

## Learning Disability, Autism and Neurodivergence Bill Consultation

### Response from the Housing Support Enabling Unit

Housing Support services enable people to exercise their rights to obtain and keep a home, to live independently and to participate in the life of their community. The Housing Support Enabling Unit exists to support and promote providers in the voluntary sector, private sector and housing associations in Scotland who do this crucial work with people every single day. The Housing Support Enabling Unit is jointly hosted by the Coalition of Care & Support Providers in Scotland (CCPS) and the Scottish Federation of Housing Associations (SFHA). Core funding is provided by the Scottish Government.

This consultation response reflects feedback from housing support and supported housing providers working across Scotland.

Providers of housing support and supported housing work with people with learning disabilities and autism to support independent living. Article 19 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), the right to live independently and be included in the community) is an important human right that must be upheld through appropriate person-centred support.<sup>1</sup> To enable independent living, housing support providers work in partnership with the local authority, and health and social care providers to deliver relationship-based support in the community. A report by the UK Collaborative Centre for Housing Evidence found that preventative housing support often is the 'glue' that brings together a wider package of support, including for people with learning disabilities.<sup>2</sup> This can include several different models of support, including visiting housing support, where support is provided in someone's home, separate to their tenancy, or supported housing where a package of support is linked to someone's tenancy.<sup>3</sup> Housing support can be used by people with learning disabilities to achieve their own goals and become involved in activities that lead to positive outcomes including reduced social isolation, and better mental and physical health. For example, Eildon Housing Association in Duns provide supported housing for people with learning disabilities through six self-contained bungalows, providing a mix of individual and shared tenancies.<sup>4</sup> This support also includes a group telecare system operating as a traditional warden call system, and individual telecare solutions to offer additional support and provide data that can be added to wider care planning and review. The most recent Care Inspectorate report found that the support was very good, with people supported with dignity and respect to ensure that they '...lived as independently as possible with daily, living, attending groups and accessing community facilities.'<sup>5</sup> Regardless of the model, the goal of housing support and supported housing for people with learning

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<sup>1</sup> <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-19-living-independently-and-being-included-in-the-community.html>

<sup>2</sup> <https://housingevidence.ac.uk/publications/economic-benefits-of-housing-support/>

<sup>3</sup> <https://www.sfha.co.uk/mediaLibrary/other/english/69078.pdf>

<sup>4</sup> <https://www.eildon.org.uk/supported-living/learning-disabilities/>

<sup>5</sup> [https://www.careinspectorate.com/index.php/care-services?detail=CS2004056798&q=\\*&fq=!\(ServiceStatus:\\$Cancelled\\$\)AND\(CompanyName:\\*eildon\\*\)AND\(\(AccomPostCodeCity:\\*duns\\*\)\(AccomPostCodeNo:\\$duns\\$\)\)&sort=&startr=0&message=%3Cb%3EResults%20for:%3C/b%3E%20,eildon,%20duns&sCondition=null](https://www.careinspectorate.com/index.php/care-services?detail=CS2004056798&q=*&fq=!(ServiceStatus:$Cancelled$)AND(CompanyName:*eildon*)AND((AccomPostCodeCity:*duns*)(AccomPostCodeNo:$duns$))&sort=&startr=0&message=%3Cb%3EResults%20for:%3C/b%3E%20,eildon,%20duns&sCondition=null)

disabilities is to identify solutions for people that support independence, and allow choice and control. Housing support and supported housing are also valuable to provide preventative support that can help avoid escalation and allow people to remain living in their communities.

The Learning Disability, Autism, and Neurodivergence Bill is an important opportunity to bring together existing legislation so that neurodivergent people and people with learning disabilities get the support they need to exercise their human rights to housing and independent living.

## Part 3: Specific Themes

### Section 4: Housing and Independent Living

#### Proposal 1: Advice, Advocacy, and Guidance

[Which of the consultation proposals do you agree with \(if any\), please tell us why?](#)

The Unit supports the evidence from the Scottish Commission for People with Learning Disabilities (SCLD) that access to advice and advocacy helps people with learning disabilities to understand their options and make informed choices. This includes a housing options approach.

[Which of the consultation proposals do you not agree with \(if any\), please tell us why?](#)

We agree with Proposal 1.

[Is there anything else that we should consider in relation to housing and independent living?](#)

For housing support and supported housing providers, it is important to have a joined-up approach between providers of housing support, social care, health, and local authorities and HSCPs. A lack of effective partnership working may result in missed opportunities for neurodivergent people and people with learning disabilities, with some supported housing providers reporting extended periods of empty properties. This is disappointing considering the recommendations of the Coming Home report and the numbers of people with complex needs and learning disabilities living in inappropriate out-of-area placements due to shortages of community support and appropriate housing options. Provisions to improve housing and independent living in the Learning Disability, Autism and Neurodivergence Bill should be closely linked with work to achieve the goals of the Coming Home report. Providers of supported housing have reported concerns about more siloed working that emerged during the pandemic, and the need to prioritise joined-up approaches.

For people who do require support to live independently, we agree with SFHA that this should be a shared responsibility between the Local Authority and the Health and Social Care Partnership, to ensure that people's support needs are considered in conjunction with their housing needs. Where there is strong partnership working, providers of housing support and supported housing are providing high quality services for neurodivergent people and people with learning disabilities. These partnerships may include void agreements between housing associations and the local authority, and matching services, where housing

associations are able to raise vacancies within supported housing services with the local authority, to reduce the time a property is empty.

There are existing examples of effective partnership working between providers of supported housing and local authority partners across Scotland. For example, positive partnership working has been demonstrated by ENABLE Scotland, Health and Social Care Moray, and Hanover to provide supported housing for people with learning disabilities.<sup>6</sup> The development enables people to live in the community with appropriate support. Another example is Langstane Housing Association in Aberdeen which has a tripartite agreement with Penumbra and Aberdeen Council to provide accommodation with support in a block of 12 flats. One flat is used as an office for Penumbra staff with the other 11 flats provided for people with learning disabilities. This model works well with tenants able to sign a short Scottish secure tenancy to maximise the security of tenure with support provided. The Council is responsible for nominations for any vacancies, which are then agreed by Penumbra. Within the Scottish Borders, Eildon Housing Association have a nominations agreement with the local authority's Learning Disability Service which offer 100% nominations rights to around 60 properties located across the Scottish Borders for people with learning disabilities to live either in individual or shared tenancies with personalised support. These examples demonstrate the potential of effective joint working to offer positive supported housing solutions that enable independent living for people with learning disabilities.

## **Proposal 2: Neurodivergence and learning disabilities strategies**

[Which of the consultation proposals do you agree with \(if any\), please tell us why?](#)

Providers of housing support and supported housing agree that housing, care and support, and health services should be integrated in strategic planning to improve the landscape of provision for neurodivergent people and people with learning disabilities. It would be beneficial to improve visibility and awareness of the needs of neurodivergent people and people with learning disabilities and set out how provision of general needs and more specialist supported housing will meet these needs.

[Which of the consultation proposals do you not agree with \(if any\), please tell us why?](#)

If new strategies are created, it is crucial that they are integrated with existing work, including Local Authority Strategic Housing Investment Plans (SHIP), to avoid additional bureaucracy without clear pathways of action. Providers of housing support and supported housing have reported challenges of joint working as a key barrier to providing housing and support to people with learning disabilities and autism. Development of local and national learning disability and autism strategies, and SHIPs, should be influenced by engagement with providers of housing and support.

[Is there anything else that we should consider in relation to housing and independent living?](#)

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<sup>6</sup> <https://www.enable.org.uk/about-us/news-and-media/enable-scotland-commissioned-for-a-new-supported-living-complex-in-moray>

Any requirements for assessment of service provision and local housing in neurodivergence and learning disabilities strategies must be linked with existing strategies and duties. This includes work around the Coming Home Implementation Plan to improve care for people with complex needs and learning disabilities, and reduce out-of-area placements. Providers of supported housing and housing stakeholders must be included in this work, which relies on supply of appropriate housing to be provided in conjunction with community support. For example, within the Scottish Borders, housing providers are working with the local authority to consider how new supply of housing for people with specific needs can be incorporated into the local SHIP, in part to support the local authority's commitment to the Coming Home Programme. The Unit supports the messages of the SCLD and Scottish Federation of Housing Associations (SFHA) that the choice of housing options is currently restricted by challenges of supply and availability of accommodation. Delivery of new supply is subject to funding and resource, including through the Affordable Housing Supply Programme which has recently been reduced.

Due to the current resource and funding challenges, it would also be helpful to explore how resources could best be allocated towards facilitating models of housing support and supported housing that support independent living for neurodivergent people and people with autism. For example, in working towards the goal of the Coming Home Report, extensive resources are spent on inappropriate out-of-area placements, which could be redirected to connect local authorities, HSCPs, care providers, and supported housing providers to arrange a package of support that upholds human rights.

Neurodivergence and learning disability strategies must also be aligned with new proposed provisions in the Housing Bill about the duty to prevent homelessness for relevant bodies, and the duty for local authorities to assess the housing support needs and availability of services in the local authority area.<sup>7</sup>

While it may be helpful to use the new strategies to report on progress, it will be important to consider the impact and difference that reporting can make, and how reporting can be linked back to the experience of individuals. It is imperative to embed a person-centred approach, and for commissioners to understand that the nature of housing and support for neurodivergent people and people with learning disabilities means that support will be working towards different outcomes and goals that are individual to them.

### **Proposal 3: Mandatory Training for Housing Professionals**

*Which of the consultation proposals do you agree with (if any), please tell us why?*

Many housing support providers already undertake learning disabilities and neurodivergence training. There is strong support for people working in housing and social care and support to undertake training together to better enable partnership working. This would include job shadowing or placements, as well as traditional training methods.

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<sup>7</sup> <https://www.parliament.scot/bills-and-laws/bills/housing-scotland-bill-session-6/introduced>

Which of the consultation proposals do you not agree with (if any), please tell us why?

Is there anything else that we should consider in relation to housing and independent living?

While training is already undertaken, the resource that it requires is not always recognised. If the Bill is to introduce mandatory training, the resource requirements necessary should be recognised, along with the training that is already undertaken by housing and support providers.

#### **Proposal 4: Data**

Which of the consultation proposals do you agree with (if any), please tell us why?

There is frustration of housing support and supported housing providers that currently, data doesn't come together in an effective way to support strategic planning. It would be helpful to bring together existing data to be able to better assess and meet the housing needs of people with learning disabilities.

Which of the consultation proposals do you not agree with (if any), please tell us why?

Is there anything else that we should consider in relation to housing and independent living?

The potential of data currently being collected by housing support providers should be acknowledged. For example, housing associations collect equalities data from their tenants, which is increasingly disaggregated with details of neurodivergence and learning disabilities. This has potential to be a robust data set about housing provided to neurodivergent people and people with learning disabilities in Scotland.

Data about the housing needs of neurodivergent people and people with learning disabilities should also be linked with homelessness data. This could be coordinated with the Scottish Government's more general review of homelessness data that is currently being undertaken. Housing support providers report that data and statistics currently are unlikely to reflect the number of people with learning disabilities experiencing homelessness, including those who may lack a formal diagnosis. It is important to recognise the needs of neurodivergent people being met by homelessness services in Scotland.

Any collection and use of data must be informed by a human rights-based approach and the PANEL principles. While aggregated data on the housing and support needs of neurodivergent people and people with learning disabilities is important for strategic planning, the collection and use of data must always be relevant to the individual person. Article 31 of the CRPD states that appropriate information should be collected to enable policy to be made and implemented but should be disaggregated as appropriate, to help assess policy implementation, and to identify and address the barriers faced by disabled people.<sup>8</sup> If the LDAN Bill is to introduce new data requirements, this should also be balanced

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<sup>8</sup> <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-31-statistics-and-data-collection.html>

with the burden it will place on support and housing providers who are facing increasing capacity issues including recruitment and retention of staff.

### **Proposal 5: Inclusive communication**

[Which of the consultation proposals do you agree with \(if any\), please tell us why?](#)

Housing support providers are supportive of inclusive communication to support neurodivergent people and people with learning disabilities to aid understanding of housing and support communication. In addition to easy read documents, this may also include animations and videos.

[Which of the consultation proposals do you not agree with \(if any\), please tell us why?](#)

There are not any parts of Proposal 5 which we disagree with.

[Is there anything else that we should consider in relation to housing and independent living?](#)

Providers of supported accommodation may use easy read documents and other inclusive communications to help people understand tenancy or occupancy agreements. There have been challenges about the legality of easy read tenancy agreements, but the human rights of people with learning disabilities and autism should not be violated because of communication challenges. Legislation may be required to clarify the legality of this type of tenancy agreements.