

The District Councils' Network's submission to the Levelling Up, Housing and Communities Committee inquiry into 'Disabled people in the housing sector'

About the District Councils' Network (DCN)

The District Councils' Network (DCN) is a cross-party network of 168 district and unitary councils. We are a special interest group of the Local Government Association, providing a single voice for all district services.

DCN member councils deliver a wide range of local government services to over 21 million people – 38% of England's population. They cover 60% of the country by area. DCN councils are home to 38% of England's businesses and 33% of national Gross Domestic Product.

They deliver visible frontline services that matter to every single resident and business in their local areas. These include planning and housing, homelessness prevention, welfare support, environmental health, waste collection, parks and green spaces, leisure centres, and economic development.

Supporting disabled people in the housing sector

District councils are committed to supporting people with disabilities in the housing sector. From providing accommodation, housing advice and adapting homes to utilising our suite of planning powers to ensure that new developments include fully accessible homes, district councils are committed to making the housing sector and our wider communities as inclusive as possible.

With an ageing population and growing demand for adaptations and accessible housing, the role of district councils in leading this work to promote a more accessible housing sector is increasingly important. However, we need greater support and powers from central government if we are to achieve our goal of making all housing in our areas as accessible as possible.

DCN is calling for urgent reform of the planning system to ensure that more accessible and wheelchair user friendly properties are brought forward through the planning system. As a basic minimum, DCN supports the mandating of the current M4(2) requirement in Building Regulations as a minimum standard for all new homes and suggests a target of 8-10% for M4(3) standard homes for major developments.

The Disabled Facilities Grant (DFG) is a helpful tool to adapt more homes to meet the requirement of disabled residents. However, the means test is in urgent need of reform and the maximum grant limit of £30,000 is insufficient to the task of adapting most homes, especially for the growing number of residents with more complex needs and requirements.

DCN is particularly concerned about tenure inequity for disabled people with private rented sector landlords and housing associations often unwilling to facilitate adaptations. This leaves council housing as one of the only options left for those unable to purchase and adapt a home. DCN is calling on Government to do more to facilitate and encourage adaptations across tenure types to end this unacceptable situation and inequality.

This submission has been compiled with support across our 168 member councils in particular Breckland Council, Cambridge City Council, Castle Point Borough Council, Cheltenham Borough Council, Cherwell District Council, Dacorum Borough Council, Epping Forest District Council, Epsom and Ewell Borough Council, Huntingdonshire District Council,

North Hertfordshire District Council, North West Leicestershire District Council, Oxford City Council, Runnymede Borough Council, Rushcliffe Borough Council, South Oxfordshire District Council and Vale of White Horse District Council, Stroud District Council, Swale Borough Council and Teignbridge District Council.

1. What can the Government do to ensure disabled residents across England have access to accessible and adaptable housing?

DCN member councils have reported significant difficulties in encouraging major housebuilders to provide homes for disabled people.

DCN councils would support a move towards mandatory rather than voluntary delivery of M4 (2) Category 2: Accessible and adaptable dwellings to ensure that disabled people are able to access the homes they need from the open market. At present the current space standards are voluntary so delivery of accessible and adaptable housing is unpredictable. In the absence of provision, it frequently leaves disabled people with no realistic alternative but to join the councils' housing waiting lists.

Alternatively, a standard similar to the Lifetime Homes Standard developed in 1991 by the Joseph Rowntree Foundation could be re-instigated.

Additionally, DCN would urge the Government to determine a national percentage of M4 (3) wheelchair user dwellings on major developments (e.g. 8 or 10%).

2. Does the National Planning Policy Framework ensure the Equality Act 2010 is complied with when building housing?

DCN does not believe that the National Planning Policy Framework goes far enough in ensuring that the Equality Act 2010 is complied with when building housing.

DCN believes that Government should clearly stipulate in the latest iteration of the Planning Practice Guidance and National Planning Policy Framework that new major developments must address and meet the needs of disabled people, including wheelchair users

Several councils raised concern that the need for local planning authorities to 'have due regard' when fulfilling key decision-making functions to reducing disadvantages faced by people with protected characteristics (including disabilities) in the 2010 Equality Act is often overruled by viability considerations.

One south east council, for example, told us that in their experience "*viability concerns allow developers to wriggle out of building these higher standards even though there is a requirement to provide homes for...the elderly, disabled people etc*"

3. Since the Government consultation 'Raising accessibility standards for new homes' (July 2022), what has been done to improve housing provisions for disabled residents in England? And has it been sufficient?

Demand for accessible and adapted homes significantly outstrips supply of suitable accommodation across tenures. Action to date has been insufficient to meet provisions for disabled residents in England.

It is a considerable source of concern for DCN councils that thousands of new affordable and market homes delivered through the planning system currently fail to meet M4 (2) and

M4 (3) standards.

DCN would encourage Government to enact its key proposals within the 2022 '*Raising accessibility standards in new homes*' consultation and mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes. Without this, DCN members are concerned that the housing market will continue to fail to deliver accessible homes of the nature and scale required.

While the Government has recently announced a small uplift in the Disabled Facilities Grant (DFG) to local authorities, there is an ongoing problem for legacy housing stock that isn't suitable for adaptations.

4. What role should the Government, Local Authorities and developers have for ensuring the delivery of suitable housing for disabled people?

According to the 2021 Census, 17.7% of people in England have a disability. Government, local authorities and developers all have a role for ensuring the delivery of suitable, accessible housing for our residents.

DCN believes that local authorities are well placed to use their local knowledge and expertise to engage local residents with disabilities to ensure that they are fully involved in the creation of design codes and in sharing best practice on the provision and delivery of wheelchair accessible homes.

DCN believes that the Government should mandate the delivery of all new-build major development to M4(2) standards, with limited exemptions. We also would support mandating the delivery of a percentage (8% or 10%) of all new-build major development to meet M4(3)(2)(b) accessible standards with the majority of these homes should be delivered as affordable housing, focusing upon rented affordable housing provision.

DCN believes that developers should be responsible for delivering all homes to M4 (2) standard and work closely with local planning authorities to deliver homes to M4(3) standard at the appropriate level of wheelchair accessible need for the local population with set percentages for major developments.

5. Does the Disabled Facilities Grant fully support housing adaptations?

The Disabled Facilities Grant (DFG) does provide flexibility in supporting residents with housing adaptations to enable them to continue to live independently in their own home and DCN councils welcome the additional £102 million capital top-up announced in April this year.

Across our member councils there are excellent examples and good practice in how to use DFG to best advantage for disabled residents. Oxford City Council, for example, provides [webinars to other councils](#) to support them on using DFG; six district councils in Gloucestershire are working together to utilise [DFG effectively on a new scheme](#) to support people with rapidly progressing conditions such as Motor Neurone Disease; and in Hinckley and Bosworth Borough Council, [the Lightbulb Project](#), working in conjunction with health partners, helps support people to stay safe and well in their homes as long as possible.

Housing adaptations are an important preventative tool to reduce the demand on the NHS

and DCN's recent report with The King's Fund: "[Driving better health outcomes through Integrated Care Systems: The role of district councils](#)" highlights how district-level services like housing adaptations are crucial to improving public health and easing the strain on our health and care systems.

The Disabled Facilities Grant is a good tool for supporting disabled people to remain independent in their own homes and DCN members would like to see this continue in long-term Government plans. However, the overall grant level needs to be increased as part of a bigger, more flexible funding pot. The Disabled Facilities Grant currently does not fully support housing adaptations and there are ongoing challenges that need to be addressed:

a) The maximum grant limit of £30,000 needs to be uplifted to at least £70,000

There is widespread concern from councils about the maximum grant level, which is capped £30,000 and has not kept pace with inflation. The Independent review, '*Disabled Facilities Grant and other adaptations: external review*' in 2018 called for the upper limit to be raised but this recommendation was not adopted.

The cost of adaptations such as labour costs and materials have increased significantly over the past few years, making it increasingly difficult for councils to carry out the necessary works within this cap.

The failure to uplift the cap places individuals in an invidious position to not only make a financial contribution following completion of a means test, but to also pay any additional cost above the £30,000 threshold. The experience of our member councils is that, in practice, in many cases the necessary adaptations are often unaffordable to residents, despite a grant award. One East of England council told us, "*it is not uncommon for both parents to be full-time carers for their child with no income other than state benefits and therefore, little or no ability to raise any funds to meet costs which exceed the mandatory £30,000 or any additional top up allowed under a discretionary policy.*"

The majority of DFGs are used for stairlifts, level access showers and ramping. However, with an ageing population and more complex needs, there is an increasing need for high-cost adaptations in excess of the statutory minimum such as single-storey extensions.

The increasing complexity of adaptations now demands the expertise of agents and architects on almost every occasion. One south west council told us that "*agents fees are currently permitted at 15% +VAT... which adds a substantial cost to a DFG which is not reflected at its current value*". As another council in the East of England told us, "*you certainly can't build an extension for £30,000 and these are often needed for children with very complex health needs. A ground floor extension to provide a bedroom and wet room may cost somewhere in the region of £60,000-80,000.*"

A new mandatory level for DFG must take into account inflation, specialist fees, and the need for more expansive adaptations. Our member councils have said that a realistic level would be in the region of £70,000.

b) Reform of the means test

There is widespread recognition that the means test is in urgent need of reform. DCN member councils are concerned that the means test is particularly burdensome on households with a mortgage and those who are working (or have partners who work) even if they have no savings or spare income.

The Housing Renewal Grants (Amendment) (England) Regulations 2008 set the contributions that applicants must make under the means test. These figures were set in

2008 and therefore have not taken account of inflationary pressures and the cost-of-living price rises. Disabled people are particularly vulnerable to utility cost increases and where 'excess earnings' are only slightly above the 'applicable amounts', the assessed contribution may be very high despite the disabled person or their partner having negligible disposable income.

c) Addressing backlogs and the shortage of Occupational Therapists

The backlog in applications and delay in getting adaptations has been raised by a number of councils as an area of concern. A recurring theme from our member councils was the shortage of occupational therapists. There is a national shortage of occupational therapists, which is creating a waiting list for assessments. One south east council informed us that the backlog for assessments for children's social care in their area was approximately a year.

d) Addressing tenure inequity – encouraging private landlords and housing associations to support DFG adaptations

DCN would like to see greater pressure placed on housing associations and private landlords to support adaptations funded by DFG in their properties. Several councils have reported that there are long delays for housing associations giving permission for adaptations, with some registered social landlords (RSLs) and private landlords refusing to support adaptations in their properties altogether. Several councils have outlined that frequently housing associations do not contribute to adaptations in their properties despite their being an expectation for them to do so. DCN is concerned by ongoing tenure inequity in relation to DFG adaptations.

6. How can the Government ensure it provides sufficient provisions to support disabled residents who do not live in new build homes?

DCN believes the Government could do more to ensure it provides sufficient provisions to support disabled residents:

- Additional central government funding to support both the increased costs associated with adaptations and the growing level of need so that district councils best serve the needs of older and disabled people.
- Uplift the maximum grant limit of £30,000 to £70,000 to take into account inflation, specialist fees, and the need for more expansive adaptations.
- Reform the means test in line with the recommendations in the '*Disabled Facilities Grant and other adaptations: external review*'.
- A programme of incentives and obligations on private landlords and housing associations to fund and facilitate adaptations.

7. What can the Government do to support disabled tenants in the private rented sector?

The private rented sector is clearly a major problem for those requiring adapted properties due to the transitory nature of the accommodation, with landlords not willing to fund or allow adaptations to their property. This puts more pressure on local authority housing as this becomes one of the few options for those unable to purchase and adapt a home.

Councils have highlighted a number of challenges with the adaptation of privately rented

accommodation:

1. Often the accommodation is 'traditional' and adaptations are difficult to facilitate.
2. Landlords are often unwilling for their accommodation to be adapted as it is perceived that this may impact their ability to re-let it following the end of the existing tenancy.
3. The length of privately rented tenancies often mean tenants cannot access DFGs.

While many DCN member councils carry out a programme of minor adaptations on an annual basis such as ramps, stairlifts, replacing bathrooms with wet rooms there is increasing demand for more major adaptations to properties.

Many private rented properties are unsuited to this type of adaptation due to the space requirements of wheelchairs and require extensive changes to the layout and extensions to provide ground-floor bedrooms and bathrooms. Similarly, they can be met with landlord resistance.

Alongside the wider private rented sector, several of our member councils have also reported challenges in encouraging housing associations to undertake adaptations. A council in the East of England, for example, informed us that "*one housing association in our area has a blanket-ban on bathroom adaptations in houses*".

Options that DCN recommend the Government explore include:

- The swift abolition of s.21 evictions. Our member councils have advised that this is essential so that disabled people cannot be evicted to prevent adaptation of the property;
- Make it an explicit offence within housing law to deny disabled people rented accommodation, rather than relying on the protected characteristics of the Equality Act 2010
- Funding could be made available to private landlords willing to make adaptations in return for longer tenancies and support the removal of adaptations at the end of the tenancy.
- Encourage landlords to adapt their properties by amending the VAT payable on adaptation works completed without a DFG when making the 'reasonable adjustments' needed for a disabled person to commence a tenancy.
- Provide adaptation grants for landlords so that they can adapt their properties without needing a disabled person to be resident. Conditions could include making it a requirement to preferentially advertise the adapted property to the disabled community.