

HOMES & COMMUNITIES COMMITTEE

22 NOVEMBER 2021

REVIEW AND UPDATE OF DISABLED FACILITIES GRANT POLICY

1.0 Purpose of Report

1.1 To seek Members approval for amendments to the Council's Disabled Facilities Grants Policy.

2.0 Introduction

2.1 In 2005 the Council's adopted standalone policy relating to the administration and distribution of disabled facilities grants. . This report seeks to gain approval for a number of amendments to this policy to reflect recent work by the Nottinghamshire districts and County Council Occupational Therapy services. These changes will implement a more consistent approach to the administration of DFG's across the County and acknowledge comments and feedback from service users who have received grants since the adoption of the standalone policy.

3.0 Background Information

3.1 Disabled Facilities Grants are the mandatory grants that are designed to provide adaptations to the home to allow a disabled person to continue living in the community. These grants are subject to a means test and some applicants do have to pay a contribution towards the cost of the work. Referrals for these grants come from the Occupational Therapy team of the County Council.

3.2 Although there is no legal requirement for a policy in relation to DFGs it is considered prudent and appropriate that such a policy should exist. This provides a transparency of approach to service users and they can clearly see the circumstances that might apply to their need.

3.3 The revised policy does not differ fundamentally from the previous document but seeks to address a number of consistency issues identified via a Nottinghamshire County wide review, which included the seven District Councils and the County Council Adult and Children's Occupational Therapy services. This exercise identified a number of areas in need of clarity including grant recovery, the level of discretionary grant assistance provided to clients plus a need to simplify and consolidate conditions in respect of mandatory and discretionary schemes. There has also been a national DFG review, completed in 2019, but government has chosen not to implement any significant changes to the mandatory grant regime, preferring to recognise the option of Councils to adopt local discretionary powers to reflect local issues.

3.4 Officers of the Nottinghamshire District Councils and the Occupational Therapy Services of Nottinghamshire County Council established a Nottinghamshire DFG consistency group in response to a corporate goal to improve consistency of DFG delivery across the County. This group has been central to identifying where inconsistencies existed and what changes might be required to resolve those issues. DFG service users have also fed back into this

group and reported their own experiences of the grant application, approval and delivery process.

- 3.5 The draft revised Policy is attached as Appendix One to this report. A commentary on the main points contained within the draft policy is also provided below.
- 3.6 The Policy provides an overview of the primary DFG legislation and non-statutory guidance including a summary of those works that might be considered for grant (mandatory grant headings), the definition of disability and eligible applicants, plus details on the application, approval and payment procedure. The Policy also details how complaints will be considered and dealt with.
- 3.7 In addition to outlining the mandatory grants procedure the Policy also sets out the limited circumstances under which the Authority might consider using discretionary powers to provide additional grant over and above the mandatory maximum or DFG in circumstances that would fall outside normal grant eligibility.
- 3.8 The mandatory DFG scheme is currently restricted to a maximum award of £30,000. On occasion complex/comprehensive adaptations, generally involving the construction of bedroom/bathroom extensions, can exceed this threshold. In an increasing number of cases low income and vulnerable households require additional financial assistance to ensure the essential works can proceed. The policy provides discretion for the Authority to award additional grants in these specific circumstances subject to the availability of sufficient budget.

4.0 Summary and Rational for the Proposed Changes

- 4.1 The following is a brief summary of the proposed amendments to the 2015 policy and a description of why these changes are proposed:
- 4.2 The current mandatory grant maximum of £30,000 has been fixed at this level since 2008 and this no longer reflects the costs associated with delivering the most complex and often expensive adaptations. As a result, in 2015 the Council adopted and implemented an effective discretionary 'Top Up' scheme that provided, in the majority of cases, an additional £10,000 assistance and in the most exceptional circumstances a potential £15,000 discretionary grant. The costs associated with this type of scheme, generally the construction of extensions, have risen significantly over recent years and when taking into account architectural costs and VAT the current arrangements are insufficient to fund such complex schemes, leaving grant applicants in the difficult position of being unable to progress their DFG. The policy seeks to increase the maximum level of discretionary grant to £20,000 that will enable these complex schemes to progress without the need to identify additional funding sources and avoid unnecessary delays in delivering essential adaptations. It is proposed that this higher discretionary grant level will be implemented across the County (subject to Members approval from each Authority) ensuring Nottinghamshire residents are not subject to a postcode lottery when seeking additional assistance over and above the mandatory DFG regime.
- 4.3 A further area of concern identified by the Consistency Group and highlighted by Occupational Therapy colleagues and service users is the variety and complexity of recovery conditions attached to discretionary grants plus how such grants are secured via

property charges. The 2015 policy implemented differing conditions for the recording and recovery of mandatory and discretionary grants, which has resulted in some confusion for grant applicants and Occupational Therapists alike. Currently mandatory recovery conditions expire after 10 years whereas discretionary grants have no end date. The revised policy seeks to unify and simplify conditions to a 10-year recovery period for both grants. This change also reflects feedback from applicants that, although appreciative of the option of discretionary grant assistance, the requirement to have to repay grant in full on eventual sale of the property was often felt to be a loan by the Authority rather than any form of grant.

- 4.4 It is also proposed that this policy change be applied retrospectively such that those service users who have received discretionary grants since the adoption of the 2015 policy will now come under the revised policy and new 10-year repayment period. This will affect 21 grant recipients and ensures a consistent and transparent approach to grant recovery, re-establishing the link between discretionary grant award and a finite recovery period. It should be noted that only one recipient have repaid a discretionary grant since 2015 and this was initiated at their own request to facilitate equity release rather than as a consequence of a proposed property sale. Given these circumstances, this client will not be disadvantaged by the proposed retrospective change of policy.

5.0 Consultation Comments

- 5.1 The draft Policy has been considered at length by the DFG Consistency Group including NCC Occupational Therapy Services and a number of service users that have contributed to the work of the group.
- 5.2 Members will note that the bulk of the proposed policy relates to the administration of mandatory grants and remains unchanged. The sections of the policy that relate to NSDC providing discretionary assistance are by definition potentially more contentious and a number of issues may require additional Member consideration.

6.0 Proposals

- 6.1 The Policy has been reviewed and amended to provide as much consistency as possible for the delivery of disabled facilities grants across the county.
- 6.2 It is proposed that the amended Policy is adopted.

7.0 Financial Implications

- 7.1 The capital funding arrangements for the DFG budget are provided by the national Better Care Fund (BCF). This fund has seen the amalgamation of both NHS and Adult Social Care and Health resources in an effort to better integrate the two services and DFG capital funding has been included within this pot. As such, Local Housing Authorities no longer receive a capital grant direct from central government as BCF resources are allocated regionally, to be managed and re-directed by the County Council.
- 7.2 The Council's allocation for 2021/22 has been set by central government at approximately £1.16million, plus a significant underspend from 2019/20 accrued as a result of the impact of the pandemic. This is an increase in comparison to recent years and indicative of the

importance placed on DFG by central government in facilitating the ability of disabled people to remain in their own homes. The Council retains its statutory duty to provide DFG's within the district and a duty to cascade resources to second tier Councils has been built into the BCF's operating guidance. Demand for DFG's continues to increase, including the number and scale of complex schemes that often require access to discretionary assistance. These increases in demand for mandatory DFG plus the proposed policy changes to the maximum discretionary grant will increase pressure on the DFG budget but the current levels of BCF allocation are more than sufficient to cover this demand without placing any financial burden on the Authority.

8.0 Equalities Implications

8.1 The original Policy was the subject of an Equality Impact Assessment and no significant issues arose as a result of that review. As the proposed changes do not alter the fundamental principle of the policy a further assessment is unnecessary.

9.0 RECOMMENDATIONS that:

- (a) Members are asked to consider the draft Disabled Facilities Grant Policy and approve the Policy.**

Reason for Recommendations

To ensure that there is a clear and transparent and up to date policy for Disabled Facilities Grants

Background Papers

Nil

For further information please contact Alan Batty Business Manager - on extension 5467.

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