

## Report to Cabinet

28<sup>th</sup> November 2019

By the Cabinet Member for Community Matters and Wellbeing

### DECISION REQUIRED



Not Exempt

## Disabled Facilities Grant Policy

### Executive Summary

In 2016 West Sussex County Council (WSCC) and the West Sussex, District and Borough Councils agreed to implement a project to explore innovative new ways of delivering Disabled Facilities Grants (DFGs). As part of this project it was agreed that a more flexible approach to the use of discretionary DFGs should be adopted and in November 2017 Horsham District Council approved a discretionary DFG policy recommended by the project group. This policy has been reviewed by the project group and with a few very minor changes is being recommended for adoption by all the West Sussex, District and Borough Councils.

### Recommendations

That the Cabinet is recommended:

- i) To adopt the West Sussex Disabled Facilities Grant Policy at Appendix 1 to this report to take effect from 2<sup>nd</sup> January 2020
- ii)

### Reasons for Recommendations

- i) To enable the Council to sustain a robust Private Sector Housing Assistance Policy.
- ii) To use effectively the increase in funding the Better Care Fund is providing to local authorities for home adaptations.

### Background Papers

Private Sector Housing Assistance Policy.

**Wards affected:** All

**Contact:** John Batchelor, Head of Environmental Health and Licensing, Extension 5417

## **Background Information**

### **1 Introduction and Background**

- 1.1 DFGs are mandatory grants available towards the cost of eligible works necessary to support people to live independently and safely in their own homes. Since 2015 funding for DFGs has been provided by the Government through the Better Care Fund (BCF). Since the introduction of the BCF, funding for DFGs has significantly increased and accordingly District and Borough Councils have had funds available to consider discretionary DFGs.
- 1.2 In 2016 West Sussex County Council and the West Sussex District and Borough Councils agreed to implement a project to explore innovative new ways of delivering Disabled Facilities Grants. As part of this project it was agreed to explore a more flexible approach to the use of discretionary DFGs.

### **2 Relevant Council policy**

- 2.1 The Private Sector Housing Assistance Policy contributes towards the District Priority: Support our Communities.

### **3 Details**

- 3.1 DFGs are the only mandatory grants and are available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling. DFGs are generally subject to a test of resources which means that the applicant's income and savings have to be assessed. The Occupational Therapists at West Sussex County Council assess whether any works are necessary, but the statutory responsibility for providing DFGs falls on the local housing authority (District and Borough Councils in two-tiered areas). The Council is given a sum of money each year by the Government, which is specifically to be used for providing grants to help disabled people stay in their own homes.
- 3.2 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) gave local housing authorities the power to adopt discretionary policies with regard to housing interventions to promote independent living and wellbeing. In 2008 a number of changes were made to the way DFGs were administered allowing DFG monies to be used more flexibly to help keep people safe and well at home. However, historically there has been insufficient government funding to meet the demand for mandatory DFGs and local housing authorities have either had to find extra budget from their own resources or delay approval and payment of grants using provisions of the legislation. Therefore Horsham District Council had not been in the position to offer discretionary DGF assistance.
- 3.3 Since 2015 funding for DFGs has been provided by the Government through the Better Care Fund (BCF). Since the introduction of the BCF, funding for DFGs has significantly increased and accordingly District and Borough Councils had the funds available to consider discretionary DFGs.

- 3.4 In 2016 WSCC and the West Sussex District and Borough Councils agreed to implement a project to explore innovative new ways of delivering DFGs. As part of this project it was considered that the increase in DFG funding from the BCF gives local housing authorities the opportunity to use the powers in the RRO 2002 to provide discretionary DFG assistance and that a flexible approach to the use of discretionary DFGs should be adopted.
- 3.5 The Project Working Group considered how the increase in the DFG budget could be effectively used to improve the home environment to enable people to remain independent in their own homes for longer and drafted a raft of discretionary DFG assistance to achieve this.
- 3.6 At the Cabinet meeting on 23<sup>rd</sup> November 2017, discretionary DFG assistance as recommended by the Project Group was approved. This policy has been reviewed by the project group and with a few very minor changes is being recommended for adoption by all the West Sussex, District and Borough Councils.
- 3.7 The only changes recommended in the West Sussex Disabled Facilities Grants Policy that differ from the policy approved by Horsham District Council in November 2017 are as follows:
- Relocation Grants – name changed to Moving Home Grant and removal of the means test.
  - DFG Fees Grant – name changed to Abortive Fee Grant
  - Safe and Warm Homes Grant – name changed to Safe, Suitable and Warm Grant
  - Tech Grant – removed from policy as most of this work will be covered by the WSCC telecare contract or can be included in the Safe, Suitable and Warm Grant

## **4 Next Steps**

- 4.1 To approve the West Sussex Disabled Facilities Grants Policy at Appendix 1 to this report

## **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

- 5.1 The proposed policy changes were considered by the Housing and Public Protection Policy Development and Advisory Group at its meeting on 12<sup>th</sup> November 2019 and the Group was fully supportive of the proposed changes.
- 5.2 The Monitoring Officer advised that The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gives Councils power to give discretionary assistance in addition to mandatory DFGs.
- 5.3 The Director of Corporate Resources advised that as the proposed discretionary assistance will be met from the additional funding provided by the Better Care Fund there will be no direct financial cost to the Council.

- 5.4 The West Sussex Disabled Facilities Grants Policy detailed in this report was considered and agreed by the Steering and Working Groups for the County wide project reviewing the delivery of DFGs.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 Not to approve the West Sussex Disabled Facilities Grant Policy.

## **7 Resource Consequences**

- 7.1 As the proposed discretionary assistance will be met from the additional funding provided by the Better Care Fund there will be no direct financial cost to the Council.

## **8 Legal Consequences**

- 8.1 The Regulatory Reform (Housing Assistance (England and Wales) Order 2002 enables Local Authorities to provide directly or indirectly assistance to any person for various purposes including those of enabling them to adapt or improve living accommodation or to repair living accommodation this can be by way of mandatory disabled facilities grants or discretionary disabled facilities grants. In order to provide such assistance, Councils have to have in place Policies for the provision of such assistance. Decisions on the grant of assistance will be taken in light of approved Council Policy.

## **9 Risk Assessment**

- 9.1 The Council have a duty to provide Mandatory DFGs and therefore it is essential that sufficient budget from the Better Care Fund is retained to meet this statutory duty.

## **10 Other Considerations**

- 10.1 Action under the proposed policy would be taken without discrimination and is designed to give equal consideration to people's needs. It is considered that there no equality implications for Cabinet to consider in adopting this policy.
- 10.2 The aim of these changes is to ensure that disabled people will receive a more responsive and tailored service.