

12 January 2015**Agenda Item: 08****REPORT OF THE SERVICE DIRECTOR, CHILDREN'S SOCIAL CARE****PROVISION OF FUNDING FOR ADAPTATIONS TO A SERVICE USER'S
FAMILY HOME THAT EXCEED THE MANDATORY DISABLED FACILITIES
GRANT (DFG)****Purpose of the Report**

1. This report seeks approval to provide funding totalling £28,973 to support the provision of adaptations to a service user's family home to meet assessed needs and where the adaptations are in excess of the mandatory Disabled Facilities Grant (DFG).

Information and Advice

2. LG is a 7 year old boy who suffers from Duchene Muscular Dystrophy, a deteriorating muscle wasting disorder, resulting in loss of functional independence, mobility and an early loss of life. LG lives with his parents in an owner occupied property in Bassetlaw.
3. LG has been assessed through the Children's Countywide Occupational Therapy (OT) Service as needing adaptations to the home environment to enable and support his independent living and the need for ongoing essential care in a safe, private and dignified environment.
4. Adaptations for those with a permanent and substantial disability and who have been assessed as having a 'need' for access to specific adaptations are ordinarily provided through a mandatory Disabled Facilities Grant (DFG). The maximum DFG available in England is £30,000.
5. LG has been assessed as needing access to an appropriate bedroom and bathroom that can be accessed via a wheelchair. In addition to this the need for specialist equipment to support care has also been identified. Equipment assessed as being essential for LG's future and longer term care in the home is ceiling track hoist and high/low specialist bath with integral changing facility.
6. Significant assessment of the family home has established that it is not possible to provide the necessary environmental adaptations within the properties existing foot print. It has therefore been necessary to progress works for the provision of a new build ground floor, wheelchair accessible bedroom and bathroom facility. The case holding Occupational Therapist has worked in close partnership with the Bassetlaw Grants Officer to progress a formal DFG application. A DFG is a statutory grant that is awarded under Part 1 of the Housing Grants, Construction and Regeneration Act (HGCRA) 1996

and is administered by the District Council. The current maximum grant that can be awarded towards an adaptation is currently £30,000. Where the adaptation is for a child with a disability no financial assessment is applied.

7. Bassetlaw District Council has approved the maximum statutory DFG of £30,000 towards the provision of adaptations and awarded the contract for the approved scheme of works to a contractor which tendered the works at £58,973.85. Although LG has been awarded the full statutory DFG, the proposed scheme of works is in excess of the mandatory grant and there remains a short fall of £28,973. Until funds for the additional costs over and above the statutory grants are secured Bassetlaw District Council are unable to instruct the approved contractor to commence works.
8. When it is identified that the cost of an adaptation is in excess of the statutory DFG, the Local Authority continues to have a duty under the Chronically Sick and Disabled Persons Act (CSDPA) 1970 to ensure that all assessed needs are met once a child is deemed eligible for a service. Although a duty, the act empowers the Local Authority to provide this assistance in any form they choose.
9. A financial assessment has been completed with LG's parents to assess their ability to contribute towards the additional costs over and above the maximum DFG. The outcome of this assessment was that family has 'no disposable income' and is unable to repay a loan of any kind.

Other Options Considered

10. The option for LG's parents to contribute towards the costs in excess of the DFG. The financial assessment has identified that this is not a viable option and to progress would place the family at significant risk of financial hardship.

Reason/s for Recommendation/s

11. The Local Authority Children's Services retains a responsibility and legal duty to ensure that the housing needs of disabled children are met. This duty is detailed in the Children's Act 2004 s10 and the Housing Act 1996 s213. Furthermore the Local Authority is obliged under the Chronically Sick and Disabled Persons Act 1970 (CSDP) to assist and have regard to the needs of disabled children and their needs.
12. If the additional funds are not secured the District Council will not instruct the approved contractor to commence works and LG (a child in need) will remain living at home with unmet needs.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

14. The service user has a permanent and substantial disability and by definition under legislation is a child in need. By supporting the provision of adaptations to the family home this will enable and support the continued and ongoing delivery of safe and dignified care for LG in the home, reducing the possibility of future requests for alternative costly packages of care e.g. overnight respite care, extensive homecare support.

Financial Implications

15. £28,973 is the financial implication for this specific case. The Children's Countywide OT Service has an annual budget of £89,000 to support the provision of adaptations that are in excess of the statutory £30,000 DFG. In period 8 of financial year 2014/15 this budget was estimated to be over-committed by £32,000 by year end due to the number of proposed adaptations progressing and the increased costs of specialist builds. This predicted overspend does not account for the £28,973 detailed above. The financial implication inclusive of this former figure is an estimated over-spend of £58,973 in period 10.
16. The anticipated over-spend is unavoidable as the department has a statutory responsibility to ensure assessed needs are met. This duty is underpinned by section 2 of the Chronically Sick and Disabled persons Act 1970 and is supported by case law.
17. Although LG's parents have completed a financial assessment, as detailed in paragraph 9, the department currently has no formally approved process to address and manage these types of cases, placing the department in a vulnerable position should a service user challenge a decision. This issue is to be addressed in a further report to the Children and Young People's Committee in February to formalise the process and will also recommend that housing departments at district/borough councils are formally contacted in relation to use of the discretionary powers they also have.

Human Rights Implications

18. A child's right to family life is enhanced when appropriate adaptations are provided.

RECOMMENDATION/S

- 1) That the provision of funding of £28,973 as a top up to the statutory DFG of £30,000 approved by Bassetlaw District Council, for an adaptation to a service user's family home, be approved.

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Constitutional Comments (KK 24/12/14)

19. The proposal in this report is within the remit of the Children and Young People’s Committee.

Financial Comments

20. Financial comments will be reported at the meeting.

Background Papers and Published Documents

None.

Electoral Division(s) and Member(s) Affected

All.

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