

Report to Executive

Agenda
Item:

A.6

Meeting Date: 19 December 2016
Portfolio: Communities Health and Well-being
Key Decision: Yes: KD 28/16

Within Policy and
Budget Framework YES
Public / Private Public

Title: SCHEME OF HOUSING ASSISTANCE
Report of: Corporate Director of Governance and
Regulatory Services

Report Number: GD.73/16

Purpose / Summary:

Following a significant increase in the City Council's Disabled Facilities Grant (DFG) funding (to help disabled, elderly and vulnerable people to live independently) it is recommended that the City Council introduces additional discretion into its Housing Renewal Assistance Policy by broadening the scope of work that can be covered under a DFG and by using specific DFG funding for wider purposes. The City Council is able to introduce such flexibility using freedoms given to it following the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and recent Technical Guidance issued with the Better Care Fund . Further background information is included in a Briefing Paper (Appendix 2) and a revised Policy for Housing Renewal Assistance 2017 is provided in Appendix 1. The revised Policy confirms the position regarding Mandatory Disabled Facilities Grants.

Recommendations:

It is recommended that Executive:

- Approve the proposed revised Housing Renewal Assistance Policy 2017 in Appendix.1.
- Refer the said Policy to Full Council for consideration in accordance with the Council's Budget and Policy Framework.

Tracking

Executive:	21:11:2016 and 19:12:2016
Overview and Scrutiny:	24:11:2016
Council:	10:01:2017

1. BACKGROUND

- 1.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) placed a duty on local authorities to publish a housing assistance policy for the private sector. The RRO was adopted by Carlisle City Council on 9th September 2003. The Policy has been amended since its adoption to allow actions to be taken by officers relating to the private housing sector, most recently in 2013. The Council decision on the 2013 Policy (CD 42/13) delegated responsibility for the use of funds and the granting of grants outlined in the Policy to the Director, it will be proposed to Council that the Director of Governance and Regulatory Services assumes this delegated responsibility.

2. ADDITIONAL HOUSING ASSISTANCE

- 2.1 Under the proposed Housing Renewal Assistance Policy (Appendix.1.), Mandatory Disabled Facilities Grants will continue to be available.
- 2.2 It is recommended that the City Council uses its discretionary powers under the Regulatory Reform Order to broaden the scope of DFG's and allow specific DFG funding to be used for grants to assist the elderly, disabled or other vulnerable groups to live independently and to improve their living conditions and well-being. Specifically minor works that support ill health prevention, promote independence and delay transfer into care.
- 2.3 Any discretionary grants and loans that the Council proposes to offer are dependent on the availability of resources.
- 2.4 The provision of discretionary assistance shall only be provided as long as additional levels of grant funding remain available. It is recommended that the Council allocate £400,000 from the DFG capital funding for discretionary grants other than mandatory DFGs. Any underspend from the DFG allocation should be carried forward into subsequent years (subject to Council approval).
- 2.5 It is proposed that Carlisle City Council's Home Improvement Agency (HIA), Homelife Carlisle, would administer the discretionary fund. It is recommended that the current agency fee levied across administering measures and grants within the HIA be increased from 12.5% to 15% and that minor measures be charged according to the 2017 /18 fees and charges as appropriate. The 15% fee better reflects the actual costs to the HIA and has been benchmarked across other HIA fees.
- 2.6 If full use is made of £400,000 discretionary fund this could potentially generate up to £60,000 towards the cost of the HIA although £30,000 is considered to be a more realistic income.
- 2.7 It is recommended that for the additional discretionary grants the eligibility criteria is less onerous to encourage applications for the fund, thereby securing improvements in wellbeing and living conditions, and lessening the administrative burden on the HIA to administer the schemes.

3. PROPOSED CHANGES TO DISABLED FACILITIES GRANTS

- 3.1 Sections 1 to 1.8 in Appendix.1 detail the Housing Renewal Assistance for mandatory DFGs. The 2013 Housing Renewal Assistance Policy has been revised to account for DFGs to registered housing providers other than Riverside. Proposals are also included to top up the maximum DFG grant of £30,000 for specified circumstances and introduce an option for assistance with re location as an alternative to adapting an existing property. Most mandatory DFGs are referred through the Social Services Occupational Therapists, to take pressure off these services and attempt to speed up the application process the City Council may use its right to take referrals from private Occupational Therapists or other health specialists where appropriate.

4. OTHER HOUSING ASSISTANCE

- 4.1 Section 2 onwards in Appendix.1. details proposed discretionary schemes to assist the elderly, disabled or other vulnerable groups to live independently and to improve their living conditions and well-being. Minor Work and Safe and Warm grant schemes are proposed to support ill health and accident prevention, promote independent living and delay the transfer into care.
- 4.2 The discretionary grants within the policy are subject to available funding and can be withdrawn with immediate effect for applications not yet approved. The Mandatory DFG process will not be disadvantaged by the discretionary grant process.

5 PROPOSALS

- 5.1. To approve the proposals in the revised Housing Renewal Assistance Policy 2017 (Appendix 1) and refer the said Policy to Full Council for consideration in accordance with the Council's Budget and Policy Framework.

6. CONSULTATION

- 6.1. In response to the Local Government Ombudsman Report, *Making House a Home: Local authorities and Disabled Adaptations 2016* a number of changes to the Council's DFG policy were considered. This included benchmarking and investigating other local housing authority's Housing Assistance policies; consultation with Foundations (the national governing body of home improvement agencies) and also proposals suggested by the Cumbria Housing Group.

- 6.2 The City Council has consulted directly with the County Council on its revised Housing Renewal Assistance Policy 2017 and through the Healthy City Steering Group.
- 6.3 The revised Housing Renewal Assistance Policy 2017 was considered at the Community Overview and Scrutiny Committee on the 24th November 2016. A recommendation was made to amend section 1.1 of the Policy to make clear its application to all registered providers, not just Riverside. An amended 1.1 has been included in the Policy.
- 6.4 As part of the consultation process, the Council have had feedback from Foundations UK. Foundations are the overarching body for Home Improvement Agencies, they also have the government remit to provide advice, guidance and training to Councils delivering DFG's. The Council received positive feedback on the proposed policy, however a suggestion was made that the Council consider removing the means test criteria for those being discharged from hospital, to enable them to return home to a safe environment and to prevent delayed discharge. Carrying out a means test is likely to delay discharge and become burdensome in the circumstances. Foundations therefore proposed the Council considers best practice from other Councils and do not undertake mean testing in these circumstances, it is therefore proposed that this is adopted approach by the Council.

7. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 7.1. The revised housing renewal assistance policy will assist in ensuring that best use is made of the increased level of DFG capital funding whilst making use of existing capacity and expertise within the Housing and Pollution and Homelife teams.
- 7.2 The introduction of such flexibility into the process is being promoted as good practice nationally and in line with government and local policies.

8. CONTRIBUTION TO CORPORATE AIMS

- 8.1 The proposals will help support the Carlisle Plan priority to: 'Address current and future housing needs to protect and improve residents' quality of life'

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**Appendices
attached to
report:
Appendix 1
Appendix 2**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Governance As stated in the Report, the ability of the Council to exercise its power to provide assistance for people to acquire, adapt or repair accommodation etc is dependent on the adoption of a relevant Policy pursuant to The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Such a policy was adopted by the Council and it forms part of the authority's budget and policy framework, therefore, any proposed amendment must be approved by full Council following the appropriate Overview & Scrutiny, Executive process.

Chief Executive's -

Deputy Chief Executive –

Economic Development –

Governance –

Local Environment –

Resources –The Council has received £1.467million through the Better Care Fund in 2016/17 for Disabled Facilities Grants which is significantly higher than previous year's allocations. If the proposal contained within this report is approved by the Executive, then the eligibility criteria for the use of the fund and the ability to carry forward any unspent allocation must comply not only with the Regulatory Reform Order and other guidance issued by the Government but also the Council's own Financial Procedure Rules (in terms of carry forward requests) and other Capital Financing Regulations (in terms of capital expenditure definitions).

HOUSING RENEWAL ASSISTANCE

POLICY DOCUMENT

2017

Introduction

The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 equipped local authorities with a wide ranging power to provide assistance for housing renewal based on the principle that repairs are fundamentally the responsibility of the property owner, but grant assistance should be given in particular circumstances.

Poor quality housing can have an adverse effect on the health and well being of the occupants and the presence of long term empty properties can be a blight on the neighbourhood.

The Council recognises that assistance cannot be made available to all residents. Mandatory Disabled Facilities Grants will continue to be offered to applicants who meet the eligibility criteria.

This policy makes use of the powers provided under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to broaden the scope of Disabled Facilities Grants and also to offer alternative forms of grants for disabled, elderly and other vulnerable residents in Carlisle and District.

Through the Council's Home Improvement Agency, Homelife Carlisle, additional discretionary assistance may be provided to the disabled, elderly and other vulnerable people. All forms of discretionary assistance beyond the Mandatory Disabled Facilities Grant Capital funding are dependent on the availability of external funding.

This policy will remain in force until such time as it is reviewed and amended. It is intended to review this new policy within 18 months so that demand for the revised assistance can be assessed and the policy amended accordingly to account for this and any further funding changes.

Mandatory DFG applicants will not be disadvantaged by discretionary grants.

Types of Assistance Available

1.0 Disabled Facilities Grants

The provisions governing mandatory Disabled Facilities Grant (DFG) are contained in the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act), as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Order extended mandatory DFG eligibility to those occupying park homes and houseboats.

Provided they meet the defined criteria, all owner-occupiers and tenants, licensees or occupiers are eligible for DFG. Private Sector landlords and Register Providers (RP) may also apply for a DFG on behalf of a disabled tenant but the tenant must also satisfy the relevant requirements under the same means testing arrangements.

1.1. DFG for Registered Providers

All Registered providers operating in the area, will be asked to make a contribution if a tenant makes an application for a DFG. The receipt of any contribution entirely depends on the provider's adaptation assistance policy, stock profile, asset management strategy of adapted properties and their financial position to make any contributions.

1.2. Discretionary Payments

A discretionary payment can be made by the Council, under this policy in the following circumstances:

1. The grant maximum of £30,000 has been reached and unforeseen works have arisen onsite, which would not have been known at the time the grant was approved. i.e. Drainage, foundations works, requested changes by the Building Control Department.

The maximum grant for unforeseen works will be set at **£5,000**.

2. A change in the applicants circumstances has arisen between the grant being approved and the works being completed, making it unreasonable to expect a contribution from the applicant. i.e. a relationship breakdown or death or a joint applicant.

The maximum discretionary grant for unforeseen contributions is **£5,000**

3. In cases where the grant maximum of £30,000 is met at approval stage, the Council will have the discretion to approve an additional **£10,000** of grant funding toward the cost of the building works. In each case the additional £10,000 of grant funding will be means tested and this will be applied equally across adult and child cases. The additional £10,000 top up grant will be registered as a local land charge and will be repayable within a 10 year period should the property be sold.

The total maximum discretionary top up grant will be **£10,000** across all element of discretionary funding.

1.3. Assistance with Reallocation as an Alternative to Adaptations

In a few exceptional cases where an adaptation is not an appropriate option, the Council may as an alternative and in agreement with the client, assist with a Property Relocation Grant. The applicant would be subject to the same prescribed test of resources used for a DFG application and the maximum grant available would be **£30,000**.

The relevant costs to be treated as eligible within this discretionary grant would be reasonable legal, estate agents fees, removal costs, necessary utility and service set up

costs, and minor adaptations to make the property suitable. This would be applied in owner occupier and private tenant cases.

Financial assistance towards the purchase of a property may also be considered for owner occupiers, but only where there would be no financial gain in the sale of the old property moving to the new property, equally the move to a new property must not place the applicant in negative equity.

In all cases the property to which the applicant moves must be compliant with the decent homes standard, when the current home cannot be suitably adapted.

An individual who receives relocation assistance shall not be entitled to claim similar assistance for a period of 10 years. Receiving this grant does not prevent applicants applying and potentially receiving grants and assistance from other schemes in this policy.

1.4. DFG placed as recoverable land charges

It is the Council's policy to place a Land Charge on every property which is subject to a Disabled Facilities Grant. If such a property is sold within a 10 year period, starting on the date of completion of the work, the Council will use its discretion to reclaim the funding that exceeds £5,000, but may not require a repayment exceeding £10,000. In applying its discretion, the following criteria will be considered:

- The extent to which the recipient would suffer financial hardship if the grant were reclaimed
- Whether the disposal of the property was to enable the recipient to take up employment, or change the location of their employment
- Whether the disposal of the property is made for reasons of the recipient's mental or physical health or well being
- Whether the disposal is made to enable the recipient to live with, or near, any person who will provide care for the recipient by reason of their disability

Any decision on repayment will be made by the Director of Governance and Regulatory Services in consultation with the appropriate Portfolio Holder.

1.5. DFG for Recycled equipment

In ensuring that the funding available for Disabled Facility Grants can benefit the maximum number of recipients, a scheme of re-commissioning key equipment such as ramps, stair lifts etc. will be applied.

A Total Stair lift Management Model is to be introduced from April 2017, the scheme will operated through the County Council equipment store, to recycle and reuse stair lifts across Cumbria. The scheme will be modelled on a lease type agreement with a procured provider. Stair lifts applicants will no longer be means tested and all applicants will be required to agree to the stair lift being owned, managed and maintained by the procured company. Once the stair lift is no longer required then it will be removed by the procured contractor, at no charge to the household.

1.6. Priority Points System for allocation of DFG's

In the event that resources become limited in the future or demand increases significantly, the Council will allocate DFG funding based on a priority points system. Applicants may be placed on a waiting list prior to being invited to make a formal application. Where this occurs the applicant will be advised that they have been placed on a waiting list and will receive an update every 3 months as to the projected timescale for their application to be invited. Each applicant will be invited to make an application in date order. However, priority will be given to urgent applications as determined by both the Council and the Occupational Therapist.

1.7. Fees for professional services connected to DFG's.

The Council will charge professional fees for providing services to applicants which are subject to a DFG. The fees charges are fixed charges determined annually. Clients have the option to opt out of this service and complete and submit their own application, without the assistance of the Council Officers.

1.8. Commissioning Independent Assessment of Need

The Housing Grants, Construction and Regeneration Act 1996 makes no reference to assessment of need for an adaptation, it only places a duty on housing authorities who are not themselves a social services authority to consult the social services authority on the judgement of whether the works are necessary and appropriate to meet the needs of the disabled occupant (Section 24). In *Disabled Facilities Grant Programme: The Government's proposals to improve programme delivery*, 2007, the Department for Communities and Local Government made it clear that an occupational therapy assessment is not a legislative requirement.

In certain cases the Council will accept referrals from Private Occupational Therapists or other health specialists including trusted assessors who are engaged by the applicant to advise on what works are required to meet there individual needs. The costs of these professional assessments would be recoverable under the grant.

Whilst many requests for a DFG come to the Council via a Social Services assessment, applicants also have the right to make applications to the Council directly. In addition, referrals for DFG applications may come from other organisations, including health professionals, voluntary sector organisations and different Council departments. Where applications do not come via a Social Services assessment the Council shall proceed with the DFG application in the normal way and help the client complete the necessary application. The Council has a legal duty to determine the application within 6 months of receipt. As part of the consideration process, the Council has a duty to consult with Social Services department to ensure that the works being requested are necessary and appropriate. Where the Social Services department are unable to provide feedback to that consultation request within a reasonable timescale, the Council reserves the right to employ a private Occupational Therapist or other health professional to provide the necessary assessment.

For example, this may include a medical health professional's assessment that confirms, an individual is particularly at risk from excess cold due to a pre-existing

medical condition. A DFG could be provided to improve any existing heating system or where there is no heating system, provide a system to meet their needs.

This policy does not include the costs of an Occupational Therapist acting on behalf of the social services authority in the discharge of their responsibilities under section 24(3)(a) of the 1996 Act (or any other enactment).

2.0 Discretionary Assistance

Discretionary assistance will be made available under this policy, under the conditions and scheme criteria outlined, however in all cases the works or assistance being provided must meet the following objectives in order to satisfy the budgetary framework and policy arrangements of the Better Care Fund.

- Increased independence, safety and minimising the effects of disability
- Enabling the carer to continue care.
- Prevention of admission to more institutionalised care

2.1 Renovation Grants

It is recommended that, subject to sufficient levels of external grant funding been made available, that the Council introduces additional discretion into its DFG Policy by broadening the scope of work that can be covered under a DFG.

Subject to the availability of funding, the Council reserves the right to use its discretion under the Regulatory Reform Order to pay for works under a DFG that may otherwise not be eligible for assistance. Typically these works could include the cost of undertaking repairs to a property to enable a DFG to proceed. These could include:

- a) Structural repairs
- b) Undertaking works to resolve category one hazards within a property, such as remedial works to tackle damp or excess cold.
- c) Undertaking electrical repairs to a home where a new level floor shower or chair lift is being provided.
- d) Undertaking measures to improve the safety and security of eligible households such as windows and door locks, fixing loose flooring, undertaking repairs to pathways and the removal of trip hazards.

Such discretionary assistance shall only be awarded to households eligible for a DFG. In addition, the Council has placed some additional restrictions and rules regarding eligibility for such discretionary assistance.

The availability of all discretionary grant assistance is subject to the Council's annual budget setting procedure and the availability of sufficient levels of external funding. All such payments are at the Council's discretion and will be removed once available funds are exhausted.

2.1. Minor Measures Grants

Certain minor, smaller measures are often required to support ill health prevention, promote independence and assist with delaying the need to go into care.

Who can apply?

A person is eligible to apply for a minor measures grant if they:

- Own their own home as a freeholder or leaseholder (with at least 5 years left to run) or live with an owner occupier.
- Have a license to occupy a park home AND
- Live in the local authority area of Carlisle City Council

AND

- Are in receipt of (or in the process of claiming) a disability benefit such as:
 - ~ Personal Independence Payment
 - ~ Attendance allowance
 - ~ Employment Support Allowance
 - ~ (For hospital discharge cases only) been in receipt of statutory sick pay for at least 1 month

AND

- Be in receipt of a means-tested benefit OR have a gross annual household income of less than £25,000.

OR

- For the prevention of delayed hospital discharge cases / be over 55 years of age

What works are eligible?

The following measures are eligible for a grant:

- Key-safes
- Deep-cleans of properties (subject to availability of suitable contractors)
- Internal and External rails; grab rails
- Small ramps and thresholds

Amount of Assistance

The maximum grant available is £500. The grant may include the cost of eligible works plus any HIA agency fee as set annually in the charging report.

The grant is limited to 2 applications per year and £1000 in a rolling 3 year period

In cases where applications are being refereed from hospital services then no means test will be undertaken on the individual, they are eligible based on the need to make their home safe and to prevent a further delay in discharging the patient.

What conditions are attached to the grant?

The application must be made on the approved referral form or other format agreed by the Council.

Prior to works being carried out, one quotation from a bona fide contractor or other appropriate service provider shall be submitted for the cost of the eligible approved works.

No works shall be carried out without formal grant approval and no retrospective applications will be considered. Minor measures eligible for other statutory funding will not be considered.

How do I make a completed application?

The following paperwork will be required in order to make a completed application:

- Application form/referral form
- One quotation from a contractor approved by the City Council's HIA for the cost of the eligible works demonstrating 'best value'
- Where necessary and in complex cases a specification of eligible works.
- A recommendation for the equipment from a health professional, Occupational Therapist or Trusted Assessor may be requested.

Once all the above paperwork is received or obtained by the City Council's HIA to their satisfaction, then the application will be considered complete.

Once an application is considered complete, the City Council's HIA will in eligible cases approve a grant in accordance with any agreed response time

The grant will only be paid upon the successful completion of the works to the satisfaction of the City Council's HIA and upon receipt of suitable invoice(s).

Grant monies will only normally be paid directly to the contractor who performed the eligible works. Any works over the grant of £500 may in certain circumstances as agreed by the City Council's HIA be paid by the applicant.

2.2. Safe and Warm Grant

What help is available?

The Safe and Secure Grant is designed to enable low income home owners to quickly access financial assistance to carry out a wide range of minor adaptations and small repairs to reduce risks and accidents around the home, promote independent living and assist with hospital discharge or prevent hospital admission.

This is a discretionary grant and therefore such assistance only remains available while funds permit. Funding may be withdrawn with immediate effect for grants yet to be approved.

Who can apply for a Safe and Warm Grant?

A person is eligible to apply for a Safe and Secure Grant if they:

- own their own home as a freeholder or leaseholder (with at least 5 years left to run), or
- have a license to occupy a park home on a licensed site, and

- live in the local authority area of Carlisle City Council.

The applicant must be 50 years of age or over OR be considered disabled by being in receipt of a disability benefit on the date of a completed application or on one of the following benefits:

- Pension Credit (both Savings and Guarantee)
- Income Support
- Income based Job Seekers Allowance
- Income based Employment and Support Allowance
- Council Tax Reduction formerly known as Council Tax Benefit
- Local Housing Allowance
- Working Tax Credit with a maximum income of £25,000 per annum as assessed by HMRC for that award
- Child Tax Credit with a maximum income of £25,000 per annum as assessed by HMRC for that award
- Universal Credit

What works are eligible?

At the Carlisle City Council's HIA discretion, a grant will be considered for the reasonable cost of the work necessary to:

- carry out minor works to enable independent living
- reduce hazards or risks that are likely to cause serious harm or injury
- carry out a range of works to enable hospital discharge or prevent hospital admission
- examples of eligible works may include:
 - private water supply, drainage and heating issues
 - energy efficiency measures such as cavity wall and loft insulation
 - Draught-proofing including glazing repairs
 - electrical and gas safety
 - safety and security repairs
 - adaptations not eligible for statutory funding from other agencies
 - Deep cleans
 - Top- up to Foundations Independent Living Trust (FILT) grants in certain circumstances

Amount of Assistance

The minimum grant is £250.00, the maximum grant is £7,500. The grant may include the cost of the eligible works plus any agency fee which is normally 15% of the net cost of the works or charges for specific works as set annually

The grant is limited to one application a year and limited to a total of £10,000 in any 'rolling' 3 year period.

What conditions are attached to the grant?

The application must be made on the approved referral form or other format agreed by the Council

Prior to works being carried out, one quotation from a bona fide contractor or other appropriate service provider shall be submitted for the cost of the eligible approved works.

No works shall be carried out without formal grant approval and no retrospective applications will be considered.

How do I make a completed application?

The following paperwork will be required in order to make a completed application:

- Application form/referral form
- One quotation for the cost of the eligible works demonstrating 'best value'
- Where necessary and in complex cases a specification of eligible works

Once all the above paperwork is received or obtained by the City Council to their satisfaction, then the application will be considered complete.

Once an application is considered complete, the City Council's HIA will in eligible cases approve a grant in accordance with any agreed response time

The grant will only be paid upon the successful completion of the works to the satisfaction of the City Council's HIA and upon receipt of suitable invoice(s).

Grant monies will only normally be paid directly to the contractor who performed the eligible works.

Any works over £5,000 will be registered as a local land charge.

3. 0 Other Housing Assistance

The following types of grant assistance may also be available, depending on the availability of external funding:

3. 1 Empty Property Grants

Grants may be available to assist empty home owners to bring there properties back into use. Properties must have been empty for longer than 6 months and registered as empty with Council Tax. The grant would be available to cover the cost of works associated with ensuring the property meets the standards under the Housing Act 2004 and is free from Category 1 hazards.

The terms of the grant would also mean the landlord would be required to let the property out within 12 weeks of completion of the works and the rate of rent must be set at the applicable Local Housing allowance Rate for 12 months. Repayment of the grant will be required if these conditions are contravened.

3.2 Conditions attached to empty property grants

All grants which have been paid will be registered as a Local Land Charge. Immediate repayment of grant will be required if grant conditions are not met. The Council may recover the debt by Enforced Sale proceedings.

General

This policy or any part of it can be withdrawn with immediate effect for individual applications yet to be approved. In such cases applicants will remain eligible for the existing national mandatory Disabled Facilities Grant.

Complaints regarding housing renewal assistance should be made through Carlisle City Council's formal complaints scheme.

**BETTER CARE FUNDING AND PROPOSED CHANGES TO
HOUSING ASSISTANCE POLICY**

Briefing Paper

Carlisle City Council

1. INTRODUCTION

- 1.1 On 25 February the Department of Health wrote to all Directors of Social Services to confirm levels of Disabled Facilities Grant funding to be allocated to Local Housing Authorities within their overall Better Care Fund (BCF) for the financial year 2016/17.
- 1.2 The City Council's allocation for 2016 /2017 from this fund is £1.467,316M.
- 1.3 The Government has made a national commitment to increase levels of capital funding to help Local Authorities enable disabled and elderly and vulnerable people to live independently. At the national level £394M has been allocated for this purpose as compared to £220M in the previous year. As part of that commitment Authorities are being given additional flexibilities as to how that money can be spent, with an expectation that funds shall be used strategically to meet local health, social care and housing priorities. The Health and Well-being Board (HWB) is responsible for the strategic direction of the BCF and for scrutinising the overall use of resources within the BCF.
- 1.4 In addition the extra funding has been released by Government in tandem with the Local Government Ombudsman's (LGO) Report, *Making a House a Home: Local Authorities and Disabled Adaptations 2016*. That report sets out a range of national issues associated with the poor delivery of DFGs by many Councils' such as long waiting times for assistance. Extra funds are being provided to help address these issues and speed up process.
- 1.5. In response to the LGO report and the additional funds awarded a number of changes to the Council's DFG policy are being considered. The Cumbria Housing Group proposals with regards to DFGs and other local authorities schemes have been considered and researched. Going forward, depending on the level of grant awarded and capacity, the Council may decide to use its flexibility further.
- 1.6. This appendix will focus on options with regard to housing assistance other than mandatory DFG's. DFGs remain a mandatory grant and therefore should take precedence over other forms of housing assistance. The government recognises that the additional funding provides flexibilities for Local Authorities as to how the funding can be used to meet a range of joint priorities for housing, social care and health providers.
- 1.7 It is anticipated that the amount of DFG funding will continue to increase until 2019/2010. Based on the current spending levels it is proposed that **£400,000** is allocated annually for forms of housing assistance other than mandatory DFG's. It is also proposed that any underspend from the capital expenditure code 90062 / 9041 is carried forward into subsequent years to ensure that the grants are allocated to improving conditions within the residential sector.

Subject to Carlisle City Council approval, it is proposed that the City Council's Home Improvement Agency (H.I.A.) Homelife Carlisle would administer the discretionary capital works. The HIA has had experience of administering minor works and other grants. In 2016 the HIA won a national award for Foundations Independent Living Trust delivery partner of the year for their works in delivering various Foundations Independent Living Trust (FILT) charity grants.

- 1.8 The HIA currently has two staff involved in administering grants– currently HIA caseworker and HIA Team Leader. Capacity of the staff to deliver grants will need to be regularly assessed and the Policy has been drafted to allow the control of discretionary applications.
- 1.9. In order to ensure that the agency has sufficient resources to undertake this work It is also recommended that the current fee levied against the cost of managing works is increased from 12.5% to 15%. This increase should generate funds needed to better recover costs. If full use is made of £400,000 this would potentially generate up to £60,000 towards the costs of the HIA although a realistic figure is considered to be £30,000.

2. BACKGROUND

- 2.1 Carlisle faces the challenge of demographic change. The number of people aged 65+ is projected to increase by 36% between 2014 and 2030.
- 2.2 The present government's ethos has also shifted towards a policy of less state subsidy and encouraging individual and community responsibility. The emphasis is on home ownership with no new funding for general needs affordable rented homes.
- 2.3 Another challenge is that many of the third sector agencies that assist households who are struggling in private sector housing in the current economic climate, have faced a decrease in their resources which puts increased demands on statutory services at a time when the local authority is also facing meeting increased demand with reduced resources. It is important therefore that any opportunities to access grants, either from government or from external sources such as Foundations Independent Living Trust (F.I.L.T.) via the HIA are utilised to their full potential.
- 2.4. The Regulatory Reform (Housing Assistance) (England and Wales) Order (RRO) 2002 repealed previous prescriptive legislation and brought in a regime that allowed local authorities to introduce more wide ranging powers to provide assistance for housing renewal. The Office of the Deputy Prime Minister Circular 05/2003 explained more fully the purpose and content of the RRO. The RRO 2002 was seen as part of the Government's strategy to tackle

poverty and social exclusion and it set a national priority to provide the opportunity of a decent home for all.

- 2.5. In Carlisle, compared with social housing, private sector housing tenure whilst increasing in recent years has a significantly greater proportion of non-decent dwellings (Housing Need and Demand Study 2011). Delivery of suitable housing that meets the needs of all in the community, including allowing independent living by elderly, is important for the promotion of health and wellbeing throughout life

3.0 Disabled Facilities Grants

- 3.1 The provisions governing mandatory Disabled Facilities Grants (DFGs) are contained in the Housing Grants, Construction and Regeneration Act 1996. DFG's are made in accordance with regulations made under section 11 of the Local Government Act 2003. In 2008 DCLG made changes and raised the maximum grant from £25,000 to £30,000. The Government has recognised the value of people remaining as independent for as long as possible in their homes and have increased the DFG funding. The Government recognises that this additional funding provides flexibilities for Local Authorities to think more strategically in terms of how these funds can be used to meet a range of joint priorities for housing, social care and health providers.
- 3.2 Funding is provided from Government to meet the cost of DFGs. These funds are included within the Better Care Fund administered by Cumbria County Council on behalf of the Health and Well Being Board. This Better Care Fund is used by health and social care to commission a range of joint preventative initiatives. The Department of Health and the Department for Communities and Local Government issued the 2016 /2017 Better Care Fund Policy Framework to confirm the allocation of the DFG funds to the City Council and the need for the City Council as a Housing Authority to agree a joined up approach to improving outcomes across health, social care and housing.
- 3.3 Government guidance *Frequently asked Questions: Better Care Fund 2016-17 planning template* (16.3.16) has specifically stated that the DFG grant can be used for minor adaptations and works as long as they support prevention, promote independence and delayed transfers of care.

4. The provision of Discretionary Assistance

- 4.1 It is being recommended that, subject to sufficient levels of external grant funding been made available from Government, that the Council introduces discretion into its Housing Renewal Assistance Policy by broadening the scope of work that can be covered under a DFG.

- 4.2. The introduction of such flexibility into the process is very much being promoted as good practice nationally via Foundations, the national governing body for Home Improvement Agencies. In 2008-9 the government extended the scope of the RRO to include the use of the DFG money. This enables the Housing Authority to use specific DFG funding for wider purposes. (Disabled Facilities Grant – The Package of changed to Modernise the Programme). The City Council is able to introduce such a level of flexibility using freedoms given to it following the Regulatory Reform Order.
- 4.3. Certain additional requirements are recommended within the policy regarding the payment of such awards, for example in relation to private tenants it is a requirement that a landlord must be prepared to fund 50% of the cost of any works carried out over and above the statutory minimum.

5. Regulatory Reform Order

- 5.1. The powers provided under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 are able to offer an alternative to the national mandatory Disabled Facilities Grant (DFG) scheme for Carlisle residents – particularly vulnerable, disabled and older people.
- 5.2. These powers enable local housing authorities to offer their own, locally tailored financial assistance. The assistance must provide at least the same level of assistance as that offered by the existing Mandatory DFG, but crucially the assistance available under this policy enables the provision of more flexible, wide ranging financial assistance, to better meet the needs and target resources to the most vulnerable people.
- 5.3. The expectation is that the powers under the RRO will be used and as the DFG monies are now within the Better Care Fund so other health priorities such as speeding up hospital discharge and the health prevention agenda can be taken into account with regard to how DFG is used. However the scope of the order is very wide and it allows the Council to decide whether it provides grants, loans, advice for the purposes of repairing, improving, extending or adapting accommodation. DFG funding can be used for revenue or capital works.
- 5.4. The RRO allows for local authorities through its Housing Renewal Assistance Policy to support residents with home repairs and energy efficiency measures as part of the DFG grant. The stipulation is that the Policy should be laid out within a private sector housing policy and that mandatory applicants are not disadvantaged by the policy. Furthermore as local authorities have this discretion they cannot have a blanket policy that says they will never use it

and they must have a mechanism for considering exceptions so as not to fetter their discretion.

The Housing Renewal Assistance Policy Document 2017 has been revised in light of the additional guidance.

EXCERPT FROM THE MINUTES OF THE COMMUNITY OVERVIEW AND SCRUTINY PANEL HELD ON 24 NOVEMBER 2016

COSP.78/16 HOUSING ASSISTANCE POLICY 2017

The Corporate Director of Governance and Regulatory Services submitted report GD.66/16 concerning the Scheme of Housing Assistance.

The Corporate Director informed Members that, following a significant increase in the City Council's Disabled Facilities Grant (DFG) funding (to help disabled, elderly and vulnerable people to live independently), it was recommended that the City Council introduced additional discretion into its Housing Renewal Assistance Policy by broadening the scope of work that could be covered under a DFG and by the DFG funding for wider purposes.

The City Council was able to introduce such flexibility using freedoms given to it following the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and recent Technical Guidance issued with the Better Care Fund.

Members' attention was also drawn to the further background information included in the Briefing Paper attached at Appendix 2, together with the revised Policy for Housing Renewal Assistance 2017 provided at Appendix 1. The revised Policy confirmed the position regarding Mandatory Disabled Facilities Grants.

The Executive had on 21 November 2016 (EX.111/16) received the report and decided:

"That the Executive:

1. Had considered the proposed revised Housing Renewal Assistance Policy 2017, Appendix 1 to Report GD.66/16.
2. Referred the said Policy to the Community Overview and Scrutiny Panel for consideration in accordance with the Council's Budget and Policy Framework."

In considering the report Members raised the following comments and questions:

- Why had there been an increase in the DFG funding?

The Corporate Director of Governance and Regulatory Services reminded the Panel that the DFG funding had changed and was now provided through the Better Care Fund which was distributed by Cumbria County Council.

The Economy, Enterprise and Housing Portfolio Holder added that the increase was in recognition of the importance of Adult Services and Local Housing Authorities in keeping people in their own homes for longer and in the reduction of 'bed blocking'. Often people could not be discharged from hospital as they did not have a suitable care package available when they got home. It was hoped that the additional funding and changes to the Policy would help address some of the issues.

The Environmental Health and Housing Manager explained that the amount given was based on the anticipated expenditure based on previous returns.

- Usually the cost of business decreased as the amount of business increased, however the DFGs agency cost had increased instead of reduced. The increase to the cost of DFGs administration fee (from 12.5% to 15%) equated to a 20% increase in the charge which was much higher than the Council's 3% Corporate Charging Policy for fees and charges.

The Corporate Director explained that the changes to the Policy would increase the amount of people the Council could help and, thereby, the amount of work to be done. The Council had to seek to cover its costs. The full set of charges were set out in the Charges Review report later on the agenda which showed an increase in the cost of DFGs from 12.5% to 15%.

The proposed changes would bring more focus and purpose to the Homelife Team but the Authority had to get the balance right so that they did not make a profit or subsidise the scheme.

The Economy, Enterprise and Housing Portfolio Holder reminded the Panel that the initiative was County wide and a lot of consideration had been given to how the additional grants could be used.

- Was there a waiting list for DFGs and if not how was the additional money going to be used?

The Private Sector Housing Technical Team Manager confirmed that there was no waiting list for DFGs and adaptations took approximately 6 weeks to complete. The changes to the Policy would not change the statutory grants but would add discretionary grants.

- Why was Riverside the only Housing Association in the report when other Associations provided money towards DFGs? It would be better to change the report so it just said Housing Associations.

The Private Sector Housing Technical Team Manager explained that Riverside used to make a financial contribution to the DFG budget before taking the service in house. Riverside properties accounted for 1/3 of the DFG adaptations. Two Castles did contribute to the DFG budget when they had the funding to do so but no other Housing Associations contributed to the DFG budget.

In response to a question the Corporate Director detailed how Land Charges could be placed on properties that had works carried out on them.

RESOLVED – 1) That the changes to the Housing Assistance Policy 2017 be welcomed (GD.68/16);

2) That Section 1.1 of the Policy Document be amended to reflect the contribution from all Housing Associations not just Riverside.