

Equality and Human Rights Commission
Accessible Housing: A Toolkit for Elected Members in Scotland

About this toolkit

The aim of this toolkit is to support elected members to consider housing for disabled people in their strategies and plans and to promote more meaningful involvement of disabled people.

The toolkit splits into four main sections: The Public Sector Equality Duty, planning accessible homes, providing adaptations and accessible housing registers. Further reading and resources can be found in the appendices.

We provide questions to ask in the development of policy and practice, which will help to test whether existing or new proposals related to housing will meet the requirements of disabled people.

What is the issue?

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 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 (UNCPRD). The rights within 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.

Disabled people report a severe shortage of accessible houses across all tenures. 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

The impact of unsuitable housing on disabled people cannot be underestimated: it can have a detrimental impact on people's access to education and employment. For example, people with unmet housing needs are four times more likely to be unemployed than those whose needs are met, or who are disabled but do not need accessible housing.

What is the role of elected members?

As an elected member, you have a vital role to play in promoting equality. Your influence on council policy, use of budgets and approach to legislative duties, can

make a huge impact on the provision of accessible housing and support services for disabled people.

How can the Public Sector Equality Duty make a difference?

The Equality Act 2010 places particular duties on public authorities to reflect the pivotal role they can play in dismantling inequality and driving up positive outcomes for all.

The Public Sector Equality Duty

The general equality duty set out in the Equality Act requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

Specific Duties

To help listed public authorities meet the general duty, the Scottish Government have created specific duties. This means Scottish local authorities are required to:

- report on mainstreaming the equality duty
- publish equality outcomes and report progress
- assess and review policies and practices (known as Equality Impact Assessment)(EIA)
- gather and use employee information
- use information on members or board members gathered by the Scottish Ministers
- publish gender pay gap information (where they have at least 20 employees)
- publish statements on equal pay (where they have at least 20 employees)
- consider award criteria and conditions in relation to public procurement
- publish in a manner that is accessible.

Equality Impact Assessment (EIA) help elected members to:

- **ensure that your decisions impact in a fair way:** where there is evidence that groups will be negatively affected by a decision, action should be taken to address this.
- **make your decisions based on evidence:** an EIA provides a clear and structured way to collect, assess and put forward relevant evidence.

- **make decision-making more transparent:** a process which involves those affected by the policy and which is based on evidence is much more open and transparent. This is more likely to engender trust in decision-makers and in your decisions.

It is important to note that the equality impacts should be considered from the outset of any policy or service development process, whether that is creating new policies and processes or reviewing existing ones and should continue to be assessed as policies and processes are developed.

An EIA would normally consider impact on all relevant protected characteristics as defined within the public sector equality duty part of the Equality Act 2010.

Key Questions:

In deciding whether an EIA is thorough and robust, it will be helpful to consider the following questions:

1. Is the purpose of the policy creation or change/decision clearly set out?
2. Have opportunities been considered which could advance equality of opportunity or good relations?
3. Have you been given sufficient information to assess the impact on different groups of people?
4. Are there plans to alleviate any negative impact of the proposal?
5. Is data collected to enable comparisons to ensure there is no unintended discrimination?

Further information for elected members:

Essential Guide to the Public Sector Equality Duty (2016): A Guide for Public Authorities in Scotland. Available at:

<https://www.equalityhumanrights.com/en/publication-download/essential-guide-public-sector-equality-duty-guide-public-authorities-scotland>

The Public Sector Equality Duty: Elected Member Briefing Note No. 20 (2013). Available at:

https://www.equalityhumanrights.com/sites/default/files/elected_members_briefing_note_-_the_public_sector_equality_duty_pdf.pdf

Planning accessible homes

The Scottish Government have taken recent action to address the housing shortage by abolishing 'right to buy' and investing in a programme to build 50,000 new homes (Scottish Government, 2016). However, 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). It is estimated that in the last 10 years only 1.07 per cent of all new completions

(excluding private sector completions) and 3.4 per cent of new affordable housing completions have been built to wheelchair-accessible standard (Horizon Housing, 2018).

Too often local authorities are making decisions about current need and future demand for accessible houses based on poor data; only 24 per cent of Scottish local authorities rated the data available to them as 'good' or 'very good' (EHRC, 2018a). Local authorities should be able to produce up to date information about the profile of disabled people in your area; information about housing waiting lists; information about waiting lists for adaptations; the current supply of accessible and adapted housing, and how well it meets current and future demand; how the lack of suitable housing in your locality links to poverty and deprivation and the number of disabled homeless people there are in your locality.

Whilst there are some shared elements of data gathering and information which will be instrumental in determining the strategic direction of house building in local authorities, it will be local data and local knowledge which will best inform development and assist in delivering outcomes which meet the needs of your community. This data should be built in to the Housing Need and Demand Assessment (HNDA) which informs your Local Housing Strategy (LHS) and Local Development Plan (LDP).

Asking the questions below will help you assess if disabled people have been adequately considered at this critical planning stage.

Key Questions:

1. Ask lead housing officers to share the Equality Impact Assessment they have carried out in developing any new proposals or reviewing existing proposals that result from the gathering of data.
2. Ask what information is being collected on the needs of disabled people at a local level to help inform your local planning decisions. Ask what consultation has been done with disabled people locally? DPOs or access panels for example? What other evidence is available?
3. Ask how planners in your area have used the data to identify and plan for the specific needs of disabled people, for example, by setting out requirements for accessible and adaptable homes in the appropriate tenure and house type or size.

Delivering accessible housing

The number of homes required by a local plan, and the detailed approach set out in the Local Housing Strategy including the tenure, target client groups and any specialist housing needs are based on the local Housing Need and Demand Assessment (HNDA).

Plans for accessible housing may be set out and published in a range of ways. Some local authorities will outline their commitments as part of their Local Housing Strategy document, whilst others may develop a supplementary policy document.

Each authority should also prepare a Strategic Housing Investment Plan (SHIP), which sets out the operational approach to the delivery of affordable housing, within a five-year investment programme. This should include how much accessible housing is required and through which type of development it will be delivered (e.g. general affordable housing or specialist provision).

Key Questions:

1. Ask planning officers for the Equality Impact Assessment carried out as part of the LHS and SHIP development. When you examine it make sure you are satisfied that evidence about disabled people has been considered. Ask if mitigating actions have been proposed if a negative impact has been identified.
2. What need for accessible housing has been identified and what will be delivered within the SHIP? Has the plan identified a target?
3. Are development plans holistic in their approach, i.e. do they present plans for an inclusive and accessible environment as well as new accessible homes?

All new homes for social rent built with Scottish Government grant are expected to meet the basic level of inclusive design set out in the Housing for Varying Needs (HfVN) Standard. Scottish Building Regulations also set a clear requirement for private developers to work within inclusive design principles.

In practice, private developers often partner with a social sector organisation to deliver their HfVN or wheelchair standard housing. However, your LDP is the key document which can reinforce these inclusive design principles.

Demand for wheelchair accessible housing is expected to increase significantly: a projected 80 per cent increase in the population of wheelchair users by 2024 (Horizon Housing, 2018).

It is critical, therefore, to ensure that your LDP is as robust as possible and emphasises the need, and rationale, for an adequate supply of homes designed to meet the needs of wheelchair users and other inclusive standards in general if future housing development is designed to meet the needs of the population.

Consideration of accessible and adaptable housing should also be incorporated into wider strategic planning. A plan which considers the development of accessible and adaptable housing in isolation may fail to consider important cross-cutting factors, such as accessible transport links or amenities. The lack of suitably designed or adapted homes impacts on disabled people's education, employability, income, and social connections. Policy development in those areas should therefore be considered in the planning process along with place-making for inclusive neighbourhoods and environments.

Consideration should be given to those public services such as health and social care that are impacted when disabled people are inadequately housed. Councillors will want to evaluate how the costs of these services compare to the development costs of suitably adaptable and accessible homes.

Key Questions:

1. How are disabled people involved in the strategic planning process? How are disabled peoples requirements now and in the future considered?
2. How many new homes will be built to the Housing for Varying Needs Standards?
3. How many new homes will be built to a wheelchair accessible standard?

Further information for elected members

The Improvement Service Scotland, Community Planning Outcomes Profile System collates over 400 public information systems. It provides demographic content across all local authority areas, with the ability to draw information on local Wards. It includes an estimated shift over the next 20 years. It provides reliable, robust and up-to-date information which is automatically drawn from other public resources.

Available at:

<http://www.improvementservice.org.uk/cpop---the-measures.html>

Adaptations

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 face particular problems in the private rented sector where private landlords frequently refuse to make adaptations to their properties. We also heard examples of disabled people being prevented from making adaptations to 'common parts', for example ramps to a front door. Disabled people across all tenures struggle to get good quality advice and information about how to apply and install adaptations to their homes.

Key Questions:

1. Do disabled people in your local area have access to good quality advice about adaptations and housing options in your local authority?
2. What advice is provided to support disabled people who are willing to self-fund their own adaptations?

Assessment and delivery

Disabled people are often left waiting for long periods of time, even for minor adaptations. Our survey found that 41 per cent of Scottish local authorities delivered an adaptation within eight weeks of a decision although some disabled people could wait for six months or more.

The process for the installation of adaptations can be problematic for disabled people; sometimes the installation is delayed to such an extent that the specified adaptation is no longer adequate because the disabled person's needs have changed since assessment. Typically, these delays may be due to inefficient assessment processes, financial implications, or difficulties finding the right supplier.

The needs of those with mobility difficulties, sensory and cognitive impairments can be complex. It is therefore imperative that when considering any adaptation, disabled people are consulted effectively about their requirements. Significant losses may occur for housing providers where adaptations are removed, or a housing allocation is made to someone for whom the adaptations are unnecessary or unsuitable.

Key questions:

1. How does the authority ensure that disabled people are effectively consulted about their requirements and that the adaptations are fit for purpose?
2. What information is collected on the number of adaptations carried out and the associated cost?
3. How does the authority monitor and report on waiting times for adaptations?
4. What systems are in place to record the removal and recycling of
5. unwanted adaptations to ensure financial loss is minimised?

6. What work is done with local Registered Social Landlords (RSLs) to share data, consider collective need and collaborate to provide a consistent and cost-effective service?

Further information for constituents

Information about aids, equipment or adaptations to assist with daily life go to Adapt2Fit

<http://adapt2fit.org.uk>

Care and Repair services operate throughout Scotland offer independent advice and assistance to help homeowners repair, improve or adapt their homes. The service is available to owner-occupiers, private tenants and crofters who are aged over 60 or who have a disability.

<http://careandrepairsotland.co.uk>

Housing Options Scotland assists disabled people by providing information on housing options and supporting them with the application and adaptation process
Available at: <https://www.housingoptionssotland.org.uk>

Low-cost Initiative for First Time Buyers (LIFT) provides an Open Market Shared Equity Scheme to first time buyers and priorities disabled people.

<https://beta.gov.scot/policies/homeowners/low-cost-initiative-for-first-time-buyers>

Accessible Housing Registers

Disabled people often experience difficulty in finding suitable accommodation that meets their requirements, not only due to the shortage of accessible housing but also the lack of detailed information about available homes.

Accessible housing registers address this problem by holding detailed information about homes that are available and then matching people to suitable properties.

Accessible housing registers make the best use of available resources they can minimize the need to:

- Remove established adaptations which could benefit others
- Install adaptations in a non-adapted home

Signing up to an accessible housing register does not mean that applicants can't register on a general waiting list with a Local Authority or Registered Social Landlord.

Key Question:

1. How are disabled people involved in assessing the effectiveness of the authority's current system for allocating houses?
2. Does the authority have an accessible housing register?
3. Can the authority support a national accessible housing register?

Further information for constituents

Home 2 Fit is a national online database and resource to assist disabled people to find a home

<http://www.gcil.org.uk/housing/home2fit.aspx>

Conclusion

Elected members have a vital role to play in testing and questioning local policy and practice on planning and housing.

You can ensure your authority is meeting its obligations by providing wheelchair accessible housing, timely adaptations and good advice and information for disabled people.

Your local authority should ensure that:

- Staff have a full understanding of obligations under the UNCRPD and the Equality Act 2010
- A robust Equality Impact Assessment process is in place at all planning stages and during procedural change
- A flexible application process and allocation policy to meet disabled peoples requirements is in place
- An effective system in assessing and installing adaptations is in place
- You provide effective, collaborative, and consistent housing advice

- A comprehensive property database exists where information can be used to enable effective allocations and is shared to inform future strategic planning
- A clear and concise evaluation and monitoring system exists with regular reports to key personnel.

References

Equality and Human Rights Commission (EHRC) (2018) Housing and disabled people: the role of local authorities. IFF Research. Available at <https://www.equalityhumanrights.com/sites/default/files/research-report-115-housing-and-disabled-people-the-role-of-local-authorities-accessible.docx>

Horizon and Chartered Institute for Housing (2018), Still Minding the Step? A new estimation of the housing needs of wheelchair users in Scotland. Available at: <https://www.horizonhousing.org/media/1522/still-minding-the-step-full-report.pdf>

Independent Living (2016), We Say: Our Place, Our Space. Available at: <http://www.ilis.co.uk/uploads/docs/6324%20ILIS%20Summit%20Report%20SP%20LR.PDF>