

**Tuesday, 23 January 2024**

**Report of the Portfolio Holder for Housing and Planning**

**Disabled Adaptations Policy**

**Exempt Information**

None

**Purpose**

For Committee to review and consider the proposed draft Housing Assistance Policy (for the delivery of Mandatory and Discretionary Disabled Facilities Grants) prior to submission to Cabinet for full approval and adoption.

**Recommendations**

It is recommended that:

1. Committee review and consider the proposed assistance provided by the Council under the draft Housing Assistance Policy (Appendix A).
2. Comment on the inclusion of various 'Discretionary Schemes' proposed.
3. Formally recommend the Policy to Cabinet for approval and adoption in March.

**Executive Summary**

The provision of adaptations to a person's home has wide reaching benefits for the person, their family, and society. Adaptations can make a home safer and easier to get around, restoring independence, privacy, confidence, and dignity. The types of adaptations the service provides include level access showers, wash and dry toilets, ramps, widened doors, stairlifts, access to the garden, and in some instances home extensions.

The Housing Grants, Construction, and Regeneration Act, 1996 remains the main piece of legislation pertaining to the provision of adaptations to support independent living. This Act places a statutory duty on local housing authorities for the provision of adaptations to eligible disabled applicants in certain circumstances, with timescales for approval set out in the legislation.

It is a statutory requirement for a local housing authority to have a published Housing Assistance Policy in place for the delivery of mandatory Disabled Facilities grants (DFGs) and any other discretionary assistance it offers to residents. It is also a requirement, where a local housing authority places a land charge<sup>1</sup> against a property for such assistance, that this is outlined in writing and included in such a policy.

The Council does not have a Policy in place at present, and therefore is not being transparent with its citizens to the extent of the assistance it provides, nor in the terms and conditions it applies to such assistance. This Policy seeks to address these issues.

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<sup>1</sup> A land charge for a mandatory DFG is only applied to owners applications for works costing over £5,000 up to a maximum of £10,000. This is placed for a maximum of ten years.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gives local housing authorities greater freedoms to provide financial assistance for adaptations, essential home repairs or improvements to improve housing conditions to benefit an individual's health, wellbeing, or quality of life. Article 3 of the Act introduces a wide range of discretionary powers to allow the Council to develop different forms of assistance to meet local needs, based on the local housing conditions and the resources available to the local authority. Without a published Policy in place, the Council, and its residents are unable to take advantage of these additional freedoms afforded through the Act.

The Policy proposes to expand the list of passporting benefit to include Council Tax Support, a means tested benefit. Residents in receipt of this benefit will not be subjected to the statutory Test of Resources.

The proposed draft Policy also includes various 'Discretionary Scheme', subject to available resources. These include:

- Top up Grant (TUG) of £25,000 over and above the £30,000 maximum mandatory DFG grant. This is to counter the build costs now experienced for more extensive work, over and above the threshold set by central Government in 2008 of £30,000. Analysis on the grant threshold today based on cost inflations should see the grant maximum be raised to £55,000.
- Professional Fees Grant (PFG) of up to £5,000 to cover costs of professional fees, such as Occupational Therapy (OT) costs, Architect fees etc. for grants that do not progress to approval stage. This is important given the way Staffordshire County Council operates and the need for TBC to provide and pay for OT assessments as part of the grant process.
- Help to Move Grant (HtMG) of up to £5,000 to support applicants to move home where the adaptation would be costly, or moving would produce a better outcome, e.g. to an adapted home or closer to existing support.

Full details of these schemes, their scope and eligibility are set out within the draft Policy.

The Policy outlines the support service the Council offers residents wishing to apply for assistance, either through a managed service where the Council will support a resident to apply for the grant and assist in getting the adaptation work completed satisfactorily, or occasions where a resident wishes to manage their own application, as they would like to use their own contractor or deliver a preferred scheme<sup>2</sup>, as the legislation allows for.

The Policy also proposes a prioritisation system of 'standard' and 'urgent' enquiries as suggested in the DFG Best Practice Guidance, 2022. No other form of prioritisation is supported for specific groups in this guidance and has not therefore been considered.

The Policy finally sets out the legislative terms and conditions that will apply to the grant, ensuring that we are being transparent with residents as to the assistance on offer and to applicants of the grant as to the terms and conditions that will apply.

Adaptations to Council owned properties will be subject to a separate Assistance Policy submitted to this Committee in due course following the outcome of the budgeting setting process. This is likely to follow a similar stance outlined in this Policy as the legislation governing DFGs is tenure neutral and the ability to offer our own tenants the same degree of opportunity is important.

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<sup>2</sup> A preferred scheme is a scheme additional to the mandatory assessed DFG scheme of eligible works, for example a resident is assessed as needing a stairlift at a cost of £5,000 but would like a ground floor extension for a bathroom instead. The cost of the mandatory assessed DFG scheme can be off set against the cost of the preferred scheme as long as it can be demonstrated that the preferred scheme will equally meet the disabled persons need. It will be for the resident to pay the difference in costs.

## Options Considered

To not have a Policy in place is contrary to legislation and best practice guidance. This option has been discounted.

The Policy could consider a mandatory only provision of DFG. However, this would mean those residents in need of extensive adaptations due to complex needs would not get the assistance they need, and their health and wellbeing would suffer.

The benefit of introducing the TUG is:

- Previously extensive adaptations in Tamworth have been completed under the splitting of grants. This is not considered good practice, and impacts both the resident and service capacity due to the burden of administering multiple grants at once.
- Not all grant applications can be split given the nature of their co-dependence on one another, e.g. extensions for bathrooms and/or bedrooms, leaving residents in need and applications being cancelled due to funding shortfalls.
- Ability to place an additional land charge against the property (above and beyond the mandatory charge), this time a lifetime charge against the property being adapted for the full cost of the TUG. On sale or transfer of the property, funds will be returned into the DFG for re-use.
- Ability to means test the applicant, rather than the disabled person if different, as per the grant rules prior to any TUG being awarded.

The benefits of a HtMG are:

- Assisting someone to move to a property that is adapted, can be adapted, or may have better outcomes once adapted.
- Assisting someone to move closer to their care and support network, which may mean out of the area.

The benefits of the PFG are:

- Ability to claim grant funding towards abortive fees if someone drops out of the application process, especially important in Staffordshire due to the payment of OT assessments through the grant.

Eligibility for all discretionary assistance will be based on eligibility for the Mandatory DFG.

## Resource Implications

None – completed within existing budget allocations.

Budgets for the Discretionary Schemes will be set by the Adaptations Manager annually, based on likely demand from previous years.

It is suggested that the following budgets are allocated from the main DFG budget in 2024/25:

TUG - £50,000  
PFG - £20,000  
HtMG - £20,000

Any application for Discretionary Schemes will only be considered in line with budget availability as the need to deliver mandatory DFGs in required timescales exist. The Mandatory DFG pot and pipeline of work will be checked annually to ensure there is enough budget available to service demand.

Any underspend from these budgets will be rolled over to subsequent years if there is enough budget in the Mandatory DFG pot available for pipeline works for the year.

The Council has the sole discretion to amend, suspend, or remove discretionary schemes as the budget dictates, and monies will need to be moved back into the main DFG pot should demand from mandatory DFGs dictate.

### **Legal/Risk Implications Background**

Having a Housing Assistance Policy is a legislative requirement.

Not having a Policy in place leaves us open to challenge.

### **Equalities Implications**

See Community Impact Assessment.

### **Environment and Sustainability Implications (including climate change)**

N/A

### **Background Information**

N/A

### **Report Author**

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### **List of Background Papers**

N/A

### **Appendices**

Appendix A – Draft Housing Assistance Policy

Appendix B – Draft Community Impact Assessment