

## **Housing and the Disability Equality Duty**

**A guide to the Disability Equality  
Duty and Disability  
Discrimination Act 2005 for the  
social housing sector**



# Contents

- Introduction .....4
  
- Section 1: Part 3 of the Disability Discrimination Act ..... 8
  
- Section 2: An overview of the Disability Equality Duty ..... 12
  - An outline of the general duty ..... 17
  - An outline of the specific duties ..... 21
    - Where to start to comply with the Disability Equality Duties ..... 23
    - Preparing a Disability Equality Scheme: Building capacity to deliver for disabled customers ..... 25
  
- Section 3: Applying the Disability Equality Duty to Housing ..... 33
  - Section 3.1 - Asset management ..... 36
    - Commitment to Inclusive Design..... 36
    - Adaptations ..... 41
  
  - Section 3.2 - Services including communication, harassment and lettings policies..... 45
    - Communicating with Customers ..... 45
    - Harassment policies and practices ..... 48
    - Anti-social behaviour policies ..... 50
    - Assessments of need ..... 52
    - Lettings and allocations ..... 54
    - Affordable housing schemes..... 58

**Section 3.3 - Employment and governance ..... 60**  
    **Governance ..... 65**

**Section 3.4 - The Enabling Role ..... 68**  
    **Housing Strategy ..... 68**  
    **Homelessness and housing advice ..... 72**

**Appendix 1 – Disability Discrimination Act 2005 definition of disability . 79**

**Produced in association with**



## **Introduction**

### **Who is this guidance for? And what does it do?**

This Guidance is for those who plan, manage or deliver social sector housing. It explains the new rights and duties introduced by the Disability Discrimination Act 2005, which amended the Disability Discrimination Act 1995 (DDA). These apply equally in England, Scotland and Wales.

The first section of this guidance outlines the duties of landlords to make reasonable adjustments. These duties apply to all landlords, private and social.

The second section of the guidance outlines the Disability Equality Duties which apply to public sector landlords.

The third section offers a strategic approach to improving housing services for disabled people, and complying with the Disability Equality Duty (DED).

Increasingly, the Disability Equality Duty will become a core element of the framework within which housing organisation's performance is assessed, as the Housing Corporation has said in a statement to the Disability Rights Commission (DRC):

'In fulfilling its Disability Equality Duty as a public body, the Housing Corporation's own Disability Equality Scheme and Action Plan will clearly have an impact on the way in which it funds and regulates housing associations and its expectations of them. In fulfilling its own duties, the Corporation will need to use its powers and influence actively, to expect and encourage associations to improve their own performance on disability equality.'

### **Why new laws were needed**

We all want to live in communities where we can participate fully and equally. Many indicators show that for disabled people this hasn't yet happened and there remains considerable work to be done, particularly in relation to housing. Historically, the way in which houses have been

built, and housing services have been run, has failed to address the needs of disabled people as part of the wider community. Because buildings and programmes have been designed in a way which excludes disabled people, they are instead often catered for by 'special' services. Too often this has resulted in disabled people finding themselves trapped in poor housing conditions, completely unsuitable to their needs.

Work by the Joseph Rowntree Foundation found that four out of 10 families with disabled children experienced homes which were cold, damp and / or in poor repair.<sup>1</sup>

According to the English House Conditions Survey 25 per cent of all households in non-Decent Homes include someone who is long term ill or disabled.<sup>2</sup>

There is a huge shortfall in accessible homes. The English Housing survey 2003 / 2004 showed 1.5 million people were in need of accessible accommodation, with 329,000 living in completely unsuitable housing.<sup>3</sup> With the population aging this need is growing.

The result is in many instances to deprive disabled people of the basic human right of a Decent Home, leaving them dependent on others (40 per cent of respondents to a survey carried out for John Grooms Housing Charity felt their housing situation made them unnecessarily dependent on other people), and creating huge and unnecessary pressures on the social care and health services.<sup>4</sup>

There is also a significant problem of homelessness for disabled people. Between 1997 and 2004 in England the overall numbers of households

---

1 York University, 2002, The housing needs of disabled children: The national evidence, Joseph Rowntree Foundation  
[www.jrf.org.uk/knowledge/findings/socialcare/n72.asp](http://www.jrf.org.uk/knowledge/findings/socialcare/n72.asp)

2 Department for Communities and Local Government, 2002, English House Conditions Survey,  
[www.statistics.gov.uk/ssd/surveys/english\\_house\\_condition\\_survey.asp](http://www.statistics.gov.uk/ssd/surveys/english_house_condition_survey.asp)

3 Office of the Deputy Prime Minister, 2003 / 2004, Survey of English Housing  
[www.statistics.gov.uk/STATBASE/Source.asp?vlnk=326](http://www.statistics.gov.uk/STATBASE/Source.asp?vlnk=326)

4 John Grooms, 2003, Build for Equality: Campaigns Report  
[www.politics.co.uk/campaignsite/john-grooms-\\$365641\\$3.htm](http://www.politics.co.uk/campaignsite/john-grooms-$365641$3.htm)

accepted to be priority homeless (by local authorities) due to physical disabilities increased by 24 per cent, whereas those accepted as in priority need due to mental health problems rose by 65 per cent.<sup>5</sup>

Homelessness statistics in Wales show that in 2003 / 2004, 327 households were found to be unintentionally homeless and in priority need due to physical disability, and 580 households were found to be in priority need due to mental illness.<sup>6</sup> One year later, there was a 34 per cent increase (438 households) in the number of households in priority need due to physical disability and a 16 per cent increase (670 households) due to mental illness.<sup>7</sup>

It should be stressed that these figures underestimate the problem since many disabled people are not recorded as homeless by local authorities. Disabled people who want to leave institutions, or move out of the parental home in the same way as their non disabled peers, form an uncharted pool of hidden homelessness.

Violence and harassment of people because of their disability is another severe problem which until recently has received little attention. A study carried out in Scotland in 2003 found that:

‘Harassment in the community was found to be twice as common for individuals with mental health problems (41 per cent) than for those in the general population (15 per cent). The harassment commonly involved verbal abuse referring to the individual’s mental health problems and was committed primarily by neighbours.’<sup>8</sup>

Where Part 3 of the Disability Discrimination Act tackles specific

---

5 Department for Communities and Local Government statistics for 2005

[www.communities.gov.uk/index.asp?id=1002882&PressNoticeID=2042](http://www.communities.gov.uk/index.asp?id=1002882&PressNoticeID=2042)

6 National Assembly for Wales, 2005, Welsh Housing Statistics: Homelessness

7 See footnote above

8 Berzins, Petch and Atkinson, 2003, Prevalence and experience of harassment of people with mental health problems living in the community, British Journal of Psychiatry

**instances of discrimination against an individual disabled person, the DED is a tool for creating equality for all disabled people and can tackle some of the more strategic discrimination issues outlined in the statistics above.**

# **Section 1: Part 3 of the Disability Discrimination Act**

## **Landlords' duties to make adjustments for individuals**

Since the DDA was implemented in December 1996, those disposing of and/or managing premises – including landlords - have had obligations not to discriminate against disabled people by treating them less favourably for a disability-related reason, without justification. Potential discrimination might include, for example, trying to evict someone because they have behaved in an anti-social manner, when the reason for their behaviour is related to their disability. Such action can only be justified if it falls within one of the specific justification conditions set out in the DDA, for example, that the treatment is necessary in order not to endanger the disabled person or others. More details can be found in 'The Duty to Promote Disability Equality: Statutory Code of Practice' (Code of Practice) produced by the Disability Rights Commission. Both the Code of Practice for England and Wales, and the Code of Practice for Scotland can be downloaded from the DRC website [www.dotheduty.org](http://www.dotheduty.org).

From December 2006 landlords, both private and social, will have new duties to make reasonable adjustments for disabled people, as will those who control or manage rented property. These new duties are explained further in the Statutory Code of Practice.

The new duties will mean that landlords will have to, depending on the circumstances, make the following reasonable adjustments:

- change practices policies and procedures
- provide auxiliary aids and services
- change a term of a letting when requested to by a disabled person (or by someone on their behalf).

The law requires landlords to respond reasonably to the requests of disabled occupiers or would be tenants. In order to do this it will often be necessary for (especially larger) landlords to prepare in advance by making arrangements to respond to requests – whether for extra

assistance or alternative formats – or simply providing training for staff so that they know that they should implement rules flexibly where there is a disability issue.

Examples of the types of adjustments which could be made by landlords include:

- providing tenancy agreements in alternative formats, large print, Braille, audio tape, easy read
- providing a British Sign Language interpreter during meetings with tenants who use British Sign Language
- waiving a no pets policy for a disabled person with an assistance dog
- spending extra time with tenants who have learning difficulties to ensure they understand their tenancy agreement and general rules, etc
- a temporary ramp could be provided for a wheelchair user who has a small step up into their flat.

Below are some examples of reasonable adjustments from the Code of Practice:

A tenant develops a hearing impairment and wishes to have an assistance dog. A term of her tenancy agreement states that tenants cannot keep animals on the premises. The tenant raises this term with her landlord who agrees to change it so that she can keep an assistance dog on the premises. This is likely to be a reasonable step for the landlord to have to take.

A large housing association is asked to provide a tenancy agreement on video in BSL. The housing association has a budget set aside for providing accessible information and so this is likely to be a reasonable step for it to have to take. As its tenancy agreements are standard ones, the association will also be able to use the video for other tenants using BSL.

It is important for landlords to consider all their policies. For example, a landlord's policy around harassment:

A disabled tenant complains to her landlord that she is being harassed by her neighbours because of her disability which is making her feel very vulnerable and upset. The landlord has a specific racial harassment policy but does not apply this in relation to disability. The landlord's policy of responding on an ad-hoc basis to claims of disability related harassment is ineffective, and the policy makes it unreasonably difficult for the disabled tenant to enjoy the premises. She asks for her complaint to be treated more seriously. The landlord decides to follow the procedure it already has in place for complaints of racial harassment. This is likely to be a reasonable step for the landlord to have to take.

Successful compliance with the DED will assist in meeting these new legal duties to individuals.

As with other parts of the DDA a landlord will only be expected to do what is reasonable. The Code of Practice says that Courts may take into account when determining what is reasonable the following:

- the nature of the letting (e.g. the type and length)
- the effect of the disability on the individual disabled person
- the effectiveness of any proposed step
- the extent to which it is practicable to take the steps
- the financial and other costs of making the adjustment
- the extent of any disruption and the effect on other tenants which taking the steps would cause
- the scale of the landlord's operation (for example, the number and/or value of holdings)
- the extent of the landlord's financial and other resources

- the amount of resources already spent on making adjustments
- the availability of financial or other assistance.

## **Physical features**

Landlords and managers of rented premises will not have to take any steps which involve the removal or alteration of physical features. However, regulations have determined those features which are not to count as 'physical features' and so might need to be adjusted for a disabled tenant or occupant, as:

- the replacement or provision of any signs or notices
- the replacement of any taps or door handles
- the replacement, provision or adaptation of any door bell or door entry system
- changes to the colour of any surface (such as, for example, a wall or door).

In addition, the new obligations contained in the DDA reinforce existing housing legislation which states that a landlord cannot unreasonably withhold consent from disabled tenants who need to make physical adjustments to their homes for disability-related reasons. The tenant must pay for the alterations and must ask permission. This right of individual tenants to make adjustments will not apply to the 'common parts' of properties such as stairs or hallways to communal blocks of flats. The right does extend to common parts in Scotland – but a tenant would also have to get the permission of the other owners of the common parts as well as the landlord. These provisions are detailed in chapters 18 and 19 of the Code of Practice.

## **Section 2: An overview of the Disability Equality Duty**

Social housing is enormously important for disabled people. Far more disabled people live in social housing than any other tenure. British disabled people and their families are twice as likely to live in property owned by local authorities as their non-disabled peers.<sup>9</sup>

In turn, meeting the needs and expectations of disabled people is core to the business of the social housing sector. 42 per cent of housing association households in England contain a member with a long-term illness or disability and of those people one in seven use a wheelchair. Unless business practices and buildings are designed to take into account the needs of disabled people then they cannot be said to be fit for purpose.

Despite the fact that disabled people represent such a significant customer base for public housing organisations, disability has traditionally been seen as a ‘special needs’ issue rather than as a mainstream customer issue. This is compounded by the use of language such as ‘vulnerable people’ which further marginalises individuals. The DED requires organisations to move away from this approach and to work to deliver an equal housing experience for disabled people within everything that an organisation does, not just where disabled people have traditionally accessed services.

This is a really exciting step-change compared to the individual rights-focus of the Disability Discrimination Act 1995. It is not about more individual rights; instead it is about improving public authorities’ policies and services as a whole for all disabled people. In this sense, the duty reflects the social model of disability that takes the approach of focusing on the barriers that disabled individuals experience and provides tools for dismantling and preventing these.

Most authorities must produce a Disability Equality Scheme (DES). Developing a DES helps identify where action can be taken to ensure that disabled people are treated fairly and are enabled to achieve a

---

<sup>9</sup> Barnes, Mercer and Shakespeare, 1999, P.120, Exploring Disability: A sociological introduction, Polity Press: Cambridge

decent standard of living. It provides a framework for identifying problems and ensuring new programmes and developments get it right from the start.

Getting it right on disability equality will also help housing organisations deliver better services for everyone. For example, a housing website designed to ensure access for people with visual impairments benefits all users by ensuring that the site is easy to navigate and provides information in a range of accessible ways.

### **Who does the new duty apply to?**

This new law requires organisations across the public sector (and those in the voluntary sector carrying out public functions) to be proactive in ensuring that disabled people are treated fairly.

There are two levels of duty under the Disability Discrimination Act, a general duty and specific duties, explained below.

The general duty applies to all public authorities. This will include those who not 'pure' public authorities (such as government departments, local authorities) but who carry out certain functions which a public authority might carry out, for example, Arms Length Management Organisations (ALMOs). There is no definitive list of organisations that are covered by the general duty (unlike the Race Equality Duty). In most cases it is clear whether organisations are covered. The general duty will apply, amongst others, to:

- Arms Length Management Organisations (ALMO's)
- Audit Scotland
- Communities Scotland
- English Partnership
- government departments
- local authority housing departments
- regional housing boards and

- **Scottish Ministers**
- **the Audit Commission and**
- **the Housing Corporation**
- **the Welsh Assembly Government**
- **Wales Audit Office.**

**Regulations under the DDA list the authorities who are subject to what are known as the specific duties. The following are subject to the specific duties (This list is also contained in the Code of Practice):**

- **Audit Scotland**
- **Communities Scotland**
- **English Partnership**
- **government departments**
- **local authorities**
- **the Audit Commission**
- **the Housing Corporation**
- **the Welsh Assembly Government**
- **Wales Audit Office.**

## **Housing Associations**

**Housing associations are not listed as being covered under the Race Equality Duty and do not legally constitute public authorities for many purposes. However, it is the view of the DRC and of the Housing Corporation that it is likely that housing associations will be public authorities for the purposes of the DED, and so covered by the general duty. This is because their structures or work may be closely linked with**

the delegating or contracting out of functions from a State or public body; housing associations receive public funding; there is a public interest in the functions being performed; and they are serving the public interest rather than one of profit. In this respect, the Disability Equality Duty has a potentially broader reach than the Human Rights Act.

In any event the Housing Corporation, Communities Scotland and the Welsh Assembly have all indicated that they will pass on responsibility to housing associations through their regulatory powers in a similar manner to their approach to compliance with the Race Equality Duty.

Whilst housing associations are not listed in the regulations that establish which authorities are subject to the specific duties, the Housing Corporation is subject to the duty and the Corporation has made the following statement to the DRC:

‘Following publication of its own DES and Action Plan by November 2006 the Corporation will expect associations to develop appropriate Disability Equality Schemes and Action Plans of their own during 2007, for publication from December 2007.’

The Corporation expects to monitor and publish a summary of the position and progress of associations based on thematic work on disability equality, drawing on data from the self assessment form. The likely process for this is that a baseline position will be established using the 2007 returns (in March 2007). Progress during 2007, including development of Schemes and Action Plans, can then be assessed at March 2008.

### **Arms Length Management Organisations**

Whilst subject to the general duty ALMOs are not subject to the specific duties. However, local authorities may require ALMOs who are carrying out work on their behalf to produce Disability Equality Schemes to demonstrate that they are giving due regard to disability equality, in the same way that the Housing Corporation has done for housing associations.

## **Key dates**

These duties will come into force on 4 December 2006 and all public authorities should be prepared by then. The duties apply in England, Scotland and Wales, and in all key respects are the same in the three countries.

The DRC has produced a Statutory Code of Practice for England and Wales and a separate one for Scotland:

Anybody involved in implementing this duty at a policy, planning or strategic level should obtain a copy of the relevant DRC Code of Practice, which explains key concepts, such as disability equality, and offers practical guidance on all aspects of the duty.

## **Enforcement**

The DRC has the power to take legal action where authorities fail to carry out their responsibilities and in addition authorities may be subject to judicial review by interested parties if they believe them to be in breach of the general duties.

## **Inspectorate**

Those bodies, such as the Audit Commission, which inspect public authority performance, will be considering performance in relation to disability equality alongside other inspection criteria.

## **Disabled people**

The definition of disability is that used in the DDA and it covers a wide range of disabilities from people with Alzheimer's and arthritis to those with learning disabilities, depression, diabetes, cancer etc. Further information on the definition is attached to this guidance as Appendix I. It is essential that housing organisations consider the impact of their decisions on the full range of disabled people including disabled children. It is important to take into account the full diversity of disabled people - in terms of the type of impairment and barriers people experience as well as other equality issues such as ethnicity, age, gender, sexual orientation and religion or belief.

## **An outline of the general duty**

The duty requires that when carrying out their functions public bodies need to have due regard to the need to:

- promote equality of opportunity between disabled people and other people
- eliminate discrimination that is unlawful under the Disability Discrimination Act
- eliminate harassment of disabled people that is related to their disability
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled peoples needs, even if this requires more favourable treatment.

‘Due regard’ means that organisations should give due weight to the need to promote disability equality in proportion to its relevance.

The following examples indicate areas which public bodies need have due regard to:

### **Promoting positive attitudes to disabled people**

A local mental health charity is working with a social landlord to provide supported accommodation in the community for mental health service users who are leaving hospital. The landlord works with the charity to ensure that local residents are aware of the nature of the accommodation and the need for it, as well as the positive benefits to the community that the residents will bring. The landlord is acting proactively to prevent potential harassment of the mental health service users

### **Take steps to meet disabled peoples needs, even if this requires more favourable treatment**

A housing organisation has a strict repairs policy which assesses both the severity of the repair that is needed and the resources the housing organisation has. The housing organisation decides to build into that policy a requirement to consider if a tenant or occupant has a disability and how waiting for a repair will affect them. As a result of this, when number of external lights have broken on a housing estate and a number of complaints have been received about it, the housing organisation decides to prioritise repairing the light which is outside the property of a partially sighted tenant as they are affected disproportionately by not having adequate lighting outside their property and will find it very difficult to go out after dark without adequate lighting. The housing organisation is allowing the repair for a disabled tenant to 'jump the queue' but only so that the service they are offering to that tenant is more equal.

### **Eliminate harassment of disabled people that is related to their disability**

A housing organisation worked jointly with the local police and disability action group to improve rates of reporting of harassment by disabled people. This has led to the housing organisation being able to tackle more cases of harassment and deal with the perpetrators more effectively. The housing organisation was concerned that disabled people were not reporting incidents of harassment. Working with the local disability organisation the housing organisation and police held a meeting at the disability organisation's offices to find out what was preventing disabled people from reporting the harassment they experienced. They discovered that many disabled people felt that reporting harassment would make the situation worse, and they did not think the police would take them seriously. It was decided to set up an official reporting system at the disability organisations offices which was away from the housing estate. Any harassment reported would be dealt with by the police and housing organisation jointly. Providing better opportunities for disabled people to report harassment is a first step in eliminating harassment.

## **Promote equality of opportunity between disabled people and other people**

A housing organisation carries out an anonymous employee survey and discovers that they have a very low number of disabled employees. The housing organisation undertakes an assessment of their recruitment, employment and retention policies in an attempt to discover where barriers may exist in recruiting and retaining disabled employees. The housing organisation works with disabled people with expertise in employment issues and discovers that some of their job descriptions and person specifications contain criteria which could potentially discourage disabled people from applying. These criteria are revised. They also decide to widen their advertising pool and target disabled people's organisations and the job centre Disability Employment Advisor with their job bulletins. By doing this they are ensuring that disabled people have an equal opportunity to apply for jobs.

## **Eliminate discrimination that is unlawful under the Disability Discrimination Act**

A housing organisation undertakes an access audit of their public offices and the information they provide for customers including their web site to see if they are providing their services in an accessible way to disabled people. The audit identifies that their offices are physically accessible but that their offices and the information they are providing to customers may not be accessible to people with learning disabilities. The housing organisation works with a local organisation of people with learning disabilities to develop information on their website and printed documents in easy read for people with learning disabilities. They also work with people with learning disabilities to develop better signage at their offices and to train employees in disability awareness focusing particularly on the requirements of people with learning disabilities. By doing this the organisation is taking steps to avoid discriminating against people with learning disabilities.

## **Encourage participation by disabled people in public life**

A housing organisation wants to develop better representation of disabled people on their tenants and residents associations. The housing organisation holds a coffee and cakes morning for disabled tenants and their families to find out what might be discouraging or preventing them from joining the tenants association. The meeting identifies a lack of accessible information about the tenants association which means some disabled people were unaware of when meetings were being held. The coffee morning generates some actions for the housing organisation to implement in improving information and general access to the meetings as a way of improving participation of disabled people.

The way in which the law frames the duty thus underlines the principle that delivering real equality for disabled people may require treating disabled persons more favourably than other persons rather than simply treating disabled and non-disabled people alike. It is important to note that unlike other anti-discrimination laws, the Act does not prohibit or restrict positive discrimination in favour of disabled people in any way. Indeed the DDA may already require more favourable treatment of disabled people through the duty to provide reasonable adjustments. For example, disabled tenants may need space to park their car because of their disability, even where other tenants do not have this facility provided.

## **What aspects of an authority's work are subject to the duty?**

The duty applies to all functions not just employment and service delivery but budget setting, procurement, regulatory functions and setting the framework within which the organisation will deliver services.

## **Procurement and partnerships**

Participating in partnerships with other authorities, and procuring goods and services are both functions to which the general duty applies, where it will be very important to give due regard to disability equality.

Where building developments or housing services are being procured it will be important to include specifications in the contract to ensure that

the needs of disabled people for inclusive design, accessible communications, etc, are addressed.

## **Supporting People**

Housing organisations work in partnership with many organisations and the agreements with these partners, whether formal or informal, should take the DED into consideration. In some areas, such as assessments for adaptations, housing organisations often rely on partners, whether Occupational Therapists or local authority social services departments, to carry out important work for them. It is important that housing organisations and these partners work together to ensure that the disability equality duties are being met by all organisations involved. It is important to be proactive with partners particularly if they too are subject to the duties, and not to just assume that the partner organisation will be working on their duties as well.

The Supporting People programme is a particularly important area where proactive work is needed to ensure that disabled people (including of course people with learning disabilities and mental health problems) receive the support that they need.

It will be important to bring partnership working such as this into consideration as part of an authority's Disability Equality Scheme – involving disabled people in identifying problems and solutions to include in the action plan.

## **An outline of the specific duties**

### **What is required?**

Those public bodies who are subject to specific duties must publish a Disability Equality Scheme demonstrating how they intend to fulfill their Disability Equality Duties.

The essential elements which the Scheme must cover are:

- a statement of how disabled people have been involved in developing the scheme

- an action plan
- arrangements for gathering information about performance of the public body on disability equality
- details of how the authority is going to use the information gathered, particularly in reviewing the effectiveness of its action plan and preparing subsequent schemes.
- arrangements for assessing the impact of activities on disability equality.

The Disability Equality Scheme must be published. It can be contained within other documents, such as an annual report or equality strategy, but it is essential that disabled people (and other interested parties) know where to find it and that the essential elements of the scheme are in one place. It must of course be accessible to disabled people.

### **Acting on the Scheme**

Organisations must not only publish the Scheme but must carry out the actions set out in its Action Plan unless it is unreasonable or impracticable to do so. A report on the implementation of the Scheme needs to be published annually and public bodies must review and revise the scheme every three years.

### **Local authority Schemes**

Whilst each local authority will produce an overarching Scheme for all its departments and functions, the DRC strongly recommends that each individual department considers its own evidence base and draws up its own action plan.

## **Where to start to comply with the Disability Equality Duties**

### **Leadership**

Change starts at the top. Strong, clear and consistent leadership is the key to achieving change. Senior management and governing bodies need to take visible ownership of the Disability Equality Duty, for example by requiring reports on its implementation and delivering clear messages to staff about its importance. People feel permitted to do the right thing when the person at the top is saying that they want them to do that. Articulating outcomes for disability equality, setting appropriate targets, running award schemes and other incentives can practically demonstrate the importance attached by an authority to disability equality.

It is important to ensure that the Disability Equality Scheme demonstrates commitment at the very highest level of the authority. The Board or equivalent should approve both the Scheme and the Action Plan. The introduction should have the endorsement of and be signed by the Chief Executive, the Chair or their equivalent. A senior officer should take responsibility for the implementation of the duty and the Scheme.

It is also vital that disabled people hold positions of responsibility within housing organisations not just as employees but also on governing boards or advisory groups. Housing organisations should actively encourage disabled people to apply for these positions of authority, therefore demonstrating their commitment to disability equality within their organisations as well as through their service delivery. The DED requires due regard to be paid to encouraging participation by disabled people.

### **Training and skills**

For the duty to be effective, staff will need to be trained. Basic disability equality training should form part of any training on the duty. Staff will need to be aware of what the DED is, why it is necessary and how it relates to their job. Training should also focus on the necessary skills needed to give due regard to disability equality when carrying out day-

to-day activities at all levels within a housing organisation.

Having someone in a position of authority who has disability expertise to advise and coordinate within the organisation would be beneficial. Such a person could become the focus for implementing change and leading employees in embracing the Disability Equality Duty's messages and framework.

## Targets

If housing organisations focus on the outcomes they want to achieve with this duty and break it down into manageable stages then it is actually very straightforward. Housing organisations need to think about what will represent successful outcomes for them in relation to the Disability Equality Duty. They should set appropriate performance targets and will need to consider training needs and allocate appropriate budgets for training, research and involvement.

## Inclusive Design

The DRC recommends adopting inclusive design as an overriding principle in planning, building and managing housing as a key means for achieving successful compliance with the DED. For further information on Inclusive Design see:

- English Partnership, Guidance Note on Inclusive Design [www.englishpartnerships.co.uk/inclusivedesign.htm](http://www.englishpartnerships.co.uk/inclusivedesign.htm)
- The Scottish Executive, Planning and Building Standards Advice Note – Inclusive Design (PAN78), <http://www.scotland.gov.uk/library/pan/pan-cover.asp>

Good design can only be achieved if the environment created meets everyone's needs. Everyone at some point will experience some form of limited mobility – as a tourist laden with bulky luggage, a parent with young children, an older person or an individual with injuries. Inclusive Design recognises and accommodates differences in the way that people use their environments and aims to remove the barriers that create undue effort and separation. It enables everyone to participate equally, confidently and independently in everyday activities. Inclusive Design, like the duty, is about equality for all and not about dealing with the

needs of one individual as opposed to another. Inclusive Design like the duty encourages equality to be built in from the outset and not be something that is added on afterwards when problems arise.

An inclusive environment is created by surveyors, architects, planners, building control surveyors, engineers, access consultants and facilities managers working to the same principals and goals.

Inclusive Design builds in recognition not only of disabled people's needs but those of women, children and older people. In terms of disability it is necessary to understand the barriers experienced by people with learning difficulties, mental health conditions, visual impairments and hearing impairments as well as those with mobility impairments.

## **Preparing a Disability Equality Scheme: Building capacity to deliver for disabled customers**

### **Stage One - Involving disabled people**

Involving disabled people is not only a requirement of the duty but it should bring tremendous benefit in terms of expertise to the organisation. In a statement to the DRC, Anne McGuire, Minister for Disabled People said:

'Disabled people have rightly said that policymakers should do 'nothing about us without us'. None of us can improve opportunities for disabled people effectively - whether in employment or in the services we offer - unless we talk to disabled people and involve them in our decision-making. That is why I see involvement of disabled people as at the heart of the new Disability Equality Duty.'

Involvement should be used amongst other things to:

- identify the barriers faced by disabled people and unsatisfactory outcomes
- set priorities for action plans and
- assist in planning and reviewing activity.

The DRC have produced detailed guidance on involving disabled people, which is available to download from the DRC website [www.dotheduty.org](http://www.dotheduty.org).

## How?

Involvement should not be confused with consultation. This duty requires a much more active engagement of disabled stakeholders at all stages. Budgets for engaging with disabled people must take realistic account of the costs associated with ongoing communication and collaboration.

## Who?

The specific duty requires organisations when developing their Scheme to involve those disabled people who appear to have an interest in the way an authority carries out its functions. It is important to consider the full diversity of disabled people - in terms of the type of impairment and barriers people experience, as well as other equality issues such as ethnicity, age, gender, sexual orientation and religion or belief. Many housing organisations have a head start with their existing tenant involvement arrangements, but will need to extend their contact with other groups.

The following is an example taken from the Code of Practice of how the social housing sector can involve disabled people.

A housing provider may wish to set up a specific Tenant Compact for disabled tenants. Compacts are agreements between landlords and tenants setting out how tenants will be involved in decisions affecting their homes and communities. A specific Compact for disabled people could provide a structured and effective way of involving disabled people in a range of key decisions.

There are a wide variety of ways of involving disabled people including involvement of former, current and potential service users, employees and the wider community. These include involving disabled people through:

- local organisation /s of disabled people, where they exist
- forums, such as disabled employee networks
- setting up specialist forums of disabled people (where none exist at present)
- segmenting and developing existing consultation mechanisms or utilising existing networks.

Many disabled people's organisations have limited resources and it is vital that they are reimbursed for their involvement.

## **Stage Two - Mapping**

The mainstreaming of disability equality into policies and programmes needs to be achieved through a detailed understanding of the specific needs of people with different kinds of disability. Organisations subject to the specific duties must set out in their Disability Equality Schemes their arrangements for gathering and analysing information in relation to services, employment and other relevant functions; and they must put these arrangements into practice. As well as gathering evidence to map the current performance of an organisation in relation to disability equality, it will be important for authorities to put in place systems to monitor progress or identify problems. We build this monitoring aspect into our guidance in Section 3 on Applying the Disability Equality Duty in Housing.

### **Why?**

This mapping is not an end in itself but is merely there to help the organisation make decisions about what actions would best improve disability equality. The information will help the organisation assess their own performance, and will identify areas where they are doing well on promoting disability equality and areas where there are gaps in knowledge.

This information must form the basis for the proportionate action to promote disability equality required by the duties – in some instances this action will involve collecting additional information. For instance:

Research from Mencap has shown that 50 per cent of local authorities have no idea how many people with learning disabilities live with elderly parents.<sup>10</sup>

Although local authorities record how many disabled people are deemed to be homeless very few track their progress in relation to re-housing.

However, implementing new mechanisms for gathering evidence can take a long time. It is important that organisations do not wait for this additional information to be available before making plans to improve their performance. In many cases, qualitative research (including research from other relevant sources) and involvement of disabled people will be sufficient initially to identify key areas where action is needed to deliver improved outcomes for disabled people.

To ensure that information collected is put to good use it will be important to consider how the information will be distributed to those who need it. For example, when carrying out impact assessments on new policies, employees will need to have been trained in disability equality and have access to information about disabled customers' needs.

## How?

Authorities should take immediate steps to ensure that general data collection captures information about disabled people allowing their specific experiences to be examined. For example, information can be captured from:

- tenants
- employee surveys
- existing performance measures
- Best Value reviews
- homelessness statistics in local authorities
- complaints monitoring.

Additional research specifically on disability equality – both quantitative

---

10 Mencap, 2002, The Housing Time Bomb Report  
[www.library.nhs.uk/SpecialistLibraries/Download.aspx?resID=34921](http://www.library.nhs.uk/SpecialistLibraries/Download.aspx?resID=34921)

and qualitative will be needed in order to understand the specific barriers that lead to worse housing experiences for disabled people, and what are the most effective steps to deal with these. In some instances it will be important to look at the particular experiences of people with particular types of impairment because they can experience distinctive barriers. For example, what will be a priority for a visually impaired person when considering the location of their home could be quite different from a person with a mobility impairment. A visually impaired person may have as a priority good street lighting and close proximity to public transport, whilst a person with a mobility impairment who can drive will need adequate space for parking but not need to be as near to public transport.

Many housing organisations have no idea how many disabled people live in unsuitable housing. Gathering this information will help to inform planning for new or refurbished accessible homes, adaptations and private sector leasing policy. It could also support the formation of a disability housing register (discussed in more detail in section 3) matching disabled people to suitable properties.

The DRC has produced detailed guidance on Gathering and Using Evidence, which is available to download from the DRC website at [www.dotheduty.org](http://www.dotheduty.org).

### **Stage Three - The Action Plan**

The Action Plan must set out the key actions that the authority will take to promote disability equality over the period of the Disability Equality Scheme (three years). It should address all dimensions of disability equality including eliminating harassment and encouraging participation of disabled people in public life. The action plan should include appropriate actions across all authority functions. The action plan should be aimed at making practical improvements to equality for disabled people and will be informed by the involvement of disabled people in its production. It is recommended that housing organisations set specific targets in key employment or service delivery areas on which it can readily measure its performance.

Schemes are unlikely to be able to address all areas of concern to disabled people in the first three years and priorities will need to be considered. This means that efforts should be concentrated on those areas that will have the maximum impact on disabled people's lives.

The DRC recommends that certain key actions should be included:

- the establishment of disability housing registers to enable better use of accessible housing
- inclusive design statements within asset management strategies
- the improvement of adaptation services available to prospective and existing tenants
- review / impact assess harassment and antisocial behaviour strategies
- review / impact assess homelessness strategies and policies.

## **Stage Four - Assessing the impact of policies and activities**

One of the key ways of embedding disability equality into the policies and activities of an organisation is to systematically undertake disability equality impact assessments. The Disability Equality Scheme needs to set out a statement of the methods which will be used for these impact assessments.

### **Why?**

An impact assessment is not an end in itself but is merely the process which a housing organisation goes through in order to identify and then act on the need to modify and change policies and practices to better promote disability equality. If a housing organisation only identifies issues and does not act to improve the impact then it will not have complied with its general duty to give due regard to disability equality and it's a pretty fruitless task!

Impact assessments of new policies and programmes can ensure that they do not create unnecessary problems as well as maximising the opportunity to deliver improvements for disabled tenants or employees. For example, an impact assessment of a major repairs programme, aimed at improving the communal facilities on an estate, would identify and measure the improvements to access for disabled people potentially

created by the investment undertaken.

Impact assessment of existing policies is a tool for ensuring systematic reviews to take account of the need to promote disability equality.

## How?

Approaches to impact assessments are likely to vary depending upon the scale and nature of the organisation and the degree of the relevance of the function for disabled people. Where the relevance of the function is high this indicates a need for a very thorough impact assessment. Where it is clear that relevance is low organisations may wish to have a system for identifying this and recording what actions they have taken if they do not do a full impact assessment. Criteria will need to be developed to help these decisions.

There are a range of actions which a full impact assessment is likely to involve, including:

- consideration of the available information
- assessment of the effect the policy or decision would have on disabled people or for existing programmes and policies
- an assessment of any detrimental impact on or short-fall in take up by disabled people
- whether there are any opportunities for promoting equality of opportunity which could be taken up.

For example, in the major repairs example an organisation would need to consider the access needs of existing and future users of the homes and communal areas and ensure that both policies and practice enabled the use of the facilities by disabled people.

Examples of the type of questions organisations should be asking themselves are included within some of the examples in section 3 of this guidance.

Further information and guidance on impact assessments is available on the DRC website [www.dotheduty.org](http://www.dotheduty.org).

## **Impact assessment of existing policies**

Clearly any organisation will have a significant 'back catalogue' of existing policies and activities that will need to be assessed. A timetable for doing this over the period of the Disability Equality Scheme and prioritisation system would be essential. Housing organisations need to identify their top policies and projects which need to be impact assessed. For example, in the first Disability Equality Scheme they may choose to review:

- major works/ repairs programme
- new housing developments
- homelessness strategy and procedures
- harassment and ASBO procedures
- adaptations services
- letting procedures including Choice Based Lettings and private sector leasing.

## **Section 3: Applying the Disability Equality Duty to Housing**

The most important and most difficult challenge in ensuring equality for disabled people is that of creating an organisational culture in which disability equality is valued, understood, has commitment from all levels of the organisation and is actively pursued. The framework for the guidance has been developed to ensure that the major areas of a housing organisation's activity are considered.

This section is broken down into four key functional areas of activity carried out by housing organisations:

- asset management
- customer Services
- employment
- enabling role.

A DES will need to cover all of these areas. We have highlighted those areas which most affect disabled people.

Each area includes suggestions for improving the performance of an organisation in terms of disability equality using the Duties framework:

- evidence gathering
- impact assessment
- actions
- monitoring.

At the end of each of the four sections we suggest some performance measures for tracking progress.

As discussed above involving disabled people at all stages of the duty (including gathering evidence, impact assessment devising remedial actions and monitoring) will produce improved results.

In some of the areas below we give specific examples but this element needs to be read into all sections. Below is an example of involving disabled people in the work of a housing organisation.

## **Disability Advisory Panel**

Launched by Luminus Group in February 2005 the Disability Advisory Panel (DAP) aims to give tenants and leaseholders a real opportunity to influence decisions on how services can be shaped around the needs of customers.

Prior to the launch of the DAP a 'Customer Needs' survey was sent out to all customers. The survey asked a wide range of questions around diversity issues including disability, ethnicity, gender and age. Through the survey a demographic profile was built up of customers and their priorities for ensuring access to services. The survey was also used to promote current tenant involvement activities and people were asked to indicate whether they would be interested in joining the DAP.

The DAP was launched in February 2005. The first session was used primarily as a forum for people to express their views on how the DAP should operate, how it could be used to influence outcomes and which activity areas should be scrutinised.

The DAP operates on a two tier basis made up of the Core Group and the home-based Consultation Panel. Core Group members are provided with background information four weeks ahead of the meeting. Background information can include company procedures, government guidelines and best practice examples. The Consultation Panel is also provided with background material and participants are asked to complete a survey on how they perceive existing service provision. A key part of this process is to ask people how services (and access to them) can be improved. The feedback received is reported to each DAP meeting with issues and recommendations for service improvement being discussed at length.

Communication with members is flexible and a range of media can be used, upon request, to obtain feedback and summarise the outcome of the meetings. Regular updates on the work of the DAP are promoted through the tenants' newsletter, 'Luminus News' and issues around service delivery are taken up with Heads of Service and the Executive Board. Feedback on the changes made to policies and procedures as a result of input by the DAP is provided regularly to all customers and in

**So far the DAP has looked at Aids and Adaptations, managing empty homes and safety and security in the home. As a direct result of the contribution of the DAP Luminus has introduced further flexibility into its processes for carrying out minor adaptations and has established a register for recycling aids and adaptations when they are no longer needed. The next two projects for the DAP are a review of response repairs services and the development of the company's Disability Equality Strategy.**

## **Section 3.1 - Asset management**

Crucial to the work of all housing organisations are the homes and communities they build, maintain and manage. In order to meet the Disability Equality Duty, asset management strategies and policies should take active steps to improve accessibility standards and remove barriers for disabled people within homes and external environments. This applies to existing as well as new developments.

In particular, housing organisations working towards the Decent Homes standard in England or the Housing Quality Standard in Wales and Scotland should ensure that their investments deliver demonstrable improvements with regards disability equality. Recent research suggests that implementation of the Decent Homes Standards is too often a missed opportunity for increasing accessibility of properties and, critically, may inadvertently make accessibility worse.<sup>11</sup>

### **Commitment to Inclusive Design**

Housing organisations need to ensure that the principles of inclusive design are adopted throughout their asset management function - not just in terms of new developments but also in the improvement, management and maintenance of their homes and communities. They should have a clear policy commitment to inclusive design incorporated within key relevant strategies, such as their housing design standards. This commitment should include accessibility standards within homes and communal facilities.

Housing organisations should ensure that professionals involved within the construction and design process are suitably experienced and qualified with regard to disability equality and inclusive design. It is also important for housing organisations to ensure that their procurement processes and contracts build in appropriate specifications to deliver developments which meet inclusive design principles. Those tendering for contracts should be required to demonstrate expertise in

---

11 2006, Implementing Decent Homes Standards: How housing associations are addressing accessibility issues Joseph Rowntree Foundation

this area.

## **Involving disabled people**

Throughout the process of assessing building strategies and projects the involvement of disabled people is crucial, whether it is through consulting with disabled tenants who are waiting to be re-housed in more accessible accommodation or through working with a local authority's access group when seeking planning permission. By involving disabled people, mistakes can be avoided and a greater understanding of the issues gained. It is important to identify barriers to inclusion as early as possible within the design process so that good design can overcome them. For this reason it is vital to involve disabled people at an early stage.

## **Evidence gathering**

At a national level the shortage of accessible or even adaptable homes is well established. The 2001 Scottish House Conditions survey showed that 124,000 households included someone with mobility difficulties but only 1 per cent (24,000) of Scotland's housing was barrier free.<sup>12</sup> In England around 320,000 disabled people are living in unsuitable housing and half (around 150,000) are social renters.<sup>13</sup>

Local authorities can chart the extent of unmet need by collecting information about how long disabled applicants wait to be re-housed compared to non disabled applicants who are accepted as having the same level of priority for housing. Housing organisations can also monitor how long existing disabled tenants are waiting to be re-housed in accessible accommodation or waiting for adaptations to be made to their homes.

Continued monitoring of the numbers of accessible stock and accessible new build should be carried out by housing organisations including whether this is meeting demand. (See section on Lettings).

---

12 Communities Scotland, 2002, Scottish House Conditions Survey  
[www.shcs.gov.uk/](http://www.shcs.gov.uk/)

13 Department for Work and Pensions, 2003 / 2004, Family Resources Survey  
[www.data-archive.ac.uk/findingData/snDescription.asp?sn=5139](http://www.data-archive.ac.uk/findingData/snDescription.asp?sn=5139)

## **Targets**

Housing organisations should establish targets for the completion of accessible housing using recognised standards such as Lifetime Homes and homes developed to the standard within the Wheelchair Housing Design Guide. (See also section on Lettings).

## **Impact assess building strategies**

Accessibility needs to be considered by housing organisations when devising building strategies when undertaking building projects, including estate refurbishment. Housing organisations should identify if their building strategies are going to meet the needs of disabled people particularly considering the aging population. Evidence gathered about their existing accessible stock and the number of disabled people waiting for suitable housing should inform this.

When projects are completed evaluation of the completed homes and environments need to include an assessment against the access statement used within the project. If there is not a match then this should be dealt with and thoroughly investigated.

## **Access Statement as impact assessment**

Access Statements, which set out how the access needs of disabled people will be met by the development must now be submitted with most planning applications in England, and which as of 2006 is under consultation in Wales. The DRC recommend that access statements are used throughout the development process not just at planning application stage: from concept design, planning and building application through to completion and occupation as a tool to ensure that access issues have been addressed as originally intended. If the access statement process is completed thoroughly and meaningfully it can act as an impact assessment for that particular project. All major projects, whether new build or refurbishment of existing stock, should include an access statement identifying the access issues within the project and the solutions that the designers have incorporated. Keeping a record of the access statement for the management organisation post occupation will help to ensure any particular physical features included to provide good access are known and properly maintained (For

example, any colour scheme chosen to assist visually impaired people should be retained when redecoration is undertaken in the future).

The following is a good practice example of planning and letting accessible housing in low demand areas.

In a large Northern city the local Disabled Persons Housing Service (DPHS) worked with local housing associations on the design of new housing on a difficult to manage estate where there were significant problems of harassment of ethnic minority households and disabled people with a range of impairments. One association collaborated particularly closely with the DPHS, from the pre-design stage.

They first identified the level of need and preferences for housing from households including people with impairments who might move to the area. Out of the total of 50 dwellings eight two-bedroom bungalows and four family homes were built to wheelchair standards. Consultation began 12 months before completion of the new homes, through two weekly meetings. The DPHS Housing Advisor and the Housing Association Housing Officer worked together to identify households, ensure needs were met and encourage commitment to the consultation process.

Households negotiated a neighbourhood code of conduct for everyone and 'care plans' were agreed between those with particular needs and their neighbours who could provide this 'good neighbour care'. Awareness training was provided, including in disability issues, which was wide-ranging and popular with all. The care plans worked well and were tested in the first two years following completion of the estate.

Despite the existing reputation of the area (and its continuing problems which include a high number of empty properties), the scheme is very popular and has very low turnover. The extra costs were around £20,000 but post allocation management costs have been much lower than average and the HA recouped the additional costs over the first five years of the scheme.

## **Repairs service**

This is one area in which it is important to remember that the Disability Equality Duty may require housing organisations to treat a disabled person more favourably if necessary to deliver an equal service. For example, a tenant may report that their heating has broken. The tenant has a child with sickle cell anaemia, a condition which is considerably worsened in cold temperatures. In a situation like this the impact of waiting for a repair is much greater on the disabled person and so this repair should be made a priority and ‘jump the queue.’

## **Gathering evidence**

Housing organisations will need to consider whether their repairs service is meeting the needs of its disabled tenants. Questions will need to be answered such as:

- How long are disabled people waiting for repairs?
- Are there situations where a disabled tenant or occupant’s wait for a repair has affected them detrimentally, such as worsened their health, put their health and safety at risk or prevented them from carrying out day to day activities?

This evidence could be gathered through incorporating new questions into existing customer satisfaction questionnaires or through meeting with specific groups of disabled tenants. Of course one meeting could be held to involve disabled people in a wide range of areas not just the repairs service.

## **Impact assessment**

An impact assessment on a repairs policy could ask:

- Does the repairs service adequately identify where disabled people may have specific requirements?
- Do any of its mechanisms, such as the requesting of repairs by tenants, contain barriers for disabled people?

- Is there a system for deciding which repairs are given priority? If so is it one which takes into account the needs of disabled tenants and occupants?

## **Actions**

If mechanisms are not in place to ensure that disabled people's requirements are being met by the existing repairs service then this should be addressed by working with disabled tenants to set up new policies and practices which do work. It could be as simple as introducing a more accessible way of reporting repairs such as by email as well as phone. It could mean recording more detailed information about the requirements of tenants so that anyone dealing with a disabled tenant's request knows instantly what requirements they have and how they should be met.

It is important to bear in mind that many disabled people's impairments change over time and their requirements will also develop; also that tenants can become disabled, and so regular monitoring of tenants is essential to capture changing needs.

## **Adaptations**

Adaptations services are essential to disabled tenants in ensuring they live in suitable, safe housing. The 2003 / 2004 Scottish Household Survey found that only 34 per cent of disabled people currently had the adaptations they needed in the home.<sup>14</sup> The 2004 to 2006 Living in Wales Survey estimated that around 12 per cent (146,950) of disabled homes had adaptation needs that were unmet.<sup>15</sup>

We know from the number of calls to the DRC Helpline that the adaptations service generally is very slow and bureaucratic. This means that many disabled people are forced to endure unsuitable housing for

---

14The Scottish Executive, 2003 / 2004, Scottish Household Survey  
<http://www.scotland.gov.uk/Topics/Statistics/16002/4031>

15 The Welsh Assembly, 2004 to 2006, Living in Wales Report  
<http://www.lgdu-wales.gov.uk/eng/Project.asp?nc=L98K&id=1629>

months or years. There are cases where disabled people have been forced to live in just one room or are unable to have a bath or shower, whilst waiting for adaptations to be made.

There is a need for better working between housing organisations, occupational therapists and social services departments. We realise that housing organisations are just one part of a wider picture when it comes to improving adaptations but housing organisations can make key improvements themselves. It is important for housing organisations to apply the Disability Equality Duty framework to their agreements with partners in this situation. This will ensure that all partners are striving to achieve disability equality and can work effectively together.

### **Evidence gathering**

Disabled people need to be involved from the outset in gathering evidence about their experiences of the adaptations system as well as their thoughts on how to improve it. As this is an issue which affects disabled tenants, occupants and their families only, using an approach which targets disabled people and their families would be the most effective way of involvement. This is one situation where relying on existing mechanisms of engagement such as adapting a standard customer questionnaire may not yield the best results.

Housing organisations should consider:

- How many disabled tenants are requesting adaptations?
- What types of adaptations are being requested and their costs?
- How long disabled tenants are waiting for completion of the adaptations? Measuring time from enquiry to completion.
- How do disabled tenants feel about the service offered to them?

### **Impact assessment and actions**

The information gleaned from this initial assessment should be analysed and acted upon. For example, if it becomes clear that some disabled people are waiting for minor adaptations to be completed purely because of the bureaucracy a housing organisation could develop their

adaptations service to include the completion and funding of minor adaptations without the need for an Occupational Therapists referral.

For further information see the Housing Corporation's guide, Minor adaptations without delay: A practical guide and technical specifications for housing associations, 2006,

[www.housingcorp.gov.uk/server/show/ConWebDoc.7502](http://www.housingcorp.gov.uk/server/show/ConWebDoc.7502).

This guidance is aimed at housing associations and illustrates a range of good practice where local agencies have worked together to streamline their policies and procedures to deliver quick and responsive minor adaptations service.

The information initially gathered should also be used to develop service standards for the provision of adaptations explaining what the landlord will undertake and how it links with other agencies that may be involved such as health services, local authorities and voluntary agencies. It should be the landlord's responsibility to ensure that home adaptations are co-coordinated and delivered effectively.

## **Monitoring**

When developing the standards mentioned above evidence gathering measures should be built into the process and they should thus be monitored and then revised accordingly. Housing organisations should pay particular attention to monitoring in terms of costs, quality and the timeliness of the service. It is important to be realistic and expect that adaptations services will need to be developed over time and the significant problems cannot be solved overnight.

Disabled people will also need to be involved in the monitoring and assessment of changes and developments to the adaptations services offered by the housing organisation and other partners.

## **Suggested performance measures**

- **Percentage of homes developed or refurbished to Lifetime Homes standard.**
- **Percentage of homes developed or adapted to wheelchair housing design guide standard.**
- **Percentage of disabled service users expressed satisfaction with the repairs service?**
- **Percentage of satisfaction rates with the adaptations service.**
- **Percentage of adaptations carried out within the target timescales.**

## **Section 3.2 - Services including communication, harassment and lettings policies**

The Disability Equality Duty framework sets out an approach to improving services for disabled customers which focuses on 'mainstreaming' their needs. Housing organisations will need to routinely anticipate the needs and diversity of their customers and be able to meet their requirements. This often leads to improvements for all customers not just disabled people. For instance the provision of Easy Read documents produced initially for customers with a learning disability have proved to be the most popular and accessible format used by a housing organisation.

This section identifies some of the key areas within service delivery which housing organisations could prioritise for impact assessment and evidence gathering (including subsequent monitoring of actions).

### **Communicating with Customers**

Customer service communications need to be easily accessible to all customers whether delivered by phone, internet, at a local office or through home visits. The following is one example of how to do this:

East Midlands Housing Association (EMH) is providing a faster and more responsive service to customers who need home adaptations by employing its own in-house Occupational Therapist. Work is assigned to two suitably experienced and reliable contractors, ensuring that standards are maintained. At the same time, savings of up to 15 per cent are being made on materials thanks to a partnership with a supplier. The OT service, which is available to other organisations, also uses a specialist Disabled Facilities Grant consultant when required and negotiates directly with local authorities, resulting in further timesavings. EMH is committed to providing a high quality customer service on Aids and Adaptations and it is recognised that the in-house team provides a more efficient and flexible service.

## **Evidence gathering**

Customer service communication systems should be regularly checked with disabled customers to ensure they offer appropriate and accessible ways of communication, including opportunities for disabled people to express their opinions and influence the work of the organisation. Most housing organisations will gather evidence about the effectiveness of their communication services through a variety of means including customer satisfaction surveys and through meetings with tenant groups. Gathering evidence should incorporate a two pronged approach by making general tenant involvement / feedback mechanisms accessible to all and through additional specific targeting of disabled people where they are under represented or where their views are particularly needed.

## **Impact assessment**

Housing organisations will need to scrutinise the policies and practices in place for communicating with customers to identify where they may not be meeting the needs of disabled customers. It is important for housing organisations to identify where rigid communication policies exist, which could be made more flexible in order to promote disability equality.

For example, if it is standard procedure to send a warning letter to a tenant who is in rent arrears the housing organisation needs to consider what impact this will have on disabled customers. A tenant with a learning disability may not understand the letter therefore another mechanism should be put in place to ensure that the tenant understands the situation and what they need to do about it.

Below is a checklist of some of the more general questions concerning communicating with customers which housing organisations could consider as part of an impact assessment:

- How do customers get in touch with your organisation and how do you get in touch with them? Are a variety of communication methods available / encouraged? (How easy is it for customers to access the service by these means outside office hours?)

- Is your organisation increasingly using the internet to communicate with both customers and other stakeholders? Websites need to be accessible to all users and should conform to developing standards on website accessibility.<sup>16</sup>
- Are all methods of access, including opening times and arrangements for out-of-hours contact effectively publicised? Have publicity methods been agreed with customers including disabled customers?
- Does your organisation have a record of how customers prefer to be communicated with?
- How does your organisation respond to requests for accessible formats of your leaflets, handbooks and other relevant information? Is there a strategy in place for how to respond? How would a customer service officer book a BSL interpreter for example?
- Does your organisation routinely offer information in alternative formats covering all that customers might reasonably need to know including issues such as customer services, opening hours, complaints, contact information, approach to rent arrears and dealing with anti-social behaviour?

Discovering the answers to many of these questions may involve gathering more evidence and of course consultation with disabled customers.

## **Actions**

Actions from an impact assessment posing such questions could involve:

- developing a more inclusive way of communicating with all customers allowing communication through email, phone, text message, letter and in person

---

<sup>16</sup> Information on developing accessible websites is available on the DRC website, [www.drc-gb.org](http://www.drc-gb.org)

- ensuring that customer service team members are trained in how to use a Minicom system
- setting up a service agreement of some kind with disabled customers so that they know what to expect from the customer service team
- developing detailed information about the requirements of disabled customers and ensuring that all staff are aware of them and how to respond with confidence to enquiries from disabled customers.

The following is a good practice example of acting on issues raised through impact assessments.

### **Impact Housing Association**

Impact formed an Access to Services group in November 2003 to consider the proposed changes to the DDA and to ensure tenants and service users could access our services easily. Access Audits were carried out jointly at all public sites with Allerdale Disability Association resulting in a number of upgrades including WC facilities, ramped access improvements, lowered counters and automatic door openers.

Impact has redrafted information in various formats, and developed a database of the different needs of tenants so that they can automatically supply information in a particular format in the future. The Impact website was also redesigned to improve accessibility.

### **Harassment policies and practices**

Evidence suggests that disabled people are frequent victims of harassment and other forms of anti-social behavior within their communities with problems being particularly acute for some impairment groups such as people with mental health conditions and learning disabilities.

For more information see the following:

- [Disability Rights Commission, 2004, Hate Crime Against Disabled People in Scotland](#)
- [Berzins et al, 2003, Prevalence and experiences of harassment of people with mental health problems living in the community](#)
- [British Journal of Psychiatry, 2003, 183, 526-533](#)
- [Greater London Authority, 2003, Another Planet; disabled and D/deaf Londoners and discrimination](#)

Harassment on the basis of disability should be subject to the same degree of rigour as racial harassment cases with policies and procedures developed to support victims, investigate reports of harassment and establish clear guidelines for dealing with the harassment.

### **Evidence gathering**

Developing better policies and practices on dealing with disability harassment requires organisations to establish what the current experience of disabled people is. This could be achieved through widening any definitions of harassment included in standard surveys to include a question about disability harassment. However in parallel with this an effective way of finding out what the situation is like for disabled people would be to hold a focus group. As harassment is a sensitive issue a focus group may be a more conducive way of finding out what the experiences of disabled people really are. The anecdotal evidence gathered at the focus group can be compared with the statistical evidence from the questionnaire and the standard reporting systems.

### **Impact assessment**

A housing organisation will then need to look for any patterns or discrepancies which have emerged through the evidence they have gathered and feed this into any impact assessments or action plans around harassment. For example, the focus group may report a high instance of disability harassment as does the questionnaire but the official reports of disability harassment are low. This should then lead

the housing organisation to focus on the reporting system itself and work with disabled people to improve the system and encourage more disabled people to report harassment they experience.

## **Actions**

Continuing with the example given above about reporting of harassment, the local police and housing organisations could work with the local organisation of disabled people to set up an official reporting system for harassment aimed at disabled people. Through using the disability organisation's meeting centre as a place to report harassment disabled people can do so in a familiar setting to someone who they feel comfortable with and who will ensure that the appropriate authorities are informed on behalf of that disabled person.

## **Monitoring**

Continuing the example above, a housing organisation that has acted to make the reporting of harassment more accessible for disabled people should then monitor the number of reports, expecting to see that at least initially the reporting of harassment has gone up demonstrating that the new reporting system is working. Of course, housing organisations will also want to monitor how reports of harassment are dealt with, what outcomes are achieved and how disabled people perceive the system to be working.

## **Anti-social behaviour policies**

Anti-social behaviour policies and practices can provide valuable mechanisms for protecting disabled people from harassment and the measures set out above should be used to assess whether disabled people are adequately benefiting from their protection.

Of course, disabled people may also be the subject of anti-social behaviour control measures. Indeed, there is evidence that disabled people may be disproportionately, and in many cases inappropriately, subjected to such orders.

Anti-social behaviour policies and practices need to be assessed to ensure that disabled people are not discriminated against. Housing organisations are advised to work with other agencies to support disabled tenants who for an impairment-related reason behave in a manner that is perceived as anti-social. For example, a person who has Tourettes Syndrome could be accused by neighbours of anti-social behaviour because of outbursts of swearing when in fact the behaviour is a manifestation of their impairment.

## **Evidence gathering**

Housing organisations could initially find out:

- How many disabled people are issued with antisocial behaviour warnings
- How many disabled people are issued with antisocial behaviour measures after receiving a warning
- How many disabled people issued with warnings were referred to a support service of some kind
- How many disabled people are reporting antisocial behaviour
- How do disabled tenants and disabled children of tenants view the antisocial behaviour policies and practices of the housing organisation?

It is important to review the evidence regarding the numbers of disabled people being warned / receiving antisocial measures and levels of support they received to establish whether more support is needed and whether other agencies need to be engaged with more effectively.

As with harassment the issue of anti-social behaviour is a sensitive one and it may make sense to involve a group of disabled people jointly in developing anti-social behaviour measures and measures to tackle harassment.

## **Impact assessment and actions**

Within an impact assessment of anti-social behaviour policies housing

organisations should seek to identify any procedures or practices which could be discriminatory against disabled people or could leave disabled people at a disadvantage. For example, if a housing organisation has a policy of sending a written warning to a tenant accused of anti-social behaviour this policy could leave people with learning disabilities at a disadvantage as they may not understand what the letter is about and what they are accused of. To amend this procedure a housing organisation could follow up all such letters with a face-to-face meeting with tenants to ensure that they fully understand the letter and the antisocial behaviour policy.

A key element of assessing anti-social behaviour policies is to assess whether sufficient support is being given to disabled people to help resolve anti-social behaviour. It is also important to monitor the situation in light of other initiatives which may be taking place locally with the police or other local authority departments and health teams.

## **Monitoring**

Housing organisations will need to continue to gather evidence and to monitor their anti-social behaviour policies and their effect upon disabled people. They should try not to monitor them in isolation but to relate them to their harassment policies as some types of anti-social behaviour that are being targeted at one person or a group of people can be classed as harassment.

## **Assessments of need**

Assessments are used to determine the needs of customers by housing organisations for a variety of reasons including:

- housing allocations
- housing transfer
- adaptation and support needs

### **Evidence gathering and impact assessment**

It is important for housing organisations to find out how disabled people view the assessment processes they undergo. The idea of an assessment

itself can be stressful for the person whose needs are being assessed. If the reason for the assessment and the process is not explained properly to the disabled person they may feel it is a test and be unduly stressed by the situation. They also may not respond to the assessment in a natural way. When gathering evidence from disabled people some key questions to ask could be:

- Were you given enough information about the assessment including what it was for and how it would work?
- Did the process give you the opportunity to express your opinions adequately?
- Did the process take into account all your relevant needs or just the 'obvious' ones?
- How many assessments have you had in the last year / two years?

The last two questions are important ones as disabled people often complain of having to go through numerous assessments which ask the same or similar questions, the findings of which are not shared. Also the questions within the assessment may be very focused on a 'medical model' and may not take into account the broader needs of disabled people particularly those from black and minority ethnic backgrounds, older disabled people or disabled people who are gay, lesbian or bisexual.

## **Key actions**

It is important for housing organisations to develop holistic assessments which take into account the diverse needs of disabled people. The Office of the Deputy Prime Minister's (now Department for Communities and Local Government) guidance on housing adaptations recognises that disabled people are experts on their own needs and gives excellent advice on holistic (whole person) assessments..<sup>17</sup>

---

17 Office of the Deputy Prime Minister, 2005, *Different Paths: Connecting Services – A guide to better practice in meeting the housing needs of black and minority ethnic disabled and D/deaf people*

A holistic approach to assessment could include:

- focusing on the disabled persons experiences and point of view
- focusing on the disabled person's social situation including their access to social networks, family and friends
- considering more than just the immediate or obvious factors: for example, when assessing a disabled person's housing needs, think beyond the physical access of the home but also access to the environment around the home, transport, local amenities, social networks and care packages.

## **Lettings and allocations**

Because of the shortage of accessible homes it is important that accessible homes are appropriately let. This section focuses on how lettings policies can be developed. It looks at both choice based lettings and other forms of allocations such as re-housing.

When considering lettings it is important to involve disabled people who are not just your own tenants, particularly if you want to find out about potential customers.

## **Evidence gathering**

Evidence gathering around accessible housing should start with housing organisations ensuring that they are able to identify accessible properties. Housing organisations in England already have to identify properties through the National Register of Social Housing (NROSH). This classification system includes accessibility standards including the identification of Lifetime Homes and wheelchair standard homes.

It is also important for housing organisations to identify properties which could most easily be made accessible through adaptation. This is because many housing organisations have a policy of only allowing disabled people to move to properties which are already accessible. However, this means that disabled people are often kept waiting in hospital or un-adapted properties for months or years. By knowing

which properties can be made accessible, disabled people would have a wider choice of properties, which may be better for family and support networks and would mean that they would not be subjected to long delays.

Housing organisations should also gather evidence about the experiences disabled applicants have, for example:

- How long do disabled people wait to be housed in accessible housing?
- How long do disabled people wait to be housed in accommodation which isn't accessible and then how long do they wait for adaptations or to be moved?
- How many accessible / adapted properties are let to non disabled tenants/occupants?

## **Impact assessment**

Housing organisations should seek to identify where their letting policies may be making it difficult to match properties to disabled people. Some barriers may exist because of the way properties are advertised and the accessibility of information. Other difficulties will relate to rules such as time limits for filling vacant properties.

A key area for housing organisations to consider is Choice Based Lettings. When impact assessing Choice Based Lettings housing organisations should consider:

- Is advertising accessible?
- Are a property's accessible features advertised?
- Does a mechanism exist to identify the requirements of disabled applicants?
- Is there a mechanism to allow extra time for disabled applicants if they need it?

- Is there a mechanism for providing support in making applications?

## **Actions**

Housing organisations are strongly recommended to develop Disability Housing Registers to maximise disabled people's housing choice. Registers have been established in a number of areas (see Effective Practice Box) and are increasingly being incorporated within Choice Based Lettings schemes. For guidance on establishing an effective Disability Housing Register, see Shaw, 2005, A Perfect Match? A good practice guide to disability housing registers, HoDis/Housing Corporation.

A Disability Housing Register will not work without the support of local disabled people, their organisations and agencies who help disabled people find accommodation. Involvement from the outset is important as some disability housing registers have failed because disabled people haven't registered because they either do not know of its existence or they have misconceptions about how it works and they feel it won't / can't help them. These difficulties could have been overcome if disabled people had been meaningfully involved from the start.

## **Monitoring**

Housing organisations will need to continue to monitor the system particularly around disability housing registers. When monitoring such a scheme it is important to consider:

- numbers of disabled people on the register
- the length of time they have been on the register
- how the register is being promoted
- what do disabled people think of the register and how it is working
- what do other stakeholders and partners think of the register and how it is working

The following are good practice examples of monitoring.

### **Cardiff Accessible Homes Project – Accessible Housing Register**

Cardiff Accessible Homes established in September 2002 is a central housing register for physically disabled people who want to move home in the Welsh Capital. Accessible Homes works closely with its partners (the local authority and seven housing associations) to provide quality homes for people who are looking for adapted or accessible housing. Accessible Homes was originally funded by the Welsh Assembly but is now fully funded by its partners. The aim of the project is to enable available adapted and accessible properties to be best matched to those people who need them. The project has so far housed over 300 people and saved approximately £1m via Disabled Facility Grants and Physical Adaptation Grants by housing people

### **Choice Based Lettings (CBL) and disabled people**

An approach taken by a Disabled Persons Housing Service (DPHS)

Original adapted property database developed using ‘tagging’ of key property attributes

Expanded adapted property database to include digital images of adaptations/external attributes

Extensively adapted properties not advertised initially on CBL system

Maintained within DPHS: re-letting of 346 adapted properties saved landlord around £850k in two years

Homeless people and those with DPHS priority status have priority within CBL. For example, hospital discharge cases (plus respite/rehab) have priority and DPHS supports customers requiring accommodation on basis of health and impairment.

## **Affordable housing schemes**

Housing organisations are becoming increasingly involved with government affordable housing including intermediate schemes and shared ownership schemes. It is important that housing organisations apply the Disability Equality Duty framework to these services.

### **Evidence gathering**

As intermediate schemes and shared ownership schemes are relatively new there is a lack of evidence about uptake of the schemes by disabled people. So as a starting point housing organisations could begin to gather evidence about disabled people's experiences when applying to be part of the schemes. It would also be advisable to treat properties within the affordable housing scheme as they would other stock and record information about property accessibility and potential to be adapted.

### **Impact assessment**

When impact assessing schemes housing organisations could ask the following questions:

- Are disabled people's needs taken into account when developing and managing the scheme? For example, is free parking available for those disabled occupants who require it? Where parking is only available at a significant extra charge this may well render the property unaffordable for many disabled people.
- Is publicity information including websites accessible for disabled people? Is advertising reaching disabled people?
- Is information held about properties relevant to disabled people? Does it include access specifications for properties? Does it include detailed and relevant information about the location of properties such as access to transport, parking, local amenities etc?
- Are the forms and processes accessible to disabled people?
- Are the policies and procedures flexible and accessible for disabled people? For example, If there is a rule that applicants

can only turn down three properties is this number increased for disabled applicants who have specific access requirements who may take longer to find an appropriate property?

## **Actions**

Some suggested actions could be:

- advertise services in a way which reaches disabled people
- ensure that accessible properties and properties built to lifetime home standards are included in affordable housing stock
- ensure that flexible policies are put in place to enable disabled people to have more time to find accessible and appropriate properties within affordable housing schemes.

### **Suggested performance indicators**

- Percentage of complaints from disabled people, relative satisfaction with outcomes for those complaints
- Percentage satisfaction rates of disabled customers
- Percentage of disabled tenants involved in consultation and involvement
- Percentage of specifically designed accessible housing let to disabled people

## Section 3.3 - Employment and governance

The DRC will be producing guidance specifically on the subject of the Disability Equality Duty and employment but below is some brief guidance for housing organisations.

Many housing organisations are already addressing disability in employment often as part of a wider diversity strategy. They recognise that diversity within the workplace brings many organisational benefits and that employment in housing organisations should reflect the diversity of the customers. Increasing the number of disabled people employed within housing organisations will make those organisations more disability aware and better able to meet the needs of customers. The housing sector does not have a strong track record. In 2006 the Housing Corporation recorded that in England only 1.8 per cent of housing association staff are disabled people.<sup>18</sup> The Chartered Institute of Housing collected figures for the numbers of its members who declared that they have a disability in 2005. 1 per cent of members in England declared a disability whilst the numbers in Wales and Scotland were so low they did not register a percentage mark and so are recorded as 0 per cent.<sup>19</sup>

Much of the focus of previous disability discrimination legislation was to provide 'reasonable adjustments' for individual disabled employees. The Disability Equality Duty adds to this by establishing a clear responsibility for public bodies to promote equality for disabled people through a public body's employment practices and policies. This requires an anticipatory approach reviewing the full range of employment areas including:

- recruitment
- retention
- training
- appraisals

---

<sup>18</sup> These figures are available on request from the Housing Corporation, [www.housingcorp.gov.uk/](http://www.housingcorp.gov.uk/)

<sup>19</sup> These figures are available on request from the Chartered Institute of Housing, and are taken from their Annual Returns Report, 2005 / 2006, [www.cih.org/](http://www.cih.org/)

- flexible working policies
- harassment / bullying
- grievance procedures.

## **Evidence gathering and monitoring**

Authorities producing a DES are required to gather evidence about how many disabled people the organisation employs, career development and retention. Given historically the low numbers of disabled people in housing it will be particularly important to examine the stages of recruitment to see where barriers are arising. Are few disabled people applying or are they experiencing particular difficulties getting appointed? It will also be helpful to consider patterns of employees leaving the organisation. Are there high numbers of ill-health retirements that might have been averted by reasonable adjustments? Do exit interviews ask questions about disability?

Other evidence that might be collected includes the take up and success rates by disabled employees of training opportunities as well as looking at other areas like performance assessments, and promotion.

One problem may be reluctance amongst employees to disclose a disability. DRC guidance on evidence gathering, available to download from the DRC website [www.dotheduty.org](http://www.dotheduty.org), addresses this issue.

## **Involving disabled people**

As the above figures indicate there may be a real shortage of disabled employees to involve. It may be necessary for housing organisations to take a number of different approaches to involving disabled people, supporting employees to set up a disabled employee's network across a number of local housing organisations may generate a greater number of members and be more successful as a mechanism for peer support, involvement and good practice sharing.

## **Impact assessment**

Even if the information a housing organisation is able to glean from its disabled employees is limited to begin with this should not delay beginning impact assessment work on employment policies and procedures. Below is a list of the types of areas and questions which

could be addressed in an impact assessment by a housing organisation.

## **Recruitment**

- Are job adverts advertised in an accessible way?
- Do job adverts mention any policies around equal opportunities or disability friendly policies?
- How can advertising be targeted to reach and appeal to disabled people?
- Are accessible recruitment packs sourced routinely?
- Are job descriptions and specifications promoting equality? Do they ask for criteria which could be discriminatory? For example if a job requires an employee to travel does it state this or does it say 'must be a car user?' which could discriminate against those who are unable to drive but can travel on public transport.
- Are applicants able to apply online, which is often more accessible?
- Are interviews routinely held in accessible venues?
- Is there a way of recording how many disabled applicants apply for jobs?

## **Progression and appraisals**

- Is there a mechanism in place to record not only how many disabled staff there are but at what level they are and how they progress through the organisation?
- If an organisation uses a performance related pay scheme linked to appraisals or target achievement is this tracked for employees who are disabled?
- Are disabled employees more or less likely to hit targets / receive bonuses?

- Are disabled employees taking up training opportunities which are available to them?

## **Retention**

- How long do disabled employees stay within an organisation?
- What is the rate of returns to work after an employee has been off work long term sick?
- How many staff are offered retirement on grounds of disability or sickness?
- How many employees are referred to occupational health practitioners (If an organisation uses them)? How many of these employees continue to work or are retired or leave?

## **Flexible working**

- Are policies in place which allow employees to work from home where this is possible? (Some disabled people will find that working from home is a more accessible way to work)
- Can employees easily apply to work part time or job share? (If an employee has had time off work due to a long term illness or acquiring a disability working part time or as a job share may be the most accessible way to work)
- Are policies in place, which recognise that a disabled employee may need more flexible hours particularly if it takes them longer to get to and from work due to inaccessible public transport? (For example, a disabled employee may need to avoid overcrowded public transport and so start work later and finish later).
- Are there policies in place to monitor stress experienced by employees taking into account the experience of disabled employees and what causes them stress in the workplace?

- Do harassment and grievance procedures take into account harassment or bullying which may be related to a person's disability?

## **Actions**

Below are some suggested actions relating to the areas looked at above.

## **Recruitment**

- Housing organisations could work with local disability groups providing them with a regular recruitment bulletin of vacancies to be circulated amongst their members.
- Housing organisations could develop disability friendly recruitment policies and advertise these on job vacancy adverts.
- Although some housing organisations do not allow their own tenants to work for them they could work with other housing organisations to advertise vacancies with their tenants.

## **Progression and appraisal**

- Housing organisations could set up mentoring schemes for disabled employees offering guidance and advice on how to progress their careers and encourage the take up of training.

## **Retention**

- If a housing organisation identifies a problem with retaining disabled employees then further research may be needed into why this is.
- If it is identified that there is a problem retaining staff who become long term sick or disabled then work with a suitably trained and experienced occupational health practitioner may help the situation. Similarly developing flexible working

arrangements which allow employees to return to work on reduced, compressed or flexible hours may also help.

## **Flexible working**

- If there is a lack of uptake of flexible working that a housing organisation offers then this needs to be investigated further. Are there attitudinal barriers preventing employees from working part time? A housing organisation could hold an information day for employees about the types of flexible working policies they have.

## **Governance**

Housing organisations also have the ability to recruit disabled people into their governance structures. Through actively seeking more representation of disabled people on housing boards and advisory committees housing organisations will be working towards the aspect of the duty to encourage the participation of disabled people in public life.

## **Evidence gathering**

Housing organisations should gather evidence about how many disabled board members they have and what their experiences are of being board members are.

## **Impact assessment and actions**

Disabled people should be positively encouraged to join management committees and boards. Housing organisations will need to anticipate that reasonable adjustments will need to be made in a similar manner to adjustments for employees or service users. More strategically a housing organisation should consider if their policies and practices around appointing housing board members and the running of boards are creating barriers for disabled people who may want to be board members. It is important to consider things like:

- venues where meetings are held and whether they are accessible

- if there is there accessible transport or disabled parking available at the meeting venue
- the timing and length of meetings. If meetings only ever happen mid to late evening it may be more difficult / expensive to secure British Sign Language Interpreters or support staff of other kinds.

The following is a good practice example of issues such as these:

### **Employers Forum on Disability**

The Disability Standard, a comprehensive management tool, comprises:

A self-completed Benchmark Survey, which requires the organisation to provide evidence to justify its ratings. The Survey is independently validated and addresses all aspects of policies and procedures relating to employment, customer care, IT, the built environment, new product development, e-commerce and e-recruitment, corporate responsibility, procurement, health and safety, occupational health, marketing and communications, consultations with disabled stakeholders and staff, management training, and top team commitment.

The Standard Directory, which links step-by-step to the Survey, lists all the relevant disability legislation, codes of practice, regulations, technical standards and best practice guidance from the Disability Rights Commission, the Forum and other recognised authorities.

The Benchmark for Action Conference at which overall results of the Survey and the key messages deduced from the results are fed back to the participating organisations. It is also an opportunity for organisations that took part to discuss their results with peers and share what works, what does not work, examples of best practice and barriers to improvement.

## **Suggested Performance Measures**

- **Percentage of disabled employees within the organisation and by management level**
- **Number of reasonable adjustments to employment practices that have been carried out and the satisfaction of staff with them**
- **Percentage of disabled Board Members and tenant representatives**
- **Percentage of staff have received Disability Equality training within the last three years?**

## **Section 3.4 - The Enabling Role**

### **The Enabling function**

The Enabling role refers mainly to the strategic activities of housing authorities, encompassing their roles in devising, implementing and monitoring a housing strategy and facilitating development and regeneration activities.

Further information and guidance on planning and highways and the DED is available on the DRC website, [www.dotheduty.org](http://www.dotheduty.org).

### **Housing Strategy**

Below is an amalgamation of the recommendations contained within each set of guidelines for housing strategies in England, Wales and Scotland. Local authorities are advised to incorporate sections on all of the following subjects in order to ensure that their housing strategies are ‘fit for purpose.’

For further information see:

- Online guidance from the Department for Communities and Local Government, [www.odpm.gov.uk/pub/199/GuidancenotesonthecompletionoftheHousingStrategyStatisticalAppendixHSSA200506](http://www.odpm.gov.uk/pub/199/GuidancenotesonthecompletionoftheHousingStrategyStatisticalAppendixHSSA200506)
- Communities Scotland, 2003, Assessment of Local Housing Strategies – Assessment Guide
- Welsh Assembly, 2002, Preparing Local Housing Strategies: Guidance to Local Authorities

In each section the local authority should ensure that the housing and support needs and aspirations of disabled people are considered and appropriate options devised to ensure that their needs and aspirations are met. The structure fits snugly with that of the duty’s framework and below are suggestions of how to ensure that disability equality is worked into the existing structure for housing strategies.

## **Devising a housing vision**

The Housing Strategy should set out a long term vision of housing for disabled people and a statement of housing-related targets and objectives.

## **Setting the context**

The Housing Strategy and its proposals for housing provision for disabled people should link clearly with strategies which also plan services for disabled people such as local health improvement plans and social care strategies.

In addition, the Housing Strategy should include an assessment of the impact and consequences for disabled people of the proposals and policies within the following documents:

- corporate strategies
- community plans
- local development frameworks
- supplementary planning documents
- statements of community involvement.

As the policies within these documents impact heavily on the housing strategy itself, and are also subject to the duty, it would be advisable to liaise in a meaningful way with the responsible departments and organisations. Working with other departments and organisations is crucial when considering that the housing strategy will in agreement with stakeholders recommend action points which should be included within other strategies to facilitate the realisation of the housing vision for disabled people.

The Housing Strategy should make clear reference to the proposals for disabled people within regional housing and spatial strategies, sub-regional housing strategies including Supporting People and social care, health and children's policies and strategies at a national level. The Housing Strategy should show how its proposals for the local area are consistent with the national, regional and sub-regional policies for disabled people, and how the wider priorities can be translated and implemented at the local level. Examples of national policies:

- Cabinet Office, England and Wales, 2005, Improving the Life Chances of Disabled People. Two of its four policy priorities are the housing-related areas of Independent Living and Transition to Adulthood.
- Department of Health, 2006, White Paper, Our health, our care, our say: a new direction for community services. Says that social care services should be more personalised and tailored to individual needs.

An example of the link between housing and other strategies can be found in the development of the London Plan, the strategic planning document for London. This strategy establishes clear housing accessibility standards for all new housing in London:

‘All new housing will be built to ‘Lifetime Homes’ standards, providing homes that are adaptable, flexible, convenient and appropriate to changing needs.’<sup>20</sup>

### **Involving disabled people**

The Housing Strategy should demonstrate effective involvement and joint working with key stakeholders and in this context be developed in liaison with disabled people and their representative groups. Evidence should be provided that the views and recommendations of disabled people have been taken into account and acted upon.

Local authorities should also conduct cross-boundary assessment of the needs of disabled people in order to explore the possibility of housing and support schemes which serve residents of more than one local authority area.

### **Affordable housing**

When commissioning the development of affordable housing the local authority should provide comprehensive advice and guidance to

---

20 Greater London Authority, 2004, The London Plan: A Summary, [http://www.london.gov.uk/mayor/strategies/sds/london\\_plan/lon\\_plan\\_summary.rtf](http://www.london.gov.uk/mayor/strategies/sds/london_plan/lon_plan_summary.rtf)

developers and housing associations on its expected standards of design for disabled people. The local authority should encourage early pre-application discussions with developers and housing associations on Section 106 agreements to ensure that all the housing within the development incorporates inclusive design standards. These discussions need to include disabled people whether through an access group or housing board members.

## **Evidence gathering**

There should be a sound analysis of the current and likely position on all aspects of the housing needs and aspirations of disabled people in all tenures.

The Housing Strategy should contain a workable definition of diversity to underpin its research findings. Any housing needs analysis for a housing strategy should use innovative and effective consultation methods to assess the housing needs and aspirations of disabled people in its area. Examples of questions which should be asked:

How easy is it for a wheelchair user to purchase a suitable property or to rent an appropriate property from a private landlord?

What housing options exist for a disabled person who is earning a wage which is below the average for the area to purchase their own property?

There should be a realistic view of future resources for developing housing and support services for disabled people from wide range of sources from the Housing Corporation and Supporting People to local authority capital and revenue sources and contributions from voluntary organisations. The resource assessments contained within the Housing Strategy should provide a firm basis for bids for further funding from a range of sources.

The local authority should also assess whether best use is being made of its existing housing stock such as under-occupied social housing, privately owned empty homes, and the private rented sector. The Housing Strategy should provide information on how good accessibility standards can be incorporated into a range of 're-used' housing stock.

The Housing Strategy should state the level of priority which is awarded to disabled people and the reasons for this. It should also state what

information it has received from other agencies to establish the level of priority.

## **Monitoring and evaluation**

There should be a clear Action Plan which includes targets that are specific, measurable, agreed, realistic and time-bound. The Action Plan should provide a risk assessment on each objective, detailing the level of risk and the contingency plans which will be implemented if required. Disabled people and organisations which provide services to disabled people should be included in exercises to monitor and evaluate the success of the strategy in meeting the housing needs of disabled people.

The following is a good practice example of the above points.

There are significant levels of disability across all households in Kirklees and inadequate provision of suitable housing. For example, only 32 per cent of wheelchair users live in a suitable adapted property. The objectives of Kirklees Council's Housing PFI project 'Excellent Homes for Life' are to provide:

- 400 general needs Lifetime Homes, including 40 units specifically designed to meet the needs of wheelchair users.
- 150 extra care housing units to meet the increasing demand for accommodation for older people requiring care and support, including a provision for those with dementia.

The intention is to provide the accommodation on around 30 dispersed sites in order to meet the needs across the borough. This target will be challenging as the nature of the land available for the project is often steeply sloping.

## **Homelessness and housing advice**

The Government has specified that local authorities must take steps to prevent homelessness. There is a wide range of measures to prevent homelessness which include the following: provision of housing advice,

maximising Housing Benefit take-up, tenancy sustainment schemes, mediation services, sanctuary schemes for victims of domestic violence, rent deposit schemes to help people access the private rented sector. All of these issues will impact on disabled people differently and their particular needs must be given due attention.

There is evidence that disabled people are becoming more vulnerable to homelessness.

In England between 1997 and 2003 there was a 44 per cent increase in the number of homeless households in priority need because a household member has a physical impairment and a 77 per cent increase in the number of households where the priority need is a household member with a mental illness. The overall increase in the number of households in priority need over the period was 35 per cent.<sup>21</sup>

Homelessness statistics in Wales show that in 2003 / 2004, 327 households were found to be unintentionally homeless and in priority need due to physical disability and 580 households were found to be in priority need due to mental illness. One year later, there was a 34 per cent increase (438 households) in the number of households in priority need due to physical disability and a 16 per cent increase (670 households) due to mental illness.<sup>22</sup>

In Scotland in 2002 / 2003 nearly two per cent of all homelessness applications were assessed as in priority need due to a household member having a learning disability and about one per cent were in priority need due to physical disability.<sup>23</sup>

The Scottish Household Survey also collects information on whether or not adults have ever experienced homelessness and findings for 2001 / 2002 indicate that five per cent of disabled adults have at some point lost their home and had no alternative accommodation to go to. This

---

21 Department for Communities and Local Government statistics for 2005:

[www.communities.gov.uk/index.asp?id=1002882&PressNoticeID=2042](http://www.communities.gov.uk/index.asp?id=1002882&PressNoticeID=2042)

<sup>22</sup> The National Assembly for Wales, 2005, Welsh Housing Statistics: Homelessness

<sup>23</sup> The Scottish Executive, 2003 / 2004, Scottish Household Survey [www.scotland.gov.uk/Topics/Statistics/16002/4031](http://www.scotland.gov.uk/Topics/Statistics/16002/4031)

compares with three per cent of adults overall experiencing some form of homelessness.<sup>24</sup>

## **Tackling ‘hidden homelessness’**

There is also a particular problem of ‘hidden homelessness’ amongst disabled people particularly people with mental health conditions or learning disabilities who want to leave institutions or the parental home to live independently. A 2003 Joseph Rowntree Foundation study on young disabled people’s housing experiences and aspirations in Scotland found that most respondents wanted to leave their parental home in their teens or twenties, and that the principal barrier they experienced was not having information about their housing choices.<sup>25</sup>

The officers who deal with applications for assistance under homelessness legislation should assess very carefully how reasonable it is for disabled people to continue to live in their existing accommodation. Information should be obtained on whether the homelessness applicant’s continued occupation of their existing accommodation is likely to have a detrimental effect on their physical and mental well-being, including any negative impact on personal development and ability to participate in all aspects of life. Officers should work with other organisations such as primary care trusts and Social Services to identify and address systemic issues of unmet need.

## **Evidence gathering**

A local authority will need to begin by ensuring that the existing evidence they gather and the monitoring they carry out includes disability information. For example, does the local authority know if disabled women use their domestic violence shelters? Is any of the accommodation used for women and children escaping domestic violence accessible for children with mobility impairments or adult wheelchair users?

Some key questions to ask in order to plan services, assess impact and

---

<sup>24</sup> See footnote above

<sup>25</sup> Dean, Jo, 2003, The housing aspirations of young disabled people in Scotland, Joseph Rowntree Foundation

identify actions to promote disability equality could include:

- How long do homeless disabled people wait to be re-housed in temporary accommodation and how does this compare to non disabled applicants?
- Does the local authority monitor the varying amounts of time that it takes to make a reasonable offer of settled accommodation to a disabled person?
- What percentage of disabled people is placed out of area and how does this compare to non disabled people?
- What percentage of rough sleepers and hostel users have a disability?
- How many disabled people are applying for housing as homeless and are being classed as ineligible, not homeless, intentionally homeless or having no local connection?
- Is there scope to monitor any differences in use of the service and outcomes between disabled and non-disabled homeless applicants e.g. amount of time to be offered settled accommodation to discharge the local authority's duty under homelessness legislation?

## **Impact assessment**

Under Section 193 of the Housing Act 1996 and Section 25 of the Housing (Scotland) Act 1987 a local authority is obliged to make a reasonable offer of accommodation to any households whom they have accepted for assistance under homelessness legislation. The policies a local authority implements to meet this legislation should be impact assessed along with their homelessness prevention policies under the Disability Equality Duty. Below are some key questions that authorities need to ask themselves about their homelessness services:

- Are disabled people refusing property offered to them when homeless because it does not meet their access requirements?

- Are disabled people more likely to be placed in private sector accommodation or wait longer for temporary or settled accommodation? What impact does this have on disability equality and independent living?
- Can, and do, disabled people use the services of the homelessness and housing advice teams? Are there any reasons why they do not wish to use these services? Do they prefer to access alternative sources of advice and information on housing issues e.g. Citizens Advice Bureaux, Social Services?
- Have all private sector landlords that the authority is placing homeless people with agreed to allow adaptations?
- Is the local authority adaptations system adequately meeting the needs of homeless disabled people?
- If disabled people are offered accommodation out of the area or to stay in accommodation for short periods what impact is it having on disability equality?
- Do private sector landlords that the authority is placing homeless people with have a policy on harassment which includes disability?
- Are homelessness services reaching disabled rough sleepers or hostel users and if not what improvements can be made to target the services/information.
- It is the Supporting People system linked into the Homelessness Strategy and actively promoting disability equality?

In order to answer many of these questions evidence will need to be gathered.

### **Key actions**

Below are some suggested key actions for housing organisations to consider implementing:

- Identify and keep records of additional private sector and social landlord accommodation which is suitable for disabled people as either temporary or settled accommodation.
- Ensure that all information about homelessness services is available in a range of formats and all offices are fully accessible.
- Target homelessness services at disabled people through promotional activities, outreach work and the range of services offered (for example the homelessness service could offer advice on aids and adaptations for disabled people).
- Prioritise disabled people for specific services where there is poor take-up or disproportionately poor experience of disabled people. For example, if disabled people are disproportionately more likely to be homeless the rent deposit scheme could prioritise disabled applicants.
- Disability equality training should be given to officers involved in homelessness including outreach staff / support staff for rough sleepers and hostel staff.
- Require all private sector landlords who the local authority places tenants with to agree to disability related adaptations.
- Require all private sector landlords who a local authority places tenants with to have a harassment policy which includes disability, and to provide the local authority with monitoring information in relation to this.
- Fast track systems for disabled people living in temporary accommodation in relation to aids and adaptations.

## **Suggested performance measures**

- **Percentage of new homes developed to accessibility standards by tenure**
- **Percentage of disabled households living in substandard homes**
- **Average time taken to house disabled household accepted as homeless**

## **Appendix 1 – Disability Discrimination Act 2005 definition of disability**

### **When is a person disabled?**

A person has a disability if he has a physical or mental impairment, which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

### **What about people who have recovered from a disability?**

People who have had a disability within the definition are protected from discrimination even if they have since recovered.

### **What does ‘impairment’ cover?**

It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

### **Are all mental impairments covered?**

The term ‘mental impairment’ is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

### **What is a ‘substantial’ adverse effect?**

A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

### **What is a ‘long-term’ effect?**

A long-term effect of an impairment is one:

- which has lasted at least 12 months, or
- where the total period for which it lasts is likely to be at least 12 months, or

- which is likely to last for the rest of the life of the person affected.

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections from which a person would be likely to recover within 12 months.

### **What if the effects come and go over a period of time?**

If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur.

### **What are 'normal day-to-day activities'?**

They are activities which are carried out by most people on a fairly regular and frequent basis. The term is not intended to include activities which are normal only for a particular person or group of people such as playing a musical instrument, or a sport to a professional standard or performing a skilled or specialised task at work. However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. The test of whether an impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 to the Act. They are:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand, or perception of the risk of physical danger.

### **What about treatment?**

Someone with an impairment may be receiving medical or other treatment which alleviates or removes the effects (though not the

impairment). In such cases, the treatment is ignored and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (i.e. the impairment has been cured).

### **Does this include people who wear spectacles?**

No. The sole exception to the rule about ignoring the effects of treatment is the wearing of spectacles or contact lenses. In this case, the effect while the person is wearing spectacles or contact lenses should be considered.

### **Are people who have disfigurements covered?**

People with severe disfigurements are covered by the Act. They do not need to demonstrate that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities.

### **Are there any other people who are automatically treated as disabled under the Act?**

Anyone who has a diagnosis of HIV, cancer or multiple sclerosis is automatically treated as disabled under the Act. In addition, people who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated under the Act as being disabled. People who are not registered or certified as blind or partially sighted will be covered by the Act if they can establish that they meet the Act's definition of disability.

### **What about people who know their condition is going to get worse over time?**

Progressive conditions are conditions which are likely to change and develop over time. Where a person has a progressive condition he will be covered by the Act from the moment the condition leads to an impairment which has some effect on ability to carry out normal day-to-day activities, even though not a substantial effect, if that impairment is likely eventually to have a substantial adverse effect on such ability.

## **Are people with genetic conditions covered?**

If a genetic condition has no effect on the ability to carry out normal day-to-day activities, the person is not covered. Diagnosis does not in itself bring someone within the definition. If the condition is progressive, then the rule about progressive conditions applies.

## **Are any conditions specifically excluded from the coverage of the Act?**

Yes. Certain conditions are to be regarded as not amounting to impairments for the purposes of the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of the substance being medically prescribed)
- seasonal allergic rhinitis (e.g. hay fever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of other persons
- exhibitionism
- voyeurism

Also, disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial adverse effect on the person's ability to carry out normal day-to-day activities.

## **Disclaimer**

- **The information in this guidance is based on the law but its main purpose is to help authorities to comply with and make the most of the Disability Equality Duty. The Statutory Codes of Practice on the Duty to Promote Disability Equality provide further details of the legislation.**