

# Executive

## Disabled Facilities Grant Policy

6 December 2010

### Report of Head of Housing Services

#### PURPOSE OF REPORT

To seek approval of a new policy setting out the Council's approach to the assessment of eligibility for Disabled Facilities Grants, those adaptations which it is appropriate to fund and how it will manage a waiting list if demand exceeds the available budget.

This report is public

#### Recommendations

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The Executive is recommended to:

- (1) Approve the Disabled Facilities Grant Policy.
- (2) Endorse the proposal that Registered Providers (RPs) (formerly called RSLs or Housing Associations) should be asked to sign-up to a protocol committing themselves to the principles in the Policy and to making a specified financial contribution towards the cost of adaptations for their tenants (see 2.4 below).

#### Executive Summary

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##### Introduction

- 1.1 Disabled Facilities Grants (DFGs) are intended to ensure that disabled people of all ages are helped to remain as independent as possible. DFGs are mandatory grants provided the qualifying criteria are met. The Council is responsible for determining financial eligibility (by means of a prescribed means-test), for establishing which adaptations will properly meet the applicant's needs (in consultation with the Welfare Authority), and whether or not those works are reasonable.
- 1.2 Demand for DFGs is growing and is expected to continue to grow as our population ages. We anticipate that demand for DFGs will exceed the Council's budget. This policy is needed to explain the help we can give, why grants may not be available in some situations and why some people who are eligible will be asked to wait for help. It also explains how we will reach decisions about eligibility and about which works it is appropriate to grant-fund, and how we intend to ensure that we make the very best use of the budget available to the Council. The Policy also introduces a waiting list process based on assessed priority which will ensure we are helping those in greatest need first.

- 1.3 This Policy does not seek additional resources but is intended to ensure we make best use of those we have and the capital budget which is made available year-on-year.
- 1.4 Central Government contributes to Disabled Facilities Grants. Prior to 2007-08 it provided 60% of the budget in the form of a ring-fenced and capped grant, but now provides simply a capital contribution. For the last 3 years that contribution has remained unchanged at £375k. Although the coalition-government has said it will maintain the budget for DFGs we do not yet know what our allocation for 2012-12 will be. We have however made every effort to reinforce to GOSE that the Council's total spend on DFGs has risen significantly in the last 5 years in response to growing need, and that the government's contribution has fallen from 60% to under 40% of total grant spend.
- 1.5 The available budget for the past 2 years has been £950k and the Council's contribution £575k. In order to meet the need for budget savings a reduced capital budget of £870k has been proposed for 2011-12 with a Council contribution of £495k and an assumption of £375 from government.
- 1.6 The Council has not previously had a DFG policy but the growing number of DFG-applications, the prospect of increasing costs and the need to make significant savings to its budgets are likely to lead to a situation in which the Council cannot meet DFG demand. The proposed DFG Policy will play an important role in managing that situation.

### **Proposals**

- 1.7 The proposed policy does not change the Council's responsibility for administering and awarding DFGs to eligible residents; nor does it change the judgements and decisions officers' need to make about DFGs, although it makes them more explicit and will demonstrate consistency. We expect to face a situation in which we cannot help everyone who wants or expects assistance, so we need to establish clear criteria that ensure we make the best use of our resources. Even when we can help, we are unlikely to be able to do so as quickly as some would like. We therefore need to explain as clearly as we can why waiting may be necessary and to demonstrate that a fair and consistent approach is being applied.
- 1.8 If an applicant is dissatisfied with the Council's decisions or with a delay in approving a grant, they may seek judicial review. That right remains unchanged. The Council has not faced review at any stage since the current legislation was introduced in 1996, but has, up until now, been broadly able to keep pace with demand. The prospect of challenge, complaint and judicial review will increase if the Council has to restrict availability of DFGs. A DFG Policy will be essential in demonstrating to the public (and potentially to the courts) that the Council is taking a fair, considered and reasonable approach and is seeking to find a realistic balance between its obligations and its finite budget in a difficult financial climate.
- 1.9 The Policy contains a range of proposals. The most significant address the assessment of eligibility, how we shall seek to explore and make use of alternative solutions and how a waiting list for eligible cases will operate. Issues to note include:
  - Eligibility criteria dealing with what is appropriate and reasonable will be tightened where possible.

- We shall be seeking to find alternatives to adaptation (such as managed moves) where that is appropriate and to make sure that adapted homes are properly re-used wherever possible.
  - In particular, we shall be working with our RP partners to make sure that under-occupied social-rented homes are not fitted with adaptations which are rendered inappropriate and have to be removed when the house is next re-let to a family to which its size is more suited. (This restriction will also help make sure that best use is made of the district's over-subscribed social housing stock.)
  - Assessments by Occupational Therapists (OTs) will employ a new pro-forma which will allow individual need and priority to be determined more precisely. The waiting list will be based on the priority score established in this way.
  - We shall recover grants from owner-occupiers in appropriate circumstances in accordance with the legal provisions.
- 1.10 If demand exceeds supply, elected members are likely to receive an increasing number of enquiries about eligibility for DFGs and waiting time. The Policy will allow members to respond to such concerns and actively explain and support the Council's position. We also hope that it will help reduce the number of queries they need to refer to the Grants Team for explanation.

## **Conclusion**

Adoption of the draft policy will ensure that the Council continues to help those in most need, but also achieves the best value it can from the financial commitment it makes to disabled facilities. It will also demonstrate that the Council has carefully considered the issues it faces and is meeting them in a robust but transparent fashion. An adopted DFG policy is therefore likely to be the best means of meeting any challenge suggesting that the Council is failing to meet its legal obligation to approve mandatory DFGs.

## **Background Information**

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- 2.1 Information about the legislation which applies, the Council's role and current issues are all contained in the draft Policy itself.
- 2.2 Although the Policy anticipates a future in which demand exceeds the available budget, the proposals it contains are not conditional upon any particular budget figure and will apply in all situations.
- 2.3 The draft Policy has been prepared with input from Oxfordshire County Council who are our principle partners, are directly involved with us in the DFG process and whom we are required by statute to consult over each DFG case we deal with.

RPs (particularly Sanctuary group, which has significantly the largest stock in the district) have an important role to play in addressing demand for DFGs. Adoption of the Policy does not commit the RPs to any particular course of action but it contains a proposal that they should be asked to support the principles in the Policy and, where they do not do so at present, commit to making a financial contribution to adaptations for their tenants. If the Policy is approved, we propose to ask RPs to formally sign-up to a Protocol dealing with these issues.

## **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 The key issue before members today is whether they wish to support the draft policy as the Council's approach to assessing DFG enquiries and managing demand.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

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|---------------------|---|
| <b>Option One</b>   | Adopt the draft policy in its entirety                      |
| <b>Option Two</b>   | Adopt the policy subject to specified revision or amendment |
| <b>Option Three</b> | Reject the draft policy                                     |

## **Consultations**

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The Policy has been through a consultation process with stakeholders including Oxfordshire County Council, Age UK, CAB, PCT, local RPs and the organisations and individuals represented on the Steering Panel for the Housing Strategy for Older People. It was also available for public comment via the Council's Consultation Portal. A summary of the consultation responses is attached as Appendix 2.

## **Implications**

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**Financial:** There are no negative financial implications arising from the DFG Policy. The proposals it contains are intended to ensure that best use is made of the available capital budget. The proposal to recover grant when appropriate presents an opportunity to recycle funding and I recommend that any recovered monies are retained for inclusion in the following year's budget. The greater the gap between the available budget and grant demand, the longer waiting time will become, but there are no other issues of concern.

Comments checked by Joanne Kaye, Service Accountant  
01295 221545

**Legal:** The law relating to Disabled Facilities Grants has not changed and they remain mandatory. If the Council fails to approve a mandatory grant or to do so within the specified time period, it is open to challenge. The DFG Policy does not place the Council in a position where it is in breach of its responsibilities although it makes the basis of necessary decisions more explicit and transparent. In the event of challenge the DFG Policy will demonstrate that the Council is taking appropriate measures to try to meet its legal duties.

Comments checked by Nigel Bell, Solicitor 01295 221687

**Risk Management:** An increase in grant demand, a cap on the grant budget or both together could leave the Council unable to meet its mandatory responsibilities. The Policy proposals aim to ensure that the available budget is used to address as much legitimate demand as possible, but cannot guarantee that the Council does not face challenge. In the current financial climate it does however present the best prospect of responding to any such challenge.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 221566

## **Wards Affected**

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All wards

## **Corporate Plan Themes**

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**Opportunities for all:** Improve the standard of housing for vulnerable people; & Focus Housing Service support for disadvantaged individuals.

**Accessible, value for money Council:** Treat everyone with dignity and respect and meet specific needs of disabled people.

## **Executive Portfolio**

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**Councillor Michael Gibbard**  
**Portfolio Holder for Planning and Housing**

## **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Draft Disabled Facilities Policy
Appendix 2	Consultation summary
<b>Background Papers</b>	
None	
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