



Meeting	Cabinet Committee: Housing
Date and Time	Thursday, 2nd February, 2023 at 10.00 am.
Venue	Walton Suite, Winchester Guildhall

**Note:** This meeting is being held in person at the location specified above. Members of the public should note that a live video feed of the meeting will be available from the council's YouTube channel ( [youtube.com/WinchesterCC](https://www.youtube.com/WinchesterCC) ) during the meeting.

A limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 working days before the meeting. Please note that priority will be given to those wishing to attend and address the meeting over those wishing to attend and observe.

## AGENDA

### PROCEDURAL ITEMS

- 1. Apologies**  
To record the names of apologies given.
- 2. Disclosure of Interests**  
To receive any disclosure of interests from Members and Officers in matters to be discussed.  
*Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.*
- 3. To note any request from Councillors to make representations on an agenda item.**
- 4. Public participation**  
NB members of the public are required to register with Democratic Services three clear working days before the meeting (contact: [democracy@winchester.gov.uk](mailto:democracy@winchester.gov.uk) or 01962 848 264).

Members of the public and visiting councillors may speak at Cabinet, provided they have registered to speak three working days in advance. Please contact Democratic Services by 5pm on Friday 27 January 2023 via [democracy@winchester.gov.uk](mailto:democracy@winchester.gov.uk) or (01962) 848 264 to register to speak and for further details.



## BUSINESS ITEMS

5. **Minutes of the previous meeting held on 31 October 2022** (Pages 5 - 10)

6. **Chairperson's announcements**

7. New Homes Programme Update (verbal update)

8. Disabled Facilities Grants (Pages 11 - 58)

**Key Decision** (CAB3382(H))

9. Housing Services Compensation & Reimbursement Policy (Pages 59 - 104)

**Key Decision** (CAB3394(H))

10. Date of next meeting/future work programme

21 March 2023

- (i) New Homes Programme update (standing update)
- (ii) Housing Strategy
- (iii) Garage Policy
- (iv) Preventing Homelessness Grant Spending Plan 23/24
- (v) Wickham Community Land Trust
- (vi) Private Sector Housing Renewal Strategy

**Laura Taylor  
Chief Executive**

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25 January 2023

Agenda Contact: Nancy Graham, Senior Democratic Services Officer Email: [ngraham@winchester.gov.uk](mailto:ngraham@winchester.gov.uk) or phone 01962 848 235

## **MEMBERSHIP**

### **Cabinet Committee: Housing**

Cabinet Member for Community & Housing (Chairperson) – Councillor Ferguson, Cabinet Member for Finance & Value (Councillor Power) and Cabinet Member for Service Quality (Councillor Gordon-Smith)

Non-voting invited councillors: Councillors Clear, Batho, Horrill and Scott (Deputy: Miller)

Non voting TACT representatives: David Light and David Chafe (Deputy - Lyn Mellish)

In the event of any member of Cabinet not being available for a meeting of the Cabinet Committee another member of Cabinet may deputise where no conflict arises.

Quorum = 2 voting members

## **TERMS OF REFERENCE**

Cabinet Committee: Housing – Included within the Council's Constitution (Part 3, Section 2)

### **Public Participation at meetings**

Representations will be limited to a maximum of 3 minutes, subject to a maximum 15 minutes set aside for all questions and answers.

To reserve your place to speak, you are asked to **register with Democratic Services three clear working days prior to the meeting** – please see public participation agenda item below for further details. People will be invited to speak in the order that they have registered, subject to the maximum time period allowed for speaking not being exceeded. Public Participation is at the Chairperson's discretion.

### **Filming and Broadcast Notification**

This meeting will be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#). Please note that the video recording is subtitled but you may have to enable your device to see them (advice on how to do this is on the meeting page).

### **Disabled Access**

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## **CABINET COMMITTEE: HOUSING**

**Monday, 31 October 2022**

Attendance:

Councillors  
Ferguson (Chairperson)

Gordon-Smith

Power

### Non-voting invited councillors

Councillors Batho, Clear, Horrill and Scott

### Non-voting invited TACT representatives

Mr D Chafe and Mr D Light

### Members in attendance who spoke at the meeting

Councillor Wallace

### Others in attendance:

Mrs L Mellish (TACT)

[Audio and video recording of this meeting](#)

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#### 1. **APOLOGIES**

There were no apologies given.

#### 2. **DISCLOSURE OF INTERESTS**

There were no disclosures of interest made.

#### 3. **PUBLIC PARTICIPATION**

Ian Tait spoke during public participation as summarised briefly below.

He welcomed the reintroduction of a specific Cabinet Committee to consider housing matters and the inclusion of TACT representatives. He acknowledged the work of the new homes programme to date but suggested that it would be preferable to allocate one larger site for a new council housing estate close to Winchester. This would ensure the provision of related infrastructure.

Councillor Ferguson thanked Mr Tait for his comments which would be addressed under the new homes programme update item below.

4. **CHAIRPERSON'S ANNOUNCEMENTS**

Councillor Ferguson provided an update on flood defence works at Claylands Road and Blanchard Road, Bishops Waltham.

5. **NEW HOMES PROGRAMME UPDATE (PRESENTATION)**

Councillor Ferguson announced that this would be a standing item on all future agendas.

The Service Lead - New Homes Delivery gave a presentation providing an update on the new homes programme. The presentation had been published on the Council's website and available [here](#).

In response to the points raised by Mr Tait in the public participation session, the Service Lead agreed that it would be more efficient to build housing on a larger scale and would also ensure infrastructure was provided. However it did pose challenges in terms of acquiring the required land. He confirmed that officers would continue to investigate this option.

The Service Lead, Strategic Director and Corporate Head of Housing responded to questions and comments raised by members and TACT representatives on the following:

- The Passivhaus standard compared to AECB (Association of Environment Conscious Building);
- Valuation of Passivhaus new builds;
- How decisions on the mix of new homes build were made, including the role of the local plan and consultation on a new Housing Strategy;
- How decisions were made on the standards new homes were built to with particular regard to the limited resources available;
- The advantages and disadvantages of buying new homes "off the shelf";
- The role of building energy efficient new homes in meeting the council's ambition to be carbon neutral by 2030.

RESOLVED:

That the presentation be noted.

6. **NEW HOMES SCHEME - FINAL BUSINESS CASE - SOUTHBROOK COTTAGES, MICHELDEVER (LESS EXEMPT APPENDICES)**  
(CAB3364(H))

The Service Lead - New Homes Delivery highlighted a correction to paragraph 7.6 of the report to note that it was estimated that for a one bedroom flat, energy costs would be *on average £170 lower per month*. The Housing Development Project Manager introduced the report which set out the final business case for the new properties.

At the invitation of the Chairperson, Councillor Wallace addressed the committee as summarised briefly below.

He highlighted the importance of minimising the carbon impact of building new homes in terms of the build itself and ongoing energy usage and he supported the proposals for Southbrook Cottages as a step in the right direction. He requested further clarification of the reasons for the budget increase and also emphasised that the market valuation should be appropriate to the building process and take account of the future savings in energy costs.

The Service Lead responded to the points raised and emphasised that the scheme was a pilot project which would be very closely monitored in terms of future costs. He also answered questions and comments raised by other members and TACT representatives on the following:

- The use of ground source heat pumps;
- Providing information for tenants about living in a Passivhaus;
- How the new housing would be allocated;
- The use of KPIs to monitor the operation of the pilot scheme;
- The selection process for contractors to ensure their capability to build to Passivhaus standards;
- The need for new affordable homes in the area.

The Committee (including invited TACT representatives and members) moved into exempt session to consider the contents of the exempt appendices in more detail before returning to open session to consider the report's recommendations.

During debate, members noted the general requirement for affordable homes in the area and supported the pilot project to assess the feasibility of building homes to such a high energy efficiency standard

The Cabinet Committee: Housing agreed to the following for the reasons set out above and outlined in the report.

**RESOLVED:**

1. That the Corporate Head of Asset Management be authorised to award and enter into a JCT Intermediate Building Contract with Contractor's Design, 2016 Edition (ICD 2016) to construct 6 properties at Southbrook Cottages, Micheldever for the sum as detailed in Exempt Appendix 2 of report CAB3364(H) with Ascia Construction Ltd.

2. That an additional increase in the current capital budget and expenditure of £719,000 be vired from the Unallocated New Build budget of £3m be authorised, to bring the approved budget and expenditure up to the amount required of £1,990,513.

3. That the Corporate Head of Asset Management (CHAM) be authorised to negotiate and agree terms for easements, wayleaves and related agreements with utility suppliers, telecom/media providers and

neighbours and relevant associated legal agreements in order to facilitate the development.

4. That the appropriation of open space be approved following the consultation exercise undertaken in May 2022 in accordance with the requirements of Section 122 (2A) of the Local Government Act 1972 (as amended) and the appropriation of the land for planning purposes in order to create additional parking at Southbrook Cottages for local residents.

5. That the CHAM be authorised to agree and arrange for a scheme to mitigate nutrients in perpetuity as required in order to discharge the relevant planning condition either on sites owned by the council, and/or the purchase of nutrient credits from a 3<sup>rd</sup> party prior to the occupation of the new homes located at the Southbrook Cottages site.

6. That the virement of £85,000 from the Estate Improvement budget be approved for the construction of the offsite additional car parking at Southbrook Cottages.

7. **TENANCY SUSTAINMENT - ASSIST FUND PROGRAMME (PRESENTATION)**

The Service Lead - Housing Operations & Community Safety gave a presentation providing an outline of the programme. The presentation had been published on the Council's website and available [here](#).

The Service Lead, Strategic Director and Corporate Head of Housing responded to questions and comments raised by members and TACT representatives on the following:

:

- The increase in both the number and complexity of cases coming forward;
- The impact on the officers dealing with the increasing enquiries;
- The different ways tenants could be referred to the programme and the importance of ensuring all councilors were aware to enable them to signpost as required;
- The work being done in mapping services and stakeholders and identifying potential gaps;
- The forthcoming cost of living summit and the potential to reestablish a social inclusion partnership;
- The availability of similar assistance for private rented tenants from a different officer within the housing team (not funded through the Housing Revenue Account).

RESOLVED:

That the presentation be noted.



8. **HOUSING SERVICES CLEANING PROCUREMENT**  
(CAB3359(H))

The Service Lead - Housing Operations & Community Safety introduced the report which set out proposals for the procurement of the cleaning contract.

The Service Lead and the Procurement Manager responded to questions and comments raised by members and TACT representatives on the following:  
:

- The rationale behind the 60% cost and 40% quality split;
- The rationale for proposing a contract length of three years;
- Whether the proposed split would adequately balance the request from tenants not to pay any more against the requirement to improve the quality of service provided;
- The contract monitoring that would be undertaken and the measures available to the council if the service failed to meet the required standard;
- Whether it would be appropriate to include a break clause in the contract;
- Whether the contract could specify the use of phosphate and bleach free cleaning products.

The Cabinet Committee: Housing considered that the answers given to the questions above resolved concerns and agreed to the following for the reasons set out above and outlined in the report.

RESOLVED:

1. That it be agreed that the current cleaning contract to YBC Cleaning Services should not be extended for a further 1 year period.
2. That the procurement of a cleaning service using an open tender procedure be authorised in accordance with the council's Contract Procedure rules and the Public Contract Regulations 2015 (PCR 2015).
3. That to ensure best value for residents, tenders are to be evaluated based on a criteria of 60% cost and 40% quality and 10% of the quality criteria, will be allocated to environmental and social value matters.
4. That the Strategic Director be authorised to award the contract to the preferred bidder. This being the applicant with the most economically advantageous tender for a term of 3 years with an option to renew for up to a further 2 years based on performance of service provision.
5. That the Strategic Director be authorised to enter into all necessary agreements with the preferred contractor to provide a building cleaning service within the common and communal areas of the councils housing stock.
6. That delegated authority be granted to the Service Lead: Legal to execute and enter into all necessary contractual agreements.

9. **EXEMPT BUSINESS:**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
10	New Homes Scheme – Final Business Case - Southbrook Cottages, Micheldever (exempt appendices)	) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers

10. **NEW HOMES SCHEME - FINAL BUSINESS CASE - SOUTHBROOK COTTAGES, MICHELDEVER (EXEMPT APPENDICES)**

The Cabinet Committee: Housing considered the content of the exempt appendices. The Service Lead – New Homes Delivery and Housing Finance Manager responded to questions and comments raised by members and TACT representatives on the following:

- The valuation model used;
- The tension between the desire to build high energy efficiency homes and the high cost involved potentially impacting on the number of homes that can be built;
- Opportunities to reduce total development costs whilst still achieving the Passivhaus Plus standard.

The Committee then returned into open session to consider the report's recommendations.

RESOLVED:

That the contents of the exempt appendices be noted.

The meeting commenced at 10.00 am and concluded at 1.00 pm

Chairperson

REPORT TITLE: DISABLED FACILITIES GRANTS

2 FEBRUARY 2023

REPORT OF CABINET MEMBER: Deputy Leader and Cabinet Member for  
Community and Housing Councillor Paula Ferguson

Contact Officer: Kevin Reed Tel No: 01962 848 381 Email:  
[kreed@winchester.gov.uk](mailto:kreed@winchester.gov.uk)

WARD(S): ALL

PURPOSE

To seek approval of the Disabled Facilities Grant (DFG) Policy 2023–2025. The DFG is a mandatory grant which enables people with disabilities to have adaptation works undertaken in their own homes to facilitate independent and safe living.

The DFG is provided under the Housing Grants, Construction and Regeneration Act 1996. Local Authorities have a statutory duty and powers to provide DFGs to applicants who qualify.

This policy replaces the previous DFG Policy and Procedures v.11 of 6th August 2019.

RECOMMENDATIONS:

1. That the Disabled Facilities Grant Policy 2023 – 2025 found at Appendix A be approved and in particular note the introduction of new discretionary grants in the form of:-
  - a) Welfare Grant;
  - b) Heating Grant;
  - c) Relocation Grant;
  - d) Top Up Grant;
2. Approve that the discretionary grant level is capped at a maximum of £100k;
3. Approve that any Local Land Charge placed on a property will have no expiry date;

4. That authority be delegated to the Corporate Head of Housing in consultation with the Deputy Leader and Cabinet Member for Community and Housing to make minor changes when required to the DFG policy.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME

The proposed DFG policy supports the Council Plan 2020 – 2025 in respect of the four key priorities of Homes for all, Living well, Vibrant local economy and Your services, Your voice.

1.1 Homes for all

Providing DFG grant funding towards adaptations for people with disabilities that enables them to remain living independently in their own homes helps to create more diverse, healthy and cohesive communities and allows more people with disabilities and their families to remain living and working in the district.

1.2 Vibrant Local Economy

A key aspect of the Disabled Facilities Grant is the employment of contractors to undertake the adaptation works which assists with the creation of well-paid skilled employment across the district.

1.3 Living Well

The policy contributes towards the priority of 'Living Well', as it assists residents with continuing to live well in their homes by supporting independent living for longer and helps to reduce health inequalities.

1.4 Your Services, Your Voice

The renewal of the DFG policy aligns with the aim for continuous improvement in cost-effectiveness and helping to achieve a balanced budget and stable council finances.

2 FINANCIAL IMPLICATIONS

2.1 Funding for DFGs comes from central Government as part of the Department of Health and Social Care's Better Care Fund (BCF). It is distributed to Winchester City Council (the council) and other Hampshire local authorities in May of each year via Hampshire County Council under a formula determined by NHS England.

2.2 For the financial year 2022/23 the council was allocated £1,231,035 which was the same as the previous financial year. It has been reported that the DFG grant allocation to local authorities will likely not increase and will remain the same up until and including financial year 2024/25.

2.3 Despite the restrictions imposed by the pandemic in 2020/21 the DFG service (which sits within the Strategic Housing Service) awarded £938k of its annual allocation. Since January 2022 the DFG Service has been staffed by two full

time case officers and a Housing Occupational Therapist (OT). It is anticipated this year that based upon our current and committed spend to date, and a projection of likely referrals and inflationary related cost increases that the DFG award for 2022/23 will be fully allocated. As at 19/01/2023 £949,258 of the DFG award had been spent and £518,201 committed.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 A procurement process was undertaken last year in conjunction with Hampshire County Council to secure a framework of approved contractors to deliver the installation of wet rooms the value of which is invariably below £10k. We offer grant applicants the opportunity to use one of the approved contractors on that list, but they are not bound to accept the offer. The terms of the contractors place on the list also does not guarantee them work. In respect of the new grants we are offering – welfare and heating – each individual grant will be under £10k, as the maximum for each is £2k and £4k respectively and £8k in respect of the relocation grant. All of the new grants we are offering will be covered by the council's current procurement framework.

### 4 WORKFORCE IMPLICATIONS

- 4.1 An additional DFG Case Officer was recruited in January 2022 to meet the demand in DFG applications and to reduce waiting lists and the former Case Officer was delegated greater supervisory responsibilities and promoted to a higher pay band. Both posts are contracted until July 2023 and it is intended to extend these until when the BCF funding is reviewed in 2025. If current demand stays stable, no further resources will be needed.

### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 Recommendations within the report have no impact on council property and assets.

### 6 CONSULTATION AND COMMUNICATION

- 6.1 Cllr Ferguson, Deputy Leader and Cabinet Member for Communities and Housing has been fully consulted on this policy; it has also been presented to and discussed with TACT (Tenants and Council Together) group. The report was well received and TACT were appreciative of the presentation as they were unaware of the DFG and a number of their friends and relatives could be eligible. TACT also highlighted the need for better promotion of the DFG and entitlement which will be addressed. The report has also been debated in numerous Private Sector Housing team meetings and scrutinised by the Business and Housing Policy Committee at its meeting on 29 November 2022. The committee provided comments and feedback regarding the policy and it was well supported.

## 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Where replacement works are undertaken to upgrade a heating source the applicant will be encouraged to install a new heating source with an energy efficiency rating of at least Band C.

## 8 PUBLIC SECTOR EQUALITY DUTY

- 8.1 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, (and Cabinet must, as the decision maker in respect of the proposed decision, have due regard) to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
  - b) Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them.
  - c) Foster good relations between persons who share relevant protected characteristics and persons who do not share them.

## 9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment has been completed which has considered those with 'protected equality characteristics' and has identified that the DFG Policy will not negatively impact on any of those groups.

## 10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 None required

## 11 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<b>Financial Exposure</b> Risk of not committing allocated budget	Detailed financial monitoring and promotion of DFGs	Publicity of DFG service to attract referrals
<b>Exposure to challenge</b> Risk of BCF financial allocation being substantially reduced.	Seek to retain a large proportion of the current £1m DFG unspent carried forward funding	Exploration of alternative funding sources from charities etc. e.g. SSAFA (Soldiers, Sailors, Airmen and Families Association) for certain specific cases.
<b>Innovation</b> Introducing the four new discretionary grants	Will help to achieve the spend of the annual DFG financial allocation and meet the objectives of the	

	Better Care Fund	
<b>Reputation</b> Failing to update the DFG policy would result in the DFG service not being adequately supported through lack of clear guidance	Introducing a new policy will give clarity and guidance to staff and the public as to what the DFG Service can offer residents across the district.	May lead to greater involvement with other OTs / Health Professionals and organisations
<b>Achievement of outcome</b> Likely to be achieved if current staffing levels are maintained	Critical that current staffing levels are at least maintained	Keep staffing levels under review to ensure the council is able to meet demand and administer the grant fully
<b>Property</b> None		
<b>Community Support</b> OT referrals withdrawn from Hampshire County Council	Need for increased medical assessments by in-house PSH OT.	
<b>Timescales</b> Excessive DFG referrals causes applications not to be approved within statutory time limits	Critical that current staffing levels are at least maintained	
<b>Project capacity</b> If the DFG team reduces in capacity to adequately deliver the service	The resources within the DFG team remain as they currently are	

## 12 SUPPORTING INFORMATION:

### 12.1 Background

12.2 Under the Housing Grants, Construction and Regeneration Act 1996 the council in its capacity as a housing authority, has a statutory duty to provide DFGs to applicants who qualify

12.3 The main purpose of the DFG is to enable aids and adaptations to be installed in the homes of older people and those with a disability. In law, the works to adapt a home must be considered both 'necessary and appropriate' to meet the needs of the individual and it should also be 'reasonable and practicable' to undertake the adaptations which should enable a person to live independently and safely in their home. This prevents the need for people to



have to move into a care home or possibly be admitted to hospital reducing the burden on the social care system and NHS. DFGs are generally subject to a financial test of resources which means that the applicant's income and savings have to be assessed.

- 12.4 The Housing Renewal Grants (Services and Charges Order) 1996 lists the services and charges which are eligible to be included in the DFG calculation and includes services which are typically provided by a DFG Grant Officer.
- 12.5 Councils are encouraged to actively compare these costs with other local authorities and service providers and to keep the cost of eligible fees and charges to a minimum but without compromising the quality of the service provided to the resident'. Fees are typically calculated as a percentage of the cost of the eligible works and included in the calculation of the eligible expense for each individual grant.
- 12.6 The council provides an end-to-end service for internally managed DFGs under £30k, acting as agent for the applicant and charges a fee of 12% plus VAT of the grant provided towards the cost of works. This fee forms part of the grant funding allocated and applicants do not contribute financially themselves. The service fee is recycled back into the Private Sector Housing budget.
- 12.7 Guidance published by the Department for Levelling Up, Housing & Communities (DLUHC) – DFG Delivery: Guidance for Local Authorities in England – states in respect of fees and charges:
- 12.8 “Clearly only reasonable and necessary fees and charges should be eligible for assistance. Authorities should seek to keep the cost of eligible fees and charges to a minimum but without compromising the quality of service provided to the customer”.
- 12.9 A recent survey by Foundations [the National Body for Home Improvement Agencies (HIAs)] identified that nationally DFG service fee charges by local authorities range generally from 6% to 15%.
- 12.10 The council will offer the same service at the same fee rate of 12% to all applicants, apart from when a grant approaches or exceeds £25k. At this point a service fee of £2,030 plus VAT at 20% will be applied equating to a total service fee charge of £2,436. The fees are included within the grant allocation.
- 12.11 Grants with a value of in excess of £30k are project managed by the council's external agents who charge a fee in addition to the fees as outlined in (12.10). All fees charged are included within the grant allocation.
- 12.12 The Adult Social Care White Paper, People at the Heart of Care published in December 2021 announced that £573 million is being made available for DFGs in each year from 2022/23 to 2024/25. The White Paper included a commitment to consult in 2022 on some key DFG reforms. These included

reforming the financial means test, reviewing the allocation methodology, and increasing the upper limit for the mandatory grant. As yet, no decisions have been announced by government of any changes in respect of these three points.

- 12.13 There is both a mandatory and discretionary element to DFGs. All local authorities must operate the mandatory scheme but Winchester is the only local authority in Hampshire to have such a generous discretionary 'Top Up' scheme above £30k. Under the new proposed policy, the maximum discretionary grant will be capped at £100k inclusive of the £30k mandatory entitlement.
- 12.14 Types of grants:
- 12.15 **Mandatory** – to fund any DFG works judged 'necessary and appropriate' to meet the client's needs and when it is 'reasonable and practicable' to carry them out having regard to the age, condition or internal layout etc. of the dwelling. The majority of mandatory DFG works undertaken are for showers, wet rooms, ramping and stair lifts. The maximum funding level is up to £30,000 for children's DFGs and those on pass-porting benefits for example. Universal Credit / Guaranteed Pension Credit / Housing Benefit.
- 12.16 **Discretionary** - the council under its current DFG policy is able to offer discretionary grants. These have been provided for funding schemes which exceed the mandatory limit of £30k and for any grant under £15k.
- 12.17 The policy sets out both the mandatory legal framework and the discretionary element proposed by the council for DFGs and how the council will use its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) to provide discretionary grant assistance in order to promote independent living and well-being for residents in the Winchester district.
- 12.18 In order for the council to use its discretionary powers under the RRO it must have a policy. The new DFG policy sets out the intentions and obligations of the council to deliver DFGs including, but not restricted to, the introduction of a new discretionary DFG Welfare, Heating, Top Up and Relocation grant. It also caps the discretionary grant funding level at a maximum of £100,000.
- 12.19 The rationale for setting a maximum cap on discretionary grants is in order to ensure that the budget can be more evenly spread to meet increasing need, particularly as there is no indication from central Government that the DFG allocation will be uplifted and it is anticipated inflationary cost pressures are likely to remain high in the near future. This will help meet local demand and assist in the council being able to offer the maximum possible number of DFGs, so that more adaptations reach those who need them the most.
- 12.20 Using its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) the council will provide the first £15,000 for works under any grant application regardless of the assessed contribution of

the applicant. Those applicants assessed as needing to contribute to the cost of works will only be required to contribute when the costs exceed this £15,000 threshold.

#### 12.21 Main Changes from Previous Policy

12.22 The council wishes to use its full discretion by introducing in the spirit of the Better Care Fund new discretionary DFG grants. These are consistent with the broader aims set down in the DFG Delivery Guidance for Local Authorities in England and will enable people to remain living with greater independence at home in safe, warm and suitable housing, and will enable / help facilitate the discharge of patients in hospital back into their homes to prevent bed blocking.

12.23 It is proposed that four new specific discretionary DFG grants are introduced. These have been reviewed by an independent external technical accounting adviser as well as the council Section 151 officer to ensure that the increased scope and range of grants proposed is acceptable use of the Better Care Fund. The advice received approved the implementation, scope and range of grants proposed, with some slight revisions. The DFG policy has been amended to reflect the received advice.

12.24 The four proposed grant are:

12.25 **Welfare Grant** – to fund small scale works which are critical to a client's welfare which have been identified by a social worker or other professional. Type of works will include deep cleans and declutters and minor essential works which should reasonably reduce or remove the risk or hazard. The maximum grant funding level available will be up to £2,000.

12.26 The grant will contribute towards converting a home that cannot currently be inhabited by the person applying for the grant into one which can be. For example by cleaning / decluttering of the kitchen/living room/hallway/bathroom/bedroom (and extra bedrooms if there is a need for carers to stay overnight) in particular in preparation of the installation of equipment.

12.27 **Heating Grant** – Replacement of boilers, radiators and other substantial components of heating systems to bring systems and equipment up to a higher standard of reliability, safety or usability as might be required by an owner occupier with disabilities, or to restore use of heating and hot water for vulnerable owner occupiers. Referrals for this grant need to come directly from specific organisations such as Local Energy Advice Partnership (LEAP), Hampshire County Council's 'Hitting the Cold Spots' or The Environment Centre (TEC) etc. This will ensure that the appropriate screening has been applied to the client's circumstances i.e. they will be on pass-porting benefits and disabled. For clients in the community who are not on any income assessed benefits who come into contact with the council's DFG service and are in need may be assisted if they can prove they do not have savings in excess of £6,000. This is in line with Universal Credit savings limits. The maximum grant funding level available will be up to £4,000.

- 12.28 **Relocation Grant** – to assist disabled persons, who are owner/occupiers to relocate to another property if adaptations to their current home through the DFG are determined not to be reasonable or practicable and they are considering relocation to another more suitable property they intend to purchase as their home. Such assistance supports best value by ensuring DFG grant funding is focused on properties where adaptations can be reasonably delivered and enabling people to move where this is not the case. The maximum grant funding level available will be up to £8,000.
- 12.29 **Top Up Grant** – to facilitate more complex and expensive adaptations for eligible clients who are owner occupiers or social housing tenants of Registered Social Landlords (RSLs). The maximum grant funding level available will be up to £100,000 inclusive of all work costs and fees associated with the works including but not limited to a contingency allowance; architect, agent and planning fees and the council's DFG service charge etc.
- 12.30 DFGs are exclusive to home owners and private rented and registered social landlord (RSL) tenants. As the council has a Housing Revenue Account (HRA) it is expected that it should self-fund adaptations to its own housing stock for council tenants through this account. Therefore there is a separate policy for council tenants seeking adaptations.
- 12.31 An internal audit report undertaken by Southern Internal Audit Partnership in December 2021 made 3 main recommendations to the DFG service:
- To update and review the current DFG policy and procedures
  - To update the list of approved contractors
  - To increase performance monitoring
- 12.32 This paper introduces the new Disabled Facilities Grants (DFG) Policy and is the last of the recommendations to be completed.
- 12.33 Following consultation with Foundations it was advised any procedural element was not required and should be stripped out. The new DFG policy is therefore now more streamlined and solely a policy document without a procedural section. Foundations is funded by The Department for Levelling Up, Housing and Communities (DLUHC) and act as a centre of expertise and provide support to local authorities in respect of the delivery of DFG home adaptations.
- 12.34 In addition to supporting a number of the key priorities in the Council Plan 2020 – 2025, the policy additionally links in with the Housing Strategy 2017/18 – 2022/23 Priority 2 – To improve the housing circumstances of vulnerable and excluded households, by assisting in the promotion of independent living and the support and creation of accessible homes, particularly for those with disabilities.

### 12.35 Local Land Charge and Client Contributions

12.36 The previous policy had a formula in order to determine a client's contribution towards discretionary works that exceed £30,000. This would usually total a few thousand pounds which a client would pay on completion of the works. The rest of the cost of the works would be placed on the property as a Local Land Charge. This charge would expire in 10 years from the works completion date.

12.37 The revised policy no longer requires clients to make a contribution upon completion of the works, however, the Local Land Charge that will be placed on the property will have no expiry date. This removes the need to use the formula for client contributions which is difficult for clients to understand and takes up valuable time in the process of getting works agreed. A legal charge that doesn't expire means that the council is guaranteed to have the money returned when the property is sold, even if this is at a much later date. The council still has the ability to waive this charge if the client would suffer financial hardship but this would be considered on a case by case basis. Should a client wish to contribute to the works in order to lessen or avoid a legal charge that would also be acceptable. To date the council hasn't waived a charge due to financial hardship.

### 12.38 Upper Limit on 'Top up Grant' for grants over £30,000

12.39 The funding limit for this type of grant will be capped at £100,000 inclusive of all work costs and fees associated with the works. These will include but are not limited to a contingency fee, architect and planning fees and Winchester City Council's service charge etc.

12.40 For applicants entitled to up to £30,000 mandatory funding this translates into a £30,000 mandatory grant and discretionary £70,000 Top Up Grant. For applicants not entitled to mandatory funding this translates to a £15,000 discretionary grant and a £85,000 discretionary Top Up Grant.

12.41 Previously there was no upper limit on top up grants but the cost of living crisis and inflationary cost pressures have caused a significant cost increase in the delivery of projects such as extensions. The DFG budget we are allocated from central government is likely to remain static until 2025 and will not be raised in line with inflation. This essentially means a cut to our budget over the next few years. The budget needs to be available to cover the needs of everyone in the district who is referred into our service. A limit on projects allows an element of control and is a clear benchmark for the client which ensures funding will only address what clients essentially require in their home as determined by an Occupational Therapist.

### 12.42 Previous grant allocation approvals:

12.43 In the year 2021/22 the council approved 97 DFG applications with a total value of approximately £1.1m. The average value of each DFG grant awarded was £11,518. Of these:

- 6 grants with an average cost of £17,951 were approved under the mandatory part of the Disabled Facilities Grant and were means tested which means that some people may have had to pay a contribution towards their grant.
- 86 grants were discretionary grants of under £15,000, awarded to applicants that would not have qualified for assistance under the mandatory part of the Disabled Facilities Grant. The discretionary element of the grant funding ensures housing need is met and reduces the need for residential care and hospitalisation.
- 5 grants were discretionary grants in excess of £30k specifically targeted to prevent hospital admission or care breakdown.

The top three adaptations provided in 2021/ 22 were:

Type of adaptation	Number of adaptations	Average Cost
Level access showers	37	£6-7k
Curved Stair Lifts	22	£4.5-5k
Straight Track Star Lifts	17	£2.2-2.5k

12.44 The number of grants awarded across all tenures were:

Tenure	Number
Owner occupiers	70
Private Tenants	4
RSL Tenants	23

12.45 Comparable approvals in preceding years:

Financial Year	Approved DFG	Grant Funding	Average DFG
	Cases	Approved	Awarded
2017/18	80	£636,760	£8,179
2018/19	73	£1,121,615	£15,577
2019/20	70	£687,584	£9,822
2020/21	78	£945,014	£11,973

2021/22	97	£1,094,279	£11,518
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### 13 Census 2021 Data

- 13.1 Data from the 2021 census details that the Winchester population increased at a faster rate between 2011 and 2021 than it did between 2001 and 2011. In 2021 the total combined male and female population for Winchester was 127,500. Woman formed the highest (51.3%) of the population and men formed (48.7%) of the population. In the ten year period from 2011 up until 2021 the biggest population increase in Winchester has been 11.8% in the 65+ age group. The Office for National Statistics (ONS) estimates the proportion of people aged 65 years and over in England as a whole, is projected to increase from 18.2% to 20.7% of the total population between mid-2018 and mid-2028. The proportion is also projected to increase for all regions and local authorities. It is therefore predicted that there will be an increasing demand on the DFG service.
- 13.2 The DFG process is initiated by an assessment being carried out by an Occupational Therapist (OT) who will establish the needs of the applicant and then submit a referral to the council making recommendations as to the type of adaptation(s) required. The most common adaptations needed are stair lifts, ramping and level access showers.
- 13.3 Council officers then process the referral to determine if the works required are both 'necessary and appropriate' and 'reasonable and practicable' in accordance with legislation. Where required, a financial means test assessment will also be undertaken to establish the applicant's eligibility for a grant. The discretionary grants policy allows recommended eligible works of a value up to £15,000 to be completed without the need for a financial assessment being completed.
- 13.4 Where the required conditions are met, council officers will identify a contractor from a pre-determined list of contractors. The contractors were selected following a tendering procurement process undertaken in consultation with Hampshire County Council in July 2022. Once a suitable contractor has been appointed council officers or agents of the council (in respect of more complicated and costly DFGs) will oversee the works through to completion. Upon satisfactory completion of the works, the council will pay the grant funding directly to the contractor(s).
- 13.5 In some instances an applicant may wish to use their own contractor but this is not normally the case, as the bulk of the DFG applications received by the council are from elderly and / or vulnerable individuals who do not have the desire or inclination to take on the responsibility of finding contractors and prefer to let the council lead on this.
- 13.6 The council however is not responsible for the work of the contractor and the contractual relationship is solely between the applicant and the contractor.

### 13.7 Examples of How DFGs can Change Lives

13.8 The DFG team have recently completed a mini extension/existing conservatory conversion underway for a client with very significant Parkinson's disease. The conversion will enable the individual to live downstairs at home with access to a bed and a shower. Without the DFG, the gentleman would likely have had to go into a care home.

13.9 The DFG team have also recently just closed a case which was completing a deep clean for a client in hospital. Adult Services contacted the council as the person couldn't be discharged home unless it was completed. The council quickly got it approved and prevented a bed being taken up in the hospital. The cost of the works were under £2k and included:

- Deep Clean Property to bring it back to a hygienic and liveable standard.
- Clean heavily soiled bathroom, downstairs cloakroom and kitchen areas.

### 13.10 Conclusion

13.11 It is recommended that the council adopts the proposed DFG Policy 2023 – 2025 in full; adopts the four new discretionary grants; agrees to the discretionary grant level cap of £100k; that any Local Land Charge placed on a property will have no expiry date; that the service charge is reduced from 12% to 10.5% and authority is delegated to the Corporate Head of Housing in consultation with the Deputy Leader and Cabinet Member for Community and Housing to enable them to make minor changes when required to the DFG policy.

## 14 OTHER OPTIONS CONSIDERED AND REJECTED

14.1 In order to maximise the DFG grant budget a reduction to the service fee was investigated with a proposal to change it from the current 12% to an across the board flat fee of £500 per grant. However, based on a projection of fees likely to be received this financial year, it would have resulted in a reduction of income from roughly £92k to £44k. This option was therefore rejected.

14.2 The option to do nothing and not have an up-to-date policy in place would result in the delivery of the DFG service not being properly supported. Not to renew the DFG policy is therefore not an option and is rejected.

### BACKGROUND DOCUMENTS:-

#### Previous Committee Reports:-

BHP36 / Disabled Facilities Grants / 29 November 2022

#### Other Background Documents:-

Disabled Facility Grants Policy & Procedures version 06/8/2019:



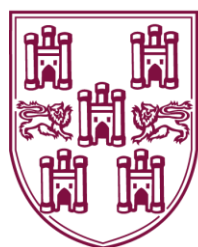
<https://www.winchester.gov.uk/housing/private-housing-and-empty-properties/disabled-facilities-grant>

Disabled Facilities Grant (DFG) Delivery: Guidance for Local Authorities in England:

APPENDICES:

Appendix A - Disabled Facilities Grant Policy 2023 - 2025

Appendix B – Equality Impact Assessment



# Winchester

City Council

## Disabled Facilities Grant Policy

### 2023 -2025

Housing Grants, Construction & Regeneration Act 1996  
The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002

Document created:	
Agreed by Committee:	
Author:	
Review Date:	

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## 1.0 Introduction

- Adaptations are needed by many disabled people so that they can remain safe and independent in their own home. They can be needed by people of all ages, but as our population ages and life expectancy increases, the number of people needing assistance to adapt their homes is expected to grow. Winchester City Council (the council) is committed to helping these residents achieve a home which meets their needs.
- Under the Housing Grants, Construction and Regeneration Act 1996 (the Act), the council, in its capacity as a housing authority, has a statutory duty to provide Disabled Facilities Grants (DFGs) to applicants who qualify. DFGs are mandatory grants available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling or building. DFGs are available to fund adaptations to the homes of elderly, vulnerable or disabled residents to enable them to live independently at home or be cared for at home.
- In order for the council to use its discretionary powers under the Regulatory Reform Order (RRO) it must have a policy. This policy sets out the mandatory legal framework for DFGs, and how the council intends to use its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) to provide discretionary DFG assistance to promote independent living and well-being. It sets out the flexible policy the council has adopted in respect of DFGs.
- This policy replaces the former Disabled Facility Grants Policy and Procedure 2018 and supersedes any other council policy relating to Disabled Facilities Grants.
- The policy links with the Council Plan 2020-2025 and contributes towards the Council Plan priority of 'Living Well' as it assists residents with continuing to live well within their homes by supporting independent living for longer.

## 2.0 Aims of the Policy

- To improve the lives of people with disabilities by enabling access and movement around their own home with the use of adaptations
- To allow more effective use of the Better Care Fund, cutting out bureaucracy and contributing to the aims of the fund, in particular, reducing hospital admissions and allowing early hospital discharges.
- To reduce the need for domiciliary and residential care by allowing people with disabilities to live more independently in their own homes.
- To provide advice, information and support regarding the adaptation of properties to meet accessibility needs, and provide a framework of assistance to vulnerable groups.
- To treat individuals fairly regardless of age, race, religion, sex, gender, disability and sexual orientation and to protect their rights under Data Protection and human rights legislation.

## 3.0 Regulatory Framework

There are a number of legal provisions governing DFGs and their application. The administration of DFGs primarily comes under the Housing Grants, Construction & Regeneration Act 1996 (the Act) and subsequent associated legislation including:

- Housing Grants, Construction and Regeneration Act 1996 (“The Act”) (as amended)
- Housing Renewal Grants (Services and Charges) Order 1996
- The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008
- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“The Order”)
- The Housing Renewals Grants (Amendment)(England) Regulations 2008
- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes)(England) Order 2008
- Delivering Housing Adaptations for Disabled People – A good practice guide (June2006)
- The Equalities Act 2010
- Disabled Facilities Grant (DFG) delivery: Guidance for Local Authorities in England 2022

## 4.0 Definition of a Disabled Person

For the purposes of the legislation relating to DFG’s a person is defined as being disabled if:

- Their sight, hearing or speech is substantially impaired;
- They have a mental health disorder is this a statutory term? or impairment of any kind; or
- They are physically disabled by illness or impairment present since birth or otherwise

A person aged 18 or over is considered disabled if:

- They are registered as a result of arrangements made under section 29(1) of the National Assistance Act 1948; or
- They are a person for whom welfare arrangements have been made under that section or might be made under it.

A person aged under 18 is considered disabled if:

- They are registered as a disabled child maintained under the Children Act 1989; or
- In the opinion of Hampshire County Council's Children's Services they are a disabled child as defined for the purposes of Part III of the Children Act 1989.

## 5.0 Mandatory DFG Eligibility Criteria

### 5.1 The Works

Eligibility criteria for DFGs are laid out in Section 23 of The Housing Grants, Construction and Regeneration (as amended) Act 1996 and primarily relate to accessing principal rooms within the home and accessing and using essential facilities including access to gardens and outside areas of a property.

Grants are dependent on:

- The works being necessary and appropriate;
- The works being reasonable and practicable; and
- A financial assessment where appropriate, to establish the applicant's eligibility for a grant.

**Facilitating Access** - For works to remove or help overcome any obstacles that prevent the applicant from moving freely into and around the dwelling. This may include access to the garden or yard (front, side, or rear) which means immediate access from the dwelling. It does not include landscaping.

**Making a Dwelling or Building Safe** - Adaptations to the dwelling or building to make it safe for the applicant and other persons living with them.

**Access to a Family Room** – Works to ensure the applicant has access to a room used for or usable as the principal family room.

**Access to a Room usable for Sleeping** - The provision of a room usable for sleeping where the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances.

**Access to a Bathroom** - The provision of, or access to, a WC, washing, bathing and/or showering facilities.

**Facilitating Preparation of and Cooking of Food** - The rearrangement or enlargement of a kitchen to improve the access for a wheelchair and to provide specially modified or designed storage units, work top area etc. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen.

**Heating, Light and Power** - To provide or improve the existing heating system in the dwelling to meet the applicant's needs. A grant will not be given to adapt or install heating in rooms which are not normally used by the applicant.

## 5.2 The Applicant

DFGs are available to homeowners, owners of qualifying houseboats, owners of qualifying park homes, tenants of private landlords and tenants of Housing Associations. Grants are also available for adaptations to the common parts of buildings containing one or more flats. Winchester City Council tenants can apply for a grant however, it is normal practise for housing authorities with a Housing Revenue Account (HRA) to fund these adaptations. The council's Property Services Team therefore have a separate policy for processing tenant's applications.

The council cannot, by law, refuse to process a properly made DFG application that it receives from an owner-occupier or tenant. If the eligibility criteria and proper process are satisfied, the council must, approve the appropriate grant, providing funds are available.

Application for a Disabled Facilities Grant is dependent firstly on the applicant having been assessed by either a Hampshire County Council OT or the council's in-house Private Sector Housing OT, or private registered OT. Assessments undertaken by the HCC OT will be forwarded to Winchester City Council. Alternatively, people can apply on-line via the council's web site after which they will be assessed to determine their eligibility: <https://www.winchester.gov.uk/housing/private-housing-and-empty-properties/disabled-facilities-gran>

Further information and guidance regarding DFGs can be found in the Disabled Facilities Grant (DFG) delivery Guidance for Local Authorities in England published March 2022:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1065574/DFG\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1065574/DFG_Guidance.pdf)

The following is a summary of the main legal provisions that apply to mandatory DFGs:

- An applicant, who defined by the Act as a person with a disability, is eligible for assistance.
- DFGs are mandatory grants which are available to people with disabilities for works which are 'necessary and appropriate' to meet their needs, and when it is considered 'reasonable and practicable' to carry out the works when having regard to the age or condition of the dwelling or building. A financial assessment where appropriate may also be required, to establish the applicant's eligibility for a grant.
- The council reserves the right to refuse grant assistance where the works are not necessary, appropriate, reasonable, practicable, are excessively expensive and/or where the property is not suitable for adaptation. If appropriate the council may offer a discretionary DFG, in the form of a relocation grant to help the applicant move to a more suitable dwelling.
- DFGs are means-tested, except if the application is on behalf of a child or young person aged 18 or below. Therefore, the applicant's income and savings are required to be assessed to determine if the applicant has a contribution to make or even pay the whole cost. Applicants who receive certain specified "passport" benefits are exempt from the means-test, however the means-test is set by law and the council does not have any discretion when applying it. See **Appendix 3** for a list of pass-porting benefits.
- If an applicant is eligible then the council has a maximum of six months to 'determine' the application, which means approve or decline the application. However, the determination should be carried out as soon as is reasonably practicable.
- The maximum mandatory DFG in England is currently £30,000, and this amount would be reduced by any contribution determined as payable under the means-test.
- The duty to provide DFGs is 'tenure blind', and therefore applications from home owners or those renting in the private or social sector are treated equally depending on their needs. Applications received from tenants living in private rented housing must be accompanied by a tenant's certificate signed by the landlord to demonstrate that they will remain living in their home for the



grant condition period (usually 5 years) or for such a shorter period as their health and other relevant circumstances allow.

- An applicant must be 18 years of age or older.
- Parents or guardians are able to apply on behalf of children.
- Landlords are able to apply on behalf of their tenants;
- The property to be adapted must be a legal residence, and this can include dwellings, houseboats, caravans and mobile homes as well as buildings which contain dwellings.
- Both owner occupiers and tenants must have the intention to live in the adapted property for five years. Landlords and/or the property owners must certify they intend to allow the disabled person to remain in the property for not less than five years.
- There is no restriction on an applicant making multiple grant applications for funding.
- Persons from abroad with no recourse to public funds are not eligible to apply for a DFG.

**Appendix 4 is a flow chart of the DFG process.**

## **6.0 Discretionary Grants**

Discretionary grants have the same application process as mandatory grants and the same criteria. However, the council's DFG policy allows up to £15,000 total costs to be funded before a means test is required. Below is a summary of each Discretionary Grant eligibility criteria:

### **6.1 Welfare Grant**

**Primary Aim:** To fund small scale works which are critical to a person's welfare which have been identified by a social worker or other professional. The applicant should have a clear medical need/ be eligible for disability registration. The works should be to improve and enhance the applicant's quality of life at home and support the continuation of them staying in their own home by preventing possible admission to care or hospital or enabling discharge home from hospital or care.

#### **Eligible works:**

- **Deep Cleans / Declutters of essential parts of the home up to a maximum of £2000.** The grant will contribute towards converting a home that

cannot currently be inhabited by the person applying for the grant into one which can be, (i.e. through cleaning/decluttering of the kitchen/living room/hallway/bathroom/bedroom (and extra bedrooms if carers need to stay overnight) in particular in preparation of the installation of equipment.

**Only applicants awaiting a discharge from hospital or care placement are eligible.**

- **Minor Essential Repairs and Improvements up to a maximum of £2000.** To address a risk or serious hazard for a person with disabilities that would impact on the extent to which their home can be used. The works must be reasonably material in terms of their nature of the risk or hazard. A broken item must have a substantially deleterious impact on the extent to which a property can be used.

Examples include making good disrepair to flooring to make safe and remove a hazard, or improving the safety and security of a property to a higher standard to enable it to be occupied by a person with a disability.

- **Stair lifts** – Curved and straight stair lifts can be applied for by the referring professional if this would assist discharge / prevents admission to hospital (if not for discharge/admission risk purposes this can be applied for through a standard DFG application). The £2000 cap does not apply to stair lifts.

## **6.2 Heating Grant**

**Primary Aim:** Replacement of boilers, radiators and other substantial components of heating systems to bring systems and equipment up to a higher standard of reliability, safety or usability as might be required by an owner occupier with disabilities.

The referrals for this grant need to come directly through a professional body such as:

- LEAP (Local Energy Advice Partnership) which can be contacted at <https://applyforleap.org.uk/energy-support/>
- Hitting the Cold Spots, a Hampshire County Council based service which provides advice on heating and energy matters for Hampshire residents and can be contacted at <https://www.hants.gov.uk/socialcareandhealth/adultsocialcare/coldspots>,
- The Environment Centre (tEC), a charity based in Southampton which provides advice on sustainability and other matters including fuel poverty and can be contacted at <https://environmentcentre.com>

Receipt of referrals from the above (or other similar organisations) ensures that appropriate screening has been applied to the applicant's circumstances (applicants must be on pass porting benefits and disabled). Persons in the community who are **not** on any income assessed benefits, who come into contact with our service, and who are in need can be assisted with funding if they can prove they do not have savings in excess of £6,000. In exceptional circumstances a legal land charge will be considered in order to cover the value of the works (if the works exceed £4000).

#### **Eligible Works:**

- Replacement of boilers, replacement of faulty radiators or other substantial components of any heating systems to bring systems and equipment up to a higher standard of reliability, safety or usability as might be required by a person with disabilities.

**Works can be funded up the value of £4000.** If the necessary works exceed this amount the homeowner will be required to contribute the difference. The reasoning for limiting the cost of this grant is to enable the funding to be used as fairly as possible across the whole district and in anticipation of many possible referrals in the winter seasons up to 2024/25.

### **6.3 Relocation Grant**

**Primary Aim:** To assist disabled persons, who are owner/occupiers to relocate if adaptations to their current home through the DFG are determined not to be reasonable or practicable and they are considering relocation to another property they intend to purchase as their home. Such assistance supports best value by ensuring DFG grant funding is focused on properties where adaptations can be delivered and enabling people to move to suitable property where this is not the case.

#### **Eligibility:**

- Applicants must be 18 or over on the date the application is made (in the case of a disabled child, the parent(s) would make the application). Any application must be supported by a recommendation from the Hampshire County Council OT service, WCC in house OT, or a private OT.
- The council and the OT must be satisfied that the proposed property already meets the needs of the disabled person without further adaptation or be satisfied that it can be adapted at a reasonable cost under the mandatory grant limit of £30,000.
- This grant will cover the costs of purchasing a property such as estate agent's fees and conveyancing, but not other relocation costs such as removal expenses.

**Relocation costs can be funded up to the value of £8,000.**

#### **6.4 Adaptations Costing Under £15,000**

**Primary Aim:** To enable persons with disabilities to remain in their own home for longer and to also enable them to live independently and safely for longer. Disregarding the means test for works under this limit allows more eligible disabled persons across the Winchester District to access adaptations to meet this aim.

##### **Eligible Works:**

- Those works identified in The Housing Grants, Construction and Regeneration Act 1996 as recommended by an Occupational Therapist by a formal referral with full recommendations. Typically, this includes level access showers, stair lifts and ramped access.

**Policy:** Using powers provided by the above mentioned legislation, the council will provide the first £15,000 for works under any Adaptations Grant application regardless of the assessed contribution of the applicant. Any applicant assessed as needing to contribute to the cost of works will only be required to contribute when the cost of works exceeds this £15,000 threshold.

#### **6.5 Top Up Grant - For works that exceed Mandatory Funding Level**

**Primary Aim:** The council recognise that extensive adaptations and rising costs mean works often exceed the current mandatory grant limit of £30,000. This Top Up grant is to fund the cost of adaptations over £30,000 for eligible clients who are Owner Occupiers or Social Housing Tenants (see below) where the works are deemed 'necessary and appropriate' and 'reasonable and practicable'. The applicant is eligible if they are already entitled to a mandatory grant (e.g. children's cases); or if the applicant is not eligible for a mandatory grant (i.e. their assessed contribution outweighs the cost of the works they require) then they must fall into at least one of the following *Better Care Fund Key Criteria*:

1. Where essential adaptations (to enable access to the home and access to key facilities to ensure that living at home is possible), need to be provided "urgently" to facilitate timely discharge from hospital/nursing or residential care, (avoiding delayed transfer of care and maximising opportunity for re-ablement at home).
2. Where applicants have a high and complex level of disability and/or life changing diagnosis; and the risk of sudden deterioration in their condition or reduced independence or increased risk of falls could be minimised by urgent provision of essential adaptations to the home, (to reduce risk of premature admission to hospital or residential care, or increase in care package).

3. Where the care situation in the home is at imminent risk of breakdown if essential adaptations are not provided quickly, (to support the carer and maximise the applicant's independence, health and wellbeing).
4. Where applicants have catastrophic and life changing/limiting diagnosis, and urgent essential adaptations could minimise the risk of breakdown of family life and care, and enable supported living at home, delaying the time scale for the start, or increase in external health or social intervention.
5. Where the timely provision of minor adaptations (in line with health and wellbeing targets and better care priorities), would reduce the risk of falls and promote a safer home environment when applicants have no immediate and safe access to alternative service options.

Depending on the works recommended by the OT, it would be advisable that applicants entitled to a mandatory grant also fall into one of the above key criteria. This ensures correct reasoning has been applied to their case to ensure their needs can only be met by topping up the mandatory funding available. Typically, an example of this in action would be where an extension must be constructed to contain a bedroom and washing facility for someone less than 18 year's old.

To ensure that the offer of Discretionary DFGs is equitable to all residents within the Winchester District every applicant will be assessed by council's in-house OT to establish the need for the additional discretionary funding from the council.

Whatever their tenure the council will then require the applicant to consult with an agent from the council's recommended list to complete a plan for the most cost effective way to meet their need. This will be a required step regardless of whether the applicant already has plans of their own drawn up. Wherever possible all works should aim to be completed within the footprint of the property.

Any Top Up Grant funding will be considered having regard to the amount of financial resources the council has available at the time of the application. If it does not have sufficient resources left to fund other referrals passed to the DFG team by the Occupational Therapy Service or the in-house PSH Occupational Therapist, the council reserves the right not to approve any top up funding.

#### **Funding Limit:**

The funding limit for the Top Up Grant is **£100,000** inclusive of all work costs and fees associated with the works including but not limited to a contingency fee, architect and planning fees and the council's service charge etc.

For applicants entitled to up to £30,000 mandatory funding this translates into a £30,000 mandatory grant and discretionary £70,000 Top Up Grant. For applicants not entitled to mandatory funding this translates to a £15,000 discretionary grant and a £85,000 discretionary Top Up Grant.

## Local Land Charge

Applicants will not be required to make an immediate contribution towards the works upon completion, however, the cost of the works which exceed the mandatory level will be secured on the property by a legal charge. **The legal charge will have no expiry date and therefore the charge will be paid back to the council upon sale or disposal of the property.** The RRO enables local authorities to offer this financial assistance in the form of a zero interest loan. This loan is registered as a Local Land Charge against the value of the property, on which no interest is levied. When this circumstance arises the council will only consider waiver of the legal charge if it causes financial hardship. An example of hardship is if the property is being sold to fund care and the legal charge prevents the applicant being able to move to a suitable placement. It is for the applicant or interested parties of the applicant to make their case of hardship to the council with supporting evidence and for the council to use its discretion when making a decision.

Summary Table of Funding Levels	
Funding level	Decision
Up to £20,000	Private Sector Housing Team Leader
Up to £50,0000	Service Lead – Strategic Housing
Up to £100,000	Corporate Head of Housing

For cases exceeding **£15,000** the final decision will be determined by a panel of the above officers depending on the level of funding being applied for.

Should there be exceptional circumstances where due to unforeseen works the value of the grant increases to beyond £100k, approval of the additional costs will require authorisation from the Portfolio Holder for Housing via a Decision Notice.

### 6.6 Applicant Living In Property Rented From Registered Social Landlord:

The Top Up grant can be applied for if eligible applicants live in a property owned by a Registered Social Landlord. The same funding limit of £100,000 applies, in cases where the grant cannot be secured with a legal charge.

Where a legal charge cannot be applied it must first be determined that the applicant cannot move to another property through Hampshire Home Choice which meets their needs or would meet their needs with less cost than the provision of a Top Up grant. This must be clearly evidenced in their application for funding.

### 6.7 Applicant Living In Property Rented from a Private Landlord:

Top Up Grants over £30,000 are not available to those privately renting as it would be more beneficial to assist them to move to a tenure with more security through the Hampshire Home Choice (HHC) a sub-regional choice based lettings scheme of which the council is a member.

## 7.0 Dual residency of a disabled child

In cases where families separate and a court order provides that residency of the subject disabled child is split between the mother and father (or other designated guardian) the council may consider the award of discretionary DFG to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within those headings normally applied to mandatory schemes.

A mandatory DFG can only be provided for the 'sole or main residence' of the disabled applicant and in circumstances covered by this section it would be assumed that one party would apply for mandatory grant on the basis that the child occupies the subject property as their sole or main residence. The main residence will be determined by which party receives child benefit. This property may or may not be within the Winchester District. In exceptional circumstances under the RRO a discretionary grant may be awarded in order to adapt the home of the other parent (or guardian) should there be a legitimate and evidenced need.

The council will consider the details of any court order and specifically the allocation of time spent with each parent in determining eligibility for assistance. No specific percentage split is proposed by this policy as each case will be reviewed on its own merits. Factors to be considered include the specific details of any order, likely time to be spent at each property, whether the child will stay overnight at the subject property and for what period etc.

In determining the works that might be considered as eligible for assistance the council will consider the suitability of the subject property for adaptation, the complexity and scope of the adaptations required and any observations or referral made by the Occupational Therapy service. The scope of any works will not necessarily mirror that to be undertaken at the sole or main residence.

Any assistance provided under this heading will be up to a maximum discretionary award of £15,000 but will not be subject to any form of means testing. Any award will be repayable to the council if and when the subject property is sold. The award amount will be recorded as a Land Registry charge in the same manner as a Top Up Grant.

## **8.0 Approval of Grants**

Award of mandatory and discretionary DFGs is dependent on the council holding sufficient funds. Although the council is statutorily obliged to approve valid mandatory DFG applications within six months, where possible, the council aims to approve applications within 30 days of them being determined as complete and valid.

In the case of discretionary DFG's, the council aims for the same timeframe as above but mandatory DFG's may take preference if the council needs to consider how to make best use of its available resources.

The council will not approve a Disabled Facilities Grant application where the relevant work has already begun or been completed.

## 9.0 Fee Generating Service

The council recognises that applicants who do not qualify for mandatory grant assistance or discretionary grant or loan assistance nonetheless still have an identifiable need for adaptations. In some cases, applicants may decide not to proceed with necessary adaptations for lack of confidence or desire to deal with the process of completing specifications, seeking and appointing suitable contractors and then managing the installation, dealing with contractors and payment demands.

The council wishes to encourage individuals to adapt their homes where necessary and appropriate to enable them to stay in their home in accordance with the wider prevention agenda of housing, social care and health authorities.

The council provides an end-to-end service, acting as agent for the applicant and charges a fee of 12% plus VAT of the grant provided towards the cost of works. This fee forms part of the grant funding allocated. The council will offer the same service at the same fee rate to all applicants, apart from when a grant approaches or exceeds £25k. At this point a service fee of £2,030 plus VAT at 20% will be applied. This equates to a total service fee charge of £2,436.

The provision of fee paying support services can be advantageous to certain applicants who may need further works carried out in future years, as the legislation allows for the contribution made towards one scheme of works to be counted towards the applicant's contribution to a further scheme of works if this is carried out within 5 years in the case of rented property, or 10 years in the case of owner occupied property. This is provided that the earlier scheme has been managed through the DFG process.

## 10.0 Completing the Works

The process of sourcing and appointing contractors to complete the works will depend on the likely nature and value of the works to be carried out, and the applicant's preferred method of engagement.

The council offers an end to end Home Improvement Agency type service for the majority of straightforward grants and where the value of the works is likely not to exceed £15,000. For this approach, the council maintains a Framework of approved contractors whose service will be offered to the applicant if they wish to make use of the service offering.

Furthermore, the council offers a choice of approved agents for higher value schemes that will typically involve a planning application and Building Control application for extensions or other substantial building works.

Where either of the above options is adopted, the procurement of contractors will be carried out according to the council's procurement rules.



The applicant is under no obligation to use either approved list and is entitled to invite and submit quotes from their own choice of agents and contractors. In these circumstances the submitted quotes will be assessed only to confirm that the quotations are for works reasonably required to meet the identified needs of the applicant and for which the grant is being provided. The council may, however, wish to investigate the contractors proposed by the applicant to ensure that they are of sufficient competence and reliability to safeguard that the public purse is not put at unnecessary risk, and may seek assurance as to insurances and references before approving an award.

There may be occasions when a client would prefer a more extensive adaptation over and above what the authority has assessed as being necessary and appropriate. In these cases the council will support the application by making it clear to clients what level of grant funding will be awarded and what level of expense they would be required to finance themselves.

The council will base the award on the lowest quote that meets the applicant's agreed needs, however the applicant may still use a higher priced contractor provided they pay the difference in price. In exceptional cases the council may agree to base the award on a quote higher than the lowest where circumstances, such as time for completion or known specific expertise, would indicate a better value outcome.

Applicants should be aware that the legal and contractual relationship is between the applicant and contractor and NOT with the council. If there is a dispute between the applicant and the contractor, the council will not be able to get involved unless by some act or default the council has caused the issue which has led to the dispute. The council will generally pay contractors on behalf of the applicant, but in the case of an unresolvable dispute the council will pay the grant direct to the applicant. It is then for the two contracted parties, the applicant and their contractor, to take such action as they deem necessary to resolve their dispute.

## **11.0 Contract Variations**

Grant approvals are made by assessing submitted bids for the specification provided. It is the nature of any building work that variations may be required once work commences, either to the specification to provide a more practicable solution, or for additional works due to unforeseeable circumstances.

Applicants who chose to complete their own design must ensure that it satisfies the needs identified by their Occupational Therapist (OT).

If any applicants' design includes other works not provided for by the grant, the grant will be strictly limited to that part of the cost of works needed to satisfy the minimum necessary and appropriate requirements as identified by the OT and approved by the council.

Where variations will materially affect the design or function of the adaptation, agreement that the applicant's necessary and appropriate needs will continue to be met must be obtained from the originating OT before the variation is approved.

All requests for unforeseen works / variations from contractors that will involve additional costs must be agreed by the council in writing before those works proceed.

Where unforeseen works / variations are reasonably expected to reduce costs, the contractor must be required to identify this reduction before works proceed.

In both circumstances the grant approval documentation must be suitably amended.

No additional cost will be agreed for works that an experienced contractor should have reasonably foreseen as necessary for the completion of the specified works.

### **12.0 Abortive Works**

The term abortive works relates to any situation where a DFG application has been aborted before all works have been completed, this is usually applicable where an applicant has died.

The council will consider the works to still be completed and a grant award may be made with consent of the property owner and residents of property.

### **13.0 Framework of Approved Contractors**

The council will maintain a framework of approved contractors it reasonably considers capable of completing the works typically associated with Disabled Facility Grants, including specialists in the installation of wet-rooms and stair-lifts as well as general building contractors.

This framework will be informed by a 2 yearly invitation to contractors to tender against a given schedule of works, and confirmation of suitable insurances and professional accreditation.

It is expected that the framework will include no more than 12 contractors including a minimum of 3 in any specialism.

This framework will be used for any project with a likely value of up to £15,000 in line with the summary above.

### **14.0 Contractual Relationships and Responsibilities**

In all circumstances, the contract for the completion of works will be between the applicant and the contractor appointed to complete the work.

Full details of the contractual relationships and responsibilities will be provided to

all contractors invited to bid either by the council or by the applicant in the document Preliminary Information to Contractors which may vary from time to time to reflect changes in legislation and industry standards. This information will also be provided to applicants.

## 15.0 Warranties and Maintenance

Adaptations including installed equipment belong to the owner of the property in which they are installed. This means property owners are responsible for ongoing maintenance and repairs after any initial warranty period expires. The council will consider funding extended warranties for equipment installed using grant funding. This typically includes five year warranties for stair lifts and through floor lifts. The owner will also remain responsible for removing equipment and adaptations once no longer required.

## 16.0 Framework of approved agents

The council will maintain a framework of approved agents (architectural practices and project management organisations) capable of managing the process of design, statutory applications, sourcing and assessment of quotations from contractors, and project supervision to completion.

Agents will source and assess contractors' quotations in accordance with the council's Procurement Rules and will charge a fee in addition to the service fee applied by the council.

This list will typically be used for projects over £30,000 and where extensions to or substantial internal conversion of a property are required.

## 17.0 Contract Procedure Rules Summary

The Council Contract Procedure Rules identify five value of contract ranges for which the method of procurement varies as follows:

Under £10,000 (all contracts) - minimum of one quote sought from any contractor considered competent. **The framework of Approved Contractors identified in 13.0 above would all meet this competence condition.**

£10,000 – £250,000 (Works contracts only) – minimum of three written quotes sought and an evaluation model based on price (awarded to the lowest cost) or most economically advantageous criteria used. The use of the framework identified in 13.00 would meet the requirements for this value. Any contractor on the approved list may be used. If not using the approved list, three quotations must be sought.

Note: if purchasing Goods and Services the limit is £100,000.

Over £250,000 but below UK threshold for Works contracts (currently £5,336,937 inc VAT) – a formal competitive tender process by Public Invitation, Restricted Invitation or by invitation to contractors on the select list.

Above UK threshold (currently £5,336,937 inc VAT) and subject to the Public Contract Regulations 2015

NB: the Contract Procedure Rules do not apply where the applicant is not using the council's management service or approved framework of contractors or agents. In these circumstances the quotes will be assessed only to confirm that they are for works reasonably required to meet the identified needs of the applicant and for which the grant is being provided, and to determine the grant award, generally based on the lowest quote that meets the needs.

### **18.0 Assessment of bids**

Where competitive bids are received for higher value works they will be assessed according to any published evaluation criteria set for the particular procurement.

For lower value projects where more than one quote is sought, the cheapest bid will determine the primary choice of contractor, provided that, in the view of the council's officers, the bid is reflective of the works specified and provides good value for money.

The council is under no obligation to accept either or any bid submitted and a further exercise could be progressed if deemed appropriate.

In view of the contractual relationship, the council will recommend the primary choice of contractor to the applicant and the applicant may accept or decline this recommendation. In the circumstance that they decline the primary choice, the council may require that the applicant makes a contribution equivalent to the difference in price between the primary choice and their choice of contractor.

### **19.0 Supervision of Works and Payment of Award**

In all circumstances the council has a duty to inspect the works as they progress and on completion to ensure that monies from the public purse are being spent in accordance with the purpose for which the award was made.

The council may pay:

- The contractor directly (the council's preferred method)
- The applicant directly
- The contractor by providing the applicant with a suitable instrument of payment

Where works are deemed to meet the council's approval, but the grant applicant is not satisfied, the council will not unreasonably withhold payment to the contractor.

### **20.0 Disputes**

If there is a dispute between the applicant and the contractor, the council will not be able to get involved unless by some act or default the council has caused the issue which has led to the dispute. The council will generally pay contractors on behalf of the applicant, but in the case of an unresolvable dispute the council will pay the grant direct to the applicant. It is then for the two contracted parties, the applicant and their contractor, to take such action as they deem necessary to resolve their dispute.

## **21.0 Complaints Procedure**

Where an applicant is dissatisfied with the service they have received, including where a grant has been refused, they can make a complaint through the council's published complaints procedure which can be found at [www.winchester.gov.uk/about/contact-us/complaints](http://www.winchester.gov.uk/about/contact-us/complaints)

In the first instance any issues should be brought to the attention of the council's authorised officer dealing with the application. If an applicant remains dissatisfied, to escalate any matter of concern, a corporate complaint can be raised as explained above.

## **22.0 Other Circumstances**


In all other circumstances not detailed in this policy document reference should be made to the provisions of The Housing Grants, Construction and Regeneration Act 1996. Also reference Disabled facilities grant (DFG) Delivery: Guidance for Local Authorities in England 2022.

## **23.0 Amendments to Policy**

When required minor amendments to DFG policy may be made by the Corporate Head of Housing in consultation with the Deputy Leader and Cabinet Member for Community and Housing.

## Appendix 1

### Customer Satisfaction Survey

 <b>Winchester</b> City Council					
<b>Disabled Facilities Grant Customer Satisfaction Survey</b>					
<p>The Private Sector Housing Team at Winchester City Council would like to know your feedback on the Disabled Facilities Grant service we provide. This is to monitor and improve our service for our future clients.</p>					
<b>How satisfied or dissatisfied were you with the following:</b>					
	<b>Very Satisfied</b>	<b>Satisfied</b>	<b>Neither</b>	<b>Dissatisfied</b>	<b>Very Dissatisfied</b>
The time it took for your adaptation (s) to be completed					
The way you were kept informed about Progress?					
The quality of the work completed					
The contractor who carried out the work?					
how easy it was to understand the Information you were given?					

how we dealt with any problems Along the way					
The amount of time staff spent with you?					
how easy it was to access the service					
Overall, how satisfied or dissatisfied were you with the service you received?					
<b>How did you hear about the Disabled Facilities Grant service?</b>					
<b>Do you have any comments or suggestions to help us improve the Disabled Facilities Grant service?</b>					
<i>Thank you for taking the time to answer these questions</i>					
<i>Please return this form in the self-addressed envelope provided</i>					

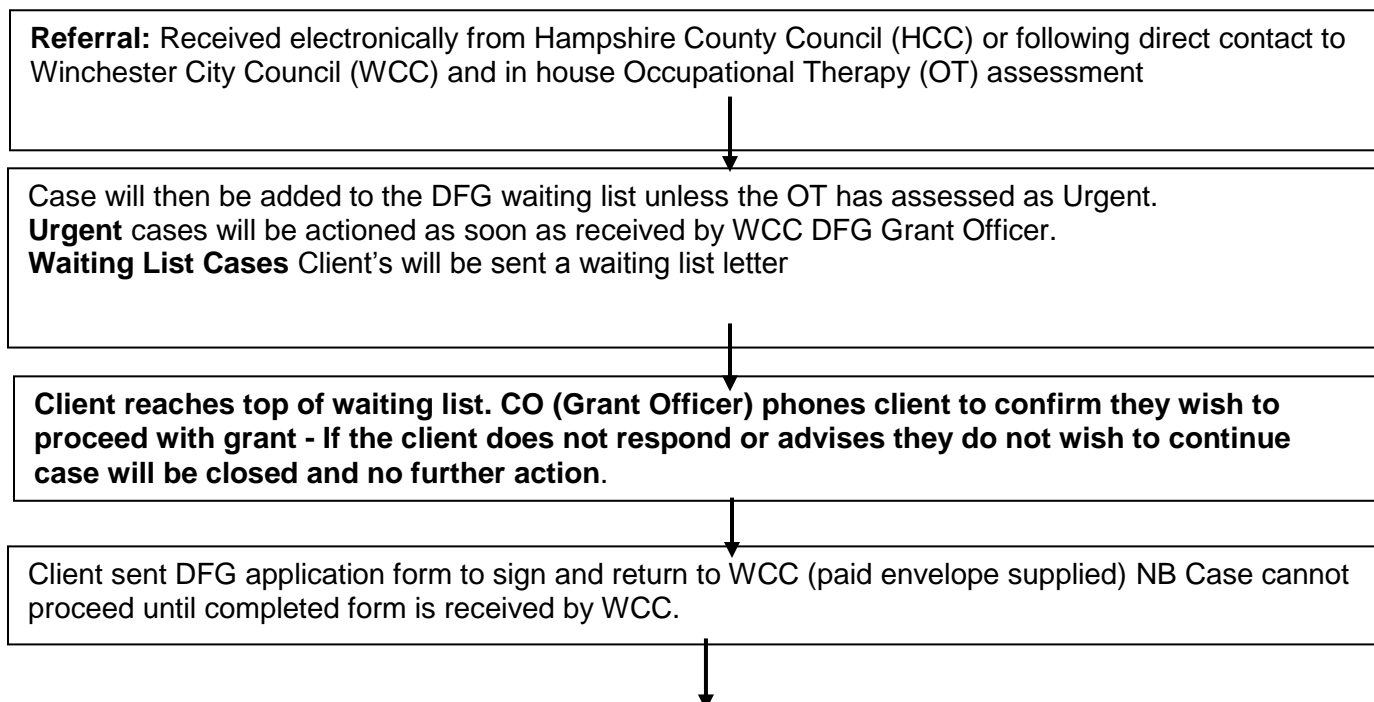
## Appendix 2 – Link to Latest Guidance

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1065574/DFG\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1065574/DFG_Guidance.pdf)

## Appendix 3 – List Of Current Pass-porting Benefits

- Universal Credit
- Income Support
- Income-based Employment and Support Allowance (not contribution-based ESA)
- Income-based Jobseeker's Allowance (not contribution-based JSA)
- Guarantee Pension Credit (not Savings Pension Credit alone)
- Working Tax Credit and/or Child Tax Credit (where your annual income for the purposes of the tax credits assessment was below £15,050)
- Housing Benefit

## Appendix 4 Processing Procedure for Disabled Facilities Grant (DFG) referral.





**Once the scheme has been agreed**

**If works are under WCC discretionary policy of £15,000 including stair lifts, ramps and LAS no financial checks will be completed.**

**If over this threshold financial checks will be completed:**

- Clients who are in receipt of pass porting benefits and children under 18 are eligible for the Mandatory £30,000 – See Appendix 3 of WCC DFG Policy for details of benefits.
- Client who do not fall into this category a financial means test will need to be completed – Please see policy Page 5 regarding funding.
- Either WCC or the agent will obtain quotes.

**What next**

The process will differ slightly depending on the adaptation requested as follows:

- Stair lifts – WCC will have the quote and recommendations. The grant officer will raise the order and the supplier will liaise with the client to arrange install
- Level Access Showers (LAS) & Ramps – The grant officer will visit the client with or without a contractor, in house OT may attend if complex. Agree scheme to meet client's needs.
- Larger more complex adaptations including internal walls being moved and or extensions. In these cases WCC engage an agent to act as project manager. This is to provide technical support and obtain any permissions such as planning and obtain to correct number of tenders in line with WCC DFG policy. A visit with agent, will be arranged with grant officer and in house OT. There will be several visits to agree a scheme. The agent will then project manage and be the client's main contact.



**Grant Offer**

Once all the financial checks and costings are known by WCC grant officer, will send a grant offer letter. Once this has been signed by the client and returned to WCC, works can start at a mutually convenient date.



Winchester City Council

## Equality Impact Assessment

### Section 1 - Data Checklist

When undertaking your Equality Impact Assessment for your policy or project, it is important that you take into consideration everything which is associated with the policy or project that is being assessed.

The checklist below is to help you sense check your policy or project before you move to Section 2.

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	No	This is a new DFG policy (2022 -2025) and is to replace the former DFG Policy & Procedures of which the last version was v11 of 06/8/2019.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	All of the DFG service within PSH have inputted into the writing of the policy with the team leader at team meetings and as part of a working group.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	N/A	No previous consultations have taken place. TACT / HAG and SHOG as yet NOT consulted on policy
4	Do you have any concerns regarding the implementation of this policy or project?  <i>(ie. Have you completed a self assessment and action plan for the implementation of your policy or project?)</i>	No  No	The policy details the actions the council will take in order to undertake its functions in respect of DFGs under the Housing Grants, Construction and Regeneration Act 1996.  Policy is now written and to be presented to the BHP cttee on 29/11/22
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact	No	Nothing identified

	on your policy or project?		
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	Yes	Delivery of the Empty Homes Strategy 2022 - 2027.
7	Are there any other issues that you think will be relevant?	No	No concerns or issues were raised by members of the public following the publication of the previous DFG policy & procedures.

## Section 2 - Your Equality Impact Assessment form

<b>Directorate:</b>	<b>Your Service Area:</b> Housing & Inclusion	<b>Team:</b> Private Sector Housing	<b>Officer responsible for this assessment:</b> Kevin Reed	<b>Date of assessment:</b> 11/10 / 2022
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	<b>Question</b>	<b>Please provide details</b>
1	What is the name of the policy or project that is being assessed?	Disabled Facilities Grant Policy 2022 - 2025
2	Is this a new or existing policy?	A new policy to replace the former DFG Policy & Procedures of which the last version was v11 of 06/8/2019.
3	Briefly describe the aim and purpose of this work.	The aim of the policy is to identify the actions which the council can take in order to spend its allocated budget from the Better Care Fund with the purpose of grant funding adaptations in the homes of disabled and /or aged individuals.
4	What are the associated objectives of this work?	To provide adaptations in the homes of disabled and /or aged individuals to enable them to remain living independently at home.
5	Who is intended to benefit from this work and in what way?	The DFG Policy will benefit disabled and / or elderly residents in the Winchester district. It will detail the various DFG grants available to those eligible to apply for and it will enable those who have successfully applied for a DFG to have adaptations undertaken in their home.
6	What are the outcomes sought from this work?	To maximise the number of DFGs granted in any given year during the duration of the policy so that the most people possible will benefit from the installation of adaptations.
7	What factors/forces could contribute or detract from the outcomes?	Contribute: <ul style="list-style-type: none"> <li>An increase in the Better Care Fund DFG grant</li> </ul>

		<p>allocation.</p> <ul style="list-style-type: none"> <li>• An increase in staffing levels in the DFG service</li> <li>• Local Councillor member support</li> </ul> <p>Detract:</p> <ul style="list-style-type: none"> <li>• If funding levels were reduced</li> <li>• If DFG Service staffing levels were reduced</li> <li>• No support from councillors (unlikely not to support)</li> </ul>
8	Who are the key individuals and organisations responsible for the implementation of this work?	<p>The principle team responsible for this work will be the DFG Service situated in Private Sector Housing and principally:</p> <ul style="list-style-type: none"> <li>• Rhiannon Riley – Senior DFG Case Officer</li> <li>• Amanda Cox – DFG Housing Occupational Therapist</li> <li>• Janet Ledingham – DFG Case Officer</li> </ul>
9	Who implements the policy or project and who or what is responsible for it?	<p>The Senior Private Sector Housing Officer in conjunction with PSH DFG Service colleagues will implement and be responsible for the strategy.</p>

	<p>Summary</p> <p>The policy in itself isn't believed to affect individuals or communities differently; but consideration is required in the way it's applied to take account of the different needs to inform the approach taken to engagement.</p> <p>Therefore the approach taken is to ensure that services are delivered in accordance with the council's equality policy especially in respect of the format of communication.</p> <p>Complaints will be monitored as a form of customer insight which may highlight any changes required.</p>
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		Please select your answer in <b>bold</b> . Please provide detail here.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>race</b> differently in a negative way?	Y	<b>N</b>	As mentioned above the approach to engagement should mitigate against the potential barrier for any applicants that do not possess a sufficient level of English to understand any letters etc. sent to them. Written and verbal communication may need to be translated or interpreted.
10b	What existing evidence (either presumed or otherwise) do you have for this?	The most recent Census data available (2011) identifies that 97.2% of the districts population state 'English' as their main language. The need for translation or interpretation of letters etc. is therefore likely to be low. However, all aspects of communication will comply with the council's Equality Policy and access to translation services can be provided if required.		
11a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>sex</b> differently in a negative way?	Y	<b>N</b>	No specific impacts.
11b	What existing evidence (either presumed or otherwise) do you have for this?	There is no evidence to suggest that the strategy would have a potential impact on this characteristic.		
12a	<p>Could the policy or project have the potential to affect individuals or communities on the basis of <b>disability</b> differently in a negative way?</p> <p><i>(you may wish to consider:</i></p> <ul style="list-style-type: none"> <li>• <i>Physical access</i></li> <li>• <i>Format of information</i></li> <li>• <i>Time of interview or consultation event</i></li> <li>• <i>Personal assistance</i></li> </ul>	Y	<b>N</b>	<p>Suitable assistance will be provided to DFG applicants if needed in line with the council's equality policy.</p> <p>Such assistance can include:</p> <ul style="list-style-type: none"> <li>• Undertaking home visits should homeowners have a physical disability that prevents them from easily attending at the council offices</li> <li>• Accessing telephone translation services</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Interpreter</i></li> <li>• <i>Induction loop system</i></li> <li>• <i>Independent living equipment</i></li> <li>• <i>Content of interview)</i></li> </ul>			<p>should language be a barrier to communication</p> <ul style="list-style-type: none"> <li>• Use of a hearing loop in the city office reception for those hard of hearing</li> <li>• Providing letters in large font format</li> </ul>
12b	What existing evidence (either presumed or otherwise) do you have for this?	Support can be offered to address obstacles they may face as a consequence of a disability.		
13a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>sexual orientation</b> differently in a negative way?	Y	<b>N</b>	There is no evidence to suggest that the strategy will have a potential impact on this characteristic.
13b	What existing evidence (either presumed or otherwise) do you have for this?	The current policy has been in existence since 2015 and the council has not received any complaints in respect of it negatively affecting individuals or communities on the basis of sexual orientation.		
14a	Could the policy or project have the potential to affect individuals on the basis of <b>age</b> differently in a negative way?	Y	<b>N</b>	It is recognised that not all DFG applicants may have access to computers and are able to communicate electronically. This can be the case across all age groups but there is the potential for a proportion of persons in the older age group to be more greatly affected.
14b	What existing evidence (either presumed or otherwise) do you have for this?	None, however, in line with the council's equality policy the offer of different communication methods will be offered as this helps ensure that the information and dialogue is encouraged with all property owners, regardless of their communication preference.		
15a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>religious belief</b> differently in a negative way?	Y	<b>N</b>	It is acknowledged that some faiths / religions require worship on particular days and therefore may not be able to attend appointments / meetings due to this.
15b	What existing evidence (either presumed or otherwise) do you have for this?	None, but due consideration will be given to this and flexibility will be applied, if required, in order to mitigate any		



		adverse impact.		
16a	Could this policy or project have the potential to affect individuals on the basis of <b>gender reassignment</b> differently in a negative way?	Y	N	There is no evidence to suggest that the strategy will have a potential impact on this characteristic but due consideration will be given to this and flexibility will be applied, if required, in order to mitigate any adverse impact. .
16b	What existing evidence (either presumed or otherwise) do you have for this?	None, but it is not believed the strategy will have any negative impact on this characteristic		
17a	Could this policy or project have the potential to affect individuals on the basis of <b>marriage and civil partnership</b> differently in a negative way?	Y	N	
17b	What existing evidence (either presumed or otherwise) do you have for this?	None, but it is not believed the strategy will have any negative impact on this characteristic		
18a	Could this policy or project have the potential to affect individuals on the basis of <b>pregnancy and maternity</b> differently in a negative way?	Y	N	
18b	What existing evidence (either presumed or otherwise) do you have for this?	None, but it is not believed the strategy will have any negative impact on this characteristic		

19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	Yes but only based on the approach taken to engagement rather than the objective of the strategy itself.														
20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	N	<table border="1"> <tr> <td>Race:</td> <td>No</td> </tr> <tr> <td>Sex:</td> <td>No</td> </tr> <tr> <td>Disability:</td> <td>No</td> </tr> <tr> <td>Sexual orientation:</td> <td>No</td> </tr> <tr> <td>Age:</td> <td>No</td> </tr> <tr> <td>Gender reassignment:</td> <td>No</td> </tr> <tr> <td>Pregnancy and maternity:</td> <td>No</td> </tr> </table>	Race:	No	Sex:	No	Disability:	No	Sexual orientation:	No	Age:	No	Gender reassignment:	No	Pregnancy and maternity:	No
Race:	No																	
Sex:	No																	
Disability:	No																	
Sexual orientation:	No																	
Age:	No																	
Gender reassignment:	No																	
Pregnancy and maternity:	No																	

				Marriage and civil partnership: No
				Religious belief: No
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	No negative impacts identified.		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	<b>N</b>	No negative impacts identified which could impact on the service plan.

Signed by completing officer	Kevin Reed 06.01.2023
Signed by lead officer	Karen Thorburn 06.01.2023

REPORT TITLE: HOUSING SERVICES COMPENSATION AND REIMBURSEMENT POLICY

2 FEBRUARY 2023

REPORT OF CABINET MEMBER: Deputy Leader and Cabinet Member for Community and Housing Councillor Paula Ferguson

Contact Officer: Steven White Tel No: 01962 848 150 Email: [swhite@winchester.gov.uk](mailto:swhite@winchester.gov.uk) WARD(S): ALL

PURPOSE

The Housing White Paper, A New Charter for Social Housing includes a number of statements regarding how registered providers should manage complaints in relation to landlord services, including a clear and consistent approach to putting things right and offering tenants redress when they go wrong.

While the Council works hard to ensure that services are delivered “right first time”, on occasion things do go wrong and it is considered that a clear policy of when compensation may be appropriate should be introduced. This will allow tenants to understand what reimbursement for costs and compensation they are entitled to and ensure that a clear and consistent approach to compensation payments for service failures to tenants and leaseholders is adopted across the housing service.

The draft policy was reviewed by The Business and Housing Policy Committee and TACT (Tenants and Council Together) in June 2022 (BHP029 refers) and their comment have help to inform the final policy.

A copy to the proposed new Housing Services Compensation and Reimbursement Policy is included in Appendix 1

RECOMMENDATIONS:

1. That the Cabinet Committee: Housing approve the Housing Services Compensation and Reimbursement policy as set out in Appendix 1



IMPLICATIONS:1 COUNCIL PLAN OUTCOME

1.1 The proposed policy supports the Council Plan 2020 – 2025 in respect of the Your services, Your voice priority.

1.2 Your Services, Your Voice

1.3 The adoption of the policy aligns with the aim for continuous improvement. The council will use the outcomes of housing service complaints and compensation incidents and claims to improve services and the relationship between the Council as Landlord and the tenant.

2 FINANCIAL IMPLICATIONS (to be reviewed by s151 officer)

2.1 During the current financial year, the Council has paid £9,326 in compensation or reimbursement to tenants due to general service delivery failures. This has mainly been as a result of heating and hot water issues and are attributable to several different external factors, such as the pandemic affecting contractor resources (both front and back office) and the availability of materials. The above figure excludes compensation and/or legal costs paid due to the much more complex and formal disrepair claims which will continue to be dealt with and settled on case by case basis and as directed by the courts.

2.2 Owing to the small number of payments made to date for general service delivery failures and the growing pressure on families due to the cost of living crisis, it is difficult to ascertain the extent to which claims might grow once the policy has been formally adopted. At this point in time, it is proposed to set aside a sum of £15,000 within the HRA Budget 2023/24, but to keep this figure under constant review as awareness rises and compensation patterns evolve.

2.3 Where existing contractual arrangements allow, corresponding sums will be recovered from the contractor if they are deemed to be at fault. Payment to a claimant will be made by the Council and not dependent on recovery from the contractor.

3 LEGAL AND PROCUREMENT IMPLICATIONS (to be reviewed by Monitoring officer)

3.1 Section 92 of the Local Government Act 2000 gives a relevant authority the power to make a payment, or provide some other benefit, to a person if it considers that an action taken by it or on its behalf amounts to, or may amount to, maladministration and the person has been, or may have been, adversely affected by that action.

3.2 Compensation payments are already made where payment levels are determined by legislation and for areas where there is no statutory obligation

to pay compensation but where a “goodwill” payment is considered to be appropriate. Whilst there should be no additional resource implications associated with the adoption of the proposed policy, there is a risk that the publication of the policy will result in an increase of claims.

3.3 One of the aims of the policy is to ensure any payments are agreed quickly, seamlessly and at local level (i.e. between Housing Officers and the claimant) so legal resources should not be required. Any payments made to claimants will be authorised in accordance with the Council’s Financials Procedure Rules and the approved scheme of delegated authority as set out in the Council’s constitution.

3.4 Future contractual arrangements procured, will include contractual mechanisms for sums to be recovered from a contractor if they are deemed to be at fault of a claim. There are no other procurement implications as a direct result of this report.

### 3.5 WORKFORCE IMPLICATIONS

3.6 Investigating and processing claims could prove very resource intensive and also disproportionate to the actual compensation paid. There is no immediate request for additional resources but volumes and outcomes will need to be reviewed on a regular basis.

## 4 PROPERTY AND ASSET IMPLICATIONS

Payments of compensation or reimbursement for service failures regarding facilities in the home or communal areas is available to all council tenants. For council leaseholders, payments of compensation or reimbursement is only available for service failures regarding communal facilities or structural issues.

## 5 CONSULTATION AND COMMUNICATION

5.1 TACT Committee Members and the TACT Support Group were consulted on the draft policy at a tenant meeting on the 9 June 2022 and were pleased to see a compensation policy in place. The main feedback received was a query as to whether or not the amount stipulated in the policy for missed appointments (£15) was enough and it was suggested that it should be raised to £25 for those residents that can prove that they have taken time off work in order to be at home for the appointment.

5.2 The missed appointment amount was reviewed and remains at £15, but an additional paragraph has been added to the compensation policy (para. 3.01.04 refers) to include a contribution towards loss of earnings.

5.3 Tenants requested that officers provide an easy read version of the compensation policy in plain English. This document is underway

- 5.4 The Business and Housing Policy Committee (which also included 3 members of TACT) reviewed the draft policy on the 21 June 2022 (BHP029 refers) and commented accordingly.(Appendix 1 refers)

## 6 ENVIRONMENTAL CONSIDERATIONS

- 6.1 The Council is committed to reducing energy costs and making homes warmer. Many of the claims for compensation and reimbursement emanate from missed appointments or remedial works to heating systems which are inherently high maintenance and have a large carbon footprint. One aim of the compensation policy is that it will not only help to drive general service improvements, but also to help shape a new low maintenance/low carbon heating strategy as gas boilers become redundant.

## 7 PUBLIC SECTOR EQUALITY DUTY

- 8 An Equality Impact Assessment was completed in June 2022 (Appendix 3 refers).

- 9 Whilst there was no evidence to suggest the policy would adversely affect those with protected characteristics, the impact assessment recognised that some households will be impacted differently by the same service failure and that given the highly subjective nature and variety of incidents it would be difficult to determine an approach which is completely consistent and fair. Whilst research of other providers has found no evidence of good practice that specifically tackles this aspect, the policy still allows a flexible approach to agreeing an award that is both proportionate and reasonable.

## 10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 The policy does not have any additional implications for data protection. Tenant personal data is routinely held within housing key operating systems, SharePoint and the Housing Management MRI Enterprise system. The council is GDPR compliant in the storing and handling of tenant/leaseholder data.

## 11 RISK MANAGEMENT

- 11.1 The key risks centre on the unknown volume of claims.

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<b>Financial Exposure</b> Risk that adoption and publication of the policy will lead to increase claims	The policy is very detailed and comprehensive with exacting but reasonable criteria for claimants to meet	The Council will use the outcomes to improve services and contractor performance and when possible, claims will be recovered from contractors where they

		are at fault
<b>Exposure to challenge</b> Risk that amounts determined by officers are either incorrect or unfair	The new policy will give clarity, guidance and consistency to staff and tenants/leaseholders	
<b>Innovation</b> Lessons not learnt	Use of the policy will provide a “lessons learned” case history of where things have not gone well	Innovation and improvement of service quality
<b>Reputation</b> Negative reputation of the way claims are dealt with	Clear, transparent and published policy in place	Reputation improved due to having a clear and transparent policy
<b>Achievement of outcome</b> The administrative workload could prove significant and disproportionate to the outcomes	Volumes and outcomes will be kept under review	
<b>Property</b> Decent Home Standards met and maintained.	Incentive for contractors to meet contract controls and enhanced performance levels	
<b>Community Support</b> None		
<b>Timescales</b> Significant numbers could lead to 10 day target not being met	Performance will be regularly monitored	
<b>Project capacity</b> Insufficient resources	Volumes and outcomes will be kept under review	New policy may drive improvements and corresponding reduction in demand in other areas



12 SUPPORTING INFORMATION:

Background

- 13 The Housing White Paper, A New Charter for Social Housing includes a number of statements regarding how registered providers should manage complaints in relation to landlord services, including a clear and consistent approach to putting things right when they go wrong and to compensation payments.
- 14 Whilst there is a clear aim to ensure that services are delivered “right first time”, on occasion things go wrong and it is considered that a clear policy of when compensation may be appropriate, and to what level, would help to ensure a consistent approach to payments of compensation or reimbursement for service failures to tenants and leaseholders is adopted by all housing teams.
- 15 The Business and Housing Policy Committee and TACT reviewed the draft policy in June 2022 (BHP029 refers) and commented accordingly.
- 15.1 Winchester City Council is committed to providing a high-quality service to all our customers; however, there can be occasions when services do not meet our high standards and customers are inconvenienced.
- 15.2 Section 92 of the Local Government Act 2000 gives councils the ability to remedy injustice arising from poor service. The proposed policy in the appendix to this report sets out how this will be administered.
- 15.3 The Council’s aim will always be to put the complainant back in the position that would have existed if the service lapse had not occurred, insofar as reasonably possible. Where a complaint is justified, an apology may be sufficient to correct inconvenience caused. However, it is recognised that where a complainant has suffered loss or injustice, other remedial action may also need to be considered, including financial compensation. The purpose of this policy is to provide officers with guidance to ensure that any compensation and reimbursement payments, both statutory and discretionary, are dealt with fairly and consistently.
- 15.4 Steps have been taken to mitigate these factors in the past, however issues of compensation for service delivery failure have been dealt with by the officer managing the service, with no formal guidance on the levels of compensation that would be appropriate in each circumstance. This can potentially lead to inequality in how these cases are treated when compared against each other.
- 15.5 Whilst each case will be assessed individually, the application of this policy provides a consistent approach to resolving claims for compensation to make sure that:
- a) Problems are resolved quickly and efficiently.

- b) The compensation and reimbursement process is reasonable, fair, and treats each case with equal consideration.
  - c) Financial awards, made within clear guidelines, are in proportion with loss and/or inconvenience caused, are fair and consistent, and safeguard public funds. Where no detriment occurs, no compensation will be paid.
  - d) No compensation or reimbursement would be paid for issues where the Council has no liability (e.g. items where the tenants or leaseholders have a liability to maintain).
- 15.6 The guidance and figures set out in the proposed policy for non-statutory claims have been derived from past service experience and as compared with other social housing provider policies. Statutory claims for compensation will always be handled in line with current legislation.
- 15.7 Missed Contractor Appointments – The Gas Servicing and Heating repairs contract procured in 2021 included a new clause in relation to the contractor paying compensation of £15 for missed appointments (when it was the fault of the contractor). Other term maintenance contracts do not include such a clause, but the intention is to apply this policy irrespective and independently of any existing or future contractual arrangements. When maintenance contracts are re-procured the pros and cons of similar clauses will be considered on a case by case basis. Where contractors are at fault the Council will independent of the Policy seek to get redress through relevant contract provisions.
- 15.8 Further to the comments received (Appendix 2 refers), the following amendments have been made to the original draft policy :-
- a) Compensation for missed appointments - the definition and the form of payment (store vouchers) has been clarified. This section has also been expanded to include a fixed allowance for loss of earnings subject to the claimant being able to evidence certain criteria.
  - b) Payment timescales - this has been clarified and confirms that, once agreed, payment should be made within 10 working days.
  - c) Exceptional items not covered in the schedule - a section on miscellaneous items has been added to cover these eventualities
  - d) Time limit for submitting claims - changed from 28 days to 3 months from date of incident
  - e) Loss of earnings - clause added
- 15.9 Breakdown of communal services (lifts) - compensation payments linked to service charges produced very small payment amounts and were

disproportionate to the administration involved. The suggestion here is therefore to pay fixed sums per incident.

15.10 Conclusion

15.11 The proposed Compensation policy seeks to provide greater clarity and transparency on how the Council handles the issue of compensation payments to its tenants and leaseholders, and also sets out clearer definitions and circumstances in which the Council may refuse to compensate.

16 OTHER OPTIONS CONSIDERED AND REJECTED

16.1 To continue with the status quo (i.e. not adopt a Compensation Policy) is rejected, as it leaves the Council with the ongoing possibility of treating cases unfairly and leaving the Council open to challenge.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

BHP029 Housing Services Policy for Compensation and Reimbursement - 21 June 2022

Other Background Documents:-

None

APPENDICES:

Appendix 1 - Housing Services Compensation and Reimbursement Policy

Appendix 2 - Minutes (BHP029 Housing Services Policy for Compensation and Reimbursement 21 June 2022)

Appendix 3 - Equality Impact Assessment - June 2022

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**Winchester City Council – Housing Services  
Policy and Procedure Template**

<b>Title</b>	<b>Policy for Compensation and Reimbursement (Housing Services)</b>
<b>Housing Team</b>	<b>Property Services</b>
<b>Author Name &amp; title</b>	Steven White – Responsive Maintenance Manager
<b>Reference Number where appropriate</b>	N/A

<b>Policy Narrative</b>	This document sets out Winchester City Council's approach to ensuring a fair and equal approach when applying compensation and making reimbursement.
<b>Basis of Policy</b>	Ensuring all claims for compensation or reimbursement against the Council are dealt with equally and fairly, and in line with any statutory requirements, such as The Right to Repair legislation.
<b>Ratification Details</b>	BCP027 21/06/2022 Approvals to be agreed
<b>Other Related Policy and Procedures</b>	
<b>Linked processes</b>	None
<b>Details of Performance Indicators</b>	None
<ul style="list-style-type: none"> <li>• Relevance to statutory returns (e.g. CORE, H-CLIC, LAHS)</li> <li>• Relevance to non statutory</li> </ul>	

returns (locally agreed indicators and HouseMark Benchmarking club)	
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**Review and Version Control**

Review Date	09/01/2024
Title of officer with responsibility for maintaining and updating	Responsive Maintenance Manager
Briefing & Training	

**Version Control**

Please remember that your document should be filed on SharePoint which has automatic version control.

The Table below is provided for ease of reference.

Version	Date	Description of changes made	Ref id if required
1.1	09/01/23	Various adjustments following member comments.	

## Headline Summary of Policy for Compensation and Reimbursement 09/01/2023

Winchester City Council is committed to providing a high-quality service to all our tenants and leaseholders; however there can be occasions when services do not meet our high standards and customers are inconvenienced.

Section 92 of the *Local Government Act 2000* gives Councils the ability to remedy injustice arising from poor service. This policy sets out how this will be administered.

The Council's aim will always be to put the complainant back in the position that would have existed had the service lapse not occurred, insofar as reasonably possible. Where a complaint is justified an apology may be sufficient to correct inconvenience caused. However, the Council recognises that where a complainant has suffered loss or injustice, other remedial action may also need to be considered, including financial compensation or reimbursement for any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.

### Purpose/aim

Whilst each case will be assessed individually, the application of this policy provides a consistent approach to resolving claims for compensation to make sure that:

- Problems are resolved quickly and efficiently.
- The compensation process is reasonable, fair, and treats each case with equal consideration.
- Financial awards, made within clear guidelines, are in proportion with loss and/or inconvenience caused, are fair and consistent, and safeguard public funds. Where no detriment occurs, no compensation will be paid.

### Scope

- WCC Tenants
- WCC Leaseholders (when dealing with communal amenities and structural issues, or damages occurred as part the service failure or rectification works)



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## 1. Introduction & Basis of Policy

- 1.01 This policy sets out Landlord Services approach to making compensation and reimbursement payments, ensuring fairness and equality in how each case is dealt with. If services fail, or fall below published standards, we will always put the matter right and apologise.
- 1.02 This policy covers the situations in which the Council will consider issuing refunds or compensation payments to its tenants and, where appropriate, leaseholders.
- 1.03 This policy does not cover instances where non-Council residents wish to make claims against the Council for damages etc. In such instances, Insurance Policy and Procedures must always be followed.
- 1.04 Barring exceptional circumstances, the Council will not compensate for matters relating to services or repairs in communal areas, except where the issue is explicitly covered elsewhere within this policy (e.g., failure of a communal boiler or lift breakdown).
- 1.05 Payments will not be made for delays in responding, or failure to respond at all, to a fault or other issue where the cause is failure by the resident to provide access or respond to two or more attempts by the Council to make contact to address the fault / issue (e.g., when trying to arrange an appointment).
- 1.06 Payments will not be made for works which are the responsibility of the tenant or leaseholder as per the Maintenance and Repairs section of the Tenants Handbook and the Council's website - How to Report a Repair (Who is Responsible).

### [How to Report a Repair - Winchester City Council](#)

- 1.07 The Council will not compensate for any delays in carrying out works, or failure to carry out works at all, to address damage that has resulted from the neglect of, or vandalism by, a resident or member of their household. The Council reserves the right to charge the cost of any such works to the resident/household that caused the damage.
- 1.08 The Council reserves the right to refuse to deal with claims for compensation, or to deal with them differently, if they are pursued unreasonably or if they can be handled more effectively in a different way.
- 1.09 The Council considers acceptance of compensation and reimbursement to be a full and final settlement of a case (excluding insurance related claims). Cases will not be re-opened, or further compensation considered through a further complaint, unless the circumstances of the original case have

- significantly changed. Any payment or other form of compensation offered under this policy is not an admission of liability by the Council.
- 1.10 Compensation should not be offered until all work/issues have been resolved, or where a complaint has been lodged, it has been fully investigated. This does not apply to reimbursement for out-of-pocket expenses.
- 1.11 Timeliness - Other than in exceptional circumstances, or when linked to a formal complaint, claims for discretionary compensation will only be considered within three months of the incident..
- 1.12 Timeliness – all claims for compensation should be acknowledged within 5 working days of receipt. If the claim is upheld and once a figure has been agreed, all payments should be settled promptly and within 10 days of agreement.
- 1.13 The Council may also offer discretionary payment to tenants who have suffered undue stress and upset because of our failure to respond to their complaints within specified timescales or we have done so inadequately.
- 1.14 Before financial awards are offered, consideration will first be given to a range of remedies that may be appropriate. The Council will consider an offer of compensation when an apology alone is not sufficient and it is recognised that the service failure has had a sufficient impact on the tenant.
- 1.15 Barring exceptional circumstances such as financial hardship, where a debt is owed to the Council (e.g. arrears or service charges), compensation payments will be offset to pay the debt. Any credit remaining can be refunded to the resident. This does not affect reimbursement payments for costs incurred by the resident.
- 1.16 In assessing potential remedies, due consideration will be given to the guidance set out within the Housing Ombudsman’s Complaint Handling Code (page 11 6.2 – 6.6), which states the following:
- 6.2 Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.*
- 6.3 Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be ‘put right’ in terms of process or systems to the benefit of all residents.*
- 6.4 Factors to consider in formulating a remedy can include, but are not limited to, the:*
- *length of time that a situation has been ongoing*
  - *frequency with which something has occurred*

- *severity of any service failure or omission*
- *number of different failures*
- *cumulative impact on the resident*
- *resident's particular circumstances or vulnerabilities.*

*6.5 The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.*

*6.6 In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.*

1.17 In line with the above, the Council will consider a compensation claim when:

- residents have been severely inconvenienced by the Council's actions or inactions;
- failures in service delivery have caused residents' loss or major inconvenience;
- failure of the Council to follow Housing Management's policies has a detrimental effect on residents;
- appointments are missed due to actions of the Council or their agents/contractors, not the resident;
- failure by the Council to identify the correct issue or carry out repairs in a satisfactory manner, or within agreed timescales, causes the resident inconvenience or loss;
- the Council is responsible for the loss of services which it provides to residents' homes, such as heating and/or hot water;
- there is a loss of amenity (e.g., room) due to damp, leaks, lack of repair or similar.

1.18 All requests for compensation should be made in writing to the Customer Services Manager (Housing) either by post to the Council's City Offices address, or by email to: [Housing@winchester.gov.uk](mailto:Housing@winchester.gov.uk)

## **2. Statutory Compensation**

### **2.01 Right to Repair**

2.01.1 The Leasehold Reform, Housing and Urban Development Act 1993 gave secure tenants of local Housing Authorities enhanced rights relating to the repair of their homes.

2.01.02 The Right to Repair ensures that where the Landlord has failed in its duty to have a qualifying repair (being certain small urgent repairs costing less than £250.00) carried out within a prescribed period, the tenant is entitled to be paid compensation.

2.01.03 The qualifying repairs and associated timescales are as follows:

Defect	Repair Period (Working Days)
Total loss of Electrical power	1 Day
Partial Loss of Electrical power	3 Days
Unsafe power socket outlet or lighting fitting	1 Day
Total loss of water supply	1 Day
Partial loss of water supply	3 Days
Total or partial loss of Gas supply	1 Day
Blocked flue to open fire or boiler	1 Day
Total or partial loss of space/water heating 31 <sup>st</sup> October-1 <sup>st</sup> May	1 Day
Total or partial loss of space/water heating 30 <sup>th</sup> April – 1 <sup>st</sup> November	3 Days
Blocked/leaking foul drains, soil stacks or toilet pans	1 Day
Leaks/flooding from water/heating pipes, tanks and cisterns	1 Day
Toilet not flushing	1 Day
Blocked sink, bath or basin	3 Days
Taps which cannot be turned	3 Days
Leaking roof	7 Days
Insecure external window, door or lock	1 Day
Loose or detached banister or handrail	3 Days
Rotten timber flooring or stair treads	3 Days
Door entry phone not working	7 Days
Mechanical extractor fan internal kitchen/bathroom not working	7 Day

2.01.04 Tenants will be entitled to £10 plus £2 per day for each day that the repair remains outstanding to a maximum of £50.

2.01.05 A repair will not qualify if:

- the repair exceeds the estimated cost threshold of £250;
- the Council isn't responsible for the repair;
- the tenant is not a secure tenant;
- the repair is the result of misuse or vandalism by the tenant, a member of the tenants household or a visitor;
- an external failure beyond the Council's control (such as a service interruption from a utilities supplier).

2.01.06 Full details of how to claim under the Right to Repair legislation can be found as follows:

[The Secure Tenants of Local Housing Authorities \(Right to Repair\) Regulations 1994 \(legislation.gov.uk\)](#)

2.01.07 Compensation under the Right to Repair Legislation may be superseded by any other form of compensation payment should it be deemed more appropriate (e.g. ex gratia payments for over target heating/hot water repairs). Compensation will not be paid under two or more different schemes for the same incident.

## **2.02 Home Improvement Compensation payments**

2.02.01 If a secure tenancy is ending and the outgoing tenant completed improvements to the property after 1 April 1994 they may be entitled to compensation for those improvements.

2.02.02 The Leasehold Reform, Housing and Urban Development Act 1993 gives secure tenants the right to compensation for certain tenant financed improvements that have had the written permission of the Council.

2.02.03 The Council will consider all claims in accordance with 'The Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994':

[Landlord and tenant law: compensation for tenants' improvements - GOV.UK \(www.gov.uk\)](#)

2.02.04 Compensation will not be paid if the tenancy comes to an end because of a possession order, if the home is being purchased under the Right to Buy scheme or if the tenant is being offered the tenancy of another property which is substantially the same.

2.02.05 The Right to Compensation applies to the following specific improvements:

- replacement or installation of a bath, shower, wash-hand basin and toilet;
- kitchen sink and work surfaces for preparing food;
- storage cupboards in bathroom or in kitchen;
- central heating, hot water boilers and other types of heating;
- thermostatic radiator valves;
- pipe, water tank or cylinder insulation;
- loft and cavity wall insulation;
- draught-proofing of external doors or windows;

- double-glazing or other window replacement or secondary glazing;
- re-wiring or the provision of power and lighting or other electrical; fittings (including smoke detectors);
- security measures (excluding burglar alarms).

### **2.03 Home Loss & Disturbance payments**

2.03.01 Full information regarding the Council's policy on Statutory Home Loss payments can be found in the Council's Home Loss and Discretionary Payment Policy, which can be found via the link below.

<http://sharepoint/sites/housing/NewHomes/New%20Homes%20Delivery/Strategies%2C%20Policies%20and%20Procedures/Home%20Loss%20and%20Discretionary%20Payment%20policy%20-%20approved.docx>

## **3. Non Statutory Compensation**

### **3.01 Missed contractor appointments**

3.01.01 The Council's contractors will endeavour to keep all appointments made on the Council's behalf. Barring exceptional circumstances, a flat payment of £15 per appointment will be paid where our contractors fail to attend an agreed appointment (excluding instances recorded as 'no access'), arrive late to an appointment by two hours or more, or cancel an appointment giving less than 24 hours' notice.

3.01.02 This flat payment will also apply to appointments where works are scheduled to take place over multiple days. No payment will be made for appointments cancelled by residents themselves.

3.01.03 Payment will be issued in the form of store vouchers.

3.01.04 Where a resident is able to demonstrate loss of earnings, we will at our discretion, compensate up to the limit for loss of earnings using the established jury duty rate (£65 a day as of September 2021). The value of payment will be based on whether or not the works were expected to take either a full or partial day, with the values being as follows:

- Partial Day £32.50 (or nearest voucher equivalent)
- Full Day £65.00 (or nearest voucher equivalent)

3.01.05 To consider such a claim, the resident will need to demonstrate to the Council's satisfaction (e.g., via a letter from their employer) that:

- The nature of their work is such that they cannot work from home.
- No other household members could reasonably have provided access.
- It was necessary to book a full day off work for the day of the appointment

3.01.02 This does not apply where the appointment is proven to have been rescheduled more than 24 hours before the appointment.

### **3.02 Failure to follow Housing Services procedure or guideline**

3.02.01 Compensation may be paid as a gesture of good will and will be paid without prejudice when there is a failure by the Council to follow a Housing Services procedure or guideline. Compensation will only be considered where the applicant has experienced actual and proven financial loss or severe avoidable inconvenience, distress, detriment or other unfair impact of service failure.

3.02.02 The Council will not pay compensation for loss of earnings due to service failure. However, it may offer a goodwill payment in recognition of the time and trouble the applicant may have taken to get the issue resolved.

### **3.03 Damage to property, fixtures, fittings and decoration**

3.03.01 Whilst carrying out repairs, there may be unavoidable damage to interior decorations or other fittings or fixtures. The Council will aim to identify any possible areas of potential damage prior to works commencing and will discuss with the tenant the options available to minimise damage.

3.03.02 The Council will assess each case individually and according to its circumstances before offering compensation. It may provide compensation which could involve repair or replacement by the Council or its contractors, or alternatively make a referral to the insurance team to handle the matter.

3.03.03 In the case of damage to decorations, the Council will carry out reasonable redecoration or provide decoration vouchers/paint packs for the tenant to carry out the reinstatement work themselves, if they prefer.

3.03.05 Where damage or alleged injury occurs because of the Council or its contractor's negligence, the issue will be referred to the Insurance Team. This includes damage to personal possessions. All claims against the Council's insurance policy must be registered within 28 days of the event.

3.03.06 The Council will not consider compensation if the damage occurred:



- because the original fitting or fixture was incorrectly fitted by unqualified personnel;
- to a fitting or fixture that the tenant had installed without obtaining the required permission; or
- in an area that we have not worked in. For example, if the same carpet is laid in more than one room, we will only consider replacing it in the room where the damage occurred.

### **3.04 Communal amenity failures (e.g. Passenger lifts or communal heating)**

- 3.04.01 Compensation may be paid when a service that is the responsibility of the Council and is charged for via a service charge, has failed and the contractual deadline for completing the repair has passed.
- 3.04.02 Where the repair deadline has passed without the repair being completed a £10 payment will be made to each household in the affected block.
- 3.04.03 Payment will be issued in the form of store vouchers.
- 3.04.04 Compensation will not be payable if the loss is due to planned works agreed in advance with the resident, or the loss of facility is caused by a utility supplier, or the resident's own action or lack of action.
- 3.04.05 Compensation will not be payable in cases of communal heating failure which only serves the common areas of buildings with no supply to the individual household.

### **3.05 Loss of Room usage**

- 3.05.01 The Council may offer compensation for loss of room use related to a repair that is our responsibility and which has caused prolonged and unreasonable disruption. The definition of an unusable room will be considered on a case-by-case basis, common reasons included, but not exhaustive are:
- no electricity at all in a room;
  - severe damp; or
  - unsafe or collapsed floor or ceiling.
- 3.05.02 Where a household has not had the use of a room beyond published repair response times, we may offer compensation as a proportion of the weekly rent as follows:

Amenity Lost	Compensation payable
Complete loss of heating	10% of the weekly rent after 24 hours <b>provided no reasonable substitute was offered by the Council or its contractors.</b> Compensation for loss of heating is excluded between 1 May and 31st October
Hot Water System	10% of the weekly rent after 48 hours <b>provided no reasonable substitute was offered by the Council or its contractors.</b>
Complete loss of Kitchen facilities (outside of Planned maintenance works)	25% of the weekly rent after 48 hours.
Complete loss of Bathroom facilities (outside of Planned Maintenance works)	25% of the weekly rent after 48 hours (reduced to 15% if a separate WC is available.
Complete loss of living area	20% of the weekly rent after 7 days
Complete loss of bedroom	20% of the weekly rent after 7 days

3.05.03 The timescales in the above table may be reduced to immediate effect if the disrepair issues occur immediately upon the tenant taking possession of a recently empty property.

### 3.06 Additional heating compensation

3.06.01 Compensation will be paid to cover increased electrical consumption absorbed by tenants from using alternative methods of heating (such as temporary heating) or generating hot water (boiling kettles) during periods when their heating and hot water supply is continually unavailable for periods in excess of three working days.

3.06.02 Compensation will be based upon a flat rate of £5.00 x number of bedrooms within the affected property x number of days that the loss persisted i.e., if a three-bed property experiences a loss of heating for 21 days, the calculation would be £5.00 (base rate) x three (no of beds) x 21 (no of days) = £315.

3.06.03 An additional £5 a week, after the first three consecutive weeks, will also be paid to each household to reflect the resident(s) extended inconvenience. For vulnerable residents, payments will be £10 per week paid after the first week.

3.06.04 At the discretion of the manager or Service Lead part payments may be made in advance of the completion of the repair to avoid creating financial hardship. Should these part payment exceed the overall value of the compensation once the repair has been completed (in line 3.07.02 – 3.07.03), the overpayment should be reclaimed from the tenant either as a direct payment or added to their rent account.

**3.07 Dehumidifier usage**

- 3.07.01 Where a de-humidifier is provided to dry out a property following a leak or flood, we will provide compensation towards the increased electrical costs at the rate of £3 per affected room, per day

**3.08 Travel Payments following Decants**

- 3.08.01 Where a tenant is placed in alternative accommodation a significant distance from their normal accommodation (more than 45 minutes travel time using public transport), the Council will, at its discretion, offer reimbursement of travel costs, up to the value of £20 per day.

**3.09 Service Delivery Failure – delays whilst completing scheduled works**

- 3.09.01 Discretionary compensation may be paid to the tenant if avoidable delays occur during routine repairs or planned maintenance works. Compensation will only be considered where the applicant has experienced actual and proven financial loss or severe avoidable inconvenience, distress, detriment or other unfair impact of service failure. The value of this failure should be proportionate to the distress and inconvenience caused and calculated using the matrix shown in para. 3.10.02.
- 3.09.02 The Council will not pay compensation for loss of earnings due to a service failure. However, it may offer a goodwill payment in recognition of the time and trouble the applicant may have taken to get the issue resolved

**3.10 Ex-Gratia payments for miscellaneous items (anything not specifically covered elsewhere in this policy)**

- 3.10.01 Any requests for compensation that are not specified above should be referred to the Responsive Maintenance Manager for evaluation.
- 3.10.02 Where such a compensation request is judged appropriate the Responsive Maintenance Manager will use the following table to calculate the level of ex-gratia compensation payment that is required.

Level of WCC responsibility	Low Impact	Medium Impact	High Impact
Partial	£20-£49	£50-£199	£200-£350
Full	£30-£99	£100-£200	£201-£500

- 3.10.03 With reference to the above table, the terms are defined as follows:

### **Low Impact**

Where the tenant has just cause but has suffered minimal or no inconvenience or distress as a result of the compensation event. The circumstances are such that although the manager accepts the service has not achieved the expected standard, the impact is no greater than a reasonably tolerant person could be expected to accept, and the compensation constitutes a goodwill gesture in recognition of the failure to perform.

An example of this might be a moderate delay (1-2 weeks) in carrying out a routine repair (such as plastering or retiling), where the delay is not caused by circumstances outside of the Council's control (such as lockdown restrictions imposed by central government during the Covid-19 pandemic or materials delays due to national issues).

### **Medium Impact**

Where the compensation event is clearly an injustice to the complainant and the service has markedly failed to meet the required standards, and there is evidence of a moderate degree of inconvenience or distress. A repeated failure of the Local Authority to address the shortcoming, even of a low impact event, could also give rise to consideration of a medium impact level of compensation.

An example of this might be multiple (three or more) visits over an extended period being required to rectify what should be a routine repair

### **High Impact**

These relate to a serious failure in service standards. This could include the severity of an event, a persistent failure over a long period, or an unacceptable number of attempts to resolve and address the complaint. The claimant will have suffered a considerable degree of inconvenience or distress as a result. High impact could also apply where, due to actions (or lack of action) by the council, the complainant has reasonably incurred expenses that are directly related to the compensation.

An example of this might be failure to act promptly to address an uncontrollable leak, resulting in significant and avoidable damage being caused to the property and resident's belongings, and disruption from the household needing to be temporarily decanted when this would not have proven necessary had the matter been dealt with at an earlier juncture.

- 3.10.04 There may be exceptional circumstances where compensation greater than the above limits is required. This will be at the discretion of senior management, based upon assessment of individual circumstances and appropriate supporting evidence.

#### **4. Learning from issues (Complaints)**

- 4.01 The Council will use the outcomes of housing service compensation incidents and any corrective action taken to improve its services. Compensation and complaint issues are linked closely. It will report any improved service change made following a complaint outcome and publish it on the Council's housing website page.
- 4.02 Complaint statistics can also be found on the housing complaints page on the website.
- 4.03 As a Council landlord we regularly meet to monitor complaints with our tenant engagement group, 'Tenants and the Council Together' (TACT), and Service Delivery Groups (SDG) quarterly. The Council also publish outcomes on the website and through the annual report as published on the website:

<https://www.winchester.gov.uk/housing/council-housing-tenants/tenant-news>

#### **5. Appeals Process**

- 5.01 The applicant can appeal a rejection of a claim for compensation (excluding insurance claims), or a level of compensation awarded by making a formal complaint through the Housing complaints procedure (or if the offer of compensation was made as part of a pre-existing complaint, the complaint can be escalated onto the next stage).
- 5.02 This process can only be followed if the claimant has not previously accepted the proposed compensation as full and final settlement.

#### **6. Quality Assurance & Monitoring (please include where records kept)**

- 6.01 All compensation payments made, including rent adjustments for room loss, should be costed to the expense code 2450/1482 (compensation) and a review will be held towards the end of the financial period.

#### **7. Roles & Responsibilities**

- 7.01 The Responsive Maintenance Manager is responsible for maintaining this policy and carrying out the regular monitoring and review.

7.02 The Customer Services Manager (Housing) is responsible for the evaluation and processing of claims for compensation and reimbursement made against the Council.

## **8. Meeting Diverse Needs**

8.01 The Council recognise and value the diversity of its communities. It aims to reduce barriers and ensure that everyone has equal access to services. The Council is committed to treating everyone fairly and shall ensure that it complies with the Equality Act 2010.

8.02 Tenant needs are assessed when they take on a property and any requirements are recorded against their tenancy on the Councils housing management database (currently Orchard). This database should be consulted when dealing with tenants; however should anyone have any particular needs which may affect how people are able to use Council services or how they would like to receive information, further accessibility information can be found by contacting the Council's customer service centre: [customerservices@winchester.gov.uk](mailto:customerservices@winchester.gov.uk)

### Appendix 1 - Assessments & Ratification

<p><b>App1.1 Equality Impact Assessment (EIA)</b></p> <p>Have you carried out an EIA?</p> <p>Remember it is a statutory requirement that any significant change to policy or process for service delivery needs to go through the corporate impact assessment process – speak to the Housing Policy and Project Manager for further guidance.</p>	<p>Yes</p> <p>If yes please provide details</p> <p>Date of EIA – 23<sup>rd</sup> June 2022</p> <p><a href="#">Equality Impact Assessment - Compensation Policy</a></p> <p>Validation Date -</p>
<p><b>App1.2 Data Impact Assessment</b></p> <p>Have you carried out a DPA?</p> <p>Speak to the Housing Policy and Project Manager or Officer or WCC corporate Data Protection lead for further guidance.</p>	<p>No as doesn't meet DPA criteria</p>
<p><b>App1.3 Fire Safety Assessment</b></p> <p>Does this policy impact on WCC's fire safety offer?</p> <p>e.g. policy relates to works to building structure including adaptations, planned, cyclic, heating, tenant information, new tenant processes, linked policies i.e permission, mobility scooters, hoarding, rubbish chutes</p>	<p>No</p>
<p><b>App1.4 Sustainability Assessment</b></p> <p>Carbon neutrality is at the heart of all the council does.</p> <p>Have you completed a sustainability</p>	<p>Not applicable</p>

<p>assessment that measures the impact of emissions of this policy / procedure.</p> <p>Consider transport implications one of the main ways carbon emissions are generated.</p> <p>Consider also heating and use of renewables.</p> <p>Can unavoidable emissions be offset in any way?</p> <p>Consider other environmental issues such as the use of paper, plastics and water.</p>	
<p><b>App 1.5 Ratification</b></p> <p>Is formal ratification required?</p> <p>If a change of policy is being set out check whether formal committee ratification is required.</p> <p>If unsure discuss with your manager, and/check WCC Constitution and Scheme of Delegation to officers.</p> <p>Legal, Finance and Democratic Service teams are also able to advise.</p>	<p>Yes / Not required</p> <p>If yes – complete section on page one with the details</p>

**References** - Remember to provide footnotes to guidance/documents etc you've used in developing the policy and procedure, especially references that relate to statutory requirements?

**Abbreviations and Glossary** – Is this required? Please note that it is good practice to keep jargon to a minimum and use plain English which ideally will remove the need for a glossary.



## Appendix 2 – Consultation, Communication and Training

### App2.1

**Consultation Details** – Remember to keep records of any consultation processes, along with the outcomes and how the policy has been amended as a result as an audit?

If preferred use the section below to record these details.

Who	Date	Comments Made	Changes Applied
TACT	09/06/2022	Accepted	
BHCP	21/06/2022	Request for more clarity around discretionary payments for planned maintenance service delivery failures, a clause to be added regarding prompt payment and clarification on the appeals process.	28/07/2022

### App2.2

**Briefing/Training** - Remember to keep details of how this policy and procedure has been communicated to those who'll be required to deliver it.

If preferred use the section below to record these details.

Who	How	Date

### App2.3

#### Policy Refreshers

When should refreshers be issued to those with responsibilities under this Policy and Procedures? Record details below

Who	When refresher due	Date & details of when completed

### App2.4

#### Policy Review

Record here any details of communicating content changes as a result of review.

Who	How	Date

### App 2.5

#### Competency Audit

Does this Policy and Procedures command submission of evidence to a regulator to demonstrate training needs have been met/ record details below.

Regulator details	Method	Frequency / Date

**Formal Sign Off (optional)** – If required, prepare and print off a sign off the slip on the next page as a record that this policy and procedure has been read and understood by those who apply it. This may also be required should formal procedures are required.

**Sign off Housing Policy and Procedure**

Officer Name	
Title of Policy and Procedure	
I confirm that I have read and understand the policy and procedure.	
Officer signature	
Date	

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Business and Housing Policy Committee, 21 June 2022, Minute extract

7. **HOUSING SERVICES - COMPENSATION POLICY (BHP029)**

The Deputy Leader and Cabinet Member for Community and Housing and the Property Services Manager introduced the report, ref BHP029, ([available here](#)) which set out proposals for the Housing Services Compensation Policy.

The committee was recommended to review the draft policy and comment on:

1. the appropriateness of the proposed policy
2. the levels of specific awards
3. any other factors which should be included within the policy.

The committee proceeded to ask questions and debate the report. In summary, the following matters were raised:

1. how would the policy apply to claims for issues where roofs had been exposed for extended periods
2. appointment time bandings
3. compensation following a missed appointment
4. the process for compensation payments being made and the anticipated timescales
5. the anticipated timescales for repairs being undertaken
6. the consultation undertaken with tenants on the proposed policy
7. the plans for future communication of the policy
8. how the policy applied to exceptional items not specified in the schedule
9. whether larger payments had to be referred to the cabinet member
10. whether a longer period of time for claims to be submitted should be provided
11. specifying the standards of repair expected so it was clear whether compensation would be appropriate
12. the treatment of repetitive faults for example lifts, how the policy applied to where a repair was no longer cost-effective
13. the risk that the policy drove the wrong behaviours for example to do "quick fixes"
14. turning the document into an accessible, tenant-focused document.

These points were responded to by the Deputy Leader and Cabinet Member for Community and Housing, the Corporate Head of Housing, the Property Services Manager and the Responsive Maintenance Manager accordingly and were noted by the cabinet members present at the meeting.

**RESOLVED:**

that officers and the cabinet member consider the comments of the committee as part of the next stage of policy formation.

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Winchester City Council

## Equality Impact Assessment

### Section 1 - Data Checklist

When undertaking your Equality Impact Assessment for your policy or project, it is important that you take into consideration everything which is associated with the policy or project that is being assessed.

The checklist below is to help you sense check your policy or project before you move to Section 2.

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	Yes	<p>Complaints data available through Pentana; however financial information is also available.</p> <p>Previously no formalised policy the outcome following a complaint was to development a formal policy that set out standards around response times and settlement.</p> <p>In last 6 months 23 requests for compensation around the following</p> <ul style="list-style-type: none"> <li>• Heating delays</li> <li>• Humidifier/heating costs</li> <li>• Repair failure – not completed as per specification in terms of time taken to resolve</li> <li>• Repair failure – not completed in terms of specified work quality</li> <li>• Service failures contractor and the council</li> </ul>
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about	Yes	Circulated to the comment to the customer Services manager, DMT including Corporate Head of Service.

	the way the policy or function has or will be implemented?		Comments received to Hub Supervisor.  Property DMT and frontline officers programmed.  ACTION - Evidence document of comments and follow up being prepared.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	As this is the first formalised P&P
4	Do you have any concerns regarding the implementation of this policy or project?  <i>(ie. Have you completed a self assessment and action plan for the implementation of your policy or project?)</i>	Yes	Concerns are: <ul style="list-style-type: none"> <li>• When promoted the resource required to administer</li> <li>• Spurious claims</li> </ul>
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	Yes	Headline tenant profile data available.  Complaints can be cross referencing against individual records to identify trends.
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	No	Will use approach of other communication pieces to inform that element.
7	Are there any other issues that you think will be relevant?	No	



## Section 2 - Your Equality Impact Assessment form

<b>Directorate:</b> Operations	<b>Your Service Area:</b> Housing	<b>Team:</b> Property Services	<b>Officer responsible for this assessment:</b> Steve White	<b>Date of assessment:</b> 16.05.2022 / 23.06.22
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	<b>Question</b>	<b>Please provide details</b>
1	What is the name of the policy or project that is being assessed?	Policy for Compensation and Reimbursement ( Housing Services)
2	Is this a new or existing policy?	New policy
3	Briefly describe the aim and purpose of this work.	To ensure a fair and equal approach when applying compensation.
4	What are the associated objectives of this work?	To ensure all claims for compensation against the council are dealt with equally and fairly, and in line with any statutory requirements, such as The Right to Repair legislation.
5	Who is intended to benefit from this work and in what way?	Customers (tenants & leaseholders) – ensuring that all claims for compensation are handled with equal fairness.  Officers – ensuring they have the guidance to accurately assess whether or not compensation is due and ensure that the request is handled promptly.  Please note – this doesn't include lodgers but does include dependants of tenants and leaseholders.
6	What are the outcomes sought from this work?	As above
7	What factors/forces could contribute or detract from the outcomes?	Spurious claims
8	Who are the key individuals and organisations responsible	Customer Services Manager, Customer Liaison Officers &

	for the implementation of this work?	Customer Services Officers
9	Who implements the policy or project and who or what is responsible for it?	Responsive Maintenance Manager & Customer Services Manager

**Overarching statement**

The 3 areas where there is the potential for disadvantage based on the protected characteristics are

- Awareness of the policy and procedure
- Communication with those who access the scheme
- Applying the scheme i.e. understanding how failing to meet service standards impacts differently on the different customer groups.

The Policy and Procedure includes the standard clauses relating to meeting diverse needs and being compliant with the Equality Act within the document along with details of the specific measures taken. These measures include:-

- Following corporate guidance on accessible communication
- At the point sign up asking service users about communication and other needs that may impact on service delivery, recording details on the MRI Database and respecting what the tenants tell us (Please note this information is not currently held for leaseholders).
- Training for new members of staff as part of induction on
  - Equality & Diversity
  - Housing customer standards
  - Meeting diverse needs
- Skills development of all staff through the HEG Training programme on meeting needs of groups such as those with Autism. The training programme is being developed around feedback from staff
- Monitoring activities such as tenants satisfaction survey which tests satisfaction with being treated fairly and with respect which may be an issues for all households.
  - Nb - 2022 result is 10% dissatisfaction, 75% satisfaction
- Monitoring of complaints along with profile of those making compensation claims incorporated into the Policy and procedure review
- Standard clauses within contracts with service provider around respect – monitored through complaints and response made on the customer care cards sent out with every repair.

	<ul style="list-style-type: none"> <li>Housing Excellence Group – to lead on meeting diverse needs and compliance with the Equality Act. Key activity – development of the HEG Training Programme.</li> </ul> <p>Activities included on work programmes to improve service delivery, experience and compliance</p> <ul style="list-style-type: none"> <li>Corporate policy and procedures around compliance with the Equality Act – see Cabinet report CAB3331 for details</li> <li>Housing induction process – to achieve effectiveness and consistency – HPAP 2022/23 work programme</li> <li>Housing database fields to allow for further title fields to accommodate Mx</li> </ul>			
		Please select your answer in <b>bold</b> . Please provide detail here.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>race</b> differently in a negative way?	Y	<b>N</b>	
10b	What existing evidence (either presumed or otherwise) do you have for this?	<p>Issues mainly relate to understanding the different approaches to communication to ensure all households are able to access to the scheme. Mitigating measures are in place and include the use of BigWord and translators.</p> <p>Cultural issues around communication to be clear that service is free to access.</p>		
11a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>sex</b> differently in a negative way?	Y	<b>N</b>	
11b	What existing evidence (either presumed or otherwise) do you have for this?	<p>Gender neutral language will be used in communications.</p> <p>Approach to titles and pronoun raised by HEG with the corporate team for lead on approach.</p>		
12a	<p>Could the policy or project have the potential to affect individuals or communities on the basis of <b>disability</b> differently in a negative way?</p> <p><i>(you may wish to consider:</i></p>			

	<ul style="list-style-type: none"> <li>• <i>Physical access</i></li> <li>• <i>Format of information</i></li> <li>• <i>Time of interview or consultation event</i></li> <li>• <i>Personal assistance</i></li> <li>• <i>Interpreter</i></li> <li>• <i>Induction loop system</i></li> <li>• <i>Independent living equipment</i></li> <li>• <i>Content of interview)</i></li> </ul>	<p>Y</p>	<p>N</p>	
<p>12b</p>	<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>Significant customer group for housing landlord service; households with disabilities will be higher than the district average.</p> <p>Key element of potential disadvantage relates to having the measures in place to meet communication needs.</p> <p>All tenants are asked about their communication needs which are checked and respected for service delivery as standard.</p> <p>Applications for compensation come through the Pentana system where coms needs are asked and respected.</p> <p>HEG Action around training on how to meet equality duties generally and especially around Autism. Training content framed around staff feedback.</p> <p>When Corporate EDI panel (as set out in CAB3331) is operational Housing will propose a review of corporate approach to communication.</p> <p>Housing new starter checklist sets out Coms details for managers to cover but is under review.</p>		

		<p>Service standards reflect impact relating to medical needs and dependants and therefore would link with how compensation was calculated.</p> <p>Application of the scheme – its recognised that some households will be impacted differently by the same service failure but given the highly subjective nature its difficult to determine an approach which is consistent and fair. Research of other providers found no evidence of good practice that specifically tackles this aspect. P&amp;P includes the flexibility to consider exceptional circumstances.</p> <p>ACTION – Steve carry out a random check whether Coms needs are being respected.</p>		
13a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>sexual orientation</b> differently in a negative way?	Y	<b>N</b>	
13b	What existing evidence (either presumed or otherwise) do you have for this?	See overarching statement.		
14a	Could the policy or project have the potential to affect individuals on the basis of <b>age</b> differently in a negative way?	Y	<b>N</b>	
14b	What existing evidence (either presumed or otherwise) do you have for this?	<p>Application of the scheme – its recognised that some households will be impacted differently by the same service failure (i.e. households with young dependants) but given the highly subjective nature its difficult to determine an approach which is consistent and fair. Research of other providers found no evidence of good practice that specifically tackles this aspect. P&amp;P includes the flexibility to consider</p>		

		exceptional circumstances. Disability aspects linked with age covered above.		
15a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>religious belief</b> differently in a negative way?	Y	N	
15b	What existing evidence (either presumed or otherwise) do you have for this?	See overarching statement above		
16a	Could this policy or project have the potential to affect individuals on the basis of <b>gender reassignment</b> differently in a negative way?	Y	N	
16b	What existing evidence (either presumed or otherwise) do you have for this?	<p>Promote use of gender neutral language in all communications as standard.</p> <p>Application of the scheme – its recognised that some households will be impacted differently by the same service failure but given the highly subjective nature its difficult to determine an approach which is consistent and fair. Research of other providers found no evidence of good practice that specifically tackles this aspect. P&amp;P includes the flexibility to consider exceptional circumstances.</p>		
17a	Could this policy or project have the potential to affect individuals on the basis of <b>marriage and civil partnership</b> differently in a negative way?	Y	N	
17b	What existing evidence (either presumed or otherwise) do you have for this?			
18a	Could this policy or project have the potential to affect individuals on the basis of <b>pregnancy and maternity</b> differently in a negative way?	Y	N	
18b	What existing evidence (either presumed or otherwise) do you have for this?	Application of the scheme – its recognised that some households will be impacted differently by the same service		

		failure but given the highly subjective nature its difficult to determine an approach which is consistent and fair. Research of other providers found no evidence of good practice that specifically tackles this aspect. P&P includes the flexibility to consider exceptional circumstances.
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19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	Mitigating measures – <ul style="list-style-type: none"> <li>• Communication measures</li> <li>• Collecting information relating to meeting needs</li> <li>• Respect clauses</li> <li>• Monitoring through tenant satisfaction and complaints</li> <li>• Looking at profile of those claiming when P&amp;P reviewed</li> <li>• Staff training to meet diverse needs</li> </ul>
20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	N	Race: Sex: Disability: Sexual orientation: Age: Gender reassignment: Pregnancy and maternity: Marriage and civil partnership: Religious belief:
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	See 19 above		
22	Do any negative impacts that you have identified above			

	impact on your service plan?	Y	<b>N</b>	
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Signed by completing officer	Steven White
Signed by lead officer	