

Disabled Facilities Grants - Housing Assistance Policy

Overview & Scrutiny Panel 10th December

Report by	Ashley Jackson, Head of Housing and Planning
Cabinet Portfolio Member	Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing
Key Decision	Yes
Decision classification	Unrestricted
Ward:	All wards will potentially be affected by this policy

Purpose of the Report

Councils across England are required by the Housing Grants, Construction and Regeneration Act 1996 to offer Disabled Facilities Grants (DFGs) to people who qualify. These grants are mandatory but they are restricted to helping people with disabilities to adapt their homes to make them accessible and more suitable for their needs. The funding for these grants comes from central Government via the Better Care Fund. If a Council wishes to offer financial assistance towards anything other than DFGs they have to adopt and publish a Housing Assistance Policy giving full details of the assistance they will offer to householders in their area for property adaptation, improvement or repair. Thanet District Council adopted such a Policy in 2019 and this policy is now due for review.

Recommendation(s):

The Overview and Scrutiny Panel is being asked to note the following recommendations to Cabinet and to make any recommendations in relation to these matters that it considers appropriate.

The recommendations to Cabinet are:

1. The consultation draft of the Housing Assistance Policy is approved.
2. The council conducts a public consultation on the draft policy.
3. The results of the consultation be published on the Council's website.
4. Authority be delegated to the Head of Housing and Planning in consultation with the Cabinet Member for Housing to determine any minor amendments to the policy.
5. Authority be delegated to the Head of Housing and Planning in consultation with the relevant Portfolio Holder to consider and determine requests to waive the requirement to repay grants in exceptional circumstances.

1. Summary of Reasons

- 1.1 It is imperative that the Council has in place a fair policy that takes into account the changes that the world has seen since the last policy was agreed in 2019. The paper being considered here addresses all of the changes in the environment in which the Council is operating and suggests how they should be addressed.

2. Background

- 2.1 The funding for Thanet District Council's grant schemes comes from two main sources; the Better Care Fund (BCF) and capital receipts from the repayment of grants given in the past. The contribution from the BCF is fixed by the government each year.

- 2.2 The things the BCF money is spent on include:

- Individual DFGs
- Health and Housing Co-ordinator co-funded with Dover
- Town & Country Housing (T&CH) Home Straight scheme (hoarding)
- Handyperson Enablement Service co-funded with Dover
- Contribution towards salaries for staff facilitating the expenditure of the budget

- 2.3 The capital receipts are used to pay for other types of grants that are not related to disability. As a result of using the 2019 Policy during the last five years officers have identified a number of improvements and additions to the policy. In addition, the policy was adopted before the Covid pandemic and before the cost of building work started to increase very rapidly so there are now financial issues to consider as well. This review and the Policy itself contribute towards the Corporate Plan Objective "to deliver the housing we need".

- 2.4 The particular issues that need to be considered in this review are:

1. Is the Council making sure that people who need adaptations because of disability are able to have the necessary work carried out?
2. Is the existing Policy fair to all applicants?
3. Are the discretionary grants currently offered by Thanet District Council achieving their objectives?
4. Are the delegated powers suitable and sufficient to make the policy work?
5. Are there any other things that ought to be included in the new policy?

- 2.5 The draft Housing Assistance Policy for consideration is therefore not a completely new document; instead it follows the existing Policy very closely but with some amendments which are discussed in the following section.

3. Relevant Issues

Amount of Grant and cost of works

- 3.1 DFGs have been around for a long time but they have not really been kept up to date. In particular, the maximum mandatory grant was fixed by the government at £30,000 back in 2008 but this amount is no longer sufficient to pay for some of the more expensive adaptations, especially those requiring extensions.
- 3.2 All grant applicants except children are means-tested and the result of the statutory financial assessment determines how much the applicant should be asked to pay towards the cost of works from their own resources. In most cases applicants do not have to contribute anything at all, but in the few cases where a contribution is required it is often obvious from the bank statements and other financial information supplied that the funding required is just not available and could not readily be borrowed. The recommended solution to this is to offer the applicant a discretionary grant to pay their contribution.
- 3.3 Thanet has the largest DFG budget in Kent and it is rare for the Council to come anywhere near to over-spending its budget. There is an opportunity for the Council to offer additional funding to grant applicants over and above the mandatory grant limit and to use DFG monies for this purpose. Only a small number of grant-aided adaptations actually cost in excess of £30,000 but for the few that do, some extra funding could make the difference between the work happening or the applicant making-do without the adaptations they need. Uprating the original £30,000 for inflation suggests that a new maximum of about £50,000 would be more appropriate today.
- 3.4 It is therefore proposed to offer a discretionary grant of up to £20,000 to those applicants who need it to make a new maximum grant of £50,000. (£30,000 mandatory grant plus £20,000 discretionary top-up)

Fairness

- 3.4 The existing policy offers discretionary grants only to property owners, not to tenants. This has been identified as unfair because tenants need adaptations as much as owners and recent statistics show that at least half of all applicants are tenants. Therefore it is intended to extend discretionary grants to tenants as well.

Are objectives being achieved?

- 3.5 Certain existing grant types have not been useful or successful. Stairlift Grants, for example, were introduced in anticipation of a Kent-wide stairlift contract being negotiated but this never happened. Winter Warmth Grants were originally included to allow the Council to continue to offer these grants as agents of Kent County Council (KCC) but these were subsequently discontinued by KCC. Grants to cover moving costs have never been applied for and are probably unnecessary. Similarly there has been no take-up of Thanet Council's offer to give grants to landlords in certain circumstances and this, coupled with the difficulty of means-testing landlords anyway, suggests that these should be discontinued as well.

- 3.6 Urgent Repair Grants will remain but slight re-wording has taken place to ensure the spirit of this grant type is properly understood. Unfortunately there are insufficient resources to tackle all disrepair issues in the private sector, particularly where maintenance has not been completed over a prolonged period of time.
- 3.7 The Council introduced a new “Heating Assistance” grant in 2022 but the details of this, and the qualifying criteria, need to be included in this Policy document instead of the old “Winter Warmth” grant.
- 3.8 The home enablement service and handyperson scheme both work well so just need some minor re-wording to keep them up-to-date. The Empty Property Loans scheme continues to work well and just needs minor updating.

Delegated Powers

- 3.9 A new delegated power is proposed that will allow the Head of Housing and Planning in consultation with the relevant portfolio Holder to consider and determine applications to waive the requirement to repay grants in exceptional circumstances.

Other matters: preventing defrauding of the system

- 3.10 There is a risk that an applicant submits multiple applications for the same work. It is therefore proposed to limit the number of applications that can be submitted.
- 3.11 Sometimes agents submit a grant application using a Schedule of Rates (where common items of work are pre-priced and agreed with the builders). This eliminates the need for competitive tendering for simple jobs and is supported in guidance issued in March 2022 by the Department for Levelling Up, Housing and Communities. Sometimes, however, there are lots of individual items added which have to be priced by the builder (referred to as “bespoke priced items”).
- 3.12 This practice does not seem entirely fair and might be viewed as an attempt to avoid proper competitive tendering. It is proposed that the Council places a restriction on the amount of bespoke priced items that will be accepted as part of a grant application. Anything over that would require full competitive tendering to reduce the risk of fraud.

Agents:

- 3.13 There are criteria in the existing Policy to be met by agents who act for grant applicants, if they wish to have their professional fees paid in full or in part under a grant. These criteria may also be used to decide whether a new agent’s details should be listed on the council’s “agent selection form” or whether an existing agent should be permanently or temporarily excluded from that list. To date, The Council has paid a maximum fee contribution of 10% of the cost of works. Increased building costs in recent years have given the agents an automatic fee increase yet not all agents feel that 10% is sufficient. Most agents are still happy with 10%. It is therefore proposed that a limit of 10% for agents’ fees is retained.

Checking applications for grants:

- 3.14 Officers routinely check to make sure that applicants have obtained planning permission and building regulation approvals as required and are up-to-date with their Council Tax payments.

4. Alternative Options

- 4.1 This report recommends that the draft policy, attached at annex 1, be approved for consultation, the draft policy has been drafted to ensure that the policy remains relevant to the needs of people applying for assistance.
- 4.2 Cabinet could decide to reject the proposed draft policy, or to make any amendments to the recommended draft, prior to the public consultation. This option is not recommended.

5. Consultation

- 5.1 Councillors are recommended to agree that the draft Housing Assistance Policy, annexed to this report, be consulted upon with a range of stakeholders to ensure it is robust and reflects the need for housing assistance.
- 5.2 The consultation will make it clear what can and cannot be influenced by stakeholders. The consultation will involve all those who have used the service previously and are doing so currently, other residents who may have a view or interest in these proposals, town and parish councils, Thanet District Councillors and other local authorities in Kent. Kent Housing Group and the charitable and voluntary sector.

6. Corporate Implications

6.1 Finance and Resources

- 6.1.1 This policy determines how our Disabled Facilities Grants are allocated to those in greatest need and therefore an effective policy helps the council demonstrate it is delivering value for money. There are no direct budgetary implications arising from the recommendations contained in this report.

6.2 Legal and Constitutional

- 6.2.1 In accordance with the provisions set out in Article 6 of the Council's constitution the Overview and Scrutiny Panel may make reports or recommendations to Cabinet in respect of the discharge of any function. Cabinet must then consider and respond to any recommendations made.
- 6.2.2 The provision of DFG is regulated by the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act). In addition to its duties to receive, determine and make payments of DFG to eligible applicants, the Council also has wide powers to provide discretionary financial assistance. These powers are provided for under the Regulatory

Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) provides general powers for local housing authorities to provide assistance for housing renewal, including home adaptations. The powers, detailed in Article 3, can only be used in accordance with a published Housing Assistance Policy.

6.3 Council Policies and Priorities

6.3.1 This proposal to adopt a Housing Assistance Policy that best supports those households in need of adaptations to live independently in their own home, supports the Corporate Statement 2024-2028 in the ways outlined below:

- To deliver the housing we need
- To create a thriving place

6.4 Risk

6.4.1 The main risk here is that the Council does not end up with a robust but fair policy that could be open to challenge and omits key sections of its community. This is unlikely as officers alongside the Cabinet Member for Housing have scrutinised the previous version of the document and have updated it to reflect:

- Any legislative changes that have taken effect
- Changes in the external operating (macro) environment
- Trends of customer responses
- Work being undertaken by other councils across the public housing sector

6.5 Climate Change and Biodiversity

6.5.1 This document does not in itself directly contribute towards the Council's environmental ambitions, however, the Council will seek to ensure that local providers are sourced to undertake the work in order that carbon emissions are a consideration in the adoption of the policy.

7. Equality, Equity and Diversity Implications

7.1 Councillors are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

7.2 Protected characteristics are: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

7.3 This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it

- To foster good relations between people who share a protected characteristic and people who do not share it.

7.4 An Equalities Impact Assessment has been completed in respect of this proposal. The new homes will be let in line with the council's allocations policy, which has had an Equalities Impact assessment completed, attached to this report at Annex 2.

8. Crime and Disorder Implications and Community impact

8.1 Other than by ensuring that the policy is not open to abuse, it is not felt that there is significant concern relating to the adoption of this policy.

9. Subject History

9.1 The previous version of this policy was agreed by Cabinet in July 2019.

Annexes

1. Consultation draft of the Housing Assistance Policy
2. Completed Equalities Impact Assessment

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Report Sign Off

Legal Ingrid Brown-Head of Legal and Democracy and Monitoring Officer

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