

An Introduction to DFG

Sept 2018



National Body for Home Improvement Agencies
Improving Delivery of the Disabled Facilities Grant

Content

- Introductions
- Disabled
- Facilities
- Grant
- Regulatory Reform Order
- What can go wrong
- DFG Quality Standard
- Quiz

Introductions

- Name
- Organisation
- Job / Role
- Experience with DFG
- Any Current Issues





D

DISABLED

*Condition that limits senses,
movements or activities*

F

FACILITIES

*Features that allow you to do
something*

G

GRANT

*Give Money
Mandatory*

The DFG Rules

Housing Grants, Construction and
Regeneration Act 1996

Regulations

General
Consents

Orders

Guidance

DISABLED



Disabled Person

- S100. Disabilities include:
 - substantial impairments in
 - sight,
 - hearing or
 - Speech
 - any 'mental disorder or impairment' and
 - any substantial physical disability whether from birth or through illness or injury.
 - Registerable under the National Assistance Act 1948 (Adults)
 - A disabled child under Part III of the Children Act 1989

Permanent disability?



Equalities Act Definition

- Referred to in 2015 DFG Guidance
- A person has a disability for the purposes of this Act if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities.
- Schedule 1 to the Act expands on this definition including further definition of “long term effects”, “normal day to day activities” and “substantial adverse effects”.



Living in the Property

- S20. There must be a disabled person living in the property
- S21/22. Who will live there:
 - as his/her only or main residence
 - throughout the grant condition period (5 years – S44)
 - or for such shorter period as his health and other relevant circumstances permit.
- Children in joint custody? Use RRO discretion for other residence.
- Foster children? Can be eligible, but should have local protocol.
 - See 7.30 and 7.31 of 2015 Guidance



Applicant

- The owner or tenant of the dwelling (not necessarily the disabled person)
- S3. Applicant must be over 18
- S21/22. Must* sign the certificate about main residence

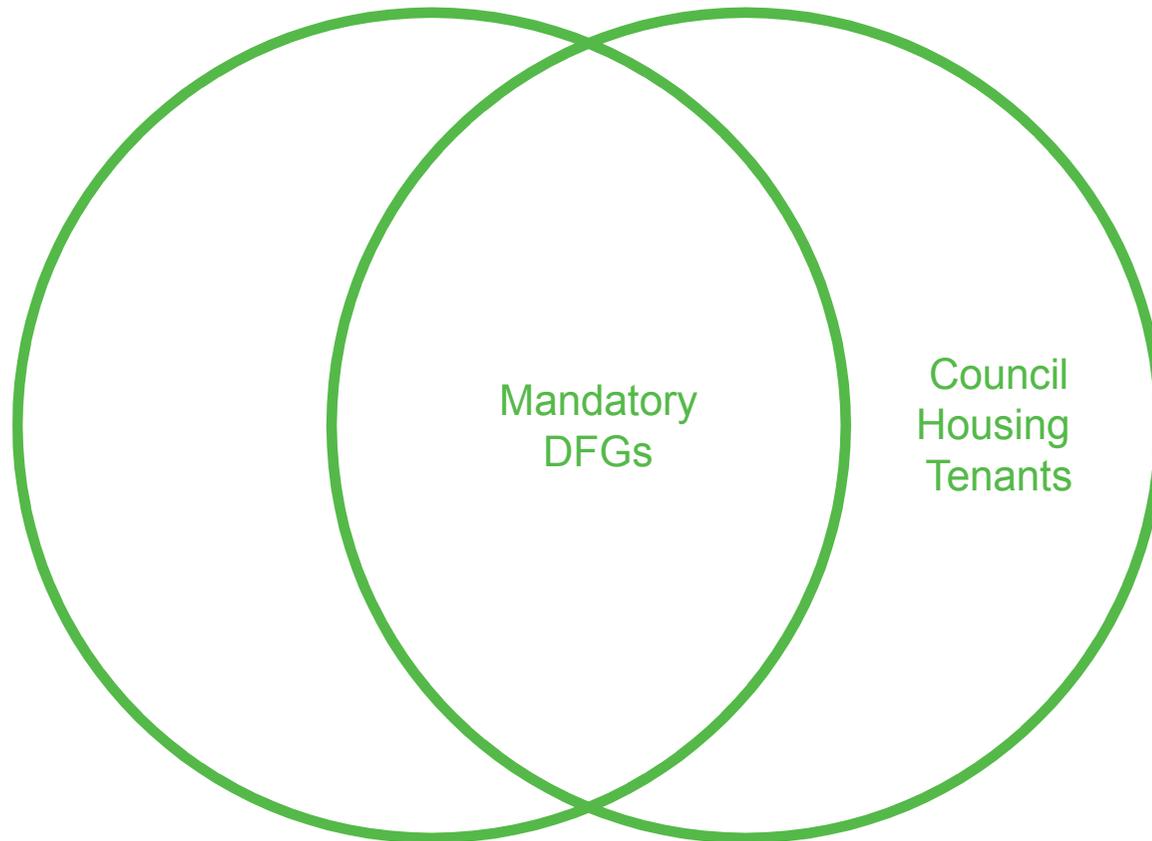
* “Except where the authority consider it unreasonable in the circumstances” – applies to landlords only S22 (3)



Council Tenants

- Council Tenants can apply for a DFG
- BUT a DFG for a Council Tenant must be paid from the Housing Revenue Account and NOT the DFG allocation from the Government
- For this reason many Councils do not require tenants to make a formal application and will carry out works on request from an OT
- In any case Council Tenants should not be adversely affected





DFG Allocation from
MHCLG

DFG Legislation

#DFGChampions

Landlord Applications

- Landlords used to be able to access Renovation Grants for their properties – or DFG. Still remains the case

From 1998 Housing Corp guidance:

- "If the application is made by the landlord then the local authority has discretion on the level of grant offered"
- "requires authorities to have regard to the extent to which the landlord is able to charge a higher rent for premises following the completion of works"

FACILITIES





Purposes

- There are a number of purposes for which a grant ‘must be approved’:
 - Getting in and out of the property
 - Making the property safe(r) for everyone living there
 - Access to the living room
 - Access to a bedroom
 - Access to a toilet
 - Access to a bath or shower
 - Access to a wash basin
 - Preparing and cooking food
 - Improving or providing heating if needed by the disabled person
 - Controlling power, lights and heating
 - Access around the property to care for someone else
 - Access to the garden



Relevant Works

- Relevant Works must meet the Purposes
- It's the responsibility of the Housing Authority to decide if the Relevant Works are:
 - “necessary and appropriate” to meet the needs of the Disabled Occupant, and
 - that it is “reasonable and practicable” to carry out the Relevant Works
- 2 stage test (Calderdale)



Necessary and Appropriate

- “a local housing authority which is not itself a social services authority shall consult the social services authority.” S23 (3)
- “Housing authorities themselves must decide what action to take on the basis of that advice and therefore the type of adaptations, if any, for which grant is approved. 2015 Guidance
- “The DFG legislation does not specify that an OT needs to be used in every case to assess needs.” 2015 Guidance 7.14



Necessary and Appropriate

- From circular 17-96, need to consider whether adaptations:
 - Are needed for a care plan that will enable the disabled occupant to remain living at home as independently as possible
 - Would meet, as far as practicable, the assessed needs of the disabled person
 - Distinguish between what is desirable and what is actually needed
- “Needed” can be funded by DFG. Desirable should also be discussed and may be funded from other sources



Making Personalised Care a Reality

- "Everyone, whether they are young or old, takes risks on a daily basis when going about their everyday lives. When a person has a chronic long-term condition, contact with health or social care services is often focused on managing those risks in order to achieve the best outcomes.
- Sometimes, however, in the management of the risk, people's choice and control can be inhibited due to limitations in service provision; fear of repercussion for the health profession, or an overly medicalised, 'I know best' approach to care."

- Royal College of OT's

Making Personalised Care a Reality

- "In order to ensure that people 'live the life they want', practitioners in health and care, people in receipt of services, and their carers, must work together to embrace risk-taking to achieve positive outcomes.
- In addition, services must move away from an approach that focuses on needs and problems to one that works with people to establish the strengths and assets that they bring to achieve positive change in their lives."
 - Royal College of OT's

Reasonable and Practicable

- S24(3)(b) requires housing authorities to satisfy themselves whether it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling. Such as (from 2015 Guidance):
 - Fit for Human Habitation – HHSRS hazards
 - Architectural and structural characteristics of the dwelling
 - Feasibility with narrow doorways, halls, stairways and passages which might make wheelchair use in and around the dwelling difficult; or with difficult or limited access e.g. steep flights of steps making
 - Conservation considerations and planning constraints
 - The impact on other occupants of proposed works which will reduce or limit the existing facilities or amenities in the dwelling



Relevant Works?



GRANT



Mandatory Grant

- DFG is the only mandatory housing grant
- If an applicant makes a valid application, you have a duty to approve the grant
- Lack of budget is not a valid reason to refuse or withhold a grant approval
 - R v Birmingham ex parte Mohammed

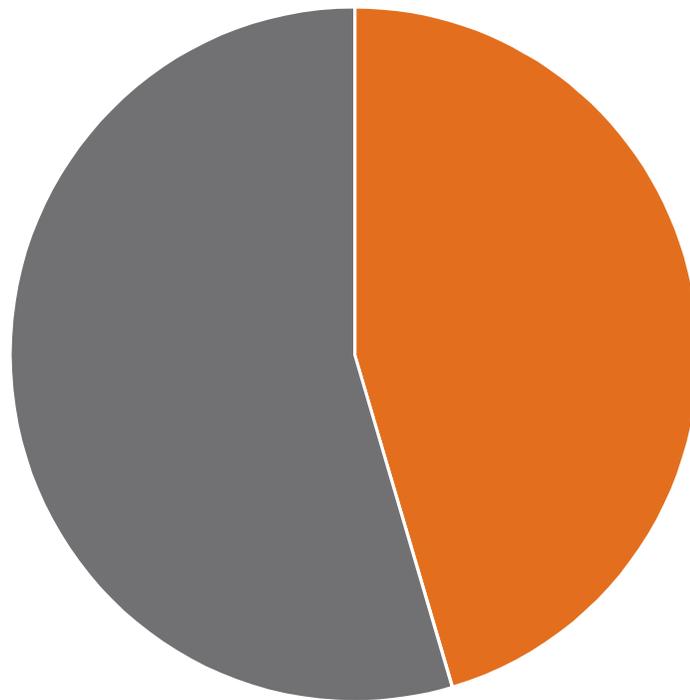


The Application

- S2. An application for a grant must be made in writing and include:
 - A description of the proposed adaptations
 - 2 estimates of the costs (or schedule of rates)
 - Details of any other fees and charges
- The need to use a standard government application form was removed in 2010
 - What do you use?



Use of 'Prescribed Form'



■ Prescribed Form ■ Bespoke Form

- Since 2008 LAs have been able to develop their own more 'user-friendly' and less bureaucratic forms
- 45% of Local authorities still use the 'prescribed form'

Fees and Charges

- Under The Housing Renewal Grants (Services and Charges) Order 1996 DFG can be used to pay for:
 - Confirming ownership of the property
 - Building surveys
 - Preparing drawings
 - Preparing specifications
 - Help to complete forms
 - Advice on other funding
 - Planning and Building Regs applications
 - Obtaining estimates
 - Advice on contracts
 - Supervising the works
 - Connecting services; and
 - Paying contractors



Test of Resources

- S30 “If ... the financial resources of any person ... exceed the applicable amount, the amount of any grant ... shall ... be reduced”.
- Regulations set out:
 - How to calculate the financial resources
 - The applicable amount
 - When it's assumed resources do not exceed the applicable amount



How it Works

- Calculate how much money the household needs per week by taking into account the number of people, their ages and other circumstances (the “applicable amount”).
- Compare the applicable amount to actual income
- Where income is greater than the applicable amount, a "loan generation factor" is applied to the ‘excess income’ to arrive at a notional "affordable loan".
- This is the amount by which the grant is reduced, or the “contribution” expected from the applicant

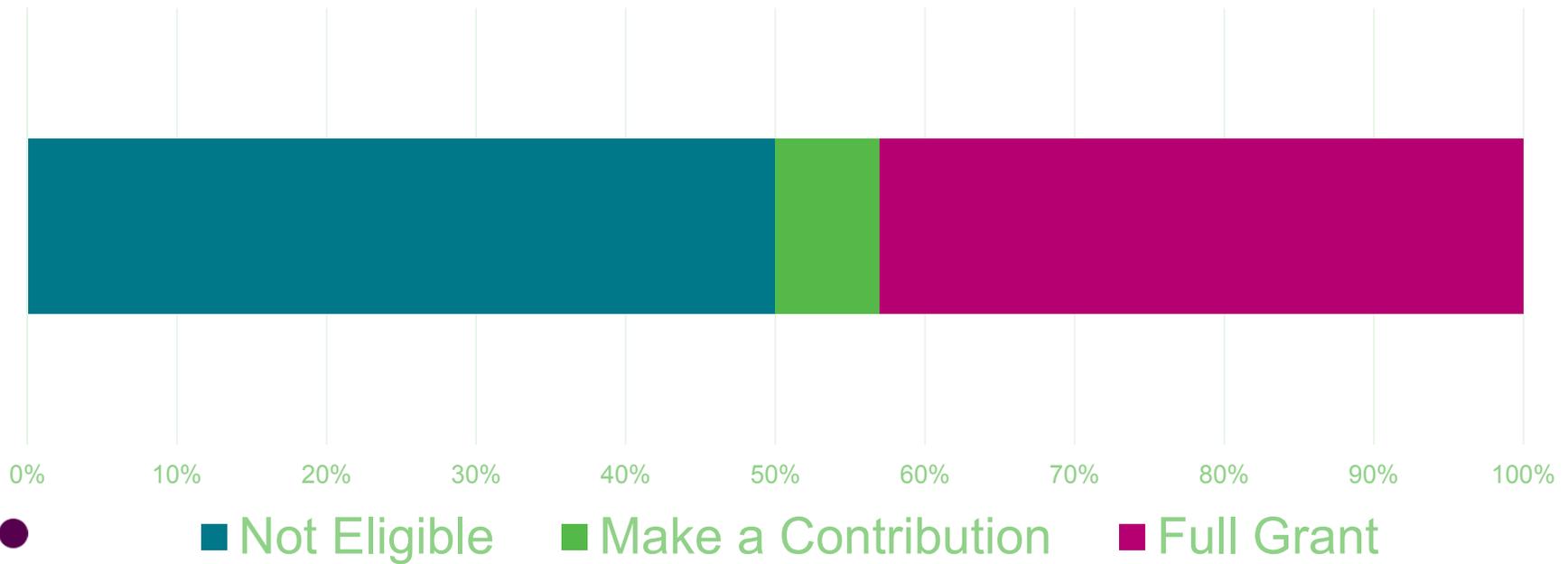


Test of Resources – Issues?

- The aim of the “test of resources” was to “target grant aid on the most needy households”.
- The test largely mirrors the system of calculating entitlement to Housing Benefit
- Passporting for certain benefits
- Does not take into account mortgage payments or high rents



DFG Eligibility after Means Test



Means Testing Resources

- Beginner, Intermediate and Advanced Training Courses available
- <http://www.ferret.co.uk/support/faqs/?c=housinggrants>



Subsequent Grants

- A disabled person can apply for more than one grant
- Should only really be for a change of circumstances
- Any contribution paid is taken into account for up to 10 years
- Can be beneficial to have a 'nil' grant



Nil Grants – Case Study

- In 2012 a client applied for a DFG for a level access shower.
- Her assessed contribution was £5,000
- A DFG was approved for £nil
- Client pays £4,000 for the adaptation



Nil Grants – Case Study

- In 2018 the same client applies for a DFG for a stairlift.
- Her income has dropped and her assessed contribution is now £4,000
- As she has already paid a contribution of £4,000 within the last 10 years, her contribution is reduced to £nil.
- The full cost of the stairlift is paid by DFG



The Upper Limit

- S33. The Secretary of State may, if he thinks fit, by order specify a maximum amount or a formula for calculating a maximum amount of grant which a local housing authority may pay in respect of an application for a grant.
- An authority may not pay an amount of grant in excess of a specified maximum amount.



Upper Limit Timeline



Timescales

- S34. The council shall approve or refuse an application as soon as they can, but no longer than 6 months after the application was made.
- For approvals, the council has to say what adaptations it is funding and how much they cost including and fees or charges. These can be revised if circumstances change
- For refusals, the council has to say why.



Payments

- S35. The grant can either be paid in instalments as the works progress or in full on completion.
- S36. The council can defer payment by up to 12 months.
- S37. The works must be carried out within 12 months of the approval date (or the deferred date under S.36) – but this can be extended with the council's agreement
 - The council can specify how the works should be carried out.
 - The council will only make a payment if they're satisfied with the works and receive an acceptable invoice – that isn't from a member of applicant's family.

Contractors

- S38. The works should be done by a contractor who provided one of the estimates for the application – unless the council agrees otherwise.
- S39. If the grant applicant agrees, the council can pay the contractor directly. If the applicant isn't satisfied with the works, and the council agrees, the council can pay the applicant instead.



Change in Circumstances

- S40. If, after approval but before the works are finished, the applicant stops being eligible for the grant (e.g. they sell, or intend to sell the property) then the council won't make any further payments and can demand repayments.
- S41. If, after approval but before the works are finished, the disabled person dies, moves, or the works become unsuitable to meet their needs, then the council will need to consider whether any more payments should be made and can demand repayments.
- S56. If the disabled person dies after approval, but before the works are completed, the Council can still pay for some or all of the works including any fees or charges.

Breaking the Rules

- S42. If after approval the council finds out that:
 - the application was wrong; or
 - works were started before the approval; or
 - works were not completed within 12 months; or
 - the works cost less than expected; or
 - the works were done by a different contractor
- they can refuse to pay, reduce the grant or even demand repayments



Other Conditions

- S52. The Secretary of State can give the power to impose other conditions. For example, there is a general consent which allows councils to set a condition that allows them to reclaim specialised equipment like stairlifts if they are no longer needed.
- Another consent from 2008 says that if the applicant is an owner, the council can place a local land charge against the grant – for the portion of the grant that is over £5,000. The charge can be for up to £10,000 and applies if the owner wants to sell the property within 10 years. In that case the council has to consider if the owner is moving because of their work, wellbeing or caring responsibilities and whether it would cause financial hardship.





Book now!

London - 2nd April
Southampton - 4th April
Manchester - 9th April
Derby - 12th April



[Home](#) > [DFG & Adaptations](#) > [DFG Regulations](#)

DFG & Adaptations

[DFG Quality Standard](#)

DFG Regulations

> [Disabled Facilities Grant \(DFG\)](#)

> [Legislation](#)

> [Guidance](#)

> [The Regulatory Reform Order](#)

> [Adaptations for Tenants](#)

> [DFG Q and A](#)

> [Timeline](#)

DFG Regulations

The legislation, regulations and guidance for Disabled Facilities Grant have been revised many times since they were introduced in 1989. These pages bring everything together in one place - your one-stop-shop for DFG rules.

In reality, the legislation is probably less complicated than the practice that has developed, and we hope that this resource will help you to simplify your approach.

And if you don't like the rules - the [Regulatory Reform Order](#) gives you discretion to make up your own.



Case study 1 – Mr Johnson

- Mr Johnson lives in a property in a poor state of repair. He is assessed as needing a stairlift. The roof leaks badly, and the staircase needs repairing as it is not safe. The OT has advised that the stairlift cannot be installed until the staircase is repaired.
- Can the DFG application be approved? What work can be included?

Case study 2 – Ms Swinson

- A ceiling track hoist has been recommended for Ms Swinson.
- What are the possible funding routes and the advantages and disadvantages of each?

Case Study 3 – Mr Corbyn

- Mr Corbyn had a stairlift installed five years ago. The warranty has expired. He says he cannot meet the cost of the annual service contract. How do you respond?
- Two years later the lift breaks down. The lift company state that they can no longer obtain spare parts. Mr Corbyn's circumstances have not changed since the lift was installed. What do you do?
- Would your response be different if Mr Corbyn is a tenant of a Housing Association?

Regulatory Reform Order



The DFG Rules

Housing Grants, Construction and
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Guidance

Regulatory Reform
Order



RRO - the technicalities

2002 - The Regulatory Reform Order

2003 - ODPM Circular 5/2003 Housing Renewal (guidance)

2008 - Disabled Facilities Grant: The Package of Changes to Modernise the Programme

Needs based and strategic

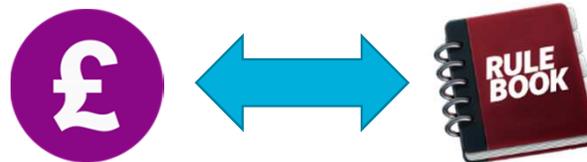
Appropriately publicised

Complements rather than replaces mandatory DFG

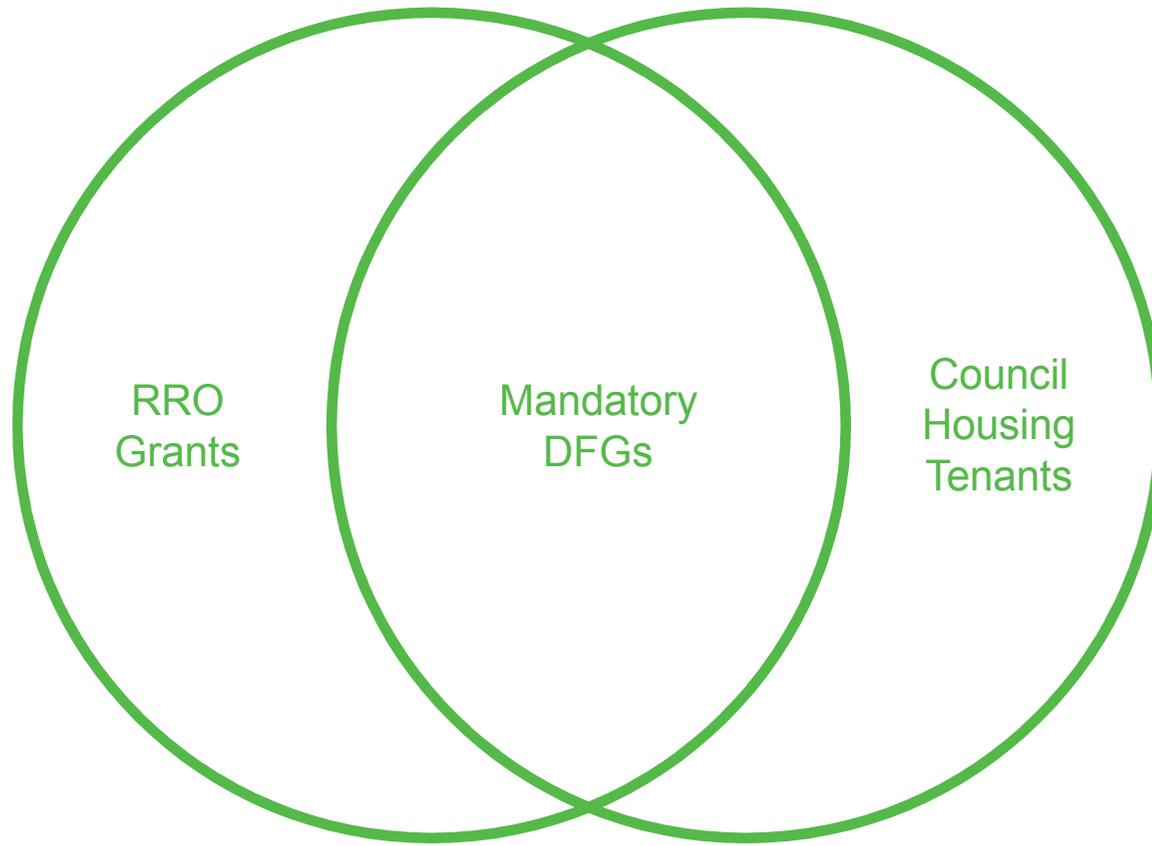
Formally adopted policy by the local authority



Funding v Regulation



“From 2008-09 the scope for use of DFG funding 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.”



DFG Allocation from
MHCLG

DFG Legislation

#DFGChampions

Discretionary Housing Offer

- Eliminate the means-test
- Increase maximum grant
- Support with moving costs



Discretionary Housing Offer

- Health & safety hazards



- Affordable warmth



Discretionary Housing Offer

- Dementia
- Private sector landlords





Practical issues

Capital versus revenue

Grant versus loan

To test or not to test

Common offer versus local
priorities

RRO

- Do you have a policy?
- What do you / would you use it for?

Regulatory Reform Order Policy Map for England

Have a look at the map below which has links to all the RRO across the country.



When it goes wrong



#DFGChampions



Local Government Ombudsman

UPHELD

or

NOT UPHELD?

Complaint 1

- Mr X complains about the Council's handling of a request for a DFG to install a lift so his disabled son can access his bedroom and bathroom.
- He believes the best and safest solution would be for the Council to fund a lift in an extension to his property.
- He says the Council failed to properly consider the safety of his other child and the impact on the family of the loss of internal space in the home. He also complains of delay in the DFG process.
- As a result he and his wife still have to carry their disabled son upstairs.

UPHELD



Complaint 1

- Mr X would like the Council to fund a grant for an extension to his home to house a lift for his disabled son. There was no fault in the Council's decision that a lift could be installed inside the home. However, the Council failed to give Mr X enough information about how to proceed with a disabled facilities grant or the process. This has caused delay and confusion. Mr X has not reached the stage of a completed application 20 months since he began the process. The Council has agreed to apologise, pay Mr X £500 for his uncertainty and frustration and improve the information available to the public.

Complaint 2

- Mrs F, complained the Council had failed to properly consider her application for a DFG.
- Mrs F wanted the Council to agree to give her a DFG so she could replace her windows and have a functioning downstairs bathroom for the benefit of her son, A.
- The Council refused to provide this. Mrs F was unhappy and asked the Ombudsman to investigate.

**NOT
UPHELD**



Complaint 2

- Mrs F asked the Council for a Disabled Facilities Grant to replace her windows and renovate a downstairs bathroom. There is no evidence of Council fault in it refusing to do this.



Complaint 3

- Ms B complains that the Council has stopped funding the maintenance of her stair lift. Ms B says that she cannot afford this and as she cannot use the stairs, she will be effectively housebound should the stair lift stop working.

UPHELD

Complaint 3

- The Council was not at fault when it decided to change its policy about maintaining adaptations for disabled people. It was at fault when it failed to fully explain the new policy to those affected. The Council has agreed to apologise to Ms B and make the new policy clear to others in her situation.



Complaint 4

- Mrs C complains she had no alternative in March 2013 but to pay for a ramp for her husband, because the Council failed to progress their Disability Facilities Grant application at the time.
- However, the Council has since refused to reimburse the money they have spent.

UPHELD



Complaint 4

- Mrs C complained the Council has not agreed to reimburse her for the cost of installing a ramp, even though she had no alternative to build it herself because the Council failed to progress her husband's full Disability Facilities Grant application including a bathroom at the time. I found there has been fault.



Complaint 5

- Mr X, complains the Council was at fault in the way it gave building control approval for building works done, partly, under a DFG.
- And that the Council has not offered to cover the full cost of putting the work right.

UPHELD



Complaint 5

- The Council accepts it was partly at fault in the way it issued a completion certificate for works at Mr X's property. It has offered to refund its fees and pay for some works towards putting matters right. Mr X also has recourse against the builder who carried out the work. HIA and Builder also to blame but complaint upheld because Building Control should not have given completion certificate.





Creating a person centred approach to
home adaptations

Delivering Housing Adaptations for Disabled People

A DETAILED GUIDE TO RELATED LEGISLATION, GUIDANCE AND GOOD PRACTICE



Making a house a home for disabled people: Local Government Ombudsmen report

Focus report: learning lessons from good practice
March 2016



Local Government OMBUDSMEN



The Disabled Facilities Grant

Before and after the introduction of the Better Care Fund

June 2016 / Sheila Mackintosh and Philip Leather



College of Occupational Therapists

Report on the DFG Summit

Hosted by the College of Occupational Therapists and Foundations in December 2015

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Practice for Safety Equipment, Chair and Seating Services

BRIAN DONNELLY



BE, DL

An Official Guide
CECOPS

10. Value for money

- Local Authorities provide value for money home adaptations
 - Regular review of specifications
 - Efficient procurement through frameworks / tender portals
 - Engagement with the supply chain
 - Management of contractors
 - Aspirational design / client choice
 - Recycling



9. Housing Options

- Disabled people will be supported to move home if they want to.
 - Housing options advice
 - Register of adapted properties (across tenures)
 - Support to move home available
 - Accessible/adapted new build



8. Tenure neutral approach

- Disabled people can access assistance with adaptations regardless of their tenure
 - Protocols in place with housing associations
 - Equivalent procedures for retained council housing
 - Awareness raising with private landlords



7. Assistance Policy

- Local Authorities have a policy in place that allows DFG funding to meet local needs
 - Current Housing Assistance / RRO policy that addresses:
 - Works costing more than £30k
 - Use of the test of resources
 - Appeals process (not fettering discretion)
 - Appropriate (minimal) bureaucracy
 - Review process



6. Timescales

- Disabled people know from the outset how long an adaptation is likely to take to complete
 - Timescales are published as part of service standards
 - Timescales are monitored and reported
 - Prioritisation is used where appropriate
 - NHS Number is logged against all cases
 - Benchmarking with other areas



5. Staffing

- Local Authorities deploy staff to deliver efficiently and effectively
 - Single person responsible for customer journey
 - Co-location of staff (OT, caseworkers, technical officers)
 - Trusted assessors
 - Disabled staff



4. Combined services

- Disabled people do not have to search out other services
 - Single holistic assessment
 - Home adaptations are delivered collaboratively with other complementary services including:
 - Equipment and minor adaptations
 - Handyperson services
 - Repairs and affordable warmth
 - Home from hospital
 - Telecare and assistive technology, etc...
 - Includes support for 'self-funders'

3. Public information

- Disabled people know where to go for help and support with home adaptations
 - Availability of assistance and support is publicised
 - Good quality public information is designed in consultation with disabled people
 - GPs and community health workers are trained
 - Initial point(s) of contact are well known, and include triage and signposting

2. Co-production

- Disabled people are involved in the design of adaptation services
 - Service users are involved in reviewing and improving delivery of services
 - Could be as part of an advisory group / user board
 - Satisfaction surveys and feedback are monitored and used to improve delivery



1. Commissioning

- Local Authorities understand the needs in their area and hold a joint commitment to meeting them.
 - JSNA or other needs analysis
 - Representation at Health & Wellbeing Board or a subcommittee
 - Senior officer commitment
 - Concordat between Districts and Counties
 - Funding allocated in accordance with need
 - Memorandum of Understanding on housing and health



Who wants to be a Millionaire

DFG Edition





BUSTING THE MYTHS



50:50

WHO WANTS TO BE A
MILLIONAIRE
WHO WANTS TO BE A

15	●	£1,000,000
14	●	£500,000
13	●	£250,000
12	●	£125,000
11	●	£64,000
10	●	£32,000
9	●	£16,000
8	●	£8,000
7	●	£4,000
6	●	£2,000
5	●	£1,000
4	●	£500
3	●	£300
2	●	£200
1	●	£100

What is the minimum value for a valid DFG application?

A. £30,000

B. £nil

C. £1,000

D. £250



50:50

WHO WANTS TO BE A
MILLIONAIRE
WHO WANTS TO BE A

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How many DFGs can 1 person can have?

A. 1

B. 2

C. 5

D. Unlimited



50:50



15	●	£1,000,000
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3	●	£300
2	●	£200
1	●	£100

Who can't have adaptations funded from the DFG allocation

A. A Private Tenant

B. An Owner Occupier

C. A Council Tenant

D. A Housing Association Tenant



50:50

WHO WANTS TO BE A MILLIONAIRE WHO WANTS TO BE A

- 15 ● £1,000,000
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- 6 ● £2,000
- 5 ● £1,000
- 4 ● £500
- 3 ● £300
- 2 ● £200
- 1 ● £100

How long can a LA delay payment for a valid application?

A. 24 Months

B. 18 Months

C. 12 Months

D. 6 Months



50:50



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2	●	£200
1	●	£100

Which is NOT required for a valid DFG Application?

A. Builders' Estimates

B. Owner or Tenant Certificate

C. Details of the Adaptations

D. An OT Assessment



50:50



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4	●	£500
3	●	£300
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1	●	£100

Which service/charge is NOT covered by a DFG?

A. Obtaining Estimates

B. Warranty

C. Help Filling in Forms

D. Financial Advice



50:50



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12	●	£125,000
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10	●	£32,000
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7	●	£4,000
6	●	£2,000
5	●	£1,000
4	●	£500
3	●	£300
2	●	£200
1	●	£100

Access to which room is NOT a 'purpose' of DFG?

A. Bathroom

B. Kitchen

C. Dining Room

D. Living Room



50:50



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7	●	£4,000
6	●	£2,000
5	●	£1,000
4	●	£500
3	●	£300
2	●	£200
1	●	£100

Which is NOT considered by the DFG Means Test?

A. Child Care Costs

B. Student Travel

C. Student Books & Equipment

D. Mortgage Payments



50:50

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WHO WANTS TO BE A

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- 14 ● £500,000
- 13 ● £250,000
- 12 ● £125,000
- 11 ● £64,000
- 10 ● £32,000
- 9 ● £16,000
- 8 ● £8,000
- 7 ● £4,000
- 6 ● £2,000
- 5 ● £1,000
- 4 ● £500
- 3 ● £300
- 2 ● £200
- 1 ● £100

How long must you intend to remain living in the property?

A. 5 Years

B. 7 Years

C. 3 Years

D. 1 Year



50:50

WHO WANTS TO BE A MILLIONAIRE WHO WANTS TO BE A

15	●	£1,000,000
14	●	£500,000
13	●	£250,000
12	●	£125,000
11	●	£64,000
10	●	£32,000
9	●	£16,000
8	●	£8,000
7	●	£4,000
6	●	£2,000
5	●	£1,000
4	●	£500
3	●	£300
2	●	£200
1	●	£100

What's the shortest time taken to process a DFG?

A. One Day

B. One Week

C. One Month

D. One Year





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