

REVIEW OF HOMELESSNESS AND DISABLED PEOPLE

Disabled people appear to be overlooked in relation to homelessness. This review looks into the legislation and statistics surrounding the issue.

1. Is it legitimate for unsuitably housed disabled people to be counted as homeless?

The Scottish Executive's Code of Guidance on Homelessness¹ explains that:

'9.84 Local authorities should make specific provision for the accommodation and support of homeless people with disabilities and respond quickly to requests for adaptations to housing stock which will prevent the occupier from becoming homeless. People with disabilities can be statutorily homeless if they are unable to occupy their present accommodation without excessive hardship or risk to personal safety.

When is it not reasonable for an applicant to continue to occupy a house?

5.11 Sections 24(2A) and (2B) of the 1987 Act provide that a person is to be treated as homeless even if he or she has accommodation, if it would not be reasonable for the person to continue to occupy it.

5.13 Examples of how the 'unreasonable to occupy' test might be applied are given below.

- Continued occupation of the accommodation poses a substantial risk to a person's health, which could include their mental health.
- The accommodation is impracticable for a particular applicant because of his or her physical infirmities or disabilities.'

It is clear that homelessness legislation was intended to cover the needs of disabled people. The 'priority need' test (para 6.3 of the guidance) also specifically encompasses a person who is vulnerable as a result of physical disability, learning disability or sensory impairment.

2. Are statistics published showing how many disabled people are homeless?

Whilst the Scottish Executive's homeless statistics do not specifically identify disabled homeless applicants, the Scottish Household Survey 2001-2² includes relevant data.

Analysis of this data shows that disabled people were more likely to have experienced homelessness (6% for 2001-02) compared to non-disabled people (3% for 2001-02). These statistics do not, however, identify all homeless disabled people since the definition of 'homelessness' used records only those households who have 'lost their home with no

¹ www.scotland.gov.uk/Resource/Doc/53814/0012265.pdf

² www.scotland.gov.uk/Resource/Doc/47133/0024905.pdf

alternative accommodation to go to.' It excludes those households unable to occupy their present accommodation without excessive hardship.

3. Is it necessary for disabled people to use homelessness legislation to improve their housing situation instead of using community care legislation?

Scottish House Condition Survey 2003/4 figures show that the following adaptations were required by disabled people in Scotland:

- 62,000 households needed a specially adapted bath or shower
- 19,000 households needed a stairlift
- 17,000 households needed a specially adapted toilet
- 8,000 households needed a ramp
- 4,500 households needed doors widening
- 3,500 households needed an extension
- 1,000 households needed a through-floor lift

These households require significant adaptations, not minor ones such as handrails. Many are therefore likely to meet the test of being '*statutorily homeless if they are unable to occupy their present accommodation without excessive hardship or risk to personal safety*' (paragraph 5.13 of the Scottish Executive's Code of Guidance on Homelessness, as quoted above.)

In 2003/4 only 4,500 grants for private sector housing adaptations were made by local authorities across Scotland. This compares badly with the 47,000 major adaptations of the types identified above required in the private sector in that period.

Conclusion

The number of disabled people living in unsuitable housing, as evidenced by the large number of adaptations outstanding, is clearly huge. It is clear that these disabled people can be viewed as homeless because it may well be unreasonable to expect them to remain in their home.

Disabled people are also highly likely to become homeless through losing their home and having no alternative accommodation. Action needs to be taken to provide better information on those disabled people registering as homeless and to address the problems that lead them to do this.

The statistics show that the significant housing problems facing disabled people, and the community care legislation which should assist them, appear to be being ignored. It would appear that registering as homeless may be the only option open to some disabled people in unsuitable housing.

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