

## CABINET

19 April 2022

<b>Title:</b> Aids and Adaptations Policy 2022 - 2027	
<b>Report of the Cabinet Member and Champion for Disabled People</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
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<b>Accountable Director:</b> Chris Bush, Commissioning Director, Care and Support	
<b>Accountable Strategic Leadership Director:</b> Elaine Allegretti, Strategic Director, Children and Adults	
<b>Summary</b>  Cabinet is requested to approve the Aids and Adaptations Policy 2022-2027; this sets out how the Council will enable private homeowners, housing association tenants and private tenants with disabilities to live as independently as possible in good quality homes that meet their needs through aids and adaptations.  The policy will support residents of all ages to live independently and in turn delay the need for long-term high-cost care. The policy also sets out support for other vulnerable groups to help them to live safely at home for longer through carrying out other works to their homes.  Supporting the Aids and Adaptations Policy is the Disabled Facilities Grant (DFG) allocation which is overseen by the Better Care Fund. The allocation for 2021/22 was £1,856,901 and the allocation for 2022/23 is expected to remain the same. This report sets out how this Grant will be spent in line with the Aids and Allocations Policy.	
<b>Recommendation(s)</b>  The Cabinet is recommended to:  (i) Approve the Aids and Adaptations Policy 2022-27 as set out at Appendix A to the report;  (ii) Agree the proposed additional project uses for the Disabled Facilities Grant (DFG) Capital Allocation as set out in paragraphs 2.9 – 2.16 of the report; and  (iii) Delegate authority to the Strategic Director, Children and Adults, and Commissioning Director, Care and Support, in consultation with the Cabinet Member and Champion for Disabled People, to revise, prioritise and/or withdraw discretionary assistance in line with the Aids and Adaptations Policy as	

appropriate, considering the Council's available resources and annual funding allocations.

### **Reason(s)**

The Council has a general power to assist households with the improvement of living conditions using the powers set out in the Regulatory Reform Order 2002. To do this, it must adopt a policy to exercise those powers which then allows the Council to designate grants and other services it will provide to older and disabled residents to complement the mandatory DFG by enhancing the mandatory provisions and/or by offering additional discretionary housing assistance. Adoption of the policy will enable the Council to take advantage of additional powers, support more individuals to maintain their independence and streamline processes and support the strategic priority of 'Prevention, Independence and Resilience'.

## **1. Introduction and Background**

- 1.1 The local authority offers financial help for adapting homes within the Borough through the use of the Disabled Facilities Grant (DFG), with the aim of supporting residents with disabilities to improve their health and wellbeing by addressing problems with unsuitable homes that do not meet their needs and therefore maximising independence. The DFG can help to prevent or delay the need for care and support, both of which are central themes of the Care Act 2014.
- 1.2 Within Barking and Dagenham, a Disabled Facility Grant can be awarded to residents who have a disability and also live in a privately owned property, a privately rented property or a housing association property. The resident must have the intention of living in the property for a minimum of five years. In order to receive a DFG, the resident must have had an assessment from an Occupational Therapist. Once an assessment has taken place and the Occupational Therapist has made their recommendations it will progress to the Adaptations Panel for agreement.
- 1.3 DFG funding is included in the Better Care Fund allocation so that the provision of adaptations can be incorporated into the strategic consideration and planning of investment to improve outcomes for service users. The Council funds DFGs in the private sector from this budget, however any adaptations to the council's own stock must be funded from the Housing Revenue Account (HRA).
- 1.4 The total DFG grant available for 22/23 via the Better Care Fund is set out in the Financial Implications section of this report. As this activity is demand-led it can be difficult to predict the demand for this fund, therefore a reasonable sum needs to be retained to ensure that statutory duties (referred to as mandatory in the below report) can be fulfilled.
- 1.5 Disabled Facilities Grant (DFG) funding from central government has increased significantly in the last five years and each year the amount received from government has been more than the expenditure required to meet the statutory duties to provide DFGs in Barking and Dagenham. In addition to this, the way in which we use DFG funding is currently very narrow in scope as it primarily focuses on physical 'traditional' adaptations such as wet rooms and stairlifts.

1.6 The table below shows the increase in grant amounts for the DFG over the last 5 years as well as the number of grants that have been provided. The numbers of adaptations provided in 20/21 and 21/22 have been lower due to the impact of Covid, the ability to undertake works in people's homes and the availability of OT staff to clear the backlog of assessments (see below in Section 2).

<b>Financial Year</b>	<b>No. Mandatory DFG</b>	<b>Total Adaptions Provided</b>	<b>Grant amount</b>
2017/18	102	103	£1,390,570
2018/19	86	127	£1,516,631
2019/20	99	114	£1,635,536
2020/21	78	101	£1,856,901
2021/22	77	98	£1,856,901

1.7 We therefore recognise that there is a need to significantly increase the annual delivery of grants and level of spend within the Borough by implementing a policy in which we can:

- Speed up the administration and processing of grant funded works;
- Broaden the scope of assistance available; and
- Provide financial assistance that is not covered by mandatory funding.

### **Working with Foundations**

1.8 Foundations has been the UK Government appointed National Body for Home Improvement Agencies (HIAs) in England since 2000. Since 2015 their remit has also included leading on the improved delivery of the Disabled Facilities Grant across the UK.

1.9 The adoption of powers provided under the Regulatory Reform Order (Housing Assistance) Order 2002 allows local authorities to deliver adaptations, commonly referred to as Disabled Facilities Grants (DFGs), for vulnerable householders much more flexibly than through the more prescriptive powers contained in the Housing Grants (Construction & Regeneration) Act 1996.

1.10 In order to use RRO flexibilities a local authority must adopt and publish a local policy, setting out how it will use its discretionary powers. The RRO policy should sit alongside other relevant strategies and policies and complement them.

1.11 As the expert within this field, we asked Foundations to work with us to develop a policy which will enable us to use the DFG much more flexibly and to the benefit of our disabled residents.

### **People at the Heart of Care**

1.12 It should also be noted that the proposed Aids and Adaptations Policy also helps us to prepare for the changes that are currently being discussed as part of the 'People at the Heart of Care' White Paper<sup>1</sup>. Several important proposals are made in this, including:

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<sup>1</sup> [People at the Heart of Care: adult social care reform white paper - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/white-papers/people-at-the-heart-of-care)

- A commitment to fund £570 million per year (2022–23 to 2024–25) for local areas to deliver the DFG.
- Updated DFG guidance to be published by government to advise local authorities on the efficient and effective delivery of DFGs. This will include a public consultation in 2022 which will look at allocations, means testing in line with social care charging announcements and the maximum amount of DFG that can be used for a single adaptation.
- A fund to deliver new minor repairs and adaptations; effectively funding for handyperson services.
- £300 million to be allocated to integrate housing into local health and care strategies, with a focus on increasing the range of new supported housing options available.

1.13 The White Paper also re-affirms the government's view that the BCF offers opportunities for coordination and collaboration around adaptations and housing, as well as stating the importance of technology in Care and Support.

1.14 Our Policy shows our commitment to the importance of adaptations, housing and care technology within Care and Support, as well as providing a foundation for any changes to the future delivery of the DFG. We will ensure that we revise our Policy in line with any changes arising from the White Paper once the consultation has concluded.

**2 Proposal and Issues** The Aids and Adaptations Policy can be found at Appendix A. The policy sets out how the Council will offer financial help for adapting homes in the Borough, together with the conditions and eligibility criteria associated with each type of assistance.

### **Mandatory and Discretionary Assistance**

2.2 There are two different types of assistance:

- Mandatory DFGs – These are grants that local authorities must make available to their disabled residents who meet the required qualification criteria as set out in legislation.
- Discretionary DFGs – An additional set of grants that are available subject to Council resources. The amount of discretionary assistance to be given each year will be determined by the Council and will be dependent upon the level of resources available.

2.3 The current service primarily focuses on providing physical 'traditional' mandatory DFG adaptations such as wet rooms and stairlifts. Whilst these are retained the proposed additions are:

- Funding for extended 5-year warranties on the major equipment provided, such as hoists, lifts and wash-dry toilets.
- Introduction of a non-means tested major adaptation grant for all works under £15,000.
- Top-Up funding for major adaptations that exceed the current mandatory DFG limit of £30,000.

- Introduction of a discretionary Safe and Well Grant to support vulnerable home owners who are at risk in their home and supported by the Hoarding Support Service.
- Introduction of a Relocation Grant to support those applicants whose current home cannot be adapted to meet their needs.
- Introduction of discretionary Sensory Needs Assistance, to support low-cost measures for people with additional sensory needs, including those who are neuro-diverse and/or have a diagnosis of dementia to support them to live independently and safely at home.
- Introduction of a discretionary Professional Fees grant to enable fees for works which may not proceed to be paid and therefore reduce the liability on vulnerable applicants.

- 2.4 It is anticipated that through increasing the scope of assistance that can be provided via the DFG allocation the Council will reduce its spend on high-cost packages of care or care home placements. The proposed changes outline an invest to save approach and will enable the council to proactively work with vulnerable residents to maintain their independence where they have more choice and control.
- 2.5 By incorporating the changes above into the Aids and Adaptations Policy it is estimated that we can help an additional 50 residents to have the adaptations needed to help them live safely in their properties on an annual basis. By introducing the suggested grants we can reach out to more service users as the current way in which we deliver DFGs does not enable us to explore more innovative and non-standard options to meet these needs. Additionally the changes reduce the level of bureaucracy required, particularly for smaller-scale works.
- 2.6 In addition to the 50 above, removing the means test will ensure that we can support an additional 20-25 residents per year (based on means tests from 21/22). The current means testing approach that is provided by central government is considerably out of date and has not been increased in line with elements such as inflation and rising equipment/works costs for a number of years. This means that residents are means tested to make a high contribution amount when in reality they cannot afford to do this. This leaves some residents unable to fund adaptations independently and without other means to address needs. Where the resident is unable to progress adaptations, but Care Act eligible needs remain, risks to social care budgets remain, often at a higher cost implication and from a less resident-enabling perspective. Abolishing the means test ensures that more residents remain living in their own supportive home environment and removing the need to provide alternative services with additional financial implications. As stated above, we will need to ensure that we continue to revise the Policy in line with the outcome of consultations within the People at the Heart of Care White Paper.

### **Administering the Grants**

- 2.7 The administration of the mandatory DFGs and the new discretionary grants will be undertaken by the Equipment and Adaptations team. The team are currently working through the processes and pathways required to administer the grants in anticipation of the approval of the Aids and Adaptations Policy. The numbers of residents being supported through the Policy will also be monitored by the team on a monthly basis.

- 2.8 The Commissioning Director and the Strategic Director for Adults and Children's in consultation with the Cabinet Member and Champion for Disabled People will revise, prioritise or withdraw discretionary assistance in line with the Aids and Adaptations Policy as appropriate, considering the council's available resources and annual funding allocations. This will be discussed at the beginning of each Financial Year and reviewed 6 months into the Financial Year once a more accurate forecast of the spend from mandatory DFGs is available.

### **Additional project-based use of the Disabled Facilities Grant allocation**

- 2.9 The Council wishes to use some of the annual DFG allocation from Government to fund four specific social care capital projects as outlined below which is identified as allowable within the annual grant determination letter from Government which states that "a portion of the grant may also be used for wider social care capital projects". Details of the four projects are provided below:

#### **1) All-Age Care Technology Service (£300,000)**

- 2.10 The All-Age Care Technology Service is a new service that the Council is establishing to support the strengths-based approach within social care practice in the Council. The Council is moving to a more proactive and preventative approach to care and support and this project is a key part of this. The Service will support the delivery of technology which will transform services and enhance the quality of care that can be delivered.
- 2.11 The proposal is that the capital elements of this new All-Age Care Technology Service for eligible households, i.e. non LBBB tenants, will be funded from the DFG allocation on a pro-rata basis.

#### **2) Minor Adaptations in Private Sector Homes (£75,000)**

- 2.12 There is no 'minimum' level for which a Disabled Facilities Grant can be applied for or awarded. It is therefore proposed that from 1<sup>st</sup> April 2022 all minor adaptations under £1,000 in DFG eligible households (i.e. non LBBB tenants) will be funded from the DFG allocation. It should be noted that this will not include 'equipment' items which would not be eligible for a DFG application but will include items such as grab rails and other fixed items. The reason for this being considered as a separate funding is that existing processes can be used, and no additional resources will be required to administer new minor adaptations grants.

#### **3) Handyperson Service Support (£10,000)**

- 2.13 The Council wishes to contribute £10,000 per annum towards the cost of materials used by the Handyperson Service for repairs and adaptations completed in private sector properties from the DFG allocation. The current service is fully funded from revenue, and it is noted that the materials cost are capital items and fall within the eligible works for DFG funding. Therefore, it is proposed that this contribution is made from the DFG allocation to mitigate some of the revenue pressures currently being experienced.

#### 4) OT Backlog Project (£200,000)

- 2.14 There is currently a waiting list of circa 500 vulnerable applicants who are waiting for an Occupational Therapy assessment regarding eligibility for Disabled Facilities Grants due to the Covid pandemic and the lack of Occupational Therapists available in the market. This backlog is impacting on the Council's ability to spend its' DFG allocation and is also potentially leaving vulnerable residents at risk in their homes.
- 2.15 The proposal is to procure the services of additional Occupational Therapy resources, either via a locum service or through a private company, to provide DFG assessments for these applicants to reduce the backlog and enable DFG applications to proceed. These assessments would be for DFG works only and any wider assessments would be funded from social care. This project will be a one-off, time-limited project in accordance with the use of the Disabled Facilities Grant.
- 2.16 There is currently a recognised national shortage of occupational therapy staff and therefore the option to recruit into additional posts is less likely to achieve the results required in the desired timescales. However, it is also noted that there would remain a shortage of Occupational Therapy capacity within the service for future clients. However, the current priority is to reduce the waiting list and enable as many residents as possible to access the available grant funded assistance.

### 3. Options Appraisal

- 3.1 There are two options in relation to the adoption of this policy as set out in the table below:

Option	Pros	Cons
<p><b>Option 1</b></p> <p><b>Do nothing and maintain the way that we currently give out DFGs</b></p>	<p>Tried and tested system with clear service expectations</p>	<p>Conflict with the priorities set out in the Better Care Fund Narrative Plan 2021-22 and the Council's Corporate Plan 2020-22.</p> <p>Increased risk of homelessness due to poor quality/inadequate housing.</p> <p>Increased risk of care home admissions.</p> <p>Noncompliance with current practice and expectations from the DFG and BCF outcomes</p> <p>Increased financial risk due to potential future complexity and demand</p>

		<p>from service users who would have otherwise benefited from the change</p> <p>Inefficient processes leading to extended time taken to process DFG applications and therefore customer complaints and dissatisfaction</p>
<p><b>Option 2</b></p> <p><b>Adopt the Aids and Adaptations Policy 2022-2027 and align DFG expenditure plan</b></p>	<p>Increased flexibility in use of grant</p> <p>More people will be supported to maintain their independence for longer</p> <p>Compliant with the spirit of the Better Care Fund and Care Act 2014 and future elements outlined in People at the Heart of Care</p> <p>Preventative for addressing long term care demands and complexity - reduce expenditure</p> <p>Better Service User outcomes</p> <p>Streamlined processes with an all-inclusive personalised care approach</p>	<p>Implementation will require time; with revised pathways/processes</p>

#### 4. Consultation

4.1 The development of the Aids and Adaptations Policy has been based on the insight from the Equipment and Adaptations team, the Occupational Therapists and most importantly, the residents that have applied for grant applications. The key findings from discussions with residents and the grant applications process has pointed to the fact that:

- The means test is out of date, with a number of residents unable to fund the works that they are assessed for and means tested to be able to 'afford'. This has been addressed in the Policy through the abolition of the means test.
- The grant has not increased in line with inflation and the increased cost of works/equipment/resource. This has been addressed in the Policy through the introduction of the top-up grant.
- The current focus on major works has not enabled a lower-level and/or more bespoke solution to be considered to meet residents' assessed needs and



their preferences. This has shaped our thinking around the new discretionary elements in the Policy and enables residents to receive a more personalised solution in which they have more choice and control.

- There have been a number of residents that have had to consider moving to an alternate property, and leave their local community and/or support network, as a result of not being able to be supported to have their current property adapted to meet their needs. As above, our new flexible policy enables a much more creative, personalised approach to residents' needs and wishes to avoid individuals needing to leave their homes.

- 4.2 If the new Aids and Adaptations Policy is adopted we will ensure that we monitor resident satisfaction as well as the numbers of new residents that are supported through the implementation of the Policy. We will keep the Policy under review in order that further feedback can be incorporated and any further discretionary grants considered. This will be discussed in consultation with the Cabinet Member and Champion for Disabled People.

## **5. Financial Implications**

Implications completed by: Murad Khan, Finance Manager

- 5.1 The paper requests the approval of the new Aids and Adaptations policy as well as some additional uses of the DFG funding that will free up revenue budget, bringing circa £85k of annual savings to the care and support revenue budget.
- 5.2 The DFG funding for 22/23 is expected to be £1,856,901, this maintains the level of funding since 2020/21. Over the last couple of years the authority has struggled to maximise this grant (approx. £500k underspend in 20/21) this has been partly caused by COVID and the inability to get works done and enter homes, but even prior to the pandemic we struggled to spend the grant due to the rigidity of the policy.
- 5.3 The new policy will allow for greater flexibility with the grant usage, it will breakdown barriers to application, simplify the approvals process and reduce minimum funding limits to allow it to serve more of our residents. The new policy also brings us more in line with our neighbouring councils who are already operating their DFG policy in this way.
- 5.4 This will improve our ability to maximise the grant and improve the lives of our residents, this in turn will benefit our revenue position by reducing expensive packages and care home spend, allowing more people to live independently at home. The greater support we can provide from this grant funding means the less we need to spend council general fund monies.
- 5.5 There is a risk with the new Policy that the number of adaptations could outstrip the annual allocation. However, activity will be monitored on a monthly basis and reviewed by delegated Officers as stated in paragraph 2.7 and 2.8 above. We will also need to ensure that the team is able to administer these changes and this is being monitored by managers. The service will need to ensure that these risks are mitigated and demand managed, otherwise we may end up in a position where revenue budgets have to contribute to meet adaptation or administration costs.

## 6. Legal Implications

Implications completed by: Dr Paul Feild Senior Standards & Governance Lawyer

- 6.1 The Equalities Act 2010 prohibits discrimination against people with the protected characteristics which includes disability.
- 6.2 As this report in the main body explains legislation which enables the Council to exercise greater discretionary power to provide assistance by way of aids and adaptation is available with the Regulatory Reform Housing Assistance Order 2002. However this legislation requires that a number of steps be taken before exercising the power being that the Council must adopt a policy and once adopted they have given public notice of the adoption. Furthermore the policy shall be in a document which is available free of charge for inspection, at their principal office at all reasonable times. Copies of a document containing a summary of the policy shall be obtained by post.
- 6.3 Finally, the implementation the power shall be exercised in accordance with the policy, unless rigid adherence would lead to injustice or an unfair outcome whereby all the circumstances of the case should be considered in coming to a final decision. This is because any policy, may not always contemplate all conceivable circumstances and may need in time a review.

## 7. Other Implications

- 7.1 **Risk Management** – Currently without a flexible policy approach, options to address supporting those assessed as in need of adaptation works but with the outcome of the historic test of resources indicating a high contribution to make, leaves some residents unable to fund adaptations independently and without other means to address needs. Where the resident is unable to progress adaptations, but Care Act eligible needs remain, risks to social care budgets remain, often at a higher cost implication and from a less resident-enabling perspective. The Aids and Adaptations Policy and alternative project use of the DFG allocation gives the Council the ability to enable these works to go ahead and the applicant to remain living in their own supportive home environment and removing the need to provide alternative services with attendant financial implications.
- 7.2 **Contractual Issues** – The additional project-based use of the Disabled Facilities Grant allocation will support the retendering of specific contracts due for retender including the Handyperson Project within 2022. The budget provisionally allocated for this project as outlined at Section 2.12 will alleviate existing budgetary pressures by capitalising appropriate spend enabling the retendered service to expand and better support the outcomes aligned to the DFG and Better Care Fund and support the strategic priority of 'Prevention, Independence and Resilience'.
- 7.3 **Staffing Issues** – The Aids and Adaptations Policy will be administered by the Equipment and Adaptations Team and sufficient resource has been identified for the team to take this work forward. Additionally the use of the DFG for OT project resource will enable the reduction of the OT assessment backlog.
- 7.4 **Corporate Policy and Equality Impact** – the EIA screening tool at Appendix B has been used in developing the Aids and Adaptations Policy.

- 7.5 **Safeguarding Adults** – The Aids and Adaptations Policy will support individuals to live more independently within their homes and enable these residents to have more choice and control and improve their wellbeing as per the Care Act 2014 principles.
- 7.6 **Health Issues** – The additional services proposed within the Policy will enable residents with long-term health conditions to remain living independently and safely at home for longer. The impact on the mental health of residents through being able to live independently at home is anticipated to be positive. The impact on physical health in terms of risk reduction is also anticipated to be positive.

**Public Background Papers Used in the Preparation of the Report:** None

**List of appendices:**

- Appendix A – Aids and Adaptations Policy 2022-27
- Appendix B – EIA Screening Tool – Aids and Adaptations Policy