
Report To:	Safe, Sustainable Communities Committee	Date: 5 May 2009
Report By:	Corporate Director, Environment and Community Protection	Report No: ECP/Plann/WR/18
Contact Officer:	William Rice	Contact No: 01475 712070
Subject:	Housing (Scotland) Act 2006 – Work To Meet The Needs of Disabled People	

1.0 PURPOSE

- 1.1 To seek Committee approval of a policy which brings the procedure for and delivery of adaptations into line with the duty to meet the needs of disabled people as set out in the Housing (Scotland) Act 2006.

2.0 SUMMARY

- 2.1 The Housing (Scotland) Act 2006 is divided into 10 parts and draft guidance on parts 1 and 2, Housing Standards and Scheme of Assistance, was issued for comment in June 2008. Inverclyde Council provided a written response to the Scottish Government in July 2008 and a report on the 2006 Act and the consultation response was submitted to the 2 September 2008 meeting of the Safe, Sustainable Communities Committee. In February and March 2009 final guidance on parts 1 and 2 of the 2006 Act was issued to Local Authorities to assist preparations for implementation of the Act during the transitional period from April 2009 to March 2010.
- 2.2 The publication of the Section 72 statement on the Scheme of Assistance is seen as being the most appropriate time for the Local Authority to begin using the powers contained in the 2006 Act. However, the duty within the 2006 Act relative to work to meet the needs of disabled people required to be implemented by 1 April 2009 regardless of the publication of a robust Section 72 statement.
- 2.3 Given the receipt of guidance on 2 February 2009 and the need for detailed discussion with colleagues in Social Work Services and Inverclyde Care & Repair on policy formation it was not possible to have a draft policy or report prepared within the Committee cycle prior to 1 April 2009. During this period the mandatory elements of adaptations have been used to ensure that Inverclyde Council was able to fulfil its legal obligations and to continue appropriate service delivery. However, there are discretionary elements within the guidance which require consideration by Committee.

3.0 RECOMMENDATIONS

- 3.1 That Committee:
- note the mandatory changes in eligible works and levels of financial assistance for work to meet the needs of people with disabilities, introduced by the Housing (Scotland) Act 2006 as at 1st April 2009; and
 - approve the Policy Statement on Equipment and Adaptations set out in Appendix 1.

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Head of Planning and Housing

4.0 BACKGROUND

- 4.1 The circumstances under which an adaptation would be required are fundamentally different from those circumstances where a repair or renovation of a home would be required. Therefore, the Housing (Scotland) Act 2006 places a duty on Local Authorities to continue to provide financial assistance to make a house suitable for a person with disabilities where that house will be their main residence.
- 4.2 The Policy Statement on Equipment and Adaptations set out in Appendix 1 takes cognisance of the changes brought about by the introduction of the 2006 Act and sets out a policy which will allow Inverclyde Council to meet the needs of disabled people within its boundaries.

5.0 PROPOSAL

- 5.1 The Occupational Therapists based at the Inverclyde Centre for Independent Living will continue to be the first point of contact for clients and they will complete a needs-led assessment and make a professional recommendation as to the works required to make the house suitable for the person with disabilities. Discussion has been undertaken with the Team Leader of the Centre for Independent Living to ensure that the needs assessment takes account of eligible works under the 2006 Act. The changes to financial assistance have been discussed with the Care & Repair Manager to ensure that the new financial assistance regime can be implemented as soon as is practically possible.

Eligible works

- 5.2 The majority of works that are traditionally considered to be eligible for grant assistance continue to be eligible under the new regime. However, construction of an extension to provide additional living accommodation is not considered as eligible works. This change in national policy is based on the reasoning that additional living accommodation brings with it a rise in property value which should facilitate equity release to fund the construction of an extension. However, in Inverclyde there is concern about the ability of households to access this additional equity, particularly where the homeowner has a disability. Therefore, the policy proposes that this type of work be considered as eligible for financial assistance.
- 5.3 In December 2006 the Act introduced the right for people with disabilities living in private rented accommodation to seek to adapt the property to meet their needs. The private landlord cannot unreasonably refuse consent for these works but may impose a condition that the property must be reinstated to its original condition at the end of the tenancy. The policy proposes that the removal works be considered as grant eligible to provide landlords with reassurance that re-instatement works of an appropriate standard will be undertaken where required, thereby encouraging landlords to give their consent to these works being undertaken and ensuring that tenants can comply with any reinstatement conditions imposed by the landlord.

Financial Assistance

- 5.4 The current means tested grant system will be fully abolished by 31st March 2010 or when the Local Authority introduces its Scheme of Assistance, whichever comes first. In terms of the duty to meet the needs of people with disabilities, mandatory financial assistance sets a minimum grant level of 80%, with passporting to 100% where applicants are in receipt of specific benefits. The provision of financial assistance for those applicants who are not eligible for 100% is at the discretion of the Local Authority. The provision of financial assistance for the removal of adaptations in private rented accommodation is also at the discretion of the Local Authority. Section 76 of the Act prohibits the imposing of an approved expense limit for adaptation works.

- 5.5 In terms of the raising of the minimum mandatory grant level to 80%, it is anticipated that this will not have an impact on the Council's ability to fund adaptations of a routine nature as the current grant average for adaptations is 89%. However, in terms of the removal of the previous maximum approved expenditure limit of £20,000 there could be a financial impact relative to large scale adaptation work.
- 5.6 Since 2005/06 there have been nine large scale adaptation works with grant assistance completed in Inverclyde. The table below provides analysis of these works at a financial level and illustrates what the impact of the mandatory and discretionary elements of the 2006 Act would have been if they had been in place at that time. Column (d) illustrates the actual grant payments made under the previous grants regime whilst columns (e) and (f) illustrate the payments that would have been made if the respective mandatory or discretionary regimes were in place. Column (g) illustrates the percentage increase that would have been required in the adaptations budget of that year if the discretionary regime had been in place.

	No. of works	Works Cost £'s	(d) Total Grant £'s	(e) Total Mandatory £'s	(f) Total Discretionary £'s	(g) % of Adaptations budget (discretionary)
2005/06	1	19,500	11,819	7,800	15,600	0.1
2006/07	2	35,000	34,101	22,599	31,600	-0.6
2007/08	2	29,859	22,516	19,304	26,942	1
2008/09	4	134,496	37,615	41,195	107,597	10.8
TOTAL	9	218,855	106,051	90,898	181,739	11.3

- 5.7 Committee is asked to note that the use of mandatory financial assistance only would have resulted in applicants having to make larger contributions towards the cost of their adaptation and in one case would have resulted in an applicant receiving no financial assistance from the Council towards their housing need.
- 5.8 Whilst the inclusion of discretionary elements as eligible works would have resulted in additional expenditure in 3 of the 4 years under consideration, the total additional cost amounts to 11% of the overall budget for adaptations.
- 5.9 Given the relatively low number of large scale adaptations requested in any financial year and the negative impact on people with disabilities if the eligible works criteria are limited to the mandatory level, the policy includes these works as eligible for financial assistance.
- 5.10 The 2006 Act also removes the waiting list or queuing system that is currently used to prioritise delivery of financial assistance to applicants. Discussion will be held with the Care & Repair Manager and the Team Leader at the Centre for Independent Living to agree changes to service delivery arising out of the 2006 Act requirements and the policy proposals contained within this report.

6.0 IMPLICATIONS

- 6.1 **Strategic:** the continued delivery of financial assistance for work to meet the needs of people with disabilities will ensure that the Council continues to deliver on key objectives of the Local Housing Strategy.
- 6.2 **Financial:** the approval of additional eligible works and provision of financial assistance above the minimum limit will increase the demand on the adaptations budget. However, the anticipated 10% increase for 2009/10, based upon historical trends, can be accommodated within the overall PSHG budget.
- 6.3 **Legal:** the provision of financial assistance for works to meet the needs of people with disabilities is a duty imposed upon the Council by the Housing (Scotland) Act 2006.
- 6.4 **Personnel:** there are no personnel implications arising from this report.

6.5 **Equality:** when delivering services to our customers, full cognisance is taken of equality and diversity processes and procedures. The approval of additional eligible works and provision of financial assistance above the minimum limit will ensure that a greater number of people with disabilities will have their housing needs met and can continue to reside in their home within their existing community and within current support networks.

7.0 CONSULTATIONS

7.1 This report has been prepared in consultation with:

- Chief Financial Officer
- Centre for Independent Living – Team Leader
- Inverclyde Care & Repair

8.0 CONCLUSION

8.1 The approval of the Policy Statement on Equipment and Adaptations (Appendix 1) will bring the procedure and delivery of Adaptations into line with the Council's duty to meet the needs of disabled people, as set out in the Housing (Scotland) Act 2006.

9.0 LIST OF BACKGROUND PAPERS

- 9.1
- Private Sector Housing Grant - 2004-2006 & 2006-2008
8 March 2006.
 - Housing (Scotland) Act 2006 – Briefing and Implementation Update
2 September 2008: ECP/Plann/WR/08/026.

Equipment & Adaptations

Policy Statement

1.0 Background

- 1.1 The duty contained within the Housing (Scotland) Act 2006 under which Local Authorities must provide assistance for work to meet the needs of disabled people came into force on 1st April 2009. Prior to this, works of a permanent nature which were considered as essential to meet the needs of a person were eligible for financial assistance from the Local Authority. This financial assistance was delivered in the form of a means tested grant with a minimum 50% level and an upper maximum grant award level of £20,000. This financial assistance was available to homeowners and tenants of private landlords who had the approval of their landlord to carry out the works.
- 1.2 Delivery of equipment and adaptations is on a needs-led basis with assessment and identification of priority carried out by an Occupational Therapist from the Inverclyde Centre for Independent Living prior to any application for financial assistance. After the needs-led assessment has been completed a technical and financial assessment is carried out by the Inverclyde Care & Repair Service to ensure that the works comply with the relevant planning and building regulations. Upon completion of this assessment an application for financial assistance is submitted to the Planning and Housing Service for processing.

2.0 Policy Changes

- 2.1 The 2006 Act introduced policy changes that affect the delivery of assistance for work to meet the needs of disabled people, namely:
- Removal of the means tested grant and minimum 50% grant level
 - Introduction of a minimum 80% grant level
 - Passporting to 100% grant for applicants receiving qualifying benefits
 - Removal of the Maximum Approved Expenditure Limit of £20,000
 - Changes to the works eligible for mandatory assistance
 - Inclusion of non-eligible works to be at the Council's discretion
 - Financial assistance for non-eligible works to be at the Council's discretion
 - Financial assistance in excess of the minimum grant level to be at the Council's discretion

3.0 Mandatory Financial Assistance

- 3.1 A minimum 80% grant will be available to all applicants who have been assessed by the Occupational Therapist as being in need of works eligible for financial assistance. Applicants who are in receipt of one of the four undernoted qualifying benefits will receive the maximum grant of 100%.

Qualifying Benefits

- Income Support
- Income Based Jobseekers Allowance
- Guaranteed Element of Pension Credit
- Income Related Employment and Support Allowance

There is no upper limit to the level of financial assistance available for the eligible works.

4.0 Eligible Works

4.1 Works that are eligible for financial assistance are noted below. This is not an exhaustive list; it is merely a guide to the most common type of works that are eligible for mandatory financial assistance:

- Stairlift (internal)
- Level access shower
- Clos-o-mat
- Tracking hoist
- Access ramp
- External Stairlift
- Doorway widening
- Through-floor lift
- Over-bath shower
- Formation of downstairs bathroom from/within existing room
- Construction of an extension to provide accessible standard amenities

All eligible works will receive funding on the 80% or 100% basis as set out in paragraph 3.1 above. Works for the construction of an extension to provide additional living accommodation are not considered to be eligible works nor are the removal of adaptations from private rented sector tenancies at the end of the tenancy. Further information on these elements can be found in paragraphs 5.1 and 5.2 respectively.

5.0 Discretionary Elements

5.1 Works – Extensions for Additional Living Accommodation

Inverclyde Council believe that the construction of an extension to provide additional living accommodation is often an important factor in a person's or family's ability to remain in their own home and within their community and to access existing family and friends support networks. It is recognised that there is often a significant cost attached to this. Therefore works of this nature will be considered as eligible works and applicants will receive financial assistance as set out in paragraph 5.3 below - Discretionary Financial Assistance.

5.2 Works – Removal of Adaptations in the Private Rented Sector

Since December 2006 tenants of private landlords have had the right to adapt their home with the prior approval of their landlord. Their landlord cannot unreasonably refuse consent to appropriate adaptations being made for the benefit of the tenant but may attach conditions to the approval, such as reinstatement of the property to its original condition. The removal of previously approved adaptations is considered as eligible works. Applicants will receive financial assistance as set out in paragraph 5.4 below. Where possible the landlord will be encouraged to retain any adaptation for the use of another tenant with similar needs. Consideration will also be given to the adaptation being reused at the applicant's new address if this is required and if this proves to be a cost effective option.

5.3 Discretionary Financial Assistance - Extensions for Additional Living Accommodation

Financial assistance for extensions to provide additional living accommodation will be offered on a means tested basis (as currently used in relation to determining entitlement to housing benefit), with no entitlement to a minimum grant level, and taking account of capital savings in excess of £10,000.

5.4 Removal of Adaptations in the Private Rented Sector

Financial assistance for the removal of adaptations in the private rented sector will be provided at the same level as the assessed grant level at the time of installation or at the minimum 80% level if the assessed grant level was lower than 80% and assessed prior to 1 April 2009.

5.5 Means Testing in Excess of the Minimum Grant Level

A means tested element of grant (as in paragraph 5.3 above) will be available to those applicants who receive mandatory financial assistance but do not qualify for the maximum 100% grant level. This approach ensures that applicants who would have received in excess of 80% under the previous means tested grant regime are not disadvantaged by the removal of the means test from the mandatory financial package or the introduction of the new minimum grant level.

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Equipment & Adaptations

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