
Meeting of the Executive Member for Housing 8th December 2008 and Adult Social Services and Advisory Panel

Report of the Director of Housing and Adult Social Services

Changes to the Disabled Facilities Grants Programme

Summary

1. This report outlines proposed changes to the Grants and Assistance Policy to take account of statutory changes to the disabled facilities grant (DFG).
2. The report also advises members about the pressures on the adaptations budget this year and forecasts the potential impact to next years budget and highlights the additional funding requirements that has been requested through the capital resource allocation model (CRAM) process.

Background

3. As members may recall earlier this year the government announced a package of changes to the disabled facilities grant policy some of which have already been implemented for example increasing the maximum grant from £25,000 to £30000- as this required no local policy change

However two potential changes do require members to make decisions as to how they should be implemented.

- i) **A general consent** - which enables councils to place limited charges on adapted properties of owner occupiers, where the cost of the DFG exceeds £5,000, this is limited to maximum charge of £10,000.
- ii) **Access to gardens** - a more explicit requirement to fund adaptations for disabled people to be able to access gardens, where this is reasonable and practicable.

General consent

4. Until now there has been no ability for Local Authorities to recover grant monies for works carried out under the Disabled Grant Process. The Government has now provided consent for councils to use their discretion to impose a limited charge on the property, if the property is sold **within 10 years** from the certified date of the grant. It may apply to owner-occupiers where the cost of the works is over £5000. The proposed policy will enable the council to recycle funds however it should be noted that this will be limited and there is clear expectation that the monies are recycled back into the disabled facilities grant budget and at this time we are unable to assess how much money this will be.

Access to gardens.

5. Whilst the DFG can be used to fund access to gardens, the existing legislation had not been clear on the provision of works to enable access to gardens as a specific purpose for grant. The legislation has therefore now been changed making access to gardens a specific criterion for entitlement for the grant, where this is **reasonable and practicable**. Members should note that customers are still subject to the occupational therapist service assessment to ensure that the works are necessary and appropriate
6. However the council will be able to exercise discretion when considering the works that will be necessary for the purpose of allowing access to the garden. In determining whether the works are reasonable and practicable the council must satisfy themselves having regard to:
 - The age and condition of the dwelling or building.
 - The practicalities of carrying out adaptations to the property with narrow doorways, difficult or limited access.
 - Conservation considerations and planning constraints
 - Impact on other occupants of the proposed works, if those works could reduce or limit the existing facilities or amenities in the dwelling.
7. The proposal in Appendix A seeks to ensure that the disabled person has reasonable access to the garden or yard however It does not seek to provide grant help to pay for works to enable access to the whole garden or to every outhouse or structure within a property's curtilage. There will be an impact on our already stretched budgets, which at this stage, because it is a new requirement is difficult to assess.

Future Budget Provision

8. As you are aware the disabled facilities grants pay for adaptation work so that vulnerable disabled customers in the private sector can remain safe and independent in their own homes and reduce the need for customers requiring care.
9. The tables below, the current budget position at the end of October 2008 giving:
 - An accurate record of the value of the work and number of the adaptations which we have paid for;
 - An estimate of the value of the work and number of adaptations which we have committed;
 - An estimate of the value of the work and the number of adaptations where the customer has been visited by this service but the work has yet to be committed/approved;
 - An estimate of the value of the work and the number and type of adaptations that are on our waiting list.
10. The total budget for DFG's this year is £625k (only major adaptations). There is a separate budget to support minor adaptation work in the private sector

	Paid £000's	Committed £000's	Visited but not committed £000's	Waiting list £000's
Value	£495	£ 130	£ 382k	£ 365
Number of Adaptations	72	15	32	58 all adaptations including those required for health and safety

11. By the end of September we had fully committed the budget and by the end of October we had spent £495k. Given this the council is currently holding 90 applications at different stages including customers who require adaptations for essential health and safety and access reasons. 32 of these cases have received a visited from this service and the value of the work for these cases is estimated to be approximately £382k.
12. There are a further 58 customers (estimated value of work £365k) held on a waiting list who have not received a visit..
13. All of these will be carried forward to next year and it should be noted that:
 - a) There are still five months of referrals to be included;
 - b) This report does not seek to comment or reduce the waiting list with the occupational therapist service.
14. However any changes to improve the response times in the occupational therapist service will have a direct impact on this service. It should be noted that last financial year we received 152 new enquires for DFG's. This year, by the end of October, we had received 127 new DFG enquires, a significant increase in referral rate. If this referral rate continues it is expected that the additional costs associated with this increase is in the region of £225k per annum. However, it should be noted that this may increase if the referral rate continues to grow. It also does not include the costs of clearing the back log which is being created this financial year.
15. Reasons for the increase in pressure on the budgets are many. Undoubtedly the increase in referrals from the OT's early this year due to the employment of two locum occupational therapists to improve the performance of the occupational therapist service by reducing the backlog did have an impact on this service and consequently the budgets. However, there are other factors, which also contribute to the budget pressures:
 - Reduced/static budgets – there has not been increase in these budgets for some years;
 - Increases in prices – not only due to inflation but also due to changes in legislative requirements for example the changes to Part P of the Building Regulations relating to electrical work has been reflected in the prices for bathing adaptations;
 - Changes to the DFG policy in 2006- in particular increase in referrals for large adaptations for disabled children with complex needs and no requirement to means test the families;

- Changes to the DFG means testing rules introduced this year e.g. pass-porting of customers on council tax benefits.
 - Increase in the disabled facilities grant from £25,000 to £30,000
16. Also when assessing future demand for the service regard must be had to York's growing ageing society and it must recognize that the vast majority of older people are choosing to live in their own homes in the community well into later life, often with the informal support of their family.
 17. Officers have formally approached the Government office for additional financial assistance in July this year. We were advised that that the regions DFG allocations have been awarded for this year and that there are no indications that any more money will become available. They have however advise that our request for additional funding has been sent to the Department for Communities and Local Government to add their evidence base for additional resources the support DFGs. In addition to this formal approach officers also highlighted the need of additional funding with in the Councils annual Housing Strategy statistical appendix (HSSA) return. Within this return the council has requested a substantial increase in funding need to meet demand.
 18. However, the council is legally required to approve and pay for DFGs. This means that that it cannot refuse to approve any DFG where the work is deemed to be necessary and appropriate and the proposal is considered to be reasonable and practical simply because of the lack of resources. There is a clear expectation from Government that councils will continue to support DFG expenditure from their own resources.
 19. Obviously there are implications for next year budget. We are currently anticipating that we will receive our normal £375k from central government. But given that there is no longer the requirement to match fund (60:40 split) .The additional resources to fund DFGs to meet demand have been identified through the capital resource allocation model (CRAM) process.

Consultation

20. Regarding proposed policy changes consultation has taken place across the sub region to provide a North Yorkshire approach to the these two areas of work

Options

21. The options available to the Executive Member are:
22. **Option 1** – To revise the existing policy in line with above proposed policy changes relating to
 - a) The general consent; and
 - b) Access to the gardens.
23. **Option 2** - Maintain the current policy with no revisions

Analysis

24. Option One

- a) This will provide an opportunity for the council to recover grant funding provided for a DFG where the property is sold within 10 years of the certified date of the grant. The recycling of any income back to the DFG funding stream will enable the council to re-invest finding into this critical area. It could be argued that the to recover DFG is insensitive, especially if the sale of the property is as a result of the death of the original recipient. However, conversely where a property has increased in value as a result of the grant, it could be argued that this should be recycled to enable future customers to benefit form this essential service.
- b) Creating access to an outdoor space could in some cases significantly improve the quality of an individual's life. When considering a request for a DFG for access to the garden, the LA will be able to exercise discretion as set out in Para 6. Agreeing this element of policy change will result in a more customer focused service however, approval of this option must acknowledge that the budget will need to be increased to meet this additional demand.

25. **Option Two** - The council will not have clear policies to implement the changes to the disabled facilities grants and could be challenged damaging the council reputation to deliver high quality services.

Corporate Priorities

26. This report contributes to three of the Council's seven direction statements and four corporate priorities.

Direction statements

27. Our ambition is to be clear about what we will do to meet the needs of our communities and then to delivery the best quality services that we can afford We want services to be provided by whoever can best meet the need of our customers. We will promote cohesive and inclusive communities

Corporate Priorities

- Improve the health and lifestyles of the people who live in York
- Improve the quality and availability of decent, affordable homes in the city.
- Improve the actual and perceived condition and appearance of the city's streets and housing estates and publicly accessible spaces
- Improve the life chances of the most disadvantaged and disaffected children , young people and families in the city

Implications

28. The implications arising from this report are:

Financial Implications

29. The financial implications directly arising from the report are the increased cost of DFG's linked to the increasing access to gardens. Given that this work has not previously been carried out it is not possible to quantify the quantity of referrals that may be received for this work or the costs associated with it.
30. If members approve the recommendation regarding to impose a change on the property where the costs of the DFG in excess of £5000, one would expect, in time monies to be recycled back into the budget. However, given the uncertainty surrounding when the owner may sell a property, it is not possible to predict what or when money may be available.

Legal Implications

31. There are legal implications associated with introducing a waiting list system in that under the Housing Grants and Regeneration Act 1996 a council can only hold a full application for a disabled facilities grant for a maximum of six months without making a decision.

Equalities

32. Disabled facilities grants help the provision of adaptations to help the elderly and people with disabilities to remain in their homes. Any reduction in the council's ability to meet the demand for DFGs will impact on the lives of the elderly and disabled people who will have to wait longer for much needed adaptation works.
33. There are no Human Resources (HR), Crime and Disorder, Information Technology (IT), Property or Other implications arising directly from this report.

Risk Management

34. In compliance with the Council's risk management strategy there are serious risks associated with Option 2 of this report and the increased referrals for DFG's.
35. Vulnerable customers may be put at risk by living in difficult and dangerous conditions. The council has a duty to assess and make arrangements for adaptations via the Chronically Sick and Disabled Persons Act 1970. The council also has a mandatory duty to provide grants for adaptations via the Housing Grants Construction and Regeneration Act 1996. Lack of funding could prevent the council fulfilling its legal duties. This puts additional pressure on already stretched resources, as we will not be able to deliver timely and quality services leading to an increase in complaints. Failure to provide this statutory service could result in reputational damage and negative media coverage, and we could be open to legal challenges. This also has a knock on effect to other services resulting in additional financial burden in areas such as nursing and residential care.
36. The main risk that has been identified in this report is not maximising the funding available to the residents of York.
37. The risks associated with the recommendation of this report are assessed at a net level of 21.

Recommendations

38. That the Advisory Panel advise the Executive Member to note the briefing regarding pressures on the adaptations budget this year and the forecasted potential impact to next years budget, and approve:

Option 1 – To revise the existing policy in line with above proposed policy changes relating to:

- a) The general consent; and
- b) Access to the gardens.

Reason: To ensure that vulnerable people remain independent and safe in their own homes by the provision of a fast and responsive service which provides value for money.

Contact Details

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Report Approved Date 24th Nov 2008

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Specialist Implications Officer(s)

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Background Papers:

Proposed Changes to the Grants And Assistance Policy – Energy Efficiency Grants and the Disabled Facilities Grant Programme – -June 2008

Annexes

Appendix A – Disabled Facilities Grants