

# **Cherwell District Council**

## **Executive**

**1 March 2021**

## **Disabled Adaptations Policy**

### **Report of Assistant Director, Housing and Social Care Commissioning**

This report is public

#### **Purpose of report**

To consider and approve the Disabled Adaptations Policy (Appendix 1).

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To approve the Disabled Adaptations Policy as the replacement for the current Disabled Facilities Policy.

#### **2.0 Introduction**

- 2.1 This new policy resets the Council's approach to the processes and decision-making associated with disabled adaptations. It builds from the approach established by the current *Disabled Facilities Grant Policy* (which has been operational since 2010 and which remains legislatively compliant), but specifically integrates the expanded range of discretionary grants the Council makes available to support (and sometimes substitute for) mandatory Disabled Facilities Grants. It also streamlines and simplifies decision-making regarding the selection of appropriate grants and appropriate works.
- 2.2 The policy is intended to ensure that residents with disabilities continue to receive the high level of adaptation-service currently provided. Since the new policy is principally concerned with capturing positive developments and practices that are already being enacted, as well as revising some administrative matters, clients are unlikely to notice any changes in our interactions with them or with the adaptations we can deliver for them.

#### **3.0 Report Details**

- 3.1 The *Disabled Facilities Policy* set out the Council's approach to decision making in relation to eligibility mandatory Disabled Facilities Grants (DFGs). It was introduced

at a time when demand was projected to exceed available funding and included a number of principles aimed at managing the expectation of both partners and disabled residents.

- 3.2 That Policy has proved effective and has underpinned a period during which funding from the Better Care Fund (BCF) has grown significantly and during which the Council has been able to take advantage of the additional BCF allocation by extending the assistance it can provide to disabled residents. It has done so through the introduction of a number of specific discretionary grants which include *Discretionary DFGs* (principally to deal with urgent cases and with facilitation of moves to more suitable property); *Extended Minor Works Grants* (which remove the need for means-testing for certain straightforward adaptations in order to speed-up delivery); and *DFG Top-up grants* (for certain complex cases which would otherwise not be possible as a consequence of the DFG grant-cap).
- 3.3 The proposed new *Disabled Adaptations Policy* has been developed from the earlier policy to specifically refer to and take account of the increased range of assistance the Council can provide, to reflect changes to practice and revise and simplify decision making responsibilities.
- 3.4 The new policy summarises the background (at section 2) and legal framework (section 3) associated with DFGs and discretionary grants. It looks at the grants process in some detail (at section 4) with the aim of providing clear understanding and expectations of the Council's role and of the decisions it is required to make (sections 5 & 6). The policy also reaffirms the intention to recover mandatory grants in relevant situations but amends the recoverable amounts to ensure recipients of mandatory grants are not disadvantaged by receiving a DFG rather than a discretionary alternative. Additional information about the Legal provisions associated with DFGs, DFG eligibility, Delivery and waiting times and Grant repayment, is provided in the four appendices.
- 3.5 Internal Audit carried out an audit of DFGs in Cherwell in 2020 and identified the need for this policy to be reviewed and updated. The new policy was already being developed prior to the audit but will also help address one of the recommendations made by the auditors. The policy will be reviewed every 3 years going forward.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 Although the current *Disabled Facilities Grant Policy* remains compliant, has served the Council well, and much of it has 'stood the test of time', a new policy is required to reflect the changes that have taken place since it was introduced, including changes in the Council's operating environment, budget growth, the increased use of discretionary grants and the need to simplify decision making processes to facilitate service delivery. The proposed *Disabled Adaptations Policy* will ensure that the Council's Grants Team can continue to deliver the current high level of services to disabled residents in a clear and consistent manner.

## **5.0 Consultation**

- 5.1 The draft policy was sent out by email for consultation to Oxfordshire County Council (OCC), to Foundations (the National Body for Home Improvement Agencies in England), and to 14 other organisations to whom officers believed it likely to be relevant, including Citizens Advice and Age UK Oxfordshire. Officers also sought comments from the 18 Registered Providers (RPs) operating in the district, including Sanctuary, Bromford, Paradigm and Green Square (the four largest stockholders).
- 5.2 Responses were received from 4 RPs, who made a range of comments, but raised no points of concern. A positive response was received from Age UK Oxfordshire in which they said they were pleased with simplified wording, the aim to fast-track cases, the increased threshold for recovering portions of certain DFGs and with clarification of links and processes. (They also took the opportunity to add that: “the Small Repairs Team is superb in Cherwell”.)
- 5.3 OCC provided a detailed response, commenting positively on the inclusion of additional flexibility in the administration of DFGs but pointing out that some of the decision-making principles (in section 5 of the policy) could be interpreted as discouraging rather than encouraging applicants. They also recommended some specific reductions to background information included in the policy. Thirdly, they recommended more information about the various discretionary grants the Council has available. That third point was also raised by Grand Union Housing Group (one of the 4 RPs who responded) and by Foundations in their response which principally concerned the approach taken by Cherwell to confirming which discretionary grants it will provide and the need to ensure that information is accessible. They also noted that the Policy was “well written and explains your processes in some detail”.
- 5.4 In response to the consultation the draft Policy has been reviewed and revised. In particular officers have:
- Reduced the length of the section 2, *Background to disabled adaptations*.
  - Provided additional information to clarify that discretionary grants are not set by means of this policy and that information about those grants will be provided on the website.
  - Somewhat shortened and simplified section 4, *The grants process*.
  - Reworked section 5, *Decision making principles*, so as to reduce the number of ‘presumptions’, whilst ensuring decision making remains robust but flexible and is not seen as potentially discouraging to those needing help.
  - Made modest changes to clarify and simplify section 6, *Decision making responsibility*, and a number of inconsequential changes elsewhere.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not introduce a new policy and continue with the existing *Disabled Facilities Policy*. This option was rejected because of the need to reflect the extended use of discretionary grants to complement provision of adaptations and to update process and decision making.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 The budget used for the delivery of mandatory Disabled Facilities Grants and the various discretionary disabled adaptations grants covered by the Policy is allocated to the Council from the Better Care Fund. The budget is ring-fenced for disabled adaptation purposes. The Policy makes no changes to the established arrangement and its adoption therefore poses no additional financial risk. Monitoring of budgets remains under close review at team level and by means of monthly meetings with the Finance Business partner and by means of the Capital Project Monitoring Group led by the Finance Team.

Comments checked by:

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### Legal Implications

- 7.2 The *Disabled Adaptations Policy* will ensure that the Council can continue to fulfil its mandatory responsibilities for the delivery of Disabled Facilities Grants whilst facilitating timely and effective delivery of adaptations for disabled residents through the integrated use of discretionary grants (approved under its *Grants and Assistance Policy*) to support, and where appropriate, to substitute for mandatory grants. The adoption and application of the Policy present no legal risk to the Council.

Comments checked by:

Chris Mace, Solicitor, 01295 221808, [christopher.mace@cherwell-dc.gov.uk](mailto:christopher.mace@cherwell-dc.gov.uk)

### Risk Implications

- 7.3 No risks have been identified in connection with the adoption of the new policy in place of the existing DFG Policy.

Comments checked by:

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### Equality, Diversity and Community Implications

- 7.4 An Equality and Climate Impact assessment has been undertaken and is provided with this report at **Appendix 2**.

Comments checked by:

Robin Rogers, Head of Strategy, [robin.rogers@cherwell-dc.gov.uk](mailto:robin.rogers@cherwell-dc.gov.uk)

## 8.0 Decision Information

### Key Decision

**Financial Threshold Met:** No

**Community Impact Threshold Met:** Yes

**Wards Affected**

All

**Links to Corporate Plan and Policy Framework**

**CDC Business Plan 2020-21:** Housing that meets your needs; specifically, *Support the most vulnerable people.*

**Housing Strategy 2019-2024, Cherwell - A Place to Prosper:** specifically Priority 2, *Meet the demand for adaptations to assist older and disabled people to remain living independently in their own homes.*

**Lead Councillor**

Cllr John Donaldson – Lead Member for Housing

**Document Information**

**Appendix number and title**

- Appendix 1: Draft Disabled Adaptations Policy
- Appendix 2: Equality and Climate Impact Assessment

**Background papers**

None

**Report Author and contact details**

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