

Housing and disabled people

Britain's hidden crisis

Equality and Human Rights Commission

Foreword

Susan Johnson, Commissioner

Decent housing is a basic human right that helps people to have independent, fulfilled lives.

Everyone should be able to live in an area of their choosing, cook and wash for themselves, avoid falls, make the choice not to live in residential care, go out to see friends and have them over. In essence, they should be able to lead a dignified life as part of a community. This is our vision for all disabled people in Britain who are currently being denied their right to live independently - something that many of us take for granted.

The testimony you will read in this report is at times heart-breaking from not only disabled people, but carers, occupational therapists and family members whose lives are all impacted by inaccessible housing.

We know that it doesn't have to be this way. Our report calls for simple changes to the current planning system so that local authorities can ensure that more accessible homes are being built. Local authorities need better data and information to match accessible properties to people who need them and they need to offer good support to disabled tenants. We need less bureaucracy to speed up essential adaptations.

This isn't just the decent thing to do but makes sense for the public purse. Our hospitals are under immense strain to discharge patients as quickly as possible but can't due to inadequate housing, social care budgets are under pressure, and the costs of retrofitting homes outweigh the cost of making them adaptable from day one.

There are some local authorities who are leading the charge by putting disabled people's needs at the heart of planning, and reaping the benefits. But this is the exception rather than the norm.

Over the next 12 months we will be seeking changes to national planning policy to help build more accessible homes. We will work alongside local authorities to provide the tools to help them meet their equality duties and get housing right for disabled people. Importantly, we will also be making sure disabled people seeking accessible social housing know their rights and where to go if these are breached.

However, we can't do this alone. To make a difference we need governments in England, Scotland and Wales to take action now to adopt our four recommendations to end the housing discrimination currently experienced by disabled people.

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Executive summary

Housing is the cornerstone of independent living, yet many disabled people live in homes that do not meet their requirements. If disabled people are to have choice and control over their lives, then urgent action is required to make sure that future housing supply is accessible for everyone.

In December 2016, the Equality and Human Rights Commission ('the Commission') launched a formal inquiry on housing for disabled people. The inquiry examined whether the availability of accessible and adaptable housing, and the support services associated with it, fulfilled disabled people's rights to independent living.

Disabled people's rights to independent living are enshrined in the UN Convention on the Rights of Persons with Disabilities (UNCRPD). The principles underlying the Convention recognise that disabled people are the experts in their own lives, and are best placed to identify and determine the housing and support they require. A central approach of this inquiry was to gather evidence from disabled people about their housing experiences.

Impact of not having an accessible home



Mobility problems



4 times less likely to be in work



Indignity of not being able to live independently



Feelings of social isolation and anxiety



Poorer mental health

The shortage of housing in Britain has received increasing political and media attention, yet the effects of this crisis are not uniform; the impact of unsuitable housing on disabled people is particularly acute.

Our inquiry uncovered four major challenges, which form the basis of our recommendations:

1. Disabled people are demoralised and frustrated by the housing system

Disabled people report a severe shortage of accessible houses across all tenures. Disabled people are more likely to live in social housing, as it is more affordable, tends to provide more security of tenure, and landlords are more willing to install adaptations and provide support, if required. Social housing is particularly pressured, with long waiting lists. Information on the accessibility of properties is particularly poor in the private sector. Estate agents, for example, do not typically provide information about the accessibility of private lets or houses for sale.

Disabled people can experience serious deterioration in their mental wellbeing due to living in unsuitable accommodation. We heard evidence of people eating, sleeping and bathing in one room. We heard of family members carrying people upstairs and between rooms. The costs of inaccessible housing are well documented, and include impacts on independent living, increased need for social care, more reliance on carers and family members, accidents (including those that are life-changing or fatal) and avoidable hospital admissions.

Social care packages and housing are inextricably linked; sometimes a disabled person's care package is a crucial factor in ensuring that they can live independently.

Disabled people reported positive housing outcomes where they were able to access well-managed local housing and support and advice services, whether voluntary or statutory. Ultimately, finding appropriate, accessible housing can transform people's lives for the better. Disabled people reported improved health and wellbeing, and enhanced prospects for employment and study where their homes met their accessibility requirements.

'Disabled people can experience serious deterioration in their mental wellbeing due to living in unsuitable accommodation.'

In England only

7%

of homes offer minimal accessibility features



2. There is a chronic shortage of accessible homes

Local authorities are not building enough accessible homes to meet demand. The number of disabled people is increasing; in 2016, there were an estimated 13.3 million disabled people in Britain, up from 11.9 million in 2013/14 (ONS, 2017).

Building regulations in England and Wales and, until recently, in Scotland have produced houses that are generally inaccessible, particularly for people who use wheelchairs. The result is that in England only seven per cent of homes offer minimal accessibility features (DCLG, 2015a) and in Scotland only 0.7 per cent of Scottish local authority housing, and 1.5 per cent of housing managed by Registered Social Landlords, is accessible for wheelchair users (Independent Living in Scotland, 2017).

Our survey of local authorities, undertaken as part of our evidential basis for the inquiry, found that the systems used to identify disabled people's requirements and deliver accessible houses are weak (EHRC, 2018). Local authorities are making decisions about current need and future demand for accessible houses based on very limited data; only 12 per cent of local authorities rated the data available to them as 'good' or 'very good'.

Few local authorities across Britain set targets for accessible housing and many reported that developers are reluctant to build accessible houses, as they see them as less profitable. There is a notable exception to this in London, where higher accessible and adaptable standards have been the default for the last 10 years. There is strong evidence that housing that meets people's requirements will save on health and social care costs in the future, as well as considerably lowering the cost of adaptations when they are needed.

Many local authorities reported that developers did not comply with accessibility regulations. Despite this, there were only seven authorities (three per cent) that had taken either formal or informal action against a developer who did not deliver the required number of accessible and/or adaptable properties to the standard required in the last three years.

English local authorities face a particular challenge negotiating with developers, particularly in light of viability appraisals under the National Planning Policy Framework (NPPF) which can act as a barrier in the supply of accessible houses. The perception of local authorities is that current planning policy is weighted in favour of developers, with the emphasis being on the delivery of housing per se rather than the delivery of the right kind of housing. Developers can argue that accessible housing is more expensive and, therefore, less profitable, and negotiate that houses are built to the lowest allowable standards. This imbalance in negotiating power is likely to also be exacerbated by the technical nature of viability assessments, and the lack of expertise within local authorities (and limited funding to externally engage the expertise needed) to properly analyse and, where needed, challenge viability appraisals.

68% of local authorities report that developers do not always comply with accessibility requirements

but only

3%

had taken action against a developer on accessibility grounds



3. Installing home adaptations involves unacceptable bureaucracy and delay

Not all disabled people need adaptations to their homes, but many do. These adaptations vary from minor changes such as fitting grab rails, to bigger changes such as the installation of stair lifts, wet rooms and hoists. Adaptations can also include adding extra bedrooms, for example for a child with autism who is unable to share with their siblings. There is significant evidence that the timely installation of adaptations creates significant savings to the public purse.

Disabled people are often left waiting for long periods of time, even for minor adaptations. Our survey found that the time between application and installation is, on average, 22 weeks (eight weeks for a decision and 14 weeks for installation), although some local authorities have waiting times of a year or more.

Disabled people face particular problems in the private rented sector, which is growing, especially in England. Disabled people, occupational therapists and local authorities all reported that private sector landlords are reluctant to allow adaptations.

We heard examples of disabled people being prevented from making adaptations to ‘common parts’, for example ramps to a front door.



4. Disabled people are not getting the support that they need to live independently

It takes more than bricks and mortar to ensure that disabled people are able to claim their right to independent living. Access to advice, support and advocacy plays an important role, yet provision is patchy and people report that they have nowhere to turn when their housing is unsuitable, they have difficult choices to make, or they are facing a crisis. A consistent theme from the evidence was that navigating the complex systems for allocations and adaptations was stressful and challenging.

We heard that tenancy support and floating support were particularly important for people with learning disabilities, sensory impairments and mental health conditions; however, changes proposed by the UK Government in policy and funding arrangements have created uncertainty among housing providers. Social housing providers reported that they are finding it increasingly challenging to cover for a failure in services elsewhere, with mental health being a particular concern. This has left a notable gap in support for those in private rented or owner-occupied accommodation.

There is currently a UK Government review of supported housing, about how a wide variety of ‘at risk’ groups can be best supported and the appropriate mechanisms for funding. Our findings have emphasised that choice and control for disabled people are central to realising the right to independent living. These rights should be central to any new policy for supported housing. The current review and pressures on care budgets have led to uncertainty for housing providers. One survey by the National Housing Federation identified that housing providers had put 85 per cent of developments on hold in the course of a year.



Recommendations

The right to independent living recognises that disabled people are experts in determining and promoting better solutions. Governments at national and local level need to be much more effective in **engaging disabled people** at both at the strategic and operational levels to meaningfully reflect their input, in a continual cycle of improvement.

1. Building more accessible and adaptable homes

In England, Scotland and Wales we are calling for:

- **Governments to introduce a national strategy** to ensure there is an adequate supply of new houses built to inclusive/universal design standards and to wheelchair-accessible standards, across all tenures. This should include a review of the way that building standards are enforced, particularly in the private rented sector. The strategy should recognise that housing support, advice and advocacy is often necessary to enable people to maintain their housing and their right to independent living.
- National and local governments to take action to improve the way that **data is collected and shared**, both on the requirements of disabled people and on the accessibility of existing housing stock.

In England, we are calling for:

- The UK Government to **amend** requirement M4(2) of Schedule 1 to the Building Regulations 2010 (as amended), so that it is no longer an optional requirement, but instead the default and the mandatory minimum standard for the design and delivery of all new housing. In addition, the UK Government should mandate that all local authorities must ensure a minimum of **10 per cent of new-build houses across all tenure types are built to higher wheelchair-accessible standards** (M4(3) design standard). This should be monitored and reviewed.
- The UK Government to assess how the Public Sector Equality Duty is complied with, in their review of the **National Policy Planning Framework** (and practice guidance). It should specify that there is adequate information about the housing requirements of disabled people within Local Plans.
- The UK Government to **provide mandatory planning guidance** for local authorities, giving them a robust methodology for assessing need and delivering accessible and adaptable housing, as well as wheelchair-accessible housing.

- **The Planning Inspectorate** to place more emphasis on meeting its obligations under the Public Sector Equality Duty when dealing with the examination of Local Plans.

In Wales, we are calling for:

- Local authorities to meet their duty to publish **Equality Impact Assessments** alongside their Local Development Plans and Local Housing Market Assessments.
- The Welsh Government to require all new homes are built to Development Quality Requirements and to mandate local authorities to ensure that 10 per cent of **new homes are built to a wheelchair-accessible standard**. This should be monitored and reviewed.
- Local authorities to **apply the five ways of working of the Wellbeing of Future Generations (Wales) Act 2015 in their strategic planning** for accessible homes, in particular when developing Local Development Plans and Local Housing Market Assessments. **This requires them to think about the long term, involve people, prevent problems, collaborate with others and integrate the wellbeing goals into their objectives**.

In Scotland, we are calling for:

- The Scottish Government to require all local authorities to ensure that a **minimum of 10 per cent of new-build homes across all tenure types are built to a wheelchair-accessible standard**. This should be monitored and reviewed.
- The Scottish Government to amend its Affordable Housing Supply Programme (AHSP) to **enable clear reporting of new-build accessible and wheelchair-accessible housing, including a breakdown of size, property and type**.
- Local authorities to meet their duty to publish their **Equality Impact Assessments** alongside their Strategic Housing Strategies and Strategic Housing Investment Plans.
- The Scottish Government to undertake a fundamental review of Housing for Varying Needs, ensuring inclusive design and wheelchair accessible design standards to apply across all tenure types.

2. Improving the installation of home adaptations

In England, Scotland and Wales we are calling for:

- Local authorities to urgently address the bureaucratic **hurdles and delays that exist within adaptations systems**, to ensure that low-cost, minor adaptations in particular can be installed quickly and easily. This should be monitored and reviewed.
- Governments to provide **additional funding to disabled people's organisations and advice agencies, to increase the supply of independent advice and information regarding housing options**, including adaptations, with a particular focus on the private rented sector.

In England and Wales we are calling for:

- The UK Government to **review and address the barriers to installing adaptations in the private rented sector**, with a particular focus on security of tenure.
- The UK Government to **implement the duty to make reasonable adjustments to the common parts of leasehold premises, as set out in the provisions of section 36 of the Equality Act 2010** for England and Wales, by the end of 2018.

In Scotland, we are calling for:

- The Scottish Government to address the **disparity between tenures by** reviewing and amending the elements of the Housing (Scotland) Act 2006 that relate to the Scheme of Assistance legislation together with a review of the related funding and guidance, in order to ensure consistency of outcomes, good practice and equal rights for disabled people, regardless of tenure type. The Scottish Government to **increase resources available for adaptations across tenures** to meet increasing demand.
- The Scottish Government to **introduce regulations pursuant to section 37 of the Equality Act 2010, which provide that disabled people are entitled to make adjustments to common parts in Scotland**.

In Wales, we are calling for:

- The Welsh Government to pilot training for private sector landlords on accessibility as part of the Rent Smart Wales scheme, of licensing landlords and agents under the Housing (Wales) Act 2014.

3. Matching homes to the people who need them

In England, Scotland and Wales we are calling for:

- Local authorities and Registered Providers of Social Housing/Registered Social Landlords to **embed independent living principles into assessment and allocations policies** for social housing, to ensure real choice and control.
- Local authorities to significantly i**ncrease their knowledge of existing accessible social housing stock**, and develop specialist support and information services to facilitate suitable matching.
- Local authorities to apply best practices on the use of **accessible housing registers**, with the longer term aim of the use of a standard methodology across all local authorities.
- Local authorities to work with the NHS to ensure people living in institutional and residential care are supported to live independently.
- Governments to **publish standards, and monitor and review the effectiveness of accessible housing registers**.

4. Supporting people to live independently

Across England, Scotland and Wales we are calling for:

- **The UK Government** to ensure that the new policy **and funding model for supported housing upholds the rights of tenants**, and that freedoms and choice are not restricted, in line with the UNCRPD. The new model needs to address the current uncertainty and deliver a stable market for housing providers and those providing specialist support.
- Local authorities to ensure that **housing, care and health services are fully integrated and sufficient funds are available to support people to live independently**, and that there is an increased focus on prevention.
- Local authorities to **provide increased specialist disability advice and advocacy** services for housing options.

In England and Wales, we are calling for:

- The UK Government to ensure that its **review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012** considers the impact of removing housing from the scope of legal aid for disabled people, and takes effective steps to mitigate any identified impacts.



1. Introduction

In December 2016, the Equality and Human Rights Commission ('the Commission') launched a formal inquiry on housing for disabled people. The inquiry examined whether the availability of accessible and adaptable housing, and the support services associated with it, met disabled people's rights to independent living.

Our inquiry covers England, Scotland and Wales.[1] Housing law and policy is largely devolved in Scotland and Wales, but linked policy areas such as social security and funding for supported housing are reserved to the UK Government.

Britain's record on accessible housing and independent living

The importance of housing is recognised in the United Nations Covenant on Economic, Social and Cultural Rights, which includes 'the right of everyone to an adequate standard of living for himself and his family, including adequate housing'.

The right to independent living has also been central to this inquiry: it is enshrined in the UN Convention on the Rights of Persons with Disabilities (UNCRPD), which the UK Government is legally bound by.

Following its review of Britain's disability rights record in August 2017, the UN Committee on the Rights of Persons with Disabilities highlighted concerns that the situation in Britain was deteriorating in terms of disabled people's right to live independently and be included in the community (UNCRPD Article 19). It also emphasised that there were insufficient accessibility standards in the UK in relation to affordable housing (UNCRPD Article 9) (Committee on the Rights of Persons with Disabilities, 2017).

The UN Committee highlighted specific concerns 'that austerity measures have hindered the advancement of accessibility', and concerns regarding 'the reduction in social protection schemes related to housing, household income and budgets for independent living'. It called for action to address these (UNCRPD, 2017). Reviews of other UN human rights mechanisms and processes have also called attention to problems with suitable housing and independent living for disabled people (OHCHR, 2014; ICESCR, 2016).

[1] We use the term UK Government to refer to law and policy that applies to England, Scotland and Wales but which is reserved to the UK Government. We specify where law and policy is devolved to the Scottish and Welsh Governments.

Our inquiry – terms of reference

Our inquiry was conducted under section 16 of the Equality Act 2010. The terms of reference for our inquiry placed disabled people's experiences of housing at the centre of the work.

The inquiry explored the supply of accessible housing across all tenure types, allocation policies and practices, types of tenancy support, adaptations and planning and building regulations. Details of the terms of reference can be found in the appendix to this report.

Social care and welfare reform are important and interlinked policy areas that have an impact on housing. These issues have not been explored in detail here. Nevertheless, the implications of recent UK Government policy on the supply of supported housing were highlighted as a crucial issue for some disabled people, and so the inquiry considers this issue in Chapter 6. The inquiry did not look closely at residential care, but did consider evidence regarding the problems that disabled people encounter in moving from hospital and residential care – problems which can prevent disabled people from living independently in the community.

1 in 3



disabled people in **private rented properties** live in unsuitable accommodation

1 in 5



disabled people in **social housing** live in unsuitable accommodation

1 in 7



disabled people in **their own homes** live in unsuitable accommodation

Methodology

The inquiry report draws on a wide range of evidence sources. Our evidence-gathering activities were designed to address gaps in the evidence base, to acquire up-to-date information, and to hear directly from practitioners and disabled people, with practical experience of issues relating to accessible housing.

We issued a 'call for evidence,' which gathered the views of:

- disabled people (419 responses)
- disabled people's organisations (DPOs) (65 responses), and
- housing providers (87 responses).

We carried out a short online survey of occupational therapists, which gathered 98 responses. While it is often presented numerically, this data is not considered to be statistically significant and the percentages that are given simply refer to the proportion of respondents in the sample. We do not claim that these are statistically representative; however, they do offer a valuable insight into people's views and experiences.

Our staff also engaged directly with stakeholders and organisations in the field of housing and disability face-to-face, over the phone and by email. In the case of a formal interview, the session was recorded and transcribed.

This inquiry report draws on published research, official statistics and policy analyses. Published sources are referenced and can be found in full in the bibliography.

We also commissioned two major research projects as part of this inquiry. The University of Stirling conducted a brief literature review and qualitative interviews with disabled people in around 50 households. The research provides in-depth insight into the lived experiences of disabled people, but is not statistically representative. IFF Research conducted a quantitative survey of local authorities regarding their ability to meet the housing needs of disabled people; eighty-three per cent of all local authorities in Britain responded, meaning that the findings are statistically representative.

The report comprises four main chapters which cover the supply of accessible housing, adaptations, allocations, advice and support and supported housing.



2. Building more accessible and adaptable homes

Demand for accessible housing is increasing, but there is insufficient supply across all tenure types. Without increased supply of accessible and adaptable housing, disabled people will continue to face discrimination and disadvantage in housing.

"I have not been outside since 2011, except for essential hospital stays. My flat is on the second floor, with no lift; it is not wheelchair-accessible, and although I have and need a power wheelchair, I cannot even use it indoors, as the flat is not adapted (small door frames, small rooms, no turning space). I have been both horizontally bound and housebound for six years. The local authority has assessed my situation as high-need, yet they expect me to bid weekly for their advertised properties. These properties are not suitable; for example, they include flats situated on the fourth floor with no lifts, flats with internal stairs, and flats with a ramp (meaning that you can get to the front door) but where the property itself is not designed for wheelchair use and there is no space to store equipment."

Call-for-evidence respondent

The housing crisis has been a subject of national debate for some years now. It is widely recognised that there is an insufficient supply of affordable housing, while current housing stock across Britain is often not accessible or adapted to meet disabled people's requirements – room sizes are small, many have baths rather than showers, and there are steps to front doors.

There is national recognition of the urgent need to build more houses. The Government has committed to building 300,000 new homes a year in England (HM Treasury, 2017). In Scotland and Wales, there are plans to build 50,000 and 20,000 new homes respectively by 2021. The Scottish Government has made several policy announcements describing accessible housing as an essential component of independent living (Scottish Government, 2016; 2017). However, there has been no clear plan in England, Scotland or Wales to address the clear shortage in supply of accessible housing.

A snapshot of housing requirements

- In the UK, 13.3 million people are disabled, an increase from 11.9 million in 2013/14 (ONS, 2016).
- In England, only seven per cent of homes offer minimal accessibility features (DCLG, 2015a).
- In England, around 365,000 disabled people have unmet housing needs (DCLG, 2015a).
- In Scotland, only 0.7 per cent of Scottish local authority housing, and 1.5 per cent of housing association property, is accessible for wheelchair users (Independent Living in Scotland, 2017).
- In Scotland, around 87,340 households include a person who uses a wheelchair. Over 17,000 people who use a wheelchair report unmet housing needs (Horizon Housing, 2018).
- In England and Wales people with a learning disability who live with their family and friends report that they want greater independence, with around 70 per cent reporting that they want to change their housing arrangements to achieve this (Mencap, 2012).
- A rapidly ageing population will see numbers of disabled people continuing to increase – in England the number of people over 65 is expected to rise by over 50 per cent from 2010 to 2030 (Habinteg and Papworth Trust, 2016).
- Welsh Government population projections show that the number of people over 65 with mobility problems will increase by 58 per cent by 2035 (Wales Audit Office, 2018).

Disabled people's experience

Disabled people are more likely than non-disabled people to be dissatisfied with their homes (DCLG, 2016a).

"I am unable to leave home without a carer, due to accessibility issues. I'm unable to access the garden without a carer for the same reasons. I'm unable to have my power chair enabled for outdoor use because there is no ramp. I have no independence at all. I sleep downstairs and I'm often unable to access the upstairs bathroom, only the downstairs toilet. My landlord will not permit changes to the property so I'm unable to have the grab rails I need or other aids, again making me more dependent on carers and limiting my independence."

Call-for-evidence respondent

Disabled people's experience varies with the type of tenure that they have: satisfaction levels are lowest among those renting from a private landlord. The English Housing Survey found that disabled people who are private renters were the most likely (32 per cent) to feel that their accommodation was unsuitable for their needs. Around a fifth of disabled people who live in social housing (22 per cent of housing association tenants and 23 per cent of local authority tenants) stated that their accommodation was unsuitable. Disabled people who own their own homes were the least likely (15 per cent) to feel that their accommodation was unsuitable (DCLG, 2016a).

Parents and carers of disabled children face particular challenges in supporting them to live independently. At local authority level they are faced with poorly funded social care and a lack of commitment to independent living to ensure that disabled people can move out of their family home if they wish.

"We care for our daughter, who has Down's Syndrome and is now 45 years old. My husband and I are both in our seventies, and we worry constantly about what will happen when we can no longer manage our full-time caring role. We have been asking our local authority for the past 20 years to help find suitable sheltered/shared/supported living accommodation locally, but have made no progress at all. Now, because of the severe financial restraints that all local authorities are working under, we cannot imagine it ever happening until one or both of us are too elderly to cope. We feel that our daughter has been cheated of the chance to enjoy some independence, and as the years have gone by her dependence on us has increased and her abilities have reduced; at 25 years of age she would have had the skills and confidence to make a move, but now it is a different picture."

Call-for-evidence respondent

The impact that living in an inaccessible home has on disabled people cannot be overstated; isolation and loneliness were common themes reported to our inquiry.

"I can't access the whole house, including my children's room. I can't use my wheelchair around the house, so I get exhausted very quickly just getting from the stairs to my chair or the kitchen – around three metres. This cuts down the amount of interaction I can have with my family, and also means that I need a lot more help with everything than I would if my house was accessible."

Call-for-evidence respondent

The financial, emotional and human costs of inaccessible housing are well documented. They include increased need for social care, increased reliance on carers and family members, accidents (which can be life-changing or fatal), and avoidable hospital admissions and lengthy stays in hospital.

Inaccessible housing is also associated with poor employment outcomes among working-age adults. People with inaccessible homes are four times more likely to be unemployed or not seeking work than those whose needs are met, or who are disabled but do not require accessible housing (Habinteg and Papworth Trust, 2016).

Findings from a survey of disabled people found that around half of respondents whose housing requirements had been met reported feeling safer and more in control. Additionally, roughly a quarter of respondents reported better social contact and improvements in their health and wellbeing (Habinteg and Papworth Trust, 2016).

Are Building Standards working to support the delivery of accessible houses?

Increasing the supply of new accessible houses starts with improving the ways in which disabled people's requirements are built into national policy and law. Building standards vary across Britain, but they all provide the template that developers adhere to when building new homes.

Adapting a typical home costs up to

5 times more

than making one adaptable at the design stage.



England

All new housing, with some exceptions, needs to meet Part M4(1) of the Building Regulations, which were introduced in October 2015 and amended in March 2016. While this represents a small improvement on previous building standards, it does not include an accessible downstairs toilet, and does not make provision for houses to be easily adapted to include other accessible features, should these be needed at a later date.

The optional Part M4(2) and Part M4 (3) provide a much better accessibility standard for new homes. Part M4(2) has 16 accessible or adaptable features, and is broadly equivalent to the Lifetime Homes Standards, which are a series of 16 design criteria that are intended to make homes more easily adaptable for lifetime use at minimal cost. Although they do not make housing fully accessible, these features enable most adaptations to be retro-fitted quickly and cheaply. This standard also tends to work better for everyone, as it allows for more space to move around, and for things like pushchairs and prams. Part M4(3) is the fully wheelchair-accessible standard, and includes space for a through-floor lift.

The UK Government's own assessment is that building to Part M4(2) standards increases construction costs by £1,100 per home (DCLG, 2014). For smaller one- to two-bedroom houses there is generally more land required for each house to accommodate a bigger entrance hall, stairs and downstairs toilet. To retrofit adaptations to a house that has been built to M4(1) standards is typically complex and expensive and, in extreme cases, can exceed the value of rebuilding the house from scratch. A private developer told the inquiry that they thought that increased building costs associated with building to Part M4(2) would be negligible in the longer term if it became the industry standard.

This view was reiterated by another developer in evidence to the Women and Equalities Committee inquiry into disability and the built environment (WEC, 2017):

> 'When you increase standards, there is short-term pain.….You have sites that are built under one expectation of what you are going to spend in delivering it and it is going to cost more. That is either going to affect profitability or delivery or something else... If you suddenly raise all the standards, that will have an impact on delivery of housing.
> Five years down the line, we are all on a level-playing field. We are all buying land based on the new standards and it perhaps is not so much of a problem. It is transitions. Fifteen years ago, housebuilders were shocked that they had to put toilets downstairs in two bedroom houses.'

Scotland

The Scottish Government has recognised the need to increase supply of new housing and made significant financial investments to build 50,000 new homes – 35,000 for social rent – by 2021 (Scottish Government, 2015).

The Scottish Government's housing strategy, 'Homes Fit for the 21st Century 2011-2020', called for a substantial increase in the number of homes that meet the needs of disabled people and older people. 'Fairer Scotland for Disabled People' (Scottish Government, 2016) and 'Age, Home and Community: A Strategy for Older Peoples Housing' (2017) both advocated independent living principles and recognised the need to ensure adequate supply housing across all housing tenures. However, the Scottish Government's 'Joint Housing Delivery Plan' (2015), which aims to ensure the delivery of the policy objectives of 'Homes Fit for the 21st Century' and related strategies, makes no specific references to the urgent need for new accessible housing to be built.

Part of the problem of the limited supply of accessible and wheelchair-accessible houses in Scotland is due to the Building Regulations, which prior to 2015 had limited requirements for level access and other accessibility features. Recent changes to the Scottish Building Regulations included level access and space on a ground floor to convert a WC into a shower area.

In Scotland, all social housing built with grant funding is required to meet the Housing for Varying Needs Standard (HfVN). Evidence from interviews with housing providers and DPOs indicated that houses built for social rent using the HfVN are generally of a better standard for disabled people as they are 'barrier-free'. However, the HfVN is 20 years old and needs to be updated to reflect changing requirements and expectations arising from advances in equipment size and design, technology, diversity of households and lifestyles.



The Scottish Government willl build

50,000

new homes by

2021

but there is no target to ensure that a proportion are built to wheelchair accessible standard

Wales

Building Regulations were devolved to the Welsh Government in 2011, but there have been no major changes to Part M. In Wales, the technical guidance accompanying the Building Regulations requires that 'reasonable provision [should] be made for people to gain access to and use [a] building and its facilities'. This means that all new homes should ensure level access, have bathroom facilities on the ground floor, and be adaptable.

The Welsh Government requires all publicly funded developments to be built to the Development Quality Requirements (2005): to achieve this, homes are built to the Lifetime Homes Standards.

The Welsh Government requires all social landlords in Wales to ensure that all their existing stock meets the Welsh Housing Quality Standard (WHQS) by December 2020. All homes that are owned by social landlords should meet the WHQS, and as far as possible suit the specific requirements of each household. As of 31 March 2017, 86 per cent of social housing in Wales was compliant with the WHQS.

More than a quarter of all people living in Wales are disabled

In 2015/16

32,000

people received an adaptation to their home, rising by 11.7% since 2013/14.



What evidence do local authorities use to predict need and demand for accessible housing?

In order to develop Local Plans and housing strategies, and to understand current and future need for accessible housing, local authorities in England, Scotland and Wales need to have a good database regarding disabled people. This includes knowing, for example, the number of disabled people living in the authority area, the types of impairments that they have, and estimates of the number of people likely to require an accessible home in the future.

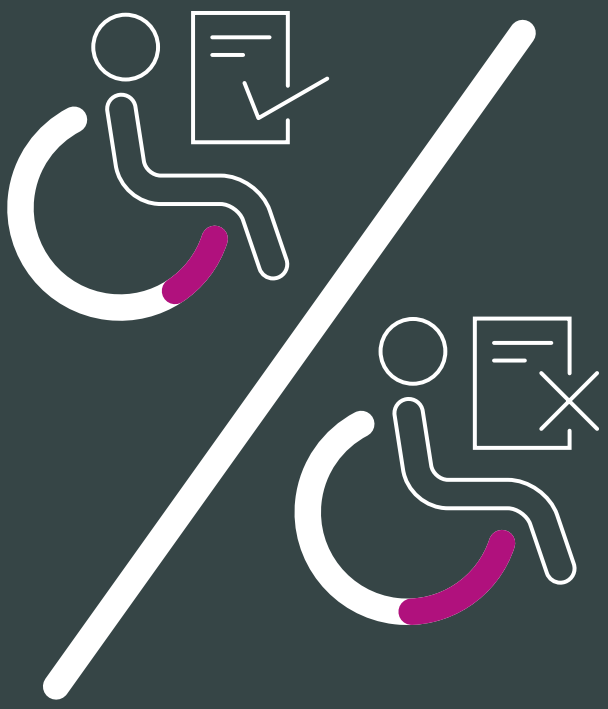
Our survey found that only 12 per cent of local authorities across Britain rated the data available to them as 'good' or 'very good' in terms of its overall usefulness, while significantly more (21 per cent) rated it 'poor' or 'very poor.' Data quality and availability was slightly better than average – although still low – in Scotland (24 per cent) compared with England and Wales (11 per cent and 15 per cent respectively) (EHRC, 2018).

Furthermore, most local authorities said that they relied on these data sources in their key strategic documents, which provide evidence of need for different types of housing. Only 35 per cent of authorities in England and 26 per cent in Wales commissioned in-house surveys to inform the development of their housing market assessments. In Scotland, 62 per cent of local authorities commissioned their own surveys to explore housing needs. Given local authorities' low rating of the data available to them, this suggests that many rely on a weak evidence base in assessing disabled people's needs for accessible housing and related services.

Only

12%

of councils consider the info they hold on local disabled people's needs as 'good' or 'very good'



A fifth

21%

rate it as 'poor' or 'very poor'

In order to meet disabled people's housing requirements it is essential that local authorities engage with disabled people to ensure that they have a meaningful input into development of Local Plans in England, Local Development Plans in Wales and Local Housing Strategies in Scotland. Local authorities are required to meet their obligations under the Public Sector Equality Duty (PSED). The PSED requires listed public authorities to consider the need to eliminate discrimination, advance equality of opportunity, foster good relations between different people and, in this context, to take the needs of disabled people into account.

Does planning law and national planning policy support local authorities to deliver accessible housing?

Many elements of planning law and policy are devolved across England, Scotland and Wales, and each country has slightly different systems and processes. All three systems are 'plan-led', meaning that the national and local planning policy is set out in formal development plans, which describe land use and criteria for planning permission. All seek to find balance in decisions between commercial needs and the public interest.

Policy and law in this area is developing quickly, for example in 2017 the UK Government published a White Paper on Housing, setting out a broad range of measures to 'reform the housing market and increase the supply of new homes' in England. A further consultation on the revised National Planning Policy Framework was announced in March 2018.

The Women and Equalities Committee (2017) inquiry into disability and the built environment found that Local Plans may not adequately reflect the demand for accessible housing:

> 'Local Plans should not be found [to be] sound without evidence that they address access for disabled people in terms of housing, public spaces and the wider built environment; to support this, the Equality and Human Rights Commission should investigate the Planning Inspectorate's compliance with the Equality Act. Planning consent should only be given where there is evidence that a proposal makes sufficient provision for accessibility.'

In Scotland, the National Planning Framework (NPF3) (Scottish Government, 2014) sets out the Scottish Government's strategy for Scotland's development over 20 to 30 years. Planning authorities are required to take account of NPF3 policies when drafting development plans. Scottish Government provides regular updated action plans on how NPF3 should be implemented.

An independent review of the Scottish Planning System in 2016 identified the need for the planning system to be more responsive to the diverse housing needs of Scotland's current and future population, particularly disabled people and older people. The review identified the need for planners to work with DPOs and Building Standards to innovate and embed accessible housing, and to take a proactive approach to expanding homes for older people (Beveridge *et al*., 2016).

In 2017, the Scottish Government brought forward the Planning (Scotland) Bill, intended to 'strengthen the planning system's contribution to inclusive growth and empowering communities'. It is unclear at this stage if the Bill will make provisions that would support the supply of accessible houses in Scotland.

Planning Policy Wales (2016) requires local planning authorities to include an authority-wide target for affordable housing, based on Local Housing Market Assessments (LHMAs). It also sets out an expectation that planners will consider the diverse needs of people in their community:

> 'Local planning authorities and developers should consider the issue of accessibility for all, including the needs of people with sensory impairments, people with learning difficulties and people with mobility impairments, such as wheelchair users, elderly people and people with young children, at an early stage in the design process.' (Edition 9)

In 2018, the Welsh Government began a consultation to revise the Planning Policy Wales guidance to reflect the requirements under the Wellbeing of Future Generations (Wales) Act 2015. This Act requires the listed public bodies to improve the social, economic, environmental and cultural well-being of the people of Wales. The 'five ways of working' set out in the Act requires public bodies to: balance the long-term impact of their decisions against short-term need; act to prevent problems occurring or becoming worse; work collaboratively; involve people with an interest; and ensure they integrate the wellbeing goals into the objectives they set. Applying the duties and 'five ways of working' in the Act to planning policy could be a good way to address the shortage of accessible and adaptable housing.

In Wales, our inquiry found that there is a lack of national data on the demand for accessible and adaptable housing, for example there is no national housing survey for Wales. This is a major barrier to effective planning for future provision of accessible and adaptable houses.

In January 2018, the Welsh National Assembly gave Royal Assent to the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018, and in Scotland the 'right to buy' was abolished in 2017. Local authorities in Scotland and Wales told us that this legislation allows them to protect current housing stock and make further investments in social housing. Evidence from Scotland suggests that the end of 'right to buy' and investment in the Affordable Housing Supply Programme will deliver an additional 25,000 homes in the social housing sector by 2021. In England, the Chartered Institute of Housing projects that social rented housing could reduce by 120,000 houses in the same period (Shelter, 2018).

Across Britain, it is clear that there are some fundamental issues that create a blockage in the supply of housing. The current economic model for house-building is problematic, and particularly the trend towards ‘speculative house-building’; this is where developers purchase land with no formal plans in place, or any commitment to end-users. This can involve very high costs, and so developers then seek to reduce the risks that are created by their investment. In this situation, the developer does not plan to build and sell too quickly, as this risks undermining prices and making a loss on their investment in land. Shelter suggests that this model relies on keeping house prices up, so that developers can recoup the high cost of land (Shelter, 2017).

Developers, meanwhile, take the view that delay is caused by local authority processes in England. Research commissioned by Barratt Homes suggests that it takes 21 months to get from receiving detailed consent to starting on site (Chamberlain Walker, 2017). This delay is likely to be assisted following the enactment of the Neighbourhood Planning Act 2017, Section 14(5) of which provides that pre-commencement conditions should not be placed upon a planning permission without the written agreement of the applicant to the terms of the condition. This provision is not yet in force but regulations appointing this provision, and possibly limiting it, are able to be made by the Secretary of State.

In England, the use of viability appraisals has been highlighted as a barrier to increasing accessible housing. The National Planning Policy Framework (NPPF) sets out how planning law and policy should be applied. The NPPF includes viability appraisals which are intended to ‘provide a competitive return to willing developers and landowners’. These independent assessments are a statutory part of the planning process; they consider whether the requirements for a particular development are financially viable for a housing developer to deliver at a reasonable profit, given the cost of land, cost of development and likely sale price of the resulting properties. If the developers’ expected profits are below 20 per cent, they can make the argument to the local authority that they should reduce the number of units that may be less profitable, and which are more likely to be affordable housing or accessible housing.

In our survey, English local authorities reported that targets for accessible housing in their areas were watered down or waived entirely at the viability appraisal stage. Accessible properties would typically be expected to cost slightly more to construct, and potentially to require more land. So if such an appraisal indicates that viability is marginal or poor, removing or reducing accessible or adaptable housing is one way of making a building project viable.

English local authorities suggested that the independent site viability appraisals, which are typically used in negotiations between developers and local authorities, frequently result in reductions in the proportion of accessible housing that is required. Some of this reduction may be due to the technical nature of viability appraisals and lack of expertise within local authorities (and lack of funding to engage expert viability consultants) to counter viability appraisals, which evidence unviability. In practice, viability arguments are applied in almost all areas, justified either by low property sale prices or high land values:

> **"[It is difficult to] evidence the specific need for such accommodation along with [demonstrating] the viability of providing such accommodation."**
>
> District Council, South West

When compiling their Local Plan, Local Development Plan or Local Housing Strategy, local authorities have a duty under section 149 of the Equality Act 2010 to take into account the needs of disabled people.

In our survey, authorities were asked how they discharge this duty in respect of formulating and monitoring the housing assessment element of the Local Plan (or Local Development Plan in Scotland). Across Britain, a majority of local authorities (64 per cent) said that they conduct an Equality Impact Assessment on the Local Plan generally. Scottish authorities reported that they were less likely to do this (41 per cent).



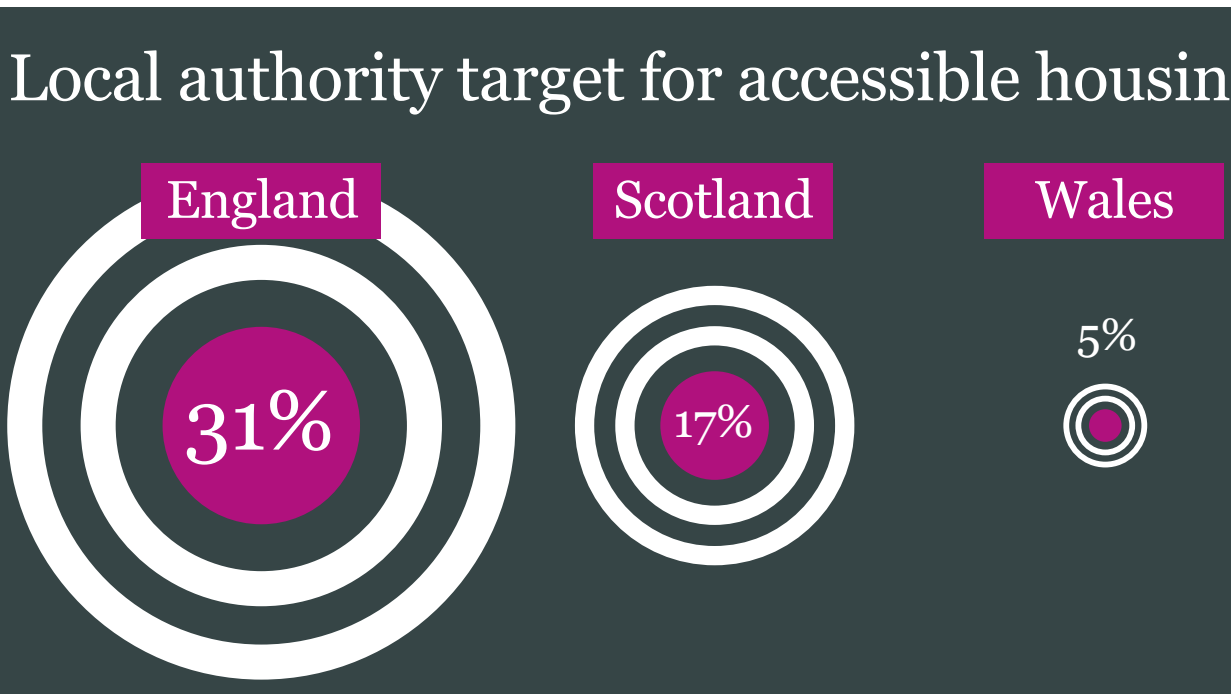
Do local authorities set targets for accessible housing?

Our survey of local authorities found that just over a quarter (28 per cent) of local authorities in Britain set a percentage target for accessible housing. This was the case for 31 per cent of local authorities in England, falling lower in Scotland (17 per cent) and Wales (five per cent). Our evidence suggests that across Britain, it seems that local authorities are more likely to take the approach of negotiating the proportion of accessible homes that is required on a site-by-site basis (49 per cent).

Of the local authorities that set a percentage target for accessible and/or adaptable housing, the average proportion of new homes required to be accessible and adaptable was around four in 10 (44 per cent). For wheelchair-accessible housing, this average requirement was much lower, at only five per cent.

Of those local authorities that set a percentage target for accessible and/or adaptable housing, two-thirds (66 per cent) said that they did not know what percentage of this target is actually delivered as a proportion of all new housing constructed. Only 66 per cent of authorities that both set a target and monitored it believed that they delivered roughly in line with the target. Just over half (56 per cent) of all local authorities had an officer or officers charged with monitoring compliance against the target.

Around a third (32 per cent) of authorities agreed that developers are normally fully compliant with accessibility regulations. Compliance was seen as much less common in England (28 per cent agreed) than in Scotland (59 per cent) and Wales (55 per cent). Yet despite the low level of agreement that developers are normally compliant with accessibility regulations, in the last three years only seven authorities (three per cent) had taken either formal or informal action against a developer who did not deliver the required number of accessible and/or adaptable properties to the standard required.



Greater London Authority

The Greater London Authority has had planning policy requirements for accessible housing since 2004; pre-2015 it required that 100 per cent of new homes met the Lifetime Homes Standards and 10 per cent were wheelchair-accessible and adaptable. Since 2015 the London Plan policy has required 90 per cent of new-build dwellings to be built to M4(2) standards and 10 per cent to M4(3). According to the London Plan Annual Monitoring Report 2015/16, (Greater London Authority, 2017), 93 per cent of new properties were built to Part M4(2) and 11 per cent to the fully wheelchair-accessible standard Part M4(3).

Brighton and Hove City Council

Since 2005, Brighton and Hove City Council Local Plan has required that new homes be built to the Lifetime Homes Standards and that a proportion of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair-accessible standard.

Glasgow City Council

Since 2009, when Glasgow City Council published its City Plan 2, all new developments of 20 dwellings or over must provide 10 per cent of dwellings (both flats and houses) to a wheelchair-accessible or a readily adaptable standard.



Some councils, like

Brighton and Hove

are designing accessible homes

What needs to change?

The UK, Scottish and Welsh Governments have all recognised the need for more houses, and made significant financial investment in delivering against their targets. Given the limited accessibility of the majority of existing homes, and the consequent lack of choice for many disabled people, a new supply of accessible and wheelchair-accessible homes is needed across all tenure types.

In England and Wales, the current Building Regulations are acting as a barrier to increasing the accessibility and adaptability of new housing stock. In England, homes that are built to the Part M4(1) standard offer very little flexibility for future adaptation. The Greater London Authority has successfully applied the Part M4(2) standard to all new housing for the last 10 years, demonstrating that it should be possible to achieve a better level of accessibility in new housing in the most challenging of markets. Local Plans must be much more specific, regarding the building standards that are required in new housing developments. In England and Wales, local authorities should specify that all houses should be built to Part M4(2) or Development Quality Requirements.

Local authorities have a responsibility under the PSED to ensure that their housing policy and strategy takes into account the requirements of disabled people in their area; this is impossible without good quality national and local data. We found it particularly difficult to get good data on disabled people's requirements or supply of accessible housing stock in Wales.

Local authorities in Scotland and Wales have additional specific duties to carry out Equality Impact Assessments; however, we saw little evidence that they carried out robust assessments of their Local Development Plans and Market Assessments (in Wales) or of their Local Housing Strategies and Strategic Housing Investment Plans (in Scotland).

In Wales, local authorities should apply the five ways of working that are set out in the Wellbeing of Future Generations Act 2015 in their strategic planning for accessible homes, in particular when they are developing Local Development Plans and Local Housing Market Assessments.

In England and Wales, a robust audit system is required to provide oversight of local authority housing plans, to ensure that the need for accessible housing is not ignored. The UK Government should publish a robust methodology to ensure that local authorities are meeting their PSED during the production and examination of Local Plan documents. The Planning Inspectorate would better be able to demonstrate its own performance of the PSED by determining applications in accordance with this methodology.

Recommendations

In England, Scotland and Wales, we are calling for:

- **Governments introduce a national strategy** to ensure there is an adequate supply of new houses built to inclusive/universal design standards and built to wheelchair-accessible standards, across all tenures. This should include a review of the way that building standards are enforced, particularly in the private rented sector. The strategy should recognise that housing support, advice and advocacy is often necessary to enable people to maintain their housing and their right to independent living.
- National and local governments should take action to improve the way that **data is collected and shared**, both on the requirements of disabled people and on the accessibility of existing housing stock.

In England, we are calling for:

- The UK Government to **amend** requirement M4(2) of Schedule 1 to the Building Regulations 2010 (as amended) so that it is no longer an optional requirement, but instead the default and the mandatory minimum standard for the design and delivery of all new housing. In addition, the UK Government to mandate that all local authorities must ensure that a minimum of **10 per cent of new-build houses across all tenure types are built to higher wheelchair-accessible standards** (M4(3) design standard). This should be monitored and reviewed.
- The UK Government to assess how the PSED is complied with, in their review of the **National Policy Planning Framework** (and practice guidance). It should specify that there is adequate information about the housing requirements of disabled people within Local Plans.
- The UK Government to **provide mandatory planning guidance** for local authorities, giving them a robust methodology for assessing need and delivering accessible and adaptable housing, as well as wheelchair-accessible housing.
- **The Planning Inspectorate** to place more emphasis on meeting its obligations under the PSED when dealing with the examination of Local Plans.

In Wales, we are calling for:

- Local authorities meet their duty to publish **Equality Impact Assessments** alongside their Local Development Plans and Local Housing Market Assessments.
- The Welsh Government to require all new homes are built to Development Quality Requirements and to mandate local authorities to ensure that 10 per cent of **new homes are built to a wheelchair-accessible standard** This should be monitored and reviewed.
- Local authorities to **apply the five ways of working of the Wellbeing of Future Generations (Wales) Act 2015 in their strategic planning** for accessible homes, in particular when developing Local Development Plans and Local Housing Market Assessments. This **requires them to think about the long term, involve people, prevent problems, collaborate with others and integrate the wellbeing goals into their objectives**.

In Scotland, we are calling for:

- The Scottish Government to require all local authorities to ensure that a **minimum of 10 per cent of new-build homes across all tenure types are built to a wheelchair-accessible standard**. This should be monitored and reviewed.
- The Scottish Government to amend its Affordable Housing Supply Programme (AHSP) to **enable clear reporting of new-build accessible and wheelchair-accessible housing, including a breakdown of size, property and type**.
- Local authorities meet their duty to publish their **Equality Impact Assessments** alongside their Strategic Housing Strategies and Strategic Housing Investment Plans.
- The Scottish Government to undertake a fundamental review of Housing for Varying Needs, ensuring inclusive design and wheelchair-accessible design standards to apply across all tenure types.



3. Improving the installation of home adaptations

Adaptations are crucial in supporting people so that they can live independently in their own homes. Although there are examples of good practice in supplying and installing adaptations, across Britain disabled people find the process of making adaptations to be complex and slow.

> **"It took a year for the team to agree, fund and plan the adaptions, despite being told when we accepted the property that these things would need to be done. Paperwork was 'lost' several times. We didn't always get accessible plans or correspondence (via email); despite asking repeatedly for it (both of us are registered blind). We were living in a house that was unsafe throughout that time."**
>
> Call-for-evidence respondent

Adapting a home can increase its usability, and enable people to maintain their independence. Adaptations range from small and relatively inexpensive home modifications, such as a grab rail or a ramp to a door, flashing doorbells for people who have a hearing impairment or colour schemes for people with visual impairments; through to major adaptations which include structural changes, such as a home extension to allow for a downstairs bathroom or bedroom.

In 2014-15, around 1.9 million households in England included one or more people with a long-term limiting impairment who required adaptations to their home. This has not changed since 2011-12, when questions on this subject were last asked in the English Housing Survey (DCLG, 2015a). In 2015, 61,000 people in Scotland needed adaptations to their home (Scottish Government, 2015a). A recent review by the Wales Audit Office reported that 32,000 people receive adaptations each year; this has increased by 11.7 per cent between 2013-14 and 2015-16 (Wales Audit Office, 2018).

There has been increased policy interest in the benefits of home adaptations, particularly insofar as they can reduce health and social care costs. Timely provision of adaptations can result in considerable cost savings, as they help to avoid lengthy stays in hospital, or the need for more intensive housing options such as care homes (Heywood and Turner, 2007). A study measuring social return on investment demonstrates that, on average, each adaptation saves the Scottish health and social care system over £10,000 (Kempton and Warby, 2013). A New Zealand study, meanwhile, estimated that 60 per cent of falls take place in the home, and found that relatively low-cost adaptations can reduce falls by around 26 per cent (Keall *et al*., 2015).

Disabled people across England, Scotland and Wales reported very similar issues with adaptations. We heard many examples of adaptations having a positive effect on people's lives.

"We successfully applied for a Disabled Grant to adapt our home for our young son. Our integral garage was converted into a downstairs bedroom and wet room. Following this a hoist was fitted in the bedroom and a chair lift was installed to the outside of the property."

Call-for-evidence respondent

"Since the RSL [Registered Social Landlord] took over, the kitchen and bathroom have been adapted. This has given me a much better laid-out kitchen, with spaces where I can sit with my legs under the work surfaces and a 'working triangle'. In the bathroom, I now have a walk-in shower with fold-down seat, which has made washing much easier. There are also new grab rails either side of the loo, which has itself been raised up."

Call-for-evidence respondent

Occupational therapists who responded to our survey also reported the many benefits that adaptations can have:

"I do a lot of adaptations in my job, and I would say they are all life-changing, from the simplest of bathroom adaptations to allow a person to wash independently with dignity, without having their partner lift them in/out of the bath, or wash them down in a strip wash."

Occupational therapist

"Adaptations were provided for a client with severe arthrogryposis, with no functional use of their bilateral upper limbs. Adaptations were provided for their bathroom, toileting, body dryer, door opening systems and kitchen. The client is now able to manage without a package of care, they have started employment, and they have increased confidence and social contact."

Occupational therapist

DPOs across all three nations reported a number of problems with the adaptations systems that are in place. There was a perception that funds had run out, which seems particularly problematic for disabled tenants of Scottish Registered Social Landlords. Disabled people believed that budget cuts had impacted on local authorities' ability to respond to their needs. There were concerns that the £30,000 limit for a Disabled Facilities Grant (DFG) was insufficient, and that it caused delays, as disabled people had to find additional funding for major adaptations.

"The grant maximum was £30,000, which was given, but the actual cost of what was needed was £47,000 – my parents made up the difference as the council did not have any more money." -

Call-for-evidence respondent

"I had a wet room put in because I was basically falling over in the bath, and the last straw was fainting where I hit my head and woke up resting on the radiator. My occupational therapist is provided by [London borough], and actually they are really marvellous. The only thing they don't tell you is that the funds available run from 5 April to the end of March, so if you make the application in April/ May the money's gone by June. So my application went through in June and they said 'sorry, you'll have to wait a full year', and that's the bit that really got to me."

Call-for-evidence respondent

Poor workmanship and delay in completing work

Occupational therapists and local authority staff reported problems with contractors causing delays and difficulties for disabled people, and protracted administrative work for the professionals involved.

"Plans were incorrect and completion certificates were never supplied. The contractor was poor and grossly overcharged. The contractor did the work poorly. I complained and eventually fixed it myself."

Call-for-evidence respondent

Difficulties with private sector tenancies

Our inquiry found that there is a reluctance among disabled people to ask private landlords for adaptations – the reasons include lack of knowledge on both sides about the funding available and the process involved, confusion over who is responsible for maintaining the adaptation if it has been funded through a grant to the tenant, and the degree of flexibility of the local authority regarding DFG assessment criteria, which can sometimes affect the likelihood of getting a home adapted.

In England, short-term tenancies act as a disincentive to installing adaptations. The owner of the property must agree to the adaptations being carried out, and the tenant must confirm their intention to live in the property as their only or main residence for at least three years. This is confirmed by the tenant and owner submitting a 'tenant's certificate' and 'owner's certificate' respectively.

"Most of my home is currently wheelchair-accessible, but I cannot access any bathing facilities as it is a shower over a bath, and my landlord refused to allow me to sign a five-year lease, which meant that I could not have a Disabled Facilities Grant to transform it into an accessible wet room."

Call-for-evidence respondent

Evidence from Age UK (2017) was that many older people were not aware of their rights and, in much the same way as they felt about asking for repairs, there was a reluctance to ask for adaptations where it might make them look like a 'problem tenant'.

Currently, much of the new housing that is being built in England is built for private rent, and is generally built to a lower accessibility standard – Part M4(1). This is storing up problems for the future, as this housing will likely be impossible to adapt cheaply.

In addition, many buy-to-let mortgages specify a 12-month maximum tenancy, meaning that landlords cannot agree to the three- or five-year requirements of the DFG even if they wanted to, which again puts disabled people at a disadvantage in the private rented sector.

There are potential opportunities in Scotland and Wales for licensing schemes to promote and inform landlords about the funding schemes and benefits of adaptations.

The Housing (Wales) Act 2014 introduced a compulsory registration and licensing scheme for private-rented sector landlords, which includes requirements for training landlords.

In Scotland, the Private Housing (Tenancies) (Scotland) Act 2016 introduced a new 'private residential tenancy' which provides an open-ended lease, and protection from rent increases. It is too early to tell how this new legislation will impact on disabled people's rights to request adaptations and adaptations to common parts.

The role of advocacy, good information and advice

We found housing advice and support to be patchy and inconsistent. People living in social housing are much more likely to be aware of sources of advice, support and information regarding adaptations than homeowners or those living in private rented accommodation.

"My flat originally had a wet room that was converted to a bathroom and re-converted back, which took two years. I've had minor adaptations – hand rails, locks, etc. – by a Home Improvement Agency. These were done quickly."

Call-for-evidence respondent

Disabled people and their carers raised the concern that professionals in local authorities are not sufficiently aware of the needs of people with sensory impairments, learning disabilities or autism spectrum disorders.

"Sensory needs are largely ignored by council housing authorities and occupational therapists. I am told that I am not entitled to adaptations to enable me to live in my home (only if I were physically disabled would I be entitled)."

Call-for-evidence respondent

“We had a six-month wait for an occupational therapist, but then they were not particularly sympathetic to our child’s sensory needs and learning disability. In the end we made the modifications to our garden and home ourselves.” -

Call-for-evidence respondent

In England and Wales, a housing authority must approve grants within six months of receiving a DFG application. Government guidance says that, in urgent cases, councils should aim to complete this stage of the process within five working days of receiving a referral for disability adaptations.

DPOs report that their members were waiting for years for approvals. Leonard Cheshire Disability surveyed local authorities and found that almost half (44 per cent) had examples of disabled people waiting more than two years for payment of their grant (Leonard Cheshire, 2015).





The fund for grants to pay for adaptations will increase from

£220m in 2015/16 to

£505m in 2019/20

How are adaptations funded?

Disabled Facilities Grants in England and Wales

Local authorities have a key role in providing adaptations for disabled people, whether they are owner-occupiers or in a rented property. In England and Wales, the main funding source for adaptations is the Disabled Facilities Grant (DFG).

- The DFG supports around 50,000 people a year in England and Wales.
- The DFG is means-tested although local authorities can exercise discretion.
- The maximum funding available is £30,000 per person in England and £36,000 in Wales.
- The average grant is of £7,000, but 58 per cent of grants are of less than £5,000.
- Only seven per cent of grants go to tenants in the private rented sector

(Mackintosh and Leather, 2016).

The UK Government has increased funding for DFGs from £220m in 2015/16 to £505m in 2019/20, and incorporated the funding into a joint health and social care budget, the Better Care Fund. The aim is to double the number of grants to 85,000 by 2020, and prevent 8,500 people from having to move into residential care (DoH and DCLG, 2016).

Leonard Cheshire Disability reported that demand for DFGs is growing faster than the ability of local authorities to manage them. In 2015, applications had risen by 66 per cent since 2011/12, but the number of adaptations that were funded had only risen by 33 per cent over the same period (Leonard Cheshire, 2015).

Wales

In Wales, tenants of Registered Social Landlords are also able to apply for a Welsh Government Physical Adaptations Grant, which has an annual budget of £8m.

Small adaptations, for owner-occupiers and private sector tenants, can be delivered through the Rapid Response Adaptations Programme (RRAP), delivered by Care and Repair Cymru. It is estimated that for every £1 spent on RRAP leads to £7.50 in cost savings for the NHS and social care services (Welsh Government, 2015). In 2016/17 the Welsh Government provided an additional £4m for funding adaptations via their ENABLE programme.

Scotland

In Scotland, funding is provided under the Housing (Scotland) Act 2006 and the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008. There are two main funding streams in Scotland; Registered Social Landlords (RSLs) are funded to provide adaptations for their tenants, while adaptations for tenants in private lets, local authority tenants and homeowners are funded by the relevant local authority. Disabled people highlighted the disparity between tenures as complex and confusing. A recent evaluation of pilot projects testing ways to improve the assessment and delivery of adaptations in Scotland found that there was widespread support for a 'tenure neutral' approach to providing adaptations (Scottish Government, 2017). This mirrored evidence submitted to the inquiry that current funding arrangements deliver unequal outcomes for disabled people as practice varies so widely.

Under the Housing (Scotland Act) 2006 private sector tenants have the right to adapt a property that they are renting to make it suitable for a disabled person, but only if their landlord gives consent. A landlord can refuse as long as it is reasonable to do so. If they consent, they can also attach certain conditions, as long as they take into account the age and condition of the property and the costs to the tenants of complying with the conditions. If the landlord fails to respond to a request to allow adaptations, they are taken to have refused consent.

As part of the integration of health and social care services in Scotland, the duties that local authorities had, to provide aids and adaptations, now sit with the Integrated Joint Boards (IJBs). This means that each IJB has strategic responsibility for assessing, planning and resourcing adaptations for home owners, private rented housing and council owned housing. There are different arrangements for tenants of RSLs.

This is a positive approach that increases focus on prevention and delivery of adaptations, which should mitigate against inappropriate admission to hospital or long-term care settings.

How are adaptations delivered at a local level?

Applications for adaptations

Our survey of local authorities found that, in 2015/16, the average authority in Britain received 194 applications to provide adaptations to homes. The trend in the number of applications has been broadly flat since 2013/14, with about 200 per authority each year (EHRC, 2018).

Approval rates for applications

In England, on average local authorities approve 75 per cent of applications for DFGs, rising to nearly 90 per cent in Wales. Outright rejection of applications is mainly confined to England, where the average local authority rejects four per cent, compared with less than one per cent in Wales. These figures might appear to paint a picture of a high level of acceptance of grants, but they conceal the fact that there are a minority of local authorities that behave differently. About six per cent of authorities in England reject more than a quarter of all applications made for adaptations, and 16 per cent cover the full cost in response to less than half of all applications (EHRC, 2018).

In Scotland, most adaptations require a user contribution of 20 per cent of the total cost. Around a third (36 per cent) of applicants are awarded grants at 100 per cent of the cost, and two-fifths (59 per cent) are awarded grants at 80 per cent of the value of the adaptation. Outright refusal is rare (one per cent), and a much larger proportion of applications (seven per cent) are withdrawn by the applicant (EHRC, 2018).

Waiting times

As well as a reasonable proportion of applications being approved, for adaptations to be useful they must be delivered in a reasonable timeframe.

The first stage in a typical process is the occupational therapist assessment, which is where many delays occur. This is partly due to a shortage of occupational therapists and protracted processes within local authorities (HEE and COT, 2016). Then there is the time it takes for an approval to be decided upon. Our survey found that a minority (13 per cent) of local authorities that delivered adaptations did not have information on application waiting times readily available. This rises among small authorities with less than 100,000 residents (17 per cent). Of those with data available, more than half (57 per cent) said that they typically delivered a decision within six weeks.

Once approved, the application must be delivered – most authorities took between six and 15 weeks to carry out an installation. A quarter (23 per cent) of Scottish local authorities delivered adaptations within six weeks of a decision.

Although most authorities in England and Wales performed fairly uniformly, a minority of English local authorities (seven per cent of all local authorities, or 10 per cent within England) took over six months to deliver adaptations once approval was given.

Our evidence suggests that making adaptations was easier for social housing tenants than for private tenants or home-owners. But the process was often lengthy, and some participants could not afford to top-up the grant to get the changes they required.

> **"The request for our house to be wheelchair-accessible was made in 2011, and the work was eventually completed in February 2014. My father, after being housebound for five years, passed away eight months after the completion of the wheelchair lift being fitted. Previously we had to carry my father up and down a flight of stairs."**
>
> Call-for-evidence respondent

Local authorities across Britain identified the following challenges in making timely adaptations:

- Difficulty in finding reliable sub-contractors
- Internal capacity limitations
- Disabled people find it difficult to navigate the system to apply
- The 'arbitrary nature' of the means test
- Difficulty in persuading landlords to allow adaptations
- A shortage of occupational therapists, creating a bottleneck.

Complex systems and delays

Given so little of existing housing is accessible and the slow rate of building in England and Wales, home adaptation that is funded privately and through the DFG plays a vital role in enabling disabled people to live independently. The increase in funding is an important step, but we heard evidence that the slow and cumbersome nature of the DFG process often leads to people spending extended periods in hospital beyond their discharge date or being discharged into unsuitable accommodation.

The system for assessing and delivering DFGs is slow and complex. We heard evidence that people with spinal cord injuries are being discharged to an unadapted home or being forced to live in a nursing home to free up hospital beds. It costs around £1,000 per day for a bed in a spinal cord injury centre (Aspire, 2016). Good-quality adaptations are cost effective and vital for independent living. Currently a DFG application can only be made once every five years. This removes any opportunity for someone to get basic adaptations made quickly once they know what their fundamental needs are, to enable them to return home and not get 'stuck' in hospital or a care home.

As applications for DFGs are only permitted once every five years they do, however, often have to wait until the full range of needs have been identified. There is a need to enable the DFG system to be more responsive to people's changing needs and avoid unnecessary hospitalisation.

Adaptations to common parts

The Equality Act 2010 provided for a new requirement, in Section 36 and Schedule 4, for disability-related alterations to be made to the common parts of let residential premises, or premises owned on a commonhold basis; however, the provisions have not yet been brought into force anywhere in Britain.

'Common parts' include the structure, exterior and any common facilities of a building which are not solely owned. This might include, for example, a shared stairway, an entrance or a car park.

In England and Wales, the commonhold owner or freeholder has responsibility for common parts, but in Scotland the owners of different homes in the same building have joint responsibility for common parts.

Disabled people told us that requests for adaptations to common parts were sometimes refused 'unreasonably', even when there was no cost to the other people living in the premises.

"Although my current property is accessible, it took over two years to make it so. In particular, the communal front entrance originally had a step. We had to get permission from all flat-owners in order to make it a level entrance/put in a ramp. One owner refused for ages because it 'would give the wrong idea' and 'my kind shouldn't expect to live in a place like this'."

Call-for-evidence respondent

What needs to change?

Delivery of adaptations at a local authority level needs to improve, as disabled people wait too long for assessment and installation of adaptations. There is no single model for service delivery, but among the examples of good practice that we examined, the best focused on joining up services around the individual's requirements, so that disabled people are supported as they navigate complex service pathways. Service delivery also improves where multi-disciplinary teams work together and involve disabled people effectively in decision-making.

Local authorities need to publicise DFGs better and address the commonly held misunderstanding that 'there is no money', which can lead people to assume there is no point in seeking advice and support. Advice and advocacy needs to be provided, to help disabled people across all types of tenure.

Renting in the private sector is particularly challenging for disabled people: in our inquiry the short-term nature of tenancy laws in England was highlighted as being particularly difficult, as DFGs are intended to provide long-term solutions for disabled people. Many disabled people in private tenancies are tied to annual leases which do not provide the security and longevity that is required for adaptations to be effective.

In England and Wales, the Building Regulations for private-sector housing need to be improved, so that adaptations to those properties are inexpensive and easily installed. In England Part M4(2) of the Building Regulations and in Wales the Development Quality Requirements should be the default for all new houses.

Private-sector landlords and letting agents in England, Scotland and Wales also require up-to-date information on the law and policy concerning adaptations and reasonable adjustments.

The Equality Act 2010 provided for a new requirement for adaptations to common parts of let residential premises, or premises that are owned on a commonhold basis. Notwithstanding this, in England and Wales the provisions (in Section 36 and Schedule 4 of the 2010 Act) have not yet been brought into force. In Scotland, Section 37 is in force but the Scottish Government have not yet published subsidiary regulations to bring the provisions of the Section into practical effect.

Recommendations

In England, Scotland and Wales, we are calling for:

- Local authorities to urgently address the bureaucratic **hurdles and delays that exist within adaptations systems**, to ensure that low-cost, minor adaptations in particular can be installed quickly and easily. This should be monitored and reviewed.
- Governments to provide **additional funding to disabled people's organisations and advice agencies, to increase the supply of independent advice and information regarding housing options, including adaptations**, with a particular focus on the private-rented sector.

In England and Wales we are calling for:

- The UK Government to **review and address the barriers to installing adaptations in the private rented sector**, with a particular focus on security of tenure.
- The UK Government to **implement the duty to make reasonable adjustments to the common parts of leasehold premises, as set out in the provisions of section 36 of the Equality Act 2010** for England and Wales, by the end of 2018.

In Scotland, we are calling for:

- The Scottish Government to address the **disparity between tenures** by reviewing and amending the elements of the Housing (Scotland) Act 2006 that relate to the Scheme of Assistance legislation together with a review of the related funding and guidance, in order to ensure consistency of outcomes, good practice and equal rights for disabled people, regardless of tenure type. The Scottish Government to **increase resources available for adaptations across tenures** to meet increasing demand.
- The Scottish Government to **introduce regulations pursuant to section 37 of the Equality Act 2010, which provide that disabled people are entitled to make adjustments to common parts in relation in Scotland.**

In Wales, we are calling for:

- The Welsh Government to pilot training for private sector landlords on accessibility as part of the Rent Smart Wales scheme, of licensing landlords and agents under the Housing (Wales) Act 2014.



4. Matching homes to the people who need them

Disabled people are overwhelmingly represented in social housing, because of its lower affordable rent, security of tenure and provision of support, but demand for social housing outstrips supply in every part of Britain, and allocation policies and practices frequently disadvantage disabled people.

Disabled people report that allocations processes are complex and they often experience pressure to accept unsuitable properties, or be forced to move away from their support and care networks, which causes stress.

"With regards to social housing, the council has indicated that it has nowhere to house me. When I made contact with them they said they would probably have to house me in an institution. I am TERRIFIED."

Call-for-evidence respondent

"I have been on my local authority list for seven years, but there has never been a suitable property available in that time. So for the past two years I have been reduced to having my hair washed in a bowl while sat on my toilet."

Call-for-evidence respondent

"The local authority offer was 'this is what we are offering you if you do not take it you will be taken off the list'. I was given absolutely no choice about it, and I had a 13-year-old at the time. We had no choice – we had to take it."

Case study (EHRC, 2018b)

There are pockets of good practice, particularly where there are dedicated disability teams or specialists within housing departments, and links with other health and social care professionals.

How do allocations policies operate in practice?

England, Scotland and Wales all have individual legislative frameworks, which set out the requirement for an allocation policy, and details about managing 'reasonable preference' when allocating properties. Reasonable preference means that certain groups will be given some priority on the waiting list for housing, but it does not necessarily mean that they will be treated as urgent cases.

In 2015-16, there were 446,000 households on local authority housing waiting lists in England in the reasonable preference category. The largest group, after people living in overcrowded or insanitary conditions, was 'people who need to move on medical or welfare grounds, including grounds relating to a disability', which covered 113,400 households (DCLG, 2017b). In Scotland, an estimated 10,000 disabled people are on housing waiting lists (*I news*, 2018).

Although all local authorities are required to have an allocations scheme, not all manage their own housing stock, or allocate accommodation directly. Many work in partnership with Registered Providers of Social Housing/Registered Social Landlords as a consortium to manage and allocate available properties.

Common Housing Registers

A Common Housing Register means that applicants only need to complete one form to be considered for social housing in their area. Applicants are then prioritised and ranked according to the allocations policy operating in their area.

Local authorities indicate that there are a number of benefits to operating a Common Housing Register in partnership with other housing providers, particularly as a means to save time and pool resources, and provide a joined-up and consistent approach in the provision of housing advice and information (Scottish Parliament Information Centre, 2012).

Accessible Housing Registers

Accessible Housing Registers (AHRs) can be viewed simply as a list of suitable homes for disabled people with particular access needs. They usually consist of a list of accessible properties, and/or a list of residents requiring accessible housing.

While in practice approaches vary, in the main part they are set up to give housing providers a way of categorising their properties so that applicants are better informed as to whether a property will meet their needs. This in turn helps housing providers make best use of their available stock.

Matching individuals to adapted properties is a complex process, and while AHRs are a starting point, there needs to be better integration with other elements of housing and tenancy management, such as adaptations teams and those with expertise in disability issues (such as occupational therapists), to ensure that tenants and properties are properly matched. Other factors, such as proximity to support networks, accessible transport and local amenities, should be built into the matching process to make it as person-centred as possible.

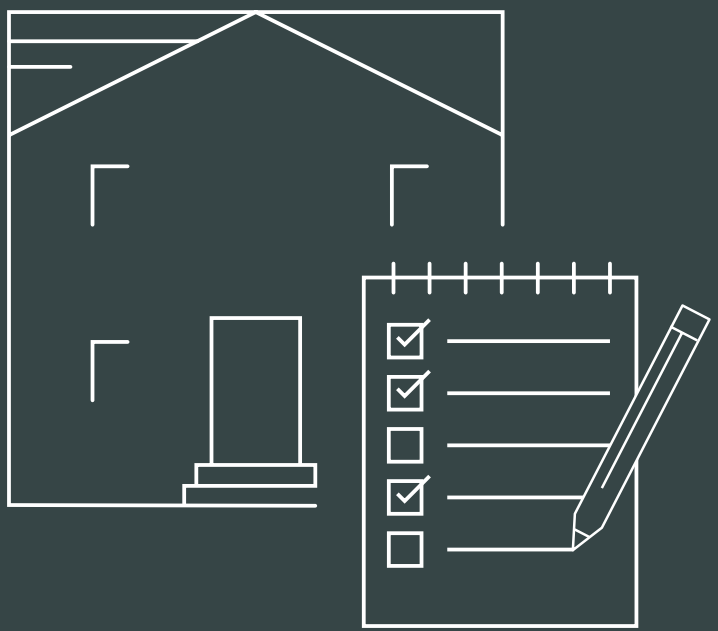
A 2016 survey found that the majority of local authorities in Wales felt that an AHR was very effective in meeting the needs of disabled people, and enabled them to make the best use of available resources and save money (Welsh Government, 2016).

Across Britain around one in five (22 per cent) of local authorities have an AHR (EHRC, 2018). In Wales, where the Welsh Government has widely encouraged the development and use of AHRs, 52 per cent of local authorities use this approach. In Scotland, 26 per cent of local authorities reported having an AHR (EHRC, 2018).

Just

22%

of councils have an accessible housing register



Choice-based lettings

Choice-based lettings (CBLs) are an approach taken by many housing providers across Britain. Although there are some differences between them, their common characteristic is that once an applicant registers with the housing provider, they are then able to express an interest in (or 'bid' for) available housing, which is usually advertised online. The onus is on the person seeking accommodation to bid for housing, rather than having to wait for the local authority or housing provider to offer a property.

Some individuals may be disadvantaged by CBLs because the approach relies on applicants actively bidding on properties, often without sufficient information on the accessibility of the property that is available. In addition, the reliance on online registration and provision also creates a barrier to some groups (Welsh Government, 2013). Research undertaken in 2011 on behalf of the DCLG suggested that CBL approaches should be reconfigured to ensure that certain groups are not disadvantaged, in particular those with learning disabilities or visual impairments.

"Online application processes will be more difficult for people with mental disabilities, visual or learning disabilities. They are also less likely to have access to IT. While reasonable adjustments are usually available, there can be issues with disabled people getting past the first hurdle of knowing how to apply. There can also be a lack of knowledge amongst front-line staff about what this means in practice."

Call-for-evidence respondent, disabled people's organisation

Direct allocations

Some local authorities and Registered Providers of Social Housing/Registered Social Landlords also hold separate lists, usually for fully wheelchair-accessible housing, and nominate those they believe are in greatest need for available properties. Where direct allocations are made, they are often informed by health and social care professionals, which means that a more rounded approach is taken to assessing the suitability of a property for an individual. However, this is contingent on the housing provider having information regarding the accessibility or adaptability of its stock, which, our survey has shown, is not common.

Evidence from housing providers also indicates that they frequently find it difficult to identify individuals on waiting lists whose accessibility requirements match those of available properties, and as a result what limited accessible housing they have is often given to people who don't need adapted housing. These disparate and diverse approaches, often taking place in a single area, lead to a very confusing picture for many disabled people seeking accommodation, which is exacerbated by other barriers and difficulties in seeking and securing appropriate housing.

Allocations for people living in residential care or hospital settings

There are a group of disabled people who do feature on housing waiting lists as they live in residential care. They face considerable barriers to securing an accessible home with support to meet their requirements. Our survey of occupational therapists asked whether the people they worked with, who lived in residential care or in a hospital setting, could live independently. Most occupational therapists agreed that they could, but highlighted a lack of accessible or adaptable housing as the key barrier.

Local authorities reported in our survey that they were least confident about the number of disabled people currently in residential care that could live independently if appropriate housing were available. Just over one in 10 (13 per cent) rated their data as broadly good in comparison to roughly one-third (34 per cent) of respondents who felt their data was poor (EHRC, 2018).

A report by the BBC found that disabled people were often stranded in psychiatric hospitals for long periods and even years, due to a lack of available housing and support (BBC, 2017). We heard that there is a lack of clarity between local authorities and the NHS over which public body should be responsible for commissioning housing for people to leave hospitals and residential settings. While there is a trend towards more integration of health, housing and social care, a step-change is needed among Clinical Commissioning Groups in England, Regional Partnership Boards in Wales and Integrated Authorities in Scotland, to provide more solutions for people to live independently of residential care settings.

Integrating health and social care services

The integration of health and social care in Scotland means that joint working and data sharing is improving the delivery of some housing support, adaptations and homelessness services. In England, some local authorities have set up a dedicated team to support disabled people and match them to housing. Others link up with occupational therapists and other health and social care professionals, aiming for an approach that puts the requirements of the individual at the heart of the process of identifying suitable housing.

Around half (46 per cent) of the authorities that responded to our survey said that they have specially trained in-house assessors who deal with housing applications from disabled people. This was more likely to be the case in Wales (65 per cent) and Scotland (63 per cent) than in England (43 per cent), and tended to be in places where authorities had larger populations (EHRC, 2018).

Where there are good links with occupational therapists and other health and social care professionals, the outcomes for disabled people are more positive. In particular, they help to ensure that information on the accessibility of available properties is more thoroughly assessed and communicated, so that applicants can make an informed choice when bidding.

The application process

Disabled people find that the application process which prospective tenants are required to go through is very difficult and stressful, particularly for first-time applicants.

Applications are often online, they run to many pages, and they require a great deal of complex or detailed information, which disabled people often do not have to hand.

> **"The application forms are written by housing officers for housing officers."**
>
> Focus group participant

The emphasis on the online applications process makes it very difficult for people who do not have internet or computer access and have to use local facilities, for example library computers. Online provision also means that there is nobody to request assistance from, or to check or clarify particular aspects of the process. This is a particular issue for older disabled people, visually impaired people, and people with learning disabilities, who may require assistance in filling in online applications.

There are often delays in the processing of applications. One person told us that they waited two years for their application alone to be processed, during which time they could not bid for houses that came up.

How does the assessment process work?

Once an individual has registered with a housing provider, they are required to undergo an assessment process to ascertain what priority their application should be given. The assessment process to identify applicants' housing requirements, and place them in a priority category, is widely perceived to be unfair. This may be because systems, processes and thresholds used vary considerably, and often lack transparency.

In England and Wales, physical impairments, learning disabilities and mental health conditions warrant priority status under the 'reasonable preference' criterion. In Scotland, the Housing (Scotland) Act 2014 made several changes to allocation rules for social landlords which are due to come into force in 2018/19. The Act replaces 'reasonable preference' categories with three groups: social housing tenants who are under-occupying their home; homeless people with unmet housing needs; and people who are living in unsatisfactory housing conditions with unmet housing needs.

Being awarded a high level of priority because of disability is no guarantee, however, that applicants will be successful in securing suitable housing as there may be other priority groups who secure the limited properties that are available.

Many disabled people find that the assessment process used by local authorities and housing providers is often extremely medicalised, that it prioritises physical health over mental health needs, and that it fails to consider the right to independent living. There is also a lack of transparency, which adds to an already stressful situation: individuals do not know when they will learn the outcome of their assessment, or are not given a reason why they have been refused priority status.

Additionally, there are reports that the bar is set so high for medical assessments in some areas, that many people with very complex health and support needs are not given reasonable preference, simply because there is so little housing available – in particular wheelchair-accessible properties.

"Most authorities use somebody who's nicknamed Dr No, in terms of being the chief medical decision-maker. I don't know what their real name is, but apparently that's their nickname, Dr No. If somebody's got that nickname you just despair."

Focus group participant, Specialist Housing Advisor

There is also evidence that housing providers fail to take a more integrated approach to meeting the needs of housing applicants. This includes considering the physical design of housing and the built environment, and links to public transport and local amenities, as well as the actual accessibility of a property when assessing need (EHRC, 2018b).

Waiting times

Once an individual has managed to negotiate the opaque and complex housing application and assessment process, they then face a lengthy wait.

Our survey asked local authorities who held information on the accessibility of their housing provision to report the average length of time that disabled applicants spent on the housing register. Only 42 per cent of local authorities reported waiting times for disabled people. This may be because the systems used to allocate social housing are no longer based upon waiting lists or that systems might or might not be able to separate out waiting times for those requiring accessible housing from other applicants. Of those who were able to report on waiting times, the average length of time that disabled people waited was 25 months (EHRC, 2018).

We came across individuals who were waiting much longer, including one who was told that they could be waiting up to 10 years, and another who said that they had been waiting for 20 years. We heard repeatedly from advice agencies that their clients face long waits for fully wheelchair-accessible properties. There is also a particular scarcity of larger accessible family properties.

Finding a suitable property – the issue of data gaps

There is such a shortfall of social housing, and so few accessible or adapted properties, that it can take several years for disabled tenants to find appropriate accommodation. This is further compounded by a lack of information on what properties are accessible, a lack of detail regarding their adaptations, and pressure on applicants to accept unsuitable properties.

Local authority data on accessible housing is generally poor; 65 per cent do not know whether the social or affordable rented housing in their area is accessible or not (EHRC, 2018). There is also no national data available on adaptable housing stock.

Where local authorities directly own their housing stock, the majority (84 per cent) rate the information that they hold on the accessibility of their properties as very good or good. The larger the local authority, the more likely they are to rate their information as good or very good (EHRC, 2018).

In addition, while 84 per cent of authorities with council-owned properties said that they held information on the specific adaptations made to those properties, only 59 per cent said that they had detailed knowledge of the level of accessibility of the properties, which makes it very difficult for them to match properties according to need (EHRC, 2018). This lack of data means that allocations systems are inefficient and unsuccessful.

Some local authorities are unable to say how many disabled people are on their waiting lists, or what their requirements are in relation to adapted or accessible properties. One local authority told us that they took out 56 wet rooms (at a cost of around £10,000 each) in 2016. This was because most adaptations are not wanted by non-disabled residents, both from an aesthetic point of view and because they do not meet their requirements: for example, they want a bath. This indicates that there are considerable inefficiencies, because allocations system cannot effectively match up with disabled people on the waiting list who require such an adaptation.

Fifty per cent of local authorities had information on the specific adaptations that were made, but only a quarter had detailed knowledge of the accessibility of the properties.

Despite this lack of data, 89 per cent of local authorities who managed the allocations process said that they were very or quite successful in matching suitable properties to disabled people. Furthermore, the majority of local authorities report that they are either very or quite effective at assessing the needs of people requiring accessible housing.

Some local authorities are working hard to ensure that accessibility information is provided to prospective tenants. A council in North West England grades its properties according to four accessibility levels, so that bidders can assess whether a property would be suited to their needs. Similar approaches are taken by other local authorities.

This does not correlate, however, with the experiences of disabled people, who find that there is often very little detail on the accessibility of a property. Housing providers do not always give full details of a property; for example, applicants often found out too late that a property had a wet room.

As a result, people bid on unsuitable properties and then have to turn them down once they view them, because they are inaccessible. This was particularly the case with wheelchair accessibility; disabled people reported that properties that were advertised as accessible were not always so in reality, as doorways and room sizes were too small for wheelchairs to manoeuvre. Bidding and then finding that a property is unsuitable is disappointing and emotionally draining.

"I've got another client who is band A. He's in an electric wheelchair and he bids religiously, and he's been bidding for about a year. And he still hasn't got a property because there are just not enough properties that are suitable for people with electric wheelchairs."

Call-for-evidence respondent, Specialist Housing Advisor

These experiences are further echoed in research which indicates that some applicants deliberately bid on properties that may not be suitable for their needs, because they are concerned that they will have their priority status removed, and therefore face a longer wait to be housed (EHRC, 2018b).

Sometimes, people were offered properties that were miles away from their support network or local amenities, or where the local area was inaccessible for them (for example, there were no dropped kerbs). Several had to make decisions about the accessibility of a property extremely quickly.

Some people do end up being well-housed, but the process of getting to that point is often difficult. It is hard for participants to find out who to contact; it requires persistence to get results, and people can very easily get stuck in unsuitable housing with very little chance of being able to move (EHRC, 2018b).

This was echoed by respondents to our call for evidence, who said that they often felt forced to take inappropriate housing and then became stuck, as they were no longer considered to have priority need.

“I’ve got one client who lives in a housing association. He had a self-propelled wheelchair, and he’s been using this for a long time. But his muscles have deteriorated and it’s causing him great pain and harm to keep doing so, so he’s been assessed to get an electric wheelchair. He’s been donated one, but he lives in a studio flat, and the chair is too big for the doors. He won’t be able to fit the chair into the property, and then he hasn’t got anywhere to store it inside because it’s literally so small.

So I told his social worker. The social worker said ‘there’s nothing I can do. I can write a supporting letter and take it to housing.’ Housing said ‘well, he’s not homeless, so we’ll put him on the register and he’ll be band C’. And he’s stuck there, and every day he’s having to push himself, he’s harming himself. So now he’s limited. He deliberately stays home just so he doesn’t have to push himself.”

Focus group participant, Specialist Housing Advisor

Overall, disabled people report that the process of finding appropriate housing is exhausting, and creates a huge amount of stress and anxiety at every stage.

Barriers experienced by particular groups

People with mental health conditions

> **"Mental health is really, I think, virtually ignored by social housing allocation policies. I think generally there's a feeling that people are at it and have got a doctor's letter because they're trying to work the system. Or even worse, there might be some kind of risk or danger to the other tenants. They might be a hoarder or they might have bi-polar, so obviously that means they're going to be an axe murderer. So there's lots of discrimination. I think people with mental health conditions are very powerless in the system."**
>
> Call-for-evidence respondent, disabled people's organisation

Our inquiry revealed that there are particular and persistent barriers faced by people with mental health conditions, which impede their right to independent living. Individuals face a huge amount of stigma from housing providers because of misconceptions and stereotypes. Research indicates that this additional stress can often aggravate or even cause mental health conditions (Mind, 2017).

Advice agencies and individuals report that housing providers struggle to understand and support applicants with mental health conditions, and prioritise physical access requirements as a result.

This is particularly important where people are allocated general-needs housing; however, access to floating support varies by region, and local authority funding for such services has been drastically reduced, which means that this much-needed support is increasingly reduced, or is difficult to access.

Living in well-run, supported housing leads to positive outcomes for people with mental health conditions, enabling them to recover and live independently. It is estimated that one in five people with a severe mental health condition lives in supported housing, while good-quality housing underpins effective mental health treatment (Rethink, 2017).

One public body informed us that in their view a lack of support acts as a disincentive to housing providers (particularly some larger, commercial Registered Providers of Social Housing/Registered Social Landlords) in taking on tenants with mental health conditions: this is because of the lack of timely mental health support and the potential cost of a failed tenancy in legal fees, lost revenue and general disruption.

In addition, disabled people's organisations report that the changes brought in England under the Localism Act 2011, which enable housing providers to take 'good behaviour' into account when assigning priority status to applicants, is having a disproportionate impact on individuals with mental health conditions, as housing providers frequently interpret behaviour as anti-social (wilfully or otherwise) rather than as being a result of those conditions.

People with learning disabilities or sensory impairments

"We had a case where somebody quite young and very vulnerable, with learning disabilities, had been squatting with friends who turned out not to be friends. So we took them to say they were homeless, and the local authority – even though we got safeguarding involved and everything – the housing team basically just said 'well, you can either go back there, or we can send you to x London borough'. In the end they decided to go back to the place that they had just escaped from, only to find all of their belongings in a black bag on the doorstep."

Call-for-evidence respondent

The UK Government's Transforming Care programme aims to improve health and social care services for people with learning disabilities and autism. While this programme takes a person-centred approach, to ensure that people are able to exercise choice in accessing services (including housing), implementation is very slow. It is estimated that by 2019, over 2,400 individuals with learning disabilities or autism will require housing, after being discharged from hospital or residential care (NHS England, 2016). Having support to find and sustain appropriate housing is vital in enabling people to live independently.

When allocations work well and people have homes that meet their requirements, the difference it makes to a person's independent living and wellbeing are significant.

"My current home and my Housing Association have changed my life immeasurably. Without this home my life would be very different, and I would likely be trapped in a completely inaccessible home, suffering both mental and physical ill-health. In particular, my spare room and garden make a huge difference to my life, as I am able to access sunlight at home, and able to have cats, which are vital to my wellbeing. My brother is able to stay with his family, my friends are able to visit regularly, I am able to pursue romantic relationships, and I have control over my life."

Call-for-evidence respondent

Tenants' voice

Tenants must be empowered to express their views to their landlord and to be actively engaged in shaping policies and services. In England and Wales, we heard that disabled tenants are frustrated by their lack of influence on housing providers; this has been exasperated by the closure of representative bodies for tenants in England (National Tenants Voice) in 2010 and in Wales (Welsh Tenants) in 2017. In Scotland, a more robust system is in place. The Social Housing Charter sets out what tenants can expect from their landlords in terms of quality and value for money, the standard of their homes as well as opportunities for communication and participation in the decisions that affect them. The Scottish Housing Regulator monitors and assesses landlords' performance against the Charter.

At the local level, evidence to the inquiry suggested that the effectiveness of both social housing providers' and local authorities' engagement with their tenants varies considerably. We regularly heard examples of slow and bureaucratic systems which have more negative impact on disabled people when things go wrong. Where tenants have been involved, we heard of some dramatic results. In one instance, the installation times for adaptations came down from two years to three weeks, after the involvement of a disabled group in reviewing and then streamlining processes.

What needs to change?

While housing allocation processes vary greatly across Britain, a common feature is that they are complex and stressful, and frequently fail to provide disabled people with sufficient information to make informed choices about whether the homes they are offered will meet their needs. Lack of specialist advice or support in negotiating the complexities of applying for suitable housing is a growing problem, which further compounds the difficulties that disabled people face.

Demand for social housing across Britain means that waiting lists are very long. In order to target resources more effectively, local authorities and Registered Providers of Social Housing/Registered Social Landlords need much better information about disabled people and their requirements. Many disabled tenants feel powerless and have no means to raise concerns with their landlord.

There is evidence that housing providers do not fully understand the requirements that people with learning disabilities or people with mental health conditions might have, and as a result they prioritise applicants with physical impairments over others. Fully wheelchair-accessible properties are also in extremely short supply, and housing providers find it hard to fully understand what physical accessibility means for disabled people, meaning that they offer properties that are inaccessible.

Local authorities and Registered Providers of Social Housing/Registered Social Landlords should improve the information that is available to applicants at each stage of the housing process, in particular regarding the process for applying and securing suitable accommodation, the likelihood of success, the suitability (accessibility/adaptability) of available properties, and the probable waiting time. Information should be available in a variety of formats.

The assessment processes used by local authorities and Registered Providers of Social Housing/Registered Social Landlords are rooted in a medical model of disability, and fail to give due importance to the individual and the importance of independent living. Housing providers should ensure that any assessment process follows the social model of disability, and considers all the barriers, environmental and attitudinal, that may diminish an individual’s quality of life.

Recommendations

In England, Scotland and Wales we are calling for:

- Local authorities and Registered Providers of Social Housing/Registered Social Landlords to **embed independent living principles into assessment and allocations policies** for social housing, to ensure real choice and control.
- Local authorities to significantly **increase their knowledge of existing accessible social housing stock** and develop specialist support and information services to facilitate suitable matching.
- Local authorities to apply best practice on the use of **accessible housing registers**, with the longer term aim of the use of a standard methodology across all local authorities.
- Local authorities to work with the NHS to ensure people living in institutional and residential care are supported to live independently.
- Governments to **publish standards and monitor and review the effectiveness of Accessible Housing Registers**.



5. Supporting people to live independently

It takes more than bricks and mortar to enable disabled people to live independently; support is also vital. Support can take many forms, yet the provision of good-quality advice, advocacy and guidance for housing is patchy and hard to find. Changes to funding for tenancy advice and for supported housing has created uncertainty for disabled people and for housing providers.

Advice, advocacy and guidance are very important when weighing up housing options. Our evidence indicates that disabled people are able to exercise their rights more effectively when they have access to quality specialist information and assistance, but that accessing this type of support is very difficult.

> **"There seems to be no housing advice available to people who have high physical needs but who don't want to live in a residential home. I have no idea who to approach for advice and information on how to go about finding somewhere we could live independently as a couple."**
>
> Call-for-evidence respondent

Changes to the benefits system and related assessment processes have overwhelmed many advice services. Specialist advice agencies told us that specialist advice services for disabled people are closing due to lack of funding, and that pressure is being put on generic advice services to provide specialist support outside their area of expertise. Provision is patchy, and because of the complexity of housing provision and the changes to welfare policy, information can quickly become out of date.

"There are plenty of organisations who say they [provide advice], but often the information is incorrect and you have to check up on them. There are often a number of organisations that do the same thing. It would be better to have a one-stop-shop, with just one doing debt, another dealing with repair issues, etc. The third sector is awash with people saying they can help, but often they can't."

Call-for-evidence respondent

Disabled people, and in particular those with learning disabilities, sensory impairments or mental health conditions, report that they have difficulty getting adequate support from housing providers. This ranges from providers' reluctance to supply information in accessible formats, such as 'easy read', to a lack of specificity in advertisements for accessible properties, and a lack of assistance with applications. This includes tenancy agreements and correspondence from the landlord, which typically contains language that is legalistic and inaccessible to many people, including those with learning disabilities.

Local authorities across Britain have a duty to make reasonable adjustments under the Equality Act 2010. In England, the lack of support is in direct contravention of housing providers' statutory requirements under the Housing Act 1996 (s166A(9)), which stipulates that applicants should be able to receive information and assistance free of charge.



Advice organisations that responded to our call for evidence raised the concern that many local specialist services are losing out on funding. This has been caused by funding pressures; there seems to be a trend for local authorities to rationalise their advice services into one contract, providing a general service.

> **"If someone has a more complex housing situation and needs impartial advice it is hard to find that at the council, and it seems more of a challenge to get an appointment at the CAB, due to such high demand."**
>
> Call-for-evidence respondent

A key theme in the testimony that we received, through our call for evidence, was that there is a strong link between physical and mental health, particularly if there are delays to finding suitable accommodation or making adaptations. Effective advocacy and advice to navigate the often bewildering systems is essential in providing both practical and moral support.

Some disabled people said that they had received support from independent advocates, or from health and social care professionals, which made their search for suitable accommodation much easier. One local authority worked with third-sector partners to develop an innovative brokerage scheme which provides person-centred advice and support, primarily to people with mental health conditions.

Challenging a decision

Disabled people report that legal advice can be almost impossible to obtain. Citizens Advice do not typically support appeals, and disabled people reported that advice appointments were typically limited to one half-hour session. Delays are commonplace, although Registered Providers of Social Housing/Registered Social Landlords sometimes pay to fast-track their residents. Increasingly Registered Providers of Social Housing/ Registered Social Landlords provide this service in-house, and see it as a necessary part of helping their residents to sustain their tenancies, despite financial pressures from UK Government-mandated reduction in rents. With the rapid growth of the private-rented sector in England in recent years, the lack of good-quality advice and information is a significant concern.

The report of the Women and Equalities Committee's (2017) inquiry into disability and the built environment highlighted the fact that making a legal challenge is typically very difficult for individuals.

> "An approach that relies on individual disabled people bringing a challenge each and every time they encounter a disabling barrier is neither morally nor practically sustainable. This is, unfortunately, the primary method of enforcement provided for by the Equality Act 2010." (p.7)

Following reforms in 2013, housing is largely outside the scope of legal aid (Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 1, Part 1). When the reforms were proposed, the UK Government acknowledged that people with the types of housing claims that it planned to exclude were more likely to be ill or disabled (Ministry of Justice, 2011).

Since the reforms were introduced, the number of housing cases that are funded for initial legal advice has fallen year-on-year: 85,192 in 2012-13 to 35,469 in 2016-17, which represents a fall of 58 per cent (Legal Aid Agency, 2017). Funding for legal advice centres has been significantly reduced, and advice 'deserts' have emerged in parts of the country that have little or no provision (EHRC, 2015). The Law Society has found that almost a third of areas in England and Wales have one or no legal aid housing advice providers (Law Society, 2017). This can lead to people having to wait for legal advice that they need urgently, or being unable to access legal aid at all.

The Low Commission inquiry into the future of social welfare law in England and Wales highlighted the importance of specialist advice for people with moderate learning disabilities, cognitive impairment, or visual impairments. It found that specialist support services have diminished, due to cuts to legal aid, as well as the reductions in local authority funding. This has destabilised and reduced the advice and legal support sector at a time of increased need (Low Commission, 2014).

Sustaining tenancies and floating support

Tenancy support or 'floating support' can be tailored to meet individual requirements, but it typically involves several hours' support a week to sustain a tenancy, and can include more intensive support options if required. It often involves help with money management and benefits, or other issues such as isolation or harassment. This type of support has been found to provide immense social and economic value, because it enables people to live independently in their homes. Tenancy support is preventative, and can anticipate and address issues which may lead to further costs down the line (for example rent arrears or people requiring crisis services).

In a recent report Mind identified that support is especially important as people move between tenures; for example, from supported housing to general needs or privately rented accommodation (Mind, 2017).

The Supporting People Programme

The Supporting People Programme was set up in 2003. It brought together housing-related funding streams across Central Government into a single programme. Funding was ring-fenced within local authorities, to provide housing-related support services.

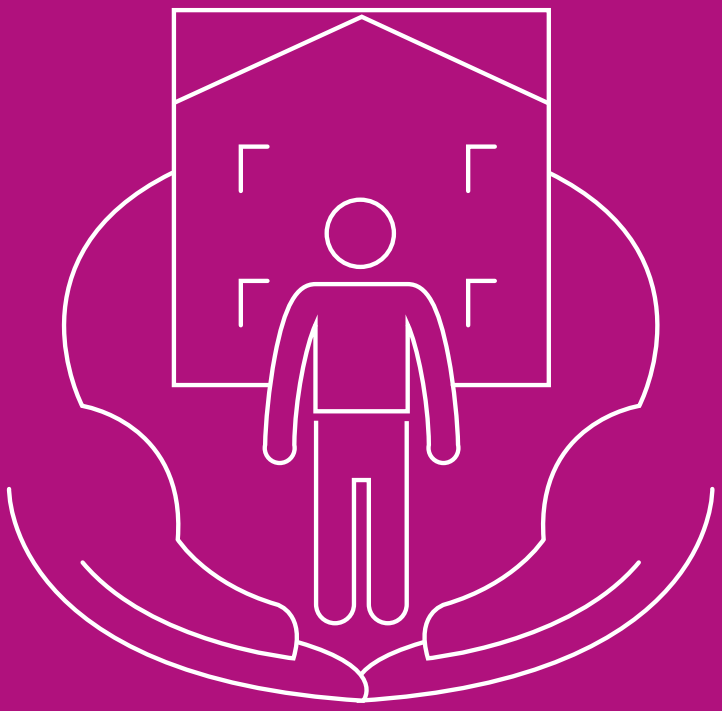
Services that developed from this fund tended to be a combination of preventative services, such as floating support, and accommodation-based services. The Programme operated across England, Scotland and Wales, but in 2009 the ring-fenced funding stream was removed.

Since the removal of the ring fence around Supporting People funding in 2009, there is evidence of decreasing funding for support costs in supported housing, particularly in English local authorities (National Audit Office, 2014).

95%

of councils provide tenancy support services. However, only

30%



say they are meeting the demand for tenancy support.

The Supporting People Programme still operates in Wales; however, the ring-fencing for the budget will come to an end in 2020. The fund currently supports 67,000 people in Wales (Wales Audit Office, 2017), and so this was raised as a serious concern in our feedback from Welsh housing providers.

In England, funding for tenancy support services has significantly decreased since the demise of the Supporting People fund. Evidence submitted to our inquiry from social housing providers indicates that this gap in funding tenancy sustainment support has had a particular impact on people with mental health conditions, and those with moderate learning disabilities.

"By the time we were able to get an occupational therapist to assess our housing needs I'd had to be signed off the tenancy support service because of stricter new criteria due to funding cuts."

Call-for-evidence respondent

Evidence indicates also that in England there is a real lack of clarity between housing providers, local authorities, Clinical Commissioning Groups and the third sector, as to whose responsibility it is to provide support to fill the gaps (MHP Health, 2014). Pressure is being felt acutely by Registered Social Landlords/Registered Providers of Social Housing, who told us that the fund closure and cuts to other public services meant that they increasingly felt that they were left to 'pick up the pieces', and deal with issues that might previously have been picked up by health services or social work services. This is further compounded by a lack of advice and advocacy services to point their tenants towards.

While most Registered Social Landlords/Registered Providers of Social Housing do their best to meet the needs of current tenants, there are disincentives to taking on new tenants who are not 'tenancy-ready', as the support is often not available.

At a focus group for Registered Social Landlords/Registered Providers of Social Housing, there was a strong consensus that mental health is at the top of their concerns, and they often feel that they are left to deal with failures in other services. Both the delay and the difficulty of accessing support can precipitate a failed tenancy.

Poor mental health can also affect people's ability to manage their tenancy successfully, making them vulnerable to eviction, and any deterioration in mental health can make it difficult for people to engage with support services (Joseph Rowntree Foundation, 2017). This is reflected in NHS data which shows that only 31 per cent of those receiving community mental health treatment are in settled accommodation (NHS Digital, 2017). This data will include those living in specialist supported housing, as well as those who are in hostels or who are homeless. This reinforces what we have heard in our evidence: that those with mental health conditions struggle to find housing in any sector. How the Homeless Reduction Act 2017 is interpreted by local authorities in England will be important, and an opportunity to assist those 'at risk', many of whom will have mental health conditions.

What is the role of supported housing?

There has been a lengthy review of supported housing by the UK Government which has caused uncertainty for disabled people and housing providers. We heard a range of views about the role of supported housing, including some concerns that supported housing does not always promote the right to independent living. Concerns raised by stakeholders highlighted that there can be undue pressure to move into supported housing and that the focus should be about providing the support people need to live independently in their own home, if that is their preferred choice.

The definition of supported housing is extremely broad. It includes any housing scheme in which accommodation is provided alongside care, support or supervision. Supported housing is a significant part of housing provision, and models vary hugely, depending on the requirements of the people who live in it.

According to the Supported Accommodation Review, approximately 71 per cent of supported housing is for older people with support needs. A significant proportion, however, is for people with much broader requirements, including learning and physical disabilities and people with mental health conditions. There are an estimated 651,500 accommodation-based supported housing units across Britain. The majority (85 per cent) are in England, with nine per cent in Scotland and six per cent in Wales (DCLG and DWP, 2016b).

Demand for supported housing is increasing, due to the increasing numbers of people with learning disabilities, the closure of long-stay hospitals, reductions in residential care provided by local authorities, and increasing numbers of older people. Research by Rethink suggests that there was a shortfall of 15,640 lettings for people of working age during 2015/16 (Rethink, 2017).

Supported housing is more expensive than general-needs accommodation, but it is typically less expensive than residential care, and it generates substantial cost savings for other parts of the public sector (Golden Land Housing, 2016). DCLG analysis estimates that the net fiscal benefit of providing supported housing is £3.53 billion per year (DCLG and DWP, 2017a).

The National Housing Federation has reported that for older tenants, the annual saving that supported housing represents, through reduced reliance on health and social care services, is £3,000 per person, while for people with learning disabilities and mental health conditions the saving is between £12,500 and £15,500 (National Housing Federation, 2017).

Different models typically operate for people with learning disabilities; a common form of provision is ordinary or purpose-built houses being shared by a small number of disabled people. Typically each person has their own bedroom along with a funded level of staff support, which may be visiting staff or 24-hour support, depending on people's requirements. Stakeholders reported that ensuring that people were able to exercise choice and control over who they live with, who can visit and when, was very important and they gave examples of where this had been restricted. Concerns were raised by stakeholders that people with learning disabilities are not always able to exercise choice and control in this context. There is a need to ensure that people with learning disabilities have access to good-quality, accessible advice and advocacy. An additional concern raised was that care packages are often delivered by the same provider as the housing, making it very difficult to change carers if people want to.

A significant challenge with supported housing and mental health is that there can be undue pressure to 'move on' as and when their condition improves, particularly when it is in such short supply. This can create a disincentive for people to do as much as they can for themselves because if they are seen as 'improving' then they will be faced with losing their home and their friends in order to move on to 'independent living'. Moving house is stressful for most people and this stress can exacerbate mental health conditions.

This is one of the key reasons why the concept of 'floating support' was developed, the principle being that the person remained in their own home and that support could be decreased or increased – 'floated in or out' – in line with the person's needs.

Supply of supported housing

During the course of the inquiry, the Government have had policy and funding for supported housing under review but it is unclear what the outcome of this review will be. Housing providers have highlighted the fact that lack of certainty in the funding and pressure on social care budgets of supported housing has led to a massive reduction in planned schemes despite increasing demand.

The National Housing Federation's survey of 69 housing associations, which together provide a third of supported housing, has revealed that the associations had previously planned to build 8,800 units of supported housing, but now have a total pipeline of just 1,350: this means that 85 per cent of schemes were on hold in 2017 and 2018 (NHF, 2017).

The rights and entitlements of those living in supported housing

Ensuring that the right to independent living is promoted in the supported housing sector is essential.

In general, local authority and Registered Social Landlords/Registered Providers of Social Housing provide similar tenancy rights to standard tenancies. This may not, however, be the case where supported accommodation is provided by the private sector. While the private sector can also offer grant assured tenancies, they may be inclined to grant assured shorthold tenancies instead, which give the tenants less security of tenure.

We would advocate for the standardisation of these rights wherever possible, to ensure equality for disabled people, older people or people with mental health conditions, so that tenants in supported accommodation have the same rights as they would with a standard tenancy.

Short-term accommodation

Our inquiry took evidence from a number of individuals with long-term health issues or mental health conditions, who are living in temporary hostel accommodation. We repeatedly heard testimony regarding hostels that were infested with vermin, mouldy and in a very poor state of repair, which led to deterioration in both people's physical and mental health. In addition, little consideration was given to how people were allocated, and with whom they would be sharing facilities. One example was of a person with extreme lactose intolerance having to share a kitchen space, presenting a significant health risk. Residents also expressed a fear of turning down unsuitable accommodation, in case they were categorised as intentionally homeless and left without further support from their local authority. Wheelchair users reported that they were terrified of being made homeless because none of their local hostels were wheelchair-accessible.

The lack of ability to complain was a common theme in short-term accommodation, with the local authority and landlords seemingly unresponsive to tenants' concerns.

The Joint Select Committee on the Future of Supported Housing made a similar finding, and made the following recommendation:

> **"Tenants must be able to make complaints about the quality of the service they are receiving without fear of the consequences. However, current redress mechanisms in England are unsatisfactory and require a thorough review by the Government. The Government should ensure tenants are appropriately and adequately supported in seeking redress where the quality of the service they receive is inadequate."**
>
> (CLG Select Committee, 2017)

A new funding model for tenancy support

The closure of the Supporting People fund in England has had a significant impact on disabled people. It has reduced the support that people need to sustain their tenancies and prevent potential crisis situations.

Any new funding for supported housing would be more effective if it could be used flexibly, so that it could also provide support to those people requiring support, not just those in supported housing.

For example, people with moderate learning disabilities do not generally meet the criteria to qualify for supported accommodation, but they would benefit from additional support in their homes. This would help them to live independently, as well as preventing harassment and isolation. Again, this support would reduce the risk of a crisis, leading to people needing more intensive housing options, but it is unclear who should provide it.

Any new fund for temporary accommodation should provide a continuum of support, not just support at the crisis end. Preventative measures are much cheaper than dealing with a crisis, and they have much better outcomes: there are already local authorities investing in this approach.

If local authorities are going to be able to invest in preventative services, additional funds would need to be made available, at least initially. The savings from investing in preventative services would take time to filter through to a reduction in demand, relieving pressure on crisis services. In addition, this approach would help to bolster current initiatives to reduce homelessness.



What needs to change?

Local authorities need to commission and fund the adequate provision of bespoke advice for disabled people, in partnership with Registered Social Landlords/Registered Providers of Social Housing and the third sector.

UK Government should allocate additional resource to the proposed temporary accommodation fund for England, and allow it to be used flexibly for tenancy/floating support by local authorities to prevent people from crisis situations and to provide crisis accommodation.

In England, Clinical Commissioning Groups and local authorities should jointly commission a range of support, including mental health floating support, to help disabled people sustain their tenancies. In Scotland, once funding for supported housing is devolved to the Scottish Government, commissioning should be managed by Integrated Authorities. In Wales, once funding for supported housing is devolved to Welsh Government this should be managed by Regional Partnership Boards.

Housing providers and local authorities need to be confident that there will be a long-term commitment from the UK Government to provide stable funding and sufficient incentives for supported housing, to meet the anticipated growth in demand.

Any new guidance that is issued to local authorities on the commissioning of supported housing and housing support should highlight the importance of engagement with disabled stakeholders, so that they can provide meaningful input to schemes and scrutiny of ongoing programmes.

Rights, freedoms and choice need to be the same for those disabled people in supported accommodation as they are for those with a standard tenancy, and robust complaints mechanisms should be in place.

Recommendations

Across England, Scotland and Wales, we are calling for:

- **The UK Government to ensure that** the new policy **and funding model for supported housing upholds the rights of tenants**, and that freedoms and choice are not restricted, in line with UN Convention of the Rights of Persons with Disabilities (UNCRPD). The new model needs to address the current uncertainty and deliver a stable market for both housing providers and those providing specialist support.
- Local authorities to ensure that **housing, care and health services are fully integrated and sufficient funds are available to support people to live independently**, and that there is an increased focus on prevention.
- Local authorities to **provide increased specialist disability advice and advocacy services** for housing options.

In England and Wales, we are calling for:

- The UK Government to ensure that its **review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012** considers the impact of removing housing from the scope of legal aid for disabled people, and takes effective steps to mitigate any identified impacts.

6. Conclusion



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Building houses that meet a good standard of accessibility and adaptability is clearly possible, as demonstrated by the Greater London Authority's policies over the last 10 years.

Their most recent figures show that 93 per cent of their new properties meet this standard, commonly referred to as Lifetime Homes Standards. The small amount of data that is recorded in the rest of Britain suggests that the proportion of accessible housing being built elsewhere is small. The benefits of ensuring that a supply of new houses that are accessible and adaptable are clear. A greater supply will ensure that disabled people are able to claim their right to independent living and will reduce social care costs for local authorities and health costs for the NHS.

In order to deliver a greater supply of accessible houses, local authorities need to recognise disabled people are experts in determining and promoting better housing solutions for themselves. Governments at national and local level need to be much more effective in engaging disabled people at both at the strategic and operational levels to meaningfully reflect their input, in a continual cycle of improvement.

In this report we have stressed that the importance of thinking beyond 'bricks and mortar'. Advocacy, advice and support to make choices or challenge systems when things go wrong, are essential. Mental health came out as a consistent theme; both in its own right and linked to the stresses associated with inappropriate accommodation. Disabled people told us repeatedly that housing allocation and adaptations systems are complex and difficult to navigate. We found worrying evidence of a reduction in services that aim to support or advise disabled people who are at risk either of homelessness or ill health because of an inaccessible home. Where we did come across good practice, the person-centred approach together with specialist input from professionals improved people's physical and mental wellbeing and prevented them from reaching a crisis point.

To keep the scope of the inquiry manageable, we have not looked at social care or health in any depth. However, in reality health, social care and housing are all inextricably linked. A consistent finding in England is that health, housing and social care departments continue to work in silos with disagreements about who pays for what. While the devolved nations and regions are striving for a more integrated approach, there is clearly a long way to go. In particular, there is insufficient attention given to those currently in residential care who wish to live independently and could do so with the right support.

The affordability and availability of housing generally is being hotly debated and is top of the political agenda. For disabled people, the affordability issue is particularly acute due to disabled people being less likely to be in employment or being older and in receipt of a pension. The private-rented sector, which has grown rapidly in recent years, is often expensive with short-term tenancies commonplace. Disabled people across Britain told us about the difficulties they faced in private-rented accommodation. In social housing the inquiry found that there is very strong and unmet demand from disabled people, where the average waiting time is over two years and in once case 20 years. Increasing the availability of social housing needs to be part of the solution to the shortage of accessible homes. In England there is a particular need to reform private sector tenancies to deliver both affordability and security of tenure.

Disabled people across Britain told us about the positive role that adaptations can play in ensuring they can live independently. The inequality in funding arrangements for adaptations in Scotland is a barrier to equality, a review of the legislation; policy and funding for adaptations across tenure types is required. The increase in funding for Disabled Facilities Grants in England and Wales is very welcome, along with a recently announced review aimed and removing the bureaucracy that exists in many authorities. With only seven per cent of funding going to the private rented sector, there are particular hurdles that need to be overcome in this sector.

Progress to ensure that disabled people have accessible homes that support their right to independent living is unlikely to be made unless disabled people are actively engaged in shaping housing policy and practice. Disabled people reported that local authorities' practice on consultation with disabled people is weak and that this, coupled with reductions in funding for disabled people's organisations, makes it difficult to contribute to formal consultation processes.

There are huge benefits for future proofing Britain's housing stock. The human and economic costs of inaccessible housing can be avoided if disabled people's requirements are identified and built into planning and delivery of new housing supply.



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Glossary

Accessible housing: housing that has physical features that enable the occupier to move around it safely and easily and have full use of its facilities. This can include ramped entrances, level-access showers, stair lifts, spacious bedrooms, widened corridors and doorways, low-level sinks, sockets and switches. Accessible housing is particularly advantageous to disabled people with physical impairments.

Adaptable housing: housing that can be adapted to increase accessibility, and to install features that allow for independent living.

Adaptations: changes to the home environment that are intended to ensure that disabled people can live independently. These can be broken down into two categories:

- Minor adaptations: examples include grab/hand rails, steps or ramps to allow access to a property, sink and tap adjustments. These can usually be actioned quickly and for relatively little cost.
- Major adaptations: this covers major physical and structural changes to a property, including wet-room conversions, stair-lifts, mechanical hoists and structural changes to a building (such as room extensions) or to a building's structural layout (partition walls, additional rooms).

Advocacy: supporting and representing individuals so that they can communicate their wishes, as well as secure their rights and gain access to services.

Affordable housing: this includes social rented, affordable rented and intermediate housing, provided to households whose needs are not met by the market.

Affordable rent: a kind of rent that is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (including service charges, where applicable).

Affordable rented housing: properties let by local authorities, or private registered providers of social housing (housing associations), to those who are eligible and qualify to be on the local authority's housing register. Affordable rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (including service charges, where applicable).

Allocation policy: a local authority, **Registered Social Landlord** or housing cooperative's allocation policy is the set of rules that they use to decide who is eligible for a housing tenancy. Each local authority and Registered Social Landlord has its own rules for allocating housing. Some of the rules are based on the law, while others are up to the individual council or Registered Social Landlord to decide.

Anti-social behaviour: aggressive, intimidating or destructive activity that has a negative impact on other people.

Approved Document M: this refers to Part 1 (Dwelling) of the Building Regulations in England: it ensures that disabled people are able to access and use buildings and facilities. Buildings fall into three distinct categories:

- M4(1) Category 1 – visitable dwellings. Compliance with this requirement is met when a new dwelling makes reasonable provision for most people, including wheelchair users, to access and enter the dwelling, and access habitable rooms and sanitary facilities on the entrance level.
- M4(2) Category 2 – accessible and adaptable dwellings. This requirement is met when a new dwelling makes reasonable provision for most people to access the dwelling and includes features that make it suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users.
- M4(3) Category 3 – wheelchair-user dwellings. This requirement is met when a new dwelling makes reasonable provisions for a wheelchair user to live in the dwelling and have the ability to use any outdoor space, parking and communal facilities.

Assured shorthold tenancy: usually found in the private rented sector, this type of tenancy usually lasts from six to twelve months. A deposit is normally paid up-front, and the tenant commits to paying the rent for the lifetime of the contract. Though common, this type of tenancy is less secure than other types of tenancy, such as those that are longer term.

Assured tenancy: an agreement that is usually offered by social housing providers to their tenants. Tenants can live in the property for as long as they wish, as long as they abide by the tenancy agreement. This type of tenancy is generally more secure than an assured shorthold tenancy.

Buy-to-let: residential property that is bought with the intention of letting it to someone else.

Choice-based letting (CBL): one of the methods used by social housing providers to allocate housing. In a choice-based letting system, the housing provider advertises available properties and people bid for the properties that they wish to live in.

Common Housing Register (CHR) or Housing Register: a local authority's list of people applying for social housing, including housing that is owned and/or managed by the council and housing associations.

Disabled person: according to the Equality Act 2010, a person is disabled if they have an impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Grants for adaptations: government funding made available for home adaptations. Schemes include the Disabled Facilities Grant for England and Wales, the Local Authority Scheme of Assistance for Adaptations, stage three adaptations for social housing tenants, and local housing authority funding in Scotland.

Homes England: the successor title to the Homes and Communities Agency (HCA). An executive, non-departmental public body sponsored by the Ministry for Housing, Communities and Local Government and the body responsible for the regulation of social housing.

Housing department: a department within a local authority that deals with housing issues such as the allocation of council housing, housing advice and applications for housing from homeless people.

Human rights approach: a proactive approach that is taken by a public body in exercising its powers and ensuring that its legal obligations are met, so that any risk of a breach of human rights is adequately addressed.

Independent living: having an equal right to live freely in the community and to participate fully in society. Fulfilling this right includes removing barriers that prevent access to housing, so that disabled people have the same rights as non-disabled people to choose where and with whom to live. Independent living does not mean that disabled people necessarily live on their own or without support.

Intermediate housing: homes for sale and rent that are provided at a cost above social rent, but below market levels (subject to the criteria in the definition of affordable housing, above). These can include homes with shared equity (shared ownership and equity loans) and other low-cost homes for sale and intermediate rent, but not affordable rented housing.

Landlord: a person, organisation or company that rents out property. A landlord can be a person who rents out a room in their house, or a local authority or housing association renting out thousands of homes. If a landlord rents out property purely for profit, they are called a private landlord. Local authorities, housing associations and housing cooperatives are known as social landlords.

Landlord register: a formal register of all landlords and letting agents within a local authority area. Every council in Scotland and Wales has a 'landlord register'.

Lifetime Homes Standards: homes that are designed to incorporate certain features that are intended to add comfort and convenience, particularly for disabled and older people. Lifetime homes are easily adaptable at minimal cost.

Local authority: an elected body with official responsibility for governing a particular area, including delivering services and approving development.

Local Government Association: a cross-party, umbrella organisation that works on behalf of councils to ensure that local government has a strong, credible voice in communicating with national government.

Local Plan: a Local Plan sets out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. It will set out the local planning policies and identify how land is used/to be used, determining what will be built and where.

National Planning Policy Framework: the national planning policy for England which acts as the policy framework for local planning authorities and decision-makers, on both drawing up Local Plans and making decisions about planning applications.

Non-settled accommodation: this refers to accommodation arrangements that are precarious, such as where a person has no or little security of tenure/residence in their usual accommodation, and so may be required to leave at very short notice.

Occupational therapist: a professional who supports and enables people's participation in daily activities despite impairments or limitations in their physical or cognitive functioning. Occupational therapists are often employed by local authorities or the NHS.

The Planning Inspectorate (PINS): the body that deals with planning appeals, nationally significant infrastructure project applications, examinations of Local Plans, and other planning-related and specialist casework in England and Wales, on behalf of the Minister for Housing, Communities and Local Government. Planning inspectors play an important role in examining Local Plans, impartially and publicly. They examine the local plans produced by local authorities in England and Wales, and decide whether or not they are fit for purpose.

Private Residential Tenancy (Scotland): a tenancy in Scotland that replaces assured and short assured tenancies. This introduces open-ended tenancies, limits on the number of rent increases, longer notice periods and simpler processes.

Public Sector Equality Duty: this is set out in section 149 the Equality Act 2010. It states that a public authority must, when performing its functions, have due regard to the need to eliminate discrimination, and advance equality of opportunity for disabled people. The duty includes having due regard in particular to the need to remove or minimise disadvantages suffered by disabled people, and to take steps to meet the needs of disabled people.

Registered Social Landlords: not-for-profit housing providers, sometimes known as **housing associations**. As providers of social housing, Registered Social Landlords are registered and regulated by the Scottish Housing Regulator in Scotland, and the Welsh Government in Wales, whilst Registered Providers of Social Housing are the English equivalent, registered and regulated by Homes England (which replaced the Homes and Communities Agency in January 2018).

Registered Tenant Organisation (RTO): an independent organisation that is set up primarily to represent tenants' housing and related interests. Their aim is to give tenants a voice and a recognised role when it comes to making local decisions.

Settled accommodation: this refers to medium to long-term accommodation. The principal characteristic of settled accommodation is that the occupier has security of tenure/ residence.

Social landlord: a not-for-profit housing provider, such as a council or housing association, that will normally charge rent at affordable rates (which are usually covered, for those on a low income, by Housing Benefit).

Social rent: a target rent is set for each property, based on a formula that takes into account property value, number of bedrooms, and local average earnings. The Government has placed a cap on the upper limit that can be charged, even if the target rent is higher. The cap increases annually by the rate of inflation (RPI) plus one per cent. Rents are increased annually, and increases follow rules set out by the Homes and Communities Agency (the Government agency that regulates housing associations).

Starter tenancy: new tenants may be offered a starter tenancy on a trial basis, usually lasting 12 months.

Supported housing: a range of housing services for a range of people with different requirements including supported living, group homes, refuges, sheltered housing, extra care housing and hostels.

Social rented housing: housing that is owned by local authorities and private registered providers, for which guideline target rents are determined through the national rent regime. Social rented housing may also be owned by other people and provided under equivalent rental arrangements, as agreed with the local authority or with the Homes and Communities Agency.

Technical housing standard: this deals with internal space within new dwellings, and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage areas and ceilings.

Tenancy agreement: a contract between a tenant and their landlord. It sets out the rights and responsibilities that tenants and landlords have, some of which are statutory.

Tenancy support services: these enable people to manage and sustain a tenancy. They may include help dealing with:

- rent arrears
- benefits
- domestic budgeting (including debt counselling)
- repair issues
- neighbour disputes
- anti-social behaviour issues that are related to the tenancy
- advocacy and advice in accessing other services.

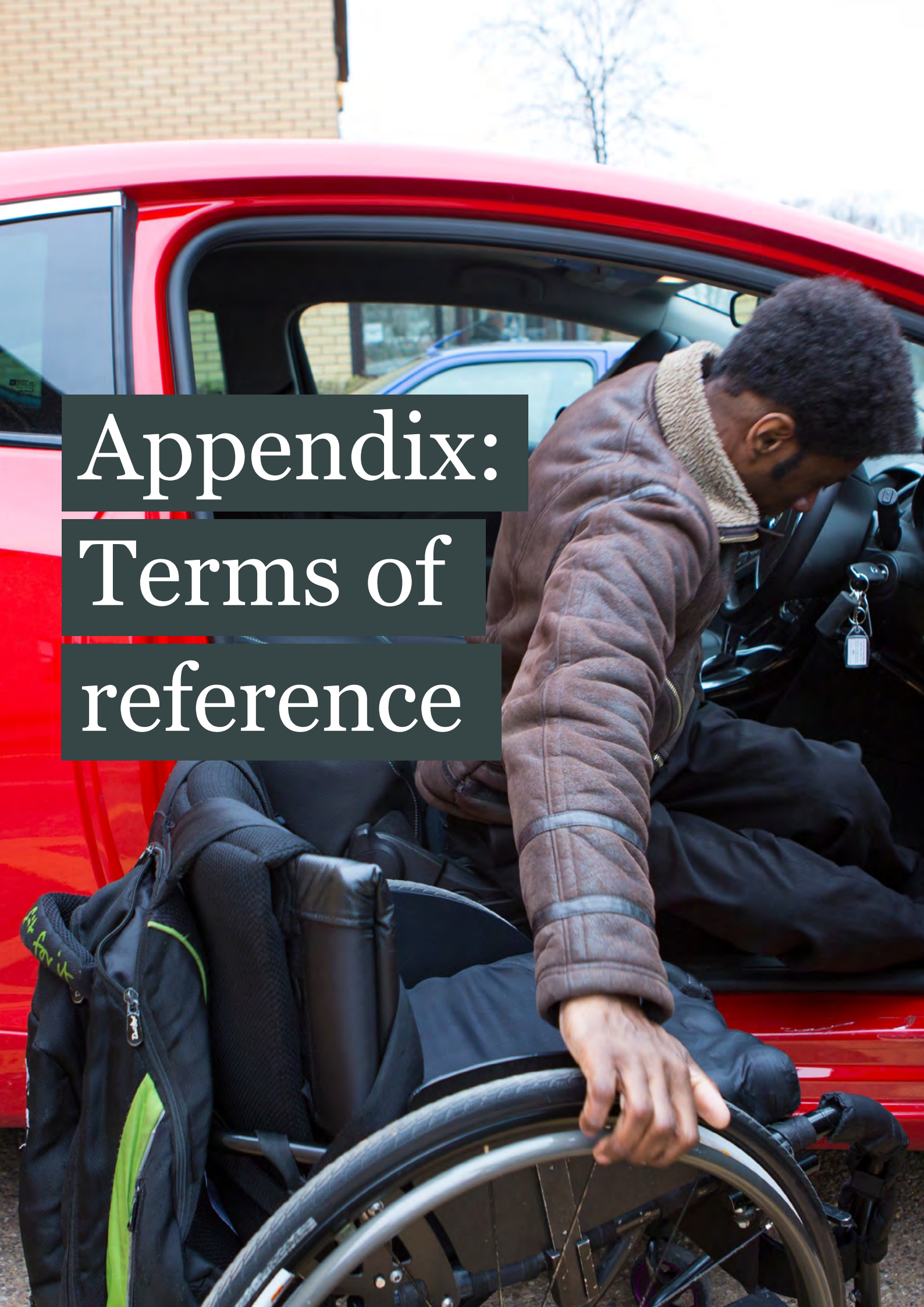
Tenant management organisation: a group made up of local authority tenants in England who follow The Housing (Right to Manage) (England) Regulations 2012.

Tenure: there are different categories of tenure for housing, house building and households. These are:

- owner-occupied – accommodation that is owned outright, or is being bought with a mortgage
- rented privately
- rented from housing associations
- rented from local authorities.

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD): is an international legal agreement about the human rights of disabled people.

Welsh Local Government Association (WLGA): this represents the interests of local government and promotes local democracy in Wales. The WLGA's primary purposes are to promote better local government and the reputation of local government, and to support authorities in the development of policies and priorities, which will improve public services and democracy.



Appendix: Terms of reference

The inquiry will examine the extent to which the right of disabled people to independent living is supported by the provision of accessible and adaptable housing, and tenancy support services.

The inquiry will cover England, Scotland and Wales and in each nation will:

1. Explore the recent experiences of disabled people (from 2014 onwards) in relation to:

    i) how the provision of accessible and adaptable housing and tenancy support services has enabled them to fulfil their right to independent living

    ii) the consequences of not having accessible or adaptable housing or tenancy support services on their right to independent living.

1A. Examine the existing evidence as to the extent of any shortfall in the availability of accessible and adaptable housing, and in the availability of tenancy support services.

1B. Examine systems local authorities and other social housing providers have in place in relation to disabled people who are being allocated a property:

    i) to assess the person's needs for an accessible and/or adaptable property

    ii) to identify a property to match that person's needs.

1C. Examine the evidence in order to assess how well systems are performing for applicants in relation to determining applications for and administering:

    i) Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996

    ii) grants for the adaptation of dwellings for disabled people under the Housing (Scotland) Act 2006 and the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008, and funding for adaptations from local authorities or Housing Associations.

2. Examine what steps are being taken by local authorities and social housing providers, including, in the case of local authorities, in relation to use of planning and building regulations, to increase availability and provision of accessible and adaptable housing to enable disabled people to fulfil their right to independent living.

3. Examine the evidence to assess the extent to which local authorities, when considering what steps to take/taking steps in relation to the needs of disabled people for accessible and adaptable housing and tenancy support services:

   i) understand and are complying with their obligations under the Public Sector Equality Duty

   ii) adopt a human rights approach and act in accordance with their human rights duties under European Convention on Human Rights (ECHR)

4. Explore the impact/potential impact of recent and proposed changes in housing policy and law on the availability and provision of accessible and adaptable housing and tenancy support services that enable disabled people to live independently. Where appropriate make findings identifying where, in this regard, such changes are likely to facilitate or adversely affect the realisation of disabled people's right to independent living.

5. Make recommendations as appropriate.

Additional information

Definitions

The UNCRPD sets out what human rights mean in the context of disability. By ratifying UNCRPD in 2009, the UK is committed to promoting and protecting the full enjoyment of human rights by disabled people.

The right to independent living under Article 19 of the UNCRPD is the equal right of disabled people to live in the community with choices equal to others, and that effective and appropriate measures will be taken to facilitate disabled people's full enjoyment of this right, and their full inclusion and participation in the community. This includes that disabled people have the opportunity to choose where and with whom to live on an equal basis with others and are not obliged to live in any particular living arrangement.

Article 9 UNCRPD requires that in order to enable disabled people to live independently and participate fully in all aspects of life, appropriate measures are taken to ensure access for disabled people on an equal basis with others to the physical environment. This includes measures to remove barriers to accessibility in relation to housing.

The ECHR is incorporated into our domestic law by the Human Rights Act 1998.

Article 8 ECHR protects people's right to respect for their private life, family life, home and correspondence. The concept of private life covers people's right to develop their personal identity and to forge friendships and other relationships. This includes the right to participate in essential cultural and leisure activities. In some circumstances, public authorities may need to help people enjoy their right to a private life, including their ability to participate in society.

Article 14 ECHR protects people from discrimination in the enjoyment of those human rights set out in ECHR. Article 14 is based on the core principle that all of us, no matter who we are, enjoy the same human rights and should have equal access to them.

Human rights under ECHR do not generally give a person a right to be provided with better accommodation, but serious cases of a public body's failure to comply with legal obligations to meet a disabled person's needs can amount to a breach of a person's human rights under ECHR.[1]

By a human rights approach we mean a proactive approach by a public body to exercising its powers and ensuring that its legal obligations are met, so that any risk of a breach of human rights is eliminated.

The Public Sector Equality Duty is set out in section 149 of the Equality Act 2010. It provides that a public authority must, when performing its functions, have due regard to the need to eliminate discrimination and advance equality of opportunity for disabled people. The duty includes having due regard in particular to the need to remove or minimise disadvantages suffered by disabled people and take steps to meet the needs of disabled people.

By tenancy support services we mean support to manage or sustain a tenancy for example support with managing

- rent arrears
- benefits
- domestic budgeting including debt counselling
- repair issues
- neighbour disputes
- anti-social behaviour issues that are related to the tenancy
- advocacy and advice in accessing other services.

When referring to accessible housing we mean housing that is physically accessible by the occupier and has physical features that allow for independent living. This includes housing that is fully accessible for a wheelchair user.

By adaptable housing we mean housing that can be adapted to increase accessibility and to install features that allow for independent living.

[1] *Anufrijeva and Another v Southwark London Borough Council* [2003] EWCA Civ1406; [2004] Q.B. 1124

Contacts

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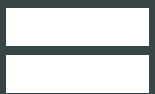
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