



December 2017
Mencap NI Consultation Response
Department for Communities Fundamental Review of Social
Housing Allocations

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Introduction

Mencap is the leading voice of learning disability in the UK. Everything we do is about valuing and supporting people with a learning disability. Our vision is a world where people with a learning disability are valued equally, listened to and included.

Due to a shortage of suitable housing, adults with a learning disability in Northern Ireland have a lack of choice about where and with whom they live. Social housing plays an important role in providing accommodation for some of the most vulnerable people in society, including those with a learning disability.

What is a learning disability?

A learning disability is 'a reduced intellectual ability and difficulty with everyday activities which affects someone for their whole life. The level of support someone needs, depends on the individual and the extent of their learning disability. With the right support most people with a learning disability can lead independent lives.'¹

In the UK, 2.16% of adults are believed to have a learning disability. In Northern Ireland there are 42,000 people with a learning disability, including 31,000 adults.²

Learning disability and independent living

Adults with a learning disability are often not always afforded the opportunity to live independently (Equality Commission, 2017).³ It is estimated 70% of adults with a learning disability live at home with their parents and or carers through necessity not choice.

Due to its complex nature, few people with a learning disability are registered as being in need of housing (Bamford, 2005).⁴ Typically, accommodation needs for adults with a learning disability are only identified following a crisis or the death of the main carer, and future housing needs are not regularly published, monitored or planned for.

UNCRPD & Bamford (2005) - Role in Review of Social Housing Allocation

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is the human rights convention concerning people with disabilities. It is a list of rights guaranteed to persons with disabilities to improve their access to society, education and employment.⁵ Notably, the Convention recognises the equal right of all persons with

¹ www.mencap.org.uk/learning-disability-explained/what-learning-disability

² These approximate figures have been calculated using learning disability prevalence rates from Public Health England (2016) and population data from the Office for National Statistics (2017).

³ <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/HousingCommunities-KeyInequalitiesStatement.pdf>

⁴ The Bamford Review of Mental Health and Learning Disability (Northern Ireland) (2005) Equal Lives: Review of policy and services for people with a learning disability in Northern Ireland. Department of Health, Belfast.

⁵ www.worldblindunion.org/English/.../UNCRPD%20general-WBU%20FAQ%20sheet.doc

disabilities to live in the community in a residence of their choosing, and to receive support to live independently if required.

The Department of Health published the Bamford 'Equal Lives' Review in 2005.⁶ It is a wide-ranging and independent review of the law, policy and provision affecting people with mental health needs or a learning disability in Northern Ireland. Key issues raised included concerns that the Common Selection Scheme (NIHE) could make it more difficult for people with a learning disability to access housing that is appropriate to their needs; and that limited funding for home adaptations can become a prohibiting factor.

The review included **evidence-based recommendations** on housing that are person-centred, and rights based, including:

- Future planning needs to be incorporated in housing strategies to develop and address emerging, current and unmet needs.
- People with a learning disability should have the right to the same range and standards of accommodation as their non-disabled peers; and the same rights as other citizens in obtaining tenancies in public housing.
- Support provided should include the provision of housing adaptations, domiciliary supports and respite.
- When demand for accommodation and support services exceeds supply, the allocation of these services should be done in a transparent and equitable manner. Applicants, their family carers and advocates must be kept fully informed throughout.
- The accommodation and support needs of people with a learning disability should not just be the responsibility of health and social services, but a partnership between health and social care and a range of statutory and non-statutory housing and social care agencies.

Bamford is still an integral part of Department of Health policy work. ***Mencap NI recommends the Department of Communities considers the particular housing inequalities experienced by adults with a learning disability when reviewing the allocation of social housing; and the recommendations made by the Bamford Review.***

Partnership between Local Development Plans, HSCTs and the NI Housing Executive in both tracking unmet need and future planning

Throughout Council Local Development Plans there is a broad definition of Supported Housing: "accommodation with complementary housing support services to cater for people with a range of specific needs. Housing support services are individual and person-centred and will not necessarily have specialised accommodation solutions and associated implications for land use.

The land use requirements for supported housing will be identified in the Housing Needs Assessment and the findings will be taken into account in the preparation of the Local Development Plan."⁷

There appears to be an anomaly between the figures on the numbers of adults with a learning disability requiring housing held by local HSCTs, compared with those in Local Development Plans Housing Needs Assessments which are based on NIHE statistics (sometimes figures are published as 0). To help address this, and ensure some of the most vulnerable members of society are treated equally and included within planning policy, Mencap NI recommends development of a robust mechanism of communication on future housing planning between DfC, DoH, HSCT and local Councils.

⁶ Ibid, note 4.

⁷ DCSD 2017 Evidence Base EVB 5 Housing

Outcomes

Mencap NI broadly agrees with the key outcomes; particularly an improved system for the most vulnerable applicants. In our experience, many adults with a learning disability fall through the gaps of social housing provision. They often don't receive enough points for an offer of social housing, while alternative selection on the Complex Needs waiting list is reserved for those who require particularly intensive levels of care and support.

It is important that Social Housing Allocation, through both the Current Selection Scheme and Complex Needs waiting list, plays a key role in ensuring more adults with a learning disability have an opportunity to live independently. ***Mencap NI recommends that the particular needs of adults with a learning disability and their pathway to accessing social housing is reviewed.***

Additional Comments on Proposals

1. An independent, tenure-neutral housing advice service for Northern Ireland. People should receive high-quality, tailored, tenure-neutral advice in a way which respects their dignity and confidentiality.

In order for this recommendation to be effective, all staff need to be fully trained and aware of accommodation and housing issues that affect people with a (learning) disability, and able to give informed advice accordingly. ***Mencap NI recommends that all staff are trained in (learning) disability awareness, legislation and reasonable adjustments.***

2 & 3. NIHE eligibility for social housing allocation or Full Duty homelessness and consideration of unacceptable behaviour.

It is unclear how the term 'unacceptable behaviour' is being defined. Emerson (2001⁸) describes challenging behaviour as 'culturally abnormal behaviour of such an intensity, frequency or duration that the physical safety of the person or others is likely to be placed in serious jeopardy or behaviour that is likely to seriously limit or deny access to and use of ordinary community facilities. It is likely to threaten quality of life and is likely to lead to responses that are restrictive, aversive or result in exclusion.'⁹

Types of challenging behaviour can include: verbal aggression, physical aggression, destructiveness, stereotypy, self-injury, loss of inhibitions and mental health related difficulties. In a survey of challenging behaviour in adults with learning disabilities, physical aggression, self-injury and destructive behaviour are the most frequently reported behaviours.¹⁰

Mencap believes adults with a learning disability should have the option of living in 'ordinary houses in ordinary streets', and with the right support this is achievable. However, one of the biggest barriers is changing attitudes and transforming perceptions of what challenging behaviour.

Mencap NI recommends that the Department for Communities publish a definition of unacceptable behaviour; recognising in some circumstances that aggressive and sometimes violent behaviour may be a product of the inter-relationship between the individual, their environment, and their personal / social circumstances including disability.

⁸ Emerson 2001 Challenging Behaviour: Analysis and Intervention in People with Severe Intellectual Disabilities

⁹ Royal College of Psychiatrists, British Psychological Society and Royal College of Speech and Language Therapists, 2007

¹⁰ Positive Response Training & Consultancy Ltd October 2016

The document also highlights good housing management as a solution to challenging behaviour. Positive Behaviour Support (PBS)¹¹ is an evidence-based approach with a primary goal of increasing a person's quality of life, and a secondary goal of decreasing the frequency and severity of their challenging behaviours.¹²

Mencap NI recommends that consideration is given to Positive Behaviour Support as a model of good practice in housing management solutions to challenging behaviours.

5. A greater choice of areas for all applicants for a social home.

Mencap NI welcomes this particular outcome. In order for adults with a learning disability to be fully included in their communities, they must have choice regarding where they live and with whom. While still suitable for some individuals, traditional supported housing blocks which only house people with a disability should not be the main accommodation option for adults with a learning disability.

Mencap NI believes this outcome should show a clear commitment to create a fully inclusive society where all individuals are supported to live independently in accommodation of their choice.

8. Points should reflect current circumstances for all applicants.

Mencap NI agrees with this outcome and requests that it aims to demonstrate unmet need. Adults with a mild to moderate learning disability living at home and who do not have access to a social worker or services are not eligible for the Complex Needs List.

As previously stated, it is also quite common that they will not accrue enough points for social housing on the Common Selection Scheme. Adults with a learning disability are often at a disadvantage as many are not in full time employment and they may have no other alternative route into living independently. The Bamford 'Equal Lives' review (2005) stated that the Common Selection Scheme could make it more difficult for people with a learning disability to access housing that is appropriate to their needs.

Mencap NI recommends the Department for Communities conducts a mapping of unmet need in housing allocations; and the development of a robust mechanism for communication on future housing planning between DfC, DoH, HSCT and local Councils.

11. The Selection Scheme Rules should always align the number of bedrooms a household is assessed to need with the size criteria for eligible Housing Benefit customers.

Mencap NI recommends that rules allow for discrepancies on bedroom allocation if someone has a learning disability or lifelong condition that will require sleep-in or wake in support care, either now or in the future. Futureproofing a person's house makes it more sustainable and should be considered as a reasonable adjustment.

12, 13 & 14 Difficult to let properties

Mencap NI welcomes the recommendation to seek innovative ways to assist in finding tenants for difficult to let properties; and recommend that if an adult with a learning disability does take on this tenancy that full safeguarding and risk assessments are carried out before the tenancy is accepted.

¹¹ <http://www.bild.org.uk/capbs/pbsinformation/introduction-to-pbs/>

¹²

<http://www.disability.wa.gov.au/Global/Publications/For%20disability%20service%20providers/Guidelines%20and%20policies/Behaviour%20Support/Positive%20Behaviour%20Support%20Information%20Sheet%20for%20Disability%20Sector%20Organisations.pdf>

16 & 17. Social landlords may withdraw an offer of accommodation in specified circumstances.

Mencap NI recommends that any specified circumstance allowing an offer of withdrawal is clearly published and complies with legislation, particularly in relation to section 75 of the Northern Ireland Act 1998.

18. Social landlords may withhold consent for a policy succession or assignment of adapted accommodation or purpose-built wheelchair standard accommodation where there is evidence an applicant needs it.

Mencap NI disagrees with this outcome and believes it goes against the DFC previously mentioned objectives of the review. Although stated that future social housing will become wheelchair accessible, this only takes account of physical disabilities.

Bamford (2005) highlights the barriers faced by adults with a learning disability in accessing accommodation in local communities because of the difficulties in accessing housing adaptations. **Mencap would recommend alternative models to creating adaptations and would be happy to discuss solutions from our own housing provisions in further detail.**

20. Specialised properties should be allocated by a separate process outside the Selection Scheme.

Mencap NI agrees that specialised accommodation should be ring-fenced for those who need it most, and should be allocated outside the main general needs selection. We further agree that an independent time-bound review should determine how specialised properties should be allocated. **Within this Mencap recommends the inclusion of adults with a learning disability who do not have an assigned social worker or are in receipt of services.**

Conclusion

Mencap NI appreciates this opportunity to contribute to the Department for Communities consultation on the Fundamental Review of Social Housing Allocations. We would be happy to meet and discuss our key points and recommendations in more detail; and to provide information about the range of person-centred housing solutions for adults with a learning disability that we have developed in partnership with Golden Lane Housing.¹³

Recommendations:

- DFC consider the particular housing inequalities experienced by adults with a learning disability when reviewing the allocation of social housing; and the recommendations made by the Bamford Review (2005).
- The particular needs of adults with a learning disability and their pathway to accessing social housing is reviewed.
- All staff in the proposed independent, tenure-neutral housing advice service are trained in (learning) disability awareness, legislation and reasonable adjustments.

¹³ **Golden Lane Housing (GLH)** was established as an independent national charity by Mencap in 1998. It tailors housing options (new build, leasing, partnership) to meet the needs of people with a learning disability in locations of their choice; and is also a Registered Provider of social housing in England. GLH has transformed the lives of over 1,700 people with a wide range of needs in more than 700 properties across England, Wales and Northern Ireland.

Recommendations continued:

- The Department for Communities publish a definition of unacceptable behaviour; recognising in some circumstances challenging behaviour that is aggressive and sometimes violent behaviour may be a product of the inter-relationship between the individual, their environment, their personal / social circumstances and their disability.
- Consideration is given to Positive Behaviour Support as a model of good practice in housing management solutions for challenging behaviours.
- The Department for Communities shows a clear commitment to create a fully inclusive society where all individuals are supported to live independently in accommodation of their choice.
- The Department for Communities conducts a mapping of unmet need in housing allocations; and the development of a robust mechanism for communication on future housing planning between DfC, DoH, HSCT and local Councils.
- The rules in the Selection Scheme alignment in bedroom allocations allow for discrepancies on bedroom allocation if person will require sleep-in or wake in support care, either now or in the future.
- If an adult with a learning disability does take on a 'difficult to let property', safeguarding and risk assessments are carried out before the tenancy is accepted.
- The publication of 'specified circumstances' of when a social landlord may withdraw an offer of accommodation and its compliance with Section 75 of Northern Ireland Act 1998.
- Alternative models to creating adaptations is provided rather than social landlords withholding consent for adapted accommodation.
- An independent review of how specialised accommodation is allocated that includes adults with a learning disability who do not have access to a social worker or services.

