

**AMENDMENTS TO POLICY FOR OFFERING FINANCIAL SUPPORT FOR  
HOUSING ADAPTATIONS (DISABLED FACILITIES GRANT (DFG) TOP-UP)**

*To:* **Cabinet**

*Date:* **20th October 2009**

*From:* **Rod Craig, Executive Director, Community & Adult  
Services**

*Electoral division(s):* **All**

*Forward Plan ref:* **Not applicable** *Key decision:* **No**

*Purpose:* **Cabinet is asked to endorse the amendments to the Policy  
for Offering Financial Support for Housing Adaptations  
(Disabled Facilities Grant (DFG) Top-up) with the key  
changes proposed set out in paragraph 2.2 and the detail  
of the changes in bold italics in the appendix to the report.**

*Recommendation:* **That the policy amendments are agreed as set out in bold  
in the policy included as Annex A.**

<b><i>Officer contact:</i></b>		<b><i>Member contact</i></b>	
Name:	Diana Mackay	Name:	Cllr Fred Yeulett
Post:	Commissioning & Performance Manager, Adult Services	Portfolio:	Cabinet Member for Adult Social Care, Health and Wellbeing
Email:	<a href="mailto:Diana.mackay@cambridgeshire.gov.uk">Diana.mackay@cambridgeshire.gov.uk</a>	Email:	<a href="mailto:Fred.yeulett@cambridgeshire.gov.uk">Fred.yeulett@cambridgeshire.gov.uk</a>
Tel:	01223 715966 07879 430819	Tel:	01223 699173

## 1. BACKGROUND

- 1.1 The policy attached at *Annex A* has been in operation since it was endorsed by Cabinet in 2006. Since its implementation, it has been successfully applied to eighty-two cases (across both adults and children's services) and, as a result, has meant that essential housing adaptations have been able to go ahead without delay. Through this action, more people have been supported to remain living in their own homes.
- 1.2 The policy continues to demonstrate the end-to-end process encompassing partnership working between the Home Improvement Agencies of the District and City Councils, the Occupational Therapy teams within Cambridgeshire Community Services, the County Council's Financial Assessment Revenue Unit and ultimately the administration teams within the localities to ensure that there is a systematic approach across the County and across all client groups.

## 2. MAIN ISSUES

- 2.1 The policy has been reviewed and updated to take account of some changes, both nationally and locally, and to offer more flexibility, particularly in relation to meeting the needs of families with disabled children. As a result of feedback from front-line teams, this update also includes a number of minor amendments to offer clarification of wording.
- 2.2 The proposed changes are highlighted in ***bold italics*** in the attached policy. Key amendments are as follows:
  - Increase in the mandatory District Council Disabled Facilities Grant limit from £25K to £30K (paragraph 4.1). This is a central Government policy that acknowledges the increasing costs of housing adaptations.
  - Ensuring the policy is as flexible as possible to meet the needs of families with disabled children (paragraphs 2.5; 5.8; 6.4; 6.12)
  - Taking account of cases where service users have been assessed by an independent Occupational Therapist (paragraph 3.4)
  - A more detailed explanation of the top-up loan system (paragraph 6.9)

## 3. SIGNIFICANT IMPLICATIONS

### 3.1 Resources and Performance

- 3.1.1 The increase in the mandatory Disabled Facilities Grant limit (highlighted in paragraph 4.1 of the policy document) is a central government directive to district councils and has no impact on the County Council top-up funding.
- 3.1.2 In relation to the repayment of loans under the 'top-up' system, the policy gives more flexibility to enable loans to be repaid over a longer period of time rather than the strict three years that was stated in the original policy. This will be particularly beneficial to families of disabled children where housing adaptations can often be very costly. This is referred to at paragraphs 6.9 and 6.10 of the policy document.

## 3.2 **Statutory Requirements and Partnership Working**

- 3.2.1 The amended policy provides clarity in relation to partnership working with housing agencies who employ their own Occupational Therapists. Where the resulting assessment means that tenants are applying to access public funds, then these cases will need to be approved by the housing adaptations panels as detailed in paragraph 3.4 of the policy document.

## 3.3 **Climate Change**

- 3.3.1 There are no significant implications for any of the areas within this category

## 3.4 **Access & Inclusion**

- 3.4.1 There are no significant implications for any of the areas within this category

## 3.5 **Engagement and consultation**

- 3.5.1 Discussion of these policy amendments have taken place with officers in the Office of Children's and Young People's Services and with Legal Services.  
The amendments relating to the greater flexibility for children's cases has come about as a direct result of feedback from families.

Source Documents	Location
Disabled Facilities Grant - The Package of Changes to Modernise the Programme, Communities and Local Government Publications (2008)	'C' Wing, Third Floor, Castle Court, Shire Hall Or on line at: <a href="http://www.communities.gov.uk">www.communities.gov.uk</a>

### **POLICY FOR OFFERING FINANCIAL SUPPORT FOR HOUSING ADAPTATIONS (Disabled Facilities Grant (DFG) Top-Up)**

July 2006  
*(updated & amended July 2009)*

#### **1. Introduction**

- 1.1 This policy document establishes a process for providing financial assistance to people who are required to make a contribution towards the cost of their housing adaptation following a Disabled Facilities Grant (DFG) means test. This is referred to locally as 'DFG Top-up' funding.
- 1.2 The implementation of this policy will ensure that the County Council, and other organisations with Social Services responsibilities, meets its responsibilities under the Chronically Sick & Disabled Persons Act 1970, and other associated legislation.
- 1.3 This policy relates to all service user groups.

#### **2. Legislative Requirements**

- 2.1 Under Section 2 of the Chronically Sick and Disabled Persons Act 1970, authorities providing social care services have a duty to *'arrange practical assistance in the home, and any works of adaptations or the provision of additional facilities designed to secure greater safety, comfort or convenience.'*
- 2.2 Under Section 47 of the National Health Service and Community Care Act 1990, if an assessment of need (i.e. a community care assessment) has been carried out and has identified the housing adaptation as a need, then the authority or organisation responsible for providing social care services is responsible for ensuring that the need is met.
- 2.3 The introduction of mandatory Disabled Facilities Grants under the Housing Grants Construction and Regeneration Act 1996 and administered by the District Councils, does not remove the duty from Social Services authorities to assist service users when they are unable to meet their financial contribution.
- 2.4 Social Services authorities may make charges for their services but they have a duty to ensure that the assistance required by the disabled person is secured. This was reiterated in recent guidance published by the ODPM in November 2004 *Delivering Housing Adaptations for Disabled People: A Good Practice Guide*. This confirmed that Social Services authorities may discharge their duties by direct provision of equipment or adaptations, by providing loan finance to a disabled person to enable them to purchase these facilities, or by providing a grant to cover or contribute to the costs of provision. It is therefore important for there to be early and effective communications between social care and housing bodies.
- 2.5 In accordance with section 17 of the Health & Social Services and Social Security Adjudications Act 1983 the County Council is able to charge for the domiciliary

services it provides. Where the County Council pays the client contribution towards a DFG, this would count as a domiciliary service. In this situation, the County Council will assess what the service user, the service user's parent(s), **or those with parental responsibility (PR) if the service user is a child**; can reasonably afford to pay under section 17.

### **3. Assessment of Need**

- 3.1 At the point of referral to Social Services, the service user may request a housing adaptation, or their stated needs indicate that this may be required. Such adaptations include stair lifts, through floor lifts, level access showers and extensions to property. In many cases, these adaptations are vital in ensuring that service users remain as independent as possible in their own home. Assessment of some complex and exceptional children's cases may indicate that there is a need for the provision of a sensory stimulation environment. Whilst there is no duty placed upon district councils to meet this need, via a DFG, these needs will ultimately need to be addressed by the County Council, and would therefore be approached in the same way.
- 3.2 The service user is visited and assessed at home, usually by an Occupational Therapist (OT). As part of that assessment, the OT will explore all the service user's daily living needs and will, where possible, suggest alternatives to major housing adaptation such as assistive equipment. Eligibility under Fair Access to Care is applied in all **adult** cases.
- 3.3 Once the decision has been made that a major adaptation is the only option, the case is referred to the District Council for a DFG application.
- 3.4 Where a service user has been assessed by an independent OT (e.g. an OT employed by a housing association), the case must have been agreed at one of the housing adaptation panels before the case can be progressed to DFG and top-up funding. This is in line with the 'Framework for Cambridgeshire Community Services to work with Independent Occupational Therapists for the provision of major housing adaptations' February 2009.

### **4. The Disabled Facilities Grant - *The District Council***

- 4.1 The DFG for adults is a means tested grant based on people's income and savings. This test **undertaken by the District Council** considers income but uses a notional allowance for some expenditure, rather than considering detailed out-goings.

Mandatory DFGs are offered up to a maximum limit of £30K. Some District Councils may offer discretionary grants.

There is no DFG means test for families of disabled children. This means that most families will be eligible for a DFG but as many adaptations cost more than the mandatory grant limit, assistance will continue to be sought from the County Council for top-up payments.

- 4.2 The service user's financial contribution is based on the above means test, not on the cost of the adaptation.
- 4.3 It is usual for the DFG process to be handled via the District Council's Home Improvement Agencies (HIAs). However, service users may choose to manage the

process themselves in which case the HIAs would not be involved, although the means test for the DFG remains the same.

## **5. Financial Assistance from Cambridgeshire County Council or other organisations with Social Services responsibilities (SSRs.)**

- 5.1 Assistance with major housing adaptations will only be offered in exceptional cases and it is up to the service user to demonstrate that they cannot meet the financial contribution assessed as part of the DFG and that they have no other sources of income.
- 5.2 In all cases, the service user and their carer should be advised to seek independent legal advice. It is expected that they will be advised of this by the District Council / HIA.
- 5.3 Financial assistance from Cambridgeshire County Council or other organisation with SSRs, i.e. PCTs responsible for Older People's Services, may be provided in any of the following circumstances:
- When the cost of the work exceeds the maximum mandatory limit for the DFG (currently £30K) and the District Council for the applicant's area has decided not to agree any additional discretionary funding above the £30K mandatory limit **or**
  - Where the result of the District Council's financial assessment is that there is a financial contribution expected from the applicant.
  - Where the applicant's contribution, as calculated by the District Council exceeds that cost of the work, there will be no DFG payable and an applicant might approach the County Council for assistance with the whole cost of the work. (See also 5.10)
- 5.4 Assistance with funding should be restricted to circumstances where the applicant is unable to proceed with the adaptation unless further funding is made available. Therefore applicants and District Councils / HIAs are expected to provide evidence that they have made reasonable efforts to seek additional funding.
- 5.5 Requests for top-up assistance will only be accepted from the District Council / Home Improvement Agency involved in the case. These referrals will confirm the adaptation that is required, the cost of the work, whether or not a grant has been awarded and the top-up amount required.  
District Councils' / Home Improvement Agencies will also be expected to direct service users to support agencies for further information if necessary, for example **'Disability Cambridgeshire'** and **Citizens' Advice Bureau**.
- 5.6 Budget lines will be identified to meet this requirement and funding of 'top-up' amounts will fall within the following responsibilities:
- The Office of Children's and Young Peoples Services for children's cases 0-19 years
  - Adult Support Services Directorate for adults under 65
  - Older People's **locality team** budgets for adult's age 65 years and over.

Joint funding across services may need to be considered for transition cases.

- 5.7 For applicants likely to receive a compensation pay out for an injury that is the cause

of a disability for which an adaptation is required, the following approach would be applied.

In assessing a household's ability to pay for a DFG Top Up payment the Local Authority would, in line with Charging for Residential Guide (CRAG) 6.028, suggest implementing the following procedure - that "the value of funds held in trust or administered by a court, which derive from a payment for personal injury to the resident (i.e. vaccine damage, criminal injuries compensation funds) would be disregarded as capital indefinitely".

In assessing a person's ability to pay for residential services the Local Authority would in line with CRAG 8.015 implement the following - that "income which comes from certain forms of disregarded capital is taken fully into account as income for as long as the capital is disregarded. This will be the case where the capital is held in trust which is a result of personal injury"

- 5.8 To reduce the amount of information that an applicant is expected to provide, Social Services authorities and the District Councils already have an agreement in place to enable information, including financial information, to be shared subject to the service user's agreement. For adults applying for Top-up funding, a means test will have already been carried out by the District Council and therefore this information will be shared with the County Council. For children's' cases, no means test will have been carried out by the District Council and therefore the **parents / those with parental responsibility** will be expected to provide financial information directly to the County Council.
- 5.9 Consideration should also be given to whether service users might consider alternatives to major housing adaptation, particularly whether moving house might be a more appropriate option. Assistance with the cost of removals might be available where the property is not suitable or very expensive to adapt. Assistance with this may be available from District Councils.
- 5.10 For cases where applicants wish to retain the services of the Home Improvement Agency to assist with the work, even though they are ineligible for a grant, an additional fee will be added, by the HIA, to the cost of the works.

## **6. County Council Financial Assessment**

- 6.1 Whilst the County Council / other organisations with SSRs have a duty to assist service users with securing financial assistance towards housing adaptations, the power remains for social services organisations to carry out a test of resources to ascertain what they feel the service user can reasonably afford, and therefore what proportion of the required amount will be offered by the County Council, or other organisation with Social Services responsibilities.
- 6.2 A financial assessment will be carried out using the Fairer Charging Calculator, which **has been** amended for these purposes and **broadly** follows normal Fairer Charging guidance. This will be carried out by the Finance and Benefits Assessors (FABAs). Advice and assistance with welfare benefits will also be offered at this time.
- 6.3 In adults' cases, the FABAs will assess the financial circumstances of an individual service user **i.e. someone who does not have a partner, residing in the property concerned. Where the service user is part of a couple the FABA will assess the**

***couple's joint income and capital to determine the financial contribution.***

In children's cases the FABAs will assess the financial circumstances of the parent, carers ***or people with parental responsibility*** who live at the property concerned.

- 6.4 Households in which children have substantial and long term 'staying contact' with an estranged parent will also be considered and assessed on the financial circumstances of that estranged parent, and regardless of geographical location. ***Whilst adaptations are for the main residence only, occasionally children have a shared care arrangement between parents who live apart. These are exceptional cases and will be judged on an individual basis taking legal advice where necessary.***

6.5 Assessment of Capital

The financial assessment will disregard the first £6000 of household capital in line with the Department for Work And Pensions benefit rules. Any capital in excess of £6000 will be deemed to be available for the outstanding top-up funding.

For example:

Top-up amount requested	£10,000
Service user's capital	£ 8,000

£2,000 is therefore deemed to be available to contribute to the top-up amount. Therefore the outstanding top-up amount is reduced to £8,000.

6.6 Assessment of Income

In completing the assessment of means, the financial assessment will take into account the income broadly in line with current Fairer Charging guidelines. However, for DFG top-up cases, net earnings will also be taken into account.

6.7 Assessment of Expenditure

In completing the assessment of means, the financial assessment will take into account expenditure in line with current Fairer Charging guidelines, for example, mortgage repayments, ***care fees***, rent and Council Tax (net of benefits.)

In a household where Disability Living Allowance Care Component, or Attendance Allowance, is paid and taken into account as income, an allowance will be made for disability related expenditure.

- 6.8 The result of the financial assessment, particularly with regard to assessed income, will be compared to a protected amount for the household. This is based on the Fairer Charging rules and in turn reflects income support levels plus 25%. Any income in excess of this protected amount is regarded as contributing to the top-up payment.

- 6.9 ***Following the financial assessment the service user, partner or person with parental responsibility may be offered financial help towards the DFG top up amount. This may be in the form of a recoverable loan. If a loan is offered the resulting maximum disposable income following the financial assessment will be aggregated over a three year period to determine the total contribution, by the service user or partner where applicable to the top-up requested. In exceptional cases this three year period may be extended.***



The following scenario is offered as an illustration of this:

Service user requires top-up contribution of	£10,000
Service user has capital of	£ 8,000
Capital disregarded	- £ 6,000
Contributable capital	£ 2,000

Therefore revised Top-up amount required from CCC As part re-payable loan	£ 8,000
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Disposable weekly income assessed as	£ 40 / week
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Disposable weekly income aggregated over 156 weeks	£6,240
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Outstanding amount	£1,760
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Therefore the service user pays £2000 from their capital plus £40 per week to pay off the aggregated amount of £6,240.

The outstanding amount of £1,760 is paid by the County Council and is non-recoverable.

- 6.10 In completing the financial assessment, it is to be acknowledged that there will need to be a level of discretion in considering individual cases as there will always be scenarios that do not fit the 'norm' and will therefore need a pragmatic and reasoned response, **for example, an extension to the period of time within which a loan will need to be repaid**. In these cases, senior managers **within social care teams** will need to take responsibility for final decisions in relation to this. There will need to be close working relationships with the Home Improvement Agencies in seeking the most appropriate solutions and in the spirit of partnership and integrated working.
- 6.11 **In adult cases, where a service user might have difficulty paying the assessed amount**, waivers and reductions will be considered under the County Council's Waivers and Reductions Policy.
- 6.12 **Requests for waivers and reductions for children's cases will be referred to the children's services resource panel.**
- 6.13 The administration of the loans will be the responsibility of the relevant admin teams depending on the service user group. Detailed instructions and guidance regarding the business process will be contained within Operational Instructions.
- 6.14 Where an adaptation has added significant value to the property, advice will be sought from the housing agencies and the Council's Legal Services in order to safeguard the longevity of the County Council's investment. Where the property is rented, officers from the County Council will work with District Council officers to secure the ongoing use of the property for other disabled people, once the original applicant no longer has need for it. Where the property is privately owned, consideration will be given to the medium term plans for the individual e.g. there are no existing plans in the next five years for a move into residential accommodation or supported living.
- 6.15 **Where a service user defaults on the terms of the loan agreement the debt will be managed in accordance with the Council's debt policy.**

