



## CABINET

Date: 10 November 2020

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### Discretionary grants for adaptations to housing for disabled people

Report of the Executive Director of Adult Care

Cabinet Member: Veronica Jones, Adult Wellbeing

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#### **Purpose of report**

To recommend the adoption of a policy permitting the discretionary use of the budget for Disabled Facilities Grants (DFGs), to make possible more flexible responses than are permitted within the mandatory national DFG scheme, in situations where this would be a more effective way of achieving the same objectives.

#### **Recommendations**

**Cabinet is recommended:**

- 1. To adopt the discretionary grants policy attached as an Appendix to this report**
- 2. To note that funding for grants made under this policy would come from the grant to the local authority for DFGs**

#### **Link to Corporate Plan**

This report is relevant to the “Living” priority in the Corporate Plan.

#### **Key issues**

1. The statutory DFG scheme creates a mandatory duty for the Council to provide grant assistance for adaptations to meet the needs of disabled people. While this scheme meets many people’s needs, it is in some respects inflexible, and its rules can become an obstacle to meeting people’s needs in the most effective way. The local authority is not permitted to provide grants outside the rules of the mandatory scheme unless it has adopted and publicised a formal policy describing how applications for discretionary grants will be decided on.
2. The proposed policy would provide a means of responding to three situations: cases where adapting a person’s existing home for their needs would produce an unsatisfactory result, be practically impossible, or would be a poor use of public money; cases where the cost of meeting the person’s needs exceeds the financial limit on the statutory scheme; and cases where the means testing formula in the DFG legislation produces a result which does not reflect limitations to the person’s actual ability to pay.

# **Discretionary grants for adaptations to housing for disabled people**

## **BACKGROUND**

### **1. Introduction**

- 1.1 The Disabled Facilities Grant scheme was introduced in its current form in the 1990s. It creates an entitlement for disabled people to receive grant support for the cost of adaptations necessary to meet any of a specified list of needs. This entitlement is subject to a statutory means test, and there is a financial limit prescribed in regulations to the level of grant that can be paid, which is currently £30,000. Mandatory DFG is payable both to owner occupiers and to people who are renting privately or from a social landlord, though adaptations to council housing are ordinarily expected to be funded within the Housing Revenue Account (HRA) and are taken into account by the Government in setting HRA subsidy levels.
- 1.2 DFG is provided under housing law, but in Northumberland is managed by Adult Services, reflecting the close links with care and support services, and with the occupational therapy service which makes recommendations about the adaptations required. DFGs are also available to support disabled children, and in that case no means test applies to mandatory grants under the statutory scheme.
- 1.3 The government makes an annual capital grant to the local authority to support the DFG scheme. At one time this grant could be used only to fund grants made under the legislation, but in recent years it has been merged with capital grant funding formerly provided to support adult social care capital schemes, and greater flexibility has been permitted about how it is used. In Northumberland, this grant has, for instance, been used in recent years to support the development of specialist housing for people with complex and challenging needs associated with learning disability or autism. In 2020/21, the grant received by the council is £2.9m. In the previous financial year, the grant received was also £2.9m, of which £1.8m was required in order to fund DFG payments; the remainder was used for other accommodation-related schemes.
- 1.4 In recent years, the Council has also been required to include this Government grant in the joint "Better Care Fund", for which the Council and Northumberland Clinical Commissioning Group (CCG) must prepare a joint plan each year. Because of the impact of Covid-19, no guidance about formal BCF planning for the current financial year has yet been produced by the Department of Health and Social Care and NHS England, but it is clear that the Government expects local agencies to be continuing to work together within the BCF framework, and the CCG has been consulted about the proposals in this report.
- 1.5 In addition to mandatory grants paid under statutory DFG scheme, local authorities are permitted to award discretionary grants for works carried out on people's homes, either to meet the needs of disabled people or for other purposes, under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. This Order requires a local authority, before making any discretionary grants, to adopt a formal policy, which they must make publicly available, and must act in accordance with.
- 1.6 In Northumberland, no such policy is currently in existence, following the expiry of a former regional scheme providing financial support through loans for a variety of forms of housing improvement. The Council's housing service has confirmed that it

currently has no plan to introduce a new scheme under the Order, so the proposed scheme set out in the Appendix will if adopted become the whole of the Council's policy on discretionary housing assistance. However this does not preclude the subsequent addition to it of policies permitting other forms of housing assistance.

## **2. The proposed scheme**

- 2.1 Details of the proposed scheme are set out in the Appendix. The intention is that discretionary grant will be allocated for the same purposes as those for which mandatory DFG is paid (which are set out in paragraph 2.4 of the Appendix), but in circumstances where the mandatory scheme would not provide support, for one of three reasons.

### **Support with moving to more appropriate housing**

- 2.2 In some situations, the fundamental difficulty that a disabled adult, or the family of a disabled child, faces is that the home they are currently living in is simply unsuitable for the disabled person's needs. Any solution achieved by adaptations to that property would be an unsatisfactory compromise, or wasteful. This may for instance be because of the layout or condition of the property, or the limitations imposed by its site – or it might in some cases be because of the location of the property, which might for instance be in an area where a frail older person who is no longer able to drive and has no local public transport options would remain at risk of social isolation, and continue to have difficulties in accessing health and care services, whatever improvements were made to the property itself.
- 2.3 The proposed policy would make it possible to offer in these or other circumstances the alternative of financial support to make possible a move to accommodation which was more suitable either in its physical facilities or in its location or both. The conditions set out in the proposed policy are intended to ensure that funding would be allocated for this purpose only to the extent that it was reasonably necessary to achieve the outcome, and would not exceed the grant which would have been paid to carry out adaptations to the existing property, unless the extra cost is expected to be offset by savings to social care budgets.

### **Support with works more expensive than the DFG limit**

- 2.4 In a small number of cases, no solution can be identified which would meet a disabled person's needs within the limit on the statutory DFG scheme of £30,000. This situation has most often arisen where meeting the disabled person's needs would require the construction of an extension to their home. In these circumstances, it has sometimes been necessary to make additional payments from social care budgets, since case law has established that there is an overlapping duty.
- 2.5 The proposed policy includes conditions which must be met before making grants for this purpose, which would include an assessment of whether the disabled person, or the disabled child's family, could reasonably be expected to be able to afford the additional cost from their own resources. This would be particularly relevant in cases where the proposed works would increase the value of the property.
- 2.6 For the same reason, there is provision for the local authority to take out a charge against the value of the property, in cases where the works will increase that. This is already permitted within the statutory scheme.

## **Grants for people who cannot afford the means-tested contribution**

- 2.7 The statutory means testing scheme includes some significant anomalies. In particular, the assumptions which it makes about the contribution towards the cost of adaptations which people can be expected to make out of their earned incomes can in some particular cases be unreasonable – particularly in circumstances where the earnings being taken into account are those of a person's partner, who may be uncertain about their future income because of the possibility that they will need to reduce their hours to care for the disabled person. This is not a common situation, but when it arises it can create severe difficulties. The treatment of earnings in the DFG means test is particularly anomalous when contrasted with the national rules on charging for adult social care, which require all earned income to be disregarded.
- 2.8 The proposed policy would permit additional grant to be offered in circumstances where the statutory means test produces clearly unreasonable results.

## **The relationship of the scheme to the Regulatory Reform Order**

- 2.9 The Regulatory Reform Order permits discretionary assistance to be offered to a person for four purposes – it can be provided to enable a person to:
- acquire a property, where this would provide benefits similar to those of carrying out works on the person's existing accommodation;
  - adapt or improve living accommodation;
  - repair living accommodation;
  - demolish and rebuild living accommodation.
- 2.10 The proposed scheme would for the first time make grant available to disabled people in Northumberland for the first of these purposes, and would create greater flexibility than is provided by the mandatory DFG scheme in meeting the second purpose. Repairs and partial demolition and rebuilding could in some circumstances also form part of the work carried out.

## **IMPLICATIONS ARISING OUT OF THE REPORT**

<b>Policy</b>	The proposed policy would increase the flexibility of support offered to disabled adults and children.
<b>Finance and value for money</b>	Payments would be made from grant allocated by the Government for DFG and related purposes, and the policy provides that the overall level of discretionary payments must be contained within the available funding.
<b>Legal</b>	The proposed policy meets the requirements of The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
<b>Procurement</b>	The proposed policy raises no new procurement issues.

<b>Human Resources</b>	No HR implications have been identified. The policy would be implemented by the Council's existing Home Improvement Service, and is expected to have the effect of increasing the flexibility with which they can operate, rather than increasing their workload.
<b>Property</b>	Properties adapted would not be owned by the Council, though in some cases charges against properties might be registered with the Land Registry
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	This policy concerns support for disabled residents therefore a disproportionate impact on disabled people is anticipated. This impact is expected to be positive because the intention of the policy is to make additional options available for disabled people who need adaptations to their homes, while removing no existing options. For the same reason, there is also likely to be a greater impact on older people, as opposed to other age groups, because a greater proportion of this age group is disabled compare to other age groups. We are not aware of any reason why this policy would disproportionately affect people because of the following protected characteristics: gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.
<b>Risk Assessment</b>	No significant risks have been identified
<b>Crime &amp; Disorder</b>	In some cases providing people with the alternative of moving to a new property rather than adapting their existing one might have the benefit of reducing the risk of harassment of disabled person.
<b>Customer Considerations</b>	The proposed policy would increase the flexibility with which the Council is able to respond to disabled people's housing needs.
<b>Carbon reduction</b>	Energy efficiency is considered one of the relevant as part of the planning of adaptations {yes?}
<b>Health and wellbeing</b>	The proposed policy is designed to support disabled people to live more independently and to improve their well-being.
<b>Wards</b>	All

## **BACKGROUND PAPERS**

There are no background documents for this report within the meaning of the Local Government (Access to Information) Act 1985.

### **Report sign off.**

*Authors must ensure that officers and members have agreed the content of the report.*

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