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From: Neil Cardwell [Neil.Cardwell@capability-scotland.org.uk]
Sent: 25 January 2008 15:35
To: Housing Consultation 2007
Subject: Firm Foundations: The Future of Housing in Scotland - Capability Scotland Response

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Dear Sir / Madam,

Please find attached Capability's Scotland's response to the above consultation. A completed respondent information form will be provided by Fax.

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CAPABILITY SCOTLAND

TURNING DISABILITY INTO ABILITY

“Firm Foundations”: The Future of Housing in Scotland: A discussion document

Capability Scotland is one of the country’s leading disability organisations working for a just Scotland. We work with children, adults and families living with disability to support them in their everyday lives. We also work with disabled people, family members and carers to influence legislation, policy, practice and attitudes.

In this response, we are seeking to represent the real life housing situations and experiences of disabled people from across Scotland. We carried out two focus groups, with participants from across Scotland who discussed the full range of questions posed by the consultation paper. As a service provider we work with people living in supported accommodation, their own homes or with their families. We have also drawn on this experience in this response.

Introduction

Capability Scotland welcomes the opportunity to input into the discussion on the future of housing in Scotland. We welcome the government’s recognition that “Our wellbeing, as individuals and families and as a society, depends heavily on our ability to find a decent house that we can afford in a place where we want to live” (p2). Since devolution, Scotland has provided a policy lead towards achieving this with homelessness and housing regulation considered to be some of the most progressive in Europe.

However, we are concerned that this not borne out by the contents of the consultation itself. There are only two references to both disabled people and accessible housing in the entire document. Statistics clearly show the need for much greater focus on the housing needs and rights of disabled people if the Government is to achieve its aim of allowing everyone in Scotland to find and be able to afford a decent home. The 2002 Scottish House Condition Survey that 19% of people in Scotland consider themselves disabled¹, with this figure expected to rise by 2025 yet the same survey estimated that as little as 1% homes come into the category of “housing for people with disabilities within the public sector”². A recent parliamentary answer (S3W 4750) estimated the number of wheelchair users in Scotland at 96,000 but the Housing statistics released by the Scottish Government in November 2007 put the number of wheelchair accessible homes at only 5,800³.

¹ http://www.scottishcouncilfoundation.org/docs/disability_in_scotland_2005-2020_summary.pdf

² <http://www.scotland.gov.uk/Resource/Doc/933/0039916.pdf>

³ <http://www.scotland.gov.uk/Resource/Doc/933/0054958.xls>

The right to a suitable home is a basic issue of justice. Given this and the clearly substantial unmet need amongst disabled people in Scotland, we would look to the Government to take a lead, through the creation of more and better designed socially rented housing, in addressing this shortfall. The body of our response focuses on providing some indication of how we would envisage this operating in practice. We welcome the Government's willingness to ask hard questions about housing policy and have sought to provide some of the answers.

One of the strongest themes to emerge from our discussion groups and which is reflected throughout our response is the need for disabled people to be included at every stage of the housing policy process, from the conception, design and adaptation of new housing to discussions about how to regenerate and expand existing communities. Since December 2006, public bodies have come under the Disability Equality Duty. When that duty was created, the then Disability Rights Commission stated that one of its key roles was to ensure disabled people's involvement in the design of services which affect them. The DRC defined this involvement as;

"...more active engagement of disabled stakeholders than 'consultation'. It will need to use accessible mechanisms and must be focused, proportionate, influential and transparent....."

Real and sustained involvement will allow public authorities to really understand what the issues are for disabled people and help them tackle issues at their root causes."⁴

Unfortunately, our discussion groups and experiences working with disabled people indicate that many do not feel involved in decisions about their current and future housing.

In addition to being a mechanism for enabling involvement, the Disability Equality Duty can be a valuable tool for monitoring the performance of both public bodies and those carrying out essentially public functions, such as the provision of affordable and accessible housing, on behalf of central and local government. We would urge the Scottish Government to take a lead in promoting and using the duty to improve disabled people's experiences of housing and have provided a number of practical examples of how this could be done.

Question 1: Do you agree that aiming to increase the rate of new housing supply in Scotland to at least 35,000 a year by the middle of the next decade is a sensible and realistic ambition, and that this will help set a necessary political context for acceleration in housing supply?

The type and quality of the new housing supply is as important as the overall amount of housing that is built. The surest way to achieve the government's stated aim of ensuring that all of us can "find a decent house that we can afford in a place where we want to

⁴ "The Disability Equality Duty and involvement: Guidance for public authorities on how to effectively involve disabled people", Disability Rights Commission, 2006, pg 6 (www.dotheduty.org)

live" is to build accessible and barrier free homes that people can live in through different stages of their lives.

Political leadership will be required to establish accessible and barrier free housing as the norm and not the exception but Capability Scotland believes that, with genuine leadership, the social and economic case for accessible housing can be made and can help improve both the size and sustainability of the national housing supply.

Question 2: Do you agree that, to give practical effect to the ambition, local authorities should co operate regionally in setting realistic housing targets for housing market areas, and in enabling the delivery of these targets? If so, what arrangements should be put in place to support and provide incentives for such co operation between relevant local authorities?

During our discussion groups, a number of participants expressed frustration that their life choices are limited by uncertainty over whether accessible and barrier free housing is available in different local authority area. As one male respondent from the east coast put it:

"Obviously moving jobs can sometimes be difficult because you don't know what's available in other places."

Participants in Glasgow expressed frustration that they were unable to move closer to support networks of family or friends. One young woman said:

"It's difficult. I want to move out of parents but my health might get worse and my dad's not that well. I want to move away but not too far away."

Co operation between local authorities could significantly increase the choices available to disabled people in Scotland. An example of how we would envisage co operation working in practice would be the setting up and maintenance of regional registers of accessible, adapted and barrier free housing.

As shown above, where we live is not just about a physical space but the extent to which it allows us to lead full and active lives. In each of the groups, participants expressed frustration at the lack of partnership working between different individuals and agencies involved in their support. An often –quoted example was social workers and occupational therapists carrying out separate and competing needs assessments which produced very different recommendations and lead to considerable delays in securing or improving a house as these varying opinions were reconciled.

We would stress the need for co operation within local authorities to end such disputes and ensure housing needs assessments are part of the shift towards integrated service provision. As one participant in Glasgow put it:

"There's no point being able to get in and out of the house if the shops are inaccessible"

Question 3: *Is there a role for a specialist national function to provide expert support for local authorities in strategic planning for housing? What expertise do you think this function would require?*

We support any moves to increase the specialist advice available to local authorities. However, we would seek clarification on what form this function will take and would urge that disabled people themselves are involved in deciding any advice given to local authorities relating to disability.

We would also urge that the remit of this function is extended to cover the design of housing provided by the public sector. Participants across each of our discussion groups had experienced situations where they had tried to input into the design or adaptation of their homes and had suffered as a result of subsequent failures on the part of those carrying out the work to do so.

Question 4: *Even when land has planning permission there are still blockages that prevent new housing being built. What additional arrangements would, or could, accelerate development on land with planning permissions to help ensure that future housing supply targets are met?*

We have no specific comment to make.

Question 5: *We have proposed that much expanded or new, stand alone settlements may be a valid solution. How should we best encourage the development of new, sustainable communities that are sympathetic to Scotland's landscape and environment?*

We would reiterate that individuals need to be involved in the design process of new communities. As we have stated above, housing needs to be designed and built in a way that facilitates access to other services and amenities.

It is important that accessible housing is integrated into the whole of a community. Participants in our discussion groups described scenarios where all of the accessible housing has been built in one self contained area, leading to feelings of being limited and isolated from the rest of the community. Others said that although they had been able to move into an adapted home, the houses around it were inaccessible by wheelchair. In the words of one participant;

"It's very isolating not being able to go round and see your neighbours. For a while when you move in, folk come round and see you. But they stop after a while."

Question 6: *How should different types of assistance within LIFT be targeted?*

Participants in each of the groups expressed concern and uncertainty about the financial assistance and advice available. We would urge that LIFT assistance should focus on individuals, the vast majority of whom are working and who wish to live independently, but who are currently some distance from accessing the housing market because of this uncertainty of where to go for advice.

Question 7: *How could the Government stimulate more innovative mortgage and related products and services to assist people in purchasing their first home?*

We have no specific comment to make.

Question 8: *Should the Government provide direct cash grants to first time buyers?*

We have no specific comment to make.

Question 9: *How can the private house building sector play a bigger role in providing, without public subsidy, increased provision of affordable starter homes?*

There is clearly a significant unmet need for accessible, adapted and affordable housing amongst disabled people in Scotland, many of whom live in inappropriate and unsuitable accommodation. Given the impracticalities, in the short term at least, of the Government directly building houses to fill this gap, there is a significant commercial opportunity for the private sector that would also produce policy benefits. The Scottish Government has a role to play in making the business case and providing the leadership needed to convince the private sector of this opportunity.

We would also like to see the Scottish Government reassess its approach to the Disability Equality Duty with regard to registered social landlords providing homes in line with government policy. Using compliance with the duty as an indicator of performance would be a means of ensuring new housing is not just barrier free but high quality and sustainable.

Question 10: *What issues do you consider should be taken into account when considering the increased use of private sector lets to house low income and homeless households?*

As indicated above, there has to be mechanisms to monitor the quality of housing provided by the private rented sector. One respondent from a discussion group in Glasgow said that his landlord had made adaptations to his home, in line with his legal duty to do so, but that he did not believe that this right was well known. If there is a policy intention to increase the use of the private rented sector, this must be accompanied by a campaign to increase awareness of tenants and landlords rights and responsibilities.

Question 11: How should we ensure an appropriate balance between safeguarding tenants' rights and encouraging the private rented sector to achieve its full potential in Scotland's overall housing market?

Glasgow Centre for Inclusive Living keeps an updated housing register with a particular focus on landlords offering accessible or adapted accommodation and who have been particularly willing to help tenants make any changes to properties. A government supported and widely available register on a local, regional or national basis would have the effect of protecting tenants rights by identifying good (and by omission, poor) landlords and would be something landlords could aspire to in order to access a currently untapped market. This could contribute significantly to making the case for investment in accessible and adapted housing by the private sector as discussed above.

Question 12: Do you think there is sufficient engagement between the public sector and private landlords? If not, what else should national and local government be doing?

We have set out in response to previous questions a number of ways in which national and local government could encourage and lead the private sector into providing accessible and affordable homes. We recognise that the private house building sector has to be commercially viable so would encourage central government to consider ways it can reward innovation and a commitment to the principles of accessibility, affordability and sustainability.

Question 13: What other options should we consider for increasing the supply of private rented housing for low income and homeless households?

We would be concerned that any other measures would likely focus on removing processes designed to ensure quality and accessibility. A number of discussion group participants had had extremely negative experiences of in the private rented sector, indicating to us that vigorous regulation and inspection of the sector must be maintained.

Question 14: How could more private landlords be encouraged to let to tenants on benefits and homeless households?

Several participants in our discussion groups had encountered problems accessing and affording suitable housing because of delays in receiving benefits or council tax discounts. Given that benefits are a matter reserved to the Westminster Parliament we would suggest that the Scottish Government work with the UK government on ways of improving the benefits system, for example through rewards or incentives for local authorities that process housing benefit and council tax applications quickly and efficiently.

Question 15: *What other schemes or incentives might help us to recycle empty properties more effectively?*

The measures outlined above regarding benefits and council tax discounts could help achieve this.

We also concerned by the experience of on discussion group participant in mid scotland who reported that adaptations made to local authority homes in his area where removed when a disabled tenant moved out and the house re let. Given the shortfall of accessible housing that we identified earlier, this seems to be a ridiculous policy. A register of accessible housing (see Question 11) would both provide an incentive for local authorities or registered social landlords to maintain adapted properties and a mechanism for ensuring that properties could be recycled between disabled tenants.

Question 16: *Do you agree that we should exempt new build social housing from the Right to Buy?*

If the Government commits to providing more socially rented housing then continuation the Right to Buy seems likely to reduce the available social stock.

Question 17: *Do you agree that we should subsidise local authorities in areas of need to use their prudential borrowing capacity to build new council houses?*

We have no specific comment to make.

Question 18: *Do you agree that we should introduce large scale competitions for subsidy?*

We would be concerned that large scale completions will see providers moving away from innovation and locally sensitive housing design in favour of monolithic designs whose nature is easier to convey at tender and for which economies of scale might be achievable. In response to questions 4 and 5 we urged that disabled people themselves

be involved in the design process, not just for adapted or accessible homes but for how these houses relate to the wider community. We are concerned that this will be not possible if one registered social landlord is given responsibility for a large number of houses or will become an "add on" in a small area and not an integrated part of the wider housing construction process.

Question 19: *If not, how would you ensure that public subsidy is used to build as many good quality RSL houses as possible?*

RSLs can be encouraged to build accessible and affordable homes. This could be done by using the Disability Equality Duty or Scottish Housing Quality Standard to evaluate performance and award extended funding on this basis or by setting up "best practice" registers or award schemes. This would combine regulation and quality assurances with incentives.

Question 20: *Do you agree that we should subsidise the development of houses for mid market rent?*

As with any group in society, what is needed for one disabled person to improve the quality of their housing is not the same as for another. However, we would express concern that an approach that focuses predominantly on mid market renting may not assist those currently furthest from the housing market.

Question 21: *If so, should the subsidy be awarded as part of the competitive regime for awarding HAG that we are proposing?*

We have no specific comment to make.

Question 22: *If not, how would you increase variety in social housing?*

The most effective way of increasing variety would be to fully consult and involve a wide range of people, including disabled people, from the initial stages of housing design in all our communities, especially new or re designed ones.

We would also encourage the Government to consider incentives for registered social landlords to invest in accessible and adapted housing as outlined above.

Question 23: *Do you agree that we should encourage landlords to look at means of adjusting the mix of their stock in the interests of achieving more sustainable mixed communities?*

Yes. The incentives we have outlined would be a means of encouraging them to do so.

Question 24: *Do you think that subsidies for development should be provided to bodies other than registered social landlords?*

Our discussion groups indicated to us the problems that disabled people can face when asking their landlords to make adjustments to private or communal areas of properties. We would therefore urge that any subsidies provided should be accompanied by a strong regulatory framework, e.g. one using the Disability Equality Duty (if RSLs are carrying out a government function) or the Scottish Housing Quality Standard to evaluate performance and determine eligibility for continued subsidy.

Question 25: *What sorts of protections should be offered to tenants in these circumstances?*

A tenancy deposit scheme would give disabled tenants some financial protection in the case of a landlord refusing to make reasonable adaptations or adjustments to the property. There is also a need for a sustained campaign of information and advice, led by independent bodies, to inform disabled tenants of the rights.

Question 26: *Do you think that the Scottish Government should vary Right to Buy discounts by (a) locality and/or (b) type of property?*

We have no specific comment to make.

Question 27: *Do you agree that ALMOs can provide a satisfactory alternative to stock transfers?*

We have no specific comment to make.

Question 28: *Do you think that additional help from Government to enable landlords to meet the SHQS should be linked to improvements in a landlord's performance?*

Yes.

Question 29: *If so, what measures do you think would be beneficial? If not, why not?*

Participants in our discussion groups made it clear that they regard their home as not simply a physical structure but as something which determines their quality of life and ability to access services in a wide variety of areas. We would encourage the Government to strengthen the "tolerable standard" used by the SHQS beyond the physical sustainability of a property to include a measure of whether a house is suitable

for a disabled person's wider needs and evaluate performance and funding eligibility on this basis.

Question 30: Do you agree that we need to find new ways of focussing on the quality of place/open space and greenspace within deprived neighbourhoods?

Yes. In responding to questions 2 and 5 we stressed the importance of people living in adapted or accessible homes being able to access those living around them. This extends to the wider community. Housing policy can be an effective means of ensuring a socially inclusive society but only if it is used sensitively. Any work to redesign communal spaces and shared services and amenities must seek the views of disabled people at every stage from conception to completion.

Question 31: Do you have suggestions for approaches that are not resource intensive and that include stakeholders?

Our experience as a service provider has shown us that involving people in the design of communal spaces can produce innovative, imaginative and often very low cost ideas.

Question 32: Do you agree that the lead role (and recipient of any resources) to undertake this work should be open to a range of stakeholders?

We would hope that local, community and third sector organisations, all of who could bring significant experience of the type of inclusive regeneration work referred to above, would be able to bid for resources. And, whoever is designated as the lead body, work together to secure the best outcomes for communities.

Question 33: Do you agree with the features and principles we have set out here for a modernised regulation framework?

We are concerned that the framework proposed takes a generally 'hands off' approach to the housing market. The reality is that there is an extremely significant shortfall of accessible housing in Scotland and a large unmet need amongst disabled people for housing that supports their wider lives. We would look to the Government to provide a lead in addressing this and ensuring that high quality homes suitable for disabled people are built across Scotland. We are unconvinced that the framework proposed allows for the type of regulation, incentives and enforcement that we have suggested throughout this response.

Question 34: *How would you like social housing regulation to be organised? (For example, should it be a separate organisation or part of a group of other regulators?)*

How social housing is organised in Scotland is secondary to how it is actually regulated in reality. Whatever body or structures replace Communities Scotland has to have the power to both encourage and regulate house building in Scotland. This process must be transparent, accountable and involve those most directly concerned – tenants and home owners themselves, including disabled people. We have outlined a number of ways that this could be done in this response.

If you require more information on this response, please contact:

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