



**Report Reference Number: E/21/48**

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**To:** Executive  
**Date:** 3 March 2022  
**Status:** Key Decision  
**Ward(s) Affected:** ALL  
**Author:** Drew Fussey, Operational Service Manager & Hannah McCoubrey, Housing Strategy Officer  
**Lead Executive Member:** Cllr Mark Crane, Leader of the Council and Lead Executive Member for Housing, Leisure, Strategic Matters, External Relations and Partnerships  
**Lead Officer:** Suzan Harrington, Director of Corporate Services and Commissioning

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**Title:** Final approval of the Disabled Facilities Grant (Adaptations) Policy 2022

**Summary:**

Local housing authorities have a duty to consider housing conditions in their area, including the needs of chronically sick and disabled persons and the adaptation of existing accommodation. The legal responsibility for the provision of Disabled Facilities Grants (DFG) sits with the District Council, who are committed to facilitating any appropriate property aid or adaptation which will allow our residents to live independently with confidence and dignity. The Council's draft DFG (Adaptations) Policy 2022 has now been consulted on, and will provide our residents and relevant stakeholders with a clear policy and process for delivering property adaptations, as well as providing suitable alternatives when adaptations are not appropriate or practicable.

**Recommendations:**

That Executive Members approve the final draft Disabled Facilities Grant (Adaptation) Policy 2022 in order to begin implementation.

**Reasons for recommendation:**

For private residents, the provision for adaptations is funded via the Government and Better Care Fund, whilst for Council tenants, this provision is funded via the Council's Housing Revenue Account (HRA) budget. However, as per legislation, applications for a DFG can be made from people living across all tenures. By implementing a more transparent and fair policy we will ensure that all residents throughout the Selby district undergo the same process when making an adaptation request, irrelevant of their housing tenure. This would see the Council make best use of current housing stock and maximise spend of our Better Care Fund allocation.

**1 Introduction and background**

- 1.1** A suitable and well adapted home can be the defining factor in enabling a disabled person to live well and independently. At a time of significant financial constraints, delivering help with home adaptations is said to be one of the most efficient and effective ways of making best use of scarce resources. Selby District Council is therefore committed to our vulnerable and disabled residents having the ability to remain in their homes for as long as it is safe and reasonable for them to do so, a provision provided for via the DFG process.
- 1.2** Currently, as a two-tier administrative area, Selby District Council staff facilitate and administer the adaptation process, as well as carry out any required work. However, this is done in partnership with North Yorkshire County Council and in particular the Occupational Therapy team. They are responsible for the majority of visiting residents, assessing their needs and submitting the adaptation request for our consideration.
- 1.3** As the service provider, the District Council is in the best position to understand the administrative DFG process and propose a new policy which will improve resident's experience and ensure all individuals who require a DFG are catered for appropriately. In light of LGR, this new process will ensure we are best prepared for the realignment of services and the coming together of the District and County Council.
- 1.4** The draft policy sets out clear parameters as to how the Council will review and meet requests for adaptation assistance. We will:
- Work in partnership with North Yorkshire County Council (NYCC).
  - Clearly set out the criteria by which the Council will assess all DFG requests, managing expectations.
  - Recognise the vital importance of DFG work to our residents, whilst ensuring all work is necessary, reasonable, and practicable.
  - Make best use of Selby's housing stock.
  - Explore all options to support residents in their DFG requests.
  - Focus on providing a high quality service, delivering cost effectiveness.
  - Comply with legal and statutory requirements in relation to the provision of disabled adaptations.

## **2 Policy Headlines**

- 2.1** The aim of the draft Disabled Facilities Grant (Adaptations) Policy 2022 is to clearly set out the parameters of the DFG process for both our residents and relevant stakeholders. The policy aims to clarify:
- The difference between 'minor' and 'major' adaptations.
  - Funding and the means-test process.
  - The referral process and timescales.
  - Who is eligible for the service.
  - When an adaptation will not be undertaken and alternative options.
  - Types of discretionary assistance.
  - Rules surrounding tenants who undertake their own adaptation work.
  - Changes in need and future maintenance obligations.
  - Complaints and reviews.

### Key changes

- 2.2 The funding process: It has always been the practice of the Council to pay for all adaptations in its properties, regardless of whether they are minor or major adaptations (under or over £1000) and without considering the financial circumstances of the tenant requiring the work. To better align with the DFG process, this new policy expects that all minor adaptation work, independent of tenure, will now be funded via the County Council, given their legal responsibility. This will make available additional funds within the Council's HRA adaptations budget which could be redirected to more costly and potentially critical adaptations.
- 2.3 The new policy also includes the same means-test for all applicable residents, including Council tenants, who require a major adaptation. Note, this process is entirely set by Central Government and does not provide flexibility to alter those passported benefits or relevant income/savings amounts, although they are subject to change. This is in contrast to the current procedure, where the HRA would be entirely responsible for funding any adaptation request received from our tenants, up to a maximum of £30,000. Although likely to be a rare occurrence for Council tenants, this could result in an applicant having to financially contribute towards the works in some capacity, helping to alleviate HRA budgetary pressures and ensure that Council funding is being utilised where most needed.
- 2.4 Supported Moves: Whilst the primary aim of the policy is always to help people remain in their own homes, this is not always possible, usually due to technical issues related to the property's design or layout, or disproportional costs in relation to the adaptation required. When an adaptation is not viable, it is necessary to consider moving the applicant to a more suitable property; which either does not require adaptation, or where the adaptation is more suitable to take place. Here, the Council may provide financial assistance to cover any associated moving costs, available to applicants from any tenure. This is a discretionary payment (typically up to a maximum of £6,000 but can be increased in exceptional circumstances) detailed further in our Private Sector Housing Assistance Policy, also in draft form. This will help to encourage relevant applicants to consider a move where most appropriate; but should this offer be refused, the policy does provide scope to refuse the request. This allows the Council to both meet the needs of its residents, but also make best use of its stock.
- 2.5 Discretionary Assistance: Subject to the availability of funding, the Council is able to use its discretion under the Regulatory Reform Order 2002 to offer further assistance to applicants who meet certain criteria. This includes works under a DFG that may otherwise not be eligible for assistance via the traditional route, or are expected to cost less than £6,000. This is a slight increase on the current amount set at £5,000 due to the general increased cost of materials, works and inflation. It also has the potential to 'top-up' a DFG award if adaptation work exceeds the £30,000 limit. This assistance, along with further schemes, are made available under the new Private Sector Housing Assistance Policy which also provides additional detail as to eligibility and the application process. Notably, this discretionary assistance will only be awarded to

households where a disabled or vulnerable person is resident and when there are sufficient levels of funding to do so.

### Exceptions

- 2.6 The policy also accepts that there may be circumstances that warrant exceptions to the policy and where necessary and appropriate, provides the Council with the ability to assess individual cases and agree exceptions. The policy is also expected to be reviewed annually, or when there is a fundamental change of legislative or regulatory provisions.

## **3 Consultation**

- 3.1 A timetable for consultation and approval is detailed below:

<b>Dates</b>	<b>Events</b>
02/12/2021	Draft DFG (Adaptations) Policy 2021 at Executive for consultation approval.
06/12/2021 – 31/12/2021	Consultation with residents and stakeholders – including Policy Review 09/12/2021.
04/01/2022 – 14/01/2022	Time taken to consider feedback and make changes.
17/01/2022 – 28/01/2022	Final discussions with key stakeholders.
10/03/2022	Policy taken back to Executive for final approval.

- 3.2 Consultation included numerous sources:

- An online survey was available on both the district and county council websites, available for any residents throughout the district to comment on. This was publicised on social media and via our Tenant Participation Officer.
- Paper forms of the survey were also available to any resident who requested them. They were also taken out to the homes of DFG customers currently undergoing the application process, via the county's Occupational Therapists and the districts DFG Co-Ordinator.
- Copies of the policy were also made available to key partners at North Yorkshire County Council, both at a policy and strategic level, and with those on the frontline who will help us to deliver this service.
- Finally, copies of the policy and survey were passed on to the Equality and Advice Network (previously known as the Disability Forum), who disseminated the consultation pack to all members.

- 3.3 Consultation responses were minimal, but what was received was very valuable (5 online responses from presumed members of the public, and 2 from NYCC staff with remits in both child and adult occupational therapy). Feedback ensured certain words and phrases were updated to reflect current disability terminology, allowed us to clarify certain procedural requirements where wording was potentially misleading or confusing, and overall has helped to ensure that the policy is cohesive, transparent and equitable among tenures.

## **4 Alternative Options Considered**

None

## **5 Implications**

### **5.1 Legal Implications**

Section 8 of the Housing Act 1985 requires local housing authorities to consider housing conditions in their area. This includes having regard to the needs of chronically sick and disabled persons; including the adaptation of existing accommodation.

### **5.2 Financial Implications**

There is both a capital and revenue budget in place to assist with Council adaptation requests, which would not be required to change with the introduction of this policy.

### **5.3 Policy and Risk Implications**

N/A

### **5.4 Corporate Plan Implications**

N/A

### **5.5 Resource Implications**

Much of our adaptation work is fulfilled by current Council staff. However, introduction of this policy and means-testing would require new resource for the 'Test of Resources' process. However, this could be fulfilled by the DFG Co-Ordinator (1FTE), a role assimilated into the Council with the closure of Selby's Home Improvement Agency in 2018.

### **5.6 Other Implications**

N/A

### **5.7 Equalities Impact Assessment**

Under the Equality Act 2010, local authorities must demonstrate 'due regard' to the Public Sector Equality Duty, working to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

An Equality, Diversity, and Community Impact Screening was completed on 21/06/2021. It was noted that this policy will specifically impact on households where a person is classed as disabled under the Housing Grants, Construction and Regeneration Act 1996. Most likely, the impact will be positive as it will provide residents with a clear and straightforward policy for adaptation requests, managing expectations and timeframes.

## **6 Conclusion**

The provision of DFGs, including applications by local authority tenants, is expected to be tenure neutral; and whilst this is difficult to achieve given the difference in budgetary restraint, introducing parallel guidelines and processes to that of the DFG process furthers this tenure neutral agenda.

The main aim of any DFG is for the applicant to lead a more independent and healthy life; and whilst an adaptation may be the best solution, this should always be considered in relation to other appropriate options. This policy will therefore provide the Council with greater flexibility to consider each individual case and achieve the best possible outcomes for both the resident and Council.

Executive approval allows us to begin implementation of a new clear and concise Disabled Facilities Grant (Adaptations) Policy - helping to guide applicants through the application and decision making process, managing expectations and ultimately maximising our ability to support residents in their own homes, as well as our own.

## **7 Background Documents**

N/A

## **8 Appendices**

Appendix A - Draft Disabled Facilities Grant (Adaptations) Policy 2022

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