



## **EQUALITY COMMISSION FOR NORTHERN IRELAND**

### **Response to “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: Final Report and Action Plan 2016”**

**April 2016**

#### **Introduction**

1. The Equality Commission for Northern Ireland (the Commission)<sup>1</sup> 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 Final Report and Action Plan 2016’.
2. In making our response, we have provided feedback on equality aspects raised in response to the 2013 consultation on the review, including consideration of international human rights obligations and in particular, the UN Convention on the Rights of Persons with Disabilities.

---

<sup>1</sup> See Annex 1.

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 (UNCRPD) to promote, protect and monitor its implementation<sup>2</sup>.

### **Positive outcomes from the Review**

4. The Commission welcomes the publication of an outcome focused action plan setting out key targets for the revised housing adaptations service. We acknowledge the inclusion in the Final Report and Action Plan of actions to address a significant number of the key recommendations made in our response to the 2013 consultation, as positive outcomes, including :
  - 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 (addressed through the actions identified against recommendation 11, at page 16);
  - the need to consider adaptation requirements on a pan-disability basis beyond the emphasis on physical disability (partly addressed through the actions identified against recommendation 18, at page 22, to draft a paper on integrating good practice for dementia and sight loss into design practice for new build housing where appropriate and to draft a research proposal on housing interventions for people with cognitive disabilities and challenging behaviours);
  - the need to adopt the Lifetime Homes Standard Design across all housing tenures together with a similar approach to wheelchair standard housing with respect to new build dwellings (a first step towards addressing this need is the commitment in recommendation 19, at page 23, to examining

---

<sup>2</sup> Ibid.

the scale of need in the private sector and to review best design practice for larger wheelchair standard housing including two storey options);

- the need for further consideration of the needs of tenants living in rural areas (partially addressed through the action associated with recommendation 21, at page 25, to develop a communications plan to address rural isolation in collaboration with the NIHE Rural Policy Unit);
- the need to amend regulations regarding heating arrangements for accessible housing so that appropriated heating hardware can be provided in the interest and well being of the service user (the action at recommendation 13, page 10, to prepare a service user led-scoping exercise of how home environmental control technology can support service provision for older and disabled people, is a first step towards addressing this need);
- the need for accessible information on the range of available option for adaptations including options for minor adaptations which do not require the intervention of occupational therapists etc. (addressed through the actions identified against recommendation 4, at pages 13-14, to ensure cross-sector communications regarding adaptations can be delivered electronically and safely; and through the action associated with recommendation 15, at page 14, to engage service users in the identification of good practice guidance regarding accessing and presentation of accessibility information on private sector housing for rent or sale);
- the need for consideration to be given to the viability of providing a dedicated occupational therapist in each Health and Social Care (HSC) Trust area (addressed through the actions identified against recommendation 10, at pages 21-22, that the HSCB/PHA to ensure a dedicated housing occupational therapist post is created in each HSC Trust within existing resources);

- the need for service user involvement to be evident across all tenures (addressed through the actions identified against recommendation 6, page 14, to expand of the Northern Ireland Housing Executive Disability Forum to include private housing and HSC input).

## **Outstanding issues**

5. Whilst the Commission welcomes the inclusion of the above mentioned actions, consonant with our recommendations in response to the 2013 consultation, in the Final Report and Action Plan 2016, there are a number of our recommendations which are not addressed in the plan. These are:

- the development of a standard procedure to evaluate and record individual service user journeys in order to inform and shape the development of the new adaptations framework<sup>3</sup>;
- the inclusion in option appraisals of key information on each option e.g. facilities provided, timescale for completion of adaptation etc. The Commission acknowledges that the action falling under recommendation 8, page 15, to ‘Review and develop the NIHE case management and option appraisal system in light of organisational change’ may provide the scope for realisation of our recommendation but seeks clarification as to whether or not this is the case;
- consideration of 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;

---

<sup>3</sup> The Final Report and Action Plan 2016 only makes reference to considering the housing journeys of homeless disabled people. The Commission pointed out that the development of a standard procedure to evaluate individual service user journeys is critical to ensuring that their experience is respected and responded to. The aggregate findings of these evaluations 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.

- 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<sup>4</sup>;
- the need to ensure a consistent approach to equality of opportunity in procurement standards pertaining across all tenures<sup>5</sup>;
- the establishment of a protocol 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<sup>6</sup>;
- action to require follow-up engagement with service users to assess the level of satisfaction with the adaptations process and outcomes<sup>7</sup>;
- the need for the options appraisal process to be time limited to ensure that the adaptations or transfer to a more suitable property takes place within a reasonable timeframe;
- the need for the appraisal to include consideration of heating issues<sup>8</sup> and the external environment associated with the property;

---

<sup>4</sup> The Commission acknowledges that there may be potential to at least partially address this through the action at recommendation 18, page 20, to engage service users in identification of good practice guidance regarding accessing and presentation of accessibility information on private sector housing for rent or sale and via the actions associated with recommendation 21, page 25, to develop a communications plan to address rural isolation in collaboration with NIHE Rural Policy Unit and to identify and disseminate targeted service information for rural areas.

<sup>5</sup> In our 2013 submission to the Review we drew attention to the guidance on procurement published by the DFP and the Commission (2008): *Equality of Opportunity and Sustainable Development in Public Sector Procurement*. Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Equalityinpublicsectorprocurement2008.pdf?ext=.pdf>.

<sup>6</sup> In our 2013 submission to the Review we highlighted the practice of contractors encouraging service users to sign off on adaptations prior to full completion of the work, often without restoring changes made to dwellings to facilitate adaptations e.g. doors have not been reconnected at various egress points.

<sup>7</sup> 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 process.

<sup>8</sup> In our 2013 submission to the Review we highlighted 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 or those with Cerebral Palsy require additional heat so as not to exacerbate the adverse impacts of the impairment. The Commission recommended 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 interests of the health and well-being of the service user. However, the Commission notes the potential for this issue

- the need to review the ceiling on the Disabled People's Facilities Grant for private sector housing adaptations<sup>9</sup>;
- the allocation of sufficient resources to the adaptations services across all tenures<sup>10</sup>;
- the provision of training to frontline staff and contractors who deliver standard maintenance and repairs to the properties housing disabled tenants;
- the need for disabled tenants within the social housing sector who have been transferred as a result of instances of hate crime or changing accessibility requirements, to be automatically granted adaptations to their properties<sup>11</sup>;
- the need for those tenants who are wheelchair users to be automatically allocated adaptations such as a wet room/accessible showers as part of the design of dwellings classed as wheelchair standard;
- the choice for disabled tenants of affordable low maintenance options<sup>12</sup>.

---

to be addressed through one of the actions associated with recommendation 13 (at page 18), the service user led scoping exercise to determine how home environmental technology can support service provision for older and disabled people.

<sup>9</sup> In our 2013 submission to the Review the Commission advised that disabled and older people should be treated equally, regardless of tenure and that it was 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. The proposed loans scheme being considered as part of the consultation on the review of Repair and Improvement within the Private Sector strategy is unlikely to be of benefit to such service users. In our response to the 2013 Review consultation we pointed out that the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 empowers public authorities to consider discretionary financial assistance without affecting the tenant's right to a mandatory Disabled Facilities Grant but that there is no equivalent legislation in Northern Ireland.

<sup>10</sup> Article 4 (2), General Obligations, of the UN Convention on the Rights of Persons with Disabilities, 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' (Convention text available at: <http://www.equalityni.org/Delivering-Equality/Addressing-inequality/UNCRPD-Disability/Policy-responses/What-is-UNCRPD>). Inadequate funding or poorly targeted resourcing will likely lead to a failure to fulfill Convention rights.

<sup>11</sup> In our 2013 submission to the Review we recommended that consideration be given to awarding disabled people living in accommodation which is not accessible additional points for housing stress with regard to assessing need for housing allocation and housing transfers within and across sectors. Noting that currently NIHE tenants are given only two weeks to take up residence following acceptance of the property allocation, we recommended that this timeframe should be extended to consider the accessibility of the property (including adaptation requirements) prior to the take up of residence.

<sup>12</sup> In our 2013 submission to the Review we highlighted the costs of care and maintenance of gardens for disabled tenants unable to manage their gardens without assistance and advised that such tenants

6. The Commission urges the Departments involved in the Review to give further consideration to addressing the outstanding issues identified above.
7. Although the Commission welcomes the inclusion of consideration of our proposals reform of the disability equality legislation in recommendation 5 (page 13), we are disappointed to note that no further progress has been made by the Office of the First Minister and the Deputy First Minister with respect to the realisation of reform, despite 82% of respondents to the 2012 consultation on the disability strategy supporting our call for reform<sup>13</sup>.  
Since the introduction of the Equality Act 2010 in GB, disability equality legislation in Northern Ireland has offered a lower standard of protection for persons with disabilities against discrimination than that available elsewhere in the United Kingdom<sup>14</sup>.
8. Finally, the Commission wishes to seek clarification as to whether our recommendation to consider broadening service user involvement frameworks to include owner occupiers in the private sector in receipt of Disabled Facilities Grant, has been addressed under recommendation 6 (page 14) of the Final Report and Action Plan 2016.

**ECNI Policy Team**  
**15 April 2016**

---

should be provided with the option of low maintenance alternatives such as a cemented or stone covered garden.

<sup>13</sup> OFMDFM (2013): 'Analysis of responses to the consultation on *A Strategy to improve the lives of people with disabilities 2012-2015*'. The Commission's proposals for reform, *Strengthening protection for disabled people* (2012) are available at: <http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Research-investigations>

<sup>14</sup> For example, 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. 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.

## **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.