

# Public Document Pack

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 25 January 2017
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## AGENDA

1. Declaration of pecuniary and non-pecuniary interests
2. Leader - Call-in of Cabinet decisions

### Minutes

3. Minutes of the previous meeting held on 11th January 2017 (Cab.25.1.2017/3)  
(*Pages 3 - 10*)

### Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.25.1.2017/4)
5. Action Taken Under Paragraph B6 of the Responsibility for Executive Functions - Officer Delegations Contained in the Council Constitution (Cab.25.1.2017/5)  
(*Pages 11 - 12*)

### Petitions

6. Petitions received under Standing Order 44 (Cab.25.1.2017/6)

### Items for Decision/Recommendation to Council

#### Communities Spokesperson

7. Disabled Facilities Grant Policy (Cab.25.1.2017/7) (*Pages 13 - 48*)

#### People (Achieving Potential) Spokesperson

8. Admission Arrangements for Community and Voluntary Controlled Primary and Secondary Schools for the 2018-19 School Year (Cab.25.1.2017/8) (*Pages 49 - 52*)
9. Co-ordinated Scheme for Admission to Primary and Secondary Schools for the 2018-19 School Year (Cab.25.1.2017/9) (*Pages 53 - 56*)

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard, Miller and Platts

Cabinet Support Members:

Councillors Cherryholme, Franklin, Frost, David Griffin, Lamb and Saunders

Chair of Overview and Scrutiny Committee  
Chair of Audit Committee

Diana Terris, Chief Executive  
Rachel Dickinson, Executive Director People  
Matt Gladstone, Executive Director Place  
Wendy Lowder, Executive Director Communities  
Julia Burrows, Director Public Health  
Frances Foster, Director Finance, Assets and Information Services  
Andrew Frosdick, Director Legal and Governance  
Alison Brown, Service Director Human Resources  
Katie Rogers, Communications and Marketing Business Partner  
Anna Morley, Scrutiny Officer  
Ian Turner, Service Director, Council Governance

Corporate Communications and Marketing  
Labour Group Room – 1 copy

Please contact Ian Turner on 01226 773421 or email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Tuesday, 17 January 2017

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 11 January 2017
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

**Present** Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Franklin (for Gardiner), Howard, Miller and Platts

**Members in Attendance:** Councillors Cherryholme, Frost, David Griffin, Lamb and Saunders

### 150. Declaration of pecuniary and non-pecuniary interests

There were no declarations of pecuniary or non-pecuniary interests.

### 151. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 14<sup>th</sup> December, 2016 had been called in.

### 152. Minutes of the previous meeting held on 14th December, 2016 (Cab.11.1.2017/3)

The minutes of the meeting held on 14<sup>th</sup> December, 2016 were taken as read and signed by the Chair as a correct record.

### 153. Decisions of Cabinet Spokespersons (Cab.11.1.2017/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the weeks ending 9<sup>th</sup> and 16<sup>th</sup> December, 2016 and 6<sup>th</sup> January, 2017 were noted.

### 154. Petitions received under Standing Order 44 (Cab.11.1.2017/5)

It was reported that no petitions had been received under Standing Order 44.

### Communities Spokesperson

### 155. Proposal to introduce both Housing Benefit and Board payments as part of the allowance paid to Shared Lives carers (long term placements) - Consultation Outcome (Cab.11.1.2017/6)

#### RESOLVED:-

- (i) that the outcome of the consultation on proposals for the introduction of both Housing Benefit and Board payments as part of the allowance paid to Shared Lives carers (long term placements), as detailed in the report now submitted, be noted;

- (ii) that the proposed changes be approved for implementation from 3<sup>rd</sup> April, 2017; and
- (iii) that the Council adopts the least impactful approach to the collection of both Housing Benefits and Board payments so that the manner in which the Shared Lives Carers Allowance is currently paid remains unchanged.

**156. Proposal to Consult on a Pilot Selective Licensing Scheme for Houses in Multiple Occupation (HMOs) (Cab.11.1.2017/7)**

**RESOLVED:-**

- (i) that advanced notification be given of the intention to undertake consultation on additional selective licensing scheme/s, subject to the submission of a further report setting out a robust consultation plan for approval and further data analysis to implement the scheme/s; and
- (ii) that further consideration be given for the use of Additional Licensing as a universal scheme to address the issues in, and surrounding smaller houses of multiple occupancy.

**157. Proposal to implement a new charging structure for the mandatory licensing of Houses in Multiple Occupation (HMOs) (Cab.11.1.2017/8)**

**RESOLVED:-**

- (i) that approval be given to implement a new charging structure for mandatory licensed houses in multiple occupation (HMOs) from 1<sup>st</sup> April, 2017, as detailed in the report now submitted; and
- (ii) that approval be given to the implementation of the new fee of £505 to licence a mandatory licensable house of multiple occupation for a period of 5 years.

**Corporate Services and Place Spokespersons**

**158. Housing Revenue Account - Draft Budget 2017-18 and Housing Capital Investment Programme 2017-2022 (Cab.11.1.2017/9)**

**RECOMMENDED TO FULL COUNCIL ON 2<sup>ND</sup> FEBRUARY, 2017:-**

- (i) that the Housing Revenue Account Draft Budget for 2017/18, as detailed in the report now submitted, be approved, with any final amendments/additions being delegated to the Cabinet Spokespersons for Place and the Executive Director for Place;
- (ii) that the Service Charge Proposals for 2017/18, as set out at Appendix D and Sections 3.15 to 3.17, be approved;

- (iii) that the 2017/18 Berneslai Homes Management Fee at Section 3.26 be approved with any final amendments/additions being delegated to the Service Director Culture, Housing and Regulation and the Executive Director Place in consultation with the Cabinet Spokesperson for Place;
- (iv) that the use of Berneslai Homes Ltd retained surplus, as outlined in Section 3.27, be approved;
- (v) that the investment of the 2017/18 surplus as outlined in Sections 3.7 and 3.23 be approved;
- (vi) that the Council Housing Capital Investment programme for 2021-22, as detailed in the report, be approved;
- (vii) that the Housing Reserves Fund proposed spend as outlined at Section 3.22 of the report be approved;
- (viii) that a rent reduction in line with Government's rent policy be approved; and
- (ix) that the Board of Berneslai Homes be authorised to vary any of the approved core capital schemes subject to a maximum variation on existing budgets of £250,000, with variations above this amount to be carried out in agreement with the Executive Director Place in consultation with the Cabinet Spokesperson for Place.

#### **Corporate Services Spokesperson**

#### **159. Strategic Risk Register Review (Cab.11.1.2017/10)**

##### **RESOLVED:-**

- (i) that Cabinet confirms that the high level strategic risks articulated within the Strategic Risk Register fully reflect the current position of the Council, as detailed in Appendix 6 of the report now submitted; and
- (ii) that the content of the report be noted and Cabinet continues to commit to support the Corporate Risk Management process and the embedding of a Risk Management culture within the organisation.

#### **160. Council Tax Base Report (Cab.11.1.2017/11)**

##### **RESOLVED:-**

- (i) that the report of the Director of Finance, Assets and Information Services for the calculation of the Council's Tax Base for the year 2017/18 be approved;
- (ii) that the Council Tax Base for the year 2017/18 shall be 62,346.89. This figure has been calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012; and

- (iii) that calculated in accordance with the above regulations, the Council Tax Base for the year 2017/18 in respect of each Parish be as follows:-

<b>Parish Area (by Area Code)</b>	<b>Band D equivalent chargeable properties</b>	<b>95% of Band D equivalent chargeable properties</b>
Penistone	4,247.10	4,034.75
Billingley	99.10	94.15
Great Houghton	653.00	620.35
Little Houghton	181.80	172.71
Shafton	959.30	911.34
High Hoyland	70.40	66.88
Hunshelf	169.10	160.65
Langsett	107.40	102.03
Cawthorne	613.30	582.64
Dunford	246.70	234.37
Gunthwaite and Ingbirchworth	286.70	272.37
Thurgoland	750.30	712.79
Tankersley	588.80	559.36
Wortley	294.40	279.68
Oxspring	465.00	441.75
Silkstone	1,201.60	1,141.52
Stainborough	165.20	156.94
Barnsley and other Non-Parish areas	54,529.10	51,802.61
<b>Total</b>	<b>65,628.30</b>	<b>62,346.89</b>

#### **161. Business Rates - Calculation of the Authority's Local Share (Cab.11.1.2017/12)**

##### **RESOLVED:-**

- (i) that the process for estimating the retained Business Rate Local Share for 2017/18, as set out in the report now submitted, be noted, and agree that the 'local share' for Barnsley will be £22.032m (excluding Section 31 Grants) in line with the Council's Medium Term Financial Strategy (MTFS); and
- (ii) that the Director of Finance, Assets and Information Services, in consultation with the Corporate Services Cabinet Spokesperson, be authorised to submit the NNDR1 return when issued by DCLG.

##### **Place and Communities Spokespersons**

#### **162. Principal Towns Investment Programme (Cab.11.1.2017/13)**

##### **RESOLVED:-**

- (i) that Cabinet agrees to the concept of developing a principal town's programme and the commissioning approach, as set out in the report submitted;

- (ii) that approval be given to the full business case, in accordance with Capital Programme requirements;
- (iii) that approval be given to the release of £5m from the 2020 Capital Investment Fund to establish the Principal Towns programme;
- (iv) that further reports be brought forward to Cabinet with recommendations for funding allocations resulting from the Principal Towns programme commissioning process; and
- (v) that the commissioning of works and services under the programme follow the arrangements for Area Council procurement.

### **Place Spokesperson**

#### **163. Pontefract Road, Barnsley - Traffic Regulation Order Objections (Cab.11.1.2017/14)**

##### **RESOLVED:-**

- (i) that the objections to the proposed Traffic Regulation Order in respect of Pontefract Road and Grove Street, as detailed in the report now submitted, be noted;
- (ii) that the proposals for 'no waiting at any time' restrictions on a section of the eastern side of Grove Street be omitted from the scheme, and dealt with as a separate, Traffic Regulation Order at a later date to allow the shared cycle/footway scheme to be completed on schedule, as detailed in the report; and
- (iii) that the Interim Head of Highways, Engineering and Transportation and the Director of Legal and Governance be authorised to make and implement part of the Traffic Regulation Order relating to the restrictions on Pontefract Road as shown in Appendix 2 of the report submitted.

#### **164. Better Barnsley Regeneration - Metropolitan Centre Business Case (Cab.11.1.2017/15)**

##### **RESOLVED:-**

- (i) that approval be given to the Metropolitan Centre Business Case, as detailed in the report now submitted and the scheme be implemented;
- (ii) that the proposed rent structure in the main body of the business case, which is subject to final amendments when approval will be sought, be noted; and
- (iii) that the potential ongoing financial implications associated with the development be noted.

**165. Barnsley Town Centre Plan and Site Development Appraisals  
(Cab.11.1.2017/16)**

**RESOLVED:-**

- (i) that the priorities set out within the Town Centre plan, as detailed in the report now submitted, be confirmed and the mechanisms for project development and delivery, be agreed;
- (ii) that the Town Centre Projects, set out in Arup's Barnsley Town Regeneration Plan, and their further development be noted and endorsed;
- (iii) that the principle of development on the Courthouse car park site be agreed and a detailed programme of option appraisals to determine the form, scale and timing of that development be agreed; and
- (iv) that further reports be submitted to Cabinet which provide a business case, including options appraisals for the development of the Courthouse site.

**166. Exclusion of Public and Press**

**RESOLVED** that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
167	Paragraph 3
168	Paragraph 3

**Place Spokesperson**

**167. Better Barnsley Phase 2 (Cab.11.1.2017/18)**

**RESOLVED:-**

- (i) that approval be given to the business plan for phase 2 of the Better Barnsley Scheme, as detailed in the report now submitted and to be known as The Glass Works;
- (ii) that the revised costs of the phase 2 scheme be noted as well as the options being considered to fund the scheme with the final decision on how the development will be progressed to be proposed via a future report;
- (iii) that the additional resources for the predevelopment works to deliver the business plan be approved;



- (iv) that the disposal by way of a headlease of approximately 4 ha of assets on Cheapside, May Day Green and Kendray Street (as shown in Appendix B of the report) be agreed, on terms agreed by the Executive Director Legal and Governance, in consultation with the Cabinet Spokesperson for Corporate Services and the Director of Finance, Assets and Information Services. These terms will be detailed in a future report;
- (v) that the Director of Legal and Governance, in consultation with the Cabinet Spokesperson for Corporate Services and the Director of Finance, Assets and Information Services, be authorised to enter into an agreement to sublease for those assets required by the Council for the future provision of Barnsley Markets;
- (vi) that the Director of Legal and Governance, in consultation with the Cabinet Spokesperson for Corporate Services, the Executive Director Place and the Director of Finance, Assets and Information Services, be authorised to enter into agreements to lease with commercial operators taking leisure/retail units in the new Glass Works scheme; and
- (vii) that working with the Council's Strategic Procurement Unit and NPS Barnsley, the development of a procurement process be authorised if needed to secure an investor/developer for phase 2 of Better Barnsley. The details of the process will be the subject of a further report.

**168. J36 Strategic Business Park - Proposed Acquisition of HCA land at Rockingham Hoyland (Cab.11.1.2017/19)**

**RESOLVED:-**

- (i) that the Service Director Assets be authorised to negotiate Heads of Terms for an acquisition of the Homes and Communities Agency (HCA) land at Rockingham, Hoyland, as identified in the report now submitted;
- (ii) that the Director of Legal and Governance be authorised to complete the acquisition from the HCA, subject to the independent valuation being within tolerance and the ground conditions being acceptable to the Council;
- (iii) that, if approved by the Sheffield City Region Combined Authority (SCR CA), funding from Sheffield City Region finance for the acquisition and associated costs, set out in the report, be accepted;
- (iv) that the principles of the SCR CA grant funding agreement be agreed and accepted, and that final approval be delegated to the Executive Director Place in consultation with the Director of Legal and Governance and the Director of Finance, Assets and Information Services;
- (v) that approval be given to the full business case in accordance with Capital Programme requirements;

- (vi) that the release of £0.361m of funding in 2016/17 from the 2020 Capital Investment Fund, to acquire the HCA land at Rockingham, Hoyland, be approved;
- (vii) that the subsequent onward sale of the site be through a competitive tender process and a development agreement be negotiated as part of this transaction to secure the delivery of floor space on this part of employment site within an acceptable time frame;
- (viii) that, if additional professional assistance be required, to appoint external consultants as appropriate, within the current procurement rules; and
- (ix) that, subject to receiving acceptable offers for the onward sale of the site and a development agreement being in place, the Director of Legal and Governance be authorised to complete all necessary legal documentation for the proposed onward disposal, subject to all necessary planning consents being obtained by the developer before completion.

.....  
Chair

**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**REPORT OF THE DIRECTOR OF  
LEGAL AND GOVERNANCE**

**Action Taken under Paragraph B6 of the Responsibility for Executive Functions –  
Officer Delegations Contained in the Council Constitution**

**1. Purpose of Report**

To inform Cabinet of action taken as a matter of urgency under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution.

**2. Recommendations**

**That the action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations, as contained within the Appendix attached to the report, be noted.**

**3. Background**

Individual actions taken following consultation with the appropriate Cabinet Spokesperson are detailed by Cabinet Portfolio in the Appendix to this report. In accordance with Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution these actions are reported into the next available Cabinet meeting.

**4. Implications**

There are no local area, crime and disorder, financial, employee or human rights implications arising directly from this report.

**5. Background Papers**

Decision notices of action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations contained in the Council Constitution available for inspection in the Council Governance Unit, subject to the notice not containing personal information as defined by the Data Protection Act 1998 or exempt information as described in Schedule 12A of the Local Government Act 1972.

**6. Appendices**

Appendix 1 – Decision taken by Executive Director.

**Officer Contact:** Craig Rogerson    **Telephone No:** 773425    **Date:** 9 January 2017

**Action Taken under Paragraph B6 of the Responsibility for Executive Functions –  
Officer Delegations Contained in the Council Constitution**

- |   | <b><u>Date of<br/>Decision</u></b> |
|---|------------------------------------|
| 1. <b><u>Heads of Terms Agreement with Cinema Operator for the<br/>Town Centre Better Barnsley Scheme</u></b> | 4 January,<br>2017                 |

Decision of the Executive Director Place, after consultation with the Cabinet Spokesperson for Place to accept the clause within the Heads of Terms, that once solicitors have been instructed, the Council agree to pay a specified amount to the cinema operator, should the Council not exchange an agreement to lease with the said cinema operator. At the point of exchange of the agreement to lease this clause falls away.

## BARNSELEY METROPOLITAN BOROUGH COUNCIL

**This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan**

**Report of the Executive  
Director - Communities**

### **Proposal to adopt a revised Policy for the delivery of Disabled Facilities Grants**

#### **1. Purpose of report**

To inform cabinet about the provision of Disabled Facilities Grants, changes to funding of Grants and to introduce the proposed Disabled Facilities Grant Policy 2016 as a replacement for the Authority's 2009 Policy.

The proposed Policy includes changes to discretionary financial assistance, details of links with other schemes that exist to improve the wellbeing of vulnerable people, and introduces a fast track process for specified adaptations intended to shorten waiting times for customers, improve the throughput of referrals and increase grant spend.

#### **2. Recommendations**

Cabinet members are asked to adopt the Disabled Facilities Grant Policy 2016 as set out in Appendix 1

#### **3. Introduction**

Disabled Facilities Grants (DFGs) are a mechanism to provide financial assistance to disabled people who meet the eligibility criteria for housing adaptations which enable the person to live independently in their own home.

In Barnsley the Communities Directorate administers the DFG. The scheme is for children and adults living in private sector residential properties who require home adaptations costing more than £1,000 where it is deemed that the adaptation work is necessary and appropriate to meet the disabled person's needs, and it is practical and reasonable to undertake depending on the age and condition of the property.

The delivery of DFGs is heavily governed by legislation the Housing, Construction and Regeneration Act, 1996. Under this Act all adults who apply for a grant are subject to a financial assessment of means except those who receive certain types of income who will be deemed to be automatically eligible for a grant.

The maximum grant award available is £30,000 although the Council can apply discretion to 'top up' this amount if it is in the interest of the Council and the applicant concerned to do so and an approved policy is in place.

Work funded through a DFG comes under the category of major adaptation work and includes; stair lifts, ramps, provision / building of level access facilities. Minor adaptation work and equipment (costing less than £1000) to support community care and promote independence for the person is managed by the Equipment and Adaptations team and supplied by the Community Equipment Service.

In the three years from April 2013 to March 2016 the DFG team received 905 referrals, processed 426 completed applications, and managed 412 major adaptations.

The Government allocation to Barnsley in 2016/17 for DFG's was £2,330,936.00 compared to £1,326,250.00 for 2015/16.

The average waiting time before a standard referral is picked up by the DFG service is currently 12 months.

The review of DFG processes in Barnsley highlighted the need for the greater flexibility in how the grant was administered and implemented using the powers afforded to Councils by the Regulatory Reform Order, 2002 (the Order).

#### **4. Proposal and justification**

There is no single written policy in respect of DFG's, and it has been recognised following an independent review of the DFG's process in Barnsley that a broader policy is needed to assist with the interpretation and implementation of the legislation relating to the adaptation of the homes of disabled people.

The majority of the proposed policy clarifies legislative requirements and provides a practice framework for Officers. However it also includes local elements. For example a fast track process for specified equipment, links to other schemes concerned with improving the well-being of vulnerable people, the spot purchase of project management services from a third party for larger adaptations in circumstances where it is of benefit to the Council and applicant(s) to do so and improved procurement of frequently identified adaptations to ensure best value.

In June 2013 the Government announced the intention to create the Better Care Fund to support the integration of Health and Social Care service delivery. Consequently in 2015 Barnsley's DFG allocation increased significantly to just over £2.3million compared to just over £1.3m the previous year. In light of this increase it is clear the DFG in Barnsley needs an effective policy and be sufficiently resourced to be able to respond quickly and successfully to meet the needs of disabled people living locally and more quickly.

Within the grant there is also scope to recruit support for the DFG process. This will add value to the service and enable work to be undertaken that will facilitate more timely and cost effective delivery of DFG's locally. Recruitment of a full time Caseworker and additional Project Officer is the subject of a delegated decision report.

A majority of other Councils have adopted a policy outlining the way DFGs are delivered to meet local need.

Approving this policy will contribute to the delivery of an enhanced DFG service.

## **5. Consideration of alternative approaches**

The only other approach is not to adopt this policy. If this policy is not adopted the Council will continue to struggle to meet demand for DFG's and waiting times for standard referrals will continue to exceed 12 months from the date a referral is received.

Failure to implement the proposed policy and improved demand management arrangements will inevitably increase pressure on adult social care budgets, due to the inability to timely respond to meet people's needs to remain in their own home, 75% of the current customer profile is people aged 65 years plus.

Sufficient levels of grant spend will not be achieved with a risk that future allocations for DFG's will reduce.

There is a risk that the Council will increasingly be open to challenge in respect of its DFG processes and administration from applicants and others as incomes and service budgets are placed under pressure.

## **6. Implications for local people / service users**

Eligible disabled people living locally, their families and carers will benefit from a fast track grants process for some adaptations / equipment as their need will be met more quickly. Having a fast track grants policy for stair lifts and other such adaptations is now considered nationally as best practice.

Where the top up grant is increased from £5k to £10k in certain cases this will result in the disabled person being able to have a home adaptation when previously this would not have been an option for them due to cost.

Extending funding to cover replacement of boilers, central heating systems, home insulation and to provide generic adaptation to Shared Lives Carer homes will improve service user wellbeing. It could also reduce the risk of housing related problems such as heating or damp conditions causing a higher than necessary admission rate into hospital/ care or a longer than necessary hospital or respite care stay for vulnerable person.

Introducing a fast track grants process for certain applicants requiring a stair lift or other specified adaptations may lead to increased demand however processes to establish need remain in place and will be applied in all cases.

## **7. Financial implications**

There are none specific to this report.

All expenditure will be contained with existing Disabled Facilities Grant allocations.

## **8. Employee implications**

The adoption of this policy has no employee implications for the Council.

## **9. Communications implications**

Information will need updating to reflect changes to the Councils policy for providing assistance for major home adaptations. It should be anticipated that the introduction of a fast track process for certain applicants may lead to an increase in demand for the provision of some adaptations. However existing assessment processes in place to establish need will still be applied in all cases.

## **10. Consultations**

When developing the policy and proposals within Appendix A discussions were held with Occupational Therapists in relation to referral processes, adaptation pressures and priorities.

All members of the Communities DMT have had the opportunity to comment on the proposed policy and their comments acknowledged.

Better Homes Barnsley in relation to the energy efficiency programme and consideration of how to integrate this scheme with home adaptations across housing, health and social care systems to achieve better health and wellbeing outcomes.

Shared Lives Manager's in relation to legislation and the DFG's flexibility to assist with providing generic adaptations within Shared Lives Carer homes.

The Northern Adaptations Group (NAG) in respect of DFG policy development and interpretation of legislation specifically post implementation of the Better Care Fund.

## **11. The Corporate Plan and the Council's Performance Management Framework**

The Council aims to ensure that housing needs and aspirations are met by enabling access to a home that is well maintained, warm, and affordable in a peaceful and secure environment.

Barnsley is working towards a better future for people living in the Borough with the aim of making the Borough a thriving, unique place to live, work, visit and trade.

The Housing Delivery Plan 2014-2033 has a number of key ambitions one of which is to support young, older and vulnerable people to live independently. The delivery of DFG's contributes to achieving this ambition.

## **12. Promoting equality, diversity, and social inclusion**

Assistance for the improvement or adaptation of properties is an essential element of providing an effective response to meet the needs of an aging population and vulnerable people.

Grants such as DFG's support disadvantaged and low income households and more specifically DFG's enable older and disabled people to live independently in



their own homes and has a positive impact on their physical, emotional and social wellbeing and equality and diversity issues.

**13. Tackling the Impact of Poverty**

Grants such as DFG's and the flexible application of discretionary amounts such as those proposed within the policy support disadvantaged and low income households

**14. Tackling health inequalities**

Primary Care Services are putting in place support and interventions to reduce reliance upon acute services.

More disabled children are remaining in their home with appropriate albeit often increasingly costly adaptations.

Grants such as DFG's and the flexible application of discretionary amounts such as those proposed within the policy support disadvantaged and low income households.

**15. Reduction of crime and disorder**

There are no crime and disorder implications

**16. Risk management issues**

With the introduction of more flexible funding options there is a risk that some activity will not be reported via the DFG mandatory grant reporting framework  
To lessen any potential impact of this any activity not reported through the DFG reporting framework will be monitored and reported internally.

**17. Health, safety, and emergency resilience issues**

There is no health, safety and emergency resilience issues identified resulting from the implementation of the policy.

All approved adaptations are subject to schedule of work, pre-construction and construction phase plan and risk assessment. A programme of announced and unannounced site inspections by the Council and Health & Safety Executive exists.

The Council has comprehensive Health and Safety management and monitoring procedures in place.

**18. Compatibility with the European Convention on Human Rights**

The provision of DFGs and the delivery of these in a flexible way to meet the needs of the local disabled population support the individual to live as independently as possible within their own home and community. In addition provision of home adaptation not only supports the wellbeing of the disabled person, their safety and security but can also contribute to the reduction of carer stress and supports the right to a family life

**19. Conservation of biodiversity**

In respect to the conservation of biodiversity all approved adaptations are subject to a specification of works, pre-construction and construction phase plan that considers conservation of biodiversity issues as appropriate.

**20. Glossary**

N/A

**21. List of appendices**

Appendix 1 – Disabled Facilities Grant Policy

Appendix 2 – Equality Impact Assessment – Changes in Policy Community Impact

**22. Background papers**

Barnsley Council Disabled Facilities Review – 21<sup>st</sup> March 2016 prepared by Astral Advisory

Officer Contact: Carol Hughes

Tel: 01226787920

Date 22<sup>nd</sup> November 2016

Financial Implications /



Consultation .....

*(To be signed by senior Financial Services officer  
where no financial implications)*

**COMMUNITIES DIRECTORATE**  
CUSTOMER SERVICES

**DISABLED FACILITIES GRANT  
POLICY**

Author	Carol Hughes
Owner	Communities Directorate – Customer Services
Date Written	10th November 2016
Impact Assessment Date	23 <sup>rd</sup> November 2016
Impact Assessor	Carol Hughes
Date Issued	
Approved Date	
Next Review Date	March 2018
Document No.	
No of pages	22

# COMMUNITIES DIRECTORATE

## CUSTOMER SERVICES

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## **DISABLED FACILITIES GRANT POLICY**

### **1.0 INTRODUCTION**

- 1.1 This document sets out BMBC standard for the delivery of disabled adaptations. It explains the responsibilities of different Council services in assessing needs and determining what is provided to applicants for Disabled facilities Grants (DFG's) Demand for DFG's continues to be high, and in order to ensure that disabled people do not wait longer for the adaptations they need, this standard aims to set out what support applicants can expect to receive and how referrals are made and prioritised.

### **2.0 PURPOSE**

- 2.1 The purpose of this policy is to assist all officers involved with the assessment, management and provision of major adaptations in the interpretation and implementation of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (The Order) so far as it relates to the adaptation of the homes of disabled people.
- 2.2 This policy sets out how Barnsley Metropolitan Borough Council will provide both mandatory and discretionary Disabled Facilities Grants (DFG's) for adaptations in private sector residential properties.
- 2.3 This majority of this policy clarifies legislative requirements however it does include local elements developed to meet the needs of disabled people living in Barnsley and provide a more responsive service
- 2.4 This policy contains information on eligibility for grant assistance relating to applications, approval, payment of grant, other relevant conditions and exceptions.
- 2.5 This policy has been developed to ensure fair, equitable and consistent treatment for all disabled people who require the Councils assistance in adapting their home.
- 2.6 This policy will remain in force until such times it is reviewed and amended to take account of any funding changes. To ensure the local elements of this policy remain relevant to meet local need (Section 5.29-31 & Appendix A) this policy will be subject to regular review

### **3.0 SCOPE**

- 3.1 This Policy shall be applied in respect of any request for assistance to fund an adaptation by means of a DFG mandatory or discretionary grant.

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### 4.0 RELATED DOCUMENTS

- 4.1 Housing Grants, Construction and Regeneration Act 1996 (The Act)  
Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 (The Order)  
The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to the approval or Payment OF Grant)  
General Consent 2008  
Care Act 2014 (Adults)  
Chronically Sick and Disabled Person's Act, 1970 (Children)  
Children and Families Act 2014  
Equipment, Adaptation & Sensory Impairment – Adaptation Guidelines  
Equalities Act, 2010  
Barnsley Housing Strategy Service, 2014-2033  
BMBC Procurement Policy

Other legislation that influences and supports adapting Homes is:  
Health Service and Public Health Act 1968  
Housing Act 1985  
Carers and Disabled Children's Act 2000  
Children Acts 1989 and 2004

### 5.0 POLICY

- 5.1 ***Criteria for Adaptations:***  
Any adaptation scheme for which a Disabled Facilities Grant is sought must meet the relevant requirements set down for such grants in The Act and The Order.

Within this policy adaptations are categorised as either minor or major adaptations

#### Minor Adaptations:

Barnsley Metropolitan Borough Council has a responsibility to provide minor adaptations, which a person has been assessed to need and for which he or she is eligible, free of charge provided the costs (including fittings) is less than £1000

Examples of minor adaptations are:

Grab Rails

Drop down rails

Handrails – wooden rails usually needed on stairways.

Metal rail to external steps.

#### Major Adaptations:

Major adaptations are significant and permanent alteration to a property and within private sector properties this covers adaptations over £1000.

Examples of frequently requested major adaptations are:

Stair Lift

Level access shower

Ramp

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The Council also funds the Handy Person's Service delivered by Barnsley Home Improvement Agency. This service carries out small repairs and odd jobs around the home to support people's wellbeing and keep them secure and safe at home. This service is free to residents aged 60 years and over, or people of any age living with disabilities or life-long limiting illness.

Examples of work undertaken:

Supply and fit door locks.

Supply and fit key safes

Supply and fit plastic and metal grab rails

Supply and fit handrails.

This policy is mainly concerned with the provision of major adaptations.

### 5.2 ***Eligibility:***

A person if disabled is eligible for a Disabled Facilities Grant assistance for adaptation that is assessed as being 'necessary and appropriate' and that is 'practicable and reasonable'

For the purpose of the legislation relating to Disabled Facilities Grants a person is defined as being disabled if:

- Their sight, hearing or speech is substantially impaired
- They have a mental disorder or impairment of any kind; or
- They are physically and substantially disabled by illness or impairment present at birth or otherwise.

A person aged 18 or over is taken to be disabled if:

- they are registered as a result of any arrangements made under section 29(1) of the National Assistance Act 1948, or
- they are a person for whose welfare arrangements have been made under that section or might be made under it.

A person aged under 18 is considered to be disabled if:

- they are registered in a register of disabled children maintained under the Children Act 1989, or
- in the opinion of BMBC Social Services they are a disabled child as defined for the purpose of Part III of the Children Act 1989.

The Council will only support adaptations that are essential by reason of the applicant's disability.

Adaptations will not be considered to overcome social problems or overcrowding

### Registered Provider Properties / Housing Association Properties

- The Council cannot in law refuse to process a properly completed application if the eligibility criteria and processes are satisfied whether it



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is received from an owner-occupier or tenant. However there is a clear expectation that all Registered Social Landlords should fund or contribute to the cost of adaptation work undertaken within their properties.

It should be noted that responsibilities for housing adaptations in council owned properties lie with Berneslai Homes. Tenants in these properties do not have recourse to apply to DFG funds.

Information about adaptations for Berneslai Homes tenants can be found at :

<https://www.berneslaihomes.co.uk/repair-your-home/equipment-and-adaptations/>

### 5.3 ***Necessary & Appropriate:***

In reaching a determination as to whether works proposed are necessary and appropriate the Council will consult with the Occupational Therapy team. An Occupational Therapist will visit and assess the disabled person's needs and where necessary will consult with DFG officer when advice relating to a technical matter is required. The Council will accept the work recommended in the Occupational Therapy referral as that which is necessary and appropriate to meet the disabled person's needs.

### 5.4 ***Reasonable and Practicable:***

The Council must be sure that it is reasonable and practicable to approve a grant for adaptation having regard to the age, condition or suitability of properties, for example:

- Where there are multiple or excessive changes in levels.
- Where the property is in a poor or dilapidated condition.
- Where the moving of any existing services would be prohibitively expensive
- Where the property is a listed building or in conservation area and the proposed adaptation would be prohibitively expensive or inappropriate.
- Where the adaptation work would have a detrimental effect on other residents.
- In cases where it is not possible to adapt a property to an appropriate standard or where the cost of the work is considered excessive the Council will take the view that the work is not 'reasonable' and 'practicable'.

The Council will accept the advice of a DFG Project Manager/Officer in the determination that the proposed work is 'reasonable' and 'practicable'.

### 5.5 ***Referral Priority***

The Occupational Therapist assigns a priority to every referral they make for a DFG.

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Priority A is assessed as individuals whose adaptation(s) should be a priority due to their identified level of risk i.e. there is a serious and imminent risk to health and safety, or the person has a progressive illness which is likely to deteriorate rapidly and become unmanageable within their current environment without the provision of the identified adaptation(s)

Standard Priority is those that do not meet the criteria described above but who are considered to be at risk and have an acknowledged need for the recommended adaptation.

Referrals are processed by priority and in date order of request.

### 5.6 ***Mandatory Disabled Facilities Grant – Legislative Framework***

- DFG's are mandatory grants and are available to disabled people when work to adapt their home to meet assessed needs are judged necessary and appropriate, and when it is reasonable and practicable to carry them out having regard for the age and condition of the dwelling.
- DFG's are subject to means-test except in the case of a child. This means that an applicant's income and savings have to be assessed to determine the amount of contribution that they must make towards the cost of the required work and the amount of grant available to them. The way that the means-test is carried out is set within the Regulations and the Council does not have any discretion as to how it is applied. Applicants who are in receipt of certain benefits which are referred to as a pass porting benefits are however exempt from the means test (5.9 )
- The maximum grant amount is set by statute and is currently £30,000. This amount is reduced by the contribution assessed as payable by the applicant under the means-test.
- It should be noted that Grant money can be recovered following the sale of an adapted property within 10 years of payment providing the Council 'is satisfied that it is reasonable in all circumstances to require the payment'. Grants below £5,000 are excluded and the maximum amount of grant recoverable in any case is limited to £10,000.
- A DFG can only be approved for the disabled person's main residence.
- An application for a DFG by a property owner or landlord must be accompanied by an owner's /landlords certificate.
- In the case of an owner application the intention must be to live in the property as their main residence throughout a period of five years. In the case of a landlord the property must be let or available for letting for the whole five year period. If the property is not available or let or ownership is sold or transferred within a five year period, the grant up to £10,000 plus interest will be repayable to the Council.

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- *Dual Residency of a Disabled Child* – Where parents have joint custody of a disabled child only one property will be classed as the main residence for the purpose of a mandatory DFG. The main residence will be determined by whichever parent receives child benefit. This property may or may not be within the Barnsley Borough although the Council would only be liable for mandatory grant to any property within the boundaries of Barnsley.
- *Disabled Child in Foster Care* – A DFG can be granted for a disabled child in foster care providing the likely length of care at the property is expected to be years rather than months. In such circumstances the grant will be discretionary not mandatory and will be subject to available funding at the time. However due to the diverse circumstances surrounding children in foster care each case will be considered on an individual basis taking into account any local agreements and protocols in place with Children's Services as appropriate.

### 5.7 **Work Eligible for Mandatory Grant:**

The purpose for which a DFG is given can be summarised as follows:

- Enabling Access – grant may for work to remove or overcome any obstacle(s) which prevent the disabled person from moving freely into or around the home, access to the garden and enjoying the use of the dwelling, facilities and amenities within it.
- Making a Home Safe – grant may be given for certain adaptations to the dwelling to make it safe for a disabled person and other person's living with them. This may include the provision of lighting where safety is an issue or for adaptations designed to minimise the risk of danger where a disabled person has behavioural difficulties.
- Access to a room for sleeping – grant may be given for the provision of a room suitable for sleeping where an adaptation to an existing room in a dwelling (upstairs or downstairs) or the access to that room is suitable. Where the disabled person shares that room with a spouse or partner a grant may be given to provide a room of sufficient size so that normal sleeping arrangements can be maintained.
- Access to a bathroom – Grant may be given for the provision of , or access to, a WC, washing, bathing and/or showering facilities.
- Facilitating preparation and cooking of food - grant may be given to rearrange or enlarge a kitchen to improve the manoeuvrability for a wheelchair and to provide specially modified or designed storage units, worktops areas etc. Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out a full adaptation of the kitchen. However, it may be appropriate to carry out certain adaptations that enable the disabled person to perform minor tasks in the kitchen such as preparing light

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meals and drinks.

- Heating, lighting and power – grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs. A grant would not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating will be considered where the well-being and/or mobility of the disabled person is adversely affected. Provision will also be made for the adaptation of heating, lighting and power to make them suitable for the use of the disabled person.
- Dependent Residents – grant may be given for work to enable a disabled occupant better access around the dwelling in order to care for another disabled person who normally resides there whether or not they are related to the disabled person. Such work could include adaptation to part of the dwelling to which the disabled person wouldn't normally need access but which is used by the person for whom they are providing care therefore it would be reasonable for such work to be carried out.
- Common parts – grant may be given for work to enable access to a dwelling through common parts of a building.
- Access to the garden – Adaptation to facilitate access to a garden will only be provided if recommended by a Occupational Therapist.

### 5.8 ***Repair or Renovation Works***

Repairs or remedial work will not normally be part of a DFG. Where such work is required the owner of the property will be responsible for carrying these out and the Council will not normally approve any DFG until such work is completed to the satisfaction of the Council.

Similarly where remedial or repair work is discovered when adaptation work is underway this will be the responsibility of the owner to fund before the adaptation work can proceed/ continue. In exceptional circumstances, assistance (mandatory or discretionary) may be available for remedial, repair or unforeseen work subject to the availability of resources.

The Council reserves the right to request the owner of a property provide an electrical safety certificate and a gas safety certificate as applicable prior to any work starting.

### 5.9 ***Application for a Disabled Facilities Grant***

- Owner-occupier's and tenants, licensees or occupiers who are able to satisfy the criteria in the Housing, Grants, Construction and Regeneration Act 1996 are eligible to apply for a DFG.
- Private landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the requirements of the Act.
- A landlord's written permission must be obtained before a DFG can be

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approved. Where a landlord withholds permission for the work to be undertaken a grant cannot be given. Furthermore, where the owner of a privately rented property cannot be located, or as died and the property is in probate a grant cannot be given.

- The availability of a grant is dependent on all the following criteria being met:  
The work being necessary and appropriate  
The work being reasonable and practicable  
The applicants' mean-test contribution being less than the approved value of the grant.

### 5.10 ***Test of Resources***

In accordance with the Act all applicants for a DFG are means tested except in the case of a child. The test of resources only takes into account the resources (income and savings) of the disabled occupant and /or their spouse or partner where applicable and where practicable. It does not take into account outgoings.

Disabled occupant and/or their spouse or partner in receipt of one of the following types of income will be '*pass ported*' through the means-test process;

- Income based Employment Support Allowance
- Income based job seekers allowance
- Pension Credit
- Housing Benefit
- Council Tax Support
- Tax Credit and a yearly income of less than £15,050

The Council would need to see proof of benefit in all cases

### 5.11 ***Decision Making Criteria***

Once the Council in consultation with the Occupational Therapist has determined the proposed work is necessary, appropriate, reasonable and practicable the following specific expectations and premise are accounted for to ensure the best use of available funds:

- Grant work should fully meet the assessed needs of the applicant. Grants that only partially meet needs will only be considered in exceptional cases. The final decision as to whether to approve a grant that only partially meets the need will be determined by the DFG team's Service Manager and only after all the available information has been considered.
- Work funded by a DFG will be the simplest and most cost-effective adaptation to meet the assessed need(s), this includes any equipment provided via a DFG or other funding source.
- Wherever practicable and realistic the change of use of existing rooms or the reordering of rooms will be the preferred solution and will take

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precedence over both the construction of extensions and the installation of equipment.

- The DFG will generally only fund one adaptation to a property for example only one external door will be ramped. In certain circumstances a case for providing more than one facility can be referred to the DFG panel meeting by the Occupational Therapist recommending the adaptation.
- In certain circumstances a grant up to the estimated cost of providing an adaptation can be used to contribute towards an alternative scheme. For example, where the provision of a through floor lift would meet the assessed needs of the disabled person but the preference of the applicant is for an extension, a grant equal to the cost of the through floor lift could be approved. The agreed alternative works must meet the assessed need of the disabled person as determined by the Occupational Therapist. The responsibility for the project management of an alternative scheme rests with the disabled person / their representative to arrange.
- Where two disabled people occupy the same property as their main residence and both have individually assessed needs by the Occupational Therapist, depending on the adaption(s) required there may be a case for considering two separate DFG applications. In such circumstances this will be referred to the DFG Panel meeting by the referring Occupational Therapist(s) for consideration.

### 5.12 ***The DFG Process***

Application for a DFG – An applicant for a DFG can only be approved when all required supporting documentation is approved by the Council, The DFG team will provide any applicant with the necessary help and assistance to navigate and complete the application process. It is important that the grant applicant understands the conditions attached to any grant and therefore the Council will ensure these are included in the information in the application pack. If an applicant is unclear about the conditions clarification will be provided on request.

Financial Test of Resources – Once it has been confirmed that the proposed work is necessary, appropriate, reasonable and practicable a test of financial resources will be completed where appropriate, i.e. for disabled adults only. The process for the test is laid out in statute and the Council has no discretion in this area. The means-test is complex and the DFG team offers the applicant assistance to complete the form either within the Councils own premise or the applicants home.

Provisional Test of Resources – As the grant payable is the cost of the work less the amount of contribution calculated by the means-test, the disabled person or their representative may have concerns as to eligibility for a grant prior to making an application. In such circumstances the DFG team may carry

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out a provisional means-test either face to face or over the phone. This will provide the relevant person(s) with an approximate contribution figure, if there is one, should a grant application be made.

Survey – A survey of the property where the adaptation is proposed will be undertaken and a specification of works written. In some cases if the adaptation is for an installation of specialist equipment the Occupational Therapist may organise this survey and provide the quotation e.g. for a ceiling track hoist or for safe space equipment.

Project Management – The DFG team offer the services of a project manager or officer who will manage the adaptation project on behalf of the applicant, This service includes the tendering for and appointing of a suitable contractor(s), application for Planning or Building Control permissions, completion of pre-construction phase plans, agreeing start dates with the applicant and contractor(s) and supervision of the adaptation by carrying out site visits.

The applicant will be offered a choice of contractors to carry out the work however other than in exceptional cases i.e. to prevent an excessive delay to the start of the work; the grant will only fund the lowest tender price.

The Council is allowed to include a project management fee for this service within the grant. The fee charged for this service is 11% of the eligible cost of work. The Council reserves the right to review the Project Management fee as part of its costs / budget review processes.

### 5.13 ***Council Managed and Non Council Managed Applications***

- The Council has six months to approve a grant once a formal application is made.
- Applicants must not start work before achieving formal grant approval or their application will not be valid. Where planning permission or building regulation approval is required work must not start until these are in place.
- Interim payments can be made direct to the contractor(s) and other professional bodies as appropriate for works satisfactorily completed.
- On completion of work a DFG officer will complete a site visit to ensure all works have been satisfactorily completed and will ask the disabled person or their representative to sign a form to confirm they are happy with the work following which the grant money will be released to the contractor(s). If a building regulations application has been submitted and approved the grant will not normally be released until the completion certificate has been issued.
- All grant applicants are advised to familiarise themselves with the grant conditions to ensure they are fully aware of them. Grant conditions are sent out to applicants as part of the application process.

### 5.14 ***Applicant Funded Work***

In some cases applicants' may wish to carry out work in addition to that which is eligible for grant funding. This is permissible provided the following

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guidelines are adhered to:

- If an alternative scheme is pursued it must meet all the applicants needs as assessed by the Occupational Therapist. To ensure this the plans must be agreed in advance by the Occupational Therapist.
- The grant will only be based on works agreed by the Occupational Therapist as necessary and appropriate and approved by the Council.
- In order to calculate the amount of grant the applicant is entitled to 3 competitive quotes should be provided for the works as agreed by the Occupational Therapist as necessary and appropriate. In exceptional circumstances the Council may accept two quotes providing the applicant can evidence due process has been followed.
- The applicant will be responsible for funding any unforeseen items.
- No interim payments will be made for alternative schemes if it is not possible to assess from work in progress correct levels of interim payments.
- Full and final monies will only be released once the alternative scheme of works has been completed and an assessment can be made that the completed work fully meets the identified need(s).
- Where the applicant choses to incorporate an adaptation into a larger or new build scheme, the grant will only fund internal works specifically required for the disabled person.
- A grant cannot be used to fund any part of a new build or alteration that was already planned prior to an application for a grant being made. A grant can however be considered for adapting part of a new build to meet the disabled person's needs. This will generally be restricted to internal works. There is an expectation that the needs of the disabled person will be factored in to all structural works.
- Grant funding cannot be used for any improvement works
- In the case of a self-build scheme there is an expectation that the needs of the disabled person will be incorporated into the design. Grant funding may be available for specialist facilities in accordance with the Occupational Therapist assessment.

#### 5.15 ***Applicant taking responsibility for managing own scheme***

- After the means-test has been carried out and it has been established that the applicant is eligible for a grant the applicant will need to obtain three itemised competitive quotes for the work. In exceptional circumstances the Council may accept 2 itemised competitive quotes providing the applicant can evidence due process has been followed.
- If a relative of the applicant provides the quotations the grant will be approved for the cost of materials only. The applicant will be responsible for the cost of labour.
- Quotations will be evaluated by a DFG officer to ensure they cover only identified work and represent value for money. If considered excessive the applicant will be asked to obtain further quotes. Once quotes are accepted the amount of grant offered will be on the lower prices



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submitted. The applicant may choose to appoint one of the alternative contractors; however a grant will not be available for the difference in cost.

- Applicants will retain the right to choose their own contractor providing:
  - I. The contractor is qualified and suitably experienced to undertake the necessary work needed.
  - II. The contractor provides a quotation in accordance with the schedule of work.
  - III. The applicant funds any difference in cost.
- Once the application is formally approved, in writing, the applicant can contact the contractor to arrange a start date. Work should not start until planning and/or building regulations approval is in place, or the applicant has confirmation that the work is exempt otherwise the grant may not be paid.
- As part of the grant conditions the work must be completed within 12 months from the formal approval date and must be carried out by one of the contractors whose estimate was submitted with the application. The contract for work remains between the applicant and contractor.
- If an architect or structural engineer is required the applicant will be responsible for engaging their services. However a DFG officer must approve the estimate for fees for such services before the grant is approved. Applicants are encouraged to ensure these professional services are provided by a suitably qualified person.

### 5.16 ***Timescales***

<b>Statutory Timescales</b>	<b>Period</b>
From Formal DFG Application to Approval	6 months
From Approval to Completion of Work(s)	12 months
From Approval to Payment of Grant	12 months

### 5.17 ***Specialist Equipment***

Equipment eligible for a mandatory grant should be fixed to the premises not freestanding. Freestanding equipment may be supplied by the Equipment and Adaptation Service.

### 5.18 ***Specifications***

All adaptations and DFG work where applicable will be in accordance with Part M of the Building Regulations.

### 5.19 ***Disputes***

Where a dispute arises regarding the standard of work the Council will withhold any payment until the work has been completed satisfactorily in the

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professional opinion of the Council.

Note: Where the completed work meets the Council's approval but the applicant is not satisfied the Council will not unreasonably withhold payment to the contractor.

#### 5.20 ***Maintenance and Warranties***

When equipment is installed using a DFG the applicant who was awarded the grant becomes the owner of the equipment and is therefore responsible for its maintenance, repairs and for removing the equipment once it is no longer needed. Therefore once grant works have been completed the Council will not finance or organise servicing, repairs or maintenance after the expiry of any applicable warranty period which is usually 12 months. Applicants are advised to consider purchasing longer warranty at the time of installation as repairs can be costly.

A five year warranty will be funded as part of the grant for certain specialist equipment e.g. stair lifts. Information relating to warranties will be provided to the applicant as part of the grant approval process.

#### 5.21 ***Removal of Adaptations and Reinstatement of Work***

The Council do not usually remove adaptations from properties if they are no longer required, neither will reinstatement work be carried out. Applicants will be made aware of this before DFG work is undertaken. Should an applicant change their mind about an adaptation once the Occupational Therapist Assessment and work has been completed unless the Occupational Therapists confirms there has been a significant change in the applicants needs the Council will not remove or carry out any additional work.

#### 5.22 ***Replacement of Facilities / Specialist Equipment***

Consideration to replace damaged or broken facilities or equipment will be given under a further DFG providing it:

- Cannot be repaired
- Has not been wilfully damaged
- Still meets the needs of the disabled person
- Has been annually serviced/maintained in accordance with the manufacturer's instructions, where applicable (including the warranty period); and the warranty period has expired.
- Any decision to replace damaged or broken facilities or equipment will be made by the DFG panel.

A DFG will not be considered where a facility or equipment that was present in a property has been removed by or under the instruction of the disabled person / occupant unless there was a proven good reason for doing so.

#### 5.23 ***Change in Circumstances***

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Certain changes in an applicant's circumstances may affect payment of the grant. Changes prescribed by legislation are:

- Where work is no longer necessary or appropriate to meet the needs of the disabled person.
- The disabled person ceases to live in the property
- The disabled person dies.

In such circumstances the Council can decide:

- Not to pay the grant or any further instalments
- That some of the work should be completed and the grant or some of it will be paid; or
- That the grant application should be re-determined.

In the circumstances described the Council has the right to demand repayment of any grant paid including interest. Each case will be considered on its own merit.

The right to demand repayment also extends to circumstances where the applicant ceases to be entitled to the grant before the work has been completed.

The Council is also entitled to refuse to a grant, any further grant instalments or recalculate the grant when:

- The grant was approved on the basis of inaccurate, incomplete or false information.
- The cost of the work is less than the original estimate.

### 5.24 ***Repayment in case of Compensation***

It is the condition of the grant that the applicant takes reasonable steps to pursue any relevant claim and to repay the grant so far as appropriate out of the proceeds of a claim. A claim is:

- An insurance or legal claim against another person in respect of damages to the premises to which the grant relates, or
- A legal claim for damages in which the cost of the works to the premises to which the grant relates is part of the claim.

### 5.25 ***Applicants on the Housing waiting list***

DFG applicants who are on a waiting list for other accommodation will be made aware that they will lose their housing application priority once a DFG is approved. This is because that it is a condition of a DFG that the applicant will live in the property throughout the grant condition period of 5 years (5.6)

### 5.26 ***Complaints***

It is acknowledged that the grant process is very prescriptive this is to ensure that it is delivered in accordance with the relevant legislation. DFG officers will

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support and guide applicants through the processes and ensure their assessed needs are.

Where an applicant is dissatisfied with the service they have received including where a grant may have been refused they should in the first instance contact the DFG Service Manager who will aim to resolve the issue. If the matter is not resolved to the applicants' satisfaction they can make a formal complaint by contacting the Councils Customer Services Feedback team. Details of how to do this are included in the applicants information pack or can be found on the BMBC online webpage.

### 5.27 ***Safeguarding***

All safeguarding issues will be reported to the Safeguarding Team in accordance with the Authorities Safeguarding Policy/procedures.

### 5.28 ***Data Protection***

The Council will comply with the Data Protection Act 1998 and Article 8 of the Human Rights Act and will show proper regard for the confidentiality of applicants and employees personal information. The DFG team in carrying out their responsibilities will work in accordance with the BMBC Data Protection Policy.

### 5.29 ***Discretionary Disabled Facilities Assistance***

Article 3 of the Housing Grants, Construction and Regeneration Act 1996 clarifies that assistance may be given for a wide range of purposes for example

- to provide small scale adaptations to either meet needs not covered by a mandatory DFG or, by avoiding the procedural complexities of mandatory DFG's to deliver a quicker remedy for urgent adaptations.
- to provide top-up assistance to a mandatory DFG where the Council takes the view that the amount of assistance available under DFG is insufficient to meet the needs of the disabled applicant and their family.
- to assist with the acquisition of other more suitable accommodation and where the Council is satisfied that this will benefit the disabled person at least as much as improving or adapting their existing accommodation.

Powers under Article 3 of The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 enables Councils to give discretionary assistance in any form for adaptations e.g. grant, loan or equity release. Financial assistance can also be provided indirectly to the disabled person through a third party. There is no restriction on the amount of assistance that may be given. Discretionary assistance may be given in addition, or as an alternative to a mandatory DFG.

### 5.30 **DFG Top-Up Funding**

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The Council may, if it sees fit, provide additional assistance for disabled applicants whose eligible adaptation works exceed the Mandatory Grant Limit of £30k.

The maximum discretionary funding (top up) available will be £10,000.

Top up funding will only be considered:

- Where efforts and applications to obtain the necessary and additional funding from elsewhere have been unsuccessful.
- Where failure to have the work carried out would mean that the disabled applicant is unable to remain living in the community.
- Where completion of the work would potentially bring savings in other areas of social care provision, e.g. a reduction in care package costs.
- Where the disabled applicant or their carer would be at significant risk if the work was not completed

The provision of this top up funding ensures that where a need has been identified, and work has been recommended as being 'necessary and appropriate' but the DFG amount awarded does not cover the full cost of the adaptation the Council fulfils its duty to assist with meeting need.

Any top up funding will only be considered having regard to the amount of resources the Council has at the time. If it does not have sufficient resources left to fund other referrals passed to the DFG team by the Occupational Therapy Service at the time the Council reserves the right not to approve any top up funding.

### 5.31 ***Fast – Track Adaptations***

With the introduction of the Better Care Fund greater opportunities exist for the DFG Service to more effectively contribute to improving the wellbeing of disabled people living in Barnsley, their families and carers and create potential savings for social and healthcare spending.

The following fast track adaptations will only be implemented having regard to the amount of resources available at the time. If the Council does not have sufficient resources to deal with the grant referrals that have been passed to them by the Occupational Therapists the Council reserves the right to suspend or remove the fast track process for identified adaptations.

The Council will adopt a fast track grants process to better manage demand, speed up delivery of certain adaptations, contribute to meeting individual health / social care needs and potentially reduce care costs.

Stair Lifts – These are fitted in circumstances where a person's mobility is restricted, and it is not likely to improve making it difficult for them to negotiate stairs in safety and without undue distress or risk to the carer.

The Council will fast track the provision of a stair-lift for DFG eligible individuals who have a 'Passporting Benefit' where this equipment has been assessed as necessary and appropriate by an Occupational Therapist and where it is practical for this equipment to be installed.

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Through – Floor Lifts – These are fitted in circumstances where the disabled person is unable to safely use a stair lift, where the structure of the staircase is not appropriate for the safe installation of a stair lift. Where ground floor living with access to essential facilities cannot be viably achieved by change of use, reallocation of rooms.

Installation of a vertical lift must enable access to essential facilities on either floor. It should be noted that the construction, design and layout of the property may determine that the property is not suitable for this type of adaptation.

The Council will fast track the provision of thru floor lifts for DFG eligible individuals who have a 'Passporting Benefit' where an Occupational Therapist has recommended the adaptation to be necessary and appropriate and it is feasible for the lift to be installed.

Ceiling Track Hoists – These are fitted in circumstances where the mobile hoist has been considered and found to be inadequate for the disabled person and/or carer(s) to perform transfers, or it is not feasible for them to do so due to limited space. Or where a ceiling track hoist will enhance the disabled person's independence when transferring e.g. self-hoisting or reduce care costs.

The Council will fast track the provision of ceiling track hoists for DFG eligible individuals who have a 'Passporting Benefit' where an Occupational Therapist has recommended the adaptation to be necessary and appropriate and where there is evidence that providing this adaptation will reduce carer costs.

## GLOSSARY

### 6.1 List of abbreviations

DFG – Disabled Facilities Grant

## 7.0 REFERENCES

### 7.1 The Housing Grants, Construction and Regeneration Act 1996 Health & Social Services and Social Security Adjudications Act 1983 – Section 17

The Disabled Facilities Grant – Before and after the Introduction of the Better Care Fund. Foundations

Barnsley Council Disabled Facilities Review, March 2016. Astral Ltd.

## Appendix A – Additional Information

### Links to other Schemes

#### 8.1 ***Better Homes Barnsley***

Better Homes Barnsley is the latest Council endorsed energy efficiency scheme operating in the Borough. It is part of a Leeds City Region wide programme called Better Homes Yorkshire. The Better Homes Barnsley Scheme is the primary route through which the Council seeks to tackle cold and damp housing conditions that are unfavourable to good health and wellbeing.

- The Council under this scheme will use mandatory grant and as necessary discretionary monies to fund Gas Boiler Replacement, install full gas central heating systems, provide cavity wall and loft insulation for DFG eligible individuals where the work is assessed as being necessary and appropriate by the Better Homes Contractor who will complete the assessment.
- On satisfactory completion of the agreed work the grant and/or discretionary payment for the energy efficiency work will be paid directly to the Contractor.

#### 8.2 ***Interim Care for Vulnerable Adults leaving Hospital – Shared Lives Service***

Shared Lives Service in partnership with the Barnsley Clinical Commissioning Group (CCG) is providing cost effective preventative care solutions to meet the needs of vulnerable adults leaving hospital.

- Discretionary monies will be used to provide adaptations within the homes of Shared Lives Carer(s) who is registered to provide support as part of this scheme.
- Funding will be provided for the types of adaptations that are normally provisioned for disabled people via a Disabled Facilities Grant.
- The Council will accept the recommendation within an OT assessment as evidence that the adaptation is necessary and appropriate to support an accessible and safe living environment for individuals on the scheme and carer(s).

#### 8.3 **Procurement**

##### ***Project Management Services***

- 8.3.1 Extensions – The procurement and management of extensions can be time consuming for DFG Officers. Currently the DFG Service outsources the

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planning and building regulations element of work for all extensions. The DFG service reserves the right to outsource to a suitable contractor/company as necessary the project management of extensions so that the through out of other adaptation work and grant spend are maintained at an appropriate level.

### 8.3.2 ***Procurement Efficiencies – 2017 /18***

The DFG Service will prioritise and establish the following procurement efficiencies to reduce costs and save administration time

- Create a framework order for modular access ramps and as appropriate will with other Services / Organisations seek to procure wherever possible fixed price items as part of a block contract.
- Procure services of a Surveyor to develop a schedule of rates for contracting standard works removing the necessity to tender every piece of work separately



# Equality Impact Assessment

## Changes to Policy– Community Impact

To identify whether a policy review/change will impact on all sections of the local community equally and agree what action can be taken to better understand the impact and to reduce any inequalities.

### About the Policy

<b>Name of Policy</b>	Disabled Facilities Grant Policy 2016
<b>Name of Officer responsible for EIA</b>	Carol Hughes
<b>What is the purpose of the policy?</b>	The policy sets out how BMBC provides both mandatory and discretionary Disabled Facilities Grants for private sector residential (home) adaptations. The policy has been developed to ensure fair, equitable and consistent treatment for all disabled people who require the Council's assistance to adapt their home.

### About the Policy Review

<b>Why is the policy being reviewed / changing?</b>	Following an independent review of the Disabled Facilities Grant processes (DFGs) it was recognised that a broader policy was needed to assist Officers with the interpretation and implementation of legislation relating to the adaptation of the homes of disabled people.
<b>How is the policy changing / likely to change?</b>	A fast track grants process for specific equipment has been proposed  An increase in discretionary funding from the current £5k limit to £10k
<b>What will this change mean for customers / the public?</b>	Eligible applicants, their families, and carers will benefit from a fast track grants process for some adaptations/equipment and therefore need is met more quickly.

	<p>In certain circumstances applicants will be able to consider home adaptation when previously cost was a barrier.</p> <p>Funding can be extended to cover heating / home insulation systems etc.</p>
<b>When will this be taking place (start and finish)?</b>	<p>It is anticipated if the policy is approved by Cabinet the policy will be implemented from 1<sup>st</sup> April 2017</p>

## What We Already Know About the Equality Impact of the Policy

<p><b>Policy feedback:</b></p> <p>What do you already know about the equality impact of the policy? This could be from consultation, complaints / compliments, stakeholder feedback, staff anecdotal evidence etc.</p>	<p>This policy is only applicable to disabled adults and children.</p> <p>Introduction of fast track processes and increases in discretionary funding have been proposed to better manage the demand for adaptations with the rise in the discretionary funding limit increasing access to adaptations for some.</p>
<p><b>Data:</b></p> <p>What evidence is available about equality impact of the policy and what does it tell you? This could be service performance monitoring data, it could demographic data (as shown in <u>ward profiles</u>), etc.</p>	<p>Data has shown that 70% of DFG's were for adaptations to the homes of older people.</p> <p><u>Existing DFG Implementation Policy &amp; DFG Provision:</u></p> <p>The DFG team receive approx. 25 referrals a months and the majority of these are categorised as standard referrals and the average waiting time from referral to grant application is 14 months.</p>
<p><b>Previous EIA's:</b></p> <p>Has there already been an EIA on all or part of this policy before, or a related policy? If so, what were the main issues and actions it identified?</p>	<p>There has been no EIA on this policy (new) related policy - <u>Equipment &amp; Adaptations Guidelines</u></p> <p>Socio-Economic - Identified there is an issue with longer waiting times for adaption work to be completed for disabled people in private tenures than for tenants of Berneslai Homes properties and that affordability of adaptations for disabled people living in private tenures was identified as an issue due to the legislative requirements of DFG's and grant limits.</p>

## Assessment of Equality Impact

Protection from unlawful discrimination is provided by the Equality Act in relation to the following characteristics:

- disability
- age
- gender reassignment
- pregnancy, maternity, breastfeeding
- race
- religion and belief
- sex
- sexual orientation

An “equal” policy is one where those who **need** to use the policy the most **do** use the policy the most.

What do you know about the extent to which the above groups need to use your policy? What do you know about the extent to which they do use your policy? And is there a gap between the two? How will the policy change affect this?

Delivery of Disabled Facilities Grants is only applicable to disabled people who meet the eligibility criteria for a grant, this is governed by legislation.

Others affected by the policy include – families, Formal & Informal Carers, Health and Social Care professionals/staff

Data shows that there is a higher take up of DFG’s by older people

The proposed policy change will provide greater flexibility in how grants are administered and potentially increase access to DFG’s for parents / carers of children with disabilities and younger people with disabilities.

An “equal” policy is one where people are equally likely to receive the desired outcomes (whether these outcomes are positive or negative for the employee).

What do you know about the outcomes your policy achieves for customers or the public? How will the policy change affect this?

- Eligible disabled people living in Barnsley, their families and carers will benefit from a fast track grant process for some adaptations / equipment as there assessed need (s) will be met more quickly.
- Increasing the discretionary funding limit will make adaptations more affordable /accessible.
- A greater number of disabled and vulnerable people will be able to benefit from DFG services
- Promote greater independence & safety within the home for disabled people
- Enable disabled people to remain living in their own homes for longer.
- Enable disabled parents to care for their children
- Support for the family unit and provide help for carers
- Reduce social isolation
- Support hospital discharge
- Support the health & wellbeing of disabled people

## Appendix 2

Which of the following groups have you identified a potential inequality for? What is the current level of inequality or impact and what is it likely to be after the policy change? Please indicate the degree of potential inequality. (H – high, M – medium, L- low, N – none)			
Group	Now	After	Details of impact and/or inequality
Men	N	N	
Women	N	N	
Disabled people	L	L	Socio-economic – disabled people living in private tenures who are eligible for DFGs will experience reduced waiting times for some adaptations and access to adaptations (affordability) in some circumstances will be increased.
BME people	N	N	
LGP people	N	N	
Trans people	N	N	
Young People	N	N	
Older people	N	N	
Faith groups	N	N	
Pregnancy / maternity	N	N	
Other: Eg carers, homeless, military, low incomes	N	N	

## Next Steps

### To improve you knowledge about the equality impact . . .

Actions could include: community engagement with affected groups, analysis of performance data, improve equality monitoring, stakeholder focus group etc.

Action taken so far:	Lead Officer	Completion date
Review of Service Delivery & processes	C. Hughes	March 2016
Grant Data	S. Vellensworth	October 2016
Action we will take:	Lead Officer	Completion date
Increase opportunities to obtain & improve the quality of Customer Feedback	C. Hughes	September 2017
Introduce a Case Worker role within DFG team to provide additional support to vulnerable applicants	C. Hughes	April 2017

### To improve or mitigate the equality impact . . .

Actions could include: altering the policy to protect affected group, limiting scope of policy change, reviewing actual impact in future, phasing-in changes over period of time etc.

Action taken so far:	Lead Officer	Completion date
Revisions made within the policy to take account of access to and affordability of grants / adaptations	Carol Hughes	Completed
Action we will take:	Lead Officer	Completion date
Ensure review of the implications on delivery of the policy of an aging population and the increasing needs of carers / families with a disabled child	Carol Hughes	Annual review of DFG data from date of policy implementation
Continue to report against pre- determined PI and evaluate service activity to support continuous service improvement	Carol Hughes	Quarterly reporting
Develop an annual review process for Customer Feedback to identify any trends and any equality issues arising from these.	Carol Hughes / Case Worker	September 2016



## The Public Sector Equality Duty

**As a result of this EIA how have you demonstrated due regard to the need to:**

Eliminate unlawful discrimination, harassment or victimisation?	<p>By implementing a local DFG policy.</p> <p>By taking account of the individual needs of DFG applicants and by removing or minimising some of the reported barriers to access and affordability issues associated with DFG funded home adaptations.</p> <p>Case Worker support available for DFG applicants.</p>
Advance equality of opportunity between people who share a protected characteristic and those who do not?	Provision of DFG Information
Foster good relations between people who share a protected characteristic and those who do not?	DFG Service involvement in Service User Forums and Focus Groups.

## Reporting and Publishing

Please summarise the main findings and next steps identified in this EIA.

The outcomes of this EIA must be summarised in the cabinet report or delegated decision report which approves the proposed policy changes. You could also include the EIA as an appendix to the report or reference it as a background paper.

You must also record how you will inform all stakeholders of the outcome of this EIA. In practice this is usually best achieved when reporting the policy change itself.

<b>Summary of equality impact</b>	It has been highlighted that some disabled people particularly those in private tenures and the parents/carers of disabled children do experienced issues associated with affordability and access to home adaptations as a result of high demand for DFG services and the legislative requirements governing DFG's.
<b>Summary of next steps</b>	<p>Obtain approval from Cabinet to implement the Disabled Facilities Policy 2016.</p> <p>Establish Case Worker role for DFG's to provide additional support for DFG applicants</p> <p>Increase opportunities to obtain and improve Customer Feedback</p> <p>Continue to report on and evaluate DFG activity</p> <p>Develop an annual review process for DFG Customer Feedback, identify (and act on) trends and any equality issues.</p>
<b>How stakeholders will be informed</b>	<p>Disabled Facilities Grant Service published Information on Policy changes</p> <p>Policy information cascade to Service User Forums / Focus Groups</p>
<b>How Cabinet will be informed</b>	Performance Reports



**This matter is not a key decision within the Council's definition and has not been included in the relevant Forward Plan.**

**Report of the Executive Director for  
People to Cabinet  
(25<sup>th</sup> January 2017)**

## **ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY AND SECONDARY SCHOOLS FOR THE 2018-2019 SCHOOL YEAR**

### **1 Purpose of Report**

This report seeks approval for the Authority's admission arrangements for community and voluntary controlled primary and secondary schools for the school year 2018-2019.

### **2 Recommendations**

**It is recommended that the proposed admission arrangements for community and voluntary controlled primary and secondary schools be approved for the 2018-2019 school year.**

### **3 Introduction**

3.1 The Council is the admissions authority for all maintained community and voluntary controlled schools within the Borough.

3.2 The admissions authorities for voluntary aided schools and academies are the individual governing bodies of these schools.

3.3 Admission authorities determine the admission arrangements for the school(s) for which they have responsibility. A report is submitted to Cabinet on an annual basis to approve the admission arrangements for maintained community and voluntary controlled schools within the Borough for the admission year. Local Authorities must determine the admission arrangements each year even if no consultation has been required.

3.4 This fulfils the requirement in Section 89 of the School Standards & Framework Act 1998.

3.5 The determination of the admission arrangements must be determined no later than 28 February in the determination year. For the school year 2018-2019, the determination year is 2016-2017. The admission arrangements for community and voluntary controlled schools in Barnsley therefore need to be determined by 28<sup>th</sup> February 2017.

### **4 Consideration of Alternative Approaches**

Not applicable to the statutory duty to admission arrangements for admission to school.

### **5 Proposals and Justification**

5.1 For admissions to schools in the 2018-2019 school year, the admissions process takes place in the 2017-2018 school year. Information will be provided to parents and carers by the second week of September 2017; applications for school need to be made by 31 October 2017 (secondary) or 15 January 2018 (primary) and all admissions are notified to parents and carers on 1 March 2018 (secondary) and 16 April 2018(primary).

5.2 The arrangements are fully compliant with the 2014 Admission Code and Regulations.

- 5.3 The admission arrangements include oversubscription criteria for admission to community and voluntary controlled schools.

Children with a Statement of Special Educational Need which names the school are required to be admitted to that school.

The criteria for determining eligibility for a school place for schools which are oversubscribed are:

- first, Looked After Children and Children previously Looked After.
- second, children with brothers and/or sisters attending the school on the proposed date of admission.
- third, children living nearest to the school, the distance to be measured by a straight line between the child's ordinary place of residence and the main entrance to the school building.

- 5.4 The arrangements fully comply with the requirements of Fair Access, as set out in the School Admissions Code 2014.

The Code refers to statutory requirements which are placed on local authorities which must be complied with. In addition, the Code includes guidelines which admission authorities should follow unless they can demonstrate, if challenged, that they are justified in not doing so.

- 5.5 In accordance with legislation, there has been no requirement to consult upon the proposed admission arrangements for 2018-2019 as there are no amendments to the arrangements of the previous year.

However, all the usual consultees have been notified of this, as detailed below:

- (a) Community and voluntary controlled schools within the Barnsley borough;
- (b) the Governing Bodies of voluntary aided schools and academies in Barnsley as they are the admission authorities for their respective schools;
- (c) those local education authorities which share a border with Barnsley;
- (d) the Dioceses of Sheffield, Hallam and West Yorkshire and the Dales
- (e) other interested parties via a notice placed on the Council website

- 5.7 No objections or comments were received as a result of the above notifications.

- 5.8 It is therefore recommended that these admission arrangements are approved as the Authority's admission arrangements for community and voluntary controlled primary and secondary schools in the 2018-2019 school year.

## 6 Impact on Local People (Local area implications)

There are no specific area implications arising from this report. The admissions arrangements provide a consistency of approach for community and voluntary controlled schools across Barnsley.

## 7 Compatibility with European Convention on Human Rights

The admission arrangements are compatible with the European Convention on Human Rights and help fulfil the right to education within the Convention.

8 Promoting Equalities, Diversity and Social Inclusion

The proposed arrangements which comply with the School Admissions Code ensure fair access for all children.

9 Risk Management Issues

9.1 The proposed admission to school policy and administrative arrangements comply with the School Admissions Code.

9.2 Failure by the Authority to comply with the mandatory requirements of the new School Admissions Code would be a breach of the Authority's statutory duty. Failure to comply may result in an objection being made to the Schools Adjudicator or a complaint to the Secretary of State. Failure to follow the guidelines in the new Code, where it cannot be justified, could result in an objection being upheld by the Schools Adjudicator.

10 Financial Implications

There are no implications arising from this report.

11 Employee Implications

There are no direct implications arising from this report.

12 Glossary

None.

13 List of Appendices

None

14 Background Papers

Admission Arrangements for Primary and Secondary Schools 2017-2018.

Section 89 of the School Standards and Framework Act 1998 as amended  
Schedule 4 to the Education Act 2002

School Admissions Code 2014

The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999.

Admission to School - Advice to Parents Booklets 2017-2018

Background papers can be inspected by contacting the School Admissions Section, Directorate People.

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**This matter is not a key decision within the Council's definition and has not been included in the relevant Forward Plan.**

**Report of the Executive Director for  
People to Cabinet  
(25<sup>th</sup> January 2017)**

## **CO-ORDINATED SCHEME FOR ADMISSION TO PRIMARY AND SECONDARY SCHOOLS FOR THE 2018-2019 SCHOOL YEAR**

### **1 Purpose of Report**

- 1.1 Following consultation, this report seeks approval for the co-ordinated scheme for admission to primary and secondary schools for the 2018-2019 school year.

### **2 Recommendations**

**It is recommended that the proposed scheme for co-ordinating the admission arrangements for primary and secondary schools be approved for the 2018-2019 school year.**

### **3 Introduction**

- 3.1 The Council is the admissions authority for all maintained community and voluntary controlled schools within the Borough.
- 3.2 The admission authorities for voluntary aided schools and academies are the individual governing bodies of these schools.
- 3.3 The admission authorities for maintained community and voluntary controlled schools outside Barnsley in neighbouring areas are the relevant local authorities for those areas.
- 3.4 Admission authorities determine the admission arrangements for the school(s) for which they have responsibility.
- 3.5 Co-ordination of admission schemes between different admission authorities is a statutory requirement on the local authority and is a mechanism for ensuring the single offer of a school place on the same day where a parent has completed a common application form.
- 3.5 A report is submitted to Cabinet on an annual basis to approve the coordination of admission arrangements for the admission year.

### **4 Consideration of Alternative Approaches**

- 4.1 The consideration of alternative approaches is not applicable to this report because of the statutory duty to have a co-ordinated scheme and the proposed schemes comply with the requirements of the Regulations.

### **5 Proposals and Justification**

- 5.2 The schemes fully comply with the requirements of the School Admissions Code and Regulations of 2014. The Code refers to statutory requirements that are placed on local authorities and which must be complied with. In addition, the Code includes guidelines that admission authorities should follow unless they can demonstrate, if challenged, that they are justified in not doing so.

- 5.3 The proposed schemes for the coordination of admission arrangements for 2018-2019 were consulted upon from 18<sup>th</sup> October to 28<sup>th</sup> November 2016 in accordance with statutory timescales.

Consultation is a statutory requirement and the regulations prescribe who is to be consulted, including those other admission authorities within Barnsley who have to adopt the Authority's schemes, these being:

- a) Community and voluntary controlled schools within the Barnsley borough
  - b) Voluntary aided schools and academies within Barnsley
  - c) Those Local Authorities that share a border with Barnsley
  - d) The Dioceses of Sheffield, Hallam and West Yorkshire and the Dales
  - e) Other interested parties via a notice on the Council website.
- 5.4 The neighbouring local authorities and three dioceses were consulted by letter on 18<sup>th</sup> October 2016. Voluntary aided schools and academies within Barnsley were also consulted by letter on the same date.
- 5.5 No objections or comments were received during the consultation and all admission authorities within Barnsley have confirmed their adoption of the proposed schemes
- 5.6 As the proposed schemes for the coordination of admission arrangements for 2018-2019 are fully compliant with legislation and the Admission Code of Practice and no objections or proposed amendments have been received, it is recommended that these schemes are approved as the Authority's schemes for co-ordinating admission arrangements for the 2018-2019 school year.

## 6 Impact on Local People (Local area implications)

The co-ordination of admission arrangements ensures consistency of approach across the schools in all areas of Barnsley and with neighbouring authorities. There are no specific area implications arising from this report.

## 7 Compatibility with European Convention on Human Rights

The co-ordinated schemes are compatible with the European Convention on Human Rights and help fulfil the right to education within the Convention.

## 8 Promoting Equalities, Diversity and Social Inclusion

The proposed schemes for the coordination of admissions to schools, which comply with the School Admissions Code, will help ensure fair access for all children.

## 9 Risk Management Issues

The Authority has already implemented co-ordination of admission arrangements for both primary and secondary schools. By virtue of there being no objections to the proposed co-ordinated schemes no risk management considerations have been identified as arising from this report. Failure to determine schemes for the coordination of admission arrangements would be a breach of a statutory duty.

## 10 Financial Implications

There are no financial implications arising from this report.

11 Employee Implications

There are no implications arising from this report.

12 Glossary

None.

13 List of Appendices

None

14 Background Papers

Co-ordinated Scheme for Admission to Primary and Secondary Schools 2017-2018

Education Act 2002, Section 48

The school Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012.

School Admissions Code 2014.

Background papers can be inspected by contacting the School Admissions Section, Directorate for Children, Young People and Families.

Officer: Beverley Sadler  
Head of Service: Nina Sleight

Tel: 773506  
Tel: 773629

Date: December 2016

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