
NON-EXEMPT

HAVANT BOROUGH COUNCIL

CABINET

14 December 2022

Disabled Facilities Grants – New Policy

FOR DECISION

Portfolio Holder: Cllr Narinder Bains

Key Decision: Yes

Report Number: HBC/102/2022

1. Purpose

- 1.1. This paper is submitted to Senior Management Team:
For policy decision, and to meet a statutory requirement

2. Recommendation

- 2.1. Members are requested to approve
- a. The implementation of the draft Disabled Facilities Grant (DFG) Policy

3. Executive Summary

- 3.1. This report is recommending the implementation of the reviewed and updated DFG policy, following the review date of the previous version.
- 3.2. The updated policy builds on our previous policy, and the freedom for local authorities granted through the Regulatory Reform Order, allowing us to help more disabled and vulnerable residents and enable them to continue living in their homes safely.
- 3.3. The DFG policy is directly in line with Theme 2 of the Council's Corporate Strategy, which is 'A safe environment, healthier and more active residents', and Theme 6 which is 'A quality home for all'.

3.4. There are no additional resources implications at this point.

3.5. Appendix A contains the draft policy document.

4. Additional Budgetary Implications

4.1. None

5. Background and relationship to Corporate Strategy and/or Business Plans

5.1. Under the Housing Grants, Construction and Regeneration Act 1996 (the Act), Havant Borough Council (the Council), in its capacity of a housing authority, has a statutory duty to provide Disabled Facilities Grants (DFGs) to applicants who qualify. The primary aim of DFGs is to provide aids and adaptations to enable people with disabilities to live independently and safely in their own homes.

5.2. This policy sets out the mandatory legal framework for DFGs, and how the Council intends to use its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) to provide discretionary interventions to promote independent living and well-being.

5.3. In order for the Council to use its discretionary powers under the RRO it must have a policy. This policy sets out the new flexibilities the Council is adopting in respect of DFGs, including, but not restricted to, changes to the maximum award and adjusts the threshold for means testing

5.4. Central Government makes available capital funding for DFGs as part of the Department of Health's Better Care Fund. The grant is for the provision of adaptations to disabled people's homes to help them to live independently in their own homes for longer. The Better Care Fund is made up of local pooled funds, local partnerships between Care Commissioning Groups and Local Authorities.

The DFG has been included in the Fund so that the provision of adaptations can be incorporated into the strategic consideration and planning of investment to improve outcomes for service users. Hampshire County Council has allocated the funding to the Council from the pooled budget, to enable the council to continue to

meet its statutory duty to provide adaptations to the homes of disabled people, including in relation to young people aged 17 and under.

- 5.5. The grant funding amount received by the Council for 21-22 was £1,993,167. The actual spend for 21-22 was approximately £837,790, however the pandemic and subsequent impacts on the building trade have somewhat hindered our ability to progress cases in a timely manner. It is likely that we will receive a similar grant funding amount for 22-23.
- 5.6. The number of cases completed in 21-22 was 99.
- 5.7. The DFG process begins with an assessment carried out by an occupational therapist (OT), who will determine the needs of the applicant and then make a referral to the council with accompanying recommendations. Council officers will process the referral to determine if the applicant is financially eligible, and if the property is suitable to be adapted in the way that has been recommended by the OT. Council officers will identify suitable and available contractors to carry out the work, and then oversee the case through to completion of the adaptations. The council will then pay the grant funding direct to the contractor(s) upon completion.
- 5.8. It should be noted, it would be technically possible for the council to pay the grant funding direct to the applicant, and then step back from the process allowing the applicant to identify suitable contractors and monitor progress, and this does happen on occasion. In doing so some of the risk to the council is removed due to us not being involved thereafter and having reduced responsibility. However, the majority of applicants we interact with are elderly and/or vulnerable, and it is highly unlikely they would be able to (or want to) carry out this task, and it is therefore appropriate for the council to perform this function. For this reason, it is very rare for local authorities to operate in this way.
- 5.9. There are certain fees and expenses that are allowed to be added to the grants administered under the Housing Grants, Construction and regeneration Act 1996. These are set out in the Housing renewal Grants (Services and Charges) order 1996. Under our previous policy, an administration charge was levied on DFGs which would cover the cost of these functions, this equated to 10% of the average

DFG cost from the previous year. However, through this new policy, the mechanism through which the fees and expenses would be recovered. Instead of a fee per grant case, this charge will be applied as one percentage from the BCF allocation, calculated as 10% from the previous year's spend on adaptations. This will be kept under review, and adjusted if necessary.

- 5.10. In line with the mandatory funding, a charge will be applied for owner occupied properties for discretionary spend over the £30,000 threshold. The conditions through which this will be applied are largely the same as those that apply to the mandatory spend, and the criteria to waive would also be the same. The decision to waive would be taken by the s151 officer on a case by case basis.

6. Options considered

- 6.1. Option 1 – Do nothing, continue with the service as is. This would result in the council having no up to date policy in place to support the delivery of the service. Methods to assist vulnerable residents will be limited, thereby not supporting the Council's Corporate Priorities and broader Strategy as much as possible.
- 6.2. Option 2 – Give the grant funding direct to residents as a default position. Reduces some of the risk to the council in terms of our responsibilities under the Construction (Design and Management) Regulations 2015, however this ignores our social responsibility towards our residents (particularly vulnerable residents) and places a significant burden on them. By the nature of this service the residents involved are likely to be elderly and vulnerable, and not in a position to find contractors, arrange works, and oversee the adaptations. Therefore, whilst it may be legally acceptable to operate in this manner, doing so may not be in line with our broader duties, would not be conducive to the Council's Corporate Priorities and broader Strategy, and may result in reputational damage.
- 6.3. Option 3 – Approve the policy and proceed with the new measures. This option allows the council to use the full range of available tools to assist vulnerable residents, help to keep them safe, and allow them to continue living in their homes through suitable adaptations.

7. Resource Implications

7.1. Financial Implications

- 7.1.1 This policy would allow us to spend more of the DFG grant allocation provided to the council through the Better Care Fund.
- 7.1.2 This policy would not have an adverse impact on revenue budgets, however it would generate a small amount of revenue through admin fees in order to cover staff costs of providing the service.

Section 151 Officer comments

Date: 11/10/2022

Funding for Disabled Facilities Grants is provided through an annual allocation, from Government, through the Better Care Fund. Implementation of this new policy will enable us to spend more of the funding on supporting vulnerable residents. The funding is ring-fenced for the specific purpose of providing DFGs. There is no risk of overspending as grants will be processed subject to the availability of funding.

7.2. Human Resources Implications

- 7.2.1 There are no Human Resources Implications

7.3. Information Governance Implications

- 7.3.1 There are no Information Governance Implications

7.4. Other resource implications

- 7.5.1 No other resource implications

8. Legal Implications

- 8.1. Through this policy, the council would be exercising its powers under the Housing Grants, Construction and Regeneration Act 1996, and the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

- 8.2. By virtue of s.23 of the Housing Grants, Construction and Regeneration Act 1996 ('the Act'), local authorities have a duty to approve an application for a DFG from an eligible applicant (s.100). The grant must be required for a purpose set out in s.23 the Act. The Act provides that the DFG shall not be approved unless the Council is satisfied that it is 'necessary and appropriate' to meet the disabled person's needs; and that the works are 'reasonable and practicable' when considering the age and condition of the property (s.24).
- 8.3. This report is recommending approval of the policy to allow use of the full range of tools under the above legislation.

Monitoring Officer comments

Date: 06/12/2022

Part 1 of the Housing Grants, Construction and Regeneration Act 1996 deals with the administration of Disabled Facilities Grants. However, Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 allows the local authority to provide a discretionary grant/loan for adaptations in addition to or as an alternative to the DFG. The local authority is required to have a published policy before this power may be used.

9. Risks

- 9.1. Option 1 – Having no up to date policy in place limits the options available to the council.
- 9.2. Option 2 – Reputational damage likely resulting from passing grant funding directly to residents and allowing them to source the adaptations. Giving large sums of grant funding to residents who are already vulnerable could potentially increase their vulnerability. This option would be contradictory to our corporate priorities. It should be noted that no councils operate in this way, as far as we are aware.
- 9.3. Option 3 – risk to the council due to our responsibility under the Construction (Design and Management) Regulations 2015. However colleagues in Legal Services have assisted us with the creation of a framework agreement, and are

continuing to assist with creating a list of approved contractors. Consequently the risk would be mitigated.

10. Consultation

10.1. None.

11. Communication

11.1. The new policy will be communicated to the Private Sector Housing Team, and added to the council's website.

12. Appendices

12.1. Appendix A – Disabled Facilities Grants Policy

13. Background papers

13.1. None

Agreed and signed off by:

Portfolio Holder: Cllr Narinder Bains 1st August 2022

Executive Head: Neeru Kareer 20th October 2022

Monitoring Officer: Mark Watkins 6/12/22

Section 151 Officer: Malcolm Coe 11/10/2022

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