

Department for Work and Pensions

Research Report No 429

Landlords' responses to the Disability Discrimination Act

Jane Aston, Darcy Hill and Ceri Williams

A report of research carried out by the Institute for Employment Studies on behalf of the Department for Work and Pensions

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First Published 2007.

ISBN 978 1 84712 202 5

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Printed by Corporate Document Services.

Contents

Acknowledgements	vii
The Authors.....	viii
Abbreviations.....	ix
Summary	1
1 Introduction.....	9
1.1 Background	9
1.1.1 <i>The existing DDA duties for landlords (those in existence before December 2006)</i>	9
1.1.2 <i>The new DDA duties (which came into force in December 2006)</i>	10
1.2 Aims and objectives	12
1.3 Methodology	12
1.3.1 <i>Interviews with stakeholders</i>	13
1.3.2 <i>In-depth interviews with landlords</i>	13
1.3.3 <i>Interviews with disabled tenants</i>	14
1.3.4 <i>Conducting and analysing the interviews</i>	16
1.4 Overview of the report structure	16
2 Landlords' experience of disabled tenants	19
2.1 Policies.....	19
2.1.1 <i>Local authorities and housing associations</i>	19
2.1.2 <i>Letting agents and private landlords</i>	20
2.2 Landlords' knowledge of their disabled tenants.....	21
2.2.1 <i>Local authorities and housing associations</i>	21
2.2.2 <i>Letting agents and private landlords</i>	22
2.3 Numbers of disabled tenants.....	24
2.4 Types of impairment.....	25

2.4.1	<i>Impact of the DDA on landlords' views</i>	27
2.5	Types of property disabled tenants lived in	27
2.6	Summary	28
3	Awareness and use of the DDA and other relevant housing legislation.....	31
3.1	Landlords' awareness	31
3.1.1	<i>Local authorities and housing associations</i>	31
3.1.2	<i>Letting agents and private landlords</i>	33
3.1.3	<i>The new DDA duties (from December 2006)</i>	34
3.2	Disabled tenants' awareness and use of DDA.....	36
3.2.1	<i>The new DDA duties (from December 2006)</i>	38
3.3	Summary	39
4	Adjustments and arrangements for disabled tenants	41
4.1	Adjustments to policies, practices and procedures	41
4.1.1	<i>Local authorities and housing associations</i>	41
4.1.2	<i>Letting agents and private landlords</i>	44
4.1.3	<i>Disabled tenants</i>	46
4.2	Provision of auxiliary aids and services	46
4.2.1	<i>Local authorities and housing associations</i>	46
4.2.2	<i>Letting agents and private landlords</i>	48
4.2.3	<i>Disabled tenants</i>	50
4.3	Adjustments not covered by the DDA legislation	52
4.3.1	<i>Local authorities and housing associations</i>	52
4.3.2	<i>Letting agents and private landlords</i>	55
4.4	Impact of legislation on practice.....	56
4.4.1	<i>Local authorities and housing associations</i>	56
4.4.2	<i>Letting agents and private landlords</i>	59
4.4.3	<i>Disabled tenants</i>	61
4.5	Communication and understanding tenants' needs.....	63
4.5.1	<i>Local authorities and housing associations</i>	63
4.5.2	<i>Letting agents and private landlords</i>	66
4.5.3	<i>Disabled tenants</i>	67
4.6	Summary	69
5	Costs and benefits of adjustments	71

5.1	Costs of adjustments	71
5.1.1	<i>Direct costs of making adjustments</i>	71
5.1.2	<i>Indirect costs of making adjustments</i>	74
5.1.3	<i>Financial assistance sought or received</i>	75
5.1.4	<i>Impact of the DDA on the perception of costs</i>	76
5.2	Benefits of adjustments	77
5.2.1	<i>Evidence from landlords and tenants</i>	77
5.2.2	<i>Impact of the DDA on perceptions of benefits</i>	80
5.3	Summary	80
6	Information and advice	83
6.1	Landlords and stakeholders	83
6.1.1	<i>Sources</i>	83
6.1.2	<i>Letting agents and private landlords</i>	85
6.1.3	<i>Advice on adjustments</i>	87
6.1.4	<i>Additional requirements</i>	88
6.2	Tenants	92
6.2.1	<i>Sources</i>	92
6.2.2	<i>Additional requirements</i>	93
6.3	Summary	93
7	Conclusions and recommendations	95
7.1	Conclusions	95
7.1.1	<i>Awareness of disabled tenants</i>	95
7.1.2	<i>Impact and relevance of the DDA</i>	96
7.1.3	<i>Perceptions of disability</i>	96
7.1.4	<i>Understanding and accommodating people with mental health conditions</i>	97
7.1.5	<i>Adjusting methods of communication</i>	97
7.1.6	<i>Budget issues</i>	98
7.1.7	<i>Benefits of making adjustments</i>	98
7.1.8	<i>Why are the social and private sectors so different?</i>	99
7.1.9	<i>How will the private sector respond to the DDA duties?</i>	99
7.1.10	<i>The potential impact of the DDA on disabled tenants</i>	100
7.2	Recommendations	100

7.2.1	<i>More information, advice and support for tenants.....</i>	100
7.2.2	<i>More proactive approaches to providing information for landlords</i>	100
7.2.3	<i>Enable the spread of good practice</i>	101
7.2.4	<i>Increase awareness of the available sources of funding for adjustments.....</i>	101
Appendix A	Discussion guide – landlords	103
Appendix B	Discussion guide – stakeholder	113
Appendix C	Discussion guide – tenants.....	119
Appendix D	Showcard A – Types of disability	129
Appendix E	Showcard B – Reasonable adjustments	131
Appendix F	Showcard C – Auxiliary aids and services.....	133

Acknowledgements

The authors extend thanks to all of the people who gave up their time to participate in this research.

We would also like to thank Nicola Smith, Richard Keyte, Suzanne Moroney and James Pool at the DWP for their input and advice at various stages of the project. Anna Pierce, Rory Donaldson, Trinh Tu and Juliet Brown at Ipsos MORI who provided expertise and assistance in sampling and recruitment. Joseph Hewton at NatCen for his help in obtaining a sample of disabled tenants from the Survey of English Housing. At IES we would like to thank Nigel Meager who helped with the research design and commented on drafts of the report, Claire Simm who helped to manage the project and undertook interviews, Sara Davis who undertook some of the interviews, and James Walker-Hebborn for his invaluable project co-ordination, for liaising with the project teams at IES and Ipsos MORI, for making interview appointments, and for his work on formatting and proofing this report.

Jennifer Hurstfield (now at SQW Ltd) wrote the initial proposal for this work, and made an invaluable input into the design of the research.

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Abbreviations

BSL	British Sign Language
DDA	Disability Discrimination Act
DRC	Disability Rights Commission
DWP	Department for Work and Pensions
IES	Institute for Employment Studies
SEH	Survey of English Housing

Summary

Background

This research explored how landlords were responding to their current duties under the Disability Discrimination Act (DDA), and their awareness of new duties which were to come into force in December 2006. It was an extension to a main study of organisations' responses to the DDA, which was also carried out by IES.¹

Method

The research was qualitative and consisted of 45 in-depth interviews. These consisted of five interviews with landlords' stakeholder organisations, 25 interviews with landlords and 15 interviews with disabled tenants. The landlords sample included local authorities, housing associations, private landlords and letting agents.

Key findings

- There is a clear divide between the social landlords (local authorities and housing associations) and the private sector landlords (letting agents and private landlords) in terms of policy, experience and practice.
- All of the social landlords had disabled tenants and they covered the full range of disabilities covered by the DDA. The private landlords and letting agents had limited experience of (knowingly) housing disabled tenants, and the tenants they knew about tended to have visible disabilities but few, if any, specialist housing requirements. A narrow perception of disability still exists amongst many landlords, but public sector landlords tended to have a broader definition than private sector landlords.

¹ Simm, C., Aston, J., Williams, C., Hill, D., Bellis, A. and Meager, N. (2007), *Organisations' responses to the Disability Discrimination Act*. DWP Research Report No. 410.

- Local authorities and housing associations had a good awareness of DDA legislation in general, although awareness of the duties for landlords was lower. There was very low awareness amongst the private sector landlords of disability legislation and little awareness of the new DDA duties for landlords. There was also an issue about lack of awareness of, and confusion with, other legislation and policies around duties as landlords, which were often more influential than DDA legislation. Disabled tenants also had little awareness of the DDA generally, or the duties for landlords more specifically, but were interested to hear about it.
- Local authorities and housing associations were making a wide range of adjustments and arrangements for disabled tenants which often surpassed the requirements of the new DDA duties; these included adjusting policies, practices and procedures, providing auxiliary aids, and making physical adjustments to properties.
- Letting agents and private landlords had made some adjustments to policies, practices and procedures on request. There were a small number of examples where landlords (or letting agents on their behalf) had provided auxiliary aids, and there was generally a willingness to make adjustments, within reason.
- All landlords agreed that the key benefit of making adjustments was to enable their tenants to stay in their homes. Social landlords viewed this as part of their target to serve the diverse community, whereas for private landlords the primary motivation was to keep tenants, as it guaranteed a regular income from their rent.
- In terms of costs, social landlords often had large budgets and hence considerably more scope for the extent of adjustments they could reasonably be expected to make, when compared to the private landlords and letting agents.
- People with certain mental health conditions were often viewed as being potentially difficult to accommodate, especially when the condition prevented them from accepting appropriate support. Negative experiences of housing tenants with mental health conditions in the past left landlords feeling very wary about taking on such tenants in the future.
- Whilst social landlords had access to a wider range of information and advice sources compared to the private landlords, all generally felt that they knew where to obtain advice and information.
- The DDA duties for landlords were felt to have little potential impact on the social housing sector, although the DDA more generally had brought about a considerable change in policy and practice. Private landlords generally felt that the DDA duties would rarely apply to them.
- Disabled tenants felt that the DDA duties for landlords could assist them in the future. They would require more information, advice and support around the DDA duties in order to be able to use them effectively.

Landlords' experience of disabled tenants

- Although specific policies on disability were rare, local authorities and housing associations usually had policies which explicitly mentioned disability as one of the range of equality and diversity issues which were key to their services.
- Private landlords and letting agents rarely operated using any service provision policies other than short-hold tenancy agreements and standard letting terms and conditions, which were seen to protect both landlords and tenants alike. Rarely had they encountered any situations which had made them feel that such policies would be relevant or necessary.
- Local authorities and housing associations routinely collected detailed information about tenants, including disabilities and health conditions, at the point of entry. Having such information was seen to be important in their ability to provide a fair and accessible service to their full range of tenants.
- Private sector landlords and letting agents often felt that to ask their tenants to provide information about their disabilities and health conditions would be an invasion of their privacy. Where they knew of tenants' disabilities, this was because they were very visible, or because the tenant had actively chosen to disclose this to the landlord. They generally felt that the onus was on the tenant, rather than the landlord, to choose housing which was appropriate for them, whether they had a disability or not.
- There was an initial tendency amongst landlords of all types to focus on visible or physical impairments, rather than the full range of conditions covered by the DDA. However, it was found that across all types of landlords in the study, most of the full range of disabilities was represented amongst their tenants, although some of the most commonly cited were age-related disabilities such as mobility difficulties.
- Most landlords said that, within reason, they would try to accommodate people regardless of their disability, although private landlords and letting agents in particular felt that there would be a limit to the mobility impairments they could accommodate.
- A number of landlords mentioned tenants with some mental health conditions as being potentially problematic if the appropriate support was not available, or not accepted by the tenant. This view was usually based on personal experience.

Awareness of DDA

- Awareness of the DDA regulations on service provision was high amongst the local authorities but there was a relatively low awareness of the specific DDA duties for landlords. Awareness of other pieces of housing legislation, such as the various housing acts, was much higher.

- There was a greater awareness of the DDA duties for landlords amongst housing associations, many of whom knew about the pre-existing and new duties, although not usually the details of the legislation. Both groups tended to talk of the DDA and its impact in terms of broader service provision.
- There were low levels of awareness of the DDA amongst the letting agents and private landlords, with most unable to spontaneously mention any legislation protecting the rights of disabled people, and a number not having heard of the Act once it was mentioned to them. None were aware of the details of the pre-existing or new DDA duties for landlords.
- Around half of the disabled tenants were aware of the DDA to a greater or lesser extent, but few realised that it also covered the rights of disabled tenants, and there was little awareness of the new duties.
- Tenants were interested to learn about the DDA duties for landlords, and a few felt that knowing of their existence would make a difference to them as disabled tenants. Few had experienced any impact of the DDA with regard to their housing situation. Some felt that it could help to bring about change in the future.

Adjustments

- Changes to methods of communication were some of the most commonly cited adjustments to policies, practices and procedures. A variety of these had already been made by all of the local authorities and housing associations, and to a lesser extent by letting agents and private landlords. Landlords felt that the duties to make adjustments to policies, practices and procedures would make little difference to their everyday practices.
- Local authorities and housing associations had provided a wide range of auxiliary aids and services, including handrails, lamps, portable ramps, changing taps and door handles. There were also examples of replacing flooring in response to disabled tenants' requests. Some of the auxiliary aids and services had been provided through social services.
- Auxiliary aids and services had been provided less often by the letting agents and private landlords, although many had not been asked for such arrangements by their tenants. Some said they would not necessarily separate these types of arrangements from their more general repairs and upgrades carried out from time to time on their properties, especially if they had the potential to improve the value of the property.
- The disabled tenants had requested a wide range of auxiliary aids and services as a result of their (and their families') disabilities and health conditions. These included an adjustment to the shower and a CCTV video camera for a tenant with a visual impairment, and adjustments to the fixtures and fittings of a kitchen for tenants who were wheelchair users. A range of other aids had also been provided by landlords or by social services, including grab rails, lever taps and specialist furniture.

- Some of the disabled tenants in the private rented sector had landlords who had not responded to their past requests, whether this was for disability-related issues or for more general maintenance and repairs. They had little confidence in their landlords' willingness to listen to their requests and felt that their landlords were unsympathetic to their conditions and did not care about their tenants.
- The practices of local authorities and housing associations surpassed the requirements of the new DDA duties for landlords. In some cases they had built new houses or extensions to make a property suitable for a particular family, although more common adaptations involved providing walk-in showers, wet rooms, or changing the layouts of properties.
- There were few adjustments being made by letting agents or private landlords which went beyond the scope of the new DDA duties, and there had been few requests for these. Private sector landlords interviewed had usually been able to respond to adjustment requests from tenants, although there had been some instances where they had had tenants they felt they could no longer house, usually as a result of worsening dementia or mental illness.
- Local authorities felt that the new DDA duties would not have much impact on their practice as they were already operating beyond their scope. Their practices were shaped by their ethos as providers of services for their diverse communities. Many of the housing associations also felt that since their practices went beyond those required by the DDA, the legislation would have little impact on them.
- The impact of the DDA duties for landlords was expected to be small by the private landlords and letting agents, especially when compared to the vast array of housing law as a whole. They had rarely encountered situations where they felt the DDA was relevant, and felt that tenants with multiple or complex disabilities which required adjustments and auxiliary aids tended to go into social rather than privately rented housing.
- Disabled tenants were glad to learn of the new DDA duties, and some felt it would give them more confidence to ask their landlords for what they needed in the future. Other tenants who had had difficulties in the past did not feel that new legislation would make their seemingly unscrupulous landlords behave any differently.

Costs and benefits of adjustments

- The direct costs of making adjustments to policies, practices or procedures were rarely quantified. There were a number of different examples of the direct costs of providing auxiliary aids and making adjustments to the property (physical features), ranging from £100 for providing handrails, to £200,000 for building an extension.

- Local authorities and housing associations usually had budgets for adjustments, while private sector landlords did not; however, the latter had rarely made any costly adjustments. The indirect costs of making adjustments were not calculated by social landlords, as such practices were seen as part of the job of providing housing. There was evidence that in the private sector, indirect costs could later be passed on to tenants in rent increases.
- Tenants had sometimes made their own adjustments, or had sought assistance directly from other agencies, including social services, rather than approach their landlord. In some cases, local authorities and housing associations delegated the responsibility for making more minor adjustments, or for providing auxiliary aids and services, to social services and occupational therapy departments. Some of the housing associations had obtained external funding to assist with adjustments.
- The DDA duties for landlords appeared to have had little impact thus far on the way that costs of adjustments were viewed. The social landlords were already accustomed to budgeting for works which were beyond the scope of the DDA, and private landlords and letting agents were ultimately concerned with making a profit on their property investments, although they were usually keen to do what was reasonable to assist their tenants.
- All four groups of landlords believed that one of the key benefits of making adjustments was that their tenants would be happier with their accommodation and therefore, more likely to stay for a long period of time. Many landlords also said that they felt it was 'the right thing to do'.
- Social landlords felt that making adjustments was part of their duty to provide appropriate services, while a benefit mentioned by the private landlords was that adjustments could increase the value of their property.

Information and advice

- Local authority housing departments have well developed internal sources of information and advice from a number of other relevant council departments, including corporate policy units, legal services, social services and occupational therapy. In addition, they commonly consulted with tenants through forums and surveys.
- Housing associations had a number of internal advice channels, and also consulted some external agencies including the National Housing Federation. Social housing stakeholders provided their members with regular policy and practice updates, conducted surveys and provided advice on request.
- All letting agents had access to advice on housing matters, but none had accessed information on disability or the DDA in particular. Private landlords had also had little reason to access advice or information on disability, but some belonged to stakeholder organisations which gave them more general housing issues updates.

- Private sector housing stakeholders provided members with email newsletters and detailed briefs to keep them informed of new legislation, including the DDA. They also provided basic legal advice but had few enquiries about the DDA at the time this research was carried out.
- Tenants reported accessing a wider range of information and advice sources, both formal and informal, although these were primarily concerned with general housing issues rather than disability. Once they had been made aware of the DDA duties they were often keen to learn more about their rights in this area, but not all knew where they should go for more information.

Conclusions

- Local authorities and housing associations tended to demonstrate a good understanding of disabled tenants, while private sector landlords were less aware of disabled tenants' needs.
- Amongst social landlords, the impact of the DDA was felt to be minor, although it provided a context for good practice, while private landlords tended to feel that the DDA was less relevant to them.
- A narrow perception of disability still exists amongst many landlords, but public sector landlords tended to have a broader definition than private sector landlords.
- People with certain mental health conditions were often viewed as being potentially difficult to accommodate, especially when the condition prevented them from accepting appropriate support. Negative experiences of housing tenants with mental health conditions in the past left landlords feeling very wary about taking on such tenants in the future.
- Changes to methods of communication were some of the most commonly cited adjustments by landlords of all types. Social landlords saw making adjustments to methods of communication as part of serving their diverse communities, while private landlords viewed adjusting communication methods as 'being flexible'.
- Decisions around which adjustments could be made were based, at least in part, on the availability of funds. Some landlords had been successful in accessing grants and alternative funding to assist with the costs of making adjustments.
- In terms of the benefits of making adjustments, landlords felt that it was the 'right thing to do' and enabled them to keep their tenants. Tenants viewed the adjustments they requested as essential rather than beneficial.

Recommendations

- Disabled tenants must be empowered to use the DDA effectively, and more proactive approaches to providing information to disabled tenants and landlords need to be found.
- The spread of good practice from social to private sector could be assisted through forums or other ways of networking and sharing information, and these routes could also be used to increase awareness of the available sources of funding for adjustments.

1 Introduction

1.1 Background

In 2005, the Department for Work and Pensions (DWP) commissioned the Institute for Employment Studies (IES) to undertake a study of organisations' responses to the Disability Discrimination Act (DDA), Parts 2 and 3. It was conducted during 2006 and explored how employers and service providers were responding to the Disability Discrimination Act (DDA) 1995 and DDA 2005.² The research built on a similar study undertaken in 2003 and was based on 2,000 telephone interviews and 50 case studies among employers, and goods, facilities and service providers.

The landlord function of organisations was excluded from this main research. However, at that time there was no evidence on how landlords were responding to their current duties under the DDA, nor their awareness of new duties which were to come into force in December 2006. As a result, in 2006, DWP commissioned IES, in partnership with Ipsos MORI, to undertake an extension to the main study of organisations' responses, looking specifically at landlords' responses to the DDA. This report details the results of the landlord extension to the main study.

1.1.1 The existing DDA duties for landlords (those in existence before December 2006)

The fieldwork for this research was conducted between July and December 2006. It included an exploration of landlords' and disabled tenants' knowledge of, and reaction to, the DDA duties which were in existence at that time (i.e. pre-December 2006). They were introduced under Part 3 of the DDA 1995, and are summarised overleaf.

² Simm, C., Aston, J., Williams, C., Hill, D., Bellis, A. and Meager, N. (2007), *Organisations' responses to the Disability Discrimination Act*. DWP Research Report No. 410.

The existing (i.e. pre-December 2006) duties covered **prospective tenants**, so that it was unlawful for a '*person with the power to dispose of a property*'³ to discriminate against a disabled person:

- in the terms on which they offered to let the premises to the disabled person, or by refusing to let the premises to the disabled person;
- in their treatment of the disabled person in relation to any list of persons in need of premises (e.g. waiting lists for accommodation).

There were also existing (i.e. pre-December 2006) duties covering **current disabled tenants**. It was unlawful for a person managing the premises to discriminate:

- in the way they permitted the disabled person to make use of any benefits or facilities, or by refusing to permit the disabled person to make use of the facilities;
- by evicting the disabled person or subjecting the disabled person to any other detriment.

(NB. These are referred to throughout this report as the 'existing duties' or the 'current duties'.)

1.1.2 The new DDA duties (which came into force in December 2006)

This study also included an exploration of landlords' and disabled tenants' knowledge of, and reaction to, the new DDA duties which were introduced in the DDA 2005, and came into force in December 2006. They are summarised below.

- There is a requirement for landlords or managers of premises to make adjustments to policies, practices and procedures, and to provide auxiliary aids and services on request. (Examples of adjustments and auxiliary aids and services are shown below. These were also used on showcards during the interviews undertaken for this research – see Appendices E and F.)
- Requests from tenants need to be clear but need not be in writing, or refer to the DDA.
- There is **no DDA duty** to make adjustments to physical features, either to the let premises or to common parts of buildings.

(NB. These are referred to throughout this report as the 'new duties'.)

³ For clarification: 'person with the power to dispose of a property'; this terminology may include freeholders, leaseholders, landlords or managers of premises.

Examples of adjustments to policies, practices, procedures and terms of a lease:

- waiving the terms of a lease to accommodate a tenant with a disability or health condition;
- adjusting letting conditions and housing policies to accommodate tenants with disabilities and health conditions;
- allowing more time for a meeting with a tenant to accommodate a disability or health condition;
- personally visiting a tenant rather than writing a letter;
- other changes to methods of communication with tenants.

Examples of auxiliary aids and services:

- providing aids such as portable ramps or specialist furniture;
- providing the standard letting terms and conditions or lease in an alternative and suitable format to accommodate a disabled tenant, for example, in large print or on audio tape or CD;
- providing the paperwork for a meeting in a format suitable for the tenant such as in Braille, Easy Read, or on British Sign Language (BSL) video, as requested;
- changing the methods of general and day-to-day communication with tenants to accommodate their disabilities or health conditions, for example, by meeting face-to-face with a tenant rather than sending letters, by using email rather than telephone, or by visiting a tenant in their own home;
- changing the frequency of communication with a disabled tenant, such as arranging more regular meetings, as appropriate;
- providing assistance for a disabled tenant at meetings with the landlord, e.g. a BSL interpreter or a support worker;
- providing other auxiliary aids or services, as necessary, to assist a tenant with a disability or health condition.

The premises regulations set out that the following items are to be treated as auxiliary aids:

- replacing or providing signs as required;
- replacing taps or door handles;
- replacing, providing or adapting a doorbell or door entry system;
- changing the colours of any surface;
- altering or changing other fittings such as flooring.

1.2 Aims and objectives

The overall aim of this landlord extension study was to ensure that the research on organisations' responses to the DDA was comprehensive and that all bodies with DDA duties were covered. This element of the research followed the aims of the main project, but focused specifically on landlords' responses to the DDA pre-existing and new duties. It aimed to explore how landlords and those who manage rented premises are responding both to their current duties and how far they were preparing for the new duties which were to come into force in December 2006.

The more detailed objectives of this research were to:

- explore how landlords were responding to the pre-existing duties (i.e. those in existence before December 2006);
- examine landlords' awareness and understanding of the new duties and of disability;
- understand landlords' relationships with disabled tenants;
- understand existing practice;
- provide insights into landlords' initial and planned responses to the 2005 Act;
- provide an insight into disabled tenants' awareness and understanding of the pre-existing and new duties;
- provide an insight into disabled tenants' experiences of dealing with their landlords, their views on and experiences of requesting adjustments, and their information and advice needs.

1.3 Methodology

The landlord extension research employed a solely qualitative methodology based on in-depth interviews. Qualitative research is ideal for exploring attitudes and behaviours, in particular, allowing deeper insight into the reasons why organisations and individuals think or behave in the way they do. However, it is worth noting that qualitative research is not, nor is it meant to be, statistically representative. The results of qualitative research are indicative only and therefore should not be extrapolated to the general population.

In summary, this research comprised:

- five interviews with stakeholders;
- 25 interviews with landlords;
- 15 interviews with disabled tenants.

Recruitment was conducted jointly by IES and Ipsos MORI and all research tool design, fieldwork, analysis and reporting was undertaken by IES.

1.3.1 Interviews with stakeholders

Five interviews were carried out by telephone with landlord stakeholder organisations. They included organisations with private landlords, letting and managing agents, and housing associations as members, as well as organisations involved in housing policy. A list of approximately 20 landlord stakeholder organisations was supplied by the DWP, and IES wrote to all on the list, explaining the study and inviting them to take part. The letters were followed up by telephone, the most appropriate person to take part was identified and interview appointments were made. Most of these interviews were carried out at the start of the project in order to inform the study as a whole, in addition to providing insight from a higher level stakeholder perspective to weave into the final report. The interviews explored a range of relevant issues including:

- stakeholders' views on landlords' awareness of DDA legislation;
- their views on the impact of the existing and new legislation;
- practice amongst landlords regarding disabled tenants;
- the advice and support they gave their members, and where they themselves obtained information and advice.

1.3.2 In-depth interviews with landlords

The methodology for the in-depth interviews was similar to that set out for the main project. Ipsos MORI was responsible for recruiting some of the groups of respondents and IES was responsible for recruiting the others, and for designing the topic guide and carrying out all of the interviews.

The landlord extension project included landlords of residential properties only. Commercial landlords are covered by some elements of the DDA duties but only under certain conditions (e.g. long-term lets with no or very little service element attached). In addition to the extra criteria required by the research (e.g. letting the property to a sole trader who is/was disabled), eligibility for this group is potentially quite small and very difficult to identify. For this reason, it was not felt to be cost- or time-effective to include them in the scope of this project.

We undertook a total of 25 in-depth interviews with landlords of four main types:

- seven interviews with local authority housing departments;
- six interviews with housing associations;
- six interviews with private residential letting agents who manage properties on behalf of private landlords;
- six interviews with private residential landlords.

Sampling and recruitment

The landlords were sourced from a variety of routes. The local authorities and housing associations were all sourced and recruited to the research by Ipsos MORI. The local authorities were drawn from an Ipsos MORI sample of local authority headquarters, and the housing associations were drawn from the National Housing Federation Directory of Members. Ipsos MORI recruited the letting agents from a purchased sample. IES recruited the private residential landlords through contacts made through the stakeholder interviews, and also through personal contacts. In all cases, letters were sent out outlining the study, which were then followed up with a telephone call. If the recipient agreed to take part, an appointment was made for an IES researcher to conduct the interview. Letters confirming the appointment were also sent to those taking part.

Landlords' experience of disabled tenants

Within each type of landlord, there was a target to ensure that at least half of those interviewed had one or more disabled tenants. In fact, all seven of the local authorities had disabled tenants, as did all six of the housing associations. Three of the six private letting agents, and three of the six private residential landlords had one or more disabled tenants.

Topics covered in the interviews

The interviews with landlords of all types covered the same topics. Some of these were similar to the areas covered in the main DDA study. The key areas covered were:

- policies;
- knowledge and experience of disabled tenants;
- adjustments and arrangements made for disabled tenants;
- costs and benefits of adjustments and arrangements;
- awareness of the DDA;
- advice and support issues.

1.3.3 Interviews with disabled tenants

A total of 15 interviews were carried out with disabled tenants. Most interviews took place in the tenants' own homes, although a few tenants preferred the interview to be conducted in their place of work. The tenants were recruited from two sources; Ipsos MORI recruited some through disability charities, and IES recruited the others through the Survey of English Housing (SEH).

Sampling and recruitment

Four disabled tenants were recruited by Ipsos MORI with the help of disability charities. IES selected a small number of disability charities, whom Ipsos MORI then approached firstly by letter and then by telephone and email, with regard to recruiting some of their disabled members or contacts to take part in this research. A small number of the charities were able to assist by passing details of the research onto some of their disabled members or contacts, who then got in touch with IES directly, at which point an interview appointment was made.

Eleven disabled tenants were recruited through the SEH carried out for the DWP in 2006 by NatCen. NatCen wrote to SEH respondents who had indicated in the survey that they or a member of their household had a disability or longstanding health condition, and had agreed to be recontacted to take part in future research. The letter they were sent explained the research that IES was carrying out for the DWP, and included an opt-in form which was sent directly back to IES. IES used the opt-in forms received to select suitable participants for the research, ensuring a range of disabilities, housing types and geographical locations, and set up appointments by telephone or email for an IES researcher to visit and conduct the interview.

As with the landlord interviews, letters of confirmation were sent out to all the participants, stating the time, date and location of the interview, and the name of the interviewer who would be visiting.

Topics covered in the interviews

The discussion guide used for the disabled tenants' interviews was similar to that for the landlords and covered many of the same areas, but from a different perspective. The interviews covered:

- current and previous living situations;
- tenants' disabilities and health conditions;
- tenants' relationship with their current and previous landlords;
- adjustments and arrangements;
- awareness and use of the DDA;
- advice and support issues.

The disabled tenants

The 15 disabled tenants interviewed as part of this research had a range of different disabilities and living situations. In some cases, it was the interviewee's partner or child who was disabled, and in some cases more than one member of the household could be classed as disabled under the DDA. The tenants' (and their families') disabilities encompassed a number of different mobility impairments including wheelchair users and people with arthritis. Two of the tenants had visual impairments. Other tenants had learning disabilities, one had Alzheimer's, and one of the tenants had a mental illness. One of the tenants had cancer and lymphoma, and another had epilepsy.

The tenants lived in a range of properties including houses, flats, supported housing, and a hostel. Many of the tenants rented from private landlords, although one tenant rented her flat from her local authority and a small number of the tenants rented from housing associations. A few had moved several times over the past ten years, although many had been in their current home for a number of years, in some cases for ten years or more.

1.3.4 Conducting and analysing the interviews

Three separate discussion guides were used, one for stakeholders, one for landlords and one for disabled tenants. The guides were semi-structured; they included detailed questions and prompts but interviewers were not constrained by the guides, enabling them to follow up and further explore emerging issues and themes as appropriate. A number of showcards were also used in the interviews as appropriate, to illustrate the range of disabilities, and to give examples of the legislation applied in practical terms. (These are included in the appendices.)

All of the stakeholder interviews were carried out by telephone. Interviews with landlords and disabled tenants were conducted face to face wherever possible. Interviews with disabled tenants usually took place in their own homes, whilst interviews with landlords were usually in their place of work. Most of the interviews were recorded, but where this was not possible detailed notes were taken. Recorded interviews were transcribed, and the transcripts and notes were thematically coded and analysed using the qualitative software package Atlas.ti. This report is based on that analysis.

1.4 Overview of the report structure

The report is structured as follows:

Chapter 2 looks at landlords' experience of disabled tenants and draws mainly on the data from the interviews with the four groups of landlords. It examines the extent to which landlords have formal policies which determine their practice, before turning to landlords' knowledge of their disabled tenants, their impairments, and the impact of the DDA in terms of landlords' perceptions and understanding of the range of disabilities and health conditions covered by the DDA. It also outlines the types of properties which the landlords rented to their disabled tenants.

Chapter 3 considers awareness of the DDA and other relevant housing legislation, based on interview data from the landlords and the disabled tenants. Awareness and use of the DDA by landlords and disabled tenants is explored in turn, including awareness of the new DDA duties for landlords which came into force in December 2006.

Chapter 4 explores adjustments and arrangements for disabled tenants and draws on data from the landlords, tenants and stakeholder interviews. It first looks at adjustments to policies, practices and procedures, then at the provision of auxiliary

aids and services, before turning to adjustments and arrangements not covered by the DDA legislation, including adaptations to physical features. In each section, the adjustments and arrangements made are considered alongside any which landlords had not felt able to make, or where tenants had made requests which had not been met. The impact of legislation on practice is then explored, followed by a section which discusses communication and understanding between landlords and tenants.

Chapter 5 covers the costs and benefits of making adjustments, from the points of view of both landlords and disabled tenants. It looks at the direct and indirect costs of making adjustments and providing auxiliary aids and services, the financial assistance sought and received and the impact of the DDA on how adjustment costs are viewed.

Chapter 6 looks at information and advice, using evidence from the landlord, disabled tenant and stakeholder interviews. It covers sources of general advice, more specific advice on adjustments and arrangements and any additional advice requirements requested by landlords, tenants and stakeholders.

Chapter 7 presents our summary of the research findings and our conclusions.

In many of the chapters, a very clear divide emerged in the findings from the social landlords (local authorities and housing associations) and the private sector landlords (private landlords and letting agents). The two are explored and discussed separately where appropriate. The quotes provided throughout this report are verbatim and chosen to illustrate points made in the text. However, these quotes express the opinions of the individuals who took part in this research and this report does not comment on the accuracy of the information in the quotes.

2 Landlords' experience of disabled tenants

This chapter describes the landlords' experience with disabled tenants, including the existence of policies for service provision and equal opportunities. It explores how landlords source their tenants, the information landlords have about their tenants, and the prevalence of known disability amongst their tenants. Where landlords have some knowledge of their tenants' disabilities, this is explored in terms of numbers and proportions, types of impairments and the types of properties let to disabled tenants. The experiences and circumstances of four groups of landlords are summarised here: local authorities, housing associations, letting agents and private landlords.

2.1 Policies

2.1.1 Local authorities and housing associations

Local authorities and housing associations usually had policies on service provision, and in both of these groups, the policies were often corporate (ie they had been implemented from a central, more senior office). All of those interviewed for this research confirmed that their service provision policies included statements on diversity and equality. Some of these also had explicit guidance on how to provide equal opportunities for disabled people. Many of these landlords also mentioned how diversity training is provided to all staff, as standard, as part of their inductions:

'There's definitely an equal opportunities policy, it's quite strong across the organisation and everybody receives diversity training: it's mandatory. We won't discriminate. We do have a policy, but it's not written as a disability policy.'

(Housing association)

One of the stakeholder organisations was responsible for regulating social landlords, and they had encouraged housing associations to embed equality throughout their policies and practice, to ensure their full range of services were equality compliant.

In local authorities, it was evident that practice was shaped very strongly by policy in that they seemed strongly committed to meeting the needs of the diverse range of individuals in their communities. As policies were initiated at the corporate level, one housing manager believed that practice was ahead of policy. (Also see Section 4.4 for a discussion on the impact of legislation on policy and practice.)

2.1.2 Letting agents and private landlords

Letting agents and private landlords tended to refer to their 'short-hold tenancy agreements' and other standard letting documents as the guiding documents for working with tenants. One letting agent also referred to national industry standards, such as those produced by the National Approved Letting Scheme, for written policies on service provision. One private landlord, who was also a member of a private landlords association, and who used a 'code of conduct' to inform his dealings with tenants, however, relied mainly on common sense:

'Having been a supermarket manager I treat people how I like to be treated myself. I find if you're fair to people the majority of tenants will be fair back with you.'

(Private landlord)

Amongst private landlords and letting agents, equality and diversity policies were rare. None of the private landlords were aware of equal opportunities in the policy documentation they had, and more importantly, they did not see a need for this. For example, one private landlord said:

'No – there is no need for it [policies on disability or equal opportunities]. I don't know how many black people that we've had as tenants. I've no intention of writing it down and producing figures for anybody. I don't have a problem with housing black people. I'm not going to start recording it all. The same goes with disability.'

(Private landlord)

The extent to which policy affected practice seemed to vary between the private and social landlords. Private landlords and letting agents talked about the importance of being 'fair', although their main concern in finding and selecting tenants was reliability.

'Providing people can pay their rent, I'm not bothered who comes along. I can't take anybody under 16 for obvious reasons and I usually like to know that people are in work. If they're not in work, depending on circumstances, providing I can have rent paid direct to me by housing benefit I'm still quite happy to take that tenant.'

(Private landlord)

The extent to which policy affected practice was quite clear for one letting agent. When asked why disability was not mentioned in the services standards document used, one letting agent replied:

'I'm using the standard documentation that's produced by our head office. The documentation we have to produce is quite lengthy, the legal document that the tenant signs is now 18 pages. I think they keep it down to the legal things we have to cover. I don't think there is anything that's actually legally binding on disability that I'm aware of so I guess it's not in there because it doesn't have to be.'

(Letting agent)

At the same time, however, both private landlords and letting agents were keen to have good communication with their tenants about their respective roles and responsibilities. This was seen as central in avoiding complications and difficulties.

2.2 Landlords' knowledge of their disabled tenants

There was a very clear divide in practice between the social landlords and the private landlords in the way they approached the collection of information about their tenants' disabilities and other needs. The local authorities and most of the housing associations saw themselves as having a duty of care towards housing those in need; private landlords and letting agents did not, in general, see themselves as carrying this responsibility. Local authorities and most of the housing associations routinely assessed applicant tenants' needs, including any disabilities and required support, and this was in stark contrast to the private landlords and letting agents, where such assessments were rarely applied.

2.2.1 Local authorities and housing associations

The local authorities and housing associations had a fairly good level of awareness of the disabilities and health conditions of their tenants, however, they felt that it had its limits in that information was usually only collected systematically at the point of entry. In some cases, new applicants would complete equal opportunities forms. In other cases, new applicants would have an initial interview to identify applicants' general needs and eligibility with respect to housing registers. At this stage, requirements for communication and/or support would be highlighted:

'New tenants, that's part of the applicant process that we identify any needs. Not just from [the] disabled. We have supported housing, so for people who have maybe learning difficulties or need assistance filling in forms, generally moving into the property. From the disability side, we'll look at what the disabilities are and make sure the property does match their needs.'

(Housing association)

Where new tenants had been referred to local authorities and housing associations by social workers or support workers, their disabilities and requirements were clear, and were prominent issues in finding appropriate accommodation. More generally, most of these organisations were dealing with a very large number of properties and individuals, and the amount of personal contact between housing managers and their tenants varied. As a result, housing managers would not necessarily be aware

of hidden disabilities which did not necessitate any particular housing requirements. Learning about disabilities and impairments which had developed since tenants had moved into their properties was also felt to be challenging. Several local authorities and housing associations acknowledged that they were unlikely to become aware of such changes amongst existing tenants, unless the tenants themselves came forward with a need for an adaptation:

'It's mainly, either the tenant will come into the office or contact us and this has happened, or "there's been a change in my condition and I need this", and we would then act on that. We [also] get referrals from social services or other community organisations we work with, and occupational therapists and local authorities.'

(Housing association)

In some cases, social housing managers relied on housing officers to make observations during home visits and to feed this information back to the central databases. One local authority had conducted a survey of its residents to assess the level of need, both in terms of disability and other diversity characteristics, but this was not widespread. Another local authority relied on promotion activities and disabled service users groups to alert tenants to the services available for disabled tenants. Despite the efforts made by social landlords to engage with their tenants and to encourage dialogue, some had observed that some disabled tenants were not inclined to ask for support:

'Six months ago someone went to visit an older couple. They were both in their 80s and they had a daughter with cerebral palsy who was in her 60s, and this 80 year old mother was helping her into the bath. No one knew about it. Since that, we've put a level access shower in.'

(Housing association)

There was evidence that DDA legislation had impacted on social landlords' practices and their approach to collecting information about their tenants. Training and awareness raising of equal opportunities and disability issues had resulted in an appreciation of the need for accurate information on disabilities and about their service users. The direct impact of DDA requirements for landlords was less visible however, as activities which supported disabled tenants were not seen as particular to this group. All services were seen to be tailored to each individual tenant and information was gathered across the board, in a way that enabled the landlord to assess the tenants' needs.

2.2.2 Letting agents and private landlords

Private landlords sourced tenants in a number of ways, often making the most of personal networks to advertise vacant properties. Some placed advertisements in local gyms and on notice boards, sent notices to work colleagues and often paid for adverts in the local press or free property magazines. Both private landlords and letting agents were increasingly relying on the Internet to advertise their properties.

Private landlords and letting agents were mainly made aware of tenants' disabilities through two routes: Firstly, where tenants had visible disabilities, such as sensory impairments, this would be obvious. Secondly, where disabled applicants were on disability-related benefits, particularly those relating to an individual's capacity to pay the rent, landlords would become aware. A number of private landlords and letting agents indicated that they felt to ask their tenants about their health conditions, or about any hidden disabilities would be an invasion of their privacy. However, some private landlords and letting agents had only learned of their tenants' health conditions if their tenants had chosen to reveal them, usually as a result of casual conversations; for example, one private landlord learned that a tenant had diabetes through an informal chat as the tenant was moving out of the property.

One private landlord was sourcing tenants by working with a local homelessness charity, to rehouse recovering drug and alcohol addicts (addiction being considered by this landlord to constitute a disability or mental health condition). Being aware of these applicants' background through the charity, the landlord felt it appropriate to interview them, in order to personally gauge their stage of recovery and suitability as a tenant.

In one instance, a letting agent became aware of one of his tenants having schizophrenia only after the tenant had caused some problems with his neighbours. After being noisy and aggressive with some of his neighbours, including at one stage threatening them with a chainsaw, the tenant moved out of his own accord. The letting agent had originally found the tenant through a personal contact, and it was through this contact that the explanation for the behaviour was identified. Having not been informed of the mental health condition before the tenant moved in, the landlord was unable to ensure a support system was in place for that tenant. As it was, the landlord was left feeling very wary about taking on other tenants with mental health conditions in the future.

Amongst private landlords on the whole, there was evidence that a lack of awareness of the Disability Discrimination Act (DDA) had led some to believe that having information about their tenants' disabilities was irrelevant (also see Section 2.1). Statements by one letting agent also suggested that there was a general lack of awareness or understanding of disability:

'Half of them would say they've got arthritis. "Can I have a ground floor flat because getting up the stairs..." The lady who's got a problem son, she's saying, "Soon I'll have to have a bungalow because it's getting more difficult getting up the stairs". I think she's just a professional whiner.'

(Letting agent)

2.3 Numbers of disabled tenants

The number of properties managed by each of the landlords in the study varied widely, even amongst the different types of landlords. The largest range of properties were managed by the local authorities and housing associations where the number of properties was often in the thousands. There was also a range amongst the private landlords and letting agents; one private landlord had only a few properties and one had more than 2,000 properties. Some of the private landlords managed their properties themselves and others used property managers. Letting agents also varied considerably in terms of scale, from managing less than 30 properties to several hundred.

The numbers of disabled tenants also varied widely, and was to some extent related to landlords' numbers of properties. Those landlords with greater numbers of properties were more likely to have a greater number of disabled tenants. Of the private landlords and letting agents, half of each taking part in the research had one or more disabled tenants, although those with large numbers of properties found it difficult to quantify exactly how many of their tenants were disabled. Those with a small number of properties were usually able to cite one or two individuals who were disabled or who had long-term limiting health conditions. All of the local authorities and housing associations had disabled tenants, and some had considerable numbers. Compared to the private sector landlords, the social landlords were more aware of their tenants' needs, including any disabilities or health conditions, and they usually had a greater proportion of tenants receiving benefits, including incapacity benefits.

One of the stakeholder organisations which was concerned with social landlords reported that information on disability was collected by social landlords, but that hard and fast figures tended not to exist. For example, there were problems with definition: DDA-defined disability and longstanding health conditions could account for up to 45 per cent of tenants, while DDA defined disability would be more likely to be around 25 or 30 per cent. They also felt that the most sensible way to collect and present information was in terms of the number of households which included a disabled person, rather than the number of disabled tenants. This stakeholder strongly supported the idea of a local disability register of individuals with disabilities which could better represent the full range of disabilities and impairments; they felt that current figures tended to over-focus on wheelchair users, to the detriment of people with a wider range of disabilities and health conditions.

As discussed in the previous section, private landlords and letting agents were less likely to know about their tenants' disabilities as this was not seen as being relevant to individuals' applications for housing. In these instances, it was very difficult for landlords to make estimates about the proportion of tenants with disabilities. Even local authority landlords were prone to exclude disabilities which were seen to have little impact on the type of accommodation required:

'From my earlier definition, although I struggled with the words, I was thinking more about physical disabilities. Mobility issues and visual impairment, those are the areas that are most likely to affect the housing... I was thinking ten per cent on the physical side. If you include people with others, we're probably up to 20 to 25 per cent.'

(Local authority)

'We wouldn't know of anyone with these conditions. But we wouldn't expect them to tell us unless it had some obvious impact on their use of the property, and we wouldn't ask.'

(Letting agent)

Social landlords estimated the proportion of their tenants with disabilities as being between five and 30 per cent. Sometimes these estimates would increase after seeing the list of impairments, as initial estimates tended to focus on a more traditional definition of disability, including sensory impairments and wheelchair users. Very few landlords (social or private) included health conditions such as cancer, diabetes and HIV in their initial estimates.

One of the stakeholders which had a national membership of private landlords did not have any figures on the proportions of disabled tenants living in their members' properties, but they carried out a survey every two months which could, in future, be used to ask this of their members. Some of their members elected to concentrate on letting to tenants receiving Housing Benefit, as it could be secure and regular, and it was thought that higher proportions of this group could have disabilities and health conditions, compared to those not receiving benefits. Similarly, there were a small number of members who took on tenants recovering from drug and alcohol abuse, or who specialised in providing housing for people with mental illness.

2.4 Types of impairment

Amongst the whole sample of landlords in the study, all types of disability and impairment were represented. Some of the most common to be cited, and also seen to be the greatest in number, were age-related disabilities such as mobility problems and heart disease. This was especially the case amongst social landlords who had greater numbers of older tenants in general.

'Sizeable numbers of people that moved into post-war housing estates, their families have grown up. Their health is becoming impaired because of the ageing process so they would have mobility problems.'

(Local authority)

Half of the private landlords and letting agents interviewed had disabled tenants, and these were generally people with either mobility problems or sensory impairments. However, there was a lack of awareness of other disabilities amongst their tenants. Many acknowledged that they could have tenants with other types of disabilities, without their knowing.

A number of landlords (both social and private) made reference to recovering drug and alcohol addicts as being disabled. It was likened to mental health illnesses, and the condition brought with it a variety of particular issues for landlords, especially in instances where there had been a relapse into active addiction and its associated behaviours. This could have serious implications for both the condition of the property and the delivery of rent, and was seen as potentially problematic. Many of the landlords, both social and private, were very open minded about people with all types of disabilities, although landlords expressed difficulties associated with housing tenants with mental health conditions. There was particular concern about individuals with schizophrenia, as some landlords had had negative experiences:

'Mental illness, if I knew. I couldn't have someone with mental illness. [...] Are they going to start smashing windows? Having a stroke or throwing stuff around in the middle of the night? Depends how bad the mental illness is. And if they're high up and they throw themselves out the window... Years ago I had a tenant for about seven or eight years and then all of a sudden he seemed to get a mental illness and he left without paying rent and he 'phones me and said, "I think I'll come back and put petrol all over the place – I think I'll torch the place". There was a shop below, and people above, and he was going to put himself out and everybody else. It was an awful worry.'

(Private landlord)

Although some private landlords vowed never to (knowingly) take on a tenant with a serious mental health condition, landlords on the whole (although social landlords more so) were happy to take on these individuals as tenants if they could be assured that support was in place. There was a similar view amongst some in relation to people with learning disabilities; for example, they wanted to know that individuals with learning disabilities would have someone on hand to help them to understand the tenancy obligations and to ensure that rent would be paid. Tenants with mental health conditions would, likewise, be expected to have a mental health support worker, and sometimes also a social worker.

Other difficulties in relation to types of disability related to the existence of appropriate housing stock or accommodation, rather than to the individuals with disabilities. Many private landlords and letting agents suggested that the reason they did not have more disabled tenants was because most of their properties would not be suitable for someone with mobility problems, or for wheelchair users.

A number of landlords from both the social and private sectors refrained from naming any particular type of disability as one that might pose difficulties. Whilst this attitude was most common amongst the social landlords, with all local authorities expressing this view, it did exist in the private sector too:

'I would not say I couldn't deal with any of them without speaking to them and letting them see the property and then taking it from there. You can't pre-judge and say we can't possibly have somebody with that condition or complaint.'

(Private landlord)

2.4.1 Impact of the DDA on landlords' views

There was little evidence of impact of the DDA on the views of private landlords and letting agents. Although there was an awareness of anti-discrimination legislation generally, the types of disabilities recognised amongst their tenants suggested that their awareness of disability issues was still quite low.

Local authorities and housing associations were considerably more inclusive in their definitions of disability. There was also some evidence to suggest that this awareness had come from diversity training and DDA legislation. For local authorities and housing associations, however, the emphasis was on treating each tenant as an individual and providing a service appropriate to each tenant's needs: an idea not incongruous to the principles behind the DDA.

One of the stakeholder organisations with a membership of housing associations referred to a broad spectrum of awareness among members. Some were fully aware of the DDA definitions of disability but others tended to focus on physical and mobility impairments and did not necessarily include long-term illnesses, mental health conditions and learning disabilities. Awareness of DDA definitions was reportedly high amongst specialist housing associations but high levels of awareness could also be found in some of the more mainstream housing associations.

2.5 Types of property disabled tenants lived in

Disabled tenants occupied a wide variety of properties. Taking into consideration the whole range of disabilities and impairments covered by the DDA, many disabled tenants do not require any kind of specialist property. The main types of impairments which required particular or adapted accommodation were conditions such as mobility problems, lifting/dexterity problems and certain progressive illnesses which affected mobility. Those with hearing and visual impairments could usually adapt ordinary accommodation with auxiliary aids in order to suit their needs.

The most common types of properties identified by landlords as being suitable for disabled tenants in particular, were those which could accommodate wheelchairs, i.e. properties with wide doors, no stairs, level access showers and situated on ground floors (or with reliable lifts in place). Some social landlords also had access to a supply of sheltered housing for their elderly or disabled tenants, particularly those with learning disabilities:

'We're building these Extra Care Schemes. People are still tenants but they're not residential care homes. They've got their own flats and staff on duty 24 hours a day. If they need help they have it, and if they don't they can be on their own.'

(Housing association)

Families with disabled children were sometimes housed in specially built homes, designed with level access showers and bedrooms on the ground floor. These properties were very sought after and were also seen as very expensive to build.

Many families with disabled children who required a mixture of specialist and ordinary accommodation, had to deal with ordinary homes and make-do carrying children (and sometimes grown adults) up and down stairs, and in and out of baths, until more specialist accommodation became available:

'We have some homes that were not originally designated for people with disabilities but we have people with disabilities living in them and that has been either, sometimes it's fairly minor adaptations, but there are two or three where it's been quite significant, where we've built an extension or completely redesigned the property.'

(Local authority)

Many of the local authorities' disabled tenants had age-related disabilities and still lived in the post-war properties they had occupied for many years. These properties often posed considerable difficulties for making adjustments, as many of the tenants had increasing difficulties with stairs and normal baths. The properties were very expensive to adapt, and in some cases were also completely unsuitable for adaptation. However, because the tenants had been resident there for much of their lives, relocation was seen to be a last resort and was sometimes strongly opposed by the tenants themselves. In such situations the available options would be discussed by the landlord and tenants, and solutions were sought which were acceptable to both parties. For example, if tenants were unwilling to move to properties which might better suit their needs, perhaps some adjustments could be made which fell short of the ideal but allowed the tenants to stay living in what they considered to be their 'own home'. In such cases, additional support mechanisms might be considered to assist this, for example, other services such as home care provided by social care services, or more informally provided care from relatives.

2.6 Summary

- Although specific policies on disability were rare, local authorities and housing associations usually had policies which explicitly mentioned disability as one of the range of equality and diversity issues which was key to their services.
- Private landlords and letting agents rarely operated using any service provision policies other than short-hold tenancy agreements and standard letting terms and conditions, which were seen to protect both landlords and tenants alike. Rarely had they encountered any situations which had made them feel that such policies would be relevant or necessary.
- Local authorities and housing associations routinely collected detailed information about tenants, including disabilities and health conditions, at the point of entry. Having such information was seen to be important in their ability to provide a fair and accessible service to their full range of tenants.

- Private sector landlords and letting agents often felt that to ask their tenants to provide information about their disabilities and health conditions would be an invasion of their privacy. Where they knew of tenants' disabilities, this was because they were very visible, or where the tenant had actively chosen to disclose this to the landlord. They generally felt that the onus was on the tenant, rather than the landlord, to choose housing which was appropriate for them, whether they had a disability or not.
- There was an initial tendency amongst landlords of all types to focus on visible or physical impairments, rather than the full range of conditions covered by the DDA. However, it was found that across all types of landlords in the study, most of the full range of disabilities were represented amongst their tenants, although some of the most commonly cited were age-related disabilities such as mobility difficulties.
- Most landlords said that, within reason, they would try to accommodate people regardless of their disability, although private landlords and letting agents in particular felt that there would be a limit to the mobility impairments they could accommodate.
- A number of landlords mentioned tenants with some mental health conditions as being potentially problematic, if the appropriate support was not available, or not accepted by the tenant. This view was usually based on personal experience.

3 Awareness and use of the Disability Discrimination Act and other relevant housing legislation

This chapter looks at landlords' and tenants' awareness and use of the Disability Discrimination Act (DDA) legislation protecting disabled tenants and other relevant housing legislation. It covers landlords' and disabled tenants' awareness of laws covering disabled people as tenants and where relevant, their understanding and use of the Act. Awareness of the new DDA duties for landlords which came into force in December 2006 is also explored. This chapter is based on the findings from landlords of all types and disabled tenants.

3.1 Landlords' awareness

3.1.1 Local authorities and housing associations

Local authorities were aware of the DDA in general and most spontaneously mentioned the DDA during the interview. Initially, awareness of the specific duties for landlords seemed high but further probing revealed that this was, in fact, awareness of the main DDA provisions regarding service provision and employment, rather than the duties for landlords. Awareness of the specifics of the DDA landlords provisions was actually fairly low:

'I am aware of the DDA but I don't pretend to know them [the main duties] off the top of my head.'

(Local authority)

'Obviously, I'm aware of the DDA but that's much more about the way we work with tenants rather than their individual homes... I don't think I am aware of that [the DDA landlord duties] specifically but because I've always been in local government housing, perhaps we were ahead of the legislation in terms of not discriminating.'

(Local authority)

'Yes, it's about making sure our services are accessible and I'm using the broadest of terms. Coming in to getting the accommodation as well as once they're in it. We have got procedures in terms of, if somebody has a disability and are suitable there is an expectation that they will come for the interview if it's a job and we've got specific adapted accommodation for disabled people. I think it's what we would have done anyway whether the DDA was there or not.'

(Local authority)

The DDA is one of a number of pieces of legislation that local authorities comply with and this appears to affect levels of awareness of the DDA. Other relevant legislation mentioned by local authorities included various housing acts and community care acts, mostly from the 1980s. Relatively speaking, the DDA is a new piece of legislation which local authorities have had to comply with:

'There's something way back in time, probably in the 1985 Housing Act, one wants to use the term reasonable adjustments, even though the DDA invented it. It was always there, they just called it something else, there is something buried back in housing legislation and I get confused with my housing acts but I suspect it started in 1980 and has been updated in terms of landlords.'

(Local authority)

As discussed in Section 4.4, the impact of the DDA on local authority landlords is limited by the fact that many were operating up to and often beyond the requirements of the DDA due to other legislation which has been in operation since the 1980s.

Housing associations showed high levels of awareness of the DDA as it applies to tenants. All except one were aware of the landlords provisions and were able to outline the fundamentals of the Act:

'I don't know the full extent of the legislation. I just know that you can't discriminate against somebody because of their disability so therefore you have to show that you're doing whatever is appropriate to meet that person's needs... Just don't discriminate against somebody because of their disability.'

(Housing association)

'To treat them the same as we would any other tenant but to recognise what their needs are and to not discriminate against them because they are disabled. I believe people should be treated as you would expect to be treated whether they have learning difficulties or not. It's so difficult. We try and do what we can and we would never discriminate against anybody who's got a disability, although in a way we are by saying to people we can't help you with housing because we haven't got suitable properties.'

(Housing association)

As with local authorities, interviewees in housing associations also spoke of the DDA in terms of both broader service provision and employment. Overall, the way housing associations referred to the landlord provisions of the DDA seemed to be within the wider context of improving equality and diversity across the board:

'It's to ensure that our properties are accessible for all our tenants in terms of meeting their needs. If the tenants require ground floor accommodation or certain needs we have to take those seriously and see if we can assist in doing necessary works or making referrals to other associations or other landlords who may be able to help. In terms of our offices and premises, to make those accessible for our tenants. I'm not sure this office meets those requirements. We have a ramp outside. As an employer, if we had anyone who was in a wheelchair whether they'd be able to work in this office, it's very narrow. We have a ramp for the staff entrance.'

(Housing association)

'It's about disabled access which we really have to have and we're looking at that in the majority of our properties now. The good thing for us is we've just built brand new offices which open in two weeks time. That's all being made completely accessible, the reception, the desks are lower, the loop system is already in there, that's all brand new and up to date. This was just a general needs flat and you can see how steep the stairs are, there's no lift. It has been awkward but I'm still looking at the access for down there for the day centre and the lunch club and with our sheltered blocks we're making decisions about whether we demolish them and rebuild because they won't be accessible. It's going to be very difficult. On the whole, we are trying to do as much as we can, put a ramp in places where we can.'

(Housing association)

The issue of other housing legislation rarely arose in the interviews with housing associations. They seldom mentioned any other laws when discussing disabled people as tenants. This gave the impression that the DDA was a more important piece of legislation for housing associations than local authorities.

3.1.2 Letting agents and private landlords

Letting agents showed low levels of awareness of the DDA, with only one having any awareness of the Act. Letting agents showed similarities with (other) small employers in terms of their awareness and often this is on a need-to-know basis. Few letting

agents have had any experience of letting to disabled people and so have not had the need to find out about the DDA or have not been told about the DDA by a disabled tenant. As a letting agent told us:

'Running your own business we are bombarded with things we have to do and I can't remember it all. I can't keep up with everything I'm meant to do. The minute you employ someone the whole world's different and it's massive when you run your own business. I can't remember everything to be honest. I think I'm streetwise enough that I would know not to knowingly discriminate against any person. Do I know the letter of all the regulations? I know the serious property ones. I don't know everything there is to know but I would find the information out.'

(Letting agent)

The private landlords also had low levels of awareness of the DDA. Some had heard of it once it was mentioned to them. One landlord worked for a landlords' association and had given evidence to a select committee in this capacity. As a result, he was quite knowledgeable on housing legislation, including some of the implications of the new DDA duties:

'Changing policies and procedures if necessary and not withholding permission to make material changes at their expense if it would be unreasonable to do so. Again, is it physically possible and would it be unreasonable or reasonable to grant permission.'

(Private landlord)

Aside from this, none knew the details of the DDA duties for landlords specifically, although some knew a fair amount about housing legislation in general, or about the DDA regarding employment and the provision of goods and services:

'There's discrimination laws and laws about disability generally but I don't know if there's anything specific about a tenant, no.'

(Private landlord)

3.1.3 The new DDA duties (from December 2006)

Awareness of the new DDA duties was fairly low amongst landlords of all types. There was a greater awareness in the social rather than the private rented sectors, but even so, few local authorities and housing associations had specifically heard of the new DDA duties when asked:

'I haven't heard of them, not personally, no. Somebody in our strategy department might be more aware of that, they have more of a decision on what future housing we're needing.'

(Local authority)

'I wasn't aware that there was new legislation coming in and I've worked in housing for a long time.'

(Housing association)

It seems there may have been some confusion in the local authorities particularly with the providers of premises provisions, the public authority functions and the Disability Equality Duty, all of which were introduced in December 2006. It became apparent in some of the interviews that the interviewees were actually talking about the public authority functions or the Disability Equality Duty rather than the controllers of premises duties, all of which were introduced in December 2006. Once the new DDA duties for controllers of premises had been outlined, local authorities and housing associations were generally of the opinion that the new duties would have a limited impact on their work:

'I think we'll be okay because that's probably why it hasn't been brought to my attention because we've been required as a council to do that since the first or second bit of the DDA, so the fact that we're a council landlord means we should be covered. We'll look at it and make sure that we're covered.'

(Local authority)

'We do that anyway.'

(Local authority)

These examples highlight the complexity and confusion which can arise from the interaction between housing law and anti-discrimination legislation. There was also a degree of confusion over the requirement to make physical adjustments which has not been introduced, as several of the local authorities thought that they possibly already had a legal obligation to do this:

'Until recently, I always thought we did have a duty to consider, wherever reasonable, any requests for alterations in homes, it's only because our social services, because we're a district council, they challenged us recently about you must do this and we checked it out, so I knew we didn't have a duty. I don't think that's going to change the way we deal with things.'

(Local authority)

None of the letting agents or private landlords had heard of the new duties specifically. When these were outlined for them in the interview, they did not tend to feel that they would impact greatly on their practice (this is discussed more fully in Section 4.4).

3.2 Disabled tenants' awareness and use of DDA

Around half of the tenants were aware of the DDA to a greater or lesser degree. Some had merely heard of the DDA while a few others were aware the law covered both employment and the provision of goods and services. A few tenants were confused about the details of the DDA. One tenant was aware of the employment provisions of the Act, but incorrectly thought the DDA used quotas:

'I know the DDA, it's like for employing people you have to employ a certain amount of people with medical problems.'

(Disabled tenant)

Very few interviewees were aware that the DDA specifically covered the rights of disabled people as tenants:

'I define that a housing association is a provider of goods and services and as such they need to make reasonable adjustments to make sure that I get equal treatment to other people in terms of accessibility to information and services.'

(Disabled tenant)

'I don't know that a disabled tenant has any more rights than any other tenant.'

(Disabled tenant)

The few tenants who knew something of the DDA reported that they found the Act complicated. One tenant who was aware of the duties for landlords worked for a disability charity and was up to date with legislation because of his job. However, even he reported finding the legislation complicated:

'Although I work professionally I think the whole legislation business is such a complicated issue for most people. I may know more than the average because I do know snippets of legislation related to my work but I still think as a member of the public generally. I'm not a lawyer, with the amount of regulation there is I'm sure there's a hell of a lot I don't know about which maybe would be useful.'

(Disabled tenant)

Some of the tenants were surprised to find that they could be defined as disabled under the DDA and that therefore, as tenants, they may be protected by the Act. Tenants tended to use a physical definition of disability. One of the tenants, who had epilepsy, did not consider himself to be disabled until a recent operation left him with mobility problems. Another tenant whose husband had Alzheimer's told us:

'Is it [Alzheimer's] a disability? To me disability is when you can't walk.'

(Disabled tenant)

Tenants were interested to find out there are laws protecting them. Once the DDA had been outlined, a few thought knowing about the Act would make a difference to them as tenants. Following an outline of the DDA, one tenant with learning disabilities who lives with her sister who also has learning disabilities and mobility problems said:

'I think requesting a meeting would be good, if you don't want to speak over the 'phone, you can ask more things. I might ask for this in the future. It might help, especially for my sister. You could show people the problem, they could see it for themselves rather than having to explain it. The problem could be sorted out a lot quicker.'

(Disabled tenant)

There were some differences in the way the tenants responded when they were told of the DDA, and these differences are partly explained by their experiences of renting; their past relationship with their landlord was an important factor in this. Tenants with a more positive experience of renting, generally felt that the Act was of little relevance to them. As an elderly tenant in sheltered accommodation said:

'They [the landlord] are very nice. They come and talk to me. I can't complain about that. I don't feel I've been discriminated against... I didn't know much about it but I have made no requests.'

(Disabled tenant)

Another tenant who had a good relationship with his landlord felt that knowing about the DDA would not make a difference to the way he dealt with them, although he thought that if his was a private landlord, things might be different:

'I know they're working in my best interest anyway. It might be a different story then [if he had a private landlord]. You might have to do something to wake them up a bit. With the landlord I've got I don't think you need to because they're aware of the situation anyway.'

(Disabled tenant)

Some other tenants, whose experiences of renting were less positive, were interested to hear about the DDA. However, they were not sure how much they would be able to use it in reality. Some were concerned that if they complained, their (private) landlords might increase the rent or worse, evict them. As one tenant with mobility problems who was previously unaware of the DDA told us:

'I didn't know there were such rights about. If I've got a copy I've got that back up if I do have any problems. Up to now I've never had any, but you don't know what next week's going to bring. He [the landlord] might decide that he wants the house for himself... It would be a back up if I do have problems, to know that I have rights. Disabled people have more rights now.'

(Disabled tenant)

Few tenants reported experiencing any direct impact of the DDA duties protecting disabled tenants. In one case, a tenant who was in dispute with her housing association landlord over accommodation for her and her family felt the law had not protected them. In another case, the mother of a disabled girl felt the law may offer them some cover in the future, although she was concerned not to upset her landlord. One tenant thought that the DDA gave them more rights but that change would only come gradually and that common sense was necessary:

'It does, I think common sense needs to be applied with it as well. You can't expect everything over night. It just doesn't work like that. Within time, yes. Not over night.'

(Disabled tenant)

3.2.1 The new DDA duties (from December 2006)

There was very little awareness of the new DDA duties among tenants, even among those who had an understanding of the DDA. As discussed earlier in this chapter in relation to local authority landlords, there may be some confusion between the new duties for landlords, the public functions duties and the Equality Duty which all came into force in December 2006. One tenant was aware of changes to the DDA in December 2006, but it was unclear whether he was referring to the DDA landlord's extension, the public functions duties or the Equality Duty:

'The DDA is getting more teeth in December this year in terms of councils have to provide a better service to disabled individuals in relation to all their services which include housing and I would imagine if there's any implications relating to social housing that it's being passed on to housing associations. I would imagine that they have greater duty of care as well. But I don't know the nuts and bolts.'

(Disabled tenant)

Similarly, the disabled tenant who worked for a disability charity and had some knowledge of the DDA was not aware of the extent of the new duties placed on landlords from December 2006:

'Our official remit is that we give advice on equipment solutions for disabled and older people. Things like aids and adaptations to property would be within our remit and I do know about some of the obligations on social services occupational therapy departments to do adaptations to homes, usually with a disabled facilities grant. I was unaware of the degree of obligation placed on housing associations after December on making aids and adaptations to homes.'

(Disabled tenant)

For further discussion of the impact of the legislation for landlords on practice, see Section 4.4.

3.3 Summary

- Awareness of the DDA regulations on service provision was high amongst the local authorities but there was a relatively low awareness of the specific DDA duties for landlords. Awareness of other pieces of housing legislation, such as the various housing acts, was much higher.
- There was a greater awareness of the DDA duties for landlords amongst housing associations, many of whom knew about the pre-existing and new duties, although not usually the details of the legislation. Both groups tended to talk of the DDA and its impact in terms of broader service provision.
- There were low levels of awareness of the DDA amongst the letting agents and private landlords, with most unable to spontaneously mention any legislation protecting the rights of disabled people, and a number not having heard of the Act once it was mentioned to them. None were aware of the details of the pre-existing or new DDA duties for landlords.
- Around half of the disabled tenants were aware of the DDA to a greater or lesser extent but few realised that it also covered the rights of disabled tenants, and there was little awareness of the new duties.
- Tenants were interested to learn about the DDA duties for landlords and a few felt that knowing of their existence would make a difference to them as disabled tenants. Few had experienced any impact of the DDA with regard to their housing situation. Some felt that it could help to bring about change in the future.

4 Adjustments and arrangements for disabled tenants

This chapter considers the adjustments and arrangements made for disabled tenants by their landlords. It looks first at the adjustments and arrangements which are covered by the new **Disability Discrimination Act (DDA)** duties, that is to policies, practices and procedures, and then at the provision of auxiliary aids and services. The chapter then moves on to look at the adjustments which are beyond the scope of the new DDA duties. The impact of the new legislation on the different types of landlord is considered in the next section, and finally the chapter looks at the communication and understanding between landlords and tenants, from both their points of view. There were so many similarities found between the local authorities and the housing associations, and the letting agents and the private landlords, that these two groupings have been used throughout this chapter. Where relevant, the views from the tenant and stakeholder interviews have also been outlined.

4.1 Adjustments to policies, practices and procedures

4.1.1 Local authorities and housing associations

Changes to methods of communication were some of the most commonly cited adjustments. Local authorities tended to have experience of communicating with their tenants in response to requests, including using email rather than letter, audio tapes, large print, or sending out letters on yellow rather than white paper (to aid people with dyslexia). Similarly, the housing associations were each able to give a number of examples of adapting their methods of communicating with tenants as necessary:

'We provided information in alternative formats, ranging from Braille to tape, to larger print and also a range of different formats and a range of different languages as well. As well as that we would put people in touch with an advocacy service, if they want to use that, or send staff to their home to explain it to them. We've got that. It's not entirely under control but we've made big strides in that to improve the range of information services that we provide.'

(Local authority)

'We have Braille, we can also get stuff on CD or video cassette for people with hearing impairments. We do the full range of that side of things. We've done that for years.'

(Housing association)

Visiting tenants, or meeting them in a suitable venue, and allowing more time for a meeting as necessary was also reported to be common practice amongst the local authorities and the housing associations. Where appropriate, they would also arrange to meet with the disabled tenant's support worker as well:

'I certainly allow more time for a meeting. This office isn't the best for people with physical disabilities. We use local halls and the house if need be. Very much so in terms of literacy difficulties, we're trying to encourage far more personal contact with people rather than letters because we know that a lot of people just won't even read or maybe can't read the letters.'

(Local authority)

'Thinking back to the man we have who was partially blind and in a wheelchair, communicating with him, we'd arranged to go with a social worker in the homecare and communicate things together so we'd all be there. We were all there and then we'd arrange to meet on a regular basis, so it was consistent.'

(Housing association)

Many of the adjustments to practices and procedures, typically the methods of communication, were made in a reactive way, i.e. in response to a request from a tenant. However, there were instances where local authorities and housing associations were trying to set up systems which would flag up the methods of communication which individuals needed, if this was different from what would usually be done. Some of the interviews with both housing associations and local authorities revealed that they liked to visit their tenants personally rather than communicate by letter whenever possible, regardless of whether their tenants were disabled or not. This was more difficult for local authorities with a large number of properties than it was for some of the housing associations, which tended to be smaller. As a result, they often knew many of their tenants and were familiar with their circumstances.

There were some examples where housing associations had made adjustments such as waiving the conditions of the lease in order to assist a disabled tenant. For example, in the case of a man with mobility difficulties who used a scooter:

'He lives on the ground floor. Some of the walks have wider access than others. Some of the other residents are able to park their scooters in the communal block next to their door and this particular one because of where he is, he couldn't, so what we've arranged to do with him is normally if he wanted to lease storage he'd have to pay for it, but because he's storing something he needs for everyday use we've waived that and he is able to keep his scooter in there and we provide the travel lock and everything to make sure it's secure.'

(Housing association)

Another example concerned a tenant with a hearing impairment where special arrangements had been put in place when anyone from the housing association visited her:

'There's a lady that lives on one of our schemes and she's deaf, so she has a flashing door bell. When we go to visit what we will agree to do is to ring the bell, wait five minutes and ring again so she knows that it's us that's coming. Quite often with people that are deaf, is that they're always a bit nervous about going to the door because they don't know who it is.'

(Housing association)

Some of the local authorities could not provide many examples of the full range of potential adjustments to policies, practices and procedures but when shown lists of what these might cover, were able to give examples of the kinds of situations they would be able to respond positively to, according to their standard practices.

An issue raised by landlords of all types was that it could be extremely difficult to make the appropriate adjustments for people with mental illness, depending on the degree of their condition. There were cases where people with mental illness had been moved to supported accommodation when their behaviour deteriorated, as general needs accommodation was no longer suitable:

'I don't think it's fair to say that any of them we'd be unable to accommodate but there is an issue of degree with learning difficulty and mental illness – you sometimes have to think of the effect on neighbours and whether we've got the support.'

(Local authority)

Another interesting issue was a local authority's policy of providing a two bedroomed house to a family of four until the eldest child was ten, at which point a three bedroomed house would be allocated. This had been challenged by a tenant with a visual impairment:

'There's a family of four and they're living in a two bedroom house. The children are five and seven and it's the mother who's blind. Our allocations policy says that a family of that composition should only be entitled to a two bedroom home, however, because the woman is blind the family feel they need a wee bit more space, that the children should have a bedroom each to be able to accommodate things better. However, our policy isn't quite simple enough to deal with this. We feel as if we're going round in circles and this family want a three bedroom house. However, we won't accept them for that until the eldest child is ten.... Usually in a case like that we would get letters of support from the doctor or from social work. Usually someone gets involved but I don't know whether it's down to the family's independence that they don't want these people involved or the fact that people haven't been supporting in that sense. If we did get the support and evidence then we could look for special consideration to be made.'

(Local authority)

More usually, local authorities felt that they would not have a problem in adjusting the more straightforward policies, practices and procedures for disabled tenants:

'In terms of policies and procedures I can't think that there would be anything that we would be saying no to.'

(Local authority)

4.1.2 Letting agents and private landlords

There were a few isolated examples of letting agents and landlords who had responded to requests to change methods of communication for particular disabled tenants, for example, providing large print communication:

'The partially sighted man did want [communication] in large writing. We were able to do that. We didn't have to change anything, we just had to change the font size on the computers. Providing the paperwork for meetings in a format suitable for tenant; we've done that, those two go together in regard to terms and conditions and paperwork, it's the same thing isn't it.'

(Letting agent)

Some of the letting agents and private landlords had no experience of disabled tenants with the types of impairments which would necessitate adjustments to policies, practices or procedures, and they had never had any requests of this kind. However, they were happy to consider the kind of impact this might have on the way they operated.

'A few years ago it might have been difficult doing something like that [providing large print letters and other adjustments to communication]. Nowadays where we do everything on computer, we can easily produce something in large print or, you know, there are programmes and devices where you can do the whole range.'

(Letting agent)

In some instances they didn't feel that the duty to make adjustments to policies, practices and procedures would make much difference in practice:

'Allowing more time for a meeting? Well actually that's perfectly reasonable. I mean we find anyway that different tenants require different amounts of time to explain things to.'

(Letting agent)

'There's very few times I've written to a tenant. It's usually a "once more and you're out" routine. If I want to sort something out with a tenant I go and see them and talk with them. No I wouldn't say I've had to make any adjustments at all.'

(Private landlord)

The potential issues which were raised with regard to the new duties related to the knock-on effect which adjustments for a disabled tenant could have for other tenants, or for landlords themselves. For example, one of the letting agents pointed out that it would be difficult for them to comply with the aspect of the new duties which could require them to waive the conditions of a lease, as they were operating on behalf of landlords who they needed to protect:

'Waiving the terms of a lease to accommodate a tenant with disability – no, we would never do that. That would be detrimental to the landlord. It's the landlord's property so waiving any terms of the lease may have a detrimental effect on the landlord if something were to go wrong. The tenant didn't pay his rent and moved out and then the landlord would say you told me to waive this and this and it's made the tenancy agreement invalid. Any alterations to a tenancy agreement could cause it to be invalid.'

(Letting agent)

In fact, a situation such as this would be open to challenge, and it highlights a misunderstanding that lease terms can supersede the DDA legislation, when in fact DDA legislation would take precedence over the terms of a lease.

A number of the private landlords and letting agents had had bad experiences of housing tenants with mental health issues which they had been unable to deal with, with the result that both the landlords, letting agents and the neighbours of the tenants were adversely affected. Making adjustments for people with mental health issues was felt to be potentially problematic, depending on the extent to which individuals were affected:

'There will be some mental health issues that you couldn't deal with and others that are perfectly easily dealt with depending what they are, e.g. does it involve violence?'

(Private landlord)

'We did have somebody four or five years ago who had a very serious mental problem and we weren't aware of it and she had a history of problems and she caused us the most enormous amount of grief imaginable by making the most outrageous accusations.... You have to be so careful.'

(Letting agent)

4.1.3 Disabled tenants

One of the disabled tenants with a visual impairment had experience of trying to communicate with his landlord in a number of ways but found that email worked the best for him and felt that procedures had been adjusted to allow this. Another tenant with a visual impairment said their landlord wrote to them using large print, usually by email, and that they also supplied the standard letting terms and conditions to them in large print. Most of the tenants had not requested that their landlords make any special arrangements regarding communication.

4.2 Provision of auxiliary aids and services

4.2.1 Local authorities and housing associations

Local authorities had provided a wide range of auxiliary aids and services, including lamps, ramps and handrails, grab rails, changing the direction of door openings or changing it into a sliding door to allow someone to get through, changing taps and door handles, and raising electricity sockets. The housing association had also commonly made these types of adjustments, in fact some were now fitting disabled access handles and taps to all of their properties as standard in their new builds, and during upgrades to their existing properties. Some local authorities and housing associations had provided more specialist auxiliary aids and services from time to time, including adapted door entry systems and smoke alarms for tenants with sensory impairments. Local authorities in particular said that many of these smaller types of adjustments were made fairly frequently, given the large number and diverse needs of their tenants:

'There are simple, straightforward adaptations: raised toilet seat, grab rails to help, an assessment of their needs would be taken and those services would be provided. The Stay Put Scheme is all about trying to bring those adaptations to their current homes so they can stay put rather than be moved to another accommodation that's specifically adapted for disabled people. One of the issues is that somebody's adaptation for their disability isn't necessarily the same as the next person's.'

(Local authority)

'We've got a bell system in a couple of the flats. Similarly, for the people who have hearing disabilities we've installed a light that flashes so it alerts them to a danger. In terms of a doorbell and door entry systems, we monitor those on a yearly basis to make sure they're working properly.'

(Housing association)

The housing associations generally tried to respond to their tenants' requests for auxiliary aids and services in a pragmatic manner, being flexible wherever possible to make the most of their resources. However, there was a limit to what they were able to do:

'One of my tenants who lives in a two bedroom general needs property, she has had a couple of operations on her knees and was finding the stairs very difficult. All she needed was a couple of grab rails so we'll put them in for her, no problem. Put a grab rail wherever she needed it to help through that situation. I had another gentleman who had a hip replacement, couldn't manage the stairs so we got a Stannah stair lift and put it in his property to help him go up and down stairs until he recovered. We then took that out and put it in somewhere else for the same sort of problem. We're trying to be as flexible as we can for our tenants but I'm not going to say we can do everything because we can't.'

(Housing association)

'We're very responsive. We haven't got different departments, we cut out a lot of the red tape. We would probably be able to turn that [changing door handles or taps] around within three to four weeks. A referral would come in, we'd ask for any back up information, which would come in within a week. If we've got the money in the budget and if it's a low level adaptation it would be approved and then we'd get one of our general contractors to do the work.'

(Housing association)

There were also examples where local authorities and housing associations had replaced flooring to make it more suitable for the tenant:

'I can think of a whole flat that's been entirely fitted with non-slip flooring, it was probably partly carpeted and lino before. It's a small flat and while you're doing it you might as well do right through. That is one I am aware that we've done for somebody that was falling a lot.'

(Local authority)

'We have a family and a child has fits and obviously the flooring is concrete, so we've put down special adhesive flooring in, so they can put in carpet on top, so when she does fall, there's something that's not hard. It's quite spongy.'

(Housing association)

Many of the local authority housing departments did not have direct experience of providing and installing auxiliary aids such as portable ramps, or aids for people with sensory impairments, as they were provided for their tenants by social services rather than the housing department itself:

'I think the kind of thing in an individual home you might have for someone with a hearing disability where a light flashes when the door bell rings, they're more things that social services would just do because it's not something the landlord has to do. They're relatively small things that can be given to somebody without it being an alteration to the home. If you did something like that and the person moved tomorrow they'd just take it with them. A lot of those things would be much more social services than housing.'

(Local authority)

One of the housing associations also said that they would expect their tenants to go to social services for specialist furniture and auxiliary aids. Exactly what fell within the remit of the housing departments and social services varied between local authorities. One local authority said that they were responsible for the fixed aspects of a property and any changes required to moveable furniture was the responsibility of social services; however, another said that social services had a wider remit including, for example, walk-in showers:

'Specialist furniture would come by our social work department; things like seats for a walk-in shower, that sort of thing.'

(Local authority)

In all cases, there were staff who liaised between departments to try to ensure a co-ordinated approach to any requests for adjustments.

4.2.2 Letting agents and private landlords

There were very few examples of auxiliary aids and services provided by letting agents and private landlords, especially when compared to the local authorities and housing associations. This could be at least partly attributed to the scale on which these two groups operate, with letting agents and private landlords tending to have much smaller portfolios of properties than the local authorities and housing associations. Some of the letting agents and private landlords had no experience of providing auxiliary aids and services, however, one of the letting agents had worked with their landlords in the past to respond to disabled tenants' requirements:

'We don't physically change anything. We don't go to properties and tell landlords do this or that, the landlords are in charge, we just manage a property for them and find the tenant. They're happy with the tenant and if the tenant raises an issue, wants something moving, wanting something sorted, it usually gets done. That means that tenant is going to stay there for an extra year or two in that property without the landlord needing to spend money finding a new tenant.'

(Letting agent)

Others had some experience of making adjustments, but did not separate these from the more general repairs and upgrades they carried out on their properties:

'We like to think we're very flexible. Here's the flat or house, if the tenant wants it and they're disabled can we do this or that?'

(Private landlord)

The most common provisions were relatively straightforward, such as changing taps or door handles. One letting agent had changed the flooring from a smooth surface to carpet to assist an elderly tenant. Where letting agents made adjustments on behalf of private landlords, they passed the costs on to them.

The usual practice was that letting agents and landlords agreed a cost limit below which letting agents could respond to requests to make repairs or adjustments without discussing them with the landlord. Above this limit, which typically ranged from £100 to £300 for general repairs and maintenance, the letting agent would contact the landlord to see how they wanted to proceed. Cost was viewed as an issue and a potential barrier by the private landlords and letting agents, to a far greater extent than was seen in the social housing sectors. However, in some cases, tenants had made arrangements for the necessary adjustments themselves, typically through social services and private landlords and letting agents were usually happy for tenants to do this, especially since they were not expected to bear any costs:

'We had a tenant ill recently who had deteriorating health over a period of years. They looked after her by putting in lots of different aids. The landlord was free and easy about it. When people move out the social services come along and take the stuff out.'

(Letting agent)

In some cases, landlords felt their properties had been improved by this. One of the private landlords said one of his tenants had recently had central heating installed in her flat, and this had been fully funded by the government as a result of her son's health condition:

'One of my tenant's sons, he suffers from asthma, her boy, and she's having central heating put in by the government. I've got night storage radiators but she's told me the government will go and pay to have gas central heating installed. I'd be a fool to turn it down.'

(Private landlord)

In the past, this landlord had an elderly tenant who had a new shower and grab rails installed by social services. However, the landlord himself had paid for a door entry telephone system for the tenant so that he was able to let people into his flat without going to the front door of the building. He had this done as the tenant had lived in the property for some time and was a good tenant but he was having increasing difficulties with his mobility. The landlord said that he installed the entry telephone system because the tenant was elderly, rather than classing his mobility difficulties as

a disability. Private landlords spoke of wanting to do all they could to attract and keep good tenants. Hence, in order to keep existing tenants who had proved themselves to be trustworthy, they were prepared to do what they reasonably could to provide what was requested, whether this was an adjustment regarding a health condition or disability or a more general maintenance or upgrading request:

'If they were good tenants I would oblige them. I always look at letting a property as a two way street, you want good tenants but to keep a good tenant happy you have to be a good landlord. I always try to keep my properties as nice as possible.'

(Private landlord)

'I would look at doing work if it was necessary. Apart from it being the right thing to do politically... if you've got a customer for years and no voids that's good business.'

(Private landlord)

4.2.3 Disabled tenants

There were a range of auxiliary aids which had been requested by the disabled tenants interviewed for this research. Some of these requests had been met and some had not. A disabled tenant with visual impairment had requested, and been promised by his housing association landlord, two auxiliary aids to enable him to continue to live safely in his property. One was an adjustment to his shower, and the second a CCTV video camera to replace the spy hole at his front door which he was not able to use:

'They've promised me a couple of adaptations because of my disability. One is a power shower which is electrically controlled so temperature regulated. And the other thing is a CCTV video camera at my front door so I can see a monitor screen.'

(Disabled tenant)

Another of the tenants, who was a wheelchair user, had had difficulties getting the right adjustments made to enable her and her husband, who was also a wheelchair user, to live in the property. Some of these adjustments may have been covered by the new duties although some may have been beyond its scope. They had some difficulties in getting agreement from their landlord, a provider of supported housing, to do the necessary works, but eventually they were done:

'We're waiting for an access shower [to be] put in. The bath is very tiny and my husband is six foot. It's very difficult. Don't know why they put such a small bath in such a large bathroom... When they put the kitchen in they said it was wheelchair accessible, but it wasn't and we really felt legally they had an obligation to make it so.... Initially they haggled because of the cost, but we put it to them, we wrote to the regional director about it and eventually they agreed to do it. I think they realised they didn't have a choice.'

(Disabled tenant)

This tenant had also had their requests for plug sockets to be moved to somewhere more accessible refused, although she felt that the new duties might help to get this changed:

'Every socket in this room, in the whole of the property apart from the kitchen, we've had to put extensions. We can't get to any of them. What they've done is slap them all in the middle of the walls, they haven't put them in corners or edges where you would normally. We said how are we going to get to the sockets... I don't think they should be on extensions. They use more power and you've got all these things trailing across the floor, it's not a good thing. It is an area that under the new ruling we would say "come on it's time something was done about it".'

(Disabled tenant)

Many of the tenants had required less extensive provisions and adjustments. These included grab rails, lever taps, specialist furniture, non-reflective surfaces and non-slip flooring. Another tenant, who also had a mobility difficulty, had been provided with some auxiliary aids including grab rails, a grab stick, some kitchen aids and a shower over the bath by social services when she lived in a house owned by a private landlord. She did not get in touch with her letting agent to get permission before the work was done, as she did not have confidence in their ability to respond to any of her requests. This was based on a previous request for draught-proofing which would have been installed free to the property, but the letting agent failed to complete the application forms within the given deadline.

A number of the tenants had difficult relationships with their landlords and had found that it was very difficult to get them to listen to their requests, whether this was for something in connection with their disability, or because there was a more general maintenance issue. One of the tenants, who had a learning disability, had not requested adjustments in her previous accommodation (a private landlord) as she did not think her requests would be met. It had taken a long time to get even the most simple repairs done and the tenant did not feel that the landlord respected her or her privacy. Similarly, a tenant who had previously lived in a privately rented house which was very damp had found it extremely difficult to get her landlord to address the issue:

'When we first moved in it was okay and the damp just came and one room was so full of damp it was from floor to ceiling and it was a four bed house and at one point we ended up with all of us in just two bedrooms because the damp was so bad and then it came in the other room as well. I ended up with asthma which hasn't gone.... It took me forever to get them to finally do it and this guy hired people who were drunk all the time and they put scaffolding up and I don't know how he managed not to kill himself.... I ended up having to move, that's how I ended up in a council house.'

(Disabled tenant)

Another of the tenants had a daughter who had had to have her leg amputated below the knee, and generally had poor health. Their private landlord was very unsympathetic to any of their requests:

'I remember once I said to him about a radiator. I said she's [the tenant's daughter] is more vulnerable, she does get ill very quickly and he basically wasn't interested in doing anything to help We had a floorboard in the hall which completely broke through, he wouldn't do anything about that so my husband put a bit of wood down and tried to make it more stable but it was so dangerous. Yes, the amount of times I've gone downstairs on my crutches and my crutches have actually gone down and I've nearly broken my arm.'

(Disabled tenant with a disabled daughter)

Many of the tenants who had requested adjustments and auxiliary aids and had them installed complained about the time it had taken to get the necessary work done. When occupational therapy teams or other professionals had to be consulted this had usually increased the lead-in time. A few of the tenants had not requested any adjustments of their landlord, usually as they felt they did not need any. This was the case for a woman whose son had a hearing impairment, who she felt did not require anything beyond his hearing aid.

4.3 Adjustments not covered by the DDA legislation

4.3.1 Local authorities and housing associations

The local authorities were notable for the extent to which their policies and practices far superseded the existing, and the new, DDA duties for landlords. There were many examples of where adjustments had been made to the physical features of buildings, running, in a few cases, to significant and costly changes:

'It's right up to where we've built extensions. I'm thinking of a family home with four or five children plus two parents, one of the children has a severe physical disability. Actually building an extension to put their bedroom in and also a wet room and hoist and all the equipment in there.'

(Local authority)

Again, local authorities would usually involve occupational therapy departments and other agencies in order to be able to respond effectively, and to be able to access any available grants. Some of the housing associations worked with occupational therapists or with disability charities and specialist agencies in their area, which could assist in assessing and responding to tenants' needs. One of the housing associations was finding it increasingly difficult to access occupational therapists through the local authority and was now having to fund these assessments from its own budget. Most of the adjustments to physical features were not as dramatic or costly as extensions to properties but were still beyond the scope of the new duties to adjust policies, practices and procedures, or to provide auxiliary aids and services. Walk-in showers and wet rooms were cited by most local authorities as something they provided on request when necessary:

'[The local authority has provided] walk-in showers, adjusting kitchen fitments, changing doors, layouts within the house, to assist the circulation space. Those kind of practical things. Sometimes creating driveways or extra wide pathways for people to move around their home and then arrangements within the house. Putting in stair lifts.'

(Local authority)

Adjustments of this nature were also seen, albeit to a lesser extent, amongst the housing associations. The housing associations sometimes said they struggled to make the more extensive adaptations because much of their existing housing stock did not easily lend itself to these and their budgets were limited.

Local authorities said that they did what they could to provide their range of tenants, some of whom had considerable mobility impairments or severe illnesses, with suitable accommodation. Wherever possible, they made adjustments to the accommodation the tenants were currently living in. However, this was not always feasible, either because the house or flat did not lend itself to the kinds of adaptations which were required or because the adaptations were too costly. In these cases, the local authorities would try to find alternative accommodation which was more suitable for the tenants' needs or which would be less expensive to adapt. The disadvantage of this was that tenants sometimes had to wait for a suitable property to become available. In some cases, tenants would need to wait until a suitable new build was ready for them and in the interim, temporary measures might be provided if that was appropriate:

'The lead-in time for a new build takes quite a long time. But in most cases we tend to find a solution one way or another. There's not many people in housing that's completely unsuited to their needs but there may be some inconvenience and discomfort for a while, which sounds a bit euphemistic, but for certain individuals we may put in temporary arrangements to help them cope. Wooden ramps or things like that and some people find they're more suitable to their needs but proactively as well, we may identify a house that someone's in that doesn't need it, but another family needs, so we move two families. For example, a house that was purpose built for someone that used a wheelchair, but the person that used the wheelchair died, and then that house is not being used like that any more. That would be a classic, we would approach that person, the person that's in it, saying we're asking you to move, we'll pay for your removal, so that we can accommodate this family's needs. We're quite proactive on that.'

(Local authority)

Housing associations generally had a similar approach; they would, wherever possible, try to accommodate new and existing tenants, either in their existing home or by transferring them to another more suitable property owned by the housing association. However, they were usually more financially constrained than the local authorities in terms of the scale of adjustments to physical features they were able to make. Hence, disabled tenants with the greatest needs were sometimes referred on to other specialist housing agencies which were more able to meet their needs:

'As a team, say a letting officer goes out and does a visit and realises somebody has special needs, they will come back and we'll discuss the case. We'll try where possible to accommodate them in that accommodation. It does depend on budget constraints and what help we can get from other agencies. If we're not able to assist them in that property then we will try and identify something else or signpost them on to one of the other housing organisations in [the area] that are specialist in dealing with people with disabilities.'

(Housing association)

A local authority in Scotland allowed tenants to make their own adjustments and alterations provided they asked permission and gave 28 days notice. These alterations would be made at the tenants' own expense. More usually, in the case of a medical need or requirement as a result of a disability, the tenant would make their request for an adjustment or arrangement and then the housing department would work together with occupational therapy to make an assessment, and recommendations of how to proceed would be made as a result. A judgement would then be made as to whether that would be funded by the local authorities, given that they usually had a limited pool of funds. Sometimes however, this was a substantial amount of money and in some cases it could be topped up to assist with particular cases and situations.

There were cases given where local authorities had not been able to respond to tenants' requests for adjustments beyond the scope of the new DDA legislation. These were usually very costly and also felt to be unreasonable in some way. For example, a man who had significant adjustments made to his house to accommodate his disabled son formed a relationship with a woman soon after the works were completed, and wanted to move into her house. He then requested that the same adjustments be made to her house so that he and his family could live there. The local authority felt this request was unreasonable. In such situations, compromises were usually sought which would be agreeable to both landlord and tenant:

'We've had requests for major works to a home that haven't been possible, either budgetary or there isn't the space, it just isn't practical to do the level of adjustment that would be needed. Sometimes the only alternative is rehousing which isn't always what somebody wants. We can't always do it. Yes, there's not enough money to build every extension you're asked to but it's also space as well, there's nowhere for it to go.'

(Local authority)

For housing associations, the budget available at that point in the financial year often had a bearing on whether the more extensive and costly adaptations could be made. There were instances where it was decided that an adaptation would be made but not until the new financial year's budget was available. In other cases, housing associations felt they were unable to respond to people's needs, at which point they were referred to the local authority for rehousing. Housing associations said that they would do what they could to accommodate existing tenants and also to house new tenants but where they required adaptations such as, for example, a level access shower, this was usually beyond their remit:

'If we have a tenant who, as time progresses, begins to experience problems in using their home then it's only right that we should, where reasonable, do whatever is necessary to help them stay in their home unless the level of their disability is so great that really a move is more appropriate, possibly to another landlord. If we are confronted with a situation where someone comes to us and says, "I'm disabled and I need A, B and C in the house", we're more likely to say no... We're not in the business of housing disabled people in properties where there's no adaptations and saying we'll come along and we'll do this and this so you can live in it.'

(Housing association)

Local authorities and housing associations often referred to the housing stock they had as being a barrier to being able to easily accommodate all types of disabilities. For example, some local authorities said that most of their stock was built in the 1930s or after the Second World War and, as such, was not always suitable for adaptation, particularly for people with mobility difficulties.

One of the stakeholder organisations was a regulator of social housing and was also investing in private developers in order to bring about as much good quality housing as possible. They also aimed:

'To positively promote disability in practical terms and to improve access to housing in all dimensions... We'd be looking to see accessibility on the design dimensions and the way new housing is designed and built. We're responsible for the housing but we also want to make sure the locality as a whole is accessible and inclusive. Also to make sure that existing stock can be adapted further for those who develop a disability while they're in it.'

(Stakeholder)

They also advocated the practice of involving disabled people in the whole process to enable landlords and housing co-operatives to decide what they need.

4.3.2 Letting agents and private landlords

There were few adjustments being made by the private landlords or letting agents which went beyond the scope of the existing and new duties. In fact there had been few, if any, requests for any extensive adjustments from their tenants. However, there had been some situations where private landlords and letting agents had tenants whom they no longer felt they could house. In two of these instances tenants had age-related dementia, and were no longer able to safely live in their own homes without support. The landlord informed the local authority and as a result the tenants were both rehoused in sheltered accommodation.

'We've got very good links with the local authority because we do take people from them and speak with them a lot. I phoned and said we've got two that really could do with sheltered accommodation. In both cases [the local authority] came up trumps and said we've got somewhere. We took them up, they had a look round, they were happy to move on. That was more appropriate than trying to accommodate once you get to that level. We're not there all the time, that's not what we provide. They needed more than we could provide.'

(Private landlord)

One of the private landlords had a very large number of properties including some new builds and these had all been designed to have disabled access:

'All our new buildings are "disabled friendly". Everything new we build has wider doorways and is built with disablement in mind. You have to have a downstairs toilet, all the usual things.'

(Private landlord)

One of the stakeholders which had a national membership of private landlords knew of one private landlord who had installed a Stannah stair lift for an elderly tenant who had been living in the same property for 23 years. The adjustment may have gone beyond the requirements of the new legislation, however, it was felt to have been the right thing to do and an appropriate investment in what had been a very good landlord-tenant relationship.

4.4 Impact of legislation on practice

4.4.1 Local authorities and housing associations

Local authorities tended to feel that the new legislation would not affect their current policies or practices. They were going well beyond the requirements of existing and new DDA legislation already; good examples of this were the many physical adjustments and adaptations which they made to their housing stock, usually in response to requests from tenants:

'I don't think that's going to change the way we deal with things.'

(Local authority)

'It's not going to change anything we do. I think it will affect private landlords.'

(Local authority)

Several also made the point that the new DDA duties for landlords would have little, if any, impact on them as their housing provision was just one part of a wide range of social service provision, all of which was geared to serving the diverse needs of their communities:

'It's much more about us as a council and a service provider generally, that we've been looking at, rather than anything as a landlord.'

(Local authority)

'For me it's more about ensuring that you're providing the service that the residents want rather than the government are telling you under legislation you provide.... Of course you comply but you want to be able to provide more than just what legislation tells you.'

(Local authority)

Some of the housing associations had similar views; their practices often already extended beyond the remit of the new DDA duties:

'We do [make adjustments to policies, practices and procedures, and provide auxiliary aids and services] anyway. Really for us it's not going to have a massive impact. We work with the policies and ethics of the group anyway. Really, for us it's not going to have massive implications like for the private sector, like private letting agencies, where the implications will be great. We're already doing it. For us it'll just be a case of knowing the legislation is out there.'

(Housing association)

'We tend to be fulfilling that [making adaptations to physical features] even though there is no duty. There's a moral obligation. We do loads already.'

(Housing association)

However, there was some concern that the legislation could be the start of more onerous duties which would be difficult to comply with, or which would disadvantage tenants as a whole, or would ultimately backfire for disabled tenants:

'At the end of the day we are here to provide the best service we can to our tenants, like most housing associations but we are not an unlimited pot of money. For every adaptation that we do it's our other tenants that are paying for that. What worries me is how far this is going to go. There's a limited amount of money we can spend and how do we justify spending on one, adapting their bathroom, if the tenant next door needs a new kitchen? Prioritising, "they're disabled, so they're allowed it, but you're not disabled so you can't."'

(Housing association)

'I know private landlords at our forums and they refuse to take, even though not formally, they will refuse to take a disabled person because they don't want to have to spend money on their property. Why should they? It worries me that once conditions and duties are put on, I find that they usually cause the discrimination more than it would have done had they not been put there.'

(Housing association)

A stakeholder organisation with housing association members felt that the pre-December 2006 DDA legislation had had a 'debatable impact' on services for disabled tenants and that this would continue with the new duties. There was concern that the need to define through case law what constituted a physical feature (in the distinction between auxiliary aids and services rather than physical features) could lead to a burden of additional costs for their members. In theory, it was felt that the new provisions would have a minimal impact, as many housing associations were already providing adjustments. However, there was more concern over the legislation on changes to common parts and also in cases where a tenant had experienced a major change in circumstance (i.e. from non-disabled to disabled) but wanted to stay in the same property, potentially requiring physical changes. Although there was still no legal obligation to make changes to physical features, the organisation was encouraging its members to look at cases on their individual merits, taking into account, for example, 'reasonableness', the viability of making a change, the impact on other tenants and cost, rather than merely ensuring they were complying with basic legislation. In terms of the future impact of the new DDA duties, this stakeholder alluded to its contribution to a necessary and timely sea change in attitudes, rather than an explicit awareness of its detail:

'It is leading to a shift change in some respects; some members have historically seen disability as a special needs issue. They don't recognise that it is also an issue that will become more and more important with an ageing tenant population, and that it will become much more wide scale.'

(Housing associations stakeholder)

Another of the stakeholders which was concerned with regulating social landlords, felt that the December 2006 extension to the DDA duties for landlords was 'enabling' and would ultimately promote good practice and improve the whole range of situations. In fact they saw it as a valuable opportunity for change:

'As a regulator and funder it's up to us to take this and take it forwards... We need to be making reasonable adjustments to what we've got, and we shouldn't be building new things now that are not accessible.'

(Regulatory stakeholder)

In fact, this stakeholder saw any disputes which could arise from the introduction of the DDA duties which came into force in December 2006 as a positive outcome of the new legislation:

'Hopefully there will be [disputes] as it's a way of taking things forward. Although we'd like to think they'll get settled on the ground.'

(Regulatory stakeholder)

4.4.2 Letting agents and private landlords

In general, the letting agents had encountered few situations where they felt the DDA was relevant, although half of those interviewed had experience of disabled tenants. One of the letting agents thought that the new DDA duties would have little effect on the way they worked because they had very rarely encountered any disabled applicants, and thought that disabled tenants tended to go into social housing rather than into the private rented sector. They also felt that rather than having any stand-alone impact, the new DDA duties would simply add meat to existing housing legislation, most notably the Housing Act 1988. The new duties, such as taking more time with someone if they needed it, were more usually viewed as 'being flexible' rather than making adjustments as such; for example, one letting agent observed that it was common sense to communicate with someone who was deaf in person or by email rather than over the telephone. They did comment on the potential cost implications of the new duties though, and felt that either the tenant themselves or the local authority should provide financial assistance:

'We would need to adjust the rent to take account of the adjustments. We'd be sympathetic to most requests but we'd need to find some way of being reimbursed.'

(Letting agent)

Another letting agent said that they would do what they could to accommodate a disabled tenant and felt that most of the landlords they worked with would feel the same. In fact, they said that they were careful about the landlords they took on and refused to work with unscrupulous landlords. On hearing about the new duties around making reasonable adjustments, some were relieved to learn that they would not be expected to make structural alterations to their properties. As such, they did not feel the new duties would have significant impact on their practice:

'There's no need to treat a disabled tenant any differently, quite genuinely, because it just depends on what they need.'

(Letting agent)

'Well, as I say, it is really a matter of fairness and reasonableness. You know, we can't be completely aware of the details of every regulation. You know, I don't think, you know, anything like that will arise with us.'

(Letting agent)

The private landlords who took part in this research had more varied views on the effect of legislation on the way they operated. Some, who had relatively small numbers of properties, did not feel that the legislation would impact on them very much as they had limited or no experience of letting their properties to disabled tenants. Those who did, had let properties to people who they did not immediately class as disabled and for whom no major adjustments or adaptations had been necessary. A common view was that they would try their best to accommodate an existing tenant in an effort

to keep them, and any reasonable costs incurred would be worthwhile both from a moral standpoint and because of the financial benefits of being able to keep good and trustworthy tenants. More than one felt that much of the new legislation was 'common sense' and had probably been aimed at landlords who were not already treating their tenants in a reasonable manner. One felt that to them, the difference the new duties would make would be:

'Probably very little. I'm aware if I get a request for the pre-tenancy information guide in bigger print we can do it. If somebody had asked me for that anyway I would have done it anyway. Having the law there makes no difference.'

(Private landlord)

However, some commented that not all landlords would think like they did, and that with the advent of the new DDA legislation some would be reluctant to take on disabled tenants fearing that it might prove to be a costly decision:

'I'm a very small landlord. I think a lot of landlords, if they see a disabled person and think "I most probably will have to do this and this", they might not take disabled people... [For me] a lot would depend on the person. I just want a decent tenant and I'll bend over backwards to make sure my tenants are happy with me. If I had somebody come along, providing it's not going to cost me an arm and a leg ... all I care about is that they're going to pay their rent. They're not going to cause me a lot of problems and if they do need things like grab rails or a bit of extra heating I could put an extra convector heater in but a lot would have to depend exactly what it was. I wouldn't discriminate against them, no. It would be how bad their disability was.'

(Private landlord)

One of the stakeholder interviews was with an organisation concerned with letting and managing agents, but they had had very few, if any, enquiries about the DDA legislation in particular from their members. The DDA was not felt to be a particularly onerous piece of legislation, nor was it seen as too different from other housing legislation, such as, the Housing Act 1980 and 1985 which included a duty not to refuse consent for a tenant (i.e. a non-disabled tenant) to make alterations. The DDA was not seen to be a big issue for members, however, it was felt that there was a great deal of 'unjoined up' housing legislation in general, which could be difficult to negotiate. The impact which the DDA duties for landlords would have on letting and managing agents was felt by this stakeholder to be minimal, compared with the duties of other housing legislation which would apply to far larger numbers of tenants. However, there were some concerns regarding some forthcoming legislation which would give tenants the right to request alterations to common parts, particularly around who would be expected to pay for this and how such alterations could affect other tenants or owner/occupiers in the same building. There were also issues raised around how such adjustments to common parts could potentially devalue the property as a whole to the detriment of others living there, including others who owned their own flats within the same shared block:

'I have every sympathy for disabled tenants, but I would not wish to treat many others unfairly as a result of a small number of disabled tenants.'

(Stakeholder)

A different stakeholder organisation representing the interests of letting agents was concerned about the issue of landlords having to make physical adaptations to properties (although this is not covered by the new duties) and what they saw as a 'function creep', that is, a widening of existing legislation into new areas not already covered by that legislation. This stakeholder felt that in the longer-term this could start to stifle the private rental market and that this had already started to happen, to some extent, for landlords of houses of multiple occupation.

Another stakeholder interview was with a private landlords' organisation, which felt that the DDA itself was not an onerous piece of legislation:

'It's what good decent landlords have been doing anyway, it's nothing for landlords to worry about.'

(Stakeholder)

This stakeholder did not feel that there had been a particular change over the past few years in the way their members had been responding to disabled tenants but that, in general, landlords continued to be keen to ensure positive relationships with their tenants, and as such, they would be approachable and amenable to requests for adjustments and alterations. However, they appreciated that not all landlords would have the good practices of their members:

'The legislation will hit those who are less approachable, they will now be forced to act reasonably. The vast majority of our members act reasonably anyway.'

(Stakeholder)

They also had similar views that the DDA was simply one small piece of a large amount of housing legislation, and as such, landlords were unlikely to focus on it too heavily. In fact, the issue of 'legislation fatigue' was raised, where the DDA could get lost amongst all the other regulations which had been brought in and focused on over the past few years, including for example, the Housing Act 2004.

This stakeholder referred to one enquiry from a member with a problem regarding a potential adjustment. The member was a leaseholder who was being asked to make changes to the property for a disabled tenant who had requested changes to the bathroom and to the door frames. The question was around whether this was a reasonable request and as such, it was a potential test case for the new legislation.

4.4.3 Disabled tenants

Some of the disabled tenants who had landlords who had been fairly responsive to requests in the past, did not think that new duties would make much difference to the way they were dealt with. For example, one tenant, who lived in a housing

association property and who had lever taps installed in his kitchen and bathroom, said that the contractor who did the work appeared to have done so for reasons other than his disability (he had a visual impairment):

'I was quite surprised they put lever taps in. For me that is aimed at people with limited dexterity. My dexterity is fine. It was interesting that the contractor decided it was far better for me because of contamination of food etc., for keeping clean. Which is an area I'd never have thought of as a disability thing. The impression I got is that he would have gladly put a lever tap in anybody's kitchen for that reason. I didn't think it was anything specifically because I was a blind person. He just volunteered and I let him do it.'

(Disabled tenant)

However, he felt that knowing about the new duties would mean he would feel more confident about asking for the things he needed in the future, including, for example, changes to the surfaces of the bathroom walls to assist him in the shower.

Tenants who had not heard of the new duties usually felt that it was worthwhile knowing about them, even if they didn't have any cause to use them at that point in time. A tenant with mobility difficulties due to severe arthritis did not feel that the duties would apply to her at present. She had had adaptations made by social services, mainly in the form of grab rails installed in her privately rented house, and so she did not feel she needed to ask her landlord for this kind of assistance. However, she felt that the new duties would be helpful for other people with disabilities or for her if her condition deteriorated:

'If things take a turn for the worse then I know there are things out there, I can say the law says this is what you have to do.'

(Disabled tenant)

On whether the situation had changed over the past ten years, she commented on the marked differences between the social and private rented sector, the former being more reliable than the latter when it came to getting works of any kind done. There was a general view that requests were more likely to be met by local authorities and by housing associations than they were by private landlords:

'It's not got easier. They're more penny pinching. I would like a council house but the only council houses you can get are in really lousy areas, that's why they're empty. I think the council do jobs a lot better and there is a law they have to abide by to get the job done properly and not mess up your house. When it comes to private landlords usually they get the cheapest person to come and do things.'

(Disabled tenant)

Others agreed that the situation had not got easier for them over the past ten years in terms of asking landlords to make changes to the property:

'No, it's not really [got easier to ask landlords for changes that are needed] if it means you've got to cough up money to make something right, no one wants to do that. Not the landlords I know.'

(Disabled tenant)

'I think it's very difficult. I think you're penalised because you're a tenant. They're quite dismissive and you feel inferior. I think landlords still look down on people.'

(Disabled tenant)

One tenant who had a daughter who used a wheelchair said that they had trouble getting her daughter up and down a step at their property, and felt that a portable ramp, which a landlord could have a duty to provide under the new DDA legislation, would be handy. However, she still felt that broaching the subject with her landlord would be difficult. She said that it would change the way she talked to him to begin with, but that she didn't think that telling him about the DDA duty would change the way he responded:

'To start with I would [make the request], but he's such a clever man, he has a way of making you wish you hadn't bothered... I don't want to rock the boat [by asking for a portable ramp] but we need this and it's really hard. If it was a council you'd just tell them but it's different when it's a private landlord.'

(Disabled tenant)

However, some of the tenants, such as the couple who were wheelchair users, did feel that knowing about the new duties would probably mean their landlord would have to be more responsive to their requests. Another tenant commented that the DDA generally had raised awareness of disabled people's requirements and what could be done to assist them:

'It's become better since they started the DDA. Like large print and stuff, people recognise it needs to be done more than ten to 15 years ago.'

(Disabled tenant)

4.5 Communication and understanding tenants' needs

4.5.1 Local authorities and housing associations

Local authority landlords had a range of different approaches which they used to communicate with their tenants. These included tenants' satisfaction surveys, sending out newsletters and magazines, and regular personal contact with tenants when necessary, through housing officers and housing managers. They also worked with other local authority provision and partner organisations including occupational therapy and community care sections of the council. Most also had tenants' groups and tenants' organisations with representatives who sat on a tenant panel which, in turn, reported to the housing department, or who were involved in strategic

decisions, giving feedback on any changes in policy. In addition, they would receive feedback both through the customer feedback and complaints process, as well as more informally on an individual basis. Some of these had forums of working groups for disabled tenants in particular:

'There is a forum for disabled tenants, the council has separate forums, the aim is you provide a service to all your residents then you have to drill down to what additional needs people have. There are disability groups that meet within the London Borough of [name supplied]. From our point of view we would be looking at trying to provide the service that was necessary for that particular client and that client's needs.'

(Local authority)

Several of the local authorities provided services on an outreach basis. One authority had a neighbourhood manager who visited the estates on a regular basis, and another had 'estate walkabouts':

'We operate estate walkabouts. Because people are reluctant to engage with the council for whatever reason we'll go out. We'll identify an estate, leaflet everybody on the estate, saying we'll be walking round that estate at this time, put this card in your window if you want to talk to us. We'll just go straight into their home. They don't have to bother coming to the office, making an appointment. We can't force people to engage with us but we can do as much as we can to encourage them. ... You'll get somebody call you in and say we need a shower, it's that instant contact, instead of just 'phoning us up, something they keep putting off, and carrying on the way they are, we're there, we're on the spot. They ask. We can commence the action that we need to take.'

(Local authority)

Another local authority had a 'door knocking' initiative taking place, which involved making personal face-to-face contact with all of their tenants, and one of the reasons for this was to make sure that the local authority were responding appropriately to individuals' needs:

'If we knew somebody had a disability, visiting is a good idea and we would try to visit rather than do a letter. Obviously, if someone has mainly sensory impairments then it's going to be difficult for them to read letters and understand them and perhaps someone with learning disabilities or mental health problems where face to face contact is just easier. However hard you try there's always jargon in letters isn't there? So it's easier to explain it face to face sometimes.'

(Local authority)

Similarly, one of the housing associations tried to visit tenants in their own homes to check whether there was anything they needed. Several housing associations carried out resident surveys, and had a residents' panel. However, they did not separate issues according to whether the tenants had a disability, but rather treated each person according to their needs:

'In our organisation it's not seen as a problem or an issue. If we can, we will try and help. We don't really look at the disability. You're asking the question and I'm thinking well, we don't look at the disability, we just look at the individual and what their needs are. We try to put together a package that's suitable for them.'

(Housing association)

Another housing association also consulted with their tenants, but since they were relatively small, with about 200 properties, they were able to keep in touch with their tenants in a more informal way. The interviewee said that she personally visited tenants about any issues which arose whenever it was possible. She commented that she had previously worked for a local authority housing department where she had been less able to provide this personal approach:

'I worked in local authorities before I was here and managed nearly 1,000 properties and from a personal point of view I found it so difficult, people were numbers. It's not that they don't matter but you haven't got the time or budget to allow them to matter. So when I came to work here it's dealing with individuals and knowing them makes a heck of a difference. In a way we can provide a more effective service because we are smaller and more personal.'

(Housing association)

However, she also commented that being smaller meant that they were less able to cater for a wide range of needs:

'From an applicant's point of view we do tend to turn away quite a lot of disabled people because we haven't got the properties available to meet their needs.'

(Housing association)

In general, disability had not been raised as a specific issue as a result of housing associations' consultations; this tended to be raised and dealt with on a case-by-case basis, and the consultations raised issues like service charges and general repairs.

In consultations with their disabled tenants, one local authority had found that people felt that they had had to wait longer than they should for alterations and adaptations to be made to their home. Another had found that people prefer to have adaptations made or auxiliary aids provided which enabled them to stay in their current homes, rather than move to more suitable or sheltered accommodation. One local authority had a mediation team which got involved when there were difficulties with particular tenants and the appropriate adjustments to make, for example, for tenants with mental health conditions:

'In terms of adjusting the letting conditions and housing policies to accommodate tenants, I know there has been a couple of occasions where there's maybe been complaints about a particular person because they've maybe not understood the mental health problems that they have. We have a mediation team who get involved and try to resolve these problems and encourage a bit more leeway, increase understanding and knowledge of these problems.... It's about building a trust between the tenants and ourselves. If you can build that trust then they're likely to come to you with other problems. There's a lot of anti-social behaviour goes hidden and if you can build up this trust they're more likely to be forthcoming with you and share these problems. It's also about enabling these people to live a normal life within the community.'

(Local authority)

The importance of effective communication between landlords and tenants was highlighted by one of the stakeholder organisations with a social housing remit:

'We'd also like to see proper explanations of why things can't be done. Most letters we get from disabled people are as a result of a lack of communication.'

(Stakeholder)

4.5.2 Letting agents and private landlords

There were similarities between the letting agents and private landlords in terms of the way they consulted with their tenants. They had less formal consultations with their tenants and when they visited this tended to be for the purposes of checking that the property was in good condition, rather than that the tenants' needs were being met. The letting agents tended to carry out property inspections between tenants and also at intervals during their tenancy in order to be able to assure the landlords that their properties were being looked after, and on these occasions, other issues were also sometimes raised by the tenants:

'When a tenant moves in we contact the tenant to ensure that they're happy with the accommodation and also we do regular checks, we have an inspection policy whereby one of our lettings department will go and visit the tenant to make sure the house is okay. At the end of the day our client is the landlord. Make sure the house or flat is in good order. At the same time we talk to the tenant and say are you happy? Are you happy living here? Do you have any problems? That's when things may arise or not. A tenant can say "I'm happy with everything, not a problem" or "actually this light doesn't work and you get it sorted". We do have a policy in place where every three months we physically go round and see the tenant in the accommodation to make sure everything's fine and they're happy.'

(Letting agent)

The letting agents and the private landlords who took part in this research were generally very happy being contacted by their tenants when any issues arose for the tenant, for example, when repairs or maintenance were needed. In fact, they usually welcomed tenants doing this as it enabled them to keep the property in good condition. There were few instances of tenants contacting the landlords or letting agents for reasons to do with having a disability:

'You've got to watch wear and tear, things to make sure that, you know, standards are still fit to be lived in. But I've not had any experience of somebody saying "I've now found out that I've got MS and this is going to happen" or "I've gone blind, so I need..." You know, nothing like that has ever happened.'

(Letting agent)

Neither the letting agents nor the private landlords took active steps to find out whether their tenants had any disability-related needs, feeling it was up to the tenants to disclose this information if they chose to do so.

4.5.3 Disabled tenants

Tenants themselves usually contacted their landlords when they had a problem with the property. This was usually in relation to more general maintenance and repairs needed, rather than because they needed something as a result of their disability, although on occasion the two overlapped. There were also instances where tenants requested an adjustment as a direct result of their disability.

Whether the tenants were contacting their landlord for disability-related issues or for more general repair work which was required, the tenants found it extremely stressful when landlords did not respond to this or took a long time to respond, and there were instances where this worsened their conditions. Several felt that their landlords had generally been too slow in responding to any kind of report they had made for work to be done and this had caused them a good deal of distress and in some cases, had eventually led them to move out.

The methods which tenants used to contact their landlord varied. One of the tenants who had a visual impairment had initially telephoned his landlord (a large housing association) to let them know of problems but he had found this very stressful and he did not feel that his requests were dealt with effectively. He had found that his requests were dealt with much more efficiently when he began to use email instead, and gave him extra scope to seek redress when things went wrong. He had computer software which enabled him to use email in the light of his visual impairment and he felt that for him, email was a far less stressful and more productive method of communication than making telephone calls:

'I started to use email to them and asking them to use email to me. They've been very accommodating with that. In particular, there have been individuals there, particularly in their own internal dealings with contacting the maintenance department about my issues relating to my bath and the kitchen. They've copied me into emails and it's meant that as well as having the customer services, I've even got their manager's emails and when I've had to complain I've been able to forward copies of emails that I've received in the past and I've been able to reply to all of them. I can make noises at all levels.'

(Disabled tenant)

One of the tenants, who had a learning disability and had lived in a house rented from a private landlord, had a very bad experience with her landlord who took a long time to make repairs when she reported problems and also let himself into her home without her permission. Whilst this is an example of bad landlord practice, the nature of the tenant's disability meant that she felt less able to confront her landlord effectively about these issues, which heightened the problems. She had eventually moved into warden controlled local authority accommodation which had emergency alarm cords in each of the rooms, and where the warden dropped by each week to check all was well.

Another tenant who had severe arthritis had rented a house through a letting agent which had not responded quickly to her reports of work which needed doing. When the boiler broke down there was no hot water or heating for some time, which worsened her arthritis:

'Last Christmas we were a month without hot water and heating. A whole month. They didn't care.... If I rang up they ignored me so I had to write letters.... If something went wrong I'd ring them but they weren't quick off the mark. They always took their time. There was only one person assigned to rentals, no-one else. It was always "I'll have to ask the landlord first". I always thought the whole point of being an agent was so the landlord gives you the responsibility so at least if the heating breaks down you can get it fixed. If the roof leaks you get that fixed. They had to ask first and that could take weeks. I got really cross and thought what's the point in being an agent if you don't get any responsibility?'

(Disabled tenant)

Her experience of local authority landlords had been much more positive, as they had responded to any requests she had made within ten days. Another tenant had had a similarly bad experience with her letting agent, to the extent that her daughter had had to take on the work of dealing with the agent to try to get them to understand her mother's condition (breast cancer and lymphoma) and get the necessary work done.

One of the tenants had been part of a tenants' committee, and felt it had been useful as she got to hear what was going on; however, it had not prevented her from having a bad experience when communicating with her landlord about getting the lift to the building repaired and eventually, the possibility of having a new lift installed. The tenant and her husband were wheelchair users, and had on several occasions needed to be carried up the stairs by the fire brigade in order to reach their flat on the first floor when they returned home to find the lift out of order.

'I wrote a stropmy letter to the landlord. I wrote it to the region this time and now we are getting responses. They got the lift company to come out the following day. We had to put some pressure on.... They've now said they're going to ask for a new lift for me.... Hopefully we'll get somewhere. We've realised it's sad but we have to fight for everything we need.'

(Disabled tenant)

Where they were able to do this, some tenants found that approaching other agencies, such as social services, or using a support worker was easier, less stressful and often more effective than contacting their landlord directly. A few of the tenants knew their landlords or letting agents well and had good relationships with them. However, some of the tenants with private landlords had difficulty in making their landlords understand and respond to their needs. One woman whose daughter was a wheelchair user said of her landlord:

'He's not interested. The radiator in her room has never worked and the times I've told him.... She had pneumonia when she was little a couple of times, and I'm sure it's because her room is so damp and cold. He doesn't want to do anything.... He just wants his money.... He comes every three months and picks up his rent cheques, says he'll deal with that and you know he's not going to. We've got no contact number or address for him. We just know his name.'

(Disabled tenants)

One of the tenants had a visual impairment and his landlord, a charity who rented through a managing agent, had always emailed him in large print or telephoned him. He rarely communicated with them, only getting in touch with them if something went wrong; similarly, the managing agents only got in touch with him if there was a problem with the rent. Every six months the agent came to check the property, to make sure everything was as it should be and that there was no damp:

'If there's not a problem you don't need to speak to them, it's entirely down to me at the end of the day. If I want the help it's there.'

(Disabled tenant)

4.6 Summary

- Changes to methods of communication were some of the most commonly cited adjustments to policies, practices and procedures. A variety of these had already been made by all of the local authorities and housing associations and, to a lesser extent, by letting agents and private landlords. Landlords felt that the duties to make adjustments to policies, practices and procedures would make little difference to their everyday practices.
- Local authorities and housing associations had provided a wide range of auxiliary aids and services, including handrails, lamps, portable ramps, changing taps and door handles. There were also examples of replacing flooring in response to disabled tenants' requests. Some of the auxiliary aids and services had been provided through social services.
- Auxiliary aids and services had been provided less often by the letting agents and private landlords, although many had not been asked for such arrangements by their tenants. Some said they would not necessarily separate these types of arrangements from their more general repairs and upgrades carried out from time to time on their properties, especially if they had the potential to improve the value of the property.

- The disabled tenants had requested a wide range of auxiliary aids and services as a result of their (and their families') disabilities and health conditions. These included an adjustment to the shower and a CCTV video camera for a tenant with a visual impairment and adjustments to the fixtures and fittings of a kitchen for tenants who were wheelchair users. A range of other aids had also been provided by landlords or by social services, including grab rails, lever taps and specialist furniture.
- Some of the disabled tenants in the private rented sector had landlords who had not responded to their past requests, whether this was for disability-related issues, or for more general maintenance and repairs. They had little confidence in their landlords' willingness to listen to their requests and felt that their landlords were unsympathetic to their conditions and did not care about their tenants.
- The practices of local authorities and housing associations surpassed the requirements of the new DDA duties for landlords. In some cases they had built new houses or extensions to make a property suitable for a particular family, although more common adaptations involved providing walk-in showers, wet rooms or changing the layouts of properties.
- There were few adjustments being made by letting agents or private landlords which went beyond the scope of the new DDA duties and there had been few requests for these, although there had been some instances where such landlords had had tenants they felt they could no longer house, usually as a result of worsening dementia or mental illness.
- Local authorities felt that the new DDA duties would not have much impact on their practice as they were already operating beyond their scope. Their practices were shaped by their ethos as providers of services for their diverse communities. Many of the housing associations also felt that since their practices went beyond those required by the DDA, the legislation would have little impact on them.
- The impact of the DDA duties for landlords was expected to be small by the private landlords and letting agents, especially when compared to the vast array of housing law as a whole. They had rarely encountered situations where they felt the DDA was relevant, and felt that tenants with multiple or complex disabilities which required adjustments and auxiliary aids tended to go into social rather than privately rented housing.
- Disabled tenants were glad to learn of the new DDA duties and some felt it would make them more confident about asking their landlords for what they needed in the future. Other tenants who had had difficulties in the past did not feel that new legislation would make their seemingly unscrupulous landlords behave any differently.

5 Costs and benefits of adjustments

As shown in the previous chapter, a variety of adjustments were made for disabled tenants, not all of which would necessarily be required by the Disability Discrimination Act (DDA) duties. This chapter discusses the costs and benefits of making adjustments for disabled tenants. It first looks at the direct costs of making adjustments and then turns to the indirect costs. The role of financial assistance is discussed and the impact of the DDA on the perceptions of cost is considered. The chapter then turns to the benefits of making adjustments, from the points of view of landlords of all types and of disabled tenants.

5.1 Costs of adjustments

5.1.1 Direct costs of making adjustments

The underlying reasons for making adjustments varied between social and private landlords, and this had an impact on the way they viewed the costs. Whereas social landlords weighed up the costs of making adjustments against their allocated budget for this, and the potential benefit to the tenant, private landlords and letting agents tended to think more in terms of their financial return.

Adjustments to policies, practices, procedures and terms of lease were rarely considered in terms of direct costs by landlords of any type. Where this could be done, it was seen as part and parcel of the customer service landlords provided to their tenant. Tailoring the communication frequency or medium, for example, could usually be done easily and with minimal direct cost, particularly amongst the social landlords where there were economies of scale due to the numbers they served. The same was true for other additional services, such as providing paperwork for a meeting in a format suitable for the tenant. Where such adjustments had been made, these costs were not usually quantified, or in any way seen as 'additional'.

The majority of evidence about the cost of adjustments relates to the provision of auxiliary aids or to making physical adjustments to the property (although the latter are beyond the scope of the DDA duties). Most of the examples were given by the local authorities and housing associations. The direct cost of implementing adjustments (including the costs of labour) varied and was dependent upon how big the job was. For example:

- building an extension was estimated to cost from £25,000, although one local authority gave an example of an extension which had cost more than £200,000;
- fitting a level access shower was quoted at between £2,000 and £6,000 and a kitchen adaptation would cost around £2,500;
- a handrail could cost around £100-£200.

It was often the case that landlords had two different systems in place, depending upon the cost of the adjustment. For more expensive adjustments, a greater range of individuals were included in the decision making process, while for smaller adjustments the process occurred with only minor consultation, generally through the maintenance department:

'If it's going to be £500 or more then it has to go to the planned asset management department.'

(Housing association)

'When you get into five figures, then you're looking at it much more objectively.'

(Housing association)

The need to consider budgetary restraints when making decisions about adjustments was mentioned by the local authorities and housing associations who had a fixed budget each year. One of the housing associations indicated that they had a budget of around £100,000 a year, while another gave the figure of £500,000. A number of social landlords with fixed budgets indicated that in some instances, tenants had to wait for adjustments to be made until the next financial year because their budget had run out:

'There is a high demand and if we run out of money in that budget they may have to wait 'till the following year.'

(Housing association)

'I often find that we have to say to people it won't be done this year, maybe next year, because it's [the budget has] now gone, or it's been allocated.'

(Housing association)

The local authority landlords felt that part of their job was to balance the expectations of individuals against the local authority's ability to pay for adjustments, for example, by showing a tenant a range of adjustment options and then allowing them to decide which selection of adjustments would be most beneficial to their lives. Wherever possible though, social landlords did their best to meet their tenants' needs, although capped yearly budgets restricted their spending capacity. Some housing associations, in particular, felt that there were limits to the adjustments they could afford to make:

'We're not in the business of catering for all needs.'

(Housing association)

Similarly, one of the local authorities felt that there was always going to be more need than their budget could meet. At the same time, occupational health specialists were very customer-focused and often did not appreciate how difficult it was to provide adjustments within a fixed budget. They felt that it was important that the occupational therapy specialists made recommendations based on what was the most appropriate solution for the tenant, but it suggests that there could be room for better communication between occupational therapists and the housing department regarding the budgetary limitations, and the adjustments that could be made within that.

The letting agents and private landlords were less likely than the social landlords to have a set budget for adjustments. One of the letting agents indicated that they did previously have a budget but because requests for adjustments were so rare (and tended to be relatively inexpensive) they tended to use their repairs and maintenance funding to pay for them. Among the private landlords and the letting agents, the cost of removing adjustments was often taken into consideration before any decisions were made concerning their fitting. It was mentioned by this group that, although it was possible to receive a grant for installing adjustments, this did not cover the cost of removing them should the tenant no longer be in the property and someone who did not require them wish to move in:

'You can get the disabled facilities grant but what they don't cover is the cost of removal after.'

(Private landlord)

'You'd also look at is it something you wouldn't necessarily want to take out. Or is it something you would want to take out. Does it make the property better for the next person in any way or would it put off the next person if they didn't need that facility.'

(Private landlord)

'How easy is it to rent that accommodation out again in its present condition? Do we have to change it back? If we have to change it back that's another cost. Is it worthwhile?'

(Letting agent)

5.1.2 Indirect costs of making adjustments

Indirect costs of making adjustments included time spent administering requests, organising consultations and/or installations. Among letting agents, and the social landlords, there was a perception that arranging adjustments for their tenants was simply another aspect of their job, as a customer focused service provider. Because of this they were unlikely to have attempted to quantify the indirect costs involved:

'Yes, all part of the job. We don't quantify it. We don't break it down that the disability takes longer, we just do it as a matter of course.'

(Housing association)

'We don't really break it down and quantify it.'

(Local authority)

'No. It's my job, it's what I do.'

(Local authority)

Added to this was the duty of care ethos towards tenants. Adjustments were made to meet the needs of their customers; as such it was part of their everyday work:

'I'd like to think in terms of an organisation that we are responding to people's needs and we do care.'

(Housing association)

Turning to the private landlords and letting agents, one possibly unforeseen indirect cost of making adjustments was subsequent increases in rent. One disabled tenant in privately rented accommodation involved her landlord after the boiler needed repairing. Under usual circumstances, the tenant avoided asking for anything from the landlord and had undertaken various improvements to the property herself. After the boiler was fixed, the landlord increased the rent. While this was an individual situation, as it involved a tenant who had been resident in the house (in what had previously been a derelict property) for over 15 years, and the rent was still considerably below average, it nonetheless convinced the tenant not to ask for any adjustments in the future lest she risk additional increases.

5.1.3 Financial assistance sought or received

A number of the tenants indicated that they had received a grant from the local council, once permission to make the required adjustments had been given by the landlord, in order to pay for the changes. For one of the tenants, however, it was felt that it would be better for individuals to organise adjustments themselves as going through the social services could add considerable length to the process:

'You could be waiting two years to see an occupational therapist.'

(Disabled tenant)

There was general consensus among landlords that if they could access alternative funding they would be prepared to do so, particularly if the only other option was to turn down a request for adjustments to be made. As one of the housing associations said:

'We will try and fund it where possible but if we need to access funding then we will go out and search for funding rather than turn round and say we can't have it done.'

(Housing association)

There appeared to be conflicting views as to how easy it was to gain funding for adjustments. One of the housing associations gave the opinion that it was now more difficult to obtain funding for adjustments than in the past; but that it was still possible to make the required adjustments if they worked in collaboration with the local authority:

'We'll meet on site and part-fund adaptations with the local authority... there's not the grant funding available externally through social services that there used to be.'

(Housing association)

Some other housing associations appeared to be effective at applying for and gaining the funding required to pay for the adjustments requested by their tenants:

'Over the last 12 months we've had three or four requests for adaptations which we've furthered on for funding and they've been approved so we've been able to do the job.'

(Housing association)

Examples of private landlords and letting agents seeking financial assistance were few and far between. A few private landlords who worked with local community organisations and charities to house vulnerable groups were more aware of funds which could be accessed. In one instance, a private landlord was made aware, through a tenant, of financial support that could be obtained from the government. Tenants were often central in obtaining such funding on behalf of their private landlords, in that the requests would be initiated through tenants' awareness and knowledge of the sources of support, and they would also complete and submit the applications.

Letting agents had very little knowledge of any sources of financial assistance to make adjustments for their disabled tenants.

See also Section 4.2 for details of tenants in privately rented property arranging adjustments through social services.

5.1.4 Impact of the DDA on the perception of costs

Among the private landlords, the view was taken that adjustments were worthwhile if they were to be put in properties which leaned themselves to being lived in by disabled tenants. For example, they would be happy to make changes to premises with easy access and doors wide enough to allow for wheelchair access:

'I wouldn't say I would do the changes on the third level of flats where we don't have a lift. It would be crazy but to do it in a bungalow makes sense.'

(Private landlord)

The local authorities and housing associations agreed with this viewpoint, stating that it was sometimes more cost effective to rehouse an individual rather than make adjustments to properties where disabled individuals would have difficulty manoeuvring:

'We try where possible to relocate people to a property which is more appropriate for adaptation. We do find in those properties it is really hard because they have narrow stairwells.'

(Housing association)

'The social work department bought a house for one of these people because it was easier to do that than make all the adaptations to the house.'

(Local authority)

Although the social landlords expressed the view that the legislation gave them an obligation to meet the needs of their tenants regarding making adjustments, they also felt that they were obligated to do so before the legislation, so in general the DDA had not brought about a change in their behaviour:

'Yes, there is an obligation to now comply with that legislation...if somebody does identify that they have a disability we straight away have to ensure we are not discriminating against that person, we are meeting their needs.'

(Housing association)

On the whole, the DDA had very little impact on how costs for adjustments were viewed. Social landlords were already accustomed to making more adjustments than are explicitly required as a result of the DDA duties for landlords. Furthermore, the kinds of adjustments to policies, practices, and procedures detailed by the DDA, generally reflect the ways in which social landlords already adapt their services to suit individual needs (including those of disabled tenants). Private landlords and letting agents were in the main unaware of the DDA regulations for landlords, and so the impact on their views of associated costs was minimal.

5.2 Benefits of adjustments

This section explores the benefits of making adjustments for disabled tenants, as perceived by both private and social landlords, as well as disabled tenants.

5.2.1 Evidence from landlords and tenants

All four groups of landlords believed that one of the key benefits of making adjustments was that their tenants would be happier with their accommodation and therefore, more likely to stay for a long period of time. This was perceived to be beneficial because the landlord could be guaranteed ongoing rental payments from a trusted tenant and they did not face the cost of finding new tenants or losing earnings if the property was unoccupied:

'Looking at it from a very cold business, empty properties are expensive.'

(Housing association)

'If you're going to house somebody that needs those things and you're prepared to do it, chances are they're going to be with you for a long time. That also goes into the equation of being good business sense.'

(Private landlord)

'He's happy, the chances are that tenant's going to be there for a very long time.'

(Letting agent)

At the same time, landlords felt that if a tenant stayed in their property for a long period of time a positive relationship could be developed which would make managing the tenancy run more smoothly:

'I want to give myself an easy life so if you try and get a decent tenant and you try and treat the tenant decently the majority treat you decently back.'

(Private landlord)

'It's less management issues for me. I don't get half as many moans and groans.'

(Housing association)

Local authority landlords felt that providing information in formats that were accessible to disabled tenants was also necessary and beneficial to those involved in terms of improving their ability to communicate effectively. Instances of this practice included providing information in large print or in an audio format. In addition, landlords of all types were also positive about spending more time with a tenant should they require it, again this was viewed as just another element of their job and not something that was quantified:

'We would allow more time for a meeting, that would be part and parcel.'

(Letting agent)

Amongst local authorities with limited (and sometimes decreasing) numbers of properties, the use of adjustments, including adjustments to physical features was viewed as an appropriate use of existing housing stock. The cost of making adjustments was seen as a relative saving, when compared to the cost of new builds:

'I think it's about making use of existing stock rather than having to necessarily have a purpose built house.'

(Local authority)

'It's about sustainability and obviously we don't have finite resources and land to build purpose built housing.'

(Local authority)

Both local authorities and housing associations expressed the opinion that providing adjustments was advantageous for them because they would be viewed in a positive light by their tenants, and tenants would therefore want to live in one of their properties:

'We want to be the landlord of choice. We don't want somebody to live in our property because they feel they have to. We want our tenants to want to live in our property.'

(Housing association)

'I think it also improves their perception of the local authority as a whole if they see that we're trying to accommodate them and make things easier for them.'

(Local authority)

Social landlords also generally felt that making adjustments was cost effective for the social services as a whole as it would save time for other departments, such as those responsible for relocating tenants and health care providers, if individuals were able to stay in their own homes. In a sense, the feeling was that once individuals were the responsibility of social services, their needs would have to be met one way or another. The provision of adjustments was often the most cost effective method of doing so. Where the option was either to provide adjustments, or move individuals to other premises, the majority of landlords felt that it was more cost effective for them to provide the former; this was especially felt to be true if it was their responsibility to pay the costs of relocation:

'It's probably cheaper to make adaptations, especially small, minor adaptations to someone's current home than to move them and the cost of moving them and removals.'

(Local authority)

Most housing associations felt that one of the key benefits of making adjustments to a tenant's current property was that they would be able to stay within their community and still be able to take advantage of the social networks that they have in place:

'We felt there was a need to do that based on the circumstances. The parents and family had lived in that area. The family, all the support network was in that area.'

(Housing association)

This view was shared by the local authority landlords:

'If you can keep a person where they are with reasonable adjustments then it's less upheaval for them and it keeps them within the community they've become used to.'

(Local authority)

'Being able to keep clients in their own home where they're comfortable, they know their neighbours, they know their surroundings, they can get to the shops.'

(Local authority)

Social landlords were especially likely to consider relocation as a last resort, not only because of the financial implications but because of the impact on the wider community. In these instances, the landlords took consideration of the long-term effects of continuous relocation and turnover within communities as being detrimental for all concerned. Where disabled tenants could be 'kept in their own homes', it was seen to add strength to the community as well as the individual or family in question. Improved health outcomes, and therefore, less reliance on the healthcare system, was seen as a beneficial consequence of making adjustments to a property. In essence, individuals would spend less time in a healthcare setting if their own home was adapted to meet their physical requirements. At the same time tenants would be able to maintain their independence and therefore, not be reliant on visits from health and/or care providers.

A benefit of the adjustments mentioned by the private landlords was that they increased the value of their property. This was especially true when the local council was paying for the adjustments. In these instances, the landlord did not have to make an initial financial outlay, but would still achieve an increase in their property's value. At the same time they did not face any indirect costs, such as taking the time to apply to the council for the work to be done, as the application for the adjustments was being made by the tenant themselves:

'If a tenant wanted anything that improved the property I would always do that.'

(Private landlord)

Interestingly, the tenants rarely spoke explicitly of the 'benefits' of having the adjustments made; this seems to be because they did not see such adjustments as 'beneficial' but rather as essential in reducing the difficulties of their day-to-day living. Hence, they were more likely to discuss the problems which they had encountered as a result of adjustments they had requested **not** having been provided, than the advantages of any adjustments which had been successfully made.

5.2.2 Impact of the DDA on perceptions of benefits

Few landlords made reference to the DDA when considering the benefits, both financial and other, to making adjustments for disabled tenants. Private landlords and letting agents viewed the main benefits as being increased property value, and improved retention of reliable tenants. Social landlords also referred to cost savings, and efficient spending, however, their main emphasis of benefits related to being able to deliver quality services and reliable appropriate accommodation to disabled customers. This seemed to be the result of their 'duty of care' responsibilities, rather than an impact of the DDA.

5.3 Summary

- The direct costs of making adjustments to policies, practices or procedures were rarely quantified. There were a number of different examples of the direct costs of providing auxiliary aids, and making adjustments to the property (physical features), ranging from £100 for providing handrails, up to £200,000 for building an extension.
- Local authorities and housing associations usually had budgets for adjustments, while private sector landlords did not; however, the latter had rarely made any costly adjustments. The indirect costs of making adjustments were not calculated by social landlords as such practices were seen as part of the job of providing housing. There was evidence that in the private sector, indirect costs could later be passed on to tenants in rent increases.
- Tenants had sometimes made their own adjustments or had sought assistance directly from other agencies, including social services, rather than approach their landlord. In some cases, local authorities and housing associations delegated the responsibility for making more minor adjustments or for providing auxiliary aids and services, to social services and occupational therapy departments. Some of the housing associations had obtained external funding to assist with adjustments.
- The DDA duties for landlords appeared to have had little impact thus far on the way costs of adjustments were viewed. The social landlords were already accustomed to budgeting for works which were beyond the scope of the DDA, and private landlords and letting agents were ultimately concerned with making a profit on their property investments, although they were usually keen to do what was reasonable to assist their tenants.

- All four groups of landlords believed that one of the key benefits of making adjustments was that their tenants would be happier with their accommodation and therefore, more likely to stay for a long period of time. Many landlords also said that they felt it was 'the right thing to do'.
- Social landlords felt that making adjustments was part of their duty to provide appropriate services, while a benefit mentioned by the private landlords was that adjustments could increase the value of their property.

6 Information and advice

This chapter turns to issues of information and advice for both landlords and tenants. It looks at the sources of advice sought by landlords and disabled tenants, including any advice sought on the subject of adjustments. It also outlines the stakeholders' roles in providing information and advice to their members and where the stakeholders themselves obtain the information they circulate. It also considers the additional information and advice requirements from the points of view of landlords and disabled tenants.

6.1 Landlords and stakeholders

This section covers the sources of information and advice used by the landlords and stakeholders. It looks firstly at the information consulted by the local authorities, housing associations and social housing stakeholders, before turning to those used by the letting agents and private landlords, and relevant private sector stakeholders.

6.1.1 Sources

Local authorities and housing associations

Local authorities have well developed internal sources of information and advice on legislative changes with departments that provide information and advice across the council as a whole. The internal departments mentioned include:

- Corporate Policy Unit;
- Corporate Strategy Department;
- Communications Department;
- Legal Department;
- Health and Safety Officer;
- Access Officer.

Close links between housing departments, social services and occupational therapy departments were reported by most of the local authorities, all of which were able to share relevant information and advice. Some local authorities had a service level agreement with the Citizens' Advice Bureaux which could advise them on particular matters and some also used external sources such as professional bodies including the Chartered Institute of Housing.

Many of the local authorities consulted with tenants personally and/or through regular surveys. Some had disability forums, carers' forums and voluntary organisation forums, and held tenant focus groups to get feedback, advice and guidance.

Training was an important part of the way local authority staff received and shared information and advice. Most local authorities ran regular training sessions in equal opportunities which would cover any legislative changes. One example was a district council that organised training from the county's Disability Forum on disability awareness and Disability Discrimination Act (DDA) for staff, board members and tenant members.

Housing associations generally felt well informed about legislative changes and their staff usually underwent some training on these issues. Some had internal sources of advice which they could draw upon in addition to external sources, for example:

- internal legal services teams;
- colleagues;
- solicitors.

In addition to the use of solicitors, a few housing association managers reported receiving circulars and updates from the National Housing Federation. One interviewee regularly referred to the National Housing Federation's guide to landlord and tenant law. Professional networks seemed to be important sources of information for some housing associations, as the manager in one told us:

'A lot would be contacts. I love networking and it's an important part of the job... I think that's important from the beginning, to get into these groups and networks, get all the sites you should be dealing with and then you get all the updated stuff. It's also about filtering that information down to the rest of the staff, that's important.'

(Housing association)

One of the stakeholders which regulated social housing felt that in the area of disability there was 'a long way to go compared to other equalities areas'. In an effort to start to address this, their trade body was in the process of surveying what their members knew about the DDA. They also felt that one of the difficulties with the new legislation was around the notion of 'reasonableness':

'People just don't know what it means, and need practical examples up front. Reasonableness and the fact it can only be defined in law does make it difficult, although it will get better over time.'

(Stakeholder)

The organisation provided its members with policy and practice updates, and members were also able to approach them directly for advice. This stakeholder suggested that the government could sponsor a learning and information network with discussion streams and opportunities to post up the latest news, issues and problems. This could enable managers and builders to discuss issues as they arose, exchange information, and share ideas and good practice.

Another stakeholder organisation for housing associations was fully aware of the DDA existing and new legislation, and had been tracking the Bill as it passed through Parliament. They too were conducting a survey of their members about their awareness of the DDA and what the legislation would mean for their organisation. One of the key roles of the organisation was to disseminate and provide good practice guidance to members, and they were working in partnership with a number of other organisations including the Disability Rights Commission (DRC), in order to perform this role effectively. They had received a small number of queries on disability issues from housing associations and from disabled tenants; these had tended to be in relation to:

- housing transfers, where a new property did not meet disability-related needs;
- information about accessibility and adjustments;
- information on, and access to, occupational therapists.

The extent to which their members consulted with their tenants was being investigated in their current survey of members (this IES research suggests that at least some housing associations do consult through tenant surveys).

6.1.2 Letting agents and private landlords

All letting agents reported having access to some sources of information and advice about housing issues generally but none had accessed advice about disability issues or the DDA. Most had access to legal advice either through a legal helpline or through a solicitor but this was demand-based and hence, none reported having received information about disability, discrimination or the DDA. In a couple of cases, the letting agent received email memoranda from their head office, although they had not received anything substantive on the DDA. Industry bodies were mentioned by a couple of letting agents, one specifically being the Association of Residential Letting Agents (ARLA). However, at the time of the interview, no information had been received by any of the letting agents from ARLA about the DDA.

The findings were similar with regard to private landlords with few having had any specific information regarding the DDA. There was a lack of awareness of the DDA among private landlords which is partly explained by their relative lack of experience of disabled people as tenants. As a result, few had had the need to request information about the DDA and they had received no specific information about the DDA from their usual sources of advice. Most of the advice they received as a matter of course was about general housing issues rather than about disabled tenants. One private

landlord had been involved in workshops with the DRC; he identified the DRC as his main source of advice regarding disability issues and was very positive about the organisation. In terms of general information, most of the private landlords had access to some sort of trade association for advice where necessary, and ones mentioned were the National Landlord's Association and the Southern Private Landlord's Association. One landlord had approached his letting agent for information, a few mentioned solicitors and the Internet was a fairly popular source of information. One private landlord had attended an information day run by the local authority but this was mainly to pass on information about new legislation affecting houses in multiple occupation.

One of the stakeholders had a membership of managing and letting agents, and as such they provided detailed briefs and advice to their members, keeping them well informed of all relevant legislation, including the DDA existing and new duties. The organisation had a DDA specialist consultant to respond to any specific queries or issues which arose. However, at the time of the interview there had been few, if any, enquiries from members about the DDA.

Another stakeholder had a membership of letting agents who had their own code of practice and held regular seminars and training sessions on good practice. They provided information to their members via their website, regular meetings, and a subscription-based newsletter with a separate section on upcoming legislation and regulatory changes. At the time of this research, they had not updated their members on the forthcoming DDA legislation in any detail as they felt they had not yet been sufficiently briefed about it by the DWP. For this reason they felt that most of their members would not have known much, if anything, about the forthcoming legislation at that time.

One of the stakeholders had a national membership of private landlords, and supported its members with an advice line with information and guidance on day-to-day issues and basic paralegal advice. When members required advice which needed more legal knowledge they were advised to go to a solicitor, but their members were generally able to get most of the advice they needed from the stakeholder organisation. The organisation itself obtained its information through its policy unit, which was accustomed to dealing with legislation. The policy team had all worked in Parliament, and still had links there. They would therefore know in advance when issues came up, and often gave briefings to MPs. For its members, the stakeholder organisation produced a monthly e-newsletter and a journal every two months with key news and legislation updates. As soon as the DDA became an act it was highlighted in the e-newsletter, and another article was planned around the time it came into force in December 2006, to make landlords aware that the legislative environment had changed. In the past, they had circulated a list of disabilities and health conditions covered by the DDA to their members:

'We would hope that landlords have an appreciation of the width of disability definition, and we'll be writing something again after December (2006) to try and raise awareness amongst our new members.'

(Stakeholder)

However, they were fairly realistic in their expectations of how much landlords tended to assimilate:

'The general awareness that you need to be fair to everyone is there, but it's the extra detail of the legislation that's missing.'

(Stakeholder)

They also noted though that many of their new members were young professionals who had invested in buy to let properties as an alternative to investing in a pension. These members generally wanted to be 'very clued up' about legislation, to ensure they were acting appropriately and not falling foul of any regulations.

6.1.3 Advice on adjustments

Interviewees were also asked whether they had sought any advice about making adjustments. Amongst local authorities and housing associations, the sources of advice on adjustments included:

- occupational therapy;
- mental health team;
- community care team;
- technical departments;
- access officers;
- social work department;
- social services;
- other local authorities and county councils;
- disability charities and voluntary organisations including Age Concern, Grampian Society for the Blind, Sutton Centre for Learning Disabilities, Skillcentre;
- GPs;
- independent medical advisers;
- external specialists, e.g. regarding bathroom adaptations.

For local authorities, many of the above would be internal to the organisation, while for housing associations, they were more likely to be external. Housing associations regularly mentioned occupational therapy teams in particular, and were generally very positive about the role they played. As one housing association told us:

'The OTs [Occupational therapists], they're brilliant. The head OTs of each area are really fantastic. I talk a lot of things through with them and because they're in contact with other organisations, other housing associations, they can often say to me so and so's doing it this way. It's good.'

(Housing association)

Letting agents and private landlords had minimal experience of making any adjustments, hence, few had sought any advice about adjustments. One letting agent reported having access to a legal helpline which gave advice on housing acts and premises if necessary.

6.1.4 Additional requirements

Local authorities

On the whole, local authorities did not feel they had any extra advice needs regarding disability legislation, primarily as they thought they had all the information they required. As one local authority told us:

'I can't think of any information needs. The reason for that is that we'd done an enormous amount of work in producing leaflets and guidance and information.... We've now got to the stage where we're about to produce a summary leaflet that gives a summary of all the different leaflets that we produce. We are at that stage.'

(Local authority)

It was also argued by some that the information is available, somewhere, if needed:

'I think it's out there if you need it. Most things are relatively standard and we can deal with ourselves, there's lots of links into various networks with other authorities, if you haven't done it there's always somebody else who has. You can usually find it when you need it.'

(Local authority)

There were some exceptions to this, especially regarding new legislation as it comes into force. For example, once informed of the new DDA duties, one local authority housing manager thought that more information should be available to housing officers:

'I think we need some information on some of the duties that are coming out of the DDA in December 2006; we should have a copy in every office so that managers can be thinking about what changes are coming in for them.'

(Local authority)

Another manager suggested that information about the law could be provided to staff in a small leaflet which they could carry around with them to become more familiar with the DDA:

'It's always handy to just get a leaflet that just gives you a general breakdown in English and where to go if you want to look it up in legal terms, fine that's not a problem. But just a breakdown of what you can and can't do. It sticks in your head a lot better. You can take a carrier with you for a few weeks and if you do come across anything it's in your car, ready, you can just flick through. This is what they're saying we've got to do but I'll have to clarify that position if I'm not sure. A4, A5 size, stick it in your folder, keep it for a couple of months until you're satisfied you know what you can say.'

(Local authority)

The Internet was mentioned by a few interviewees. The manager referred to above also said that if he needed information about the DDA and it was not available internally, he would go to the Internet and look at a health and safety linked site which he seemed to think was run by the DDA. Another local authority initially thought they had no information needs but on further consideration suggested the idea of a website about disability, similar to one used for race issues:

'I don't know if there was information available on a website, we do subscribe to a service for information on race issues, it's called Race Action Net which is a website which gives you all up to date information on race and housing issues and new legislation, current topics. I'm not aware of anything like that with disability. It's not provided by the government and it's not free, it's something we pay for. Something like that would be useful. Until you just mentioned it, I hadn't thought there was a gap and we need it filling.'

(Local authority)

Housing associations

Most of the housing associations were satisfied with the amount of information and advice they had received or had available to them:

'I'm satisfied at the present time in the levels of information that we've got access to and we can provide for our tenants. If there's a specific need where we need more information or we need to do more then we will make that available to ourselves and to our tenants if need be. We're always willing to work with other agencies. We never say we are the finished article. If there are changes and we need to tailor our service to be more specific then we will do that as quickly as possible.'

(Housing association)

'Yes we get circulars so we'll get a circular from the Housing Corporation or the National Housing Federation, they will update us. We've also got access to the Internet, we'd put in the search engine DDA and it would come up with good practice notes. The information's out there and we do know how to access it.'

(Housing association)

However, the amount of information held by housing association staff was variable and levels of awareness seemed to depend on certain individuals being informed. One of the housing association managers was very well informed through a range of sources of information and advice:

'For years, because I was in local government, I keep the websites up to date so the DDA send me emails on stuff, disability groups send me stuff, I'm on the government websites as well. I get all the info every morning when I come in, legislation, papers coming through. What I do I send them out to others in the organisation. When legislation comes in we make sure that one of us goes to a conference and we have to come back and feedback to everyone else and then the relevant people that need to be there pick up on what they need.'

(Housing association)

A few housing association managers expressed a need for information regarding the DDA and other legislative changes. In one case, a housing manager requested information about the legislation, and suggested this was provided in brief, bullet point form which was perhaps updated when necessary:

'Leaflets are useful. Usually we get consultation papers from the government saying they're consulting us because they're planning to do something. You never usually get the full document at the end of it. Bullet point form would be brilliant. So you don't lose it in a big pamphlet of blurb that you haven't got the time to sit and read. Whether it's emailed or sent through the post. Once in a while a 'phone call like this would be really useful, "did you know there's an update to the DDA, do you know that this is now your duty?" Half the time we don't know.'

(Housing association)

This manager told us that she finds it difficult to keep up to date with legislative changes and suggested an email update from a government department would be helpful to alert them to a change:

'There are so many legislations that go through that you can't keep abreast of them all the time. Unless someone tells you something else is going through. Even an email alert from a department would be good. There's new legislation and duties, go and look it up on the website, that would be useful.'

(Housing association)

Another housing association wanted information on adaptations for particular disabilities:

'I've got this meeting tomorrow with my tenant with learning difficulties with social services and we sit there thinking "what now? who can we get?" We've tried floating support, she told them to go away. Now what? Who do we now go to for help, we need help with this? We're going to be trying to find the next place we can get support for this person and it's not there. It doesn't look like there's any set route either, for the deaf, even getting one of these hearing links or if I had a blind tenant how to go about getting their letters sent, I wouldn't have a clue where to start. There's no definitive answer.'

(Housing association)

The interview for this research was noted by some as a source of information on the DDA, particularly of the December 2006 duties. One housing association manager felt that the interview highlighted his lack of knowledge, although he did believe his superiors would be able to provide the information.

Another manager suggested that more training was needed on the DDA for her and her staff to keep them up to date and that a consortium approach could help to keep down costs:

'A consortia approach to training would be useful. I've worked for a large organisation and they will have in-house training, particularly on the DDA. They'll have 20 members of staff in the board who will be trained all day. That wouldn't work for us. There is a possibility that we could fall through the gap where we haven't been able to access training, and time marches on and we're in breach because we don't know what our obligations are.'

(Housing association)

Letting agents and private landlords

Most letting agents were happy with the amount of information they had about the DDA, although few actually had any information about the DDA specifically. One letting agent, who had not received any information from the relevant professional body and was not aware of the DDA, thought that the government could do more to publicise it and that the publicity should be targeted more at tenants, as in his view:

'It's the tenants who will bother landlords into doing things, they won't do it otherwise if it's going to cost money.'

(Letting agent)

Another letting agent who had not heard of the DDA requested more information, by email or letter, to ensure they were complying with the law:

'I'm none the wiser from our conversation whether I need to be doing something, if I do, yes, I think I need something because it's not been enforced by (Head Office) to me. They're very good at enforcing things we need to do. If I'm doing something wrong yes, I'd like to know somehow.'

(Letting agent)

One of the private landlords felt that their landlords' association could usefully publicise legislation such as the new DDA duties, perhaps by email, before discussing it at their next meeting. Several private landlords belonged to such associations, and these would be their first point of contact if an issue arose with a disabled tenant. Another landlord said that his letting agent dealt with all issues around legislation. As such, the private landlords who took part in this research generally felt that although they were not as well informed about specific pieces of legislation as they might be, they would know where to go for advice if needed, and they did not have any additional unmet requirements for information:

'I've got access to what I need. Where it's driven from is the customer. If the customer says X and it's something I don't know then I go and find out.'

(Private landlord)

6.2 Tenants

Tenants were also asked a range of questions about sources of information, advice and support.

6.2.1 Sources

Tenants reported accessing a range of sources of advice, some formal and some informal, however, these were primarily concerned with housing matters generally rather than specific disability issues. The exception was the DRC, which was mentioned by some of the tenants:

'I am aware now that we are fairly well protected by the Disability Rights Commission. I do find that quite difficult to access. I've been searching on Google. We have a young chap who lives in one of the flats at the other end of the cottages. He works voluntary work, for a disability group in [city] and he's quite good to chat to occasionally. He tells me he's got various books, manuals that he uses. He's going to let me borrow one but I'm still waiting for it.'

(Disabled tenant)

The Citizens' Advice Bureaux was mentioned by some tenants, one had approached their MP, one had received advice from their local authority, and one from their GP. In a couple of cases staff from health and social services such as occupational therapists, support workers and community nurses had provided advice and support. A tenant who worked for a disability charity said he would approach the Disability Law Services for information. A number of tenants said their family had been a source of advice, and one of the disabled tenants had a support worker. The Internet had been accessed by a few tenants. However, not all of the tenants had sought any advice or information about their rights as disabled tenants.

6.2.2 Additional requirements

Many tenants had not been aware of the DDA prior to the interview; however, when the DDA duties had been outlined, most wanted to know more about their rights:

'I'm the sort of person where if anything affects me I always send off for everything and read it. Now you've mentioned it to me I would like to read what we've been talking about.'

(Disabled tenant)

'Yes of course I have to know. If there is a right or a law or something, some rule for disabled people in the housing they can't do this, you know, you know what happened with me and my son and my husband. So if there is some rules they can't break it, but if there is no rule they can do what they like. Yes, tell me.'

(Disabled tenant)

Some tenants, especially those who had never sought advice before, said they did not know who they could ask or where they could go for advice:

'Especially with the heating I've thought I need to speak to someone. You can't just not bother. In a normal situation you'd think he [the landlord] has to do something but when the child's disabled as well you'd think he'd give more priority to it. Who do you talk to?'

(Disabled tenant)

6.3 Summary

- Local authority housing departments have well developed internal sources of information and advice from a number of other relevant council departments, including corporate policy units, legal services, social services and occupational therapy. In addition, they commonly consulted with tenants through forums and surveys.
- Housing associations had a number of internal advice channels, and also consulted some external agencies including the National Housing Federation. Social housing stakeholders provided their members with regular policy and practice updates, conducted surveys and provided advice on request.
- All letting agents had access to advice on housing matters, but none had accessed information on disability or the DDA in particular. Private landlords had also had little reason to access advice or information on disability, but some belonged to stakeholder organisations which gave them more general housing issues updates.

- Private sector housing stakeholders provided members with email newsletters and detailed briefs to keep them informed of new legislation, including the DDA. They also provided basic legal advice, but had few enquiries about the DDA at the time this research was carried out.
- Tenants reported accessing a wider range of information and advice sources, both formal and informal, although these were primarily concerned with general housing issues rather than disability. Once they had been made aware of the DDA duties they were often keen to learn more about their rights in this area, but not all knew where they should go for more information.

7 Conclusions and recommendations

This research examined landlords' prior knowledge and experience of disability with regard to their tenants, their awareness of disability legislation, and their experiences of making adjustments for their disabled tenants. Across all of these areas, a clear divide emerged between the social and private sector. This final chapter draws together the emerging themes from the report, and presents conclusions and recommendations.

7.1 Conclusions

7.1.1 Awareness of disabled tenants

- Local authorities and housing associations tended to demonstrate a good understanding of disabled tenants.
- Private sector landlords were less aware of disabled tenants' needs.

Local authorities and housing associations had far greater knowledge of their disabled tenants, and approached the collection of such information in a systematic and proactive manner. This was seen as an integral part of their service provision, enabling them to respond effectively to their tenants' needs. Indeed, they generally had considerable numbers and proportions of disabled tenants, with known disabilities and impairments of all kinds. Awareness of the Disability Discrimination Act (DDA) was high and whilst specific awareness of the DDA duties for landlords was not always high, local authorities' practice was clearly led by their policies which appeared to be well ahead of the requirements of legislation, and other local authority departments were responsible for ensuring this. As such, knowing the detail of the new DDA duties was not seen to be important by those dealing with day-to-day housing issues, as they were already going beyond compliance and leading the way in terms of good practice.

In contrast to the local authorities and letting agents, the private sector landlords, comprising the private landlords and letting agents, had limited information about their disabled tenants and such information had been obtained in a reactive way, either because a tenant's disability was visible, or because tenants had chosen to disclose their conditions to their landlord. Few of the letting agents and private landlords were aware of the DDA.

7.1.2 Impact and relevance of the DDA

- Amongst social landlords, the impact of the DDA was felt to be minor, although it provided a context for good practice.
- Private landlords tended to feel that the DDA was less relevant to them.

The likely impact of the DDA landlords' duties on local authorities was felt to be negligible, although the spirit of the DDA legislation, more generally, was felt to have been important in shaping attitudes towards disabled people over the last decade. Housing associations too were complying with the new DDA requirements in advance, and had been doing so for some time, hence, they too felt that the likely impact of the DDA on their attitudes and practices would be minimal.

In terms of the impact of the DDA on the private rented housing sector, from the interviews with the landlords taking part in this research it would seem that there has been little penetration of the ideas of the DDA in terms of general service provision and that the duties for landlords have thus far had a similarly small impact. This group tended to think of disabled people in a very narrow way, typically focusing on wheelchair users and hence, felt that the DDA would not apply to them.

7.1.3 Perceptions of disability

- A narrow perception of disability still exists amongst many landlords.
- Public sector landlords tended to have a broader definition than private sector landlords.

A narrow definition of disability persisted amongst many of the landlords, leading them to focus discussion of disabled tenants around mobility issues, particularly wheelchair users and people with sensory impairments. This was most striking amongst the private landlords and letting agents, who were often surprised at the range of conditions covered by the DDA. Even when they had been shown the DDA definitions of disability, some found it difficult to conceptualise some of the listed conditions as 'disabilities', for example, some of the long-term illnesses, or mobility difficulties which had developed as a result of old age. Local authorities and housing associations were considerably more inclusive in their definitions of disability, as they had usually undergone diversity training and were aware of the DDA definition. Despite this, they too often focused discussion of adjustments made for disabled tenants around wheelchair users and those with sensory impairments.

Landlords of all types acknowledged that they could have tenants with a range of disabilities that they did not know about.

7.1.4 Understanding and accommodating people with mental health conditions

- People with certain mental health conditions were often viewed as being potentially difficult to accommodate, especially when the condition prevented them from accepting appropriate support.
- Negative experiences of housing tenants with mental health conditions in the past left landlords feeling very wary about taking on such tenants in the future.

Many of the landlords, both social and private, were very open minded about people with all types of disabilities, although some landlords expressed difficulties associated with housing tenants with certain mental health conditions. Social landlords were generally more open to housing people with mental health conditions, provided they had appropriate support, for example a mental health support worker, and sometimes also a social worker.

A number of different landlords, including private landlords, letting agents, and housing associations, had had difficult experiences with tenants with mental health conditions in the past. They had found it particularly difficult if the condition itself prevented a tenant from accepting the necessary support. It was also the unpredictable nature of this condition which landlords said they found it hard to make adjustments for, together with the negative effects that tenants' resulting behaviour could have on their neighbours. There were cases where people with mental health conditions had been moved to supported accommodation as general needs accommodation was no longer suitable, when behaviour deteriorated. Difficult experiences of housing tenants with mental health conditions in the past usually left landlords feeling very wary about taking on other tenants with mental health conditions in the future.

7.1.5 Adjusting methods of communication

- Social landlords saw making adjustments to methods of communication as part of serving their diverse communities.
- Private landlords viewed adjusting communication methods as 'being flexible'.

Changes to methods of communication were some of the most commonly cited adjustments by landlords of all types. A variety of these had already been made by all of the local authorities and housing associations, and were reported to a lesser extent by letting agents and private landlords. They included using a range of different formats such as email, large print and audio tape. Allowing extra time for a meeting or meeting with a tenant in person rather than sending a letter were also good examples of such adjustments which had been made. Landlords did not usually view these as adjustments, but rather as doing what was sensible for both parties. Some of the local authorities and housing associations were particularly proactive in meeting with their tenants to ensure they were aware of and responding to their needs, as part of

their service delivery. Private sector landlords viewed such adjustments as 'common sense', or 'being flexible' to suit the needs of their tenants and would do this either as a matter of course or whenever it seemed appropriate. Landlords of all types felt that such adjustments usually had minimal cost implications and hence, felt that the DDA duties to make adjustments to policies, practices and procedures would make little difference to their everyday practices.

7.1.6 Budget issues

- Decisions around which adjustments could be made were based, at least in part, on the availability of funds.
- Some landlords had been successful in accessing grants and alternative funding to assist with the costs of making adjustments.

Local authorities and housing associations usually had budgets for adjustments, while private sector landlords did not; however, the latter had rarely made any costly adjustments. The costs of making adjustments to policies, practices or procedures were rarely quantified, but the costs of providing auxiliary aids and making adjustments to the property, including adjustments to physical features which are not covered by the DDA duties for landlords, ranged from the modest (£100 for providing handrails), to the considerable (£200,000 for building an extension). Some landlords, and some tenants, had sought assistance directly from other agencies, including social services, particularly with regard to providing auxiliary aids. Housing associations in particular had reported accessing other sources of external funding to assist with making adjustments for their tenants. Perhaps such funding routes could be promoted to, and used by, a wider range of landlords in the future to enable them to respond to adjustment requests from their disabled tenants.

7.1.7 Benefits of making adjustments

- Making adjustments for disabled tenants was seen as the right thing to do.
- Making adjustments enabled landlords to keep their tenants.
- Tenants viewed the adjustments they requested as essential rather than 'beneficial'.

All four groups of landlords believed that one of the key benefits of making adjustments was that their tenants would be happier with their accommodation and therefore, more likely to stay for a long period of time. Many landlords felt that making adjustments, within reason, for their tenants was the 'right thing to do'. They also valued the good relationships with their tenants which resulted from meeting their needs, as this usually meant that the tenancy ran more smoothly. Local authorities viewed making adjustments, including adjustments to physical features, as an appropriate use of existing housing stock. Such adjustments were seen as a relative saving when compared to the cost of new builds. In addition, enabling a tenant to stay in their own home reduced the burden on other services such as health, relocation and social services. A benefit of the adjustments mentioned by the private

landlords was that they increased the value of their property. This was especially true when the local council was paying for the adjustments.

Interestingly, the tenants rarely mentioned the 'benefits' of having the adjustments made; this seems to be because they did not see such adjustments as 'beneficial' but rather as essential in reducing the difficulties of their day-to-day living. To the tenants, their requested adjustments were clearly viewed as a necessity rather than a relative luxury.

7.1.8 Why are the social and private sectors so different?

- The social sector was seen by both social and private landlords to have a duty to accommodate tenants with multiple and complex disabilities.
- The private sector was operating with the profit motive at heart.

It was generally felt that disabled people with multiple and complex disabilities or specialist requirements in terms of housing and adjustments, would be housed by their local authorities or by housing associations, rather than obtaining accommodation through private landlords or letting agents. Most of the private landlords and letting agents participating in this research had fairly limited experience of disabled tenants or at least of tenants whose disabilities they were aware of. Since they also operated in a reactive way (i.e. the private landlords in particular did not generally seek out legislation information unless there was something they needed to know as a result of a particular situation arising), it is perhaps unsurprising that there were such marked differences in terms of experience of disabled tenants and awareness of DDA legislation.

It must not be forgotten that the social and private landlords are, in the main, operating under two very different systems, the former being primarily focused on service provision and the latter ultimately focused on financial gain. With these motives in mind, it is understandable that the social housing sector has been proactive in the area of disability, to the extent that it is ahead of the newest legislation, while the private sector has tended to lag behind in terms of both awareness, policy and practice.

7.1.9 How will the private sector respond to the DDA duties?

- There is likely to be variation in compliance amongst private landlords.

There was little evidence to suggest that the private landlords and letting agents taking part in this study would not be able or willing to comply with the existing or new DDA duties where relevant situations arose. However, the interviews with disabled tenants revealed a wider range of private sector landlords, some of whom displayed good practice, and others who had clearly not been willing to respond to even their tenants' most basic requests in the past.

7.1.10 The potential impact of the DDA on disabled tenants

- Disabled tenants must be empowered to use the DDA effectively.

Some of the tenants felt that the DDA duties would assist them in the future. However, it is clear that disabled tenants need to know that the legislation exists before they are able to use it. Some tenants may require additional support to enable them to use the new duties effectively against the more unscrupulous or unconscientious private landlords or the more inefficient letting agents. Whilst most of the landlords, both social and private sector, had access to at least some formal channels of information and advice, a number of the tenants did not know where they should go for the information and the support they needed. The DDA duties for landlords are, unlike the DDA legislation regarding employment and the provision of goods and services, reactive rather than anticipatory. As a result, disabled tenants may have a very important role to play in ensuring that this new legislation impacts where appropriate. If the new DDA duties are to have an effective impact, it will be important to do all that is possible to make sure that disabled tenants are aware of their rights and are able to use them appropriately.

7.2 Recommendations

There are a number of clear recommendations for policy as a result of the findings from this report.

7.2.1 More information, advice and support for tenants

Many of the tenants showed a lack of awareness of DDA legislation, including the DDA duties for landlords. Some felt that learning about the legislation (as a result of the interview) would help them to ask their landlord for adjustments in the future, but others felt that their landlords would still not listen to their requests. Hence, sources of information and advice could usefully be provided to disabled tenants to raise their awareness of the legislation but some may require additional support to enable them to use it effectively.

7.2.2 More proactive approaches to providing information for landlords

The private sector landlords and letting agents in particular also had low levels of awareness of DDA legislation and their duties as landlords under the DDA. Although some belonged to stakeholder organisations, which they said provided them with regular updates on legislation, perhaps additional, more proactive ways need to be found to draw landlords' attention to the importance of the DDA duties. In addition, ways must be found to raise awareness of the DDA duties amongst those landlords who are not members of stakeholder organisations and are consequently, less well connected to regular sources of information and advice. Finding more proactive ways to inform landlords is important because low awareness could leave landlords vulnerable to challenge under the DDA.

7.2.3 Enable the spread of good practice

There was far greater awareness of the DDA, and many more examples of good practice, amongst the local authority landlords and the housing associations than was the case amongst the private landlords and letting agents. With this in mind, perhaps ways could be found to share good practice across the social and private sectors. This might be through local forums or other networking opportunities which would appeal to the private as well as the social sector or through online discussion sites, where good practice examples could be provided, and the relative costs and benefits of making adjustments could be discussed.

7.2.4 Increase awareness of the available sources of funding for adjustments

Some of the housing associations had been able to source funding from outside their organisation in order to make adjustments for their tenants. If landlords of all types were aware that such funding sources existed, it could help to change their attitudes and their capacity to respond effectively to their disabled tenants' requests. Increasing landlords' awareness of the range of funding sources available to them, through a range of information and networking channels, could provide very positive benefits for both disabled tenants and landlords alike.

Appendix A

Discussion guide – landlords

Introduction

- Introduce IES and research:
 - being carried out for DWP, exploring issues around housing and disability, we're interviewing social and private landlords, and disabled tenants.
- Confidential, no individuals or organisations will be named in our report.
- Check it's ok to record the interview.

A. Background

Explore their circumstances as a landlord:

1. Do you work for an organisation? *If yes:*
 - What kind of organisation is this?
 - How many properties does your organisation manage?
 - What types of property?
 - How many tenants (approx) is the organisation responsible for?
 - Describe the range of tenants in the properties managed by your organisation.
2. How many properties are you responsible for?
3. What types of properties?
4. How many tenants (approx) are you responsible for?
5. Describe the range of tenants in the properties you are responsible for.

6. And when you have a request from a tenant, eg to provide something they need, or to make an alteration, is this your responsibility or does it have to be referred elsewhere for a decision?

B. Policies

7. Do you have a formal written policy regarding your service provision? For example, regarding service standards or equal opportunities?

If yes:

- When was it produced, and who by?
- What does it include?
- Does it mention disability? How is disability defined within it?
- What actions, if any, would you say have been a direct result of the policy?

If no:

- Why not?

C. Disabled tenants

8. How do you source your tenants? e.g. advertising, word of mouth, referrals, etc.

9. Do you have any disabled tenants?

If yes:

- What (approx) proportion of your tenants would you say are disabled?
- What kinds of disabilities and conditions do your tenants have?

Ask all:

10. How do you get information on whether you have disabled tenants, and what their disabilities are? Is this information recorded?

*Give them **Showcard A** (list of DDA disabilities and conditions) and ask:*

11. Do you have any tenants with any of these other disabilities or health conditions (i.e. those not mentioned earlier)?

If yes:

- What proportion of all the tenants you oversee have disabilities or health conditions on the **Showcard A** list?
- What types of impairments or conditions do your tenants have?

- Get examples of a number of different tenants, and collect the following information on each:
 - The tenant’s impairment or health condition.
 - The kind of property they rent.
 - How long have they have rented property from the interviewee or their organisation?
 - Have there been any issues or difficulties (or disputes) for you as a landlord, as a result of any of your tenants’ disabilities or health conditions?
 - What happened? How were these issues resolved?

Ask all

12. Looking at **Showcard A** again, would you find it difficult to let accommodation to any of the people on this list? Explore why.
13. Have you ever been unable to let accommodation to someone because they had a disability or health condition? If yes explore:
 - When was this?
 - What were the circumstances?
 - What happened?
14. More generally, do you, or does your organisation consult with tenants about their needs?
15. How is this done? What have been the outcomes of this?
16. Has disability ever been raised as an issue in the consultations?

D. Adjustments and arrangements for disabled tenants

Adjustments to policies, practices and procedures

17. Have you made adjustments to practices, policies or procedures to assist disabled tenants? (NB these could have been made for current, prospective or future tenants.)

*Then use **SHOWCARD B** which contains a list of examples of adjustments to be covered under the DDA duties in December 2006 and check:*

18. Have you made any of these additional adjustments and arrangements on the list?

If No, go to the question on provision of auxiliary aids and services (Q25)

If Yes, continue

19. Why did you make these adjustments? e.g. request, legislation, DDA, H&S etc.
20. Was the adjustment made for a specific tenant (and did they request this), or was it made to make the property more accessible in general, or to appeal to a wider potential market? Explore how and why the adjustments came about.
21. What was the cost of making this adjustment?
22. Any grants used?
23. What was the process for them being made? e.g. Who requested them? How long did they take to make? Was permission from others required?
24. Did you seek advice from anyone else or another organisation on this?

Provision of auxiliary aids and services

25. Have you ever provided any auxiliary aids or services, e.g. a temporary or portable ramp, a hearing loop etc., to assist disabled tenants? (NB these could have been made for current prospective or future tenants.)

Then use **SHOWCARD C** which contains a list of examples of auxiliary aids and services which will be covered by the legislation to come into force in Dec 2006, and check:

26. Have you provided any of these things on the list?

If No, go to 'No adjustments or arrangements' section (Section F, Q45)

If Yes, continue

27. Why did you make these adjustments? e.g. request, legislation, DDA, H&S etc.
28. Which of the adjustments and arrangements were easy to make? Why?
29. Which were difficult? Why?
30. What was the process for them being made? e.g. Who requested them? How long did they take to make? Was permission from others required?
31. Did you seek advice from anyone else or another organisation on this?
32. Have you ever had any requests from disabled tenants or tenants with health conditions to make adjustments to practices, policies or procedures to assist disabled tenants which you were not able to make?
33. Why were you not able to make these?
34. Have you ever had any requests for auxiliary aids or services, e.g. a ramp, a hearing loop etc., to assist disabled tenants which you were not able to make?
35. Why were you not able to make these?

If DDA mentioned, ask:

36. How did the DDA affect your decision to make adjustments or provide auxiliary aids and services?

E. Costs and benefits of making adjustments and arrangements

*NB Can refer to **Showcards B and C** for examples of adjustments and arrangements*

37. Did any of these adjustments and arrangements have a direct cost for you or your organisation?

38. How much did these adjustments and adaptations cost?

39. Was there an indirect cost, such as your management time? Was this quantified?

40. Was cost an issue in deciding what adjustments and adaptations to arrangements to make?

41. Did you seek financial assistance with making any of the adjustments? Where from?

42. What have been the benefits of making the adjustments? e.g. to:

- Particular individual tenants, i.e. those who requested the adjustment?
- Other occupiers of the building?
- Disabled people generally?
- You as the landlord, e.g. widening your potential market of tenants?

43. Has it been worthwhile?

44. Have there been comments from others? e.g. other occupiers in building, visitors etc. (their opinions on adjustment) Have these been positive/negative? What were they?

F. No adjustments or arrangements

45. If no adjustments or arrangements have been made, why is this?

46. Are any planned? Get details and reasons behind the plans. Also get costs estimates if they have them.

47. Have you ever had any requests from disabled tenants or tenants with health conditions, to make adjustments to practices, policies or procedures to assist disabled tenants which you were not able to make?

48. Why were you not able to make these?

49. Have you ever had any requests for auxiliary aids or services, e.g. a temporary or portable ramp, a hearing loop etc., to assist disabled tenants which you were not able to make?

50. Why were you not able to make these?

G. Awareness of DDA

Existing legislation

51. Are you aware of any laws covering disabled people as tenants?

If not spontaneously mentioned ask:

52. Have you heard of the DDA?

If No, go to 'If not heard of DDA and unaware of disability legislation' (Section H)

If Yes, continue:

53. What do you understand to be the main duties/obligations for you as a landlord (or the controller of properties) under the DDA?

First get them to explain what they think the DDA covers as fully as they can. Then prompt on the different aspects, whether they were aware of them and whether they understand them:

e.g. are you clear about your duties on:

- a) *Prospective disabled tenants* - the fact that it is unlawful for a 'person with the power to dispose of a property'⁴ to discriminate against a disabled person:
 - in the terms on which they offer to dispose of the premises to the disabled person, or by refusing to dispose of those premises to the disabled person
 - in their treatment of the disabled person in relation to any list of persons in need of premises of that description (e.g. waiting lists for accommodation)
- b) *Current disabled tenants* - that with regard to disabled person occupying premises, that it is unlawful for a person managing the premises to discriminate:
 - in the way they permit the disabled person to make use of any benefits or facilities, or by refusing to permit the disabled person to make use of the facilities

⁴ For clarification: 'person with the power to dispose of a property'; this terminology may include freeholders, leaseholders, landlords or managers of premises.

- by evicting the disabled person or subjecting the disabled person to any other detriment.
54. Are your current obligations clear? Are there any areas that you find difficult to understand or interpret?
55. Are there any areas that you are finding or will find difficult to comply with? Why? Is there any assistance you need that would make it easier to comply?
56. What impact do the current duties have on you?

Forthcoming legislation (from Dec 2006)

57. Are you aware of any future legislation regarding disabled tenants which could affect you as a landlord?

If No, go to 'If not heard of DDA and unaware of disability legislation' (Section H)

If Yes, continue:

58. What do they understand the new duties will cover?

First get them to explain what they think the new legislation will cover as fully as they can. Then prompt on the different aspects, whether they are aware of them and whether they understand them:

*N.B Can refer to **Showcards B & C** for examples of adjustments and arrangements*

e.g. are you clear on the forthcoming duties around:

- The forthcoming requirement for landlords or managers of premises to make adjustments to policies, practices and procedures?
- The forthcoming requirement to provide auxiliary aids and services?
- That requests from tenants need to be clear but need not be in writing, or refer to the DDA?
- That there is *no DDA* duty for the controller of premises to make adjustments to physical features, either to the let premises or to common parts of buildings?

59. Are these future obligations clear? Are there any areas that you find difficult to understand or interpret?

Other relevant legislation: Housing Acts 1980 and 1985

60. Are you clear that:

- Where a lease provides the right for a tenant to make improvement to their rented premises subject to consent; the landlord will not be able to refuse consent unreasonably, if a tenant asks permission to make a disability-related improvement at their own expense? And that when giving consent a landlord will be able to impose reasonable conditions?

(N.B for interviewer: the above duty is only relevant to England and Wales and not for local authority tenants and Rent Act tenants who already have a similar right)

Generally:

61. Are there any areas that you will find it difficult to comply with? Why? Is there any assistance you need that would make it easier to comply?
62. What impact will the new duties have on you?

H. If not heard of DDA and are unaware of disability legislation:

Outline the existing and forthcoming DDA duties.

Existing DDA duties

There are existing duties covering *prospective tenants*, so that it is unlawful for a 'person with the power to dispose of a property'⁵ to discriminate against a disabled person: In the terms on which they offer to let the premises to the disabled person, or by refusing to let the premises to the disabled person:

In their treatment of the disabled person in relation to any list of persons in need of premises (e.g. waiting lists for accommodation).

There are also duties covering *current disabled tenants*: it is unlawful for a person managing the premises to discriminate:

In the way they permit the disabled person to make use of any benefits or facilities, or by refusing to permit the disabled person to make use of the facilities.

By evicting the disabled person or subjecting the disabled person to any other detriment.

New DDA duties (from Dec 2006)

There will be a requirement for landlords or managers of premises to make adjustments to policies, practices and procedures, and to provide auxiliary aids and services on request.

Requests from tenants need to be clear but need not be in writing, or refer to the DDA.

There will be *no DDA* duty to make adjustments to physical features, either to the let premises or to common parts of buildings.

⁵ For clarification: 'person with the power to dispose of a property'; this terminology may include freeholders, leaseholders, landlords or managers of premises.

Then ask:

63. How much do you feel this legislation applies to you and your tenants? Explore.
64. How much do you feel it will affect you? Explore:
- Does knowing about the current duties now mean you might think about doing things differently?
 - What about the forthcoming duties – will they make any difference to the way in which you let properties and deal with tenants?

I. Advice and Information

65. Have you or your organisation had any advice or information about legislation in general?
66. If yes, what sort of advice and why? Where was this from?
67. Have you or your organisation had any advice or information about legislation regarding disabled tenants?

If yes

- What sort of advice and why?
- Where was this advice from?
- How useful was it?

If no:

- Why have you not sought advice support or information on disabled tenants?

Ask all:

68. If you needed advice on these issues, where would you go? e.g. do they have a stakeholder or umbrella organisation which provides them with industry-specific support?
69. Is there any information, advice or support that you would like regarding these issues? What kind of information do you need, and what would be the best way of making information available to you?

Thanks and close.

Appendix B

Discussion guide – stakeholder

A. Background

- Respondent's role in organisation
- What does the organisation do?
- What is their role with regard to their landlord members?
- What is their membership coverage: What types of landlords are they concerned with? Numbers of members? Do they have a national or regional remit?

B. Stakeholders' awareness and understanding of the DDA

i: Awareness of the existing DDA duties – knowledge of what is covered

What do they understand the current duties to be? e.g. how clearly do they comprehend the duties around:

- a) *Prospective disabled tenants* - the fact that it is unlawful for a 'person with the power to dispose of a property'⁶ to discriminate against a disabled person:
- in the terms on which they offer to dispose of the premises to the disabled person, or by refusing to dispose of those premises to the disabled person
 - in their treatment of the disabled person in relation to any list of persons in need of premises of that description (e.g. waiting lists for accommodation)

⁶ For clarification: 'person with the power to dispose of a property'; this terminology may include freeholders, leaseholders, landlords or managers of premises.

- b) *Current disabled tenants* - that with regard to disabled person occupying premises, that it is unlawful for a person managing the premises to discriminate:
- in the way they permit the disabled person to make use of any benefits or facilities, or by refusing to permit the disabled person to make use of the facilities
 - by evicting the disabled person or subjecting the disabled person to any other detriment.

ii: Awareness of 'Improvement provisions' in the Housing Act 1980/1985 and DDA 1995: knowledge of what is be covered

What do they understand the current provisions to be? e.g. how clearly do they comprehend the duties around:

- a) The landlord may not unreasonably refuse consent for a tenant to make alterations (known as 'improvements') to the premises. The DDA 1995 will extend this to disability-related alterations where the current legislation does not apply.
- the landlord can attach reasonable conditions when giving his consent: for example, that the tenant pays for the improvement/alteration or that the premises be reinstated to their original condition if the tenant vacates the premises.

iii: Awareness of the new DDA duties – knowledge of what will be covered

What do they understand the new duties to be? e.g. how clearly do they comprehend the duties around:

- a) The forthcoming requirement for landlords or managers of premises to make adjustments to policies, practices and procedures
- The forthcoming requirement to provide auxiliary aids and services
 - That requests from tenants need to be clear but need not be in writing, or refer to the DDA
 - That there is *no DDA* duty to make adjustments to physical features, either to the let premises or to common parts of buildings.

iv: Perceptions of 'disability'

What do they consider to be a 'disability' – get a sense of whether they think of the range of conditions covered by the DDA or a narrower definition of disability.

- Read out list of types of disability:
 - a) With mobility problems – difficulty getting around or moving from place to place
 - b) With lifting/dexterity problems – difficulties using their hands to lift or carry everyday objects

- c) With facial or skin disfigurement
- d) With a hearing impairment – which affects their ability to take part in spoken conversation
- e) With a visual impairment – not corrected by glasses
- f) With a mental illness
- g) With a learning difficulty – this used to be called a mental handicap
- h) With a speech impairment – which affects their ability to take part in spoken conversation
- i) With a progressive illness such as Multiple Sclerosis or Parkinson's' disease
- j) Diagnosed with cancer
- k) Diagnosed HIV positive
- l) With epilepsy
- m) With diabetes

C. Stakeholder views on landlords' awareness of the DDA

- Stakeholders' views on landlords' awareness, knowledge and understanding of what the current duties cover. Are there any areas where they think there are particular gaps in awareness/understanding – if so, which ones and why?
- Stakeholders' views on landlords' awareness, understanding and knowledge of what the new duties will cover. Are there any areas where they think there are particular gaps in awareness/understanding – if so, which ones and why?
- PROBE for whether they think there are different levels of awareness by type of landlord? Where is awareness highest/lowest?
- Roughly what proportion of their membership have disabled tenants? How do they know? How do they think landlords themselves know – is it usually when/if a request for adjustment is made, or do they routinely collect the information?
- What kinds of disabilities do their tenants have? Do they collect this data? Is this something they feel is in their remit?

D. Advice and support from stakeholders

- What, if any, role do stakeholders have in providing information and promoting awareness and good practice? – ask for examples
- Where do they (the stakeholder organisation) get their information and advice?
 - Have they heard of and used the DRC in this way?

- Are there any other sources they can think of that they have used?
- Do they provide advice directly, relating to specific cases, e.g. through casework, helplines, etc.? How many requests do they get? Ask for examples of requests they have had.
- How much of the advice they are asked for is disability-related? And how does this relate to the proportions of their members with disabled tenants? Have the levels of requests for disability-related advice changed over time? How and when?
- Do they recommend themselves or other organisations as the best source of advice for their members?
- If relevant, ask for examples of feedback, queries or concerns from landlords relating to the DDA/disability issues.
- Where else do they think landlords get information and advice on these issues?

E. Practice amongst landlords

- How do they think landlords are responding to the current duties? Can they provide any examples?
- How do they think landlords will respond to the new duties? What makes them think that? - ask for examples.
- Are landlords pre-empting the new duties in their current practice? Are there differences by type of landlord?
- How many of the changes are because of the DDA? Is the DDA a driver for change, or do they think it would have happened anyway? Why/why not?
- What are the biggest challenges for landlords in complying with the current duties? e.g. PROBE for awareness/knowledge, cost, other implications. What are the benefits?
- What do they think will be the biggest challenges for landlords in complying with the new duties? What will the benefits be?
- What is their impression of what landlords are doing on making common parts accessible? Is there much activity in this area? Do they get many enquiries about this – how much of an issue is it?
- How do they perceive landlords' current relationships with their disabled tenants? Has this changed as a result of the existing duties coming into force? Will relationships change as a result of the new duties?
- As far as they are aware, what are landlords attitudes towards the DDA? Do they see it as positive or negative?

- What happens when there are disputes between landlords and tenants on disability-related issues?
- Are they aware of whether landlords had to make adjustments under part II which covers employees? Has this had any impact on their knowledge, understanding or attitudes towards the specific landlords duties?
- How have landlords' practices changed generally regarding disabled tenants in the last ten years?

F. Impact of the current and new duties

- Current duties – impact on stakeholders and landlords. Where does it impact most? Are there any difficulties in complying?
- New duties – potential impact on stakeholders and landlords. Where will it impact most? Where do they think it will make the most difference in practice? Where do they think the difficulties in complying will arise?
- What, if any impact do they think the changes will have on the rental market?

Thanks and close the interview.

Appendix C

Discussion guide – tenants

- Introduce IES and research:
 - being carried out for DWP, exploring issues around housing and disability, we're interviewing social and private landlords, and disabled tenants
- Confidential, no individuals or organisations will be named in our report
- Check it's ok to record the interview

A. Background

1. How did you come to live in this property?
2. How long have you lived here?
3. Who else is in your household?
4. Who is your landlord? Are they:
 - A local authority?
 - Private landlord?
 - Letting agent or management company?
 - Housing Association?
5. Generally, how do you get on with them? How much communication or dealings do you have with them? What does this tend to be about?

If they have lived in their current property for less than ten years, explore the kinds

of property they have lived in over the past ten years:

6. Where did you live before? What kind of housing was it? e.g. owned, rented, if rented was their landlord:
 - A local authority?
 - Private landlord?
 - Letting agent or management company?
 - Housing Association?
7. How long did you live there? Who else did you live with?

B. Disabilities and health conditions

8. I understand that you or a member of your family has a disability or health condition. Can you tell me a bit about this?
9. How does it affect your/their daily life?
10. And how does it affect your/their living situation?
11. Does it affect the way you/they communicate with your landlord? How?
12. Before you moved into this property, did you have concerns relating to how it would suit you, as a result of your/their disability or health condition?
13. Were there any problems or difficulties around this:
 - Before you moved in?
 - As you were moving in?
 - Since you moved in?

Explore these:

- What was the problem?
- What did you do as a result? Who did you tell?
- How was the problem resolved? Or why wasn't it resolved?
- What is the situation now?
- Who paid (was it Landlord/Disabled Person/Local Council)? What, if any, grants were used?

C. Adjustments and arrangements

Current accommodation

14. Have any adjustments or arrangements been made to practices, policies or procedures to assist you or a member of your household?

*Then use **SHOWCARD B** which contains a list of examples of adjustments which will be covered by the legislation to come into force in Dec 2006 and check whether any additional adjustments on the list have been made.*

15. Why were these adjustments made? Did you request them, or were they made for another reason?

16. What was the process for them being made? e.g. Who requested them? How long did they take to make? Was permission from others required?

17. Have you had any auxiliary aids or services provided, e.g. a temporary or portable ramp, a hearing loop, etc, to assist you or a member of your household?

*Then use **SHOWCARD C** which contains a list of examples of auxiliary aids and services which will be covered by the legislation to come into force in Dec 2006, and check whether they have had any others on the list.*

18. Why were these adjustments made? Did you request them, or were they made for another reason?

19. What was the process for them being made? e.g. Who requested them? How long did they take to make? Was permission from others required?

20. How easy do you feel it is to approach your landlord with regard to issues around your disability or health condition? Explore.

21. Have you ever asked your landlord for adjustments or arrangements to be made which your landlord was not able to do, or refused to do? If yes:

- What were these?
- What reasons were you given for this? (e.g. cost, viability, lack of time, lack of information, etc.)

Previous accommodation

Explore adjustments and arrangements made in the previous properties they have lived in over the past ten years.

22. What about in the other places you told me you have lived over the past ten years?

Explore as before:

23. Were any adjustments or arrangements made to the landlords' practices, policies or procedures to assist you or a member of your household?

Use **SHOWCARD B** which contains a list of examples of adjustments which will be covered by the legislation to come into force in Dec 2006 and check whether any additional adjustments on the list were made.

24. Why were these adjustments made? Did you request them, or was it for another reason?

25. What was the process for them being made? e.g. Who requested them? How long did they take to make? Was permission from others required?

26. Were any auxiliary aids or services provided, e.g. a ramp, a hearing loop etc., to assist you or a member of your household?

Then use **SHOWCARD C** which contains a list of examples of auxiliary aids and services which will be covered by the legislation to come into force in Dec 2006, and check whether they have had any others on the list.

27. Why were these adjustments made? Did you request them, or was it for another reason?

28. What was the process for them being made? e.g. Who requested them? How long did they take to make? Was permission from others required?

29. How easy was it is to approach your previous landlords about issues around your disability or health condition? Explore why it was easy or difficult.

30. Have you ever asked your previous landlords for adjustments or arrangements to be made which your landlord was not able to do, or refused to do? If yes:

- What were these?
- What reasons were you given for this? (e.g. cost, viability, lack of time, lack of information etc.)

Review of the past ten years

31. Thinking about your experiences over the past ten years:

32. Do you feel it has got easier to ask your landlord for adjustments and arrangements to be made over time? Explore why.

33. Do you feel that you have been more likely to get the adjustments and arrangements you asked for made, over time? Explore why.

34. What about the availability of housing which is suitable? Over the past ten years, has it got easier to find suitable housing for you with regard to your disability or health condition, or has it got more difficult? Explore why they think this is.

D. Awareness of DDA

Existing legislation

35. Are you aware of any laws covering the rights of disabled people as tenants?

If not spontaneously mentioned ask:

36. Have you heard of the DDA?

If No, go to 'If not heard of DDA and unaware of disability legislation'

If Yes, continue:

37. What do you understand your rights (as a disabled tenant, or a tenant with a health condition) to be under the DDA?

First get them to explain what they think the DDA covers as fully as they can. Then prompt on the different aspects, whether they were aware of them and whether they understand them:

e.g. did you know that:

a) *Prospective disabled tenants* - it is unlawful for a 'person with the power to dispose of a property'⁷ to discriminate against a disabled person:

- in the terms on which they offer to dispose of the premises to the disabled person, or by refusing to dispose of those premises to the disabled person
- in their treatment of the disabled person in relation to any list of persons in need of premises of that description (e.g. waiting lists for accommodation)

b) *Current disabled tenants* - that with regard to disabled person occupying premises, that it is unlawful for a person managing the premises to discriminate:

- in the way they permit the disabled person to make use of any benefits or facilities, or by refusing to permit the disabled person to make use of the facilities
- by evicting the disabled person or subjecting the disabled person to any other detriment.

38. Are you clear on your current rights? Are there any areas that you find difficult to understand or interpret?

39. Are there things which are covered by the current legislation that you feel you need, or have asked for, but have not been able to get in the past? Explore.

⁷ For clarification: 'person with the power to dispose of a property'; this terminology may include freeholders, leaseholders, landlords or managers of premises.

Forthcoming legislation (from Dec 2006)

40. Are you aware of any future laws which will cover the rights of disabled people as tenants?

If No, go to 'If not heard of DDA and unaware of disability legislation' – and outline the forthcoming legislation.

If Yes, continue:

41. What do they understand the new duties to be?

First get them to explain what they think the new legislation will cover as fully as they can. Then prompt on the different aspects, whether they are aware of them and whether they understand them:

e.g. did you know that:

- There is a forthcoming requirement for a controller of premises to make adjustments to policies, practices and procedures.
- There is a forthcoming requirement to provide auxiliary aids and services.
- That requests from tenants need to be clear, but need not be in writing, or refer to the DDA.
- That there is **no** DDA duty for the controller of premises to make adjustments to physical features, either to the let premises or to common parts of buildings.

42. Are there any areas of the new laws that you think you will find difficult to understand?

43. What impact will the new duties have on you? Are there things which are covered that you feel you need, but have not been able to get in the past? What were/are these things?

E. Use of DDA

Ask only if they were spontaneously aware of disability legislation or the DDA

44. Have you ever mentioned the DDA, or disability legislation more generally, to your landlord? Why was this?

e.g. as a *prospective tenant* regarding:

- the terms your landlord let somewhere to you
- a landlord refusing to let somewhere to you
- the way a landlord treated you when you were looking for somewhere to live in relation to a waiting list of people for that type of property.

or as a *current disabled tenant* regarding

- the way your landlord allowed you to use any of the benefits or facilities of where you live, or by saying you couldn't use them
- by evicting you from your home, or by treating you unfairly in some other way.
 - What happened?
 - What action did you take?
 - What was the outcome?
 - How happy were you with the outcome?

F. If not heard of DDA and are unaware of disability legislation:

Outline the existing and forthcoming DDA duties.

Existing DDA duties

There are existing duties covering *prospective tenants*, so that it is unlawful for a 'person with the power to dispose of a property'⁸ to discriminate against a disabled person:

In the terms on which they offer to let the premises to the disabled person, or by refusing to let the premises to the disabled person.

In their treatment of the disabled person in relation to any list of persons in need of premises (e.g. waiting lists for accommodation).

There are also duties covering *current disabled tenants*, it is unlawful for a person managing the premises to discriminate:

In the way they permit the disabled person to make use of any benefits or facilities, or by refusing to permit the disabled person to make use of the facilities.

By evicting the disabled person or subjecting the disabled person to any other detriment.

⁸ For clarification: 'person with the power to dispose of a property'; this terminology may include freeholders, leaseholders, landlords or managers of premises.

New DDA duties (from Dec 2006)

There will be a requirement for landlords or managers of premises to make adjustments to policies, practices and procedures, and to provide auxiliary aids and services on request.

Requests from tenants need to be clear but need not be in writing, or refer to the DDA.

There will be *no DDA* duty to make adjustments to physical features, either to the let premises or to common parts of buildings.

Then ask:

45. How much do you feel this legislation applies to you? Explore.
46. How much do you feel it could affect you, or help you? Explore:
47. Does knowing about the current duties now mean you feel you have more rights, which you can use? Do you think this will help you in any way?
48. How, if at all, do you think that knowing your rights under the DDA will make a difference to you and the way you deal with your landlord?
49. What about the forthcoming duties – will they make any difference to you and your landlord?

G. Information, Advice and Support

50. How well do you feel you know your rights as a disabled tenant?
51. What rights do you feel you have? How did you find out about these?
52. Have you ever sought information, or advice on your rights in general?
53. If yes, what sort of information and advice, and why? Where was this from?
54. Have you ever had any advice, information or support on your rights as a disabled tenant?

If yes:

- What sort of advice and why?
- Where was this advice from?
- How useful was it?

If no:

- Have you ever felt that you needed advice, information or support about your rights as a disabled tenant? (If yes) Why didn't you get any?

Ask all:

55. If you needed advice on these issues, where would you go? e.g. Are you in contact with any organisations, agencies or individuals who can provide you with information, advice and support?
56. Is there any information, advice or support that you would like about your rights as a disabled tenant? What kind of information do you need, and what would be the best way of making information available to you?
57. Have you heard of the DRC? Would you consider using them? Would you consider using disability organisations?

We are also going to be talking to private landlords who have disabled tenants, would you be able to put us in touch with anyone suitable – perhaps your landlord, or a landlord through someone else you know?

Thanks and close.

Appendix D

Showcard A – Types of disability

- a) With mobility problems- difficulty getting around or moving from place to place.
- b) With lifting/dexterity problems – difficulties using their hands to lift or carry everyday objects.
- c) With facial or skin disfigurement.
- d) With a hearing impairment – which affects their ability to take part in spoken conversation.
- e) With a visual impairment – not corrected by glasses.
- f) With a mental illness.
- g) With a learning difficulty – this used to be called a mental handicap.
- h) With a speech impairment – which affects their ability to take part in spoken conversation.
- i) With a progressive illness such as Multiple Sclerosis or Parkinson's' disease.
- j) Diagnosed with cancer.
- k) Diagnosed HIV positive.
- l) With epilepsy.
- m) With diabetes.

Appendix E

Showcard B – Reasonable adjustments

Adjustments to policies, practices, procedures and terms of a lease

- Waiving the terms of a lease to accommodate a tenant with a disability or health condition.
- Adjusting letting conditions and housing policies to accommodate tenants with disabilities and health conditions.
- Allowing more time for a meeting with a tenant to accommodate a disability or health condition.
- Personally visiting a tenant rather than writing a letter.
- Other changes to methods of communication with tenants.

Appendix F

Showcard C – Auxiliary aids and services

- Providing aids such as portable ramps or specialist furniture.
- Providing the standard letting terms and conditions or lease in an alternative and suitable format to accommodate a disabled tenant.
- Providing the paperwork for a meeting in a format suitable for the tenant.
- Changing the methods of general and day to day communication with tenants to accommodate their disabilities or health conditions.
- Changing the frequency of communication with a disabled tenant.
- Providing assistance for a disabled tenant at meetings with the landlord, e.g. a BSL interpreter, a support worker.
- Providing other auxiliary aids or services as necessary to assist a tenant with a disability or health condition.

The premises regulations set out that the following items are to be treated as auxiliary aids:

- Replacing or providing signs as required.
- Replacing taps or door handles.
- Replacing, providing or adapting a doorbell or door entry system.
- Changing the colours of any surface.
- Altering or changing other fittings such as flooring.

