

## **Discrimination by Design**

A Thinkpiece from the expert  
roundtable on disability and design



# DISCRIMINATION BY DESIGN

## A THINKPIECE AND CALL TO ACTION FOR THE HOUSING SECTOR

On 13th November 2023, Intersectional Stigma of Place-based Aging (ISPA) Project hosted a roundtable discussion to address a vital question: **'Do we discriminate by design?'**

The roundtable was facilitated by leading housing, social policy, and disability experts Millie Hawes, Paul Roberts and Professor Vikki McCall, with discussants invited from across the housing sector and the ISPA Inclusive Living Alliance. The discussion ranged from design and development to repairs and maintenance, with examinations of real-life case studies from experts by experience and disability law specialists.

Participants began to map out solutions and actions that the sector can take to prevent discrimination by design. This report summarises key issues raised at our roundtable discussion, before concluding with possible next steps.



## The Roundtable

The Roundtable of experts were invited to discuss the challenge around the perceived reduction and deprioritization of accessibility in the housing sector. In an era focused on important issues around sustainability and the climate crisis, often the needs of disabled people and support can be overlooked – with just 9% of housing stock in England equipped with basic access features in 2019<sup>1</sup>.

In terms of protected categories under the Equality Act, disabled people are the largest group, with 20% of the UK population living with a disability. Though some are born with disabilities, anyone can become disabled at any point. Alongside an ageing population, this means more of us will be living with disabilities for longer as time goes on.

The roundtable examined and debated key questions for the housing sector:

- At what point is disability and accessibility featured in strategy or emerging Environmental, Social and Governance (ESG) discussions, Board and senior management or indeed all colleague agendas?
- What barriers are experienced by housing professionals when it comes to meeting the needs of disabled people in housing?
- Is disability discussed sufficiently as part of organizational Equality Diversity and Inclusion (ED&I) agendas, even though its impact on customers, colleagues, service delivery and culture is much wider than that one agenda?

<sup>1</sup> Ministry of Housing, Communities and Local Government (2020). English Housing Survey 2018: Accessibility of English Homes - Fact sheet. Available from: [https://assets.publishing.service.gov.uk/media/5f044f27e90e075c53dfcf01/2018-19\\_EHS\\_Adaptations\\_and\\_Accessibility\\_Fact\\_Sheet.pdf](https://assets.publishing.service.gov.uk/media/5f044f27e90e075c53dfcf01/2018-19_EHS_Adaptations_and_Accessibility_Fact_Sheet.pdf)

## Roundtable Participants

Joining the roundtable were experts from the Chartered Institute of Housing (CIH), Disability Law Service (DLS), Foundations UK (FUK), Specialist Housing Occupational Therapist, Guinness Partnership (TGP), Habinteg Housing Association (HHA), the Housing Association's Charitable Trust (HACT), Housing Options Scotland (HOS), the Intersectional Stigma of Place-Based Aging Project (ISPA), Invisible Creations (IC) and the National Housing Federation (NHF).

**'...you could argue very reasonably that to design something that disables is against what the Equality Act has set out to do'**  
**~ Darryl Smith**

## The Challenge

In London, only 74% of homes due to be built by 2030 are planned to accessible standards, falling well below the 100% target. Outside of London, 60% of councils have no access standards in place or are working to outdated policies. This leaves an **estimated 400,000 wheelchair users in England alone living in unsuitable homes**<sup>2</sup>.

Clearly, this is a critical challenge. Inclusive design is not yet an integral part of all housing activities, meaning that disabled people – who may be neurodivergent, or have mobility, sensory and/or cognitive impairments – and older adults are too often experiencing discrimination and hardship in both finding housing and living in their homes and neighbourhoods. This arguably arises from the fact that disability is not yet discussed as a **mainstream** matter across the Registered Provider sector, but is instead sidelined to specialists and the private sector. The latter in particular leaves the disabled population more vulnerable to discrimination in housing, given the lack of oversight and accountability in private provision. Furthermore, disability should not be understood as matter solely affecting older people, but families, children and adults alike.

Disabled people are disproportionately impacted by housing shortages across all tenures, with at least 1.8million disabled people **reporting that they do not have a safe or secure home – 20% more than non-disabled people**<sup>3</sup>. Disabled people are much less likely to own their own homes<sup>4</sup> and **getting necessary adaptations is always a ‘fight’**<sup>5</sup>.

Shelter has found that 52% of private landlords<sup>6</sup> would prefer not to rent to those in receipt of housing benefit, showing **indirect discrimination against disabled renters** (as well as other groups), who are more likely to receive benefits.

‘So, with private landlords we’re seeing disability discrimination in terms of who they will offer a tenancy to, for example, where they foresee that the prospective tenant may have adaptation needs. If you already have a tenancy with a private landlord and you make a request to adapt your home, we have seen that landlords may react by starting possession action to evict the tenant. The problem is that whilst this is clearly discrimination under the Equality Act 2010, due to Assured shorthold tenancies being common, it is extremely difficult to stop the possession action and ultimately would be futile due to the unsecure nature of those tenancies, so disabled tenants may say ‘what’s the point’?

~ **Samson Dawodu**

## Housing discrimination and disadvantage has devastating and far-reaching consequences.

Living in unsuitable and/or insecure housing has knock on effects on people’s physical and mental wellbeing, with increased feelings of social isolation and likelihood of accidents. People experience the indignity of being unable to live independently and of not being able to use certain rooms in their home owing to a lack of adaptations.

As Samson Dawodu and Mike Smith from Disability Law Service (DLS) related, such impacts may also prevent people from pursuing litigation against discriminatory practices, since the stress of a demanding and intimidating judicial process is too much on top of the struggle of daily fights for independence. Not only does this place the weight of addressing the issue onto the shoulders of disabled people, it also means that only reactive or remedial action is taken rather than preventing problems in the first place.

**Millie Hawes** explained that cases that reach law centres like DLS are ‘the tip of the iceberg’:

‘...it’s worth just remembering that people come to DLS when they’re already at their wits end, they come to the organization as a last resort when they’re so frustrated or desperate that legal action is pretty much the only option left to them... There are huge amounts of other issues that don’t qualify for Legal Aid that we haven’t been able to address either’..



<sup>2</sup> Madaser, M., MacGill, C., Bungay, N. (2021). Briefing: Forecast for Accessible Homes 2020. Habinteg Housing Association.

<sup>3</sup> Equality and Human Rights Commission (EHRC), Housing and Disabled People: A Hidden Crisis, (2018); Shelter, 17.5 million people now impacted by the housing emergency (2021).

<sup>4</sup> ONS. Outcomes for Disabled People in the UK: 2021, (2022)

<sup>5</sup> McCall, V., Gibb, K. and Wang, Y. (2023), “The “fight” for adaptations: exploring the drivers and barriers to implementing home and environment modifications that support healthy ageing”, International Journal of Building Pathology and Adaptation, <https://doi.org/10.1108/IJBPA-02-2023-0019>

<sup>6</sup> Shelter, <https://blog.shelter.org.uk/2023/12/discrimination-private-rented-sector/>





## So, what do we mean by integrated, co-produced inclusive design?

Inclusive design creates environments and products that are accessible, adaptable and cater for the needs all people, regardless of ability, capacity, race, gender and so on. Co-production is a methodology by which makers work with the people they are designing for, in order to create the most targeted and effective solutions. 'Integrated' refers to the means by which inclusive and co-produced design forms a constitutive and non-negotiable part of any design and planning process. Eather than an add-on, inclusive design is instead the norm. Taken together, integrated, co-produced inclusive design implemented in all housing activities ensures that we build and adapt homes and environments that enable, rather than disable, all of us.

'This whole room was brought together because the majority of the conversations tend to be actually really about retrofitting, sustainability, the other big ticket items. We are asking: where's accessibility gone? Our occupational health colleagues often ask: can you have sustainability without accessibility?

~ **Vikki McCall**

## Holistic Environments

Our roundtable discussed how inclusive design should not just start at the front door, but instead takes a holistic view of the home and the environment. Even if a person's home has suitable adaptations inside, if the inhabitant cannot easily leave the home or be a part of their community, they remain disabled by their environment. We can think of this through 'the pint of milk test':

'...can you actually get out, can my friends, my family members get out, can they nip round the corner or wheel or walk round the corner, free of obstruction, and buy their pint of milk from the local shop, get on the bus or whatever it is? That journey is important. If there's a break in the link in the chain then that's journey's end potentially for that individual. So, a holistic approach in terms of the house design and the neighbourhood design is crucial to make sure that we address the issue.

~ **Darryl Smith**

As well as removing the binary between a person's home and the wider environment, we need to understand individuals as part of communities rather than a series of atoms. A home is not just for a single individual, couple or family. Homes should be part of the social fabric of a neighbourhood, enabling not just visitability, but accommodating the fullness of a person's social and familial lives. Not only does this further contribute to the holistic relationship between home and neighbourhood explored above, but a focus on improving the sociability of homes would help lessen the impacts of loneliness and isolation, which we know are so profoundly damaging for people's wellbeing.

'I love the pint of milk tests and I would add to that the "can I hang out in my neighbour's house?" test. I'm very conscious that the minimum standard at the moment is called visitable; but I hope you don't want to visit for long really, because quite often those properties wouldn't be particularly accommodating over a period of time. So, I'd like to think you need to be able to stay for dinner, for the night, for a week for something to be visitable. That's just about that being included in your community or whoever you want to socialize with, be that having your grandma to stay or going round your neighbour's house and I think that is really important.

~ **Jacquel Runnalls**

The failure to head off such issues through inclusive design impacts not only those who are disabled, but also society and the economy as a whole. Only half of disabled people are employed, as compared with just over 80% of non-disabled people<sup>7</sup>.

This means that disabled people are even less likely to have the funds to change their housing situation.

'I think part of the vicious circle is that actually the failures of the sector to get accessible housing right can actually have an impact on employment more generally as well. And I think that's kind of a segue that is often overlooked, that this isn't just about looking at health and social care in housing, it's about looking at the workplace as well.'

~ **Millie Hawes**

Those that are full-time employed or financially independent may find themselves in a catch-22 when it comes to Disabled Facilities Grants (DFGs). DFGs are a form of means-tested grant funding delivered through Local Authorities, designed to aid recipients to make adaptations to their home so that they may continue to live there. However, like much housing policy, the failure to update and adapt has led to continued discrimination:

'...one of the biggest problems with DFGs right now is that it is capped at £30,000 in England, and £36,000 in Wales – with that figure being set all the way back in 2008. There were government plans at the time to slowly increase it to £50,000, but unfortunately that was shelved. So what we find now is a reality where people have increasingly complex needs and/or live in buildings which are structurally difficult to adapt, meaning that the maximum grant is just simply not enough to cover the needs of a lot of people. This then leads to situations where, for example, if you have a social landlord, your council would put you on a waiting list for a housing transfer which could take a very long time'.

~ **Samson Dawodu**

Years on the waiting list means years living in unsuitable property, with all the attendant detriments that entails. For those that earn above the threshold for DFGs, paying for costly adaptations themselves may still be out of reach financially and, if they live in rented accommodation, may force them into conflict with their landlord about having those adaptations put in. Even if a disabled person is in a position to buy, the cost of adaptations remains, whilst housing developers may incorrectly advertise properties as being accessible.

'...And you get told lies, you get told you can't make these adaptations, it breaches health and safety regulations or building regulations. Then [you] challenge that and it gets left and ignored.'

~ **Millie Hawes**



## Solutions

Our roundtable discussed the numerous issues across the sector that lead to such entrenched issues. Newbuild design and building, as well as retrofitting, are highly complex, multifactorial operations that involve many different professionals and sectors. Incorporating considerations to access, adaptability and inclusion during the design process may be value engineered out in the building phase. Contractors may not have access to the full range of products and options, specially designed to meet the whole range of accessibility needs. Instead, Registered Providers and their Boards are called on to challenge themselves as to how space design and related cost is factored into their development parameters that lead to cost-led value engineering decisions. Design and Build strategies must consider both current and future customers and their needs in terms of disability and include legislated requirements.

‘The number of times on new builds.... the builder will not think about attractive, flexible design but specify products which are the same as the ones used for a public accessible toilet. It’s not through malice but a general lack of understanding and what’s easy, like a tick box exercise. So I always ask if they would have it in their own home, and they’re like ‘ooh no’! So why should we accept it? And they aren’t necessarily cheaper. It’s also about long-term quality and adaptability, and other products, and thinking about other things such as lighting, flooring. It’s just taking a bit of time and effort. The products are out there but it’s knowing about them too. But these can all absolutely tackle stigma and exclusion’.

~ **Jacquel Runnalls**

This would suggest that we need to be addressing all housing activities inclusively, from planning right through to empty homes. The complexity and scale of housing design, building and adaptation presents many opportunities for inclusive design to be ignored, abandoned or weakened in favour of other priorities. Instead of reacting to already existing problems – the difficulties of which are discussed below – we have the option to create an umbrella of integrated, co-produced and inclusive design, by implementing these in all housing activities at every stage.



Thinking of the umbrella of accessibility means inclusive design can and should be front and centre of all operations, from upstream activities in design, building and development to downstream processes of retrofitting, adaptations and service delivery. This would address a critical customer constituency, aligning with the Regulator of Social Housing’s (RSH) consumer standards. All of this can be enabled through engaging with development and asset management functions across the sector, as well as encouraging finance and communications functions to understand the ESG context. This could create positive allies sector wide, generating opportunities for constructive, purposeful budgeting.



Finally, as well understanding individuals and homes as being integrated with environments and communities, we also need to be ensuring that the products used not only meet the requirement they are designed for, but don't serve to mark out and thus stigmatize individuals using them. Aids and adaptations aimed at enhancing a person's standard of living in their current home, such as grabrails, may in fact make the individual feel more exposed or at-risk.

'I think we need to think outside of the home as well as in... there is a huge thing about externally as well as internally...if we are thinking about stigma, because it can put people off even before they want to invite people into their home'.

~ Sarah Davis

This is where co-production comes in. Disabled people may refuse aids and adaptations because they fear being stigmatized, yet another form of disablement. This can result in people struggling on or, even worse, having accidents and becoming seriously injured. Instead, using products and adaptations that recognize that form is just as vital as function. The remunerated input of disabled people, engagement groups and scrutiny panels would prevent the multitude of errors in design and building which can lead to disablement. The contribution of carers, friends and families of disabled people should also be valued, understanding disablement as something which affects entire communities rather than one discrete section of the population. Inclusion and disability training is essential in all aspects of the organization, particularly for customer services teams. There is no replacement for the vital insight provided by those with lived experience, meaning organisations in the sector need to work with disabled people at every stage of their product and service offering. Housing Association like Habinteg, for example, are leading the way, with paid disabled people's panels, who advise and consult the organization on best practice.

'...just thinking about the finish and what products we're using, right down to taps and everything...Feedback has been amazing. We've literally had residents move in and say, I can't believe this is council. But if you think about it as well it really doesn't have to cost any more money. In fact you save money because obviously it's more adaptable longer term. But also...people aren't embarrassed to have people into their home, so I think it does reduce isolation, loneliness. It's all about visitability'.

~Jacquel Runnalls

## Anticipation & Prevention

In addition to these holistic lenses, disability, impairment and need should be understood not as only affecting a minority of people - adaptations for whom can simply 'added on' - but rather as needs which are likely to affect all of us at some point in our lives.

**Anticipatory:** We are all aging every day, and form part of a population of more older adults than ever before. As a result, integrated, co-produced inclusive design is future-proofing:

'...that's something that we need to do - anticipating the future requirement, just making the doors wider and maybe allowing flexibility in walls and demountable walls. Anticipation for the future occupants. There needs to be a bit more that we need to do in our design guide and employer's requirements that goes in that direction

~ Andrew Jackson

**Integrated processes:** Crucially, anticipation means implementing monitoring and research functionality into empty homes and review processes. Learning from successes and mistakes and establishing streamlined and efficient feedback streams from the end of a tenancy or purchase to the planning and design stages means that future issues can be anticipated.

...one thing that really has become apparent to me is that [mainstream developers] very much look at it as: they build it and then they move on. Whereas we are looking at: is it robust, adaptable, and fit for purpose? Are we going to have to maintain and service it a lot more? Just looking again at long-termism'.

~ Jacquel Runnalls

**Prevention:** Anticipatory design is also preventative. Not only can injuries and the attendant impacts of these on mental health and isolation be avoided, but the costs to providers in terms of adaptations and retrofitting is lessened or even removed altogether.

'I think we don't value the preventative element either. It's always really hard to measure the preventative, because what you're talking about is preventing people developing health and social care needs because, like you say, we've not designed the environment to support people. And I just don't think we value the preventative element. Certainly, from a DFG perspective, I don't think we truly value, or the system doesn't truly value the preventative element of the DFG and being able to capture those costs'.

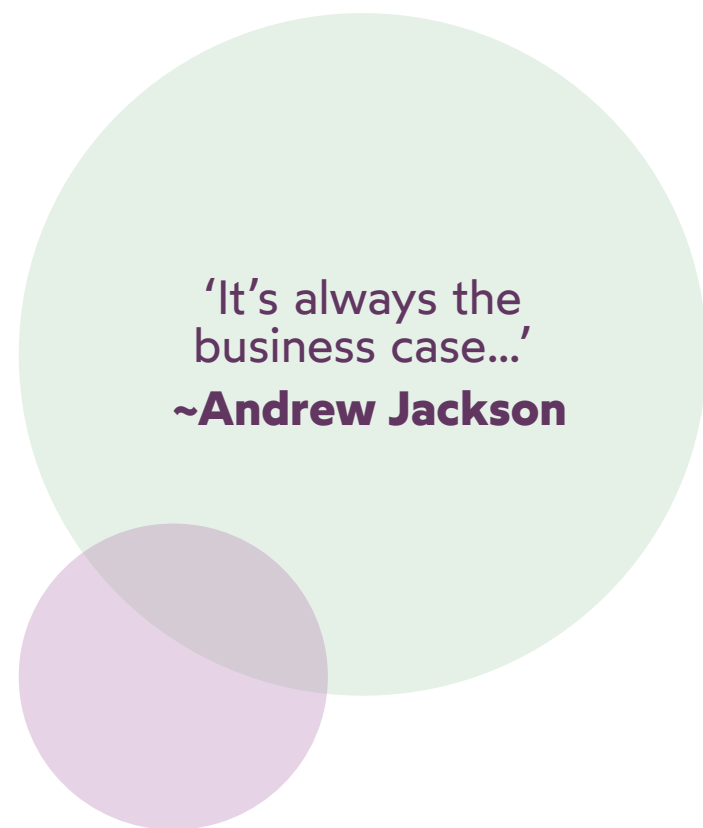
~ Rachel Russell

## Business case/cost benefit analysis

Transformations in design and planning, adaptations and retrofitting are often considered only in terms of one thing: cost. The cost of inclusive design is commonly thought to be too high, since it entails upfront spending. Not only is this potentially discriminatory, but it is also inaccurate.

**‘Just in terms of the business case, good adaptations can prevent development of future need. So, if you spend the money now, you can save the money down the line. I feel landlords, even some social landlords, and public bodies just don’t understand that you’re saving yourself money in the future.’**

**~ Sarah Davis**



**Integrated, co-produced inclusive design will in fact save money long-term**, since retrofitting and adaptation is more costly than prevention and anticipation. As well as the contracting and material costs involved, anticipatory design is also far more efficient, since it precludes staffing and legal costs incurred through addressing such issues.

**‘But also if everything is just designed like that from the start, then to me it’s like: why wouldn’t you? In our Regeneration new build council homes we’re installing wet floor showers under baths, costing around an extra £500, and wall mounted showers as standard. Given that level access showers are one of the most common adaptations and cost an average of £9-£10,000 this will provide real savings for our adaptations budget. In fact, my Housing OT colleague is currently working on a bit of research to evidence that our work to make sure our new homes are inclusive, adaptable and fit for purpose, could potentially save the council millions of pounds.’**

**~ Jacquell Runnalls**

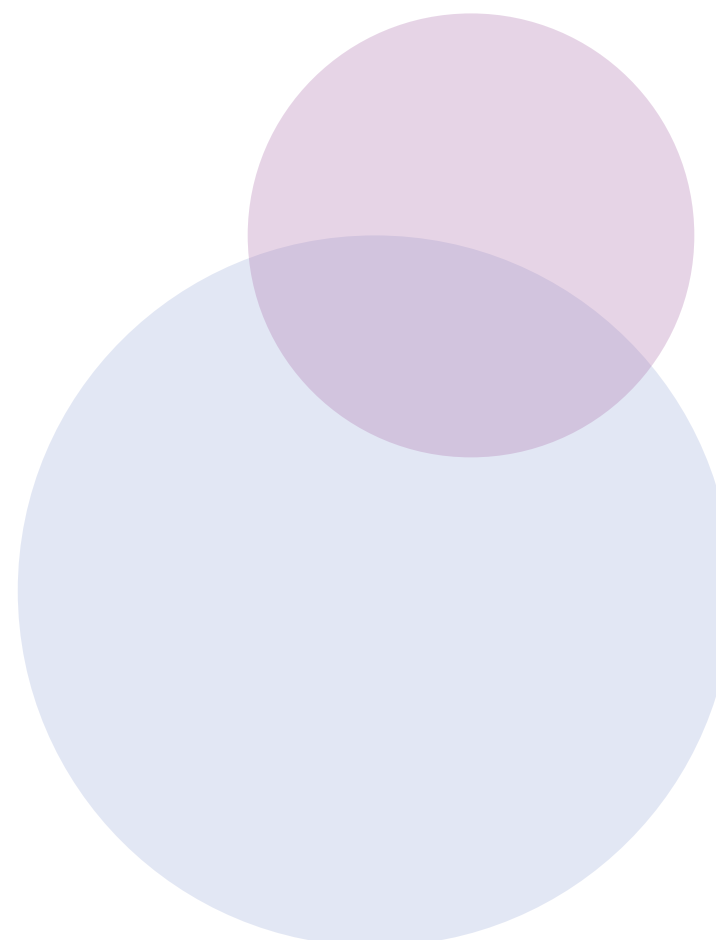
Precisely because designing for disability is viewed as an add-on, it is viewed as too costly. Instead, the entire range of housing activities stand to make savings by implementing integrated, co-produced inclusive design. In addition to the design stage, consideration must also be made of the expense and value reduction involved in the removal of aids and adaptations from homes as part of repairs and emptying activities. Disability should be an integral part of empty homes standards and allocation policies, preventing the wasteful and counterintuitive practices which are currently commonplace.

## Societal, ethical and moral case

In contrast to the significant savings that businesses, developers, Local Authorities and housing associations stand to make, the current societal cost of failing to design inclusively is significant:

**‘So, in addition to the health cost from that point of view, you’re talking about social service cost, you’re talking about the capital value of the house, you’re talking about loss of future earnings for that person who may well no longer be able to go to work, because of poor design, increased cost of benefits, cost of moving, cost of enforcement actions. All of that sort of stuff is the societal cost because we are not design sustainable.’**

**~ Darryl Smith**



In 2016, the NAO estimated that 85% of cases of ‘delayed transfers of care’ were attributed to patients over 65 who no longer clinically required hospital treatment, but could not be discharged because adequate care and adaptations were not in place.<sup>8</sup> This issue alone costs the NHS £820 million per year, as well as reducing the NHS’ capacity to treat those who are clinically in need. As Darryl Smith explained:

**‘A lot of that cost can be attributed to poor housing, inappropriate housing. For example, someone’s had a fall in the house and then had a hip fracture and then they go into hospital, and then the house is no longer suitable for you to return back to. There’s no place in the hospital and community setting, and that knock-on effect that happens. And we need to get an understanding of an ownership or people who want to have active living and the health, housing, social triangle that all need to work together to address that issue.’**

**~ Darryl Smith**

<sup>8</sup> National Audit Office (2016). Discharging Older Patients from Hospital. Department of Health/National Audit Office. Available From: <https://www.nao.org.uk/wp-content/uploads/2015/12/Discharging-older-patients-from-hospital.pdf>



## Conclusion: Joining the dots under the umbrella of accessibility

Designing something that disables people leads to direct and indirect discrimination and stigma, and does not uphold the spirit of the Equality Act. This challenges the ability of disabled people to access decent, suitable, flexible and accessible homes that promote physical and mental wellbeing.

Looking at the highly concerning impacts on disabled people earlier in the report, there is not only an ethical and moral obligation to alleviate this preventable inaccessibility, inequality, and discrimination, but also an imperative to understand that the effects on the disabled people that should not be understood as distinct or separate from the rest of the population. Rather, disability is something that can affect any one of us; and if not us, then friends, colleagues, family, neighbours, communities and society at large. Working hand in hand with disabled people and being led by lived experience is fundamental to making impactful and longer-term change.

**'I'd love to see more of a proactive and anticipatory approach to these things to really make it much easier. Because it's a constant fight to be disabled, and we're exhausted of it. So, actually if we could share that burden of making this more of a proactive approach, for me that would be an absolute win, so that the weight of that isn't on a disabled person's shoulders'**

**~ Millie Hawes**

Integrating inclusive design is one of the key areas in the housing sector that should be promoted to not only support and open options for disabled people, but also to future-proof housing stock throughout in the UK. There is a clear social, ethical, moral and business case to consider disability as an integral part of empty homes standards, allocation policies, asset management, repairs, aids and adaptations, policy, strategy and regulation.

## List of Recommendations from the Roundtable

### Build Awareness and promote best practice

- Continue to identify and establish links with influential stakeholder groups about the importance of supporting disabled people in the housing sector and the power of inclusive design;
- Challenge the myth that home modifications and adaptations relate only to housing for older people.
- Promote instead the integration of inclusive design into the 'umbrella' of housing activities, which has a clear business case in supporting customers and future-proofing housing stock;
- Identify and publish best practice case studies that highlight how we can challenge and tackle discrimination and stigma around disability through good design;
- Encourage critical thinking around accessibility and adaptability in housing standards as well as the processes which underpin the delivery of new build design specifications and completions.
- Ensure relevant expertise is employed to integrate inclusive design throughout practice – whether new build or adaptations;

### Improve collaboration and training

- Identify and engage Housing Associations who want to develop thought leadership in this area.
- Build a UK-wide working group of Housing Associations to further cross-organization collaboration in:
  - Asset Management
  - Development and Regeneration
  - Customer Experience
  - Communications
- Ask engaged Housing Associations to map out their internal crossovers across the various functions to understand where they could be more effective and potentially cost efficient, in order to build the business case for prevention.
- Integrate tenant scrutiny panels and/or customer engagement groups that could be involved and demonstrate the need for greater representation from customer populations to centralize lived experience and co-production.
- Inclusion and disability training is essential in all aspects of delivery in the housing sector.

## Thank you to the Roundtable including:

Name	Role	Organisation	Logo
<b>Sarah Davis</b>	Senior Policy and Practice Officer	<b>Chartered Institute for Housing (CIH)</b>	
<b>Samson Dawodu</b>	Solicitor	<b>Disability Law Service</b>	
<b>Andy Jackson</b>	Construction Design & Quality Manager	<b>Guinness Partnership</b>	
<b>Olivia Lindsay</b>	Deputy CEO	<b>Housing Options Scotland</b>	
<b>Kim Long</b>	External Affairs Manager	<b>National Housing Federation</b>	
<b>Christina McGill</b>	Director of Social Impact and External Affairs	<b>Habinteg Housing Association</b>	
<b>Jacqueline Runnalls</b>		<b>LB Wandsworth and Royal College of Occupational Therapist's Specialist Section (RCOTSS) Housing's Co-opted Lead on Accessibility and Inclusive Design</b>	

Name	Role	Organisation	Logo
<b>Rachel Russell</b>	Senior Regional Adviser	<b>Foundations UK</b>	
<b>Andy Smith</b>	Head of Housing Impact Services	<b>The Good Economy</b>	
<b>Darryl Smith</b>	Equalities and Diversity Project Coordinator	<b>Equality Together</b>	
<b>Mike Smith</b>	Former CEO	<b>Disability Law Service</b>	
<b>Sheera Starrett</b>	Age Friendly Coordinator	<b>Housing Association's Charitable Trust (HACT)</b>	
<b>Kate Wilson</b>	Research Associate	<b>University of Stirling</b>	
<b>Laura Wood</b>	Director and Founder	<b>Invisible Creations</b>	



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