

Report of:	Head of Environmental Health
Contact Officer:	Mike Walker
Telephone No:	01543 464 235
Portfolio Leader:	Housing
Key Decision:	Yes
Report Track:	Cabinet: 16/03/17

CABINET
16 MARCH 2017
DELIVERY OF DISABLED ADAPTATIONS AND
POLICY FOR DISCRETIONARY HOUSING ASSISTANCE

1 Purpose of Report

- 1.1 To inform Cabinet of the recent and current situation concerning housing assistance for disabled and at risk occupants in their homes, and future service delivery proposals.

2 Recommendations

- 2.1 That Cabinet approves the proposals for in-house delivery of Disabled Facilities Grants (DFGs) detailed in paragraphs 5.1 to 5.8.
- 2.2 That Cabinet approves the policy for discretionary housing assistance attached at Appendix 1.
- 2.3 That Cabinet delegates the power to approve discretionary housing assistance to the relevant Head of Service.

3 Key Issues and Reasons for Recommendation

- 3.1 As a result of a dispute with Staffordshire County Council over the transfer of DFG funding this Council will be making its own arrangements for the delivery of DFGs from 1st April 2017.
- 3.2 In order to offer wider assistance than the basic mandatory Disabled Facilities Grant (DFG) a local housing authority must adopt a policy which explains how that authority will use its powers. This policy must be notified to the public and a copy made available at our offices. There must be a summary document available.

4 Relationship to Corporate Priorities

- 4.1 Cannock Chase suffers from a poor health profile when compared to the national picture. It has a high ratio of the population with a limiting long-term illness (particularly amongst the 65+ population) and this proportion is higher than both the county and national figure. The proportion of residents claiming Disability Living Allowance is the highest of all the districts in Staffordshire and significantly higher than the national figure.
- 4.2 This policy would contribute to two of the strategic objectives contained within the 2015-2018 Corporate Plan: Better health outcomes; and More and better housing.
- 4.3 This policy would contribute to three of the priority outcomes identified in the Cannock Chase Health & Wellbeing Strategy 2013-18:
- Fewer accidents & falls;
 - Reducing excess winter deaths (due to cold);
 - Supporting occupants and carers in their own homes.

5 Report Detail

Funding Arrangements

- 5.1 For several years the central government allocation of DFG budget has been relatively stable at around £330k and has been received direct from central government. This changed in 2015 – 2016. Each housing authority has an allocation calculated but this is now received by the upper tier authority (in this case Staffordshire County Council) and contained within the Better Care Fund. This funding should be passed on to District and Borough Councils so that they can meet their statutory duty to provide DFGs.
- 5.2 The aim of the Better Care Fund is to join up health, social care and local authorities so that their plans and activities can: help prevent people from being admitted to hospital; help people to be discharged from hospital and help support people to remain independent in the community. Many sources conclude that it is better and costs less to prevent injury / ill health than to treat it once it has occurred.
- 5.3 In the Comprehensive Spending Review of November 2015 it was announced that the central government allocation for the grant was to more than double from £220m in 2014/15 to over £500m by 2019/20 and there has already been a substantial increase in resources for 2016/17 to £394m. In 2016 – 2017 our allocation was increased to £726k and is anticipated to increase significantly over the next two years. At the present time there is no major backlog of enquiries with Occupational Therapy services. The OT service assesses all applications for disabled adaptations.

Delivery of Disabled Facilities Grants

- 5.4 As a Housing Authority this Council has a Statutory duty to provide DFGs to eligible applicants. For a number of years this duty has been delivered on the Council's behalf by a Home Improvement Agency (HIA). Since July 2014 this has been Revival HIA. The contract for this HIA was procured by Staffordshire County Council, with the eight Districts and Boroughs joining by way of a participation agreement. The contract was intended to deliver the statutory DFG function for Districts and Boroughs plus a range of additional services on behalf of the County Council. This was intended to deliver a comprehensive package of health and wellbeing assistance to eligible residents. Unfortunately the range of additional services was reduced as a result of reductions in the County Council's Supporting People budget.
- 5.5 The contract with Revival HIA is due to expire on 31st March 2017, with an option to extend by a further 12 months. The County Council have been seeking the approval of the Districts and Boroughs to activating this 12 month extension. Unfortunately the County Council are also seeking to divert funding from District and Borough DFG allocations in order to fund:
- the HIA contract in 2016/17;
 - the HIA contract extension in 2017/18;
 - minor works/aids and adaptations in 2016/17 and 2017/18 (This is a County Council statutory responsibility); and
 - project management costs of a review of the delivery of DFGs.
- 5.6 In an attempt to make progress this Council has offered to contribute to the HIA funding for 2016/17 only and make an equitable contribution to reasonable project management costs. A review of the DFG delivery process leading to a better service for residents is strongly supported. This offer is conditional on the County Council releasing all of the DFG funding owed to us. They have recently transferred £601,896 to us which leaves £92,000 owing having deducted our £32,000 contribution to HIA funding. Unfortunately the County Council have not agreed to this proposal. As a consequence of the County Council not releasing the balance of funds all current funding has been committed and grant approvals have been delayed since December.
- 5.7 Due to these issues and a number of ongoing problems with DFG delivery it is the intention that this Council will not be participating in the 12 month contract extension with Revival HIA. Arrangements are being made to bring back in-house the delivery of DFGs from 1st April 2017. Whether or not we participate in any arrangements from 1st April 2018 onwards will depend on the outcomes of the project to improve DFG service delivery.
- 5.8 It is proposed that from 1st April 2017 we will deliver the DFG service in-house. This will involve the following process:
- i) Initial referral received from Occupational Therapist (or direct from the applicant).

ii) Applicants financial resources assessed (means test) to determine their eligibility for DFG funding.

iii) Necessary adaptations determined and schedule of works prepared.

iv) Schedule of works priced either from schedule of rates or by obtaining contractors quotations depending on size and complexity of required works.

v) Grant approved.

vi) Start date agreed with contractor.

vii) Work undertaken by contractors.

viii) Satisfactory completion verified, with remedial work if required.

ix) Grant paid.

- 5.9 Specialist advice has been sought with a view to identifying sufficient suitable contractors to undertake the adaptation work. A framework agreement will be used to select a number of suitable contractors. Individual jobs will then be priced by the contractors. For smaller, lower value jobs this may be undertaken using a schedule of rates. This framework agreement may be procured specifically for this Council. However, similar agreements have already been procured by other local authorities and are open for us to join. Several possibilities are being explored. In the event that the aforementioned measures are not in place by the 1st April 2017 then, as an interim measure, individual quotations will be obtained for each job.

Provision of Discretionary Housing Assistance

- 5.10 Mandatory grant assistance to improve housing for people with disabilities was introduced in 1989 and included a means test. This legislation was replaced with the Housing (Grants, Construction and Regeneration) Act 1996. This remains the primary legislation albeit amended over the years. It still includes a means test and prescribes a list of eligible works.
- 5.11 The list of eligible works includes: creating safe access into and around the main features of the home i.e. safe WC and showering, bedroom, main family room, kitchen and garden; kitchen alterations; heating and power improvements; safety related works.

5.12 In terms of the recipients of DFGs, Council-owned properties do not currently access grants and the tables below show the breakdown of recipients by various categories

Type of tenure	Percentage	Completions 2015-16	Completions 2016 Jan - Dec	No. on waiting list *
Owner occupiers	61%	55	50	56
Registered Provider tenants	32%	9	5	7
Private Sector tenants.	7%	5	2	1

* "On the waiting list" means individual referrals currently received by the Home Improvement Agency but not yet approved

Age	Percentage	Completions 2015-16	Completions 2016 Jan - Dec	No. on waiting list *
60 years or older	71%	39	36	36
Aged 21 – 59	22%	25	9	21
Under 21s	7%	5	12	7

Cost	Percentage	Completions 2015-16	Completions 2016 Jan - Dec	No. on waiting list **
less than £5000	58%	36	16	
£5001 - £15000	34%	28	27	
£15k - £30k	8%	5	14	

** It is not possible to assess the cost breakdown until the schemes have been subject to a formal application for approval

5.13 Foundations the national co-ordinating body for DFG and Home Improvement Agencies promote innovative and flexible use of adaptation funding and the development of policies to offer a wide range of discretionary funding.

- 5.14 Under the mandatory DFG system we can only offer assistance to persons in consultation with Social Services. The proposed policy would allow much more freedom to assist persons whose safety or health is at risk
- 5.15 It is intended to retain the statutory means test throughout our widened offer so that assistance is targeted at those who can least afford to fund adaptation of their home.
- 5.16 Since 2008 approximately 50% of housing authorities have adopted a policy to widen their offer of assistance to help vulnerable people live safely and independently in their home.
- 5.17 The Housing Assistance Policy is attached at Appendix 1.

6 Implications

6.1 Financial

The cost of all staffing requirements for the delivery of DFGs will be contained within available budgets.

6.2 Legal

The Council must adopt a policy for discretionary housing assistance before it can utilise its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 as amended in 2008.

The proposals support the requirements of the Care Act 2014 which requires local authorities to deliver services built around an individual's needs in order to promote wellbeing and, where possible, support independent living.

6.3 Human Resources

Where a transfer of service provision occurs, the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply. These regulations are designed to protect employees' rights when the organisation or service they are employed by transfers to another employer subject to certain criteria being met.

The proposed in-house delivery of Disabled Facilities Grants is one such transfer where the provisions of the TUPE Regulations may have applied.

On this basis significant discussion has taken place with the Revival Group to determine whether any of their existing employees are specifically assigned to / organised for the principal purpose of delivering the Disabled Facilities Grant process in the Cannock Chase area.

Having considered this information the Council has determined that the TUPE Regulations do not apply to this transfer and as such no employees will transfer to Cannock Chase Council under TUPE Regulations as a direct result of the future in-house delivery of the Disabled Facility Grant process.

On this basis and in order to ensure satisfactory delivery of the Disabled Facilities Grant process it is proposed to recruit to a post of Full Time Technical Officer (DFG) at the earliest opportunity. This vacancy will be advertised both internally and externally in line with Council policy and will also be highlighted to employees currently working at Revival.

6.4 Section 17 (Crime Prevention)

None

6.5 Human Rights Act

None

6.6 Data Protection

None

6.7 Risk Management

This report sets out measures that will be taken to ensure that the Council meets its statutory duty to deliver DFGs.

6.8 Equality & Diversity

The Housing Assistance Policy has been subject to an Equality Impact Assessment

6.9 Best Value

None

7 Appendices to the Report

APPENDIX 1

Housing Assistance Policy

Previous Consideration

Background Papers

APPENDIX 1

Cannock Chase District Council

Housing Assistance Policy

March 2017

This policy describes discretionary assistance available to residents across the Cannock Chase District to enable them to occupy a safer or healthier home, to reduce time spent in hospital/care and to promote independence. It has been developed as a result of changes to the funding mechanism for Disabled Facilities Grants (Better Care Fund) and in response to enhanced budgets. It will require review as budget information emerges. It will take immediate effect once approved.

All requests for assistance are subject to the discretion of the authorised officer and budget availability.

All assistance will be subject to the mandatory means test in force at that time and will require an application in accordance with the applicable disabled facilities grant legislation.

All quotes for assistance will be assessed for value for money. Quotes which are considered excessive will be rejected or approved at the value considered reasonable

All assistance will include a requirement that the monetary value of the assistance is repaid upon transfer of ownership and will be registered as a charge on the property. This requirement will be limited to 10 years from final payment at which point any charge will be removed.

Maintenance and Servicing

The grant available will not extend to the provision of maintenance and servicing contracts for any equipment installed at a property. The applicant will be responsible for ensuring that all such equipment provided is properly serviced in accordance with the manufacturer's instructions and at the recommended intervals.

All applications are subject to property owner's written agreement.

Types of assistance available

1. Discretion to make individual decisions on any case that falls outside of policy.
2. Unforeseen works to complete a scheme that take an approval above the mandatory grant limit.
3. Discretionary top up to a limit of £45,000 for mandatory works on a mandatory DFG.
4. Discretion to offer grant for non mandatory works upon referral of the welfare authority.
5. Relocation grants to include reasonable sale fees, legal costs, removal costs etc. (not capital or stamp duty) plus a DFG on the basis that the overall package provides a better solution than adapting current home. The new home must be within Cannock Chase Council area.
6. Works that reduce safety or health risks to persons with a confirmed & associated medical condition and where there is no owner/landlord responsibility.

Review Arrangements

The Council will monitor the effectiveness of the Policy in promoting the independence of residents and will conduct reviews as and when appropriate, and at least every 3 years.

The Council will consider changes in the Policy in the light of new legislation and developments affecting the local area and will consult with stakeholders at the time it is considering such changes. Any revision of the Policy will be published as soon as possible thereafter.