

Equality and Human Rights Commission

Housing and

disabled people

Scotland's hidden crisis

# Contents

Introduction .....	3
Our approach .....	4
Building more accessible and adaptable houses .....	5
Planning for accessible housing .....	7
Delivering accessible housing .....	7
What needs to change? .....	9
Improving installation of home adaptations .....	11
Funding adaptations .....	12
Disabled people's experiences of adaptations .....	13
How are adaptations delivered at a local level? .....	15
Adaptations to common parts .....	16
What needs to change? .....	16
Matching homes to the people that need them .....	18
How do allocations policies operate in practice? .....	19
Common problems for disabled people navigating the allocations system .....	21
Waiting times .....	22
Allocations for people living in residential care or hospital settings .....	23
Integrating health and social care professionals .....	24
What needs to change? .....	24
Supporting people to live independently .....	25
Advice, advocacy and guidance .....	25
Sustaining tenancies and floating support .....	25
Supported housing .....	26
What needs to change? .....	27
Recommendations for Scotland .....	28

1. Building more accessible and adaptable houses.....	28
2. Improving the installation of home adaptations .....	29
3. Matching homes to the people who need them .....	29
4. Supporting people to live independently.....	30
Bibliography .....	31
Contacts .....	36

# Introduction

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

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

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

The shortage of housing in Scotland has received increasing political and media attention, yet the effects of this shortage are not uniform; the impact of unsuitable housing on disabled people is particularly acute and prevents disabled people from claiming their rights to independent living.

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

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<sup>1</sup> We use the term UK Government to refer to law and policy that applies to England, Scotland and Wales but is reserved to the UK Government. We specify where law and policy is devolved to Scottish and Welsh Government.

## Our approach

Our inquiry has drawn on a wide range of evidence including a 'call for evidence' from disabled people, organisations that represent disabled people, and housing providers. We held events with disabled tenants to capture their experiences of housing. We interviewed a range of individuals and organisations with an interest and expertise in the field of accessible and adaptable housing. We commissioned research to capture the lived experience of disabled people, conducted literature reviews, and carried out a survey of local authorities. We also commissioned a survey of all local authorities in Britain, to which 90 per cent of Scottish local authorities responded.

This report is a summary of the Scottish findings and comprises four chapters which cover the supply of accessible housing, adaptations, allocation of social housing and supported housing. The full inquiry report of the findings across Britain can be found at: <https://www.equalityhumanrights.com/en/publication-download/housing-and-disabled-people-britains-hidden-crisis>.

# Building more accessible and adaptable houses

There is a severe shortage of accessible homes across all tenures. However, the impact of previous building standards coupled with a lack of focus on the need for accessible housing has created a shortage; this is a particular issue for wheelchair accessible housing.

“I have been looking for an accessible property but there are none available. New build houses in the area do not include accessible family homes. I am able to afford a new house but there is almost no supply. I live currently in a flat with limited accessibility.”

Call-for-evidence respondent

The Scottish Government have taken recent action to address the housing shortage by abolishing the ‘right to buy’ and investing in a programme to fund 50,000 affordable homes, 35,000 of which will be for social rent by 2021 (Scottish Government, 2016). However, only 0.7 per cent of Scottish local authority housing, and 1.5 per cent of housing managed by Registered Social Landlords, is accessible for wheelchair users (Independent Living in Scotland, 2017). It is estimated that in the last 10 years only 1.07 per cent of all new completions (excluding private sector completions) and 3.4 per cent of new affordable housing completions have been built to wheelchair-accessible standard (Horizon Housing, 2018).

Our survey of local authorities found that the systems used to identify disabled people’s requirements are weak. Local authorities are making decisions about current need and future demand for accessible houses based on poor data; only 24 per cent of Scottish local authorities rated the data available to them as ‘good’ or ‘very good’ (EHRC, 2018a).

Although disabled people report a severe shortage of accessible houses across all tenures, social housing is particularly pressured, with long waiting lists. Disabled people are more likely to live in social housing, as it more affordable. It also tends to

provide more security of tenure, and landlords are more willing to install adaptations and provide support if required.

“We had to move because there was no social housing available and our current home did not meet our needs as we were living up three flights of stairs, one of us has a lung condition and the other has PTSD and arthritis in their knees and hips – nothing locally was suitable for our needs.”

Call-for-evidence respondent

In 2016, 49 per cent of adults in social rented housing reported having a disability, compared with 21 percent of people in private rented accommodation and 16 per cent of adults with a mortgage (Scottish Government, 2018).

The need for accessible housing will increase as the population continues to age. In Scotland, the number of people aged 75 and over is projected to increase by 23 per cent between 2010 and 2020, and by 82 per cent between 2010 and 2035 (Scottish Government, 2011). The demand for wheelchair-accessible housing is expected to increase significantly: a projected 80 per cent increase in the population of wheelchair users by 2024, with an increase in unmet needs from 17,226 to 31,007 households (Horizon Housing, 2018).

Our inquiry received a number of very concerning reports from disabled people living in unsuitable housing which could be in some cases dangerous and unsanitary.

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

Call-for-evidence respondent

“My wife is disabled and she is appalled that we have to have commode in the lounge... My wife uses a Zimmer frame internally and is fully reliant on a wheelchair externally but as the house has stairs at both the front and rear door it is a great deal of effort to go out so we are socially isolated.”

Call-for-evidence respondent

The impact of unsuitable housing on disabled people cannot be underestimated: it can have a detrimental impact on people's access to education and employment. For example, people with unmet housing needs are four times more likely to be

unemployed than those whose needs are met, or who are disabled but do not need accessible housing (Habinteg and Leonard Cheshire, 2016).

There was strong evidence to the inquiry that housing that meets disabled people's requirements will save on health and social care costs in the future, as well as considerably lowering the cost of adaptations when they are needed.

## Planning for accessible housing

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Planning policy in Scotland is going through a period of change. An independent review of the Scottish Planning System in 2016 identified the need for the planning system to be more responsive to the diverse housing needs of Scotland's current and future population, particularly those of disabled people and older people. The review suggested planners work with disabled people's organisations (DPOs) to innovate accessible housing and embed it in building standards, and to take a proactive approach to expanding homes for older people (Beveridge *et al.*, 2016).

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

## Delivering accessible housing

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'A Fairer Scotland for Disabled People' (Scottish Government, 2016) and 'Age, Home and Community, A Strategy for Older Peoples Housing' (Scottish Government, 2017) advocated independent living principles and recognised the need to ensure adequate supply housing, across all housing tenure types.

Although Scottish Government strategy recognises the need to provide housing that meets the requirements of disabled people and older people, the inquiry found that this was not translating to practice at a local level.

Few Scottish local authorities set targets for accessible or wheelchair-accessible housing. Glasgow City Council are an exception as they have required all new developments of 20 dwellings or over to provide 10 per cent of housing to a wheelchair-accessible or a readily adaptable standard since 2009.

Analysis of Strategic Housing Investment Plans (SHIPS) and a sample of Affordable Housing Supply Plans (LHSP) found that 12 per cent of new homes in the sample could be classed as 'specialist housing.' However, it is difficult to know what

'specialist' housing in SHIPs mean. There is no detail about whether the new-builds are wheelchair-accessible housing, sheltered housing or refuge accommodation (Shelter Scotland, 2018).

Many local authorities reported that developers are reluctant to build accessible houses as they see them as less profitable (EHRC, 2018a).

“Developers have greater preference to build general mainstream housing which meets basic building regulations. Building accessible/adaptable housing can be seen as an additional expense with no additional gains for the developer.”

Local authority, Scotland

Scottish Building Standards prior to 2015 had limited requirements for accessibility features. Recent changes to the regulations included level access and space on a ground floor to convert a WC into a shower area.

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

A cross-tenure approach to accessibility standards, for example a single statutory standard, could support a better understanding in mainstream house building industry of the design and space features required for a wheelchair user.

When compiling their Local Housing Strategy and Strategic Housing Investment Plan, local authorities have a duty under Section 149 of the Equality Act 2010 (Public Sector Equality Duty) to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

Local authorities also have obligations to assess and review policies and practices under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (the specific duties) as amended, essentially to carry out an Equality Impact Assessment and to publish the findings.

In the survey, local authorities were asked how they discharge this duty. Only 41 per cent of Scottish local authorities had carried out an Equality Impact Assessment on the Local Development Plan.

To fulfil their role in the provision of accessible housing, it stands to reason that local authorities must have an understanding of the number and range of disabled people resident in their area. This includes knowing, for example, the number of disabled people living in the authority area, the types of impairments they have and estimates on the number of people likely to require an accessible home in the future.

Local authorities produce a Local Housing Strategy that sets out priorities based on their Housing Needs Demand Assessments (HNDA). Evidence to the inquiry suggested that HNDAs can become quickly out of date and have generally very poor data about disabled people's requirements.

HNDAs are key documents for providing evidence of need for different types of housing at the local authority level. Sixty-two per cent of Scottish local authorities commissioned in-house surveys to inform the development of their assessment. The low rating given by local authorities to the data available to them suggests many rely on a weak evidence base for assessing disabled people's needs for accessible housing and related services. Although, more positively, there was a strong feeling among housing professionals that the integration of health and social care would improve the data and evidence about disabled people in the future.

Local authorities are also required to prepare a Strategic Housing Investment Plan (SHIP), and liaise with Registered Social Landlords and other stakeholders to ensure that they are meeting local need and taking local factors into account. We could not find good evidence that local authorities were publishing Equality Impact Assessments to ensure that disabled people's requirements were being effectively assessed alongside these plans. In addition, new house building statistics do not provide specificity on the split between general needs housing, specialist housing and wheelchair-accessible housing.

## What needs to change?

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Demand for accessible housing is increasing, particularly for people who use wheelchairs where projections are that there will be 80 per cent growth by 2024. Supply of accessible and wheelchair-accessible housing across all tenures needs to increase significantly if Scotland's housing market is to be future proofed and disabled people are to enjoy independent lives. Local authorities should ensure that

a minimum of 10 per cent of new housing is built to wheelchair-accessible standards. Local authorities must also meet the Public Sector Equality Duty when planning new housing.

# Improving installation of home adaptations

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

Adaptations include small and relatively inexpensive home modifications, such as a grab rail or a ramp to a door, flashing doorbells for people who have a hearing impairment or colour schemes for people with visual impairments, and major adaptations, such as a home extension to allow for a downstairs bathroom or bedroom. In 2015, 61,000 people in Scotland needed adaptations to their home (Scottish Government, 2015a).

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

Occupational therapists reported the many benefits that adaptations can have.

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

Occupational therapist

"Adaptations were provided for a client with severe arthrogryposis, with no functional use of their bilateral upper limbs. Adaptations were provided for

their bathroom, toileting, body dryer, door opening systems and kitchen. The client is now able to manage without a package of care, they have started employment, and they have increased confidence and social contact."

Occupational therapist

## Funding adaptations

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The Housing (Scotland) Act 2006 and the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008 provide the framework for adaptations in Scotland. There are two main funding streams: Registered Social Landlords who are funded to provide adaptations for their tenants, and local authorities who provide funding for tenants in private lets; and local authority tenants and homeowners.

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

Disabled people highlighted the difference between tenures as complex and confusing. A recent evaluation of pilot projects testing ways to improve the assessment and delivery of adaptations in Scotland found that there was widespread support for a 'tenure neutral' approach to providing adaptations (Scottish Government, 2017). This mirrored evidence submitted to the inquiry that current funding arrangements deliver unequal outcomes for disabled people as there is huge variation depending on what type of tenure people have and which local authority they live in.

Under the Housing (Scotland Act) 2006 private-sector tenants have the right to adapt a property that they are renting to make it suitable, but only if their landlord gives consent. A landlord can refuse as long as it is reasonable to do so.

## Disabled people's experiences of adaptations

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Adaptations can have a huge positive effect:

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

Call-for-evidence respondent

However, on the whole disabled people and DPOs reported a number of concerns with the current system for adaptations. Most commonly, there was a perception that funds had 'run out', which was a view more likely to be held by disabled tenants of Registered Social Landlords. Many disabled people reported that they had struggled to secure adaptations, mainly due to their cost, and that getting work done could be time-consuming and stressful (EHRC, 2018b).

Other concerns raised by disabled people included:

### 1. Poor workmanship and delay in completing work

Problems with contractors not delivering adaptations properly caused delays and difficulties for disabled people and protracted administrative work for the professionals involved.

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

Call-for-evidence respondent

### 2. Long waiting times and variations across tenure

Obtaining home adaptations often took a long time, and some participants found it challenging to get the changes they required. Interviews with disabled people indicated that social housing tenants tended to find it easier than private tenants or homeowners to obtain adaptations.

“We were promised a purpose built home with completion date Aug 2014. Due to delays we were placed in temporary accommodation in May 2015, due to a crisis with previous property, this was meant to be for 15 months. Further delays to site, means this new property is now unsuitable and unsafe due to progression of illness. Site still has not started building and we keep asking if project has been shelved. Have been on waiting list due to disability needs since 2012 and we are meant to be priority case.”

Call-for-evidence respondent

### **3. Lack of good-quality housing advice and information**

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

“It was a fight - a struggle. To get to the right person to even ask a question is an uphill battle. I still don't know what [adaptations] are actually available to me.”

Call-for-evidence respondent

### **4. Difficulties with private-sector tenancies**

Disabled people reported that their reluctance to ask private landlords for adaptations. Reasons include: lack of knowledge on both sides about the funding available, the process involved and confusion over who is responsible for maintaining the adaptation.

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

### **5. Lack of awareness of sensory impairments and learning disabilities**

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

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

Call-for-evidence respondent

## How are adaptations delivered at a local level?

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Our survey of local authorities found that the trend in the number of applications for adaptations was around 209 per Scottish authority.

Most adaptations require a user contribution of 20 per cent of the total cost. Our survey found that around a third (36 per cent) of Scottish applicants are awarded grants at 100 per cent of the cost, and two-fifths (59 per cent) are awarded grants at 80 per cent of the value of the adaptation (EHRC, 2018a).

In Scotland, in contrast to England and Wales, very few local authorities (one per cent) who responded to the survey said they refused applications. The reasons given for the refusals in Scotland were:

- not reasonable and/or practicable to fit the adaptation to the property
- applicant did not pass means test for a grant
- cost prohibitive
- not considered appropriate to the individual's needs.

Disabled people reported long waiting times for both the assessment and installation of adaptations. Our survey asked local authorities about the timeframe within which the applications were approved and then the adaptations actually installed. Across Britain, the installation of adaptations took an average of fourteen weeks. Scottish local authorities performed slightly better: 41 per cent typically delivered adaptations within eight weeks of a decision, compared with just 21 per cent in England and Wales.

Disabled people reported that they felt there was 'no money' for adaptations. This view was shared by local authorities, as 55 per cent of Scottish local authorities felt funding for adaptations was a problem, compared with 23 per cent in England.

The main concern in Scotland, however, was for tenants in Registered Social Landlord-owned homes where funding was often reported to run out early in the year. This was also highlighted repeatedly by local authorities in the survey:

“There remains an inequity in relation to funding across tenures with Council and private households now under delegated authority of the Health and Social Care Partnership, while RSLs [Registered Social Landlords] remain funded [directly] by Scottish Government. RSL funding often runs out very early in the year and they [RSLs] report they are unable to use their own resources.”

Local authority, Scotland

## Adaptations to common parts

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The Equality Act 2010 provided a new requirement, in Section 36 and Schedule 4, for disability-related alterations to be made to the common parts of let residential premises, or premises owned on a commonhold basis. However, the provisions have not yet been brought into force anywhere in Britain. In Scotland, Section 37 of the Equality Act 2010 is in force but the Scottish Government have not yet published subsidiary regulations to bring the provisions of the Section into practical effect.

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

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

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

Call-for-evidence respondent

## What needs to change?

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While person-centred policy making is now built into the mandate of IJBs, there has been little progress to address some of the long-standing issues that disabled people face within the adaptations process. Changes to funding arrangements for adaptations, together the implementation of common parts regulations, is urgently

required to ensure that disabled people are able to get the adaptations they need to live independently in their own homes.

# Matching homes to the people that need them

Disabled people are over-represented in social housing. However, demand for social housing outstrips supply and the inquiry found that allocation policies and practices frequently disadvantage disabled people.

There are an estimated 1.17 million people living in social rented housing in Scotland. This is a growing sector in Scotland where there is a higher proportion of social renting stock (23 per cent) compared with both England (17 per cent) and Wales (16 per cent) (Scottish Government, 2018).

Disabled people are twice as likely as non-disabled people to be social housing tenants. However, disabled people report that social housing allocations processes are complex, difficult to navigate and can seem unfair. Disabled people highlighted that they often experience pressure to accept unsuitable properties, or are forced to move away from their support and care networks, which causes stress.

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

Call-for-evidence respondent

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

Case study (EHRC, 2018)

There are pockets of good practice, particularly where there are dedicated disability teams or specialists within housing departments. Evidence to the inquiry pointed to the integration of health and social care in Scotland as an important part of better understanding disabled people's requirements and improving allocations processes.

“My housing association are an absolute dream. The [housing officer] cried with me when I finally got to visit my home that first time. They have gone above and beyond what they need to do. I provide a home for not just my children but also a little Foster Child too and we are happy and have a bright future. We didn't have that sense of certainty and 'home' before.”

Call-for-evidence respondent

## How do allocations policies operate in practice?

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The Housing (Scotland) 2014 Act replaces current ‘reasonable preference’ categories set out in the *Housing (Scotland) Act 1987*. These categories specify the groups of people that social landlords must give reasonable preference to when allocating their homes. The new categories for ‘reasonable preference’ are:

- People who are homeless or threatened with homelessness
- People who are currently living in unsatisfactory housing conditions
- Existing tenants who are under-occupying in their current property.

In the first two categories the applicant must have unmet housing need.

Although all local authorities in Scotland are required to have an allocations policy, not all manage their own housing stock, or allocate accommodation directly. Our survey indicates that 69 per cent of Scottish local authorities hold a Common Housing Register to co-ordinate social housing allocations across multiple landlords, but seven per cent report that they do not handle allocations at all (EHRC, 2018a).

Many work in partnership with Registered Social Landlords as a consortium to manage and allocate available properties.

Local authorities and Registered Social Landlords use a variety of processes for managing their housing stock:

### Common Housing Registers

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

Local authorities indicate that there are a number of benefits to operating a Common Housing Register in partnership with other housing providers, particularly as a means to save time and pool resources, and provide a joined-up and consistent

approach in the provision of housing advice and information (Scottish Parliament Information Centre, 2012).

### **Accessible Housing Registers**

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

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

### **Choice-based lettings**

Generally speaking once an applicant registers with the housing provider, they are then able to express an interest in (or 'bid' for) available housing, which is usually advertised online. The onus is on the person seeking accommodation to bid for housing, rather than having to wait for the local authority or housing provider to offer a property.

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

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

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

## Direct allocations

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

Evidence from housing providers indicates that they frequently find it difficult to identify individuals on waiting lists whose accessibility requirements match those of available properties.

## Common problems for disabled people navigating the allocations system

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In 2009, the Allocations Policy Review Advisory Group reported that disabled people were disadvantaged by allocations policies because: disabled people had difficulty accessing information and understanding different allocations systems; there was a lack of accessible homes; there were delays in assessing and implement housing support packages; social housing providers did not have good information on their adapted houses; and there was limited monitoring of equality information to inform policies (Scottish Government, 2009). It is of concern that almost 10 years on from this report, little has changed and the findings of this inquiry are broadly similar.

Disabled people reported that the application process for prospective tenants is difficult and stressful, particularly for first-time applicants. Applications are often online, they run to many pages, and they require a great deal of complex or detailed information.

The emphasis on the online applications process makes it very difficult for people who do not have Internet or computer access. Online provision also means that there is nobody at hand to request assistance from, or to check or clarify particular aspects of the process. This is a particular issue for older disabled people, visually impaired people, and people with learning disabilities, who may require assistance to fill out applications.

Disabled people report that the bar is set so high for medical assessments in some areas, that many people with very complex health and support needs are not given

reasonable preference; their view is that there is very little accessible housing available, particularly wheelchair-accessible properties.

There is also evidence that housing providers fail to take a more integrated approach to meeting the requirements of disabled people. This includes consideration of the physical design of housing and the built environment, and links to public transport and local amenities (EHRC, 2018b).

There are particular and persistent barriers faced by people with mental health conditions, which impede their right to independent living.

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

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

## Waiting times

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An estimated 10,000 disabled people are on housing waiting lists in Scotland (*I news*, 2018). The inquiry heard from a Scottish woman who had been on a council housing waiting list for 18 years. Another was informed that she would need to wait for 10 years if she applied for a wheelchair-accessible property in her area (EHRC, 2018b).

Our survey found that while 84 per cent of local authorities who own properties said that they held information on the specific adaptations made to those properties, only 59 per cent said that they had detailed knowledge of the level of accessibility of the properties, which makes it very difficult for them to match properties according to need (EHRC, 2018a). This lack of data suggests that allocations systems can be inefficient and disadvantage disabled people.

Disabled people find themselves bidding on properties and then have to turn them down once they view them, because they are inaccessible. This was particularly the case with wheelchair accessibility: disabled people reported that properties that were advertised as accessible were not always so in reality, as doorways and room sizes were too small for wheelchairs to manoeuvre.

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

Call-for-evidence respondent, Specialist Housing Advisor

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

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

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

Call-for-evidence respondent

## Allocations for people living in residential care or hospital settings

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There are a group of disabled people who do not feature on housing waiting lists as they live in residential care or hospital settings. They face considerable barriers to securing an accessible home with support to meet their requirements. An estimated 600 people in Scotland are in a hospital setting for more than a year but have no discharge date (The Good Life Group, 2017). Our survey of occupational therapists asked whether the people they worked with, who lived in residential care or in a hospital setting, could live independently. Most occupational therapists agreed that they could, but highlighted a lack of accessible or adaptable housing as the key barrier.

Local authorities reported in our survey that they were are least confident about the number of disabled people currently in residential care that could live independently if appropriate housing were available (EHRC 2018a).

## Integrating health and social care professionals

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The integration of health and social care in Scotland means that joint working and data sharing is improving the delivery of some housing support, adaptations and homelessness services as well as working with social housing providers. Around half (46 per cent) of the authorities that responded to our survey said that they have specially trained in-house assessors who deal with housing applications from disabled people. This was more likely to be the case in Wales (65 per cent) and Scotland (63 per cent) than in England (43 per cent), and tended to be in places where authorities had larger populations (EHRC, 2018a).

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

## What needs to change?

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Disabled people reported that allocations systems were complicated to navigate and that providers were not alert to their specific requirements. Several opportunities exist for Scottish Government and housing providers to embed the right to independent living in new policy and practice on allocations. There needs to be further support for local authorities to support disabled people to move out of hospital settings.

# Supporting people to live independently

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

## Advice, advocacy and guidance

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

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

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

## Sustaining tenancies and floating support

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Tenancy support, which is sometimes called 'floating support', can be tailored to meet individual requirements, but it typically involves several hours' support a week to sustain a tenancy, and can include more intensive support options if required. It often involves help with money management and benefits, or other issues such as

isolation or harassment. This type of support has been found to provide immense social and economic value particularly for people who have a learning disability or someone with a mental health condition. Tenancy support is preventative, and can anticipate and address issues which may lead to further costs down the line (for example rent arrears or people requiring crisis services).

## Supported housing

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

The inquiry heard a range of views about the role of supported housing, including some concerns that supported housing does not always promote the right to independent living. Concerns raised by disabled people highlighted that there can be undue pressure to move into supported housing where the focus should be about providing the support people need to live independently in their own home, if that is their preferred choice.

According to the Supported Accommodation Review, approximately 71 per cent of supported housing in Britain is for older people with support needs. A significant proportion, however, is for people with much broader requirements, including those with learning and physical disabilities, and people with mental health conditions (DCLG and DWP, 2016b).

During the course of the inquiry, the UK Government have had policy and funding for supported housing under review. It is unclear what the outcome of this review will be, although UK Government announced that the funding for short-term supported housing will be devolved to Scotland from 2020/2021. Sheltered and extra care housing and long-term supported housing will continue to be funded through the UK Welfare System.

Housing providers in Scotland have highlighted the fact that lack of certainty in the funding and pressure on social care budgets of supported housing has led to a massive reduction in planned schemes despite increasing demand.

The National Housing Federation's survey of 69 housing associations, which together provide a third of supported housing, has revealed that the associations had previously planned to build 8,800 units of supported housing, but now have a total

pipeline of just 1,350. This means that 85 per cent of schemes were on hold in 2017 and 2018 (NHF, 2017).

Supported housing is more expensive than general-needs accommodation, but it is typically less expensive than residential care, and it generates substantial cost savings for other parts of the public sector (Golden Land Housing, 2016).

Department for Communities and Local Government analysis estimates that the net fiscal benefit of providing supported housing is £3.53 billion per year (DCLG and DWP, 2017a).

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

Different models typically operate for people with learning disabilities: a common form of provision is ordinary or purpose-built houses being shared by a small number of disabled people. Typically each person has their own bedroom along with a funded level of staff support, which may be visiting staff or 24-hour support, depending on people's requirements.

## What needs to change?

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Disabled people reported that ensuring that exercising choice and control over who they live with, who can visit and when, was very important. Concerns were raised that people with learning disabilities are not always able to exercise choice and control in this context. There is a need for local authorities to ensure that people with learning disabilities have access to good-quality, accessible advice and advocacy when they are discussing housing options.

Scottish Government have an opportunity to ensure that the choice and control are built into new policy for short-term supported housing, which is likely to have the most impact on people with mental health conditions.

# Recommendations for Scotland

## 1. Building more accessible and adaptable houses

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

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

### **In Scotland, we are calling for:**

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

## 2. Improving the installation of home adaptations

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

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

### **In Scotland, we are calling for:**

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

## 3. Matching homes to the people who need them

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

- Local authorities and Registered Providers of Social Housing/Registered Social Landlords to embed independent living principles into assessment and allocations policies for social housing, to ensure real choice and control.
- Local authorities to significantly increase their knowledge of existing accessible social housing stock, and develop specialist support and information services to facilitate suitable matching.
- Local authorities to apply best practices on the use of Accessible Housing Registers, with the longer term aim of the use of a standard methodology across all local authorities.

- Local authorities to work with the NHS to ensure people living in institutional and residential care are supported to live independently.
- Governments to publish standards, and monitor and review the effectiveness of Accessible Housing Registers.

#### 4. Supporting people to live independently

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

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

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