

SLOUGH BOROUGH COUNCIL

REPORT TO:	Cabinet
DATE:	21 November 2022
SUBJECT:	Slough Housing Assistance Policy 2022-2027
CHIEF OFFICER:	<i>Marc Gadsby, Acting Executive Director People Adults</i>
CONTACT OFFICER:	Jane Senior, Associate Director People Strategy & Commissioning Andre Ansah, Group Manager - People (Adults) Short term services, RRR, LT OT, Independent living and HSWT
WARD(S):	All
PORTFOLIO:	Cllr Natasa Pantelic, Social Care and Public Health Cllr Christine Hulme, Children's Services, Lifelong Learning and Skills
KEY DECISION:	YES
EXEMPT:	NO
DECISION SUBJECT TO CALL IN:	YES
APPENDICES:	<u>Appendix 1 – Slough Housing Assistance Policy 2022-2027</u> <u>Appendix 2 – Equalities Impact Assessment.</u>

1 Summary and Recommendations

This report seeks approval of a revised Housing Assistance Policy 2022-2027. The Policy has been updated to ensure alignment with current national guidance, case law and legislation. It also addresses the recommendations set out within the report by the Local Government and Social Care Ombudsman investigation into a complaint about Slough Borough Council, which is separately reported on this agenda.

2 Recommendations

Cabinet is recommended to:

- 1) Approve the new Housing Assistance Policy 2022-2027, a copy of which is shown in Appendix 1.

3 Reason

Cabinet is recommended to approve the revised Housing Assistance Policy (HAP) 2022-27, detailing the Disabled Facilities Grant (DFG) options that an individual can receive. Approval and implementation of the policy will enable the Council to take advantage of additional flexibility in the use of the grant to support more individuals to maintain independence. This will be through implementing housing adaptations in a timely way, by streamlining processes, ensuring adequate staffing resource, and ensuring adherence to The Regulatory Reform (Housing Assistance) (England and Wales) Order 2022.

The new policy increases flexibility in how the grant can be administered and also incorporates a new approach to discretionary assistance. This includes an ability to award extra funding on a one-off basis to cover extra building costs which might be required to enable an individual with particular needs to remain living at home. This addresses the current cap of £30K which can act as a barrier to appropriate works being undertaken.

The new policy allows for additional staff to be recruited to the Independent Living Team through increased utilisation of the Better Care Fund (BCF). This will improve turnaround and processing times of DFG applications.

Adult Social Care will continue to monitor usage of the grant through regular budget monitoring meetings with Finance colleagues to ensure that sufficient funds are available to meet the Council's statutory duty to provide DFGs.

Commissioner Review

Commissioners have reviewed this report.

4 Report

This report contributes to the following objectives contained within the Slough Corporate Plan 2022 - 2025:

A council that lives within our means, balances the budget and delivers best value for taxpayers and service users

The amendments to the Housing Assistance Policy will increase efficiency by increasing the time frames within which adaptations are made. This will reduce care costs by enabling individuals with particular care needs to remain living at home rather than moving into supported living or residential care. The volume of adaptations should also increase.

An environment that helps residents live more independent, healthier and safer lives

The increase in adaptations completed will assist more people to live more independently at home.

5 Options considered

Option	Pros	Cons
<p>Option 1</p> <p>Approve the new Housing Assistance Policy</p> <p>Recommended Option</p>	<p>This option is recommended because the existing Policy does not consider the discretionary powers available under the Regulatory Reform Order 2002 thus limiting the usage of the DFG funding and the types of work it can fund. Implementing the new policy will also allow for the staff group to be fully funded via the BCF.</p> <p>Approval of the updated Policy will enable the Council to use its discretionary powers to provide financial assistance to enable residents to live safely in their homes.</p> <p>The amended policy will allow the top slice of the DFG to fund the required posts in the team to deliver on demand for this type of adaptation.</p> <p>This ringfenced grant comes from central government annually and sits within the Better Care Fund.</p> <p>Responds to recommendations contained within the Local Government and Social Care Ombudsman investigation into a complaint about Slough Borough Council</p> <p>The Policy has been produced in conjunction with Foundations UK, the National Body for Home Improvement Agencies.</p>	<p>Implementation of a new Policy carries some resource implications for Managerial and Operational staff within Adult Social Care.</p> <p>Demand for the grant will increase, and thereby increase pressure upon the Independent Living Team. This will be offset by increasing the staffing complement within the team.</p>

<p>Retain the current Housing Assistance Policy.</p> <p>This is not recommended</p>	<p>Fewer resource implications for Managerial and Operational staff within Adult Social Care.</p>	<p>The Council will not be working in line with the objectives contained within the Corporate Plan 22-25</p> <p>The current policy does not accord with current guidance.</p> <p>The residents of Slough would not maximise the benefit of the grant.</p> <p>Increase spend on social care budgets as people will need more care and support because of their homes not being appropriately adapted.</p> <p>Does not respond to recommendations contained within the Local Government and Social Care Ombudsman investigation into a complaint about Slough Borough Council.</p>
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6 Background

Local Authorities have the general power under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (the RRO) to create local policies which give assistance for home repairs, improvements and adaptations for the purpose of improving living conditions in its area.

The Council recognises that the primary responsibility for repairing and maintaining a property rests with the owner. However, the Council has certain statutory responsibilities to fulfil and must also take steps to protect and assist vulnerable members of the community whilst providing advice to all residents to help them maintain their own homes and utilise government funding where appropriate.

The new HAP will implement the latest national guidance for DFG including the definition of urgent and non-urgent cases to fairly manage waiting lists. Urgent cases will be prioritised, such as people being discharged from hospital, end of life cases, people who live alone and are deemed a high risk.

The policy will also move the threshold of the Major Equipment Grant from £5,000 to £10,000. This will improve the speed with which equipment such as stairlifts, ceiling-track hoists, modular ramps, specialist toilets and shower/bathroom adaptations can be installed without the means testing being required. This will

decrease waiting lists and streamline services to enable individuals to live more independently at home.

This will enable physically disabled residents who have been waiting for small adaptations to be able to access the equipment that is required. This will also enable residents to be discharged from hospital where home adaptation is the main factor preventing them from being discharged.

The new policy recognises the contributions of carers and residents who have elderly or disabled carers will be part of the urgent priority cases.

Our objective is to ensure that funding is available and targeted at those people in the community in greatest need.

The policy also introduces new ways the grant can be administered, such as:

- Managed application process – The Independent Living Team will handle everything on behalf of the applicant through an agreement between the applicant and the service.
- Customer contractor – the council manages the planning application, however the resident uses their own building contractors.
- Customer managed - the resident manages the whole process

Engagement with the Occupational Therapy (OT) and Independent Living Teams was undertaken earlier in 2022 to gather staff members' views and comments about the new policy. Their feedback has helped to form the proposed policy and the team was supportive of the Policy. This policy has also been discussed at the Co-production Network in October 2022 which is made up of local residents.

The policy will be reviewed on a yearly to analyse the impact and to identify any required amendments for proposal. Engagement will also be undertaken with individuals requesting and / or receiving DFGs going forward to obtain information on their experiences of using the service.

This will be included into the Adults Social Care departmental leadership team's policy review schedule.

Cabinet is being recommended to approve the Housing Assistance Policy 2022-27, which is attached to this report and has been through a process of legal and financial officer clearance.

The Council is also reviewing its arrangements with local housing providers. Whilst the funding for DFG, outside of the Housing Revenue Account, is from the BCF, there is a difference between the ability of social housing landlords, private landlords and owner occupiers in being able to facilitate the works. The Council does not currently have any written agreements with the main housing associations in Slough although many DFGs are for housing association tenants.

The Council will prioritise putting in place agreements to ensure that DFGs can be progressed expediently for these tenants, in particular in relation to financial

assessment processes and who should take the lead in arranging / delivery the works. This will be undertaken in conjunction with the Housing department.

7 Implications of the Recommendation

7.1 Financial implications

The grant given to Slough for 2022-2023 is £1,140,680. Adult Social Care have an additional £453,320 within the DFG Budget, which is from the balance bought forward from the previous year. The total budget for 2022-2023 is £1,594,000. This yearly grant comes from the Department of Levelling up, Housing and communities and is within the Better Care Fund budget. This money is ring fenced and can only be used for funding adaptations for eligible residents.

Currently the staff salaries are taken as a fee from grants approved. This does not cover the costs of the profile of the team which is required and impacts the amount individuals receive to complete their adaptations. Under the new Housing Assistance Policy, it is proposed that £323,142 of the grant is utilised to cover staffing costs. Existing staff will not be affected by this change in how they are funded. Adult social care are proposing to expand the team as demand for the DFG grants will increase. Staff will be funded from the whole grant and through the BCF.

As the proposed discretionary assistance will be met from the funding provided by the Better Care Fund there will be no direct financial cost to the Council.

7.2 Legal implications

The Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act) places a statutory duty on Local Authorities to help qualifying disabled people for home adaptations. These works (called eligible works) must be considered “necessary and appropriate” to meet the individual’s needs and “reasonable and practical” regarding the age and condition of the property. These are called Disabled Facilities Grants (“DFGs”).

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“The RRO 2002”) requires Local Authorities to develop a policy for providing households with financial assistance to improve their homes. Every local authority is required to adopt and publish a policy. The content of this report and the amendments to the current policy set out above are in line with The RRO 2002. The Local Authorities policy must set out the assistance available for home repairs, improvements, and adaptations for the purpose of improving living conditions for residents for those that qualify and how that assistance will be delivered.

Local authorities have a duty to support and meet the needs of disabled residents living within their borough. The responsibilities are set out in the following legislations:

- For adults in the Care Act 2014 (“the 2014 Act”)
The 2014 Act requires local authorities to identify, provide and arrange services, facilities and resources to prevent, delay or reduce the needs of individuals either for care or support. This includes the adaptation of properties.

- For children in Part 3 of the Children Act 1989
- Section 2 of the Chronically Sick and Disabled Persons Act 1970 (“the 1970 Act”)

The 1970 Act places a duty to assist disabled children and young people ‘in arranging for the carrying out of any works of adaptation in their home or the provision of any additional facilities designed to secure their greater safety, comfort or convenience’ (Section 2). This duty arises where the authority has assessed the need for the specific adaptations.

Funding for this assistance is provided via ring fenced funding through the Better Care Fund (“BCF”) which combines money from health and social care budgets to deliver health and care services. Use of ringfenced DFG funds must only be used for the specific purpose of funding adaptations for disabled people who qualify for a Disabled Facilities Grant made under the 1996 Act or the RRO.

7.3 Risk management implications

The table below sets out the risks associated with the proposed course of action and the mitigating actions:

Risk	Assessment of Risk	Mitigation	Residual Risk
An increase of requests for discretionary assistance.	Medium All discretionary assistance requests will have to go through a panel agreement as set out in the policy. Before the case goes to panel all other funding avenues must be explored.	Adult Social Care will monitor the grant monthly with Finance colleagues. An estimated budget will be allocated from the grant for the use of discretionary assistance and all discretionary payments over £10,000 will have to be authorised by a decision-making panel including senior management. If the budget is overspent the service will reduce the amount of discretionary assistance provided to make sure the mandatory grant is not impacted.	Low

Risk	Assessment of Risk	Mitigation	Residual Risk
Impact of the new policy increases the demand for the grant.	<p>Medium</p> <p>Regular monitoring of the grant and usage levels reviewed monthly.</p> <p>One year review to look at the impact of the new policy and take learning from the review.</p>	<p>Grants data regularly monitored, and panel group set up to review spend.</p> <p>If increase of the grant is high the panel will reduce the offers of the grant temporarily and focus on the mandatory element until the spend is stable.</p> <p>The impact on the new policy will be reviewed, including the data on the areas the grant was used.</p>	Low

7.4 Environmental implications

There are no environmental implications.

7.5 Equality implications

Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties, they are not duties to secure a particular outcome. Consideration of the duties should precede the decision. It is important that Cabinet has regard to the statutory grounds. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
 - Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - Tackle prejudice, and
 - Promote understanding.
- Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
 - Marriage and Civil partnership

An initial Equalities Impact Assessment (“EQIA”) was completed on 29th September 2022. The EQIA highlights that there is no adverse impact on the nine protected characteristics. Furthermore, the new policy will be more flexible and will broaden the use of the DFG to more service user groups, which will have a positive impact on protected groups, including older persons and those with physical disabilities. Adult social care will carry out a one-year review to look at the impact this new policy as had on vulnerable residents and take learning from this.

7.6 Procurement implications

There are no procurement implications.

7.7 Workforce implications

The new policy will be managed by the Independent Living Team, funded from the BCF, rather than the general fund. Adult Social Care is proposing to include extra staff into the team to help deliver the services and meet demand:

- 1x Technical Officer (FTE)

- 1x Case Worker (FTE)
- 1x Admin officer (FTE)

The proposed additional posts will expand the current team of 4 to 7 increasing capacity and reducing waiting time for adaptations. This will improve complaint rates for adaptations. There are no HR implications as exiting postholders will not be impacted.

7.8 Property implications

There are no property implications.

8 Background Papers