

Habinteg

**Disability Equality
Scheme and Action
Plan: Our approach**

2007

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Foreword



Habinteg's focus on housing and disability issues results in our DES being a central document guiding the work of the organisation. Although we have no statutory demand to produce such a scheme, we hope the document will help co-ordinate our work and provide a template for other housing organisations to demonstrate how their investment in services and homes can significantly improve the housing situation of disabled people.

Our organisational objectives relate to both our own services and homes and our work creating better housing opportunities for disabled people by influencing others, whether that be by building more accessible homes or providing better services such as adaptations.

Central to all our work is the continuing involvement and support of disabled people in directing the work of the organisation, whether as Board members, staff, customers or as one of our many supporters. I therefore take this opportunity to thank the many people involved in helping us draft this first DES for the organisation.

Baroness Chapman
Habinteg Chair

Our approach to the scheme

This is our first Disability Equality Scheme and action plan and it is intended to be a dynamic document that co-ordinates the work of the organisation in relation to disability. Critical to the success of the scheme is our commitment to review progress annually against the objectives established in the action plan and to plan for further improvements.

The Scheme will therefore be reviewed by Habinteg's Board and a summary of the review published to stakeholders and customers each year.

The scheme will focus on improving outcomes in four key areas:

Asset Management – the construction, maintenance and improvements of our homes

Customer Services – the services provided by the association

Employment and governance – our practices as an employer and how we involve people in running the organisation

Campaigning – our work in developing good practice and campaigning for better housing opportunities for disabled people.

The social model of disability

Habinteg's approach to disability equality is underpinned by our commitment to the social model of disability. The basis of the social model of disability is that the disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairment or medical conditions, but stems from attitudinal and environmental barriers.

Our approach to disability equality is to work to remove those barriers and attitudes that disabled people face.

The legal context

The Disability Discrimination Act 2005 amended the Disability Discrimination Act 1995 (the Act) to place a duty on public sector bodies to promote disability equality. The 'general duty' requires public authorities, in carrying out their 'functions', to have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons;
- eliminate discrimination that is unlawful under the Act;

- eliminate harassment of disabled persons that is related to their disabilities;
- promote positive attitudes towards disabled persons;
- encourage participation by disabled persons in public life; and
- take steps to take account of disabled persons disabilities, even where that involves treating disabled persons more favourably than other persons.

The requirement to produce a Disability Equality Scheme (DES) is also introduced in the Act, and forms part of the 'specific duty' placed on certain public sector organisations named in the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 (the Regulations). A DES "is a means of meeting the various elements of the general duty" (Disability Rights Commission "The Duty to Promote Disability Equality: Statutory Code of Practice").

The development of Disability Equality Schemes is a new requirement in relation to disability, although public authorities have had to develop Race Equality Schemes since 2001, as a result of the requirements of the Race Relations (Amendment) Act 2000. The requirements for a DES are broadly similar to those for Race Equality Schemes, but there is an important difference – the requirement to **involve** disabled people in the development of the DES.

Why develop a Disability Equality Scheme?

Habinteg Housing Association is a registered social landlord (RSL). Housing Associations are not covered by the specific public sector duty. However, they are regulated by the Housing Corporation, which is named in the Regulations. Habinteg is recognised as the UK's leading expert in accessible housing and disability. It applies its expertise to challenge negative social attitudes, promote the rights of disabled people and improve accessibility standards within housing.

Because of this key role in relation to disabled people's housing, Habinteg Board of Management has chosen to develop a DES in response to the new duty in advance of, and to prepare for, the Housing Corporation's own response passing on its duty to Housing Associations through regulation.

We have directly involved disabled people in developing the scheme. Two leading disability consultants - Future Inclusion and Equal Ability - were appointed to develop the initial approach to Habinteg's DES and their proposals for action were considered by the organisation and developed into the final action plan.

Establishing goals

In developing its DES, Habinteg has identified four overarching goals for the scheme:

- Regular and active disabled tenant involvement;

- The establishment of an active disabled staff network;
- A clear understanding of what disabled tenants and staff need from the organisation;
- High satisfaction ratings in surveys of disabled tenants and staff.

Critical success factors for the development of the DES were identified in initial discussion as:

- identifying how a social model approach can inform the development of an effective DES;
- involving disabled people effectively;
- engaging the Housing Corporation to ensure that the DES accords with the requirements it places on Housing Associations as a result of its own obligations;
- engaging other housing associations, through the National Housing Federation, to encourage them to take on board the DES concept;
- deciding how to use current data and on what basis to gather evidence and to monitor in future, in order to be congruent with Habinteg's espousal of the social model;
- placing the DES clearly in the context of other sector and government initiatives including Improving Life Chances, Supporting People, regional strategies, iN business etc.

Developing the DES

The development involved the following stages:

- contact key stakeholders, and begin the stakeholder involvement process;
- identify disabled people who wish to be involved and establish a reference group for the DES development project;
- identify Habinteg's functions;
- review current internal and external documents to identify performance indicators and assess the what evidence is available to inform an disability equality impact assessment;
- undertake an initial impact screening with input from the reference group;
- identify ways of removing or reducing negative impacts in the form of targets and a preliminary action plan, with both senior staff and the reference group of disabled stakeholders;
- consult stakeholders, including Housing Corporation, Audit Commission and DRC;
- finalise the DES and the report;

- present the DES at training/dissemination events in London and Bradford.

Habinteg hopes that by sharing its experience of developing a DES it will enable other housing providers to develop their own schemes and thus enhance the experience of disabled people in finding and keeping appropriate – safe, comfortable and conveniently located – housing.

Stakeholders

The issue of stakeholders was discussed between the commissioning staff at Habinteg and the Consultants. It was clear that the individuals who were key stakeholders would be disabled employees and tenants and, in addition if they could be readily identified, potential tenants.

This stage was concerned with identifying and engaging those bodies or organisations that Habinteg acknowledged as having a key stakeholder role in their work. Initially the Consultants listed a broad sweep that included the Department for Communities and Local Government and private housing developers. Habinteg produced a final list after discussion of the general principles around selection. These included the level of influence the body or organisation had on Habinteg's work or in the field of housing for disabled people and the likely effectiveness of involving them in this initial DES. The selection of stakeholders might vary in future DES development processes.

The stakeholder list was as follows:

Association of London Government
Audit Commission
Chartered Institute of Housing
Disability Rights Commission
GLAD (Greater London Action on Disability)
Greater London Authority
Housing Corporation
National Housing Federation
NCIL (National Centre for Independent Living)
RADAR (Royal Association for Disability and Rehabilitation)

(Note: **Bold type** indicates that the stakeholder is bound by the specific disability equality duty in the DDA 2005 and has to produce a DES itself.)

Because there were limitations on resources, it was agreed that the Consultants would seek face to face meetings with three key stakeholders – the Housing Corporation, the National Housing Federation, and the Audit Commission – and engage the remainder by email and telephone if appropriate.

Each body or organisation was approached, either through a named contact given by Habinteg, or generally through enquiry by telephone, to provide an appropriate contact person for the project. It was decided to hold a stakeholder meeting towards the end of the project as the main means of engaging the other stakeholders with the DES itself.

Habinteg's DES stakeholders are likely to be a different set from those that it would be appropriate for another association to work with. The Housing Corporation is likely to be a stakeholder for most associations as it will pass its own duty on through regulation. However, associations will have a clear idea of their other stakeholders and the essential criterion is 'less is more' – provided stakeholders know what to expect of the Association, their input will be limited. The major decision is likely to be around the number of national organisations as stakeholders, as opposed to local – e.g. local authorities.

Identifying functions

Identifying the 'functions' of the association is not an easy task. An initial response to the question "What is a function?" might be that a housing association's function is that of a landlord creating housing opportunities for its particular target group, in Habinteg's case integrated accessible housing and support services through universal housing solutions. However, there needs to be a more detailed analysis of the activities through which this is achieved. Habinteg is an employer, a service provider, a developer and a campaigner, and in order to undertake all this it has a range of activities in place.

The approach taken in this case was to look at Habinteg's website. From the activities identified there, an initial list was drawn up and presented to the senior management team for discussion.

Following discussion, the final list of functions for circulating to stakeholders was as follows:

- Employment
- Procurement
- Development and design
- Allocations, including Choice-Based Lettings
- Establishing a tenancy
- Rent collection
- Aids and adaptations
- Repairs
- Dealing with harassment and anti-social behaviour
- Information and support
- Estate management
- Tenant involvement
- Feedback and complaints

- Evictions
- Campaigning
- Research

Involving disabled people

What does involvement look like? There is no clear answer to this. However, it is clear that what is required is more than consultation, where a near final document is produced and then circulated for comment. The nature of involvement will depend on the nature of the organisation and its functions, but it is only required to be proportionate to the size of the organisation. Different functions may require different types or levels of involvement. It could also depend on how disabled people have been involved to date.

It is essential, in taking a social model approach as required by a Disability Equality Scheme, that the focus is on barriers faced by people with impairments and medical conditions and not on the impairment or condition itself. This is because it then provides a means to take action – to remove the barriers. A list of impairments and conditions people have gives an organisation no means of moving forward, unless they make potentially discriminatory assumptions about people's needs.

Therefore, in seeking disabled people to become involved in the DES development process, it is essential, if there is any element of selection, to look for people with experience of different barriers, rather than against a tick list of impairments and conditions. In this instance there was a very limited response and the only issue was self-identification as disabled.

It is also important to involve disabled people with experience or who would welcome experience, of the different 'functions' as far as possible. Therefore employees and potential employees, tenants and potential tenants, are all key to the process. For this first DES, the Consultants worked with existing disabled tenants and staff members only.

There were a number of issues which meant that this initial DES would have difficulty in creating the 'right' level of involvement and mix of those being involved. Some of the issues were:

- the timescale for the project;
- the limited number of pre-existing groupings of disabled tenants and employees to link in to;
- complications of involving tenants, such as concerns about the potential effect on continuing relationships;
- additional issues such as where, when and how to meet for maximum access.

It is one of the tasks in the Action Plan to work to increase and widen involvement.

It is crucial that people's needs are met in relation to communication methods. The project timescale, combined with the wide geographic spread of tenants and employees, effectively ruled out face to face meetings. For some people use of technology is a barrier, but we were fortunate to have tenant volunteers all but one of whom were comfortable with the use of email, and with sharing their addresses. However, this fact also indicates that the spread of involvement was probably not wide enough and more time and effort will be needed to build involvement processes for the future.

The 'recruitment' process

Habinteg has a number of active tenant bodies with a central tenants' forum. There is no tenant group specific to disabled tenants, and no disabled staff network. Principally for reasons of data protection, it was agreed that Habinteg would mail out to all its tenant representatives and email its staff, to invite volunteers to become involved in the process of developing the DES as part of a Reference Group.

The communication sent by Habinteg, incorporating an initial list of barriers and drafted by the Consultants is in Appendix I. The list of barriers was developed from the Different Paths report¹.

Initially, four tenants volunteered to be involved. Contact was through email. There was some confusion as to whether it was tenant representatives who were invited to be involved or tenants in general. In order to clarify this, Habinteg enclosed a further communication in its tenant newsletter, sent to all tenants. Three more tenants volunteered as a result of that.

The tenant volunteers were asked whether they would be prepared for the Consultants to share their email addresses to make communication easier, and all on email agreed. The response from the staff request was very limited. One member of staff volunteered and tried to recruit two other disabled members of staff of whom they were aware, but without success. An initial telephone discussion took place and email input was received thereafter. In addition, as a result of placing the drafts of the impacts and actions on the Habinteg Hub, one further contribution was received from a disabled member of staff.

In the timescale, looking for involvement from people who are not currently tenants or employees proved impractical. However, one other person (couple) who were prospective tenants were 'stumbled across' in informal networking. Unfortunately the

¹ Butt, J, 2005, Different Paths: Connecting Services – A guide to better practice in meeting the housing needs of black and minority ethnic disabled and D / deaf people

Consultants were not in a position to meet their requests (of Habinteg) and were therefore unable to involve them properly.

One of the issues for the project was the length of time between the first contact with the tenants and the subsequent request for input on the draft impact assessment and action plan. It appeared that the four initial volunteers had perhaps become disengaged and lost interest. Responses were received from the two tenants who had volunteered later in the project.

Key points

Identifying disabled staff is not an easy task and will be even more difficult if the organisation is not known to have a positive approach to disability equality. However, it is very important, especially in identifying impacts in the employment function – which will be a function for all housing associations.

There was a clear message in the tenant survey that disabled tenants want to be more involved in Habinteg, including on the Board. However, it was difficult to get tenants to be involved in the Reference Group. One reason for this may be a dislike of written communications – and a stated preference for local meetings – which came out in the tenant survey. Another may be a lack of confidence in the process achieving anything of benefit to them. It is clear the Act requires the involvement process to be seen to be effective. It is to be hoped that for the next DES changes resulting from disabled people's input can be identified and used to encourage greater involvement. It would be useful to do some work with tenants on involvement, including setting expectations as to what involvement means, and what it entails.

There is an issue about why people choose to be involved. Sometimes input is coloured by bad experiences. Negative comments have to be taken at face value but these are still valuable in creating an overall picture. In this case disabled consultants were involved to act as the interface with disabled people becoming involved. This elicited more candid feedback than it is believed would have been achieved by the use of internal staff.

Gathering, reviewing and analysing information

As mentioned in Section I, Habinteg takes a social model approach to disability, and the DES has been developed within that framework. However, frequently the approach to monitoring and surveys has been a Medical Model approach, using types of impairment. One of the challenges, both in identifying impacts during the preparation of a DES and in developing the action plan, is to decide how much medical model based data to use and how far to 'break with tradition' in using data in the future. This is particularly

important when it comes to providing data to stakeholders who still work within the Medical Model.

The Consultants received a number of documents electronically, and a few paper based documents to review. Paper documents included:

- Tenant Survey November 2004 – Main report
- Audit Commission KLOE documentation (Key Lines of Enquiry)
- The agenda and supporting papers for a September 2005 meeting of the Operations Committee

Electronic documents included:

- CORE reports for years 2003/4 and 2004/5
- The agenda and supporting papers for the Operations Committee in June 2005
- Supporting People Service Review Report 2004
- The ORC Employee Opinion Survey May 2004
- EO Monitoring report for 2004/5 and for QI 2005/6
- Appraisal Review Form (Steps 1 & 2)
- Code of Practice on Recruitment & Selection
- Full analysis of the Tenant Survey November 2004

In addition to the documentation, the Consultants were provided with access to the Intranet (Habinteg Hub), in order to review policies and procedures. This was useful but the lack of an effective search facility meant that it was difficult to gather, for example, all the policies together for review.

All the documents received were reviewed, and impacts were identified from those documents. This meant that sometimes the impacts identified were not significant, because they were based on a single example or on the Consultants' reading of the documents. Actions were developed to address the impacts identified. For this reason, the draft impacts and actions were circulated, both to the tenant reference group and to Habinteg staff via the Hub.

Key points

Documents can reveal more than is immediately obvious. For example, the Consultants received the minutes of an Operations Committee meeting because the issue of an assistance dogs policy was discussed. However, several other impacts were identified from these minutes and from other meeting minutes received.

A few of the proposed impacts and actions needed to be modified, and some were added, following circulation to the tenant reference group and staff. This highlights a dilemma with the preparation of a DES. If an external expert or specialist reviews documentation, they will be likely to identify significantly more impacts than internal staff. It is important that any such specialists are familiar with the housing sector. However, they may still not be familiar enough with the organisation – indeed that is part of the advantage – to understand the full background to the material they are dealing with. Establishing a dialogue between the specialists and the organisation is key to getting an accurate and useful DES. This is time consuming and should be allowed for.

It can be difficult to allocate some impacts to specific functions. This may be resolved in discussion with staff. Some impacts relate to several functions, so the best approach is to allocate them to the function most in tune with the organisation's approach or needs – and to cross-refer if appropriate.

During the development of the DES the Consultants encountered complex impacts where the relationship between government policy and housing associations – for example in relation to housing benefit payments to tenants and 'vulnerability' – may result in people being placed in more vulnerable situations. This is a clear example of the pull of the medical model way of thinking.

In general, using existing organisational and sector frameworks will help to develop partnership and provide benefits, particularly in resource usage. However, sometimes the demands of disability equality stretch those frameworks beyond their capacity. An example of this is the use of an external company to undertake the employee survey, because of the opportunity for benchmarking with other Associations. Internal frameworks can be modified, but it will be necessary to find a way to balance external requirements – in particular regulatory requirements – with the organisation's underlying disability equality ethos.

The impact assessment undertaken for Habinteg was based on the Consultants' estimation of likely impact. There is a need for a more robust monitoring of the real impacts for the next generation of the DES. One of the issues was about definition and how disabled people were identified. For example, there were some ambiguities in the tenant survey. Some tenants receiving support were not disabled and some were, but it was not always clear who was being referred to. Also, some non-disabled tenants had adaptations and some needed them. So it was sometimes difficult to determine whether something was an impact for disabled tenants or not.

Developing the action plan

The Consultants identified a number of issues that would underpin the development of the action plan. These were:

- Being realistic about what Habinteg chose to focus on – especially at beginning – i.e. the action plan should have clear priorities.
- Going back to the basics and looking at Habinteg’s values around disability – i.e. independent living, through the removal of barriers/making adjustments, leading to choice, control and dignity for disabled people.
- Disabled people must include all disabled people, including people with sensory impairments, mental health conditions and learning difficulties.
- The need to understand disability in social model terms – including mental health issues – and behave accordingly.
- The need to identify what’s good, extract it from what’s been muddled by a medical model approach in the regulatory and social context and build on it.

There were a couple of other issues that should be highlighted at this point. First, reference is made to disabled people throughout because this is a Disability Equality Scheme, but the actions may be equally applicable to non-disabled people. Related to that, because Habinteg have no specific public sector duty under the law, they do not technically have the requirement to take account of disabled people’s needs even if that means treating them more favourably than non-disabled people. However, under the Disability Discrimination Act they have an obligation to make reasonable adjustments. Although such adjustments are intended to achieve an equal outcome for a disabled person, they can be perceived as more favourable treatment by other staff and customers. In addition, Habinteg could treat disabled people more favourably under the Disability Discrimination Act if they chose to, and sometimes this might be appropriate. In developing the action plan, feedback received from non-disabled staff was received as well as the feedback from disabled staff and tenants. This was helpful, and has been incorporated as appropriate.

Key points

There are a number of specific issues that came out of the development of the impact assessment and action plan.

There is a danger of a blanket approach to impairment issues, leading to an overemphasis on problems that may be specific to particular people or incidents. For example, the approach to mental health issues appears to be predominantly focused on the risk tenants who have mental health conditions pose to staff. In some rare instances there may be risk, but most people with mental health conditions pose no risk – and are more likely to be at risk themselves.

There were significant problems in drawing any conclusions from the staff survey, as the number of disabled staff responding was not significant enough to report on. In consequence, the impacts were identified from questions that gave some indication of the organisation’s equality approach and that might affect the provision of adjustments.

There is a clear need for Disability Equality Training, in order for staff to understand the more subtle access needs of disabled people, such as the differing ways in which disabled people obtain support for independent living.

There seemed to be a higher level of concern amongst disabled tenants about anti-social behaviour and harassment, and it would be useful to investigate this further. The evidence for this was tenuous, however, other studies, in particular by the Greater London Authority, substantiate this finding.

One really effective way of monitoring service provision is through feedback from tenants – including complaints. In order to achieve this, a wide range of feedback methods needs to be in place – including, for example, the ability to provide feedback in Braille – to suit tenants' access needs and preferences. It is important to monitor whether feedback comes from disabled people.

For an organisation like Habinteg it may be appropriate to increase the number of disabled people on the Board, following the example of BME housing associations. Habinteg is not technically a 'disability' housing association, so the 80% level is likely to be too high, but a figure of 30% might be appropriate.

Conclusions and recommendations

The extent of the DES and the level of resources expended on developing and implementing it will depend on the size and nature of the housing association. However, associations should beware of assuming that they do not have many disabled people amongst their staff or tenants. Disabled people often do not identify as such, and it is not possible in most cases for an association to determine who is or is not disabled. So disability always needs to be addressed robustly and sensitively.

Recommendations for Habinteg

1. The organisation should set some overarching goals for their DES within which the function specific actions can be set.
2. A full review of policies (HR, service delivery, procurement and others) should be undertaken, either as part of DES development or highlighted as an action within the DES. The aim should be to ensure that the ability to make reasonable adjustments is inherent in all policies and practices.
3. Disability Equality Training should be part of the training for all staff. It should be tailored to the needs of specific groups of staff – like all good training – and deal with changing behaviour towards disabled people, whether staff or customers/tenants.

4. Involvement of disabled people is essential in the development of the DES, not only in order to clearly identify barriers and establish an effective action plan, but to expose staff within the organisation to disabled people. This, combined with a good training programme, can revolutionise the organisation's approach.
5. Research is needed into the 'right' targets and performance indicators, such as response to community alarms or contact levels with Community Assistants. These will vary from person to person, but some understanding of expectations would be useful.
6. Identify external frameworks that are especially useful, or that are a regulatory requirement, but that exert a medical model 'pull' on Habinteg. Work to influence the external bodies that use them or, where this is not possible, provide staff with a 'translation' so that Habinteg can retain the clarity of its social model approach.
7. When identifying impacts, it is useful to have an audit trail of where they originate. This significantly increases the time and effort needed for the impact assessment. However, without such an audit trail it can be difficult to explain the impact at a later date.

It may be appropriate to establish a 'think-tank' within the organisation, in which disabled people could be involved, which will address issues on the horizon. An example is the potential impact of government proposals for individual budgets for disabled people on supporting people funding

Appendix I: Invitation to the Reference Group

Two disability consultancies, Future Inclusion and Equal Ability, are working together on a project to produce a Disability Equality Scheme for Habinteg. This will include an action plan to try to make sure that nothing we do creates barriers for disabled people and D/deaf people, such as:

- No real needs-led approach. There is a lack of understanding of our complex lives and needs, and of knowledge of the barriers faced by people with impairments and medical conditions in housing, leading to a lack of appreciation of our housing needs.
- Stereotyped views of disabled people. This includes a lack of appreciation of our diversity which is linked with a lack of joined up thinking on strategies to combat discrimination including on the grounds of religion, gender, age, ethnicity, sexual orientation, disability. It also includes a lack of understanding of disabled people as part of their community and of notice taken of the needs of carers and other family members.
- Little if any real choice. There is a lack of accessible, adaptable and adapted housing, and often a lack of clear, accessible information on what is being offered.
- Information barriers. These are to accessing, understanding and using information including lack of appropriate formats, translation, interpretation, and so on, and a lack of clear, accessible information on benefits and securing other support.
- Complex procedures. To this are added poorly defined and explained processes, around application, assessment, and adaptation for instance, and a lack of support in the process.
- A professional knows best. This results in people listening more to professionals than to us as disabled people.
- Adaptation problems. These include delays in assessments leading to adaptations, problems with securing and managing to get contractors, and temporary accommodation not being eligible for adaptation.
- Neighbourhood problems. There can be difficulties with neighbours and in the wider neighbourhood, including bullying, harassment and intimidation, which can cause additional barriers for disabled people.

The project will look at the experience of our disabled and Deaf staff, tenants, board members, contractors, potential tenants and any others likely to be affected by what we do. We want to be able to improve the services we offer to

disabled people and to use the lessons to offer best practice to other housing providers.

Sue and Alice, from the consultancies, are looking for disabled and Deaf people to become involved to help them work out what needs to go in the action plan. They have not decided how people will be involved because they know different people have different time available, and different ways in which they can best contribute. One email might be right for one person, involvement in telephone conferences might be best for another. It is unlikely that there will be face to face meetings but we do hope to have a conference at the end of the process where volunteers could be involved. This is because we hope other housing associations will follow our example.