

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

TO:	Labour Group/Housing Neighbourhoods & Leisure Committee		
DATE:	24 th February/11 th March 2020		
TITLE:	Private Sector Renewal & Disabled Adaptations Policy		
LEAD COUNCILLOR:	Cllr John Ennis	PORTFOLIO:	Housing
SERVICE:	Regulatory Services	WARDS:	All
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1.0 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The draft Private Sector Renewal & Disabled Adaptations Policy was presented to the Housing, Neighbourhoods and Leisure Committee at its meeting on 6th November 2019 with the recommendation that following the public consultation the report would be presented back to the Housing, Neighbourhoods and Leisure Committee meeting on 11th March 2020 for adoption.
- 1.2 The public consultation was delayed due to the announcement of the General Election. The consultation began on 8th January 2020 with a closing date of 7th February 2020 and relates to the discretionary grants being proposed in relation to disabled adaptations.
- 1.3 Appendix A - Private Sector Renewal & Disabled Adaptations Policy
- 1.4 Appendix B - Consultation questionnaire

2.0 RECOMMENDED ACTION

- 2.1 That Housing, Neighbourhoods & Leisure Committee approve the Private Sector Renewal & Disabled Adaptations Policy to be effective from 1st April 2020.
- 2.3 That the Executive Director of Economic Growth and Neighbourhood Services, in consultation with the Assistant Director of Finance and the Assistant Director of Legal and Democratic Services where appropriate, be given delegation to amend the Private Sector Renewal & Disabled Adaptations Policy where it does not affect the broad direction of the policy.

3.0 BACKGROUND

- 3.1 Foundations (appointed by the Ministry of Housing, Communities & Local Government to oversee a national network of nearly 200 home improvement agencies (HIAs) and handyperson providers across England) said in their DFG Review in 2018:

“Home is central to everyone’s lives, but is particularly important for disabled and older people, as it is where they spend most of their time. Increasing numbers are living alone, especially in later life. Ability to get in and out of the home, move around inside, access the bathroom, receive friends, cook and go to bed has a significant effect on people’s dignity, autonomy and wellbeing. The majority of disabled people are living in ordinary housing but only 7% of homes in England have basic accessibility features such as downstairs toilets and level access. Three quarters of deaths relating to falls happen in the home, and falls represent 10-25% of ambulance call-outs to older adults. Once admitted in an emergency, older people use more bed days than other people (65%) and falls often precipitate a move into residential care.

90% of adaptations provided are level access showers, stair lifts or ramps. The average cost is around £9,000 but most work is under £5,000. The challenge is to join up the process and shift the thinking from ‘welfare’ to ‘investment’ so that decisions are taken, not at crisis point, but in a more preventative way that is based on the long-term health and wellbeing of disabled people and their families”.
(Foundations)

- 3.2 Disabled Facilities Grants (DFGs) remain mandatory and are available from local authorities in England under the Housing Grants, Construction and Regeneration Act 1996. They are only available to private sector residents including Registered Social Landlords (RSLs) and the applicant and their partner is subject to a means test. There is no means test for children’s DFGs. The DFG provides a mechanism for essential adaptations to be carried out such as stairlifts, ramps, improved lighting, bathroom adaptations to enable disabled people to give access to essential facilities within the home and access to and from their homes.
- 3.3 In 2015 the government introduced the Better Care Fund (BCF) in an attempt to bring health and social care together in an integrated way. The fund is a combination of government funding from the Department of Health and the Ministry for Housing Communities and Local Government and includes the grant allocation for DFGs.
- 3.4 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (the “Order”) came into effect in July 2003 and led to a major change in the way local authorities can provide financial assistance to people to repair and improve private sector homes. The Order set aside the previously prescribed grants (other than the Disabled Facilities Grant, which remains a mandatory grant) and allowed local authorities to adopt a flexible approach to providing financial assistance to reflect local circumstances, needs and resources. In 2008-09 the Government extended the scope of the Regulatory Reform Order to include the use of DFG funding. This allows Local Authorities to use specific DFG funding for wider purposes. This includes help with the cost of moving

and adapting or improving another property where it is deemed to be a more cost-effective option.

- 3.5 If a local authority wishes to use the powers under the Order it must adopt a policy setting out how it will use these powers. The purpose of the policy is to detail the type of assistance available to households living in the private sector, the eligibility criteria and the procedures for accessing assistance.
- 3.6 Following the introduction of the Order a policy was developed in 2003 and this was updated in 2007 and a separate Housing Adaptations policy was produced in 2012.
- 3.7 The updated draft policy presented to Housing, Neighbourhoods and Leisure Committee on 6th November 2019 will enable the council to deliver Housing Assistance and Disabled Adaptations in a person centred and outcome focused way. The updated policy meets the objectives of the Better Care Fund, to increase the uptake of DFGs and work collaboratively with health and social care colleagues. It is anticipated that this policy will enable a more proportionate and responsive service, delaying hospital admissions, falls or moves to residential or nursing homes. The measures in this policy will further support care and support services to actively promote wellbeing and independence, and enables early intervention avoiding crisis intervention.
- 3.8 Housing, Neighbourhoods and Leisure Committee agreed the public consultation which went live on 8th January 2020 with the closing date of 7th February 2020. The focus of the consultation was the discretionary grants being proposed in relation to disabled adaptations.
- 3.9 The consultation was made available on line and hosted on the Council website. At the start of the consultation a press release was issued, and regular reminders of the consultation were placed on the Council Twitter and Facebook pages.
- 3.10 In addition to this information flyers were sent to wide variety of organisation across the Borough such as Reading Voluntary Action, Carers Hub, CommuniCare, Royal Berkshire Hospital, Age UK, Adult Care Forums, customers who had been awarded Disabled Facilities Grants were also contacted. Flyers were also placed in the Civic Offices reception area and Posters and flyers were placed in all the libraries across the Borough and flyers also went out with the book delivery services operated via Central Library. Information on the consultation was also brought to the attention of Council Officers.
- 3.11 The consultation focussed on the new discretionary disabled adaptation grants being proposed and the questions looked at three main areas:
 - The purpose of the grant
 - The maximum grant being offered
 - The criteria of the grant

4. CONSULTATION RESULTS.

- 4.1 40 responses were received, these were a mix of residents, family and friends of service users, and professionals. The feedback in summary is as follows:

- 4.2 Purpose of grant - 39 respondents agreed with the purpose of all the grants being consulted on. 1 respondent disagreed with the whole policy, citing that taxpayers should not be funding the cost of adapting inappropriate housing and that affordable housing should not be artificially restricted by keeping older people in large properties.
- 4.3 The Council acknowledges the comments made by the respondent who disagrees with the policy. However, it is the Council's view that the benefits of adapting the home to serve the occupiers needs are recognised as an effective way to improve the health and wellbeing of older people disabled adults and children. A more accessible home environment can improve independence, reduce risk and reduce reliance on assistance. As the body of evidence demonstrating the benefits of home adaptations grows, so does the recognition that the sooner they are installed, the greater will be the preventative benefits. A common theme in legislation and policy across the UK is the need for a more preventative approach to interventions. As part of this policy review in 2018 the Council Lead Occupational Therapist and the Head Occupational Therapist and the Royal Berkshire Hospital carried out a survey. The survey examined the cost impact on the number of bed days lost with 6 patients in Royal Berkshire Hospital who were "bed blocking" due to inadequate Housing. These patients all owned their own properties and due to a number of health reasons were no longer able to maintain their homes and with no support from friends or family required input from the hospital OT and adult social care. All 6 patients were assessed as being able to return home with care packages but could not be discharged due to the unsafe environments they were living in. The cost to RBH was £96,250 in delayed discharges.
- 4.4 The updated policy will enable the council to deliver Housing Assistance and Disabled Adaptations in a person centred and outcome focused way. The updated policy meets the objectives of the Better Care Fund, to increase the uptake of Disabled Facilities Grants and work collaboratively with health and social care colleagues. It is anticipated that this policy will enable a more proportionate and responsive service, delaying hospital admissions, falls or moves to residential or nursing homes. The measures in this policy will further support care and support services to actively promote wellbeing and independence and enables early intervention rather than crisis intervention.
- 4.5 Maximum grants being offered - across the 5 new discretionary grants being consulted on 37 respondents agreed with the maximum grants being offered. 1 person disagreed with the whole policy and 2 respondents were concerned whether there would be sufficient funding. It is the Council's view based on experience that the funding allowed should be enough however, an annual review will be carried out to ensure this is the case and changes made if necessary.
- 4.6 Grant criteria - other than in the case of the Professional fees and Top Up funding grants, 39 of the respondents agreed with the grant criteria.

- 4.7 In the case of the Professional Fees, 2 respondents felt grant applicants should not have to pay back professional fees if they choose not to proceed with the grant; 1 person did not agree with the policy overall and 1 person did not answer the question. In terms of not paying back professional fees it is the Council's view that unless there are exceptional circumstances for example the disabled applicant has passed away or their health has deteriorated whereby the adaptations are no longer appropriate professional fees should be repaid if the grant applicant simply chooses to withdraw from grant. By claiming the fees back in these circumstances allows for the funds to be recycled to assist others.
- 4.8 Top Up Funding - 33 respondents agreed with the criteria of the grant; 1 person did not agree with the overall policy and 6 respondents had reservations about means testing for the additional funding over the £30k mandatory Disabled Facilities Grant and placing a charge against the property. It is the Council's view that means testing would be the appropriate mechanism to ensure fair distribution of the additional discretionary funding required and by placing a charge against the property means funds can be recycled in due course to assist other people.

5.0 POLICY CHANGE

- 5.1 While the responses raised detailed issues and provided challenge to the proposed policy which have been considered in paragraphs 4.2 - 4.8 above, the overall policy direction remains as presented to the November Committee. However, an annual review is proposed as part of the policy and if changes to the grants offered is required then appropriate amendments will be made.

6.0 CONTRIBUTION TO STRATEGIC AIMS

- 6.1 in relation to the Council's Corporate Plan the following themes are appropriate:
- Providing homes for those most in need - this policy will improve housing conditions and enable residents to remain living in their own homes.
 - Protecting and enhancing the lives of vulnerable adults and children.

7.0 COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 The policy has been consulted on and this report has presented the results.

8.0 EQUALITY IMPACT ASSESSMENT

- 8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 No group will be adversely affected by the introduction of these schemes.

9.0 ENVIRONMENTAL & CLIMATE IMPLICATIONS

9.1 Adaptations and repairs will be carried out to meet the Building Regulations Standards for sustainable design and construction and where applicable will look to comply with the higher building standards set out in the Council's adopted Local Plan.

10.0 LEGAL IMPLICATIONS

10.1 **The Care Act 2014** - is applicable to adults - Section 1 of the Care Act states that local authorities have a general duty to promote the wellbeing and independence of the disabled person. This includes the physical, mental and emotional wellbeing. Therefore, home adaptations are highly relevant to the individual's wellbeing and regard should be given to their own views, wishes and feelings.

10.2 Section 2 places duties on the local authorities to identify, provide and arrange services that help people prevent developing needs for care and support or delay people deteriorating such that they would need on-going care and support.

10.3 However, eligibility criteria from the Care Act or any other legislation should not be applied to adaptations, but the principles of wellbeing should be considered.

10.4 **The Chronically Sick and Disabled Person Act (1970 Section 2)** - Continues to apply to children, it gives local authorities a duty to assess and assist chronically sick or disabled children that may be necessary and appropriate with assistance in arranging adaptations or the provision of additional facilities to promote safety, comfort and convenience.

10.5 **Housing Grants, Construction and Regeneration Act 1996** - Disabled Facilities Grants are governed by this legislation and DFGs remain a mandatory duty for Local Authorities

10.6 **The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002** -

Came into effect in July 2003 and led to a major change in the way local authorities can provide financial assistance to people to repair and improve private sector homes. The Order set aside the previously prescribed grants (other than the Disabled Facilities Grant, which remains a mandatory grant) and allowed local authorities to adopt a flexible approach to providing financial assistance to reflect local circumstances, needs and resources.

10.7 In 2008-09 the Government extended the scope of the Regulatory Reform Order to include the use of Disabled Facilities Grants money. This allows Local Authorities to use specific DFG funding for wider purposes. This includes help with the cost of moving and adapting or improving another property where it is deemed to be a more cost-effective option.

10.8 If a local authority wishes to use the powers under the RRO it must adopt a policy setting out how it will use these powers. This policy details the type of assistance available to households living in the private sector, the eligibility criteria and the procedures for accessing assistance.

11.0 FINANCIAL IMPLICATIONS

11.1 The funding for DFGs sits within the Better Care Fund and for 2019/20 it is £1,055million.

11.2 The funding for Housing Assistance Grants is £320k and this is funded from RBC capital funds.

11.3 The Private Sector Housing Team charge a 10% fee for managing each DFG for applicants and this is re-invested back into the service running costs. An average of £40k is achieved

11.4 There is funding available for the OT assistant post within existing budgets

11.5 The financial implications arising from the proposals set out in this report are set out below: -

Revenue Implications

See note below	2020/21 £000	2021/22 £000	2022/23 £000
Employee costs	£234k	£234k	£234k
Other running costs	£5k	£5k	£5k
DFGs and Private Sector Renewal Grants	£1,136,000	£1,136,000	£1,136,000
Expenditure	£1,375,000	£1,375,000	£1,375,000
Income from:			
Fees and charges			
Grant funding - Better Care Fund DFG	£1,055	£1,055	£1,055
Capital Funding	£320k	£320k	£320k
Total Income:	£1,375,000	£1,375,000	£1,375,000

Note - this team is funded by DFG funding and capital recharge relating to Private Sector Renewals

11.6 Risk Assessment

11.7 The key risk might be the demand outstrips funds available however in this case mandatory DFGs will be given priority

12.0 BACKGROUND PAPERS

12.1 Report to Housing, Neighbourhoods and Leisure Committee - 6th November 2019