

CABINET

Date to be confirmed

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

**Responsible Cabinet Member - Councillor Lorraine Tostevin,
Adult Social Care Portfolio**

Responsible Director - James Stroyan, Group Director of People

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 2022-2025.

Summary

2. 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.
3. 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.
4. The Government has also increased the DFG grant paid to local authorities nationally, this increase in allocated Government funding together with carry forward amounts has resulted in a DFG budget for 2022-2023 of approximately £2.6M.
5. 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.
6. The proposed updated Darlington DFG policy has 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.
7. A summary of initiatives of new areas of expenditure facilitated by a revised DFG Policy including RRO Housing Assistance (2002) are given in paragraph 18 of the main report.

Recommendation

8. It is recommended that Members approve the Disabled Facilities Grant policy (2022-2025) and the associated Regulatory Reform (Housing Assistance) Order (2002)

Reasons

9. 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 2022- 2023 to proceed.
 - (b) The updated Disabled Facilities Grant Policy and Regulatory Reform Order Policy will allow the Council to create an environment of greater innovation and flexibility to maximise the benefit of DFG funding.

**James Stroyan,
Group Director of People**

Background Papers

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

Foundations <https://booklets.foundations.uk.com/adaptationsforbehavioursthatchallenge>

Department for Levelling Up, Housing & Communities and Department of Health & Social Care [Disabled Facilities Grant \(DFG\) delivery: Guidance for Local Authorities in England \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612242/DFG_delivery_guidance_for_local_authorities_in_england.pdf)

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
Council Plan	Positive impact across Adults and Children and Young people, contributing towards the following key actions Adults - Maximising Independence and reducing the demand on services Children and Young People - Provide excellent services for children and young people with special educational needs and disability
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	Some of the adaptations funded by Disabled Facilities Grants will have a positive impact on some looked after children

MAIN REPORT

Information and Analysis

10. 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.
11. 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.
12. 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.
13. The current DFG Policy has been in operation since November 2020 and closely follows the legislation and policy guidance that was current at the time of its implementation.
14. 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.
15. A revised DFG policy including a RRO (Housing Assistance) Order (2002) policy is attached as **Appendix 1**. 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.
16. 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.

17. Summary of initiatives of new areas of expenditure facilitated by a revised DFG Policy and RRO Housing Assistance (2002) Policy (2022-2025).

1. Waive the means test for certain items and raise the recovery threshold

- a) To waive the means test and the need for the DFG approval panel for the following adaptations (and any combination):
 - a. Stairlifts (Straight and Curved)
 - b. Ramps (semi-permanent)
 - c. Level Access Showers
 - d. Through Floor Lifts
 - e. Wash Dry Toilets
- b) Any complex adaptations above will still have oversight via the DFG approval panel.
- c) The means test will remain for ground floor extensions and garage conversions; however, the revised policy recommends that the land charge limit be amended so that we only consider recovery of any adaptations over £10,000 rather than the £5,000 which is the current policy.

Rationale

- d) Many of the above adaptation used to come in under the £5,000 threshold, but recent substantial rises in costs for items and works mean that the majority of these are now over the £5,000 threshold.
- e) By removing the means test it will speed up the process by about 2 months, for these crucial items that promote independence. It will create efficiencies in the process along with the benefits for the individual in terms of prolonging independence and delaying or preventing care needs. The changes also have a positive impact on dignity and respect if individuals can shower and toilet without assistance and get to bed whenever they want without assistance. Two months is a big impact on the family and a family carer's ability to maintain their employment if they are having to take time off work to support a loved one while awaiting a decision.
- f) The above changes are necessary as it causes disparity for service users. For example an individual needing a straight track stair lift would currently get it free of charge as it would currently come under the £5,000 threshold, however an individual with a curved or more complex staircase would be over the £5,000 threshold and require a means test, delaying the installation of the stairlift or having to go without as they cannot afford the contribution, leaving them at risk and ultimately the council with an increase care bill in the future.

2. Additional costs to be charged to the DFG fund

- g) The recharge of the cost for the Occupational Therapy Services (OT) for the time spent on completing Disabled Facilities Grant is proposed to be increased in line with the increase in demand for DFGs. The policy proposes to remove a stated amount of money that is charged to the DFG. The discretion for future changes to this charge would lie with Commissioning as manager of the DFG fund.
- h) To allocate costs for the handyman service to the DFG, this is already included in the policy but is not currently charged to the DFG fund. The discretion for future changes to this charge would lie with Commissioning as manager of the DFG fund.

Rationale

- i) By removing a stated amount of contribution, it allows flexibility to increase resource as appropriate to deal with demand without a change to the policy and Cabinet approval on each occasion, ensuring that we can respond to the demand more quickly and efficiently. There has been a substantial increase in the volume and the complexity of applications since 2020 and it is anticipated that due to some of the policy changes it could again increase the amount of DFG applications the team have to process, on top of the continued rising demand since the last amendment to the policy in 2020.

3. Amendments to the Kinship Care contribution

- j) Remove the pre-stipulated £30,000 annual cap on funding for children's social care for housing assistance for Kinship Care.

Rationale

- k) A notional annual budget of £30k was included in policy, however this budget is not for an individual child it is to cover support to all Kinship cases. The number of children in Kinship Care arrangements continues to grow significantly and therefore, subject to in year presenting need and risks additional funding over the annual notional allocation may be required.
By limiting the budget, we run the risk of not maximising proactive early intervention opportunities, resulting in an escalation of circumstance, a breakdown in care arrangements, carer and associated high placement costs for a looked after child, which would be hugely more expensive than any DFG costs.
- l) For any additional funding request over the annual allocation an assessment of the cost avoidance benefit, placement stability risk and positive outcomes for the child will be undertaken on a case-by-case basis.
- m) To date the Kinship Care housing assistance allocation has effectively supported the creation of additional living space for children with social and emotional needs and behaviours that challenge. This has been undertaken in a range of different ways

from existing property adaptations and modifications to facilitating moves to alternative accommodation which can more appropriately meet the child/children's needs

- n) The discretion for future changes to the amount used for Kinship care would lie with Commissioning as manager of the DFG fund.

4. Expand policy to widen the support that can be provided for Children and adults with autism/behaviours that challenge, including the provision of safe spaces

- o) Funding for safe space adaptations, including gardens, in line with DBC Occupational Therapists assessed needs of a child, young person or adult with behaviours that challenge in line with the provisions of the Foundations best practice guide.
- p) Where home adaptations are being considered to deal with behaviours that challenge, the family and carers of the disabled person should be highly involved in the assessment discussions and decision-making process. It is also good practice to consult with specialist colleagues to fully explore the correct balance between therapeutic interventions and adaptations. Where behaviours threaten the safety of others living within the household, the grant can be used to reduce the risks to their safety.
- q) For instance, where siblings share a bedroom and there is the threat of harm during the night, then creating a separate bedroom can meet this purpose. Grant could also be used to create a 'safe space' for a person who is likely to injure themselves. This could, for example, include items such as upholstered and washable walls, soft flooring, radiator covers or a television enclosure or a secondary window.

or

Where there is a single bathroom and the child with challenging behaviours may physically assault a member of the family to access the bathroom but cannot because other are using it, the grant may be used to fund a second bathroom to reduce the stress and occasional violent confrontations which could lead to a breakdown of the caring arrangement and urgent accommodation from the Council being required.

Rationale

- r) Challenging behaviours can frequently lead to a breakdown of the caring arrangements, particularly where the family do not feel safe or feel they cannot keep their child safe. These breakdowns of care result in residential care arrangements or supported living arrangements being sought for the child with challenging behaviours which are much more costly than safe space adaptations funded through the DFG.

5. Dementia Grants & Smart Home kits

- s) **Dementia grants:** small grants to fund modifications that would allow someone with a diagnosis of dementia to remain living safely in their home for longer. These are typically preventative in nature and allow for adaptations to be provided for individuals with a diagnosis of dementia and before the condition escalates to the point where a DFG would normally otherwise become necessary.

The extent and cost of the works are usually relatively small (often less than £1,000) and involve a streamlined application process. The most common types of modification are:

- Labels and signs on doors and cupboards
- Task focussed lighting in bathrooms and kitchens
- Items of assistive technology, e.g. to provide reminders and to monitor activity
- Safer flooring
- Decoration to improve contrast between walls and floors
- Installing coloured fixtures to create a contrast for items like toilet seats and grabrails

Smart Home Kits: such as a smart thermostat to control heating and hot water, video doorbell, smart switches, smart lightbulbs and an Alexa or Google Home for voice or other assistive technology grants

Rationale

- t) These simple changes can help to keep someone living safely at home for longer, delaying the need for more costly care services or a move into residential care. They can also enable individuals to maintain their independence for as long as possible.

6. Home accident prevention or health and safety initiatives

- u) The DFG will be used to fund minor adaptations and repairs, security checks, deep clean and de-cluttering of premises.

Rationale

- v) To improve the living conditions for the individual for health and safety reasons or as a prevention of home accidents.

7. Future items for use of DFG funding

- w) An additional paragraph has been added to the DFG/HA RRO policy to give greater flexibility to the use of the DFG as new guidance is issued in the future, without the

need for issuing a revised policy that requires cabinet approval each time the guidance is updated.

Rationale

- x) This paragraph will allow the manager of the DFG fund to respond more quickly to change by being able to add charges to the fund that while they are not specifically listed in the policy, they are allowed within the fund and are recommended by Foundations.
- y) It will speed up the council’s ability to respond to change as the policy will not need to be rewritten to specify every use possible which then needs Cabinet approval.
- z) The fund is current managed within Children & Adults Commissioning team and is operated in conjunction with the Occupational Therapy team who undertaken the needs assessments for all cases and has close budgetary oversight by finance to ensure the fund is being spent in line with the guidance.

Financial Implications

- 18. Historically there has been a growing cumulative underspend in the DFG budget. Whilst the expenditure has increased in 2021/22 by 76% to £1,298,519, the budget including carry forward amounts and Government top ups is approximately £2.6M on 1 April 2022. The average carry forward amount over the 4 years (2018/19 to 2021/22) is £1,631,811.

Table 1: DFG Capital Resources

<i>Year</i>	<i>Brought Forward £</i>	<i>In-year allocation £</i>	<i>Additional Allocation£</i>	<i>Total Available £</i>	<i>Expenditure £</i>	<i>Carry Forward £</i>
2017/2018	686,867	804,133	77,409	1,568,409	472,272	1,096,137
2018/2019	1,096,137	868,491	95,666	2,060,294	633,506	1,426,788
2019/2020	1,426,788	937,154		2,363,942	682,545	1,681,397
2020/2021	1,681,397	937,154	126,191	2,744,742	735,626	1,827,116
2021/2022	1,827,116	1,063,345	0	2,890,461	1,298,519	1,591,942
2022/2023	1,591,942	1,063,345	0	2,655,287	*541,959	2,113,329

*confirmed actual spend as at 13/9/22

Outcome of Consultation

- 19. The Council undertook a consultation exercise in 2020 as part of the development of the Disabled Facilities Grant and Regulatory Reform Order Policy 2020-2023.

20. No negative impacts have been identified via the screening EIA so because of this no Consultation has been undertaken on the policy revision.
21. While there is no negative impact identified, there are be previous applicants who have had to contribute to their DFG. A number of these people could feel disadvantaged, they could argue that they would have been better off if we had made this change earlier, however we would not ordinarily look to make any change retrospective or backdating a policy.

Equalities Considerations

22. A group of officers carried out an initial Equalities Impact Assessment Screening (Appendix 2), 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.