

Agenda Item No:**Report No:**

Report Title: Introduction of Test of Resources for Lewes District Council Housing Tenants Requiring Disabled Adaptations

Report To: Cabinet **Date:** 30 September 2013

Cabinet Member: Councillor Tony Nicholson

Ward(s) Affected: All

Report By: Corporate Head Housing Services

Contact Officer(s)-

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Purpose of Report:

To seek authority to introduce test of resources (means testing) for Lewes District Council housing tenants requiring disabled adaptations.

Officers Recommendation(s):

- 1 To introduce a test of resources for Lewes District Council tenants requiring disabled adaptation works of a value of £1,000 or more in order to improve equality in this area.

Reasons for Recommendations

- 1 Lewes District Council has a statutory duty to provide disabled adaptations to residents in the District who are assessed as eligible for Disabled Facilities Grants (DFGs). These grants are Mandatory and are means tested. Applicants in receipt of specified benefits are not required to be means tested. The details of the DFG system are published in the Council's Private Sector Housing Financial Assistance policy.
- 2 This policy applies to all tenures, with the exception of Lewes District Council tenants, where assessed needs are fully funded from the Housing Revenue Account, without going through the DFG process or any test of ability to contribute.
- 3 The Department of Health guidance *Delivering Housing Adaptations for Disabled People: A Good Practice Guide* advises that, whilst it is for the Local Authority to decide whether it will apply a test of resources to those whose adaptations are funded by means other than DFGs, in achieving equity and

consistency, it may be regarded as best practice that all recipients of assistance from public funds should be assessed in a comparable fashion.

- 4 A recent Equality Analysis of this service area identified this policy as an equality issue and recommended the introduction of a test of resources for all tenures, including council tenants.

Information

- 5 An Internal Audit Report on Disabled Adaptations to Properties to the Scrutiny Committee dated 17 June 2010 found that although Internal Audit had obtained substantial assurance that there were sound arrangements in place to achieve best value and the adaptations services provided to residents in privately owned and Council owned properties were broadly similar, the ways in which the national arrangements for disabled adaptations have developed meant that there were variations in the way that the Council funds and manages adaptations for the different tenures.
- 6 The report compared and contrasted the application of grant funding Lewes District Council provided with its neighbouring authorities. Brighton and Hove City Council and Adur District Council did not apply means testing to their tenants, although Adur did operate a scheme of rent supplements via which the Council could increase the rent for tenants who have had a major disabled adaptation to their home.
- 7 Wealden District Council did however, apply means testing to their tenants. The report quoted a representative of Wealden DC who advised that only a minority (approximately 5%) of tenant applicants are required to contribute to disabled adaptations and the level of contributions is low; the maximum contribution has been £3,000.
- 8 Consideration of a test of resources for council tenants was one of the recommendations of the Internal Audit Report on Disabled Adaptations to Properties to the Scrutiny Committee dated 17 June 2010.
- 9 At meeting of Corporate Management Team on 25 August 2010 it was agreed that consultation with tenants' representatives should take place before any service changes were submitted for Cabinet approval.
- 10 The Council consulted tenants on their priorities for Local Offers. Tenants voted and the Disabled Adaptations Service was amongst the top three that were taken forward.
- 11 The consideration of the introduction of a test of resources was brought within the scope of the Disabled Adaptations Tenants Local Offer. A working group of Housing staff and tenants was tasked with developing the Local Offer. The scope of the working group including consideration of test of resources was agreed and a SMART action plan produced and agreed. The action plan covered a period of 26 months due to scope and volume of work for group.
- 12 Following extensive consultation, tenants on the working group originally voted against the introduction of a test of resources in Nov 2012.

- 13** An Equalities Focus Group comprising of Housing staff and tenants set up to consider the issues raised from the Initial Equality Analysis of all areas of the Housing Service met in March 2013. This group agreed with the introduction of a test of resources for council tenants.
- 14** A full Equality Analysis dated March 2013 identified a need to consider application of test of resources for council tenants to improve equality.
- 15** Further discussion of this subject at a subsequent Disabled Adaptations Working Group Meeting in May 2013 resulted in agreement with the Focus Group and voted for an introduction of a test of resources (on target with action plan).
- 16** Environmental Health does not support DFG funded adaptations valued at less than £1,000 because Occupational Therapists do not refer these cases to the Council, but arrange for these minor works to be dealt with by Social Services' own contractors.
- 17** Housing Services however, will continue to be responsible for and undertake works under £1,000 to it's properties and for reasons of equitable application of means testing therefore, it is the officer's recommendation that the £1,000 limit for grant testing applies to all tenures including council tenants.

Financial Appraisal

- 18** Internal Audit Report on Disabled Adaptations to Properties to the Scrutiny Committee dated 17 June 2010 stated that the application of test of resources to council tenants is unlikely to generate significant contributions (probably less than £25,000 per year), but would ensure that the rules governing grant funding are applied consistently and fairly.
- 19** Records show the majority of Council tenants who require or are likely to require disabled adaptations are likely to be on benefits and will therefore be fast tracked through the means test system and will not have to make a contribution towards the cost of the adaptation. The additional administration needed therefore, is estimated to be minimal and can be met within existing resources.

Legal Implications

- 20** The Legal Services Department has made the following comments: Section 1 of the Localism Act 2011 gives the Council a general power of competence which permits it to make funding available for this purpose. There are no legal implications arising from this report.

Sustainability Implications

I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of these recommendations

Risk Management Implications

The following risks will arise if the recommendations are not implemented:

Continued equality issue in regard to provision of service and distinction between council tenants and other tenures in the Lewes District.

and I propose to mitigate these risks in the following ways:

Recommend change of Policy to Cabinet as per this Report

No new risks will arise if the recommendations are implemented.

If the recommendations are not implemented, the residual risks that cannot be mitigated fully are:

Continued equality issue in regard to provision of service and distinction between council tenants and other tenures in the Lewes District.

Equality Screening

A full Equality Analysis dated 21 March 2013 identified need to consider application of test of resources for council tenants to improve equality.

Background Papers

<http://cmispublic.lewes.gov.uk/Public/Binary.ashx?Document=2732>
<http://cmis.lewes.gov.uk/CmisWebPublic/Binary.ashx?Document=2721>

Appendices

[Appendix A – Scrutiny Committee Report, 17 June 2010](#)