1. The Scottish Disability Equality Forum (SDEF) is a membership organisation working for social inclusion in Scotland through the removal of barriers and the promotion of equal access for people affected by disability. SDEF aims to ensure the voices of people affected by disability are heard and heeded.

2. Capability Scotland works with disabled people of all ages and their families and carers throughout Scotland to provide a broad range of flexible, personalised care services. As a major ally in supporting disabled people to achieve full equality Capability are committed to exerting effective influence to ensure that laws are passed which give disabled people equal human and civil rights.

3. Established in 2001 Inclusion Scotland (IS) is a consortium of disability organisations, individual disabled people and social partners who share common aims. Through a process of structured development Inclusion Scotland aims to draw attention to the physical, social, economic, cultural and attitudinal barriers that affect our everyday lives as disabled people in Scotland. Inclusion Scotland works to reverse the current social exclusion experienced by disabled people through civil dialogue, partnerships, capacity building, education, persuasion, training and advocacy.

4. Quarriers is a Scottish based charity providing practical support and care for children, adults and families at any stage of their lives. Quarriers challenge inequality of opportunity and choice to bring about positive change in people’s lives.

5. As organisations all committed to equality for disabled people SDEF, Capability Scotland, Inclusion Scotland and Quarriers welcome the opportunity to provide written evidence in relation to the Housing (Scotland) Bill. We support the aims of the Bill which are to improve the value of social housing and safeguard its supply.

6. We understand the critical importance of social housing to disabled people and their families, who are more than twice as likely to live in the social rented sector than the general population. In Scotland 41% of households including a disabled person live in council or housing association housing compared to 17% of households without a disabled member\(^1\). As such, any changes to structure, regulation and supply within the social rented sector will have a disproportionate impact on disabled people and it is essential that their needs and views are properly reflected in the Bill.

7. In this submission we have therefore focused on our attention on proposals to strengthen the bill in this regard. A summary of our proposals is below.

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\(^1\) Disability Rights Commission, 2007
• **Ensuring Disabled Tenant’s Representation** Part 1, Section 4 (1) (2) and all other sections dealing with tenants’ representatives would benefit from a sub-section to include disability and equalities representatives.

• **Improving information about accessible housing stock** Part 2, Section 4 (e) could be improved to include a duty on RSLs to provide the Scottish Housing Register with information on the number and type of stock in its possession including the number and type of accessible homes. This information is invaluable to households including a disabled person.

• **Making the Scottish Housing Charter meaningful to disabled people** Part 3, Section 32 (i) could be improved to include a measurable outcome in relation to the provision and allocation of housing that meets the needs of disabled people. Section 37 needs to be strengthened in line with the Disability Equality Duty to pay ‘due regard’ to the promotion of equality so that social landlords must act in a manner that ensures equal opportunities rather than simply encouraging.

• **Right to Buy – fairness for disabled tenants** Section 131 already provides that where a tenant is required to move to new build property because a disabled person requires their adapted home, that tenant will retain the right to buy in the new build. We feel that this retention of the right to buy should also be extended to disabled tenants forced to move into new supply housing because of disability, where no suitable alternative is available.

• **Pressurised Areas and Housing Types – the need for equality impact assessments** we would ask that designation of pressured areas and housing types be informed by local housing strategies and equalities impact assessments to avoid discriminatory effects for disabled people in relation to home ownership.

**Ensuring Disabled Tenant’s Representation**

8. The Bill states that in the performance of its general functions the new SHR must consult various groups including representatives of homeless persons, tenants of social landlords and recipients of housing services.

9. Given the over-representation of disabled people in the social rented sector, the specific and diverse housing needs of households including a disabled person and the fact that disabled people can often be hardest to reach because of impairment we believe it is essential that this section be extended to include representatives of equalities groups, including disabled people. This is necessary if the needs of disabled people are to be accurately understood and acted upon by the SHR and if they are to be seen as a core element of housing provision.

10. Equalities representatives should also be consulted in relation to writing and reviewing the Charter, setting improvement targets and writing and reviewing guidance (Part 3, sections 33-35).
11. Any initial cost implications of consultation will be regained through the development of more suitable homes and communities which have will have a huge impact on health, employability and well being of disabled people in Scotland.

**Improving information about accessible housing stock**

12. The chronic shortage of accessible housing in Scotland has been well documented. In addition there is also a huge lack of information about provision. This information is essential if strategic housing and planning decisions are to meet the needs of disabled people.

13. While local authorities have a duty to assess “the needs of persons in the area for, and the availability of, housing accommodation designed or adapted for persons with special needs”, this information is not being accurately collected and there is no central data source on the number of accessible homes in Scotland\(^2\).

14. The Housing (Scotland) Bill 2010 provides an ideal opportunity to collect this information in relation to the social rented sector. We ask that RSLs be called upon to provide information on how many units they have and of what type (e.g. fully wheelchair accessible, wheelchair visitable, ambulant disabled)\(^3\).

15. We believe this information could very usefully inform:
   - SHR performance improvement targets
   - Local Housing Strategies
   - Local Authority Housing Offices
   - Housing advice providers including Disabled Person’s Housing Services
   - Prospective tenants

**Making the Scottish Housing Charter meaningful to disabled people**

16. The Scottish Social Housing Charter is described in the Housing (Scotland) Bill 2010 as a document laying down the standards and objectives which social landlords should aim to achieve when performing their activities. There then follows a discretionary list of examples which may (or may not) be included in the Charter.

17. We are concerned that the inclusion of discretionary outcomes in primary legislation might cause confusion and non-compliance amongst RSLs, tenants

\(^2\) Inclusion Scotland (2009) *Homes for Life? – FOI research into accessible homes for disabled people in Scotland*

\(^3\) This would require amendment to section 20(4) which places a duty on RSLs to provide basic information such as name, contact details, legal status etc.
and local authorities and believe that examples of outcomes should either be reserved for guidance or made mandatory.

18. If the outcomes in relation to the Social Housing Charter are to be mandatory then we feel it is essential that there be an outcome relating specifically to the planning, supply and allocation of accessible housing.

19. If mandatory outcomes are not to be included in the Bill then it is essential that disability representatives are consulted in the process of preparing and reviewing the Charter and relevant guidance. Again the Bill places a duty on Ministers to consult tenants, social landlords and creditors but not equalities groups, we would ask that this omission be addressed.

20. The provision on equal opportunities in the current Bill should also be strengthened so that social landlords must act in a manner that ensures equal opportunities rather than simply ‘encouraging’ them.

21. Currently, Registered Social Landlords perform a public function and are subject to the general equalities duty under the Disability Discrimination Act. They are not, however, subject to the specific disability equality duties. We would ask that this be given consideration in relation to both the current Bill and the implementation of the new Equalities Bill.

Right to Buy – fairness for disabled tenants

22. Proposals within the bill in relation to right to buy get a very mixed response from the disabled people we represent. Disabled people unable to benefit from right to buy because they live in property adapted to meet their needs, feel that this limitation is discriminatory and in place only because of a failure to build sufficient accessible social housing. For others who live in general needs housing, proposals to end the right to buy for new supply social housing are seen as potentially disadvantageous to disabled people as RTB has traditionally been a very important route to homeownership and asset generation for disabled people, who are more likely to experience barriers to both when trying to buy on the open market.

23. We understand the logic of protecting the existing supply of social housing for future generations and can see a rationale for limitations in relation to RTB for new supply social housing. However, we believe it to be inequitable that a person who is moved to a new build home by their RSL as a result of deterioration in their health or mobility and the unsuitability of their home will lose their right to buy. Where no suitable alternative is available people in this category should retain any existing right to buy over the new property, despite that property being new to the social rented sector.

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Pressurised Areas and Housing Types – the need for equality impact assessments

24. We broadly support proposals to make pressured-area designations more effective in safeguarding social rented accommodation whilst allowing councils to match RTB to local housing need.

25. We would ask that designation of pressured areas and housing areas types be informed by local housing strategies and equalities impact assessments to avoid discriminatory effects for disabled people in relation to home ownership. Local Authorities have a duty to assess “the needs of persons in the area for, and the availability of, housing accommodation designed or adapted for persons with special needs” in creating their Local Housing Strategy. This assessment should inform designation of pressurised housing areas and types.

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