

Wyre Forest District Council

Housing Assistance Policy NOVEMBER 2010

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1 Introduction

The Reform Order

In July 2002 the Government issued legislation, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, which requires all Councils to adopt and publish a policy as to how they intend to use the powers set out this legislation.

The purpose of this document

This Housing Assistance Policy, which will commence on 31st October 2010, sets out the basis on which Wyre Forest District Council will offer financial assistance (“Housing Assistance”) for works of repair or renewal in the private housing sector.

All housing assistance approved under this policy is either discretionary and are subject to the District Council having sufficient funds or mandatory Disabled Facility Grants.

The District Council will review this policy on a regular basis to take into account changing policies at national and regional level and all available information on the condition of private sector housing in the District.

The document outlines a range of financial assistance that is client and thematic based services that are particularly focused at vulnerable people.

The Housing Assistance Policy also includes financial assistance that is funded from the Regional Housing Pot. This funding is specifically aimed at authorities to tackle poor conditions (i.e. non-decent) housing in the private sector (both owner occupied and private rented sector) where the housing is occupied by vulnerable households (i.e. recipients of benefits). This funding has been split across schemes deemed priority through delegated decision of the relevant Director and lead Cabinet Member.

The aim of this policy

This policy has been produced following consideration of the Housing Assistance Policies of other Worcestershire authorities and is in line with those policies.

This policy supports the Council's overall aim to secure health and community well-being. It supports the Council's Housing Strategy and is set in response to both local identified needs and issues and the national context of Homes for all.

The Council has four key Strategic Housing Priorities two of which are relevant. These are ‘Improving Private Sector Housing Conditions’ and ‘Assisting Older and Vulnerable People to Maintain their Independence’.

Also as detailed in the Council Housing Strategy, the Council's Corporate Theme of Enabling Community Wellbeing is supported through this policy. In particular the work of the Private Sector Housing Team enhances Community Safety, Housing and independent Living and Public Health.

The Community Strategy aims include a better environment and community safety. Discretionary financial assistance, advice and enforcement action that provides for energy efficiency and security measures to dwellings will support these aims. This policy is intended to provide for flexibility in dealing with the needs and context of the local population and the housing stock.

The key objective is to assist vulnerable people achieve decent, suitable and affordable homes in sustainable communities and in particular will aim to;

- Reduce the number of people living in homes in the private sector that have category one hazards.
- Reduce the number of vulnerable people living in non-decent homes.
- Reduce the number of households in fuel poverty.
- Increase the number of people who are able to live independently at home.
- Reduce the number of victims of domestic violence who are forced to leave their own accommodation because of a lack of alternative options.
- Increase the number of properties that are brought into to use particularly where that accommodation can then be used to reduce homelessness or the use of temporary accommodation.

The Home Improvement Agency will continue to be supported in part by funding from the Council, including fees for acting as an Agency in the administration of mandatory grants and discretionary financial assistance. They are also able to investigate and provide other mechanisms of funding and assistance to meet the aims of this policy and its functions. This may include third party grants, loans, equity release etc.

The provision of mandatory grants and discretionary financial assistance will be subject to internal auditing and external auditing to ensure adequate procedures are in place and followed and that there is an appropriate use of public funds.

The Council will continue to work with the voluntary sector in order to facilitate their roles in helping vulnerable people.

Disabled Facilities Grant and Discretionary Financial Assistance policies and procedures will be reviewed over time with the intent of bringing a common approach across Worcestershire wherever appropriate.

2 Purpose and Form of Housing Assistance

Housing Assistance may be offered by Wyre Forest District Council in accordance with this policy towards the cost of:

- (i) the improvement, repair or adaptation of existing living accommodation including permanent residential caravans and houseboats
- (ii) any other initiatives which are consistent with the aims and objectives of the District Council's Private Sector Housing Action Plan.

Housing Assistance may be offered in any form including but not restricted to financial assistance, advice, provision of materials, carrying out of works, loans. The Council may enter into partnership with other organisations or agencies to deliver financial assistance.

The specific types of Housing Assistance available at the time of this policy and the conditions for eligibility are specified in Part 9 of this policy.

The assistance will be focused primarily on particular clients' e.g. disabled, elderly and vulnerable households across the District and on particular themes, for example to improve energy efficiency and eradicate fuel poverty.

Housing Assistance will be provided for not only eligible works but also necessary associated costs including Care and Repair Agency fees.

Assistance and enforcement are both used by the Council when considered appropriate to ensure standards in relation to housing matters. The provision of financial and other assistance will be considered as an alternative to enforcement when considered appropriate and the relevant parts of this policy apply. Factors that will affect the decision to assist or enforce include individual's capabilities, personal circumstances and responsibilities and the legal and social responsibilities of the Council.

3 Persons Eligible for Housing Assistance

Any person who makes an application for Housing Assistance must:-

- (i) be over 18 years of age at the date of the application, and
- (ii) live in the dwelling as his/her only main residence (except where the applicant is a landlord who intends to let the dwelling or where the housing assistance is in relation to an empty property), and
- (iii) have an owner's interest in the dwelling (other than an interest by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration), or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlord's family, with a tenancy or license permitting occupation of the dwelling for a minimum period of 12 months after approval of the housing assistance, and
- (iv) have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works, and
- (v) satisfy such test(s) of resources as the Council may from time to time have in place
- (vi) not be ineligible, by virtue of the Housing, Grants, Construction and Regeneration Act 1996, regulations made under the Act or any other enactment.
- (vii) homeowners have the primary responsibility for ensuring their homes are properly maintained but we will assist vulnerable homeowners to make sure they have the opportunity for achieving decent homes. Where available we will assist homeowners to take advantage of private finance to resolve their problems, thereby maximising the impact of available public funds.

4 Types of Assistance Available

- The provision of assistance other than mandatory disabled facilities grants is subject to the availability of funding.
- The type of assistance available to home owners and tenants will be based on a mixture of advice, private finance and public finance (if available) to priority cases. This is a hierarchy of assistance based on the need and circumstances of the applicant.
- The basic information, advice and "sign posting" service will cover repairs, maintenance and improvements including information on builders, energy efficiency, other rehousing options, etc.

- Advice to homeowners about where they might be able to access private finance. This includes the range of financial opportunities accessed via Worcestershire Care and Repair Agency and/or the Council
- A higher level of service, namely grant aided assistance and access to the Agency Service (for which a fee will be charged) for households to whom we have a mandatory duty and where they meet the means testing criteria.

5 Making a Formal Application

All applications must be on a form provided by the Council / Worcestershire Care and Repair Agency and must include the following original documentation:-

- (i) Where the estimated cost of the works exceeds £10,000, three quotations are required to be set out on the schedule of grant works/housing assistance provided by the Council. If the estimated works is below £10,000 then there can be either two quotes or one if a comparable costed schedule exists to ensure value for money.
 - (ii) Particulars of the work to be carried out including where appropriate plans, specifications and specialist reports.
 - (iii) Details of any professional fees or charges relating to the work and for which assistance is being sought.
 - (iv) Confirmation of planning and/or building control approval where appropriate.
 - (v) Proof of ownership from a solicitor or mortgagee, or copies of the title deeds/land certificate, or copy of the tenancy agreement or licence to occupy.
 - (vi) Where the application is the owner or landlord, a signed undertaking to repay the Housing Assistance if the conditions imposed by this policy with regard to future occupation, letting or ownership are not met or complied with.
- The application will only be considered complete when the Council has all the information it needs to be able to make a decision on the application.
 - Worcestershire Care and Repair will have their own procurement process where they act as Agency role, as outlined in the Service Level Agreement.

6 Restrictions on Assistance

No assistance will normally be given for work started before formal approval of an application, except that:

- (i) The Council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.
 - (ii) The Council may, with consent of the applicant, treat the application as varied so exclude any works that have been started before approval.
- The Council will not consider an application for assistance in respect of premises built or converted less than 10 years from the date of the application, except in the case of an application for a disabled facility grant or sanctuary grant.
 - No assistance will be given in respect of properties owned by Statutory Authorities or trusts. This includes properties owned by Registered Social Landlord, NHS Trusts and Police Authorities except in the case of a sanctuary or disabled facilities grant.
 - The Council will assess whether the scope of works are reasonable and eligible, in particular having regard to the age and condition of the property.
 - The Council will assess whether prices given by contractors meet value for money. In determining this, the Officer will give consideration to similar jobs priced within the last year.

The Officer may also choose to do a further check on the price by asking a regularly used contractor to price for the work.

- The Officer should also give consideration to the procedure for identifying new contractors.
- In the event that the Officer believes the price for contracts are too high and identifies an appropriate price for this work (which is lower), then they will advise the client that the total eligible grant or assistance will be the lower amount. The client is under no obligation to use the cheaper priced contractor but must be aware that the Council will only make a grant or assistance payment up to the value of the lower price.
- Grant assistance will not normally be provided for works covered by insurance. Where, before a grant or assistance is approved, it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any. The level of grant or assistance will be reduced by an amount equivalent to the insurance company's liability. Where a grant or assistance is approved, a condition will be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for: -
 - a) claims for personal injuries where the applicant is in respect of works required under a Mandatory Disabled Facilities Grant:
 - b) claims on the applicant's property insurance or on a third party where the application is in respect of works for which financial assistance has been given and to repay the financial assistance provided out of the proceeds of such a claim.
- The Provision of grants/assistance is allowed for caravans and houseboats used as main residence, subject to meeting other eligibility requirements. It will not normally however be allowed for in the case of 'shacks' and chalet type structures. There are a number of these in the District and grants/assistance could only be provided in the event of a Certificate of Lawful Use being in place and the works will still need to meet building regulations standards and be either exempt from planning consent or be in receipt of planning consent/approval. Shack properties are those that are identified in the Wyre Forest District Council Shack Site Survey carried out in 1979. Holiday residences, caravans on holiday sites or those with restricted occupancy and second homes (as defined by Council Tax) will not be provided with grants/assistance.
- The Council recognises that these policies cannot cover every likely situation and there will be people who genuinely are in need of some form of urgent support that are precluded from accessing them due to a certain aspect. In these situations the Council may consider offering assistance in exceptional circumstances, in particular where support would help the Council meet it's strategic objectives, as determined by the Service Manager or above.

7 Supervision of Works

In the absence of any agency agreement with the Council or Worcestershire Care and Repair Agency, the responsibility for supervision of the works rests with the applicant or with any suitably qualified and indemnified building professional or agent acting on the applicant's behalf and not with the Council.

8 Payment of Assistance

The Housing Assistance will only be paid if

- (i) the assisted works are completed within twelve months from the date of approval unless the delay was caused by WCC, and

- (ii) the assisted works are carried out in accordance with the specifications set out in the formal approval or as varied with the prior agreement of the Council, and
 - (iii) the assisted works are carried out to the satisfaction of the Council and the applicant, and
 - (iv) the Council are provided with an invoice, demand or receipt for payment in an acceptable format. Any such invoice must contain sufficient detail for the Council to identify in full the works carried out and the price charged and must not be provided by the applicant or a member of his/her family.
- The Council may pay the Housing Assistance to the applicant or, if requested in writing by the applicant and agreed by the Council, direct to the builder or contractor engaged by the applicant. The Housing Assistance may be paid in one lump sum on satisfactory completion of the works or in instalments (“stage payments”) as the work proceeds. Stage payments will only be made where the Council is satisfied the value of the work completed exceeds the value claimed. A maximum of three stage payments will be considered, normally for 25%, 50% and then 100%.
 - No Housing Assistance will be given until binding agreements appropriate to the form of assistance have been formally executed.
 - The Council will not enter into any Form of Contract with a builder or contractor and, in the absence of any agency agreement with the applicant, it is a matter for the applicant to agree any contract with the builder or contractor.
 - Although not governed by Council Standing Orders in relation to procurement, as the payment of any assistance given is due principally to the applicant and not the builder but Standing Orders do act as a useful reference for determining the administration of procedures regarding obtaining quotes etc.

9 Types of Housing Assistance

The types of Housing Assistance offered from 31st October 2010, and the conditions applicable, are as follows and will remain so until a further Housing Assistance Policy is published. All are discretionary (except in the case of a Disabled Facilities Grant) and are subject to the Council having sufficient resources.

Mandatory Disabled Facility Grants

These grants are mandatory under the Housing Grants, Construction and Regeneration Act 1996 and are subject to statutory means test.

These grants are awarded to enable applicants to have access to and around their homes, or to use essential facilities in the home to enable them to live independently.

Ongoing maintenance and repair of adaptations and equipment provided under the grant will become the responsibility of the applicant or landlord as relevant.

No discretionary grant aid is payable towards the cost of aids and adaptations for Disabled Persons.

Whilst it is recognized that a DFG is a mandatory grant it is the council's intention where possible to investigate all housing options which could include moving to more suitable accommodation that may be available to the applicant before awarding a DFG

A disabled housing need can be met in a number of different ways and all options will be investigated to identify which will meet the needs of the applicant in the most cost effective and suitable way, whilst acknowledging that DFGs are a mandatory grant

Eligible applicants	<ul style="list-style-type: none"> Any applicant registered or capable of being registered under the Chronically Sick and Disabled Persons Act 1970 and requires adaptations to be provided.
Qualifying criteria	<ul style="list-style-type: none"> A referral from the Occupational Therapist (OT) via Social Services confirming that the works are 'necessary and appropriate' is required. This referral will recommend works. Entitlement to a Disabled Facility Grant is mandatory but before approval the Council has to be satisfied that the relevant works are both necessary and appropriate for the Disabled Person, and also that it is reasonable and practicable to carry out the works.
Conditions	<ul style="list-style-type: none"> Subject to a financial assessment of resources The Council will use its powers to place a limited charge against the property where the DFG grant exceeds £5,000 up to a ceiling of £10,000. Repayment of the grant up to a maximum of £10,000 will be required if the property is sold within 10 years of the grant being awarded. A means test will not be applied to parents where adaptations are required for a disabled child Proof of title is required. Landlord consent would be required were applicable Conditions relating to the recovery of equipment in specified circumstances are applied
Maximum grant	<ul style="list-style-type: none"> £30,000.00

Disabled Facilities Grants are dealt with in a priority order based upon a points system used by Occupational Therapists to classify need into three categories. This system may be subject to further review.

A disabled housing need can be meet in a number of different ways and all options will be investigated to identify which will meet the needs of the applicant in the most cost effective and suitable way, whist acknowledging that DFGs are a mandatory grant.

Discretionary Disabled Facilities Grants for costs above £30,000 will not be made available except upon the agreement of the Director of Planning and Regulatory Services and where justified to be the most satisfactory course of action in the circumstances or to have resulted from reasonable and unforeseen additional works. Where works requested are in excess of £30,000 or considered to be unreasonable given the age and condition of the property, alternatives including the following will normally be considered:

- a) Referral to Social Services for their consideration of providing additional resources.
- b) Alternative schemes of work, including modular buildings.
- c) Provision of funding to enable a move to alternative accommodation with funding for adaptations to the new accommodation.
- d) Referral for consideration Kick Start funding if applicable.

Home Repair Assistance

This is a discretionary grant and subject to available resources. A charge is placed on a property receiving Home Repair Assistance. If demand for assistance exceeds the budget available, the Council does not undertake to maintain a waiting list.

This discretionary financial assistance will be provided in accordance with the hierarchy set out in Appendix A, where provision will only be considered after other avenues of funding have been considered and found not to be available.

Eligible applicants	<ul style="list-style-type: none"> • Available to carry out works to allow persons to remain in their home. • Owner-occupiers or private tenants with a repairing responsibility having savings of less than £16,000 and in receipt of one or more of the following means tested benefits:- <ul style="list-style-type: none"> ▪ Working Tax Credit (with an income, after tax, of less than £15,460) ▪ Income Support ▪ Council Tax Benefit (doesn't include single person or disabled person discount) ▪ Pension Guarantee Credit (not pension saving credit) ▪ Jobseekers allowance (income based only, in receipt for longer than 6 months) ▪ Employment Support Allowance (income related) ▪ Income support / job seekers allowance / working tax credit/housing benefit / council tax benefit / pension guarantee credit.
Qualifying criteria	<ul style="list-style-type: none"> • Property in need of essential repairs as determined by the Housing Act 2004 as a 'Category 1 Hazard' or significant category 2 hazard, in order to make the property healthy, safe, wind and weatherproof. Assistance may be prioritised based upon the hazard score or circumstances of the applicant. • Works to bring the property up to the Decent Homes Standard will be aimed for if practical, reasonable and sufficient funds are available.
Conditions	<ul style="list-style-type: none"> • Only one application for assistance will be considered up to a maximum of £5,000 within any 5-year period. (this condition is at the discretion of the Strategic Housing Services Manager and only in exceptional circumstances) • Grant repayable in full to the Council should the property be disposed of or sold. The charge will be registered as a local land charge where the costs are below £500 and as a national land charge where the costs are £500 or above. • Must have lived at the relevant property for at least 12 months. • Once approval has been given, the applicant has until 12 months from the date of approval to complete the works.
Maximum grant	<ul style="list-style-type: none"> • £5,000.00 for works.

Kick Start Loans

The Council, as an approved Member of the West Midlands Kick Start Partnership participates in the scheme which is designed to offer assistance and options to equity holding home owners in client groups most susceptible to health risks as a result of poor housing conditions (the elderly, long-term sick, disabled, families with small children) who do not have the resources necessary to make repairs and improvements to their homes.

The Partnership is funded by the West Midlands Regional Executive. This support includes technical and financial advice, project management and loan finance. The Partnership prepares a business plan on which the West Midlands Regional Executive commits funding to it. This is then allocated through an Annual Delivery Plan to our members, enabling them to commission local Home Improvement Agencies to deliver the Kick Start Scheme. The scheme has the ability to advise homeowners about the best financing options as well as managing the Partnership's affordable loan portfolio. There are jointly commissioned Financial Advice and Fund Management Services. These are integrated with the local Home Improvement Agency services. The Partnership funds the Financial Advice Service and supplies the capital to provide and manage the affordable loans. The Annual Delivery Plan sets out the allocation of resources to the local authorities and performance targets. The Operational Board contains representatives from all participating local authorities, ensuring the integration of the Partnership Business Plan with the annual delivery.

Attached is a hierarchy of assistance based on the need and circumstances of the applicant (Please see Appendix A).

Kick Start Loans will be carried out in accordance with the qualifying criteria and conditions set collectively by the partnership board and subject to regular review.

10 Repayment of Housing Assistance

General

- Repaid money will be recycled into provision of future assistance.
- If an applicant is approved but it subsequently appears to the Council that the applicant (or one of two or more joint applicants) was not, at the time the application was approved, entitled to the assistance approved, then no payment shall be made (or no further instalments paid) and the Council may seek to recover immediately any payments made together with interest accruing from the date of payment.
- If the applicant is the owner of a dwelling in respect of which Housing Assistance has been approved and ceases to be the owner before the works are completed he/she shall repay to the Council on demand the total amount of Housing Assistance that has been paid.

Breach of Undertakings

- Where an owner occupier has given a signed undertaking to occupy a property as his/her principal residence after completion of the assisted works for a period of time, and if they cease to do so during that time, they shall repay on demand to the Council the total amount of assistance paid out.
- Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works, and if the landlord ceases to make the relevant property available for letting during the specified

period then the landlord shall repay on demand to the Council the total amount of Housing Assistance paid out.

- Where the Council has the right to demand repayment but extenuating circumstances exist, the Council may determine to waive the right to repayment or to demand a sum less than the full amount of Housing Assistance.

Death of Applicant

- If the applicant should die before the before the Housing Assistance is approved, the application will be treated as withdrawn.
- If the applicant should die after approval of the Housing Assistance or whilst the approved works are in progress, the Council may at its discretion agree to completion or making good of the works and pay the Housing Assistance in full or, if the works originally agreed are not completed in full, an appropriate proportion of the Housing Assistance.
- Where an applicant dies after completion of the works but before the expiry of the ten year undertaking, the Council will seek repayment of the Housing Assistance from the applicant's estate if a disposal by sale or a change in ownership / tenure takes place.

Additional Conditions

- The Council reserves the right to impose additional conditions when making a grant approval. These may include but are not restricted to:
 - (i) A contribution to the cost of the assisted works by the applicant
 - (ii) The right to nominate tenants to housing accommodation available for rent
 - (iii) Housing accommodation being maintained in repair after completion of the assisted works.
 - (iv) The right of the Council to recover specialised equipment when no longer needed.
- Breach of any additional conditions gives the Council the rights to seek repayment of the Housing Assistance on demand.

Security and Repayment

- Where a grant condition imposes a liability to repay the Housing Assistance, the condition will be registered by the Council either as a local land charge or on the national land charge register.
- The Council may at its discretion determine to require repayment of a lesser sum than the full amount of Housing Assistance.

11 Enquires and Applying for Assistance

- Persons wishing to pursue a grant where a test of resources applies will be asked to complete a preliminary assessment form to confirm whether they are eligible and their financial status. After preliminary assessment, the Council or the Agency will give an initial indication of the assistance likely to be available before the enquirer decides if they wish to proceed further with an application.
- Where a person decides to continue with an application, then an inspection of the property will be carried out and where appropriate to proceed a schedule of works drawn up. The schedule will specify the works to be carried out as a requirement for financial assistance

and will be used by the applicant to obtain quotations from builders and/or specialist suppliers.

- The Council will include in any housing assistance provided an Agency fee for the Worcestershire Care and Repair Agency who assist eligible persons with their applications etc.
- The applicant may then submit a formal application along with a priced schedule and any other document required (such as plans, building and planning consents, specialist reports, etc).
- Once approval has been given, the applicant has until 12 months from the date of approval to complete the works unless otherwise stated.
- For disabled facilities grants, the applicant has the right to apply direct to the Council rather than through an Agency. However the Council would reserve the right not to assist the application process in the manner of an Agency in such circumstances.

12 Decision and Notification

- The Council will notify applicants in writing whether their application has been approved or refused. The decision will be notified as soon as reasonably practicable and in any event no later than six months after receipt of a valid application which includes all required supporting documentation.
- If the application is approved, the notification will specify the works that are eligible for assistance, the value of the assistance, the form the assistance will take and the builder/contractor who will carry out the works
- If the application is refused, the Council will give the reasons for the refusal and also confirm the procedure for appealing against the decision.

13 Re-determination of Amount of Grant

Where the Council is satisfied that because of circumstances beyond the control of the applicant which could not have reasonably been foreseen, the cost of the assisted works has either increased or decreased, the Council may at its discretion re-determine the assistance given in accordance with grant framework set out in this document and notify the applicant accordingly.

Additional works carried out without prior approval of the Council will not result in increased financial assistance being provided and would be the responsibility of the applicant to fund.

14 Appeals Against Decisions

- Any person who is aggrieved by a decision not to give financial assistance as a consequence of this policy may appeal to seek review of the decision.
- The appeal should first be made in writing to the Strategic Housing Services Manager. If the person appealing remains dissatisfied they have the right to go through the Council's Corporate Complaints procedure or approach the Local Government Ombudsman.
- Any possible departure from Policy will only be considered where the applicant can demonstrate both wholly exceptional circumstances to justify such a departure and also that the applicant has not means by which he or she could reasonably be expected to use for the work.
- Complaints about service delivery rather than policy should also be made in writing to the Strategic Housing Services Manager and will be investigated in accordance with the Council's Corporate Complaints procedure, a copy of which is available on request.

Appendix A



Care & Repair Worcestershire HIA

Funding hierarchy for Customers

Care & Repair abides by the Home improvement Agency regulations which define that the agency must act in the best interests of the customer. The hierarchy below generally represents the clients best interests but the customer may choose a different option if eligible (for example may refuse a loan if a gift or grant funding is offered). It should also be noted that some options may not offer a timely response which could materially effect a property or customers wellbeing, in which case another funding solution would be sought to meet those needs.

