of the repayment period should this be required to assist affordability. The decision to extend the repayment period beyond those mentioned above will need authorisation by a Senior Manager.
(Repayment table for loans, see appendix 1)
- 2.5 Loans offered will be subject to a signed loan agreement. Loans offered can only be considered for the assessed contribution and not for any other sum required to complete the adaptation.
- 2.6 Loans can only be offered subject to funding being available within the capital budget and authorisation being granted from the monthly Housing Adaptations Panel. (See appendix 2)
- 2.7 Where a disabled person has a contribution above £10,000, financial support can only be offered for the first £10,000, as outlined above.
- 2.8 If a disabled person defaults on repayments a review of their financial situation will be undertaken and adjustments made to their repayment plan to reflect their current circumstances. The Council reserve the right to charge interest on non paid loans. Legal proceedings may be pursued in the event of wilful refusal to reach agreement or to pay.
- 2.9 This element of the policy would apply to any disabled person who qualifies for a disabled facilities grant regardless of the tenure of their property.

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- 2.10 Where a disabled person has a financial contribution, which is greater than the cost of the works it would be expected that the DFG process would be followed and a nil grant approval received prior to the works funded through the Home Support Fund commencing.

3 Works exceeding the DFG limit of £30,000 – Legal Charge Adults and Children

- 3.1 When the cost of the adaptations exceeds the DFG limit of £30,000, funding from Social Care could be offered where it has been agreed by the Housing Adaptations Panel that the adaptation is a cost effective way to meet the person's eligible needs. This offer of financial support will be made as an interest free loan secured by legal charge against the property and repayable when the property is sold.
- 3.2 In many cases the funding requested above the DFG level to complete the adaptation would be in the region of £10,000 or less (see section 2) . However, in exceptional cases a maximum loan of up to £30,000 may be considered, which in conjunction with a DFG of £30,000, makes a total of £60,000 available if necessary to meet assessed eligible needs.
- 3.3 All offers of financial support will be subject to agreement by the Housing Adaptations Panel and the responsible Corporate Director, or delegated nominee.
- 3.4 A loan secured by legal charge can only be offered for the sum required to complete the adaptations above the £30,000 DFG ceiling and not for any other ineligible works for the home. The loan should be repaid if the service user no longer lives at the property or the property is sold. Should the loan not be repaid this will usually attract interest and will be charged on the loan from the date that the service user no longer requires the adaptation. The interest rate will be in line with the prevailing government guidance.
- 3.5 All offers of financial assistance are subject to acceptance of a legal charge being placed against the property.
- 3.6 Should the disabled person live in rented property in the first instance the landlord would be approached to provide the financial top up to the DFG. The decision on any level of funding to be provided will be subject to agreement by the Housing Adaptations Panel and the responsible Corporate Director or their delegated nominee.
- 3.7 Where the top up applies to a child the legal charge would be placed on the property where the child lives, subject to the agreement of the owner of the property. If the child is in foster care paid for by KCC, then the Legal Charge process will still apply but the capital sum will not be repayable unless they cease to care for the child within an agreed period.

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4 Client Contribution to DFG and Work exceeding DFG Limit

- 4.1 In adult cases there are occasions when the client contribution is required and the top up for the works exceeding the DFG limit. This offer of financial support would only be made where funding is available and is approved by the Housing Adaptations Panel and the designated Senior Manger.

5 Further Considerations

- 5.1 Where a property is unsuitable for adaptations either for technical or financial reasons, financial assistance towards the moving costs of a grant up to £1,000 can be made where an alternative property is being purchased. The property being purchased must be deemed suitable for the needs of the disabled person by the Occupational Therapist although it is recognised that further adaptations may be required once the move has taken place. Should it be necessary to provide financial assistance to a level greater than the £1,000 an additional amount could be considered and offered subject to a loan agreement as detailed in section 2. However, it should be noted that if the property purchase falls through the service user would need to meet the costs incurred relating to the moving process. Moving costs could include estate agents fees, removal costs and legal fees.

6 Review date

- 6.1 The Care Act 2014 will mean that there will be significant changes in how social care will be provided. However some of the regulations setting out these changes in subsequent years have not yet been released. Consequently this policy will need reviewing in March 2015 to ensure it remains compliant with the Care Act and its associated regulations.

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Appendix 1

REPAYMENT TABLE FOR LOANS UPTO £9000

These are weekly amounts. Service users will be invoiced every 4 weeks. 4 times the figure below.

AMOUNT OF LOAN	6 MONTHS	1 YEAR	2 YEARS	3 YEARS	4 YEARS	5 YEARS	6 YEARS	7 YEARS	8 YEARS	9 YEARS	10 YEARS
£ 100.00	£ 3.85	£ 1.92	£ 4.80	£ 3.20	£ 2.45	£ 1.91	£ 1.50				
£ 500.00	£ 19.25	£ 9.60	£ 4.80	£ 3.20	£ 2.45	£ 1.91	£ 1.50				
£1,000.00	£ 38.46	£ 19.23	£ 9.62	£ 6.41	£ 4.81	£ 3.85	£ 3.00				
£2,000.00	£ 76.92	£ 38.46	£ 19.26	£ 12.82	£ 9.62	£ 7.70	£ 6.00				
£3,000.00	£ 115.38	£ 57.69	£ 28.88	£ 19.23	£ 14.43	£ 11.55	£ 9.00				
£4,000.00	£ 153.84	£ 76.92	£ 38.52	£ 25.64	£ 19.24	£ 15.40	£ 12.00				
£5,000.00	£ 192.30	£ 96.15	£ 48.14	£ 32.05	£ 24.05	£ 19.25	£ 15.00				
£6,000.00	£ 230.77	£ 115.38	£ 57.69	£ 38.46	£ 28.85	£ 23.08	£ 19.23	£ 16.48	£ 14.42	£ 12.82	£ 11.53
£7,000.00	£ 269.23	£ 134.62	£ 67.31	£ 44.88	£ 33.65	£ 26.92	£ 22.44	£ 19.23	£ 16.83	£ 14.96	£ 13.46
£8,000.00	£ 307.69	£ 153.85	£ 76.92	£ 51.28	£ 38.46	£ 30.77	£ 25.64	£ 21.98	£ 19.23	£ 17.09	£ 15.38
£9,000.00	£ 346.15	£ 173.08	£ 86.54	£ 57.69	£ 43.27	£ 34.62	£ 28.85	£ 24.73	£ 21.63	£ 19.23	£ 17.31

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Appendix 2

KENT COUNTY COUNCIL

HOUSING ADAPTATIONS FUNDING APPLICATION FORM

CLIENT NAME:	ID no.
ADDRESS:	D.O.B
Worker's name	Date:

PROPOSED ADAPTATION:

	ESTIMATED FIGURES	FINAL FIGURES FOLLOWING DFG APPROVAL
TOTAL COST OF WORKS		
CLIENTS ASSESSED CONTRIBUTION		
DFG EXPECTED (minus client contribution)		
CLIENTS AGREED CONTRIBUTION		
HOUSING ADAPTATIONS GRANT (up to £1000)		
HOUSING ADAPTATIONS LOAN towards client contribution		
HOUSING ADAPTATIONS TOP UP for works over £30k		

PREDICTED DATE OF GRANT APPROVAL

PREDICTED DATE OF COMPLETION/PAYMENT

APPROVED:

DATE:

SENIOR PRACTITIONER OT	
HOUSING ADAPTATIONS PANEL	