

<b>Decision maker:</b>	<b>Cabinet member health and wellbeing</b>
<b>Decision date:</b>	<b>Tuesday, 27 March 2018</b>
<b>Title of report:</b>	<b>Home Adaptations and Assistance Policy</b>
<b>Report by:</b>	<b>Occupational Therapist Team Manager</b>

## **Classification**

Open

## **Decision type**

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

## **Wards affected**

All (All Wards);

## **Purpose and summary**

To approve the changes within the revised Home Adaptations and Assistance Policy.

This meets the legal requirements for the council to have such a policy, clearly sets out its mandatory duties in this area and maximises the ability to use relevant powers under legislation to support the county's residents to remain living safely and independently in their own homes.

## **Recommendation(s)**

**That:**

- (a) the Home Adaptations and Assistance policy at appendix 1 be approved**
- (b) that authority be delegated to the Director for Adults and Wellbeing to set & review fees and charges outlined in appendix 2, on an annual basis or as required in connection with other changes to the Home Adaptations and Assistance policy.**

## **Alternative options**

1. Not to have a current policy - it would inhibit the council's abilities to make maximum use of flexibilities allowed under legislation without a published policy.
2. Retaining the previous policy, without revision would not allow the council to respond as flexibly in supporting people to remain living in their own homes, and would fail to meet current government guidance.

## **Key considerations**

3. The council has had a Housing Renewal Policy since 2003. This policy replaces that document and sets out how the council will meet statutory duties for provision of adaptations and how it will use its powers to help improve living conditions within its area and meet local identified needs. The policy has been revised with reference to the council's latest policy writing procedure and is designed to meet the following legislative changes:
  - In January 2015, the government removed the requirement for councils to publish a Housing Renewal Policy due to changes in legislation and the removal of grant aided assistance for repairs in relation to the decent homes programme.
  - Councils have a power under the Regulatory Reform Order (Housing Assistance) 2002, article 3, to provide assistance for "the purposes of improving living conditions within their area" but may not exercise that power unless they have adopted a policy for provision of assistance under that article.
  - There remains a duty to provide mandatory Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996 (as amended).
  - The Care Act 2014 incorporated a new emphasis on housing in connection with wellbeing.
  - The proposed Home Adaptations and Assistance Policy sets out Herefordshire Council's policy for provision of assistance in accordance with the above legislation and reflects other local priorities identified in wider current Herefordshire Council housing related strategies.
4. Appendix 3 identifies the key features of the new policy and highlights the changes from the previous Housing Renewal Policy with a brief summary of the reason for the change.
5. Changes within the policy include increased assistance in the following areas:
  - Increase in the Emergency Repayable Grant available from £10,000 to £15,000 within a 10 year period to reflect both the increasing costs within the building trade

for materials and labour and reflecting the extent of works required to remedy some of the Category 1 hazards now being identified.

- The discretionary DFG has been reintroduced to allow for the option of “top up” of mandatory grants over £30,000 where appropriate, and where the responsibility for funding the remaining costs over the grant limit may fall back to the social services authority. The amount of Discretionary DFG has been increased from £5,000 to £15,000 due to evidence of increased building costs.
  - As there is now no means test for Children’s DFGs the addition of a means test for the parents applying for a discretionary DFG has been included here to ensure that this support is focussed appropriately to low income families.
  - The existing Discretionary Fast Track Stairlift Scheme has been widened to also allow consideration of fast-track metal portable ramping systems, Ceiling Track Hoists and specialist WCs in the event of clients needing adaptations for urgent hospital discharge, urgent risks to carers, reductions to costs of social care packages, or clients having severely limited prognosis.
  - Introduction of additional discretionary assistance described to assist with one off circumstances which lie outside of other forms of assistance which are hindering the completion of an adaptation scheme or which are required in addition to other forms of assistance to help meet wider family or carer needs. Up to £5,000 is now available.
  - Reintroduction of a Relocation Grant of up to £10,000 to assist with a move where a property cannot be adapted.
  - Technology Enabled Care Services are now included as part of the RRO flexibilities. This allows development of the telecare and technology enabled care services as an integral part of the provision for improving people’s living conditions in tandem with our other Home Improvement Agency options for support & services.
6. In 2014, the Disabled Facilities Grant (DFG) budget became part of the Better Care Fund. The Better Care Fund (BCF) provides a mechanism for joint health and social care planning and commissioning, and brings together previously ring fenced budgets. National conditions and governance of the BCF funding allocations apply.
  7. In 2016/17, in recognition of the rising need for adaptations to support people to stay in their own homes, central government increased considerably the DFG funding available within the BCF. In the autumn budget 2017, the chancellor made additional DFG funding available to be used within the financial year 2017/18 and funding is expected to increase still further by 2019/20.
  8. There is a central government expectation that the funding available is used as flexibly as possible to meet the needs of the county’s residents to enable them to remain in their own homes. It will also meet the BCF priorities of providing joined up and customer focussed services to reduce hospital and care admissions and enable people to return home from hospital more quickly and safely.

9. This policy reflects those requirements for Herefordshire. It is imperative that the council makes best use of the increased resources and meets central government expectations of how this funding is to be used.
10. Failure to adopt an appropriate policy with regards to this funding would have implications for both the council and NHS requirements to ensure appropriate support is available to people leaving hospital and remaining safely within their own homes.
11. In Herefordshire, the key issues that must be addressed by the Home Adaptations and Assistance Policy are:
  - Statutory legislative duties and government guidance.
  - The challenges presented in the Care Act 2014 to offer practical help to the residents of Herefordshire to live independently at home, including the provision of adaptations and community equipment to prevent, delay or reduce the need for care and support.
  - Adaptations to aid independent living for older persons in their own homes rather than moving into care homes.
  - Improving the quality of life by providing adaptations to the homes of disabled people.
  - Reduce the difficulties in accessing services faced by vulnerable groups living in rural isolation in Herefordshire.
  - Facilitation hospital discharge to return home.
  - Improving housing safety and security.
  - Reducing the risk of falls at home.
  - Linking with other agencies to help reduce fuel poverty.
  - Supporting disabled children and their families.
12. The revision of the policy has allowed provision of increased support to help address each of these key areas.
13. In March 2017, the government published a policy framework “2017-2019 Integration and Better Care Fund”. This gives clear guidance as to how the funds available through the BCF should be used to meet specified outcomes, and how these should be monitored.
14. In Herefordshire, quarterly reports are submitted to the Better Care Partnership group and Health and Wellbeing Board. These include reports of DFG spend and performance. These reports are also fed into the council’s corporate performance management systems.
15. Quarterly reports are provided on numbers of adaptations and spend. Local outcome measures are also being developed to identify the actual outcomes achieved for individuals and their carers. For minor adaptations these will include facilitating hospital discharge, increasing safety and security, decreased risk of falls etc. Measures for major adaptations are still under development, but will also include facilitation of hospital

discharge and delaying need for residential care provision. The policy will be reviewed in January 2020.

16. Annual reports on DFG performance are also submitted to the Department of Communities and Local Government (DCLG).
17. A number of procurement arrangements in relation to the Home Improvement Agency services are currently under review. These include:
  - The requirement for contractors to be registered on the council's trader register, which is currently under review.
  - Review of schedule of rates and tender arrangements with contractors.
  - Review of procurement framework arrangements for the purchase of lifts.
18. All new procurement arrangements will be made in accordance with the council's constitution and contract and financial procedures rules. The requirement for contractors to uphold the Nolan standards of public life and council values will be included within the new contracts.
19. The policy will be published on the council's website. Links and details of support available under the policy is available on the WISH website. A leaflet is available giving information about the Handyperson's Service and updated leaflets are being prepared with regards to the Disabled Facilities Grant and wider services available under the policy.
20. The policy will in future be closely linked with a new Herefordshire Housing and Health Strategy which is currently being developed and as such regular liaison takes place with wider council colleagues involved in this overarching strategy and other linked strategies.
21. Surveys of residents' views are planned to identify views and experiences of the service provision, needs and expectation for future services to inform performance and policy revision.

## **Community impact**

22. Impact on Health and Wellbeing Principles:
  - Sustainable services 1 – the provision of adaptations provides a safer and more sustainable environment for the provision of care within the home.
  - Working together 2 – this policy supports individuals and their carers to maximise independence, safety and dignity by providing appropriate environmental changes within their own homes
  - Information and Support 3 – is provided within the policy to allow people to help themselves, seek appropriate support and advice, and make informed decisions relating to their needs around their home environment
  - Five ways to wellbeing 4 – the policy promotes disabled people's opportunities to connect, be active, and engage in work or learning
  - Personal Responsibility 5 – adaptations have been clearly identified to help facilitate safe participation in activities at home, and increased safety for carers

- A lifecourse approach 6 – adaptations are available for people of all ages, and are planned specifically with short, medium and longer term client goals and needs in mind.
- The ladder of intervention 7 – the Home Improvement Agency works closely with environmental health and other agencies to help people to manage and maintain a safer home environment wherever possible.

23. Links to corporate and other local and national strategies or policies are shown in the policy document. These include:

- Herefordshire Prevention and Early Intervention Strategy 2013-2016 (draft)
- Final report October 2012 in relation to the Healthy Housing Survey 2011
- Herefordshire Older People’s Housing Strategy and Pathway (2015)
- Herefordshire Council Interim Housing Strategy 2016-2020
- Herefordshire Council Homelessness Review and Prevention Strategy 2016-2020
- Herefordshire Health and Wellbeing Strategy
- “Understanding Herefordshire” Joint Strategic Needs Assessment 2017, Herefordshire Council

There are also guidance documents available in the area of good practice for adaptations, including:

- “Home Adaptations for Disabled People: A detailed guide to related legislation, guidance and good practice” Home Adaptations Consortium, Care and Repair England 2015
- “Home Adaptations: the Care Act 2014 and related provision across the United Kingdom”, Michael Mandelstam, October 2015, College of Occupational Therapists

The policy has been reviewed in relation to the above good practice points and local need identification.

The Home Improvement Agency has also taken advice from Foundations, which is appointed by the Ministry for Housing, Communities and Local Government to oversee the national network of home improvement agencies, to ensure that this policy reflects the current recommended practice and is informed by known good practice models across the country.

As stated above, the policy forms part of the draft Herefordshire Housing & Health Strategy and as such, regular liaison takes place with wider council colleagues involved in this overarching strategy and linked strategies.

The policy has links to a number of service areas:

- Impact on children, young people and families – the policy applies to both adults and children, and includes housing related support available to families looking after disabled children at home. Additional clarification has been added to the

policy with regards to the current legislative definition of a young person. The policy also clearly indicates that there is no means test for a mandatory DFG for a child or young person as defined by the legislation.

- Means Testing – the DFG means test used is provided by central government and is a different means test to that required for social care packages. This issue has been raised repeatedly by stakeholder organisations at national level, and may be included in the forthcoming national DFG review.
  - The option of using the DFG grant & council powers to build new properties – this issue remains an option under consideration and could be incorporated into the policy at a later date.
24. One of the key priorities identified within “Understanding Herefordshire” Joint Strategic Needs Assessment is the needs to reduce falls. The report indicates that the hip fracture rate in 2015-2016 for residents aged 65 and over, although lower than the national average, equated to 244 hip fractures in Herefordshire. Each hip fracture could cost over £35k in terms of health and social care costs over a period of two years. Recommendations within the report are such that the council and NHS commissioners need to consider further measures to reduce falls, such as early identification of high risk individuals in primary care and other settings, and offering them appropriate intervention to mitigate risk of falls (for example environmental modifications, physical activity, healthy eating programmes to enhance muscle and bone strength, medicine review).

Home adaptations have been evidenced to reduce the risk of falls within the home, and the Home Adaptations and Assistance Policy is key to achieving the council’s objectives in this regard.

Fuel poverty is also identified as a key issue within “Understanding Herefordshire”. The Home Adaptations and Assistance Policy includes professional and technical advice, plus an emergency repayable grant that may be used to help remedy issues constituting a category 1 hazard within the home, which includes “excess cold”, and “damp and mould growth” which also pose a hazard to health.

25. The assistance available under this policy is applicable to both adults and children who are living in a domestic non-residential setting. Children who are living in long term foster homes or who have been adopted are therefore eligible for assistance under this policy.

## Equality duty

Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

26. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
27. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

28. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 29.
30. Appendix 4 provides an assessment of the impact of the policy on the community and specific groups.
31. This policy is consistent with the council's requirements under the Equality Act 2010, section 149. The policy provides support to older and disabled people and their carers and as such it has a positive impact in advancing equality of opportunity for this cohort. By enabling individuals to more easily access the wider community it also helps foster good relations

## Resource implications

32. The provision within the policy is funded from the government allocated capital fund for Disabled Facilities Grants, which is allocated by central government annually.
  - i. Central government allocation for 2017/18 was £1,705,640. This was increased by £167,196.65 in December 2017. The funding is ring fenced.
  - ii. The allocation for 2018/19 is not yet available, but is expected to be similar to 2017/18.
  - iii. It is expected that the increased allocation will continue until 2020. A recent House of Commons report "Housing for Older People" recommends that the government should continue to invest in housing options for older people and promotion of home improvement agencies.
  - iv. As previously discussed, research identifies large potential savings to council and NHS budgets from preventative measures available through this type of policy. Work is ongoing both locally and nationally to identify appropriate outcome measures to quantify these potential savings.
  - v. The changes to the financial assistance available to residents within the policy has increased in specific areas as described within Appendix 2. They are considered appropriate to making the best use of the central government funding.
  - vi. The increases have been made in line with increasing costs within the building trade for materials and labour, and also reflect the extent of repair work now being identified as causing significant risk to people living in or visiting the property. Further work is planned to update information within the county about housing standards and risks and as yet the number of people accessing this type of support is low. Experience within the council is that housing standards are often only identified at the point of hospital admission, and as such can have a great impact on speed of hospital discharge and successful rehabilitation at home. A 12 month hospital discharge and housing pilot project will run alongside this policy to inform effective uptake of this wider assistance and inform future policy review.
  - vii. Financial assistance available within the policy is subject to funding availability within the capital BCF allocation, and is discretionary with the exception of the mandatory



DFG. Following work to ensure timely occupational therapy assessment for a DFG, work is ongoing to identify more clearly the future demand for this mandatory grant. The increased budget currently available allows for increased DFG provision alongside the provision of the wider assistance options, to meet the required government agenda.

- viii. The inclusion of Technology Enabled Care Services within the policy allows integrated development of wider options to support people and carers at home in the most cost effective way, and as such may in some circumstances reduce need for adaptations provision, or increased care costs.

The policy allows for review towards the end of the policy period or sooner if prompted by central government legislative or significant funding changes or significant local or council policy developments which may have impact on this policy.

## **Legal implications**

33. The Regulatory Reform Order (Housing Assistance) 2002 repealed much of the previous legislation governing provision of housing renewal grants to homeowners and replaced it with a wide ranging power to local authorities to provide assistance for “the purpose of improving living conditions within their area”.
34. From that point there was a legislative requirement for the Council to publish a Housing Renewal Policy – and Herefordshire had such a policy since 2003.
35. On 16 January 2015, the government removed the requirement to publish a Housing Renewal Policy following changes to the policy including changes around funding repairs – ie there was no longer any grant aided assistance towards repair of properties in relation to Decent Homes.
36. However there is still a requirement under the RRO that “a local housing authority may not exercise the power conferred by article 3 in any case unless: (a) they have adopted a policy for the provision of assistance under that article” (etc)
37. However Duty to provide Mandatory Disabled Facilities Grants remains within the Housing Grants, Construction and Regeneration Act 1996 ( as amended)
38. The policy is in accordance with the legislative requirements as set out in briefing paper.

## **Risk management**

39. Adopting this policy would eliminate the risk to the council of not having such a policy. This would include risk of potential legal challenge and damage to reputation.
40. There are risks also that not having the assistance available within the policy would result in increased costs to social care and the NHS, as indicated in government guidance and research.
41. The DFG budget is monitored through the BCF arrangements, in order to give assurance on robustness of budget control and monitoring. The policy also allows for review “at the end of the policy period or sooner if prompted by central government legislation or significant funding changes”.

42. Risks are managed at service and directorate level. In addition to the above risks, other key risks identified at the time of review of the policy included the following:
- Risk: not spending capital budget allocation. This is mitigated by promotion of this policy both internally and to the wider public, and decrease of waiting times within the dedicated occupational therapy service which provides assessments for the DFGs.
  - Risk: not completing mandatory adaptations due to increased building costs over grant limit of £30,000, clients & carers left at risk, responsibility to meet needs falls back on social care directorate. This is mitigated by increasing the discretionary grant available as top up.
  - Risk: lack of wider options to meet housing & adaptations needs, clients unable to be discharged back home due to unsafe housing conditions, increased admittance to care homes. Mitigation: promotion of the emergency repayable grant and increased financial support available to remedy serious hazards.
  - Risk of increased fees, reduced uptake of agency assistance. This is mitigated by the inclusion of the fee within the overall grant assistance provided, availability of discretionary grant top up and discretion over whether local land charge is applied.

## Consultees

43. External informal consultation has taken place with: Foundations, other housing, occupational therapy and home improvement agency colleagues nationally.
44. Political groups have been consulted. The Herefordshire Independents indicated support for the proposals in principle with strong recommendations that, as with all assisted policies, all procedures are closely monitored in order to ensure maximum value for money is obtained.

## Appendices

Appendix 1: Draft Home Adaptations and Assistance Policy

Appendix 2: Home Adaptations and Assistance Policy: Schedule of fees and land charges

Appendix 3: Summary of changes made within the Home Adaptations and Assistance Policy

Appendix 4 – Assessing the impact of the Home Adaptations and Assistance Policy

## Background papers

- None identified.