

Report to Cabinet

23rd November 2017

By the Cabinet Member for Housing and Public Protection

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Discretionary Disabled Facilities Grants

Executive Summary

A West Sussex County wide project is currently being undertaken to explore innovative new ways of delivering Disabled Facilities Grants. As part of this project it has been agreed that a more flexible approach to the use of discretionary DFGs be adopted in order to help and improve the health and well-being of disabled people and make more use of the additional resources available. This report seeks approval to introduce a number of housing interventions to use discretionary DFGs to assist people with repairs and adaptations in their homes.

Recommendations

That the Cabinet is recommended:

- i) To approve the discretionary DFG assistance detailed in paragraph 3.8 of this Report

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

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Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to seek approval for amendments to the Private Sector Housing Assistance Policy to increase the amount and type of discretionary DFG assistance the Council is able to offer to improve the health and well-being of disabled people and help them to live safely in their homes.
- 1.2 The Council's Private Sector Housing Assistance Policy was first adopted in July 2003 and included provision for mandatory DFGs. An updated policy was adopted by Cabinet at its meeting of 22nd September 2016 which increased the amount of assistance available to help a disabled person move to a more suitable property and made available discretionary DFGs as a 'top up' to mandatory DFGs, subject to available resources.
- 1.3 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. As part of this project it has been agreed that a more flexible approach to the use of discretionary DFGs should be adopted.

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 maximum amount of DFG is currently set by statute at £30,000 and has been at this level since 2008. 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 and could be used which included the relaxation and removal of the ring-fence (2010) allowing DFG monies to be used more flexibly to help keep people safe and well at home and to reduce bureaucracy in the grant's administration.

- 3.3 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 (other than Moving Home Assistance to help a disabled person to move to more suitable accommodation).
- 3.4 Since the introduction of the Better Care Fund (BCF) in 2015, capital funding for DFGs is now paid directly to upper tier authorities (WSCC), but the statutory duty continues to sit with the local housing authority. Currently the upper tier authorities have to allocate funding to their respective housing authorities as directed by Government. Since the introduction of the BCF, funding for DFGs has significantly increased and this is in line with the Government's commitment in autumn 2015 to increase national funding to £500m by 2019/20 for DFGs. Accordingly the DFG budget in West Sussex has increased significantly such that last year the overall budget allocated for DFGs across West Sussex was underspent.
- 3.5 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.
- 3.6 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.
- 3.7 It was agreed that a number of changes could be implemented within the mandatory DFG regime as follows:

Description	Conditions and narrative	Subject to Means Test	Amount Available	Reasoning & rationale behind working group's decisions
<u>Extended warranties:</u> For all adaptations which require electrical installations such as through-floor lifts, step lifts, stair lifts, closomats etc.	To be provided for all such adaptations regardless of tenure. Some Registered Housing Providers (RHP) take on responsibility for servicing and repairs once the standard 1 year warranty expires and therefore extended warranties will not be offered in these circumstances. Minimum 5 year warranty with the option of extending at the end of the period.	Yes	Within the current maximum DFG £30,000	Gives families peace of mind and timely / stress free assistance if the adaptation should break down. Allows people to live well in their home for as long as possible. Helps to reduce repeat DFG applications for repair or replacement of adaptions.

<u>Reduction in number of quotes</u> Aim to use 1 quote where appropriate for common, simple adaptations such as stairlifts, ramps and lifts.	Two or more quotes to be sought for adaptations where a single contractor is carrying out work or multiple works expected to total over £10,000.	Yes	N/A	Reduce applicant waiting time for straight forward adaptions which can be completed quicker. Grant officers to use professional judgement and discretion.
<u>Referrals from privately practicing Occupational Therapists</u>	Mandatory DFG legislation states that District & Boroughs must consult the social services authority Standard letter to be used. District & Boroughs to proceed with DFG if no response from the social services authority within 14 days. Letters to be sent by District and Boroughs to Senior Practitioner OT at locality offices, not to Adult Care Point 2 (ACP2). Applicants must give consent for their personal details and the recommendation to be shared with WSCC as the social services authority.	Yes	Up to current maximum DFG £30,000	Customer has choice as to whether to appoint a private OT Timely option for simple adaptations as not subject to social services authority waiting times.
<u>Direct Referrals</u> WSCC to make direct referrals to the District or Borough for adaptation via the DFG if identified at initial assessment stage	Currently, ACP2 carry out initial assessments over the telephone with customers or their representatives. If a shower or stairlift is indicated and the person does not have complex medical conditions, the referral will be made directly to the District or Borough to proceed with the DFG. A standard referral form will be used by WSCC using existing	Yes	Up to current maximum DFG £30,000	Reduces waiting time for straight forward adaptions. Good relationships exist between WSCC and District and Boroughs which ensure that advice can be sought at any time throughout the process. Similarly, review of adaptation to be carried out once complete by OT/A. Grant officers are generally skilled and experienced in planning

	<p>IT case management system.</p> <p>The adaptation to be reviewed by a WSCC OT/A once complete and any other needs addressed.</p>			<p>for simple shower adaptations.</p> <p>Contractors can recommend specific stairlifts to meet simple needs.</p>
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- 3.8 The Project Working Group agreed that the following discretionary DFG assistance would help keep people safe and well at home by ensuring that people who need adaptations get the help they need:

Description	Eligibility criteria & conditions	Subject to means test	Amount available	Reasoning & rationale behind working group's decisions
<u>Partial waiver of contribution following means test</u>	<p>Eligible for DFG</p> <p>Assists every applicant with a contribution regardless of tenure.</p>	Yes	Maximum waiver of first £5,000 of assessed contribution.	<p>Most benefit will be for families in work but on a low income, those who have little to no disposable income or those paying off debt or with a poor credit history.</p> <p>Likelihood that this will help most people with smaller contributions to access necessary adaptations.</p>
<u>Help with assessed contribution following means test.</u>	<p>Based on WSCC "Financial Statement for Funding Towards Home Adaptations"</p> <p>In cases where there is particular difficulty paying an assessed contribution, applicants will be given the opportunity to complete a financial statement of their income and outgoings which will be considered by the District and Borough Council.</p> <p>Offered on a case by case basis at the discretion of the District or Borough Council.</p>	Yes - first £5000 of contribution to be waived	No maximum	<p>Takes outgoings, debt repayments etc. into consideration and offered on a discretionary basis.</p> <p>Reduces risk of customer not proceeding with necessary adaptations because they cannot afford the assessed contribution.</p> <p>Single, timely and less complicated system for customers.</p>

Funding in excess of current maximum mandatory grant of £30,000 (replaces current Top Up process)	<p>Eligible for the DFG and considered on a case by case basis</p> <p>A charge for the full amount will be placed on owner occupied property for a 10 year period</p> <p>Charges will not apply to Registered Housing Provider (RHP) or privately rented property. (This approach is consistent with the DFG Land Charge powers that were introduced in 2008).</p> <p>Condition that RHPs register the property as being adapted and offer it to other families in need of the adaptations, should the property become vacant.</p> <p>District & Boroughs to seek permission from members to offer further funding, on a case by case basis should total cost of works exceed £60,000</p>	<p>Yes - first £5000 of contribution to be waived</p>	<p>Up to a maximum of £30,000 (total of £60,000)</p>	<p>Single, timely and less complicated system for customers.</p> <p>Major adaptations which have been identified as essential to meet the disabled person and their family's needs & once all other options (such as moving) have been considered.</p> <p>Good collaboration between District and Borough Council and the local authority to ensure money is spent appropriately.</p>
Relocation Grant To support people when moving to more suitable accommodation is preferable to adaptations.	<p>Eligible for DFG</p> <p>Available to owner occupiers and private tenants where it is not reasonable or practicable to adapt the property to meet the disabled person's assessed needs.</p> <p>Conditions:</p> <p>The proposed property must be confirmed as suitable by the Private Sector / Housing Standards Teams and be assessed to meet the needs (or more easily adaptable to do so) of the disabled person by the social services authority OT.</p> <p>Owner occupiers to commit to remain in the property for five years (not applicable for private tenants)</p>	<p>Yes - first £5000 of contribution to be waived</p>	<p>Maximum of £10,000 to cover the costs arising from the following:</p> <ul style="list-style-type: none"> estate agents fees (limited to a maximum of 1.5% of the property value) stamp duty (limited to a maximum amount of £7,500) solicitors fees valuation fees mortgage arrangement fees removal costs necessary utility and service set up costs 	<p>Assists disabled and vulnerable people to move to more suitable accommodation particularly where adaptions cannot be carried out or the property is over occupied.</p>

			Minor adaptations to enhance the property's suitability.	
<u>Hospital Discharge Grants</u> Support all vulnerable or disabled people being discharged from hospital	<p>Available to all vulnerable or disabled people needing to be discharged home from hospital, regardless of tenure.</p> <p>Conditions:-</p> <p>Referrals accepted from adult social care or hospital OT / physiotherapists , rehabilitation/intermediate care teams, discharge coordinator, or Patient Advice and Liaison Service (PALS)</p> <p>Excludes packages of care funded by NHS continuing healthcare</p> <p>Works to include but not restricted to: property clearance, deep cleaning, urgent home repairs, removal of hazards, repair of heating systems, and provision of emergency heating.</p>	No	<p>Maximum of £3000 (negotiable on a case by case basis dependent on type of works required)</p>	<p>Reduce delayed transfers of care where home is not suitable for discharge home from hospital.</p> <p>Reduce re-admissions to hospital.</p> <p>Acknowledges that inappropriate housing puts health and wellbeing at risk.</p>
<u>DFG Fees Grant</u> Available when DFG does not proceed but preparatory work has been carried out	<p>Eligible for DFG.</p> <p>To cover reasonable professional fees and associated charges such as private OT fees where engaged to advise on what works are required and specialist technical e.g. Structural Engineer fees, surveyor fees or similar to determine if a DFG project is feasible.</p>	<p>Yes (including children's cases)</p> <p>First £5000 of contribution to be waived</p>	<p>Maximum of £2,000</p>	<p>Encourages local surveyors / engineers to work with District & Boroughs.</p> <p>Encourages improved schemes to be considered, so better outcome for the disabled person.</p> <p>Does not financially disadvantage the disabled person if works cannot proceed.</p> <p>Single, less complicated system for customers.</p>

<u>Safe and warm homes grant.</u>	<p>Eligible for DFG. For all disabled people regardless of tenure.</p> <p>Referrals accepted from WSCC OT/A, adult social care or hospital teams, hospital based OTs, advocates, voluntary and community sector.</p> <p>Excludes care packages</p> <p>Includes:- Repairs to all disabled equipment (excluding equipment provided by the West Sussex Community Equipment Service (CES))</p> <p>Minor equipment and adaptations where CES cannot provide assistance.</p> <p>Repairs to boilers and other heating systems.</p>	<p>Yes - first £5000 of contribution to be waived .</p>	<p>Normally maximum of £5000</p> <p>Negotiable on a case by case basis dependent on type of works required.</p>	<p>Enables necessary works including repairs which have a direct positive impact on a disabled person's health.</p> <p>To help low income home owners and private tenants to quickly access financial assistance for a wide range of minor adaptations and repairs to reduce risks of accidents in the home</p> <p>To reduce risks of accidents in the home.</p>
<u>Council Tax Reduction to be considered a DFG passport benefit</u>	<p>Eligible for DFG.</p> <p>Treat Council Tax Reduction as a passport benefit under a Discretionary DFG scheme.</p>	<p>No – applicants in receipt of this benefit will not be means tested.</p>	<p>Up to current maximum DFG £30,000</p>	<p>Anticipated to help the small number of people in sole receipt of this benefit to access necessary adaptations.</p>
<u>Tech Grant</u>	<p>Eligible for DFG.</p> <p>Available to all disabled applicants regardless of tenure.</p> <p>For a period up to 5 years</p> <p>This assistance will only be available in cases where there is particular difficulty paying the monthly rental charges, applicants will be given the opportunity to complete a financial statement of their income and outgoings which will be considered by the District and Borough Council.</p> <p>Based on WSCC "Financial Statement for Funding</p>	<p>Yes</p>	<p>Maximum of £3000</p>	<p>Supports a technology based approach to keeping people safe and well in their homes.</p>

	Towards Home Adaptations” Offered on a case by case basis at the discretion of the District or Borough Council.			
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- 3.9 Funding for the proposed discretionary DFG assistance will be through the BCF which is also used to fund mandatory DFGs. Therefore the budget will need to be closely monitored to ensure that the Council has sufficient budget to meet its statutory duty to provide mandatory DFGs. Accordingly the availability of all discretionary DFG assistance will depend on funding being available through the BCF and the Council reserves the right not to approve any discretionary DFG application.

4 Next Steps

- 4.1 To amend the Private Sector Housing Assistance Policy to incorporate discretionary DFG assistance as detailed in paragraph 3.8 of this report.
- 4.2 As previously stated in this report, WSCC and the West Sussex District and Borough Councils have implemented a project to explore innovative new ways of delivering DFGs across the whole County. The project is considering the pooling resources (staff and budget) on a countywide basis to ensure effort is directed to areas of greatest need. At the conclusion of the project there are likely to be a number of recommendations aimed at improving the delivery of DFGs and associated assistance across the County. The implementation of these recommendations will require the agreement of WSCC and the District and Borough Councils and therefore any recommendations will be the subject of a further Cabinet report.

5 Outcome of Consultations

- 5.1 The proposed policy changes will be considered by the Housing and Public Protection Policy Development Advisory Group at its meeting on 20th November 2017 and their views will be reported at the meeting.
- 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 discretionary DFG assistance detailed in this report was considered and agreed by the Working Group for the County wide project reviewing the delivery of DFGs.

6 Other Courses of Action Considered but Rejected

- 6.1 Not to extend the scope of discretionary DFG assistance. This would mean that the Council would not be making good use of the additional funding provided by the Better Care Fund.

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.
- 10.2 The aim of these changes is to ensure that disabled people will receive a more responsive and tailored service.