



Your rights to accessible and adaptable housing in Wales

A guide for disabled people and
the organisations that support them



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Equality and
Human Rights
Commission

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Associates

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Section one: Private renting in Wales

In this part of the guide, you will find information and tips on renting from a private landlord or from a letting agency.

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Introduction

What is ‘private renting’? (also known as ‘the private rented sector’)?

Private renting is when your landlord is an individual or a private company, rather than a ‘social’ or not-for-profit landlord, such as a housing association or council. However, the market is becoming more mixed. We discuss hybrid private/social renting at the end of this section.

Key features of private renting

In many parts of the country, there are relatively few social properties available, and increasing numbers of people are renting from private landlords. Renting from a private landlord is different to renting from a social housing provider in several ways:

- There are lots of homes available to rent privately. That gives you a good chance of finding a home where you want to live, e.g. near to your family and friends, schools, work, or health facilities.
- You will usually be able to find a property more quickly: this is helpful if you need to move to a new area to start a course or a job, or you need a place temporarily while you wait for social housing or save up to buy a property. If you are homeless, the council may well place you in private rented property – at least temporarily, or even permanently.

However, you should also be aware that:

- The rent is likely to be higher than in the social rented sector.
- If you are able to claim Universal Credit, you can use the housing element to pay your rent; however, it may not cover the full cost. We discuss this in more detail in [Paying for my home](#).
- It can be more difficult (but may be possible) to make changes to a private rented property so that it meets your needs. We discuss this in more detail in [Making adaptations to a property](#) and in [Section three: Adapting my home](#).
- There is less ‘security of tenure’ – in other words, it is easier for your landlord to ask you to move out, even if you have been a good tenant. We discuss this in more detail in [Eviction by a landlord](#).

Variations within the private rented sector

What is a letting agency?

Some private landlords use a 'letting agency' to manage their properties. They act as a 'go-between'; sometimes just to find tenants and set the tenancy up, sometimes to provide ongoing management, in which case they will be your first port of call if there are any problems with the property after you have moved in.

Sometimes the letting agency is 'social', i.e. not-for-profit. Some housing associations run a social letting agency and may manage properties on behalf of private landlords. We talk more about letting agencies under [The lettings process](#).

What is 'intermediate market rent'?

Some (especially new build) housing association properties in Wales are being let as 'intermediate market rent'. The landlord can charge up to 80% of what it would cost if you were renting the property privately. The extra money that housing associations make from this goes towards building new social housing.

Typically, this housing is designated for people who are not on benefits but cannot afford to buy a property on the open market. The idea is that they can save the money they would have spent renting privately for a deposit to buy a property, usually through the Welsh Government's Rent First scheme. This is particularly common in areas where it is very expensive to buy.

Can you rent specialist housing for older people privately?

Retirement living properties, which usually have above-average accessibility and may benefit from on-site support and care, may be a good housing option for disabled people aged 55 and over. Traditionally you either had to apply via your council to socially rent or buy a leasehold property. However, there is also an emerging private rent market in Wales for these properties, either from individuals who own them, or from providers themselves.

[Girlings](#) acts as a (private) letting agency in this market, and will even sometimes buy a leasehold property that meets your needs and rent it out to you on a long-term lease.

Finding the right property

Despite the number of properties available to rent at any time, it can be challenging to find somewhere that meets your access requirements – or even to find out whether a property does or does not meet your access requirements. This is especially true if you need somewhere that is fully wheelchair-accessible. There is not a one-stop-shop where you can find an adapted or accessible property, and use of terms like ‘accessible’ is not always consistent.

Many private landlords and letting agencies advertise available properties online, using the rental pages of websites such as Zoopla and RightMove. However, these websites don’t currently allow you to search for accessible properties or particular access features. RightMove can filter searches for bungalows, but these may or may not be fully accessible. The [House Shop](#) and [Accessible Property Register](#) are at least set up so that landlords can upload more specific information about access; but at the time of writing, there were very few rental properties available. Some individual landlords use [Gumtree](#), and accessible properties to rent are sometimes featured here.

It is likely that the information provided on websites will be basic or that the photographs may not give enough detail on the level of accessibility around the property. In order to find out more about the property, contact the landlord or letting agency.

It can be a good idea to contact letting agencies which operate in the area you want to live and explain your access requirements to them. You could search for an [Association of Residential Lettings Agents \(ARLA\)](#) Propertymark Protected letting agent.

They may be able to identify potential properties for you and let you know as soon as they become available – though you may need to build this relationship and check in with them regularly. You should also be aware that letting agencies’ loyalties ultimately lie with the landlords, so do not expect them to give you completely impartial advice.

? Did you know

Letting agencies **must** by law make their application processes (e.g. any forms you need to complete) accessible to you.

In some parts of Wales, there are ‘social (not-for-profit) letting agencies’, which may be able to help you access suitable housing in the private rented sector – they will have good relationships with local landlords. In some cases, your council’s housing options team will need to refer you; in others you can contact them directly, e.g. [CanDo Lettings](#) in Cardiff.

You should also speak to the housing options team at your council if you have not already done so. If you are at risk of homelessness or your current property is so unsuitable for your needs that you could be described as effectively homeless, they should help you consider your housing options in both the social and private rented sector. They may be able to refer you to a social letting agency or give you a list of private letting agencies operating in your area. Even if your housing needs are not so urgent, they may still be able to give you some pointers on trying to find an adapted or accessible property locally, and/or accessing funding locally to help meet the cost of adaptations.

Arrange to view any properties that sound promising to see if they actually work for you.

! Top Tip

- It is a good idea to take someone with you when you go to view a property – it could be a friend or family member, someone from a local disability group or charity, or an occupational therapist
- Don't forget to look at the outside of the property and its immediate vicinity: where will you park and/or access public transport? Are the footpaths and crossings accessible to you? Is the area well-lit and does it feel safe at night?
- Remember, if a property does not completely meet your housing needs, it may be possible to make adaptations. See [Making adaptations to a property](#).



The lettings process

Pre-tenancy checks

Before you can rent a property, you will need to show your passport or another document that demonstrates you have a right to rent in the UK.

The landlord or letting agency want to be sure you will be a good tenant. There are various ways of doing this, and some are more flexible than others:

- You may be asked for references from current or previous landlords, employers, or someone else who can vouch that you will be a good tenant.
- You will probably be asked for evidence that you can afford the rent, e.g. benefit letters, payslips/work contracts, bank statements (make sure you hide the account number).
- Occasionally they may ask to run a credit check.
- Alternatively, you may be able to use a ‘guarantor’ – this is someone who signs to say they are willing to pay the rent if you do not, and is usually a family member who will need to meet certain financial criteria themselves.

You can find more detailed advice [here](#).

Payments at the start of the tenancy

You will generally need to pay your rent monthly and in advance. This means you will need to pay a month’s rent up front. At the start of the tenancy, you will also need to pay the landlord a sum of money, called a ‘deposit’. This is to protect them against the risk of you damaging the property and/or leaving without paying the rent.

The landlord **must** put this in a government-backed ‘tenancy deposit scheme’ within 30 days. These schemes will make sure you get all your deposit back at the end of the tenancy, provided you keep to your side of the tenancy agreement.

We talk more about deposits in [Getting your deposit back when you move out](#).

It is possible that you will be able to get help with the payments at the start of a tenancy, through a rent deposit, bond and guarantee scheme run by a council, housing association or charity. Most of these are given to people who are homeless and/or ‘vulnerable’, so you will need to be in urgent housing need. You could check Crisis’s [Help to Rent](#) database to see if there are any schemes in your area, though you will need to check with the local scheme to find out if you are eligible.

Rent Smart Wales

Under the Housing (Wales) Act 2014, all private sector landlords and letting agents in Wales must be registered with Rent Smart Wales – it's the law. Rent Smart Wales makes sure that each landlord has been trained in their rights and responsibilities – only then can they be licensed. As a tenant, you can:

- Check to see if your landlord is registered by entering the postcode of the property at [rentsmart](#).
- Read the [Rent Smart Wales Tenant Guide and checklist](#).

My rights and responsibilities as a tenant

The tenancy

The tenancy is the contract between you ('the tenant') and the person who owns the property ('the landlord'), which allows you to live in it.

The tenancy sets out the rights and responsibilities of both the tenant and the landlord.

We focus here on your rights, but you also have responsibilities: most notably, to pay your rent on time and to keep the property in a reasonable condition. The tenancy should state the amount of rent due, when it should be paid and how long the contract lasts.

Most private tenants have an 'assured shorthold tenancy'.

Since housing law has changed over time, if your tenancy started before February 1997, you should check what kind of tenancy you have. It should say on the tenancy document you have from your landlord. You may have an assured or protected tenancy, in which case you have slightly different rights. See [Citizens Advice](#) for more details on this.

The UK Government has produced a [model tenancy agreement](#). Landlords don't **have** to use it but it is free to use, so you could suggest this (or compare and check against the tenancy agreement you are issued with).

Your tenancy may also include an 'inventory' – this lists any furniture and fittings that are provided with the property and the condition they are in at the start of the tenancy. You should agree this carefully at the outset with the landlord/letting agency.

If you ask your landlord to provide the tenancy document in a version that is accessible to you (e.g. braille, audio, large print, easy read, another language) they **must** (under the Equality Act 2010) do so. Everyone should have the opportunity to ask questions about their tenancy at sign-up, whatever their access and communication needs.

The landlord's key responsibilities are to:

- keep the property safe and free from health hazards
- make sure all gas and electrical equipment is safely installed and maintained
- provide an Energy Performance Certificate for the property
- protect your deposit in a Government-approved scheme
- check you have the right to rent your property (i.e. on the basis of nationality/immigration status), and;
- provide you with a copy of the 'How to rent' checklist and guide.

The **Residential Landlords Association Wales** has produced an advice guide for landlords on '**Working with Vulnerable Private Tenants**'. It recognises that not all disabled people will be 'vulnerable', but there is nevertheless good advice in here from other landlords, if your potential landlord needs some reassurance or is keen to do the right thing.

? Did you know

When the Renting Homes (Wales) Act 2016 comes fully into force, all private rented tenancies will change into 'standard occupation contracts'. This will not change these basic responsibilities; though it should strengthen and simplify your tenancy rights. A minimum six-month occupation period will be maintained and landlords will have to ensure that properties are fit for human habitation. The Welsh Government will issue model contracts that should be used.

Making adaptations to a property

If you are finding it difficult to access basic facilities in your home or feel unsafe getting around your property, you may benefit from a home adaptation. Aids and adaptations aren't only for people with reduced mobility; they may also help people with sensory impairments, dementia or even mental health conditions. They could range from a small piece of equipment or technology right through to a major structural change, with the aim of improving your independence, confidence and privacy. If you live in a block of flats with some communal facilities, your landlord can make 'reasonable adjustments' to improve access to and within communal areas.

In this section, we present two case studies to explain your rights to make small adaptations and ‘reasonable adjustments’ to your privately rented home and the communal facilities that come with it.

In [Section three: Adapting my home](#), we describe the process of applying for adaptations to a private rented property in more detail. The [ENABLE – Support for Independent Living](#) scheme provides a single point of entry for adaptations of all sizes. If an occupational therapist, social worker or health professional has not already referred you into the system, you should get in touch with your council contact for the scheme and find out how best to proceed. In summary:

- If the adaptation costs less than £1,000, your council (or in some cases the NHS) should provide this for free. You will need to get the permission of your landlord to make a change to your property, but, under the Equality Act 2010, they cannot refuse unless they have ‘reasonable grounds’ for doing so.
- If the adaptation costs more than £1,000, you will need to apply for a Disabled Facilities Grant (DFG) from your local housing authority. DFGs are generally means-tested but the council cannot refuse this solely because you are a private rented tenant, if you and your landlord are willing to confirm that you plan to stay in the property for the next five years.

Case study

Guide or assistance dog in a private rented property

Jim rents from a private landlord. He is registered partially sighted and due to a gradual decline in useful vision for mobility, he has been matched with an assistance dog. However, Jim’s private landlord initially advertised the property as ‘no pets’ and, when informed by Jim of his change in circumstances, the landlord refuses to allow him to keep the assistance dog in the property.

Can Jim’s private landlord legally refuse to have an assistance dog in the property, especially since the property was initially advertised as ‘no pets’?

No. Jim’s landlord will be breaking the law if he refuses Jim the right to have an assistance dog at his property. The landlord would be in breach of the Equality Act 2010, which states that private landlords must make ‘reasonable adjustments’ for disabled tenants. This includes assistance dogs as they are not legally classified as ‘pets’ but as ‘mobility aids’. The landlord must also allow Jim any reasonable adjustments to ensure the welfare of his assistance dog, such as a designated area in the garden for a spending pen, for example.

The same would also be true of any other minor adaptations, such as:

- a temporary ramp for wheelchair access, or grab-rails
- a flashing door bell, and;
- applying Braille labels or using different coloured paint or fluorescent strips to differentiate stairs, doors and emergency exits.

Jim's private landlord has agreed that an assistance dog can be kept in Jim's property. However, the landlord is concerned that the assistance dog may cause damage to the property and suggests that routine inspections carried out by the letting agency on the landlords' behalf must be increased to every six weeks. In addition to this, the landlord asks Jim to pay an extra £200 into the deposit Jim has paid at the start of the tenancy to cover any cleaning associated with the assistance dog when Jim vacates the property.

Can a private landlord and letting agency increase property inspections in order to monitor cleanliness of an assistance dog?

Yes, a private landlord has a responsibility to check and make repairs in your home, particularly where not doing so might be a matter of health and safety or welfare. This is likely to be an example of 'reasonable grounds' under the Equality Act 2010.

Your landlord must allow you to enjoy your home, however, and cannot unnecessarily interfere in your home or harass you. Your landlord **must** by law arrange with you in advance to enter your property; they cannot enter the property without your permission or without a Court Order permitting them access, for example, to enable them to carry out gas safety checks.

Can a landlord ask a tenant to pay additional fees or deposit in case of necessary cleaning associated with the assistance dog once the property is vacated?

Under current legislation in Wales,¹ the landlord can ask you to pay additional fees or deposit to cover any damage that may happen to the property as a result of owning an assistance dog **or other mobility aids or equipment**, if the existing deposit would be inadequate to cover repairs.

This may, however, also be deemed unreasonable and/or discriminatory: you should approach the free Dispute Resolution Service as part of your deposit protection scheme, or Citizens Advice for advice if you feel you may have been discriminated against.

It may help your case if you take dated photos and record information about the condition of the property in the inventory at the start of the tenancy.

¹ The Renting Homes (Fees etc.) (Wales) Bill was presented to Parliament in draft form on 11 June 2018. The aim of the Bill is to reduce the costs that tenants can face by prohibiting certain payments in connection with the granting, renewal or continuance of standard occupation contracts. Any payment of money in connection with the above is prohibited, unless an exception applies, with the aim of rebalancing the relationship between tenants and landlords to deliver a fairer, good quality and more affordable private rented sector. The Bill is not likely to receive Royal Assent (i.e. formally become an Act of Parliament) until 2019 at the earliest.

Dealing with problems in your tenancy

Problems with heating, appliances, and repairs

Your landlord has legal obligations to ensure that their property is safe for you to live in. If your health is negatively affected by the condition of the property, you may be within your rights to demand repairs to rectify the problem. Landlords are legally responsible for ensuring that:

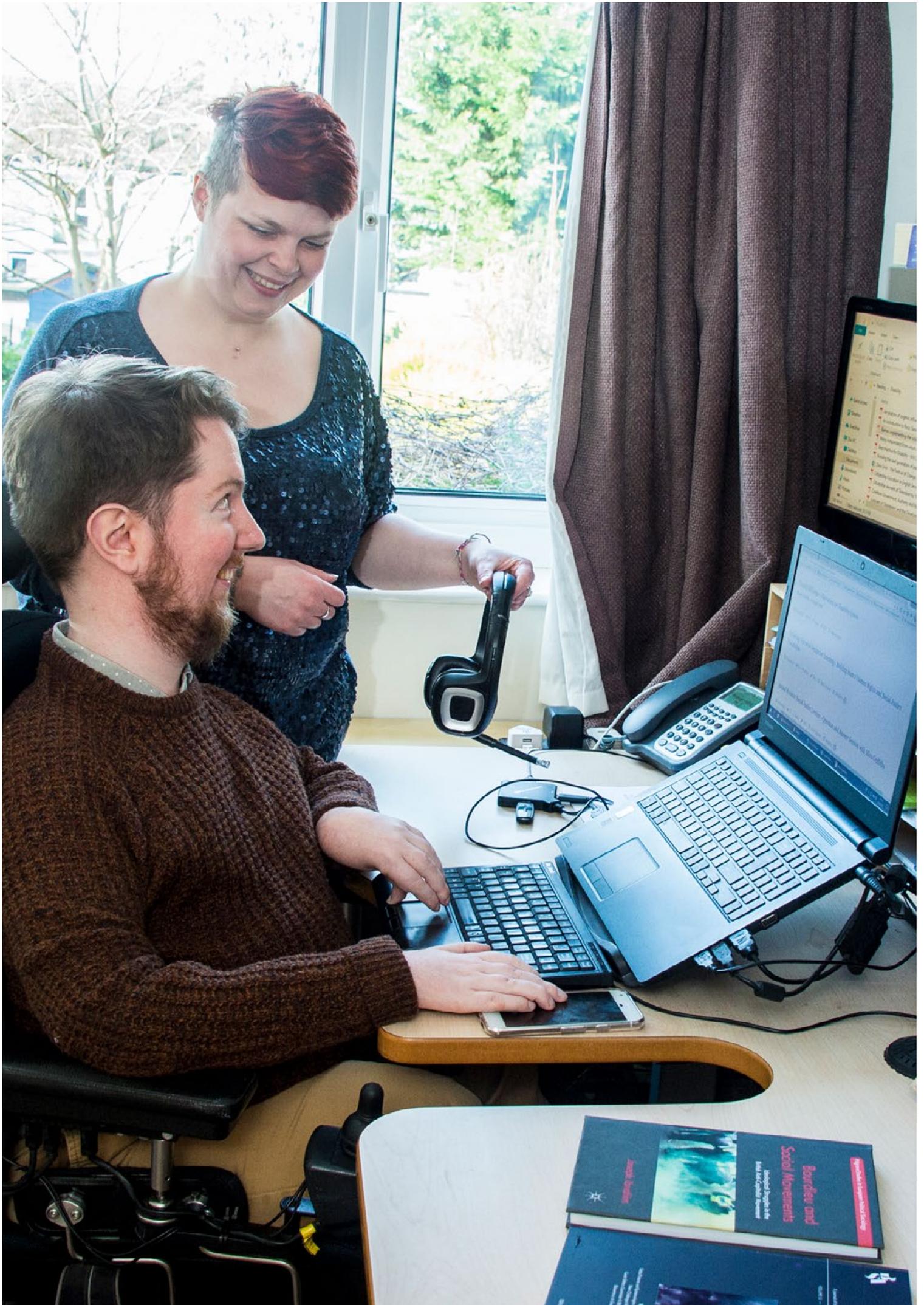
- the building's structure is sound, including external roofs, walls, windows and doors.
 - internal sanitation and plumbing is fully functional and safe, and that heating and hot water is properly maintained.
 - chimneys and other means of ventilation are safe and in good working order.
 - gas appliances are safely installed and maintained by a Gas Safe registered engineer, who must provide an annual gas safety check on appliances and flues: you should be given a copy of the gas safety record within 28 days of the check.
- all electrical goods and mains are safe, including fixtures and any equipment they supply with the property.
 - fire safety regulations are followed, including installing smoke alarms, fire safe furniture and fittings, and access to escape routes: these need to be accessible to you.
 - if you live in a House in Multiple Occupation (HMO),² large properties are required to have a fire alarm system and extinguishers installed. HMOs must have an HMO Licence under UK law – to check that a HMO Licence is in place you can contact your council.

Failure of the landlord to comply may lead to their prosecution and/or imprisonment.

If you think your landlord is failing on any of the above, you should complain to them (larger landlords or letting agencies should have a formal complaints procedure). Putting complaints in writing/email and keeping a copy can be helpful should you end up taking legal action.

Citizens Advice provides the form 'N1' (to start court proceedings) and other useful information.

² A HMO is a property rented out by at least three people who are not from one 'household' (e.g. a family) but share facilities like the bathroom and kitchen.



Eviction by your landlord

There are special rules regarding your right to stay in the property and your landlord's power to make you leave.

When it comes fully into force, The Renting Homes (Wales) Act 2016 will impact nearly all Welsh tenancies. It requires landlords to issue you with a written statement of the occupation contract. The statement will clearly set out the rights and responsibilities of the landlord and the tenant. The two main types of occupation contracts are:

1. A secure contract modelled on the current secure tenancy issued by local authorities (this is mainly used with social housing).
2. A standard contract based on a typical assured shorthold tenancy. (This is mainly used in the private rented sector).

It is important to check your occupation contract to see a full list of your rights and obligations, and if in doubt seek independent legal advice. You may face eviction if you do not pay your full rent or if you break the terms of your tenancy agreement. However, the landlord must still apply to the court and follow correct procedure before you are evicted, issuing a 'Section 8 Notice' against you. A 'Section 8 Notice'³ can be used where you have breached your tenancy agreement during the fixed period of your tenancy (the amount of time that your tenancy is for, which will be written in your tenancy agreement). There are different grounds

that the landlord can rely on to evict you. Some of these grounds are mandatory – if they are proved, the court must grant an order evicting you – and some are discretionary – the court may or may not order eviction. For private rented accommodation, the landlord will be able to seek mandatory possession based on arrears of rent of at least eight weeks.

Most commonly, landlords evict people using a 'Section 21 Notice': this is the form they use to start eviction proceedings in cases where the fixed period of your tenancy has come to an end. If you are still in the fixed period of your tenancy, proceedings cannot be issued until this fixed period expires, though the 'Section 21 Notice' may be sent to you before that date. This is usually used where landlords want to sell, refurbish or use the property differently. They do not have to give any reason for this, but they do need to follow a set of rules for this to be valid. Landlords are prevented from serving a 'Section 21 Notice' if you have complained about your property needing repair and this work has not been done before the 'Section 21 Notice' is sent to you.

To find more information visit shelter's [website](#).

³ Section 8 of the Housing Act 1988

If you have asked your landlord to make repairs to your property but they refuse and try to evict you as a result, they are in breach of their obligations to you as a tenant. However, the degree to which you can challenge a 'retaliatory eviction' depends on when your tenancy began: if it started after 1 October 2015 you stand more chance of challenging an eviction. [Citizens Advice](#) explains this in more detail and helps you decide what type of tenancy you have.

New legislation will soon be introduced in Wales to strengthen your rights in these situations. If you have been issued with a 'standard occupancy contract' under the Renting Homes (Wales) Act 2016, you should check your rights with [Citizens Advice](#) or [Shelter](#).

If you are at risk of harm or of becoming homeless, you must seek advice as soon as possible from your council's housing options team. Find the website of your [local council](#). It may also be a good idea to get independent advice from [Shelter](#) or [Citizens Advice](#) (as above).

Getting your deposit back when you move out

You should get your deposit back when you move out, but the landlord can make 'reasonable' deductions from this to cover unpaid rent, damage to the property, missing items (listed in the inventory) and/or cleaning costs.

If you think your landlord is being unreasonable or they are refusing to give the deposit back, there are steps you can take. For example, the deposit protection scheme has a free 'Dispute Resolution Service'.

[Shelter](#) sets out the steps you should take in some detail.

Making complaints

Many complaints can be solved by discussing the issue with your landlord in the first instance. If this fails, there are a number of ways you can make a formal complaint. Check if your landlord or letting agency has a complaints procedure. Make complaints by email or in writing (keeping a copy).

Where disputes are unresolved, contact your council for further advice. Your council's private sector licensing or enforcement team or, in the case of problems like pests, damp and leaks, their environmental health team, may be able to help. Some councils have a [designated page](#) for private tenants.

Alternatively, you could complain to a 'designated person', which might be your MP or local councillor.

[Citizens Advice](#) offer further advice on complaining about your landlord.

Paying for my home

Universal Credit

If you are unemployed or on a low income, you may be on or due to move to Universal Credit (UC). UC is being rolled out across the UK and replaces these benefits and tax credits:

- Income Support
- Child Tax Credit
- Housing Benefit
- Working Tax Credit
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance

Some key points about how UC works in relation to private rented housing are:

- UC claimants are assessed and paid in arrears. From the time you apply, it may take 6-8 weeks or more to receive the first payment.

- The housing element of UC is paid directly to into your bank or building society, so you are responsible for paying the rent to the landlord.
- If you want another party (such as your Personal Assistant, advocate or social landlord) to communicate with the Department of Work and Pensions on your behalf, you need to provide explicit consent for this for each specific issue (usually via your online UC journal).

Whether you are on Housing Benefit or Universal Credit, you should note the following:

- You can only claim for rent up to the Local Housing Allowance (LHA) for your area, your income, your circumstances and your household size. This may leave you with a shortfall to cover. You can find out what your LHA is using this [calculator](#).
- If you are a private renter under 35, you are only entitled to the Shared Accommodation Rate (SAR), which just covers the cost of rent of a typical single room in a shared house or bed-sit. However, if you are in receipt of: the Personal Independence Payment (PIP) component for daily living, the Disability Living Allowance (DLA) middle or high rate care component, or the Armed Forces Independence Payment, you can claim to one-bedroom rate of LHA if you are also in self-contained accommodation.

- If you require overnight care, either nightly or on a regular basis, and your carer requires a separate bedroom, you are entitled to claim the two-bedroom LHA rate.

You can find out if you can get a discretionary housing payment from your local authority if:

- you are experiencing hardship, or your tenancy is at risk because there is a shortfall between what the UC payment you receive for housing (or your Housing Benefit) and the cost of your rent, or
- you are waiting for your UC (or Housing Benefit) payment to come through at the start of your tenancy.

For more information see the UK Government [website](#).

If you are finding it difficult to budget and that is leading to missed rent payments, you can set up an Alternative Payment Arrangement so the rent is paid directly to the landlord.

For further information on this and UC, see the UK Government [website](#).

? Did you know

You may be eligible for a Council Tax Reduction, based on your income and other circumstances? You can apply directly to your council to find out.

If you are unsure of what you are entitled to, you should check with an expert. [Citizens Advice](#) can tell you where you can book an appointment with a local advisor, and you can usually communicate with the advisor by web, text or phone, or using British Sign Language if necessary. Find out more at the UK Government [website](#).

Places to get advice and support

Information about private renting

[Shelter](#) offers many online resources, including:

- [Housing advice](#)
- Contact a [housing advisor](#).

[Citizens Advice](#) also provides advice and guidance.

[The Tenants' Voice](#) is the biggest tenant community in the UK, and has a website full of information about renting and getting advice related to your renting problems.

[Welsh Tenants](#) may also be able to offer or signpost you to advice and support.

Finding an advocate

An advocate can help you express your views and stand up for your rights. Your council may fund an advocacy service in your area, so check with them.

If you have a mental health condition, see Mind's [website](#).

If you have a cognitive impairment, you could contact:

- [seAp](#)
- [bild](#)
- [Mencap](#)

The [Public Services Ombudsman for Wales](#) has an A-Z of advice and advocacy services.

Taking action about discrimination

[Citizens Advice](#) has a dedicated webpage on taking action on discrimination in housing.

If you think you have experienced discrimination, you can get help and advice from the [Equality Advisory Support Service](#).

Problems paying your rent

The [Money Advice Service](#) could help you with advice and support.

Legal help

If you decide to take your landlord to court, you can check whether you and your case might be eligible by using the [legal aid checker](#). You can find out more about legal aid and other possible sources of legal help at [Assembly Wales](#).

Other sources of support

Local or impairment-specific disability charities may be able to offer support.

You can find out who they are by entering your postcode on the [UK Government](#) website or [UK Parliament](#) website.

[The Samaritans](#) can provide emotional support and should be able to suggest sources of practical help and advocacy in your area. You don't need to be suicidal.



Section two: Social housing in Wales

In this part of the guide, you will find information and tips on finding a property, your rights and how to pay for housing.

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Introduction

What is ‘social housing’?

‘Social housing’ is owned by a housing association (also known as a ‘Registered Social Landlord’), a council or sometimes by a housing cooperative or charity.

It is intended for people on low incomes and is usually rented to them; though some housing associations also offer shared ownership (part rent-part buy) properties. This is covered in the section on home ownership.

Unlike private landlords, housing associations are not allowed to make a profit: they must use any surplus money they make to maintain existing homes and build new ones.

Who can apply for social housing?

If you are over the age of 16, you can apply for social housing while in a variety of situations: if you are homeless; if you already have a social or privately rented property; if you own your own home but are looking to sell; or if you are staying with family and friends.

Social housing can offer many benefits over and above the private rented sector, including cheaper rents and more ‘security of tenure’. This means that a social landlord cannot make you leave the property so easily, and only if you have failed to meet your responsibilities as a tenant, which should be set out clearly at the start of your tenancy. It is also generally easier to have adaptations made to a social rented than a private rented property – a point covered in more detail in [Section three: Adapting my home](#).

The purpose of this guide

In many parts of the country, there is a shortage of social rented properties – especially those that are wheelchair-accessible and/or with rent levels which can be covered in full by those on benefits.

Disabled people and professionals involved in producing this guide advised that:

“

You need to be persistent.

– Advice from disabled person attending focus group

You also need to understand the jargon, the processes and your rights. In this part of the guide, we provide information and advice for disabled people trying to get a new or different social tenancy, and for those who are already social tenants. We also offer advice about paying for social housing.

How to get a (new) property

The demand for social housing outstrips supply in many parts of the country, so you will need to be proactive if you are to succeed in getting a property that is suitable for you. Properties are given to those in the highest need.

In many areas, most – if not all – housing association properties and any remaining council properties are let through a ‘Common Housing Register’. This is a single point of access for social rented properties, so you do not have to approach each provider separately. You can find out about how this works either online or in person through your council’s housing options team or advice centre. You should check if there are any social housing providers that are not part of the Common Housing Register. If you want to apply to them, you might need to complete a separate housing application.

Councils must allow homeless people, disabled people and people with health or welfare needs on the register. Councils may require people to have a strong local connection (see below).

You need to fill out a form to apply to join the Common Housing Register – sometimes this is online, sometimes in person, or often you can choose. If you need help to fill out the form, due to access or communication needs, the council should provide this. Libraries can also often offer assistance and online access.

You must make sure the information on your application is kept up-to-date if there are changes to your household or current housing circumstances, or if a medical condition worsens, for example.

Making the case for your housing needs

- First, find out exactly how decisions about who gets social housing are made in the area where you want to live. This is called the ‘allocation system’.
- You need to either search online or ask the council for its allocation policy or scheme. This should set out clearly the rules and the method for ranking the urgency of people’s need for (re-)housing.
- Many areas only accept or prioritise people with a ‘local connection’ or ‘residential requirement’. If you are not already living in the area where you are applying to live, you will need to demonstrate a connection to it, e.g. close family living there or a job offer. If you are trying to move to a different council area because you will have more support from family living there, you should explain this and make the point that this move should reduce your (current and/or future) need for care and support from social services.

- Sometimes people applying for housing are given a number of ‘points’ (the more points, the higher priority they are considered to be); sometimes they are put in ‘bands’ (e.g. high/medium/low, or ‘eligible’ and ‘urgent’). The allocation scheme should explain which bands or points apply to different sorts of housing circumstances in your area.
- If your disability or medical condition is the primary reason for moving, you will need to build a strong case, e.g. by spelling out exactly why your current housing circumstances are causing ‘significant hardship’ or increasing the risk of an ‘emergency’ (or whatever language the scheme uses).
- Think about how your current housing is affecting your physical and mental health, and your independence.
- Highlight any risks that result from living there, e.g. of falls or other accidents.

“

Be clear exactly what your housing needs are. Don’t leave any ‘wriggle room’!

- Advice from disabled person attending focus group

You need to collect and show as much ‘evidence’ of this as you can, ideally from professionals such as doctors, consultants, social workers, occupational therapists and physiotherapists. This might include your diagnosis/prognosis, your care plan, or letters explaining the impact of your housing on your health (e.g. damp affecting a breathing condition; problems with neighbour nuisance worsening your mental health; an inaccessible property making it dangerous or impossible for you to get in/around unaided).

Other housing problems will also increase your points/banding, such as overcrowding⁴ or (the threat of) homelessness – and this includes needing to move because you are experiencing violence or abuse from a partner or family member, or are facing eviction by your current landlord.

If you are at risk of harm or of becoming homeless, you must seek advice as soon as possible from your council’s housing options team.

- It is also a good idea to get independent advice from [Shelter](#) or [Citizens Advice](#).
- Local or impairment-specific disability charities may also be able to offer advocacy and support.

⁴ More information about the legal definition of ‘overcrowding’ can be found at www.legislation.gov.uk

- If you are experiencing domestic violence or abuse, you can contact the 24 hour Live Fear Free Helpline: **0808 80 10 800**
Email: info@livefearfreehelpline.wales
www.welshwomensaid.org.uk.
- If you do not feel you are receiving the response you need, you could also contact your local councillor or MP, or ring **Samaritans** who can provide emotional support and should also be able to suggest sources of practical help and advocacy in your area.
- The **Public Services Ombudsman for Wales** has an A-Z of advice and advocacy services.

If you disagree with the decision regarding the priority you have been given

The council will give you a deadline for requesting a review – this is usually 21 days after you have received the decision – so act promptly!

Put your request in writing: provide any new medical or supporting information to help your case (an occupational therapist might be well-placed to provide this). Include any information that shows the council has made a mistake.

Again, try to get advice from Citizens Advice, Shelter or a local advice provider.

The **Public Services Ombudsman** for Wales has produced this leaflet on complaints about housing/transfer applications and whether and how the Ombudsman might be able to help your case.

Finding a suitable property

You need to find out how properties are ‘allocated’ or matched to people in your area. This should be included in the allocation scheme if you have already found this, or you can find out from your council’s website, at a library, from individual housing associations, from Citizens Advice or your council’s advice centre.

Many, but not all, councils now operate a ‘choice-based lettings’ system. In other areas, councils make ‘direct offers’ of housing. Even in areas where there is a choice-based lettings system, it is likely that there will be some direct offers made by the council in very specific circumstances, or perhaps by individual housing associations who are not part of the Common Housing Register.

Choice-based lettings systems

In a choice-based lettings system, the available properties are advertised and you say which you are interested in by 'bidding'.

Once you've been accepted onto the waiting list, you should follow these basic steps:

1. **Find a property:** check in local papers, on council websites, in council offices or in local libraries.
2. **Check you can apply for it:** some properties are only suitable for single people, families or people with certain access requirements. **Note that disabled people must not be restricted to bidding only for accessible homes as this would breach the duty to promote disability equality.**
3. **Find out whether the property will meet your access requirements and/or whether it could be adapted.** Some councils will allocate properties that have already been significantly adapted outside of the choice-based lettings system, so you need to check the policy in your area (see [Direct offers](#)). The level of detail supplied on choice-based lettings adverts regarding the layout, size, accessibility and exact location of properties varies considerably.

Think carefully about what you need as an absolute minimum to stay physically and mentally well, what you might be able to adapt or live with, and what would be nice to have, but not essential.

If you need more information about a property's suitability in order to decide whether or not to bid for it, contact the council's housing department and ask them. Explain that you need to understand whether it will be accessible to you as a disabled person. If you are told that this service is not available, you could argue that this would be a reasonable adjustment under the Equality Act 2010.

4. **Apply:** this is known as 'bidding', but it doesn't involve money. You can usually bid online, by phone or by text.
5. **Get the social housing provider's decision** on whether or not you will be offered that property. The decision will also tell you how many other people bid for the property, which bands they were in and how many points they had. This can give you an indication of your chances of success.

“ —————
There may be lots of others bidding for the same property but if they haven't had their verification checks done, for example, you may still win the bidding.

– Quote from professional in focus groups

What would best practice look like?

An ideal bidding system might provide:

- detailed accessibility information on the property listings
- the option for those who find the online bidding system inaccessible with the opportunity to bid by phone or in person, and;
- accompanied viewings for all disabled applicants, together with an occupational therapist to assist with discussions about suitability and the need for any further adaptation.

Direct offers

Some areas do not have a choice-based lettings system, but instead will make a direct offer when you are at the top of the list, or if an adapted property that meets your needs becomes available.

Even in areas that operate a choice-based lettings system, if an individual or household needs a very specific property (e.g. in terms of size or layout) it may be that a direct offer can be made outside of the system. You need to contact your housing office/council to ask if you might be eligible and what the implications of this might be. For example, there will almost certainly only be one direct offer made to you if a 'suitable' property is found, so you need to be prepared to compromise on some aspects, such as the exact location of the property.

What if the application system is not accessible to me?

Under the Equality Act 2010, councils/housing associations have a duty to make 'reasonable adjustments' so you can access the housing application process.

This might, for example, involve providing:

- the application form in alternative formats (e.g. braille, large print, coloured paper, audio)
- help to complete the housing application form
- help to understand how the system works, and
- advice and support on bidding for properties.

If you need help viewing properties in order to check whether they will meet your access requirements, you should ask the council if they can help. If they are not able to provide this directly, you may be able to get this support from a local disability charity, voluntary sector organisation or from your occupational therapist.

What if I don't agree that the offer made to me is 'suitable'?

One focus group participant was offered a 'suitable' property, but this was in a retirement home and she is only 44! She commented that there was a 'huge amount of bullying to get me into the retirement home'.

If a direct offer is made to you but it does not meet your needs, you can appeal against the decision by making a complaint, requesting a review, or – if this is unsuccessful – taking this to the Public Services Ombudsman for Wales or even judicial review (a court challenge against the legality of a decision made by a public body – this is a costly process).

If you feel that a property you have been offered does not meet your needs (arising from your medical condition or impairment) then you need to put together as much specific evidence as you can of why this is. This might be:

- about your ability to get in, out of and around the property independently.
- that the property meets your needs now but is unlikely to do so within the next few years.
- that the location of the property means you will be unable to move around safely in the immediate vicinity (e.g. because the ground is very uneven or hilly, or because you are visually impaired and the property is on a busy road with no accessible crossing).
- because of reasons linked to your mental health as well as your physical safety and independence.
- if living here is likely to increase your need for social care – you should spell this out and enlist the support of your social worker.
- if it is likely to increase the risk of you falling or having an accident – an occupational therapist or GP might be able to write you a letter or support you.

Due to the lack of accessible affordable housing, some disabled people find themselves being offered (or even, in the case of one of our focus group participants, 'bullied into accepting') older people's supported housing, even though they are much younger than the average person in this type of housing.

Sheltered properties vary enormously in layout (for example, some have their own front door off the street), quality and diversity of other residents, so – in areas of high demand – it is always worth visiting them to get a feel for the place, rather than ruling it out automatically. You should not feel pressured into accepting a property that you believe will have a negative impact on your psychological and social identity, even if it is physically accessible. See [Human rights](#) for further advice on this.



Finding an adapted or accessible property

Mutual exchange

If you are an existing social tenant, you can look for a suitable adapted/accessible property using [HomeSwapper](#) or [UKHome Swap](#). These schemes allow different tenants of social landlords to swap properties so that both parties' housing needs are met, though you need to be careful that the exchanger has presented the accessibility of the property accurately.

You can access either of the websites yourself to find out more, to enrol and to search for properties. However, disabled house-seekers may find it easier to get help from their housing officer to access these schemes: they should explore the available housing options with you (and should do so as a reasonable adjustment under the Equality Act 2010).

Accessible Housing Registers

An Accessible Housing Register:

- identifies disabled people in need of accessible homes
- identifies accessible properties, their location and characteristics, and
- enables effective matching of people and suitable homes.

Many (but not all) Welsh councils have an [Accessible Housing Register](#).

Supported housing for older people

If you are an 'older' adult, there may be social rented properties specifically for older people available in your area. The lower age limit for these properties varies, but is often 55 for disabled people and those who have support needs and/or long-term health conditions. The quality and accessibility of the accommodation, availability of support and other services, and mix of people in the properties, can vary enormously in these schemes. Schemes may be described as 'sheltered housing' 'retirement/independent living', 'extra care' or 'housing with care' (where there is an on-site team, should you need personal care). The types of housing for older people are complex and need to be fully explored in order to meet individual needs.

Information and guidance on the different housing models is available on the Age UK [website](#).

[HousingCare](#) provides a UK-wide searchable database of older people's supported housing, care homes and services, as well as services that support people staying in their own homes.

First Stop provides advice on older people's housing, care and support, including a number of factsheets and an email/livechat helpline.

Email: info@firststopcareadvice.org.

Your rights as an existing tenant

You have rights:

- as a tenant, as set out in your tenancy agreement
- as a disabled person, under the Equality Act 2010, and
- as a human being, under the Human Rights Act 1998.

Your rights as a tenant

The tenancy is the legal agreement between you ('the tenant') and the owner of the property (in this case, the housing association, council, cooperative or charity) ('the landlord'), which allows you to live in the property. The tenancy sets out the rights and responsibilities of both tenant and landlord. We focus here on your rights, but you also have responsibilities, e.g. to pay your rent on time, to keep the property in a reasonable condition, and not to get in the way of your neighbours' rights to enjoy their homes.

The Renting Homes (Wales) Act 2016 is expected to come fully into force in 2018. If you rent from a social (or 'community', as they are sometimes called) landlord, you will receive a 'secure contract'. This will replace your previous secure or assured tenancy, unless you live in supported accommodation (e.g. sheltered housing or a group home for disabled people). You must receive this contract as a written document, in whatever format is accessible to you (e.g. audio, Braille, Welsh or other languages, Easy Read).

The contract will set out your rights and responsibilities as a tenant, including the right to:

- stay in the accommodation as long as you keep to the terms of the contract
- have the accommodation kept in a reasonable state of repair
- be treated fairly by your landlord and not to be discriminated against because of your disability, age, gender reassignment, pregnancy and maternity, race, religion or belief, marital/civil partnership status, sex or sexual orientation, and
- enforce your rights, without being evicted for doing so.

The new Act makes it possible to add or remove a joint tenant, such as a partner or (adult) family member with whom you share a property, and it creates a new right to succeed (to take over a tenancy if the tenant dies) for live-in carers.

Tenant Participation Advisory Service of Wales (TPAS Cymru) has produced a [factsheet](#) on the Renting Homes (Wales) Act 2016.

Getting advice and support

Your social landlord should be your first port of call if there are problems with your house, your tenancy, or your neighbours.

You should also contact your council's housing options team for advice if you are at risk of homelessness. Under the Housing (Wales) Act 2014, they have a duty to help you if you may lose your home within 56 days. This might include through mediation, support or financial advice to help you keep your current home, or help with trying to find an alternative place to live.

If you want independent housing advice, Shelter Cymru provide online resources, phone, email and face-to-face advice, and a mobile app. See www.sheltercymru.org.uk for details.

If you are in housing (or other) debt, StepChange Debt Advice is a charity that provides expert advice. You can either set up a phone appointment with one of their expert advisors or use their online interactive debt remedy tool: www.stepchange.org.

Citizens Advice offers a range of [housing information and advice](#) online: or you can enter your postcode to find your nearest local branch: www.citizensadvice.org.uk.

Dewis Cymru brings together information about 'wellbeing' for Wales: the section 'Being At Home' contains national-level general information, and you can also search for information about local sources of help: www.dewis.wales.

Standards you should expect from your social landlord

Housing associations are regulated by the Welsh Government. In addition to fulfilling their obligations as a landlord and respecting your rights as a tenant, they also need to demonstrate they are working to the 'Delivery Outcomes for housing associations in Wales'. These let tenants know what they should expect from their landlord, and include:

- managing their homes to ensure that they are in demand, maintained, modernised and adapted, as people's needs change, and ensuring that adapted homes are available to those who need them
- being responsive to people's individual housing support needs and helping them to sustain their tenancies, and
- ensuring their activities and services reflect the diversity of the communities where they operate, are free from discrimination and promote equality of opportunity.

- communicating information and advice in an appropriate, timely, effective manner, readily understood by the communities they serve, and
- encouraging and supporting early tenant and service user involvement in shaping their services, reviewing their performance and developing their plans for the future.

You can read the full set of standards [here](#).

See the Welsh Government [website](#) for more details about how we regulates social housing.

What can you do if you do not feel your social landlord is fulfilling their obligations or working to the regulatory standards?

- The first step is always to try to resolve things directly with your social landlord.
- Report the problem, keeping a record of when, how and to whom you reported it. Ask them what you should expect to happen next and when this should happen.
- If no action has been taken once this time has passed, chase it up – administrative errors sometimes happen, so you need to make sure you are in the system and, if you are, find out why there has been a delay. It may be a good idea to put your report in writing at this stage, if you haven't already, and keep a copy of this.

- If you are not happy with a decision the landlord has made, the first step is always to go back to them and ask whether they can give you more information about the decision, whether it can be reconsidered and how.
- If you are still not happy, you should make a formal complaint to the social landlord (their complaints procedure should be set out on their website, or explained to you in your tenancy information pack or on the phone).
- If the formal complaints route does not lead to a satisfactory outcome, you could take the complaint to your MP, local councillor or tenant panel.
- The [Public Services Ombudsman for Wales](#) can review complaints against social landlords (and councils and NHS organisations). Before this, you should go through your landlord's formal complaints procedure (keep the evidence of this). Generally, the Ombudsman would expect you to bring the complaint within about a year of the incident/decision.
- At any stage in this process, and especially if you are at risk of crisis (e.g. losing your home, your home being uninhabitable to you, or harm from others), you should seek specialist advice from Citizens Advice, Shelter, and/or your council's housing options team.

Your rights as a disabled person

If you are disabled (the legal definition of 'disabled' is available on the UK Government [website](#)) your social landlord has a duty under the Equality Act 2010 to make 'reasonable adjustments' or provide 'auxiliary aids and services' so that you can rent and live in a property. This might, for example, include:

- providing written agreements in a way that is accessible to you, such as large print, braille, audio, easy read, or in a language other than English
- making changes so you can use any facilities and benefits that come with the property in the same way as a non-disabled tenant, e.g. a wider parking space, or a ramp to access the common garden, and
- holding the tenant panel meetings in a room with a hearing loop fitted so you can attend and participate.

This does not necessarily mean that the landlord is required to make structural changes to your property – see [Section three: Adapting my home](#) for further details about this. Also bear in mind that:

- you need to ask for the reasonable adjustments to be made

- your landlord only has a duty to make them if they are 'reasonable' – this will depend on:
 - > the length and type of tenancy you have
 - > the cost of the adjustment (and the landlord's financial circumstances), and
 - > how effective the adjustment is likely to be.

Your social landlord also has a duty under the Equality Act 2010 to change a policy or practice (including the term of a tenancy agreement) if it disadvantages you because you are disabled.



Your human rights

There is no human right to the provision of a home or a home with particular aids or adaptations. However, once a person has a home then they are entitled to respect for it and to respect for their private lives at home. If a social landlord has unreasonably refused or delayed making changes that a disabled person needs to continue living in their home, this may well amount to a failure to respect the tenant's home.

The United Nations Convention on the Rights of Persons with Disabilities (which the UK Government has signed up to) states that:

'Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement' (Article 19)

It may be helpful to refer to this if you feel you are being pressured into a shared house or sheltered housing scheme when you would rather live in an 'ordinary' or 'general needs' tenancy.

You can find out more about the UN Convention on the Rights of Persons with Disabilities on the Equality and Human Rights [website](#).

Taking action if you've been discriminate against

Citizens Advice offers advice on taking action on discrimination in housing.

You can contact the **Equality Advisory Support Service** for further advice and information (but not legal advice) on discrimination. You can also phone them on **0808 800 0082** or they have a textphone service on **0808 800 0084**.

Legal help

You may be able to get free legal advice and/or representation depending on the type and strength of your case and your circumstances. You can **check** whether you and your case might be eligible.

You can find out more about legal aid and other possible sources of legal help in National Assembly for Wales (2017) '**Legal Advice** – a guide for constituents'.

Paying for social housing

Universal Credit

If you are unemployed or on a low income, you may be on or due to move to Universal Credit (UC). UC is being rolled out across the UK and replaces these benefits and tax credits:

- Income Support
- Child Tax Credit
- Housing Benefit
- Working Tax Credit
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance

Some key points about how UC works in relation to social housing are:

- UC claimants are assessed and paid in arrears. From the time you apply, it may take 6-8 weeks or more to receive the first payment.
- You may be eligible to receive a UC advance on your first payment if you do not have enough money to live on in that time. For further information see: www.gov.uk.

- The housing element of UC is paid directly to the tenant, who is then responsible for paying the rent to the landlord.
- If you want another party (such as your advocate or social landlord) to communicate with the Department of Work and Pensions on your behalf, you need to provide explicit consent for this for each specific issue (usually via your online UC journal).

‘Bedroom tax’

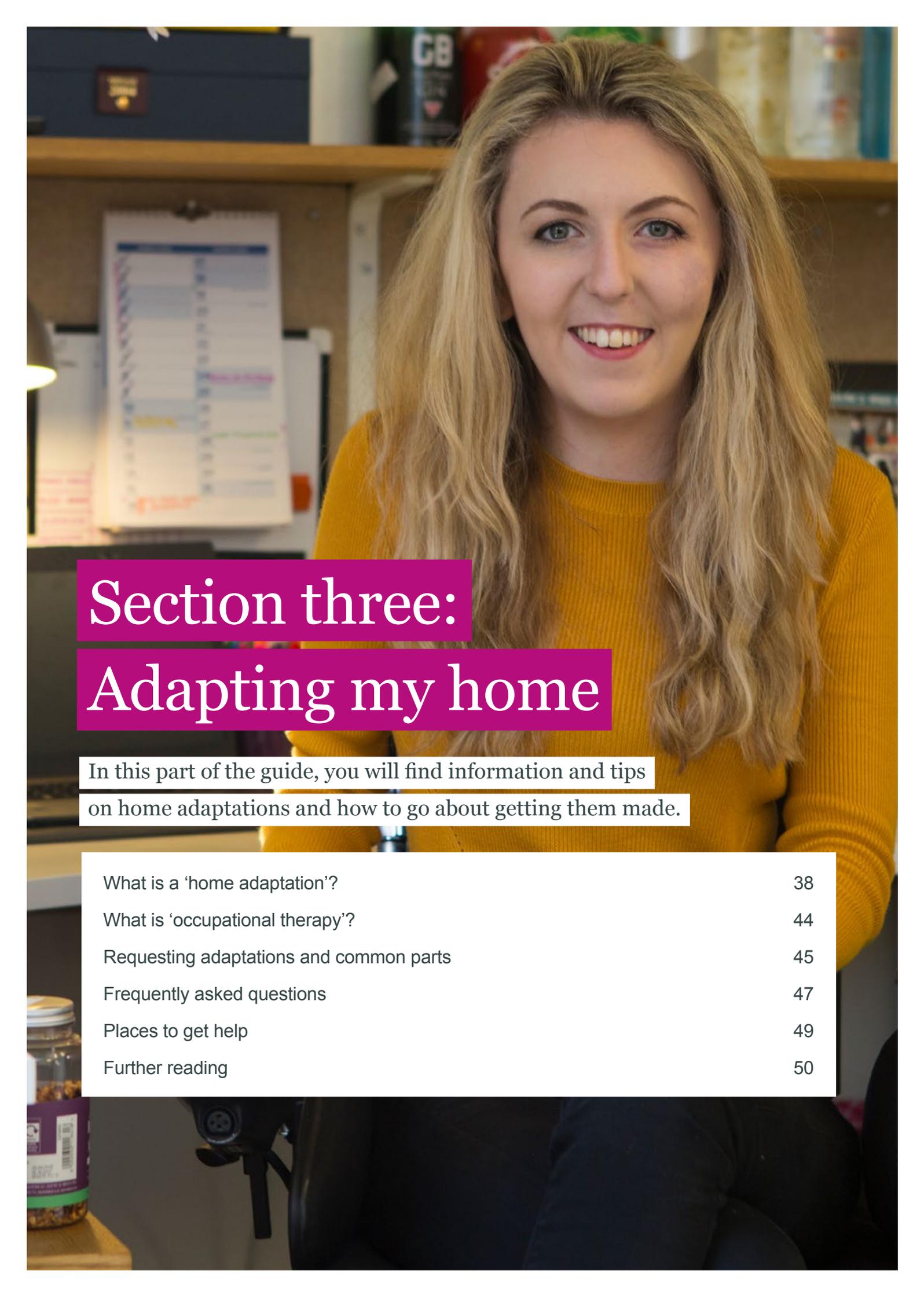
Since 2013, social housing tenants (with the exception of pensioners and/or those living in supported housing) have been affected by the removal of the spare room subsidy – commonly known as the ‘bedroom tax’. Benefit payments no longer cover the cost of any unoccupied rooms. If you are disabled and you can evidence that you need the ‘spare’ room for a carer, a disabled child who is not able to share a room, or the storage of medical equipment you may be eligible for a Discretionary Housing Payment from your council.

For further information on the removal of the spare room subsidy, and to access good practice guides in relation to Discretionary Housing Payments, see the UK Government [website](#).

? Did you know

You may be eligible for a Council Tax Reduction based on your income and other circumstance? Apply directly to your council.

If you are unsure of what you are entitled to, you should check with an expert. [Citizens Advice](#) can tell you where you can book an appointment with a local advisor, and you can usually communicate with the advisor by web, text or phone, or using British Sign Language if necessary.



Section three: Adapting my home

In this part of the guide, you will find information and tips on home adaptations and how to go about getting them made.

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What is a 'home adaptation'?

If you are finding it difficult to access basic facilities in your home or feel unsafe getting around your property, you may benefit from a home adaptation. Aids and adaptations aren't only for people with reduced mobility; they may also help people with sensory impairments, dementia or even mental health conditions. They could range from a small piece of equipment or technology right through to a major structural change, with the aim of improving your independence, confidence and privacy. Adaptations aren't just about physical access – they might, for example, include building a separate room for a child with autism who is not able to share with a sibling, or changing lighting and acoustics to reduce stress for a person living with dementia.

For an adaptation to work, you need to make sure you have found the right solution for your individual needs and the property you live in.

This part of the guide explains how you can get the information, support and funding to make adaptations. We have included tips from our focus groups with disabled people who have been through the process, and the professionals that support them, as well as links to various other sources of advice.

? Did you know

Equipment and adaptations are often provided free of charge?

This guide explains your rights and what you might be entitled to. Read this before you buy anything yourself!

Equipment

In Wales, there is a new system for arranging equipment and/or adaptations called **ENABLE – Support for Independent Living**. This aims to simplify and speed up the process. There are three categories of adaptation (though you may need several at these at the same time): small, medium or large.

Small adaptations

These are generally simple and quick to install. Examples might include:

- a portable wheelchair ramp or raised toilet seat
- a flashing doorbell or key safe
- a grab rail (hand rail for support)

Small adaptations are generally fitted free of charge – you can refer yourself and you won't need to give details about your finances. If you don't already have an occupational therapist (see below), you won't need to wait for an assessment for one.

The Rapid Response Adaptations Programme (Wales) also provides small adaptations (up to £350) to older and/or disabled people who are referred by a health professional. This is particularly useful if you need a piece of equipment so you can come home from hospital.

Medium adaptations

These involve some changes to the home, but will not need planning permission or structural changes. For example:

- a walk-in shower
- stair lifts
- a large ramp and wider door

Medium adaptations may require an assessment and recommendation by an occupational therapist or trusted assessor, and these adaptations may be means-tested (i.e. require a financial contribution from you, depending on your income and savings).

Large adaptations

These involve significant changes to your home, and may well require planning permission or structural changes, such as:

- an extension to create a downstairs bedroom/bathroom
- a through-floor lift
- re-location of a kitchen or bathroom

These will definitely require an occupational therapist assessment and are likely to be means-tested.

For all of these different sizes of adaptation:

If you are a private tenant or homeowner, contact your council. If you are a private tenant, you must request permission from your landlord to make adaptations to your accommodation. Under the Equality Act 2010, your landlord cannot refuse unless they have reasonable grounds for doing so. However, 'reasonable grounds' is a grey area and – especially in areas of high demand and where you have a short-term tenancy – it can be hard to challenge a refusal. Examples of things to look at to decide whether your landlord has a good reason for refusing consent include:

- the type and length of the letting
- your ability to pay for the improvement
- how easy it is to make the adaptations (and how easy it would be to undo them)
- the extent of any disruption and effect on other occupiers.

We include a number of scenarios regarding requests for different types of equipment and adaptations in section one of the guide on private renting.

If you are a council or housing association tenant, contact your landlord. The contact details of the individual officers you should approach are listed at on the Welsh Government [website](#).

The ENABLE scheme provides a single point of entry for all adaptations. Where the adaptation is going to cost over £1,000, you may need to apply for a Disabled Facilities Grant to fund this, especially if you are a private tenant or owner-occupier (if you rent from a housing association or council, they may fund the work directly).

Disabled Facilities Grants are administered by the housing department of your local council. They are means-tested (unless you are applying on behalf of a child under 18) so you may need to pay towards the cost of the work, based on your income, your partner's income (if applicable), and any savings you have over £6,000. The Grant can provide up to £36,000 of funding.

Key conditions:

- The owner or tenant, or someone in their household, must be disabled and must intend to live in the property for the next five years.
- A landlord can apply on behalf of a disabled tenant.
- The council must decide that the adaptation is:
 - > necessary and appropriate to meet the disabled person's needs (this is assessed by an occupational therapist)
 - > reasonable and feasible, given the age and condition of the property.

You can read more about this [here](#).

We have also included several scenarios in section one of the guide on the private rented sector.

! Top Tip

- Don't start work on your property until your application is approved; otherwise you may not get the Grant.

“It's your home and you've got to live in it! It can make such a difference if you can choose the tiles you want to make your adapted bathroom a really nice room, not just end up with it looking like a public toilet! Even as a social tenant and/or someone with a grant-funded adaptation, you should still have some choices around colours and finish, and there will always be options to pay extra to upgrade, so don't be afraid to find out what they are”

– Focus group participant

- If you have applied for social housing/a transfer to another social rented property, your application for adaptations is likely to be turned down automatically (on the grounds that you are not intending to stay). This can be a real catch-22: you should get some advice (see [Places to get help](#)).

- There are often restrictions on how soon a property can be adapted after it has been built – so check this out with the developer before moving to a new build that you know you will need to adapt right away.
- If you have had a lift or a hoist fitted, the Disabled Facilities Grant will often include a 10-year service plan. Check you know what your entitlements and responsibilities are under the plan, and how to call for repairs/services. There can be grey areas between which repairs are covered by the plan and which your landlord is still responsible for.
- Stay involved and oversee the work as much as possible (even if means someone walking around the property with a video, or going along in your place and describing it to you):

“We had had a specially widened space for a door put in and at the last minute a carpenter came along, put in a standard door frame and filled around it!”

– Focus group participant

! Top Tip continued

“My housing association put black electrical sockets in my property without asking me, because they are supposed to be clearer for a partially sighted person to see – but I can’t see to put black plugs in them!! So now they all need replacing! And they were more expensive than the plain white ones.”

– Focus group participant

- Make sure things are built into the ‘specification’ or contract with the builder. Everyone’s needs are different and even architects don’t always understand what ‘accessible’ means. Be really clear about what you need and want and why – if the builders and architects can understand what you need to be able to do, they should be able to make sure this is achievable. Seek advice from experts such as occupational therapists wherever you can.

A helpful diagram of the Disabled Facilities Grant process can be found on the [Local Government Ombudsman’s](#) website.



What is

‘occupational therapy’?

Occupational therapy, often referred to as OT, is a healthcare profession that focuses on developing, recovering, or maintaining the daily living and working skills of people with physical, mental, or cognitive impairments. It is a good idea to start by speaking to an occupational therapist when you are thinking about equipment or adaptations.

Occupational therapy services are available free of charge from the NHS or social services – if you do not already have an occupational therapist, the best thing to do is contact your council’s adult social care team, or you could ask your GP to make a referral.

You also have the option to use an independent occupational therapist: they will charge a fee, but they usually don’t have waiting lists and can offer services that the state does not fund. You can find a private occupational therapist by searching on [Royal College of Occupational Therapists’ website](#). The majority are based in England, but there are one or two in Wales.

In Wales, under the Social Services and Well-being (Wales) Act 2014 you are entitled to a Needs Assessment by your local adult social care team. This should explore how home adaptations might improve your ability to carry out everyday tasks at home.

! Top Tip

A good occupational therapy assessment is a two-way process, intended to come up with the right solutions for you. Make sure you go into each room of your property. It may help to have an advocate, family or friend with you during the assessment.

“

It can be hard to admit you can’t do things, but you need to be honest and talk about your bad days, not your best days. Don’t hold back; if they don’t know what you are struggling with (even if you don’t struggle with it all the time), they can’t help.

– Focus group participant

Find out about what equipment and adaptations might work best for you before you meet the occupational therapist; these can be creative but you need to be clear that what you are suggesting is **cost-effective**. Sometimes it is easier to change your equipment than your home, e.g. getting a height-adjustable wheelchair, rather than height adjustable worktops in your kitchen.

“**Stick to your guns and don't presume that what you are offered is the only thing – or even the best or most cost-effective solution!**

– Focus group participant

If you do end up buying equipment and aids to support you to live independently, be aware that you should be able to get these products VAT-free. See the UK Government [website](#).

The Disability Living Foundation's '[Living Made Easy](#)' site provides information to help you understand what equipment is available and what might work best for you. There is also a helpline that provides advice and information about buying or hiring equipment. You can try out different types of equipment at a demonstration centre.

The [Independent Living Buyers' Guide](#) is a good place to research possible solutions that might work for you. As the title suggests, it is geared more towards people who are willing and able to buy their own equipment so not all items will be available free through the NHS or your council.

There are lots of ways in which technology can be used to promote independent living.

See assistivetechnologyguide.co.uk for more information about 'assistive technology'.

Requesting adaptations and common parts

If you are a private tenant, you must request permission from your landlord to make adaptations to your accommodation. Under the Equality Act 2010, your landlord cannot refuse unless they have reasonable grounds for doing so. Examples of things to look at to decide whether your landlord has a good reason for refusing consent include:

- the type and length of the letting
- your ability to pay for the improvement
- how easy it is to make the adaptations (and how easy it would be to undo them), and
- the extent of any disruption and effect on other occupiers.

We include a number of scenarios regarding requests for different types of equipment and adaptations in section one of the guide on private renting.

If you are a housing association tenant, your landlord will often make or arrange the adaptation for you, so you should contact them first (or look at their website) to find out how this works. Most housing associations have a budget for doing minor adaptations – they may even employ their own occupational therapist.

If you live in private housing (e.g. as a leaseholder or private tenant), you may find that you need an adaptation in order to be able to access shared facilities or 'common parts' as other residents do. This might include the car park, communal gardens, bin areas, or the stairs and hallways. This is a complex and contested area, and one which the Government is currently reviewing. In March 2018, it was announced that the part of the Equality Act 2010 relating to this will – finally – be brought into force, though timescales for this are currently unknown.

If and when this happens, the landlord or managing agent responsible for the common areas will be required to make reasonable changes to physical features of 'common parts' at the request of a disabled resident who needs these for access.

Their assessment of 'reasonableness' should involve consultation with other residents and the law does not state whether the landlord/managing agent or disabled tenant should have to pay for these.

We have included several scenarios in the section of the guide on the private rented sector.



Frequently asked questions

Can I be offered (or pressured to accept) a new property?

- If the council decides it is not ‘reasonable and practicable’ to adapt your home (because of e.g. the layout, it is not cost effective, or you live in the private rented sector and your landlord may ask you to move in the next five years) you could explore an alternative social or private tenancy. If you are a housing association tenant, your housing association may suggest this to you at the outset.
- If you have good reasons to want to stay in your home, you should explain exactly why this is – especially if this is because of your impairment or health condition and ability to live independently, or because of the needs of other members of your household (e.g. if you need to be near carers or in a familiar environment). You can still apply for a Disabled Facilities Grant and your landlord cannot refuse to give you permission for the adaptations without good reason. The council cannot refuse you an adaptation because you are in a privately rented house, provided you and the landlord confirm that you plan to stay for the next five years.

Who is responsible for getting the work done?

- Some councils ask you to arrange for the work to be done; others carry it out on your behalf. If you are a housing association tenant, the housing association will almost certainly want to arrange and oversee the work. If you are an older person living in your own home or the private sector, you can refer yourself to Care and Repair Cymru, who will coordinate the process of adaptations, and potentially other repairs too. See [Places to get help](#).

I hear there can be long waits for grants; what should I expect?

- A Housing Authority must make decisions on Disabled Facilities Grant applications within six months of receiving them. The Housing Authority needs to get an occupational therapist assessment completed before it can make a decision. If there are delays, e.g. because there is a disagreement about the most effective approach, the council should keep in touch with you.
- The council should have a policy for operating the waiting list and tell people about this, e.g. how long they might need to wait.

What if I get refused?

- Your council cannot refuse to provide a Disabled Facilities Grant because it lacks the funds to do so.
- Contact the council’s housing team or your housing officer (if you rent from a housing association/council) to discuss the details of the decision. Explain clearly the impact of this on you and find out if there are alternative options, e.g. appealing the decision, other sourcing of funding, or options to move to an accessible property. They have a duty to explain these options to you, so if this is not automatically offered, you should ask for it in writing (see [Places to get help](#)).
- If a Disabled Facilities Grant has been refused, or if there is a shortfall between the cost of the work and the maximum amount of the Grant, you may be able to get alternative funding from the council. For example:
 - > The adult social care team has a duty to support disabled people, including through alterations to the home, under Section 2 of the Chronically Sick and Disabled Persons Act 1970 (though you will need to have gone down the Disabled Facilities Grant route first before they will consider this option).
 - > The local Housing Authority has a power under Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to give discretionary assistance, in any form (e.g. grant, loan or equity release) for adaptations.
- You can appeal the decision. You should try to get independent advice and support on your case and your options at this stage (see [Places to get help](#)).
- You can place a formal complaint through your council’s complaints procedure if you are not happy with the service you have received from the Disabled Facilities Grant or the adult social care team: they must then address your concerns.
- If you are a housing association tenant, you can place a formal complaint through your housing association’s complaints procedure.
- If you are still not satisfied with the response, you can take your complaint to the [Public Services Ombudsman for Wales](#) (whether it is about the council, a housing association or health authority). They will look at the case independently and may advise that the case should be reviewed, and you be compensated for any distress.

- You may be able to find alternative sources of funding (e.g. small grants from a charity): visit [turn2us](#) or [Living made easy](#) for more information.
- Some disabled people have raised additional money for equipment and adaptations through crowdfunding sites like [Just Giving](#).
- Your [occupational therapist](#). If you are waiting too long, or you would like a second opinion, you can pay an independent occupational therapist.
- For social tenants, contact your housing officer.
- Older private tenants and home owners can contact [Care and Repair Cymru](#) for advice and support to make your home warmer, safer and more accessible.
- [Citizens Advice](#) offer information on discrimination in adaptations.
- [Citizens Advice](#) can offer advice on adaptations and wider home improvements, such as energy efficiency: or enter your postcode to find your local [Citizens Advice](#) if you would prefer a face-to-face conversation.

Places to get help

There are a number of professionals and organisations who may be able to help you with the process of applying for adaptations, or advise you where there are conflicting views:



- The [Disability Law Service](#) can provide free legal advice on community care law, which should include getting adaptations done.
- If you feel you have been discriminated against by your landlord or during the adaptations process, you can contact the [Equality Advisory Support Service](#).
- Local disability groups, charities and independent living centres may be able to provide you with support and advice in relation to adaptations. [Disability Wales](#) may also be able to provide advice and/or refer you to a local group.

Further reading

[Home Adaptations Consortium guide](#) to home adaptations for disabled people

[Disabled Law Service factsheet](#) on the Disabled Facilities Grant

[Home Adaptations guide](#) on the Care Act 2014 and related provision across the UK

[Youreable](#) is an online community of and for disabled people.

[Living Made Easy](#) is a searchable online catalogue of independent living equipment.

There are also a number of impairment-specific resources:

- [Thomas Pocklington Trust](#) provides lots of useful publications related to design features that help people with sight loss at home. Some also touch upon the areas of dementia and fall prevention for older people.
- [Royal Association for Deaf People](#) provide advocacy, advice and services, including information aimed at people looking for suitable housing or looking to adapt their current home.
- [Alzheimer's Society](#) has information about equipment, assistive technology and adaptations for people with dementia.

Contacts

This publication and related equality and human rights resources are available from our website: www.equalityhumanrights.com.

Questions and comments regarding this publication may be addressed to: correspondence@equalityhumanrights.com. We welcome your feedback.

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