



Consultation Response

Housing to 2040 Consultation – A vision for our future homes and communities

The Scottish Commission for
Learning Disability
February 2020



Background

The Scottish Commission for People with Learning Disabilities (SCLD) welcomes the opportunity to respond to the Scottish Government's Housing to 2040 consultation. SCLD is an independent charitable organisation and partner to the Scottish Government in the delivery of Scotland's learning disability strategy, *The Keys to life* (2013)¹ and *The keys to life* Implementation Framework (2019-2021)². The implementation framework defines a learning disability as follows:

"A learning disability is significant and lifelong. It starts before adulthood and affects a person's development. This means that a person with a learning disability will be likely to need help to understand information, learn skills and live a fulfilling life. Some people with learning disabilities will also have healthcare needs and require support to communicate." (*The Keys to life*, 2019-2021, p.9)

SCLD is committed to creating an environment in Scotland in which systems and culture are changed to ensure people with learning disabilities have opportunities and are empowered to live the life they want in line with existing human rights conventions. SCLD believes that the discrimination and barriers faced by people with learning disabilities and other disabled people are not inevitable. These barriers stop people with learning disabilities and other disabled people being included in society and participating on an equal basis.

SCLD is focused on sharing innovation and good practice so that those providing services and interventions can learn from each other. SCLD also aims to be a knowledge hub and to build an evidence base, sharing how policy is being implemented and building on an understanding of what really works.

Introduction

Housing plays an integral role in ensuring that all people with learning/intellectual disabilities are able to lead full, healthy, and productive lives in their communities. The historic policy of housing people with learning/intellectual disabilities in Scotland in long-stay hospitals and other institutions isolated them from wider society, increased their marginalisation and made them vulnerable to abuse.

The last 20 years has seen transformational change for people with learning/intellectual disabilities and young people with learning/intellectual disabilities have vastly different expectations than they did just a generation ago. This represents huge progress with the majority of people with learning/intellectual disabilities living in mainstream accommodation and aspiring to lead full and active lives.

However, despite this significant change, people with learning/intellectual disabilities continue to face barriers to accessing suitable housing and support and can be denied choice about where they live, who they live with and the support they receive.

Overcoming these barriers is crucial to the people with learning/intellectual disabilities' full and equal enjoyment of their human rights including the right to live independently in the community.

Article 19 of the UN Convention on the Rights of Persons with Disabilities¹ enshrines the “*equal right of all persons with disabilities to live in the community, with choices equal to others*” and obliges state parties to ensure people with disabilities “*have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement*”.

Making this the reality for all requires housing options for people with learning/intellectual disabilities to be accessible, affordable, sustainable, and meet

¹ [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#)

individuals' varying needs. SCLD believes the Scottish Government's vision and route map for Housing to 2040 must adopt a human rights approach to ensure that people with learning/intellectual disabilities are empowered to know and claim their rights, are able to exercise maximum choice and control over where they live and the type of tenure, and be able to access and receive the appropriate housing support and care to live their best lives in the community.

1. Homes that meet people's needs

Principle 15 – Everyone has a right to an adequate home.

This includes:

- Legal security of tenure
- Availability of services, materials, facilities and infrastructure
- Affordability
- Habitability
- Accessibility
- Location
- Cultural adequacy

SCLD strongly supports the inclusion of this principle in the draft housing vision for 2040. We welcome the reference to Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)², ratified by the UK, which states that everybody has the right to an adequate standard of living for themselves and their families, including adequate food, clothing and housing.

We are concerned that some people with learning/intellectual disabilities, particularly those with the most complex needs who are living in out-of-area placements or in

² [International Covenant on Economic, Social and Cultural Rights](#)

hospital settings without clinical need are being denied the right to adequate home, as well as the right to Living independently (Article 19, UNCRPD), and in some cases their right to Liberty (ECHR, Article 5, CRPD, Article14).

SCLD believes that leadership and national direction is required by the Scottish Government so that people with learning/intellectual disabilities who have complex needs can access their right to an adequate home which keeps them safe, meets their need, promotes their well-being and ensures they are not at risk of becoming isolated, invisible and vulnerable to abuse. This is fully in line with *The Keys to life*, the Scottish Government's national strategy for people with learning/intellectual disabilities and *A Fairer Scotland for Disabled people*, the national disability action plan.

The 'Coming Home' report³ published in 2018, highlighted that hundreds of people with learning/intellectual disabilities and complex needs are living in hospital due to delayed discharge or in out-of-area care settings. The report found that 705 people were out-of-area from 30 HSCPs and of these 453 people identified as being out of area not through choice.

A further 67 people were identified as delayed discharge meaning that they were living in hospital without clinical need for them to be there. More than 22% had been in the hospital for more than 10 years and another 9% for five to ten years. Additionally, the 2018 Mental Health and Learning Disability Inpatient Census showed that 28% of patients in learning disability wards were delayed discharges⁴.

HSCPs identified lack of suitable accommodation as the biggest barrier for both those in out-of-area placements who were considered a priority to return and for delayed discharges. They cited issues around lack of funding, a lack of providers able to sustain

³ [Coming Home - A Report on Out-of-Area Placements and Delayed Discharge for People with Learning Disabilities and Complex Needs \(Dr Anne MacDonald, Scottish Government, 2018\)](#)

⁴ [Coming Home - A Report on Out-of-Area Placements and Delayed Discharge for People with Learning Disabilities and Complex Needs \(Dr Anne MacDonald, Scottish Government, 2018\)](#)

high levels of support for people and challenges associated with finding suitable self-contained accommodation for people with complex needs.

In line with the report conclusions, SCLD believes that a new approach to housing service models is necessary to meet the needs of people with the most complex needs. This requires closer working between housing providers and commissioners to plan how to meet the housing needs of individuals with learning disabilities and complex needs.

The Scottish Government should work with all stakeholders to ensure a range of housing options and models of support are available which enables individuals to live in their local communities, close to their family if they wish, and make decisions about whether they choose to live with others, or be best supported to live alone.

At a planning level, we believe it is necessary to move beyond a focus on the requirement for future supported accommodation developments to explore wider housing options that might meet future needs of people with learning/intellectual disabilities. This includes the contribution of different housing tenures to meeting people with learning/intellectual disabilities' requirements, including mainstream accommodation and the private rented sector as well as specialist accommodation and social renting.

In line with the recommendations of the Coming Home Report, there is a need for housing, care and health services to work in partnership to ensure that sufficient funds are available to support people with complex needs to access their right to an adequate home which meets their needs and preferences. In our view, this requires creative solutions and an increased focus on prevention within the context of transformational systems change and a requirement for greater cross policy and sectoral commissioning at a local and national level.

We urge the Scottish Government to provide leadership in:

- Developing complex needs standards for commissioning, including consideration of different housing models.
- Supporting housing providers and the housing sector to consider how best to plan for the housing needs of this group, including a discussion on types of service and models of support.
- Working with local areas to improve planning for individuals with complex needs, proactively identify individuals and planning ahead to develop housing and care services to meet people's needs.
- Promotion of co-production in local commissioning, to achieve better outcomes for individuals and to ensure services are more person-centred.

Principle 14 - Housing and the housing market should be highly flexible to enable people to meet their changing needs.

SCLD welcomes this principle, and in particular that 'housing supports, enables and reflects the diverse people of Scotland – people of all protected characteristics and other vulnerable or disadvantaged groups live in the right home for them' and 'the housing system supports innovation, new models of housing and service delivery'.

Demographic factors including an ageing population of people with learning/intellectual disabilities, higher survival rates into adulthood of people with complex health needs, and also increased expectations among younger people and their families around their right to independent living are creating new pressures on housing for people with learning/intellectual disabilities and other complex needs. However, people with

learning/intellectual disabilities are not a homogenous group but rather a diverse population of individuals who face particular challenges and barriers. Their housing requirements are impacted by a multitude of factors including individual preferences, age, support requirements and composition of their household.

The Housing for Varying Needs Standard (HfVN) which applies to all social housing built grant funding in Scotland is now 20 years old. The EHRC inquiry stated that these require to be updated 'to reflect changing requirements and expectations arising from advances in equipment size and design, technology, diversity of households and lifestyles'⁵. SCLD supports the call for the Scottish Government to adopt a cross-tenure approach to accessibility standards to support a better understanding in mainstream house building industry of the accessibility features necessary for disabled people.

We would also like to see a more person centred, cost effective adaptations process which combines joint working between housing agencies, occupational therapists and health and social care staff , which enables more adaptations carried out which are appropriately tailored to individuals' needs.

For people with learning/intellectual disabilities and complex needs an adequate home must be able to meet each individual's need for space, stimulation, sensory needs, activity, outdoor access, contact with others, routine and support. Furthermore, it must also contribute to wellbeing though facilitating access to family, friends, and circles of support as well as engagement in regular meaningful activity and frequent leisure time. SCLD urges the Scottish Government to continue to engender a more collaborative and joint approach by professionals in housing, social care and health, to support people to have choices about the right environment for them accompanied by support to live their best lives.

⁵ [Housing and Disabled People, EHRC \(2018\)](#)

There is also a lack of reliable data to inform the Local Housing Strategies (LHS) which set out Local Authority priorities. These are based on Housing Needs Demand Assessments (HNDAs) which often contain poor data about people's requirements. We are concerned, therefore, that local authorities frequently rely on a weak evidence base for assessing people's needs for accessible housing and related services.

SCLD is concerned about the lack of an up-to-date, large-scale data source that would facilitate more detailed assessment of people with learning/intellectual disabilities' housing circumstances, needs and preferences. At present, there are significant gaps:

- Nationally collated data on the numbers of people on housing waiting lists is not disaggregated by disability.
- There is no current publicly available data on the use of housing support by people with learning/intellectual disabilities.
- There is a dearth of data on whether the current housing circumstances of people with learning/intellectual disabilities matches their preferences and aspirations.

SCLD believes it is necessary to improve data collection to inform projections about future demand for adaptations and new supply of both mainstream and specialist housing.

2. A well-functioning housing system

Do you have any proposals that would increase the accessibility and/or functionality of existing and housing?

SCLD agrees with the Housing to 2040 that disabled people must benefit from increased availability of affordable and accessible housing to support them to live independent lives.

While there are many more housing options available to people with learning/intellectual disabilities in Scotland than was the case two decades ago, significant challenges remain around the housing options available to meet the diverse needs of people with learning/intellectual disabilities⁶. These include:

- Significant challenges around the current supply of housing in general, and of accessible accommodation in particular
- Lack of consistency in access to advice about housing options
- Major challenges around the funding of housing support, which are impacting providers' ability to deliver effective, person-centred support
- Negative impacts and uncertainties arising from the UK Government's welfare reform, including: the 'bedroom tax'; restrictions to housing benefits for under 35s; the introduction of a cap on housing benefits to Local Housing Allowance rates for social housing; and reassessments of entitlements to disability benefits.
- Legal barriers, particularly relating to a perceived increased insistence on Guardianship Orders before people can have their 'own' tenancies
- Attitudes to people with learning/intellectual disabilities among social workers, landlords, and support workers, and low aspirations/expectations among people with learning/intellectual disabilities themselves.

SCLD is concerned by the lack of choice and restriction on independent living which results from persistent challenges around the supply, availability and accessibility of housing of a variety of tenures available to people with learning/intellectual disabilities. We are also concerned about an apparent trend back towards shared tenancies for people with learning/intellectual disabilities in some local authorities motivated by cost.

⁶ [Improving outcomes for people with learning disabilities: Opportunities and challenges for housing, Ipsos MORI \(2017\)](#)

It is essential that Scottish Government approaches housing solutions for people with learning/intellectual disabilities in a way that reflects their diversity while also recognising them as a group who continue to need support to assert their right to independent living.

In line with the 'Coming Home' report⁷, SCLD believes that suitable housing and support solutions must be determined through a person-centred approach by listening to what each individual needs to live their own life; and building accommodation, care and support based on those needs. We are clear that there is no 'one size fits all' solution and that decisions should not be based on cost savings or economies of scale. Furthermore, in our view large institutional services or any arrangement which restricts opportunity for community living should not be commissioned.

Research by Ipsos MORI found that people with learning/intellectual disabilities are much more likely than the population as a whole to live in social housing and much less likely to live in a home that they or their family own⁸. Analysis of census data showed that:

- 52% of people recorded as having 'a learning disability' lived in social housing, compared with 21% of the population as a whole.
- Just 39% of people with learning disabilities live in an owner occupied property, compared with 66% of the population as a whole.

The same research found that while most people with learning/intellectual disabilities live in 'mainstream' housing, 17% of those known to local authorities live in supported

⁷ [Coming Home - A Report on Out-of-Area Placements and Delayed Discharge for People with Learning Disabilities and Complex Needs \(Dr Anne MacDonald, Scottish Government, 2018\)](#)

⁸ [Improving outcomes for people with learning disabilities: Opportunities and challenges for housing, Ipsos MORI \(2017\)](#)

accommodation and 7% in registered adult care homes. Additionally, over a third (35%) of those known to local authorities live with a family carer⁹.

SCLD believes it is essential that people with learning/intellectual disabilities are able to exercise maximum choice over where and with whom they live. The Equality and Human Rights Commission (EHRC) found that people with learning/intellectual disabilities report that they have difficulty getting support from housing providers. This ranged from providers' reluctance to provide information in accessible formats, such as 'easy read', to a lack of specificity in advertisements for accessible properties and a lack of assistance with applications. It also reported that tenancy agreements and correspondence from landlords, contains language that is legalistic and is inaccessible to many people¹⁰. We believe there is a need to ensure that people with learning/intellectual disabilities have access to good-quality, accessible advice and advocacy to help people to understand their options and be supported to make informed choices.

In our view, this requires increased funding to deliver a 'housing option approach' which offers a more personalised approach to housing advice, by exploring all possible tenure options and considering people's wider personal circumstances and support needs alongside their accessible housing needs. SCLD urges the Scottish Government to ensure that resources are available to ensure people with learning disabilities can make these choices on an equal basis to others.

SCLD thanks the Scottish Government for the opportunity to respond to this important consultation.

⁹ [Improving outcomes for people with learning disabilities: Opportunities and challenges for housing, Ipsos MORI \(2017\)](#)

¹⁰ [Housing and Disabled People, EHRC \(2018\)](#)

Contact us

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For information on Scotland's Learning Disability Strategy *The Keys to life*, visit: www.keystolife.info

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