

Housing Inquiry Terms of Reference

The inquiry will examine the extent to which the right of disabled people to independent living is supported by the provision of accessible and adaptable housing and tenancy support services.

The inquiry will cover England, Scotland and Wales and in each nation will:

1. Explore the recent experiences of disabled people (from 2014 onwards) in relation to

- i) how the provision of accessible and adaptable housing and tenancy support services has enabled them to fulfil their right to independent living;
- ii) the consequences of not having accessible or adaptable housing or tenancy support services on their right to independent living.

1A. Examine the existing evidence as to the extent of any shortfall in the availability of accessible and adaptable housing, and in the availability of tenancy support services.

1B. Examine systems local authorities and other social housing providers have in place in relation to disabled people who are being allocated a property

- i) to assess the person's needs for an accessible and/or adaptable property
- ii) to identify a property to match that person's needs.

1C. Examine the evidence in order to assess how well systems are performing for applicants in relation to determining applications for and administering

- i) disabled facilities grants under the Housing Grants, Construction and Regeneration Act 1996;
- ii) grants for the adaptation of dwellings for disabled persons under the Housing (Scotland) Act 2006 and the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008.

2. Examine what steps are being taken by local authorities and social housing providers, including, in the case of local authorities, in relation to use of planning and building regulations, to increase availability and provision of accessible and adaptable housing to enable disabled people to fulfil their right to independent living.

3. Examine the evidence to assess the extent to which local authorities, when considering what steps to take/taking steps in relation to the needs of disabled people for accessible and adaptable housing and tenancy support services
 - i) understand and are complying with their obligations under the Public Sector Equality Duty
 - ii) adopt a human rights approach and act in accordance with their human rights duties under ECHR.
4. Explore the impact/potential impact of recent and proposed changes in housing policy and law on the availability and provision of accessible and adaptable housing and tenancy support services that enable disabled people to live independently. Where appropriate make findings identifying where, in this regard, such changes are likely to facilitate or adversely affect the realisation of disabled people's right to independent living.
5. Make recommendations as appropriate.

Additional information

Definitions

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) sets out what human rights mean in the context of disability. By ratifying UNCRPD in 2009, the UK is committed to promoting and protecting the full enjoyment of human rights by disabled people.

The right to independent living under Article 19 of the UNCRPD is the equal right of disabled people to live in the community with choices equal to others, and that effective and appropriate measures will be taken to facilitate disabled people's full enjoyment of this right, and their full inclusion and participation in the community. This includes that disabled people have the opportunity to choose where and with whom to live on an equal basis with others and are not obliged to live in any particular living arrangement.

Article 9 UNCRPD requires that in order to enable disabled people to live independently and participate fully in all aspects of life, appropriate measures are taken to ensure access for disabled people on an equal basis with others to the physical environment. This includes measures to remove barriers to accessibility in relation to housing.

The European Convention on Human Rights (ECHR) is incorporated into our domestic law by the Human Rights Act 1998.

Article 8 ECHR protects people's right to respect for their private life, family life, home and correspondence. The concept of private life covers people's right to develop their personal identity and to forge friendships and other relationships. This includes the right to participate in essential cultural and leisure activities. In some circumstances, public authorities may need to help people enjoy their right to a private life, including their ability to participate in society.

Article 14 ECHR protects people from discrimination in the enjoyment of those human rights set out in ECHR. Article 14 is based on the core principle that all of us, no matter who we are, enjoy the same human rights and should have equal access to them.

Human rights under ECHR do not generally give a person a right to be provided with better accommodation, but serious cases of a public body's failure to comply with legal obligations to meet a disabled person's needs can amount to a breach of a person's human rights under ECHR.¹

By a human rights approach we mean a proactive approach by a public body to exercising its powers and ensuring that its legal obligations are met, so that any risk of a breach of human rights is eliminated.

The Public Sector Equality Duty is set out in section 149 of the Equality Act 2010. It provides that a public authority must, when performing its functions, have due regard to the need to eliminate discrimination and advance equality of opportunity for people with disabilities. The duty includes having due regard in particular to the need to remove or minimise disadvantages suffered by disabled people and take steps to meet the needs of disabled people.

By tenancy support services we mean support to manage or sustain a tenancy for example support with managing

- rent arrears
- benefits
- domestic budgeting including debt counselling
- repair issues
- neighbour disputes

¹*Anufrijeva and Another v Southwark London Borough Council* [2003] EWCA Civ1406; [2004] Q.B. 1124

- anti-social behaviour issues that are related to the tenancy

and advocacy and advice in accessing other services.

When referring to accessible housing we mean housing that is physically accessible by the occupier and has physical features that allow for independent living. This includes housing that is fully accessible for a wheelchair user.

By adaptable housing we mean housing that can be adapted to increase accessibility and to install features that allow for independent living.