

Report of Head of Housing Support

Report to Director of Resources and Housing

Date: 1 February 2019

Subject: Disabled Facilities Grants 2018/19

Capital Scheme Number 98040/000/000

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Disabled Facilities Grants (DFGs) are a means tested mandatory grant for the provision of adaptations/other alterations that help disabled people to live independently in their own homes.
2. Housing Leeds (Health and Housing Service) manages DFGs for the Council. The grants are funded through a government funding allocation, council contribution, applicant and housing association contributions. The government announced an additional £844,899 grant to Leeds as part of the autumn budget settlement.

Recommendations

The Director of Resources and Housing is requested to:-

1. Inject and authorise spend of £844,889 from the additional Disabled Facilities Grant received in 2018/19.

1. Purpose of the Report

- 1.1. Inject and authorise spend of £844,889 from the additional Disabled Facilities Grant received in 2018/19.

2. Background Information

- 2.1. Disabled Facilities Grants (DFGs) are means tested mandatory grants that cover the cost of major adaptations/other property alterations to help disabled people live independently by creating accessible living environments. Disabled people, or whose family, are home-owners, private or housing association tenants are eligible to apply for DFGs. Adaptations for council tenants are funded through the Housing Revenue Account (HRA). Major adaptations are defined as costing over £1k with the maximum DFG grant being £30k. The £30k cap is potentially relaxed for disabled children with the additional cost being shared by Statutory Housing Services and Children's Services.
- 2.2. The legal framework relating to DFGs is set out in Part I of the 1996 Housing Grants Construction and Regeneration Act. In determining eligibility for a Disabled Facilities Grant, the local housing authority must be satisfied, under section 24 (3) of the Act, that the 'relevant works' are 'necessary and appropriate' to meet the needs of the disabled occupant and it is 'reasonable and practicable' to carry out the works having regard for the age and condition of the housing to which the works will be carried out. Section 24 (3) also obliges a local housing authority to 'consult' with the 'social services authority' in respect of assessing whether the 'relevant works' are 'necessary and appropriate' to meet the needs of the 'disabled occupant'. An Occupational Therapist, employed by Adult Social Care or Children's Services, determines whether adaptations are 'necessary and appropriate'.
- 2.3. Housing Leeds – Housing Management and Support, through the Health and Housing Service, has overall responsibility for managing DFGs in Leeds City Council. Health and Housing surveyors determine whether adapting a disabled person's home is 'reasonable and practicable' by drawing up a scheme of works, where appropriate making planning applications, tendering the works to an approved set of contractors and then overseeing the works process to ensure they are carried out satisfactorily, to budget and deliver an accessible living environment for the disabled person. The Health and Housing Service is also responsible for confirming the disabled person's legal interest in the property to be adapted, their grant eligibility and payments to contractors.
- 2.4. Since 2008/09, the rules relating to the use of Disabled Facilities Grant have been relaxed to include any expenditure incurred under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Paragraph 3 of The Regulatory Reform Order states the following:

Para 3. – (1) For the purpose of improving living conditions in their area, a local housing authority may provide, indirectly or directly, assistance to any person for the purpose of enabling him –

- (a) to acquire living accommodation (whether within or outside their area)
- (b) to adapt or improve living accommodation (whether by alteration, conversion or enlargement, by the installation of anything or injection of any substance, or otherwise)
- (c) to repair living accommodation
- (d) to demolish buildings comprising or including living accommodation
- (e) where buildings comprising or including living accommodation have been demolished, to construct buildings that comprise or include living accommodation.

2.5. The House of Commons Library briefing paper on Disabled Facilities Grants: www.parliament.uk/briefing-papers/SN03011.pdf (updated on 19 February 2013) states the following on page 16: **‘Creating greater flexibility will allow the DFG funding to be used for associated purposes, such as moving home,’** Using the Disabled Facilities Grant to pay relocation costs demonstrates the wide scope of the relaxation of the rules.

2.6. The Regulatory Reform Order powers can be applied if a local authority has an approved Private Sector Housing Assistance Policy setting out how the Council intends to use the powers. The Leeds Private Sector Housing Assistance Policy was approved in February 2016 and includes assistance options such as adaptations, improvements to private sector housing and the Sanctuary scheme.

2.7. Since 2010/11, the Disabled Facilities Grant has been paid as a un-ring fenced capital payment through a determination under section 31 of the Local Government Act 2003. The House of Commons briefing paper states on page 16 **‘This means that DFG funding could be pooled with resources from a number of other programmes. It will then be for local authorities to determine, against local priorities, how best they use these resources’.** Again this demonstrates the broad remit that local authorities have in respect of using DFG funding.

3. Main Issues

3.1. The government has announced an additional £844,889 allocation to Leeds City Council for Disabled Facilities Grants.

3.2 It is proposed to use the cover 50% of the cost of the Children’s Service Occupational Therapy team at a cost of £210k. The 50% cost reflects the principle that this percentage of the work carried out by the team relates to the ‘necessary and appropriate’ assessments on privately owned, privately rented and housing association properties. The DFG already funds £200k of OT work carried out by Adult Social Care and so this proposal marries up the approach taken across the two social care directorates.

3.3 It is proposed to retrospectively fund £30k value of extensions/property reconfigurations paid for by Children’s Services in order to facilitate kinship care placements that, if not done, would have left the extended family in overcrowded conditions. The Housing Assistance Regulatory Reform Order permits the use of DFG for this purpose.

- 3.4 It is proposed to fund £200k value of staffing within the Private Sector Housing Team that carry out housing inspection work on empty private properties that will be let to homeless families. The pre-condition of the letting is that the property meets requisite standards and, if not, that the property owner carries out the necessary work. Bringing empty homes back into use whilst concurrently improving the standard of the accommodation meets the capital definition of 'creating and enhancing an asset'. Again the proposal is in accordance with the provisions of the Housing Assistance Regulatory Reform Order.
- 3.5 It is proposed to fund £141k of the capital work for developing the new Gypsy and Traveller site at Kidacre Park and £209k of capital improvements to existing provision at Cottingley Springs. Council managed Gypsy and Traveller sites are excluded from the Housing Revenue Account and therefore are eligible for Disabled Facilities Grant. In addition it is proposed to use £300k of the standard Disabled Facilities Grant budget to improve the Cottingley Springs site. The proposed is once again reliant on the housing improvement provisions within the Housing Assistance Regulatory Reform Order.
- 3.6 It is proposed to cover £54k of the cost of the St. George's Crypt development at Regents Terrace from the fund of £844k and £46k from the standard Disabled Facilities Grant budget. . The development is already subject to a previous decision report to grant St George's Crypt £700k Right to Buy receipts to develop Regents Terrace and subsequently Hedley Chase. The £100k funding will enable St George's Crypt to stretch its available funding for the two developments and provide additional accessible provision at the two sites. Once again the funding proposal represents a wider housing improvement as set out in the Housing Assistance Regulatory Reform Order.

4. Corporate Considerations

4.1. Consultation and Engagement

- 4.1.1. No consultation has been carried out as such in relation to the setting of the DFG budget. Communication takes place with each prospective grant recipient in relation to the package of adaptations that they require to meet their accessibility need.

4.2. Equality Diversity Cohesion and Integration

- 4.2.1. Adaptations are designed to create an environment where disabled people are able to live independently and to exercise greater choice and control over their housing options. An equality, diversity, cohesion and integration screening exercise has been carried out and is appended to this report.

4.3. Council Policies and Best Council Plan

- 4.3.1. The delivery of adaptation services makes an important contribution to the strategic vision of making Leeds the best city for health and wellbeing and the priority of supporting more people to live safely in their own homes.

4.4. Resources and Value for Money

4.4.1. Adaptation works will either be delivered directly through Housing Leeds – Property and Contracts or by an approved external contractor.

4.4.2. Capital Funding and Cashflow

Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2018 £000's	FORECAST			
			2018/19 £000's	2019/20 £000's	2020/21 £000's	2020 on £000's
LAND (1)	0.0					
CONSTRUCTION (3)	7533.6		7533.6			
FURN & EQPT (5)	0.0					
DESIGN FEES (6)	1268.0		1268.0			
OTHER COSTS (7)	230.0		230.0			
TOTALS	9031.6	0.0	9031.6	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2018 £000's	FORECAST			
			2018/19 £000's	2019/20 £000's	2020/21 £000's	2020 on £000's
LCC Supported Borrowing	2869.0		2869.0			
Private Sector	350.0		350.0			
Government Grant	5812.6		5812.6			
Total Funding	9031.6	0.0	9031.6	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0

Parent Scheme Numbers: 98040/000/000

Revenue Implications: Any revenue implications will be dealt with from exiting budgets

4.5. Legal Implications, Access to Information and Call In

4.5.1. The proposals set out in this report reflect the provisions of Part I of the 1996 Housing Grants Construction and Regeneration Act and the Regulatory Reform (Housing Assistance) Order 2002.

4.5.2. The report contains a report setting out the financial position relating to St George's Crypt's development at Regents Terrace which is not for publication.

4.5.3. The report is eligible for call in.

4.6. Risk Management

4.6.1. The proposals set out in this report will enable the Council to fulfil its legal duties relating to the provision of Disabled Facilities Grant. The report also serves to support the work of Care and Repair and to the adaptation related provision of Home Improvement Assistance loans. There is sufficient funding to cover all these priorities. The Health and Housing Service has significant

experience in delivering Disabled Facilities Grant and will ensure that there the budget is effectively managed and that disabled people receive assistance in a timely way.

5. Conclusion

5.1. The services to be funded through the DFG allocation all play a vital role in helping disabled people to live independently. All correspond with the terms of the Regulatory Reform (Housing Assistance) Order 2002 to help vulnerable to continue to live in their existing home through the provision of adaptations, improvements or repairs or to move to alternative suitable accommodation. There is sufficient budget provision to meet service demand and all proposed spend.

6. Recommendations

The Director of Resources and Housing is requested to:

6.1 Inject and authorise spend of £844,889 from the additional Disabled Facilities Grant received in 2018/19.

7. Background

None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.