

Kirklees Council Private Sector Housing Assistance Policy (Adaptations)

1. Purpose

- 1.1 To consider proposed minor amendments to the Private Sector Housing Assistance Policy which clarify the provisions in relation to means testing for major adaptations and for funding major adaptations above the mandatory £30,000 limit that can be approved by the Service Director in consultation with the Portfolio Holder. (Section 3)

2. Background

- 2.1 Kirklees Council's Private Sector Housing Assistance (PSHA) policy sets out ways in which we deal with housing in the private sector, including the provision of housing assistance. This includes the provision of Disabled Facilities Grants (DFG's) and other aids and adaptation. Whilst this policy principally applies to private sector, the provision of housing adaptations are delivered to all tenures of housing.
- 2.2 The refreshed PSHA was approved at Cabinet on the 17th January 2017. This policy has regard to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. At this time Cabinet also gave authority to make minor amendments to the policy, in order to comply with legislation, guidance and case law, to the Service Director in consultation with the Portfolio Holder.
- 2.3 The Council's PSHA Policy includes for the provision of;
- minor adaptations (all tenures), which are those provided free of charge and which cost less than £1,000.
 - major adaptations (all tenures) and DFG's which cost between £1,000 and £30,000
- 2.4 Major adaptations costing between £5,000 and £30,000 are subject to a financial test of resources, also known as a means test. This applies to adults only as the requirement for means testing of children was removed in 2005.
- 2.5 DFG's are funded from an annual capital allocation from the Ministry of Housing, Communities and Local Government via the Better Care Fund. Adaptations to council properties are funded from the Housing Revenue Account (HRA).
- 2.6 The general power under article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) enables local housing authorities (amongst other things) to makes changes to avoid procedural complexities of mandatory DFG's and provide a quicker remedy for

adaptations. The local housing authority has to have a published policy setting out the use it intends to make of the power. This is the Kirklees PSHA Policy.

- 2.7 The current maximum mandatory grant award of £30,000 is set out in the Disabled Facilities Grant (Maximum Amounts and additional purposes) (England) Order 2008. (2008 No. 1189)
- 2.8 On the 5th March 2018 agreement was given to lift the lower threshold for means testing from £1,000 to £5,000. Further clarification in this respect is being sought. (See section 3)
- 2.9 The current policy allows for adaptations to be funded above the mandatory limit in exceptional circumstances. This proposed change clarifies this option. (<https://www.kirklees.gov.uk/beta/housing/pdf/private-sector-housing-assistance-policy.pdf>)

3. Key Points – Proposed Changes to the Private Sector Housing Assistance Policy

- 3.1 Areas for consideration as a minor amendment to the policy for implementation from 1st April 2020
 - The lower limit for means testing remains at £5,000. This applies where the total cost of all recommendations can be provide at less than £5,000. In addition, when the assessed outcome is to provide a hoisting solution, stairlift or a wash/dry toilet on its own then these will also be provided without a means test.
 - Where adaptations cost above £30,000, i.e. above the mandatory limit, and where no alternative is available such as an equity based loan or rehousing then these may be funded. This is subject to resource availability and a comprehensive option appraisal being prepared for consideration by the Accessible Homes Team Operations Manager (or Head of Housing) which demonstrates that adaptations are the only option.

Note – adaptations have to be deemed ‘necessary and appropriate’ and ‘reasonable and practicable’ in accordance with the Housing Grants, Construction and Regeneration Act 1996. The change to the maximum allowable grant in certain circumstances does not change these considerations.

4.0 Benefits and Implications

- 4.1 Clarity will be given regarding means test threshold being applied when all recommendations cost less than £5,000. By also stating that stairlifts, hoisting and wash dry toilets can be provided without a means test (where this is the sole outcome of an assessment) this will speed up provision and also mean that some items on the borderline can be provided without the means test. For example a bariatric stairlift.

- 4.2 Typically, the means test proposal will apply to single adaptations only and will include, ceiling track hoists, stair lifts, bathroom adaptations and small ramps. This will benefit the individual by affording them greater independence. This will also enable the council to 'right size' care packages in a timelier manner with the potential for saving money in care packages, for example where fixed hoisting is provided to reduce the number of carers required.
- 4.3 Reducing the need for care hours also has the added and much needed benefit of freeing up capacity in the care sector.
- 4.4 Disabled Facilities Grant (DFG) funding is provided by the MHCLG annually and is routed through the Better Care Fund. This has increased significantly in recent years and the amount of funding available is sufficient to cover the increase in expenditure where an adaptation above the mandatory limit is being considered. The amount of funding is not anticipated to reduce and a roll over reserve has also been built up in the Better Care Fund.
- 4.5 The policy also operates with tenure neutrality and this proposal for owner occupiers is currently provided to council properties which are funded by the Housing Revenue Account (HRA). Adaptations costing in excess of the £30,000 DFG limit are currently funded through the HRA where all other avenues such as rehousing have been exhausted. Applying this new limit will therefore have no implications on HRA funding.
- 4.6 The current limit of £30,000 has not changed since 2008. It is becoming increasingly difficult, due to building costs and complexities of condition to meet the disabled person's needs within this limit. This will provide greater opportunities to meet needs and enable a person to remain at home more independently for longer and with potentially less care being required.
- 4.7 On the 10th December 2018 a review commissioned by the MHCLG was published. **Disabled Facilities Grant and other adaptations: external review.** The government is yet to formalise it's response to this report, however both of these changes were recommended in this report. The flexibilities afforded by the RRO detailed in 2.6 allows authorities to vary DFG provision in advance of any formal response.

5. Next Steps

- 5.1 Portfolio Holder views on the proposed minor changes will be noted and as appropriate referred to the Service Director, Growth and Housing for approval and recording as a delegated decision.
- 5.2 Arrangements for implementing the approved minor changes, including staff briefings / training, updating the PSHA Policy and publishing it on the Council's website will be finalised. It is expected that these changes are to be implemented from the 1st April 2020.

5.3 Arrangements are put in place to monitor the impact of these changes to ensure that the Council's obligation to provide mandatory adaptations is not compromised.

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