

We Say: Our Place, Our Space

The evidence on disabled
people's housing issues
from Scotland's Disabled
People's Summit



**OUR PLACE
OUR SPACE**
DISABLED PEOPLE'S ANNUAL SUMMIT
HOUSING 2016

‘We don’t have enough housing for disabled people. We need to develop more accessible houses and manage those we have more efficiently and effectively.’

Grant Carson,
Director for Employment & Housing,
Glasgow Centre for Inclusive Living

We are grateful for the support of the following people and organisations:

- **Jeane Freeman MSP,**
Minister for Social Security
- **Etienne d’Aboville,**
Glasgow Centre for Inclusive Living
- **Alastair Pringle,**
Equality and Human Rights Commission
- **Grant Carson,**
Glasgow Centre for Inclusive Living
- **Julia Fitzpatrick,**
Horizon Housing Association
- **Isla McIntosh,**
Glasgow Disability Alliance
- **Fraser Gilmore,**
Housing Options Scotland
- **Jess Wade,**
Self-directed Support Scotland
- **Ian Buchanan,**
Scottish Disability Equality Forum
- **Jackie Maceira,**
Scottish Disability Equality Forum
- **Jackie Morrison,**
Fife Disabled Person’s Housing Service
- **Tracy Finnie,**
Fife Disabled People’s Housing Service
- **Janice Burt,**
Fife Disabled People’s Housing Service
- **Lisa Curtice**
- **Pennie Taylor** (Chair)

Finally, we are indebted to all the disabled people and their supporters who attended the Summit and helped to create this report in other ways; for sharing their lived experiences with candour and for highlighting the solutions. Scotland needs you.

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The following symbols are used in this report:



**Important
Information**



Recommendation



Quote



**Disabled
People's Stories**



**Tweet About
the Summit**

Why do we build homes that aren't accessible to everybody? There is no good reason.'

Jeane Freeman MSP,
Minister for Social Security

You can watch the accompanying video of the Summit at www.ilis.co.uk

1. Foreword

‘Our ambition is that all disabled people, and those with long-term conditions, are able to choose a home that meets their needs by virtue of it being accessible, adaptable, affordable and in the right area.’

(Disabled people’s Statement of Ambition for Scotland’s housing¹).

Disabled people have a right to accessible and adequate housing, like everyone else. And yet inaccessible and unsuitable housing remains one of the most basic barriers that disabled people with impairments face and prevents us from enjoying our rights as equal citizens and playing our part in the economic, social, cultural and civic life of our communities.

Your home should be somewhere you feel comfortable, secure, and supported. But without sufficient space to move around easily, access to a bathroom or toilet, or even to get out of your front door, it’s clearly impossible to make independent living a reality.

Disabled people are Scotland’s ‘hidden homeless’. As long ago as 2004 the Scottish Government’s own analysis of the Scottish House Condition Survey found that there were over 200,000 households, which could not access essential facilities in their home².

Shamefully little progress has been made since then and given our ageing population, we look to be facing an even bleaker future. I therefore warmly welcome this report **‘We say: Our Place, Our Space’** which captures disabled people’s lived experiences and their

contributions to resolving this issue which were shared at the 2nd Annual Disabled People’s Summit. I hope it informs and influences positive change.

The Scottish Government’s Delivery Plan ‘A Fairer Scotland for Disabled People’ includes a number of commitments on accessible housing. I welcome what I believe to be the minister’s genuine commitment to making a tangible difference to the issue and to disabled people’s equality in general. Housing is a complex issue which, above all else, requires a co-ordinated and strategic approach.

To her great credit, the minister has invited us to hold her to account on delivering the Scottish Government’s Plan. We can and must keep up the pressure to do much more, I know that disabled people, their organisations, allies and others with an interest in accessible housing will do exactly that.

Given the above Delivery Plan and the Equality and Human Rights Commission’s inquiry into housing for disabled people, we have just now what could be a unique opportunity to turn the rhetoric into action so that we begin to ensure our housing is suitable for disabled people, now and in the future.

I’d like to thank and congratulate all those responsible for making the Summit such a vibrant and accessible event and I commend this excellent report to all who wish to see the Statement of Ambition quoted above become a reality.

Etienne d’Aboville

Chief Executive,

Glasgow Centre for Inclusive Living

2. Fiona's Story

Fiona was an independent woman with a fulfilling career. At the age of forty-nine, she had a stroke which left her with disabling impairments. Whilst suitable housing was sought, Fiona was temporarily discharged from hospital into sheltered housing for older people. Nine years later she is still there.

Fiona's accommodation in the sheltered housing complex is unsuitable but no other accommodation has been found. The poor house design means her electric wheelchair does not fit through any of the doors in the house, including the front door. She can't move around her house or go out independently. As a result, she spends up to twenty-one hours each day confined to her bed. This isolation is undermining Fiona's confidence.

Understandably, she's extremely upset at her situation. Three hours of support are provided each day to meet her physical needs. She chooses to use these hours in one go, as she seeks company and wants someone with her for a significant period of time.

As well as being on the housing list, Fiona's case has been raised several times with social work and with her local authority's Specific Needs team but to no avail. A lack of suitable housing in the areas of her choice is given as the reason for no offers in the past nine years.

Disabled Persons Housing Service (DPHS) Fife is working with Fiona to identify voluntary support for some home-based company. But with the correct housing in place Fiona could go into the community herself and socialise.

“I want to be outside and feel the sun on my face”



3. Background to the Summit: 'Our Place, Our Space'

The Disabled People's Annual Summit 2016 took place on the 2nd December 2016, the eve of the United Nations International Disabled People's Day. It was dedicated to sharing our housing experiences, hearing from our allies and finding out about our rights to accessible and adequate housing, which are recorded here.

Housing is a human rights issue. Accessible, affordable and suitable housing is at the heart of **equality** and **independent living** for disabled people. And yet, despite the well-documented shortfall of such housing and the damaging impact that this has for disabled people, their families and their communities, the Scottish Government have still not taken a national strategic approach to tackling this issue.

There are real opportunities for change now. The Scottish Government has committed to investing £3billion to build 50,000 new affordable homes. In the (draft) budget (2017-2018) they recognised that **accessible**, affordable, energy-efficient housing can 'contribute significantly to our wider aims to tackle poverty and health inequalities and to build confidence and capacity in communities'³.

Disabled people are calling for an explicit commitment to spending a fair share of this financial investment on increasing the supply of accessible housing with sufficient space standards and other features that will meet their needs, over and above minimum standards for social housing and the Building Regulations for private housing which do not fully address them.

70% of the 50,000 new houses should be built to standards in the Housing for Varying Needs general guidance⁴, but additionally, a fair proportion must be built to the more spacious wheelchair accessible standards. Not to do so means that Scotland cannot meet the current and future needs of disabled and older people.

'Homes Fit for the 21st Century'⁵, the Scottish Government's flagship Strategy and Action Plan for Housing 2011-2020 calls for a substantial increase in the number of homes that meet the needs of disabled people and older people for independent living. However, the Scottish Government's Joint Housing Delivery Plan^{vi}, which outlines how the government plans to act on this housing strategy, fails to make any mention or broker any activity which will lead to more new accessible housing being built. This omission must be addressed immediately.



Photo courtesy of Horizon Housing Association www.horizonhousing.org

A group of Disabled People's Organisations and our allies have formed the Accessible Housing Ambitions Group to advocate for changes to policy and practice that enables the provision of accessible and adapted housing across Scotland.

The group has created a 'Statement of Ambition' which says that all disabled people, and those with long-term conditions, should be able to choose a home that meets their needs by virtue of it being accessible, adaptable, affordable, and in the right place.

This report sends a strong message to the Scottish Government, and other public and private bodies concerned with housing in Scotland, that they need to realise this ambition and stop ignoring the unmet housing needs of disabled people. Disabled people will be closer to equality, and Scotland will be a stronger and more cohesive society for it.

4. About the Summit and Report



Photo courtesy of Horizon Housing Association www.horizonhousing.org

The Summit was an opportunity for disabled people, their allies and key decision-makers to meet and talk with purpose, and to:

- Have the opportunity to share lived experiences of housing
- Participate in discussions around what needs to happen
- Have this recorded in an evidenced report to decision makers and those with the power to influence and implement change. This is our report; We Say: Our Place, Our Space. You can also watch key highlights on our video at www.ilis.co.uk
- Hear about the Scottish Government's commitments and about the Equality and Human Rights Commission's Inquiry into housing for disabled people.

The Summit heard from: Jeane Freeman MSP, Minister for Social Security, Alastair Pringle, Scotland Director, Equality Human Rights Commission and Grant Carson, Director of Employment & Housing, Glasgow Centre for Inclusive Living. You can read what they had to say at Section 6.

This report summarises what was said, the information exchanged, evidence gathered and stories told at the Summit. It offers recommendations for solutions based on the lived experiences shared at the Summit.

It also offers background on key policies and practices for information. It is not a chronological record of the day as its purpose is to influence and accelerate positive change instead of serving only as a record.

There were four facilitated discussions and an open discussion with a Panel of experts. The facilitated discussions looked at different aspects of housing and what these mean for disabled people. The discussions and the solutions identified are reported in Section 7:

- The Right House
- The Right Choice
- The Right Place
- The Right Advice

A copy of the full programme, speakers and contributors is available at the Annex.

This report will be shared with Ministers and other relevant decision-makers in order to galvanise actions which address our unmet housing needs, and with the Equality and Human Rights Commission's formal inquiry into housing for disabled people.



It is also for disabled people, our organisations and our supporters to use in the wider work of advocating for a housing system in Scotland that fully meets the current and future needs of disabled people.

As we say: Our Place, Our Space.

5. The Facts

There is not enough housing in Scotland that is wheelchair accessible:

Around **6.4%** of the Scottish population uses a wheelchair or mobility aid, and around **14%** of households in Scotland include someone who uses a wheelchair or mobility aid⁶



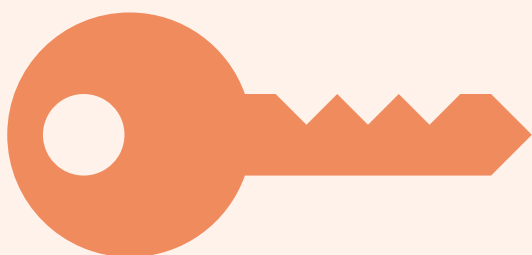
1 in 4 indoor wheelchair users say their home is not suitable for their needs⁷

OVER 17,000

wheelchair users across Scotland have unmet housing needs⁸

Only **0.7%** of Scottish local authority housing, and **1.5%** of housing association property, is accessible for wheelchair users⁹

In the period **2002-2009**, an average of **162** fully wheelchair user accessible new homes were provided per annum in the social rented sector; this is, on average, **3.4%** of the affordable housing supply programme for social rent¹⁰



The need for housing suitable for disabled people is not a minority or specialist issue:

20% of Scotland's adult population are disabled¹¹

1/3 of households contain at least one person with a long-standing illness, health problem or disability¹²

Significant numbers of disabled people in Scotland are living in homes that do not meet their basic needs:

7% (61,000) disabled people can't get up or down the stairs inside their home¹³

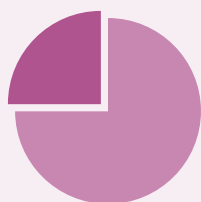
30,000 disabled people cannot use or have great difficulty using their bathroom and/or toilet¹⁴

17,000 disabled people haven't got the specially designed/adapted bathroom/shower they need¹⁵

4,000 need a specially designed/adapted kitchen but don't have one¹⁶



Adaptations save the health and social care system money but investment in adaptations is not always keeping track with demand:



One quarter of disabled people who could benefit from adaptations live in a home that is not suitable for them¹⁷

Each adaptation to a housing association property saves the Scottish health and social care system over

£10,000¹⁸

£13m was invested by the Scottish Government in grants to social housing providers for adaptations in **2015-16**; this figure is the same as that spent **8** years ago, in **2007-8**¹⁹



Disabled people are over-represented in the Social Rented sector and face restrictions and barriers trying to buy or rent privately:

Almost **half (43%)** of disabled people live in social rented housing – double the proportion in the population as a whole²⁰

Only **30%** of disabled people rent privately versus **40%** of tenants who are not disabled²¹

38% of disabled people own their home with a mortgage as opposed to **44%** of non-disabled people²²



Photo courtesy of Horizon Housing Association www.horizonhousing.org

OUR PLACE
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HOUSING 2016

“Our shared goal is nothing less than for all disabled people to have choice and control, dignity and freedom to live the life they choose with the support they need to do so.”

“Why do we build homes that aren’t accessible to everybody? There is no good reason. They are no more expensive, they are every bit as comfortable and homely whether you’re disabled or whether you’re not.”



6. Spotlight on Housing Equality for Disabled People – what the speakers said at the Summit

Jeane Freeman MSP, Minister for Social Security, Scottish Government

The minister presented the Scottish Government’s ‘A Fairer Scotland for Disabled People - Our Delivery Plan to 2021 for the United Nations Convention on the Rights of Persons with Disabilities²³’.

The Delivery Plan is the Scottish Government’s commitment to making real and significant change that will transform disabled people’s lives. The minister explained that it is intended to ensure disabled people have the same freedoms and opportunities as everyone else in Scotland. It identifies 5 ambitions with 93 specific actions for the Scottish Government and others to make progress on.

She said she is determined that, by the end of the current Scottish Parliament term in 2021, people would be able to see clear, significant changes being made.

In relation to housing, the minister recognised that houses were not being designed or built to be homes for disabled people. To address this, the Scottish Government will ensure each local authority sets a realistic target for the delivery of wheelchair accessible housing. This target will be included within the Local Housing Strategy each local authority develops and will cover housing in all tenures. Annual reporting will ensure people can see how well local authorities are doing in meeting their target.

There are other steps being taken by the Scottish Government to improve housing for disabled people. These include conducting research into how easily new homes can be made suitable for wheelchair users, and producing new guidance on the timescales for installing adaptations.

The minister asked disabled people to hold her, and the Scottish Government, to account each year for what she had said at the summit and for what the government has committed to deliver through the Delivery Plan.



‘Kevin Stewart, the Housing Minister, has worked with us on the actions that are in this plan. I know that he is keen to hear..about the other steps that we need to take and to see what he can do to realise these.’

Jeane Freeman MSP,
Minister for Social Security,
Scottish Government



Scottish Government – A Fairer Scotland for Disabled People 2016

Ambition 3: Places that are accessible to everyone

Housing-related actions

62. We will work with local authorities, disabled people, and other stakeholders to ensure that each local authority sets a realistic target within its Local Housing Strategy for the delivery of wheelchair accessible housing across all tenures and reports annually on progress.

63. We will ensure that the grant subsidy arrangements for the Affordable Housing Supply Programme do not prevent specialist housing identified by local authorities as a priority from being built.

64. Research, involving wheelchair users and homebuilders, into creating tailor-made wheelchair accessible homes from mass-market new homes will identify issues and costs surrounding such interventions.

65. We will work with health and social care partnerships, disabled people, local authorities and the housing sector to develop guidance for housing and care providers on timescales for installing adaptations. We will begin this work in 2017.



Photo courtesy of Horizon Housing Association www.horizonhousing.org

“When one person is denied #independentliving we are all diminished. We want to make fine words come alive”

@JeaneF1MSP
#summit16

Questions from the audience

An audience member asked about the expense disabled people face creating an accessible home.

She had had to pay for an extension and adaptations to her kitchen to make it wheelchair accessible. Having moved to a bungalow, she still faced problems with accessing her shower but could not afford the costs of further adaptations.

The minister noted that the Minister for Local Government and Housing, Kevin Stewart MSP, had been involved in the creation of the Delivery Plan.

Another audience member highlighted the problems faced by disabled people who are homeless. She was particularly concerned about those unable to leave acute psychiatric wards because of a lack of suitable facilities in the community. The minister said that she was aware of these issues. She said that the longer people stay in hospital the more their capacity in other areas, and confidence, can diminish.

The minister spoke of the Government's plans to deliver integrated health and social care across Scotland. She highlighted that the government was trying to tackle situations where someone is healthy but has nowhere to live because there is insufficient social care and other facilities, such as accessible housing. For the minister, health and social care integration is about independent living, not just support to enable people to live in their own home.

Winnie: From trapped owner to thriving tenant

Like many others, Winnie had exercised the right to buy her second floor flat in Glasgow.

At the age of 82, after four months in hospital following a stroke, she was discharged back to her inaccessible home with her electric wheelchair.

However, a fall down the stairs led to her being re-admitted within a few weeks to hospital.

Winnie wanted to buy an accessible home near her daughter's house. Unfortunately, none was available. However, with the support of GCIL's housing advice team she was able to find a suitable house with Cambuslang Housing Association.





State of the Nation Address: Grant Carson

Grant is Director for Employment & Housing at Glasgow Centre for Inclusive Living. This is a user-led organisation that supports and enables disabled people to live independent lives.

Grant said that the way homes have traditionally been designed and built in Scotland has created the shortfall in homes for disabled people. This means that disabled people have to live in unsuitable homes, have their houses adapted or move to find more suitable housing.

GCIL's housing database gives an idea of the extent of the issue. 579 people are currently on the register looking for an accessible home. Of these, 225 need a fully wheelchair accessible property. That's just for the area covered by GCIL and those who know about and use the register.

“We don't have enough housing for disabled people. We're not building enough housing for disabled people. We need to manage the houses we have more efficiently and effectively. And we need to develop houses which meet the housing needs of people throughout their lives.”



Grant said that people often overlook the fact that disabled people either own their own homes or want to do so. In fact, 12% of the people that GCIL works with want to buy a fully wheelchair accessible home. Volume house builders do not, however, build such homes; even the bungalows they do build would still need to be adapted by a wheelchair user.

The result is that for many disabled people the only option is to live in socially rented housing, where there are more accessible houses available. This removes choice from disabled people who have to opt for social housing rather than benefiting from homeownership or the flexibility of a private let, it also applies further stress to social housing providers' over-stretched waiting lists.

Disabled people applying for housing are faced with completing multiple, different applications which often need to be made to different housing providers.

Common Housing Registers, where local housing providers let their homes through one source, do not necessarily give priority to disabled people even when suitable accessible homes become available. Put simply, more funding, and a more straightforward system, is needed to make home adaptations more successful and readily attainable.

The sheer scale of the problem, and the significant barriers disabled people face, led Grant to conclude that Scotland needs the capacity, investment, policy, and practice that leads to the provision of more accessible housing. He said that the Glasgow City Plan aspires to making 10% of new build homes accessible.

The continuing practice of building smaller homes to wheelchair accessible standard was also highlighted by Grant as it presents a significant barrier to families that include a wheelchair user who need larger family homes. Grant noted that a significant number of people in GCIL's Home2Fit database are looking for two, three or four bedroom accessible homes.

There was also concern that the 'bedroom tax', which penalises housing benefit recipients who need additional rooms, was encouraging the building of smaller properties.

“It's about future proofing the building. If the building's going to be there for 60 or 80 years, it has to be able to cope with the needs of people over that time.”



Questions from the audience

An audience member from an Access Panel highlighted a problem with lifts.

These are not required in housing developments with fewer than four floors and this creates a significant barrier to accessibility, and reduces the volume of housing stock available to disabled people.

The government faces a real challenge providing building standards which take account of housing developers' concerns about costs with the need to develop more accessible homes. Another angle here is that homebuyers need to be made aware of accessible features in new homes as a selling point, in order that they can recognise and value them.



“Depending on whether you're a home owner, social renter or private renter, different rules and different systems apply; it would be good if there was more of a simplified system for adaptations.”

Home2Fit and Adapt2Fit – helping disabled people find and adapt homes

Home2Fit, developed by GCIL with Scottish Government support, is designed to link disabled people to accessible housing. Disabled people in housing need register online and housing providers advertise properties which are accessible or adapted. Home2Fit can also highlight adapted and accessible property for sale. By doing so, it can help avoid estate agents discouraging sellers from mentioning accessibility or recommending they remove adaptations. At present, Home2Fit covers the west of Scotland but the intention is to roll it out across Scotland.

Adapt2Fit, is being developed by GCIL, again with Scottish Government funding. This will help people whose homes can be adapted and who don't wish to move. It highlights, in all key rooms, where people might have difficulties or barriers and identifies a range of simple and more complex solutions.

Glasgow Centre for Inclusive Living (GCIL) is keen to share information about Home2Fit and to hear from people who can help in the development of Adapt2Fit.

Home2Fit – www.home2fit.org.uk or call 0141 331 1196

Adapt2Fit – www.adapt2fit.org.uk or call 0141 550 4455

Write – c/o GCIL, 117-127 Brook Street, Glasgow G40 3AP



Kyle: No accessible home, no independence

Kyle had Muscular Dystrophy and used an electric wheelchair. Living on the top floor of a block of flats without a lift, he had to be bumped down 100 steps each time he wanted to go out.

He couldn't get into the bathroom in his wheelchair. Even if he could have there was no room for the accessible shower he needed.

As a young man, Kyle simply wanted to be involved in education or training, to volunteer and to go to the pub with his friends. He and his family needed a large, wheelchair accessible, home.

Unfortunately, despite many applications and referrals, none became available, and sadly, after four years living as a prisoner in his own home, Kyle died.



Alastair Pringle, Scotland Director, Equality Human Rights Commission

The Equality and Human Rights Commission (EHRC) promotes and protects equality and human rights across the UK. Operating independently of government, it has unique powers to challenge discrimination, promote equality of opportunity and protect human rights.

Alastair said that the EHRC recognises housing as a cornerstone for independent living. Without an accessible and appropriate home, disabled people are likely to have greater difficulty in accessing education, employment, social and recreational facilities. Without housing support services, many disabled people are unable to take control and make decisions about their lives as equal citizens.

An increasing number of reports from disabled people show that housing is a problem and research backs this up. Disabled people have told the EHRC of having to wash themselves at their kitchen sink and being unable to use their stairs because of delays in adaptations or a lack of accessible housing to move to. Some describe feeling like ‘prisoners in their homes.’

Alastair said that the EHRC would hold a statutory inquiry into housing and disabled people across the UK in 2017.

It will relate strongly to the principles of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), and particularly Article 19. This article is crucial as it defines the equal right of disabled people to live in the community with choices equal to others. It also requires that steps are taken to ensure disabled people’s full enjoyment of this right, and their full inclusion and participation in the community.

Alastair highlighted that the process the EHRC must follow when undertaking a formal inquiry is set down in law. They must, for example, allow people to make representations, so in this case they want to hear from disabled people.



“Our inquiry will gather evidence and assess the provision and choice of housing for disabled people”





Disabled people can submit evidence to the EHRC’s Inquiry into housing for disabled people during 2017. You can find details at the ‘inquiries and investigations’ section of the EHRC’s website



They can also issue a notice requiring someone to provide information or documents, or to give oral evidence. The inquiry will also seek to identify innovative approaches to providing a choice of housing to enable independent living and at the end of an inquiry make recommendations that whichever named agency or person must pay ‘due regard’.

In the past, the EHRC has carried out inquiries into disability hate crime, human trafficking and adult deaths in detention. These have been successful in encouraging change in policies and processes.

Questions from the audience

A delegate questioned the value of discrimination law when disabled people cannot enforce these laws.

They highlighted that Legal Aid, which supports with the cost of employing a lawyer, is not available unless the amount claimed is greater than £3,000.

Alastair explained that, as an independent national human rights institution, the EHRC has been raising concerns about the continuing restrictions on access to justice for all vulnerable groups.

Another delegate highlighted the barrier that hate crime, or the fear of it, creates when looking for an accessible house. They noted that many of Scotland's accessible houses are built by social housing providers in areas of deprivation. Disabled people can feel quite vulnerable to crime in these areas.

Alastair highlighted the role the One Scotland campaign can play in tackling prejudice and hate crime. He also described the EHRC's efforts to stop politicians debating in a way that 'authorised hate crime in the street'.

James: From nursing home, to accessible 'home sweet home'

A period of difficult health, and an inaccessible home, led to James being discharged from hospital to a nursing home.

When his health improved, he needed an accessible home if he was to return to the community. With 65 housing providers in Glasgow alone, he needed considerable help from GCIL's housing advice team to apply for re-housing.

After nine months James was re-housed by Trust Housing Association – and he could finally get a good night's sleep! The predominantly older population of the nursing home, many of whom had dementia, resulted in considerable noise during the night. 'It was,' said James, 'like falling asleep in hell and waking up in heaven.'



7. We Say: Our Place, Our Space

The Our Place, Our Space Summit was an opportunity for disabled people, their allies and key decision-makers to share experiences, identify the barriers to equal access to housing for independent living and to set out what needs to be done to remove these barriers.

The themes for discussions were:

- The Right House
- The Right Choice
- The Right Place
- The Right Advice

The cross-cutting issues and key points from the discussions are included below.

The planning system

The planning system is a hugely important tool for delivering new accessible homes. The specific inclusion of the need to deliver accessible and adapted housing in the latest Scottish Planning Policy 2014²⁴ has been welcomed by disabled people. Similarly, disabled people support the requirement in the same Policy, that local authorities consider the need for 'accessible and adapted housing, wheelchair housing and supported accommodation'²⁵ as part of their Housing Need and Demand Assessment.

However, participants at the Summit did not believe the Housing Demand and Needs Assessment and Local Housing Strategy process was consistently considering, evidencing and addressing the housing needs of disabled people at the local level.

It was said that the majority of Local Authorities do not actively engage disabled people in the development of Local Housing Strategies and Local Development Plans. They may seek to 'consult' with disabled people and their allies after a planning agreement has been developed but do not commit to and adequately resource genuine co-production with disabled people in this regard.

In order to make lasting changes to the housing system in Scotland of benefit to disabled people there needs to be a wholesale approach to engaging disabled people in the process of co-producing Strategic Local Planning Agreements in order that disabled people's housing needs are consistently addressed in strategic housing development across Scotland.



'Empowering planning to deliver great places an Independent Review of the Scottish Planning System'²⁶ states that 'There are questions about the extent to which disabled people's housing needs, as well as those of the growing elderly population, are being met. Future proofing is needed to ensure the needs of Scotland's ageing population are met, but views vary on how this can be achieved

National and local quotas for accessible housing

In the face of significant demand for accessible housing and the housing needs of an aging population, disabled people want to see more accessible housing being built.

There is significant potential for the Scottish Government's commitment to build 50,000 homes to deliver more accessible homes. Making 10% of these homes fully accessible will not meet all the existing demand, but it is a positive, responsive and achievable first step.



‘The trouble with [a local authority assessment of need] is that its success depends on..whether the local authority has an active advocacy support organisation, whether there is sufficient co-production of the local housing strategy with disabled people and whether they are collecting the right information to have informed decisions.’

Etienne d’Aboville,
Glasgow Centre for Inclusive Living

Local authorities need to be involved and should tell housebuilders ‘you can’t build here unless you make % of homes accessible’.

#summit2016

Local Authorities need to accept we have an ageing population; get on with building 10% of all homes that are accessible.

#summit2016



Establishing a quota for wheelchair accessible housing has been an approach employed by Glasgow City Council²⁷ since 2009. 10% of all new houses in all tenures must be fully wheelchair accessible²⁸. In December 2016, the council announced it would be selling sixteen sites for housing development, which will deliver 750 new homes²⁹. This move, and its 10% quota, could potentially deliver 75 new wheelchair accessible homes in the city.

Worries about quotas being applied, and the view that many local authorities are reluctant to accept the case for more accessible housing, suggests to ILiS that the Scottish Government should set the quota for accessible housing, not local authorities.



The Scottish Government should act now to ensure that at least 10% of the 50,000 new houses committed to by 2021 are fully wheelchair accessible, including both private and social housing.

The Scottish Government should set a national quota of at least 10% of all new housing to be fully wheelchair accessible, including both private and social housing. Alternatively, the Scottish Government should work with local authorities to ensure that the intent of this recommendation is delivered through a relevant and existing framework between national and local government.



The Scottish Government's 50,000-home commitment:

The Scottish Government has committed to work with its housing partners to increase and accelerate the supply of affordable housing in Scotland. Backed by £3m investment, this will deliver at least 50,000 affordable homes by 2021. 70% of these homes will be for social rent³⁰.

“The worry we have, in this economic climate, is that things are regressing. Things we have taken for granted, like the 10% quota (in Glasgow), we can't anymore. It is important we have the targets – and that they are realised.”

**Tressa Burke,
Glasgow Disability Alliance**



This will help to ensure that our recommendation that at least 10% of the 50,000 houses to be delivered under the Scottish Government's commitment will continue beyond 2021.

There is no system in place to monitor the delivery of Glasgow City Council's quota approach, and its effectiveness. The Scottish Disability Equality Forum submitted a Freedom of Information Request in 2012 to determine how many wheelchair accessible new build houses had been developed in Glasgow as a result of the quota and when they investigated the planning applications for housing deemed to be wheelchair accessible they found a number of developments that were second and third floor properties with lift access, rather than level or step-free access. Many wheelchair users are naturally reluctant to rely on lifts as their only means of getting in and out of their homes given the problems caused by lift failure or intermittent service.

The Accessibility Standards – an overview

In Scotland, two design standards stipulate how accessible a house should be:

- **Scottish Building Standards (2015)** these are the technical standards which must be applied to all new houses being built, and to adaptations which require a building warrant.
- **Housing for Varying Needs (1998)** this Scottish Government guidance applicable to all new houses built for social rent by Housing Associations and Local Authorities.



We do need to have quotas for accessible housing says @pauline4glasgow on @ILiSproject **#questiontime** **#summit16** panel

Pauline McNeill MSP



The quota(s) set by national and local government for the construction of accessible homes, and the houses built as a result of them, should be closely monitored by local authorities, and action taken to remedy any shortfall.

The Lifetime Homes Standard

There is also the Lifetime Homes Standard, which has statutory effect in London, Wales and Northern Ireland. Elsewhere in England, as well as in Scotland, it has voluntary status. It was developed in the 1990s and includes sixteen design criteria that, combined, provide a good model for building accessible or adaptable homes.

In England, the Greater London Authority has led the way since the introduction of the 2004 London Plan³¹, by requiring that new homes in London adopt the Lifetime Homes Standard. The Interim London Housing Design Guide³², developed on behalf of the Mayor by the London Development Agency, has integrated the Lifetime Homes Standard design criteria into its guidance on general needs housing.

In Wales and Northern Ireland, the Welsh Assembly and the Northern Ireland Housing Executive require the Lifetime Homes Standard in their funded developments. The standard seeks to enable 'general needs' housing to provide, either from the outset or through simple and cost-effective adaptation, design solutions that meet the existing and changing needs of diverse households.

Housing that is designed to the Lifetime Homes Standard should be convenient for most disabled occupants, including some (but not all) wheelchair users and disabled visitors, without the necessity for substantial alterations.

In Scotland, views differ as to whether a single accessibility standard should be required or whether a range of accessibility should be supported by different standards across 3 tiers as follows:

- 1st tier is a baseline standard of accessibility that requires certain design features in a house so that it suits everybody with ambulant mobility issues and some wheelchair users. Current Scottish Building Standards aim to fulfil this role.
- 2nd tier is an intermediate standard of accessibility that requires a house to be accessible for most older and disabled people and for some full-time wheelchair users. In Scotland, the Basic Level of the Housing for Varying Needs standard is believed to represent this standard. In England, the equivalent would be Lifetime Homes Standards.
- 3rd tier is an exemplar standard of accessibility necessary to ensure that a house is readily adaptable to meet the needs of any disabled person, including full-time wheelchair users who may live or visit there, now or in the future. The Wheelchair User Level of the Housing for Varying Needs standard is the closest standard to this tier of accessibility in existence in Scotland.

The cost of implementing the Lifetime Homes Standard in housing has been well researched over the last twenty years and varies from between £500 to £2,500 per house³³



The Building Standards

Disabled people at the summit were concerned that the accessibility requirements within Scottish Building Standards are not being followed by developers. Research in England found that the relevant section of the English building regulations dealing with accessibility, Part M, was being undermined by 'variable and inconsistent interpretation of Part M among (local authority) building control officers³⁴.' This resulted in them being ignored by housing developers.

There is anecdotal evidence that the equivalent professionals in Scotland are approaching building standards in the same way.

Of course, not all disabled people are wheelchair users or use mobility aids. However, the fact that a disabled person doesn't need specific design features or adaptations does not mean that any house will be suitable for them. For example, children with a range of complex needs need more space, whilst someone with dementia or who requires the support of a personal assistant or unpaid carer, may also need extra space.

Disabled people report that in many instances the Building Standards only deliver houses which are 'visitable' by a disabled person but which do not have sufficient space to make them liveable in.

This variation occurs because of differences in the skills and experience of house builders and architects, the size of house, whether a house is designed with Lifetime Homes Standard from the start, or if the design changes over time.

This variation in estimated costs, plus changes in demand and the cost of housing adaptations has made it hard for conclusive cost-benefit studies to be performed. Consequently, it is harder to work out how much, and where, money can be saved across other services such as costs of hospital or care home stays or subsequent adaptations.



The costs in relation to building fully accessible and adaptable homes in Scotland, across all tenures, needs to be accurately established and research undertaken to identify the benefits and savings of providing these assets.

In May 2007, significant changes were made to the Building Standards and guidance that support better accessibility to new dwellings. The building standards now include 14 of the 16 criteria in the Lifetime Homes Standard, but not the ones that relate to the future installation of a through-floor vertical lifts, or support for a track and hoist. Little is known about the outcomes of the newer standards for disabled people, if any.



The application of the accessibility elements of Scottish Building Standards for all houses, and of Housing for Varying Needs standards in the social rented sector, should be researched to determine the degree of application to better understand the issues and to develop appropriate remedies.

Further changes were also made to the Building Standards, including to the accessibility elements, following a consultation on the standards in 2015. Disabled people and their organisations were very concerned that the review preceding these changes were going to lead to a ‘pulling back’ from the levels of accessibility introduced in 2007.

Housing for Varying Needs

Housing for Varying Needs was first published in 1998 by the then Scottish Homes. It forms part of the criteria for receipt of Scottish Government funding for all new build social housing. The design guide has two parts:

- Part 1 covers the design of self-contained houses and flats to suit people’s different and changing needs over their lifetime
- Part 2 covers the provision for various categories of users who need housing with ‘integral support’ such as social care support.

Housing for Varying Needs is now out of date in relation to developments in inclusive design, design for dementia and autism and adjustments for those using larger wheelchairs and other equipment. It is therefore not meeting some disabled people’s requirements. It is also out of date in terms of its references to other standards including to the Scottish Building Standards, which have been updated since the guide was written. It is out of print, and only hosted on the national archives website³⁵. Further, although it aims to offer higher standards of accessibility it is only applicable to social housing*.

* Except in Glasgow where the standard is applied across tenure to ensure that 10% of development over 20 units are built to Housing to Varying Needs wheelchair standard.

Heather: No suitable house in sight

Heather has mobility issues resulting from three long-term conditions. She feels that, because she is not a wheelchair user, her council are 'dragging their heels' in relation to finding her suitable housing.

Home is currently a middle-floor flat with eight steps to get into her stairway. Heather needs a car to go anywhere and relies on significant amounts of medication to relieve the pain of going out and about.

'By the time I take my painkillers and get down the stairs I'm done. I can't go any further – I can't walk any further. I have to go back into the house and forget it.'

Heather's disability ensured she was given 'gold priority' for re-housing by her local authority nearly two years ago. Despite this, she has yet to find a new accessible home. She's aware that, in her area alone, there are five thousand people with 'gold priority' trying to find a ground floor or adapted house.

Three new housing estates have been built in her local area recently. However, the only adapted houses have been one-bedroom houses, with a small bedroom. She has told the developers that they're forgetting that not all old people are disabled and not all disabled people are old. They apparently fail to recognise that there are lots of families with children who need accessible houses.

One of Heather's local housing associations told her that they are building adapted houses with two and three bedrooms. But these are for mid-market rent, which is unaffordable for those whose income comes solely from welfare benefits.



The impact, if any, on disabled people of the changes to the Scottish Building Standards in 2015 should be researched at an appropriate time, and steps taken to ensure that any issues are addressed.

The role of access officers

Scottish local authority access officers should have a central role in scoping disabled people's housing need, developing strategies for planning for accessible housing, and reviewing the outcomes. This should include taking account of our lived experience in coproduction with the local authority. Speculation by some private developers, withholding land and delaying the supply of new homes was highlighted as a contributing factor to the UK housing crisis in the UN Special Rapporteur's report on the right to adequate housing in the UK³⁶



Subsidy

There is a Scottish Government grant subsidy for housing associations to support them to build accessible homes for the social rented sector. However, the limited accessible social housing which is or has recently been built in Scotland is not always designed to be accessible and liveable for families including a disabled family member. This leaves disabled people and their families existing in cramped and unsuitable housing, worsened by the need for space for specialist furniture and equipment.

Housing providers report that a key reason for not building larger accessible family homes is that they cost more. These additional costs have not been recognised sufficiently within the Scottish Government's grant subsidy system. Action 63 in the Delivery Plan for a Fairer Scotland for Disabled People is therefore welcomed.

The role of private housing developers

While recognising the role of private housing developers in building more houses, participants at the Summit questioned their understanding of Scotland's changing demographics, and the ageing – and more disabled – population's need for accessible homes. These needs and aspirations provide potential business opportunities that are not being recognised. Participants also raised concerns that developers are speculating by holding on to land as long as possible, thus limiting the current supply of new homes.

Disabled people understand that private housing developers exist to make a profit. They are unlikely to see building larger, more accessible and potentially more costly homes as a good idea if they don't recognise the growing demand for such homes.

Action 63 - Scottish Government: A Fairer Scotland for Disabled People 2016

We will ensure that the grant subsidy arrangements for the Affordable Housing Supply Programme do not prevent specialist housing identified by local authorities as a priority from being built.





A new and up-to-date Housing for Varying Needs standard should be developed with disabled people and publicised. This could provide the higher accessibility and liveability standards required for the 10% quota recommended elsewhere.

The processes used by local authorities to assess housing need, and to develop plans to address this, should be evaluated and steps taken to involve disabled people to ensure that potential problems are highlighted and dealt with before building starts.

The Scottish government should work with disabled people and their organisations to ensure that the grant subsidy arrangements for the Affordable Housing Supply Programme actively support more accessible houses to be built.

Private sector developers should recognise the demand for accessible new build housing, particularly larger housing.

“Homes built to be accessible from the outset are 10% larger than homes that aren’t. That means, for a private developer, if they build in 10% [accessible homes] in a development of a hundred homes, they are losing 1 house per hundred homes.

For their profit margins that is significant; that is a 1% loss [of profit] on every hundred homes that they build. That is why they lobby so hard to stop accessibility and adaptations being built in. That is why we have to fight to retain the 10% rather than leaving it to every local authority to decide; they will go with the private developers because they want homes built.”

Bill Scott,
Inclusion Scotland



‘Developer Contributions’ and enhanced accessibility

With the above issues in mind, local authorities must use ‘developer contributions’ (otherwise known as Section 75 Agreements or ‘planning obligations’ in legislation³⁷) to promote accessibility. These obligations, placed by local authorities on housing developers, clarify the ‘way that development can be permitted or enhanced and potentially negative impacts on land use, the environment and infrastructure can be reduced, eliminated or compensated for³⁸’.



Local Authorities must use developer contributions to deliver more accessible homes and accessible space around housing.

Housing providers must ensure that disabled people are not disadvantaged by allocations policies when seeking accessible housing in suitable, safe and accessible areas.

The importance of location

The area surrounding a house, and its geographical location, can be as important to disabled people as the accessibility of a property itself. Registered social landlords generally build new homes in deprived areas. This means a significant proportion of newly built accessible homes are located in areas that disabled people may find intimidating.

Fear of crime, be it hate crime or general crime, and anti-social behaviour are significant issues, particularly for those whose impairment leaves them more vulnerable to abuse. It can restrict our ability to live independently, or even force us to move.

Disabled people who refuse offers of social rented housing, deemed to be suitable by landlords, because it is in an unsuitable location or does not in fact meet their housing needs, lose out. If housing allocation staff see disabled people as refusing a ‘relevant’ offer, there is a risk of losing priority for rehousing. There is concern that disabled people are expected to argue the case that a house is unsuitable, rather than the housing provider demonstrating that it is suitable.

“Every housing provider’s policy says where hate crime happens, the perpetrator is removed. However, in reality it’s the person who’s affected who ends up being moved.”

Bill Scott,
Inclusion Scotland



Beverley: the right house in the wrong place

Beverley has long-term conditions and bipolar disorder. She currently lives in private rented accommodation. She feels like she is in the right house but she finds the surrounding environment unsuitable. The combination of students playing music and two drug dealers living nearby makes her life hell.

When she complained to the police regarding these issues she was not believed. She thinks she was labelled with a mental health diagnosis and portrayed as paranoid. Despite her house being suitable, Beverly needs her home to be in a quieter area.



Moving to new locations

A move to a different local authority still has the potential to undermine a disabled person's ability to live independently, even if their new home is fully accessible. A lack of what is known as the 'portability' of social care – where the support provider switches from the old local authority to the new one – can place severe restrictions on our ability to move house.

A disabled person moving to a new local authority area may not be able to find out how much support they will get, may not be offered sufficient support or be expected to contribute significantly more towards the cost of their support. They could lose their previous support package and wait months to be assessed for a new one, leaving them without support. The commitment in the Delivery Plan for a Fairer Scotland for Disabled People to improve the portability of support packages is therefore welcomed.

Scottish Government – A Fairer Scotland for Disabled People 2016

Ambition 1: Support services that meet disabled people's needs Action 4. We will work with COSLA and with disabled people and the organisations that represent them to identify ways of improving the portability of care packages where a disabled person moves between local authority areas.



Housing adaptations

Participants at the Summit shared the continuing challenges they face getting adaptations installed in their homes. Disabled people can, for example, be expected to pay for adaptations because their income is judged to be too high, despite this being contrary to guidance and legislation, principally the Scheme of Assistance within the 2006 Housing Act³⁹. This tells us that there is a training need for some local authority staff who administer grants to build their understanding and application of this law.

The law surrounding support from local authorities for the reinstatement of adapted privately let properties appears particularly unknown amongst disabled people and professionals. One disabled person highlighted the threat of a £2,000 charge to pay to reinstate a generic bath, which had been removed as part of necessary adaptations when they temporarily moved out of their home.

Participants were also concerned at the apparent waste of resources when adaptations are removed from homes when disabled people move out rather than reallocate the house to another family with a disabled person.

It's also worth remembering that not all existing properties are in fact adaptable, such as Scotland's older or tenement housing stock. This creates ever more demand for accessible new housing stock.

Danielle: Fought for the right to live independently

Danielle lived for seven years in supported housing. When the charity providing this housing decided to close the service, she was one of twenty-one people who were left looking for alternative accessible housing.

Danielle's social workers gave her the option of going into a residential nursing home or moving back into her family's home. As a thirty-year-old business woman, Danielle had no desire to live in residential care or return to living with her seventy-year-old dad.

Following supportive media coverage, she was allocated her own house but it needed adaptations. She chose to go into the care home rather than live with her dad whilst these changes were made, for fear of the council forgetting about her. The six weeks she was expected to live in the care home turned into six months.

The care manager dealing with the adaptations said that they wouldn't adapt the kitchen, toilet, plugs and light switches or rear door. Enlisting the support of her councillor resulted in all of the adaptations being made, except for the rear door.



‘Temporary’ housing solutions provided to disabled people waiting for accessible or adapted housing, to facilitate hospital discharge or to meet other pressing housing needs, should be subject to a statutory time limit.

Housing providers must commit to achieving effective allocation of adapted rented housing to make the best use of resources and adapted stock.

Local authorities must demonstrate a full understanding of their duties towards disabled people in relation to adaptations as well as their rights, including through training and practice development.



Helen: Experienced good service in relation to adaptations

When Helen bought her house there was no visual fire alarm, which she needed as a result of her impairment.

She approached her local authority and asked them to help. They changed the existing, standard, alarm to a visual alarm in one week. She understands, however, that this good practice is far from common.



“I’m lucky that I have a voice and can speak for myself. But I’ve left three other people in the care home that are waiting for homes....with no end in sight.”

Danielle



Discrimination in letting

In some cases, it is the restrictions placed on disabled people as tenants, rather than the restrictions arising from the property or location, that cause the problem.

Housing Options Scotland highlighted a case where a housing association would only allow an assistance dog into a property if all the neighbours agreed. This arose from the inflexible interpretation of a policy that all neighbouring tenants needed to be in agreement to a tenant having pets.

It is not just in the socially rented housing sector that these problems arise. Guide Dogs Scotland report that some private landlords continue to refuse to let property to guide dog owners. The charity has been working with letting agents to help them understand that this, and the failure of landlords to facilitate reasonable adaptations, is in breach of discrimination legislation.



“I was told that there was a ten-year waiting list for housing suitable for adaptation in my area”

David

David: an unadaptable home means a 150-mile move

When David became disabled he was told that the design of his house made it unsuitable for adaptation. If he wanted to stay in the same town he was told that he faced a ten-year wait for a property. In the end, he had to move 150 miles away because there was nothing suitable available more locally.

When David asked for adaptations to his new home he was told that he was not eligible for grants because he's a social rented tenant. But his landlord says they don't have any money to pay for them. David believes that disabled people are not getting what they're entitled to.



Challenging housing matters in courts

Challenging these issues is difficult for us. The ultimate sanction – taking a housing-based discrimination case to court – is extremely hard, time-consuming and can be very stressful. Partly, this is because of the restrictions on the use of Legal Aid to fund legal costs in such cases.

It is not always about legal remedies such as court cases. There is a need for more advocacy and peer support to help disabled people find other solutions too.

Advice, advocacy and peer support

The right advice and advocacy given at the right time, in an accessible and inclusive way can make a big difference. There is a lot of evidence to show that peer support from Disabled People's Organisations is especially helpful because they have a shared understanding of the complex issues around barriers to independent living and the impact that these have.



Choice-based letting systems present particular advice-related issues for people who have learning difficulties. This method of allocating social housing requires people to proactively bid for properties, often through a website. Disabled people, for example, some people with learning difficulties, may be unfamiliar with this process or the technology, and end up not bidding. This can result in their remaining at a relatively low level of priority for rehousing and having to stay in hostel accommodation.

The amount of people an organisation like Disabled People's Housing Service (DPHS) Fife can support is limited by their funding and staffing levels. DPHS Fife's response has been to help improve housing policies and practice to try and prevent situations occurring in the first place.

The organisation is working with teams from their local authority and health services to improve the provision of housing for disabled people. It is, for example, involved in advising the local authority's housing services at strategic level.

The DPHS's team also attends joint improvement team meetings and specific needs meetings. By doing so, they bring real life examples and experience to the discussions professionals are having. They can also help statutory sector staff understand when an idea won't work, for example.

Mark: An advice provider finds accessible housing when the NHS and local authority can't

Mark was admitted to the spinal injury unit in Glasgow in March 2015. In July 2015, he was referred to Disabled Persons Housing Service (DPHS) Fife as this was the local authority area he would be discharged to.

In October of the same year, he was discharged into temporary accommodation secured via the hospital in that area. This was to be a short-term solution whilst he awaited a permanent housing offer in Fife.

Mark was still in temporary accommodation in February 2016. He'd received no contact from Fife Council and felt forgotten about. DPHS Fife liaised with the local authority on Mark's behalf and kept him updated. By September, Mark still hadn't had any offers of suitable accommodation through Fife Housing Register, the local authority's housing allocation system.

DPHS Fife was, however, approached by a local housing association with a vacant wheelchair accessible property. In November 2016, Mark finally moved into his new home, which enables him to live as independently as possible.

Mark's case is a common example of where disabled people fall through the gaps when there are too few accessible houses available, and where they don't have knowledge of support services at the outset.

Accepting temporary accommodation in an attempt to leave hospital creates new challenges for people like Mark in finding a good permanent housing solution. They can become invisible to the NHS because they have left hospital and invisible to their local authority because they are housed, albeit not permanently or suitably.

Disabled People's Organisations, particularly Disabled People's Housing Services can help remedy this but they are under-resourced and don't cover all of Scotland.



Local authorities must demonstrate a full understanding of their duties towards disabled people in relation to adaptations as well as their rights, including through training and practice development.





“I felt very angry that they weren’t wanting me to move. I was wanting to move out of the care home.”

Brian



Social workers and other professionals may, where a person is judged not to have capacity to decide, move that person from a hospital to somewhere else, such as a care home, without their agreement⁴⁰.

Brian: Battled, with the support of advocates, to get his own home

Brian went into a care home for two and a half weeks’ respite and ended up remaining there for 16 years. This wasn’t Brian’s choice; it came about because his parents passed away. About five or six years ago, he asked for help to leave the nursing home.

Brian realised that there were some people that weren’t happy about the move. They were uncertain about him living in his own house. He therefore asked People First Scotland to help him speak about what he wanted and where he wanted to live. Together they looked at different options and different housing types and organisations.

Brian eventually found a place that was suitable. Whilst his local council were assisting, the rehousing didn’t happen very quickly. It took almost four and a half years from first looking to getting a new home. Brian found it necessary to complain a lot: eventually he went to the head of social work.

Advocacy was critically important to Brian. He doesn’t believe he could have got his chance to live independently without People First Scotland’s assistance.



“People should be supported to have the same opportunities, to build relationships, and to set up their own homes when they reach adult age rather than living with parents. They should not be forced to live with other people they do not like.”

Ivan Cohen,
People First Scotland



Changing attitudes

Poor attitudes can be as significant a barrier to good housing for some disabled people as the lack of accessible homes. Disabled people, particularly those with learning difficulties, should have the opportunity to set up home separately from their parents, in their tenure of choice, living with whoever they choose. The correct support is very important; it needs to be flexible and to work around lifestyles, not the support provider's needs.



The Scottish Commission for Learning Disability is researching the housing experiences of people with learning difficulties during 2017.



Our involvement

One way of changing attitudes is to work with disabled people. This means involving us in the decisions which affect us and learning from our lived experiences.

Recommendation 16 of the Independent Review of Planning⁴¹ highlights that a key priority should be to ‘work with disabled people’s organisations and building standards to innovate and embed accessible housing.’ This should apply to all the systems, which deliver housing.

In the past, disabled people’s voices haven’t always been heard, but there are now more examples of this happening. It is vitally important these are not tick box exercises and that disabled people are genuinely involved in decisions and services that impact on them and are supported to do so.

It is vital that disabled people are included in planning decisions from the beginning, and then involved throughout the housing design process. There is a need to have the right people involved in this co-production, with the right knowledge, support and training, from the very start.

Scottish Government, Local Authorities, Health and Social Care Partnerships, planners, landlords, housebuilders and others should formally commit to working with disabled people to find ways to deliver more new accessible housing, adaptations and housing services, and help build our capacity to do so. This will help to improve attitudes too.



“Lots of attitudes need to be changed – it’s not as simple (as building new homes)”

Idem



Alex*: A confusing process, even for a professional

Alex worked in London for a Disabled People's Organisation, running an information and advocacy service for five years. Alex's father, who lives in Scotland, had a stroke in February 2016 and was in hospital for six months.

When the time came for his discharge it became clear that the information needed wasn't readily available to Alex's family when they needed it. Alex's mother was distraught and worried about looking after her husband when he returned home, but there was no help from the hospital.

Alex's family had to go to six different organisations for welfare benefits advice; they didn't know what information was correct and found it confusing.

Alex's father was discharged without the appropriate help or adaptations to his home; there were no handrails and he couldn't access the bath. Social work action was only eventually triggered because Alex's mother was taken ill as a result. It was very difficult for the family, even though they were lucky enough to have professional experience and, as a result, to know how the system worked.



* Not the participant's real name

“[I] sat on the building standards committee within the Scottish Government. The biggest lobbyists against anything we put forward were the private sector builders and the local authority building standards people..because, probably in the end it would come down to money.

That will still happen today because they have got the power to do the lobbying. How can we [disabled people] get that power to do the lobbying?”

Jackie



“Fortunately, I had professional knowledge – I don't know how people who don't have my experience would manage”

David

8. Recommendations



National and local quotas for accessible housing

- 1) Scottish Government should act now to ensure that at least 10% of the 50,000 new houses committed to by 2021 are fully wheelchair accessible, including both private and social housing.
- 2) Scottish Government should set a national quota of at least 10% of all new housing to be fully wheelchair accessible, including both private and social housing. Alternatively, Scottish Government should work with Local Authorities to ensure that the intent of this recommendation is delivered through a relevant and existing framework between national and local government.
- 3) The quota(s) set by national and local government for the construction of accessible homes, and the houses built as a result of them, should be closely monitored by Local Authorities, and action taken to remedy any shortfall.

The cost of building accessible and adaptable housing

- 4) The costs in relation to building fully accessible and adaptable homes in Scotland, across all tenures, needs to be accurately established and research undertaken to identify the benefits and savings of providing these assets.

Application of accessibility standards

- 5) The application of the accessibility elements of Scottish Building Standards for all houses, and of Housing for Varying Needs standards in the social rented sector, should be researched to determine the degree of application to better understand the issues and to develop appropriate remedies.
- 6) The impact, if any, on disabled people of the changes to the Scottish Building Standards in 2015 should be researched at an appropriate time, and steps taken to ensure that any issues are addressed.

Housing for Varying Needs

- 7) A new and up-to-date Housing for Varying Needs standard should be developed with disabled people and publicised. This could provide the higher accessibility and liveability standards required for the 10% quota recommended elsewhere.

Involving disabled people in assessing local housing need

8) The processes used by local authorities to assess housing need, and to develop plans to address this, should be evaluated and steps taken to involve disabled people to ensure that potential problems are highlighted and dealt with before building starts (see also recommendation 14)

Subsidy

9) The Scottish government should work with disabled people and their organisations to ensure that the grant subsidy arrangements for the Affordable Housing Supply Programme actively support more accessible houses to be built.

The role of private developers

10) Private sector developers should recognise the demand for accessible new build housing, particularly larger housing.

Using ‘Developer Contributions’ to deliver enhanced accessibility

11) Local authorities must use developer contributions to deliver more accessible homes and accessible space around housing.

Choosing the right location

12) Housing providers must ensure that disabled people are not disadvantaged by allocations policies when seeking accessible housing in suitable, safe and accessible areas.

Temporary housing

13) ‘Temporary’ housing solutions provided to disabled people waiting for accessible or adapted housing, to facilitate hospital discharge or to meet other pressing housing needs, should be subject to a statutory time limit.

Adaptations

14) Housing providers must commit to achieving effective allocation of adapted rented housing to make the best use of resources and adapted stock.

15) Local authorities must demonstrate a full understanding of their duties towards disabled people in relation to adaptations as well as their rights, including through training and practice development.

Our involvement

16) Local authorities, health and social care partnerships and others should fund disabled people’s organisations to provide peer and advocacy support in relation to housing.

17) The Scottish Government, local authorities, health and social care partnerships, planners, landlords, house builders and others should formally commit to working with disabled people to find ways to deliver more new accessible housing, adaptations and housing services, and help build our capacity to do so. This will help to improve attitudes too.

9. Our Housing Rights

This section gives details of some of the key treaties, legislation and policies relating to disabled people's housing rights and the duties on others to meet these rights.

Please note – this information can change. It is not legal advice.

Treaty Rights:

International Covenant on Economic, Social & Cultural Rights (ICESCR)

The right to adequate housing originated in Article 25 of the Universal Declaration of Human Rights (UDHR). In a very similar form, it was adopted into binding international law through Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which acknowledges 'the right of everyone to an adequate standard of living for himself and his family, including..housing'



Photo courtesy of Horizon Housing Association www.horizonhousing.org

- Accessibility covers accessibility, clarifying the right of disabled people to access 'on an equal basis with others, to the physical environment..' and highlighting that this applies to 'schools, housing, medical facilities and workplaces'.
- Living independently and being included in the community recognises the right of disabled people to live in the community, highlighting specifically their 'opportunity to choose their place of residence and where and with whom they live on an equal basis with others and [they] are not obliged to live in a particular living arrangement'.
- Adequate standard of living and social protection recognises the right of disabled people to 'an adequate standard of living for themselves and their families' highlighting particularly housing. The article also states the right of disabled people to 'social protection and to the enjoyment of that right without discrimination on the basis of disability'; public housing programmes are specifically mentioned in this respect.

Human Rights Act/European Convention on Human Rights

Of the sixteen rights in the UK's Human Rights Act (which relates to the European Convention on Human Rights), the Equality and Human Rights Commission identifies the following as being particularly relevant to housing providers⁴²:

- **Article 6:** Right to a fair trial: The EHRC highlights that people should be given the opportunity to participate effectively in any hearing of their case, and to present their case in conditions which do not place them at a substantial disadvantage when compared with the other party in the case. An example given is the need to provide an interpreter, if required, for a person subject to a decision-making process in relation to an eviction.
- **Article 8:** Right to respect for private life, family life and the home: The EHRC identifies that the right to respect for a person's home is not a right to housing, but is a person's right to access and live in their home without intrusion or interference. It includes – importantly for disabled people – the right for a family to live together.
- **Article 14:** Prohibition of discrimination: The EHRC states that everyone must have equal access to the other rights contained in the Human Rights Act, 'regardless of their..disability..or any other personal characteristic.'

Duties on others in relation to disabled people and housing:

Duty to implement human rights covenants and conventions

Applies to: UK and Scottish governments

- Article 2 of the ICESCR requires governments to 'take the necessary steps..to adopt such laws or other measures as may be necessary to give effect to the rights recognised in the present Covenant'.
- Article 4 of the UNCRPD requires governments to 'ensure and promote the full realisation of all human rights and fundamental freedoms' for disabled people.

* We use the term 'social landlord' to refer to a housing association or housing cooperative

Duty to meet the Public Sector Equality Duty

Applies to: UK and Scottish governments, local authorities and possibly some social landlords*

Public bodies, and those exercising public functions (which could include some housing associations), must have due regard to three 'needs' when exercising their public functions. These needs are to:

- 1) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.



Duty to state how housing will be provided alongside health and social care

Applies to: integration authorities, health boards and local authorities

Under the integration of health and social care policy, 'integration authorities' have a strategic role, as well as planning and commissioning integrated health and social care services. They must produce a Housing Contribution Statement setting out how they intend to carry out the housing functions delegated to them. The Housing Contribution Statement should also detail how it intends to work with housing services, whether delegated to it or not, to deliver its outcomes⁴³.

Duty to meet Scottish Planning Policy

Applies to: local authorities

Planning policies and decisions should be guided by the need to support the delivery of accessible housing⁴⁴. Where a need is identified for accessible or adapted housing, wheelchair accessible housing, sheltered housing or care homes, local authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites⁴⁵.

Duty to assess housing need and develop plans to meet this need

Applies to: local authorities

Local authorities must develop local housing strategies, informed by an assessment of housing need and demand in their area⁴⁶. The local housing strategy should address, as a minimum, the needs of 'people with a physical disability, people with a mental health condition [and] people with a learning disability.'

It should set out the current and future need for accommodation and care/support services that will help to support people to live independently. It should also show how current housing needs are being met and what more is planned to meet future needs⁴⁷.

Duties in relation to homelessness

Applies to: local authorities and social landlords

Local authorities must offer a minimum of temporary accommodation, advice and assistance to all homeless households and those at risk of homelessness. A person is to be treated as homeless even if he or she has accommodation, if it would not be reasonable for the person to continue to occupy it⁴⁸. An example given in the statutory guidance is ‘the accommodation is impracticable for a particular applicant because of his or her physical infirmities or disabilities’⁴⁹.

When a disabled person is leaving a hospital, or psychiatric or local authority care, local authorities are required to check, even if accommodation is available, that this is still suitable given their impairment⁵⁰.

In addition, local authorities must assess the levels of homelessness in their area and produce homelessness strategies.

A duty applies on social landlords to accept nominations from their local authority of people assessed as homeless. This could involve a disabled person without a home, and also a situation where it would not be reasonable for a disabled person to occupy their current home⁵¹.

Duty to provide assistance in the provision of adaptations

Applies to: local authorities

A duty applies on local authorities to make arrangements for the provision of assistance to disabled people in arranging for necessary adaptations to their home, or the provision of any additional facilities necessary to secure their greater safety, comfort or convenience.⁵²

Duty to meet the Scottish Social Housing Standard

Applies to: social landlords

Social landlords should perform all aspects of their housing services so that, regardless of their disability or other protected characteristic, every tenant or customer (which could be a prospective tenant) has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services⁵³.

Social landlords should also ensure that tenants receive support to remain in their home. This includes tenants who may need their home adapted to cope with age, disability, or caring responsibilities.



Duty to market a property for sale with a Home Report

Applies to: homeowners

Houses for sale in Scotland must be marketed with a Home Report. The Single Survey element of this report requires a surveyor to identify eight key pieces of accessibility-related information. These include, for example, the floor of the property, the number of steps to it and where accessible parking is available.

Specific housing rights arising from UK and Scottish Legislation:

Protection from discrimination in the purchase or rental of property

Applies to: home owners and all tenants

A disabled person must not be unlawfully discriminated against in the sale or rental of a property by a homeowner, landlord, estate agent, letting agent, etc. This might include refusing to sell or let to a disabled person, by the terms applied for the sale or let, or by the treatment of the disabled person⁵⁴.

Right to use a property to its fullest extent

Applies to: all tenants and some homeowners

A disabled person has the right to not be discriminated against by someone who manages housing. This applies to allowing or prohibiting the use of any benefit or facility, the eviction of a disabled person or taking any steps to secure an eviction, or by subjecting that person to any other damage or harm⁵⁵.

Right to reasonable adjustments

Applies to: all tenants

A disabled person has the right to have 'reasonable adjustments' made by a landlord, or someone else managing a rented property. This could involve changing a policy or practice, including the terms of a tenancy agreement, or provide extra aids or services, such as providing a tenancy agreement in braille⁵⁶.

A tenant can also ask for reasonable adaptations to be made at the landlord's or property manager's cost. These could include different taps or door handles, replacement door or smoke alarms, or a change of wall colour, for example. Changes which affect the structure or which would substantially and permanently alter a home are not included⁵⁷.

Right to financial assistance towards the cost of adapting a property

Applies to: home owners and private sector tenants

A local authority must provide, or arrange for the provision of, grant assistance towards the adaptation of a house for a disabled person to make it suitable for their accommodation, welfare or employment⁵⁸.

Grant must be provided for all adaptation, excluding extensions. The amount of grant is 100% of the agreed costs for applicants receiving eligible benefits. Other applicants must receive a minimum of 80%, which may be topped up to 100% by the local authority. Local authorities must provide advice in circumstances where a topping-up grant is not being provided⁵⁹.

Local authorities are not allowed to impose a limit on the cost of adaptation works they grant towards⁶⁰.



Right to adapt privately rented property

Applies to: private sector tenants

An application from a tenant to adapt their property for the benefit of a disabled person cannot be unreasonably refused by a landlord. These adaptations must be to make the house suitable for the accommodation, welfare or employment of any disabled person who occupies, or intends to occupy, the house⁶¹.

Right to assistance with the reinstatement of a previously adapted property

Applies to: private sector tenants

A local authority must provide, or arrange for the provision of, assistance to a person who needs to reinstate any house adapted to make it suitable for the accommodation, welfare or employment of a disabled person⁶².

Right to improve (such as by adapting for a disabled person)

Applies to: social tenants

A local authority, housing association or housing cooperative landlord cannot unreasonably withhold permission for a tenant to carry out work, such as that needed to make it suitable for a disabled person, to their house⁶³.

Right to compensation for improvements (including adaptations)

Applies to: social tenants

A local authority, housing association or housing cooperative tenant is entitled, if they terminate their tenancy, to be paid compensation by their landlord in respect of improvements they made to the property with their landlord's permission⁶⁴. Whilst not specifically relating to adaptations, compensation is available for improvements to baths/showers, kitchen sinks and work surfaces, kitchen or bedroom cupboards, toilets and bathroom sinks⁶⁵.

Annex

Summit 2016 - Programme

10.00 Registration

10.30 Welcome

- Chair, Pennie Taylor

10.35 A Fairer Scotland for Disabled People

- introducing the Scottish Government's new Disability Delivery Plan
- Minister's speech, followed by questions and answers
- Jeane Freeman MSP, Minister for Social Security

11.05 A State of the Nation Address, followed by questions and answers

- Grant Carson, Glasgow Centre for Inclusive Living

11.35 Achieving the right to independent living through housing provision, speech followed by questions and answers

- Alastair Pringle, Equality Human Rights Commission

11.55 Summing up our morning

- Chair

12.00 Lunch served in the Garden Room

- Tweet, visit stalls, record a personal testimony on film

12.50 Seminars

- The Right House
- The Right Choice
- The Right Place
- The Right Advice

13.50 Break for tea and coffee

14.10 Question Time panel session

- Sasha Callaghan: Creative Director of Disabled Peoples Arts Organisation, Bella Freak
- Julia Fitzpatrick, Managing Director, Horizon Housing Association
- Angela O'Brien, Head of the Housing Independent Living Team, Scottish Government
- Tressa Burke, Chief Executive, Glasgow Disability Alliance
- Pauline McNeill MSP, Glasgow constituency

15.15 Summary of the day and closing the Summit

- Chair

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OUR PLACE
OUR SPACE

DISABLED PEOPLE'S ANNUAL SUMMIT
HOUSING 2016



Independent
Living in Scotland
Part of Inclusion Scotland

Independent Living in Scotland is Inclusion Scotland's development and innovation team. Inclusion Scotland is a national network of disabled people, their organisations and allies. It is a Disabled People's Organisation, led by disabled people themselves. This is important because disabled people know best what prevents our full inclusion into Scottish society and what needs done to promote it. The ILiS team works to develop innovative policy solutions to these barriers and to position them with decision makers to make change happen.

www.inclusionScotland.org
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