

A PRACTICAL GUIDE for REGISTERED SOCIAL LANDLORDS: HOUSING and AUTISM SPECTRUM DISORDER (ASD)



Autism Spectrum Disorder (ASD) is a disorder that has far reaching effects on an individual's life and on the lives of those around them. In assisting people to cope with the condition it is necessary to look at a wide range of everyday supports and adaptations that may help. Housing is a key area that needs attention in this respect, and research has shown that there is a long way to go in meeting the housing needs of people on the spectrum and their families and carers.

These guidelines are a very timely reminder of what registered social landlords need to do to fulfil their duties and to assist people with ASD to get access to appropriate living conditions. For those that this guide is aimed at, I encourage you to use this invaluable resource to help you carry out your role. In doing so, I am sure that you will be able to assist people with ASD and their families and carers to improve the quality of their lives. Glasgow City Council is committed to improving the lives of all its citizens, and appropriate housing is an integral part of this. These guidelines provide an excellent resource in helping to provide appropriate assistance to those affected by ASD and I commend them to you all.



The Rt Hon The Lord Provost Councillor Bob Winter

A handwritten signature in black ink, consisting of a stylized 'B' and 'W' followed by the word 'intere' written in a cursive script.

Acknowledgements

The development of this Good Practice Guide followed a meeting on 27th June 2008 of Glasgow City Council's Executive Committee which approved the annual report of the Working Group on Autism Spectrum Disorder. The report included eight recommendations for further action including one to "develop the mechanisms for adaptation and access to appropriate housing and housing support for people on the spectrum and their families."

As part of this, work on Housing was remitted to a subgroup of the Working Group and has representation from the Glasgow Autism Resource Centre, Scottish Federation of Housing Associations, Glasgow and West of Scotland Forum of Housing Associations, Glasgow Housing Association, the Scottish Society for Autism, The National Autistic Society, Development & Regeneration Services (Glasgow City Council), and parents of children with ASD. The guidelines are part of the work of this group and along with targeted training, go some way to addressing the recommendations approved by the Executive Committee.

Many people and organisations have provided 'real-life' examples which have been utilised to inform this Guide. Particular thanks are due to the almost 300 parents who took part in Autism and Housing Survey, the schools in Glasgow for their support in distributing the survey, and to the individuals on the housing sub-group who commented on previous drafts.

Photos courtesy of NAS and GCC

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PURPOSE OF THIS GUIDANCE

To be used as a training note to assist Registered Social Landlords (RSL) and other housing agencies in meeting the housing needs of households with members with Autism Spectrum Disorder (ASD) through examples of practical situations and solutions.

Why this Guidance is needed?

Housing practitioners are often unaware of the particular housing issues and needs of households with members with ASD have and are therefore, unable to respond appropriately.

ASD Housing Questionnaire Results

- The housing needs and issues of families with children with ASD in Glasgow were examined through a survey questionnaire targeted at families with school-age children with a diagnosis of ASD (2009).
- 1274 survey forms were sent to households, with 282 surveys returned which is a response rate of 22%. Half of all survey respondents lived in the socially rented sector.
- The questionnaire results provide a rich source of information on housing experiences and raise issues relating to housing provision, information and advice giving, housing and other support provision, and highlight the general low levels of awareness of ASD and its implications for housing needs.
- Housing Associations were the most regularly quoted place where respondents get information and advice on housing, and this included households who currently rent socially and privately, and those who own.
- 2/3 respondents reported that their home does not currently meet their needs which increases to ¾ in the socially rented sector.
- Over a quarter of respondents indicated their current accommodation is the best of limited options, citing the lack of availability of larger houses and issues of housing affordability.
- The most frequently raised housing issue facing households renting from RSLs was lack of sufficient bedrooms with half of children with ASD sharing bedrooms. The next most frequently raised issue was a lack of access to a safe and secure garden.
- Other reasons cited include housing affordability constraints coupled with caring/ working commitments creating a barrier to purchasing a more suitable property, access to funding for adaptations and in particular extensions, housing association allocation policies or housing staff not recognising housing need, and difficulties in living in proximity to neighbours with a particular focus on the need for improved soundproofing.
- The results underline the high priority given to friend and family networks in influencing the decision of where households locate due to the high levels of support provided by them, the most frequent reason given for families living in their current accommodation was the location and to be near friends, family and school.
- 41% of respondents indicated their family's housing needs would change significantly in the next 5 years. Due to the age profile of the children with ASD (average age of 10), most of the change involved the need for more space for the family enabling the children to fully develop and to foster independence.

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WHAT IS AUTISM SPECTRUM DISORDER (ASD)?

Autism, Asperger's syndrome, Pervasive Developmental Disorder and other related conditions are lifelong conditions that express themselves in varying ways and levels of severity. They are characterised by a triad of impairments in social interaction, social communication and inflexibility of thought.

The term Autism Spectrum Disorder (ASD) has been coined to describe this continuum of impact, and includes autism, Asperger's syndrome and related disorders. Autism Spectrum Disorders occur right across the intellectual range and individuals may have associated severe learning difficulties or may have a very high IQ rating. It is estimated that around 1 in 100 people have ASD.

For some people the condition may be severe and disruptive, undermining their capacity to live independently. Such people although responding to early intervention, will require substantial and ongoing support. Others however may only experience subtle effects in social behaviour. It will have a minimum impact on their capacity to live a normal life, require little by way of support and may indeed remain undiagnosed.

ASD is a developmental disorder that affects the way a person thinks, learns and communicates. It impairs the ability to form relationships and understand emotions.

There are three main features associated with the condition:

- Difficulties in relating to or understanding other people or social situations.
- Difficulties in acquiring and oddities in the use of communication (many individual's language seems very pedantic or formal or they interpret what others say very literally; some individuals may never develop verbal language)
- A lack of imaginative ability, often substituted by obsessive, repetitive behaviour and a strong resistance to change.



The first step housing officers can take is to recognise a customer with ASD. The Autism Resource Centre (ARC) provides general awareness training of ASD on an on-going basis, and throughout 2009 to 2010 is carrying out specific Housing and ASD training for housing staff through Community Health and Care Partnerships' (CHCP) Essential Connections Forums. If you would benefit from awareness training, please contact the ARC (details in Annex 4).

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LEGISLATIVE REQUIREMENTS

Autism is held to be a disability under the Disability Discrimination Act 1995 (DDA) and there is case law to back this up. There are therefore a number of legal requirements for landlords and housing associations, namely:

Individuals with ASD must not be treated less favourably for a reason relating to that person's disability than they would treat others to whom that reason does not apply. It is also unlawful for a person managing any premises to discriminate against a disabled person occupying those premises:

- In the way they permit the person making use of any benefits or facilities or, by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities. Reasonable steps must be taken to address the barriers which may be experienced by a disabled tenant, prospective tenant or lawful occupier, created by the way in which the premises are managed or let. Reasonable adjustments may fall into one of three areas:
 - *Providing auxiliary aids and services*
 - *Changing practices, policies and procedures*
 - *Changing any terms of the letting*

However there is no duty to take any steps that would consist of or include the removal or alteration of the physical features of a property.

Further information on the DDA in relation to ASD can be found in Annex 1.

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COMMUNICATING WITH CUSTOMERS

People with ASD may have difficulties understanding written communication particularly if the wording is ambiguous or not clear.

People with ASD may not always open their mail as they may have a particular aversion to this or they feel it is intrusive. This can sometimes result in people getting into rent arrears and other debt.

Unexpected visits can often cause distress if people have not been made aware of these in advance.

Always consider alternative or multiple ways to communicate with people on the autism spectrum, or ask them for their preferred method of communication.

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MEETING HOUSING NEEDS AND ALLOCATIONS

Importance of a Known Locality

People with ASD often rely heavily on routine and structure, and may become very anxious when faced with major changes in their lives. Changing living arrangements after many years can be incredibly expensive and difficult to manage.

Moving house can be a stressful experience for anyone. For people with an ASD who like routine and find change difficult, a house move can lead to large amounts of stress and anxiety. Given the heavy reliance on informal support, relocation might lead to the breakdown of that support network, having a detrimental effect on the whole family unit. In the case of adults living independently, change in accommodation location may be met with great resistance and might bring on mental health issues if not handled extremely carefully.



Case Study: The Jones

The Jones' lived in a 3-bedroom property in the East End of Glasgow. They had 3 children all of whom had a diagnosis of ASD, each child having very different but equally complex needs, and so each required their own bedroom. In order to have enough support the family had built a strong circle of friends and family who could help out when required, and so the family were reluctant to move out of the locality to get a bigger property. The family worked closely with Social Work and the RSL to find a solution to their problem. The RSL agreed to build an extension to the property to provide the extra rooms and allow the family to maintain their all-important network of support.

Try to find a housing solution nearby or consider if the current property can be adapted.

Number of Bedrooms

People with ASD can disturb the sleep patterns of siblings with detrimental effects on health and education. They need their own space to allow them to de-stress and organize their environment in the way they wish. Allocations policies should allow for additional bedrooms to accommodate the needs of households with ASD members.

Case Study: The McDonalds

The McDonalds have two daughters who shared a bedroom. The eldest daughter has Asperger's syndrome and needs everything to be ordered just the way she wants. The daughter painted a white line down the middle of the bedroom, and took this control to such an extent that she wouldn't allow anyone out of bed until she had had the house to herself for an hour every day. If this did not happen, her behaviour became very challenging. She needed her own room. This situation was also adversely affecting her education and social life and those of her family. The RSL acknowledged this as a pressing housing need which required to be reflected in the allocation policy, and then re-housed the family into a suitable property.

Ensure that there are an adequate number of bedrooms to allow individuals with ASD to have their own room should this be required. Allocation policies must allow for additional bedrooms to be allocated to families even with young children of the same sex. Alternatively, this may mean that an extension needs to be built on an existing property to provide additional bedrooms and toilet facilities.

Case Study: The McKays

Ms McKay was a single mother living with her two children in a two-bedroom property in multi-storey flats. Her son had been diagnosed with Asperger's syndrome and required his own bedroom. The allocations policy did not take account of her son's need for his own space, as it only took account of physical disability – 'ability to move around the building'. The Autism Resource Centre worked closely with the RSL to amend the policy to award a medical priority for applicants affected by ASD.

Ensure that application forms and medical assessments ask for the right information on the needs of applicants who are affected by ASD and that allocation policies take into account these needs.

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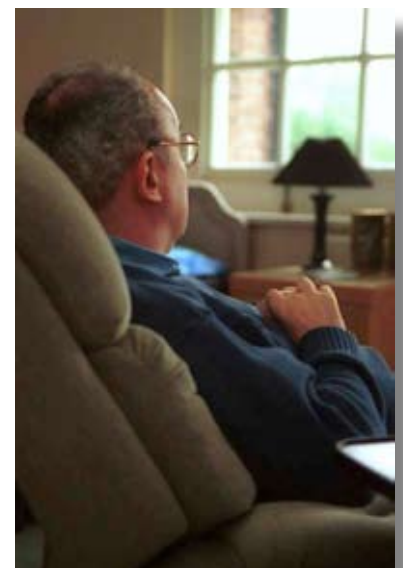
HELPING TO SUSTAIN TENANCIES

Preventing Homelessness

The prevalence of ASD within the homeless population is unknown. However, it is likely to be higher than within the general population.

The Glasgow Homelessness Partnership's (GHP) Homelessness Strategy highlights the prevention of homelessness as a key priority. Tenancy sustainability forms a key part in joint working between RSLs and GHP. Where ASD is a feature of those presenting as homeless, GHP needs to ensure it can identify and act upon any specific need or consideration.

Where there is a diagnosis of ASD this may or may not have been shared with RSLs when the person is housed. Where it has not been shared there is an increased risk that the tenancy will fail. The GHP has a target of limiting the period homeless people staying in temporary accommodation to 13 weeks for non-complex cases. However people often remain in temporary accommodation for longer periods. The temporary accommodation may be inappropriate, in the wrong place and without the right kind of support. The supply of temporary accommodation does not take long-term housing and support needs into consideration. Where such needs are not identified and provided for, it may result in further problems when the person moves to permanent accommodation.



Raising awareness of ASD will improve the outcomes for those on the spectrum as officers will identify them and be able to provide a more appropriate response.

Homelessness Partnership officers and RSL housing officers need to have awareness of ASD to identify people with ASD and assess their housing needs. More specialised training may be useful to staff in health teams.

Sharing appropriate information between services as a result of improved assessment will assist the Homelessness Partnership to work more closely with RSLs and housing support providers.

Improved assessment will help achieve better resettlement outcomes for these clients.

Tenancy Support

ASD, particularly Asperger's syndrome or high-functioning autism, is often seen as an "invisible" disability. The way individuals look or present is not always a true reflection on their ability.

People may have certain skills but have no knowledge of how to use them appropriately. For instance an individual may be able to use a washing machine, but won't actually know to do this unless it is written into a daily schedule. Or, a trained chef may be able to cook for 200 people but not be able to translate that into cooking for himself/herself. People may also not have learned essential 'life skills' such as budgeting or managing money.

Independence and behavioural skills development and support are needed for a range of practical housing support tasks. These may not be initially obvious to housing officers or other professionals.

Harassment, Antisocial behaviour and ASD

People with ASD are often victims of criminal or antisocial behaviour as they can often be socially naïve and may find themselves bullied and exploited.

The recent Disability Rights Commission and Capability Scotland survey found that 47% of people with disabilities (including hidden disabilities such as ASD) have experienced hate crime because of their disability. Thirty-one percent of people with disabilities who are victims of hate crime experience attacks at least once a month. Those surveyed said they felt scared, embarrassed, humiliated and stressed by the attacks. The impact such attacks have on the victims is that about one third have had to avoid specific places and change their usual routine with one in four moving home as a result of the attack.

Some people with ASD can have obsessive or ritualistic behaviours. People with ASD can often be very law abiding and may repeatedly report crimes and those committing them to the appropriate authority, be it the police or housing organisation. Sometimes this may make them very unpopular within localities and cause reprisals to be made against them.

Challenging behaviour is most likely to occur when the person with an ASD is anxious, disturbed or frustrated, and can involve actions such as banging on walls, self harm (eg, biting hands), or shouting. Other forms of behaviour common to people with ASD which may alarm other people, include idiosyncratic movements (such as rocking, or flapping hands or arms), poor awareness of personal space, repetition of strange sounds and words, lack of flexibility of thought, or becoming very upset because of changes in routine. Unfortunately, these behaviours could be interpreted as being antisocial and could lead to people with ASD being labelled as problem neighbours or indeed criminalised.

Similarly people with ASD may be very isolated and desperate for social contact but not know how to go about this appropriately or how to behave with neighbours and others in the community. In this respect people may be seen as odd, rude, strange or at times threatening. An individual's behaviour may unintentionally make them unpopular or targeted in the community.

While diagnosis of ASD amongst the child population has improved in recent years, for adults, diagnosis is still poor, and it is estimated that only around 10-15% of the adult population has been identified. When looking at anti-social behaviour and/or harassment, it may involve people with ASD who are undiagnosed, and therefore will not be taken into account.



Case Study: Graham Stewart

Graham Stewart was married with 2 children and had a diagnosis of Asperger's Syndrome. He regularly noticed that people were using the park opposite him to take drugs and drink alcohol, and in some cases deal in drugs. Graham regularly reported this to the police but he perceived little was being done. One day he barricaded the park gates shut and called the police. Several days later Graham was attacked in the street and it became very difficult for him to leave the house at all for fear of reprisal. The Police and Social Work worked with the RSL to ensure that he was deemed high priority for relocation due to this threat, and the family was moved in consultation with Graham, to a new area.

RSL staff should be trained and understand how harassment and antisocial behaviour commonly arises in relation to ASD. In instances where a link between anti-social behaviour or harassment and ASD is suspected, appropriate medical/ other professional advice should be sought (contact details in Annex 4).

When assisting people with ASD in considering a move to a new house or area, RSL staff should consider housing options that minimise the risk of targeting of the person with ASD.

Sound-proofing measures may be required to reduce neighbour perceptions of anti-social behaviour.



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THE HOUSE

Maintenance and Improvement Works

It is important that any necessary contracts e.g. tenancy agreements, are clearly worded to ensure that individuals have a clear understanding of their responsibilities e.g. when and how to report faults.

People with ASD may not recognise that necessary repairs need to be carried out, or they might react badly to tradespersons trying to carry out repairs.

Case Study: Mr Smith

Mr Smith was diagnosed with ASD and lived with his wife and 2 children in north Glasgow. His kitchen was due to be modernised. Mr Smith found it very difficult allowing people into his house if he did not know them and found changes to his normal routine distressing. Rather than just sending a letter, the RSL arranged to visit Mr Smith to discuss the work and with Mr Smith agreed a plan, importantly including a date for the work to be carried out. The RSL paid another visit to Mr Smith beforehand to ensure that everything was still OK with the agreed plan. The work went ahead on time, in the way agreed with Mr Smith. Thereby it minimised the disruption and anxiety for Mr Smith.

Adults with ASD need clear communication and need to be listened to. They need additional time to understand and accept any proposed changes. Then changes should be carried out quickly, and exactly as agreed with the individual.

Making the House Safe

Some children with ASD have very little awareness of their own safety and the safety of others. This will often go beyond requirements for the normal childproofing of a house.

Case Study: The Chans

Mrs Chan had a 5-year-old child with autism who managed to leave the house and wander off before being found by the police at a local supermarket. A meeting with Social Work and the RSL was called, and a full assessment of the property was carried out by an Occupational Therapist. The assessment made a number of recommendations on adaptations that were necessary for the RSL to put into the property in order that it be made safe and secure eg. lockable cupboards, extra door locks.

Specific adaptations for households with children with ASD may include lockable cupboards and doors (as opposed to catches), locks on windows, lockable stair gates, 2 way locks, and isolation switches for appliances. It is also important to be aware of climbing or jumping hazards like stairwells.

Sound-proofing

Case Study: Anna

Anna was a young woman who was non-verbal and received 24/7 support. On moving house recently she had started to self-harm despite an excellent plan being made to help her with the move. The Autism Resource Centre (ARC) was asked to carry out an assessment to stop her self-harming behaviour. They discovered that this behaviour increased when trains passed her new property which was situated near a train line. The ARC recommended to the RSL that to avoid moving Anna to another new property, that her property should be soundproofed. This was carried out and her self-harming behaviour immediately stopped.

Be aware of the environment around the property and if a move is not achievable, consider soundproofing the existing property.

Organising Space

The main reason for incorporating structure in a person with ASD's daily life is to enable them to predict events and help them avoid anxiety. Everything, even down to how the room is furnished, needs to be prepared and explained.

Understanding the physical structure of a particular environment is important in creating a non-distractive and functional area. Bookshelves, walls, furniture and special flooring enable people with ASD to separate different activities and set boundaries. Annex 2 outlines environmental service standards for people with ASD.

Case Study: Alan and Billy

Alan and Billy were moving back to Glasgow from accommodation with 24-hour support. They were going to be sharing a property with support staff, but each needed their own space. A 3-bedroom property was selected that had 2 very large public rooms and one kitchen. Both individuals required separate kitchen, dining and lounge areas, so significant internal restructuring had to be done to ensure that both individuals had recognisable areas that were clearly demarcated for these purposes. This included splitting rooms to ensure that there was adequate space and rooms.

Properties for people with ASD should be organised and structured in a way that is suitable for them. The environment can often help the individual identify the expected behaviour e.g. a kitchen needs to look like a place to cook. Open-plan living spaces can create confusion.

Calming the Environment

Many people with ASD have higher or lower sensitivities to noise, light, heat or smell which may cause them to become anxious. For example this might occur from neighbours with young children, musicians or living near to busy roads or railways. Therefore there should be a quiet and calm environment, minimising disruption or noise.

Some parents have created a sensory room for their child so that they can retreat there when necessary. A sensory environment may incorporate a distraction-free area combined with a selection of different equipment including fibre optics, mirror balls etc

Case Study: Miss Khan

Miss Khan lived in a one bedroom flat on a busy street in the West of Glasgow. At the back of the house was a children's play area. Miss Khan found this environment very stressful so moved to a new property in a quieter area but still within easy access of train/underground links, as Miss Khan also found bus travel very intimidating. However, her new property had floorboards in the lounge, a very 'busy' carpet in the bedroom and quite bright lighting. Miss Khan installed a plainer carpet throughout the property. Carpet in the lounge was important because Miss Khan liked to rock in her rocking chair and this made too much noise on floorboards. She also changed her light bulbs, putting in coloured ones to diffuse the lights and lower the glare.

People with ASD generally need an environment which is calming. This may mean creating a sensory room in a house, or changing décor to make the environment less stressful.

Garden

The garden can provide a useful outlet for the person with ASD to offload the stresses of the day. Some individuals find that running around in the garden is an effective way of relieving stress in a safe environment.

Case Study: Katherine Macbeth

Katherine Macbeth was returning to Glasgow from a residential placement near Edinburgh. She needed significant support to live in the community, as well as a spacious property with a garden. A suitable property was identified, but unfortunately the garden was not secure, something which was essential to allow Katherine to de-stress outside. The care provider worked with the RSL, Social Work and Health to identify funding to fence the garden.

Secure garden areas are very important, particularly for children, and should be provided whenever possible.

The garden should provide a safe and secure environment for play and needs to be fenced.

Specialist Housing Development

Annex 3 contains information on Specialist Housing Provision.

LANDLORD'S OBLIGATIONS UNDER THE DISABILITY DISCRIMINATION ACTS AND THE HOUSING (SCOTLAND) ACT 2001

This note addresses the issue of a Landlord's obligations to disabled people under the Disability Discrimination Act 1995 and 2005 and the Housing (Scotland) Act 2001, with particular reference to people with autism.

Part 1 – Is Autism considered to be a disability under the Disability Discrimination Act?

Autism has held to be a disability under the Disability Discrimination Act 1995 and there is case law to back this up. Without going into the case law further, it may however be useful to note the necessary components of the definition of disability under the Disability Discrimination Act (hereinafter referred to as the DDA). The three main components are:-

- Substantial physical/mental impairment;
- The impairment must be long term;
- It must affect at least one normal day-to-day activity.

It is important to note that while each case must be looked at independently in order to assess whether or not it falls within the definition, in general autism will however be considered to be a disability under the DDA.

Therefore, the following provisions will apply to someone who has autism.

Part 2 – Relevant DDA Provisions

Less Favourable Treatment

A Landlord must not treat a disabled person less favourably for a reason relating to that person's disability than they would treat others to whom that reason does not apply. For example, a Landlord asks a deaf person for a non-refundable deposit as a condition of him renting a flat because he firmly believes that the tenant will be less reliable than others because of his disability. This is clearly less favourable treatment for a reason relating to his disability. Unless justified, this treatment would be unlawful.

Another example would be a Housing Association having a blanket policy of requiring all new tenants with a history of mental health problems to have only a short term tenancy in the first instance. This is so that the Association can see whether such tenants are suitable. This policy is not applied to other new tenants and, therefore, is likely to be unlawful.

Note that the less favourable treatment provisions apply to all types of disposals of premises, including sales and lettings.

Management of Premises

It is also unlawful for a person managing any premises to discriminate against a disabled person occupying those premises. This not only applies to property owners but also Property Management Agencies, Accommodation Bureaux and Estate Agents.

It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises:

- In the way they permit the disabled person to make use of any benefits or facilities; or
- By refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities.

Benefits or facilities include laundry facilities, access to a garden and parking facilities.

Part 3 – Duty to Make Reasonable Adjustments

This duty requires reasonable steps to be taken to address the barriers which may be experienced by a disabled tenant, prospective tenant or lawful occupier, created by the way in which premises are managed or let.

A controller of premises (landlord/manager) discriminates against a disabled person if:

- He fails to comply with a duty to make reasonable adjustments in relation to the disabled person; and
- He cannot show that the failure to comply with the duty is justified.

Reasonable adjustments may fall into one of three areas:

1. Providing auxiliary aids and services;
2. Changing practices, policies and procedures; and
3. Changing any terms of the letting (this applies only to premises that are let).

It is worthwhile noting at this stage that there is no duty to take any steps which would consist of or include the removal or alteration of physical features.

A physical feature can be defined as follows:-

- Any feature arising from the design or construction of the premises;
- Any feature of any approach to, exit from or access to the premises;
- Any fixtures in or on the premises;
- Any other physical element or quality of any land comprised in the premises.

Note that attaching something to a physical feature, such as a wall with a screw is unlikely to amount to an alteration of the physical feature. However, something more significant, such as installing a concrete ramp is likely to amount to alteration of a physical feature.

The following are not considered alterations of physical features and, therefore, may well be considered reasonable adjustments:-

- The replacement or provision of any signs or notices;
- The replacement of any taps or door handles;
- The replacement, provision or adaptation of any doorbell or door entry system;
- Changes to the colour of any surface such as a wall or a door.

If a disabled person feels that they require a reasonable adjustment then they should request this from their landlord/property manager and such a request may be in writing or it may simply be made verbally.

We will now explore the types of reasonable adjustments that may be made in more detail.

Auxiliary Aides or Services

The following may be considered auxiliary aides or services under the DDA:

- The removal, replacement or provision of any furniture, furnishings, materials, equipment or other chattels (so long as it would not be a fixture when installed);
- The replacement or provision of any signs or notices;
- The replacement of any taps or door handles;
- The replacement, provision or adaptation of any doorbell or door entry system;
- Changes to the colour of any surface (such as a wall or door).

The duty to provide an auxiliary aide or service arises where, in addition to a request being made, it is shown that the auxiliary aide or service would enable or make it easier for the disabled person to enjoy the premises and it would be impossible or unreasonably difficult for the disabled person to enjoy the premises if the auxiliary aide or service were not provided or, the auxiliary aide or service would enable or make it easier for a disabled person to make use of any benefit or facility, which he is entitled to use, and, if the auxiliary aide or service were not provided, then it would be impossible or unreasonably difficult for the disabled person to make use of the benefit or facility.

Duty to Change Practices – Policies and Procedures

An example of this would be changing a policy of not allowing any animals on the premises so as to allow a guide dog to reside with its blind owner.

Duty to Change Terms

Please refer to Duty to Change Practices – Policies and Procedures above.

An example of a reasonable adjustment for a person with autism may involve changing light bulbs to decrease the glare of the light or providing suitable lamps. It could be argued that such adjustments would come under auxiliary aides or services and would not fall under the physical feature exemption. Therefore, a landlord would be obliged to make such reasonable adjustments.

Justifications and Exemptions

Less favourable treatment or failing to make a reasonable adjustment may be justified only if the premises provider believes that one or more of the relevant conditions (below) are satisfied; and it is reasonable in all the circumstances of the case for that person to hold that opinion.

The relevant conditions to be satisfied are:

- Health or safety;
- Incapacity to contract;
- Treatment necessary in order for the disabled person or other occupiers to use a benefit or facility; and
- Treatment to recover extra costs.

Provisions Outwith the DDA for Social Landlords

The Housing (Scotland) Act 2001

This Act allows tenants in the Social Rented Sector to apply to their landlord for consent to carry out any work on their home. The Landlord cannot unreasonably withhold consent for the work.

Such work may include:

- Alterations, improvements or enlargements of the house or of any fittings or fixtures;
- Addition of new fixtures and fittings;
- Erection of a garage, shed or other structure.

Please note that this is not an exhaustive list.

The sort of work related to disability which might fall within the scope of this provision will depend upon the nature of an individual's disability and the effect upon him of that disability. For example, a disabled person with a mobility impairment may need a grab rail in his accommodation to enable him to move about the premises effectively.

What is Reasonable?

This depends on the circumstances of each case, however, landlords should give due weight to the needs of the disabled person for whom the work has been requested. This must be balanced against any other factors to be taken into account.

Appeal Process

A person may appeal against the refusal of consent by a Landlord. The court must take account of:

- The safety of the occupiers of the house or of any other premises;
- Any expenditure which the landlord is likely to incur as a result of the work;
- Where other work is likely to reduce the value of the house or of any premises it forms part of, or will make the house or premises less suitable for selling or letting;
- Any effect the work is likely to have on the size of the accommodation provided by the house;
- The terms of the Code of Practice issued under the Act

Please note that, both the DDA and the Housing (Scotland) Act 2001 are included within the Equality and Human Rights Commissions Code of Practice and, therefore, there is a requirement for Landlords and, subsequently, the courts to take account of the code.

Therefore, a Landlord must take account of the nature of an individual's disability, the effect upon him or her of that disability, the disabled occupant's needs, etc.

There are a number of factors that a landlord should also consider and some examples are, as follows:-

- The impact upon the disabled person of any refusal of consent;
- Ability of tenant to pay for the work;
- Scale of proposed adaptations;
- Length of term remaining under the letting;
- The nature of the tenancy;
- The extent of any disruption and the effect on other occupiers of adjoining premises;
- The effect of and compliance with planning and building regulations requirements.

The landlord is entitled, where such requests are made, to attach reasonable conditions to his consent to any work.

Finally, it is important for local authorities to note that they, along with numerous other public bodies are obliged under the Disability Equality Duty, to pay due regard to the promotion of equality for disabled people in every area of their work. Housing Associations are also covered by this duty and should have produced a Disability Equality Scheme as part of their obligations under the duty. More information on this duty is available at www.dotheduty.org.

ANNEX

2

ENVIRONMENTAL SERVICE STANDARDS

Irrespective of the purpose of the environment (residential care, supported living, respite, day service), there are several key factors that can make a significant difference to the experience of a person with autism. These key environmental principles are based on knowledge of what works for people with ASD and in particular the accounts given by people with ASD themselves.



- There should be clarity of purpose for each room and areas within rooms (through labelling with pictures photos, making space clear). A room / space that is used for more than one purpose (e.g. a bedroom which is also used as an activity area) could lead to confusion.
- Each room / area should also be used consistently for the same purpose.
- Typical hypo and hyper sensitivities are reflected in shared areas (e.g. over-arousal is often a major source of stress, hence maximum use of natural light, neutral colours, avoiding heavy geometrical patterns is recommended)
- Unnecessary environmental change is minimised.
- Where environmental change is necessary people are warned and supported through the change.
- When an environmental order or system is established this is maintained (everything in its place and a place for everything).
- To support a person's understanding of their environment, pictures, symbols and signifiers can be used (for example to label cupboards). Where these are used they must be accurate, well maintained and displayed at appropriate height.
- Many people with ASD benefit from using visual communication systems and the environment should be structured to accommodate such systems.
- Space should be managed to be minimalist, clear of clutter without unnecessary objects. (this will be particularly important where space is shared)
- An environmental audit should be carried out on a regular basis which can provide an insight into issues that may effect the person with ASD that had not previously been picked up (e.g. an audit of noise levels may identify auditory sensory sensitivities which are triggers for increased anxieties)
- The use of assistive technology should be considered to maximise the person's independence within their environment and reduce environmental risk.
- To avoid the cost and upheaval of regular replacement, furniture and fixtures should be robust and appropriate to the needs of the individual.
- Accommodation should well maintained and repairs should be carry out quickly.
- The needs of the person with autism should be considered when organising repairs and maintenance. For example the person with ASD may be distressed by changes in their environment that have occurred when they were out and were unprepared for.
- Some people with autism are sensitive about the need for distance and become anxious at the loss of personal space. Therefore space standards should accommodate this need and the number of people using a space should be considered (i.e. both people with autism and the care staff supporting them).

Where people with ASD live

When identifying appropriate living accommodation for a person with ASD, there should be a willingness to accept that the specific needs of the individual may be unconventional and require a very individualised response.

There should be a wide range of housing options for people with autism to accommodate these varied needs and choice should not be restricted to one “preferred” model. Options that may need to be available for a flexible approach to housing options should include:

- Supported Housing
- Home Ownership
- Group Living
- Core and Cluster
- Residential Care
- Specialist/Secure accommodation

Where people with ASD work / are occupied

A person’s working environment can also have a significant effect on the quality of their experience. Consequently the above environmental standards can also be applied to the work place. This could include day service accommodation as well as formal and informal occupational settings.

Specialist Housing Development

The Scottish Society for Autism (SSA) is a large voluntary organisation providing support to individuals with autism throughout Scotland. Over the past few years the SSA has developed positive working relationships with several RSLs. This was driven by a desire to support and enable individuals with autism to gain and maintain their own housing tenancies rather than continue with the old residential models of housing support.

The models of housing are varied depending on the needs of the particular individual or groups of individual's requiring support. A development in Dundee has seen the development of 5 flats with a controlled entry system. Four of the five flats are occupied by service users and the fifth flat is used as a staff base. SMART technology was installed within the development to enable individuals with autism to maximise their independence whilst ensuring their health and safety.

Another Housing Association has agreed to build 8 cottage style flats as well as a staff base in the Lochgelly area of Fife to support the re-provision from residential housing for 9 service users. Negotiations have included agreements on design features to support the sensory issues associated with autism. This model of housing is suitable for the individuals concerned and the structure of the development allows for a balance between service users enjoying their independence and having the support they require.

The SSA provide housing support to individuals with autism in RSL properties in the Lanark and Glasgow area. Similar to the model in Dundee, the Lanark project consists of a development of 4 flats that accommodate 6 service users. The flats have a controlled entry system which provides essential security to and from the building. Most of the service users receive 24 hour support, part of which enables them to meet the requirements of their respective tenancies.

In Glasgow the SSA support two service users on a 24 hour basis in their own shared tenancy. The house is situated within a development of houses not all of which are leased to people with disabilities. The house was adapted to support the individual needs of the service users.

The SSA has developed positive relationships with these housing associations, namely Home in Scotland, Kingdom and Loretto, partly due to the open dialogue and commitment from both sides to support and enable those with autism to live ordinary lives.

In early 2007, the National Autistic Society (NAS) Scotland, in partnership with the West of Scotland Housing Association began providing 5 tenants with Supported Living opportunities in Springburn, Glasgow. A 6th apartment is used as a base for the fully trained NAS staff, and this offers each tenant every opportunity to achieve their full potential using a wide and creative range of activities with a high level of supported living assistance. These purpose built apartments are located in an area which has experienced significant regeneration over the past few years.

The Springburn service use the National Autistic Society's SPELL approach. SPELL stands for Structure, Positivity, Empathy, Low Arousal and Links. The application of the SPELL framework assures extra help in the three main areas of difficulty, or triad of impairments, associated with autism: social communication, social interaction and flexibility of behaviour and thought.

Springburn Supported living is maintained 24 hours a day, 365 days per year, with a staff team of a Registered Manager, Senior Practitioners, Practitioners and Support Workers. Each Staff member has been extensively trained and has their own unique experience of working with service users who have autism. The NAS, while holding the lease for the block, is not the individuals' landlord; each person is a tenant in their own right with the housing association.

The care and support provided is regulated by the Care Commission.

The service treats everyone as an individual then concentrates on enabling them to lead as independent a lifestyle as possible.

The support staff are part of a highly trained and highly motivated team which supports people using a positive and person-centred approach. The team have clear guidelines in dealing with lone working issues and are trained in dealing with issues of challenging behaviour. Processes are in place to monitor and report any incidents. An ongoing programme of care plans and the reviewing of these for each individual ensures that these can be adapted appropriately and in a timely fashion.

Service users are involved in developing their own person-centred planning programmes. Reviews are held according to the need of the service user and anyone involved with their well being, such as family, are encouraged to attend these reviews. Service users/ tenants are encouraged to get out and about in the community and qualified staff are always there to offer them support to access a wide range of activities. This fosters people's confidence and independence and allows them to play an active role in their local community. Where appropriate, service users are supported to pursue further education and employment.

Glasgow's Housing Options Guide

Glasgow's Housing Options Guide is a web-based information guide which provides information about a range of housing options. The Guide also provides a list of all Housing Associations in Glasgow with information about their stock and contact details.

www.glasgow.gov.uk/en/Residents/YourHome/HousingOptions/

Glasgow Homeless Partnership

The Hamish Allan Centre
180 Centre Street
Glasgow G5 8EE

Phone: 0141 287 1800
Free phone: 0800 838 502

Glasgow City Council delivers a homelessness casework service to anyone who is homeless, threatened with homelessness, or is in need of advice about homelessness issues, through its Community Casework Services. There are five Community Casework Services operating within the local Community Health and Care Partnership (CHCP) boundaries and two specialist casework services working city-wide. The address, telephone number, and office-opening hours of each Community Casework office are listed in the Housing Options Guide. The Hamish Allan Centre is open 24 hours each day of the year. There is a free telephone contact number to assist customers wishing to make enquiries.

Autism Resource Centre

The Quadrangle
59 Ruchill Street
Glasgow
G20 9PX

Phone: 0141 201 6247

The Autism Resource Centre (ARC) offers a range of services to adults with autism, their families, carers and professional service providers in the Greater Glasgow area. The core services include diagnosis, support, training and information provision in the areas of education, housing, training and employment, leisure and social opportunities, health and social care supports. The ARC is a partnership between Greater Glasgow Health Board (GGHB), Glasgow City Council, The National Autistic Society, the Scottish Society for Autism and the Strathclyde Society for Autism, offering services to residents of Glasgow and those who fall within the GGHB geographical boundaries.

The Scottish Society for Autism

Hilton House,
Alloa Business Park
Whins Road,
Alloa
FK10 3SA

Phone: 01259 720044

The SSA is an independent Scottish charity working for the rights and quality of life of people with autism. Over 400 people of all ages with autism in Scotland are supported by the Society in conjunction with local authorities.

National Autistic Society Scotland

Central Chambers
1st Floor
109 Hope Street
Glasgow
G2 6LL

Phone: +44 (0)141 221 8090

Fax: +44 (0)141 221 8118

Email: scotland@nas.org.uk

The National Autistic Society promote the rights and interests of all people with autism and aim to provide individuals with autism and their families with help, support and services that they can access, trust and rely upon and which can make a positive difference to their lives.

Shelter

For urgent advice, call:

0808 800 4444

(9-5 Monday to Friday)

Glasgow Housing Aid Centre - Shelter
1st Floor,
Suite 2,
Breckenridge House
274 Sauchiehall Street
Glasgow
G2 3EH

Phone: 0808 800 4444

Shelter is a charity that works to alleviate the distress caused by homelessness and bad housing. Shelter do this by giving advice, information and advocacy to people in housing need, and by campaigning for lasting political change to end the housing crisis for good.

www.scotland.shelter.org.uk

Strathclyde Autistic Society

