



Housing and disabled people

A toolkit for local authorities in Wales



Comisiwn
Cydraddoldeb a
Hawliau Dynol

Equality and
Human Rights
Commission



promoting equality in housing
hybu cydraddoldeb ym maes tai



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Foreword

Living in suitable accommodation is fundamental to our wellbeing and our ability to maximise opportunities that life offers. The Independent Living Movement identifies accessible and adapted housing as being one of the basic rights for independent living. However, the reality is that some disabled people live in unsuitable accommodation that does not meet their specific needs and can significantly affect their quality of life. Unsuitable accommodation can lead to detrimental impacts on the everyday lives of disabled people, including their physical and mental health, general wellbeing and ability to pursue and achieve their goals and ambitions.

Disabled people often report negative experiences in accessing suitable housing or successfully securing the provision of aids and adaptations to make their existing home suitable for their needs. All housing providers could and should do better to ensure the needs of disabled people are effectively addressed in the accommodation in which they live, whether it be social housing or the private rented sector, including ensuring appropriate tenancy support and advice services are available to support independent living. Effective engagement with disabled people when developing strategies and plans

and operational practices will also help in improving our planning and delivery of services. For local authorities, our public sector duties under the Equality Act 2010 underpin our commitment to equality of opportunity and equality of access for all. I encourage all housing providers to review their approach to ensuring there is appropriate housing for disabled people, and for local authorities both in their role as landlords and in their strategic housing role.

I therefore welcome this toolkit, developed for the Equality and Human Rights Commission by Tai Pawb and Access Design Solutions UK Ltd. I urge all local authorities to use this to continue to improve the availability and choice of accommodation that meets the needs of disabled people, and work towards ensuring that access to appropriate accommodation, which is basic yet vitally important for an individual's wellbeing, is secured for everyone across Wales.

Councillor Aaron Shotton

Welsh Local Government Association
Spokesperson for Housing and Leader
of Flintshire County Council



Introduction

Who is this toolkit for?

This toolkit is for local authority elected members in Wales, particularly those involved in housing and planning. Specifically, it can be used by:

- **Cabinet members**, to ensure that housing strategies or equivalent plans comply with equality law and follow best practice.
- **Scrutiny members**, to assure the quality of decision-making in respect of housing and planning.
- **Members in their front-line role**, to help them:
 - > manage casework on behalf of disabled people
 - > engage with the community as a whole on, for example, council housing strategies affecting disabled people.

It is important to remember that the term ‘disabled people’ can refer to people with a range of impairments including: physical and sensory impairments, learning disabilities, autism, and mental health conditions.

Why produce this toolkit?

Through its 2018 **housing inquiry**, the Equality and Human Rights Commission has identified a chronic shortage of accessible and adaptable housing, and this situation will only get worse.

The aim of this toolkit is to support local authority elected members to consider housing for disabled people in their strategies and plans, and promote meaningful involvement of disabled people in developing these, share best practice, and assist with scrutiny of local authority housing policies and practices.

We have produced a separate toolkit for disabled people and their organisations. This will help empower disabled people to exercise their right to independent living, through access to more appropriate housing.

Disabled people and housing

In Wales, 23% of the population (and 39% of social tenants) report that their day-to-day activities are 'limited due to a long-term health problem or disability' (Census, 2011). Most people (83%) acquire their impairment rather than being disabled from birth.

The demand for accessible housing will increase significantly in the near future.

The Welsh Government projects that the 'number of people who will struggle with domestic tasks aged over 65 will increase by roughly 34% and those with mobility difficulties will rise by 58% by 2035' (Wales Audit Office, 2018, p.56).

Finding and making a home suitable for a disabled person varies greatly according to individual requirements. Access to local amenities from the home is also important. People with sensory impairments or learning disabilities, or mental health conditions, often need practical support in both finding a home and managing a tenancy.

How to use this toolkit

The toolkit is intended to be as interactive and user-friendly as possible. We have included numerous key questions, case studies, good practice examples and tips.

The chapters are split into:

Your equality duties and housing

the legislation in Wales related to housing and disabled people.

What 'good' looks like: Policy development process how housing and planning strategies can incorporate disabled people's housing requirements.

What good looks like in practice

how housing and planning strategies translate into practice.



Your equality duties and housing

This section will outline your equality duties in relation to the rights of disabled people and housing, and how you can effectively promote these in your role as a councillor.

United Nations Convention on the Rights of Persons with Disabilities

The Welsh Government and local authorities have a duty to implement the UN Convention on the Rights of Persons with Disabilities (CRPD) in order to safeguard and promote disabled people's rights. The key requirements in relation to housing are in Articles 9 and 19.

Article 9: The duty to ensure to disabled people access, on an equal basis with others, to buildings, transport, communication, services and facilities including access to housing.

Article 19: The equal right of all disabled people to live in the community, with choices equal to others.

The Welsh Government has adopted a **Framework for Action on Independent Living**, which was published in 2013 and is currently being reviewed. The Framework explicitly aims to fulfil UNCRPD obligations. It commits to improving access to adapted and accessible housing for disabled people, and identifies the use of **accessible housing registers** as key opportunities to bring about improvements.

? Key questions

- Has our local authority committed to, and does it conform with, the CRPD?
- Do our local authority local plans and strategies reflect the national objectives of the Framework for Action on Independent Living?

The Equality Act 2010 and Public Sector Equality Duty

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

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

When compiling their Local Housing Market Assessments and Local Development Plans, local authorities have a duty under Section 149 of the Equality Act 2010 (the **Public Sector Equality Duty, or PSED**) to take into account the requirements of disabled people.

The duty in Wales requires public authorities to:

- involve disabled people
- gather evidence, and
- use the above to assess impact.

The sections below suggest how you can comply with these duties in housing.

Involving disabled people

In Wales, public authorities are required by law to involve disabled people in the steps taken to meet the PSED (see separate guide on engaging with disabled people). Methods and degree of engagement should be proportionate to the size and resources of the organisation and the significance of the issue.

Disabled people are key stakeholders in shaping housing policy. Only by involving local disabled people can you make the most appropriate decisions. Furthermore, **engagement is a statutory requirement under the Equality Act 2010.**

The best way to achieve this is to use a variety of engagement techniques including local forums, focus groups, community conferences, and liaison with local voluntary sector organisations. This will help to ensure you gather views from a representative cross-section of the community and will help you to identify the diverse requirements of disabled people.

Importance of involvement – a tenant's viewpoint

'As disabled people are so varied, even with the same impairment, I would like to suggest that more emphasis is put on the importance of involving the tenant in any adaptation/new build.

My experience is that assumptions have been made, incorrectly, and therefore time and money has been wasted. Even when there has been an occupational therapist's assessment in place, planners tend to take over and the tenant concerned gets a little left out.

One problem I have come across time after time is the lack of communication between management staff, who have authorised an adaptation or a new build, and staff who are on the ground directly involved in implementing any adaptation or overseeing a new build.

So maybe a key question could be:

Do you involve the tenant all the way through the adaptation/new build process?'

Truly effective engagement is through **co-production** – disabled people working in partnership with public services and the private sector to identify problems and solutions, tackle delivery issues, and maximise opportunities for improvement.

Case study

Withybush Hospital new Renal Unit – co-production

A project team was established to lead on the development of a new Renal Unit at Withybush Hospital. The team facilitated discussions between a wide range of stakeholders.

Throughout the project, regular meetings were held at which local access group members, medical staff, patients, administration staff and public transport operators talked about the plans. As a result of this, the team identified the need for a tactile model of the development, for the benefit of blind and visually impaired consultees. Furthermore, engagement between the council and bus operators ensured that complimentary bus facilities were developed outside of the new facility.

Local access groups

Local access groups are generally a group of people who help improve access and inclusion within the built environment. The groups represent their local community and will use, or want to use, the housing, facilities and services provided.

Some local authorities employ an access officer, who advises on practical and technical solutions to inclusive access issues. This person can act as a link between the access group and local authority, generally resulting in a more active, supported and valued access group. It is not, however, the role of a single person to raise access issues. All officers and elected members should be trained and appraised in disability equality. Specific elected members should also champion the interests of disabled people.

? Key questions

- Do you know your local access group? What support is available to this group? (e.g. meeting rooms, small grants, administrative support, training).
- Are you pro-active in supporting and effectively engaging with the group?
- Does your local authority have an access officer? Do they provide support to the access group?
- Do you have an elected member who is an active 'champion' in the interests of disabled people?

Case study

Pembrokeshire County Council – access officer

This Council has an active access officer who provides guidance and leadership on the needs of disabled people.

- The access officer has provided extensive advice on proposals for a new housing development for disabled people with mobility impairments, including wheelchair-users. The officer particularly highlighted the need for more space. As a result, the proposal was amended according to the best practice guide 'Wheelchair Accessible Housing' and Part M of the building regulations.
- In relation to another housing development, the access officer recommended the need for a footway to link the development to existing properties. This addition made it easier for wheelchair-users, older people and families with small children in buggies to access existing properties and new parking spaces.

Additional guidance >

To enable full participation, you must consider the accessibility of engagement events, so that no disabled person is excluded because of their access requirements.

Planning for Inclusive Access in Wales: Good Practice Toolkit by Disability Wales provides handy checklists for planning before, during and after meetings and events.

Accessible communication formats are also essential to ensuring full participation of disabled people at any forums, groups, meetings or events. If you are providing information, it is good practice to ask attendees about their preferred formats, and keep an up-to-date record of this.

It may be necessary to provide **sign language interpreters**, palantypists, **easy read** versions, **Braille or audio formats**, large print (generally 16-18 point), and/or ensure information is available electronically in advance.

! Top Tip

A cost-effective and time-efficient way of making your information instantly accessible to a larger percentage of your audience is to:

- write in plain language (i.e. use short sentences, everyday words and a logical structure)
- make it as concise as possible
- ensure it is as legible as possible, for example using a minimum 14 point text size, and that there is a good **colour contrast**
- use the accessibility checker in Microsoft Word documents to pick up on anything that might be difficult or inaccessible for people using screen-reading software

Collecting and using evidence to assess impact

Carrying out an **equality impact assessment** (EIA) will help you meet your legal duties under the Equality Act 2010, as well as ensuring that:

- **your decisions impact in a fair way:** where there is evidence that disabled people as well as other groups protected in law, such as Gypsies and Travellers, will be negatively affected by a decision or policy, action should be taken to address this
- **your decisions are based on evidence:** an EIA provides a clear and structured way to collect, assess and put forward relevant evidence
- **your decision-making is more transparent:** an evidence-based process which involves those affected by the policy is much more open and transparent, and so more likely to engender trust in decision-makers and in your decisions
- **you create a platform for partnership working:** an EIA offers an opportunity for organisations to work in partnership to consider the impact on shared community members, and to think about how they might collaborate and co-ordinate financial decisions. (See also section 2.4 of **The Social Services and Well-being (Wales) Act 2014**, which sets out a duty to co-produce).

Cabinet members have ultimate responsibility for EIAs and will need to ensure those who prepare options and proposals appreciate the importance of EIAs.

Scrutiny members should be able to ask whether an EIA of strategies, policies and decisions has been carried out, and to query it.

? Key questions

- How do we collect and use evidence to inform our housing policy and practice?
- Do we carry out equality impact assessments on all new and reviewed housing strategies, policies and functions?

Social model of disability

The social model of disability recognises that people are disabled by the barriers that commonly exist in a society. As an example, it is not the inability to walk that prevents a person entering a building unaided but the existence of stairs that are inaccessible to a wheelchair-user. In other words, 'disability' is socially constructed. The Welsh Government led the UK by adopting the social model in all its policy and practice in 2002.

The social model of disability requires society to remove these barriers to ensure equality for all.



? Key questions

- Do all references to disabled people in your policies and practices use **language** that is consistent with the social model of disability?
- Are our housing policies and services designed to reflect the social model? Do they create barriers that disable people and prevent equality?

✓ Good practice example

It is good practice to use ‘**The Real Tenancy Test**’, which can be used in tenancy-based supported housing to indicate the extent to which tenancy rights are being fulfilled. The test is designed as a self-assessment tool for support providers, landlords and commissioners. It can help them understand how their approaches and practices work for, or against, the exercise of real tenancy rights by their tenants and people they support, and to indicate how improvements may be made. (Further information can be found [here](#)).

Other drivers: related legislation

The **Social Services and Well-being (Wales) Act 2014** sets out the duties on local authorities in relation to support services for disabled people, and the choice and control disabled people should be able to exercise over support, including where and with whom to live. The **statutory guidance** says that: ‘when exercising social services functions in relation to disabled people who need care and support, and carers who need support, local authorities must have due regard to the United Nation Convention on the Rights of Disabled Persons’.

Supported housing can include assistance with services and with participating in the local community. In some cases, how it is delivered can restrict a disabled person’s ability to live independently.

The **Well-being of Future Generations (Wales) Act 2015** requires public bodies in Wales to:

- think about the long-term impact of their decisions
- work better with people, communities and each other, and
- prevent persistent problems such as poverty, health inequalities and climate change.

One wellbeing goal is a **More Equal Wales**, where everyone can reach their potential. The Act offers the potential to improve services and support for disabled people in Wales, with a special focus on long-term planning.



What 'good' looks like:

Policy development process

This section will explain how housing and planning strategies can incorporate disabled people's housing requirements, and what you can do to make sure this happens.

Housing strategy

This toolkit uses the term '**housing strategy**' to refer to either stand-alone strategies or housing elements in other strategies and plans.

Although in Wales there is no longer a requirement to prepare a stand-alone housing strategy, strategic housing elements must be reflected in Single Integrated Plans (which might be replaced by Well-being Plans in the future).

Housing strategies in Wales are seen as an important strategic tool and most local authorities produce separate local housing strategies.

The Welsh Government **Code of Guidance to Local Authorities on the Allocation of Accommodation and Homelessness** states: 'the efficacy of the strategic housing service and retained functions for local authorities with transferred stock will be best guided by strategic planning and efficient operational delivery must still be maintained'.

A **housing strategy** will set out how a council and its partners will shape and deliver future housing services and provision in the area. The strategy will be partly informed by evidence gathered through the **Local Housing Market Assessment**, and the strategy will in turn inform the **Local Development Plan**.¹

Housing strategies should consider the requirements and aspirations of disabled people in the area and plan appropriate housing and support options.

? Key questions

- Has the equality lead and/or access officer in our authority been involved in the development of the housing strategy?
- Have you engaged with disabled people in your ward to ask them about their housing issues and how they would like you to support their requirements? (e.g. how easy is it for a wheelchair-user, a person with a learning disability or a mental health condition to buy or rent a private or social home in your area?)

¹ By December 2018, local authorities will also be required to produce homelessness strategies and review them every four years. While we consider homelessness later on, detailed consideration of the requirements of disabled homeless people is beyond the scope of this toolkit.

Housing strategy: equality duties

Your housing strategy should reflect the equality objectives around disabled people's requirements that are in your local authority's **strategic equality plan**. It should also incorporate the results and any mitigating actions arising out of the EIA conducted on the strategy (see [Collecting and using evidence to assess impact](#)). It is also the duty of the local authority to engage disabled people in strategy development (see the guide on engaging disabled people).

Housing strategy: gathering evidence

In order to effectively plan housing and housing service provision, local authorities should have an understanding of disabled people living in their area. This includes knowing, for example:

- the number of disabled people living in the authority area
- the types of impairments they have (usually available through national charities e.g. RNIB's [Sight Loss Data Tool](#))

- estimates on the number of people likely to require an accessible home and/or support now and in the future, including levels and types of support and access requirements (you can find this information from e.g. mental health services)
- the number of disabled people experiencing or being threatened with homelessness
- an assessment of need of disabled people who receive, or could be receiving, housing-related support through the Supporting People Programme and other services (contact [Cymorth Cymru](#) to find out how to access this data).

Our report, 'Housing and disabled people: Wales's hidden crisis', shows that **20%** of local authorities in Wales consider the availability and usefulness of their disability data to be poor, with only **15%** considering it to be **above average**.

Key sources of data

Census

e.g. Age structure, Adults not in employment and dependent children and persons with long-term health problems or disability, Health and provision of unpaid care, Dwellings, household spaces and accommodation type, Tenure, Rooms, Bedrooms and central heating.

ONS population projections

National and local data in 'People, Population and Community' including Health and social care, Household characteristics, Housing, Wellbeing.

Household surveys.

Interviews with sample households.

Statistics on Blue Badge holders, access card holders or other relevant local schemes.

Benefits data – rate of disability-related benefits uptake, such as Disability Living Allowance, Personal Independence Payment (PIP), Attendance Allowance, direct payments.

Social care data on people inappropriately housed in residential/nursing home care.

NHS information e.g. Wheelchair service data.

NHS information – **delayed discharge** data e.g. cannot return home due to inaccessibility/unsuitability.

Daffodil portal data – provides population data by age band, gender, ethnicity, and by Disability Living Allowance or PIP, Employment Support Allowance and household growth data, for local authorities and local health boards in Wales to help plan care services in Wales (although it can be used for housing and other service planning).

Social services and housing can share their data to estimate the likely number of people with specific impairments and their current and future housing requirements.

Health data can include estimates on the delayed transfers from hospital to a house and/or social support by type of impairment and how housing can help alleviate delays. Such data assessments can be far from simple; however, they should lead to more citizen-focused strategic planning, much better use of resources (savings) and much better outcomes for disabled people.

? Key questions

- How does our authority use existing and projected data about disabled people in our area to inform strategy?
- Do we work in partnership with health and social services to gather evidence?

Housing strategy: planning together

Housing requirements of disabled people (and other members of the community) are best met when strategic plans are coordinated between different organisations, such as housing, social services and health boards, third sector organisations, support providers and housing associations.

Housing strategies should also link clearly with other local and national strategies, plans and areas, for example:

- Older people strategies
- Population Needs Assessments and Area Plans under Regional Partnership Boards
- Public Service Boards' Local Wellbeing Plans
- Mental health strategies e.g. Welsh's Government's Prevention through Early Intervention: Helping People with Mental Health Problems to Find and Keep a Home 2014
- Homelessness Strategies
- Supporting People Plans
- Welsh Government Framework for Action on Independent Living

✓ Good practice example

'In One Place' is a ground-breaking collaboration between Aneurin Bevan University Health Board, five local authorities (social services and strategic housing) and eight Registered Social Landlords within Gwent (Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen).

The initiative aims to make it easier to obtain suitable homes for people with complex health and social care needs, as an alternative to out-of-county residential placements or unnecessarily extended stays in hospital (delayed transfers of care). Service users take on a tenancy in a housing association and receive care and support in their own home. The programme is concerned with behaviour change among each of the partner organisations included in the collaboration, to increase partnership working, improve service user outcomes and general wellbeing, and reduce public sector expenditure.

Housing strategy: what 'good' looks like

? Key questions

- Has an EIA of the strategy been carried out? What are the results of the EIA?
- Were disabled people involved in the development of this strategy/plan?
- Is accessible housing going to be built as part of the housing strategy/plan?

Developing new homes and standards (more information in **Local development plan** and **Adaptations**):

- How will we ensure that future homes meet the requirements of disabled people in the area?
- What accessible housing will be required from developers? How will this be negotiated, monitored and enforced?
- Have we set targets for developing particular types of housing? Our housing inquiry report recommends that all new housing is built to **Lifetime Homes** standards, with 10% built to wheelchair-accessible standards.

- Can we use resources and pool funds with other departments/ organisations to meet the requirements of disabled people?

Allocations and adaptations (more information in **Accessible housing registers**):

- Do we have an accessible housing register?
- How do we check that our adaptations service is effective?

Homelessness and support:

- How is the housing strategy going to contribute to the prevention and reduction of homelessness experienced by disabled people?
- Are benefit changes affecting disabled people and what are we doing to address this?

Local Housing Market Assessment

A **Local Housing Market Assessment** (LHMA) is the key document providing evidence of need for developing different types of housing, including accessible housing, at the local authority level. It will inform the development of the housing strategy and the Local Development Plan.

Local authorities must produce an LHMA, which is updated every two years with a major review every five years.

(See also [Getting started with your Local Housing Market Assessment](#)).

Most current LHMA focus on producing estimates of general housing units and bedrooms needed to meet overall population requirements. Barriers such as resources and skills are often mentioned. However, the current model should form a good basis for developing a more fine-grained LHMA model, which addresses disabled people's requirements. For suggestions on what data and evidence could be used to inform a LHMA.

Case study

Rhondda Cynon Taf Council

In Rhondda Cynon Taf Council, the recently completed LHMA will soon be presented to the Council's Cabinet for formal approval, and will inform decisions on planning applications. An assessment of accessible housing needs forms part of this LHMA.

Cabinet members have received training on how to use the LHMA and have been taken on site visits of both affordable and accessible homes. It is viewed as critical that councillors understand the central role the LHMA plays in the local authority performing its strategic housing function and 'getting all the parties together'.

? Key questions

- How can we assess and provide evidence for disabled people's housing requirements as part of our authority's LHMA?
- Does our authority have an accessible housing register and is the data from this used as evidence for disabled people's housing requirements in the LHMA or specific housing developments?
- Does our authority use evidence/data from other departments and organisations, including the Department of Work and Pensions, social services and health, to assess the level of need? (See **Housing strategy**).
- In your front-line role, can you facilitate engagement with disabled people in your area to inform the needs assessment for the LHMA? (see the separate guide on engaging disabled people).
- In your front-line role, what do you know about the housing requirements of disabled people in your ward and how can you contribute that information to the development of the LHMA?

Local Housing Market

Assessment: Knowledge of current stock

Awareness regarding the accessibility of housing is variable between local authorities. Typically, local authorities know much less about the accessibility of housing association, private rented and privately owned housing in their area.

The development of an accessible housing register can improve knowledge and use of current accessible housing stock. Local authorities can share good practice in this area through [Tai Pawb's Accessible Housing Network](#).

✓ Good practice example

Newport Council is currently updating its LHMA. The local authority is using disability-related benefits data from the Department for Work and Pensions to assess the numbers of disabled people in the area, as well as liaising with social services to assess the need for specialist/accessible housing.

Local Development Plan

A Local Development Plan (LDP) sets out local planning policies and identifies how land is used, determining what housing will be built where. When preparing LDPs, local planning authorities must follow Welsh Government policy and guidance, including:

- **Planning Policy Wales (Chapter 9 Housing)**: 'local planning authorities should promote 'barrier free' housing developments, for example built to **Lifetime Homes Standards**²).
- **Technical Advice Notes such as TAN 12: Design**: Lists a key objective of good design as 'accessibility' – ease of access for all into the development and to all elements within the site.

Putting an appropriate range of policies and guidance in place will inform the planning application process (see **Adaptations** on housing and development) by making requirements much clearer for applicants and giving planning officers robust support when negotiating proposals or challenging unacceptable schemes.

² There are examples of misinterpretation of Lifetime Homes standards so that, for example, large cupboards are included on first floor landings to accommodate a future through-the-floor lift but the bathroom is far too small for wheelchair access without a complete re-design of the bedrooms.

! Top tips: Development of policies within the LDP

- Ask planning officers to involve the community in preparing Supplementary Planning Guidance on Inclusive Design ('**Access for All**', adopted by the Flintshire County Council, is a good example).
- Use 'sustainable development principle' requirements of the Well-being of Future Generations (Wales) Act 2015 to support inclusive design and the need to consider the future welfare of the community.
- Review housing policies to ensure that they take account of the need for accessible and adaptable homes, and that due consideration is given to the accessibility of local amenities.
- Consider encouraging development and implementation of **Supplementary Planning Guidance** for accessible housing and neighbourhoods.
- Consider whether all housing (including private housing) should be built to Lifetime Homes standards (see in particular Other drivers: related legislation Wellbeing of Future Generation Act goals, and think about the long-term impact of your decisions).

Local Development

Plan: equality duties

Similarly to housing strategies, LDPs must comply with the equality duties (an EIA must be conducted (see [Collecting and using evidence to assess impact](#))) and the process should engage with disabled people.

Planning Policy Wales 3.3.1 states 'Disability Access Groups need to be consulted throughout the land use planning process'.

Housing development and planning

Planning considerations

Decisions on planning applications must be made in accordance with the development plan, unless **material considerations indicate otherwise**. The development plan comprises the National Development Framework for Wales (currently being progressed), the Strategic Development Plan for that area (which covers cross-border issues, such as housing) and the LDP.

A planning proposal cannot be refused simply because many people oppose it. Each application must be assessed on its own merits, with planning officers carrying out a planning balance exercise. If an application is refused, that decision must be because it is in conflict with the development plan. Also, material considerations must not indicate that the application can be determined favourably, or that unacceptable development cannot be mitigated through planning obligations.

The following material considerations are relevant in most planning applications:

- **Planning Policy Wales and Technical Advice Notes** (TANs) (see [Local development plan](#))
- local planning policies/draft policy (the importance of engagement in the development stages of the LDP is set out in [Local development plan: equality duties](#))
- the environmental, social and economic impacts of the proposal (sustainability – about improving wellbeing and quality of life for future generations)
- access and provision of infrastructure for the site
- the design of the proposal (see TAN 12 in [Local development plan](#))
- the planning history of the site
- the views of organisations and individuals, in relation to relevant planning matters (inclusion of access groups – see Planning Policy Wales).

Local authorities should seek to secure accessible homes through negotiation during the planning application process via **Section 106 Planning Obligations**. Planning obligations may be sought to mitigate the impacts of development which do not comply with the development plan. Section 106 Planning Obligations can, however, only be entered into where they are compliant with Section 106 of the Town and Country Planning Act 1990 (as amended) and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). These require that planning obligations should only be entered into where they are:

- necessary to make the development acceptable in planning terms
- directly related to the development, and
- fairly and reasonably related in scale and kind to the development.

Additional guidance >

Welsh Government Design and Access Statements in Wales (DAS) (2017)

Design and Access Statements were introduced to help ensure that both design quality and inclusive access are given sufficient consideration in the planning process.

Disability Wales Planning for Inclusive Access in Wales: Good Practice Toolkit

An online resource for planners to enable them to plan for inclusive access and to engage effectively with access and disability groups.

Homes for people with dementia and sight loss – A guide to designing and providing safe and accessible environments

Homes for people with learning disabilities and sight loss – A guide to providing safe and accessible environments

? Key questions

Has inclusive design been considered in the initial project brief? This includes:

- the footprint and orientation of development on site to minimise gradients in the approach to buildings
- the landscaping details
- access to local amenities, bus stops, and so on, served by accessible routes
- at every stage of the development process, from inception to completion

Is there an EIA?

- Does this address any inclusive design issues that may impact on equality objectives?

Have users and potential users been engaged or consulted at every stage?

- How have their views been addressed in the design?
- Is a consultation and communication strategy in place from the outset?

Has the applicant (for developments of 10 or more dwellings or where the site area is of 0.5 ha or more) considered disabled people's requirements within their **statutory community consultation**?

Does advice need to be obtained from the local authority access officer and/or a specialist access consultant?

Has a Design and Access Statement been prepared for the planning stage?

- Does this address how users:
 - > gain access from the public transport network
 - > access and use any parking provision
 - > access and use the public realm, including areas of private and public open space
 - > negotiate any changes in level
 - > orientate themselves and find their way around the development?
- If there isn't a Design and Access Statement, how are these issues demonstrated?

Additional development considerations

Building Regulations

Many access issues are not considered at planning stages and are, instead, reviewed only in the context of Building Regulations; however, both the planning stages and the Regulations influence and impact on the provision of inclusive housing schemes.

Ensuring that all access issues are covered between planning and building control requires regular liaison between these two disciplines. Engaging with your local access group and consulting with your access/equality officer will help with this (see our separate guide on engaging with disabled people).

It is important to note that compliance with Part M of the Building Regulations does not necessarily equate to compliance with the obligations and duties set out in the Equality Act.

An access statement for a residential development can help to ensure that the requirements for dwellings to meet Part M access standards, or Lifetime Homes standards, are complemented by accessible infrastructure and community links. This helps create lifetime neighbourhoods.

Welsh Housing Quality Standard

The [Welsh Housing Quality Standard](#) requires all social landlords to improve their housing stock to an acceptable level by 2020. Part VII of the document (pages 28-32) makes clear the need to ensure that, as far as possible, accommodation meets the need of the household, including the requirements of disabled people.

Development Quality Requirements

[Development Quality Requirements](#) (DQR) require all **new** social housing funded by Welsh Government to be built to Lifetime Homes standards, and 'where it is practical and cost effective to do so, consideration should be given to incorporating some, or all of the [Lifetime Homes standards] into (existing) dwellings'.

The standards are designed to incorporate features that add to the comfort and convenience of the home, and support the changing requirements of individuals and families at different stages of life. This includes the requirements of wheelchair-users and people with visual impairments (see: [RNIB Visibly Better](#)). Examples of such features would be building homes with wider doors and walls strong enough for grab-rails to be installed in case the owners need them in the future. These homes are different to **wheelchair-accessible homes**. Clearly, adapting a property after it has been built is much more expensive and less effective.

Case study

Newport Council

Normally, only Welsh Government-funded new social housing is required to be compliant with DQR. In Newport Council, DQR have been written into the local planning policy for housing associations. When housing associations develop TAN2-compliant affordable housing, including low-cost home ownership, intermediate rent and shared ownership, there is a requirement for it to be DQR-compliant. The requirement goes beyond Welsh Government compliance, by including tenures other than rented social housing.

Personal story

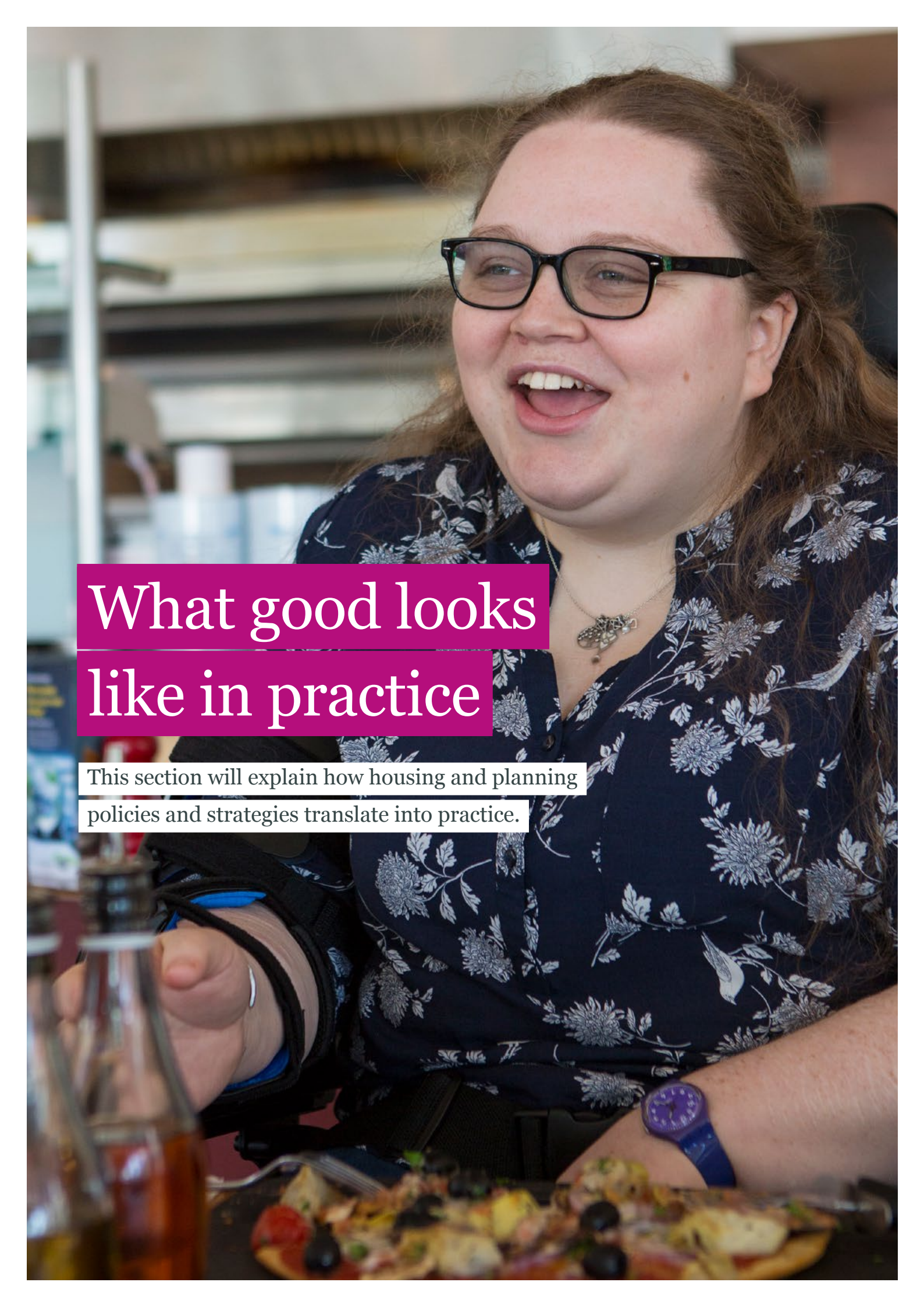
Ruby

Ruby lives in South Wales with her son Cody, who has the degenerative muscle condition Duchenne Muscular Dystrophy. Cody currently finds it difficult getting up the stairs on his own, and this will only get worse as time goes on and his illness progresses.

'I'm very worried about what will happen if we have to stay here once Cody has to use a wheelchair. He won't be able to sleep in his bedroom, or use the bathroom privately, and the impact on his life, our lives, will be enormous. There are new developments being built, but neither the

council nor private developers are building enough homes to cater for families like us who need them. We are gold priority on the local housing association list, but there's not a single available home in the area which is suitable. The life expectancy for someone living with Duchenne is only 27 years. Our precious time together shouldn't be wasted struggling to get out of the front door, or get down the stairs, we should be able to enjoy our lives together while we can'.

Ruby made a film in 2015 called **Ruby's Home Truth**. Since then, Ruby and Cody have moved into a house suitable for their needs; however, **the film is still relevant because we know there are many more people like Ruby and Cody out there!**

A woman with long brown hair, wearing black-rimmed glasses and a dark blue floral patterned shirt, is smiling broadly. She is seated at a table with a pizza and a glass of beer. The background is a blurred indoor setting, possibly a kitchen or dining area.

What good looks like in practice

This section will explain how housing and planning policies and strategies translate into practice.

We will focus on:

- how existing accessible homes are allocated through **accessible housing registers**
- how current homes are **adapted** to meet disabled people’s requirements
- how those requirements are currently met in **private sector** homes
- the support schemes available

Accessible housing registers

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

The Welsh Government is encouraging all local authorities in Wales to establish and maintain an **accessible housing register**.

Accessible housing registers hold a detailed register of disabled people in need of accessible homes, together with a detailed register of accessible properties, their location and characteristics (or levels and types of accessibility). This enables effective matching of people and suitable homes. Some registers are **separate** to general waiting lists; others are **embedded** within waiting lists (categories are used to identify people with accessibility needs).

Accessible housing registers are a great way of making the best use of available resources, letting adapted/accessible homes to people who need them.

They can minimise the need to:

- remove established adaptations which could benefit other applicants with accessibility needs
- install adaptations in a non-adapted home (if this was let to a person with accessibility needs).

This could enable budget savings on **Disabled Facilities Grants and Physical Adaptations Grants**.

Registration on the accessible housing register does not mean applicants can’t register on the general waiting list (where these are separate). Segregating applications from disabled people in this way limits their right to choice and can seriously prolong waiting times in areas with real accessibility shortage.

? Key questions

- How much does our authority spend on adaptations each year? Could we make savings by having an accessible housing register?

An effective accessible housing register will have the following elements:

1. Specialist staff or staff who are trained and have a level of expertise in relation to the access requirements of disabled people, in particular: disability equality training and inclusive design
 - > managing and reviewing waiting lists
 - > assessment of property (access and adaptations)
 - > classification of property (coding to denote accessibility level and adaptations)
2. Open and easily accessible to apply
3. Housing advice and information for applicants in relation to the availability of accessible housing and guidance on areas of choice
4. Clear and transparent policies, procedures, and guidance covering the following areas:
 - > matching people and properties
 - > application, including process and criteria
 - > assessment and classification of need (housing, adaptation, and access)
 - > applicant prioritisation (preference), managing waiting lists, homelessness referrals, etc.
5. Clear standards, monitoring and review processes for:
 - > applicants' waiting times (segmented into process e.g. application, assessment, waiting for a home)
 - > void times
 - > allocations
 - > complaints and appeals
 - > satisfaction (customer)

NB: Some of the above standards will differ for **choice-based lettings**.

In choice-based lettings, applicants bid for properties that become available. It is, therefore, extremely important that their accessibility features appear on adverts. This could include extra photos of and information on the available homes, and additional opportunities to view them.

✓ Good practice example

A best practice approach to accessible housing registers would encompass all of the above elements, in addition to:

1. Clear and common process between all local housing providers on how they will arrive at decisions to remove adaptations (in consultation with the accessible housing register).
2. Comprehensive housing advice for disabled applicants from specialist staff.
3. Housing needs data held by the register feeds into the housing strategy, LDP, LHMA, and other local planning and housing policy documents.
4. Outreach work to local hospitals (in particular with discharge teams) and general promotion of the service.

? Key questions

- Do we operate an accessible housing register?
- Do disabled people wait longer to be rehoused than other applicants?
- Do we involve disabled people in assessing the effectiveness of – and improving – the accessible housing register (or allocations system)?
- Is there a penalty if disabled people reject properties for accessibility reasons?

If our local authority operates a choice-based lettings scheme:

- Is there a way for disabled people to be matched with existing accessible/ adapted housing?
- Is there a way for disabled people to know whether or not a property will meet their access needs?



Case study

Cardiff Accessible Homes: Accessible housing register

Cardiff Accessible Homes (CAH), established in September 2002, is a central housing register for disabled people with physical impairments who want to move. CAH works closely with its partners (the local authority and seven housing associations) to provide quality homes for people who are looking for adapted or accessible housing. CAH was originally funded by the Welsh Government but is now fully funded by its partners. The aim of the service is to enable available adapted and accessible properties to be best matched to those people who need them.

The service offers re-housing, assessments, advice and support. This involves working in partnership with several agencies and organisations with a view to re-housing the client or obtaining an occupational therapist assessment, in order for adaptations to be installed. The underlying objective of the service is to help disabled people relocate/ remain within their home, and to continue to enjoy independent living.

Personal story

leuan

leuan was involved in a road traffic accident in 2016. Following a lengthy stay and rehabilitation in hospital, leuan was referred to Cardiff Accessible Homes by his social worker. leuan was unable to return to his previous property due to him not being able to use the communal stairs. He was assessed and placed on the accessible housing waiting list in late June 2016. leuan was offered a two-bed ground floor flat in August 2016. He and his carer have settled at the property and enjoy the local amenities. leuan stated the move from hospital to his current property was a difficult and anxious time, but he is now enjoying living independently in a secure environment.

Adaptations

Home adaptations can enable independent living, improve health and wellbeing, and prevent admissions to residential settings or emergency visits to hospitals.

The average cost of a fall at home that results in a hip fracture is nearly £28,000 – over 100 times the cost of installing timely hand and grab rails (Welsh Government. 2017).

More than £50 million is spent each year in Wales on providing adaptations. However, in addition to the obvious and serious human costs of living in unsuitable housing, more than £30 million is spent annually on delayed discharge from hospitals, and £67 million on treating falls

Currently, there are a number of grants that fund adaptations for different tenures, all of which are encompassed within one system: **Enable – Support for Independent Living** (introduced in 2017). The system, as described by the Welsh Government, is meant to enable disabled and other people to better access diverse adaptations funding.

Enable encompasses the following grants:

- **Disabled Facilities Grants (DFGs)** for local authority tenants and other tenures (funded by local authorities)
- **Physical Adaptations Grants (PAGs)** for housing association tenants (funded by the Welsh Government)
- **Rapid Response Adaptation Programme** (delivered by **Care and Repair Agencies**). Care and Repair Agencies also provide a 'core' service of caseworker support to assess a person's needs and requirements for housing adaptation requirements.

Those housing associations with stock transferred from their local authority cannot currently access PAGs. However, they can access DFGs from local authorities and often hold separate adaptations budgets. In Wales, 90% of adaptation applications are accepted on average, and most refusals are as a result of means-testing. Currently, only DFGs in Wales are means-tested. No means-test is needed for families with dependent disabled children or young people under 19.

Adaptations: measures of success

There are big variations in waiting times for adaptations between local authority areas and between different grants, with DFGs usually taking the longest. Welsh Government research from 2015 showed that the mean cost of adaptation was £3,887, and the mean delivery time was 176 days (although there is great deal of variance in that figure).

The best and quickest results can be seen where housing departments (e.g. Caerphilly County Borough Council) have their own occupational therapists who assess disabled people's requirements for adaptations, or where therapists are employed within the accessible housing register and shared by partners (as in Cardiff Accessible Homes).

? Key questions

- What is the average waiting time in our authority for adaptations, and how does it compare with national averages?
- Are there differences between waiting times of local authority tenants and other local tenants of housing associations? Is there an explanation for those? What can be done practically to speed up the slower adaptations processes?
- Do we measure the satisfaction levels of disabled citizens receiving adaptations? Do we measure the impact of adaptations on disabled people's lives (from a citizen-centred perspective?)
- How do we engage with disabled people to assess and improve the effectiveness of our adaptations system?
- How do we use adaptations for people who are autistic or have a mental health condition? (e.g. quiet rooms, noise insulation)
- Does our authority reflect the national objectives of the Framework for Action on Independent Living within local plans and strategies, including equality schemes?

Case study

Cardiff Accessible Homes: Adaptations referral

Cardiff Accessible Homes (CAH) provides a holistic housing service, including managing a central disabled people's housing list, occupational therapist assessments, housing advice and support. This involves working in partnership with several housing associations, agencies and voluntary organisations to find positive solutions to disabled people's housing issues. The project became operational in 2002 and has since successfully rehoused over 2,500 clients.

A part of what CAH do is manage the referral process for PAGs, ranging from home extensions to grab-rails. This involves taking the referral from partner Registered Social Landlords and arranging occupational therapist visits and assessments so that clients can have adaptations installed in their properties.

CAH continues to manage the PAG referral service, which has seen increasing numbers of referrals year on year, highlighting the need for other local authorities and Registered Social Landlords to replicate the service provided. The project continues to work closely with its partners to identify new sites for new build properties. This is achieved by having a central register of disabled applicants, including information on each person's impairment, need to move, and the areas they are willing to move to. CAH works closely with the Child Health and Disability team and Local Health Boards when dealing with child and delayed transfer of care cases, resulting in positive outcomes when locating suitable adapted accommodation.

Personal story

Helen

Helen slipped in her bath twice in a week; the second slip led to her being hospitalised. Having contacted CAH, the discharge nurse was advised of the options available. An occupational therapist visit was arranged to the property with the client, and the therapist advised that the property should be installed with a level access shower and ramps. The assessment was then sent to the landlord to complete the tendering process. The level access shower was installed within three weeks and the ramps within four weeks.

On a recent visit to Helen in her home, CAH was advised that the installation of the shower had allowed Helen to take care of her personal hygiene without the worry and stress of falling, and that the ramp had enabled her to access the property without having to climb stairs.

Private sector

The private sector includes both owner-occupied housing and privately rented accommodation, and represents the largest proportion of housing in Wales. It plays an increasingly important role in the provision of accessible and adaptable accommodation for those who require it.

Local authorities can set targets or requirements for developers to deliver a certain number of accessible adaptable homes. This needs robust monitoring mechanisms, to ensure that these targets are met and money isn't wasted on poor quality design. Specifically with regard to owner-occupied housing, local authorities can ask for accessible homes to be delivered by private developers, where appropriate, through the planning application procedure, and secured either via condition or via planning obligations under Section 106 of the Town and Country Planning Act 1990.

? Key questions

- Does our authority ask private developers to develop accessible housing as part of their targets, and how are these monitored and reported?
- Do we use the private rented sector to house disabled people?
- What information do we provide for private landlords about funding for adaptations for their tenants?

Supplementary questions:

- If we house disabled people in the private rented sector, do we provide advice, guidance and/or training to the landlords on tenants' requirements?
- How do we assess the suitability of private rented property for disabled people, including people with a learning disability or mental health conditions?
- Have we considered including private rented/private properties on the accessible housing register?
- If private rented housing is being considered, what is the length of tenancy being offered and how secure is it?

There is growing evidence that, with the right support/information, more people from diverse backgrounds, such as disabled people, can be appropriately housed in the private rented sector.

Private landlords and letting agencies in Wales now have to be registered with **Rent Smart Wales**, which sets certain requirements around an individual's suitability to be a landlord, but does not include an inspection of the properties they own.

There are also a number of **social letting agencies** (e.g. Cadwyn's Can Do, Taff Housings Adore or Simple Lettings in Carmarthenshire). These are similar to private lettings agencies but are usually run by a housing association or local authority. They manage and let private rented properties to people such as tenants in receipt of housing benefit or threatened with homelessness.

✓ Good practice example

Carmarthenshire Council uses some adapted private rented properties through its social lettings agency – Simple Lettings. This allows the Council to have some control over lettings for an agreed period (usually five years), making it more likely that the adaptation will benefit another disabled person in the future.

Some private landlords can be reluctant to install adaptations due to the risks associated with trying to secure new tenants with similar needs, should disabled tenants move out. To counter this, some local authorities now offer incentives and support to private landlords, including advice, guidance and training. These packages can include specific advice related to issues that disabled people face.

Private rented sector housing will not be appropriate for all applicants. In particular, local authorities should consider potential risks to any vulnerable applicant when offering/sourcing accommodation that is shared, as they will need to be sensitive to those who may face harassment or exploitation from housemates and their visitors.

Support

- There are a variety of support schemes available that can offer temporary or permanent support to an individual.
- Support is available to home owners, council tenants, housing association tenants and private tenants, and while some accept self-referrals, many require a referral from a statutory or voluntary agency.
- Some support schemes are available at no charge to the individual, while others are means-tested.
- Better engagement, collaboration and cooperation between all stakeholders leads to improved information, planning and delivery of accessible housing.

Case study

Open Doors

Open Doors is a Big Lottery funded project, hosted by Tai Pawb, that focuses on raising awareness and knowledge about equality rights and responsibilities among private landlords and private tenants. The project has developed an **information hub**, guides and free training for landlords and tenants in Cardiff, the Vale of Glamorgan and Merthyr.

? Key questions

- An individual can have a support package that is made up of different types of support from different funding streams – has this been considered when assessing someone's requirements?
- Have the applicants themselves been involved or consulted when developing a new accessible housing scheme or support for the individuals?
- What impact are the changes to the Supporting People Programme grant funding having on us?

Support schemes in Wales

There are a number of differently funded and managed support schemes in Wales. Individuals may have one or a number of reasons for needing support, which can sometimes extend beyond the parameters of a single support service.

Supporting People is a £124 million Welsh Government programme that supports more than 60,000 people each year to prevent them from becoming homeless. Supporting People services often help to avoid hospitalisation and homelessness, minimise the need for high-cost interventions and reduce pressure on statutory services such as health, social care and the criminal justice system.

Social services support and care packages include domiciliary or day care, aids and equipment to help maintain independence in the home, residential care, carer support or re-settlement support following discharge from hospital. The support can be delivered directly by local authority staff, through contracts that a local authority has with the third sector and private providers, or through direct payments.

Direct payments is funding that is paid to an individual from their local authority so that they can purchase and manage their own support services, rather than having these services delivered directly. Direct payments are about empowering disabled people to have more choice, take more control of their lives and to make more of the decisions that affect how they live. They enable disabled people to secure assistance with daily living, and can help individuals with support requirements to remain in their own home rather than entering residential settings.

Case study

Pobl Reach

In South Wales, a scheme has been developed by Pobl Reach in partnership with local authority housing and social services. An existing property was identified and refurbished. This comprises 13 apartments and a lift to all floors, enabling people to live independently, with the ability to access individually tailored packages of support if needed. Prospective tenants were identified early and took part in selecting fixtures and fittings in the property, designing their communal areas and selecting rooms.

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