

Cheltenham Borough Council

Cabinet – 24 September 2024

Housing Assistance Policy

Accountable member: Councillor Atherstone, Cabinet member for Safety and Communities

Accountable officer: Mark Nelson, Team Leader, Private Sector Housing

Ward(s) affected: All

Key Decision: Yes

Executive summary:

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) provides general powers for local housing authorities to provide assistance for housing renewal, including home adaptations. The powers can only be used in accordance with a published Housing Assistance Policy.

The purpose of this report follows the rules set out in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. It also aligns with the Housing Grants, Construction, and Regeneration Act 1996, which covers the mandatory Disabled Facilities Grants (DFG).

The report sets out how Cheltenham Borough Council (CBC) will provide financial support to improve and adapt homes in Cheltenham for eligible disabled persons whose needs are assessed by a County Council Occupational Therapist (OT). It also brings together all existing CBC policies for discretionary funding provided in association with adaptations to a disabled person's home.

The report also introduces some new forms of assistance for discretionary funding brought together in the Housing Assistance Policy (Appendix 4).

Publishing a Housing Assistance Policy allows the Council to use its discretion and funding wisely to provide assistance for disabled individuals beyond the mandatory requirements.

Recommendations: That Cabinet:

- 1. In accordance with the powers contained in the RRO, approves the discretionary funding contained within the Housing Assistance Policy, forming Appendix 4, and its publication;**
 - 2. approves the regular review of funding to ensure that the council's statutory duties are met and that available resources for discretionary expenditure are not exceeded;**
 - 3. approves the annual review of the Housing Assistance Policy and that minor amendments be made at the discretion of the Head of Public Protection in consultation with the relevant Cabinet Member, but any decision to withdraw the availability of discretionary grants be the subject of a Cabinet decision and all amendments published;**
 - 4. notes the contents of Appendix 5, debated and agreed at the DFG Forum, representing the district councils within Gloucestershire, Gloucestershire County Council, Gloucestershire Health and Care NHS Foundation Trust.**
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1. Implications

1.1 Financial, Property and Asset implications

The main source of funding available to support this policy for owner-occupiers, housing association tenants, private rented tenants, and occupiers of mobile homes, is the Annual Capital Grant from Central Government through the Better Care Fund (BCF).

The existing statutory framework governing the required provision by local authorities of mandatory DFG's is to continue for the foreseeable future, with continued resources available from Central Government. The Council receives a cash grant from the government each year towards the funding of DFG's. It is likely, however, that an increasing elderly population will result in a higher demand for grants and the Council may be required to bridge the gap between total expenditure on DFG's and the funding from Central Government.

Funding for the DFG is ring-fenced within the Better Care Fund.

In two tier areas the main DFG funding is paid to the County Councils, while the statutory duty to provide adaptations to the homes of those eligible people who qualify, continues to sit with District Councils.

Unless specific agreement is given by any District Council, County Councils must pass down the DFG funding to their District Councils in full, and in a timely manner, to

enable the Districts Councils to continue to meet their statutory duty.

In 2023-2024, the Council received an allocation of £1,024,524 from Central Government.

The capital monies provided through the BCF will be allocated for spending in line with decisions agreed upon in the BCF spending plan through the appropriate governance structure.

For Council owned stock, funding for the mandatory Disabled Facilities Grant up to the current £30k cap must be funded from the Council's Housing Revenue Account (HRA).

It has been agreed with the Senior Commissioning Manager, Housing, Health and Care (NHS Gloucestershire/Gloucestershire County Council) that for Council stock, any shortfall above the £30k cap and applicable discretionary funding, as detailed in Appendix 4, can be funded from the BCF.

Given the requirement to be equitable across all tenures, there could be potential impact on the HRA in the unlikely event that there was any change in this agreement and the provision of discretionary grants across all tenures might then need to be reviewed.

In the last financial year £470k was funded from the HRA to provide disabled adaptations to Council owned housing stock.

If funding allows and after meeting the requirements for firstly mandatory and secondly discretionary assistance, part of the BCF funding may be allocated for specified social care capital projects in Cheltenham. The use of this funding freedom should aim to reduce the overall demand for DFGs so that more people can receive the adaptations they need.

Decisions about these allocations will be made in accordance with the jointly agreed BCF spending plan between the Council and the Integrated Care Board. The plan will follow the appropriate BCF Policy Framework and BCF Planning Guidance for the specified year (which includes guidance on Disabled Facilities Grants) and will be approved through the appropriate governance structure.

Currently DFG policy across the county is coordinated through the county DFG Forum, although it is for each individual District Council to formally approve any policy decision determining the availability of discretionary grants.

Signed off by: Gemma Bell, Director of Finance and Assets,
gemma.bell@cheltenham.gov.uk

1.2 Legal implications

This policy follows the requirements set out in the Regulatory Reform (Housing

Assistance) (England and Wales) Order 2002 in relation to the provision of discretionary disabled facilities grants. It also aligns with the Housing Grants, Construction, and Regeneration Act 1996, which covers mandatory Disabled Facilities Grants (DFG). This allows the council to use its discretion and funding wisely to provide adaptations for disabled individuals beyond the mandatory requirements.

The Housing Grants, Construction, and Regeneration Act 1996, with amendments from the Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008, places a statutory duty upon the Council to consider disabled facility grant applications for the provision of suitable adaptations to homes for disabled people of any age.

The Care Act 2014 states that Local Authorities must provide services and facilities that help people live independently. The core purpose of adult care and support is to assist individuals in achieving their personal goals. The “wellbeing principle” is central to this act, emphasising the importance of promoting wellbeing and independent living.

Signed off by: Iona Moseley, Lawyer, legalservices@onelegal.org.uk

1.3 Environmental and climate change implications

See Appendix 3

Signed off by: Maizy McCann Climate Change Officer,
Maizy.McCann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Ensuring residents, communities and businesses benefit from Cheltenham’s future growth and prosperity.

1.5 Equality, Diversity and Inclusion Implications

See Appendix 2

1.6 Performance management – monitoring and review

Budget spend will be reviewed monthly by the cost centre manager and the policy reviewed on an annual basis to ensure that government funding and agreed use of the Better Care Fund maintains affordability for the discretionary assistance contained in this policy.

2 Background

Home adaptations are changes made to the fabric and fixtures of a home to make it safer and easier to get around and to use for everyday tasks like cooking and bathing. Adapting a home environment can help restore or enable independent living, privacy, confidence and dignity for individuals and their families. Adaptations can include the installation of stair-lifts, level access showers, wash and dry toilets, ramps, wider doors, and, in some instances, bespoke home extensions to existing dwellings as well as improvements to access to and from gardens.

- 2.1** Disabled Facilities Grants (DFG) are capital grants that are available to people of all ages and in all housing tenures (i.e. whether renting privately, from a social landlord or council, or owner-occupiers) to contribute to the cost of adaptations. They are administered by local housing authorities in England and enable eligible disabled people to continue living safely and independently at home. This includes autistic people, those with a mental health condition, physical disabilities, learning disabilities, cognitive impairments such as dementia, and progressive conditions such as Motor Neurone Disease. It includes those suffering from age-related disabilities and can also include those with a terminal illness. The DFG is one of a range of housing support measures that a local authority can use to help enable people to live independently and safely at home and in their communities.
- 2.2** Local housing authorities have a statutory duty under the 1996 Act to provide adaptations for eligible disabled people, as well as wider powers to provide discretionary housing assistance through the Regulatory Reform Order. The administration of DFGs is the responsibility of the local housing authority, through all stages from initial enquiry (or referral) to post-completion.
- 2.3** District Councils in two tier areas have a duty to consult their social services authority (County Council) on the home adaptation needs of each disabled person seeking a DFG. While it is always the District Council who must decide an application, it would be rare for a District Council to decide not to approve an adaptation recommended by the County Council.
- 2.4** Since 2015, government has provided funding for the DFG through the Better Care Fund (BCF) in recognition of the importance of ensuring adaptations are part of an integrated approach to housing, health and social care locally, and to help promote joined up local person-centred approaches to supporting communities.
- 2.5** Government provides ringfenced DFG funding to Better Care Fund budget holders (usually authorities responsible for the provision of social services). Funding must be spent in accordance with Better Care Fund plans which are

agreed between local government and local health commissioners and owned by the Health and Wellbeing Board.

2.6 In two tier areas, District Councils are responsible for home adaptations and provision of DFGs to eligible recipients. In these areas, County Councils must work with District Councils to agree the use of this funding and ensure that sufficient funding is passed to Districts to meet these duties.

2.7 Authorities may decide to spend government funding for the DFG in 3 ways:

- Approving DFGs in accordance with the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act).
- Providing housing assistance in accordance with a locally published Housing Assistance Policy under RRO powers.
- Using a portion of the DFG funding for other social care capital funding purposes (as locally agreed with District Councils in two-tier areas).

2.8 Authorities can apply a mix of these options to meet local priorities but should consider that:

- The local housing authority has a statutory duty under the 1996 Act to provide adaptations for those who qualify for a DFG.
- The primary role of government funding is for the provision of home adaptations to help eligible people safely access their home and key facilities within it.
- Government funding for the Disabled Facilities Grant is intended to fund adaptations for owner occupiers, private tenants, or tenants of private registered providers (housing associations). Eligible council tenants can apply for a DFG in the same way as any other applicant. However local housing authorities with a Housing Revenue Account (HRA) should self-fund home adaptations for council tenants through this account.

2.9 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) provides general powers for local housing authorities to provide assistance for housing renewal, including home adaptations. The powers can only be used in accordance with a published Housing Assistance Policy.

2.10 By publishing a Housing Assistance Policy under the RRO, housing authorities can use government funding for the DFG more flexibly. This funding is primarily for the provision of home adaptations to help people to live independently, so it is important for any local Housing Assistance Policy to clearly set out what additional adaptations assistance is to be provided.

2.11 While the RRO gives discretion to local authorities, it is important to note that authorities still have a statutory duty to approve DFG applications which meet the statutory requirements.

3 Reasons for recommendations

- 3.1** The Council has legal obligations to protect and assist vulnerable members of the community.
- 3.2** The focus of this policy is to support older and disabled individuals of any age to live independently, confidently, and safely in their own homes. Housing assistance can minimise the impact of a disabling environment and promote independence, aligning with the goals of the Care Act 2014 to prevent or delay the need for care and support.
- 3.3** The introduction of specified discretionary funding will assist applicants who may not otherwise access the grant system and the benefits of improved health and well-being that this brings. This Housing Assistance Policy should have a positive impact and reduce the strain on social care provision within the county.
- 3.4** Use of discretionary assistance will also help maximise the Disabled Facilities Grant funding allocation provided by Central Government and bring Cheltenham Borough Council in line with the other district councils within Gloucestershire, national good practice, and the aims of the Better Care Fund.

4 Alternative options considered.

- 4.1** Options for discretionary assistance took account of regulatory requirements and included consideration of options within statutory guidance and discussion with partners at the County DFG Forum.

5 Consultation and feedback

- 5.1** Consultation took place through the DFG forum, which includes all 6 districts within Gloucestershire, Gloucestershire County Council, Gloucestershire Health and Care NHS Foundation Trust and the Strategic Housing Partnership

6 Key risks

- 6.1** See Appendix 1

Report author: Mark Nelson, Team Leader, Private Sector Housing

Appendices:

- 1 Risk Assessment**
- 2 Equality Impact Assessment**

3 [Climate Change Impact Assessment](#)

4 Housing Assistance Policy

5 Professional Services Guidance

Background information:

N/A

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	If central government funding is reduced, then the discretionary grants contained in this policy may become unaffordable.	Head of Public Protection	4	2	8	Accept the risk.	To ensure affordability, a review of the discretionary grants contained in this policy will then be required and if necessary, some or all discretionary assistance will need to be withdrawn.	Cabinet	
2	If the agreement to fund shortfall / applicable discretionary funding for Council owned stock from the Better Care Fund ends, then these costs may need to be funded from the Council's HRA to fulfil the requirement to have a tenure neutral policy and treat eligible disabled Council tenants fairly.	Head of Public Protection	3	2	6	Accept the risk.	To ensure affordability, a review of the discretionary grants contained in this policy may then be required and if necessary, some or all discretionary assistance may need to be withdrawn or alternative funding approved. Any assistance withdrawn will need to be done across all	Cabinet	

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
							tenures to fulfil the requirement to have a tenure neutral policy.		

Appendix 2: Equality Impact Assessment (Screening – to be included in all Cabinet and Council reports)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Mark Nelson	Public Protection
Title: Team Leader Private Sector Housing	Date of assessment: September 2024
Signature:	

b. Is this a policy, function, strategy, service change or project?

Choose an item.

Policy

c. Name of the policy, function, strategy, service change or project

Housing Assistance Policy

Is this new or existing?

**Already exists
and is being
reviewed**

Please specify reason for change or development of policy, function, strategy, service change or project

Amalgamation with some changes to existing policy

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

This policy explains how Cheltenham Borough Council will provide financial help to improve and adapt homes in Cheltenham for disabled persons. It also outlines the conditions and rules for who can receive this assistance.

Objectives:

This policy allows the council to use its discretion and funding wisely to provide adaptations for disabled individuals beyond the mandatory requirements.

Outcomes:	The focus of this policy is to support older and disabled individuals to live independently, confidently, and safely in their own homes. Housing assistance can minimize the impact of a disabling environment and promote independence, aligning with the goals of the Care Act 2014 to prevent or delay the need for care and support.
Benefits:	Funding disabled adaptations through this policy allows disabled individuals to live independently, confidently, and safely in their own homes.

e. What are the expected impacts?	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	Yes
Do you expect the impacts to be positive or negative?	Positive
Please provide an explanation for your answer:	
As above	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

Please move on to Stage 2 if required ([intranet link](#)).