Consultation response

Housing Adaptations: Options for Change and Improvement - Scottish Government Adaptations Working Group Consultation

Response from the Chartered Institute of Housing Scotland
Introduction

The Chartered Institute of Housing Scotland (CIH) welcomes this opportunity to respond to the Scottish Government’s Adaptations Working Group consultation.

The Chartered Institute of Housing is the professional body for people involved in housing and communities. We are a registered charity and not-for-profit organisation. We have a diverse and growing membership of over 22,000 people – both in the public and private sectors.

CIH Scotland has more than 2,600 members working in local authorities, housing associations, housing co-operatives, Scottish Government and Government agencies, voluntary organisations, the private sector, and educational institutions. The CIH aims to ensure members are equipped to do their job by working to improve practice and delivery. We also represent the interests of our members in the development of strategic and national housing policy.

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Housing Adaptations: Options for Change and Improvement

Response from the Chartered Institute of Housing Scotland

Question 1

- Do you agree that there are issues with the current arrangements for housing adaptations, which need to be addressed?
- If so, has the Adaptations Working Group identified the main issues?
- Which issues are most important to address?

CIH Scotland agrees that there are wide ranging issues and challenges because access, funding and delivery of adaptations are currently linked to different housing tenures, and that fundamental change is required to achieve a tenure neutral system of housing adaptations.

The main issues have been clearly set out by the Working Group.

There is a strong case for both shorter term and longer term changes to the way in which adaptations are provided in Scotland. The shorter term changes would seek to make improvements to certain aspects of adaptations provision within the fragmented system we currently have. For reasons outlined later in this response, CIH Scotland believes it is unlikely that funding issues can be easily resolved in the short term.

Assessment process across the tenures: Key amongst the changes that should be achievable in the short term is greater consistency on how, across the tenures, someone’s need for an adaptation is assessed. This is a reference to the process of getting an assessment, not to the point at which different local authorities set the ‘bar’ in prioritising people for assistance: one assumes this could never be made consistent as this would be a matter for each authority to determine in accordance with funding and competing priorities.

As an example, it is not and has never been appropriate for a housing association to tell a tenant that it is not worth applying for an adaptation because the association has run out of money. Any disabled person who feels that their property needs to be adapted should have their need assessed, normally by an occupational therapist. This should normally be within the wider context of good housing options advice, as adapting a property may not always be the best housing/care option for the individual and sometimes will not be the best use of property.

Organisations’ understanding of the law: There needs to be a much better understanding of the law on adaptations provision – a complex area involving both housing and care legislation. We would offer two examples of poor understanding of the law:

- There is no reason why a housing association tenant who is unable to get an adaptation (due to lack of funding from the association) cannot apply for a grant under the Housing (Scotland) Act 2006. Clearly the current system would not be able to cope with significant additional demands from housing association tenants, but it is hard to argue against disabled people having a
full picture of who is entitled to what under the law.

- Whilst it is generally accepted that the law is not crystal clear, local authorities have duties to provide adaptations under social work legislation, most notably the Chronically Sick and Disabled Persons Act. This is in sharp contrast to, for example, a housing association which has no legal duty to provide adaptations to its tenants.

Improved advice, information and support for individuals to navigate the adaptations system: Regardless of any more fundamental changes in the longer term, the housing options approach provides an opportunity to look at adaptations from a new perspective, one that applies across tenures to focus on individual needs, and one that can reflect and assess those needs in the context of preventative spend.

Evolving housing options operating models, including those being promoted through the network of homelessness hubs, generally include adaptations as one of a range of wider housing options for people to consider when their home appears to be no longer suitable. These models aim to provide single access routes to advice and information, with links to, and potentially coordination of, any existing assessment and application services. This trend is in keeping with a best use of stock approach to managing existing social housing stock, the Christie Commission preventative spend theme for public services generally, and - as set out in the consultation paper - the personalisation agenda within social care provision.

Housing taking a more strategic view of adaptations in the context of wider housing investment: CIH Scotland believes that the preventative spend approach which is clearly set out in the Working Group paper as a key message for the health and social care sectors, applies equally to the housing sector, providing opportunity to review where and how adaptations are positioned within strategic housing investment priorities.

For example, a social housing provider may have no or limited capital adaptations budget to suitably adapt a tenant’s home. However, as an applicant on a housing register, there is scope for the provider to record, plan and invest in a special needs new build unit for this tenant, or make an allocation of a suitable property for which there is significant additional competition - as part of the need and demand demonstrated on that register. But often there may not be this strategic assessment of which option provides best accountability to the public purse.

Question 2

Are there parts of the current arrangements that you think work well and should not be changed?

CIH Scotland is aware that there are examples of good practice within current organisational arrangements for adaptations, notwithstanding that these are usually tenure specific because of the diversity of existing funding source and distribution.

Many of these models demonstrate well developed collaboration and partnering arrangements, as well as systems and practices that could apply across tenures, but
are currently limited by funding rather than organisational boundaries.

For example, Care and Repair Scotland, as the national coordinating body, consists of 31 local Care and Repair projects. Access to and assessment of housing adaptations is provided to owner occupiers through a variety of models of Care and Repair and related handyperson services. These models seek to place the individual at the centre, and work on the principle of enabling. This would support an approach which coordinates existing services around the service user (i.e. the third of the three suggested long term options for change as covered in Question 4).

Care and Repair can be outsourced from a local authority to an RSL, or to an RSL/Health partnership. They can be coordinated to deliver equipment and minor adaptations via health funding, bring in Occupational Therapists for assessment and design recommendations for more significant adaptations, and can involve local authority Grants Officers for Scheme of Assistance financial assessments. The arrangements can achieve value for money in procurement by using the RSL’s approved contractor list, and can provide project management services to the customer for the housing adaptation.

CIH does not see any merit in unduly limiting or polarising organisational models, but rather would highlight the existing ability of all three sectors to collaborate on access and delivery of housing adaptations in efficient and effective ways, albeit with tenure restrictions. This will be especially important given that more fundamental system change may be some years away, if it happens at all.

That said, CIH also recognises that the current volume of organisational models which have developed as a result of the funding fragmentation provides significant scope for duplication and hence levels of wastefulness that could be designed out by a fundamental change in approach to funding and access.

Question 3

Which of these minor (streamlining) changes do you think would improve the current arrangements for delivery of adaptations? Why?

- Do you think these changes would be sufficient to address the issues?

There is merit in all of the minor streamlining changes proposed. Each has potential to make minor improvements to existing arrangements, and some in particular could have an important role as Scotland works towards a clearer, longer term strategic framework for adaptations.

Of these, there are three in particular which could help preparedness for a longer term approach:-

- Information and advice

Improved information and advice is essential in the short to medium term and would help customer awareness and understanding of existing complex arrangements. It is crucial now and will remain so whatever system might eventually be introduced.
Planning ahead
The Working Group paper notes that the concept of planning ahead to meet individual future needs is central to the strategy and delivery of health and social care services generally, and will be of increasing relevance in achieving a preventative approach to adaptations. From the housing sector perspective, there is a clear need to think through how this approach can be translated into the strategic housing investment programme. More fundamentally, and whilst not without its challenges, this will require the housing sector to review arrangements for recording needs for housing sector adaptations. Currently, these ‘needs’ can appear on one or more of the following: as housing register demand and need, as Care and Repair demand and need, or as applications for adaptations.

Recycling of adaptations
This suggestion could lead to useful change, providing there is a systematic approach to recording adapted properties at local level that can be easily transferred to a national register such as that being developed by Glasgow Centre for Inclusive Living.

Improving the links to the allocation of adapted properties to those who need them is not without its challenges: the adaptation can be quite specific, making the matching of suitable applicant to property size, type, location and adaptation especially difficult, compounded by a variety of competing demands and need for the same property. Hence the opportunity to remove and recycle adaptations would be a significant cost benefit.

None of these changes, nor indeed any of the others suggested in the consultation, fundamentally address the issues of complexity, inequality and lack of a holistic approach within the current system, but all could go some way to improving the current system and would be essential components in any new cross-tenure approach.

Question 4
Which of the three approaches to organisational responsibility (through local housing authority, Health and Social Care Partnerships or the individual) do you believe would provide the most effective basis for the delivery of housing adaptations and the greatest benefits to people who need adaptations? Why?

CIH Scotland believes that, almost inevitably, there are pros and cons with each option, but as a general point we would ask whether, with the central/local government concordat, it is likely that the Scottish Government can engineer a ‘one size fits all’ approach to adaptations provision across Scotland.

One of the most difficult issues to resolve in the longer term is the fact that whilst funding is predominantly through a housing route, legal duties to provide adaptations are contained primarily in what is generally seen as social work legislation, i.e. the CSDP Act. As there appears (as yet) to be no suggestion to change or remove these legal responsibilities, this might suggest that there is a logic to moving (in the longer term) to a system where overall responsibility and funding lie with social work. The funding issue is addressed further in our response to Question 7.
1. Sitting adaptations within housing

- This may be favoured by those who argue that the housing sector has made good steps in leading on the co-ordination of adaptations (with appropriate input from social work and health) in recent years, albeit so far on a tenure-specific basis in most cases.

- It should make it easier to develop a more helpful approach to dealing with the maintenance and replacement of adaptations.

- An obvious drawback is that assessment would still remain within social work (other than for those minor adaptations where self-assessment should suffice). Some might argue that it is no bad thing for the assessor not to be the holder of the purse strings, as this could otherwise lead to assessments being unduly influenced by the scale of available resources. However, the opposite position exists in some areas when, all too commonly, assessments are deemed to be high priority because ‘someone else’ is funding it. A much better way of working between social work and housing should not be beyond Scottish local authorities, where, unlike in so many parts of England, social work and housing boundaries are shared.

- A further, major drawback – as recognised by the consultation – is that sitting responsibility for adaptations in housing does not tackle issues around boundaries with health and social care. In particular it would not fit well with social work responsibilities under the CSDP Act. It is not clear whether the new legal framework referred to in the consultation paper would replace these duties: we would suggest that citing responsibility for adaptations within housing would not and should not affect overall local authority duties on care and wellbeing etc.

2. Sitting adaptations within health/social work

- There is an obvious argument for this in that adaptations can be seen as part of a spectrum of care and support for people with disabilities. In theory, the impending integration of health and social care – initially for older people – potentially strengthens the case for this, not least because it will lead to integrated budgets.

- As covered in our response to Question 7, there would be significant anxieties within the housing sector about passing budgetary responsibility for preventative spend to a sector under constant pressure to meet acute needs.

- As recognised by the consultation paper, this approach would channel some people into a ‘care’ system they do not want to be drawn into, with them seeing their need as predominantly a housing-related one rather than a care and support one.

- The role of agencies such as Care and Repair would almost certainly be left in more doubt under this approach, as understanding of the role may not be good among some health and social care agencies.
3. Sitting adaptations with the individual

- The more radical nature of this option perhaps makes it the most difficult on which to comment with confidence. Ultimately this is probably the most ideal solution in principle, but the journey to achieving may prove to be a particularly long one. Funding issues would still need to be addressed, and the amount of support needed by individuals and their families would be substantial. Clearly, though, it is an option which merits further, meaningful investigation and piloting etc.

- One of the many advantages of such an approach might be creating a system which more readily offers the right support and advice to people who may not need financial help: too often at present, help and support comes with financial help, so it is a question of getting both or neither.

Question 5

Are there issues or risks with any of the three approaches to organisational delivery that are not covered above?

Covered above.

Question 6

In the context of personalisation, what are the most important things to put in place to ensure that people who need adaptations and their carers are at the centre of the process and have choices?

On this question CIH Scotland would defer to disabled people, carers and the organisations working with them, but would make the following suggestions:

- Good housing options information and advice regarding the alternatives to adaptations in the context of wider, longer term housing options
- Single point of access
- Improved advice and information about adaptations options
- Consistent tenure neutral approach to individual needs assessment
- Consistent tenure neutral approach to cost and payment assessment and funding/grant eligibility
- Support for the service user, including project management where necessary.

Question 7

Which of the three approaches to funding (through local housing authority, Health and Social Care Partnerships or the individual) do you believe would
provide the most effective basis for the delivery of housing adaptations and the
greatest benefits to people who need adaptations? Why?

The funding issue will be challenging to resolve. The 2006 Act changes, primarily affecting home owners, are still relatively new and arguably quite advantageous to disabled people living in owner occupied property. Housing associations are likely to fight to protect the ring fenced grant funding that many (but not all) associations have access to. Council housing functions which finance adaptations for their tenants out of the Housing Revenue Account may be uneasy that associations have a specific pot of funding but probably recognise that, for the time being, no change is likely to the way council house adaptations are funded.

We have noted earlier in this response that with legal responsibilities for providing adaptations lying with social work, there may be a logic to moving (in the longer term) to a system where overall responsibility and funding lie with social work. However, any such move would need to be considered very carefully, both to ensure appropriate involvement of landlords where the property is rented, and to ensure that funding remains transparent (preferably ring fenced) and sufficient. Fragmented and unequal though the current system might be, funding streams specifically for adaptations exist and there will always be anxieties about passing ‘preventative’ housing spend into a health and social care budget where the pressure to respond to acute needs is intense.

Were funding to remain with housing, we would make the following observations on the scope for improvements.

The Local Housing Strategy (LHS) mechanism is intended to provide clear strategic direction for housing investment at local authority level based on the extent and type of housing need and demand across all tenures, with respect to national priorities. It can also identify specific commitments made by the local authority and key partners to enable the delivery of shared priorities.

The current approach to adaptations sits outside the current scope of the LHS framework but would appear eminently suited to just this type of strategic approach and is arguably sufficiently linked to LHS purpose and intentions as to merit a broadening of LHS criteria, if necessary.

This approach already provides a national funding and distribution model that could equally align and distribute funding for housing adaptations. Local authorities could continue to deploy housing adaptations resources to existing partnership organisations (such as the 31 Care and Repair organisations), but with a newly extended cross tenure responsibility, as well as transferred resources to meet the assessed needs, and to develop organisational capacity where necessary.

Question 8

Are there issues or risks with any of the three approaches to funding that are not covered above?

Covered above.
Question 9

- Do you think we currently have the fairest arrangements for people, who have personal resources, including both income and equity in their current home, to contribute to the cost of their own adaptations?
- If you would like to see changes, what would these be?

The demands of our ageing population may well mean that we eventually conclude that we cannot afford things we previously thought we could. The principle behind the non-means tested grant rates for adaptations under the 2006 Act was that a disabled person should not face an excessive financial penalty when the adaptation would not boost the property value (and may well detract from it). Hence the 80-100% grant levels did not apply to most types of house extension.

Any move away from these entitlements must not make assumptions about the ability of home owners – particularly but not exclusively older home owners – to use the equity tied up in their home. Whilst the Scottish Government and other organisations tend to make frequent references to the scope for using home equity for any number of purposes, the fact is that appropriate products do not exist on a commercial basis and, in the foreseeable future, are not likely to. This is because the single most appropriate product would be one enabling the owner to raise a cash sum and repay it – normally as a share of the property value - on sale of the property. Commercial companies want to lend you (say) 4% of the property value and then take rather more than this on sale. Most older people and their families would not find this acceptable – the companies know this and hence have shown no interest in making such products available, even when the property market was more buoyant.

This is primarily why the Scottish Government sought to set up a National Lending Unit in the period following the 2006 Act: it was to be a crucial component of each local authority’s Scheme of Assistance. The NLU plans were jettisoned, ostensibly because of the credit crunch. Our understanding is that there are no plans to revisit the NLU concept at this stage.

It therefore means that there are few, if any, financial products allowing asset-rich, cash-poor home owners to borrow money and defer repayment until sale. Development of policy on paying for adaptations should be mindful of this reality.

Question 10

Do you have any comments on any other issues related to the future delivery of housing adaptations, which aren’t covered above? If yes, please provide details.

No further comments at this stage, other than to say that CIH Scotland looks forward to playing an active role in contributing to policy development on adaptations in the future.