

SUBJECT:	PRIVATE HOUSING HEALTH ASSISTANCE POLICY
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
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1. Purpose of Report

- 1.1 To present the final draft Private Housing Health Assistance Policy 2018 – 2022 for consultation which is to supersede the Private Sector Housing Assistance Policy which was suspended by Executive in 2015.

2. Executive Summary

- 2.1 The Housing Assistance Policy was suspended by Executive in March 2015, this 'new' policy has been refocused with an emphasis on health and prevention and is to enable independent living, by supporting those whose independence may be at risk either due to their vulnerability and/or they are suffering a health condition which is made worse by the home they live in.

- 2.2 In April 2015 the Government made significant changes to the funding mechanism for disabled facilities grants by making the allocation part of the Better Care Fund (BCF); a pooled budget between the NHS and upper tier councils. The aim of the fund is to provide more joined-up and customer focused services to reduce hospital and care admissions and enable people to return from hospital more quickly. Home adaptations and essential repairs for disabled and vulnerable people support these requirements as they can:

- Enable independence at home
- Speed up hospital discharge/reduce readmission
- Prevent escalation of need e.g. accidents and falls
- Support maintenance of physical and mental well-being

- 2.3 The intention is that this policy will provide the platform whereby the Council can seek to support a timely and streamlined service which aims to prevent, reduce or delay the need for interventions by health and social care services, and support vulnerable individuals to remain safe and well in their own homes.

3. Background

- 3.1 The suitability of the home is integral to meeting the needs of our residents. A home which enables them to live independently or supports others to provide safe

and effective care contributes to the promotion of physical and emotional health and wellbeing and supports a full and active life.

- 3.2 Helping residents to make the right housing choices for their needs and providing support to make the home safe can help reduce hospital admissions or re-admissions, reduce reliance on care and support, improve wellbeing and help maintain independence in the home. One of the ways of doing this is by providing financial assistance to support those choices or adapt the homes of disabled and vulnerable people enabling them to live safely.
- 3.3 The policy explains how the Council will use its resources, where available, to assist residents in need of support to maintain independence in the home, reduce the need for support from social care and health services and/or prevent further deterioration in their conditions. The assistance may be in the form of a mandatory Disabled Facilities Grants or discretionary assistance, which enables the Council to deal with immediate health and safety concerns swiftly and appropriately.

4. Main Body of Report

- 4.1 The policy sets out how the City of Lincoln Council will for dwellings within its area exercise firstly its statutory duty for the provision of mandatory Disabled Facilities Grants under the provisions of the Housing Grants, Construction & Regeneration Act 1996 and secondly its discretion to provide flexible assistance to help improve living conditions as determined by the Council in adopting Article 3 of the Regulatory Reform Order (Housing Assistance) (England & Wales) Order 2002.
- 4.2 Policy aims

The aims of the Private Housing Health Assistance policy are as follows:-

- To provide advice, information and support on repair, maintenance and adaptation of properties across the City.
- To offer a health based framework of assistance to vulnerable groups & households, including those with a long term health condition.
- Whilst it is recognised that it is the home owner's responsibility to maintain their own properties the Council will target limited resources to those that are most vulnerable or have a health condition and are not able to maintain their own properties which could impact on their independent living.
- Private landlords will not be eligible for any grants under this policy. Landlords have a duty to maintain their properties free from hazards and the Council will exercise their enforcement powers as appropriate to ensure that safe and healthy standards are attained in the private rented sector. In certain circumstances the tenant maybe eligible to apply for a grant under this policy, this will be considered on a case by case basis.
- To contribute to the aims of the *Better Care Fund*, principally to reduce delayed transfers of care, minimise avoidable hospital admission and facilitate early or timely discharge from hospital by tackling housing related

matters.

- To facilitate an increase in the number of vulnerable households able to heat their homes at reasonable cost.
- To assist disabled people with adaptations to facilitate their movement in and around their home thereby improving their quality of life.
- In offering assistance the Council will promote relevant services offered by other organisations.
- To treat individuals fairly as required by the Equality Act 2010 and ensure that an individual's rights under Data Protection and human rights legislation are protected.

4.3 Types of Assistance to be provided Appendix 1 (page 12) of policy which summarises the schemes proposed in a table.

Mandatory – Disabled Facilities Grants (DFG's) the Council have always provided this as it is a statutory function.

Discretionary - By adopting Article 3 of the Regulatory Reform (Housing Assistance)(England & Wales) Order it firstly provides greatly flexibility to the Council to provide assistance schemes which help people meet their needs without firstly going through the full DFG process, which can be lengthy and complex, in particular removing the rigorous formal means testing element. Secondly, considering wider health determinants other than disability, which can be made worse by housing conditions, for example the Council may consider the health impacts of housing conditions on vulnerable owner occupiers and consider schemes to undertake minor repairs to make homes safe and healthy or other preventative schemes which stop or delay conditions becoming worse.

4.4 What is different

This policy unlike before has clear links to health and wellbeing of the person living in their home and the condition of their home. In order to 'fast-track' grants the means testing element has been reviewed and the council has widened the scope of schemes available under the discretionary grants.

4.4.1 Review of the existing means test for lower value work

The contribution a disabled person has to make towards an adaptation is determined by a prescribed means test. This is based on what the Government considers a person needs to live on per week, the income of the disabled person and their partner, and how much they could raise in a loan from a commercial bank. The majority of grant applicants are elderly and would be unable to access most commercial finance options. In addition, as the means test does not take account of actual living costs, those with high mortgage or rent payments will be hugely affected and unlikely to be able to raise the funding. As a result, many disabled people who are not necessarily "well off" have a large contribution to make or do not qualify for a disabled facilities grant (DFG). This leaves them at continued risk as they are unable to fund any works themselves.

The proposal is to remove the formal means testing from the majority of the Discretionary Schemes. Where previously the Council would have required the formal means testing applicants will be able to self certify to the following criteria.

There will be no formal means testing. The following criteria will be applied:-

Less than £16,000 capital, savings and investments, then either for single income no more than £13,400 per annum, Couple with or without children and single with children then income for customer and partner combined of no more than £20,000 per annum

The applicant will self-declare income & saving levels.

This will reduce the time taken to process applications and assist in early intervention to prevent hospital admission/reduce reliance on carers.

4.4.2. Broadening the scope of work

Mandatory disabled facilities grants only address the needs of a person in respect of their disability. There is an opportunity to use the Better Care Fund to support wider social care outcomes meaning that additional works can be funded that support independent living, hospital discharge and health and safety issues in homes where prevention is key.

The draft policy proposes the introduction of several new forms of financial assistance which align with this:

- Hospital Discharge Assistance - Prevent delayed transfers of care associated with housing disrepair or access issues
- Safe, Warm & Well - Minor essential repairs to make homes safe for vulnerable owner occupiers
- Dementia Aids and Adaptations - Enable people with a diagnosis of dementia to manage their surroundings and retain their independence.

4.5 The draft policy has been consulted with are main external partner Lincolnshire County Council Adult Care and Community Wellbeing.

5. Strategic Priorities

5.1 Let's reduce inequality

The introduction of the policy will enable the Council to consider applications for assistance from those who are either considered to be vulnerable and/or have a health condition which can be made worse from the conditions within their home. The assistance will often be supporting those who are in receipt of low income.

5.2 Let's deliver quality housing

This policy aligns with the council's Vision 2020 of 'Let's Deliver Quality Housing' and embedded within the council's Housing Strategy outcomes to improve and increase provision of specialist accommodation, improve property conditions and

promote and increase sustainable living in the City which are central to delivering the vision.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

The Central Government allocation for City of Lincoln in 2017/18 was initially £641,018 with a further top up of £62,000 in December 2017, this being a 114% on the amount received in 2016/17 which was £328,239. This increase is in recognition of the rising need for adaptations and to encourage a more joined up approach. The same level of initial funding will be forthcoming in 2018/19.

With the exception of mandatory Disabled Facilities Grants, all other the assistance which may be provided under this policy is at the discretion of the Council and will subject to the availability of financial resources and how those resources may be directed by the Council's strategic priorities. If demand for discretionary assistance exceeds the available budget the assistance will be suspended. In these instances the Council does not undertake to maintain a waiting list.

In addition to the BCF the Council will exploit all possible opportunities of internal and external funding schemes or to work with other providers to improve housing conditions for the residents of the city.

The Council will add a 15% fee to the value of each grant application that it processes, where technical services have been supplied to administer the grant.

6.2 Legal Implications including Procurement Rules

The provision of a Disabled Facilities Grant (DFGs) is regulated by the Housing Grants, Construction and Regeneration Act 1996. This places a statutory duty on the Council to provide grant assistance to qualifying disabled people to undertake a range of adaptations to their homes which are deemed "necessary and appropriate" to meet their needs and it is "reasonable and practicable" to undertake the adaptations having regard to the age and condition of the dwelling. The grant is subject to a means test (except in the case of children) and works must be eligible as defined by the Act and Regulations.

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 ("the RRO") gives the council the power to provide assistance (either directly or indirectly) to any person for the purpose of improving living conditions in the City of Lincoln area provided this is given in accordance with a published policy.

Once the policy is approved by Executive this will have the effect of adopting Article 3 of the RRO, the Council must publish and include details of:

- a. The types of assistance the Council may make available
- b. The eligibility conditions for the assistance

- c. The amount of assistance available
- d. The conditions that will apply to the provision of the assistance
- e. The circumstances when repayment may be required

6.3 Human Resources

The implementation and delivery of the policy will be within existing Private Housing Team.

6.4 Equality, Diversity & Human Rights

An Equality Impact Assessment has been undertaken and is attached. There are positive impacts for age, disability as well as human rights, and no negative impacts for any protected characteristic.

6.5 Significant Community Impact

The Policy when adopted will influence the way the service is provided as outlined in the main body of the report. The policy will apply across all ward areas of the City.

7. Risk Implications

7.1 (i) Options Explored

- a) To lift the suspension of the existing policy.** The current policy was adopted in 2007 and no longer fully reflects the corporate priorities. The staffing resources currently available to the Council would prevent the effective delivery of the assistance.
- b) To refocus the scope and delivery of the policy.** The current suspended policy made provision for grant aid in the form of Decent Homes Grants which were universally available and placed a considerable financial expenditure of the Council. This provision of grant assistance whilst helped to improve the condition of housing within the city, there is now a need to focus on those occupiers who cannot maintain their own properties due a health condition or that they are vulnerable in relation to the hazard that has been identified within their home. The 'new' policy has a significant link to health and housing it has reduced the need for means testing for the lower value works and has widen the scope of assistance that can be provided.
- c) To make no financial provision for assistance.** Section 3 Housing Act 2004 places a statutory duty on local housing authorities to keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them under various powers including Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. To make no provision under the Order and to have a policy of "no assistance" could expose the Council to a challenge of not having fully considered its statutory duty.

- 7.2 (ii) The preferred approach is b) above. The key risks associated with this preferred approach are the availability of resources to implement and deliver the schemes.

The financial risk is that the level of funding via the Better Care Fund cannot be guaranteed year on year. This has been mitigated within the policy by ensuring that available funds will be target at the statutory DFG's in the first instance and should demand for discretionary schemes outstrip the resources than the discretionary schemes will be suspended.

In order for the policy to be implemented and delivered it will require Private Housing Team not to be carrying vacancies for prolonged periods of time. Two of the three Housing Standards and Enforcement Officer posts are vacant, one since 2015 and once since September 2017, and the in post officer is due to retire on 6 April 2018. There have been difficulties recruiting to these posts due to the number and quality of applications. The post is now being reviewed and the pay evaluated which is believed will alleviate the recruitment difficulty, but it is not yet known if the Council will be able to fill all three posts.

8. Recommendation

- 8.1 It is recommended that the Executive endorses the Private Housing Health Assistance Policy 2018 – 2022.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? Two

List of Background Papers: Private Housing Health Assistance Policy
Equality Impact Assessment

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