

Report to: Cabinet

Date: 11 February 2019

Title: Disabled Facilities Grant Policy

Report of: Tim Whelan, Director of Service Delivery

Cabinet member: Councillor Ron Maskell, Cabinet Member for Housing

Ward(s): All

Purpose of report: To introduce a shared EBC/LDC Policy for Disabled Facilities Grants (DFG's) following budget allocation from the Better Care Fund

Decision type: Key decision

Officer recommendation(s): (1) To approve the Disabled Facilities Grant Policy.

Reasons for recommendations: Introducing discretionary elements will:

- Allow the fast track adaptations approach in line with the best practice from the National Audit Office MHCLG and the Department of Health and Social Care.
- Take account of the increase in labour and material costs.
- Increase the incentive for residents to move to a more suitable property.
- Provide a safety net for cases of genuine hardship.
- Allow fees to be paid for feasibility studies.
- Introduce Hospital Discharge Grants.

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1 Introduction

1.1 It is a statutory requirement that the Local Housing Authority's Private Sector Housing Renewal Strategy includes a Financial Assistance Policy in respect of grant aid. Appendix A is the revised Disabled Facilities Grant (DFG) Policy

introducing a new Discretionary DFG (from page 8) to allocate additional grant funding in line with the Better Care Fund (BCF).

- 1.2 In 2014 the funding of DFG's moved from DCLG ownership to become part of the BCF. This was a fundamental shift of policy removing the previous 'ring fencing' of how DFG's could be spent. The introduction of the BCF came at the same time as the Care Act 2014 with legislation encouraging local authorities to 'collaborate, cooperate and integrate'.
- 1.3 The Care Act reforms introduced in April 2018 focus on wellbeing, prevention and delaying the need for social care. In support of these principles, the 2018 Spending Review included over £500 million for 2019-20 for the Disabled Facilities Grant encouraging Councils to be adopt policies that embrace the BCF.
- 1.4 The DFG needs to evolve if it is to remain relevant for the next decade and beyond. The DFG should no longer be a stand-alone service but part of a package of provisions to help people remain independent.
- 1.5 The aims of the discretionary element of the policy are:
 - to improve the lives of people with disabilities to meet their care and mobility needs by enabling them to live independently with privacy and dignity.
 - To allow more effective use of the Better Care Fund, cutting out bureaucracy and increasing flexibility, contributing to the aims of the fund.
 - To reduce the need for domiciliary and residential care by allowing people with disabilities to live more independently in their own homes.
 - To provide advice, information and support regarding the adaptation of properties to meet accessibility needs, and provide a framework of assistance to vulnerable groups.
- 1.6 For this reason it is recommended that Cabinet agree the Disabled Facilities Grants Policy with respect to the discretionary element appended to this report, reflecting how the increase in funding can be best spent to achieve improved outcomes for the most vulnerable people in the Lewes District.

2 Proposal

- 2.1 The mandatory element of the policy has not changed, the recommended six discretionary elements (from page 7 in the policy) are:
 - i) Fast Track Grants There will be a £8000 threshold before a means test is needed, or if the adaptation includes only one prescribed item. There will also be no means test for hospital discharge cases or palliative care applicants identified by health or social care professionals
Reason - These proposals will reduce not only the risk of residents experiencing accidents and requiring acute care, but they will ensure that work can be carried promptly allowing people to return from hospital without unnecessary delays. The means test does not take into account a

person's outgoings which can be substantial when living with a disability.

- ii) Maximum grant for disabled facilities It is proposed that an additional £20,000 be made available as 'top up' from the DFG budget before recourse to funding from ESCC. This would be on top of the mandatory £30k limit.
- Reason - The cost of building materials and labour has risen considerably in the 9 years since the £30,000 limit was introduced but the mandatory maximums have remained the same. It has been found that if top up is not available the grant/adaptation work does not go ahead and presents a risk to the disabled person and will have onward implications to all aspects of health and social care. A maximum grant of £50k would assist in funding extensions when needed, especially for disabled children.

- iii) Home Relocation To provide up to £10,000 towards removal costs of moving to a property which is deemed suitable either for immediate use or for adaptation at reasonable cost. The expenses may include estate agent's fees, solicitor's fees, stamp duty, removal costs and necessary white goods. Private rental tenants will be eligible for up to £2,000 for moving to an adaptable property.
Reason In some cases, it is considered that moving home is more appropriate to meet the needs of a disabled occupant, when it is not reasonable or practicable to adapt the existing home.

- iv) Hardship DFG There are a small number of cases each year where DFG applicants have a means tested contribution but have insufficient capital to meet that obligation. Currently they are guided to Parity Trust for a loan to cover their contribution. If Parity Trust is unable to approve a loan (i.e. the applicant will be left in unnecessary financial hardship by making loan repayments) the Council will provide discretionary funding to a maximum of £10,000.
Reason The DFG means test solely considers income and does not take into account the applicant's outgoings. Families with high mortgages can be assessed as having a high contribution with no means of paying it. These families can also sit just above the benefit threshold i.e. have a small income and are penalised as being assessed as having a high contribution.

- v) Feasibility assistance. Fees for technical support are not payable until a grant is approved. It is proposed that a discretionary grant of up to £1,000 per household is available to fund feasibility studies for complex cases before the grant process commences.
Reason Some cases fail before approval for technical reasons, refusal of planning or building regulations permission, where a great deal of work has been carried out in the design. Providing funding for a feasibility study will save time and resources and prevent the applicant from funding such costs up front without guarantee of receiving a grant.

- vi) Hospital Discharge Grants. Where there is no funding available from NHS continuing healthcare and the only reason a patient cannot return home is that a simple adaptation or heating repair is required a fast track

grant to a maximum of £3500 would be supported. Such interventions may include, but are not restricted to; decluttering, deep cleaning, and clearing properties to enable a supportive visit from an OT.

Reason. This supports the BCF criteria to enable safe and suitable accommodation when a patient returns from hospital, to prevent bed blocking and any unnecessary returns to hospital.

- vii) Local Land Charge for Discretionary Funding. It is proposed that any discretionary funding should be registered as a local land charge against the resident's (owner occupier's) property for 10 years following the completion of work. The land charge relating to mandatory grants is up to a maximum of £10,000 when the cost of work is over £5,000. The proposed land charge relating to discretionary grants would be applied to all funding over the mandatory £30,000, resulting in a total maximum land charge of £30,000 (i.e. £10,000 for mandatory and £20,000 for discretionary.)

Reason This would give some protection to the budget by recycling funds should the BCF discontinue.

3 Financial appraisal

3.1 We are seeking authority to release £375,000 of the £1.68 million LDC DFG budget for discretionary funding. Listed below are the estimated projected budgets for each key initiative per financial year:

- a) Fast Track Grants – £100,000
- b) Increase in maximum amount - £200,000
- c) Home relocation - £30,000
- d) Hardship - £30,000
- e) Feasibility Assistance - £5,000
- f) Hospital Discharge - £10,000
- g) Estimated amount of discretionary DFG to be recycled per year– £50,000

3.2 The expected DFG spend this year is in the region of £750,000 which includes the cost of County's integrated OT scheme which will be funded from the DFG fund. With mandatory and discretionary spend the estimated total is £1.12 million for 2019/20.

4 Legal implications

4.1 Under the Regulatory Reform (Housing Assistance) Order 2002, the Council may, for the purpose of improving living conditions in its area, provide assistance in any form to a person, to enable him or her to take the measures set out in Article 3(1) of the Order. These include:

- acquiring living accommodation (subject to certain conditions)
- adapting or improving living accommodation
- repairing living accommodation

4.2 Article 3 (6) of the Order enables the Council to take any form of security (including a charge) in respect of the whole or part of any assistance granted.

4.3 Under Article 4 the Council may only offer the assistance mentioned above if they have adopted a policy for the provision of assistance of that type, hence this report seeking such adoption. The Council must also, prior to offering assistance, give public notice of the policy adoption and make the policy available for inspection free of charge.

4.4. The changes recommended in the new policy represent a material variation of the Lewes District Council's Private Housing Financial Assistance Policy 2018/19 with an update to the DFG element. Changes of this nature require the approval of Cabinet.

Legal Team consulted 22/01/2019

Legal ref: 008003-LDC-OD

5 Risk management implications

5.1 A risk assessment has been completed in consultation with David Heath. No new risks will arise if the recommendations are implemented. If the Policy is not implemented the risk is that the Council do not spend their allocated DFG funds which will affect allocations in future years. The Council should have a current Private Sector Housing Financial Assistance Policy that is transparent, accountable, proportionate and consistent.

6 Equality analysis

6.1 Submitted to the Equality and Fairness Planning Group for consideration. Background paper available from the report author.

7 Appendices

7.1 Appendix 1 – DFG Policy

8 Background papers

8.1 The background papers used in compiling this report were as follows:

Land Charge legislation:

<https://www.gov.uk/government/publications/the-housing-grants-construction-and-regeneration-act-1996-disabled-facilities-grant-conditions-relating-to-approval-or-payment-of-grant-general-consent-2008>

Recent DFG review:

<https://www-foundations.uk.com/dfg-adaptations/dfg-review>

Planning for the Better Care Fund (National Audit Office 2014):
<https://www.nao.org.uk/wp-content/uploads/2014/11/Planning-for-the-better-care-fund.pdf>

Integration and Better Care Fund Policy Framework 2017-2019:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607754/Integration_and_BCF_policy_framework_2017-19.pdf

Innovation in Homes Adaptations: A Fresh Chance (Care and Repair England, 2016):
<https://homeadaptationsconsortium.files.wordpress.com/2013/10/integration-briefing-3-final.pdf>

Equality Analysis available from the author