

**CABINET  
10 NOVEMBER 2020**

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**DISABLED FACILITIES GRANT POLICY  
& REGULATORY REFORM ORDER POLICY (2020-23)**

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**Responsible Cabinet Member - Councillor Rachel Mills,  
Adult Social Care Portfolio**

**Responsible Director -  
James Stroyan, Acting Director of Children and Adults Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. The purpose of this report is to request that Cabinet approve the updated Disabled Facilities Grant Policy and Regulatory Reform Order Policy 2020-2023.
2. The report advises Members of the capital resources available for Disabled Facilities Grants (DFGs) during 2020/21 and requests that Members release these capital resources in order that they are utilised in accordance with Disabled Facilities Grant Policy and Regulatory Reform Order Policy 2020-2023.

**Summary**

3. The Disabled Facilities Grant (DFG) is a means tested statutory grant provided by the Government to undertake adaptations to homes such as walk in showers, stair lifts, ramps, or building extensions for disabled adults or children to enable them to live independently in their own homes.
4. Disabled Facilities Grants are governed by housing legislation and therefore have set guidance and eligibility criteria which govern how funding can be allocated. Historically these conditions have restricted the way in which funding could be released which resulted in year on year underspends on the budget.
5. The Government has also increased the DFG grant paid to local authorities nationally from £220m in 2016/17 to an estimated £500m in 2019/20, and in February 2020 an additional £505m was made available for the DFG.
6. The increase in allocated Government funding together with carry forward amounts has resulted in a DFG budget for 2020- 2021 of approximately £2.5M
7. A Regulatory Reform (Housing Assistance) Order gives local authorities permission to broaden the scope of how DFGs are used to support housing renewal and assist with the improving housing conditions.

8. The proposed updated Darlington DFG policy has been therefore been developed in a way which will enable the Council to make use of the powers provided under the Regulatory Reform (Housing Assistance) Order and use the funding in an appropriate way, to the benefit of residents. A summary of initiatives of new areas of expenditure facilitated by a revised DFG Policy (2020-2023) including RRO Housing Assistance (2002) are given in paragraph 16 of the main report.

### **Recommendation**

9. It is recommended that Members:
  - (a) approve the Disabled Facilities Grant policy (2020-2023) and the associated Regulatory Reform (Housing Assistance) Order (2002)
  - (b) Release the capital funds in order that they are utilised in accordance with Darlington Borough Council Disabled Facilities Grant Policy (2020-2023) and the associated Regulatory Reform Order (2002).

### **Reasons**

10. The recommendations are supported by the following reasons: -
  - (a) To enable the adaptations for those individuals who are eligible to receive a Disabled Facilities Grant for 2020- 2023 to proceed.
  - (b) The updated Disabled Facilities Grant Policy and Regulatory Reform Order Policy 2020-2023.will allow the Council to create an environment of greater innovation and flexibility to maximise the benefit of DFG funding.

**James Stroyan,  
Acting Director of Children and Adults Services**

## Background Papers

Letter to Local Authorities Chief Executives dated 28 February 2020 - Ministry of Housing, Communities and Local Government

Darlington Borough Council Disabled Facilities Grant Policy and Regulatory Reform Order Policy 2020-2023.

Sukhdev Dosanjh: Extension 5855

S17 Crime and Disorder	This report has no implications for Crime and disorder.
Health and Well Being	Adaptations funded by Disabled Facilities Grants will improve the health and well-being of residents of Darlington.
Carbon Impact and Climate Change	Some of the adaptations funded by Disabled Facilities Grants will reduce energy usage and provide higher levels of thermal comfort for dwellings benefitting from these measures thus reducing carbon emissions.
Diversity	The adaptations provided via Disabled Facilities Grants will improve the accessibility of owner occupied, privately rented and social housing.
Wards Affected	All wards within the Borough of Darlington are affected.
Groups Affected	Disabled Facilities Grants are available to disabled applicants living in owner occupied, privately rented and social housing.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	This is a key decision.
Urgent Decision	For the purpose of the 'call-in' procedure this is not an urgent matter.
One Darlington: Perfectly Placed	This links to theme 3 'Healthy Darlington' specifically addressing health inequalities to narrow the gaps in health and wellbeing.
Efficiency	Adaptations enable people to remain independent in their homes for longer and therefore reduce the need for larger packages of support or admission to residential care. They also can be effective in preventing hospital admissions.
Impact on Looked After Children and Care Leavers	There is an impact on Looked After Children or Care Leavers

## MAIN REPORT

### Information and Analysis

11. The purpose of Disabled Facilities Grants (DFGs) is to fund adaptations to owner-occupiers, tenants of private rented properties and Housing Association tenants to enable people with a disability to remain in their own home and live independently across the Borough.
12. DFGs are national mandatory grants and the grants are available to adults and children with a disability, when works to their home are judged “necessary and appropriate” to meet their assessed needs, and when it is “reasonable and practicable” to carry them out having regard to the age and condition of the dwelling.
13. Works that are eligible for a DFG include:
  - (a) facilitating access to and from and around the dwelling
  - (b) access to a family room
  - (c) access to a room for sleeping
  - (d) access to a lavatory
  - (e) access to a bath or shower
  - (f) facilities for the preparation of food
  - (g) improvements to heating systems.
14. The current DFG Policy has been in operation since 2014 and closely follows the legislation and policy guidance that was current at the time of its implementation. The policy was also written to reflect the grant funding that was available at that time. Following the implementation of the Care Act (2014) and the moving of DFG funding into the Better Care Fund, as well as the increase in the funding available, it is timely to review the Policy.
15. Durham County Council Home Improvement Agency provides support to individuals applying for a DFG under a contract. This service includes: the completion of the grant application; the seeking of quotes for the necessary works; selection of a suitable contractor; oversight of the works up to completion, and payment of the grant.
16. A revised DFG policy including a RRO (Housing Assistance) Order (2002) policy is attached as **Appendix 2**. In summary the RRO (2002) policy provides the Council with a power to broaden the scope of how DFGs are used, however, there is a legal requirement to publish this policy in order for the Council to exercise this power. A range of programmes and initiatives have been included in the revisions which have been based on best practice nationally and a review of local needs.
17. Adaptations to a person’s home can also reduce and /or delay the need for care and support and also prevent/delay the admission to residential care. In addition, a DFG can support a preventative approach by reducing risks within the home and assisting individuals to live and manage independently in a safe and accessible home environment.

## **Summary of initiatives of new areas of expenditure facilitated by a revised DFG Policy (2020-2023) including RRO Housing Assistance (2002) Policy.**

18. In summary, the key initiatives that it is proposed will be supported by the policy are:

- (a) Funding the additional cost of providing purpose-built adaptations to new or existing Registered Social Landlord owned properties for disabled people in need.
- (b) It is proposed to recharge the cost of the Occupational Therapy Services (OT) for the time spent on completing Disabled Facilities Grant, it is estimated that this will be approximately £110k
- (c) Acquisition and refurbishment of four long term empty homes in the Northgate area to be let to high and medium dependency rough sleepers. The total estimated cost is around £364K but MHCLG have agreed to fund 50% of the costs so a contribution is being sought of £182K one off funding. Intensive management and support will be required, and the proposal is to work closely with the relatively new Public Health Drug and Alcohol Service. However, the Council would also need to commission a 24/7 wrap around service at an estimated cost of £35K pa and a specialist Mental Health worker at an estimated cost of £40K pa. MHCLG have agreed to fund the 24/7 wrap around service for 3 years and funding is therefore being sought to cover the costs of the mental health worker using £40K of the savings made from recharging the OT Service to the DFG budget. This is an example of using funding innovatively to address housing need and improve and make best use of housing stock.
- (d) The introduction of a discretionary power which permits the Council to make addition grants / loans etc. to top up the maximum permissible grant of £30,000 per property.
- (e) Funding up to £30k of extensions/ property configurations to facilitate kinship care arrangements thereby avoiding overcrowding.
- (f) Hospital Discharge Grants payable where NHS continuing healthcare funding is not available and the sole reason for a patient cannot return home is an adaptation or heating repair to a property on an urgent, fast track basis.
- (g) Removal of the means test for DFG applications up to £5k and in addition waive the means test in circumstances which would cause undue financial hardship.
  - (i) Top slice the DFG allocation to pay the fees in respect of the works direct to the HIA - this would enable applicants to receive the full £30k.
  - (ii) Exercise discretion to impose a land charge on adapted properties of owner occupiers. This applies where the cost of the DFG exceeds £5,000 and the property is subsequently sold within 10 years. In such a circumstance, the Council can claim back the costs over the first £5,000 up to the limit of the maximum recovery of £10,000.

- (iii) Relocation Assistance for owner occupiers of up to £10k where existing home is unsuitable for improvement, repair or adaptation and the person is eligible for a DFG to avoid the necessity of providing costly adaptations to their existing property.

## Financial Implications

19. Historically there has been a growing cumulative underspend in the DFG budget. Whilst the expenditure has increased in 2018/19 by 34% to £633,506.08, the budget including carry forward amounts and Government top ups is approximately £2.5M on 1 April 2020. The average carry forward amount over the 4 years (2017/18 to 2020/21) is £1,689,246.

**Table 1: DFG Capital Resources**

Year	Brought Forward £	In- year allocation £	Additional Allocation£	Total Available £	Expenditure £	Carry Forward £
2017/18	686,867	804,133	77,409	1,568,409	472,272	1,096,137
2018/19	1,096,137	868,491	95,666	2,060,294	633,506	1,426,788
2019/20	1,426,788	937,154		2,363,942	682,545	1,681,397
2020/21	1, 681,937	937,154		2,618,551	*65,888	2,552, 663

\*Expenditure to date in 2020/21 has been significantly affected by the Covid 19 Emergency

20. In accordance with the Council's Constitution, Members are asked to approve the release of capital funding in the DFG by the Government. Table 2 below sets out these amounts:

**Table 2: DFG Capital Resources Release amounts**

Disabled Facilities Grants	£000's
2018/19	95,666
2019/20	937,154
2020/21	937,154
Total:	1,969,974

## Outcome of Consultation

21. The Council has undertaken a consultation exercise which included an on-line opportunity for the public to feedback their views. No responses were received which may indicate the positive changes that the Council is seeking to introduce and that the new policy aligns Darlington with the majority of other local authorities. In addition, officers sent the draft policy to key stakeholders to seek their input. Again, there were no responses and a further follow- up exercise was conducted by officers and the new policy was received positively.

## Equalities Considerations

22. A group of officers carried out an initial Equalities Impact Assessment Screening, and from this no negative impacts were identified. This is not surprising as the intention of the policy is to offer additional assistance and support to older and disabled people through a more flexible approach to funding adaptations.