

Report subject	Disabled Facilities Grant (DFG) Policy
Meeting date	01-09-21
Status	Public Report
Executive summary	<p>The report seeks approval of the DFG Policy (Appendix 1) we are required to have in place under our Statutory Order, which consolidates the three policies from the legacy Councils and takes account of current legislation and national guidance.</p> <p>The policy includes the following major changes:</p> <ul style="list-style-type: none"> • Implementation of discretionary funding to assist applicants who require works costing over £30,000, are unable to meet the assessed contribution following means testing or require assistance which does not meet the mandatory grant criteria and is deemed by the Council to benefit the applicant's health and wellbeing. • Commitment to promote Seascope South Limited as the preferred contractor option for grant works as part of a comprehensive in-house service <p>Implementation of the new policy is proposed for January 2022 by which time the Grants Team will be fully staffed and the new BCP procedures will be in place.</p> <p>DFG's enable BCP residents to receive adaptations which assist them to remain independent in their own homes, reduce the need for care services and in some cases prevent moves into residential care. Adaptations reduce accidents and assist in hospital discharges back home. The new policy will increase the number of applicants who will be able to proceed with grant applications and facilitate higher cost adaptations than previously allowed under legacy arrangements.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>The proposed policy be considered and approved.</p>

Reason for recommendations	<ul style="list-style-type: none"> • To meet our statutory obligation under the The Housing Grants, Construction and Regeneration Act 1996; as amended by the Regulatory Reform (Housing Assistance)(England & Wales) Order 2002 (RRO) to have a published document in place setting out Council policy on the aims and application of the local grant scheme • To meet our obligations under the Statutory order and align legacy Council's policy • To provide clear and transparent policy for applicants and staff • To increase our offer to applicants with discretionary funding to maximise use of the grant in line with national good practice and the aims of the Better Care Fund.
Portfolio Holder(s):	Councillor Robert Lawton Portfolio Holder for Homes
Corporate Director	Kate Ryan, Chief Operations Officer
Report Authors	Tracey Kybert, Housing, Health & Social Care Manager
Wards	Council-wide
Classification	For Approval

Background

1. Disabled Facilities Grants (DFG's) provide funding to improve accessibility and enable people to remain living independently in their own homes.
2. Legislation requires all Local Authorities to have a published document in place setting out Council policy on the aims and application of the local grant scheme.
3. This new policy replaces legacy Council policies and is set out in Appendix 1.
4. The grant scheme is funded through the Better Care Fund where a budgeted amount is agreed on an annual basis. The Government's indicative figure and terms of the grant provides flexibility and enables the funding to be allocated to Social Care and Housing to fund a range of services. These services include the community equipment service and the disabled facilities grant.
5. To date the legacy Council's DFG Policy has reflected only mandatory grant funding assistance and the new BCP Council policy proposes to use powers to provide discretionary assistance as needed to better meet the needs of applicants, fulfil the aims of the Better Care Fund, and maximise use of the grant.
6. Discretionary funding may assist applicants who require works costing over £30,000, are unable to meet the assessed contribution following means testing or require assistance which does not meet the mandatory grant criteria and is deemed by the Council to benefit the applicant's health and wellbeing. A robust

Discretionary Funding Panel will be established to oversee and agree these case by case.

7. This ringfenced grant is used for both adaptations and the staffing to facilitate the grant process. There is a current underspend as set out in the Summary of Financial Implications however, with the additional powers in place, the backlog and expected increase in applications following lockdown and the recruitment required to manage the whole programme across the BCP area, it is expected that the budget will be fully utilised in future.
8. A communication plan will be put in place to launch the new policy and ensure that promotion maximises take up of the service.
9. Figures for the last 3 years are set out below however are not truly representative of the Christchurch numbers owing to data discrepancies.

	2018/19	2019/20	2020/21
No of applications received	170	158	141
No of completed works	175	154	130

10. The policy sets out the intention of the Council to promote the Council's wholly owned company Seascope South Limited to complete any works as part of a comprehensive in-house service to applicants who choose this service.
11. Seascope South Limited has a proven track record delivering adaptations across Bournemouth and Christchurch. External contractors will continue to provide specialist services as needed and tender for works where the applicant chooses not to use Seascope South Limited.

Consultation

12. The policy and action plan has been developed through good practice documentation such as the Royal College of Occupational Therapists (RCOT) Adaptations without Delay, Adult Social Care project work and examples of other Local Authority policies.
13. Key stakeholders that have been consulted with are the Principal Occupational Therapist for Adult Social Care, Team Manager for SEND, OT and Grants Officers, Financial Services and Legal Services.
14. Housing associations, several service user groups and some local charities who advise and represent applicants have been consulted with. Support for the policy has been positive with further consultation to take place around the implementation of the new policy.
15. Health and Adult Social Care Overview & Scrutiny Committee confirmed support of the draft policy at the meeting on 26th July 2021.

Options Appraisal

16. The recommended option is to implement the new policy as set out in Appendix 1. This policy meets the legislative requirements for the grant and provides

discretionary powers to Council officers to facilitate grant funding for applicants that require works over and above the mandatory limit of £30,000, in circumstances of hardship are unable to meet their contribution and for complex cases where the Council deem the requirements over and above the legislation should be met to ensure the health and wellbeing of the applicant and prevent more costly service delivery to the Council.

17. The recommended option incurs additional cost to the grant in staffing, resources and funding however will mitigate costs to the Council in terms of delivery of care services including residential and potentially carer services as well.
18. There is scope to use Better Care Funding allocation with some degree of flexibility within BCP Council to ensure efficient service provision however to date this has not been possible without a finalised policy in place.
19. Discretionary funding assistance affords the Council flexibility to meet new national guidance and good practice around adaptations and grant delivery within the lifetime of the policy.
20. An alternative option would be to implement a new policy which meets the legislative requirements for the grant but does not include any discretionary funding assistance. This would be in line with the legacy Council arrangements where in some historical cases Adult and Children's Social Care topped up or applicants applied for charitable grants with limited success, but the majority of applications would have been cancelled and adaptations would not have been completed.
21. The alternative option would mean a proportion of applications would not proceed owing to requiring works over and above £30,000, not being able to make contributions and certain complex cases such as some of our more complex children's cases needing innovative and long term options to sustain them into adulthood. This in turn would lead to more costly and intrusive services as well as poor health outcomes.
22. A further option would be to do nothing. We currently have in place legacy policy arrangements which differ across the separate teams leading to confusion and leaving the Council open to challenge.
23. Government expects BCP Council to have one combined policy as set out in the Statutory Order.
24. Where the Council may identify a need for innovative and more costly adaptations to meet an applicant's needs over and above £30,000 we will not be able to proceed without the necessary policy in place setting out our discretionary powers.

Summary of financial implications

25. The previous and current DFG budget and spend is set out in the table below. This includes costs of adaptations and staffing.

Year	Allocation (£)	Spend (£)
19/20	3,100,781	1,599,000
20/21	3,518,312	1,034,000
21/22	3,518,312	212,000 Qtr1

26. At the time of this report the current spend is £276,000 with a further £472,858 committed spend in approved applications. This does not account for pending applications where costs have not been determined yet.
27. The three legacy Councils had a combined allocation of £3.1 million in 19/20, during which time the Christchurch DFG service was moved to the Bmth grants team, however no staff were transferred, and the team remained understaffed because of an organisational restructure. As a result, applications were delayed which have contributed to the reduced spend.
28. BCP Council received a further in year allocation of £400,000 for 20/21 and 21/22 from central government contributing to the underspend.
29. 20/21 spend was significantly affected by the pandemic. Grant applications reduced in line with OT assessments. Works in progress were stopped at a safe point during lockdowns owing to the work needing to be undertaken within people's homes. Some vulnerable applicants were shielding or chose to delay visits and works. Only critical cases were progressed in the first lock down and straightforward adaptations that could be assessed and specified through online assessments in subsequent lockdowns.
30. Applications are now increasing along with works progressing that have been on hold and more complex works that have been delayed and require Planning and Technical services. The application process can take some time therefore these costs will not be reflected in spend for some months yet.
31. Adult Social Care teams are currently working through around 180 requests for OT assessments and are stating a high percentage of these will require adaptations.
32. The Children's SEND team have approximately 20-25 open cases where a DFG is under way or assessment is indicating the need to progress to a DFG. It is estimated most are likely to be within the £30,000 statutory limit however up to 5 will be over this amount. There are some households where there are two or more children with disabilities and recommendations will be made for more than one grant in these cases.
33. The SEND team have confirmed they have another 15 children pending assessment whose needs are likely to indicate a DFG application.

34. The Grants Team have 3 large bespoke projects for children which require funding above £30,000 and are going through planning or are about to start work. These costs will be reflected in the spend later in the financial year.
35. Children's cases are increasingly complex and require adaptations for conditions such as Autism where the adaptations are to reduce risk and behaviours which have not been possible under statutory funding criteria. It is anticipated the discretionary funding arrangements will mean a considerable increase in spend.
36. Some bespoke housing projects to meet individual or family needs have been funded through a legacy Poole bespoke fund or Section 106 funding. The last 2 projects amounted to £70,000. In future the discretionary funding powers under the new DFG policy will be used to fund these projects.
37. The staff recruitment that is now taking place is key to assisting with the back log from COVID in terms of capacity to process applications across BCP, an increased demand because of the promotion of the new policy and the additional discretionary funding applications.
38. We have also committed to part fund an additional Occupational Therapist role in the Adult Social Care Contact Centre to provide advice and guidance and carry out assessments to reduce the requests that go through to the long-term teams and streamline the process for applicants.
39. The legal process that needs to be followed to place legal charges on applicant's properties with the Land Registry will be agreed with Legal Services and there will be a cost implication for this additional resource.
40. The £30,000 limit on disabled facilities grants has been in place since 2008 and owing to increasing costs of works the amount of applications where the costs amount to over £30,000 is becoming more frequent. In the last 3 years we have progressed 30 applications that have come in over the £30,000 limit with the difference funded by families, personal loans, applicant savings and charitable grants. The cost to the Council for these grant applications was £870,000.00 however the total cost for these adaptations amounts to £1,306,828.00.
41. These amounts, whilst not representative of all the discretionary assistance set out in the policy and not all these applicants would have been eligible for discretionary funding, it gives an indication of the financial risk to the Council.
42. All funding awards will be approved and made in compliance with the Council's financial regulations and after Financial Services confirmation of funding available. Financial Services colleagues will be members of the robust Discretionary Funding Panel and advise on the current budget position.
43. Discretionary grant assistance may be withdrawn by the Council at any time depending on the availability of DFG funding.
44. Where the budget becomes oversubscribed meeting the mandatory grant funding obligations within the financial year the Grants Team will work with Adult and Children's Social Care/SEND to prioritise cases and take a planned approach to completion of works within the statutory 12 month time frame.

Summary of legal implications

45. The Housing Grants, Construction and Regeneration Act 1996; as amended by the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002

(RRO) requires all Local Authorities to have a published document in place setting out Council policy on the aims and application of the local grant scheme.

46. The policy sets out the mandatory legal framework for DFGs, and how the Council intends to use its powers under the RRO to provide interventions to promote independent living and wellbeing.
47. BCP Council are required to have a policy in place under our Statutory Order.
48. Without a policy in place BCP Council can only award mandatory grants at this time.
49. The implementation of discretionary funding assistance will require additional processes to be put in place around securing land registry charges on properties. This is a legal procedure and will require resource from Legal Services.

Summary of human resources implications

50. There will be additional resource implications because of the new policy in terms of management of a larger programme across BCP and to facilitate the additional discretionary funding process. This will be addressed partly through the recruitment of three additional posts funded through the grant and Legal Services support as mentioned above.

Summary of sustainability impact

51. The policy contributes to the Council's sustainable development goals:

Good Health and Well Being

- Facilitates residents remaining in their own homes, enabling access to and use of all areas and contributing to their health and wellbeing by maintaining their independence.
- Enables residents to access their gardens and leave their homes to enjoy local green spaces.

Clean Water and Sanitation

- Enables residents to continue to access and use bathroom and kitchen facilities

Reduced Inequalities

- Facilitates residents remaining in their own homes, maintaining their independence.

Sustainable Cities and Communities.

- Enabling people to remain in their own homes accessing and contributing to their community.

52. There will be an environmental impact from the delivery of our disabled facilities grant scheme under this policy and we are committed to encouraging applicants to choose local and sustainable organisations to carry out works. Seascope South Limited and any other contractors promoted by the Council will adopt

sustainable business practices where possible including waste reduction and sustainable transport.

Summary of public health implications

53. Public Health Dorset works closely with the Planning Authority to shape environments and make sure that the places in which we live, work and play are 'healthy places'.
54. The new DFG Policy will ensure applicants who are most in need will receive adaptations to maintain their independence within their homes and access the community. Adaptations contribute to positive health outcomes, promote people's independence, and reduces the need for more intrusive services.

Summary of equality implications

55. A full Equality Impact Assessment Screening document has been completed.
56. The new grant scheme set out in the DFG policy will improve the condition and access of applicant's homes.

The benefits of the new policy include:

- Improving access for disabled people in their home improves their ability to live and remain active within their local communities.
 - Ensures the households that are most in need receive funding to cover the costs for their adaptations.
 - An increase in applicants who will now be able to proceed with a grant.
 - The Council will provide support to applicants
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57. There is no known negative impact, as a result, of this policy however there are some identified areas which may lead to an inequity of access which will be mitigated by the following:
 - a communications plan for the launch of the new grant scheme which will ensure information is accessible both online and in hard copy and targeted in key universal places such as GP practices.
 - support with applications available for applicants
 58. In addition, as the Discretionary Funding Panel is developed a further EIA will be carried out to ensure equalities form part of the consideration process.

Summary of risk assessment

59. This report identifies limited risks in implementing the recommended new DFG Policy for BCP Council. There are specific risks in not implementing a new policy which need to be considered when looking at the Options Appraisal.
60. The financial risk to the Council is the most significant in terms of the additional commitment to discretionary funding however the policy outlines the decision - making process to mitigate this as the summary table below details.
- 61.

Summary Table of Funding Levels	
Funding level	Decision
Grant funding up to the mandatory level of £30,000	Grants Team
Grant funding between the mandatory level of £30,000 and the discretionary level of £40,000	Grants Team
Grant funding over £40,000 up to £100,000	Discretionary Funding Panel
Grant funding over £100,000	Agreed by Director of Housing

62. There is a risk of applicant dissatisfaction at this time whilst OT's and Grants Officers catch up with assessments and applications which have been delayed owing to the pandemic. Additional recruitment and fast tracking of cases will assist in alleviating this.
63. BCP Council Officers are committed to the continual improvement of the grant programme and set out in the Action Plan at Appendix 3 are the key planned pieces of work which mitigate the risks and will support and add value during the term of this policy.

Background papers

None

Appendices

1. Disabled Facilities Grant (DFG) Policy
2. Equality Impact Assessment Screening document
3. Action Plan