

Committee Name and Date of Committee Meeting

Cabinet – 10 July 2023

Report Title

Aids and Adaptations Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

Helen Caulfield-Browne, Housing Options, Operational Manager
helen.caulfield-browne@rotherham.gov.uk

Daniel Peck, Aids and Adaptations Service Manager
Daniel.peck@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

This report introduces the Council's proposed approach to the review of the Aids and Adaptations Assistance Policy.

The report also clarifies interim measures for financial approval of all major adaptations costing above the mandatory £30,000 limit.

Recommendations

That Cabinet:

1. Notes the proposed approach to undertaking a review of the Aids and Adaptations Assistance Policy and the intention to return to Cabinet with an updated policy in December 2023.
2. Delegates authority for all aids and adaptations costing over £30,000 to the Assistant Director for Housing in line with the national threshold for 'discretionary' funding and until the new policy is adopted.

3. Delegates authority for approvals of aids and adaptations costing over £50,000 to the Assistant Director for Housing in consultation with the Cabinet Member for Housing in line with the current agreed policy and until the new policy is adopted.

List of Appendices Included

- Appendix 1 Aids and Adaptions Policy 2015
- Appendix 2 CYPS - Pathways to Care Policy Updated 2021
- Appendix 3 Initial Equality Screening Assessment - Part A
- Appendix 4 Carbon Impact Assessment

Background Papers

[government/publications/disabled-facilities-grant-dfg-delivery-guidance-for-local-authorities-in-england](#)

[Rotherham Federation Tenant Scrutiny Panel Report 2020](#)

[Rotherham Joint Health and Wellbeing Strategy - A healthier Rotherham by 2025](#)

Council Approval Required

No

Exempt from the Press and Public

No

Aids and Adaptations Policy

1. Background

- 1.1 Aids and adaptations are changes made to the fabric and fixtures of a home that enables residents with a health and/or social care need to live safely and independently in their homes. Changes can include the installation of stair-lifts, level access showers, wash and dry toilets, shower over baths, ramps and hand standings, wider doors, and, in some instances, bespoke home extensions to existing dwellings as well as improvements to access to and from gardens. Adaptations can also include heating systems, insulation and telecare and assistive technology.
- 1.2 The Council provides funding of around £4.5m each year for the provision of aids and adaptations. For council tenants, this comes from the Housing Revenue Account (HRA) capital budget. For other residents, the Disabled Facilities Grant (DFG), funded by the Government as part of the Better Care Fund, is utilised. Aids and adaptations fall under one of three schemes:
- Minor equipment and adaptations up to £1,000 value. These carry no charge and are available to all residents.
 - Major adaptations with a value of between £1,000 and £30,000. These are referred to as 'mandatory' adaptations. There is no charge for Council tenants, for children under the age of 16, or for young residents aged under 20 for whom Child Benefit is payable. All other residents are means tested.
 - Major adaptations with a value over £30,000. These are referred to as 'discretionary' adaptations. Discretionary funding is subject to available financial resources and the final decision to approve or refuse an application for assistance is at the total discretion of the Council. Like mandatory major adaptations, current policy states that there is no charge for council tenants, for children under the age of 16, or for residents aged under 20 for whom Child Benefit is payable. All other residents are means tested.
- 1.3 The Council's Aids and Adaptations Policy determines how the service will assist those of any age who have a qualifying health need, including children with a disability. The Policy provides information about the Council's responsibilities, including its legal duties, and the financial assistance available to older and disabled residents including qualifying criteria, financial limits and means testing. The Policy was last updated in 2015.

2. Key Issues

- 2.1 In 2020, following a review of aids and adaptations, the Tenant Scrutiny Panel recommended that the Council undertakes a review of the Policy. Work on a review was paused because of the Covid pandemic. Since then, several additional factors have emerged that build the case for a fundamental rethink.

- 2.2 The Council's Housing and Social Care services and the National Health Service (NHS) are increasingly delivering integrated services and recognising the benefits of enabling people to stay in their own homes wherever possible. A new policy needs to reflect the development of preventative services to avoid more costly implications elsewhere in the system, recognising the role that aids and adaptations can play in enabling this outcome. There is also growing focus on the benefits of assistive technologies and digital solutions in health and social care and the role they can play in supporting people to remain living in their own home.
- 2.3 The first new official Government guidance for DFG in 18 years was published in March 2022. The guidance follows the findings of the 2018 independent review of DFGs that recommended new guidance should set out expectations for local authorities and that the rights of disabled people living in the private sector to make an application for DFG should be incorporated. The Adult Social Care Reform White Paper, 'People at the Heart of Care', also outlines the Government's aim to see DFGs giving "more people the choice to live independently and healthily in their own homes for longer."
- 2.4 Under the Regulatory Reform Order (RRO) 2002, housing authorities can use a policy to administer DFG more flexibly. This can include the relaxation of the statutory means test under discretionary provisions where due to a client's condition, fast tracking their scheme reduces risk. Flexibilities can also be used to offer DFGs to support relocation.
- 2.5 The funding rules and eligibility criteria in place in Rotherham currently differ depending on whether a resident is a council tenant or not. A new policy offers an opportunity to set out a single set of principles and objectives for aids and adaptations regardless of housing tenure. It also provides the Council with an opportunity to consider whether some standardisation of rules across the different schemes would provide for a fairer and more consistent offer for residents and help to address some of the financial challenges the service faces. Currently the DFG budget incurs recurring underspends while the HRA funded aids and adaptations budget is often oversubscribed.
- 2.6 The cost of some major adaptations, particularly extensions, is increasing significantly. In 2018/2019, the average cost of an extension was approximately £36,000. Now the average cost is around £100,000. This is the main factor that has led to pressures in the HRA funded aids and adaptations budget. A new policy provides an opportunity to explore how the Council can ensure that limited funds are distributed as fairly and consistently as possible. This could include clearer pathways and assessment criteria linked to established health or social care need, greater exploration of alternative, less costly options, and a stronger emphasis on managing professional (i.e., occupational therapist) and customer expectations from the outset.
- 2.7 The current policy details the financial approval thresholds and decision-making arrangements for discretionary approvals for adaptations. The thresholds are not reflective of the increasing rising costs of major adaptations since 2015. They are also not reflective of the principles for delegations and decision making established since 2015 and include some ambiguous

statements that leave the policy open to interpretation. The refreshed policy will provide an opportunity to update these thresholds and bring decision making into line with established procedures. In the interim, it is proposed that Cabinet should confirm:

- Aids and adaptations costing more than £30,000 should require authorisation by the Assistant Director reflecting that this takes them into the 'discretionary' category according to national policy
- Aids and adaptations costing more than £50,000 should continue to require authorisation by the Assistant Director for Housing in consultation with the Cabinet Member for Housing in line with the Council's existing Policy from 2015.

This will clarify and ensure that the Council operate in line with the statutory guidance while the review is undertaken.

3. Options considered and recommended proposal

- 3.1 **Option 1 – Do nothing.** This is not recommended due to the factors outlined in section 2. Failing to update the policy risks leading to poor outcomes for residents and opens the Council up to risks around the fairness and consistency of its policy.
- 3.2 **Option 2 – A light touch review.** This was envisaged following the Tenant Scrutiny Panel review and was initially the preferred approach. The benefit of this option is chiefly its speed. However, since the review reported, the factors outlined in section 2 build the case for a more fundamental review.
- 3.3 **Option 3 – A full review (recommended).** This would encompass a top to bottom review of the policy including the development of new overarching principles and objectives, engagement with stakeholders and service users, and a review of all the operational procedures that support the service. It will take longer to deliver than option 2 but will provide the Council with a stronger policy position.

4. Consultation on proposal

- 4.1 It is important that a new policy is developed to reflect the changing policy environment and best practice and that it is shaped by the experience of service users. Engagement with a wide range of stakeholders and customers is essential. Initial engagement with partners demonstrates strong demand for a policy review. In developing a new policy, officers plan to engage in the following ways:
- An internal Council consultation group including representatives from social care, housing, children's services and those working on issues like domestic abuse.
 - Engagement with partner organisations including Foundations, the national body for DFGs, and housing associations and health organisations.

- Telephone interviews and facilitated discussions with past and current customers.

4.2 On 15 May 2023, officers provided the Tenants Scrutiny Panel with an update. The Panel will be asked for its views as part of our engagement work to inform a new policy.

5. Timetable and Accountability for Implementing this Decision

5.1 Cabinet is asked to note the proposed approach to the Aids and Adaptations Policy review.

5.2 Consultation and engagement to establish the views of stakeholders and of people who require aids and adaptations in their homes commenced in May 2023. It is envisaged consultation will be completed by mid-August 2023.

5.3 Cabinet will receive a further report in December 2023 proposing a new policy.

6. Financial and Procurement Advice and Implications

6.1 There are no direct procurement implications associated with the recommendations detailed in this report.

6.2 Typical annual expenditure on aids and adaptations is around £4.5m.

6.3 There are no direct financial implications arising from this report. The proposed activity will be contained within existing staff and budgetary resources.

6.4 The budget requirements for any individual extensions costing more than the £30k discretionary value will be managed via capital governance processes.

7. Legal Advice and Implications

7.1 The duties and responsibilities of Local Authorities in respect of Aids and Adaptations are set out within legislation. Government guidance (Non-Statutory) has also been published in order to assist Local Authorities in meeting their responsibilities and legal duties. The most recent guidance was published in March 2022; DFG Delivery: Guidance for Local Authorities, this should be considered when undertaking a review of the Policy, Chapter 3 specifically deals with developing a local housing assistance policy.

7.2 Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 allows Local Authorities to use funding in a more flexible manner, this can be given in a number of ways. However, the Article 3 powers can only be used where the Local Authority has published a policy. In order to make full use of the powers available it is vital that a full review of the policy is undertaken.

7.3 Option 3 as the preferred option will ensure that the Council consults in a transparent manner and as extensively as possible in order for the much-needed policy development to take place. This will minimise the risk of any legal challenge in respect of the policy itself and any decisions made surrounding the process. A decision not to formally review the policy or to adopt a light touch approach could leave the Council open to potential legal challenge by way of judicial review.

7.4 The timeline detailed in section 5.2 would be a sufficient period of time to capture views and needs of people.

8. Human Resources Advice and Implications

8.1 There are no HR implications arising within the report however should this position change due HR processes would be applied.

9. Implications for Children and Young People and Vulnerable Adults

9.1 Children and Young Peoples Services welcome the opportunity to be part of the consultations and to have input into the new Aids and Adaptations Policy. There are close links to the Council's Children's Pathway to Care Policy where specific housing accommodation requirements need to be taken into consideration to provide funding for additional living/bedroom space. This enables the child to be discharged from care and prevents a child becoming a looked after child.

10. Equalities and Human Rights Advice and Implications

10.1 An initial Equality Impact Assessment Screening (EIA) for the Policy review has been completed to ensure that no adverse impact and a positive impact on people with disabilities, but the outcome of the formal EIA assessment will be finalised as the policy review is completed and will include the approach taken to consult with stakeholders and customers.

11. Implications for CO2 Emissions and Climate Change

11.1 Climate change poses a significant threat to environments, individuals, communities, and economies on local, national, and international scales. In recognition of this the Council has aimed to be net carbon neutral as an organisation by 2030, and for Rotherham as a whole to achieve the same position by 2040.

11.2 A Carbon Impact Assessment will be completed as part of the policy review.

12. Implications for Partners

12.1. There will be wider engagement with stakeholders as part of the policy review.

13. Risks and Mitigation

- 13.1 The main risk is that the current policy is out of date and does not reflect changes at the national and local level. In future this will be mitigated by reviewing the policy at least every two years. As well as this, regular training provided to front-line staff ensures that their knowledge is kept up to date in line with changes.
- 13.2 A further risk is that the revised policy does not reflect the views of service users and stakeholders. This will be mitigated through undertaking a full review, which will take longer but will allow time for consultation.

14. Accountable Officers

James Clark, Assistant Director of Housing
Sandra Tolley, Head of Housing Options

Approvals obtained on behalf of Statutory Officers: -

| | Named Officer | Date |
|----------------------------------------------------------------------|----------------------|-------------|
| Chief Executive | Sharon Kemp | 26/06/23 |
| Strategic Director of Finance & Customer Services (S.151 Officer) | Judith Badger | 22/06/23 |
| Assistant Director, Legal Services (Monitoring Officer) | Phil Horsfield | 15/06/23 |

Report Author: Helen Caulfield-Browne, Housing Options, Operational Manager
helen.caulfield-browne@rotherham.gov.uk

Daniel Peck, Aids and Adaptations Service Manager
Daniel.peck@rotherham.gov.uk

This report is published on the Council's [website](#).