



EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to “Northern Ireland Housing Executive’s (Supported by Department of Social Development and Department of Health, Social Services and Public Safety) Public Consultation on the Inter-Departmental Review of Housing Adaptations Services”

May 2013

Introduction

1. The Equality Commission for Northern Ireland (the Commission)¹ welcomes the opportunity to respond to the “Northern Ireland Housing Executive’s (Supported by Department for Social Development and Department of Health, Social Services and Public Safety) Public Consultation on the Inter-Departmental Review of Housing Adaptations Services”.
2. In making our response, we have provided feedback on equality aspects associated with:
 - the scope of the Review;
 - consideration of international human rights obligations such as the UN Convention on the Rights of Persons with Disabilities.
3. This response draws on our work across a range of equality grounds including that progressed in our role as part of the ‘independent mechanism’ in Northern Ireland under the United Nations Convention on the Rights of Persons with Disabilities

¹ See Annex 1.

(UNCRPD) to promote, protect and monitor its implementation².

Executive Summary

4. The Commission broadly welcomes both the purpose and scope of the Review and agrees in general terms with the social and economic analysis therein which provides a strong evidence base for the continuing and growing need for the housing adaptations services.
5. In particular, we are pleased to acknowledge the consideration given to the UNCPRD and the recognition of the importance of service user involvement and participation both to inform and shape the terms of reference and substance of this Review and in the ongoing development of housing adaptations services.
6. We note positively the inclusion in the consultation workshops of service users from both the social and private housing sectors. Furthermore, we acknowledge the extent of the engagement with older and disabled people undertaken by Disability Action in partnership with the Northern Ireland Housing Executive as part of the research involved in this Review.
7. The Commission advised the Northern Ireland Housing Executive on equality and human rights matters prior to this public consultation exercise and we acknowledge that many of the issues we highlighted have been taken into account in the consultation paper.
8. The Commission also welcomes the ongoing work by the Executive, commenced in 2010, to develop an accessible housing register following on from a recommendation from an earlier adaptations review in 2001. However, given the delay involved in finally undertaking this work, it is important that the recommendations in the current Review are time bound.

² See Annex 1

9. We would also like to draw attention to a number of issues which, we believe, merit further consideration and these are summarised below:
- service user participation should be evident across all tenures and action to identify arrangements to facilitate this are essential;
 - individual service users' feedback should inform and shape the development of any new adaptations framework through the development of a standard procedure to evaluate and record individual service user journeys;
 - Lifetime Home Design Standards should be included in new build across all tenures alongside wheelchair standard design housing;
 - option appraisals should include key information on each option e.g. facilities provided, timescale for completion of adaptation etc.
 - the need for greater emphasis on inclusive design to meet the needs of people with a range of disabilities;
 - the suitability of prefabricated pods for people with certain impairments;
 - the wider external environment necessary to provide accessibility, such as the pedestrian environment and availability of local infrastructure such as access to transport, shops and social activities;
 - the need for the adaptations service to take into account the needs of people with sensory, hidden, learning and mental health issues as well as the requirements of those with physical disabilities;
 - the need to take into account the multiple identities of disabled people, including older people and young

people, as well as broad pan disability issues;

- the support and assistance which should be provided to tenants/service users living in the private sector, particularly to those individuals living on low incomes, including consideration of extension of legislative support as available to tenants in England and Wales;
- the need to ensure that information relating to the choices available to people through the adaptation services is widely distributed and advertised in a range of accessible formats;
- the need to ensure a consistent approach to the inclusion of equality of opportunity in procurement standards pertaining across all tenures
- differences between disability equality legislation in Northern Ireland and GB relevant to the Review;
- the need to allocate sufficient resources to the adaptations services across all tenures;
- the need to prepare an outcome focused action plan setting out key targets and associated performance indicators for the revised housing adaptations service.

Service User Involvement

10. We welcome the references made within the Review to a range of models for service user involvement. We would recommend that further consideration be given to how feedback from individual service users can inform and shape the development of the new adaptations framework e.g. surveys, face-to-face interviews etc.

Individual Service User Protocols

11. We have been advised through the workshops that service users have been encouraged to sign off on the completion of

adaptations prior to the full completion of the work. Specifically, contractors often ask service users to sign off on completed adaptations without restoring changes to the dwelling made to facilitate the adaptations e.g. doors have not been reconnected at various egress points.

12. Any sign off should not be considered until any outstanding issues or concerns of the service user have been addressed to a reasonable standard. A clear protocol should be established to ensure that any physical alterations to the existing property to facilitate adaptations should be repaired prior to signing off on completion of the adaptations.
13. Action should be taken to require follow-up engagement with service users to assess the level of satisfaction with the adaptations process and outcomes. It is important to note that any strengths or weaknesses associated with the adaptations process are more likely to be captured, immediately following the end of the adaptations process.
14. The Commission recommends that consideration should be given to the development of a standard procedure to evaluate individual service user journeys capturing both their experiences and satisfaction levels. Such information is critical to ensure that the experience of service users is respected and responded to. The aggregate findings from this evaluation should be subject to periodic review and appropriate action taken to address patterns which indicate problems. We believe such an approach will lead to an improvement in the overall adaptations process.

Universal Standards of service user involvement across all tenures

15. The Commission welcomes the use by the Housing Executive of service user involvement models such as the Housing Community Network Disability Forum and the Joint Housing Adaptation Steering Group. However, we recommend extending user involvement initiatives beyond those currently established by the Northern Ireland Housing Executive as set out below.

16. We consider that the development of service user involvement models requires a more comprehensive and joined up approach involving the Northern Ireland Housing Executive/the new Regional Housing Authority and the housing associations. It is likely that such an approach would ensure more effective and meaningful engagement with a greater number of service users and avoid the fragmentation of adaptation services.
17. Consideration should also be given to broadening service user involvement frameworks to include owner/occupiers in the private sector in receipt of the Disabled Facilities Grant.

Lifetime Home Design Standards and Wheelchair Design Standard Housing

18. Following advice from the former Built Environment Advisory Forum, a cross-sectoral expert panel (including disabled people) on the built environment, the Commission has called on Government to encourage the new build of Lifetime Standard Homes in the private housing sector alongside wheelchair housing since 2004. The Commission, therefore, strongly supports the recommendation to adopt the Lifetime Homes Standard Design across all housing tenures. We suggest that a similar approach is also adopted in relation to wheelchair standard housing with respect to new build dwellings.

Pedestrian Environment and Accessible Community Infrastructure

19. With respect to the wider principle of inclusive design, the Commission recommends that consideration should be given to the location of accessible housing provision, taking into account the accessibility of the pedestrian environment, community infrastructure and availability of access to goods, facilities and services.

Rural Issues

20. Further consideration is needed in relation to the needs of tenants living in rural areas. For example, there is a need for

greater recognition of the limited opportunities to transfer to more accessible housing, as a result of ties to the land and of the greater difficulty in accessing the care and maintenance services associated with adaptations services and for actions to address these issues.

Pre-fabricated Pods

21. The Commission notes a range of issues and concerns highlighted by stakeholders at the Consultation Workshops:
 - it has been suggested that pre-fabricated pods cannot retain heat effectively. People with particular disabilities such as multiple sclerosis, spina bifida, cerebral palsy have particular heating requirements which cannot be met by such pods;
 - It is important that disabled people and service users generally are treated with dignity and respect, and that any adaptation of this nature not undermine their right to dignity. Pre-fabricated pods should be integrated into the design of the existing property, taking into account any aesthetic concerns the service user might have in relation to the existing environment. Such consideration would help to ensure that the service users are treated with dignity and respect, in line with the requirements of the preamble and Article 3(a) of the General Principles of the United Nations Convention on the Rights of Persons with Disabilities;
 - the need to develop a protocol around the disposal of pre-fabricated pods following the bereavement of a service user.

Option Appraisals

22. Whilst the Commission believes there is merit in the use of an options appraisal we believe that this process should be time limited to ensure that the adaptations or transfer to a more suitable property takes place within a reasonable timeframe.

Consultation workshop participants indicated that the current options appraisal process has resulted in tenants waiting for excessively long periods for appropriate adaptations.

23. The appraisal should include consideration of heating issues and the external environment associated with the property.

Heating and Inclusive/Universal Design

24. Feedback from the consultation workshops indicated that current heating arrangements associated with accessible housing i.e. the use of single radiators for bedrooms of a specific size, are not appropriate for people with specific types of disability. For example, people with Multiple Sclerosis or other neurological conditions and those with Cerebral Palsy require additional heat so as not to exacerbate the adverse effects of the impairment.
25. Inadequate heating undermines the broader principle of accessible and inclusive design. The Commission recommends that regulations regarding heating arrangements for accessible housing should be amended to cater for specific disabilities, so that if identified as a need, double radiators or additional heating measures can be provided in the interest of the health and well being of the service user.

Multiple Identity Issues

26. There is a need to consider adaptation requirements on a pan disability basis beyond the emphasis on physical disability e.g. the needs of those with visual impairments and people with learning disabilities.
27. The UNCRPD highlights the fact that disabled people, on account of their multiple identities, are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous, or social origin, property, birth, age or other

status (e.g. sexual orientation)³.

Legislation and Tenants Rights in the UK

28. The Commission welcomes the clarification provided in respect of the legislative right of disabled social housing tenants in Northern Ireland to access funding for essential housing adaptations. However, we agree with the analysis set out in the consultation paper that this is best achieved through current funding streams delivered by the Northern Ireland Housing Executive and the housing associations.
29. We note the default legislative option in England and Wales for funding social housing through the Disabled Facilities Grant but would agree with NIHE that the current funding arrangements in Northern Ireland would appear less bureaucratic and more cost-effective.
30. The Commission notes the ceiling of £50,000 in respect of Disabled Facilities Grant for private sector housing adaptations. We are of the view that disabled and older tenants requiring adaptations should be treated equally, regardless of tenure. It is also important to note that many older people living in the private sector are likely to be asset rich but cash poor and therefore the option of moving to an alternative property should only be considered as a last resort.
31. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 empowers public authorities to consider forms of discretionary financial assistance, without affecting the tenant's right to a mandatory Disabled Facilities Grant. The consultation paper highlights the fact that there is no equivalent legislation of this type in Northern Ireland.
32. We recommend that further analysis is undertaken to assess the value of similar legislation in Northern Ireland to enable provision of additional financial assistance to disabled and older tenants living in the private sector.

³ Preamble, paragraph (p).

Accessible Information and Promotion of Choices/Options

33. We are aware of the feedback from a number of the consultation workshops of the need for accessible information on the range of available options for adaptations. Such information should include the options for minor adaptations which do not require the intervention of occupational therapists or any significant third party statutory intervention or authorisation.

Procurement Practices

34. Consideration should be given within the Review to the standardisation of procurement practices across all tenures. Consideration needs to be given as to what measures can be taken to promote equality of opportunity through the standardisation of procurement practices across all tenures. The Commission recommends that the Department take into account the Commission's Guidance on Public Sector Procurement, produced in conjunction with the Department of Finance and Personnel⁴.

Differences between Disability Equality Law in Northern Ireland and Great Britain

Duties from the Disability Discrimination Act 1995 Amended by the Disability Discrimination (Northern Ireland) Order 2006 and the Equality Act 2010 in GB

35. The consultation paper states that on reviewing the Commission's guidance on the Disability Discrimination Act as amended by the Disability Discrimination (Northern Ireland) Order 2006 that there is now some variance in guidance for social landlords which would require an Equality Commission update.
36. In April 2010, the Equality Act 2010 was passed in Great Britain

⁴ Equality Commission for Northern Ireland (2008): *Equality of Opportunity and Sustainable Development in Public Sector Procurement Central Procurement Directive*. Available at: www.equalityni.org

(GB). The provisions of this Act only apply in GB and are not included in Northern Ireland legislation.

37. With respect to this Review we wish to clarify that the 2010 Act provides additional rights for disabled tenants in GB in relation to the making of reasonable adjustments for common parts (such as hallways and stairs inside a block of flats) associated with their place of residence.
38. However, under current disability equality legislation in Northern Ireland, landlords are not required to make disability related alterations to the physical features of common parts of let residential premises even if they are reasonable to make and paid for by the disabled tenant.
39. The Commission has recommended that disabled people be given the same additional protection as described above to reflect the changes to the 2010 Act in GB. Our proposals for legislative reform of disability equality legislation⁵ are currently under consideration by the Northern Ireland Executive.
40. The recommended changes would require landlords to follow a specific process if a disabled tenant requests an adjustment to a physical feature in a common part of residential premises, in circumstances where the physical feature puts the disabled tenant at a substantial disadvantage. This includes a consultation process with others affected by the change, which must be carried out within a reasonable period following the request being made.

Allocation of Resources

41. We are conscious of the constraints on budgets as a consequence of the current economic climate. However, when considering the costs of adaptations it is important to evaluate the economic and social benefits to disabled people as well as the costs and benefits to housing providers, as illustrated in the cost benefit analysis set out in the consultation paper.

⁵ Equality Commission for Northern Ireland (March 2012): *Strengthening Protection for Disabled People – Proposals for Reform – Full Report*.

42. Article 4 (2), General Obligations, of the UNCRPD, with regard to economic, social and cultural rights, directs public authorities and state funded agencies to ‘take measures to the maximum of available resources with a view to achieving progressively the full realisation of these rights’. Inadequate funding or poorly targeted resourcing will likely lead to a failure to fulfill Convention rights.

Disability Equality and Awareness Training

43. The Commission welcomes the consideration given to disability equality and awareness training for contractors involved in the adaptations process. This training should also be provided to frontline staff and contractors who deliver standard maintenance and repairs to the properties housing disabled tenants.

Delivering on the Review – Action Plan

44. In taking forward the recommendations and issues identified in this Review it is important that any action plan includes measures which are specific, measurable, achievable, realistic and time bound, in order to deliver meaningful tangible outcomes for service users.

Other Matters

Housing Allocation/Transfer Protocols

45. The Commission is aware that disabled tenants within the social housing sector who have been transferred within tenure as a result of instances of hate crime or changing accessibility requirements, are not automatically granted adaptations to their property to meet their living requirements. The Commission recommends, therefore, that this Review gives consideration to the following recommendations:
- disabled tenants living in accommodation which is not accessible should be awarded additional points for housing stress with regard to assessing need for housing

adaptations and housing transfers within and across tenure;

- currently Northern Ireland Housing Executive tenants are given only two weeks to take up residence following acceptance of the property allocation. We recommend that this timeframe should be extended to consider the accessibility of the property (including adaptation requirements) prior to the take up of residency. We note that the Habinteg Housing Association property allocation process allows for up to two months prior to take up of residency.

46. We are aware of a number of cases of wheelchair users being allocated housing (in theory wheelchair standard), which did not provide accessible shower facilities.

For those tenants who are wheelchair users, allocation of wheelchair standard housing adaptations such as a wet room/accessible showers should be automatically included in the design of dwellings classed as wheelchair standard in order to achieve inclusive design.

Affordable Design Low Maintenance Principle

47. Many accessible properties such as bungalows have gardens included as part of the property, and during the spring/summer season require care and maintenance. Care and maintenance can be costly if, as a result of disability, the tenant is unable to maintain their garden without assistance. Disabled tenants should be provided with the option of low maintenance, alternatives, such as a cemented or stoned covered garden.

Occupational Therapy Housing Specialists

48. We would suggest that consideration could be given to the viability of providing a dedicated housing occupational therapist in each HSC Trust area to work alongside housing providers in order to ensure a high standard of specialist knowledge of housing adaptations issues. We are aware that occupational

therapists face competing demands on their time in relation to other responsibilities relating to healthcare services. Provision of a dedicated occupational therapist to work alongside housing providers would enhance the efficiency of adaptations services resulting in less disruption to the daily lives of service users and reduce long waiting lists.

49. We are aware that the NIHE has acknowledged, through the presentation at the consultation workshops, which highlights the fact that there are 50,000 new referrals to adaptations services every year, though only 200 qualified community occupational therapists to deal with this growing demand.
50. We also note that the use of dedicated housing occupational therapists is standard practice in England, Scotland and Wales where local authorities take into account the health, social care and housing needs of service users. The effectiveness of this joined-up approach further emphasises the need for a joined up approach to the development and delivery of adaptations services in Northern Ireland.

Conclusion

51. The Commission welcomes the substance of the Review and, in particular, the emphasis given to service user involvement and to consideration of the UN Convention on the Rights of Persons with Disabilities. Nonetheless, we recommend that further consideration should be given to the following issues:
 - the need to develop service user involvement models across all tenures in the context of partnership working between the Northern Ireland Housing Executive/new regional housing authority and the housing associations;
 - the need for the views of the individual service users to be included in monitoring of adaptations services;
 - the need for option appraisals to be time bound;
 - the need for further measures to promote Lifetime Home

Standards Design and wheelchair standard design in new build dwellings across all tenures;

- the need to allocate the adequately resource adaptation services across all tenures, including the option to legislate in respect of provision of additional support for service users in receipt of the Disabled Facilities Grant;
- the need for any action plan following on from the Review should be outcome focused setting out key targets, timeframes and associated performance indicators for the revised housing adaptations service;
- the need to establish good practice standards in all key areas of adaptations services, including procurement, service user involvement, allocation of resources, and information provision;
- the need to give greater consideration of the multiple identities of service users and the broader pan-disability issues.

**Legal, Policy and Research Division
May 2013**

Annex 1: The Equality Commission for Northern Ireland

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. The Commission's general duties include:
 - working towards the elimination of discrimination;
 - promoting equality of opportunity and encouraging good practice;
 - promoting positive / affirmative action
 - promoting good relations between people of different racial groups;
 - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities;
 - keeping the legislation under review;
 - promoting good relations between people of different religious belief and / or political opinion.

The Commission, with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of UNCRPD in Northern Ireland.