

North Yorkshire Council

Executive

17 September 2024

Adoption of a North Yorkshire Housing Assistance and Disabled Facilities Grant Policy

Report of the Corporate Director of Community Development

1.0 PURPOSE OF REPORT

- 1.1 The purpose of the report is for the North Yorkshire Council to adopt a new Housing Assistance and Disabled Facilities Grant policy for across the County. The policy will ensure that the Council meets its statutory obligations and provides consistency across all tenures.

2.0 SUMMARY

- 2.1 This paper sets out the proposal to adopt a new Housing Assistance and Disabled Facilities Grant policy to support the delivery of Disabled Facilities Grant (DFG) across the county. Bringing together the different policies from the legacy councils to provide a fair and consistent approach to delivery across the County and within all tenures.

3.0 BACKGROUND

- 3.1 The new Housing Authority shall have a statutory duty under the Housing Grants, Construction and Regeneration Act 1996 to provide adaptations for those who qualify for DFG. These grants cover a range of works, most typically level access showers, lifts, and extensions, all intended to enable people of all ages to live independently in their own homes.
- 3.2 In addition, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) provides general powers for housing authorities to provide assistance for housing renewal, including home adaptations for disabled people. These powers can only be used in accordance with a published Housing Assistance Policy.
- 3.3 Funding to cover the cost of this work in the private sector is provided from Government and included within the Better Care Fund administered by NYC. Within that fund *minimum amounts* to pay for DFGs are highlighted. Over recent years national allocations have increased in line with increasing demand. These allocations are currently calculated based on demand, demographics and historical spend. Funding for the equivalent work in the councils own housing stock is via the Housing Revenue Account.
- 3.4 Following a re-structure of the legacy services, (which has included the termination contracts with external delivery partners). The delivery of this service will be delivered by North Yorkshire Council's in-house adaptations teams (Home Improvement Agency) in the private sector and the Housing Standards Team will deliver the equivalent service to the councils own social housing.

3.5 This policy seeks to draw together an interpretation of the mandatory elements of DFG legislation and the discretionary elements of the RRO into a single published document, which will support the delivery of consistent services across all tenues.

4.0 ADOPTION OF A COUNTYWIDE POLICY

4.1 A detailed mapping exercise was undertaken to compare the different policy approaches between the legacy districts and other Councils. This work has also been cross-referenced against good practice from the governing body for Disabled Facilities Grants (Foundations).

4.2 In summary, the key points of the policy include:

- Encouraging all private sector applicants (although not a mandatory requirement) to enlist the councils support services, such as the in-house Home Improvement Agency, to assist them to apply for disabled facilities grants. This support includes assistance with technical advice including schedules of work and drawings, planning applications, and building control, obtaining quotations for the work and contract management, ensuring the works carried out at to a good standard. The legislation allows a fee to be claimed against the grant to cover the delivery of this work in the private sector. It is therefore proposed that in the region of 15% is top sliced from the funding we receive from Government. This is generally considered best practice, reduces administrative costs, and provides greater certainty within the budget setting process.
- Consistency in process to include the way that 'direct applications' are processed and land charges against the cost of works are levied. Given the increasing demand for the service, it is also recommended that a needs based 'prioritisation' system is adopted. This is needed to avoid the risk of censure and legal challenge.
- Where funding permits, the policy also includes a range of discretionary options, which complement the statutory legislation to allow innovative and cost-effective approaches to support older and disabled private sector homeowners and tenants to remain in their homes. These additional elements include:
 - 'Non-means test' threshold for DFGs of £7000.
 - Fast track grant'
 - Top up grants over the statutory maximum
 - Discretionary Repairs Grants
 - Discretionary Adaptations Grant
 - Relocation Grant
 - Dementia Grant
 - Home Appreciation Loans
 - Safe & Secure Grants
 - Cold & Mould Grants
 - Energy Efficiency 'top up' grants

4.3 The use of the various forms of discretionary assistance highlighted very much reflects national good practice and a range of options have been successfully delivered by the legacy councils. Discretionary works undertaken are intended to be 'preventative' to enable the client to live safely and independently and therefore avoid and reduce wider costs to housing, health and social care, with a real emphasis on preventing, reducing, or delaying the need for formal care and support.

- 4.4 In recent years, Government has boosted Better Care Fund/ DFG Budgets to help achieve this aim. However, it is important to note that whilst it is recommended that the new authority use its discretion under the legislation to provide a range of discretionary grant assistance, this can only be provided if where funding permits. Ultimately, the new Authority needs to be able to reserve the right to scale back or cease the discretionary options to ensure it meets its basic mandatory obligations.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 5.1 Although, a public consultation is not required to implement this policy, key partners and services have been involved. Health and Adult Services and Children's and Young Person's services colleagues have been involved in the forming the policy, along with housing staff involved in the delivery of current adaptations services. External input has also been sought from partners such as Age UK and Carers Resource. Feedback regarding the draft policy has been positive and the recommendation are supported and reflect nationwide good practise.

6.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 6.1 The policy contributes to several of the Council's priorities, supporting resilient communities, and improving the way local services are delivered. It particularly supports the Council's ambitions around supporting our residents and health and well-being.
- 6.2 The policy supports ambitions and priorities within the Council Plan, actively contributing to our "Health and Wellbeing" ambition, with close links between housing and health and the delivery of more accessible and adapted housing supporting positive health outcomes.
- 6.3 The policy also supports the aim to ensure that North Yorkshire is 'a clean, environmentally sustainable, and attractive place to live, with the discretionary elements of the policy supporting the reduction in fuel poverty, decarbonisation and increased energy efficiency and of our residents' homes.

7.0 OPTIONS CONSIDERED

- 7.1 In addition to the Council's mandatory duties under the Housing Grants, Construction and Regeneration Act 1996, they must have a housing assistance policy in place to have the option to deliver any discretionary support funded through the disabled facilities grant allocation. There are therefore no alternative options available. However, it should be noted that the range of discretionary support included within the policy will only be made available where permits, to ensure that the Council is able to deliver its mandatory duties.

8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 8.1 The policy will allow the housing service to deliver a fair and consistent approach to the delivery of adaptations across the County regardless of tenure. Many of the discretionary measures support our colleagues in Health and Social Care, Children's and Young Person's Services and the Health Service, due to the preventive nature of these works which provide a 'invest to save' rationale against the Council's wider budgets.
- 8.2 Prior to local government reorganisation, separate budgets were held in the 2 tier authorities in relation to any top up requirements for works where costs fell above the statutory maximum and/or any district top up offer. Following reorganisation, an opportunity now presents itself to combine these budgets, simplifying the process for the Council and applicant.

- 8.3 The introduction of a countywide policy will provide a consistent approach simplifying the process for both residents and partners referring into the service. System convergence is near to completion, providing a standardised referral system across all localities and tenures.
- 8.4 Heads of the relevant Service areas will monitor the adoption of the policy to ensure that the teams ensure a tenure blind approach to the Councils delivery of mandatory adaptations.

9.0 FINANCIAL IMPLICATIONS

- 9.1 Works covered by the Housing Grants, Construction and Regeneration Act 1996 are mandatory, however there are also elements of discretionary provision within this policy. The Councils disabled facilities grant allocation is set by Government and passported via the Better Care Fund. Adaptations are funded either from this allocation (private sector homes) or the Housing Revenue Account (council housing stock). There are also limited funds available for further housing assistance works for the private sector.
- 9.2 The range of discretionary support included, provides additional support to our residents, with an aim to reduce statutory health, housing, and social care costs. To ensure this discretionary element of the policy does not adversely affect the mandatory duties we will undertake regular forecasting of demand for the service. This will consider work type and forecasted delivery timescales to provide an accurate forecast of draw on the overall grant allocation. Recent system convergence from the legacy areas will allow this consistent and accurate forecast of workflow, approvals and spend.
- 9.3 Following the initial feasibility study of the proposed works, where it is evident that a top up is likely to be required, an initial outline and estimate will be presented to the Disability Advisory Group. This group will meet regularly to discuss and plan the most complex cases.. The group will include senior officers from Health and Adult Services, Children and Young Persons Services and Housing, to ensure a cross departmental approach. Recommendations will then be submitted to the Head of Housing Renewal to consider and approve. Where agreement can't be reached over a suitable scheme by the group or Head of Service, the Assistant Director from each of the relevant service areas will review the recommendation prior to the grant being approved or declined.
- 9.4 With support from the Council's finance department, this group will also review the pipeline and forecast spends and where 'in year' or future demand outstrips funding, make recommendations to the Head of Service and Assistant Directors to suspend the approval of some or all elements of discretionary work funded by the DFG allocation. Where it is necessary to remove or reduce the discretionary top up offer, any duty of care will remain with Health and Adult Services and Childrens and Young Person's services.
- 9.5 A similar forecasting system will be utilised for adaptations in the councils own housing stock to enable the service to understand the expected 'in year' and future draw on the housing revenue account.
- 9.6 Current arrangements with contractors undertaking adaptations vary greatly between legacy areas resulting in a wide range of costs for the same work type. A new Direct Purchasing System is being introduced. This will ensure a compliant route to market and support us to drive down costs by encouraging greater competition from a range of local and national contractors.

- 9.7 In addition to a range of discretionary support, the policy also includes the option to use the DFG allocation to deliver minor adaptations to our private sector residents. Minor adaptations are a statutory duty of Social Care Services. However, by bringing both minor, major, and discretionary support within the same delivery teams and utilising funding from the DFG allocation we can provide a one-stop delivery service within Housing and realise savings from HAS budgets.
- 9.8 The service delivering this work in the council housing stock are funded via the HRA. However, within the private sector the Council can charge a fee to the grant allocation. The most efficient way to do this is by top slicing. Funding will therefore be top sliced annually towards the running costs of both the in-house Home Improvement Agency and the minor adaptations, significantly reducing the need for funding from the general budget.
- 9.9 The table below sets out forecast expenditure in 2024/25, including running costs for the Home Improvement Agency and Handyperson (minor adaptations) service, along with estimated grant completions. This forecast demonstrates that we will need to draw from the carry forward of DFG allocation from previous years to meet our 'in year' statutory requirements.

Forecast Spend	2024/25 (£)	Comment
Home Improvement Agency Team	834,188	Based on 2023 average costs and completion on 690 cases
Handy Person Service Team	386,650	
DFG completions	5,289,950	
Total Expenditure	6,510,788	
Estimated Grant Award	-5,561,252	Based on 2023/24 Award
Requirement to draw from DFG Capital grant reserve	949,536	£2m carried forward from 23/24

10.0 LEGAL IMPLICATIONS

- 10.1 The policy meets the Council's legal obligations in terms of the delivery of disabled facilities grants and the requirement to have a housing assistance policy where the Councils proposes to include the offer any discretionary support. Having in place an adopted policy and procedures which will follow which demonstrate fairness, and provide openness and transparency in decision making, will assist the Council in defending any legal challenges to such decisions.

11.0 EQUALITIES IMPLICATIONS

- 11.1 An Equality Impact Assessment Screening tool has been completed which determined that a full EIA is not required for this change (see Appendix B).

12.0 CLIMATE CHANGE IMPLICATIONS

- 12.1 An initial Climate Change Impact Assessment has been completed and determined that as the proposal is bringing together existing legacy policies into one NYC policy, there will be no increase in emissions, therefore a full CCIA is not required (see Appendix C).

13.0 REASONS FOR RECOMMENDATIONS

13.1 It is recommended the policy is adopted to ensure a consistent and fair delivery of a range of adaptations and housing assistance across the Council. The inclusion of discretionary support provides residents with a wider range of support and supports health and independent living.

14.0 RECOMMENDATION

- i) Adopt the proposed Housing Assistance & Disabled Facilities Grant Policy for the North Yorkshire Council.

APPENDICES:

Appendix A – Housing Assistance and Disabled Facilities Grant Policy

Appendix B – Equalities Impact Assessment

Appendix C – Climate Change Impact Assessment

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.