

**REVISED DISABLED FACILITIES GRANT (DFG) TOP-UP POLICY**

**To:** Cabinet

**Date:** 4<sup>th</sup> March 2014

**From:** Executive Director: Children, Families and Adults

**Electoral division(s):** All

**Forward Plan ref:** 2014/022 **Key decision:** Yes

**Purpose:** To seek Cabinet's consideration of the revised Policy for offering DFG top-up funding.

**Recommendation:** Cabinet is asked to approve the implementation of the revised DFG Top-up Policy with effect from 1<sup>st</sup> April 2014.

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## 1. BACKGROUND

- 1.1 The County Council has had a Disabled Facilities Grant (DFG) Top-up Policy in place since 2006, when it was endorsed by Cabinet. Top-ups are considered where applicants require further financial assistance where the Disabled Facilities Grant, offered by the District/City Councils, will not cover all or some of the work required to adapt their home. Due to national changes in the DFG programme in 2009, an updated version was also taken to Cabinet for agreement and sign-off. Since then, the operation of the policy has continued to ensure that service users receive assistance, where eligible, with major housing adaptations which enable them to remain living in the community as independently as possible. However, the current policy is extremely complex, is difficult for service users and carers to understand, and involves a lengthy financial assessment process. In many cases, where grants are awarded, the County Council is contributing to home extensions that add value to the applicant's property with no contribution from the home owner. This is a particular feature with adaptations / extensions for children with disabilities living in the parental home. In these situations, the legislation does not allow for a financial assessment for the allocation of the DFG by the District/City Councils and the top-up will be for the cost of an adaptation over the £30,000 maximum that the District/City Councils can award.
- 1.2 Appendix A provides financial details of the top-up loans and grants issued over the last three years (2010 to 2013) under the current policy. The table below provides an overview of the number and type of top-up arrangements made in the 3-year period.

<b>CHILDREN WITH DISABILITIES</b>			
<b>Year</b>	<b>Number of people</b>	<b>Grants</b>	<b>Loans</b>
2010	1	1	0
2011	2	2	0
2012	5	5	0
2013	3	3	0
<b>Total</b>	<b>11</b>	<b>11</b>	<b>0</b>
<b>ADULTS UNDER 65</b>			
<b>Year</b>	<b>Number of people</b>	<b>Grants</b>	<b>Loans</b>
2010	9	7	4*
2011	0	0	0
2012	4	2	2
2013	2	1	0
<b>Total</b>	<b>15</b>	<b>10</b>	<b>6</b>
<b>OLDER PEOPLE</b>			
<b>Year</b>	<b>Number of people</b>	<b>Grants</b>	<b>Loans</b>
2010	2	0	2
2011	0	0	0
2012	1	0	1
2013	0	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>
<b>GRAND TOTAL</b>	<b>29</b>	<b>20</b>	<b>9</b>

\*NB 2 people had a grant and a loan in 2010.

- 1.3 A fundamental review of the current policy has been undertaken in the light of issues highlighted above.
- 1.4 DFGs are administered by District/City Councils through their Home Improvement Agencies (HIAs) and are available to assist service users with obtaining major housing adaptations to enable them to live as independently as possible in the community. Grants are available up to a maximum of £30,000. Major housing adaptations are defined as those costing over £1,000 and include such items as stair lifts, level access showers, external ramps, extensions to property or the conversion of property for example converting garages into ground floor living space. District Councils are required to “consult with social services” to determine whether the housing adaptation is “necessary and appropriate” (Housing Construction and Regeneration Act, 1996). This is undertaken through partnership working with the Occupational Therapy service, provided by Cambridgeshire Community Services (CCS). Once this is determined, the HIAs decide if the adaptation is “reasonable and practicable”. If both of these requirements are met, the HIA undertakes a different process for adults with disabilities and children with disabilities. For adults, a means test is undertaken to assess whether the applicant is eligible for a DFG and, if so, how much. For children with disabilities there is no means testing of the parents, so the HIA confirms the allocation of DFG, up to the maximum of £30,000.
- 1.5 Once the DFG amount has been determined, an offer is made to the applicant. In some adult cases, as a result of the District/City Councils’ means test, the applicants are required to make a contribution towards the cost of the adaptation. In the case of children with disabilities, the maximum allocation of £30,000 may not be sufficient to cover the full cost of the adaptation/extension. In both of these scenarios, for the majority of cases, the adult or the parents agree to make the contribution required and the adaptation goes ahead. In some cases, the applicant/the parents may feel they cannot afford the amount they have been asked to contribute and may then approach any one of a number of agencies, including the County Council.
- 1.6 Although the County Council does not have a responsibility with regards to provision of housing in the same way as the District/City Councils do, the County Council has a duty to assist people where it is confirmed that they meet Fair Access to Care criteria at the Substantial or Critical level and also take into account whether the housing adaptation offers the most cost effective option of supporting the person to remain living independently in the community or whether moving to another property may be more appropriate.
- 1.7 The County Council’s current top-up policy means that all applicants (including parents of children with disabilities) have to undergo a financial assessment by the County Council’s Finance and Benefits Assessors within the Financial Assessment Revenue team and based on the Fairer Contributions Policy. In practice, this has resulted in many cases where applicants have been awarded grants, with no way of the County Council being able to secure their investment and for adaptations that add value to the applicant’s property.

## **2. PROPOSAL**

- 2.1 In the light of the issues with the current policy, and being mindful of the County Council's current financial position, the policy has been reviewed and re-written so that DFG top-up funding may be offered in the form of a loan with a legal charge placed against the applicant's property. Removing the financial assessment also makes the process quicker so that work on adaptations / extensions can start more quickly. This approach was decided upon following extensive research into approaches taken by other two-tier authorities where legal charges were by far the most common approach for DFG top-up funding.
- 2.2 The re-writing of the policy has also involved engagement and agreement with the County Council's Legal Services team, and has been agreed at Children, Families and Adults Management Team and Strategic Management Team. The policy was also presented and discussed at both the Adults, Wellbeing and Health Overview and Scrutiny Committee and the Children and Young People Overview and Scrutiny Committee. The issues raised at those meetings are detailed in Appendix B, with some explanation as to how the policy and approach has been amended to take account of those issues.
- 2.3 In summary, the updated policy, which is attached at Appendix C and takes into account comments from the Overview and Scrutiny Committees:
- Emphasises the need to work with service users, carers and families to consider all housing options at the earliest possible opportunity to avoid automatic assumptions that people will receive financial assistance to adapt their existing home
  - Allows for the County Council to secure the repayment of a top-up loan by placing a legal charge on the applicant's property, which would be repayable when the property is sold.

## **3. ALIGNMENT WITH CORPORATE PRIORITIES AND WAYS OF WORKING**

### **3.1 Developing the local economy for the benefit of all**

The revised policy supports the priorities for there to be the right community infrastructure to enable people to live healthy and independent lives in the home of their choice and that meets their needs.

### **3.2 Helping people live healthy and independent lives**

People's homes are fundamental to their health, well being and quality of life. It is therefore important to keep sight of the centrality of 'home' as opposed to 'accommodation'. The revised policy will ensure that people who need adaptations to their existing home, will be able to access information, and assistance in a timely manner so that they may continue to live in the community with the appropriate levels of support.

### **3.3 Supporting and protecting vulnerable people**

By ensuring that people are able to live as independently as possible in the home of their choice means they are less likely to become vulnerable and are more able to be independent in their functional ability and less reliant on formal carers, and family members. Most people prefer to remain at home and receive care 'closer to home'. This requires, amongst other things, rapid, accessible home repairs and adaptations.

### **3.4 Ways of working**

The revised policy ensures a positive approach to working with partners in District Councils, Home Improvement Agencies and Occupational Therapy Services.

## **4.1 IMPLICATIONS**

### **4.1 Resource and Performance Implications**

In terms of resource implications the revised policy offers value for money in that any loan offered as a DFG top-up will be secured by a legal charge against the person's property. This will be recovered in full in due course at the time the property is sold. This is in line with best practice following extensive research of other local authority policies across the country. Loans will be interest free and will be funded through social care team budgets. This approach is as recommended by CCC Legal Services.

### **4.2 Statutory, Legal and Risk Implications**

The statutory and legal requirements are clearly indicated in section 2 and Annex A of the attached policy.

### **4.3 Equality and Diversity Implications**

The revised policy means that more disabled people will have access to their chosen home environment which will avoid or delay the need for them to move into alternative accommodation or residential care away from their known community and which may be a distance from family and friends. A Community Impact Assessment has been completed and is attached at Appendix D.

### **4.4 Engagement and Consultation**

The revised policy has been shared with all the Partnership Boards across Adult Services, including a full presentation at the Physical Disability and Sensory Partnership Board. It has also been shared with the Parent Partnership Service in regard to families of children with disabilities. In feedback from the Partnership Boards, there were initially some concerns raised regarding legal charges on property but most people acknowledged the fact that the revised policy will streamline the process, avoiding further financial assessment and thereby ensuring that housing adaptations will be completed in a much more timely fashion. The revised policy has been worked up with involvement of officers across Children, Families and Adults.

#### 4.5 **Public Health Implications**

The revised policy ensures that people are enabled to receive support in the most appropriate way available through the recognition that people's homes are pivotal to health in older age and for younger disabled people. It is acknowledged that people over 65 spend over 80% of their time at home and the risk of depression increases significantly if not living close to friends and family or there is a poor satisfaction with their home (English House Conditions Survey, 2008 and Wilson K et al, International Journal of Geriatric Psychiatry, 2007).

**DFG Top up commitment between 2010 & 2013**

Note: Each line in the table represents an individual case

**DFG Top-Ups processed since April 2010****CHILDREN'S  
CASES**

<b>Date of Top-up</b>	<b>Grants awarded</b>	<b>Loans awarded</b>
May 2010	£5,906	
Jan 2011	£12,500	
Nov 2011	£1,531	
Feb 2012	£26,691	
Apr 2012	£4,910	
Jul 2012	£10,000	
Aug 2012	£4,500	
Oct 2012	£15,000	
Jan 2013	£13,938	
May 2013	£6,681	
May 2013	£36,120	
<b>TOTAL</b>	<b>£137,777</b>	

**ADULTS  
UNDER 65**

<b>Date of Top-up</b>	<b>Grants awarded</b>	<b>Loans awarded</b>
May 2010	£3,494	
Jun 2010	£100	£10,899
Jun 2010	£1,282	
Jun 2010		£1,097
Jul 2010		£1,451
Aug 2010	£30,084	
Sep 2010	£20,000	
Oct 2010	£14,956	£2,043
Oct 2010	£11,900	
Oct 2012	£5,720	
Oct 2012	£2,666	
May 2012		£772
Jul 2012		£4,508
Mar 2013	£13,501	
<b>TOTAL</b>	<b>£103,703</b>	<b>£20,770</b>

**OLDER  
PEOPLE**

<b>Date of Top-up</b>	<b>Grants awarded</b>	<b>Loans awarded</b>
Apr 2010		£7,000
Jun 2010		£268
May 2012		£10,000
<b>TOTAL</b>		<b>£17,268</b>

## Appendix B

### Issues / concerns raised by Overview and Scrutiny Committees

	Issue or concern raised	Response / resolution
1.	The discontinuation of all top-up grants may not be appropriate. In some circumstances a grant might still be appropriate, for example if the applicant has been means-tested as unable to pay back a loan, and the adaptation does not add or removes value from the property	This was acknowledged and noted that such adaptations were likely to be of lower cost which could therefore be covered by a grant rather than a legal charge. The policy has been updated to reflect this.
2.	The new process is too off-putting and should be made less onerous. The Committee is concerned that applicants could be caught in a referral 'loop' between the banks and the County Council.	<p><i>(Please note, this response covers both points 2 &amp; 3)</i></p> <p>Legal advice has been sought on this and has confirmed that there is no legal requirement for people to specifically demonstrate they cannot get funding from elsewhere.</p>
3.	The Committee is concerned about the requirement for applicants to seek alternative sources of funding first, including products regulated by the Financial Services Act. The Committee is particularly concerned that applicants could be forced to seek equity release, not least because they might have to pay an up-front fee to be considered. The Committee asks for clarity on this issue.	<p>Paragraph 4.1 of the Policy document that went to the Overview and Scrutiny Committees has been re-written to take account of issues raised and to make the process for applicants less onerous.</p> <p><b>Paragraph 4.1 of Overview and Scrutiny Committee version:</b></p> <p>“Financial assistance from the County Council will only be considered where applicants are able to provide evidence that they have made reasonable efforts to seek additional funding from elsewhere. This might be through discretionary funding from the City &amp; District Councils, charitable funding, by extending their mortgage or through loans from reputable financial institutions. The service user will need to demonstrate, through written evidence that they have explored, and been unsuccessful in, securing any other sources of financial support. Permissible evidence would include documents from the relevant bank, building society or other organisation stating that the applicant does not have sufficient funds and cannot obtain additional funds to meet the cost of the works required.</p> <p>Service users will need to demonstrate that they are not eligible for financial assistance from a reputable</p>

		<p>source such as:</p> <ul style="list-style-type: none"> <li>• Charitable sources e.g. SAFFA</li> <li>• Non-mandatory grants e.g. carer's grants</li> <li>• Equity release from the property being adapted</li> <li>• A loan from a bank or building society.”</li> </ul> <p><b>Paragraph 4.1 of re-written version:</b>  Home Improvement Agencies and OTs will be expected to discuss with the applicant whether or not they believe they would be able to afford a loan (including an extension to their mortgage). Where applicants do not believe they could afford these options, HIAs and OTs can support them to approach relevant charities, for example the Soldiers, Sailors, Airmen &amp; Families Association (SSAFA).</p> <p>Should top-up funding still be required, the HIA will support the applicant's approach to the County Council and will confirm the discussion they have had with the applicant regarding affordability of a loan and the outcome of any approaches to charities.</p>
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## Appendix C



# **Disabled Facilities Grant (DFG) Top-Up Policy**

**Revised February 2014**

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## **1. Background and Introduction**

- 1.1 This policy establishes a process for providing assistance to people who are required to make a contribution towards the cost of their housing adaptation following application to their district council for a Disabled Facilities Grant (DFG). The DFG for adults is a means tested grant based on people's income and savings. Mandatory DFGs are offered up to a maximum limit of £30K. Some District Councils may offer discretionary grants on top of this. For children with disabilities there is no means testing of the parents, so the HIA confirms the allocation of the DFG up to the maximum of £30K.
- 1.2 Financial assistance from Cambridgeshire County Council (CCC) is referred to locally as 'DFG Top-up' funding. Top-up funding from CCC is in addition to any help available from City or District Councils through their DFG scheme.
- 1.3 Top-Up funding would be considered :
- Where application for additional funding from elsewhere has been unsuccessful.
  - Where failure to have the works carried out would mean that the service user is unable to remain living in the community
  - Where completion of the work would potentially bring savings in other areas of social care provision, e.g. reduction in care package costs
  - Where the service user or their carer would be at significant risk if the work was not completed

## **2. Legal Context**

- 2.1 The implementation of this policy ensures 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.

The following legislation is relevant to this policy – see Annex A for details

The National Assistance Act (1948)  
The Chronically Sick and Disabled Persons Act 1970  
The NHS and Community Care Act 1990  
The Children Act 1989  
The Health and Social Services and Social Security Adjudications Act 1983 (s17)  
The Housing Grants, Construction and Regeneration Act 1996  
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (Article 3)  
The Health Act 1999 (s31)  
The Disability Discrimination Act 2005  
The Race Relations (Amendment) Act 2000  
The Human Rights Act 1998

- 2.1 Where a need has been identified, and work has been recommended as being 'necessary and appropriate' in meeting this need but a DFG has been refused, or the amount awarded does not cover the full cost of the adaptation, the County Council still has a duty to assist with meeting this need under (Section 2 (1) (e) of The Chronically Sick and Disabled Persons Act 1970). The County Council may consider using their powers under The Health and Social Services and Social

Security Adjudications Act 1983 (s17) to charge for their services, where appropriate. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gives councils greater powers to provide discretionary assistance. Social services have a responsibility to provide community care equipment, and minor housing adaptations under £1000, free of charge but they retain discretion to charge for adaptations over £1000.

### **3. Occupational Therapy Assessment of Need**

- 3.1 A referral will need to be made to Occupational Therapy (OT) in all cases. An OT carries out an assessment under the appropriate Acts from which the need for an adaptation may be identified.
- 3.2 In certain circumstances, a DFG may not be appropriate and alternative solutions might need to be explored. This will be undertaken through the various housing panels in operation across the county. In some circumstances this may involve considering alternative housing options, e.g. moving to alternative accommodation. Cases deemed to be 'complex' (for example proposed extensions to property) are also reviewed by a joint adults and children's complex housing panel before being forwarded to the Home Improvement Agencies (HIAs).
- 3.3 Where a service user has been assessed by an independent OT, the case must have been agreed at one of the housing adaptation panels before the case can be progressed to DFG application. 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. Cambridgeshire County Council Top-up Assistance**

- 4.1 Home Improvement Agencies and OT's will be expected to discuss with the applicant whether or not they believe they would be able to afford a loan (including an extension to their mortgage). Where applicants do not believe they could afford these options, HIAs and OTs can support them to approach relevant charities, for example the Soldiers, Sailors, Airmen & Families Association (SSAFA). Should Top-Up funding still be required, the HIA will support the applicant's approach to the County Council and will confirm the discussion they have had with the applicant regarding affordability of a loan and the outcome of any approaches to charities.
- 4.2 Financial assistance from Cambridgeshire County Council 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 the 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.

- 4.3 Once agreed, DFG Top-up funding from the County Council may be in the form of a loan secured by a Legal Charge on the applicant's property. This will be levied by the relevant budget holder who will be responsible for liaising with the County Council's Legal Services regarding the process for setting up of the legal charge. The detail of this process will be contained in Operational Instructions. There will be no financial assessment undertaken for DFG top-up funding.
- 4.4 In cases where a Top-up is requested for a stair lift, ceiling hoist or through floor lift, these cases will be considered for a grant rather than a charge placed on the property. Each case will be considered individually on its own merit.
- 4.5 The following conditions will apply in the case of a legal charge:
- That the applicant owns the property being adapted. A legal charge cannot be placed on a rented property but the County Council may consider alternative assistance as appropriate.
  - That the work is supported by the Community Occupational Therapist and where appropriate is supported by the City/ District Council under the Disabled Facilities Grant Scheme
  - That the disabled person meets the County Council's Eligibility Criteria under Fair Access to Care. This approach will be adopted across Childrens, Families and Adults Services
  - That the applicant has the necessary planning / building regulations approval for the work.
  - That there is sufficient value / equity in the property to repay the top up amount
  - That once the property is adapted it is kept insured to its full value.
  - Once it has been agreed that a legal charge is to be placed on the property the legal charge paperwork will be completed and signed by all relevant parties.
  - Once the works have been completed and all parties agree the final cost, and the invoices have been paid, this amount will be secured against the property by way of a legal charge.
  - That full repayment of the top up amount will be made by the applicant or appointed representative at the time the property is sold. If there is any delay in repayment of the debt the Local Authority may apply interest to the outstanding amount due.
- 4.6 The administration of the legal charges, loans and grants will be the responsibility of the relevant Social Care teams depending on the service user group. Detailed instructions and guidance regarding the business process will be contained within Operational Instructions which will include interagency communication pathways to ensure that service users are informed of the relevant procedures in a timely and coordinated way.
- 4.7 Should the service user choose to repay the Top-up loan amount through reasonable regular payments, this will be agreed with the relevant social care team on a case by case basis. For example, someone might only need top-up funding of £3K which they might prefer to pay back over 4years at £62.50/month. It will be up to the social care team and the service user to negotiate and agree this. The maximum period of time over which a loan can be repaid in this way is five years. A Legal Charge may still need to be placed on the property in order to secure the loan should the service user fail to make the agreed payments.

- 4.8 In exceptional cases, where it is not possible to apply the above conditions, decisions will be made taking individual circumstances into account in which case these will require authorisation and sign-off at senior director level (Executive Director, Children's Families and Adults)
- 4.9 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 DFG has been awarded and the top-up amount required.
- 4.10 The County Council requires that all adaptation works, where Top-Up funding has been agreed, are managed via the Home Improvement Agency. This is to ensure that the County Council is assured that the work is undertaken to a satisfactory standard before signing off and payment of invoices.
- 4.11 Consideration **must** be given to whether service users might consider alternatives to major housing adaptation, particularly whether moving house might be a more appropriate and cost effective option.
- 4.12 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 / Home Improvement Agency.

## **Legislative Requirements**

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.'*

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 a social care need, then the authority or organisation responsible for providing social care services is responsible for ensuring that the need is met in the most appropriate and cost effective way possible. Social Services authorities are obliged to assess whether the person's needs meet their threshold of eligibility.

The introduction of mandatory Disabled Facilities Grants under the **Housing Grants Construction and Regeneration Act 1996** made provision that any disabled person who could not access or use the ordinary facilities of their home would be entitled (subject to various conditions and a means test) to a Disabled Facilities Grant (DFG) to have their home adapted. The DFG is administered by the District Councils. The District Councils are required to "consult with Social Services" to determine whether a proposed housing adaptation is "necessary and appropriate". They do this by referring all cases through for an OT assessment. The District Council are then responsible for determining whether the adaptation is "reasonable and practicable" taking into account the nature, layout, age and condition of the property. The provisions under this act do not remove the duty from Social Services authorities to assist service users when they are unable to meet their financial contribution towards a DFG. However, as stated at 2.2 above, Social Services authorities are only required to take into account the duty to meet a person's assessed social care needs. If the Social Services authority deems that social care needs can reasonably be met in an alternative and more cost effective way, other than by the provision of an adaptation, then this must be considered as the first course of action before application for a DFG, and subsequent top-up funding, is made. In other words, although unlikely, an adaptation may be deemed to be "necessary and appropriate" by the OT, but the person may not necessarily meet social care eligibility criteria and therefore would not be eligible for top-up funding from CCC.

Article 3 of the above act clarifies that assistance may be given for a wide range of purposes for example:

- to provide small-scale adaptations to either fulfil needs not covered by mandatory DFGs or, by avoiding the procedural complexities of mandatory DFGs, to deliver a much quicker remedy for urgent adaptations
- to provide top-up assistance to mandatory DFG where the local authority takes the view that the amount of assistance available under DFG is insufficient to meet the needs of the disabled person and their family
- to assist with the acquisition of other accommodation (whether within or outside the authority's area) where the authority is satisfied that this will benefit the occupant at least as much as improving or adapting his existing accommodation.

Article 3 powers may not be used unless the authority has published a policy setting out what use it intends to make of the power. As the mandatory DFG will not be

adequate to deal with all likely requests for assistance it is very important for a housing authority to include in its published policy what form of additional help it will offer in relation to adaptations for disabled people.

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 guidance published by the ODPM in November 2004 (revised 2006). **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.

The general power under Article 3 of the **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002** enables housing authorities to give discretionary assistance, in any form, (e.g. grant, loan or equity release) for adaptations. The financial assistance can also be provided indirectly to the disabled person through a third party. There is no restriction on the amount of assistance that may be given. Discretionary assistance may be given in addition, or as an alternative to mandatory DFG. This power replaces the old powers to provide Home Repair Assistance which was used by some housing authorities to provide minor adaptations assistance.

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.

## COMMUNITY IMPACT ASSESSMENT

	Key Sections	Your Answer
1.	<p><b>Scope:</b></p> <ul style="list-style-type: none"> <li>• What is the existing service, document or action being impact assessed?</li> <li>• What are the aims and objectives of the service, document or action?</li> </ul>	<p>The revised DFG Top-Up policy which as been updated so that loans may be offered in all eligible cases with the loan secured by a legal charge against the applicant's property. This will streamline the process and mean that adaptations are delivered more efficiently.</p> <p>In summary, the updated policy:</p> <ul style="list-style-type: none"> <li>• Emphasises the need to work with service users, carers and families to consider all housing options at the earliest possible stage to avoid automatic assumptions that people will receive financial assistance to adapt their existing home.</li> <li>• Allows for the County Council to secure the repayment of a top-up loan by placing a Legal Charge on the applicant's property which would be repayable when the property is sold.</li> <li>• To consider offering grants when the adaptation is of lower cost.</li> </ul>
	<ul style="list-style-type: none"> <li>• What is the proposed change? What will be different?</li> </ul>	<p>The current policy involves a complex means test which may result in the service user being offered a grant, a loan or a combination of the two, depending on the means test. The revised policy means that eligible applicants will be offered a loan which will be secured by a legal charge on their property.</p> <p>The revised policy also includes more detail with regard to the importance of working with people to ensure that they consider all housing options at the earliest opportunity.</p>
2.	<p><b>Who should be involved:</b></p> <ul style="list-style-type: none"> <li>• Who is involved in this impact assessment?</li> </ul> <p>e.g. Council officers, stakeholders from partner organisations, service users and community experts</p>	<p>Council officers from Children, Family &amp; Adults. Diana Mackay, Service Development Manager, Linda Mynott, Head of Disability Services, Judith Davies, Head of Commissioning Enhanced Services.</p> <p>Home Improvement Agencies / District Council Housing leads</p> <p>Occupational Therapy teams</p> <p>Service users and carers.</p>

<p><b>3 a)</b></p>	<p><b>What will the impact be?</b></p> <ul style="list-style-type: none"> <li>• What groups will be affected by this?</li> <li>• What will the impacts on these groups be?</li> <li>• What evidence has been used to inform this view?</li> <li>• What plans are in place to mitigate any negative impacts identified?</li> </ul>	<p>People who apply for DFG Top-up funding under the revised policy. This includes families of disabled children, adults under 65 and older people.</p> <p>People will have to agree to a legal charge being placed on their property which will be recoverable at the time the property is sold. People only needing a small amount of Top-Up funding can choose to repay over an agreed period of time or may be offered a grant. By agreeing to the conditions of the loan, people will be able to progress their adaptation more quickly. People living in Registered Social Landlord (RSL) properties will be expected to approach their landlord with regard to housing adaptation or re-housing.</p> <p>Ten other two-tier authorities were approached with regard to their approaches to Top-Up funding. The majority had processes in place by which they offered loans secured by legal charge on property. Service users were consulted through a number of local service user forums.</p> <p>Once the policy is agreed, there will be detailed Operational Instructions drawn up so that the process is clear and transparent. Service user leaflets will also be developed so as to better inform people as to the whole system process in relation to applying for assistance with housing adaptations.</p>
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<p><b>4.</b></p>	<p><b>Making a judgement:</b></p> <ul style="list-style-type: none"> <li>• Your final judgement – will your service, document or action have a positive, negative or neutral equality impact?</li> <li>• If it will have a positive impact on some groups and a neutral impact on others, is this justified?</li> <li>• Are there any existing or potential equality issues with your service, document or action that need to be addressed?</li> </ul>	<table border="1"> <thead> <tr> <th data-bbox="660 1267 887 1541"><b>Equality strand</b></th> <th data-bbox="893 1267 1216 1541"><b>Judgement based on evidence cited above (positive, negative, neutral)</b></th> <th data-bbox="1222 1267 1519 1541"><b>Issues or opportunities that need to be addressed</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="660 1541 887 1585">Age</td> <td data-bbox="893 1541 1216 1585">Neutral.</td> <td data-bbox="1222 1541 1519 1585">.</td> </tr> <tr> <td data-bbox="660 1585 887 1630">Sex</td> <td data-bbox="893 1585 1216 1630">Neutral</td> <td data-bbox="1222 1585 1519 1630"></td> </tr> <tr> <td data-bbox="660 1630 887 1675">Disability</td> <td data-bbox="893 1630 1216 1675">Positive</td> <td data-bbox="1222 1630 1519 1675"></td> </tr> <tr> <td data-bbox="660 1675 887 1792">Ethnicity, race and culture</td> <td data-bbox="893 1675 1216 1792">Neutral</td> <td data-bbox="1222 1675 1519 1792"></td> </tr> <tr> <td data-bbox="660 1792 887 1881">Sexual orientation</td> <td data-bbox="893 1792 1216 1881">Neutral</td> <td data-bbox="1222 1792 1519 1881"></td> </tr> <tr> <td data-bbox="660 1881 887 1971">Religion or belief</td> <td data-bbox="893 1881 1216 1971">Neutral</td> <td data-bbox="1222 1881 1519 1971"></td> </tr> <tr> <td data-bbox="660 1971 887 2060">Pregnancy &amp; Maternity</td> <td data-bbox="893 1971 1216 2060">Neutral</td> <td data-bbox="1222 1971 1519 2060"></td> </tr> <tr> <td data-bbox="660 2060 887 2089">Marriage and</td> <td data-bbox="893 2060 1216 2089">Neutral</td> <td data-bbox="1222 2060 1519 2089"></td> </tr> </tbody> </table>	<b>Equality strand</b>	<b>Judgement based on evidence cited above (positive, negative, neutral)</b>	<b>Issues or opportunities that need to be addressed</b>	Age	Neutral.	.	Sex	Neutral		Disability	Positive		Ethnicity, race and culture	Neutral		Sexual orientation	Neutral		Religion or belief	Neutral		Pregnancy & Maternity	Neutral		Marriage and	Neutral	
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		Civil Partnership																											
		Gender reassignment	Neutral																										
		<i>You may also want to make a judgement on:</i>																											
		Rural isolation	Neutral																										
		Deprivation	Neutral																										
<b>5.</b>	<p><b>Action planning:</b></p> <ul style="list-style-type: none"> <li>• Are there any actions that you have identified to address any potentially unjustifiable differences in impact on different equality groups</li> <li>• Are there any actions you have identified to take advantage of an opportunity you have identified to promote equality and diversity</li> <li>• Where will these actions be recorded (i.e. which service plan, strategy action plan etc.)?</li> </ul>	<table border="1"> <thead> <tr> <th>Issue/opportunity</th> <th>Action</th> <th>Lead officer</th> <th>Timescale</th> <th>Action plan recorded in</th> </tr> </thead> <tbody> <tr> <td>None</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Issue/opportunity	Action	Lead officer	Timescale	Action plan recorded in	None																			
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<b>6.</b>	<p><b>Monitoring and Review:</b></p> <ul style="list-style-type: none"> <li>• If the actions identified in stage 5 are not incorporated into an existing action plan, how will you monitor them?</li> <li>• When will you review this impact assessment? Who will be responsible?</li> </ul>	<p>N/A</p> <p>6 months after implementation by Service Development Manager</p>																											

If it is relevant to your area, you may also need to consider the impact on community cohesion:

<b>Community Cohesion</b>	
<p><i>Answer the above with yes, no, or not applicable</i></p> <p>a. Will this service, document or action help community groups to develop a vision of a shared future?</p> <p>b. Will this service, document or action help community groups to improve their understanding and respect for each other?</p> <p>c. Does this service, document or action promote engagement of children and young people in the locality?</p> <p>d. Have local stakeholders and community leaders been engaged in the planning of this service, document or action?</p> <p>If you have answered <b>NO</b> to any of these questions please outline the reasons and consider if and how this work needs doing</p>	<p>Yes – this revised policy will ensure closer working with partners in the district councils, Home Improvement Agencies and Occupational Therapy services</p> <p>Yes – it will enable and improve understanding of the options available for people who need adaptations to their home.</p> <p>N/a</p> <p>Yes – as above</p>

<b>Source Documents</b>	<b>Location</b>
<p>DFG Top-Up Policy, 2006</p> <p>DFG Top-Up Policies from other local authorities</p>	<p>Administrators' Room C Wing 3<sup>rd</sup> Floor Castle Court</p>