



Foundations

# Preparing a Policy under the Regulatory Reform Order (2002) Housing Renewal

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# Document History

## Revision History

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## Approvals

This document requires the following approvals.

Signed approval forms are filed in the Management section of the project files.

<b>Name</b>	<b>Signature</b>	<b>Title</b>	<b>Date of Issue</b>	<b>Version</b>
P Smith		Director		1.00



## About Foundations

Foundations is the National Body for Home Improvement Agencies and Handyperson Services in England as appointed by the Department of Communities and Local Government.

Foundations' remit is to:



Engage with providers and commissioners to monitor the sector and enhance the quality and reach of home improvement agency services



Arrange events and training



Develop tools and resources



News and publicity

For more information visit: [www-foundations.org.uk](http://www-foundations.org.uk)

### About Home Improvement Agencies

Home Improvement Agencies (HIAs), sometimes known as Care & Repair or Staying Put schemes, help vulnerable people maintain independence in their own homes. Their services include:

- visiting clients at home or providing detailed telephone advice;
- setting out housing options to help clients decide what type of housing is best suited to their changing needs;
- checking entitlement to any financial help, including grants and charitable funding;
- project management, drawing up plans, getting estimates and liaising with others involved in any building work/adaptations needed, such as council grants officers and occupational therapists;
- provision of handyperson services, to carry out small jobs around the home, help with gardening, or coming home from hospital; and
- helping to make homes more energy-efficient.

A searchable directory of accredited HIAs and handyperson services is available at: [www-findmyhia.org.uk](http://www-findmyhia.org.uk)



## Introduction

The Regulatory Reform Order 2002 gave local authorities a general power to introduce policies for assisting individuals with renewals, repairs and adaptations in their homes through grants or loans. For example, it can provide authorities a vehicle for funding essential repairs to reduce injury and accidents in the home, to ensure homes are adequately heated, to expand the scope of adaptations available under the Disabled Facilities Grants legislation, and can help people relocate to alternative accommodation if their current home is not able to meet their needs. Assistance can be given direct to the individual or through a third party such as a Home Improvement Agency or other delivery partner. The government issued accompanying guidance in 2003 which can be found here: [ODPM circular 5/2003 Housing Renewal](#)

In 2008, the government made a number of changes to the way DFG was administered and the ways in which it could be used. This was as a result of a cross departmental review of the programme, and independent study carried out by Bristol University. These changes included the relaxation and removal of the ring-fence (in 2010), allowing DFG monies to be used more flexibly and as part of wider strategic projects to keep people safe and well at home, and to reduce bureaucracy in the grant's administration. An extract of the paper can be found at the end of this guide, and the full paper can be found here: [DFG: The Package of Changes to Modernise the Programme 2008](#)



## Conditions

In order to make use of the RRO, a local authority must comply with the following conditions:

- There must be a formally adopted policy in place, which sets out how the authority intends to use its powers;
- There must be notice to the public that a policy is in force;
- They must ensure that a copy of the full policy is available to the public for free at the council offices;
- There must be a summary document available on request (though a small charge to cover costs may be allowed).

The policy should be a strategic, which is clearly linked with other corporate aims and objectives – for example local housing and community strategies, and, as DFG is now part of the Better Care Fund, local social care, health and well-being strategies.

Schemes can be aligned to ‘people’ outcomes – for example, services driven by the needs of a particular client group (older people, disabled people or families with disabled children, for example) or be more ‘theme’ based – accident prevention, relieving fuel poverty or assisting with hospital discharge would be examples of this type of scheme.

Although the RRO (2002) repealed a lot of regulation around repairs and renewals for local authorities, and considerably increased their flexibilities in meeting their residents’ needs, it should be noted that it did very little to amend the DFG regulations, and the statutory requirements for a DFG remain. However, it did recognise that the mandatory DFG requirements are not likely to meet all eventualities for meeting people’s needs when they have a health condition or disability so it is important that the policy clearly sets out what additional help the authority will provide to meet these needs.

Local authorities are, however, able to use the RRO (2002) to create assistance schemes which help people meet their needs without going through the full DFG process, which can be lengthy and complex. Schemes such as these can, for example, provide ‘fast track’ schemes for low level adaptations, which do not require a full social care assessment or means test, assistive technology schemes, relocation grants and assistance, or preventative schemes which stop or delay conditions becoming worse. The main provisos on these schemes, which are provided instead of a full DFG, are that:

- they must not disadvantage the individual (so, for example, a scheme where they could have qualified for a grant under DFG, but can now only get a loan would not be allowed);
- they must not fetter the discretion of the authority (so that each case must be considered on its merits, even if it falls outside of the policy, and a clear mechanism for applying discretion in these cases is available);
- that a full DFG is still available to the individual if they request it;
- that the scheme must meet their identified need.



# Elements of the Policy

## Elements of the policy

When drafting a policy, it is important to ensure that it:

- is easily understood, robust and transparent;
- is evidence based;
- has clear, measurable outcomes and objectives;
- is equitable and fair;
- links to other strategic objectives and outcomes; and
- has a clear review period and mechanism to ensure it is delivering what it is intended for.

Assistance can be given as:

- a grant - a sum of money for a specific purpose, with few or no conditions attached and no repayment required;
- a repayment loan – interest bearing or 0% repaid in instalments over a period of time;
- a charge on the property – interest bearing or 0% to be repaid on the sale of the property;
- a combination of these.

However, it is required that the applicant understands the terms of any assistance given, any obligations that arise from the assistance. Where repayment is required, the council must be satisfied that they can afford it.

Chapter 4 of the 2003 circular provides useful guidance on preparing a policy under the RRO (2002) including a list of the elements which should be included. These are expanded upon in its Annex B, and are summarised with comments, below:

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<b>Strategic aims</b>	How the policy contributes to the wider strategic landscape, including housing and community strategies. As DFG as now part of the BCF, clear alignment to the BCF plans and objectives would be expected to be shown here.
<b>Key priorities</b>	What are the key reasons for drafting the policy, and what it is intending to achieve. Who is it intending to benefit, and why were these aims and client groups chosen?
<b>Capital resources</b>	How much capital funding is being committed to the policy, and what is the source of the funding. This could be from the central DFG allocation, from the council's general fund, or

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	from specific grants from government or partners for example. Where long term commitments are not known, there should be a mechanism for reviewing and amending the policy.
<b>What assistance is being offered</b>	A description of the types of assistance offered, what the assistance should be used for, and the intended outcomes. There can be several different forms of assistance within a single policy, but each should be clearly stated separately.
<b>Eligibility criteria</b>	Who will benefit from the assistance? Not everyone will be able to benefit from the Policy so clear criteria for eligibility, with the reasoning for choosing these criteria, should be stated. Eligibility criteria should not be discriminatory, and the reasons for choosing criteria should be evidence based.
<b>Means Test</b>	Some grants or loans may be subject to a means test in order to ensure that assistance is going to people who need it most. Details of how any means test has been developed, and how it works will be required. It must be fair and equitable, and not discriminate against any group. It is acceptable to have proxy measures in place (such as passported benefits) to reduce the need for additional bureaucracy, but these should reflect real needs.
<b>Amounts available</b>	The amounts of assistance that are available, and how these amounts have been determined.
<b>Additional charges or fees</b>	Details of any conditions, additional charges or fees attached to the assistance. For example, if the work is required to go through the HIA, what level of fee will be charged, and how that will need to be paid; for handyperson services, charges for materials may be made, or applicants may need to provide materials themselves. If there is discretion to waive these fees, then the circumstances when this may be done should be stated also.
<b>Application process</b>	The method of applying for assistance should be clearly set out, including any evidence or consents that may be required. Again, this should not unfairly restrict some applicants from applying, for example an on-line only application process which might restrict people with no internet access or limited literacy skills. Advice and assistance for those who may struggle to apply or who have questions about the policy or processes, should be available, and how that assistance is to be accessed should be stated. Any relevant timescales for the return of the application should be stated, and consequences if the application is not made in time or with the correct information.
<b>Complaints and redress</b>	Details of how any complaints about the policy can be made. Often this is through the council's corporate complaints scheme. If the policy is being administered through a third party, like an HIA, then clear delineation about who has responsibility for the complaint may need to be considered,

	within the governance arrangements.
<b>Discretion on cases that fall outside the policy</b>	Councils must not fetter their discretion by creating an inflexible policy. While it is legitimate to refuse assistance to someone who clearly falls outside the policy, all applications should be considered on their merits, and there should be a provision within the policy which allows the council discretion in exceptional circumstances.
<b>Key service standards</b>	<p>Standard that will apply to the application or assistance once granted, so example how long it will take to process an application, when and how assistance will be paid, and how applicants will be communicated with during the process. These can form the basis of performance indicators for evaluation of the policy. National or local indicators that the policy contributes to can also be included here, and any targets the council has set.</p> <p>Data protection, safeguarding mechanisms, and equality standards should also be included.</p>
<b>Implementation plan</b>	<p>How the policy will be implemented. It should include:</p> <ul style="list-style-type: none"> <li>• the start date of the policy;</li> <li>• how long the policy is intended to be in place;</li> <li>• review dates and mechanisms;</li> <li>• reporting mechanisms on performance;</li> <li>• circumstances on which an earlier review may be necessary (for example, if performance or take-up falls below a certain level);</li> <li>• how and when changes to the policy will be made;</li> <li>• governance arrangements.</li> </ul> <p>The plan may also include details on how the policy will be publicised to the public and other professionals whose work may be impacted by the policy.</p>
<b>Appendices</b>	<p>Supporting documents may be appended to the policy. For example:</p> <ul style="list-style-type: none"> <li>• Copies of application or means test forms;</li> <li>• process maps or procedures;</li> <li>• evidence bases;</li> <li>• impact assessments and equality statements;</li> <li>• links to relevant corporate policies and plans;</li> <li>• complaints procedure</li> </ul>



## Appendix A

### **Disabled Facilities Grant - The Package of Changes to Modernise the Programme**

**DCLG Feb 2008**

#### **Relaxing the DFG Ringfence**

From 2008-09 the scope for use of DFG funding will be widened. Initially, the ring-fence will remain, but its scope will be widened to support any local authority expenditure incurred under the regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO). This will enable authorities to use specific DFG funding for wider purposes, which may be more appropriate for individuals than current DFG arrangements allow.

Creating greater flexibility will allow the DFG to be used for associated purposes, such as moving home, where this is a more appropriate solution, or funding could be pooled to purchase portable extensions which are suitable for re-use, through improved procurement models.

As part of the review of the DFG we set out our intention to re-designate stair lifts as equipment, in order that they could be loaned and recycled. This would provide both greater value for money and also, potentially, speed up the delivery of stair lifts. However, the relaxation of the ring fence should create sufficient flexibility to allow local authorities to loan and recycle stair lifts in the same way as the re-designation would have allowed but without the need to transfer this element of the DFG budget to the Department of Health (DH). Communities and Local Government will monitor the new arrangements to establish whether the new funding arrangements are enabling local authorities to recycle stair lifts in this way. In addition we will liaise with DH on the current Community Equipment retail model pilots.

The removal of the restrictive ring-fence on the funding will help improve delivery and reduce the bureaucracy involved in the DFG application process helping to speed up the process. This change will enable local authorities to develop a simplified system which could deliver small-scale adaptations more quickly, for example by offering a service which rapidly deals with inaccessible housing, or the need for quick discharge of people from hospital.

In recognition of the cross over of services and of the contribution the DFG makes to social care and health areas, the removal of the ring-fence will also enable DFG funding to be pooled with other larger funding sources, such as social care, telecare and community equipment.

The majority of responses to the consultation favoured the retention of the ring fence but with a widened scope. Many felt that removal of the ring fence would risk funds intended for the DFG being redirected for other purposes. Whilst it is accepted that removal of the ring fence could potentially lead to a diversion of resources, because the mandatory nature of the DFG remains, Communities and Local Government believes the risk of this happening is remote as local authorities will still have a duty to provide assistance if an assessment identifies a need. Removal of the ring fence will, however, be piloted and evaluated prior to full implementation.

**Removal of the Ringfence**

It is proposed that, from 2010-11, the DFG will be paid to local authorities as an un-ring fenced payment, through a determination under section 31 Local Government Act 2003.

This in affect means that DFG funding could be pooled with resources from a number of other programmes. It will then be for local authorities to determine, against local priorities, how they best use these funds.



# Foundations

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