



## **PROTOCOL FOR AGENTS / PROJECT MANAGERS**

### **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.

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

Works carried out by an Agent and associated costs incurred before grant approval is given are the responsibility of the client to pay.

### **Works should not commence until written grant approval is obtained**

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#### ***Glossary***

**Act** = Housing Grants, Construction and Regeneration Act 1996

**Agent** = surveyor, architect, project manager or other suitably qualified professional that would be eligible 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).

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- 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 make it clear to clients when they may be available to start work.
- 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 15% 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.**



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- 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.
- 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 subject to local policy and obtaining prior written agreement.
- In cases where the grant amount does not cover the full cost of works, the Agent should ensure that their client is aware of the need to fund the shortfall. Clients may self-fund via savings or loans, apply for charitable funds or a social services grant. There is an information sheet available on the DFG website to help clients with this process. Agents are encouraged to assist clients with their applications for additional funding where ever possible.
- Agents **must** produce a detailed specification/schedule of works based on the information issued by the Grant Officer. The specification shall be produced in full consultation with the client, Grant Officer and Occupational Therapist. The scheme of works will require written agreement from all parties prior to the required tender procedure.
- All Agents/Contractors must adhere to CDM 2015 regulations which covers all ACMs and Health and Safety on construction projects.
- Agents should not give their clients the impression that they will be awarded a maximum grant or build an expectation that the grant will be approved, prior to receiving the formal written approval document. They must stress also that grant funding is only available for eligible work, subject to agreement by all parties.
- 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, certificates, warranties 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 should note that the main Building Contractor is not permitted to sub-contract the scheme of works to another contractor without prior notice and agreement by the client and the grant authority in writing.



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- 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.
- In the following area if the cost of works exceeds £10,000 local financial rules currently require 3 itemised quotes: Forest of Dean District
- 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, party wall agreements, **must** be obtained where appropriate for grant aided works. Grant approval **is not** building regulation approval 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.**

- 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(amended grant approval document).** 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.
- 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
  - ✓ All warranties and guarantees relating to works carried out.
  - ✓ All certificates including; Electrical, Gas Safety, FENSA etc
  - ✓ Building Regulations compliance confirmation
  - ✓ Invoices / receipts for all ancillary services
  - ✓ Written approval of completed works from the OT
  - ✓ Any other relevant documents as requested by the grant officer
- It is the client's choice whether grant funds 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 5% retention within the client account. This is released after a 6 month's 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 funds available to cover agent fees in respect of any given grant application. It is therefore in your interests to ensure compliance with this protocol.**

<p><b>Cheltenham Borough Council</b> 01242 264207 disabledfacilities@cheltenham.gov.uk</p>	<p><b>Cotswold District Council</b> 01285 623000 housing.grants@cotswold.gov.uk</p>
<p><b>Forest of Dean District Council</b> 01594 812420 housingadaptations@fdean.gov.uk</p>	<p><b>Gloucester City Council</b> 01452 396396 heretohelp@gloucester.gov.uk</p>
<p><b>Stroud District Council</b> 01453 754478 environmental.health@stroud.gov.uk</p>	<p><b>Tewkesbury Borough Council</b> 01684 272191 ehenquiries@tewkesbury.gov.uk</p>