

Disabled Facilities Grant – Capital Scheme Number 98040/000/000

Date: 11/07/2023

Report of: Coral Wealthall, Health & Housing

Report to: Director of Communities, Housing and Environment

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

- Disabled Facilities Grants (DFGs) are a means tested mandatory grant for the provision of adaptations and other alterations that help disabled people to live independently in their own homes.
- The grants are funded through a government funding allocation and managed on behalf of the Council by Housing Leeds (Health and Housing Service).
- In addition to the provision of mandatory DFGs the council has discretion to use any remaining funding allocation in accordance with its approved Private Sector Housing Assistance Policy.
- 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.

Recommendations

The Director of Communities, Housing and Environment is requested to:

- a) Authorise the 2023/24 budget allocation set out in Appendix 1 to this report.

What is this report about?

- 1 The Disabled Facilities Grant is paid as an 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. This demonstrates the broad remit that local authorities have in respect of using DFG funding.
- 2 This delegated decision should be read in conjunction with the delegated decision approved in December 2021 which set out to formally establish and approve the parameters around the budget allocation and its expenditure that have been established over several years. The

approved report from December 2021 negates the need to re-draft lengthy delegated decisions each year but provides certainty and transparency on the Council's approach on budget expenditure while reducing the administrative burden of managing the grant. Precise budget allocations for each financial year will be reported because of that decision.

- 3 This report seeks approval to proposed budget allocations and spend for 2023/24

What impact will this proposal have?

- 4 Disabled Facilities Grants (DFGs) are means tested mandatory grants that cover the cost of major adaptations and other property alterations to help disabled people live independently by creating accessible living environments. Disabled people, or their families, who are home-owners or 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.
- 5 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.
- 6 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.
- 7 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 latest Leeds Private Sector Housing Assistance Policy was approved in August 2021¹ and includes a range of financial assistance to promote independent living across Leeds.
- 8 Adaptations are designed to create an environment where disabled people can 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.

Budget Allocation Parameters

- 9 The council is permitted to recover the costs associated with delivery of the DFG from the fund. There has been a long-standing arrangement to cover staffing costs relating to the delivery of Disabled Facilities Grants by automatic deduction from the budget. It is recommended that the exact cost of providing the staff resources to run the programmes listed below is deducted each year to maximise the available grant to provide independent living solutions. They are:

a) Health and Housing Staffing

Housing Leeds, 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

¹ D54406 <https://democracy.leeds.gov.uk/ieDecisionDetails.aspx?ID=54406>

disabled person's legal interest in the property to be adapted, their grant eligibility and payments to contractors.

b) Occupational Therapists

The budget pays for the salaries of those Occupational Therapist staff within the Adult Social Care Directorate and in Children's Services who carry out the 'necessary and appropriate' test within the DFG assessment process.

10 In addition, the Council makes a range of budget allocations in respect of schemes and services designed to assist independent living as follows:

a) Empty Homes

Staffing costs relating to bringing Empty Homes back into use. This funding provision meets the capital spend criteria of 'creating or enhancing an asset' in respect of bring empty homes (the asset) back into use often with accompanying improvements to the properties initiated by the staff intervention.

b) Housing Inspectors

Private Sector Housing Inspectors are involved in the enhancement of an asset by bringing empty homes back into use with an accompanying improvement in property conditions.

c) LHO Disability Assessments

Staff at Leeds Housing Options carry out disability assessments.

d) Holbeck Selective Licensing

Staff in the Holbeck team carry out the Leeds Neighbourhood Approach programme

e) Home Improvement Agency C&R

Home Improvement Agencies (HIAs) are third sector agencies that help disabled people to live independently through the provision of a range of adaptation related services. The Leeds HIA is Care and Repair (Leeds) Ltd. is a service aimed at enabling and maintaining independent living through improving health at home, helping to prevent falls and supporting people with cold related health conditions. The Home Plus service extends to everyone in the metropolitan area of Leeds and anyone paying their council tax to Leeds City Council. They have worked in partnership with Age UK and Groundwork NEWY since 2018 to support many people to live more safely in their homes throughout Leeds.

Care & Repair is also working with LCC payments are administered to elderly, disabled and vulnerable clients to ensure their home is wind and weatherproof and carry out remedial works to heating systems when necessary.

f) Warm Well Homes

payments made to improve the heating systems of disabled people on benefits in conjunction with the LCC's Sustainable energy and climate change team.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 11 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.

What are the resource implications?

- 12 Capital Funding and Cashflow - Parent Scheme Numbers: 98040/000/000. Any revenue implications will be dealt with from exiting budgets
- 13 Personal Contributions – DFGs are a mandatory but a means-tested entitlement. Some disabled people will need to contribute to the cost of the adaptation work. The Council pays the contractor for the cost of the works and recovers the personal contribution from the customer.
- 14 DFG and Housing Associations – disabled people who live in housing association managed properties are eligible for DFG. The Council is not able to apply any condition, such as a housing association part covering the cost of adaptations, to the acceptance of a disabled person's DFG entitlement. The 2006 CLG good practice states that housing associations should seek to enter arrangements with local authorities for joint funding; however, this does not equate to an obligation to do so. The Health and Housing Service has agreements in place with several local housing associations to part cover of adaptations on housing association stock, however these need to be reviewed. The service is introducing the options for housing associations to apply for a Landlord Grant, this means there is more control for the housing association regarding what they install for future service and maintenance purposes but also means their tenants are passported and no financial assessment is carried out.
- 15 Adaptation works are delivered by several specialist adaptation contractors formally procured by LCC.

What are the key risks and how are they being managed?

- 16 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 provisions contained in the Private Sector Housing Assistance policy. 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.
- 17 We have seen an unprecedented increase in DFG applications in 2022-2023 and we envisage this to continue based on the backlogs within Social Care, therefore we have increasing the FTE within the service to accommodate this increase in workloads. There has also been an announcement that Local Government is offering an extra £102m over a two year period for Local Authorities towards the delivery of DFG adaptations and this is expected to be drawn down in the summer.

What are the legal implications?

- 18 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.
- 19 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'.
- 20 An event currently developing is the legal opinion of our legal department that LCC has responsibilities under the Care Act 2014 and the Chronically Sick and Disabled Persons Act 1970 to fund adaptations over and above the use of mandatory DFG funding. The cost of this work is in the region of £1.8 million pounds and corporate finance for this money has been defined as a priority 1 request as there is a legal duty for the Council to meet these requirements. The H&H service will be increasing its resource levels to meet this forthcoming challenge during 2023/24.

Options, timescales and measuring success

What other options were considered?

- 21 Under the Housing Renewal Grants (services and charges) Order 1996 every local authority is permitted to charge relevant fees for providing a delivery service for spending DFG budget. The authority has historically charged a set percentage fee on each individual DFG application. However it was found that the total cost of fees was exceeding the costs of providing the delivery service. Therefore a decision was made by Finance to top-slice the operating costs of the delivery service at the beginning of each year which then maximises the remaining budget to provide independent living solutions.

How will success be measured?

- 22 The DFG will be monitored closely to ensure budget provision meets service demand and all proposed spend.
- 23 The service measures its success by the number of adaptations completed within the 95th percentile of the Government's indicative time targets for DFG completion. For the previous 5 years before Covid, Leeds has been one of the few local authorities in the country to better the Government's target year on year. Recovery of the service since March 2020 hasn't been without its problems and frustrations, however, last month's performance achieved 91% and it is hoped the service will remain at this level and higher going forward into 2023.

What is the timetable and who will be responsible for implementation?

- 24 DFG allocations for 2023/24 will be actioned in the current financial year.

Appendices

- Appendix 1 – DFG allocations 2023/24

Background papers

- None

Appendix 1 – Allocation of Budget for 2023/24

For 2023/24 the Government have given all local authorities the same allocation as the previous year and have confirmed that this allocation will be repeated for the next 2 years giving some clarity and certainty over provision of the budget allowing for more stable future planning. This gives Leeds City Council a budget of £8,286k and projected fees/contributions of £295k gives a gross total of £8,581k for the year 2023/24. This will allow the Council to meet its statutory duties in the provision of mandatory Disabled Facilities Grants and the continuation of the carefully monitored discretionary programme of funding. We are now aware of a further £102 million pounds provided by the Government nationally that will result in a further circa £750,000 that will be received by Leeds City Council late summer 2023.

Discretionary finance will be used throughout the year in cases where independent living may well not be maintained unless funding was allocated. Health and Housing's weekly Review Panel is the vehicle to make decisions on the validity of applications for discretionary funding on whether the money is offered in full, in part or refused. The Review Panel will also be able to offer repayment plans and must be repaid within a maximum period of five years while. The service will follow the published Private Sector Housing Assistance policy (August 2021).

The break down allocation of budget for year 2023/24 is as follows:

Budget Area for Year 2022/23	Budget
DFG Allocation	£8,286k
HA/Customer Contribution	£295k
Gross Budget	£8,581k
Health and Housing staffing	£1,435k
ASC OTs	£400k
Children's Service OTs	£215k
Home Improvement Agency C&R	£143k
Warm Well Homes	£92k
Private Sector: inc Empty Homes Staffing, Housing Inspection, Holbeck selective licensing	£414k
LHO disability assessments	£158k
Children's hoists	£36k
Care & Repair Weatherproofing Scheme	£250k

Net Budget	£5,438k
-------------------	----------------