

HOMES PDG
16 January 2018

DEVON WIDE HOUSING ASSISTANCE POLICY

Cabinet Member: Cllr Ray Stanley
Responsible Officer: Simon Newcombe, Group Manager, Public Health and Regulatory Services

Reason for Report: To present a revised Housing Assistance Policy under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 for consideration. The policy has been agreed across Devon for the delivery of the Better Care Fund.

RECOMMENDATION(S):

- (1) That the PDG recommends Cabinet approve the revised Housing Assistance Policy attached in Annex 1.**
- (2) That the PDG recommends Cabinet approve the ECO Flex Statement of Intent (SOI) attached in Annex 4, associated with the revised Housing Assistance Policy.**
- (3) That the PDG recommends that delegated authority is given to the Cabinet member for Housing to suspend some or all non-mandatory parts of the revised Housing Assistance Policy attached in Annex 1 if adequate funding is not available.**
- (4) That the PDG recommends that delegated authority is given to the Cabinet member for Housing to determine continued participation in the Wessex Home Improvement Loans Scheme.**

Relationship to the Corporate Plan: The Housing Assistance Policy sets out the forms of financial assistance that may be available subject to available funding. The policy concentrates on disabled adaptations and assisting elderly and vulnerable people. The policy will help the Council meet Priority 2: Homes of the Corporate Plan by considering the impact of an aging population and helping the elderly to retain their independence and remain in their own home.

Financial Implications: The assistance detailed in the policy will utilise the Better Care Fund (BCF) allocation received by the Council. The delivery of the assistance will be dependent on available external funding from the BCF pot held by Devon County Council.

The Council is not expected to provide its own capital towards the delivery of the assistance as the BCF is currently sufficient to cover existing demand. The Council

will however retain responsibility for meeting demand for mandatory Disabled Facilities Grants (DFGs).

Future allocations of the BCF from Devon County Council will be made on a demand basis and therefore the allocation may differ from that published by Department for Communities and Local Government (DCLG). This is to ensure that the basic demand for mandatory DFGs is met first as a priority for the whole of the County before any remaining funding is distributed to the district councils for the other forms of assistance found in the policy.

There is an ability for the Council to suspend all or parts of the discretionary elements of the policy locally (i.e. everything except the mandatory DFGs) if BCF funding is not adequate within any given year due to exceptional demand. Authority to make this decision is set out in Recommendation 3.

Legal Implications: The Council must have an up to date and relevant Housing Assistance Policy under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 in order to be able to provide assistance across the district.

Good quality private sector housing is also priority under the Councils adopted Public Health Plan 2017-19, produced collaboratively with Devon County Council Public Health Team targeting locality health inequalities under the provisions of the Health and Social Care Act 2012.

The Home Energy Conservation Act 1995 (HECA) also requires local authorities to produce a plan to achieve improved home energy efficiency. The plan must identify practicable and cost-effective measures likely to result in significant energy reduction in all residential accommodation in their area i.e. across the private sector and social housing/housing stock. The statutory HECA guidance requires us to report this plan to the Government every two-years and ECO schemes (see Section 3.7 and Annexes 3 and 4) form the major part of our submission in respect of private sector housing i.e. over 90% of the local housing stock.

Risk Assessment: Not having a relevant policy means that the Council would be unable to utilise the BCF for anything other than the mandatory DFG. This may have an impact on the Councils ability to help vulnerable households across the district.

Equality Impact Assessment: A full equality impact assessment has been undertaken and can be found in Annex 2. No equality issues have been identified within the policy.

1.0 Introduction

- 1.1 In 2015 the Government introduced the Better Care Fund (BCF) in an attempt to bring health and social care together in an integrated way. The fund is a combination of government funding from the Department of Health and the Department for Communities and Local Government and includes the grant allocation for Disabled Facilities Grants (DFG). The 2017-19 Integration and Better Care Fund policy framework document lists the conditions that must be addressed by the BCF and in particular this includes working together on a jointly agreed plan.
- 1.2 The development of this Devon Wide Housing Assistance policy is in response to this condition. It will allow each council to fully utilise the Better Care Fund allocation to meet specific needs across the county that may fall outside of the scope of the Disabled Facilities Grant (DFG).
- 1.3 The Better Care Fund provides more funding to Devon than is currently required to meet the demand for mandatory DFGs only. A wider policy is needed to allow the Devon councils to spend the BCF on assistance that helps a wider range of households and meets more of the BCF objectives.
- 1.4 A task and finish group was set up in November 2016 involving representatives from North Devon District Council, Mid Devon District Council, Teignbridge District Council and Devon County Council. The aim of the group was to produce a common policy that could be adopted across the whole of Devon by reviewing existing policies and considering policies from other areas.
- 1.5 This policy therefore substantially updates and replaces the previous Mid Devon Private Sector Housing Renewal Policy adopted in 2012. At that time the policy was adopted on a local basis only (i.e. there was no common Devon county level approach) as it operated without the strategic, policy framework and funding landscape now in place with integration under the BCF.
- 1.6 The final draft version of the new policy can be found in Annex 1 to this report.
- 1.7 The policy has a two-year cycle with an annual review.

2.0 Main scope of the policy

- 2.1 The policy aims to provide a consistent approach to the delivery of the BCF across Devon that satisfies the terms of the funding agreement.
- 2.2 The policy will provide the flexibility and discretion for the councils to provide appropriate assistance to meet the following objectives:

Objective 1 - Assist disabled residents to remain in their own homes through supporting the provision of adaptations (so far as this is necessary, appropriate and reasonably practicable) to prevent admissions to care and to assist with delayed transfers where possible.

Objective 2 – Safeguard the health and well-being of vulnerable residents by removing unnecessary hazards to health and safety in the home to reduce avoidable emergency admissions

Objective 3 – Provide adaptations that are suitable for the future by ensuring the scheme of works is dementia aware.

Objective 4 – Assist vulnerable people to afford to heat their homes through appropriate energy efficiency and heating measures.

- 2.3 These objectives meet the priorities detailed by the BCF and the various Councils in Devon.

3.0 Summary of the Assistance contained in the policy

Mandatory Disabled Facilities Grant (DFG)

- 3.1 The delivery of the Disabled Facilities Grant programme is mandatory and a statutory function of the local housing authority (Public Health/Private Sector Housing Team). The delivery of this function is governed by the Housing Grants, Construction and Regeneration Act 1996.

Accessible Homes Grant

- 3.2 The Accessible Homes Grant enables an enhanced offer in addition to the Mandatory Disabled Facilities Grant subject to available funding.

- 3.3 This grant is available in the following circumstances:

- Where a mandatory grant has been approved but the cost of the work exceeds £30,000
- Where there are works that may not be covered by the DFG in relation to adapting the home and making it safe.
- Where the means test identifies that a contribution is required.
- Where moving house more appropriate than adapting the existing property.

Healthy Homes grant

- 3.4 The Healthy Homes grant is a flexible grant to provide urgent/essential repairs to the home to ensure the health, safety and welfare of the occupier. The grant is only available where a loan is unavailable (see below).

Home Improvement Loan

- 3.5 Wessex Resolutions Community Interest Company (WRCIC) currently administers loans within the requirements of this policy and the local policies of each district council within Devon. The Home Improvement Loan is a flexible product that can be used for the following purposes:

- Home repairs and improvements
- Adaptation works where grant is not available
- To cover a client contribution to a grant
- To cover the cost of the work over the DFG or Accessible Homes grant maximum.
- To bring empty homes back into use
- For landlords to carry out repairs or improvement to rented accommodation
- For energy efficiency improvements

- 3.6 Continued participation in the home improvement scheme will be reviewed on an annual basis by the Cabinet Member for Housing and the Director of Operations, in consultation with the Council S.151 Finance Officer. The Council retains the ability, having given the relevant notice, to cease participation in the scheme. Reasons for withdrawal from the scheme may include; low participation rates, uncompetitive product offering, existing capital funds previously invested being fully utilised or alternative opportunities to deliver housing support. The authority to make this decision is set out in Recommendation 4.

ECO Flex Top up

- 3.7 This grant is provided by third parties, not Mid Devon District Council. It is a top up in addition to funding for energy efficiency measures. Where Energy Company Obligation (ECO) Flex funding and ECO top ups (HHCRO – Home Heating Cost Reduction Obligation) does not cover the full cost of the work, the ECO Flex grant aims to meet the funding gap.
- 3.8 The eligibility for ECO Flex funding itself is subject to a separate Statement of Intent that needs to be issued by each Local Authority. That Statement of Intent sets out local eligibility criteria. No ECO funding is provided by the Local Authority.

- 3.9 The first phase of the Energy Company Obligation (ECO), known as ECO1, ran from January 2013 to March 2015. This placed obligations on larger energy suppliers to deliver energy efficiency measures to domestic premises in Great Britain. The next obligation period, known as ECO2, launched on 1 April 2015 and ended on 31 March 2017. The government has taken action to extend ECO2 until at least the end of September 2018. Following this 18-month period, the Government is expected to introduce a longer term scheme.
- 3.10 Under the ECO scheme extension, energy suppliers will be able to achieve up to 10% of their Affordable Warmth³ obligation for the extension period by installing energy saving measures in households declared eligible by LAs. This new mechanism, also known as “flexible eligibility”, allows LAs to make declarations determining that certain households meet their eligibility criteria for a measure under this Affordable Warmth element of ECO.
- 3.11 As a result this is a time-limited scheme within the policy. Under the proposed the Statement of Intent (SOI), flexible access - subject to eligibility - would remain in-place locally at least until ECO2 ends in September 2018. Thereafter, any continuation will depend of new proposals from the Government and be considered within the annual policy review process.
- 3.12 More information on ECO Flex is given in Annexe 3 and the proposed Statement of Intent is contained in Annexe 4.

4.0 Recommendation

- 4.1 That the PDG consider the updated policy and recommend it for approval by Cabinet.
- 4.2 That the PDG recommends Cabinet approve the ECO Flex Statement of Intent (SOI) attached in Annex 4 associated with the revised Housing Assistance Policy.
- 4.3 That the PDG recommends that delegated authority is given to the Cabinet member for Housing to suspend some or all non-mandatory parts of the revised Housing Assistance Policy attached in Annex 1 if adequate funding is not available.
- 4.4 That the PDG recommends that delegated authority is given to the Cabinet member for Housing to determine continued participation in the Wessex Home Improvement Loans Scheme.

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Circulation of the Report:

Members of the Homes Policy Development Group
Cabinet Member with responsibility for Housing (Cllr Ray Stanley)
Group Manager for Governance, Performance and Data Security (Equality Impact Assessment)
Legal Services
Audit
Leadership Team

List of Background Papers:

MDDC Private Sector Housing Renewal Policy 2012 (previous policy)

More information on Wessex Home Improvement Loans is available at
<https://www.middevon.gov.uk/residents/housing/private-sector-housing/homeowners/loans/>

More information on the national ECO Flex scheme is also available at
<https://www.gov.uk/government/publications/energy-company-obligation-eco-help-to-heat-scheme-flexible-eligibility>; and

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/608042/ECO_Help_to_Heat_flexible_eligibility_guidance_for_LAs.pdf

Annex 1 – Devon Wide Housing Assistance policy 2018-19 (attached separately)

Annex 2 – Equality Impact Assessment

Title of review	Devon Wide Housing Assistance Policy for the
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	Better Care Fund 2018-19
Service	Public Health and Regulatory Services
Date of review	8/12/17
Date of next review	
Lead officer, Job Title and Service	Tanya Wenham Lead Officer (PSH), Public Health and Regulatory Services
Review team	Tanya Wenham
Scope of the analysis	As a Local Housing Authority ("LHA"), Mid Devon District Council is required to deliver the Better Care Fund (BCF) allocation locally to provide adaptations to assist disabled residents. The aims of the BCF are wider than just the delivery of the disabled facilities grant programme and therefore this policy details assistance that can help to meet the wider objectives of the BCF, and local councils. The purpose of this review is to consider the equality implications of the proposed policy.
Beneficiaries	The majority of residents in Mid Devon live in housing within the private sector. The policy focuses on services for the elderly or vulnerable and disabled residents. All protected characteristics are represented within the beneficiaries.
Stakeholders	Stakeholders include: <ul style="list-style-type: none"> • Residents; • Owners/landlords of private residential premises; • Council Members; • Council staff; • Public services, such as the Police, Devon County Council, NHS, and the Devon and Somerset Fire & Rescue Service; • Community and voluntary organisations.
Relevant data and research	N/A
Access complaints	None recorded
Consultation	TBC
Results of consultation	TBC
Relevance to the duty - Do your proposals contribute towards or impact on any of	

the aims of the duty?

There is a potential impact that requires further exploration within this assessment.

1. Eliminate unlawful discrimination – harassment, victimisation and any other conduct prohibited by the Act;

Availability of the assistance contained within the policy scheme is restricted to mainly benefit elderly, vulnerable and disabled residents. The policy will be equally and fairly applied to all those who are eligible to apply for assistance under the policy. No potential for unlawful discrimination has been identified.

2. Advance equality of opportunity – between people who share a protected characteristic and people who do not share it by;

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- meeting the needs of people with protected characteristics; and
- encouraging people with protected characteristics to participate in public life or in other activities where their participation is low.

Residents from vulnerable groups can sometimes have limited housing choices. In particular, families with young children, older persons and those with a disability can find themselves in poor quality accommodation. The policy aims to safeguard the health, safety and welfare of the following protected characteristics; Age and Disability. By doing so the policy restricts funding and services available and there may be some households on low income who do not meet the qualification criteria and therefore are unable to access the funding despite still being in need. The option of a Home Improvement Loan is available to such households. This is a necessary restriction due to the amount of funding available which must be targeted on a priority basis and the funding criteria imposed by the BCF.

3. Foster good relations – between people who share a protected characteristic and people who do not share it, by; tackling prejudice and promoting understanding between people with a protected characteristic and others.

Having regard to this aim, the proposed policy may have a negative impact as it favours those with a protected characteristic. As detailed above this may disadvantage households that are in need but do not meet the specified criteria.

Equality impacts raised or identified:

The proposed scheme shall be equally and fairly applied to everyone who meets the eligibility criteria. As such, no adverse equality impacts have been identified. However, certain beneficial impacts have been identified in respect of some of the protected characteristics.

**Protected
Characteristic**

Commentary

Age	Impact	<p>Yes.</p> <p>Poor housing conditions can negatively affect the health, safety and wellbeing of all residents, irrespective of age. However, certain housing deficiencies can have a more serious and harmful impact on individuals of particular ages. For example, older persons will suffer more in cold homes.</p> <p>The access to assistance within in the policy can be complicated and this could be a disadvantage if an individual is unable to make contact with the relevant person.</p>
	Mitigation	<p>Ensure that access to the assistance is as easy as possible for the elderly.</p> <p>Provision of advice and signposting for those age groups not eligible for the scheme.</p>
Gender	Impact	<p>No.</p> <p>The means of assessing eligibility does not discriminate against gender.</p>
	Mitigation	Not required as no impact has been identified, negative or positive.
Race	Impact	<p>No.</p> <p>The means of assessing eligibility does not discriminate against race.</p>
	Mitigation	Not required as no impact has been identified, negative or positive.
Disability	Impact	<p>Yes.</p> <p>The policy specifically identifies disabled residents as a beneficiary of assistance. The policy also aims to safeguard disabled residents by making their homes safer for them to live in.</p>
	Mitigation	The impact is positive. No mitigation is required.
Religion or belief	Impact	<p>No.</p> <p>The means of assessing eligibility does not discriminate against religion or belief.</p>
	Mitigation	Not required as no impact has been identified, negative or positive.
Gender	Impact	No.

reassignment		The means of assessing eligibility does not discriminate against gender reassignment.
	Mitigation	Not required
Sexual orientation	Impact	No. The means of assessing eligibility does not discriminate against sexual orientation.
	Mitigation	Not required
Marriage and civil partnership (Aim 1 only)	Impact	No. The means of assessing eligibility does not discriminate against marriage and/or civil partnership.
	Mitigation	Not required
Pregnancy and maternity (Aim 1 only)	Impact	Yes. The means of assessing eligibility does not discriminate against pregnancy or maternity. However, they may not meet the eligibility criteria for other reasons. In some circumstances this characteristic may be relevant when considering eligibility under certain benefit criteria
	Mitigation	This characteristic should be kept under review in terms of accessing the scheme and eligibility.
Overall conclusions and options to be put before decision maker or to take forward to develop your service: The policy specifically identifies some of the protected characteristics as beneficiaries of the scheme. The scheme is aimed at targeting resources as those households most in need of assistance.		
Actions arising from analysis:		
Action	Officer Responsible	Deadline
Ensure assistance can be accessed easily by elderly and disabled people.		

Acceptance

Name and signature of assessing officer and date of assessment

Name: Simon Newcombe

Position: Group Manager, Public Health
and Regulatory Services

Signed:

Date: 12/12/2017

Annex 3 – ECO Flex

Background
The Government has widened eligibility to ECO funding through ECO Flex to ensure

energy efficiency/fuel poverty measures are more widely available to vulnerable households. Importantly, these are households who otherwise wouldn't qualify under the standard ECO scheme e.g. offers under Cosy Devon, by virtue of not having the correct qualifying benefit.

The reason for local authority involvement in the scheme is because the Government has made local Councils responsible for setting local eligibility criteria. This is aimed at addressing local/regional needs and the nature or condition of local housing stock. This criterion is therefore set out and adopted through the Statement of Intent (SOI) and may vary from area to area.

Introduction and timeline

The first phase of the Energy Company Obligation (ECO), known as ECO1, ran from January 2013 to March 2015. This placed obligations on larger energy suppliers to deliver energy efficiency measures to domestic premises in Great Britain. The next obligation period, known as ECO2, launched on 1 April 2015 and ended on 31 March 2017. The government has taken action to extend ECO2 until at least the end of September 2018. Following this 18-month period, the Government is expected to introduce a longer term scheme.

The Energy Company Obligation (ECO) is an obligation on energy suppliers aimed at helping households cut their energy bills and reduce carbon emissions by installing energy saving measures. As of January 2017, it has delivered energy efficiency measures to over 1.6 million households in Great Britain, of which over 900,000 are low income and vulnerable households, or households in specified areas of low income.

Under the ECO scheme extension, energy suppliers will be able to achieve up to 10% of their Affordable Warmth³ obligation for the extension period (estimated to have a value of nearly £70m over the 18 months of the scheme) by installing energy saving measures in households declared eligible by LAs. This new mechanism, also known as "flexible eligibility", allows LAs to make declarations determining that certain households meet their eligibility criteria for a measure under this Affordable Warmth element of ECO.

There are two main categories of private tenure household that Government intends to be eligible through flexible eligibility:

- (i) Fuel poor households, especially those that are not in receipt of existing ECO eligible benefits, and the estimated 20% of fuel poor households that are not in receipt of any benefits; or
- (ii) Low income households that are vulnerable to the effects of living in a cold home

Statement of Intent (SOI) and Declarations

Local Authorities (LAs) participating in flexible eligibility have to publish a Statement of Intent (SOI) in which they set out the criteria they intend to use to identify

households meeting the eligibility criteria for flexible eligibility. This is a requirement of participation in the scheme and the proposed SOI for Mid Devon is attached in Annex 4.

This proposed SOI draws upon SOIs already published by neighbouring district councils, discussions within the Cosy Devon partnership, discussions with potential suppliers and available public health data.

In summary, eligibility is set out as follows:

- (i) **Fuel poor households** will require an ECO qualifying benefit e.g. income-related support or Jobseeker Allowance. Alternatively, a benefit that does not qualify for standard ECO offers such as Council Tax/Housing benefit or a combined household income of less than £30,000 gross. Properties must have either an Energy Performance Certificate (EPC) rating of 'D' or lower or have been selected due to their high energy bills, hard to treat and hard to reach nature e.g. flats above commercial properties, Houses in Multiple Occupation (HMOs) or reliance on solid fuel heating.
- (ii) **Households with vulnerability to the cold** containing people with 'at risk' characteristics which reflect the National Institute for Health and Care Excellence (NICE) 2015 guidance on excess winter deaths and illness caused by cold homes. These include those aged over 60 (55 in the case of park homes) and particularly those over 75, households with children under 16, pregnant mothers, occupants with; respiratory disease, cardiovascular disease, moderate to severe mental illness, dementia or similar, cancer, limited mobility, severe learning disabilities, autoimmune and immunodeficiency diseases.

Note: Private tenants and residents of park homes will be eligible regardless of income.

The ECO Order states that LAs must be consulted on the installation of a measure under flexible eligibility by suppliers, or their intermediaries. Ofgem's (Office of Gas and Electricity Markets) guidance states that LAs must be consulted prior to the installation however LA declarations can be made before or after the installation of measures. LAs can evidence that they have been consulted through a declaration.

Within the Council it is envisaged that the Private Sector Housing Team will have the most contact with potential eligible residents. Externally there are a number of voluntary/third sector bodies that could have contact with eligible customers who would act as an additional referral point.

Referral and pre-qualification checks will also be made through the LEAP (Local Energy Advice Programme) project and could be facilitated through the wider 'Making Every Contact Count' initiative.

A small number of suppliers have already registered their interest and are awaiting the release of the SOI so that they can commence work with customers that have already expressed an interest and in promoting the scheme to new customers.

Annex 4 – ECO Flex Statement of Intent (SOI) (attached separately)