



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Disabled Adaptations Policy

1 February 2021

Disabled Adaptations Policy

1. Introduction to the policy

- 1.1 Home adaptations help disabled people of all ages remain safe and independent. Demand for suitable adaptations is expected to increase as our population ages and life-expectancy increases. The scale and range of disabilities for which assistance is being sought is also growing.
- 1.2 Cherwell District Council is committed to helping disabled residents. We shall use our resources and administer available grants and grant budgets to help them achieve homes which meet their needs wherever we can.
- 1.3 However, both practical resources and budgets are finite, which means that the help the Council provides must be kept under review and decisions must be made about how we can best help disabled residents. Those decisions are underpinned by two principle requirements: - that help must be delivered according to need and public money must be used effectively. We also have to take into account the eligibility tests prescribed for mandatory DFGs, help which may be available through any discretionary grants the Council can provide, and the budget available.
- 1.4 This policy follows from our successful *Disabled Facilities Grant Policy*, which has been operational since 2010, and which it replaces. It takes account of evolving practice and changes to grant funding which have taken place since 2010. The change in title is intended to reflect those changes but the new policy is essentially an evolutionary development. It sets out the approach the Council will take in the provision of assistance to disabled residents and the principles it will apply. It is not a procedure guide and, subject to the principles established here, practical delivery and administrative issues will continue to be matters for the Council's managers.
- 1.5 The new policy will help the Council deliver on the strategic priorities it has set out in its Business Plan and its Housing Strategy, most specifically: supporting our most vulnerable residents and helping them achieve a home where they can live independently. It recognises the joint working that has been established with Oxfordshire County Council (OCC) and reflects both Oxfordshire Health and Wellbeing Board's vision '*to work together in supporting and maintaining excellent health and wellbeing for all the residents of Oxfordshire*' and the ambition, set out in OCC's Adult Social Care Market Position Statement, to '*Increase the number of people supported at home*'.
- 1.6 The Policy has been developed with input from our key service delivery partners and has been subject to consultation.

2. Background to disabled adaptations

- 2.1 Disabled Facility Grants (DFGs) were first introduced in 1990. They are now the only housing-related grant local authorities are required to provide; although discretionary grants are increasingly being used both to support and, in some situations, to substitute for mandatory DFGs.
- 2.2 There have been two important changes since the original *Disabled Facility Grant Policy* was introduced in 2010:
 - 2.2.1 The first was that from April 2015, funding ceased to come to local authorities directly from the Government and was instead included in Better Care Fund (BCF) budgets¹ for

¹ The Better Care Fund is essentially a single pooled budget intended to ensure health & social care services worked more closely together in local areas. It is based on a plan agreed between the NHS & local authorities (at county level).

distribution to Housing Authorities², albeit that monies intended for adaptations were still subject to specific, ongoing governmental direction as to allocation levels. Although no changes were made to the rules surrounding mandatory DFGs, funding through the Better Care Fund was associated with an expectation that, in addition to providing DFGs, local authorities would take advantage of their discretionary powers and use the budget to help in other ways as well³. The significance of that change was not immediately or fully appreciated by many local authorities, particularly where all the available funding was still required to meet demand for mandatory DFGs.

2.2.2 The second change was the level of funding has increased significantly since 2016⁴. In response, the Council has continued to review and revise its services and has introduced a suite of discretionary grants to make best use of the available funding through extending and improving the help we deliver to disabled residents⁵.

2.3 Whereas the *Disabled Facility Grant Policy 2010* was principally concerned with mandatory DFGs, this *Disabled Adaptations Policy 2020* encompasses the wider range of assistance the Council provides to disabled residents by means of both DFGs and discretionary disabled adaptation grants⁶, and how it will integrate them. It does not however deal with how discretionary grants are set; that is dealt with in the Council's *Grants and Assistance Policy*.

3. The legal framework

3.1 Although introduced in 1990, the legal provisions covering DFGs are now contained in the *Housing Grants, Construction & Regeneration Act 1996* (HGCRA) and regulations made under it. DFGs are mandatory grants and the Council must approve applications when the required tests are met. A summary of the key legal provisions is provided in Appendix 1, and an explanation of the eligibility tests in Appendix 2.

3.2 However, the *Regulatory Reform Order (Housing Assistance) (England and Wales) Order 2002*, provides the Council with wide discretion as to how it can use its powers to improve living conditions in its area. The only stipulation being that the Council must adopt and publish a policy setting out how it will use its powers. The Council's *Grants and Assistance Policy* fulfils that requirement. It provides a framework under which the Head of Service, in consultation with the Lead Member for Housing, can introduce, vary and withdraw discretionary grants.

3.3 The Council is making increasing use of its powers under the *Regulatory Reform Order* to introduce discretionary grants and use them to deliver adaptations. Although these discretionary grants are specific to the Council and reflect the Council's requirements and circumstances, they are similar in many respects to grants provided by other Oxfordshire authorities. Where possible we seek a common approach, which is intended to help establish consistency across the county in order to assist residents, support agencies and our County Council partner (which must operate across the five Oxfordshire districts).

² Essentially the districts in two-tier counties.

³ See explanation of the Regulatory Reform (Housing Assistance) Order 2002 powers in section 3.2

⁴ The BCF allocation increased from £475k in 2015-16 to £1.09M in 2019-20, an overall increase of 139%.

⁵ The Government does periodically provide additional capital funding for adaptation work. This funding can be used towards the delivery of additional DFGs, additional discretionary grants of approved types or associated projects agreed with OCC.

⁶ The Council may introduce, vary and cease providing particular discretionary grants at any stage (as provided for in its Grants & Assistance Policy). The term 'discretionary disabled adaptation grants', is used in this Policy as a collective reference to that range of discretionary grants, funded from the Council's DFG budget, which is available at any particular point in time.

Information about currently available discretionary grants is provided in the Council's Grants & Assistance Policy available on the website.

4. **The grant process**

- 4.1 Grant processes are not set out in any detail in this policy although some aspects require explanation and are included below. A step-by-step guide: *Oxfordshire Grant Aided Home Adaptations* has been produced to explain how the grant process works and the respective roles of the Council and of Oxfordshire County Council⁷. That Guide explains our jointly agreed approach and how we shall assist disabled service users to carry out adaptations to their homes. The awarding of a grant is however a legal process which means that there are certain formal steps which we must complete. In the case of DFGs, some of those steps are required by law.
- 4.2 The last policy was principally concerned with the DFG process and how we intended to ensure it was made as fair and effective as possible. Much of that work has been successfully completed in the period since 2010 and continues to be reflected in our current practices and procedures. This Policy establishes how we shall integrate our continuing responsibilities for the administration of mandatory DFGs with the ability to meet the needs of some clients by means of discretionary grants, either in place of a mandatory DFG or to supplement it.
- 4.3 The use of discretionary grants to help provide adaptations has not changed the way in which clients' needs are assessed; that remains unchanged: All clients' needs for adaptations are assessed by the County Council. OCC's determinations include whether a client requires provision of equipment (which is covered by the County) or may need a home adaptation because of a long-term disability. Cases of the latter sort are passed to an Occupational Therapist (OT) for assessment. If the OT determines that an adaptation can meet the client's need, a referral is sent to the Council⁸.
- 4.4 The receipt of an OT's referral remains the established starting point for the Council's disabled adaptations grant work⁹. At that point the Council knows it has a disabled client requiring assistance, knows what works are considered appropriate by the County Council (the Welfare Authority) and can set about determining how best to meet that need¹⁰.

(Note: The DFG legislation is written in a way which suggests the starting point for a grant case is receipt by the Council of a completed application which, subject to eligibility being confirmed and to the outcome of the statutory test-of-resources, then requires approval by the Council. Although that can happen, it is very infrequent. In Oxfordshire, current practice is that the grant process starts with an assessment of needs by OCC, with adaptation enquiries either being made directly to them or being re-routed to them by the Council for that to take place. In effect OCC triage clients' needs before a case comes to the Council's Grants Team as a referral. This alternative approach to the process envisaged at the time the legislation was written, has developed in large part because of the establishment of Home Improvement Agencies (HIAs). Part of their role is to help

⁷ Specifically, OCC's Social and Health Care service which employs the Occupational Therapists (OTs) who undertake on-site assessment of clients' needs.

⁸ Referrals are now submitted through the Case Manager software system in use across the county to record, help process and track cases.

⁹ Although our working arrangement is that any case perceived as being complex, extensive or out of the ordinary should be flagged-up at the earliest opportunity and a joint visit carried out prior to referral if possible.

¹⁰ Note that when the larger part of the Council's housing stock was transferred to Charter Community Housing in 2004, that company entered into a Deed of Covenant in which it undertook to fund disabled adaptations for its tenants (subject to funding levels set out in the Deed). Sanctuary Housing is now responsible for that work in relation to what was Charter's stock. (Although the Council deals with adaptations in the rest of Sanctuary's local stock.)

clients with the pre-application aspects of the process, such as the preparation of plans, specification writing and tendering, all of which must be completed before a formal DFG application can be made. In addition to the process starting with OCC rather than the Council, the making of an application also takes place later in the process when an HIA is acting for a client.)

Investigation, information gathering and advice

- 4.5 One of the important principles established in the *2010 Policy* was that the full range of possible options for meeting a client's needs must be explored at the outset. That principle is repeated here. The options explored will include consideration of alternative accommodation in appropriate cases, such as when adapting a client's existing home may be impractical, excessively expensive or inappropriate for other reasons (e.g. a landlord's failure to provide consent to the works, overcrowding or an inability to further adapt in future to meet expected changes in the client's health).
- 4.6 In order that the Council can make decisions about eligibility, about the help we can give and, if the client is eligible for a grant, about the works that are most appropriate, we need to gather and consider a range of information. In addition to the OTs recommendations (their 'referral') we shall to need to take appropriate account of information such as:
- the client's express wishes and aspirations
 - the client's financial circumstances
 - the cost of works
 - the time it is likely to take to deliver the adaptation(s) proposed
 - the extent of any family or other practical support
 - the requirements and safety of any carers
 - the suitability of the client's home for adaptation (including the extent of any under-occupation or over-occupation)
 - the practicalities of adapting the client's home (taking into account both the site on which it sits and its wider location)
 - the length of time for which the client is likely to be able to take advantage of the adaptation(s)
 - the likely need for future adaptations
 - the availability of, and eligibility for, suitable alternative accommodation
 - the extent to which the adaptation(s) are an appropriate use of the funding available to the Council.

Choice of appropriate grant

- 4.7 One we have this information we can determine how best to provide assistance. Those decisions will take into account the discretionary grants the Council has in place at the time, the specific conditions which apply to them and whether the client is eligible¹¹.
- 4.8 In cases where a discretionary grant is **not** available as an alternative to a mandatory DFG, we shall rely upon a mandatory DFG and will undertake the statutory eligibility tests.
- 4.9 If a client is eligible for a DFG as well as any discretionary grant intended to supplement or support the DFG, we shall explore that option in parallel with the DFG.
- 4.10 The principles included in this policy as the basis for assessment and decision making (see section 5) are intended to apply in all cases. For DFGs certain decisions take the form of statutory tests but we intend to apply the same principles in relation to our discretionary grants to ensure consistency of approach and decision making.

¹¹ The range of available grants may vary from time to time as we seek to ensure they remain effective and appropriate. Our ability to do that would be restricted if we were to include details of particular discretionary grants here. Information is available on the Council's website.

Progressing cases

- 4.11 We shall respond to all requests for advice, enquiries arising from referrals and decisions about grant availability and eligibility at the earliest possible opportunity and will progress adaptation cases with the minimum of delay¹².
- 4.12 The Council has not needed to operate a waiting list for adaptation cases and that is something we remain committed to avoiding if at all possible. We are usually able to respond directly to referrals (and any of the occasional applications) we receive although the speed at which a case can be progressed is largely dependent upon its complexity. We aim to ensure all cases are given appropriate priority and are progressed with the minimum of delay. Further information about delivery times and points at which some delays may occur is given in Appendix 4.
- 4.13 We shall ensure all clients are given a realistic appraisal of the time their case is likely to take at the outset and are then kept updated. We are however sometimes required to respond to urgent situations, and we reserve the right to reprioritise the work our officers are doing on a daily basis in order to ensure that we can respond appropriately when urgent needs arise.
- 4.14 Most clients choose to take advantage of the practical assistance provided by our in-house Home Improvement Agency. That help will be available to clients in connection with both DFGs and discretionary adaptation grants. We do however reserve the right not to provide HIA services in cases we judge to present a risk to the Council's staff, service delivery or reputation.

5. Decision making principles

- 5.1 As stated in section 1.2, at the beginning of this policy, the Council wants to help disabled residents achieve homes which meet their needs wherever we can, but we will determine in each case whether the proposed works are necessary and appropriate and if they are reasonable and practicable¹³
- 5.2 The Council's decision making will include consideration of the following specific expectations and presumptions¹⁴:
- Grant works should properly and fully meet the assessed needs of the client. Grants which only partially meet those needs will only be considered in exceptional cases.
 - Works funded by means of DFG will be the simplest and most cost-effective adaptations that will meet the client's assessed needs¹⁵.
 - Wherever the Council judges it to be a practicable, realistic and appropriate option, the re-ordering and/or change of use of existing rooms will be the preferred solution

¹² Additional information about the time taken for various stages of the grant process is provided in Appendix 3.

¹³ In the case of mandatory DFGs the Council is required by law to be satisfied that these tests are met but intends to apply the same tests to its discretionary adaptations grants as well. Additional information about the tests is provided in Appendix 2.

¹⁴ Which are carried over from the 2010 Disabled Facilities Policy.

¹⁵ If the client wants to proceed with a more costly approach, the Council will consider providing grant funding to the value of the simpler option only. If we agree to this, our decision will be conditional upon the works meeting the assessed need and upon agreement that no future grant funding will be available towards works which become necessary because of the client's decision to proceed with their preferred works rather than those proposed by the Council.

and will take precedence over both the construction of extensions and the installation of equipment (e.g. lifts). This solution will also take precedence if it will result in a reduction in the requirement for, or cost of, equipment.

- There will be a presumption against the refitting of any adaptations which have previously been removed by, or at the request of, the applicant¹⁶.
- Where homes are under-occupied, the Council will explore, encourage and support the option of rehousing to more suitable accommodation before approving a grant.
- There will be a presumption against the adaptation of overcrowded homes or homes which are likely to become overcrowded if potential risk to the applicant can be demonstrated.

6. **Decision making responsibility**

6.1 Decision making as to grant eligibility and choice of available grant are delegated to officers by the Head of Services but will principally fall to, and be organized by, the Grants Team Leader.

6.2 In a minority of cases, and where judged necessary by the Grants Team Leader or the Housing Development and Standards Manager, decisions will be facilitated by the meeting of an ad-hoc Assessment Panel which, in addition to the Grants Team Leader (or nominated substitute), may comprise the Allocations Team Leader, the OT specifically allocated to work with the Council and others as judged appropriate by the Council on a case-by-case basis. (An appropriate deputy may substitute for required attendees as necessary.) Following review, and having considered the views of the Assessment Panel, the Grants Team Leader (or the Housing Development and Standards Manager) will be responsible for determining whether the Council is able to approve a grant and, if a grant is available, which grant and which works are appropriate.

7. **Repayment and recovery of Grant**

7.1 The Council will recover DFG funding in the event of a breach of the mandatory grant conditions in accordance with the provisions of the relevant legislation. Conditions for mandatory DFGs apply for a period of 5 years. (Note: these provisions only apply to mandatory DFGs and not to discretionary grants.) (See also section A1.3 below.)

7.2 In order to ensure the grant budget is used as effectively and as efficiently as possible, the Council will continue to use the powers made available to it by the *Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008*, to recover mandatory DFG grant funding in specified circumstances. Further explanation is provided in Appendix 4. Where applicable, these repayment conditions apply for 10 years. (Note: these provisions only apply to mandatory DFGs and not to discretionary grants.) (See also section A1.6 below.)

7.3 The Council may determine that one or more of its types of discretionary grant is repayable in specified circumstances. Any such conditions will be included in the relevant grant-type approval (agreed by the Head of Service and Lead Member) in accordance with the Council's *Grants and Assistance Policy* (see section 3.2). (Note however that no repayment will apply if a discretionary adaptations grant is used as an alternative to a mandatory DFG in a situation where the client is also eligible for a DFG to which no repayment condition would apply.)

¹⁶ For example, an application to refit a shower in a home where a suitable shower used to exist but had been removed by the current applicant who, at that earlier time had preferred a bath, but now seeks a shower.

- 7.4 In the event that a grant applicant dies before works have commenced the application will not be pursued and any grant that has already been approved will be cancelled. If works have already commenced the Council will, in principle, and having regard to the facts of the case, provide grant funding towards those works it judges necessary to make-good. In the case of major building works such as extensions, any discretionary payment will be restricted to those works necessary to make the building safe, secure and water-tight and to provide a basic standard of internal finish only. The Council will however only contribute up to the level of the approved grant and to the cost of any relevant works which exceed the applicant's assessed grant contribution.
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Appendix 1

A1. Key legal provisions of Disabled Facilities Grants¹⁷:

- A1.1 DFGs are mandatory grants and are 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 building¹⁸.
- A1.2 DFGs are also subject to a means-test (except in the case of works for children), which means that applicants' income and savings must be assessed to determine the amount of any contribution they are required to make towards the cost of the required work, and hence the amount of grant available to them. The way in which the means-test is carried out is set by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are however exempted ('passported'). (See also Appendix 2, sections A2.5-7 regarding means-testing.)
- A1.3 All DFGs are subject to mandatory conditions intended to prevent misuse of grant funds. They apply for 5 years and allow the recovery of the whole grant if conditions are breached. DFG applications must be accompanied by a certificate of intended future use which is relevant to any enforcement of the grant conditions. (See also Appendix 4 regarding recovery of grant.)
- A1.4 Subject to the eligibility criteria being met, the Council must 'determine' (i.e. approve) properly made applications '*as soon as reasonably practicable*', but no later than 6 months from the application date¹⁹ (see also section 4.4).
- A1.5 The maximum DFG is currently set by statute at £30,000.
- A1.6 Grant can be recovered following sale of the adapted property within 10 years of payment²⁰ provided the Council '*is satisfied that it is reasonable in all the circumstances to require the repayment*'. Grants below £5,000 are however excluded and the maximum amount recoverable in any case is limited to £10,000²¹ (see Appendix 4).
- A1.7 In the event of an applicant's death before works are complete, the Council has the discretion to pay grant towards any fees incurred, works already carried out or '*other relevant works*'. (See also section 7.4 and Appendix 4 regarding recovery of grant.)
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¹⁷ This is intended as a very brief overview. The legislation must be consulted for the full picture.

¹⁸ Section 24(3), Housing Grants, Construction & Regeneration Act (HGGCRA).

¹⁹ Section 34, HGGCRA.

²⁰ This ability to recover a proportion of some DFGs in certain circumstances is entirely separate from recovery in the event of a breach of conditions (see also Appendix 4).

²¹ HGGCRA 1996: DFG (Conditions relating to approval or payment of Grant) General Consent 2008

Appendix 2

A2. Eligibility criteria for Disabled Facilities Grants

A2.1 Eligibility for mandatory DFGs is set by legislation. The Council must satisfy itself that all three of the following criteria are met before it can approve a grant application:

- the works must be necessary and appropriate, and
- must be reasonable and practicable, and
- the applicant's means-tested contribution must be less than the approved value of the grant.

The criteria are further explained below:

Necessary and Appropriate

A2.2 In order that we can decide if adaptations are '*necessary and appropriate*' we need an assessment of the client and their home. This is usually carried out by an Occupational Therapist (OT) but may also involve the Council. The assessment focuses on the client's ability to continue living independently in a home of their own. Once an assessment has been carried out the OT makes a referral to the Council indicating both recommended works and an assessment of the priority for work.

A2.3 In reaching a decision as to whether works are '*necessary and appropriate*' the Council is required to '*consult the social services authority*'²². In most situations the works recommended in the OT's referral are agreed as being the necessary and appropriate adaptations, although further discussion is required in some cases, particularly if additional information comes to light during the survey-stage or if the client's circumstances change.

Reasonable and Practicable

A2.4 There are times when it is simply not reasonable and practicable to adapt a property (e.g. if there are multiple or excessive changes in level, if space is limited or where moving existing services would be impossible or prohibitively expensive). In cases where it is not possible to adapt a property to an appropriate standard or where the cost of works is considered excessive, the Council can properly take the view that the works are not '*reasonable and practicable*'.

Test of resources

A2.5 The means-test (or test-of-resources) is specified by regulations²³ and is used to determine what, if any, contribution a client must make towards the cost of the proposed work. It is prescriptive and detailed and is undertaken by trained staff using a specialist software application, which the Council uses under licence. A significant number of clients experience degrees of difficulty providing the information we need to complete their means-test, despite the assistance we are able to provide (which includes home visits). As a result, some cases encounter delays at this stage²⁴. Some clients are not prepared to provide information about their financial circumstances, and, in that small number of cases, we are unable to proceed and have to their cancel their enquiry.

A2.6 The regulations do however provide that clients' in receipt of certain benefits are not subject to means-testing and are effectively 'passported' through this eligibility test. In order to minimize the potential for any avoidable delays, our established practice is to determine whether a means-test is applicable at the earliest practicable stage. Adaptations for children are also exempt from means-testing.

A2.7 The mandatory test-of-resources is not relevant to the Council's discretionary adaptations grants and that is a particular benefit of using (substituting) a discretionary grant rather than a DFG where possible.

²² Section 24(3), HGCRA.

²³ The Housing Renewal Grants Regulations 1996 (as amended).

²⁴ See also Appendix 3 for more information on waiting-time.

Appendix 3

A3. **Delivery and waiting times**

- A3.1 Delays in the delivery of adaptations are periodically raised in media coverage of DFGs. The issue of waiting-time does therefore need some more explanation because waits can occur at several points in the process and for different reasons.
- A3.2 As noted in section 4, the Council provides its Home Improvement Agency (HIA) service for most clients and is therefore directly engaged with them all through the process from receipt of a referral to completion of works. The Council does not operate a waiting list.
- A3.3 The first part of the adaptations process is an assessment by an OT and is not under the control of the Council.
- A3.4 Once a referral (or an application in a minority of cases) reaches the Council, we determine whether the client is eligible for a discretionary grant. If so, there is no requirement for a means-test. However, if a mandatory DFG is likely to be required we carry out a preliminary means-test within 10 working days in order to determine the likely contribution the client will have to make towards the cost of the work. This provides a further opportunity for us to help them explore alternatives to waiting for a grant. It also means that unnecessary waiting can be avoided if, for example, the client is unlikely to be awarded a grant, or sufficient grant, to facilitate the works they require. Unless the client is exempt from means-testing (see Appendix 2, section A2.6) a full means-test is required. Delays can occur at this stage if clients' experience difficulties obtaining or providing us with the required information. Once we have that and have determined that a grant can be approved, the case is allocated to a case officer.
- A3.4 Once allocated to an officer for action, the time taken for a referral to reach the grant application/approval stage will vary according to the nature of the work involved (see below). Cases requiring relatively straightforward fitting of equipment such as a stairlift are likely to take least time. Those involving extensions and re-ordering of space are likely to take considerably longer, particularly when planning and other consents are required and where detailed plans have to be produced.
- A3.5 Once a grant has been approved, works will commence on site at the earliest opportunity, but this is dependent upon the availability of suitable contractors and their work-programme. This is a factor which is taken into careful account as part of the tendering and appointment process undertaken by the in-house HIA, but it is not under the direct control of the Council.
- A3.6 The legislation requires the Council to review and, subject to the eligibility criteria being met, to approve a mandatory DFG application within 6 months. As a result of the HIA's involvement, much of the work, and therefore most of the time involved in preparing a case, occurs before an application can be made, because an application has to include the detailed specification for the work and (usually) 2 prices (see also section 4.4). In cases which need planning consent the specification can only be produced once that permission has been given. Once the specification and prices are available, the approval is a simple administrative task taking only a short time. We remain aware however that the total time taken from the point at which a client raises an adaptation need to the completion of their installation is what matters to them.
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Appendix 4

A4. Repayment of mandatory grant

- A4.1 The Council will continue to use the powers made available to it by the *Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008*. There will be a general presumption that mandatory DFGs should be repaid in those cases where a property adapted with grant assistance for an owner-occupier or their child is sold or transferred within 10 years of the certified date of grant completion. Each case will however be assessed to determine whether it is reasonable in all the circumstances to require the repayment. The Head of Services will specifically approve an exemption if recovery is not to take place.
- A4.2 The *General Consent*, specifies that no repayment can apply to grants of less than £5,000 and that the maximum repayment is capped at £10,000.
- A4.3 The Council previously determined²⁵ that it would apply recovery conditions to any part of a grant in excess the first £5000 up to the £10,000 maximum that can be recovered. By means of this Policy, the Council confirms that it will **not** impose recovery conditions on any DFG of up to £11,500 (which includes any applicable fees and VAT). Tables 1 & 2 below show how this will work.
- A4.4 This change is intended to ensure that recipients of DFGs are not subject to repayment conditions which do not apply to recipients of any of its discretionary grants of the same value.
- A4.5 The Head of Housing Services will have discretion to determine not to recover any very small sums where the administration costs would outweigh the value of the amount which could be recovered.
- A4.6 The amount of any grant which is repayable will be made a local Land Charge against the property at the time of payment. The Charge will remain in place for the period of 10 years from the certified date of grant completion. This will allow the Council to recover its money at the point of any applicable sale or transfer.
- A4.7 DFG capital which is repaid to the Council will be recycled; that is, credited to the DFG budget in order that it can be re-used for further DFGs.

Table 1 – summary of the Council’s approach to recovery

Grant	Recoverable sum	Comment
Up to £5,000	No Charge	Recovery not permitted
£5,001 - £11,500	No Charge	Cherwell Policy
>£11,500	Charge applies	Applicable charge is the grant amount minus £11,500 (but the maximum charge is capped at £10,000)

²⁵ In its 2010 DFG Policy

Table 2 – worked examples

Grant	Recoverable sum	Comment
£4,000	No Charge	Recovery not permitted
£11,000	No Charge	Cherwell Policy
£12,700	Charge of £1,200 applies	Applicable charge is $£12,700 - £11,500 = £1,200$
£19,300	Charge of £7,800 applies	Applicable charge is $£19,300 - £11,500 = £7,800$
£23,200	Capped charge of £10,000 applies	Applicable charge is $£23,200 - £11,500 = £11,700$, <u>but</u> the maximum £10,000 cap applies.
