



Nottinghamshire and Derbyshire Disabled Housing: Current and Emerging Issues Study

**Report by Habinteg Housing Association
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1. Introduction

Nottinghamshire and Derbyshire local authorities commissioned Habinteg Housing Association to develop an issues paper highlighting recent and emerging legislation, policy and other information relevant to the housing needs of disabled people. The authorities require this information to help ensure they are doing their best to understand and meet the housing needs of disabled people in their areas.

The study is effectively an addendum to an in-depth research project on the same issue, commissioned by the authorities in 2011 and delivered in September 2012 by Ecorys and ConsultCIH. Due to the range of legislative, policy and financial changes in the intervening period, the local authorities required an assessment and report of relevant changes and the implications of these for recommendations in the original over-arching report.

In summary, the recommendations of the original over-arching report were as follows:

- Recommendation A – Raise awareness;
- Recommendation B – Ensure housing assessments highlight the needs of disabled people;
- Recommendation C – Promote preventative and early intervention investment;
- Recommendation D – Further develop Home Improvement Agency;
- Recommendation E – Introduce more comprehensive stock condition survey and recording systems;
- Recommendation F – Agree a protocol for adaptations;
- Recommendation G – Ensure private sector/developer obligations are enforced;
- Recommendation H – Use publicly owned land to meet needs.

This report is the outcome of this request. Its purpose is to help Nottinghamshire and Derbyshire local authorities ensure that the research recommendations in the original over-arching report are up to date and appropriate.

2. About Habinteg

Habinteg is a housing provider with over 40 years' experience providing homes and services to disabled and non-disabled tenants.

Habinteg champions inclusion by working to:

- Influence policy and promote good practice in relation to inclusive, accessible housing and independent living for disabled people;
- Provide and strengthen research expertise and guidance on all aspects of housing and disability;
- Inform the development of new ventures in areas such as: housing options and advice; supply of accessible homes; inclusive design in housing and neighbourhoods; effective home adaptations; support to individuals and families.

The social model of disability is crucial to every aspect of Habinteg's work. We believe that people are disabled by barriers in society and negative public attitudes, rather than by their own impairments.

Habinteg operates across over 80 local authorities in England and Wales and manages over 3,300 homes. Of these over 1,200 are designed for wheelchair users. Over 59 per cent of our tenants (April 2012) tell us that they define themselves as disabled people.

3. Report structure

This report is based on a search and review of material relevant to meeting the housing needs of disabled people. The search and review spanned the time from at least the start of 2012 to the point in 2013 when the research was being undertaken (February/March). The search covered the following broad categories: New and forthcoming legislation and guidance; draft Bills and regulations; departmental reports, policy reviews, announcements and proposals; research and opinion by relevant public and voluntary sector organisations.

The focus of the search was on issues which affect housing and housing services for disabled people and not care and support issues. However, the thrust of some aspects of government policy and public comment mean that there is a tendency towards linking some of these areas. We have tried to take this into account, while being mindful of sticking to the requested focus as much as possible.

The findings of this study are reported within the following broad thematic categories:

- Planning, housing standards and housing;
- Health, social care and housing
- Care, support and housing – Bills and proposals
- Equality, human rights, housing and accessibility
- Housing adaptations – good practice update
- Welfare reform, spending and benefit cuts and housing
- Other relevant government strategies and policies reviews

When we refer to the original report, to which this is an addendum, we refer to that report as the 'original over-arching report' or the 'over-arching report'.

4. Summary of implications for previous report recommendations

The following table highlights, in summary form, areas of this report that have particular implications for the recommendations in the original over-arching report commissioned by Nottinghamshire and Derbyshire local authorities. Points A) to H) in the left hand column are the recommendations from the original over-arching report and these are plotted against the sections of this report, shown horizontally across the top of the table with their corresponding chapter headings.

Report Chapters Recommendations	Planning, housing standards & housing; (pp. 5-11)	Health, social care & housing (pp.12-15)	Care, support & housing – Bills and proposals (pp. 16-18)	Housing adaptations – good practice update (pp. 19-22)	Equality, human rights, housing & accessibility (pp. 23-24)	Welfare reform, spending & benefit cuts, & housing (pp. 25-31)	Other relevant government strategies and policies reviews (pp.32-33)
A) Raise awareness	✓	✓	✓	✓		✓	✓
B) Ensure housing assessments highlight the needs of disabled people		✓	✓		✓	✓	
C) Promote preventative and early intervention investment		✓	✓	✓		✓	✓
D) Further develop home improvement	✓		✓				✓
E) Introduce more comprehensive stock condition survey and recording system	✓				✓	✓	✓
F) Agree a protocol for adaptations				✓		✓	
G) Ensure private sector/developer obligations are enforced	✓				✓		
H) Use publicly owned land to meet housing need.	✓		✓				

5. Planning, housing standards and housing

5.1 Localism Act 2011

The original over-arching report made reference to the Localism Act 2011 and noted that the Act 'introduced some significant changes to social housing allocation, tenancies and rent levels. Whilst government suggests that long term tenancies will remain appropriate for older and disabled people, local areas and housing associations may apply the new flexibilities in different ways, which may increase the difficulty for disabled people to access affordable housing'.

The Act gives local authorities greater freedom to set their own policies about who should qualify to go on the waiting list for social housing in their area. Despite the fact that the authorities will still be expected to ensure that 'social homes go to the most vulnerable in society'¹, this has the potential to create significant variation between areas and add to the, already considerable, barriers facing disabled people if they wish to move from one area or another. The provision for fixed term tenancies has similar potential.

These new powers heighten the need for awareness raising measures as referred to in **Recommendation A**.

Changes to council housing finance introduced by the Act may mean that councils may have a more predictable rental income. The Act means that instead of forwarding money raised by rent to central government and then waiting to see 'what share they get allocated back, councils will be able to keep the rent and use it locally to maintain their social homes'². Government suggests this will give them a more predictable and stable basis to plan for the long term. In turn, this may represent some greater element of predictability over local authorities' budget for home maintenance costs: the potential of this to support **Recommendation D**, for example, (on working to support Home Improvement Agencies and additional funding openings for adaptations) could be explored.

Section 176 of the Act supports a 'national home swap scheme' to 'enable people who would like to swap their social home to access details of all other tenants who may be a suitable match'. Local authorities may wish to investigate any influence they have on the administration of this scheme to increase awareness of the needs of disabled tenants and to attempt to improve use of accessible properties by disabled people. This could have significance for **Recommendation E** and **Recommendation A**.

Inter-agency and also public awareness of the housing needs of disabled people and the importance of appropriate allocation could be enhanced by improved use of this scheme: for example, if a non-disabled tenant occupies an adapted/accessible property, the aim should be for that to ultimately be used for a disabled tenant; conversely, a disabled person occupying an inaccessible property would be assisted in swapping to an accessible property

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf

² A plain English guide to the Localism Act, DCLG, November 2011

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf

to the extent that greater knowledge is held of the housing stock by housing authorities and also the greater the level of public and tenant general awareness of the need for accessible housing.

The Act also introduced a number of changes to planning, some of which may be important for the local authorities to consider in relation to potential future implications for the provision of housing for disabled people. Most of the measures in the Act came into effect in April 2012.

The Act abolished regional strategies, and the centrally determined housing targets set by those strategies. However, Section 110 creates a new duty requiring local authorities and other public bodies to work together on planning issues. While the authorities involved in this study are by definition already cooperating, this duty could support extending such cooperation into sustainable development and strategic planning. This may have significance for **Recommendations A, G and H** in particular.

The Act introduced a new power for organised community groups – either a parish council or a neighbourhood forum – to draw up a neighbourhood plan. Plans can specify where these groups ‘think new houses, businesses and shops should go – and what they should look like’³. Local authorities will have to organise referendums on such plans and if ‘the plan is approved by a majority of those who vote, then the local authority will bring it into force’⁴.

The Act also establishes an accompanying ‘community right to build’ (CRTB) whereby proposals by a community organisation, meeting minimum criteria will be able to proceed without requiring a separate traditional planning application. These changes further underline the importance of a strategy to raise awareness of the housing needs and aspirations of disabled people, as advised by **Recommendation A**. The implications of CRTB for **Recommendation G** on private development obligations should be considered.

Housing LIN has produced advice⁵ on using new CRTB processes as part of a strategy to deliver better housing for older people. Many of the features sought in such housing would apply to disabled people’s housing ambitions. Housing LIN draws attention to the possible potential that CRTB may have for making acquisition and development of land easier, but point out that if people are to use such structures and processes, they need to be ‘fully conversant with the new powers and procedures...consult fully with local residents and gain their support...are able to access a range of resources and secure suitable technical support’ and so on.

Further obligations on developers to consult communities before submitting certain kinds of planning applications are also introduced by the Localism Act. Section 122 amends the Town and Country Planning Act 1990 by inserting new sections to require prospective developers to consult local communities before submitting planning applications for certain developments⁶. Local authorities may wish to highlight the potential of this for communities

³https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf

⁴ Ibid.

⁵ Community-Led Housing for Older People and the Community Right to Build, Stevens, J., Housing LIN, February 2013.

⁶<http://www.legislation.gov.uk/ukpga/2011/20/notes/division/5/6/4/1>

to raise the housing needs of disabled people through such consultation. This therefore may have implications for **Recommendations A** and **G**.

5.2 National Planning Policy Framework

The original over-arching report points out that the coalition government's National Planning Policy Framework (NPPF) has significantly reduced the volume of guidance for local planning authorities. NPPF paragraphs 50 and 159, however, refer to the need to plan for and meet the housing needs of the local population including older people and people with disabilities. Paragraph 50 promotes the development of 'inclusive and mixed communities' and for authorities to 'plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as...older people, people with disabilities...)', while paragraph 159 says that authorities must ensure that Strategic Housing Market Assessments should identify the scale and mix of housing and the range of tenures that the local population is likely to need, highlighting the needs of 'people with disabilities' as a specific group to be considered⁷.

A court judgement on February 2013 found that the NPPF took precedence over the Localism Act when it upheld the Secretary of State, Eric Pickles', decision to approve the building of 1,000 houses on open farmland against the wishes of the local authority⁸.

5.3 Review of government planning practice guidance

A review of government planning practice guidance followed on from the publication of the NPPF. The review reported in December 2012 and was followed by a consultation which closed on 15 February 2013. The review recommended cancelling a significant number of pieces of guidance and updating others. In particular, 'Planning and Access for Disabled People: A Good Practice Guide (2003)', was recommended for cancellation despite acknowledgment that it contained good practice advice. The review asserted its content was considered generally 'understood'. Widespread on-going problems of accessibility would suggest this is very optimistic. The review recommended the good practice contained in it should be 'mainstreamed' and included as part of a 'shortened guidance suite'. Worryingly, however, no detail was given on how any of this was to be achieved⁹.

The relevant point for the local authorities is that the advice content in the guide was effectively supported by the review. If the government's planning and access guidance is withdrawn recourse to appropriate alternative guidance becomes even more importance.

This point should be considered in tandem with **Recommendation G** of the report which refers to bringing OT, housing and planning expertise plus local disabled people and representatives in development of a design guide. We suggest that instead of spending resources on developing a local guide, that appropriate existing guidance is used as a reference point for the local authorities design requirements. In particular we recommend Habinteg's Lifetime Homes Design Guide 2011 and Wheelchair Housing Design Guide 2006

⁷https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

⁸<http://www.24dash.com/news/housing/2013-02-27-High-Court-judge-puts-NPPF-over-Localism-Act-in-Gloucester-development>

⁹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/39821/taylor_review.pdf

as standards for use by the local authorities and as the basis of consultation and discussion locally with disabled people, developers and professionals.

We suggest therefore the **Recommendation G** is amended to specify use of these already existing authoritative design guides.

This is stated subject to any adoption of appropriate national standards which may be adopted as a result of the DCLG-led review of housing standards, referred to under section 5.4 below. At the time of writing this review is in its early stages and its ultimate outcome cannot be predicted.

5.4 Review of the building regulations framework and housing standards

The currently on-going review of the building regulations framework and housing standards is also relevant to the aims set out in the NPPF. This review was announced in September 2012 and is under the remit of the DCLG. It arises from the government's deregulatory objectives as set out in the 'Red Tape Challenge'. Its stated aim is 'to rationalise the large number of codes, standards, rules, regulations and guidance that add unnecessary cost and complexity to the house-building process'¹⁰. The technical housing standards review comprises a 'challenge panel', which is considering how the current system of building regulations and housing standards work together, and a housing standards review group.

The challenge panel is considering how building regulations and housing standards work together and 'what potential there is to free up the system and make it work more efficiently'¹¹

The housing standards review group is 'examining and rationalising the wide range of housing standards that authorities can apply'¹². This group is also supported by six working groups, one of which covers accessibility.

The review group and challenge panel are due to submit findings by the end of April 2013. Government has said a plan of action and initial consultation will be published by late spring 2013. As stated above, while it is to be hoped that this review results in the adoption, promotion and enforcement of robust and effective housing accessibility standards, at the time of writing the review is underway and the outcome cannot be predicted.

DCLG explained that the housing review will build on the initial work on local housing standards conducted by the Local Housing Delivery Group¹³. Otherwise known as the Harman review, this earlier review was set up in 2011 and chaired by Sir John Harman. It produced two reports: Viability Testing Local Plans – Advice for planning practitioners and A Review of Local Standards for the Delivery of New Homes. The former deals with how local plans should effectively address the viability of residential land in their area. It stresses that

¹⁰ <https://www.gov.uk/government/policies/providing-effective-building-regulations-so-that-new-and-altered-buildings-are-safe-accessible-and-efficient/supporting-pages/technical-housing-standards-review>

¹¹ Ibid.

¹² Ibid.

¹³ Terms of reference paper:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/66140/Published_ToRs.pdf

authorities will often need to ‘strike a balance between the policy requirements necessary to provide for sustainable development and the realities of economic viability.’¹⁴ The suggestion may have relevance to **Recommendation H** on use of publicly owned land.

The Review of Local Standards for the Delivery of New Homes identified the 10 most commonly applied standards on housing development and identified ‘criteria for credible standards’ which included ‘good evidence of the local need for the standard’ and ‘a clear understanding of costs and benefits’¹⁵. It reviewed current standards against its agreed criteria, dividing them into four areas: accessibility, energy, security and water and concluded there was scope for ‘simplified and harmonised standards’¹⁶.

The Review of Local Standards for the Delivery of New Homes’ emphasis on the need for good local evidence of need for a standard underlines the importance of **Recommendation A** of the over-arching report, on ‘raising awareness of the housing needs and aspirations of disabled adults and children’. The emphasis on understanding costs and benefits also draws attention to **Recommendation A** and suggests actions under this Recommendation should be expanded to take action to collect and disseminate such evidence in order to increase awareness. There is significant existing evidence on the cost effectiveness of accessible housing when weighed against the costs, particularly to health and social care provision, arising from reduced independence, accidents and the other impacts of inaccessible housing. For example, research by the Building Research Establishment for the DCLG, published in 2012¹⁷, found that homes built to current building regulations may provide health cost savings per dwelling of £4,000 during a 60-year lifespan. The same research found that homes built to Lifetime Homes Standard (LHS) could provide an additional £194 of savings, or £700 if potential adaptations to access to a bedroom/bathroom were made. However, if the wider costs to society were calculated, the savings from homes built to LHS standard, over the same period, rose to £84,600 and a further £8,600 if the potential adaptations were made.

Such evidence is readily available and could be collated by the local authorities with key findings highlighted to partners, developers and the public.

Within the area of accessibility, the earlier Review of Local Standards for the Delivery of New Homes concluded that there was ‘general support for a three-tier accessibility standard, with:

- a basic mandatory standard of Part M (revised as appropriate);
- an intermediate standard;
- a “wheelchair” standard.’¹⁸

As already stated, this earlier report feeds into the current DCLG-led technical housing standards review, which is due to report to ministers in April 2013. So it remains to be seen whether three tiers such as these for accessibility in housing development are recommended by the current review and, most importantly, what exact technical standards they contain.

¹⁴ Viability Testing Local Plans, Advice for planning practitioners, Local Housing Delivery Group, June 2012.

¹⁵ A Review of Local Standards for the Delivery of New Homes, Local Housing Delivery Group (Standards Working Group), June 2012.

¹⁶ A Review of Local Standards for the Delivery of New Homes, Local Housing Delivery Group (Standards Working Group), June 2012.

¹⁷ Assessing the health benefits of Lifetime Homes, Building Research Establishment Ltd., for DCLG, July 2012.

¹⁸ Ibid.

Local authorities would be able to exercise their discretion in deciding the percentage of housing in each category to plan for locally.

In terms of the scope that would exist for local authorities to set higher local standards than any notional new national standards, this is unclear at present, but is an issue worth bearing in mind as this policy area unfolds.

Developments in this area have implications for **Recommendation G** of the over-arching report, which refers to ensuring that developer obligations are enforced in a coordinated way. If the outcome of the DCLG-led review on housing standards is the creation of more uniform national accessibility standards and guidance for authorities, and if these are set at an appropriate level to address the realities of disabling barriers, this would support local authorities in their efforts to enforce good practice from developers. However, what the outcome of the review will be is unknown at the point of writing, as already stated above. Therefore it is important simply to note that the obligations in **Recommendation G** may be set in the context of the new national housing standards and any targets which local authorities may set under each of the housing tiers they may establish.

Recommendation G also refers to measures to ensure that developers understand what accessibility standard is required: again it is to be hoped that any new national regulation would support this by making clear what is required from developers and ensuring that this is adequate to deliver fully accessible housing. It will be necessary to further consider **Recommendation G** in light of the final outcome of the government review and publication of any future regulations. A further decision could then be taken on the exact content of any supplementary local design guidance.

The Review of Local Standards for the Delivery of New Homes also noted that it 'could be appropriate for local authorities to set quotas for each tier on each development based on local evidence and subject to viability testing'. If this recommendation is supported by the DCLG's review in this area, it would underline **Recommendation B** of the over-arching report. **Recommendation G** seeks to ensure that housing needs and strategic housing market assessments highlight the needs of disabled people. Information from such assessments would constitute evidence that may be fed into such quotas. The specific details of assessments may need to be reviewed in light of the final outcome of the government review.

The earlier Review of Local Standards for the Delivery of New Homes' Housing Standards also refers to scope for local authorities to maintain a register of accessible homes (referred to as homes built to the 'higher standards' of 'intermediate' and 'wheelchair' standard). This supports **Recommendation E** which seeks to record housing stock and adaptations, but would require development of this recommendation so that all homes built to 'higher' accessibility standards were recorded as such and could be identified.

The consultation on proposals from the DCLG-led review would be an opportunity for local authorities to respond, using the evidence gathered by the over-arching report.

New guidance on **housing allocations for local authorities** in England was issued by the government in June 2012 and replaced all previous guidance¹⁹. Specifically, it replaced guidance on using so-called ‘choice-based letting’ schemes to provide choice for disabled people with access needs, as issued by the former Labour government in August 2008. The latter built on the policy referred to in Lifetime Homes, Lifetime Neighbourhoods in support of using choice-based letting systems to improve allocation of adapted and (more) accessible housing through incorporating an Accessible Housing Register (AHR). Lifetime Homes, Lifetime Neighbourhoods emphasised this could help make the best use of existing adapted housing that ‘Communities and Local Government will continue to encourage the adoption of Accessible Housing Registers through, for example, the statutory guidance on CBL...and will support the dissemination of good practice models’²⁰.

However, the new guidance, following a change of government, is silent on the issue of disabled people and housing allocations apart from advising that those with access needs should be afforded ‘reasonable preference’ when allocating social housing²¹.

This does not prevent local authorities from developing Accessible Housing Registers (AHR) and using stock recording efficiently to support these, and in fact makes local work to develop an AHR and mechanisms to link it into the lettings systems, as referred to in **Recommendation E**, more important. In the absence of government guidance, the use of good practice from other authorities such as Kensington and Chelsea (RBKC) and the work done at London level becomes more important.

- **Issues identified under this section impact on Recommendations A, D, E, G and H**

¹⁹ Allocation of accommodation: guidance for local housing authorities in England,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf

²⁰ Disabled Facilities Grant (England), House of Commons Library, SN/SP/3011, 19 February 2013.

²¹ Ibid., p.13.

6. Health, social care and housing

6.1 Health and Social Care Act 2012

The Health and Social Care Act 2012 ushers in a fundamental re-organisation of the National Health Service. There is considerable concern about the future role of private sector providers and their impact on service provision and consistency between areas. Regulations under section 75 of the Act appeared to give rights for the private sector to compete for any NHS funding spent on purchasing services for patients.

However, following public debate the health secretary announced the regulations would be rewritten, four weeks before they were due to come into effect²². This is therefore a developing area that may impact on the ability of housing authorities to influence at a local level. At present the NHS is one of the most cost-effective systems of health care provision in the developed world²³ and the impact of the Health and Social Care Act on this is a matter of on-going discussion.

6.2 Health and Wellbeing Boards

The Act establishes new local authority Health and Wellbeing Boards (HWBs) in each upper tier local authority in England, operational from April 2013. The boards will have responsibility for producing a joint strategic needs assessment (JSNA) to highlight the health and wellbeing needs of local communities and particular groups within them (such as disabled people). Boards will have some influence on commissioning by the new Clinical Commissioning Groups, within the above-mentioned framework of openness to private sector bidding. JSNAs should be based on analysis of a range of demographic, epidemiological and socio-economic data, including housing.

Although housing data will be taken into account, the boards have no role in influencing local authority housing policy and practice. Neither do they have any requirement to involve housing representatives²⁴, although they are required to involve a local authority representative and local directors of adult social services, children's social services and the local director of public health. However, HWBs have the power to invite other representation, including from other public services. Local authorities therefore may wish to lobby local HWBs to secure representation for housing authorities. Such representation would increase the ability of HWBs to improve understanding of how housing and housing services can contribute to improved health and independence and reduced cost and impact on social care and health services. This would contribute to the ability of the boards to ensure that joint health and wellbeing strategies, which they have responsibility to produce, not only use housing data but effectively reflect housing considerations across the strategy.

Local authorities may be aided in this by a 'compact' which is being developed nationally between the NHS and housing organisations, including the Chartered Institute of Housing,

²² <http://www.guardian.co.uk/society/2013/mar/05/nhs-private-sector-humiliating-u-turn-labour>

²³ <http://www.guardian.co.uk/society/2011/aug/07/nhs-among-most-efficient-health-services>

²⁴ Efforts to secure mandatory representation were unsuccessful.

‘calling on local health bosses to work with housing providers to improve services’²⁵.

Reportedly, this agreement with housing organisations will be used as ‘a national model to persuade local clinical commissioning groups, including GPs, hospital boards and mental health services, to work with councils and housing associations more closely’.

Addressing a National Housing Federation conference in April, Professor Steve Field, the deputy medical director of the new NHS commissioning board and chair of the national inclusion health board, criticised the lack of involvement of housing associations on new health and wellbeing boards, saying ‘I want to put an emphasis on health and wellbeing boards – they must join up health and social care but the evidence is that on many health and wellbeing boards they’ve forgotten housing. Unless you get the boards working then you won’t get anywhere.’²⁶

Local partnerships of housing providers with local NHS organisations have already been established piecemeal: ‘London-based One Housing Group has brokered a supported housing deal with an NHS foundation trust that will save the health service 80 per cent on some of its mental health spending. Another London landlord, Family Mosaic, recently announced it could save its NHS partners around £3 million a year by helping tenants who are suffering from depression or chronic back pain. Home Group too has been exploring how its expertise gained through Supporting People contracts in its Stonham division could be applied more widely in the health sector.’²⁷

The National Housing Federation (NHF) has compiled case studies of ways in which housing providers are linking up with new health structures, including Health and Wellbeing Boards²⁸. Suggestions include that housing authorities review service provision and consider changes such as basing housing officers in GP surgeries or working with GPs to set up a referral system so that patients with long term health conditions can be easily referred. The NHF presents examples of where housing association representatives have become members of Health and Wellbeing boards and the information and practice-sharing this has facilitated.

A comprehensive House of Lords report on ageing, published in March 2013, similarly drew attention to the costs to the NHS of poor housing²⁹, and recommended that housing organisations should be represented on Health and Wellbeing Boards. It urged that: ‘Health and Wellbeing Boards should consider housing in tandem with health and social care provision because well-designed housing, as well as older people’s capacity to avoid social isolation, are strongly linked to better health outcomes’³⁰.

Local authorities may wish to highlight such opportunities, case studies and outcomes in relation to **Recommendation C**, ‘Promote preventative and early intervention investment’.

²⁵ <http://www.insidehousing.co.uk/6524753.article>

²⁶ <http://www.insidehousing.co.uk/care/nhs-and-housing-should-work-closer-together/6525919.article>

²⁷ <http://www.insidehousing.co.uk/6524759.article>

²⁸ Helping to build Better Health, Opportunities to improve the contribution of housing associations to the health of the population. National Housing Federation, www.housing.org.uk.

²⁹ It reported figures from Care and Repair England that the costs to the NHS of poor housing are over £600 per year.

³⁰ Ready for Ageing?, Select Committee on Public Service, House of Lords, March 2013.

Jeremy Porteus, Director of the Housing Learning and Improvement Network (Housing LIN), has argued that the emerging structures may provide ways of increasing service integration and leveraging funding from health budgets into housing adaptations: 'On the ground, we also need to see housing input into hospital discharge plans. Each local health system should have pooled or dedicated budgets to allow housing adaptations to be put in place swiftly to support recovery and rehabilitation at home, reducing the cost of delayed discharges or readmission'³¹. However such cooperation will be jeopardised unless changes are made to the draft Care and Support Bill. The Bill contains a clause which will prevent this sort of cooperation. The Bill would prevent departments other than housing from topping up the money provided by Disabled Facilities Grant³².

A toolkit³³ published in December 2012 by a partnership including the National Housing Federation and Housing LIN is aimed at local planners and commissioners to use when planning for specialist housing for older people. It advises on joining up planning, housing and social care policy and suggests tools to help. The toolkit builds on the HAPPI 2 report³⁴ and although focussed on older people has an overlap with disability-related issues. Tools, or suggestions, include: using Strategic Housing Market Assessments (SHMA) to address older people's housing needs and therefore the numbers of particular types of housing; using Strategic Housing Land Availability Assessments to assess the appropriateness of a site for specialist housing; developing local strategies for older people which takes into account housing need as identified in an SHMA; linking an SHMA to health and social care strategies as might be set out in Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies.

While the emphasis is more in the direction of specialist housing than might be appropriate for the local authorities strategy to meet the housing needs of disabled people, there are a number of helpful and practical suggestions. The toolkit has relevance for **Recommendation A** (awareness raising), **Recommendation B** (ensuring housing needs assessments highlight the needs of disabled people) and **Recommendation C** (promote preventative and early intervention investment).

In addition, from the above survey of literature and new developments, it is suggested that:

Recommendation A is updated to encourage local authorities to,

- seek representation on their Health and Wellbeing Boards;
- ensure supply of data to HWBs which highlights the health and housing needs of disabled people and the contribution of accessible accommodation to improved health outcomes, in order to contribute to the production of informed JSNAs and joint health and wellbeing strategies;

³¹<http://www.kingsfund.org.uk/time-to-think-differently/blog/when-it-comes-care-there-no-place-home>

³²<http://www.insidehousing.co.uk/legal/new-law-will-put-adaptations-at-risk/6525839.article>

³³http://www.housinglin.org.uk/_library/Resources/Housing/Support_materials/Toolkit/Housing_in_Later_Life_Toolkit.pdf

³⁴'HAPPI 2' report – Housing our Ageing Population: Plan for Implementation – from the All Party Parliamentary Group on Housing and Care for Older People, November 2012.

- seek, via HWBs and joint strategic needs assessments, for local health system to put in place a dedicated budget to allow housing adaptations to be put in place swiftly to support recovery and rehabilitation at home.

Recommendation C could be updated in light of the emerging NHS-housing 'compact' and evidence of local partnerships. Practical steps under **Recommendation C** could include: 'Aim to secure HWBs and local health partnerships support for investment in preventative and early intervention measures through housing'.

- **Issues identified under this section impact on Recommendations A, B and C**

7. Care, support and housing

7.1 Caring for our Future White Paper and Care and Support Bill

A government White Paper, Caring for our Future, and the draft Care and Support Bill, were published in July 2012 and have some implications for housing. The White Paper supports further integration of housing with health and social care. A Joint Committee of both Houses of Parliament was established to carry out pre-legislative scrutiny on the draft Bill and is due to report by 7 March 2013.

The White Paper announced the establishment of a care and support housing fund, with '£200 million of capital funding over five years from 2013/14 to encourage providers to develop new accommodation options for older people and disabled adults'³⁵. The money is to come through the Homes and Communities Agency bidding process. Later in 2012 the HCA confirmed the fund, although at a lower rate than stated in the government announcement: 'Over five years from 2013/14, the Department of Health is making available £160m capital funding for specialist housing providers to bring forward proposals for development of specialist housing to meet the needs of older people and adults with disabilities outside of London. This funding may be supplemented by up to a further £80m capital funding in the first two years of the programme. The programme will be delivered and managed by the Homes and Communities Agency.'³⁶ The closing date for bids passed on 18 January 2013, however.

A further £300 million between 2013 and 2015 was committed to be 'transferred to local authorities from the NHS Commissioning Board to fund reablement services and promote joint working between health and care to help people live independently in the community for as long as possible'. If the latter sum is money transferred from the NHS budget to local authorities, it does not, of course, represent an increase in funding but a reallocation.

A study by the National Housing Federation brought together five case studies giving practical examples of how bringing together housing, health and care, deliver savings of between £2,946 and £17,992 a year compared to less integrated pathways. One service 'saved a total of £241,670 to local health and social care budgets'³⁷. In attempting to deliver on **Recommendation C** (Promote preventative and early intervention treatment) it is important such information on the central importance of good quality accessible housing to a whole package of person-centred services, which can be extremely cost-effective compared to the likely alternatives, is shared with potential partners, such as health and social care organisations and new structures.

A parliamentary scrutiny committee report into the draft Care and Support Bill, published on 19 March 2013, added to the call for improved partnerships between housing and social care and support providers³⁸. For example, the report 'highlighted the crucial role that housing

³⁵ Social Care White Paper and the draft Care and Support Bill, Briefing, NHF, July 2012.

³⁶ <http://www.homesandcommunities.co.uk/ourwork/care-support-specialised-housing-fund>

³⁷ Providing an Alternative Pathway, NHF, January 2013.

http://www.housing.org.uk/publications/find_a_publication/care_and_support/care_pathways.aspx

³⁸ Report, Draft Care and Support Bill, Joint Committee House of Lords House of Commons, Session 2012–13, 19 March 2013.

can play in relation to an individual's well-being, leading to effective and successful hospital discharge arrangements, and safeguarding from abuse and neglect' and recommended amending the Bill 'to require local authorities to ensure the integration of care and support provision with health provision on discharge from hospital, with particular emphasis on the adequacy of housing provision on discharge'. The committee's report recommended the addition of references to housing in a number of other places in the Bill. These included a proposal to add accessible housing and adaptations to the matters on which a local authority's financial advice service must provide information and advice. The committee further recommended amendment of the Bill to 'include appropriate housing representation in the membership of Safeguarding Adults Boards'³⁹.

7.2 Use of NHS land for specialist housing

The White Paper also set out an 'expectation on NHS organisations to "give particular consideration to developing housing for older and disabled people" in their disposal of land'⁴⁰. In a publication looking at the financial savings that can result from good integration of health and social care, the National Housing Federation supported this and called on the Department of Health to help improve the conditions for integrating housing and health care by 'encouraging the NHS to consider specialised housing when distributing their surplus land'⁴¹.

The issue of NHS land has particular relevance for **Recommendation H** (Use publicly owned land to meet needs). The detail and actions that would follow would be for specific partnerships to be sought with NHS organisations to work to identify and allocate land for development of accessible and affordable housing, which meets the standards of Nottinghamshire and Derbyshire local authorities.

7.3 Funding for adaptations

The White Paper did not make any commitment in regard to funding of adaptations, which will continue to be funded through DFGs. As noted in section 5 above, the draft Care and Support Bill threatens local adaptations budgets by preventing social services departments from doing anything, such as topping up DFG funding, that another authority, such as housing, is required to do. There is some indication that government intends to address this through guidance, but this area should be closely followed as it has significant implications for how local authorities fund adaptations and whether organisations can work together more efficiently. It also goes against the grain of government policy for health, social care and housing to work together more closely. **Recommendations B** and **C** may need to be amended – however it is hoped that instead, the Bill will be amended to allow organisations to work together and therefore our new proposals under these Recommendations to move forward.

³⁹ Ibid.

⁴⁰ Social Care White Paper and the draft Care and Support Bill, Briefing, NHF, July 2012.

⁴¹ Providing an Alternative Pathway, NHF, January 2013.

http://www.housing.org.uk/media/news/good_housing_improves_health_a.aspx

7.4 Home Improvement Agencies

The White Paper indicated that government would work with Foundations, the national body for Home Improvement Agencies (HIAs), to extend their services and develop links, such as through GP and hospital staff. This supports existing **Recommendation D** of the report, which commits to further developing a Home Improvement Agency and working to explore funding opportunities, understand demand and opportunities.

In response to the White Paper, Foundations advocated the development of a deferred payment scheme for repairs and adaptations, similar to that for care fees⁴², and is to report on this.

Foundations also makes reference to the Health and Social Care Act by pointing out that HIA services will be 'beneficial to Health and Wellbeing Boards in achieving their outcomes'. Department of Health 2012/13 Adult Social Care Outcomes Framework for Public Health 'measures the success of reablement and rehabilitation services in supporting older people to return home and live independently after discharge from hospital'. Local authorities are well placed to be part of a link between HIAs and Health and Wellbeing boards and to contribute to development of knowledge and implementation of processes.

This relationship between HIAs, Health and Wellbeing Boards and local authorities should be explored to contribute to **Recommendations D** and **C**.

7.5 Demographic trends

The HCA site provides a number of useful guides to demographic trends and the financial and strategic benefits of investing in housing for disabled people and older people. These would be sources of information to use and share with health, social care and private sector partners in making the case for investment and service planning^{43, 44}. This resource supports **Recommendation A**.

- **Issues identified under this section impact on Recommendations A, B, C, D, H.**

⁴²<http://wwwFOUNDATIONS.UK.COM/media/132517/Foundations%20Briefing%20-%20Social%20Care%20White%20Paper%202012%20Final.pdf>

⁴³<http://www.HOMESANDCOMMUNITIES.CO.UK/ourwork/care-support-specialised-housing-fund>

⁴⁴<https://signet.hca-online.org.uk/live/custom/login/vop.aspx>

8. Housing adaptations – good practice update

8.1 The Bristol experience

Research since the publication of the original over-arching report confirms and enhances the recommendations in that report about the need for improved linkage between agencies to ensure a timely and efficient delivery of housing adaptations⁴⁵.

The original over-arching report for Nottinghamshire and Derbyshire points out that there 'are empirical reports from across the country that people's disabilities and general health are deteriorating while they wait for an assessment for adaptations and when this is added to increasing waiting times for delivery of the adaptation, there is an estimated 30% fall-out (through death or move to residential care) before adaptations are actually delivered. OTs are increasingly having to re-assess people because their needs have changed, and where reassessments are not completed there are more occasions where adaptations are completed but care inputs cannot be reduced because these no longer meet the customer's needs'⁴⁶.

The original over-arching report therefore recommended steps including:

- better coordination between local authorities and wider partners;
- incorporation of occupational therapy expertise into design, planning and decision making processes and strategy development;
- a consistent approach to data gathering and sharing.

Recommendation F of the report urges establishing agreement on a shared protocol for adaptations and for this to be taken forward by a number of steps. These steps include: bringing forward relevant professionals (such as housing option managers and OTs) in appropriate fora; publicising the protocol; using it to remove unnecessary bureaucracy; exploring mechanisms to support greater interaction and training across staff. The aim is to have a more streamlined process which delivers adaptations in an improved timeframe.

However, a recent case study of Bristol City Council's service review⁴⁷ conducted for Housing LIN reports on a more radical series of steps taken in Bristol to meet similar goals. Bristol noted that demand for adaptations was increasing year by year but the council's response was impeded by a service split across different directorates: the split meant no-one was responsible end-to-end for service delivery; five different IT systems were involved but none were linked. Despite a pre-existing series of improvements customers' experience was still of a slow and disjointed service: the average elapsed time from first enquiry to completion of work was 71 weeks (17 months). The review underlined the impact that danger to the individual and cost to the public purse that can follow from a tardy response to adaptation

⁴⁵ From Home Adaptations to Accessible Homes: Putting people at the heart of redesigning the adaptation service in Bristol. Mackintosh, S., Housing LIN, October 2012.

⁴⁶ Disabled People's Housing Needs Study - Housing Needs of People with Physical Disabilities Nottinghamshire and Derbyshire Strategic Housing Local Authorities, Overarching Report, September 2012.

⁴⁷ From Home Adaptations to Accessible Homes: Putting people at the heart of redesigning the adaptation service in Bristol. Mackintosh, S., Housing LIN, October 2012.

requests, highlighting a study of seven local authorities in 2001 where 40 per cent of recipients of major adaptations had fallen or were in major danger of doing so before the adaptation was made⁴⁸. Falls resulting in hospital and/or residential care are not only harmful and upsetting to the person involved but far more costly usually than the relevant adaptation.

The outcome of Bristol's review has been a significant reorganisation to provide systemic linkages. The case study reports that 'There is now one manager with an integrated team of occupational therapists, caseworkers, surveyors and technicians. At the point of first enquiry a more focussed triage system directs people down different routes. People needing straightforward bathroom adaptations are now assessed in a purpose-built facility developed by the regional home improvement agency in the city centre. This is speeding up the assessment process and allowing customers to be more engaged in decision-making. Cases can be fast-tracked to a contractor greatly speeding up the end-to-end process.'⁴⁹ As suggested here, process changes included improved diagnostics including through use of a dedicated Assessment Centre, better information through changing the role of caseworkers, a thorough organisational culture change, improved IT systems and customer-involvement in on-going system improvements.

The case study also reported that improved information and use of data on accessible homes has meant that completed moves to existing accessible properties has saved £477,000 in adaptation costs. Net revenue savings in general over a six year period are expected to be £609,000. A fuller assessment of the impact of the changes is due later in 2013.

Bristol's review therefore draws particular attention to:

- Awareness of pattern of needs: improved data are a key step to designing efficient systems of response. For example, identifying the most commonly requested adaptations and how these be systematically assessed and most efficiently and cost-effectively responded to. This could be integrated into **Recommendation B** (how housing needs assessments highlight the needs of disabled people and how data are collected, improved and used);
- Improved awareness and information, particularly by a changed and improved role for caseworkers. This has relevance to **Recommendation A** (Awareness-raising in order to improve joint agency working).
- Changes to culture and practice: e.g. centralising and unifying structures resulting in a more unitary line of assessment and delivery; trusting the customer and allowing flexibility in how adaptations are delivered. This has relevance to **Recommendation F** (agree a protocol for adaptations in order to improve timeframe for delivery etc.). It is suggested that the Bristol case study is further considered for what experience it holds that could be helpful to add to those already in **Recommendation F**. Bristol's experience suggests, for example, that that part of **Recommendation F** which suggests 'consider possibility of co-location of staff...or mechanisms to support greater interaction and

⁴⁸ Heywood, F. and Turner, L. (2007), Better outcomes, lower costs – Implications for Health and Social Care cited in Mackintosh, S. From Home Adaptations to Accessible Homes: Putting people at the heart of redesigning the adaptation service in Bristol

⁴⁹ From Home Adaptations to Accessible Homes: Putting people at the heart of redesigning the adaptation service in Bristol. Mackintosh, S., Housing LIN, October 2012.

training across staff...’ has great potential to be built upon as part of a thorough change in inter-agency linkage, assessment and delivery.

The Bristol case study should be added as an example of good practice under **Recommendation F**.

8.2 The case for ending means-testing for low end Disabled Facilities Grants

Research by the Papworth Trust, published in February 2013⁵⁰, provided another up-to-date synthesis of the cost-effectiveness of home adaptations and argued for a new approach to promoting and delivering Disabled Facilities Grants (DFGs). The report pointed to research by the London School of Economics, in 2012, which found that the government’s annual spend of £270 million on home adaptations ‘is worth over twice that in health and social care savings and quality of life gains’⁵¹.

The Papworth Trust advocated better publicity of DFGs, scrapping of means-testing for all grants under £5000 and questioned whether responsibility for administration of DFGs should continue to reside with local authorities. It is of interest that Bristol had already abolished means-testing for DFGs below £5000 prior to undertaking a more extensive review.

The Papworth Trust findings on the need for promotion of DFGs and removal of means-testing at the lower cost end have relevance to **Recommendation A** and **C** (awareness-raising and early intervention) and on administration for **Recommendation F** (agree a protocol for adaptations).

A DCLG-commissioned review⁵² of the allocations process and means-testing used for Disabled Facilities Grants, in 2011, recommended modifying the means-test for DFGs. The review, by the Building Research Establishment, noted the lack of useful information on the configuration and accessibility of flats and the need to address this ‘to help frame a strategy for improving the accessibility of common areas and shared facilities. They noted this was not a small issue or ‘special’ issue as ‘approximately 1 in 5 existing homes are flats and about half of all homes built in the last five years are flats; the majority of which will have common areas.’

The House of Lords Select Committee on Public Service and Demographic Change also drew attention to the cost-effectiveness of well-designed, accessible housing and readily available adaptations services. It reported concerns that the DFG process is too long and bureaucratic and recommended government develop ‘housing adaptation services across England and Wales’⁵³.

⁵⁰Home solutions to our care crisis, Papworth Trust, 2013.

⁵¹ 1 Snell, T., Fernandez, JL. and Forder, J., 2012, Building a business case for investing in adaptive technologies in England, London School of Economics: <http://www.pssru.ac.uk/archive/pdf/dp2831.pdf> cited in Home Solutions to Our Care Crisis.

⁵² Disabled Facilities Grant allocation methodology and means test: Final report, February 2011. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6335/1850571.pdf

⁵³ Ready for Ageing?, Select Committee on Public Service, House of Lords, March 2013.

A **national good practice guide on Disabled Facilities Grants** is overdue in being produced. Replying to a written question in parliament on 6 February 2013 Baroness Hanham said that this guidance would be published 'later this year' by the Home Adaptations Consortium⁵⁴.

A House of Commons Library note published on 19 February 2013 provides an overview of the DFG system, other help available to secure disabled adaptations and recommendations for reform⁵⁵.

This background and the awaited good practice guide on DFGs has relevance to **Recommendation C** in relation to Disabled Facilities Grants, adaptations and access from the point of view improved preventative and early intervention methods.

- **Issues identified under this section impact on Recommendations A, C and F.**

⁵⁴<http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/130206w0001.htm#13020694000362>

⁵⁵ Disabled Facilities Grants (England), House of Commons Library standard note 3011, 19 February 2013.

9. Equality, human rights, housing and accessibility

9.1 Common Parts

The coalition government has decided not to introduce a duty to landlords to allow reasonable adjustments to 'common parts'. The duty is part of the Equality Act 2010, introduced by the former Labour government but not fully brought forward into law by the time of the 2010 election. The coalition government has said it will not bring a number of parts of the Act forward into law, at least for the time being. This decision was made following a 'red tape challenge' review of equality legislation, and announced on 15 May 2012. This part of the Act would have meant that if a disabled tenant asked a landlord to alter a feature of a communal area – such as installing a ramp to a communal entrance door or installing grab rails – the landlord would be under a duty to do so, although the tenant could be asked to cover the cost⁵⁶.

This was one of a number of parts of the Equality Act which the coalition government delayed or cancelled, arguing that it is unnecessarily prescriptive or 'burdensome' to business. Good practice would still be to allow such changes to be made where requested.

The Impact Assessment of the Equality Act said the changes on common parts provided for in the Act (but not now enacted) would result in increased demand for Disabled Facilities Grants. However, it added that by reducing the number of disabled people who are 'prisoners in their own homes' would result in home care savings of around £15 million for local authorities and by cutting the number of people entering residential care could result in savings of up to £25 million⁵⁷.

This has relevance to **Recommendations B, E** and in that it makes raising awareness of disabled people's housing needs and developing good practice guidance locally in relation to common parts more essential.

Other new provisions of the Equality Act also still apply, such as the new definition of discrimination arising from disability. This occurs where a service provider treats a disabled person unfavourably, where that treatment is because of the person's disability, and the service provider cannot show the treatment is a proportionate means of achieving a legitimate aim.

9.2 Human rights, disabled people and housing

Guidance by the Equality and Human Rights Commission draws attention to the ways in which the **Human Rights Act** most applies to housing. Article 8 of the HRA, for example, upholds the right to respect for private life, family life and the home, while Article 14 on prohibition of discrimination means that everyone must have equal access to the other rights contained in the HRA, regardless of their race, religion, gender, sexual orientation, disability, political views or any other personal characteristic. The guidance looks at how these might

⁵⁶<http://www.homeoffice.gov.uk/publications/about-us/parliamentary-business/written-ministerial-statement/red-tape-reform-ehrc/>

⁵⁷<http://www.parliament.uk/briefing-papers/SN03133>

apply in various situations. For example, if a disabled social housing tenant is increasingly unable to use the communal stairs and asks for permission to install a stair lift along the staircase, in deciding the application, 'the housing provider should consider both the interests of other users of the communal stairway and the particular tenant's human right to 'respect' for his home (which would include a reasonable expectation to be able to readily leave it and return to it).'⁵⁸

As Nottinghamshire and Derbyshire local authorities are aiming to operate best practice in any case and are committed to developing accessible housing, these developments essentially do not require a change to the **Recommendations** in the report. However, the text of the original over-arching report in relation to common parts and the law (paragraph 111) is inaccurate and this needs to be understood. It is also important to be aware of additional human rights considerations in relation to disabled people and housing.

- **Issues identified under this section impact on Recommendations B, E and G.**

⁵⁸http://www.equalityhumanrights.com/uploaded_files/humanrights/human_rights_at_home.pdf

10. Welfare Reform, spending and benefit cuts and housing

10.1 Welfare Reform Act 2012

The Welfare Reform Act introduces a number of changes to benefit entitlement, delivery and level that will have negative implications both for housing providers and directly for tenants. In the period since the publication of the over-arching report further details of aspects of welfare reform have become clear.

Universal credit, which amalgamates housing benefit and a range of other benefits, starts to be rolled out from October 2013. All claimants are due to be transferred by the end of 2017.

10.2 Housing costs

Housing costs for recipients of Universal Credit benefit (which will become known as the housing element of Universal Credit rather than 'housing benefit') will be paid direct to tenants, not to landlords. As with other elements of Universal Credit, payment will be monthly, in arrears, and to one designated adult in a household. Direct payment of housing benefit has been widely criticised as likely to increase levels of personal debt. A study for the National Housing Federation estimated that 29 per cent of the '3.5 million working-age residents in social housing in the UK – about one million people – risk falling into debt if their benefits are paid to them directly in a single monthly payment'⁵⁹. This change will happen alongside cuts in income that tenants may suffer as a result of other benefit cuts, wage restrictions or cost of living increases. For local authorities and landlords there is the clear danger of accumulating rent arrears and for tenants (including disabled tenants) of debt and, ultimately, homelessness.

10.3 'Bedroom tax' – size criteria for Housing Benefit

Changes to the size criteria for housing costs of benefit recipients, due to take place from April 2013, will have a significant impact on disabled people who are tenants. Social housing tenants of working age with bedrooms deemed to be 'spare' will have their housing benefit reduced by an average of £14 per week. The government estimates disabled people make up 420,000 of the 660,000 hit by the policy⁶⁰.

Changes to the Housing Benefit Regulations 2006 will mean, for example, that a single person or a couple with no children will have their housing benefit reduced by 14 per cent where they occupy a two bedroom home and by 25 per cent if they occupy a home with three or more bedrooms. Similar cuts will apply to bedroom space allocation for children. The sole exception will be where the tenant or their partner needs a non-resident overnight carer who requires an extra bedroom: this will not apply where someone's partner is their carer, but needs to sleep in a separate bedroom.

As of February 2013, Habinteg Housing Association, which specialises in the provision and promotion of accessible housing, had identified 500 of its own tenants who would be affected

⁵⁹<http://www.guardian.co.uk/society/2012/dec/29/universal-credit-poses-debt-threat>

⁶⁰<http://www.insidehousing.co.uk/tenancies/dwp-rules-out-changes-to-bedroom-tax/6525867.article>

by this cut: 45 per cent lived in wheelchair accessible properties and 75 per cent were in receipt of Disability Living Allowance⁶¹.

At the time of writing considerable public outcry over the impact of the bedroom tax had emerged, particularly on its impact on disabled people. A court of appeal⁶² ruling in May 2012 found that housing benefit rules for private renters discriminate against disabled people. The DWP began steps to appeal the ruling. Further legal action has included a letter before action in February 2013 on behalf of two clients on the basis that the new regulations will have a far greater impact on disabled people⁶³. A separate challenge to the regulation has been launched by 10 disabled people and their families who will be affected. The High Court is due to rule by mid-March on whether it can proceed⁶⁴.

All this resulted in a number of responses by government. During Prime Minister's Questions on 4 March, the Prime Minister stated that disabled children would be exempt, as would disabled adults who need an overnight carer. Public respondents from the charity sector and elsewhere pointed out that this was inaccurate.

On 12 March the Secretary of State for Work and Pensions, Ian Duncan-Smith MP, announced the government's intention to lay regulations exempting foster carers (so long as they have fostered or become an approved foster carer in the last 12 months) and adult children who are in the Armed Forces but continue to live with parents⁶⁵. Iain Duncan Smith also announced that the appeal against the Burnip ruling was being dropped and that the DWP would publish guidance for local authorities making clear that councils should use discretionary housing payments to support families with severely disabled children. The statement said that: 'This means that from the date of the Court of Appeal judgment on 15 May 2012, local authorities should allow an extra bedroom for children who are unable to share because of their severe disabilities.'⁶⁶

However, there has been no announcement that the regulations will be changed in regard to disabled adults or children. Comment by relevant housing and disability rights organisations has pointed out that by passing the discretionary responsibility to local authorities but not changing regulations the financial impact on disabled people will not necessarily be mitigated. This is because funds allocated to DHP are too low to meet the needs of families with disabled children affected by the bedroom tax as well as the many other groups who will be making applications to the fund⁶⁷. On 21 March 2013 it emerged that a further judicial review of the policy was being sought by Liberty, on the basis that it breached the European Convention of Human Rights⁶⁸.

The government intends that people will move to smaller properties. The low availability of accessible properties makes this particularly unrealistic for disabled people. Additionally,

⁶¹ <http://disabilitynow.org.uk/article/bedroom-tax-and-home-discomforts>

⁶² Court of Appeal judgment: Burnip, Trengove and Gorry. <http://www.dwp.gov.uk/docs/a6-2012.pdf>

⁶³ <http://www.leighday.co.uk/News/2013/February-2013/Bedroom-tax-in-legal-challenge>

⁶⁴ <http://www.insidehousing.co.uk/legal/bedroom-tax-to-be-introduced-before-legal-challenge/6526025.article>

⁶⁵ Written Ministerial Statement, Housing Benefit Reform, Tuesday 12 March, DWP.

⁶⁶ <http://www.insidehousing.co.uk/tenancies/appeal-plans-axed-following-bedroom-tax-changes/6526124.article>

⁶⁷ http://www.housing.org.uk/media/news/response_to_dwp_bedroom_tax.aspx

⁶⁸ <http://www.insidehousing.co.uk/legal/bedroom-tax-faces-second-legal-challenge/6526264.article?>

disabled people are often less able to move because of specific reliance on family and friend networks, the need to find an accessible environment with proximity to work and services and a range of other issues in addition to housing.

In terms of the recommendations in the original over-arching report, awareness-raising measures, steps to improve knowledge of housing stock, measures to increase speed of adaptations and supply of new accessible homes are all indicated as other relevant responses in order to mitigate the impact of this change.

These changes have implications for:

Recommendation A: awareness-raising. It is important that the impact of the change is understood and opportunities identified to raise awareness.

Recommendation E: Introduce more comprehensive stock condition survey and recording systems. The pressure on disabled people to downsize will increase a need for an up-to-date audit of housing stock, adaptations and accessible properties of different sizes. Using this information as a basis for an accessible housing register across the local authorities becomes even more urgent in light of the pressures the bedroom tax will place on existing tenants. It is, of course, recognised that for many tenants, moving may not be an option as space designated as spare is actually essential in the context of managing a person's disability or health condition. Additionally, as elaborated above, disabled people are often less able to move because of additional reliance on support networks and a wider accessible environment with proximity to work, services and the public realm.

Recommendation F: Agree a protocol for adaptations. Improved join-up across authorities and between departments and agencies, together with improvement in speed of delivery of adaptations may help tenants to choose alternative properties, if available.

10.4 Service charges for adaptations

Changes to eligible housing-related service charges payable under Universal Credit will have a major impact on disabled tenants and housing providers. DWP draft guidance (January 2013) to the Universal Credit Regulations 2013 lists as ineligible: 'Installation, maintenance or repair of any special equipment or adaptations to the property in respect of disability or infirmity of tenants'. Consultation on this proposal has elicited opposition from housing organisations and a response to the consultation is awaited.

However, if this proposal stands, it will mean that service charges for equipment and adaptations essential to the independence and wellbeing of disabled people will not be eligible for claiming under Universal Credit. Such a change would make the maintenance of adaptations and equipment unaffordable for many disabled people. For example, Habinteg Housing Association has 1460 properties which are subject to a service charge linked to provision of specialist equipment. In the current financial year these ranged from the 30p per week to £56.62 per week⁶⁹. If such charges cannot be claimed as part of housing cost then

⁶⁹ Evidence collected by Habinteg Housing Association in response to DWP consultation on 'Universal Credit Service Charges – guidance for landlords'.

the option will be either for the tenant to shoulder the burden, which will be impossible for many tenants, or for the housing provider to do so, which will create an enormous and unsustainable budgetary strain on landlords.

Habinteg is writing to the local authorities in which it has properties seeking exemption status on its wheelchair accessible homes on the basis that these properties fit criteria for exempt supported housing. Nottinghamshire and Derbyshire local authorities may wish to cooperate with requests by housing associations for exemption, in line with their goal of seeking to meeting the housing needs of disabled people in their areas⁷⁰.

This potential change has implications for **Recommendation C** and **F**, dealing with adaptations.

Recommendation C makes reference to the imminent production of a Disabled Facilities Grant guide. It will be important that a local DFG guide deals with provision for on-going maintenance of equipment. If not this could be addressed in order to explore and develop advice on the extent to which equipment suppliers can include service costs in future purchase contracts and how, accordingly, DFGs can cover this cost from the point of purchase. Realistically this is only likely to be possible for a specified period of time, e.g. five years. This would represent a part-response to the funding dilemma that will be created if benefit eligibility for service charges is removed. DCLG advice from 2006 was that 'It is good practice for these arrangements, covering the likely service life of the equipment, to be secured by the local authority at the time of installation. The cost of securing services by way of extended guarantee or service contract, when met by a single payment on commissioning, should be included in the calculation of any grant payable'⁷¹.

Recommendation F, dealing with establishing an agreed protocol for adaptations, should be updated to take into account this benefit change and ensure that the protocol includes provision for service charges for adaptations.

10.5 Exempt supported accommodation

In September 2012 the government announced that the housing costs of 'supported exempt accommodation' would sit outside of Universal Credit. Supported accommodation is 'exempt' if it offers:

- a. a resettlement place;
- b. accommodation provided by a housing association, charity or not-for-profit organisation where that body or person acting on their behalf provides the person with more than minimal care, support or supervision.

The second category is that which may most likely apply to some disabled people. If the accommodation is accepted as exempt it means that it should not 'in the short term face any

⁷⁰ Habinteg declares its potential conflict of interest in making this point and is not, of course, seeking to influence any decision in this area in any way that may be inappropriate.

⁷¹ Delivering Housing Adaptations for Disabled People, A good practice guide, DCLG, 2006.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7821/138595.pdf

change to the amount of Housing Benefit paid to cover rent and service charges or to the arrangements to pay benefit direct to the landlord⁷² and would be exempt from the bedroom tax. Habinteg is approaching local authorities to seeking exempt status for wheelchair accessible properties.

Local authorities therefore could bear in mind the option of recognising appropriate properties of disabled people as 'exempt supported accommodation' as part of its approach to meeting housing need⁷³.

10.6 Localisation of council tax benefit

The localisation of council tax benefit from April 2013 has the potential to hit local authorities' income streams and therefore may present an indirect challenge to meeting spending commitments, including housing. The 10 per cent reduction in council income from central grant underlines the need to ensure service provision is as efficient as possible. Authorities are aware that well-designed accessible housing and adaptations support independence and prevent or reduce the need for more costly services. It will be important to ensure this message continues to be promoted and cross-agency awareness developed in the context of budgetary constraints.

From the direct point of view of disabled tenants, while local authorities have discretion in the development of local schemes of council tax benefit, the government has highlighted that local authorities should take into account 'challenges faced by disabled people which may affect their income (and therefore capacity to pay council tax)⁷⁴ and, in general, pay due regard to their duties under the Equality Act 2010, when designing schemes⁷⁵.

10.7 Personal Independence Payment

Changes to Disability Living Allowance (DLA) through the replacement of this benefit by Personal Independence Payment (PIP) for all working age adults are likely to decrease independence of disabled people and increase demand on council services. Through replacing DLA with PIP government aims to achieve a 20 per cent cut in expenditure by 2015/16. People will start to be assessed for PIP, instead of DLA, from 8 April 2013 in a series of pilot areas. This will broaden out in waves encompassing new claimants and existing claimants, through to 2015/16 when it is estimated that PIP will have completely replaced DLA for working age people.

The reduction in expenditure will be achieved by changing the eligibility criteria so fewer people will qualify for this support: an estimated 500,000 fewer people. The arbitrary nature of this planned 20 per cent reduction will mean that many disabled people currently eligible for DLA will no longer receive support in this way. This will be a loss that will negatively impact on disabled people's ability to maintain employment and will also increase demand

⁷² Exempt Accommodation, Briefing, January 2013. Housing Support Enabling Unit.

⁷³ As at footnote 63 above, Habinteg declares its potential conflict of interest in making this point and is not, of course, seeking to influence any decision in this area in any way that may be inappropriate.

⁷⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6074/2148567.pdf

⁷⁵ The 6,876 properties identified by the original over-arching report as having, at that time, either an exemption, a discount or a disregard, with around two thirds claiming a reduced council tax because of disability-related adaptations, may aid in designing local authorities in designing local council tax benefit schemes.

for NHS and council social care and other services.⁷⁶

The original over-arching report said that DLA could be used as a proxy for estimating numbers of disabled people with mobility-restricting impairments⁷⁷. Of course, it is important to condition this with awareness that nearly half of all applications for DLA were turned down and that many disabled people with significant mobility-related impairment do not apply for DLA, so its ability to be used as a proxy in this way was anyway limited. However, the transition to PIP will certainly further limit the extent to which PIP numbers accurately reflect need for accessible housing or adaptations in any particular area.

Therefore while the original over-arching report noted that the number of individuals claiming higher mobility rate DLA had been increasing on average 3.3 per cent per annum and assumed this rate of change will continue, current government policy means we cannot make this assumption at the moment. At the same time, this does not mean that there will be fewer disabled people requiring a high level of support for independence: it simply means the eligibility for a benefit has changed, and in such a way that the data are significantly less accurate as a source for estimating need for relevant services.

This underlines the need to ensure that the council has appropriate alternative means of data gathering in order to estimate need and plan service delivery. **Recommendations A and B** should be updated to take this into account.

Recommendation A commits to 'raise awareness of the housing needs and aspirations of disabled adults and children and promote joint agency/partnership working'. Future PIP recipient numbers will not be even as accurate a guide as DLA numbers of the numbers of disabled people with housing access and adaptation needs. It is recommended that the local authorities review their processes for collecting and using demographic data and if appropriate establish processes for accurate demographic data collection to inform strategic housing and housing service planning for disabled people. Suggested sources include Census data, LFS, ONS, national and local surveys by specialist organisations or government departments such as the Office for Disability Issues, and extracted information from benefit and service data.

Recommendation B commits to 'ensure that housing needs assessments and strategic housing market assessments distinguish customer characteristics that influence design in new homes and the need for adaptations of existing homes'. Both current assessment frameworks contain useful means of using processes, information-sharing and customer contact to add to the detail of data. However, they need to be underpinned with accurate data on population trend and need. This points to the need to ensure that the statistical data collected in the over-arching report remains up to date and that there is not inappropriate reliance on data such as PIP recipient figures.

⁷⁶ Impact assessing the abolition of working age DLA. <http://www.disabilityrightsuk.org/dlaimpactassessment.htm>

⁷⁷ Para 219 states that DLA is 'One of the most useful indicators of the prevalence of mobility-related disabilities'.

10.8 Other relevant welfare benefit cuts and changes

There are a number of other changes and cuts to benefits which will have an impact on disabled people and a potential knock-on impact on council services. For example, the Independent Living Fund (ILF) is being abolished⁷⁸. The ILF has allowed many people to live independently rather than in institutions. In April 2015 the ILF will close and from that point local authorities in England will have sole responsibility for meeting the eligible care and support needs of current ILF user. However, with such budgets already under strain and an average ILF payment being £300 there is great doubt that funding to individuals will be maintained. A judicial review has been taken by six disabled people, challenging the legality of the ILF closure⁷⁹. Local authorities that wish to support independence and inclusion would be advised to aim to reserve funds to meet the needs to individuals currently covered by the ILF. This would suggest that any funds transferred to local authorities from the ILF closure (which is unclear at the moment) need to be ring-fenced and also used as effectively as possible. This further underlines the importance of good information-sharing, effective joint strategic planning and service delivery cooperation between different authorities and departments.

However, it is recognised that this and other similar issues are strictly-speaking beyond the scope of this review.

- **Issues identified under this section impact on Recommendations A, B, C, E and F.**

⁷⁸ The ILF 'provides £330m a year in cash payments for personal care or domestic help to almost 20,000 disabled people across the UK'. <http://www.communitycare.co.uk/articles/19/12/2012/118784/disabled-people-face-care-cuts-on-abolition-of-independent-living-fund.htm>

⁷⁹ <http://www.bbc.co.uk/news/uk-21766113>

11. Other relevant government strategies and policies

11.1 New Deal for Older People

The government's New Deal for Older People was announced in January 2012, arising from its housing strategy set out in November 2011⁸⁰. These are considered in the original over-arching report. The programme included some enhanced funding for Home Improvement Agencies to fund adaptations and for Disabled Facilities Grants. A subsequent announcement on measures 'Helping older and disabled people live at home for longer' was made in November 2012 but this did not contain any new measures. The later announcement committed £185 million spending on DFGs for 2014-15⁸¹ whereas the earlier announcement had 'confirmed an additional £20 million for Disabled Facilities Grants - bringing the total to £200 million this year alone.'⁸² If 'this year' was intended to mean 2012-13 then this indicates a £15 million drop in funding for DFGs between the two periods referred to in these announcements. At the time of writing, no justification of the drop in funding between the two periods has been identified. Any such drop in funding would have knock on consequences for local authorities, particularly as it will coincide with the impact of disabled people's income cuts, cuts in grant funding to local councils and other impacts identified in this report. Good information, information sharing and efficiencies that may arise for process and practice will be placed at an even greater premium if DFG funding is under strain⁸³.

This has relevance for **Recommendations A, C, D, E** in particular which cover these issues and should remain priorities. Raising awareness measures (**Recommendation A**) could be enhanced by work with central government agencies and funders to highlight levels of need, present evidence on effectiveness of accessibility interventions and make the case for maintenance and increase in the level of DFG funding.

11.2 Government review of policy in relation to disabled people

Reports from the government's on-going review of disability policy have emerged in the time-frame of this study. The original over-arching report noted disability policy was under review at the time of writing. In September 2012 the government set out its approach in the discussion document, 'Fulfilling Potential – Next Steps', and summarised some of the responses to its review so far. The document included a commitment to 'Promoting the development of lifetime neighbourhoods which will benefit disabled people, for example through safe inclusive access to key services, strong community links and affordable housing designed to meet changing needs'⁸⁴.

⁸⁰Laying the foundations: a housing strategy for England, 21 November 2011.

⁸¹<https://www.gov.uk/government/policies/providing-housing-support-for-older-and-vulnerable-people/supporting-pages/helping-older-and-disabled-people-live-at-home-for-longer>

⁸²<https://www.gov.uk/government/news/new-deal-will-help-older-people-live-at-home-for-longer>

⁸³ The allocation of Disabled Facilities Grant funding per local authority for 2013/14 was made public in March 2013 and is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175660/Disabled_Facilities_Capital_Grant_Determination_2013-14_.pdf

⁸⁴<http://odi.dwp.gov.uk/docs/fulfilling-potential/fulfilling-potential-next-steps.pdf>

On 13 February 2013 the government published 'Fulfilling Potential: Building Understanding' as an interim outcome document of the review. It stressed this 'does not make policy recommendations but the evidence presented here will inform the work of the Disability Action Alliance and the development of government policy on disability'⁸⁵. A further action plan and outcome framework is to be published later in 2013.

Fulfilling Potential: Building Understanding confirmed the statistics on inaccessibility and impact on living conditions already noted in the over-arching report. For example, it highlighted the 'greater likelihood of disabled people to be living in poor quality and unsuitable housing', and that 'eight per cent of adults with an impairment experienced difficulty getting into any room within their home'⁸⁶. Disabled people questioned for Fulfilling Potential confirmed the impact that inaccessible homes and delays in making adaptations have on their lives.

Thus far, the documents emerging from the review are less detailed than Independent Living: A cross government strategy about independent living for disabled people (2008). Authorities may wish to keep evidence and recommendations from the latter in mind when developing policy and practice. For example, the strategy had a commitment to update the Lifetime Homes Standard (LHS), make LHS an essential element in the Code for Sustainable Homes and make adherence to the Code mandatory for all publicly funded housing by 2011. It also had a strong emphasis on the importance of the Lifetime Homes Standard (LHS), evidence of the value of rapid repairs and adaptations services, and Accessible Housing Registers.

⁸⁵<http://odi.dwp.gov.uk/fulfilling-potential/>

⁸⁶<http://odi.dwp.gov.uk/docs/fulfilling-potential/building-understanding-main-report.pdf>

12. Concluding remarks

Habinteg was asked by Nottinghamshire and Derbyshire local authorities to identify recent and emerging issues, policy and other developments relevant to the housing needs of disabled people. These were to be considered in light of recommendations in an in-depth report by Ecorys and ConsultCIH for the authorities, delivered in September 2012 but for which most of the review and research was concluded by the end of 2011. The aim of the project is to ensure that recent developments are taken into account, that the original over-arching report recommendations remain relevant, to expand or update these as appropriate and ultimately to ensure that the authorities have adequate information to understand and meet the housing needs of disabled people in their areas.

This report is the outcome of this request. We have identified major areas by theme and identified in the body of the report where these have relevance to recommendations in the original over-arching report and what amendments are appropriate. We have suggested additional or new steps where appropriate.

For additional clarity, we:

- **Record our proposals in the table of recommendations.** These are added into the table of recommendations provided in the original over-arching report, although we have reformatted that for clarity. Our changes and new proposals are highlighted.
- **Attach at a brief note with a few key suggested points** which stood out for us when reviewing the material against the original over-arching report.

Appendix A – General points for discussion

Below are a few issues which stood out when considering the original over-arching report recommendations and which we wish to highlight.

- Data collection

We recommend the authorities work to establish a process for appropriate demographic data collection. The aim would be to have a sound base of data for use in estimating and planning delivery of housing and housing services for disabled people. Having accurate data is a prerequisite for budget and service delivery planning. We observed that the original over-arching report made a number of comments about needing to improve the accuracy of information in respect of need when disabled people approached authorities and of housing stock etc., but was relatively lacking in detail about baseline data. This does not mean there are not existing sources, just that the report did not identify these. The report did comment that DLA recipient numbers could be used as a proxy for planning for demand for adaptations and accessibility requirements. We draw attention to the large number of DLA applications refused (around half). But more importantly, the migration of adult DLA claimants to Personal Independence Payment will undermine the accuracy of data derived from PIP as a source for service planning as eligibility changes will mean that around 20 per cent of existing DLA claimants will be denied this support once they are assessed for PIP. This underlines the importance of good data collection.

- Design Guide

Under Recommendation G we suggestion promoting awareness and use of authoritative design guides, in particular Habinteg's Lifetime Homes Design Guide 2011 and Wheelchair Housing Design Guide 2006 to developers. We further suggest these guides are used as the basis of any awareness-raising and collaborative discussion between disabled people, housing authorities, occupational therapists and developers. This is a change to the original proposal under Recommendation G which was to develop a local design guide. We see no logic to allocating the inevitably considerable resources that this would require when existing authoritative guides are available.

- DCLG review of housing standards

We draw attention to the current DCLG-led review of housing standards. It is important that authorities which give high priority to developing good standards in meeting disabled peoples' housing needs engage with the consultation and also use the outcome of it appropriately. As stated in the report, while it is to be hoped that this review will result in the adoption, promotion and enforcement of robust and effective housing accessibility standards, at the time of writing the outcome cannot be predicted.

- Review of design and delivery of adaptations service with the aim of drawing all relevant sections and officers together in one place.

We suggest consideration is given to a more systematic review of the design and delivery of the adaptations service than suggested in the original over-arching report. The aim would be to create transparency, clear lines of responsibility, save costs and time and improve delivery to the individual. Bristol Council's experience, cited in the report, is a useful case study. This is identified under Recommendations B and F. Such a review and potential reorganisation would support the existing, but more limited, proposals under the original Recommendation F. Such a reorganisation would also support other steps, such as the policy and budgetary cooperation which we identify in our comments in relation to Health and Wellbeing boards, under Recommendations A and C. We also note in this regard research, reviewed under section 7 above, showing the cost-effectiveness of ending means-testing for low-end DFGs and the practice adopted in this regard by some local authorities, including Bristol.

- Health and Wellbeing boards

We identify specific steps to support original Recommendations A and C. In particular we encourage housing authorities to seek representation on new Health and Wellbeing boards in order to assist in developing awareness, strategic planning and delivery, efficiency and pooling of resources in relation to funding early intervention measures such as adaptations. We identify a number of case studies, policy in development and toolkits.

- Sources of further information and emerging issues

Habinteg has supplied a separate short paper which briefly summarises useful sources of information on emerging issues for housing and service professionals on an on-going basis. In addition, we have listed areas of active legislative development on which we recommend local authorities keep a watching brief.

Appendix B – Sources of information

Sources of information on emerging issues for housing and service professionals

1. General housing and housing related data sources

The **Homes and Communities Agency** and, in particular, the care and support housing section of the Agency's website, has a number of useful links to demographic data sources, housing funding, housing strategic planning toolkits and other resources. Available at:

<http://www.homesandcommunities.co.uk/ourwork/care-support-specialised-housing-fund>

The Chartered Institute of Housing is a good source of information on housing policy and practice, news about government initiatives and practical tools for housing providers. Current toolkits that may be relevant include those on quality assurance and a welfare reform impact.

These are available respectively at: <http://www.cih.org/welfarereformservices> and <http://www.cih.org/qualityassuredscrutiny>

The National Housing Federation particularly supports the work of housing associations, but is a good source of news, policy and advice on housing issues, planning, welfare benefit and accessibility, and is available at: <http://www.housing.org.uk>

Inside Housing is a good source of news on housing related developments. Available at: <http://www.insidehousing.co.uk/>

2. Sources of information on access, design and related issues

Habinteg is the place to go to for information on housing standards and design guides, including new developments in the field. Key publications include Habinteg Lifetime Homes Design Guide 2011 and Wheelchair Housing Design Guide 2006 to developers. These are available at: <http://www.habinteg.org.uk>

The **Housing Learning and Improvement Network (LIN)** is an excellent source of information for housing, health and social care professionals in England involved in planning, commissioning, designing, funding, building and managing housing with care for older people. The site profiles data, research, planning tools and promotes new ideas. Many of the issues identified are relevant to younger disabled people. Available at:

<http://www.housinglin.org.uk/>

Foundations, the national body for Home Improvement Agency and Handyman Services is a good source of information on practical tools and policy development in relation to home improvements, adaptations and repairs. The following DCLG toolkit for calculating the cost savings to commissioners from using Handyman Services is an example of the kind of resource that is signposted through the Foundations site:

<https://www.gov.uk/government/publications/handypersons-financial-benefits-toolkit--2>

Foundations can be found at the following web address:

<http://www.foundations.uk.com>

The Housing Support Enabling Unit, although focussed specifically on Scotland, is a good source of information about housing and housing services to communities including disabled and older people. Their objective is to enable independent living. The HSEU offers support and assistance to providers of housing support in the voluntary, private and Registered Social Landlord sectors. Available at: <http://www.ccpscotland.org/hseu>

Care and Repair England provide useful information, responses and links about legislative, policy and other developments connected with housing and independent living for older people. Available at:

<http://www.careandrepair-england.org.uk/whatsnew.htm>

Disability Rights UK provides information on government proposals which affect the lives of disabled people, and responses to those proposals. Available at:

<http://www.disabilityrightsuk.org/policy-campaigns>

3. Sources of information on relevant health and poverty issues

Advice on **Health and Wellbeing** boards and related new health structures will be available via the Local Government Association (LGA) from April 2013. A number of the other organisations listed above are also likely to carry information on the housing related implications of new structures. Information on the new LGA support network is available at: http://www.local.gov.uk/web/quest/health/-/journal_content/56/10171/3932121

The **Joseph Rowntree Foundation** is a well-respected source of research on housing and poverty, strategies to decrease housing poverty and responses to government strategies and proposals. Available at: <http://www.jrf.org.uk/publications>

The **Equality and Human Rights Commission** is the statutory organisation charged with promoting and upholding equality and human rights law. Occasionally the EHRC has useful information on developments related to disabled people including housing, responses to government proposals, research or legal news. Available at:

<http://www.equalityhumanrights.com/about-us/>

4. Important legislative developments and consultations

In addition there are some developing areas referred to in the report on which there will be new proposals and issues to respond to or take account of in the coming period. Some of those to look out for are as follows:

The housing standards review being led by the Department for Communities and Local Government is reviewing existing standards, including Lifetime Homes standards. The review may ultimately set tiers and standards for housing to which local authorities would

work. A consultation is expected in late spring 2013. Information on proposals as they develop can be found at: <https://www.gov.uk/government/policies/providing-effective-building-regulations-so-that-new-and-altered-buildings-are-safe-accessible-and-efficient/supporting-pages/technical-housing-standards-review>

Final government guidance on service charges under Universal Credit. Draft guidance was issued in January for consultation. Final guidance is awaited and could significantly increase charges to disabled tenants and/or landlords if, as currently proposed, eligibility for maintenance charges for adaptations is removed. Further news on this should be available from the DWP. Current and future information is available at these sites:

<http://dwp.gov.uk/policy/welfare-reform/universal-credit/toolkit.shtml>

<http://www.dwp.gov.uk/publications/specialist-guides/technical-guidance/pc10s-guide-to-pension-credit/other-housing-costs/#service>

The draft Care and Support Bill has implications not only for social care but also potentially for the role of housing authorities and working and financial relations between social care, NHS and housing authorities. The parliamentary scrutiny committee on the bill recommended 'to improve both the impact and the reach of the reform by recognising housing as a key partner of adult care and support' and that the 'rules should be made less onerous to make it easier for local authorities and the NHS to pool budgets and to commission together'. Information on progress of the future of social care, as recommended under the (currently) draft Care and Support Bill will be available at:

A copy of the scrutiny committee's report is available at:

<http://www.publications.parliament.uk/pa/jt201213/jtselect/jtcare/143/143.pdf>

Information on the progress of the Bill is available at:

<http://www.parliament.uk/business/committees/committees-a-z/joint-select/draft-care-and-support-bill/publications/>

Appendix C - Update on recommendations

Amendments and additional steps arising from Habinteg’s review are shown below in similar format to original over-arching report table of recommendations.

Recommendation A: Raise Awareness

Detail: Raise awareness of the housing needs and aspirations of disabled adults and children and promote joint agency / partnership working.

Practical Steps	Measures of Success	Additional Information	Report Ref
<p>Nominate a local elected member champion in each LA to promote this area amongst their peers and across agencies in the local area.</p>	<p>Raised profile of the importance of the need to respond to the housing needs of disabled people could be measured through the following:</p> <ul style="list-style-type: none"> • Increased understanding of the issues & their impact across agencies. • Improved joint agency working • Improved & shared data collection on needs • Awareness of impact of Welfare Reform Act changes. 	<p>Localism Act 2011 gives authorities power to determine varying local priorities for social housing and rules for fixed term tenancies: check local policies integrate awareness of barriers facing disabled people.</p> <p>Cross authority/ sub regional working may be the preferred model to share the administrative and operational burdens.</p>	<p>4</p>
<p>Establish a Disabled People’s Advisory Group ensuring local authority (strategic housing/planning/councillors), housing providers, health, social care, private sector landlords, housing developers, voluntary agencies and user</p>			

Practical Steps	Measures of Success	Additional Information	Report Ref
representation.			
<p>Above group to undertake review (possibly with help of external organisational consultants) on potential for redesign of adaptations service to bring together different parts of authority in one place with one line of responsibility</p>	<p>Improved clarity, efficiency, delivery and costs savings of adaptations service.</p>		7
<p>Establish process for accurate demographic data collection to inform strategic housing and housing service planning: using Census, LFS, ONS, local surveys and extracted information from benefit and service data.</p>	<p>Accurate population data helps shape service planning and delivery.</p>	<p>Consider how external information hubs such as hi4em can support a wider shared approach and place to collate and store evidence.</p> <p>Removal of many disabled people from DLA through welfare reform process will mean benefit figures less accurate as an estimate of demand.</p> <p>Draw on data at Housing LIN, HCA, Habinteg and others. E.g.: http://www.homesandcommunities.co.uk/our-work/care-support-specialised-housing-fund</p> <p>See also East Sussex in figures as an example of how an information hub that supports a range of organisations and programmes can be developed. http://www.eastsussexinfigures.org.uk/webview/welcome.html</p>	9

Practical Steps	Measures of Success	Additional Information	Report Ref
Identify opportunities to raise awareness across a wide range of statutory and voluntary agencies	<p>Performance monitoring shared across agencies resulting in improvements in re-housing and/or DFG delivery.</p> <p>Improved consistency in responding to needs across different housing tenures and areas.</p>	Much of the activity could be organised remotely via a specific section of a nominated website/s.	
Collate and disseminate evidence on cost-benefits of LTH and adaptations against cost of social care, health care etc. resulting from accidents, reduced independence and increased need for institutional care or medical treatment.	Good understanding of costs and benefits of accessibility established across partners.		9
Engage with DCLG-led Housing Review to feed in information on disabled people's housing needs and to promote access and sustainability by supporting LTH features as housing standards baseline	LTH and wheelchair housing standards are strongly supported as baselines arising from the review		4
Map information sharing opportunities over 6 monthly periods and secure speaking opportunities.			
Identify existing fora and meetings at which this can be included as a standing item for discussion.			
Look to emerging structures that will provide new opportunities for sharing information and agreeing solutions -	Housing representation on HWBs secured (see under Recommendation C) and Joint Strategic Needs Assessments take into		5

Practical Steps	Measures of Success	Additional Information	Report Ref
e.g. health and wellbeing boards	account housing data on needs and impacts.		
Develop awareness in relation to potential Community Right to Build applications under the Localism Act by producing information on CRTB that incorporates information on the importance of accessibility.	CRTB applications reflect disability awareness and contribute to housing needs of disabled people.		4
Inform local communities on the opportunities to raise access issues in consultations on planning applications under the Localism Act.	Improved access standards in developers' plans.		4
Explore whether national home swap scheme as referred to in Localism Act will include accessibility information on properties and information on barriers and access needs of disabled people	Home swap scheme can be used by disabled people and improve efficiency of allocation of accessible and adapted properties.	<u>It is noted that national delivery on this is ultimately outside of the scope of the local authorities.</u>	4

Recommendation B: Ensure housing needs assessments highlight the needs of disabled people

Detail: Ensure that housing needs assessments and strategic housing market assessments distinguish customer characteristics that influence design in new homes and the need for adaptations of existing homes

Practical Steps	Measures of Success	Additional Information	Report Ref
Look at existing opportunities to increase information and data held (following mapping exercise below) – to inform decisions on additional data collection (e.g. surveys) if necessary	Increased numbers for whom information has been gathered on contact	Blackpool has a shared referral system for all frontline staff to identify housing issues and refer to Home Improvement Agency.	
Be clear about how and where in the assessment	Quality of information – clear link between characteristic and (range of) intervention(s)		
Map out the points at which disabled people contact the LA.	Assessments source and reflect numbers (need) linked to the different interventions required (new homes, reconfigured services)		
Ensure that there is a clear agreed proforma to collect information at point of contact. Include data on communal areas.	Short term: Proforma developed and used across LA (and partners). Medium term:		5
Establish a clear route to the place/post in the LA the information is collated.	Proforma used in wider consultation exercises: JSNA, planning, adaptations etc.)		
Investigate data to establish what are the most common adaptations requested.	Data used to streamline adaptations system: e.g. bulk purchases; creation of centralised assessment and training centre.		7

Practical Steps	Measures of Success	Additional Information	Report Ref
Consider more substantial reorganisation of adaptations service to bring together different parts of authority in one place with one line of responsibility and pooling budgets.	Transparency, system efficiency and cost savings.	<p>Royal Borough of Kensington and Chelsea developed a guide to help all professionals assess housing suitable for adaptations as part of its development of an accessible housing register</p> <p>See appendix good practice examples - include Bristol case (Mackintosh, for Housing LIN) study as good practice example</p> <p>Review Bristol experience for any ideas on system change.</p>	7
Consider how other consultation exercises can be utilised to add to knowledge, in particular to address gaps identified.			
Use local evidence to shape quotas for 'tiers' of housing development (linked to DCLG housing review)	Evidence-based housing development is stronger and housing supply more accurately fits population profile.		4

Recommendation C: Promote preventative and early intervention investment

Detail: Promote preventative and early intervention investment, so that benefitting agencies (in particular health and social care) understand the value for money of investment.

Practical Steps	Measures of Success	Additional Information	Report Ref
Look to current and emerging structures that will provide opportunities for sharing information and agreeing solutions.	Agreed evidence base developed locally. Used by all partners in their investment decisions	Link to DFG guide (to be published soon) examples and recommendations on multi agency working and performance measures Adaptations good practice measures from initial enquiry to delivery.	
Ensure local DFG guide and related processes include ways of meeting service charges	Good take up of DFGs and sustainable process for maintaining adaptations over time is established.	Look out for outcome of consultation on Universal Credit and service charges for adaptations	9
Contact local Health and Wellbeing Boards. HWBs will exist or be in process of establishment. Housing representation is not mandatory but is happening in many areas and CIH guidance supports close working.	Communication on improved cooperation taken forward.		5, 6
Seek housing representation on local health and wellbeing boards	improved system efficiency, a better service with less waiting time and less confusion for the user and cost savings through a joined up process	The resources needed for the production of regular reports, dissemination and the associated publicity could be produced at a sub-regional level to reduce costs. Specific local issues could be inserted as a section of the shared resources to ensure local accountability.	5, 6

Practical Steps	Measures of Success	Additional Information	Report Ref
<p>Supply demographic and housing data and promote discussion on service delivery and cost benefits that would follow from development of joint strategies and financing.</p>	<p>investment of health and social care funding in cost effective housing-based interventions (e.g. funding adaptations; co-location of housing and gp/community medical advice; sustaining Home Improvement agencies in county/ sub region)</p>	<p>Draw on:</p> <ul style="list-style-type: none"> • NHF case study evidence of results of link up of housing providers and HWB boards: http://www.housing.org.uk/our_regions/south_west_region/south_west_publications/building_better_health.aspx • ‘Compact’ being developed nationally. • Housing LIN toolkit: http://www.housinglin.org.uk/library/Resources/Housing/Support_materials/Toolkit/Housing_in_Later_Life_Toolkit.pdf • http://www.housinglin.org.uk/library/Resources/Housing/OtherOrganisation/Providing_an_Alternative_Pathway.pdf 	<p>6</p>
<p>Aim to secure HWBs and local health partnerships support for investment in preventative and early intervention measures via housing, such as by funding adaptations and reducing health and social care cost resulting from falls, etc.</p>	<p>Integrated strategic planning and service delivery involving housing, social care and health</p>		<p>5</p>
<p>Share evidence with social care and health partners on the reduction in social care costs by integrated strategy development and service delivery by housing, health and social care.</p>	<p>Follow development of draft Care and Support Bill and, if amended into the final legislation, seek representation on safeguarding adult boards.</p>	<p>Recommendation of joint parliamentary scrutiny report, March 2013, paragraph 164: http://www.publications.parliament.uk/pa/jt201213/jtselect/jtcare/143/143.pdf</p>	<p>5, 6, 7</p>

Practical Steps	Measures of Success	Additional Information	Report Ref
<p>Review DFG funding process and consider evidence on cost-effectiveness of removing means-testing for low end grants;</p>	<p>Less costly system and quicker delivery to applicants</p>	<p>Follow progress of Health and Social Care Bill on social services budgets funding adaptations; share concern about impact on limitation with local MPs.</p> <p>Take into account Papworth Trust recommendation based on LSE research and Bristol case study showing cost effectiveness of abolishing means testing for DFG applications lower than a particular threshold, e.g. £5000.</p> <p>Look out for national DFG good practice guidance, due later in 2013</p>	<p>7</p>

Recommendation D: Further Develop Home Improvement

Detail: Develop an (existing) Home Improvement Agency and a system of recycling adaptations – stairlifts in particular

Practical Steps	Measures of Success	Additional Information	Report Ref
Work with HIAs to explore additional funding possibilities e.g. extending menu of services for self funders; social care and health investment	Sustainable HIAs.	See appendix C (over-arching report) good practice examples: Orbit	
Work with HIAs and ICES services locally to explore demand and opportunity.	Increased 'reach' and range of services (financial signposting; housing options etc.)		
Work with HIAs and Health and Wellbeing Boards to improve awareness and joined up services	Improved access in properties; more cost effective and quicker provision of stair lifts and other adaptations Increased customer satisfaction		4, 5, 6, 10
Explore linkage between Localism Act impact on rent proceeds and adaptations budget.	Improved budget predictability	Look out for report from Foundations on possible deferred payment scheme for repairs and adaptations and review for application to local context.	4

Recommendation E: Introduce more comprehensive stock condition survey and recording system

Detail: Introduce more comprehensive stock condition survey and recording systems.

Practical Steps	Measures of Success	Additional Information	Report Ref
Record nature of adaptation and level (e.g. LHS, wheelchair etc.) Include details on accessibility of communal areas.	Greater knowledge of what type of housing/ level of adaptation is available where, connected to communal areas, location, facilities, transport, etc.	Information could be basis for an accessible housing register across LAs and housing tenure, see overview report chapter 5.1.2 and appendix C good practice examples.	7, 9
Develop an Accessible Housing Register across the Local Authority partners: seek advice from other LAs with experience in this as needed.	Comprehensive stock information developed, lettings and transfers made more appropriate.	Housing Standards Review group discussion documentation suggests authorities maintain a register of accessible homes: this may arise as a firmer recommendation from the consultation. Develop an accessible housing register across LA partners. The CBL mechanisms/IT may be able to support development of the AHR. A shared approach to assessing adaptations would be required (as in example from RBKC).	4
Follow development of 'national home swap scheme' as referred to in Localism Act to see if will include information on accessibility features of properties	Tenants have access to improved information on accessible properties and housing moves and transfers are made more feasible for disabled tenants.	Welfare Reform Act introduces 'bedroom tax' which will have a disproportionate impact on disabled people – while the local authorities may wish to explore other ways to avoid placing people in distress, available alternative accessible properties and information on them will be important and possibly an option for some people.	4, 9

Recommendation F: Agree a protocol for adaptations.

Detail: Agree a protocol for adaptations to homes across tenure, so that resources are more effectively used to meet the needs of more disabled people.

Practical Steps	Measures of Success	Additional Information	Report Ref
Identify fora where relevant professionals can be brought together to establish protocol, including housing option managers, provider partners and OTs.	Partners clear on the process for all adaptations and able to communicate to customers.	Consider the development of a local disabled housing design code: cross-reference to outcome of Housing Standards Review: https://www.gov.uk/government/policies/providing-effective-building-regulations-so-that-new-and-altered-buildings-are-safe-accessible-and-efficient/supporting-pages/technical-housing-standards-review	4
Establish shared protocol and publicise widely through all partners' networks, CAB, Age UK etc.	Adaptations delivered more effectively and in better timeframes.	See appendix C (over-arching report) good practice examples: Hull, Merlin housing society and Obit.	
Use the protocol as opportunity to review the process for adaptations and remove unnecessary layers or requirements from the process of providing DFGs Review cost effectiveness and delivery improvement of removing means-testing for lower cost DFG applications, taking into account Bristol experience, likely to be cost effective.	Increased satisfaction with process and delivery of adaptations	http://www.housinglin.org.uk/library/Resources/Housing/Practice_examples/Housing_LIN_case_studies/HLIN_CaseStudy_62_Adaptations.pdf	7
Explore the potential to expand the remit of Age UK Derbyshire's Housing Options			

Practical Steps	Measures of Success	Additional Information	Report Ref
service to be a vehicle for development/delivery over the existing partnership of LAs and beyond.			
<p>Consider possibility of co-location of staff (e.g. OTs in housing sections) or mechanisms to support greater interaction and training across staff (housing options, OTs and technical staff): consider case for more substantial system reorganisation (see below)</p> <p>This could include a reasonableness policy that encourages OTs, at the point of assessment to:</p> <ul style="list-style-type: none"> - Give good quality information to disabled people about the housing options available to them - Give realistic prospects for the prompt delivery of recommended adaptations: link to potential removal of means-testing for lower end of DFG applications, as suggested in Recommendation C, above. 	Improved transparency, cost-effectiveness, budgetary pooling and delivery times.	Refer to Bristol study for experience of reorganising and relocating to support interaction: http://www.housinglin.org.uk/library/Resources/Housing/Practice_examples/Housing_LIN_case_studies/HLIN_CaseStudy_62_Adaptations.pdf	7
Consider case for wider system reorganisation to co-locate officers from all sectors relevant to adaptations and streamline assessment and delivery: cross reference with steps in Recommendations			7

Practical Steps	Measures of Success	Additional Information	Report Ref
A and B above.			
Integrate service charge funding into adaptations and DFG assessment process.		Look for outcome of DWP consultation.	9

Recommendation G: Ensure private sector / developer obligations are enforced

Detail: Ensure private sector / developer obligations are enforced in a co-ordinated way across the study area.

Practical Steps	Measures of Success	Additional Information	Report Ref
Review outcome of the DCLG-led review of housing standards, keep developers up to date on changes in regulations and guidance and of how the local authorities will enforce these (and any supplementary local standards)	Developers are clear on standards and local authority requirement on proportions of LTH and wheelchair properties to be built: more homes built to LTH and wheelchair standards		4
Promote awareness and use of authoritative design guides, in particular Habinteg Lifetime Homes Design Guide 2011 and Wheelchair Housing Design Guide 2006 to developers.			4
Identify opportunities to bring together OT, housing and Planning expertise, plus local disabled people and representatives in discussion of the above design guides to aid understanding and enforcement.	Increased customer and stakeholder satisfaction Long term reduction in increased demand for DFGs (against predicted increases)	A good local Design Guide is important if national recommendations on the cancelling and mainstreaming of national guidance on planning and access proceeds. Take account of outcome of DCLG-led	4

Practical Steps	Measures of Success	Additional Information	Report Ref
		Housing Standards Review4	
Promote accessibility of communal areas and common parts,	Developers and landlords adopt good practice in supporting accessibility in communal areas (e.g. entrances to blocks of flats or conversions).		8
Engage OTs in detailing key features required to improve adaptability of new homes. Use this together with site design guides to ensure that both developers and development control understand what you require and S106 agreements to deliver these. Take specific design requirements into account in determining site viability.			
Advise communities on consultation requirements on planning applications under Localism Act; advise developers on demography of local area.	Planning applications are improved by incorporation of access needs of the local communities.	Refer to Housing LIN advice on use of CRTB http://www.housinglin.org.uk/_library/Resources/Housing/Support_materials/Viewpoints/HLIN_Viewpoint40_CRTB.pdf	4
Encourage Community Right to Build proposals to deliver accessible housing and plan for lifetime neighbourhoods by developing information on CRTB incorporating awareness of access, lifetime homes and sustainability.	Community Right to Build, when used, incorporates good accessibility standards.		4

Recommendation H: Use publically owned land to meet needs

Detail: Agree a partnership approach to how publically owned land can be used to improve the viability of homes that are designed specifically for the needs of disabled people,

Practical Steps	Measures of Success	Additional Information	Report Ref
Map out potential public land and partners: e.g. NHS, note aspects of Caring for our future White Paper on use of NHS land being sold.	Have clear and agreed local policies on use of land Partnership with NHS organisations result in any land sales, if taking place, being used for appropriate accessible and/or supported housing for disabled people.	Practical guidance 'Caring for our future' White Paper set out 'expectation on NHS organisations to "give particular consideration to developing housing for older and disabled people"...in their disposal of land'. Social Care White Paper and the draft Care and Support Bill, Briefing, NHF, July 2012.	6
Explore potential use of duty in Localism Act, Section 110 , on local authorities and other public bodies to work together on planning issues.	Improvement partnerships and better housing and planning outcomes for disabled people		4
Identify fora in which discussions and agreement about best use of land can be established			
Use (for example) 'less than best' sale or gifting, and site swaps to enable more viable development			
Develop cost-benefit analyses drawing in local socio-economic costs and benefits in discussions about viability	Viability supports accessible housing development		4

Glossary

AHR	Accessible Housing Register
CRTB	Community Right to Build
DCLG	Department for Communities and Local Government
DFG	Disabled Facilities Grant
DLA	Disability Living Allowance
DWP	Department for Work and Pensions
EHRC	Equality and Human Rights Commission
HCA	Homes and Communities Agency
HIA	Home Improvement Agency
HWB	Health and Wellbeing Board
Housing LIN	Housing Learning and Improvement Network
ILF	Independent Living Fund
JSNA	Joint Strategic Needs Assessment
LFS	Labour Force Survey
LHS	Lifetime Home Standard
LSE	London School of Economics
NHF	National Housing Federation
NHS	National Health Service
NPPF	National Planning Policy Framework
ONS	Office for National Statistics
OT	Occupational Therapist
PIP	Personal Independence Payment
RBKC	Royal Borough of Kensington and Chelsea

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