



Levelling Up, Housing and Communities Committee

Oral evidence: Disabled people in the housing sector, HC 63

Monday 18 March 2024

Ordered by the House of Commons to be published on 18 March 2024.

[Watch the meeting](#)

Members present: Mr Clive Betts (Chair); Bob Blackman; Ian Byrne; Kate Hollern; Tom Hunt; Andrew Lewer; Mary Robinson; Nadia Whittome; Mohammad Yasin.

Questions 60 - 164

Witnesses

I: Felicity Buchan, Parliamentary Under-Secretary of State (Housing and Homelessness), Department for Levelling Up, Housing and Communities; William Burgon, Director for Regeneration, Housing and Planning, Department for Levelling Up, Housing and Communities; and Philip White, Director of Building Safety, Building Safety Regulator.

Examination of witnesses

Witnesses: Felicity Buchan, William Burgon and Philip White.

Q60 Chair: Welcome, everyone, to this afternoon's session of the Levelling Up, Housing and Communities Select Committee. This afternoon we have a further evidence session on our inquiry into disabled people in the housing sector. It follows on the previous evidence session and a visit the Committee had to Oxford to look at what is happening there and talk to representatives of district councils up and down the country. We had a roundtable with people with disabilities who wanted to come and talk about their issues, and we have had around 1,000 responses to the survey that we put online, which have been helpful to the Committee to understand the concerns that are affecting people with regard to their housing needs.

I will just put on record for the Committee's interests in this inquiry that may be relevant that I am the vice-president of the Local Government Association. I will just go around the table.

Mohammad Yasin: I am a member of the Bedford County Board and employ a councillor in my constituency office.



HOUSE OF COMMONS

Kate Hollern: I employ a councillor in my office.

Bob Blackman: I am a vice-president of the LGA, and I employ councillors in my office.

Tom Hunt: I am on the Ipswich Town Board, and I employ two councillors in my office.

Chair: Welcome this afternoon to Felicity Buchan, who is the Minister for Housing and Homelessness. Thank you very much, Felicity, for coming and joining us this afternoon to answer our questions. You have two officials with you. Could you begin by introducing them?

Felicity Buchan: Yes, absolutely. Will, would you like to introduce yourself?

William Burgon: I am Will Burgon. I am the Director for Planning Reform and Housing Quality.

Philip White: I am Philip White, Director of Building Safety for the Building Safety Regulator, which is part of the Health and Safety Executive.

Chair: Thank you all for coming. Looking at the Department's roles and responsibilities in trying to deal with the challenges of making sure that people with disabilities are properly housed, the Government have recently had an action plan with 32 actions—a disability action plan—with not a single reference to housing. How did that come about?

Felicity Buchan: I have recently been appointed as the Department's disability champion. That happened a month or two ago. The Department is very focused on disability. It is imperative in any civilised society that we provide appropriate housing, and I am happy to run through quite a few things that the Department is doing. I would highlight first our national planning policy framework, which requires councils to consider the needs of older and disabled people when planning new homes. Given our aging population, my Department has asked an independent Older People's Housing Taskforce to look at how to improve housing choices for those in later life.

My Department administers the disabled facilities grant. That is paid for by the Department of Health and Social Care, but it is administered by DLUHC, and we work very closely with local authorities on that. It is a substantial amount of money. We increased the amount by £102 million over the last two years. That means in the coming year, 2024-25, it will be £625 million, a material amount of money. Many of the changes that my Department is making will help the standard of housing for disabled people. If you look at our landmark Social Housing Act, which got Royal Assent last year in July, that will absolutely change the relationship between tenants and their social housing providers. That will be very good for disabled people. We are clearly taking through at the moment our reforms to the private rental sector.



HOUSE OF COMMONS

Q61 **Chair:** That will happen, will it, Minister?

Felicity Buchan: That will happen.

Chair: When? Do you know when?

Felicity Buchan: In due course but it will happen. That will give disabled people much more leverage to ask for changes to the PRS properties, without running any risks.

Q62 **Chair:** I am sure we will come to all those items specifically as we go through questions from members of the Committee, but why did you not answer the question in the first place? If all these good things are happening, why not one single mention of housing in the recently announced disability action plan?

Felicity Buchan: As I say, many, many things are going on from this Department.

Chair: Why not a single mention?

Felicity Buchan: The action plan was clearly a DWP-led initiative, but we are very much operating across the board.

Q63 **Chair:** It was not just DWP proposals in that action plan. There were issues like a fund to help people with disabilities become elected representatives, so it was not just DWP. However, was your Department sidelined, forgotten about? Did you not put an input in? Which?

Felicity Buchan: That does fall under my Department.

Chair: So you got one thing in?

Felicity Buchan: Voting does fall under DLUHC.

Q64 **Chair:** It was a bit of an omission, wasn't it? In reflection, do you not wish that perhaps something about housing had been included?

Felicity Buchan: What we are doing across the piece is very important, and I am sure that we will talk about that. My Department is very committed to this work.

Q65 **Chair:** There is something called the Ministerial Disability Champions group, I understand. At the last meeting did it propose any changes to the way people with disabilities are treated in terms of their housing?

Felicity Buchan: When I became the disability champion of the Department I had a conference call with lots of regional disability chairs with the Minister at DWP. That was a very fruitful meeting where I heard from lots of people on the ground about the issues that they face.

Q66 **Chair:** What proposed changes came out of those calls?

Felicity Buchan: I can go on and I can talk about all of the things that the Department is doing.

Chair: No, I asked about the calls in the meeting of champions. Did



HOUSE OF COMMONS

anything change as a result of those?

Felicity Buchan: It is very important, when you take over a new position—as I did as the disability champion—that I meet the relevant people in the sector, and I become very au fait with their views.

Q67 **Chair:** It is even better if, having spoken to them, you then might do things that reflect what they say to you.

Felicity Buchan: As I say, I am very happy to go and talk about what the Department is planning to do.

Chair: We will come on to those issues, I am sure. In particular, we want to look at the M4(2) definition of homes that are built specifically to meet the needs of people with disabilities. I know that Mary has to go to another meeting shortly, so maybe you would like to pick up your questions on that, Mary.

Q68 **Mary Robinson:** Thank you, Minister, for coming in to talk to us again. As Clive has said, hundreds of disabled people have engaged with our inquiry through our survey, the roundtable event, and by providing written evidence. There is unanimous agreement that we must build more accessible new-build homes. What is your assessment of the availability of M4(2) accessible homes across England currently?

Felicity Buchan: As I am sure that you are aware, we have decided that we will be making the M4(2) standard the minimum standard going forward and we will be introducing that when we are able to do the consultation. If I step back for one moment, generally the housing stock in this country is clearly a lot older than in many places in continental Europe.

I had a look at the numbers and 35% of our housing stock is pre-1945. Since 2015 we have mandated that all new builds should be M4(1). What we will be doing going forward—and we have said this following the consultation—is we will be mandating M4(2) as the new standard, but we will first have to do a technical consultation in terms of how that is implemented and any exceptions to the rule.

Q69 **Mary Robinson:** In terms of your assessment, what you think now and what you feel and what you know about the availability, what do you think now? What does it look like to you, Minister?

Felicity Buchan: Certainly it is the case that we want to see more accessible properties and that is why we are investing so much money in the disabled facilities grant. It is a huge focus of Government. It is clearly our intention to have more accessible properties. We have always had a philosophy that this should be locally led. There should be a local plan that assesses housing needs, and the local authority should decide the size, the type and the tenure of the housing stock that it needs.

Q70 **Mary Robinson:** There are lots of things happening going forward. We know that the situation is not great at the moment, which is why all of these measures are being put into place. I am guessing that this is what



HOUSE OF COMMONS

you are saying, Minister. Does the Department then record the data on the new supply of M4(2) and M4(3) over time?

Felicity Buchan: I do not have those figures to hand. Do we have that?

William Burgon: What I do have now is that the M4(1) standard is coming up about 9% of properties in the UK. In terms of new supply, since 2015—except where there are exceptional reasons—all new builds in the UK otherwise have to meet M4(1), as you know. I do not have in front of me the number of new builds since that point that have met M4(2) or M4(3) standards and I do not know if Philip does either.

Philip White: I do not, no.

William Burgon: However, we obviously could follow up with the Committee in writing if we hold those statistics.

Q71 **Mary Robinson:** That would be helpful, thank you. There has been a standard in place and requirements since 2015 but we do not know whether that requirement has been upheld across the board?

Felicity Buchan: That requirement has been upheld for all new builds since 2015, but clearly we have a lot of historical stock.

Q72 **Mary Robinson:** When you get it, would you be able to share the data with us so that it is something that we can have? Are there any specific areas of England where we need to have more M4(2) accessible homes where the shortage is particularly acute? Have you been able to discern that from the data?

Felicity Buchan: Again, I would say that this needs to be locally led and it is not for people in central government to be dictating to local authorities the composition of their housing need. That is our philosophy across the board. Clearly you have situations like in London where there has been a set 10% for M4(3) but it is not our role here in Whitehall to be dictating local plans.

Q73 **Mary Robinson:** Would it be something that you could consider, though, to ensure that localities do ensure that they have M4(2) at least?

Felicity Buchan: Yes, and that is why we are moving to mandate M4(2) across the board. This is a positive development because we are setting it at a very high standard for all new housing supply. That is a real positive and that is across the board.

Chair: Moving on to the new house standard and how we will get there, Bob.

Q74 **Bob Blackman:** Felicity, in the exchange in the other place, in reply to Lord Best, your colleague Baroness Penn pointed out that this further technical consultation with the Building Safety Regulator would be needed to take forward as part of the future work plan. She went on further to say, "I cannot give a specific timeframe for that work", but that it "will become fully operational next April". I am not quite clear whether that is April next month or April 2025 or further into the future. Could you just



HOUSE OF COMMONS

explain why, for a start, there is a further technical consultation required when, as far as we understand, everything is in the definition in the first place?

Felicity Buchan: I will allow Philip to talk about the technicalities but let me just set out the big picture. We have decided that we will move to this new standard. The approved documents do need to be finalised. We need a consultation to do that. The responsibility for that has been transferred to the Building Safety Regulator.

Q75 **Bob Blackman:** Sorry, could I cut across you? It may be that Philip will be able to answer this. The key point is what is changing about the standard that is not already in the definition?

Philip White: First, it will not be April this year that M4(2) is mandated, just to clarify that and put it on record.

Bob Blackman: I did not think so.

Philip White: The proposal will be to go out for consultation, we hope—not we hope, we will be going out for consultation—before the summer recess for Parliament, sometime between April and July.

Q76 **Bob Blackman:** How long will the consultation be?

Philip White: It will take up to about six months.

Bob Blackman: Six months' consultation?

Philip White: Yes. Why are we doing this? Because the first consultation that took place back in 2022 looked at five high-level options. One of those options was aligned around: we will go out and consult on the detail in relation to that particular option. One of the key issues here is to ascertain and lay out where we see the exceptions to M4(2), where it will be acceptable to use M4(1). That will be quite a tricky area. We want to push people to adopt M4(2) across the piece but there will of course be situations where that is not going to be practical, and we need to be clear about how that will work.

Q77 **Bob Blackman:** Presumably, then, we are looking at April next year, 2025, for this to be introduced?

Philip White: It could be. It may be sooner than that.

Bob Blackman: If you follow a timeline that starts in June, it means the end of December before the consultation closes.

Philip White: Apologies. That is the entire process. It is 12 weeks' consultation and then obviously to review the comments. One would hope that there is broad agreement on some of the detail here so we will not be toing and froing to try to come to some sort of agreement and that that will be fairly straightforward, and the process is six months.

Q78 **Bob Blackman:** What happens to buildings that are built in the interim, the way that the standard may change? Will they have to be retrofitted or



HOUSE OF COMMONS

what will happen?

Philip White: There will be transitional arrangements as there are when there are changes to the building regulations.

Q79 **Bob Blackman:** We could end up with some facilities that are not in accordance with the requirements having been built, presumably perfectly reasonably, by developers?

Philip White: Yes, building could start in September 2024 and if the standard is changed on 1 January and that building is not finished until, say, March 2025, yes, they will build to the existing standards. There have to be some form of transitional arrangements.

Q80 **Bob Blackman:** Why is it that the Building Safety Regulator is leading on this and not someone else in the Department?

Philip White: The technical policy that used to be carried out by the Department was transferred over to the Building Safety Regulator in April last year. This is all the work on the approved documents, looking at the broader built environment and the risks in the broader built environment. It is very much a policy decision in terms of having that being looked at in an independent manner. We work very closely with the Department. There will have to be a legislative change to bring this around and we will be working with the lawyers in the Department to bring that around, but we will lead the consultation.

Q81 **Bob Blackman:** Baroness Penn in one of the exchanges also pointed out that obviously this is a new Department, very busy with a lot of work to do. What is the priority on this particular element compared to other priorities? Obviously you have other concerns on cladding and other such things.

Philip White: That is a good point. There are some priority bits of work that we are doing on other approved documents. Some of that work comes to an end fairly shortly—we hope in April—so that we can then pivot our resources to pick up on work on this particular approved document. We hope that fairly early on in the next work year we will be able to progress the consultation on part M.

Q82 **Bob Blackman:** If extra resources were applied, could this be brought forward?

Philip White: Given where we are on the other approved documents and that that work is coming to an end and we will allocate the resources that are currently working on that to this, I would say no. The key other issue is that you never know what might come leftfield. The issues on RAAC last September did slow us up in one or two areas. Beyond that, no, we have the resource allocated. It will not take too much work to get that into a state ready for consultation.

Q83 **Bob Blackman:** What exactly is in this technical document that you have to consult on? From what we are hearing and what we understand, there is nothing much more to do.



HOUSE OF COMMONS

Philip White: It is predominantly around setting the thresholds and understanding where the exceptions will be in terms of, if you cannot comply with M4(1), when M4(1) will come in where you cannot work to M4(2). There are many situations, whether you are putting a flat in above a garage, the typology of where you live. We have to get that right because—how shall I put this—we do not want to leave too many, I would not say loopholes, but we do not want too many things to be exploited. We would rather move to a much stronger emphasis on M4(2) across the piece.

Q84 **Bob Blackman:** We had users come to see us last week and the biggest complaint that they had was enforcement of the rules on development. Things might look good on paper when they are planned but when they are built they are not good enough. They are not to the required standard. What will you put in the consultation to ensure that we have enforcement in the situation?

Philip White: I would look at that slightly differently. The building control inspectors are responsible for enforcement. As of April this year, they will be a regulated profession by the Building Safety Regulator. We have set in train a new framework to regulate that profession. Part of that will be auditing all those who provide building controls services. Over time we are trying to raise the professionalism and the work of the building control profession. That will obviously include enforcement. That will be part of the jigsaw puzzle to get us into the right place in relation to standards in completed buildings.

Q85 **Bob Blackman:** Will that be part of the consultation?

Philip White: I am not sure if that will be mentioned as part of the consultation, but there is a lot of work going on elsewhere by the Building Safety Regulator on the regulation of the building control profession.

Bob Blackman: Users would welcome it being part of the consultation.

Philip White: Thank you.

Q86 **Chair:** Going back to the Minister, given there was a consultation in 2020, why was it not flagged up then that that consultation was only a start of the consultation and that there would have to be a further technical consultation in due course?

Felicity Buchan: I believe that it was known in the wider market that we would require a technical consultation to follow on.

Q87 **Chair:** What does the “wider market” mean?

Felicity Buchan: Generally it was known that this was aligning it on policy and that then we needed a technical consultation for the specifics.

Philip White: As I understand it—and I was not responsible at that time—I have been told that it was set out as a high-level consultation to give that direction of travel and that there had to be a further consultation on the challenge detail. As opposed to providing the



HOUSE OF COMMONS

technical detail for five different options, let's agree the high-level direction of travel and then we can work on the detailed consultation on the preferred option. That was made quite clear by the Department on its website.

Q88 Chair: That is interesting. All the feedback that we have had from our evidence-taking is that nobody seems to have known that. Could we have some evidence from the Department that it was communicated clearly to stakeholders at the time?

Felicity Buchan: I can certainly go back and check and send you anything that we have.

Chair: I appreciate, Mr White, that you were not around at the time, but it would be helpful if the Department could let us have that information.

Let's move on to the next question on the issue of the homes that are satisfactory and available for wheelchair users.

Q89 Ian Byrne: At our roundtable event earlier this month, disabled people expressed serious concerns about developers frequently negotiating themselves out of delivering accessible homes, on viability grounds. The Royal Institute of British Architects believes that over 68% of LAs report that developers do not comply, yet only 3% of LAs have taken action against said developers. What is the Department's assessment of the scale of this practice and how should local authorities settle it?

Felicity Buchan: Government planning guidance makes it clear that it is the responsibility of site promoters to ensure that development proposals comply with local plan policies. Proposals would be assumed to be viable. It is only if you get very particular circumstances, like significant economic change, that viability should come into it on a case-by-case basis.

Broadly we have not heard that this is a widespread issue, but to the extent that your Committee is picking up evidence that it is a broad issue, I would very much like to hear that. I would like it if you can share it with us. However, it should only be in very specific circumstances that viability becomes an issue.

Q90 Ian Byrne: If what we are picking up is that that meets the authenticity of the Department and that you then believe that it is a widespread problem, what action would be taken to ensure that developers are not getting out of this?

Felicity Buchan: It is very important that when a developer does get planning permission, that that is the proposal that is implemented. That is clearly very important. There may be some specific circumstances where you just cannot deliver the scheme in any way. In that context, we need to think, "Is it better to deliver some housing units?" However, as I say, these should be rare circumstances.

Q91 Ian Byrne: We will supply the evidence and the Department may have to make a change to how it thinks at the moment.



HOUSE OF COMMONS

We also heard evidence from disabled people within the roundtable that they are viewing homes marketed as M4(2) that do not meet the regulatory specification. How will M4(2) be enforced once it is the mandatory baseline for all new builds? We know that we have huge issues with funding for local councils, so how do we ensure that? It probably builds into question 1 as well.

Philip White: To come back to the previous conversation, the Building Safety Regulator will be regulating the building control profession. In addition to that, the Building Safety Regulator is the building safety authority now for new higher-risk buildings, anything 18 metres and above. We will be looking at these sorts of issues in detail and taking enforcement. We are trying to take a big step change in the way that building control functions at a level, certainly for higher-risk buildings.

Coming back to regulating the profession—again a big step-change in relation to how the building control profession will function and operate—we have set out a lot of operating rules. We will be auditing those who deliver building control services, both the private and public sector. This is the sort of issue that we will be looking at in terms of how they approach enforcement and how they make their decisions. In this area there are not a lot of other areas in relation to the building regulations.

Q92 **Ian Byrne:** It will need a lot of resource, won't it, to make sure that we are dealing with the potential problems that come not just outside the remit but specifically this question as well, because if it is mandatory, it has to be checked off, doesn't it?

Philip White: That is why we have recruited lot of people, first to be the building control authority for higher-risk building but also for regulating the profession, which as I said earlier comes into play from 6 April onwards. At the moment building control inspectors have to register with us. They will have to prove their competence to be able to function as a building control inspector. Part of that is obviously around decision-making.

Q93 **Ian Byrne:** Minister, in 2021 you commissioned new research to develop the statutory guidance on meeting the accessibility regulations in approved document M. What were the overall findings of this research? Will you publish the research report soon—it has been three years now—for us to consider as part of this inquiry?

Felicity Buchan: That research will be published in due course. We definitely believe in transparency, so it will be published.

Ian Byrne: I am none the wiser on timelines for the inquiry.

Felicity Buchan: Yes, it will be published.

Ian Byrne: So that it can be looked at as part of this inquiry?

Felicity Buchan: I do not know when you are concluding your inquiry. I do not want to commit until I know when you are concluding it.



HOUSE OF COMMONS

Ian Byrne: This the last session.

Q94 **Chair:** Would you kindly get the information to us?

Felicity Buchan: Clearly we have quite a lot of moving factors going on here, because we are launching a technical consultation, and we have the research project. I cannot commit today to publishing it in a week's time or whatever, but specifically on your inquiry I do not know how long your inquiry is going for.

Chair: This is our final evidence session.

Felicity Buchan: It may be that we will not have published it.

Q95 **Kate Hollern:** Sorry, I got very confused on that. The research was 2021, so you will have the data. Why can you not just publish it?

Felicity Buchan: That was a large research project. I personally was not in post at the time, but it will be published. The Department very much believes in transparency, and we just need to do that in due course.

Q96 **Chair:** In due course could surely be next week so that we can fit it into our inquiry.

Felicity Buchan: I just do not know if it is formally completely written. I do not know; I have not seen it personally.

Chair: As Kate Hollern said, it is a long time to have data sat there doing nothing.

Felicity Buchan: As I say, it is definitely our intention to publish.

Q97 **Chair:** Could Mr Burgon help us with the technicalities of that?

William Burgon: It is not my area, Chair.

Q98 **Chair:** It was before your time, Minister, and not Mr Burgon's area, so we are not doing too well on this one, are we?

Felicity Buchan: You have a commitment that it will be published.

Chair: It would be helpful, when you go back to the Department, if you could let us know whether it can be published in the next couple of weeks so that we can have regard to it.

Felicity Buchan: I am very happy to do that.

Q99 **Ian Byrne:** A little bit of clarity, I think. Minister, several submissions received by this inquiry are calling for the Government to mandate 10% of new builds to be M4(3) compliant. Are you considering requiring a national minimum percentage of wheelchair accessible homes on new developments?

Felicity Buchan: Our philosophy very much is local plans and local authorities deciding what their needs are and, if it is appropriate, for each local authority to have a minimum threshold. We do not think that it is



HOUSE OF COMMONS

appropriate for central government to be setting those thresholds. It should be local housing needs and local delivery plans for local people.

Q100 **Ian Byrne:** Again the evidence that we have received—going back to question number 1—is that the people that we interviewed have no confidence that that will actually happen. There is a call for the Government to take a lead on this to make sure that that 10% becomes a figure that can be achievable.

Felicity Buchan: When we move to the M4(2) standard, I think that will set a much higher base and then there will be more time and resources for people to think about M4(3). We are lifting the entire system up.

Q101 **Ian Byrne:** As a Department, are you monitoring the actual percentage of houses that are built and will they reach the percentage that is required? Is that being monitored?

Felicity Buchan: That is what I said earlier: that we will come back to you if we can provide the data of the amount of new builds that are M4(3).

Q102 **Ian Byrne:** What assessment of that percentage does the Department think that it should be?

Felicity Buchan: As I say, that is not the mindset that we are taking. We very much want to empower local authorities and local communities to decide what is appropriate housing.

Q103 **Ian Byrne:** Say that is failing, and we know that there are lots of issues with local authorities at the moment, as we have seen in the evidence session, and they have huge pressures on them at the moment. It came across as a real concern that it just would not happen without intervention and a mandate from the Government to enforce it.

Felicity Buchan: Yes, and as I say, we do have that intervention from the Government because we are moving across the board to an M4(2) standard.

Ian Byrne: We are talking about M4(3).

Felicity Buchan: Yes, absolutely, but we are lifting the standard across the board and then we want local authorities to figure out what percentage of M4(3) they think is appropriate.

Q104 **Ian Byrne:** You do not have a number that you think is appropriate on a national level?

Felicity Buchan: That is for local authorities to figure out the housing need that they need in their local area. Do you want to come in?

William Burgon: In case it is helpful, I will add very briefly that the national planning policy framework is not silent on this point, in the sense that it is not just saying that local authorities can use the optional technical standards to set a minimum threshold for the number of M4(2) currently, recognising that that will become the baseline, and M4(3)



HOUSE OF COMMONS

properties that they want in their area, but it actively encourages the use of those targets. That of course does vary by local planning authorities.

You do have examples—London is obviously one that we have already given—like Hull and other places in the country that do use those thresholds. Some local planning authorities choose not to. As the Minister said, our current view is that it is right to encourage that action by local planning authorities, but it is ultimately for them to determine how best to meet their needs.

Q105 Ian Byrne: How do we ensure that it is not a postcode lottery for somebody with a disability if they can get access to a home that is accessible from a wheelchair perspective?

William Burgon: It comes back to the responsibility being clear on the local authority to make sure that it is planning for the needs of the groups in its area in terms of the size, tenure and nature of housing. That includes specifically disabled people, among other people that are called out in policy. That is a responsibility that then falls on local planning authorities and it is why then ultimately—

Q106 Ian Byrne: What do we do if they are failing? What do we do if the national Government feel as though they are failing and not hitting the targets that they should be hitting? How do we respond to that?

William Burgon: In two respects. One is during the plan-making phase the planning inspector ultimately has to inspect and pass a local plan. In that sense a key part of that will be looking at the local planning authorities' assessment of need, including for those different groups, and whether it thinks that it has done an accurate assessment based on the data that we told them to look at. In guidance we tell local authorities to look at a range of data—census data, DWP information on those in their area who are receiving personal independent payments and other payments that are related and talking to disabled groups in their areas. The planning inspectorate would look at that.

On top of that it is a case of were we to see a local authority failing in a particular regard, it would be something that I am sure that Ministers would actively want to call out as a local authority not living up to the requirements that it ultimately faces in national planning policy.

Q107 Kate Hollern: During our inquiry it was established quite clearly that developers are failing to meet the number of disabled-access housing. It is almost as though there was a headline there because developers are telling councils that economically it is not viable, and therefore councils are saying that that is the reason why it has not happened. How will that change anything if there are not clear instructions and requirements from Ministers like yourself?

Felicity Buchan: As my colleague William has said, this is part of the planning inspectorate process to ensure that local plans are fitting for the local area. Once a local plan is in place, then, whatever proposals go in front of the local planning authority, they should be compliant with the



HOUSE OF COMMONS

local plan. If there is a need for disabled housing, applications need to be compliant with that plan.

Q108 **Kate Hollern:** Sorry, perhaps it is my accent. It is already in local plans, so developers are building a full site of houses. They fail to meet the requirements for suitable accommodation. When the council challenges the developers, they say that it is economically not viable and walk away from it and that is it. Nothing will change. We have asked for it in their plan. The developer says that they cannot do it and it is somebody else's problem.

Felicity Buchan: No, because that is the viability point that we were discussing earlier. We do not see that as a widespread problem. As I said, if you have taken evidence that it is, I would like to see that and I would like you to share that with me.

William Burgon: If it is helpful to the Committee, on viability assessments it is a more detailed process in terms of the requirements that a developer is obliged to meet in terms of asking for one if it believes that conditions mean that it needs an assessment to occur. The way in which the local authority is meant to assess the cost the developer is facing and whether there is a need to look at what was agreed is also set out in quite detailed fashion in the guidance for a viability assessment.

It is not a straightforward or simple process; it is one that engages in quite a lot of technical detail if the viability of the site is at risk. However, as the Minister said, it is also not something that we currently see as a widespread issue. If there is evidence that your inquiry has picked up, that is something that we are keen to look at.

Q109 **Chair:** Moving on to the local plan, clearly the Government leave local plans to local councils. They have a national planning policy framework that those local plans are supposed to follow. The wording on issues of housing for people with disabilities says that local plans should deal with the issue of, "Housing needed for different groups in the community" and it "should be assessed and reflected in planning policies" including "people with disabilities". That is a bit of throwaway line, isn't it? That is the heart of the problem, "Oh, yes, and you can look at people with disabilities as well if you want to".

Felicity Buchan: I do not think that that is a fair characterisation. Paragraph 63—I do not know if that is what you are reading out—is quite explicit that the elderly and the disabled should be part of the assessment of housing need. The fact that it is explicitly pointed out is the Government sending a clear direction.

Q110 **Chair:** There has been a major review recently of the NPPF with not a single change to the wording on housing for people with disabilities. That is a bit disappointing, isn't it?

Felicity Buchan: I think that it is already quite explicit.

Q111 **Chair:** It is not working; everyone says that it is not working. Do we not need a change to make it work?



HOUSE OF COMMONS

Felicity Buchan: We are proposing a massive change, which is the move to the M4(2) as the standard.

Q112 **Chair:** In terms of the higher standard for people with wheelchair access, the guidance that goes with the NPPF says that in the matter of housing for people with disabilities, "Local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling". That is very restrictive, isn't it?

William Burgon: I am sorry, Chair, I just missed the last bit of that statement.

Chair: "Local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling."

William Burgon: Is that from the planning policy guidance?

Chair: Yes.

William Burgon: I was going to say that the planning policy guidance detail on housing for disabled people from 2019 was in some ways a quite important shift on from always in the NPPF having the requirement to look at the needs of disabled people as a specific group when assessing housing need, but the extra detail in the planning policy guidance was quite a substantive addition to what a local authority had to take into account to guide them on how they could assess that need. I do not have the context of the specific line that you are reading in front of me.

Q113 **Chair:** It seems not to encourage local authorities to go further but to stop them doing things.

William Burgon: In the NPPF specifically the reference to making use of optional technical standards to M4(1), (2) and (3) is an encouragement for local authorities to use them as technical standards. I do not have that specific line in front of me or the context that it is in.

Q114 **Chair:** You may need to write to the Committee about that because it clearly is pretty restrictive the way it reads currently.

The Government have suggested that there will be a wider review of the NPPF. Is the issue of housing for people with disabilities going to be looked at again?

Felicity Buchan: Do you want to explain the national development management policy?

William Burgon: I am happy to—

Chair: That is the next question that I was going to ask.

Felicity Buchan: We are on the same wavelength.



HOUSE OF COMMONS

Q115 **Chair:** Will we have a national development management policy specifically to deal with housing for people with disabilities?

William Burgon: I am not sure that we will necessarily have a specifically NDMP labelled entirely for housing for people with disabilities. The NDMP, national development management policies, are a new form of policy that stems from the Levelling-Up and Regeneration Act that received Royal Assent last year. Currently the national planning policy framework is a non-statutory piece of policy that contains, in simple terms, policies on plan-making and policies on decision-taking. It is the latter part that will be coming out into national development management policies.

The benefit of doing that is that, right now, many authorities take the guidance that is the NPPF on decisions but ultimately interpret and structure that in different ways in their local plans. Having single national development policies at a national level that have statutory weight—because the Levelling-Up and Regeneration Act gives them that—will be more directive and specific in what authorities are obliged to follow in terms of decision-making policies.

In the context specifically of housing for disabled people, that absolutely gives us an opportunity to look at where the decision-making policies currently touch on disabled people. That is currently also in part 9 and part 12 of the NPPF, again with only so much detail in the NPPF as it stands, to grow that detail out in national development management policies. Our intention is to consult on draft versions of those national development management policies later this year. However, I could not commit now, Chair, as to whether there will be a singular NDMP on housing for people with disabilities or whether extra detail will simply come in NDMPs that are ultimately labelled or badged as a higher topic.

Q116 **Chair:** Minister, apparently we are not going to be consulted specifically, as Parliament on the NDMPs, are we?

Felicity Buchan: As part of the consultation?

Chair: We will be along with the consultees, not like the other national policy statements that are made where Parliament is specifically consulted.

Felicity Buchan: Our plan is to do this as a broad, standard consultation.

Chair: Not doing it through Parliament as the national policy statements are done?

Felicity Buchan: Yes.

William Burgon: In case it is helpful, in the same way as the national planning policy framework is consulted on when we make changes to that, that is also how we will be approaching NDMPs.

Q117 **Chair:** Do we have a timeframe for when the NDMP that may cover the



HOUSE OF COMMONS

housing for people with disabilities likely to be available for consultation?

Felicity Buchan: That will be this year.

Chair: This year? Before the election?

Felicity Buchan: That will be this year, yes.

Chair: We do not know whether it is before the election, then?

Felicity Buchan: I do not know when the election will be, I am afraid.

Chair: We will not pursue that one any further.

William Burgon: I should say that the NDMPs definitely will cover housing for disabled people, it was simply your question of whether there would be a specific—

Chair: Yes, I accept that. Thank you for the explanation. Moving on to the other issue of the disabled facilities grant.

Q118 **Tom Hunt:** Do you believe that the maximum disabled facilities grant of £30,000 is sufficient to cover the cost of most housing adaptations for the majority of disabled people?

Felicity Buchan: Sure. Let me give you some statistics. The average cost is £10,000 and 91% of the disabled facilities grants awarded are under £15,000. There will be some instances where it will take more than £30,000, thinking of if you need an extension, for instance. We have said that local authorities do have flexibility to go above the £30,000 if they have published a local housing assistance plan. If they have published that plan, they can have a lot of flexibility in terms of not only just exceeding the £30,000 cap but also getting rid of means testing if it is appropriate, and providing loans potentially, if that is appropriate. However, they do need to have that local plan in place.

The majority of local authorities do have that plan in place. We have a group called Foundations, which is essentially an adviser to local authorities on this grant and it works with local authorities to help them to put such plans in place.

Q119 **Tom Hunt:** Therefore, a local authority would have the ability to get rid of means testing for the disabilities grant?

Felicity Buchan: On a selective basis. We do not see our local authorities just saying that they are not doing any means testing, but on a selective basis for particular circumstances they do have that flexibility.

Q120 **Tom Hunt:** In a sense, though, there is a principle here. At our roundtable we met with a number of individuals who had a significant, serious disability. One person I met was in a wheelchair—I think permanently—but was in work. It was very challenging, but they had managed to overcome those challenges, create inspiration in doing so, and they are in work. They are reasonably well off, but they still struggle every day.



HOUSE OF COMMONS

Many will wonder why they should have to pay for something that is completely not their fault, which is that they happen to have a serious physical disability. Some might ask the question of how it is any different from, say, access to health services. We have also had the Habinteg Housing Association suggesting that the means testing for DFG should be a bit similar to the means testing for social care. It has made that recommendation. Do you understand where I am coming from?

Felicity Buchan: Yes, and there is no question that the Government give this a lot of focus and are putting a lot of money into it. I had a look at the numbers. In 2015 we were spending £220 million on the disabled facilities grant. It is now £625 million, so it has gone up very substantially. That is why the Government did put an extra £102 million in for the next two years. We are making a lot of money available. Clearly we do have an ageing population and it does tend to be elderly people, often, who require these changes. Therefore, we are looking to get the right balance here but by preserving local flexibility.

Q121 **Tom Hunt:** It is difficult because means testing seems very complex and it varies. I do not have a clear picture at the moment about when some kind of financial support through a disability support grant would kick in and when it would not kick in. Do you have a rough idea of what sort of situation you would have to be in and at what point would you not be eligible for a disability support grant? Across the country is there an average salary that if you earn that you are not eligible?

There are a lot of people who we have met with who feel completely cut off from any support. They feel cut off from any support. They are not really struggling financially but they are still paying a big financial penalty for the fact that they happen to have a serious physical disability. Many people would see that there is a sense of unfairness to that. I appreciate that there would be a financial cost of being more generous with means testing, but I could not help but be moved by the conversations that I had, and I think that other people on the Committee probably feel the same way.

Felicity Buchan: As you say, it is a balance. Clearly the reason that it is means tested is that if someone can pay, it is appropriate that they should pay. It is getting that balance right and it is making sure that we can use the money as effectively as possible, because we want to use the £625 million as broadly and as effectively as we can.

Q122 **Tom Hunt:** Do you know when the current means testing was last reviewed by the Department? Has there been a review carried out by the Department on the means testing and how it is working at a national level and whether there needs to be any changes?

Felicity Buchan: I cannot give you an average salary that it kicks in at. Clearly, the Department looks at all of its big budgets and this is very important expenditure for the Department, running at over £600 million.

Q123 **Bob Blackman:** Felicity, the data that you gave at the beginning was quite useful in this regard, but do you have any data as to how many



HOUSE OF COMMONS

people take the full whack of £30,000 and have to top up because, for example, if you are putting on an extension or a wet room for a bathroom on the ground floor of a property, which will be a lot more expensive than £30,000? Are there data that you have as to how many applicants take the full lot and have to top up?

Felicity Buchan: I do know that a lot of local authorities do use the flexibility to pay more than the £30,000. How many people self-finance the excess? I do not have that data at hand, but I am happy to check if the Department does have that data. To the extent that we do, I am happy to share it. We may not have it because the decisions are made at a local authority level.

Bob Blackman: It would be useful for us in forming our recommendations.

Q124 **Mohammad Yasin:** In 2018 the Government commissioned an extended review that recommended that the upper level of the disabled facilities grant should rise with the inflation rate. The Government have dropped a 2021 commitment to increase the disabled facilities grant that disabled people can claim to adapt their homes. Can you tell us why?

Felicity Buchan: As I have already mentioned, we have put additional money of £102 million into the DFG.

Q125 **Mohammad Yasin:** The maximum limit is still £30,000 and a lot of people cannot afford the cost above that.

Felicity Buchan: Sure, but local authorities, as I mentioned, do have the flexibility.

Mohammad Yasin: However, local authorities do not have money. They are struggling for funding.

Felicity Buchan: That is why we are putting more money into it, the £102 million.

Q126 **Mohammad Yasin:** Where?

Felicity Buchan: We have put an additional £102 million into it. I do want to say that the Government's philosophy is to make sure that people have access to the right care in the right place and at the right time. It has meant that we have had to review certain policy areas, which has resulted in changes to certain policies.

However, as I say, how we have been approaching it is the local authority flexibility and the additional money that has gone in. Clearly we are making a lot of money generally available for adult social care, including the £500 million that was announced back in January, the additional uplift.

Q127 **Mohammad Yasin:** We cannot see that on the ground, to be honest with you. The Government also promised to look at reforming the test, which is very complex and difficult to navigate. What is the progress on that?



HOUSE OF COMMONS

Felicity Buchan: As you mentioned, there was a review in 2018 that did suggest that it may be a good time to look at the formula again. However, what we have decided to do is to put additional money in. That is not to say that—

Mohammad Yasin: My question is about the test.

Felicity Buchan: The formula, yes. That is not to say that we have ruled out making changes to the formula, but this does require quite a lot of work. Clearly if you are changing a formula there will be winners, there will be losers, there will be transitional arrangements, so we need to give it a lot of thought before we alter the formula of the test.

Q128 **Mohammad Yasin:** Among the disabled people who responded to our survey, about 30% of them said that they had never heard of the disabled facilities grant. When was the last time the Department reviewed how it communicated the grant to those who need it most, and what were the review's findings?

Felicity Buchan: Publicising the grant is very important and that is why we work with this group, Foundations, so that it can help publicise the grant. It runs a website, Adapt My Home, which has a lot of information on the grant. We are also putting out a lot of information into specific sectors. For instance, in the PRS sector we are working with the National Association of Residential Landlords, and it has been putting out information on the grant. The Government also publish "How to Rent" guides. Whenever you sign on a tenancy, your landlord is obliged to give you a guide to the renting process. In that guide there is information on this grant.

We completely agree that we need to get information out there and that is why we are taking multiple angles, and we are using this group called Foundations.

Q129 **Mohammad Yasin:** If 30% of people are saying that they have never heard of the disabled facilities grant, obviously the steps that the Department is taking are not good enough. Can you tell us what further steps you will take to promote the grant to disabled people?

Felicity Buchan: As I say, this is an active information campaign, and we are also very reliant upon our local authority partners to get the information out. I very much want to listen to your feedback on the 30% point, but it is in all of our interests, given the fact that this money is available, that we get the message out.

Q130 **Mohammad Yasin:** People with non-visible disabilities are the ones who miss out on this grant the most. Do you think that the current level of grant is sufficient to support those people?

Felicity Buchan: We have been very clear that this money should be for disabilities of all forms, it is not specifically for one form of disability. As I say, there will be instances where the £30,000 is not sufficient and that is why local authorities do have that flexibility.



HOUSE OF COMMONS

Q131 **Mohammad Yasin:** My question was: in your view is this grant sufficient for those people with non-visible disabilities?

Felicity Buchan: I have answered that in the sense that there may be situations—and I would not want to label one group of people versus another group of people—where more than £30,000 is required, and that is why there is flexibility.

Q132 **Mohammad Yasin:** We also received extensive evidence of disabled people waiting many years for the adaptations that they need. Should there be a guaranteed maximum wait time? If so, what should this be?

Felicity Buchan: We already have that. Local authorities are obliged to make a decision within six months, and they are obliged to complete the work within 18 months of the original point, so six and then an additional 12 months. I checked the average completion date, and it was 123 days from the initial application to completion, but clearly there are situations where completion has not happened as quickly as it should have. However, local authorities are bound by that. If you say day zero or day one, six months to process, and then a total of 18 months for completion.

William Burgon: To add one thing on that: partly in response to calls for more detail on how local authorities should be applying the DFG, just under two years ago, in April 2022, we published a much fuller set of guidance for local authorities, which included—using the housing assistance policies—that we expected them to look at where fast-track grants could be made available when there were urgent cases needing adaptations quickly. That could be, for example, to enable hospital discharge.

Using the flexibilities that the Minister was talking about, that stem from the Regulatory Reform Order in 2002, one of those flexibilities is recognition that urgent cases should be fast-tracked and have a process for that at local authority level.

Q133 **Mohammad Yasin:** In my knowledge, I do not think that many local authorities are meeting the 18-month maximum waiting time period. Do you have any data on how many councils are meeting that target?

Felicity Buchan: I have certainly seen the average data and I am very happy to share that with the Committee. I do not know specifically if we have a list of which local authorities are not meeting it, but I have seen the average completion data.

Q134 **Mohammad Yasin:** For those who are not meeting that target, what are the Government doing to negotiate with them or give them any advice to carry their work out ASAP? Disabled people, when they need help or the disabled facilities grant to adapt their houses and make changes, they are in urgent need and for those people waiting 18 months is long enough but going longer, sometimes double the 18 months, is very painful.

Felicity Buchan: I agree with you and that is why we do have this group Foundations. We have asked it to work with local authorities who are not delivering in a timely fashion.



HOUSE OF COMMONS

Q135 Tom Hunt: Just quickly on that point, at the roundtable when we discussed the disability facilities grant, some of the individuals we met said they were aware of it, but they did not bother even engaging with the process because they had heard so many horror stories about how long it takes. They dipped into their own pocket to pay for it. That was one group we definitely came across.

For those who are neurodiverse, I do not think that there is currently anything within the national planning policy framework to do with neurodiverse people; if there is, I missed it. Would it be an opportunity to perhaps cover that a little bit more? There is a lot of need there.

William Burgon: I would have to look again at the definition of disabled people that is provided in the definitions at the back of the national planning policy framework. It may be that that is sufficiently broad to capture it, but if it does not, then we will look at that.

Q136 Tom Hunt: It is a real challenge. I also think that there is an issue here in that three of the people I spoke to, two of whom I think are autistic, felt that the local housing officers really had no knowledge of autism and neurodiversity. These are, of course, more hidden disabilities. We heard stories about them talking to the housing officers and the housing officers think that they are being unreasonable with some of their requests because perhaps they have not been trained. The housing officers do not understand. Again, I know that this is a local council matter, but if it is a situation where huge numbers of people across the country are having the same experience I just think that perhaps there could be more emphasis on neurodiversity. I guess that would be a plea from me.

Felicity Buchan: I hear you.

Q137 Chair: Coming back to the means test, something that came back over and over again was that the people are already stressed. They are living in a house that is not suitable for them because of their particular disability. They are hoping to get improvements made and then they come across this means test. Could you explain to us now how the means test operates specifically? No, I was asking you, Minister, because if you do not understand it, there is not much chance that disabled people are going to understand it, is there?

Felicity Buchan: I think that it is much more important that we get the specifics of it correct for the Committee.

William Burgon: Effectively, what it is doing is it is taking a set of information about the applicants and, if they have a partner, then also their partner's income and savings position and then using that to understand, in light of the cost of the works they need to do and a calculation of the residual income they would have as a result of the financial information, whether the works would be something they can afford or, critically, can afford via repayments on a loan or whether there is a tapering up to the £30,000 if it is clear that they might be able to afford some of the works but not all or they can afford none of it, in which case it goes to the £30,000.



HOUSE OF COMMONS

Of course, it is right to say that the requirements to complete that means test are something that is important to be able to explain to people applying for the grant and to make as straightforward as possible. Many local authorities but also Foundations—the organisation that the Minister was referring to—provides guidance and a relatively straightforward online system for inputting that information and understanding what the means test will do for you.

It is also worth saying that there are two groups for whom the means test definitely does not apply ever. That is children and those in receipt of working-age benefits, in which case they are passported through the means test. Secondly, as the Minister was saying earlier, the flexibilities under the Regulatory Reform Order, which our guidance encourages local authorities to use, means that we are seeing that means test disapplied in a number of other instances.

Q138 Chair: I have two questions to follow up. It is complicated, isn't it? It is complicated and different to other means tests that operate in the same arena.

William Burgon: It is true that the level of information that it asks for in order to calculate that delta I was talking about as to whether they could afford the works themselves does rely on several bits of information.

Chair: That is a yes, I think.

William Burgon: It is a relatively evidenced process, yes, Chair.

Felicity Buchan: There is an online calculator.

Q139 Chair: We are talking about people who very often probably do not easily use online calculators, Minister. The point is that there has been an ask for some time to review whether you have a means test arrangement at all but at least whether this specific one is fit for purpose. I hope that the Government might at least consider having a look at that.

The other one is that you mentioned that it does not apply in cases of working-age benefits. That can create cliff edges, can't it, for people?

William Burgon: There is the risk of that, Chair, but I suppose the balance of the benefit of being able to passport that group through is real—

Chair: I understand the reasons for it, but it can still mean that people who do not get the benefits suddenly find that they do not get the help with the adaptations either.

William Burgon: It would, critically, mean that they did have to complete the means test where that was required by the local policy, so that is a change.

Q140 Bob Blackman: You mentioned, Mr Burgon, the position over a partner. What about a household? There are lots of disabled people, particularly elderly disabled people, who live in the same household as their adult



HOUSE OF COMMONS

sons and daughters and who are affected in this way. Can you clarify the position over what there is in either discretionary capability for a local authority or the mandatory position nationally?

William Burgon: With respect to the means test, the only extra income you are obliged to take into account is that of a partner, not other residents of the household.

Bob Blackman: Even if the residents of the household are the owners of the property?

William Burgon: I believe that is the case, but I will take it away and confirm.

Bob Blackman: I would like you to confirm that because I think that there is an issue out there at the moment.

Chair: Let us move on to the rented sector with Nadia Whittome.

Q141 **Nadia Whittome:** Thank you, Minister. The housing ombudsman told us that among social housing casework the most common theme we are identifying is insufficient regard for the Equality Act 2010. What are the Government doing to ensure that all landlords, social and private, understand and comply with their legal duties towards disabled tenants?

Felicity Buchan: Clearly, we make it very clear to the relevant people that one does need to abide by the Equality Act. In everything that the Department does, whether it is setting up the NPPF, we abide by the Equality Act. Local authorities abide by the Equality Act when they make their decisions. It is very much the ethos of what we do.

Q142 **Nadia Whittome:** Beyond, as you say, making it very clear to your relevant people, what are you doing?

William Burgon: I can add a bit here. There are a few things stemming from the Social Housing (Regulation) Act from last summer that the Government are now taking forward that will have a bearing in this space. One of those is that the regulator of social housing has just finished consulting on its revised consumer standards and the framework of investigations that will now take place around those. The new standards do include a number of references to where not just adaptations should be made by social landlords but also the allocation of adapted housing being prioritised to those in need. Those are more clearly set out in the new standards from the regulator.

This speaks more directly to your point, I think. The consultation is currently live on what we are calling competence and conduct standards in the social rented sector, which is about clarity for landlords on how they should be behaving towards their tenants and the qualifications that managers and executives of registered providers will need to have in the future, level 4 qualifications for senior managers, level 5s for executives. That is between an A-level and a degree. It is through that professionalisation, effectively, of the staff who work in the social rented sector and, in particular, deal day to day with the management of tenants



HOUSE OF COMMONS

that we would expect that to critically include clarity through those qualifications on their duties under the Equality Act.

Q143 Nadia Whittome: The evidence that we have received from disabled people says that some private landlords are refusing permission to make even the most basic accessible adaptations, like installing a ramp or grab rails. Do you think that this is right?

Felicity Buchan: I would say quite a few things about the private rental sector. If it is an adaptation that does not affect the structure or the fabric of the house, then it is quite clear that the permission should not be unreasonably withheld. The current situation is that if it does affect the structure of the house—

Nadia Whittome: We are talking about a ramp or grab rails.

Felicity Buchan: Yes, absolutely. That should not be unreasonably withheld. If it was affecting the fabric or structure of the house—I am thinking about requiring a kitchen to come completely out or a new extension—then that would not apply in that case at the moment. If it does not affect the fabric of the house, it should not be unreasonably withheld.

Q144 Nadia Whittome: You agree that it is wrong that private landlords, according to the evidence that we have received from disabled people, are sometimes refusing permission for even those most basic of accessible adaptations, like ramps and grab rails. In that case, why have the Government not done more to support private renters to get those adaptations? The Government-commissioned external review in 2018 said that only 8% of DFG applications are from private tenants, when 18.8% of disabled people are in the private rented sector.

Felicity Buchan: Let me just take that point on the private rental sector because if you look at the percentage of over-65s in the private rental sector, it is only 6% and an awful lot of these adaptations are for elderly people. Not exclusively for elderly people but an awful lot of them are for the elderly. We would expect to see lower percentages in the private rental sector.

Nadia Whittome: No, you would not. If 18.8% of disabled people are housed in the private rented sector, you would not expect only 8% of DFG applications to be from private renters.

Felicity Buchan: My point is also on the elderly, who often need these adaptations. I just want to come back to—

Nadia Whittome: We are talking about disabled private renters.

Felicity Buchan: Disabled and elderly but let me just come back to your point about the grants. Clearly, if someone wants a ramp, that should be allowed. That is clear. That is one of the reasons why we are taking through the Renters (Reform) Bill, very much so that people can ask for



HOUSE OF COMMONS

adaptations and those cannot be unreasonably refused. That is one of the reasons why we are getting rid of section 21.

Q145 **Nadia Whittome:** What is the progress of getting rid of section 21? When do you expect it to be gone?

Felicity Buchan: The Bill is going through Parliament at the moment.

Nadia Whittome: Okay.

Felicity Buchan: Did you want to add anything?

William Burgon: The only thing that it might be useful to add is that I think your point on more communication being useful in the private rented sector to make sure that tenants understand their ability to request the DFG and, critically, landlords understanding that they are able to apply for the DFG on behalf of their tenants is valuable. That is why, for example, the National Residential Landlords Association published guidance in 2021 and only last month a further fact sheet for landlords on the ways in which actively encouraging applications from landlords for the DFG is valuable as a way of addressing some of the points that you have just made.

Q146 **Nadia Whittome:** Disability Rights UK highlighted to us that it does not matter how many accessible homes exist if disabled people, who are more likely to be on low incomes, cannot afford to live in them. Why are the Government failing to take action on spiralling rents? What are you doing to ensure that the number of accessible homes in the social housing sector is increasing?

Felicity Buchan: We are increasing supply in the social rented sector. We do not believe in rent controls. We think that damages the sector. It reduces supply into the sector, so we do not believe in that. We do believe in more supply and that is why since we came into power we have built almost 700,000 affordable homes.

Q147 **Nadia Whittome:** It is not correct that you are increasing supply. Last year 22,000 social homes were sold or demolished and 9,500 were built, so that is a net loss of 12,500. Over the past 10 years there has been a net loss of over 175,000 social homes and there are still currently over 1 million households on the council waiting list for a social home. So, that is not correct.

On rent controls, Disability Rights UK pointed to the example of Catalonia. Its rent controls reduce the average rents by between 4% to 6%. It found no evidence of reduction in supply.

Felicity Buchan: If you look at studies across the globe, they tend to show that if you have a rent control, then what happens is that people pull out of the market. There is underinvestment in the market and, ultimately, you get a worse experience for tenants and worse rents for tenants.

Q148 **Nadia Whittome:** We have covered what you are not doing. What are



HOUSE OF COMMONS

you doing to tackle—

Felicity Buchan: We are doing an awful lot, and I am glad that you asked me that question.

Nadia Whittome: I have asked you a few times now.

Felicity Buchan: We are investing £11.5 billion in our affordable homes programme. Since 2018, four of the highest years in the last 30 years of housing starts have happened. We are very focused on delivery of housing starts. I would just contrast that to London where we have a Labour Mayor who is woefully behind on his housing—

Nadia Whittome: We are asking questions of you, Minister, not the Mayor of London, who is not on the panel.

Felicity Buchan: I am not asking a question; I am making a statement of fact, which is that in 2022 London was the worst performing region for housing.

Q149 **Nadia Whittome:** That was not the question. What is your definition of affordable housing? It is the case that the Government do not have targets for building social housing, do they? This Committee has repeatedly asked you to publish those targets or to come up with them at all and you do not have them. Is that because you are just not building very many?

Felicity Buchan: We have made a firm commitment that we are building more affordable homes, hence the £11.5 billion programme, and we committed as part of the Levelling-Up and Regeneration Act that we would build more homes for social rent.

Nadia Whittome: You have no target for building social homes and in the last year, which is consistent with the last 10 years, there has been a net loss of social homes.

Felicity Buchan: As I have already said, and I can repeat myself—

Nadia Whittome: That is a statement.

Chair: Okay. Do you want to move on to the further issue about housing people with disabilities?

Q150 **Nadia Whittome:** Yes. Will the new private rented sector property portal include information on the accessibility standards of rental properties?

Felicity Buchan: That is something that we are considering. We have met Disability Rights UK. We have met the London disability group. It is something that we are considering. We are also working with National Trading Standards for letting agents. It has decided that it will ask of all its member organisations—so property sites on the internet—that they show standard accessibility criteria going forward. On the property portal itself, it is being considered, but separately the letting agency group is going to be setting new standards.



HOUSE OF COMMONS

Q151 **Mary Robinson:** In terms of private landlords and adaptations, it is important that we ensure that landlords make these adaptations and do not try to get out of their responsibilities there. I am sure that they are looking for ways to do it, too. It has been suggested that perhaps one of the issues is the remediation after the tenant leaves. For instance, a person may need an adaptation; however, it would be seen as being deleterious to the property once this person has left. Have the Government considered ways that they could perhaps have a pool of money or resources that these private landlords could use to remediate the property after a person has been in it and they want to re-let it again without it having the various adaptations in for the disabled person?

Felicity Buchan: I think that is a very good point. Ideally, we would like to see these properties remain as accessible properties since we do need more accessible properties. Money can be made available for alteration back to the original state under the DFG, but ideally we have these remaining as part of our accessible housing stock.

Q152 **Mary Robinson:** Would you be able to say how many landlords apply for that funding?

Felicity Buchan: We can come back to you on that.

Chair: We will move on to the important question of information with Kate Hollern.

Q153 **Kate Hollern:** Just on that point, I believe that landlords can apply for the disabled facilities grant without being means tested but the tenant or the owner-occupier is means tested. I am not quite sure that the balance is right there either.

We heard evidence from a specialist OT that there is a complete lack of general advice, advocacy and support in finding homes. They say that it is a minefield. What should the Department do to remove the mines?

Felicity Buchan: As I have said, we do have this group Foundations that does look to work with people. We want this grant to be as open and as workable as possible, and that is in all our interests.

Kate Hollern: Sorry, which grant?

Felicity Buchan: The disabled facilities grant.

Kate Hollern: No, that was not the question.

Felicity Buchan: Sorry, I misunderstood.

Kate Hollern: It is the lack of general advice and advocacy, and occupational therapists tell us that it is a minefield.

Felicity Buchan: That is the role of this group Foundations that we sponsor, to work with people in order to find solutions.

Q154 **Kate Hollern:** How would a disabled person know that group exists?



HOUSE OF COMMONS

Felicity Buchan: Again, as we have mentioned, we do look to communicate this through all our channels, so renting in the private rental sector. We have talked about the role of the NRLA. We definitely want to build awareness.

Q155 **Kate Hollern:** Who do you think should be responsible for advice and support to disabled people?

Felicity Buchan: If you are a disabled person and you want to know about housing solutions, then going to one's local authority is a very good place to start. It can give advice and help. The local authority can also signpost. I get letters from constituents asking for advice and I always direct them towards Foundations.

Q156 **Kate Hollern:** It is very difficult for a disabled person to know what is out there. It is not always possible for a local authority to know the type of accommodation a person needs. Do you think that there should be a national portal with advice on the different organisations that someone who is looking for an accessible home could follow?

Felicity Buchan: As I say, that is the role of this organisation. It is an issue that we do not have full colour on the accessible housing stock in this country for inevitable reasons. I would certainly like to see more information and more data on what is accessible. If you look at local authorities, 21% of them have registers of what is accessible and about 60% of them before they put a new tenant in will assess the accessibility.

William Burgon: I will add that it is true to say, as the Minister has just said, that you do see some variation in accessible housing registers, which on the social rented side are a very powerful means of making sure that disabled people looking for housing have information not just on what properties are available but precisely what adaptations they have and what criteria they meet. We definitely see some very good examples of that, including where a local authority might provide an accessible housing register across all its own council stock and the housing associations in its area in one portal and provide a quite granular breakdown of the adaptations that a property has, ranging from fully wheelchair accessible through to not being plausible for a disabled person to live in and various gradations between. There are some excellent examples of that.

We would encourage local authorities that are not currently offering an accessible housing register to offer one, given that they can be such a powerful tool for making that information available. That is all on the social rented side that the Minister has already touched on, so I will not repeat the action that the National Trading Standards estate and letting agency team has taken on advocating similar information being made available on the private rented side.

Q157 **Kate Hollern:** Does your Department have data on the number of local authorities that have local accessible property databases? Is that widely available?



HOUSE OF COMMONS

William Burgon: As the Minister was just saying, we think it is just over 20%, 21%, that have what would be defined as an accessible housing register, but we know that a further 60% have a means of matching need to property. Then it is only the remaining 20% that do not currently report to us as having a means of doing that. We would encourage that 20% in particular to look to do that.

Q158 **Kate Hollern:** Would it be useful to have that national database? In fact, one of the witnesses was saying how difficult it was when she moved from somewhere up north to London knowing where to go and how to find an accessible home. Interestingly, she has been in temporary accommodation for 13 years. Disgusting, isn't it? Thirteen years and cannot get any adaptations because it is classed as temporary accommodation. If we had a national database across boundaries, people could be better informed before they move. It may encourage private landlords and local authorities to have cleaner, more readily available information. Would that be worth considering as a national database?

Felicity Buchan: I am always a great believer in having more information and more data. We need to think about what is practical. We do have a philosophy of localism, but I am very happy to consider things.

Q159 **Chair:** When we had our roundtable, it was a useful discussion with people with disabilities trying to get appropriate housing. One person we met said, "I had to fight to be housed. I don't think people understand how exhausting it is to fight at every point". Minister, do you think that you could reassure people that that fight is going to be less exhausting in future?

Felicity Buchan: I certainly want it to be. I am a great believer in the fact that everyone should be entitled to a safe, decent home. Housing, along with education, is critically important to the function of all society. I certainly do not want it to be a struggle to get adaptations and that is, again, why we have made more money available. I hear that certainly the Committee feels that there is more work to be done.

Q160 **Chair:** What is at the top of your list of what the "more work" should be?

Felicity Buchan: Well, we have discussed the fact that we are moving to M4(2), which is a much higher standard. That will be a real change, lifting the standards across the board.

Chair: Anything else?

Felicity Buchan: During the course of our discussions, we have outlined many different things that we are doing. We are setting a completely new expectation of social housing and how social housing tenants are going to interact with their landlords. We are so ambitious for the PRS and for setting higher standards. We have many ambitions across the board.

Chair: You may have a few more to add to your list when we make our recommendations.

Felicity Buchan: Yes, absolutely.



HOUSE OF COMMONS

Q161 Tom Hunt: Thank you, Minister, for coming in today. I think that it has been a very helpful session.

I just want to stress something I mentioned earlier on, which really does concern me. It is to do with the individuals who I spoke to at the roundtable who are in work, they are on a certain level of income, and they feel totally cut adrift. You said earlier on that if you have the money you should pay for it. I think that it is challenging and there are some individuals who are disabled who just cannot work. They cannot work; it is just the nature of it. However, some do, and they do because they have fought incredibly hard to do that, and they continue to.

Because there is this uncertainty over means testing for the disabled facilities grant—and I certainly do not feel like I have enough of an understanding at this point in time to know fully the level it gets cut off at—I would not want to see a situation where somebody feels as though, despite the odds, they have got into employment, they are working hard, they are battling, and the help has been pulled away from them, “You are okay now”. I would like some thought for those individuals because at the moment they really do feel like they are cut adrift, and they do not get any support. They almost feel like they have been punished in a way for having done that.

Felicity Buchan: Yes, we could certainly have a philosophical discussion on means testing. All I want to say is that I am in tremendous awe of disabled people and what they do. That is why we do want housing that is accessible. We do want to help people with adapting properties. That is the reason why we have the grant. I am very much looking forward to reading the Committee’s report.

Q162 Chair: I am sure that is an issue we will be picking up in our report, without wanting to anticipate what members will eventually agree on.

I have one additional point. We have the letter before us today about the issue of the move-on period for asylum seekers who have been granted asylum. I think that you have confirmed that 28 days will be given as information to local authorities when people will potentially be requiring help from them. Have you had a response from the Local Government Association as to whether it thinks that that 28-day period is realistic, effective and being delivered on?

Felicity Buchan: Just to clarify, the Home Office is responsible for this policy, but obviously I work closely with it—

Chair: You signed the letter to us as well.

Felicity Buchan: Indeed. The 28 days typically starts after the awarding of the BRP, the biometric residency permit. It is, in effect, longer than 28 days because typically it would take five to seven days for a BRP. What the Home Office is also doing is working very closely with local authorities to give them more information as to the numbers of asylum seekers whose decisions are coming up in their area. It is giving them information for one week out, for one month out and then for several months out.



HOUSE OF COMMONS

The Home Office is working very closely with local authorities so that they can have that advance notice.

Q163 **Chair:** Is your feedback from local authorities and from the LGA that they are satisfied now with this?

Felicity Buchan: I cannot talk on behalf of local authorities. I think that local authorities would always want more time, clearly. That would make sense for local authorities to want more time. Initially, we have to process these applications and I think that everyone around this room would agree that the backlog has to be cleared. We have been very successful in doing that. We have cleared more than 110,000 asylum applications in the last year. Then what we need to do with successful applications is to get these people into work, into housing, and to have them as contributing members of society. That is what we are looking to do to make that transition.

Q164 **Chair:** Finally, I have just thought of one thing that might help this. These individuals are in Home Office-funded accommodation. Would it not be sensible to simply pass that accommodation over to local authorities, given that they are going to take responsibility in many cases for housing people and having to fund it?

Felicity Buchan: I don't think that you can say that there is a straight transfer from Home Office to local authorities. The Home Office is managing the asylum estate and there will be new arrivals who need to go into those housing units. These are bed places. I do not think it is the case that we should do a straight transfer. Ultimately, we also want successful asylum seekers, British citizens, to be in employment and to be contributing to our society.

Chair: Thank you, Minister, for coming and for answering a lot of questions, particularly on the issue of housing for people with disabilities. As you know, we will be producing our report in due course with quite a few recommendations, I think, which you have indicated you will give serious consideration to. We hope that serious consideration amounts to acceptance, but we look forward to your response in due course.

Felicity Buchan: Thank you, everyone.

Chair: Thank you to your officials as well for coming this afternoon and for agreeing to provide further information to us in due course. That brings us to the end of our public proceedings for today.