

**CANNOCK CHASE COUNCIL**  
**CABINET**  
**27 AUGUST 2009**  
**REPORT OF DIRECTOR OF SERVICE IMPROVEMENT**  
**RESPONSIBLE PORTFOLIO LEADER – HOUSING**  
**PROVISION OF ADAPTATIONS FOR DISABLED OCCUPANTS IN COUNCIL OWNED AND**  
**PRIVATELY OWNED HOUSING**  
**KEY DECISION – YES**

**1. Purpose of Report**

- 1.1 To consider current policy and budgetary issues regarding the provision of disabled adaptations to council owned and privately owned dwellings in the District.

**2. Recommendations**

- 2.1 That a strategy and five year action plan to meet the need to provide or facilitate adaptations to the homes of disabled households in both the public and private sectors is formulated in partnership with Staffordshire County Council (Social Care and Health) and South Staffordshire PCT.
- 2.2 That Staffordshire County Council and South Staffordshire PCT are formally requested to contribute funding towards the provision of disabled facilities works for Council tenants and Disabled Facilities Grants for private sector households which will be required under the strategy.
- 2.3 That as an interim measure Council is recommended to approve:-
- a) The continuation of a 40% level of funding to supplement the financial assistance received from the Government to provide disabled facilities grants to private sector households.
  - b) A £100,000 increase in the 2009-10 Disabled Facilities Works budget (which forms part of the 2009-10 HRA Capital Programme) through an additional revenue contribution to capital outlay met from HRA working balances.

**3. Conclusions and Reason(s) for the Recommendation(s)**

- 3.1 This report considers the need to provide or facilitate adaptations to both Council owned and privately owned homes.
- 3.2 The need for disabled facilities provision has increased substantially during the last year and this trend is expected to continue. As a result it is considered that a strategy and five year action plan should be formulated to meet the current and projected need.
- 3.3 Council resources will be insufficient to finance the action plan and it is therefore suggested that both Staffordshire County Council and South Staffordshire PCT should contribute funding.
- 3.4 Pending the formulation of the proposed strategy and action plan interim measures are required and it is recommended that Council:
  - a) Continues to provide a 40% level of funding to support Disabled Facilities Grants for private sector households; and
  - b) Increases the Disabled Facilities Works budget by £100,000 to support Council tenants.

#### **4. Key Issues**

- 4.1 The Council is obliged to make arrangements for the provision of adaptations to assist individuals with disabilities to continue to live in their homes. This is undertaken by:
  - a) The provision of Disabled facilities Grants for private sector dwellings, financed through the General Fund Capital Programme; and
  - b) The direct adaptation of the homes of disabled Council tenants financed through the HRA capital programme.
- 4.2 There are issues with increasing demand for DFGs. In May 2008 Central Government increased the grant limit from £25,000 to £30,000 and also altered two key elements of the grant scheme. The first change altered the way means testing is undertaken for applicants, including more benefits allowable. This has increased the number of applicants who are eligible for grant assistance. The second change relates to the extent of works which are eligible, including for the first time access to gardens and other buildings which are used by a disabled person, thus increasing the likely demand and cost of individual applications. It has not yet been possible to fully determine the effect this will have on the number of applications and the average cost of works carried out, but it is anticipated that there will be an increase in both.
- 4.3 The need for disabled facilities works to Council dwellings has increased substantially during the last year and this trend is expected to continue. As a result, the number of disabled Council tenants waiting for adaptations (following referral from Staffordshire County Council Social Care and Health) is projected to increase from 104 at 31 March 2009 to 174 at 31 March 2010. The 2009-10 Disabled Facilities Works budget is £469,860 which is insufficient to meet this need.
- 4.4 The National Strategy for an Ageing Society estimates that the numbers of older people in England will have doubled by 2026 and most older people will choose to remain in their current homes despite changing support needs with time. In order to facilitate this choice and ensure their homes remain suitable, safe and do not hinder quality of life, a more radical and flexible

approach to DFG provision is required. Those applicants who qualify for mandatory DFG assistance will continue to do so and national allocations for DFG funding will increase by 31% in the next three years.

- 4.5 It is considered that a medium term strategy to meet the needs to provide or facilitate adaptations to the homes of disabled households in both the public and private sectors should be developed. Such a strategy would be developed in partnership with Staffordshire County Council (Social Care and Health) and South Staffordshire PCT, and would include a detailed action plan covering the next five years.
- 4.6 It is, however, clear that the availability of Council resources will be insufficient to finance the action plan and as a result it is proposed that both Staffordshire County Council and South Staffordshire PCT are requested to contribute towards the funding of disabled facilities works in both the public and private sectors. The provision of disabled adaptations allows people to remain in their own homes, thereby reducing the burden on Social Care and Health services which in turn reduces the burden on Primary Healthcare. There is therefore a case to seek ongoing additional funding from these organisations, who have provided one-off funding. In 2008/9 Staffordshire County Council Social Care & Health provided £75,000 towards disabled adaptations. South Staffordshire PCT have provided £60,000.
- 4.7 A proposed strategy and five year action plan would be reported to a future Cabinet meeting.

However, as interim measures, it is proposed that:-

- a) The Council continues to provide 40% level of funding to supplement the financial assistance received from the Government to provide disabled facilities grants to private sector households.
- b) The 2009-10 Disabled Facilities Works budget (which forms part of the HRA Capital Programme) is increased by £100,000 to provide additional works to Council dwellings.

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| Report Author Details: (name, title and extension number)       |                   |

**Section 1**

**1 Background**

- 1.1 The Council is obliged to make arrangements for the provision of adaptations to assist individuals with disabilities to continue to live in their homes.
- 1.2 The individuals' requirements for adaptations are determined by way of an assessment undertaken by an Occupational Therapist from Social Care and Health at the County Council. If this assessment indicates that the individuals needs can be met by the provision of aids and/or by carrying out minor works (e.g. handrails, ramps) then these will be funded and provided by Social Care and Health, up to a limit of £4,000. If more extensive adaptations are required then the case is referred to the Council to be progressed.
- 1.3 There are two funding streams for providing disabled adaptations:
  - a) If the person concerned lives in council-owned property then the work is funded from a specific budget within the HRA capital programme.
  - b) For owner-occupied or privately rented houses assistance is provided by means of a Disabled Facilities Grant (DFG), subject to the applicant satisfying a financial means test. If the applicant meets the qualifying criteria then the DFG is mandatory and the Council is obliged to pay it. Where the adaptations are for the benefit of a child there is automatic eligibility and no financial means test is required.

For both public and privately owned homes the necessary works are specified and commissioned by Spirita, the Councils nominated Home Improvement Agency.

**2 Disabled Adaptations to Private Sector Dwellings**

- 2.1 These grants are mandatory and are available to eligible applicants through a means tested system. The purpose of the DFG is to provide facilities to meet disabled peoples needs thereby allowing them to continue to use and occupy their own accommodation. Funding is provided by way of a central government grant to local authorities, with this grant then being added to by each local authority.
- 2.2 Up until 2008/9 there was a requirement for all local authorities to support the money provided by central government on a 60:40 basis - 60% from central government and 40% local authority. In 2008/9 this changed to allow local authorities to support the disabled facility grant scheme by whatever percentage of extra money they see fit, however the government do expect to see local authorities maintaining at least a 40% support of the government grant. In the last and current financial years the Council has maintained the 40% support.
- 2.3 The Government stated that its overall DFG budget would increase by 20% in 2008/9 to £146 million and by a further £10 million in each of the following two years. Given the importance of providing adaptations, and the beneficial preventative impact these have on other budgets, such as social care funds, Local Authorities are expected to continue to give high priority to DFG provision in their areas. The effect in this current year is that the Council was able to bid for a larger Government contribution for 2009/10, without the obligation to match fund any increase. However the grant is mandatory and insufficient funding of the process will lead to budget difficulties in future years if a sufficient level of funding is not maintained year on year. Members

need to consider the level of funding this Council is prepared to support as the statutory requirement to support 40% of the funding has now ceased.

- 2.4 For 2009/10 a HIP bid was submitted and granted for a total likely spend on DFGs of £500,000 i.e. £300,000 Grant and £200,000 from the Council. This was to ensure that funding agreed for 2009/10 and 2010/11 more accurately reflects the current spend pattern for the District on DFGs and endeavours to ensure that the Council does not have to support a greater percentage of the total spend on DFG's in the future.
- 2.5 Each annual HIP allocation for DFGs is based on the previous years spending. Therefore, if the government allocation is not added to by the Council we will receive a lower HIP allocation for DFGs the following year. In order to meet the demand additional funding would then have to be provided by the Council.
- 2.6 From 2008/9 the scope for use of the DFG will be widened to support any Local Authority expenditure incurred under the terms of the Regulatory Reform Order 2002 (this legislation removed the prescriptive elements of grant assisted work for local authorities and allowed them to implement local standards and schemes more akin to the needs of the area). This will enable Councils to use DFG funding more flexibly and for wider purposes so long as there is sufficient funding available to meet mandatory needs. There is scope to remove some of the bureaucracy involved with the mandatory scheme, especially delivering small scale adaptations more quickly (for example to assist discharge of people from hospital).
- 2.7 The Government further propose that from 2010/11, the ring fence applied to DFG funding be removed entirely. As part of this move, Councils will be given a 2 year settlement from 2009 moving to a three year settlement in the following spending cycle. The removal of the ring fence does not take away the Council's legal obligation to provide DFG's.

### **3 Disabled Adaptations to Council Dwellings**

- 3.1 Whilst part of the cost of providing DFG's in the private sector is met from a specific Government grant (subject to an annual cash limit), no specific assistance is provided by the Government to assist in the provision of disabled facilities works to Council dwellings.
- 3.2 As a result, the full cost of these works has to be met from the Council's capital resources and is delivered through a specific budget within the HRA Capital Programme. The agreed budget was however, enhanced by a £50,126 contribution from Staffordshire County Council whilst South Staffordshire PCT have provided a further £30,000 to enhance the 2009-10 budget.
- 3.3 The need for disabled facilities works to Council dwellings has increased substantially during the last year and this trend is expected to continue. As a result, the number of disabled Council tenants waiting for adaptations (following referral from Staffordshire County Council Social Care and Health) is projected to increase from 104 at 31 March 2009 to 174 at 31 March 2010.
- 3.4 In view of the (then) increased need for disabled facilities works to Council dwellings (projected at 31 December 2008), the Disabled Facilities Works budget for 2009-10 was increased by £100,000 when the 2009-10 HRA Capital Programme was determined by Council on 25 February 2009. As a result of these additional resources and the £30,000 contribution from South Staffordshire PCT, the 2009-10 Disabled Facilities Works budget is £469,860.

- 3.5 Whilst the current budget is insufficient to meet the revised projections, no account has been taken of the potential for disabled Council tenants to move to alternative accommodation which already has the adaptations they require. All disabled tenants who need adaptations are advised of this option but the majority refuse to consider a move. The reasons for this include support from friends and family in the area, the state of their health, and the financial cost of moving. The current number of transfers is therefore small.
- 3.6 Cabinet on 28 June 2009 agreed a transfer scheme to encourage both under-occupying households and households who require an adapted dwelling to move to alternative accommodation. This enables a £1,500 incentive payment to be made when a tenant requiring adaptations to their existing home (which cost more than 1,500) moves to a property which already has these adaptations. The policy will be implemented from 01 September 2009 and up to 20 transfers can be facilitated through the through the 2009-10 £30,000 budget. Whilst this initiative may reduce the disabled works waiting list by a small amount, it cannot ameliorate all of the projected increase. It is therefore evident that additional resources and/or alternative actions are required to meet the need for disabled facilities works to Council dwellings.

#### **4 A Proposed Course of Action**

- 4.1 It is considered that a medium term strategy to meet the needs to provide or facilitate adaptations to the homes of disabled households in both the public and private sectors should be developed. Such a strategy would be developed in partnership with Staffordshire County Council (Social Care and Health) and South Staffordshire PCT, and would include a detailed action plan covering the next five years.
- 4.2 It is, however, clear that the availability of Council resources will be insufficient to finance the action plan and as a result it is proposed that both Staffordshire County Council and South Staffordshire PCT are requested to contribute towards the funding of disabled facilities works in both the public and private sectors. The provision of disabled adaptations allows people to remain in their own homes, thereby reducing the burden on Social Care and Health services. This reduces the burden on Primary Healthcare. There is therefore a case to seek ongoing additional funding from these organisations, who have provided one-off funding. In 2008/9 Staffordshire County Council Social Care & Health provided £75,000 towards disabled adaptations. South Staffordshire PCT have provided £60,000.
- 4.3 A proposed strategy and five year action plan would be reported to a future Cabinet meeting.

However, as interim measures, it is proposed that:-

- c) The Council continues to provide 40% level of funding to supplement the financial assistance received from the Government to provide disabled facilities grants to private sector households.
- d) The 2009-10 Disabled Facilities Works budget (which forms part of the HRA Capital Programme) is increased by £100,000 to provide additional works to Council dwellings.

#### **5 The Views of the Housing Policy Development Committee**

- 5.1 The Housing Policy Development Committee on 30 June 2009 expressed concern about the waiting time for disabled facilities works to the Council's housing stock and requested that this issue was further considered at their meeting on 25 August 2009.

- 5.2 As a result, this report has also been submitted to the Housing Policy Development Committee primary consideration and the committee's views will be reported verbally at your meeting.

**Section 2**

**Contribution to CHASE**

The provision of disabled facilities for Council tenants and providing Disabled Facilities grants for private sector households supports the Healthier Communities, Housing & Older People objectives by enabling local disabled people to remain in their own homes and not to have move to alternative accommodation or into care.

**Section 3**

**Financial Implications**

Public Sector:

A budget of £469,860 to provide disabled facilities works to Council dwellings forms part of the agreed 2009-10 HRA capital programme.

It is proposed that this budget is increased by £100,000 through an additional revenue contribution to capital outlay from HRA working balances.

Subject to this action being agreed the level of HRA working balances would be £1.676 million.

Private Sector:

A revised 2009-10 General Fund Capital Budget exists of £500,000 to provide disabled facilities works to private sector dwellings. This is funded 60% from DFG Government Grant and 40% from Cannock Council resources. A further £30,000 funding has been provided by South Staffordshire PCT, giving a total budget of £530,000.

The size of future budgets will be dependant on the ability of the Council to support the DFG Government Grant. These resources are dependant on capital receipts being received and in the current financial climate these receipts could vary from 2009-10 Budget estimates thus meaning that the level of Council support that can be offered may be reduced or increased as appropriate.

**Section 4**

**Human Resource Implications**

There are no human resources implications arising from this report.

Section 5

Legal Implications

The Council has a legal responsibility to provide DFGs. DFGs are provided to pay for the adaptations that enable elderly and disabled people to live independently.

The Council has an obligation to provide DFGs regardless of tenure. The Government expect Registered Social Landlords (RSLs) to undertake and pay for their own adaptations up to a certain level. However, there is no legal obligation for a RSL to carry out adaptations to their stock.

The requirements on the Council to provide DFGs are mandatory and are set out in the Housing Grants and Regeneration Act 1996. The Council is open to the risk of legal challenge and possible censure from the Ombudsman if it does not provide DFGs. The risk to the Council is however mitigated by the proposed introduction of a clear and transparent strategy and action plan for the provision of DFGs.

Section 6

Section 17 (Crime Prevention)

There are no section 17 crime prevention implications arising from this report.

Section 7

Human Rights Act Implications

Article 8 provides that:

- i) Everyone has the right to respect for his private and family life, his home and his correspondence.
- ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

In providing or facilitating adaptations to the homes of disabled people the Council is complying with the legislation which empowers it do so, and at the same time is providing assistance to vulnerable members of the community.

The Councils actions are therefore considered to be compatible with the Human Rights Act.

Section 8

Data Protection Act Implications

There are no identified Data Protection Act implications arising from this report.

Section 9

Risk Management Implications

There are a number of potential risks associated with the Council's inability to meet the projected need for disabled adaptations for both public sector and private sector applicants, including:

- a) A failure to meet legislative requirements;
- b) A loss of dignity with regards to the personal hygiene requirements of householders who are awaiting adaptations to their homes;
- c) An increased need for residential care;
- d) An increase in the number of accidents in the home leading to hospital admission; and
- e) Consequential damage to the Council's reputation.

The gross risk has been assessed as 20, placing it in the high risk category. The report proposes that a strategy and 5 year action plan to meet the need for disabled adaptations is formulated in partnership with Staffordshire County Council and South Staffordshire PCT. It is considered that this plan should aim to reduce the risk net risk to 6 which is in the low risk category.

Two interim measures are also proposed in the report:

- a) The continuation of a 40% level of funding to support DFGs in the private sector.
- b) A £100,000 increase in the Disabled Facilities Works budget to support Council tenants.

It is considered that the impact of these actions will reduce the net risk score to 12, which is in the medium risk category.

Section 10

Equality and Diversity Implications

The Disabled Facility Grant is a national statutory grant provided to meet the needs of disabled people who qualify for assistance. The Council also has arrangements in place to provide adaptations for the benefit of Council tenants.

Section 11

Other Options Considered

All appropriate options are discussed in the report.

Section 12

List of Annexes:

Annex 1: Table of Demand for Disabled Facilities Assistance

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Annex 1: Table of Demand for Disabled Facilities Assistance

|  | 2007/8   | 2008/9   | 2009/10     |
|--|----------|----------|-------------|
| <b><u>SCC Social Care &amp; Health</u></b>           | (Actual) | (Actual) | (Projected) |
| Number of Requests for Assistance Received           | 818      | 931      | 1368        |
| a) Dealt with as Minor Works                         | 314      | 326      | 420         |
| b) Assessed and Referred to CCDC for Adaptation work | 124      | 173      | 280         |
| Total (a + b)  | 438      | 499      | 700         |
| Backlog Awaiting Assessment @ 31 <sup>st</sup> March | 380      | 432      | 668         |
| <b><u>Cannock Chase Council</u></b>                  |          |          |             |
| <b>Public Sector:</b>                                |          |          |             |
| Work Completed                                       | 59       | 70       | 80          |
| Referrals with Contractor @ 31 March                 | 30       | 30       | 30          |
| Backlog @ 31 <sup>st</sup> March                     | 118      | 114      | 174         |
| Total  | 207      | 204      | 284         |
| Referrals Received from SC&H                         | 75       | 126      | 140         |
| <b>Private Sector:</b>                               |          |          |             |
| Work Completed                                       | 66       | 84       | 93          |
| Referrals with Contractor @ 31 March                 | 24       | 18       | 20          |
| Backlog @ 31 <sup>st</sup> March                     | 29       | 31       | 30          |
| Total  | 109      | 133      | 143         |
| Referrals Received from SC&H                         | 53       | 52       | 83          |
| <b>Budget:</b>                                       |          |          |             |
| Public Sector  | £353,665 | £400,270 | £469,860    |
| Private Sector                                       | £334,790 | £480,140 | £530,000    |