



Report to Policy Committee

Author/Lead Officer of Report:

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and Health

Report of: Director of Adult Health and Social Care

Report to: Adult Health and Social Care Policy Committee

Date of Decision: 19th December 2022

Subject: Equipment and Adaptations Eligibility Criteria Update

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	X	No		
If YES, what EIA reference number has it been given? (1070)					
Has appropriate consultation taken place?	Yes	X	No		
Has a Climate Impact Assessment (CIA) been undertaken?	Yes		No	X	
Does the report contain confidential or exempt information?	Yes		No	X	
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-					
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>					

Purpose of Report:

Under the Care Act 2014, the Council has a duty to meet the eligible needs of those in its area. As part of this duty, a requirement is to set out and provide information about eligibility so that individuals and carers know what supports are available to them.

This paper notes the national eligibility criteria and seeks approval for the refreshed eligibility criteria for access to equipment and adaptations. It also sets out refreshed guidance on access to the Disabilities Facilities Grant.

Recommendations:

It is recommended that Adult Health and Social Care Policy Committee:

- Approve the Adult Health & Social Care Equipment and Adaptations Criteria at Appendix 1 and approve publication on the Sheffield Directory – our information and advice hub.
- Agree that updates in relation to expenditure on the Disability Facilities Grant will be provided through the budget update reports to Committee on a six monthly basis.
- Requests that the Director of Adult Health and Social Care brings an update in relation to implementation of the Criteria in one year.

Background Papers**Appendices**

Appendix 1 – Equipment and Adaptations Criteria

Appendix 2 – Equalities Impact Assessment

Lead Officer to complete: -		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Ann Hardy – Revenue Damian Watkinson – Capital (DFG)
		Legal: Patrick Chisholm <i>Service Manager</i>
		Equalities & Consultation: Ed Sexton – Equalities Lead
		Climate: Jessica Rick
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	Alexis Chappell – Director Adult Health and Social Care.
3	Committee Chair consulted:	Councillor George Lindars-Hammond, Councillor Angela Argenzio
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Jo Pass Die Green	Job Title: Interim Assistant Director Living and Aging Well Service (North) Service Manager - Adaptations, Housing and Health services.
	Date: 5th December 2022	

1 PROPOSAL

1.1 The Adult Social Care Strategy made a commitment towards enabling individuals to live independently safe and well at home. As part of this Commitment, Adult Social Care made a priority this year towards reducing our waiting times and focusing on practice development so that we can deliver upon this commitment and deliver excellent quality, accessible supports in Sheffield.

1.2 Under the Care Act 2014, the Council has a duty to meet the eligible needs of those in its area. As part of this duty, a requirement is to set out and provide information about eligibility so that individuals and carers know what support is available to them.

1.3 Adult Health and Social Care Eligibility Criteria is set out in the Care and Support (Eligibility Criteria) Regulations 2015 (the 'Eligibility Regulations'). To be eligible to receive social care support, individuals need will be assessed against [National Eligibility Criteria For Adult Social Care](#).

1.4 These national criteria are standard across the country, making the system fairer and equitable if an individual must move between local authority areas. The eligibility criteria will be available on our new information and advice hub noted today.

1.5 Equipment and Adaptations Criteria

1.5.1 A report on [Equipment and Adaptations](#) was approved at Committee on 16th November 2022 and set out our performance and delivery plan so that we can enable people to live the life they want to live.

1.5.2 Approval was subsequently provided to bring a refreshed Equipment and Adaptations Criteria to Committee. This was since the existing Equipment and Adaptations Criteria was last reviewed in 2008.

1.5.3 The Criteria has subsequently been refreshed to reflect changes to guidance from RCOT (Royal College of Occupational Therapists) and from the Department for Levelling Up, Housing and Communities.

1.5.4 The Criteria provides a framework for making equitable, transparent, and fair decisions about the provision of equipment and adaptations and provides information to individuals and family members about funding available for equipment and adaptations. It supports our ambition to reduce inequalities by delivering a tenure neutral delivery of equipment and adaptations for the citizens of Sheffield. The revised Criteria is attached at Appendix 1.

1.5.5 The Criteria will be implemented through a holistic assessment of the person with a disability and through strength and enablement-based approaches. If approved, the Criteria will be published on our new information and advice hub also noted at Committee today.

- 1.5.6 If individuals don't meet the Criteria, Adult Social Care will give advice, information, and support connections with partner agencies to enable individuals to keep as independent, active, and well as possible. The way in which we provide information, advice and guidance is improving so that we can provide maximum support to individuals, and this is set out in the report to Committee today regards the Information and Advice Hub development.
- 1.5.7 Our aim is to enable people to live independently, and adaptations are a support in achieving this aim. In conjunction with the refreshment of the Criteria, social care is also working in partnership with housing colleagues to develop an independent living delivery plan in line with an action approved through the Council Delivery Plan under the theme of Improving Outcomes and Tackling Inequalities Through Partnership Working. It's aimed that this will support a joined up approach to developing options for individuals with a disability and in particular those who need wheelchair accessible properties.

1.6 Access to Disabilities Facilities Grant

- 1.6.1 The Disabled Facilities Grant (DFG) is provided from Central Government and is ringfenced to fund equipment and adaptations identified by occupational therapists for people and children living in their own occupied, private rented or registered provider homes.
- 1.6.2 As described in the report to November 2022 Committee, financial recovery actions were approved to maximise the availability of the Grant to promote individuals' independence and reduce the risk of predicted overspend in relation to the Grant as backlogs are cleared.
- 1.6.3 In particular, the Committee approval for consideration at December 2022 Committee, that proposals would be brought forward for a:
- Means test for major adaptations for consideration by Committee in December 2022 to offset costs associated with rising demand.
 - Scrutiny function in relation to use of the mandatory DFG grant for major adaptations and approval of any high value decisions over £50k.
- 1.6.4 The [Private Sector Housing Assistance Policy](#) approved by Cooperative Executive on 17th November 2021 sets out the framework for realising these proposals. Its proposed due to this that officers work to this Policy and provide updates through the budget report to each Committee on our use of the Grant as an assurance process.

1.6.5 In practice this means that:

- All major adaptations will be means tested for adults and delivered as a mandatory Grant up to the value of £30K with a discretion by the Director of Adult Health and Social Care to increase the Grant from £30K to £50K in individual circumstances.
- People who are assessed under the means test will have a contribution to pay. People on passported benefits will not have a contribution to pay.
- Children's adaptations cannot legally be means tested and due to this, this policy decision does not affect children.
- Scrutiny of the budget usage would be provided to each Committee so that an assurance is provide regards application of the policy.

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 This proposal meets the Commitments 1 and 2, ASC outcome/s that are set out in the ASC Care Governance Strategy in several ways.

- Equipment and Adaptations delivers increased quality of life by enabling people to remain or increase independence, live safely and well in their own homes for as long as possible, plus helping to prevent hospital admissions and long-term care.
- Thriving neighbourhoods and communities as more disabled people will be able to maintain living in their own home and participate more fully in their communities.
- Better health and wellbeing as more disabled people will have the Adaptations equipment and/or assistive technology to maintain their independence and prevent ill health
- Tackling inequalities as more disabled people can utilise Adaptations equipment and/or assistive technology to overcome obstacles and achieve their potential.

2.2 This proposal also supports a broad range of strategic objectives for the Council and City, and is aligned with existing policies and commitments, including:

- *Councils Delivery Plan* – Under the Strategic Goal Health and Wellbeing for All.
- *Our Sheffield: [One Year Plan](#)* – under the priority for Education Health and Care, Enabling adults to live the life that they want to live
- *Our new ASC Operating Model* - this aligns to that new arrangement by reimaging a living and ageing well service.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 A crucial element in the successful promotion of independent living and reablement is the increased involvement in people receiving, and staff directly delivering care, in the development of all key parts of the plan.

3.2 To enable this, the governance structures will include the voices of those receiving care, carers, partners, and care providers so that we ensure we deliver what matters to people of Sheffield. This includes co-developing new community involvement mechanisms that include people with lived experience as equal partners.

3.3 An overall approach to coproduction and involvement is also a key element of the delivery plan, ensuring that the voice of citizens is integrated into all major developments ahead. A dedicated item on this is proposed as part of the Committee's forward plan

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

4.1.1 As a Public Authority, we have legal requirements under the Equality Act 2010, collectively referred to as the 'general duties to promote equality'. Section 149(1) contains the Public Sector Equality Duty, under which public authorities must, in the exercise of their functions, have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is connected to protected characteristics and prohibited by or under this Act;
2. advance equality of opportunity between those who share a relevant protected characteristic and those who do not;
3. foster good relations between those who share a relevant protected characteristic and those who do not.

4.1.2 The proposal described in this report is consistent with those requirements. It aims to develop a more efficient and person-centred approach and, as referenced in the Consultation section above, to ensure citizens' voices and experiences help to inform and develop the processes.

4.2 Financial and Commercial Implications

4.2.1 High value individual pieces of equipment over £500 are capitalised to the Disabled Facilities Grant and that cost this year is currently forecast to be circa £1m. In addition, up to £400k of costs relating to Citywide Telecare Alarm installations and equipment are also capitalised.

4.2.2 The DFG funding available for 2022/23 is £8.7m which is made up of £5.1m allocation for this financial year and a reserve unspent from prior years of £3.6m.

- 4.2.3 The current forecast commitments against this capital funding will expend the whole grant within 2022/23. Therefore, in future years there will only be the allocation received available to spend as all reserves will have been exhausted. The allocation is expected to remain at the level of 2022/23 £5.1m.
- 4.2.4 To stabilise the backlog of Accelerated Adaptations Grants, the current forecast expenditure for 2023/24 would be overcommitted by £2m (estimate). To reduce the backlog of all smaller adaptations the budget would be overcommitted by £4m (estimate) based on current operating model and criteria.
- 4.2.5 The above information only reflects the activity required on Accelerated Adaptations Grants capital works. There are approx. 50 people waiting for high value extensions to be assessed for DFG funding. The value of these works is unknown and still requires scoping but clearly would put further pressure on the DFG, estimated maximum costs at £2.5m.

4.3 Legal Implications

- 4.3.1 The core purpose of adult health and social care support is to help people to achieve the outcomes that matter to them in their life. The Care Act 2014 sets the Council's statutory power to direct the provision that:
- promotes wellbeing
 - prevents the need for care and support
 - protects adults from abuse and neglect (safeguarding)
 - promotes health and care integration
 - provides information and advice
 - promotes diversity and quality.
- 4.3.2 Beyond the Act itself the obligations on Local Authorities are further set out in the Care Act statutory guidance issued by the government. By virtue of section 78 of the Act, Local Authorities must act within that guidance.
- 4.3.3 The Care Act Statutory Guidance requires at para 4.52 that "... Local authorities should have in place published strategies that include plans that show how their legislative duties, corporate plans, analysis of local needs and requirements (integrated with the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy), thorough engagement with people, carers and families, market and supply analysis, market structuring and interventions, resource allocations and procurement and contract management activities translate (now and in future) into appropriate high quality services that deliver identified outcomes for the people in their area and address any identified gaps". This report evidences the continuing strategy to ensure these obligations are met within the Adaptations, Health and Housing services.

- 4.3.4 The proposals set out in this report will also assist the Council in meeting its statutory duty under the Housing Grants, Construction and Regeneration Act 1996. As set out in the main body of the report the Council, where the DFG statutory eligibility criteria and conditions are met, is required to pay a DFG. The applicant or homeowner may be subject to a means test, but not in the case of adaptations that are for the benefit of a child. The guidance to local authorities also advises that 'Authorities should decide the most appropriate forms of assistance to best address the policy priorities they have identified.'

4.4 Climate Implications

- 4.4.1 The review of DFG spend will include a review of how we increase recycling of equipment and adaptations which will in turn reduce landfill and waste. No significant climate impact to consider.

4.5 Other Implications

- 4.5.1 From 2008-09 the scope for use of DFG funding was widened to support any Council expenditure incurred under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO). Article 3 of the RRO enables housing authorities to give discretionary assistance, in any form, (e.g. grant, loan or equity release) for the purpose of improving living conditions, allowing the Council to use DFG funding for wider purposes which may be more appropriate for individuals than mandatory DFG allows.
- 4.5.2 This provides an opportunity for a more flexible use of the DFG fund to address issues on a wider preventative basis which cannot be covered using the mandatory scheme. However, under the RRO, any new forms of assistance must be set out in an approved policy. The Council Assistance Policy sets out all the forms of assistance it provides under the RRO. Therefore, any assistance using DFG funding will need to be set out in the Assistance Policy.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Not reviewing the Equipment and Adaptations Criteria and not reviewing the Disabilities Facilities Grant were considered. However, this would not provide the assurances required to ensure that we are striving towards a high performing and financially sustainable service.

6. REASONS FOR RECOMMENDATIONS

- 6.1 Reviewing and relaunching the Equipment and Adaptations Criteria gives a structured approach to the promotion of independent living through equipment and adaptations as well as how people can access the funding for their prescribed equipment and adaptations. It will also provide greater accountability and transparency of how will do this.

- 6.2 Asking for regular updates and refreshes of the Equipment and Adaptations delivery plan will keep the Committee, wider stakeholders, and the public the ability to hold the Council to account for progress and provide an additional mechanism to input to future development.