

Gloucestershire Disabled Facilities Grant (DFG) Forum

PROTOCOL FOR AGENTS

Information for Disabled Facilities Grant Applicants

This leaflet should be handed to your chosen agent. The purpose of this document is to set out what is expected of an agent. There is no guarantee that the grant authority will approve any grant application submitted. It is recommended that expenses are not incurred by you which you cannot pay, if the grant authority decides that your application cannot be approved. If an agent is not appointed then those functions set out in the protocol are your responsibility.

Information for Agents and Disabled Facilities Grant Applicants

Agents hired in respect of works that are grant aided will be expected to operate under the following protocol.

Glossary

Act = Housing Grants, Construction and Regeneration Act 1996

Agent = Surveyor, architect, Home Improvement Agency agent or other suitably qualified professional that would be payable for ancillary charges under S.2 (3) of the Act.

Client = Applicant for a DFG in accordance with S.24 of the Act, may also be known as the Service User.

Grant Officer = Officer from the (District / Borough / City) Council. They could also be called a Technical Officer, Private Sector Housing Officer or an Environmental Health Officer (EHO).

- Agents **must** have full professional indemnity insurance.
- Agents should provide a clear statement of intent to their clients detailing their service; indicating their costs and a proposed timetable of works, including arrangements for payments.
- Agents should note that under no circumstances will the council fund professional fees which are in excess of a fixed percentage of the final grant eligible contract sum.
- The maximum percentage is currently fixed at 13% inclusive of VAT, subject to the maximum grant limit. But agents should note that this is the maximum sum payable and each scheme will be judged on its complexity.
- **Note: Professional fees can only be considered for grant purposes where an application proceeds to full approval and the works are subsequently carried out subject to scheme funding limit. Agents (contract administrators) must ensure that their clients are aware of their responsibility for funding arrangements.**
- There should always be a written contract and the JCT Minor Works Contract or equivalent should be used where the proposed scheme costs more than £5,000. Works should not commence until written grant approval is obtained.
- Agents are advised to ensure that the standard contract is amended such that their clients' interests are protected in respect of damages arising due to possible delays on

site, or in grant payment, as a result of the grants procedure. Such damages cannot be funded by the grant system.

- Grants are approved on the basis they will be paid in whole on completion of the works and interim grant payments are only available in exceptional circumstances subject to written application and agreement. It is in the agent's interest to establish the source of any alternative funding where there is an applicant's contribution or where there is any shortfall funding.
- Agents **must** produce a detailed specification/schedule of works based on the information issued by the grant officer. The specification must be submitted to the grant officer for comment prior to the required tender procedure.
- Specifications relating to applications for Disabled Facilities Grant will be produced in full consultation with the client and the grant officer. A copy of the specification will be forwarded to the occupational therapist concerned, for written agreement/amendment by the grant officer prior to the required tender procedure.
- Clients **must** be appraised of plans, specifications and builders' quotations and be provided copies of each for their records. On completion of the works, agents **must** provide clients with originals of all guarantees, etc.
- Works **must** be inspected at the key building stages and there should be no less than two site visits per week. **Under no circumstances must** an agent take leave of absence, without making arrangements for a suitably qualified person to meet this protocol requirement.
- Agents **must not** allocate or sub-contract work to other agents without the written permission of the client and the council.
- Agents **must** not allow any sub-contracting of works relating to a grant aided scheme by the main Building Contractor, without prior notice and **must** notify the client and the grant authority in writing of such works where they are agreed to.
- All visits should be fully and legibly recorded in accordance with good practice and the file or log should be available for inspection by the client or the grant authority on request.
- Agents **must** have no external business interests which may be detrimental to work undertaken on behalf of their client.
- Gifts or inducements of any description **must** not be offered to Council staff.
- Building Contractors invited to tender for grant aided work **must** be competent, familiar with good building practice, relevant British Standards, Building Regulations and be fully insured. The Contractor that carries out the grant aided work **must** not be the applicant for the grant or a member of their family. For further clarification on this matter contact the grant officer.
- In the event of the Building Contractor who has been awarded the work being unable to proceed, the agent **must** consult with their client and the grant officer.
- Unless specially agreed by the grant authority in writing, at least two (or three where work exceeds £20,000) **fully itemised** competitive tenders **must** be sought for each

contract to comply with the grant authority procurement rules. The two lowest fully itemised and priced tenders **must** be submitted to the grant authority as part of the grant application.

- Any problems relating to the approved scheme or its progress **must** be immediately notified to the client and the grant authority.
- Planning permission, listed building consent and/or building regulation approval **must** be obtained where appropriate for grant aided works. Grant approval **is not** building regulation approval etc. and agents should note that in the case of grant works subject to building regulations, the works will be supervised by both a Grant Surveyor and a Building Control Officer.

Note: Agreement to the payment of grant aid in respect of additional or unforeseen work cannot be given by a Building Control Officer.

- Works should not commence until specific written grant approval has been obtained from the grant authority
- All additional or unforeseen work or a change of contractor **must immediately** be notified to the client and the grant officer and agreement for it obtained in writing from the grant officer. **There is no commitment on the part of the grant authority to pay for such works until specific written agreement is given and is subject to the maximum grant. In the case of grant approvals this will be done by the grant officer issuing a Variation Order.** Agreement is subject to both the provision of a specification of the additional works from the agent together with a reasonable price for the work from the contractor on site and sufficient funds being available to the grant authority. It is in the agent's interest to establish the source of any alternative funding where there is any shortfall.
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- The following documents (where appropriate) must be submitted before final payment can be made:-
 - ✓ Contractor's Invoices
 - ✓ Completed Customer Satisfaction Certificate
 - ✓ Agent Completion Certificate
 - ✓ Agent fee invoices
 - ✓ Damp proofing guarantee and third party guarantee or proposal and fees incurred
 - ✓ Timber treatment guarantee and third party guarantee or proposal and fees incurred
 - ✓ Electrical certificate
 - ✓ Gas certificate
 - ✓ Fensa certificate
 - ✓ Building Regulations confirmation and fee receipt as well as any other fee receipt
 - ✓ Any other relevant documents
- It is the client's choice whether grant monies are paid directly to them, to the contractor or to their agent. Where grant monies are paid to an agent this must be held in a client account. A general client account is an account of the agency kept at a bank or building society which is used to hold funds not belonging to the agency and can hold the funds of more than one client. The reasons for doing it this way is to ensure that the agent does not utilise funds to which he is not entitled and also for ease of accounting.
- In the event that the client has an assessed contribution or wishes to carry out additional private works it will be normal practice for the agent to collect this money prior to work

starting on site and hold in the client account until work is completed. Also where the value of a single contract exceeds £10,000 the agent will keep a 5% retention within the client account. This is released after a 6 months snagging inspection has been satisfactorily carried out.

Note: Failure to comply with the requirements of the protocol may result in the authority declining to make grant aid available to cover agent fees in respect of any given grant application. It is therefore in your interests to ensure compliance with this protocol.

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