



SEAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Disabled Facilities Grants Policy Review	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team 17 January 2024	
	Pre Cabinet 25 January 2024	
	Leader's / Leader of the Opposition's Advisory Group 1 February 2024 / 7 February 2024	
	Cabinet 26 February 2024	
	Audit Committee [DATE] / Scrutiny Regeneration, Development and Market Hall Committee [DATE] / Scrutiny Health and Well Being Committee [DATE] / Scrutiny Climate Change and Environment Committee / Scrutiny Value for Money Council Committee [DATE]	



Is this an Executive Decision:	YES	Is this a Key Decision:	YES
Is this in the Forward Plan:	YES	Is the Report Confidential: If so, please state relevant paragraph from Schedule 12A LGA 1972:	NO []

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **John Teasdale**

Date Signature

Chief Finance Officer: **Lloyd Haynes**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Cabinet

Date: February 2024

REPORT TITLE: Disabled Facilities Grants Policy Review

PORTFOLIO: Communities & Regulatory Services

CHIEF OFFICER: John Teasdale

CONTACT OFFICER: Rachel Liddle Ext. No. x1838

WARD(S) AFFECTED: All

1. Purpose of the Report

- 1.1. The report reviews the existing Disabled Facilities Grants Policy and provides recommendations for additional discretionary assistance.

2. Executive Summary

- 2.1. The current in-house Disabled Facilities Grant Service began on 1st April 2018 which aimed to provide significant benefits for service users by reducing the time taken to undertake adaptations and the costs currently associated with administering Disabled Facilities Grants through the use of an approved contractor and reduced administrative costs.
- 2.2. The current DFG Policy was adopted initially in 2018 and has been reviewed and amended to provide discretionary assistance through top up grants, disrepair grants and grants to assist applicants to move to an adapted home.
- 2.3. The overall number of DFG commitments, including approvals and completions have increased annually along with expenditure which is currently exceeding the amount of DFG grant received from government, however we have a high number of cancellations that are associated with the financial means test which is required for any applicants that are not on a means tested benefit.
- 2.4. The existing policy has been reviewed and proposes amendments to include additional discretionary assistance to:

- 2.4.1. remove the means tested contribution for applicants where the contribution is less than £5000,
- 2.4.2. remove the means test requirement for all applicants that only require equipment to 'fast track' the application process
- 2.4.3. to include additional warranties and repair of equipment for applicants with a contribution that is below £5000
- 2.4.4. Increase the amount of grant assistance for disrepair and unforeseen works from £2000 to £5000

3. Background

- 3.1. East Staffordshire Borough Council has a statutory duty under the Housing Grants, Construction and Regeneration Act 1996 to provide financial assistance to disabled people for a range of essential adaptations to their home through a Disabled Facilities Grant.
- 3.2. A Disabled Facilities Grant (DFG) is available to owner occupiers, private sector tenants and registered social landlord tenants to enable adaptations to be carried out in their own home to meet disability needs. This service is available for adults and children. The purposes for which mandatory disabled facilities grants may be given are set out in section 23(1) of the 1996 Act. The primary purpose is to facilitate access and provision, this includes work to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling and enjoying the use of the dwelling and the facilities or amenities within it.
- 3.3. A DFG is a mandatory grant and in accordance with its statutory obligations the Council must either approve or, for defined reasons, refuse applications within six months of receipt and in any event without unreasonable delay.
- 3.4. Local housing authorities also have the power to grant discretionary housing assistance under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which includes to adapt, repair or improve living conditions within its area.
- 3.5. The mandatory grant is capped at £30,000 which was set in 2008, and often falls short of the cost of the adaptations required. However discretionary assistance can be used to provide additional funding for adaptations that are not covered by the mandatory DFG.
- 3.6. The current in-house Disabled Facilities Grant Service began on 1st April 2018 following the end of a Home Improvement Agency contract in partnership with Staffordshire County Council. A Disabled Facilities Grants and Assistance Policy was also adopted which details the discretionary grants that are available within East Staffordshire.

4. Contribution to Corporate Priorities

- 4.1. Creating a prosperous East Staffordshire- The provision of a disabled facilities grant is a key component in delivering the Government's objective of providing

increased levels of care and support to disabled and vulnerable people to help them live independently and safely in their own homes.

- 4.2. Standing up for our communities- The additional discretionary assistance aims to assist our disabled residents with the cost of living and to enable them to remain living independently and safely in their own homes.

5. **Disabled Facilities Grant Policy Review**

- 5.1. The DFG service aims to provide an effective and efficient service that makes best use of DFG funding using a personalised approach to service delivery, seeking to reduce delivery times and costs through smarter service provision and reduced administration.
- 5.2. Since bringing the DFG service in-house in 2018, the number of approvals and completions have continued to increase, along with expenditure which is currently exceeding the amount of annual DFG funding received. This is beginning to reduce the amount of capital that is carried forward as shown in the year 2022/23 in table 4.

Table 1- DFG Approvals, Completions & Spend

Year	Number of DFGs Approved	Number of DFGs Completed	Total DFG Spend
22/23	74	75	£1,162K
21/22	67	65	£973K
20/21	59	49	£741K
19/20	44	35	£581K
18/19	16	32	£253K
17/18	88	77	£782K

- 5.3. Whilst the numbers of applications and approvals continue to rise, so do the number of cancellations. Table 2 below shows the increase of cancellations and the reasons reported for the cancellation.

Table 2- DFG Cancellations

Cancellation Reason	2020/21	2021/22	2022/23
Adaption not reasonable/necessary	15	3	12
Client Deceased	9	5	12
Client refuses work	20	14	14
Landlord Refused	4	5	5
Means Test - High Contribution	10	19	33
No Response	24	64	53
Relocated	5	8	6
Total	87	118	135

- 5.4. Whilst cancellations have an element of lost resource in staffing time and the cost of the OT report, it is also a concern if the clients remain in a property that is not suitable to enable them to live independently.

Financial Means Test

- 5.5. One of the main factors for cancellation is due to the means test resulting in a financial contribution, this can often be reported as the client refusing the work, which is the second highest reason for cancellation (excluding 'no response').
- 5.6. The means test is a standard financial test of resources that is undertaken for all applicants applying for a DFG in accordance with the Act. Children and young persons aged 19 years or younger at the date of the application are exempt from the means test.
- 5.7. Applicants in receipt of one of the following types of income will be 'passported' through the means testing process and do not need to make any contribution:
- Income Support
 - Income Based Job Seekers Allowance
 - Income Based Job Employment Support Allowance
 - Guarantee Pension Credit
 - Housing Benefit
 - Working/Child Tax Credit (if income for tax credits is below a specified amount)
 - Universal Credit
- 5.8. The test of resources takes into account the resources of the disabled applicant, and their spouse or partner where applicable. It does not take into account the applicant's outgoings.
- 5.9. Where a client contribution is required it is required to be paid to the Council prior to commencement of any works. This has led to delays and cancellations where clients have been unable to fund the required contributions.
- 5.10. Clients that receive a regular income but have low savings often have a contribution to make which is less than £5000 but is either higher or equivalent than the amount of disposable savings that they have available. This is a concern for the client as payment of the contribution will remove the savings that they have. With the cost of living being a concern for many clients, we have found that in this situation they choose to forego the DFG and manage with their current situation. This creates an ongoing risk of falls which can have an impact on the NHS and will often result in the property being unsuitable for independent living, creating additional costs for care.
- 5.11. The existing policy has been reviewed and amended, subject to approval, to include additional discretionary assistance to:
- remove the means tested contribution for clients where the contribution is less than £5000,
 - remove the means test requirement for all clients who only require equipment to 'fast track' the application process

- to include additional warranties and repair of equipment for clients with a contribution that is below £5000
- Increased amount for grant assistance for disrepair and unforeseen works from £2000 to £5000

5.12. Table 3 details the amount of client contributions that have been required for DFGs approved in the previous financial years and has been further broken down in to contributions below £5000.

5.13. The removal of the means test for clients with a contribution less than £5000 is expected to affect an average of 30 applicants per year based on the approvals granted in table 3 and the amount of cancellations in table 2 who will likely progress with the grant due to the removal of the means test.

5.14. Based on the approvals granted in the previous 3 years, this will have an average financial cost of £9,577 per year and an additional anticipated increase of £16,000 from DFGs that would have been previously cancelled due to the contribution (average 20 cases per year @ average £800 contribution). The total additional cost to the DFG budget from this measure is anticipated at 25,577.

Table 3- Client Contributions

Year	Total Contributions	Total Amount of contributions	Total contributions less than £5k	Total amount of contributions less than £5k	Average contribution (less than £5k)
2022/21	31	£47,054	15	£20,551	£1,370
2021/22	8	£2,401	8	£2,401	£300
2022/23	8	£20,895	7	£5,779	£827

5.15. The removal of the means test for all clients that require equipment only is expected to increase the speed of delivery as no financial means test will be required. It is anticipated that this will affect 10 clients per year and based on the average cost of contributions it is expected to save an applicant an average £1,497 contribution (average cost of contribution). Based on an average 10 applications per year the anticipated final cost to the DFG budget is £14,968.

5.16. The discretionary assistance for additional warranties and repair of equipment has been recommended due to the removal of warranties and service plans for equipment that was previously funded by Staffordshire County Council. Whilst clients are advised to fund the maintenance of equipment, many cannot afford to do this and therefore we are experiencing an increased number of clients that have had equipment installed which has broken down several years later. They are left without being to access their property and are unable to fund or arrange the repair of the equipment. The mandatory DFG does not fund ongoing service of equipment, however it is clear that this is required, and has therefore been recommended for those clients with a means test less than £5000 to ensure that it is only benefitting those that are in financial need of support.

- 5.17. The increased amount of assistance has been suggested for disrepair and unforeseen works as the current £2000 has been found to be insufficient for previous cases. It has therefore been recommended that this be increased to £5000 to fund minor repairs and improvements to assist someone to stay in their own home, works to repair the property to a safe and weatherproof condition or unforeseen works and issues of disrepair that are encountered once works on site have commenced.
- 5.18. These types and amounts of discretionary assistance are comparable to our neighbouring authorities, including Stafford and Lichfield for consistency.

6. Financial Considerations

This section has been approved by the following member of the Financial Management Unit: James Hopwood

- 6.1. The main financial issues arising from this report are as follows:
- 6.2. The DFG funds the capital programme scheme, which delivers the required works. The grant is also provided on the basis that it is ring-fenced to fund the equipment and adjustments that are required in residents' homes. When the Capital Programme scheme is not fully spent in year, both funding and the related scheme is carried forward into the next year in accordance with the ring-fencing.
- 6.3. One of the reasons that the Capital Programme scheme is not fully spent in year, is that there is a time delay between the Council making the grant award to the householder and the capital works then being completed.
- 6.4. The table below summarises the Capital Programme scheme for DFG works and the carry forwards at the end of each year.

Table 4- Capital Programme for DFGs

	From Monitoring	From Monitoring	From Monitoring	Ledger	
Year	Brought Forward Grant	Grant	Budget	Expenditure	Carry Forward
	£	£	£	£	£
(a)	(b)	(c)	(d)	(e)	(f)
					(d less e)
2018/19	194,378	947,755	1,142,133	253,450	888,683
2019/20	888,683	1,022,684	1,911,367	581,896	1,329,471
2020/21	1,330,328	1,160,392	2,490,720	740,582	1,750,138
2021/22	1,750,138	1,160,392	2,910,530	973,981	1,936,549
2022/23	1,936,549	1,160,392	3,096,941	1,161,853	1,935,088

2023/24	1,935,088	1,160,392 101,256*	3,196,736	-	-
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(*Additional allocation notified in October 23)

- 6.5. This report recommends increased discretionary assistance which will have a financial impact on the DFG budget, and enable the carry forward to be utilised. The DFG is a mandatory grant and the refusal to accept applications due to a lack of resources is unlawful, therefore whilst increased discretionary assistance is encouraged, the impact will be closely monitored to ensure that there is sufficient funding for mandatory DFGs.
- 6.6. The policy is clear that the award of discretionary assistance is dependent on sufficient funds being available, this reduces the risk of insufficient resources being available for mandatory grant applications.

7. **Risk Assessment and Management**

7.1. The main risks to this Report and the Council achieving its objectives are as follows:

7.2. **Positive** (Opportunities/Benefits):

7.2.1. Reduced administrative costs through the provision of a cost effective in-house disabled facilities grant service.

7.2.2. Reduced timescales involved in the delivery of adaptations providing a reduction in delays.

7.2.3. Increased number of adaptations delivered to clients resulting in reduced social care and health costs, a reduction of accidents in the home and increasing the number of people that are able to remain in their own home.

7.2.4. Ability to provide a service that is responsive to local needs of the borough residents.

7.3. **Negative** (Threats):

7.3.1. Reduced or insufficient funding received from DLUHC and passporting of money from Staffordshire County Council reducing the ability to provide grants, resulting in additional delays to the current service.

7.3.2. The council is unable to recover VAT on Disabled Facility Grant work and is reliant on the contractor ensuring the maximum number of invoices are zero rated as possible. This used to be the agency responsibility to arrange but will now be directly chargeable against the capital grant where incurred.

7.3.3. Increasing the amount available as discretionary grant (top up monies) reduces the overall amount available for mandatory grants.

7.3.4. Additional demands on the service due to the effects of long Covid on clients that may need to access the service (unknown impact)

7.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

8. **Legal Considerations**

*This section has been approved by the following member of the Legal Team:
John Teasdale*

8.1. The main legal issues arising from this Report are as follows.

8.2. The principal legal provisions are contained in the Housing Grants, Construction and Regeneration Act 1996 and associated regulations. This Act explicitly covers mandatory DFGs offering assistance once the recommendation has fulfilled the criteria of an adaptation being 'necessary and appropriate' and 'reasonable and practical'. Applicants also have to satisfy a Test of Resources looking at their income and savings which determines whether they will have to contribute towards a grant.

8.3. The maximum amount of DFG is currently set by The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008 at £30,000 and has been at this level since 2008.

8.4. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 provides freedom and opportunities for the Local Authority to address housing issues. This Order had important implications for local housing authorities because it repeals much of the existing prescriptive legislation governing the provision of renewal grants to homeowners and replaces it with a new wide-ranging power to provide assistance for housing renewal.

8.5. The provision of discretionary assistance is detailed within the Disabled Facilities Grants and Adaptations Policy which is available for inspection, free of charge, at the Town Hall, Burton Upon Trent at all reasonable times and copies of a document containing a summary of the policy may be obtained by post.

8.6. The provision of disabled facilities grants and discretionary assistance is subject to grant conditions which are detailed within the Disabled Facilities Grants and Adaptations Policy.

9. **Equalities and Health**

9.1. **Equality impacts:** The subject of this Report is a policy, strategy, function or service that is new or being revised. An equality and health impact assessment has been completed which identified no negative impacts.

9.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

10. **Data Protection Implications – Data Protection Impact Assessment (DPIA)**

10.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA

11. **Human Rights**

11.1. There are no Human Rights issues arising from this Report.

12. **Sustainability** (including climate change and change adaptation measures)

12.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

13. **Recommendation(s)**

13.1. Members to consider the report

14. **Appendices**

14.1. Appendix 1: Disabled Facilities Grants and Adaptation Policy