

A smiling woman with glasses and a floral patterned top is seated at a table. In front of her is a pizza with various toppings. The background shows a blurred indoor setting, possibly a kitchen or dining area.

Housing and disabled people

A toolkit for local authorities
in England: Strategic planning



Equality and
Human Rights
Commission

Habinteg
Accessible homes
Independent lives

Purpose

This toolkit sets out the legal and policy context for meeting the housing needs of disabled people. It highlights the linkages between housing, health and social care, and provides guidance about how to ensure the integration of policy and practice.

United Nations Convention of the Rights of Persons with Disabilities

The UK Government is legally bound by the Convention on the Rights of Persons with Disabilities ('the Convention'), which enshrines the principle of independent living for disabled people. The key requirements in relation to housing are in Articles 9 and 19.

Article 9 recognises the right to independent living and states that State Parties should undertake appropriate measures to ensure that disabled people have equal access to the physical environment, transport, information and communications systems, and any public facilities and services. Its scope applies to housing as well as the public realm, and electronically delivered services.

Article 19 of the Convention underpins the right of disabled people to equal choice in housing. It requires the state to ensure that disabled people can choose where they live and with whom 'on an equal basis with others' and 'are not obliged to live in a particular living arrangement'. It also stipulates that disabled people should have access to 'a range of in-home, residential and other community support

services, including personal assistance necessary to support living and inclusion in the community'. Furthermore, to prevent isolation or segregation from the community, it states that all community services and facilities should be available to disabled people on an equal basis and be responsive to their needs.

The Equality Act and the Public Sector Equality Duty

The Equality Act aims to ensure public authorities and those carrying out a public function (like housing associations) consider how they can proactively contribute to a fairer society in their day-to-day activities. It requires them to have due regard to eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations.

To have 'due regard' means to make yourself fully aware of – and understand – what is required, and to put this knowledge into practice wherever relevant.

To comply with the Equality Act and Public Sector Equality Duty, local authorities must ensure that:

- all policy, plan-making and service design activities involve a process for identifying any inherent direct or indirect discrimination (an equality impact assessment can help with this), and
- they engage disabled people in the development of policies and service design.

The Housing Act 1996

The Housing Act 1996 defines disabled people as one of those groups who have a priority need for accommodation. It also stipulates that local authorities should provide 'necessary assistance', free of charge to people who are likely to face difficulties in applying for housing.

The Health and Social Care Act 2012

The Health and Social Care Act resulted in the establishment of health and wellbeing boards, which are responsible for producing Joint Strategic Needs Assessments (JSNAs). JSNAs consider the health and wellbeing needs of disabled people in the local area, using a wide variety of local demographic and socio-economic data, including that related to housing.

The Care Act 2014

The Care Act establishes principles for the integration of healthcare and wider support provisions, including housing.

It requires local authorities to offer access to good quality, impartial information and advice on how home adaptations could help people and what local services are available. Local authorities have a duty under the Act to prevent delay or reduce the need for care and support.

The Children Act 1989

This provides a comprehensive framework including the provision of local authority services for children in need, as defined in Section 17, and refers to giving 'disabled children the opportunity to lead lives which are as normal as possible'.

The Care and Support Regulations (2014)

These Regulations require social care authorities to pay for minor adaptations up to £1,000 if they are for 'the purposes of assisting with nursing at home or adding daily living', and provided free of charge.

Health and housing memorandum of understanding (updated 2018)

The memorandum of understanding recognises the need to integrate health, care, support and housing solutions. Since 2014, over 25 stakeholders have signed up including the Department of Health and Social Care, the Ministry of Housing, Communities and Local Government, professional and trade bodies and leading learning networks.

Sustainability and transformation partnerships

Sustainability and transformation partnerships (STPs) between NHS and English councils offer opportunities to drive efficiencies and improved outcomes by considering housing strategy in their approach.

Healthy New Towns

The NHS England Healthy New Towns programme is designed to reduce pressure on the NHS by rethinking the way we live and the way health services are delivered. The programme has chosen 10 housing developments where innovative ways of meeting health and care needs will be tested as they develop.

Tools

1. Ensure accessible housing is embedded within local strategies

Questions to ask:

- Are housing specialists represented on the health and wellbeing board for your area?
- Do you have a local memorandum of understanding between health, care, support and housing teams to underpin collaboration?

- Does your JSNA take account of the importance of accessible homes in supporting people's health and wellbeing?

2. Staff training

Questions to ask:

- Do you and your staff have access to guidance on the Public Sector Equality Duty?
- Do you and your staff understand how to meet your obligations to disabled people under the Public Sector Equality Duty when developing housing policy and services?
- Are equality impact assessments being prepared when strategic plans changes to service delivery are developed?
- Do staff – particularly those in planning and building control functions – understand the optional access standards in building regulations?
- Do your staff feel confident when engaging with disabled people or developing services to include them?

Further guidance

You can find more information about [code of practice for public functions](#), equality impact assessments and how to [engage disabled people](#) online.

Contacts

This publication and related equality and human rights resources are available from our website: equalityhumanrights.com

Questions, comments or feedback on this toolkit are welcome, and should be addressed to: correspondence@equalityhumanrights.com

Alternative formats

For information on accessing one of our publications in an alternative format, please contact: correspondence@equalityhumanrights.com

EASS

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