

Private Sector Housing Assistance Policy

Housing Committee Tuesday 21 June 2022

Report of: Executive Head of Communities

Purpose: For approval

Publication status: Unrestricted

Wards affected: ALL

Executive summary:

The Council's Home Adaptation and Improvement Policy – Disabled Facilities Grants and Financial Assistance for Private Housing Sector was last updated in 2018 and needs to be kept under review to ensure that it continues to provide an appropriate targeted response to housing issues in the District. This policy now needs significant revision and updating.

A draft Private Sector Housing Assistance Policy has been composed to replace the existing Home Adaptation and Improvement Policy in place which better reflects current priorities in the District and also new guidance issued in March 2022.

The key changes to the policy are set out in the main body of this report but the draft policy offers more help to more residents than the Council was able to support previously.

The draft policy proposed needs to be subject to review by the Council's Legal Team and may also benefit from a period of public consultation.

It is proposed that subject to consideration and appropriate inclusion of Member comments on this draft policy, Members agreement is obtained to move to the next stage of policy development. This would include a legal review of the final proposals and may include entering a four-week period of public consultation for this new policy. Once this has been concluded, a final version of the Policy will be presented to Members to adopt in September 2022.

This report supports the Council's priority of: Creating the homes, infrastructure and environment we need

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Recommendation to Committee:

That:

- A. Members are invited to provide feedback on the proposed policy between the 21st June and 8th July 2022;
 - B. the Committee determine whether they wish to subject the draft Private Sector Housing Assistance Policy to a period of public consultation;
 - C. if public consultation is agreed, subject to the consideration and appropriate inclusion of Member comments received by the 8th July 2022, the Committee approve the publication of the draft Private Sector Housing Assistance Policy for public consultation.
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Reason for recommendation:

The current policy has not been reviewed since 2018 and needs to be updated to ensure that best practice is adopted, to ensure funding decisions are made lawfully, transparently and consistently and that the support available is targeted effectively to meet the needs of vulnerable and disabled residents.

There is no statutory duty to consult on this Policy, but it is considered good practice to consult on any major policy developments that impact on vulnerable people across the whole District.

Introduction and background

- 1 Disabled Facilities Grants (DFGs) are funded by the government and administered by local authorities in England and Wales. They are a mandatory grant, issued subject to a means test, and are available for essential adaptations to give disabled people better freedom of movement into and around their homes, and to give access to essential facilities within the home. The legislation governing DFGs is the Housing Grants, Construction, and Regeneration Act 1996.
- 2 Funding for DFGs is now channelled through the Better Care Fund (BCF) which consists of resources including that of NHS England.
- 3 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) introduced mechanisms by which local authorities could implement changes to the administration of DFGs at a local level and these changes, combined with the increase in this Council's BCF allocation from £460,000 to £520,000 in 2021/22, has allowed the Council to

consider providing funding for additional types of assistance under the RRO. It is widely recognised that the quality of housing is a key determinant of health and so one of the primary aims behind the additional Better Care Funding awarded to the Council is to ensure integration of services. For example, preventing accidents in the home which would otherwise adversely impact upon NHS resources and hospital admissions. Another purpose is to enable vulnerable and disabled people to live safely in their own homes and be independent for as long as they want to, avoiding early admission to residential care. It is accepted that particularly the elderly and the most vulnerable, do not always have the necessary resources to keep their homes in good repair or to provide adaptations to assist with daily living.

- 4 Revising the existing policy and bringing it up to date is part of a wider programme of measures being implemented to enable the Council to better meet the needs of disabled and vulnerable residents. Other measures being undertaken are a wider promotion of the help available, which includes updating the information available on the Council's website relating to the financial support available through this policy.

5 Draft Private Sector Housing Assistance Policy

- 5.1 The existing policy has been substantially redrafted and provides clearer and more tightly defined policy detail.

Key changes are:

Mandatory DFGs

- 5.2 A proposal is included to negotiate with Housing Associations that they provide a financial contribution towards the cost of adaptation works in their properties. At present, Housing Associations operating in the Tandridge District are not required to contribute financially to works even though the grant funding provided to their tenants for major works improves their housing stock and increases the supply of adapted homes within their stock.
- 5.3 Securing a contribution from Housing Associations will enable our funding to assist more people in future as demand increases because of the new policy.
- 5.4 It is not known whether it will be possible to secure agreement with Housing Associations for them to contribute financially in the structured way proposed. This element would be resolved either via direct discussion with the Housing Associations operating in the District before the report is finalised for the September Committee or during the public consultation period, if Members decided that public consultation was appropriate. If agreement cannot be reached, this section may be removed from the final policy document.

Means test

- 5.5 This includes a new section which updates the current policy regarding the ability of the Council to write off the first £1,000 of any applicant contribution.
- 5.6 Mandatory DFGs are means tested and often applicants need to contribute towards the cost of works. Those who are just over the benefit threshold can often be worse off financially than those on full benefits as they cannot access any financial support at all, making paying a relatively small contribution very difficult. This prevents much needed works going forward.
- 5.7 It is proposed to change the wording for this award and make it a discretionary grant, assessed on a case by case basis, rather than an automatic award, with the criteria set out more clearly the Policy. The usual award will remain at £1,000, with the option to increase the value, to a maximum of £2,000 in exceptional circumstances to enable more people to qualify for assistance.
- 5.8 Awarding this payment as a discretionary grant, will also prevent confusion as the current policy wording suggests that if an applicant has a contribution to make which is equal to the total cost of works, the Council will provide them with a £1,000 contribution. This was not the intention of the policy. Those who have sufficient income to be required to pay for all the works, are not entitled to a grant and should not receive £1,000 towards the cost.
- 5.9 It is proposed to include Council Tax Relief as a passported benefit to increase the number of households on a low income who qualify for financial assistance. Historically, Council Tax Relief was included as a passported benefit for DFGs, but this was discontinued when Local Tax Relief schemes were introduced.

Supervision and payment of works

- 5.10 A new section has been introduced to explain how works should be managed and how problems such as errors in construction are handled for clarity.

Repeat applications

- 5.11 While there is no limit to the number of repeat DFG applicants that an individual can make, a new section setting out the factors the Council will consider if a repeat application is made has been included for clarity.

Discretionary Grants and Loans

DFG relocation grant

- 5.12 A relocation grant was available in the previous policy but the criteria for award was not clearly defined so it was not clear in which circumstances it could be awarded and how much funding could be granted. The new policy contains a detailed clarification of the criteria and maximum value for the award.

DFG home repair assistance grant

- 5.13 A DFG can only be awarded if the age and condition of the property to be improved is satisfactory. There are instances where some additional works are needed to make a DFG for adaptations viable. This new grant provides a pragmatic approach by enabling other repair works to be completed in order make the DFG for adaptations viable and will enable more mandatory grants to go forward.

DFG contribution grant

- 5.14 This discretionary grant was previously referred to in paragraphs 5.5 – 5.8 above: Means Test.
- 5.15 As explained, the current policy enables the Council to write off the first £1,000 of any applicant contribution. It is proposed to change the wording for this award to make it a discretionary grant, assessed on a case by case basis, rather than an automatic award and also to increase the value, to a maximum of £2,000 in exceptional circumstances to enable more people to qualify for assistance.
- 5.16 It is also proposed to tighten the wording to make it clear that only those who are entitled to a DFG qualify for this discretionary grant.

DFG top up grant

- 5.17 Top up funding was available under the previous policy, but the wording has been clarified around the award of top up funding to demonstrate that top up funding must be provided as a last resort and that all other sources of funding, such as that provided by statutory partners must be explored first.
- 5.18 Additional wording has also been provided to clarify how the means test is applied to top up funding. The wording in the current policy indicates that the means test is applied twice, first at the point of application and then again if top up needs to be considered. This was not the intention as applicants on low incomes would be paying two lots of contribution, one for the mandatory grant and one for the top up award, which would be unaffordable.

- 5.19 The intention is that one means test will be applied for adults, at the point of application and one for adaptations for children at the point top up funding is needed. DFGs for children are not able to be means tested at the point of application. This means that it is possible for wealthy households to be awarded a maximum grant of £30,000 without a means test. However, such households may have sufficient income and savings to afford to top up the extra costs of the works above the £30,000 ceiling themselves without support from the Council and so it is proposed that it is at the point top up funding is requested that the means test is applied to DFGs for children.

Stairlift/ramp grant

- 5.20 The previous policy allowed for a grant to be provided for these items without means test but did not set a limit on the amount that could be provided. Large ramps can be very expensive, as can curved stair lifts and an application can be made requesting both items. The current policy has no ceiling limit on doing these works free of charge, but the intention of the policy is that where these works are relatively simple and smaller scale, they are undertaken for free and installed as quickly as possible as they make a big difference to an individual's safety and independence. Funding for larger scale works above the £15,000 threshold needs to be targeted towards those who qualify for a DFG so that the funding is spent where it is most needed and so that as many people as possible can be helped.

Winter warmth grant

- 5.21 This is a proposed new grant to support those who have health issues or disabilities that are exacerbated by lack of heating. It has been found that the ECO funding available does not provide a cost-effective way of assisting people with replacement heating as the carbon savings are too small. ECO funding is better placed to support first time installations. Despite its rural nature, and lower population numbers, the Tandridge District has the third highest level of excess deaths due to cold in Surrey and so needs to provide a targeted response to this issue.

Home owner repair loans

- 5.22 The availability of Home Owner Loans was set out in the previous policy. The proposal is to increase the value of this discretionary grant to reflect inflation and the high cost of building materials and to also set out the loan structure.
- 5.23 Previously, the Council was unable to charge interest on loans and as a result the value of any loan given diminished over time. The intention is not for the Council to profit from loans but to provide some limited protection of our investment so that when it is repaid in years to come, it has not been totally diminished by inflation.

- 5.24 The wording has also been clarified to set out the circumstances when repayment of the loan is triggered.

Funding for the Community Equipment Service

- 5.25 The Council has used its discretionary powers to spend BCF funding to support Surrey County Council deliver the Community Equipment Service (CES) for many years. However, it was not included in the Council's policy that we will spend BCF in this way.

Funding for Handyperson Service

- 5.26 The Council has for many years used its discretionary powers to spend BCF to provide free minor works (grabrails, key safes and ramps) through the Council's popular Handyperson service. However, it was not included in our policy that the Council will spend BCF in this way.

Repeat requests for discretionary grants and loans

- 5.27 The previous policy did not provide officers with any guidance on handling repeat requests for financial assistance and this new section provides clarity on this point.

Maintenance of equipment funded by grants

- 5.28 The previous policy did not provide officers with any guidance on handling requests to fund maintenance and servicing warranties and funding for these items is frequently requested. Funding extended warranties is expensive and takes funding away from helping as many people as possible with adaptation works. The new policy clarifies that once an item is installed it belongs to the homeowner and therefore they must maintain it. Advice and clarification is also provided for tenants, so they can speak to their landlord in advance of permission being given for the installation, so they can understand who will take on the maintenance of the item and whether their rent will increase to cover the cost of maintenance.

Grant conditions and repayment of grants

- 5.29 While grant conditions were included in the previous policy, the new policy makes it clearer that the Council will recover costs whenever possible and reasonable to do so and that grant conditions will usually last for 10 years. Discretionary grants (with the exception of the Discretionary Contribution Grant) last until the property is sold or otherwise disposed of.

Conclusion

- 6 This draft policy aims to set out the Council's approach to responding to referrals for major adaptations and regarding disrepair in the homes of vulnerable residents.

- 7 Members are invited to review and comment on the draft policy by 8th July 2022.
- 8 Members are also asked to provide Officers with guidance as to whether the Policy should be subject to public and stakeholder consultation.
- 9 A final Private Sector Housing Assistance Policy will be prepared and presented to this Committee and considered for adoption on 15th September 2022.

Other options considered

- 10 Consideration was given to not reviewing this policy at this time but that would have left the Council operating under a policy that was out of date and does not reflect best practice.

Consultation

- 11 While there is no statutory duty to consult on this policy, Members may wish to consider doing so and officers seek guidance as to Member's wishes on this point. Meaningful engagement with members, tenant and resident's groups and key partners could help to develop a policy that better meets the expectations and aspirations of vulnerable residents living in the District, in turn helping to achieve better satisfaction with the Council. Other benefits could be that any justifiable challenges to the policy are identified at an early stage, prior to implementation. In relation to the discretionary grants proposed, if the prevailing view is that these ideas are reasonable, consultation would provide a greater legitimacy to the strategic direction and priorities the Council has set in this policy.
- 12 It is proposed that all Members are invited to review this draft policy and provide comments between 21st June 2022 and 8th July 2022. Feedback from Members will be used to inform and develop the draft of the policy further.
- 13 Should Members wish to subject the Policy to a period of public consultation, a period of public consultation could be scheduled to run between 18th July 2022 and 12th August 2022. After which an analysis of the feedback provided would be undertaken and used to prepare a final Private Sector Housing Assistance Policy.
- 14 The final version of the Policy would still be presented and considered for adoption by this Committee on 15th September 2022.

Key implications

Comments of the Chief Finance Officer

Although the funding of the projects come from Better Care Funding we still must ensure that we get value for money and distribute funding in a fair, transparent and robust way that stands up to external scrutiny.

It is important to ensure that the Council only undertake adaptations and works which they are responsible for and that they are targeted towards households with greatest need.

Given the constrained financial environment in which the Council operates, adaptation spending must be kept within the available amount. This is achieved by managing in-year variances through grant-funded reserves ring-fenced for the purpose and by careful monitoring of grants against the available budget.

Comments of the Head of Legal Services

The Housing Grants, Construction and Regeneration Act 1996, supported by amendments through the Housing Renewal Grants (Services and Charges) Order 1996 and the Regulatory Reform (Housing Assistance) Order 2002 prescribed for the provision of mandatory disabled facilities grants and for discretionary financial assistance. The proposed policy provides a formal framework against which the Council can deliver mandatory grants and exercise its discretion in providing financial assistance under the increased powers provided for by the legislation.

Article 4 of the Order prohibits the giving of assistance unless the local housing authority has adopted a policy for the provision of such assistance and they have given the public notice of such adoption. Once adopted, the power to provide financial assistance must be exercised in accordance with the policy.

The adoption of a revised policy allows both the efficient use of the budget and improves the outcomes for disabled residents, tenants, and owner occupiers alike. Offering a wider range of discretionary assistance will enable the Council to assist a greater number of disabled people, their families, and carers and to help people remain as well as possible at home.

Equality

The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities. Disability is a "protected characteristic" within the meaning of that Act. Section 149 of the Act imposes upon public authorities a duty (the "Public Sector Equality Duty") to advance equality of opportunity between persons who share a relevant protected characteristic (such as disability) and persons who do not share it, and also to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.

A Preliminary Equality Impact Assessment has been completed which will be updated following the conclusion of the consultation period. A copy of this assessment is available as Appendix 'C' of the background papers to this report.

The Private Sector Housing Assistance Policy is specifically aimed at vulnerable and disabled people with a clinical need for adaptations and repair works to their home. The service promotes independent living for disabled people, improving their quality of life.

The policy ensures that the Council fulfils its duties to promote equality and eliminate discrimination.

Climate change

The Council will where possible ensure that materials used are sourced from sustainable materials and work with its contractors to ensure materials are recycled

Appendices

Appendix A – Draft Private Sector Housing Assistance Policy

Appendix B – Adopted Home Adaptation and Improvement Policy – Disabled Facilities Grants and Financial Assistance for Private Housing Sector.

Background papers

A Preliminary Equality Impact Assessment (attached at appendix C) has been completed which will be updated following the finalisation of the Policy.

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