

**Meeting:** Cabinet **Date:** 21 November 2023

**Wards affected:** All

**Report Title:** Torbay Housing Assistance Policy 2023 - 2028

**When does the decision need to be implemented?** As soon as practicable

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## 1. Purpose of Report

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- 1.1 To seek approval of a new Housing Assistance Policy ( Appendix A) for improving and adapting private homes within Torbay via Disabled Facilities Grants (DFG) to maintain independent living at home.
- 1.2. In 2022 the first new official government guidance for Disabled Facilities Grants in 18 years was published. This guidance has been used to create a range of assistance available in the policy to best serve the needs of local older, disabled adults and children living in Torbay

## 2. Reason for Proposal and its benefits

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- 2.1 The Council is required by law to adopt and publish a Housing Assistance Policy (HAP) detailing any assistance it wishes to offer which exceeds the mandatory disabled facilities grant that individuals can receive. This is in part to address the increased inflationary cost of adaptations and the inability of the mandatory scheme to now enable this. Adoption of the policy will enable the Council to take advantage of the additional powers and support individuals to thrive in the home of their choice and as independently as possible.
- 2.2 The focus of the Housing Assistance Policy is one of prevention and is to enable independent living, by supporting those whose independence may be at risk due to a lack of access to appropriate accommodation (including their current home) which meets their needs. It will improve health and well-being and reduce the risk for individuals. Adaptations are one of the most tangible ways to prevent a health crisis in housing. The Policy will support the delivery of a number of Torbay Council's ambitions and themes:

Strategic Aims	Impact of the Housing Assistance Policy
<ul style="list-style-type: none"> <li>• We want Torbay Residents to thrive</li> <li>• We want Torbay to be a place where we have turned the tide on poverty and tackled inequalities, where our children and older people will have high aspirations, and where there are quality jobs, good pay, and affordable housing for our residents.</li> <li>• We want Torbay to be a premier resort in the UK, with a vibrant arts and cultural offer for our residents and visitors to enjoy; where our built and natural environment is celebrated, and where we play our part in addressing the climate change emergency.</li> <li>• Tackling poverty, deprivation and vulnerability</li> <li>• People with learning disabilities</li> </ul>	<p>Increasing the grant assistance available will enable more disabled and older people to live independently, more safely at home for longer, enabling adaptations to progress due to statutory limits on grant not meeting current inflationary cost.</p>
	<p>The specifications for work will fall under energy efficiency improvements of the building regulations and updated new fixtures and fittings, using sustainable materials, improving the energy efficiency of homes in which adaptations are completed, and recycling adaptations where possible</p>
	<p>The policy will enable greater engagement with the local building supply chain to deliver adaptations, boosting this sector of the local economy as discretionary DFGs are approved.</p>

### 3. Recommendation(s) / Proposed Decision

1. That the Housing Assistance Policy 2023 - 2028 as set out in Appendix 1 to the submitted report be approved; and
2. That delegated authority be given to the Director of Adult and Community and Customer Services, in consultation with the Cabinet Member for Housing, Finance and Corporate Services, to make any minor amendments to the Housing Assistance Policy 2023 - 2028.

#### Appendices

Appendix 1: Housing Assistance Policy 2023 - 2028

Appendix 2 – Consultation survey results

#### Background Documents

Government guidance for local authorities in England on the effective delivery of the Disabled Facilities Grant (DFG): [Disabled Facilities Grant \(DFG\) delivery: Guidance for local authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/disabled-facilities-grant-dfg-delivery-guidance-for-local-authorities-in-england)

## 1. Introduction

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- 1.1 Local Authorities administer the Disabled Facilities Grant (DFG). This funding is used to pay for housing adaptations to enable children and adults with care and support needs to stay in their own homes. This includes adaptations such as widening doors and installing ramps for wheelchair access, building an addition, or adapting a current bathroom or bedroom and providing the means to access a garden. Homeowners, tenants, and landlords can apply for a grant if a disabled person is living in the property. Following the application/request, an Occupational Therapist undertakes an assessment of the disabled person's needs and makes recommendations based on their needs. The DFG Team then supports with surveys, drawings, planning permission applications, and organising quotes and then contractors. The maximum statutory grant for individuals is £30,000. The grant is means-tested for adults (not children up to 19) and individual's saving and income is taken into account.
- 1.2 The Service has operated in a traditional way and in accordance with the Housing Grants, Construction and Regeneration Act 1996, and the grants are paid in accordance with legislation. The main grant being provided has been the mandatory disabled facilities grant. The increasing costs of materials and labour have created challenges for the service in providing more complex adaptations within the DFG maximum statutory threshold of £30,000, which was established in 2008. This has meant that the types of adaptation being installed have become restricted, due to the outdated threshold and inflationary cost.
- 1.3 The Council has a general power to assist households with the improvement of living conditions using the powers set out in the Regulatory Reform Order 2002 (RRO). This allows for more flexibility in the use of the DFG, for example, introducing discretionary powers to fund adaptations beyond the current funding ceiling in defined circumstances. In order to take advantage of these flexibilities, the Council must publish a policy to exercise those powers which then allows the Council to designate grants and other services.
- 1.4 The proposed policy in Appendix 1 sets out the mandatory and discretionary assistance that the council will offer including the conditions and eligibility criteria. A summary of this is contained in the table below:

## Mandatory Assistance

Name of Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
<b>MANDATORY DISABLED FACILITIES GRANTS</b>  (Appendix A of policy, pg. 20)	As set out in legislation Owners Private Sector or Housing Association Tenant	Up to £30,000	Statutory means test -Adults No means test – Under 19yrs To include Local Council Tax Support (not including single people)	All works over the value of £5,000 will be subject to the Statutory Land Charge of 10yr from the date of completion
<b>Objective:</b> To carry out works to facilitate access to facilities in and around the home as set out in the Housing Grants, Construction and Regeneration Act 1996 – works must be deemed necessary, appropriate, reasonable, and practicable by the OT Service and DFG Team.				

## Discretionary Assistance -Assistance offered is subject to the availability of funding

Name of Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
<b>DISABLED FACILITIES GRANT TOP-UP</b>  (Appendix B, B1 of policy, pg. 25)	Must be eligible for DFG Owner Private Sector or Housing Association Tenant	Up to £40,000 in line with mandatory scheme requirements.	No additional means test in addition to the Mandatory DFG	The full value of any grant awarded would be placed as a lifetime land charge from date of completion of works. Land charge is in addition to any Mandatory DFG Land Charge or charge incurred as a result of other forms of discretionary assistance.

	<b>Objective:</b> To 'top-up' Mandatory DFG schemes where works exceed the maximum grant available and to have access to and around their homes or to use essential facilities within the home to enable them to live safely and independently and prevent, reduce, or delay a higher cost intervention being necessary. Criteria set by statutory scheme.			
Name of Discretionary Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
<b>CLIENT CONTRIBUTION GRANT up to £10,000</b>  (Appendix B, B2 of policy, pg. 27)	Must be eligible for DFG and owner occupier	Up to £10,000	No additional means test to the Mandatory DFG and subject to the applicant being able to prove they have insufficient funds available to pay their assessed contribution.	The full value of any grant awarded placed as a lifetime land charge from the date of completion of works.
Name of Discretionary Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
<b>PROFESSIONAL FEES GRANT</b>  (Appendix B, B3 of policy, pg.29)	Must be eligible for DFG	Up to £2,500	No additional means test to the Mandatory DFG	No land charge

Name of Discretionary Grant	Eligibility	Maximum Amount of Grant	Means Test	Land Charge
<b>SAFE &amp; WELL GRANT</b>  (Appendix B, B4 of policy, pg. 34)	Must be eligible for and applied for DFG. Owner Occupiers	Up to £5,000	No additional means test to the Mandatory DFG	The full value of grant placed as a lifetime land charge from date of completion of works
	<b>Objective:</b> To prevent and address health and wellbeing by improving the home environment for owner occupiers to support them to live in their own homes for longer and with reduced risk as part of the adaptation.			
<b>RELOCATION GRANT</b>  (Appendix B, B5 of policy, pg.32)	Must be eligible for DFG	Up to £5,000	No additional means test to the Mandatory DFG	No land charge
	<b>Objective:</b> To provide a person-centred response. Promote the opportunity to retain independence by moving to more suitable accommodation where it is the more affordable option or where it is not reasonable or practicable to adapt the property, to meet the disabled person's assessed needs or the property is under/over occupied. The cost of the relocation grant would therefore be less than an adaptation and prevent wider costs across the system.			

1.5 The expected benefits of the adoption of this policy include people staying in their homes for longer through the provision of flexible support, an increase of suitable accommodation for older and disabled people in Torbay and an increase in the health and well-being of residents. The assistance will also help to address the health and social care challenges being faced by reducing, preventing, and delaying the need for higher-cost interventions.

## 2. Options under consideration

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2.1 The proposed policy will provide flexibility and support people to maintain their independence for longer and support better outcomes for safe, independent living.

2.2 If a new policy is not adopted the flexibilities within the RRO are not possible and the authority will be at risk of not meeting the adaptation needs of disabled adults and children and older people in an efficient and effective way.

### 3. Financial Opportunities and Implications

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- 3.1 The DFG is one of the funding streams in the Better Care Fund (BCF), which is a programme spanning both the NHS and local government that seeks to join up health and care services, so that people can manage their own health and wellbeing and live independently in their communities.
- 3.2 The requirements regarding the delivery of the Better Care Fund (BCF) are set out in the BCF Planning Framework. As the DFG forms part of the funding within the DFG arrangement, it must be agreed in accordance with a jointly agreed BCF Plan and used to support the prescribed funding metrics.
- 3.3 Providing a safe and accessible environment supports people to remain independent and at less risk. The discretionary assistance put in place will support the reduction, prevention, and delay of higher-cost health and care interventions by enabling residents to remain independent in their homes.
- 3.4 Whilst difficult to accurately forecast what spending will result from this policy until accurately initiated. Specialist expertise from Foundations, an organisation commissioned by the Department of Levelling Up Homes and Communities to support local authorities with their delivery of DFG, highlights that the wider range of mandatory and discretionary assistance will increase the level of spend against the DFG budget.
- 3.5 Robust monthly financial monitoring is already in place, as well as the flexibility to “deactivate” assistance should the budgets be insufficient to meet any proposed discretionary provision in order to protect the mandatory grant which remains a statutory duty. As any additional grant application under the proposed scheme is subject to a mandatory DFG application submission, this is not a wider offer to the entire community, but means to facilitate the undertaking of the DFG in a holistic way.
- 3.6 The service currently works well within the current grant allocation from the BCF. The increase in inflationary costs and the government’s intention to review the £30,000 threshold have been raised as financial risks as part of the work with BCF.
- 3.7 Projected spend for 2023/24 is £1.5m, based on works completed, applications submitted and being processed and predicted demand in Q3 and Q4. This also takes into account increased costs for additional top up for grants above the £30,000 threshold. Spending profiles with the BCF are in the process of being agreed, which will be coordinated with this policy.
- 3.6 The determined annual Disabled Facilities Grant allocation paid to the council for the last 7 years is set out in the table below.

DFG 2017/18	DFG 2018/19	DFG 2019/20	DFG 2020/21	DFG 2021/22	DFG 2022/23	DFG 2023/24
£1,631,353	£1,738,618	£1,876,070	£2,128,689	£2,128,689	£2,128,689	£2,128,689

- 3.6 Any money paid under this grant determination must only be used for the specific purpose of funding adaptations for disabled people who qualify for a Disabled Facilities Grant made under the Housing Grants, Construction and Regeneration Act 1996 or under the Regulatory Reform (Housing Assistance) Order 2002. Other social care capital projects in line with National Condition 1 can also be jointly defined during the development of the Torbay Better Care Fund Plan and funded using the DFG allocation. This has been taken into account when submitting funding plan allocations annually to BCF.

## 4. Legal Implications

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- 4.1 The Council is required by law to adopt and publish a Housing Assistance Policy detailing any assistance it wishes to offer which exceeds the mandatory disabled facilities grant that individuals can receive.
- 4.2 Until such a policy has been implemented the authority is only able to offer the more limited mandatory Disabled Facilities Grant which may not be available via a mandated applicant's Test of Resources (means-test) or be sufficient to meet needs, potentially leaving the resident with unmet eligible needs under the Care Act 2014 or with the local authority seeking to meet eligible needs on a case by case basis. With inflationary cost on materials the current mandatory scheme is not meeting the needs of the community in some complex case.
- 4.4 The policy provides structure and clarity to meeting needs that may fall outside the mandatory DFG and allows for recovery or recoupment of those costs in appropriate situations.
- 4.5 Disabled Facilities Grants are given under the Housing Grants, Construction and Regeneration Act 1996, are mandatory, and are paid in accordance with the requirements of the legislation. The policy seeks to implement a discretion permitted under article 3 of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 which allows an authority greater freedom in its application of Disabled Facilities Grants funds which is received by Torbay Council as an annually paid Better Care Fund allocation from government.



## 5. Engagement and Consultation

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- 5.1 An engagement and consultation process has been followed to refine the policy through input from internal and external partners, groups, and individuals. This input ensures additional challenges, concerns, and solutions are included in the policy development, as well as being mindful of vital lived experience.
- 5.2 Foundations is a Ministry of Housing, Communities and Local Government (MHCLG) commissioned oversight body for DFG's and Home Improvement Agencies (HIAs) and a consultancy with many years expertise in working nationally with organisations including local authorities, to develop adaptations service improvement and delivery.
- 5.3 A Regional Advisor, and an associated consultant from Foundations has led the development of the policy including meeting with key officers from within and outside of the Council including housing associations.
- 5.4 The input from these interviews, which included meetings with service managers across housing, planning, health, social care, finance, and others has further contributed to the policy.
- 5.5 A customer survey and telephone interviews were held with residents to find out if they were satisfied with the service. All involved felt the adaptation had made a positive difference in their lives. Just over 87% of respondents felt the process from application to the completion of the works on their property occurred on time. All respondents apart from 1 who did not answer said the work on their property was aesthetically pleasing.
- 5.3 A multi-agency workshop was held with health, social care, and housing association partners to discuss and understand the types of assistance that would meet the resident's needs in an improved way.
- The maximum level of mandatory DFG was reviewed by the government in 2008 and has not kept in line with the cost of adaptations. This results in the cost of work exceeding this threshold and the mandatory needs of both child and adult not being met.
  - The means test is out of step and does not consider household expenditure and specific circumstances.
  - DFG passporting excludes important benefit changes and leaves vulnerable households open to unaffordable contributions.
  - Large numbers of cases are closed due to the level of work required and the financial contributions
  - The variety of adaptations being used is narrow, mainly ramps, stairlifts, and bathrooms.
  - The number of extensions and conversions completed is negligible.
  - Complex cases are closed due to the timescale for decisions, often due to the financial limits though the grant.
  - The age, property design, and hilly nature of Torbay mean that not all properties are suitable for adaptation to meet the needs of older and disabled people.

- 5.5 In above the codesign work to produce the policy. A consultation survey has been carried out on the content of the draft Housing Assistance Policy from January – March 2023. Appendix 3 provides a summary of the results. No changes were made as a result.

## 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 An applicant can either arrange for works to be completed themselves or work with the Council to undertake this activity. In this role the DFG Team will arrange for quotes to be obtained and for contractor to be appointed. This will also involve the overseeing of works and ensuring the quality of the adaptation.
- 6.2 In order for this be undertaken a Framework of contractors is produced through a procurement process. This ensures the quality of the contractors and that all insurances and legislative requirements are met.
- 6.3 A procurement exercise will be launched to review the approved contractor list, to ensure quality and quality of suppliers viable to meet the needs of the service and the specialist adaptations required.

## 7. Tackling Climate Change

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- 7.1 The specifications of work will fall under energy efficiency improvements of the building regulations. New fixtures and fittings, will use sustainable materials, improving the energy efficiency of homes in which adaptations are completed.
- 7.2 The recycling of adaptations will be undertaken where possible.
- 7.3 Further energy efficiency measures will be included as part of our procurement exercise for contracts and specification of works.

## 8. Associated Risks

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- 8.1 The main risk as a result of the Housing Assistance Policy is that customer demand could exceed the monies available however the budget is regularly monitored to ensure effective management of the work programme. All discretionary housing assistance is subject to the availability of funds. As discretionary funds can only be accessed in association with a mandatory DFG application, the eligibility is restricted.
- 8.2 The current scheme operates within existing allocations with an annual spend and award of contract of approximately £1m. This is projected to increase in 2023/24 to £1.5m, which is still within available budgets. This increased cost takes into account top ups to the mandatory scheme.

## 9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	Mandatory DFG's are non-means tested for children under the age of 19		Universally applied – there is no discrimination on the basis of age.
People with caring Responsibilities	Disabled people who care for another person who normally lives in the same property are able to apply for a grant to help them move around the home and undertake their caring role. They do not need to be related and may include a spouse, partner or family member, another disabled person, or a child. They do not need to be disabled.		
People with a disability	Eligibility is defined within the legislation.		
Women or men			Universally applied – there is no discrimination on the basis of gender
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			Universally applied – there is no discrimination on the basis of ethnicity.
Religion or belief (including lack of belief)			Universally applied – there is no discrimination on the basis of religion or belief
People who are lesbian, gay or bisexual	.		Universally applied – there is no

			discrimination on the basis of sexual orientation
People who are transgendered			Universally applied – no discrimination
People who are in a marriage or civil partnership			Universally applied – no discrimination
Women who are pregnant / on maternity leave			Universally applied – no discrimination
Socio-economic impacts (Including impact on child poverty issues and deprivation)	A statutory means test is applied and includes a local amendment to the passporting benefits for a mandatory DFG and a contribution grant being made available to positively address low-income households. There is no means test for children below 19 years.		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Adaptations are an important way of addressing health and well-being inequalities and preventing a health crisis.		

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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11.1 The Housing Assistance Policy will support disabled and older residents in Torbay to live independently within their communities rather than people being supported in a nursing or care home establishment. The policy seeks to promote the delivery of good quality adaptations to enable independent living in which individuals have as much choice and control over where they live as possible.