

## OFFICER DECISION RECORD 2 FORM

This form should be used to record Officer Decisions which have a financial impact (income/expenditure) between £25k - £100k.

**Decision Reference No AHWB.001.2022 Disabled Facilities Grant Discretionary Funding**

**BOX 1**

**DIRECTORATE: Adults Health and Wellbeing**

**DATE: 23/09/2021**

**Contact Name: Keith Sinclair**

**Tel. No.: 736247**

**Subject: Disabled Facilities Grant (DFG) – Discretionary Funding**

**BOX 2****DECISION TAKEN**

To amend the Housing Adaptations Policy to authorise, depending on available funds:-

1. Assistance with re-location costs
2. Discretionary grant funding above the mandatory grant limit of £30,000 (top-up)
3. Fund equipment/adaptations that fall outside the mandatory grant criteria
4. Extend expired warranty for equipment
5. Assist with client contribution

**BOX 3****REASON FOR THE DECISION**

The Council has a statutory obligation to administer mandatory Disabled Facilities Grants (DFGs) to provide aids and adaptations to enable disabled residents to live independently within their own homes, with privacy, confidence and dignity.

The works comprise the carrying out of disabled adaptations at privately owned homes across the borough. Works included as part of the scheme range from the supply and installation of grab rails to assist with bathing, toileting and access to dwellings, to the more complex works such as extensive internal remodelling for wheelchair accessibility. The installation of level access showers and over-bath shower is a major element of the scheme along with the construction of ground floor facilities.

Therefore without these essential adaptations for members of the community needing this, service would be dire. This will lead to many people who have been assessed for adaptations remaining in a vulnerable position within their own home, at a greater risk of falls, hospital admissions, isolation and increase the risk of admission to respite or residential care. It will place a greater responsibility onto families that will increase the risk of family breakdowns and there is a significant risk to the Local Authority of litigation for

failure to carry out its statutory duties. The health and well-being of individuals would decline.

Adaptations and equipment that is provided promptly, help those in most need to live independently for longer, and improve quality of life for the disabled person and their families.

Consequently, the service improves the quality of life and enhances independent living for these vulnerable groups. The greater feeling of well-being derived, as a result, should reflect a reduction in demand for services of other health care providers.

Carrying out adaptations in a timely manner will have huge benefits, not only for the Council in terms of fulfilling their statutory obligations, but also enables vulnerable people to remain living independently within their home supported by existing community support networks; together with improving their quality of life.

The Care Act 2014 makes clear that local authorities must provide or arrange services that help prevent people from developing needs for care and support or delay people deteriorating such that they would need ongoing care and support. Thereby helping to improve people's independence and wellbeing.

In addition, if the works are delayed or not carried out due to the authority's financial situation, there may be a possible challenge by way of a judicial review, and the affected applicants may also consider referring their case to the Local Government Ombudsman.

Failure to provide funds to carry out Adaptations to privately owned dwellings would be subject to a legal challenge as this is a Mandatory Obligation under the Care Act 2014 and the Chronically Sick and Disabled Persons Act 1970.

The Regulatory Reform (Housing Assistance) Order 2002 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) gave local housing authorities the power to adopt discretionary policies concerning housing interventions to promote independent living and wellbeing. In 2008 many changes were made to the way DFGs were administered and could be used which included the relaxation and removal of the ring-fence (2010) allowing DFG monies to be used more flexibly to help keep people safe and well at home and to reduce bureaucracy in the grant's administration.

Therefore, permitting Local Authorities the power to adopt a policy to use a discretionary grant, to top up if work costs over £30,000, assist with relocation costs, fund equipment, and to extend the warranty period for equipment. The authority currently has sufficient funds to meet this demand.

It has become increasingly difficult to achieve the required adaptations within the current limit of the £30,000 DFG grant. This is namely due in part that the maximum amount of DFG is currently set at £30,000 and has been at this level since 2008. Whereas building costs have continued to rise.

In the past few years, there have been several grants that have gone over the £30,000 mandatory grant, which has caused difficulty as to how the excess/shortfall would be funded, either by the local authority or the person applying. This situation has made it difficult for decision-makers to decide/determine as there is not a policy in place.

The increase in availability of funding allows the authority the opportunity to be more flexible in its use of DFG allocation. This in turn will enable the Council to undertake more

disabled adaptations schemes and assist greater numbers of disabled people, potentially preventing many applications from progressing.

The upper limit for major disabled adaptations has not increased since 2008. Since then there has been an increase in the complexity of needs for disabled applicants, particularly for children, which are accommodated by property extensions. Adaptations are much more complex than they used to be, with specialist equipment being required. In addition building costs have increased significantly over the years.

**In these cases, it is proposed to offer a couple of alternative options:-**

### **1. Assist with relocation cost**

- **Rehousing to an adapted local authority, housing association or privately rented property, suitable to meet their identified needs, and assistance with relocation costs up to a maximum of £5,000. The alternative property must either be already adapted or be adaptable at a reasonable cost. The grant can be used towards the expenses involved in moving home.**

2 families have relocated in the last five years. Therefore, if a similar trend was to continue, the amount of assistance required going forward would be minimal.

This will assist with relocation expenses, which includes estate agent fees, legal costs, and removal costs.

Supporting quotes and/or invoices will be required and the grant can only be paid once the applicant has exchanged contracts with a legally binding completion date.

### **2. Grant funding above the mandatory grant limit of £30,000 (top-up)**

- **To authorise discretionary grant funding above £30,000 (top-up) where it can be established that the applicant is unable to fund the excess**

As this type of assistance is case specific, individual decisions will be subject to prior consideration by the Assistant Director of Adults, Health and Wellbeing, in consultation with the Head of Service of Adults, Health and Wellbeing.

There has been an average of 4 schemes that has exceeded the mandatory grant per annum over the last five years. The average cost per scheme £42,000, a total of £168,000 per year.

Assuming a similar trend continued, grant funding above £30,000 would require approximately an additional £168,000 per annum.

This will allow for essential assessed adaptations to be provided in a timely manner.

A Local Land Charge is placed on the owner occupier's adapted property where the DFG exceeds £5,000. The land charge is limited to a maximum of £10,000 (mandatory scheme- statutory limit). The Charge will be enforceable if the property is sold within 10 years.

A local land charge for the **full amount** of discretionary funding, will be placed on the owner occupied property for up to a ten year period in addition to any mandatory grant local land charge.

It is proposed that each case will be individually judged on its own merits. In making a decision, the Council will establish a full understanding of the applicant's financial status, taking into account the following and be satisfied that it is reasonable considering the circumstances to fund the excess:

- confirmation from a high street bank that the applicant has been rejected a loan for the amount
- the extent to which the applicant would suffer financial hardship were they to be required to fund part or all of the amount (evidenced by bank statements/other supporting information)
- risk assessment carried to determine the result if the work did not go-ahead

### **3. Fund equipment/adaptations that fall outside the mandatory grant criteria**

We are receiving a significant increase in referrals for equipment/adaptations that fall outside the mandatory DFG criteria, namely for children with challenging behaviours. Without timely intervention many children would be left disadvantaged.

**Therefore it is proposed to:-**

- **Fund equipment/adaptations that fall outside the mandatory DFG criteria, where it can be established that the applicant is unable to fund**

There has been on average 8 applicants per annum over the last five years. The average cost per household is £7,000, a total of £56,000 per annum.

Assuming a similar trend continued, to fund equipment/adaptations that fall outside the mandatory DFG criteria would require approximately an additional £56,000 per annum.

A Local Land Charge is placed on the owner occupier's adapted property where the DFG exceeds £5,000. The land charge is limited to a maximum of £10,000 (mandatory scheme- statutory limit). The Charge will be incurred if the property is sold within 10 years.

A local land charge for the full amount of discretionary funding, will be placed on the owner occupied property for up to a ten year period in addition to any mandatory grant local land charge.

It is proposed that each case will be individually judged on its own merits. In making a decision, the Council will establish a full understanding of the applicant's financial status, taking into account the following, and be satisfied that it is reasonable considering the circumstances to fund:

- confirmation from a high street bank that the applicant has been rejected a loan for the amount

- the extent to which the applicant would suffer financial hardship were they to be required to fund part or all of the amount (evidenced by bank statements/other supporting information)
- risk assessment carried to determine the result if the work did not go-ahead

#### **4. Extend expired warranty for equipment**

A number of service users are approaching the authority seeking assistance when the 5 year warranty period has expired for equipment such as stair lifts, which were installed via a DFG.

##### **Therefore it is proposed to:-**

- Extend expired warranty for equipment

There has been an average of 40 stair lifts installed per annum over the last five years.

Assuming a similar trend continued, to extend the warranty from 5 to 10 years would require an additional £38,000 per annum.

This will allow families to have peace of mind should the equipment break down. Helps to reduce repeat DFG applications for repair or replacement. Allows people to live well in their home for as long as possible, without the need to call on other services.

#### **5. Assist with client contribution**

In exceptional circumstances, provide assistance on a case by case basis, where the client has a contribution to pay towards the grant following a means test, but they cannot afford to do so, and a genuine impact and hardship would be caused.

##### **Therefore it is proposed to:-**

- Fully fund or part fund client contribution

As this type of assistance is case specific, individual decisions will be subject to prior consideration by the Assistant Director of Adults, Health and Wellbeing, in consultation with the Head of Service of Adults, Health and Wellbeing.

Two families have received assistance in the last five years. One was for £2,454 and the other, £8,450. Therefore, if a similar trend was to continue, the amount of assistance required going forward would amount to £3,300 per annum.

This will allow families to have peace of mind should they find themselves without the ability to pay a financial contribution. This allows people to live well in their home for as long as possible, without the need to call on other services.

A Local Land Charge is placed on the owner occupier's adapted property where the DFG exceeds £5,000. The land charge is limited to a maximum of £10,000 (mandatory scheme- statutory limit). The Charge will be incurred if the property is sold within 10 years.

A local land charge for the full amount of discretionary funding, will be placed on the owner occupied property for up to a ten year period in addition to any mandatory grant local land charge.

It is proposed that each case will be individually judged on its own merits. In making a decision, the Council will establish a full understanding of the applicant's financial status taking into account the following, and be satisfied that it is reasonable considering the circumstances to fund the excess:

- confirmation from a high street bank that the applicant has been rejected a loan for the amount
- the extent to which the applicant would suffer financial hardship were they to be required to fund part or all of the amount (evidenced by bank statements/other supporting information)
- risk assessment carried to determine the result if the work did not go-ahead

**In conclusion.** To adopt all of the above changes would amount to approximately £275,300 per annum.

As noted above, adopting these proposals will allow assessed adaptations to be carried out in a timely manner, will have huge benefits not only for the Council in terms of fulfilling their statutory obligations but also enables vulnerable people to remain living independently within their home supported by existing community support networks; together with improving their quality of life.

This will also reduce the risk of falls, hospital admissions, social isolation and the risk of admission to respite or residential care.

**Note:** Discretionary grants are subject to funds being available and mandatory grants will be prioritised first.

Discretionary funding will be reviewed annually. Given the changeable nature of the demand, costs and funding of these applications it is important to note that any discretionary DFG grant may be withdrawn by the Authority at any time.

An appropriate robust eligibility criteria and safeguards will be in place to ensure that each case is treated consistently and fairly.

## **BOX 4**

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

#### **Option 1 – Recommended**

To adopt the proposal as outlined above.

#### **Option 2 – Do nothing**

Not to implement essential adaptations would continue resulting in the following:-

- Prolonged loss of dignity and social isolation
- Trips and falls
- Increase in hospital admissions
- Increase in care home admissions and associated costs
- Delayed hospital discharge
- Extended mental strain and physical assistance by others

Above list is not exhaustive.

## **BOX 5**

### **LEGAL IMPLICATIONS**

The law with regard to disabled facilities grants is set out in the Housing Grants, Construction and Regeneration Act 1996 and local housing authorities are under a statutory duty to provide grant aid to disabled people for a range of adaptations to their homes. This grant aid is means tested for adults (not for children) and eligibility is defined in the Act.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gave local authorities a general power to introduce policies for assisting individuals with renewals, repairs and adaptations in their homes through grants or loans. This allows for discretionary assistance, in any form (e.g. a grant or a loan), to cover the cost of adaptations or to help the disabled occupant to move to alternative living accommodation. There is no restriction on the amount of assistance that may be given and discretionary assistance may be paid in addition, or as an alternative to, a mandatory disabled facilities grant.

Article 4 of the Order requires that, prior to using any powers to provide assistance under the provisions of article 3, a local authority must first have; adopted a policy which includes details on the provision of that assistance; given public notice of the adoption of the policy; ensured that a copy of the full policy document is available for inspection free of charge at all reasonable times at their principal office; and ensured that a document containing a summary of the policy can be obtained by post.

**Name: N Concannon Signature: By email Date: 18/11/21**

Signature of Assistant Director of Legal and Democratic Services (or representative)

**BOX 6****FINANCIAL IMPLICATIONS:**

The outlined proposals would cost approximately £275,300 per year, although some of these costs are already being incurred and are funded on an ad-hoc basis. As such there would not necessarily be a £275k increase in costs per year, just a formalising of the procedures and policies giving a more consistent approach. The actual cost each year will fluctuate based on activity levels and demand.

By reducing some of the delays in completing adaptations through these proposals there should also be a saving in other social care services, as well as reducing staff time spent on DFG adaptations. However it is not possible to quantify this.

The DFG allocation for 2021/22 is £2.78m and although not confirmed, a similar level of funding is expected for future years. The additional cost of these proposals will need to be managed within the allocated DFG balance each year.

**Name:** Ella Postill **Signature:** E Postill/FM-AHWB **Date:** 26/10/21

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

**BOX 7****OTHER RELEVANT IMPLICATIONS**

N/A

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Signature of Assistant Director (or representative)

**ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.**

**BOX 8**

**EQUALITY IMPLICATIONS:** None

**BOX 9****RISK IMPLICATIONS:**

If discretionary funding is not made available, there may be a possible challenge by way of a judicial review, and the affected applicants may also consider referring their case to the Local Government Ombudsman.

There could also be an increase in complaints and ward members enquiries.

- Prolonged loss of dignity and social isolation
- Trips and falls



- Increase in hospital admissions
- Increase in care home admissions and associated costs
- Extended mental strain and physical assistance by others

Above list is not exhaustive.

**BOX 10  
CONSULTATION**

Head of Service – Adults Health and Wellbeing  
Principal Occupational Therapist - Adults Health and Wellbeing  
Senior Finance Officer - Corporate Resources

**BOX 11  
INFORMATION NOT FOR PUBLICATION:**

In accordance with the Freedom of Information Act 2000, it is within the Public's interests for this decision to be published in full, redacting only the signatures.

**Name: \_Gillian Parker\_ Signature: by email\_ Date: \_13/01/2022\_**  
Signature of FOI Lead Officer for service area where ODR originates

**BOX 12  
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR NO

**BOX 13  
AUTHORISATION**

**Phil Holmes\_ Signature**  **Date: \_14/01/2022\_**

Director of Adults Health and Wellbeing

**Does this decision require authorisation by the Chief Financial Officer or other Officer**

**YES/NO**

**If yes please authorise below:**

**Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

Chief Executive/Director/Assistant Director of \_\_\_\_\_

### Consultation with Relevant Member(s)

Where an officer decision has been taken in consultation with the Mayor, Cabinet Member or Committee Chair this should be recorded on this ODR.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Designation \_\_\_\_\_

e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair.

**Declaration of Interest YES/NO**

If YES please give details below:

Any Cabinet Member or Committee Member (where the decision has been delegated by a Council Committee) who has been consulted on an officer decision must declare any interest they have in respect of the decision, and this should be recorded on the ODR form. Where there is no interest this should also be recorded. This is not applicable for general Member consultation or consultation with ward Members.

**PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.**

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk) who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.