



Individual Executive Decision Notice

Report title	Request for Discretionary top-up to Disabled Facilities Grant O5/2020	
Decision designation	GREEN	
Cabinet member with lead responsibility	Councillor Linda Leach, Cabinet Member for Adults Councillor Jacqueline Sweetman, Cabinet Member for City Assets and Housing	
Wards affected	Wednesfield South;	
Accountable Director	Emma Bennett, Director for Children's and Adult Service, Ross Cook, Director of City Environment	
Originating service	City Housing	
Accountable employee	Lynda Eyton	Client Relationship Manager - Housing Management Agents Tel: 01902 555706 Email: lynda.eyton@wolverhampton.gov.uk
Report to be/has been considered by	Cabinet Member Briefing City Assets and Housing Cabinet Member Briefing Adults	

Summary

To consider a request for top up funding to a Disabled Facilities Grant.

Recommendation for decision:

That the Cabinet Member for Adults and Cabinet Member for City Assets and Housing, in consultation with the Director of Children's and Adult Services and the Director of City Environment:

1. Agree to the provision of discretionary top-up for the case detailed in the report below at a total cost of £12,609 subject to any additional unforeseen costs which may increase the amount of discretionary grant required.

Signature

Date:

Signature

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1.0 Background

- 1.1 The Housing Grants Construction and Regeneration Act 1996 which prescribes the award of mandatory Disabled Facilities Grants (DFG) previously gave local authorities the power to award discretionary grant, in addition to the mandatory grant, for the purpose of making a dwelling suitable for the accommodation, welfare or employment of a disabled person. Subsequently, the introduction of the Regulatory Reform (Housing Assistance) Order in 2002 removed this power and replaced it with the discretion for local authorities to introduce their own policies for the award of discretionary grants, with regard to local circumstances.
- 1.2 The City of Wolverhampton Council Private Sector Housing Assistance Policy approved at Cabinet on 12th September 2018 outlines the council's current discretionary policies under the Regulatory Reform (Housing Assistance) Order 2002. There is an agreed discretionary policy for the award of Small Adaptations Grants and other Housing Assistance. The Council has a legal requirement however to consider any request for assistance outside of existing policy to provide additional discretionary funding. This report deals with one such request. There is some ongoing work to introduce amendments to the policy which would deal with requests such as the one outlined below, however; this amendment has not yet been brought before Cabinet for a decision.
- 1.3 The maximum DFG award is set by the legislation at £30,000. A recent (2018) review by the Department of Communities, Housing and Local Government have concluded that the grant maximum should be increased as the current maximum amount was set over 10 years ago, and has not taken account of increased prices in the building industry over the subsequent period. However, the legislation required to allow any change has not yet been brought before parliament.

2.0 Request for Assistance

- 2.1 Ms W is a 45-year-old lady who lives with her partner aged 41, in a 3 bedroom privately rented property. They have been tenants of the property for 4 years. Also, currently resident in the property are Ms W's nephew aged 18 for whom she has a special guardianship order, her aunt, her son and her grandson. Ms W has several conditions which severely affect her mobility including asthma, lymphedema, torn cartilages in knee and some mental health conditions. She is unable to climb stairs due to her mobility problems and shortness of breath and is sleeping in a lean-to structure on the ground floor. She uses a commode and strip washes in the kitchen as the only bathroom is on the first floor.
- 2.2 Ms W was initially assessed by an Occupational Therapist (OT) in January 2018. It was clear that ground floor facilities would be required, however, Ms W and her partner were willing to consider rehousing. They explored this possibility; however, it was not possible for the family (at that time - Ms W and partner, nephew and aunt) to be rehoused together. As Ms W's partner relies on assistance from the aunt to care for Ms W they decided not to pursue rehousing and to request that adaptations be carried out.

Recommendations were therefore made for a ground floor double bedroom and shower room extension. Tenants of privately rented property are able to make application for a DFG in the same way as owner-occupiers.

- 2.3 The scheme of work to provide the ground floor extension has been fully scheduled and received all the statutory approvals, prices have been obtained from 2 builders and a full value for money assessment of the costs has been carried out by officers. The reasonable cost of the work has been assessed by officers as £43,666.00 (including all fees and applicable VAT) and the cheapest contractors cost is £42,609.00 (again including all fees and applicable VAT). This is in excess of the current mandatory grant limit of £30,000. The reasons for the high costs are mainly due to the need to demolish an existing structure to allow the new extension.
- 2.4 In accordance with the legislation, the application for a DFG made by Ms W has been means-tested and Ms W is entitled to a 100% grant up to the mandatory grant limit of £30,000. A grant approval has been issued to Ms W, however, she is required to fund the additional costs in excess of the mandatory grant limit.
- 2.5 Ms W and her partner have contacted the Adaptations Team and requested that in their circumstances they wish to be considered for discretionary grant funding to top-up the grant above the mandatory limit.
- 2.6 The property is privately rented and owned by a local landlord. The couple have lived there since 2016 and the landlord has signed the landlord certificate indicating that he has the intention that they can remain there for the next 5 years (this certificate of intended letting is a requirement for the mandatory grant). Ms W and her partner are in receipt of universal credit and have no savings. They do not currently receive any care or support package from CWC, all care is provided by Ms W's partner with the assistance of other family members living in the property. Ms W has no means of raising any alternative finance to assist with the cost of the adaptations.
- 2.7 Ms W's partner has advised that Ms W has recently had to start sleeping in a recliner chair in the only living room as she can no longer step down into the lean-to room she was previously using as a bedroom due to a deterioration in the ulceration of her legs. The impact of continuing to live in the current circumstances is having a detrimental effect on her mental health. She is unable to spend another winter sleeping in current conditions due to asthma and sleep apnoea. Last year she was hospitalised on at least 2 occasions due to respiratory infections. Her current quality of life is very poor, and her dignity and independence are severely compromised due to the conditions in which she currently lives.
- 2.8 The impact of being able to have the adaptation work carried out is described as follows: Ms W would have more independence to shower and wash herself, she would have access to a toilet and she would be able to walk into the room on a level ground using her frame without panicking. It would lead to an overall better quality of life. The

adaptations would also have a big impact on Ms W's partner who is her main carer as they will enable Ms W to do more for herself.

- 2.9 It should be pointed out that as, in this case, the grant applicant is a private tenant, no repayment clause can apply as repayment is only binding on a person who is an applicant and owner of the property. As stated in para 2.2 above, there is no bar on a private tenant making an application for a DFG in the same way as an owner occupier.

3.0 Evaluation of alternative options

- 3.1 In the above case, the alternative options are as follows: -

- A. Request that grant applicant obtains finance through a loan option available on the financial markets. The personal and financial circumstances of the applicant mean that this is not an option that they are able to pursue.
- B. Advise the applicant to source additional funding from charity, family or friends. Currently the adaptations service does not have the resource or structure to provide additional support to applicants in sourcing external funding. If an applicant has to seek their own sources of personal funding this inevitably leads to lengthy delays and in many cases, work never progresses. In this case funding is only being requested for mandatory work for which grant aid would be available if the maximum grant had not already been awarded. Ms W is unable to obtain any funding via family. Many charities will not fund the costs of mandatory work and generally only provide small amounts.
- C. Pursue rehousing – this option has been explored by the applicants, and for the reasons described in para 2.2 above, has been discounted.

4.0 Reasons for decision

- 4.1 For the case outlined above it is requested that agreement is given to approve a discretionary grant to assist with the additional costs of the mandatory work above the grant limit of £30,000. This will be a total of £12,609 and subject to any further unforeseen costs that may arise on site which may increase the discretionary grant requirement.
- 4.2 Officers have considered this case and consider that approval of funding should be given for the following reasons:
- A. The facilities to be provided are to fulfil the mandatory requirements of access to and from the property, including the garden, access to a room for sleeping and access to bathing and toilet facilities. (Housing Grants Construction & Regeneration Act 1996, Section 23 (1) (a) (d) (e) (f) (g) (h). i.e. there is nothing over and above the mandatory requirements that would normally be provided.
 - B. The applicant is unable to fund the excess costs due to their financial circumstances

C. The cost of the work is considered reasonable as assessed by officers.

4.3 There is sufficient budgetary provision within the 2020-2021 financial year to enable these discretionary grants to be financed (see 5.1 below)

5.0 Financial implications

5.1 The current Housing Capital Programme approved by Cabinet on 19 February 2020 includes a budget of £3.465 million for Disabled Facilities Grants and discretionary grants in 2020-2021. The current known demand on the 2020-2021 budget is in the region of £1.8 million which includes the mandatory element in the above cases. There is therefore sufficient budget to fund the expenditure of approximately £12,609 recommended in this report. This investment may also mitigate a risk of a revenue cost for additional care.
[JM/261002020/G]

6.0 Legal implications

6.1 Ms W is eligible to apply for a DFG and has been awarded a mandatory grant given under the provisions of the Housing Grants Construction & Regeneration Act 1996 which the Council has a duty to provide. Councillors do have the power to refuse the discretionary grant, however, for the reasons outlined in Section 4 above, it is recommended that the grants be approved.

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7.0 Equalities implications

7.1 An equalities analysis is not required as this report is for a one-off decision affecting two applicants and is not intended to set a precedent. In future, the proposed full policy report will require an appropriate analysis

8.0 Climate change and environmental implications

8.1 There are no climate change or environmental implications in this report.

9.0 Human resources implications

9.1 There are no human resource implications in this report.

10.0 Corporate Landlord implications

10.1 There are no corporate landlord implications in this report.

11.0 Health and Well-being implications

11.1 This report has implications for the health and well-being of Ms W and her partner in that the provision of the necessary facilities will significantly improve their health and well-being.

12.0 Covid-19 Implications

12.1 Any work to be undertaken to the property will be in accordance with Government guidelines for working safely during coronavirus.

13.0 Schedule of background papers

13.1 Private Sector Housing Assistance policy – Cabinet 12 September 2018.