



Northumberland

County Council

Cabinet

Tuesday, 12 December 2023

Adaptations for disabled people

Report of Councillor Wendy Pattison, Cabinet Member for Caring for Adults

Responsible Officer: Neil Bradley, Executive Director for Adults, Ageing & Wellbeing

1. **Link to Key Priorities of the Corporate Plan**

This report is relevant to the following priorities in the Council Corporate Plan 2023/26:

- “Tackling Inequalities - All Adults living well, regardless of age, background, illness or disability”; and
- “Tackling Inequalities - Residents have the building blocks of a good life”

2. **Purpose of report**

To report on additional Disabled Facilities Grant funding received from Government, and to ask the Cabinet to consider the case for revisions to the Council's discretionary grants policy.

3. **Recommendations**

3.1 The Cabinet is recommended:

- a) To approve the revised version of the Council's discretionary housing grants policy attached as the Annex to this report, which adds to the existing policy two new elements:
 - a scheme under which non-means-tested grant of up to £6500 (a figure which may be revised to take account of changing costs) will be offered to fund the cost of urgently-needed adaptations for people with a rapidly-progressing health condition that is expected to result in their death;
 - the transfer to the adaptations budget of funding responsibility for ceiling track hoists, which are currently funded through the Council's equipment loan service, and an amendment to the discretionary grant policy to enable the full

cost of this adaptation to be covered by grant, so that people who need it will still not be required to contribute towards the cost, regardless of their financial means;

- b) To request the Executive Director for Adults, Ageing & Wellbeing to prepare a future report on the options for further changes to the discretionary housing grants policy, at a point when the future level of costs chargeable against the capital grant from the Government for adaptations and other social care capital costs can more confidently be predicted;
- c) To confirm the inclusion of the additional Disabled Facilities Capital Grant funding of £290,484 in 2023/24 to the Council's capital plan, and to note that a small further addition to the national total of this Capital Grant is expected in 2024/25, though the allocation of 2024/25 funding between local authorities has not yet been confirmed.

4. Forward plan date and reason for urgency if applicable

Information about this report was published in the Forward Plan on 21 September 2023. It was initially scheduled for the November Cabinet meeting, but was then deferred to this meeting because of timetabling issues.

5. Background

- 5.1 The Council funds mandatory adaptations for disabled people under the Housing Grants, Construction and Regeneration Act 1996. Under that Act, the Council has a mandatory duty to provide grants to support adaptations to assist a disabled person (a "Disabled Facilities Grant" (DFG)), subject to a number of conditions. Among these:
 - a) Grant aid is subject to a means test, except when the disabled person is a child
 - b) The maximum grant payable under the mandatory scheme (set in regulations) is currently £30,000
 - c) The works must be necessary to achieve one of a list of purposes set out in the Act, or in regulations under the Act
 - d) The disabled person must ordinarily intend to live in the property as their only or main residence for the next five years
- 5.2 The Council also has the power to adopt a discretionary grants policy that is more generous than the mandatory requirements. The Council's current discretionary

policy was adopted in November 2020. It provides for discretionary additional grants in three circumstances:

- a) to support someone to move to alternative more suitable housing, in cases where adapting the person's existing home would not be the best way to meet the person's needs, or would be impractical or unreasonably expensive;
- b) to cover the extra cost of adaptations that a person needs which are more expensive than the nationally set limit on DFGs;
- c) to provide additional support in special circumstances where the means test for a DFG would otherwise make it difficult or impossible for someone to afford adaptations which they need.

The Disabled Facilities Capital Grant

- 5.3 The Council receives an annual grant from the Government, the Disabled Facilities Capital Grant, which is intended to fund both the Council's mandatory duty to pay DFGs and additional discretionary expenditure.
- 5.4 Since 2015, this grant has been part of the "Better Care Fund" (BCF) – the sum of money which local authorities and the local NHS are required to treat as a pooled budget, and agree how to spend. But it cannot in practice be pooled with other elements of the BCF, since it must be used to support capital expenditure. However local authorities are permitted to allocate part of the funding to support other social care capital schemes – and the current grant includes funding which was previously allocated as a separate adult social care capital grant.
- 5.5 The White Paper *People at the Heart of Care*, published in December 2021, announced an intention to increase the maximum mandatory DFG payable and to review the DFG means test, which it said "is complex and can be difficult to navigate", as well as the intention to publish new guidance on the use of DFGs. The new guidance was published in March 2022, but there has been no further news about the other White Paper proposals. However a March 2023 update to the White Paper, *Next steps to put People at the Heart of Care*, announced an additional allocation of DFG Capital Grant of £50m in the current financial year and £52m in 2024/25. Details of the allocation of this funding were confirmed in September 2023. *Next steps to put People at the Heart of Care* said about the additional funding that:

Local housing authorities already have flexibilities to use their DFG funding to fund supplementary services that are agile and help people stay independent, support hospital discharge and make minor adaptations. There are lots of examples of local authorities already doing this effectively - for example, through the commissioning and delivery of Home Improvement Agencies. We want to encourage local authorities to use this additional funding to provide more of these supplementary services, with the support of the recently updated guidance for local authorities to better assist their residents. This will better ensure safety, warmth and timely access to the right adaptations and small alterations.

- 5.6 Strictly speaking, the additional funding may not give the Council any greater financial room for new initiatives than it had in previous financial years, because of inflation increases in the costs of capital works. However the DFG capital grant for Northumberland has substantially exceeded the cost of mandatory DFG grants for a number of years, and since it now seems unlikely that the changes to the national

rules on DFG envisaged in 2021 will be introduced in the near future, this is an appropriate time to review the case for further changes to the Council's discretionary policy on grants for adaptations.

Current use of the Capital Grant

- 5.7 In recent years, expenditure on mandatory DFGs and discretionary grants under the Council's existing scheme has consistently been substantially lower than the amount of the Capital Grant. Other uses of the Capital Grant must be agreed with the North East and North Cumbria Integrated Care Board (ICB), since grant conditions have since 2016 required the allocation of the funding to be determined as part of the pooled Better Care Fund. By agreement with the ICB and its predecessor Clinical Commissioning Group, the Council has continued to make use of some of the Capital Grant for other social care capital projects associated with accommodation, including works in Council-owned accommodation for people with a learning disability and, in the current year, the updating of the equipment used by Northumberland Telecare to meet requirements arising from the national switch to digital telephony.
- 5.8 Funding not required for adaptations grants or specific capital schemes has been held in reserve with the intention of using it to support housing developments offering accessible accommodation for older people in locations where there is good access to community facilities and services.
- 5.9 Of the total £3,619,426 Capital Grant which the Council will receive in the current financial year, an estimated £2.4m is likely to be spent on mandatory DFG payments, and £100K on discretionary grants. In the current year, £828K is committed to other social care capital expenditure. The total accumulated fund for supported housing developments built up from DFG Capital Grant payments stood at £8,228,461 at the start of the current financial year, and is projected to increase by about £290K during this financial year if current projections are accurate and there is no change of policy. £220K of the 2024/25 grant is currently committed to expenditure on another social care capital project; the total Capital Grant income to be received in that year is not yet known, but is likely to be slightly higher than in the current year.
- 5.10 While the accumulated fund is now a substantial sum compared to the current level of DFG expenditure, it is not large in the context of the Council's aspiration to stimulate the development of significant new accommodation schemes for older people. In the early years of the Council's existing extra care and supported accommodation strategy, it proved possible to negotiate the development of some schemes without the need to draw on this fund, for instance through Section 106 contributions agreed as conditions for planning approval of larger schemes. However this is unlikely always to be true in future. There will be a need for schemes in some locations where there is no associated larger development which can absorb the additional costs, and in some cases where financial viability is relatively marginal increased construction costs in the aftermath of Covid may make financial support necessary. A separate report to a Cabinet meeting in the near future will propose a refresh of the extra care and supported housing strategy to increase the pace of developments, which will add further to the case for maintaining a capacity to provide funding support when necessary.

6. Options open to the Council and reasons for the recommendations

- 6.1 Since it now seems unlikely that there will be any major changes to the nationally set means test for mandatory DFGs, it is open to the Council to revise its discretionary grant policy to make it more generous in any way that is affordable within the current level of Capital Grant. However this needs to be balanced against the case for maintaining a substantial capital fund available to support the Council's extra care and supported accommodation strategy, and other social care capital expenditure.
- 6.2 The paragraphs below explain two options which there is a case for adopting immediately, and which would have only a modest impact on the Council's ability to accumulate funding to support extra care and supported housing schemes. Any additional proposed changes to the Council's discretionary grants scheme would require further analysis to assess their likely costs and any potential administrative complications.

Additional support for people with a terminal illness

- 6.3 One situation in which the DFG means test can be distressing is where a person has a rapidly progressing condition likely to lead to their death within the next year or two, and to become increasingly disabling from month to month. People in that situation are already given the highest priority for an assessment by an occupational therapist, and can often have adaptations to their homes carried out within a few weeks, but the means test remains both unwelcome and potentially a source of delay.
- 6.4 A report published in 2019 by the Motor Neurone Disease (MND) Association, which represents the interests of people with a disease which in its commonest forms is a clear example of this situation, argued that local authorities should contribute up to £5000 towards urgent adaptations for people with MND without a means test. The Council did not take up this suggestion at the time, and officers' advice would be that it would be inequitable to link financial support specifically to a diagnosis, since people may find themselves in a similar situation with some other conditions. However that issue would not arise if the basis for paying a non-means-tested sum was an urgent need for adaptations because of a terminal condition of any kind rather than only MND.
- 6.5 The draft revised discretionary grant policy appended to this report incorporates a suggested additional ground for paying discretionary grant in this kind of situation. To minimise the need for additional professional assessments, it proposes that the threshold for payment of a non-means-tested contribution would be that the either the person has qualified for additional social security benefits under DWP's special rules for people who are terminally ill, or a professional entitled to assess whether the conditions for those special rules are met has confirmed that they would meet the conditions if they applied. (The second option is necessary because some people in this situation may already have been receiving all the benefits that the special rules would qualify them for, before becoming terminally ill. Since the Department of Work and Pensions (DWP) approve almost all applications by appropriate health professionals for benefits under the special rules, confirmation from one of those professionals can reasonably be treated as equivalent. It can also reasonably be assumed that in any situation relevant to this option an appropriate health professional will already be involved.)

- 6.6 Guidance for clinicians on the special rules published by DWP describes the criteria as being that the patient:
- has a progressive disease, and
 - as a consequence of that disease, it would not be a surprise if their patient were to die within 12 months
- 6.7 Guidance about the Special Rules published by the MND Association and the Royal College of General Practitioners confirms that "a third of people with MND die within a year of diagnosis and more than half die within two years", so can be expected to qualify, though it indicates that there can be exceptions when people have less common forms of the condition which progress more slowly.
- 6.8 The sum of £5000 recommended by the MND Association was originally at 2019 prices, and construction costs have subsequently increased. The £5000 figure might also not have been sufficient even in 2019 to cover the full cost of a level-access shower, which is one of the adaptations most likely to be needed by someone with a terminal illness. The proposal is therefore to set the figure in the discretionary grant policy at £6500, with scope for revising this figure further to take account of future changes in costs. This would mean that the benefit of this scheme would remain at least equivalent to the MND Association's original proposal (though the Association themselves appear still to be campaigning only for the £5000 figure).
- 6.9 £6500 would ordinarily be sufficient to pay the full cost of at least one of the three kinds of adaptation most likely to be required by people with a serious progressive illness. The other two most relevant adaptations are a stairlift, or a ramp to enable the person to access their home in a wheelchair, and these are ordinarily less expensive than a level-access shower. If someone needs more than one of these adaptations, or if they also need other adaptations, it is possible that a means test might still apply.
- 6.10 It is not easy to estimate the precise cost of this option, but based on examination of recent cases classed as a priority on the grounds of terminal illness by the Council's occupational therapists it seems likely that there will be only a fairly small number of people in each year who meet the proposed conditions, and who are not already exempt from contributing towards the costs of DFG adaptations because they are receiving means-tested social security benefits. It is possible that there may be some additional situations where people who would currently not ask the Council to arrange adaptations might decide to do so because they have become aware that non-means tested grant is available, but we do not expect that to be a large number. Our best estimate is that the annual cost is likely to be less than £100,000, and could possibly be substantially less than that.

Ceiling track hoists

- 6.11 The second change which could be introduced quickly is a different kind. It would not directly benefit recipients of the discretionary grants, for whom the change would be neutral, but would help to address financial pressures on the Council's joint equipment loans store (JELS).
- 6.12 The change would have two elements, one administrative and one requiring a change to the discretionary grants policy. It affects ceiling track hoists – aids to movement for people with seriously limited mobility, which are fitted to the ceiling of

rooms in the person's home. Currently ceiling track hoists are arranged and funded as part of JELS. This is anomalous, since they are technically adaptations to the person's home. It would therefore be legitimate to treat them in the same way as other adaptations, and to fund them from the Capital Grant.

- 6.13 If this administrative change was introduced without a change to the discretionary grants policy, the effect would be that the DFG means test would apply. This would be unfortunate, since, unlike many other adaptations, a ceiling track hoist is extremely unlikely to add value to the person's property, and will usually be removed as soon as the person no longer has a use for it. The suggestion is therefore that the discretionary grants policy be amended to specify that grants will be made for ceiling track hoists with no contribution requirement.
- 6.14 In the 12 months to the end of September 2023, JELS expenditure on ceiling track hoists was £106,865. Additional annual costs charged against the Capital Grant could be expected to be on a similar scale.

Conclusion

- 6.15 For the reasons given above, the Cabinet is recommended to approve both of the options for revising the discretionary grants policy described above. While the cost of the first option cannot be precisely predicted, officers' advice is that it is safe to assume that the cost of these options can be accommodated within the Capital Grant without substantially constraining the Council's future options.
- 6.16 The Cabinet is not recommended to make any immediate decision as to whether there should be further changes to the discretionary grants policy. This is for two reasons:
 - a) There is currently some uncertainty about what the level of recurring costs of mandatory DFG can be expected to be in future years. One issue is recent high levels of cost inflation in the construction sector. Another is that there have been some staffing issues in the paediatric OT service which carries out assessments of adaptations for disabled children on the Council's behalf. These have now been resolved, but at the time of preparing this report there was a waiting list of 30 children with a waiting time of 33 weeks. Adaptations for disabled children have historically included some of the highest-cost schemes, so the impact of these assessments on the Capital Grant may be significant. There is also some continuing uncertainty about whether there may be a wider issue about referrals for adaptations not having been made because of Covid.
 - b) The Cabinet may also wish to have considered the updated extra care and supported accommodation strategy before making further decisions which would affect the funding available to support that strategy.

7. Implications

Policy	The proposals will support the policy objective of enabling people near the end of their lives to remain able to live at home and maximising their independence.
Finance and value for money	Additional costs of the proposed change to the Discretionary Grants Policy can be met from the Disabled Facilities Capital Grant

Legal	The legal basis for the discretionary grant policy is the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
Procurement	No implications identified.
Human resources	No significant implications identified.
Property	No implications for Council property identified.
The Equality Act: is a full impact assessment required and attached?	No - not required at this point Equality Act issues will be considered when assessing individual needs, where relevant.
Risk assessment	No risk assessment required.
Crime and disorder	No implications identified.
Customer considerations	The proposed policy would reduce the number of people asked near the end of their life to supply information about their finances before receiving support for essential adaptations to their homes.
Carbon reduction	No implications identified
Health and wellbeing	The proposal in this report is intended to provide additional support to people in the last stage of life.
Wards	(All Wards);

8. Background papers

[People at the Heart of Care](#) (Department of Health and Social Care, December 2022) (updated March 2022)

[Disabled Facilities Grant \(DFG\) delivery: Guidance for local authorities in England](#) (Department for Levelling Up, Housing & Communities and Department of Health and Social Care, March 2022)

[Next steps to put People at the Heart of Care](#) (Department of Health and Social Care, 4 April 2023)

[2023-24 DFG Grant Determination Letter](#) (Department for Levelling Up, Housing and Communities, 7 September 2023)

[Act to Adapt](#) (Motor Neurone Disease Association, 2019)

[The 'Special Rules': how the benefit system supports people nearing the end of life](#) (Department of Work and Pensions, Online guidance updated April 2023)

[Motor neurone disease: a guide for GPs and primary care teams](#) (MND Association and Royal College of General Practitioners, 2022)

9. Links to other key reports already published

[Discretionary Adaptations Policy](#) – Cabinet report 10 November 2020.

10. Author and Contact Details

Stephen Corlett, Senior Manager
Email: stephen.corlett@northumberland.gov.uk