Report on the social inclusion and social protection of disabled people in European countries

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Background:

The Academic Network of European Disability experts (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network will support the future development of the EU Disability Action Plan and practical implementation of the United Nations Convention on the Rights of Disabled People.

This country report has been prepared as input for the *Thematic report on the implementation of EU Social Inclusion and Social Protection Strategies in European countries with reference to equality for disabled people.*

The purpose of the report (Terms of Reference) is to review national implementation of the open method of coordination in Social inclusion and social protection, and is particular the National Strategic Reports of member states from a disability equality perspective, and to provide the Commission with useful evidence in supporting disability policy mainstreaming.

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PART ONE: SOCIAL INCLUSION PLANS (GENERAL)

1.1 Please describe how and where disabled people are included in your country's published plans for social inclusion and protection?

The National Disability Strategy
The National Disability Strategy was launched by the Government in September 2004.[1] The government stated that strategy would build on the existing strong legislative and infrastructural framework for equality, add to that framework of new supports for people with disabilities and establish rights to assessments and services in the health and education sectors.[2] The Strategy has four key components:

- Disability Act 2005, which provides for independent statutory assessment of disability service needs, and the delivery of services to meet those needs, subject to the availability of resources and services.
- The Education of Persons with Special Education Needs Act, 2004, which provides for assessment of children's educational needs and the allocation of resources to meet those needs, with an emphasis integrating children into mainstream education where appropriate.
- The Citizens Information Act 2007, which gives legislative responsibility to the Citizens Information Board to develop advocacy services for people with disabilities, particularly a personal advocacy service to deal with the most complex cases.[3]
- Six sectoral plans, which are statutory action plans in six key government departments
- A Multi-annual investment programme for disability support services.   The National Development Plan (2007-2013)made a commitment of €18.8 billion for disability services needs.

Section 31 of the Disability Act requires six of the key government departments to publish a Sectoral Plan which relates to matters specified in the Act. [4] The first Sectoral Plans were adopted in October 2006 from each of the departments. The plans set out targets and timetables covering vital areas of communications, health, social welfare, work and training, the accessibility of the environment, local government services and transport.[5]

Social Partnership Agreement Towards 2016[6]
The most recent social partnership agreement *Towards 2016*, came into effect in 2006 and runs for a period of 10 years to 2016. The partnership process has adopted a "lifecycle" framework in an effort to ensure a more streamlined approach to tackling poverty and social inclusion. The lifecycle stages are identified as children, working-aged adults, elderly people and people with disabilities. The agreement sets out a number of long term goals for the 10 year period as follows:

- Every person with a disability would have access to an income which is sufficient to sustain an acceptable standard of living;
- Every person with a disability would, in conformity with their needs and abilities, have access to appropriate care, health, education, employment and training and social services;
- Every person with a disability would have access to public spaces, buildings, transport, information, advocacy and other public services and appropriate housing;

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[1] See *National Disability Strategy* (2004). Available at: http://www.justice.ie/en/JELR/Pages/National_Disability_Strategy
[2] Speech given by Minster Willie O'Dee on September 21 2004. Available at:
http://www.nda.ie/cntmgmtnew.nsf/0/A7317F78E8F7919380256F18005A5CFC
[3] See Citizens Information Board Advocacy Guidelines (revised edition 2007). Available at:
http://www.citizensinformationboard.ie/publications/advocacy/social_speaking_up_for_advocacy.html
[4] The six departments which are required to publish sectoral plans are as follows: Department of Health and Children, Department of Social and Family Affairs, Department of Transport, Department of Communications, Marine and Natural Resources, Department of Environment, Heritage and Local Government
[5] Links to each of the Sectoral Plans can be found on the National Disability Authority website at http://www.nda.ie
[6] *Towards 2016 Ten-Year Framework Social Partnership Agreement 2006-2015*. Available at
http://www.taoiseach.gov.ie/attached_files/Pdf%20files/Towards2016PartnershipAgreement.pdf.

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- Every person with a disability would be supported to enable them, as far as possible, to lead full and independent lives, to participate in work and in society and to maximise their potential, and;
- Carers would be acknowledged and supported in their caring role.

The agreement contains commitments to monitor progress of the implementation of commitments. Progress reports will be prepared on the sectoral plans after 3 years (2009) and the Disability Act will be reviewed after 5 years (2010)

National Action Plan for Social Inclusion 2007-2016[7]
In 2006 Ireland prepared its National Action Plan for Social Inclusion which was developed over a longer time period than the previous two year plans. The current plan runs until 2016 to complement the social partnership agreement. There is a significantly greater emphasis on disability issues in the two preceding agreements of 1997 and 2002.[8] The plan has established ten high level goals to be achieved over the period with corresponding actions and targets to be implemented in order to achieve these high level goals.[9] The plan has adopted the lifecycle approach as developed in the partnership process. The lifecycle stages are identified as children, people of working age, older people and people with disabilities. Each lifecycle has identified a number of high level goals and a range of targets necessary to achieve these goals.

Disability Issues are addressed in Chapter 5 of the National Action Plan for Social Inclusion. The vision as set out in the beginning of the chapter states as follows:

"The vision, as set out in Towards 2016, is of an Ireland where people with disabilities have, to the greatest extent possible, the opportunity to live a full life with their families and as part of their local community, free from discrimination"[10]

The "high level goal" identified in this chapter is entitled "Employment and Participation" and aims to promote equal opportunities for people with disabilities in the open labour market supported by enhanced vocational training, employment programmes and further development of supports. The immediate objective is to increase the employment of people with disabilities who do not have a difficulty retaining a job by ensuring that an additional 7,000 are employed by 2010. The longer term target is to raise the employment rate of people with disabilities from 37% to 45%, and the overall participation rate in education, training and employment to 50% by 2016.[11]

The chapter incorporates commitments made in *Towards 2016*, the sectoral plans and the National Development Plan 2007-2016. Targets and actions in the chapter include commitments on improved accessibility to the built environment and buildings, access to public transport and housing and accommodation.

In June 2000, the Government launched its policy of "mainstreaming" policies and services for people with disabilities on an administrative basis by incorporating them into the mainstream work of government departments and policies. Section 26 of the Disability Act 2005 has given statutory effect to the policy of mainstreaming.[12]

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[7] Available at http://www.socialinclusion.ie/documents/NAPinclusionReportPDF.pdf
[8] Fitzgerald, "Disability and Poverty" in Mel Cousins (ed), *Welfare Policy and Poverty*, Institute of Public Administration, Combat Poverty Agency 2007, p246.
[9] *National Report for Ireland on Strategies for Social Protection and Social Inclusion 2008-2010*, p.6.
[10] *National Action Plan For Social Inclusion, 2007 – 2016*, p.55.
[11] Ibid, p.56.
12Section 26(1) of the Disability Act 2005 states: "Where a service is provided by a public body, the head of the body shall—(a) where practicable and appropriate, ensure that the provision of access to the service by persons with and persons without disabilities is integrated". Section 26(1)(a) provides for assistance, where requested, to the person with a disability in accessing the service where practicable and appropriate.

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However, the National Disability Authority has raised concerns that Government Departments are taking a narrow view of their responsibilities towards mainstreaming. In the NDA Position Paper on Mainstreaming Position Paper (2006), it has called on Government to make a clear commitment to resources towards mainstreaming and recommended that Sectoral Plans and Departmental Statements of Strategy should include specific measurable targets for mainstreaming and targets for its implementation. The Position paper also recommends that mainstreaming should be evaluated through consultation with people with disabilities and that the impact of mainstreaming actions should be measured through date collection.[13]

While the National Action Plan on Social Inclusion 2007-2016 sets a target of reducing consistent poverty to between 2 and 4 per cent by 2012, it does not contain any separate goals for reducing poverty rates among people with disabilities. While the Education of Persons with Special Educational Needs Act 2004 is a key legislative element of the National Disability Strategy, there is no requirement for the Department of Education and Science to produce a sectoral plan. Goals in relation to improving access to wider recreation and social activities for people with disabilities are also noticeably absent from these plans.

1.2 In reality, what major actions has your country taken and what are the positive or negative effects on disabled people?

The Commission on the Status of People with Disabilities, which was set up by the Government in 1993 produced a report in 1996 which highlighted the high incidence of poverty among people with disabilities and made a number of recommendations to address this. The Report increased the focus on disability issues and led to significant changes in policy over the past number of years. The key legislative developments affecting people with disabilities are the Disability Act 2005, the Employment Equality Act and the Equal Status Acts

The Disability Act 2005
The Disability Act was passed in 2005. Its main provisions include:

- An independent assessment of individual needs, a related service statement and independent redress and enforcement procedures for persons with disabilities;
- access to public buildings, services and information; these are time specific in providing accommodations;
- sectoral plans for 6 key Departments which will ensure that access for people with disabilities will become an integral part of service planning and provision;
- an obligation on public bodies to be pro-active in employing people with disabilities;
- restricting the use of information from genetic testing for employment, mortgage and insurance purposes;
- A Center for Excellence in Universal Design.

The Disability Act covers all public bodies. The Act also extends the powers of the Office of the Ombudsman to investigate complaints in relation to determinations by inquiry officers and in relation to sectoral plans.

While the Act represents significant progress in disability policy, it also has a number of weaknesses. The Act does not contain a legal commitment to provide the necessary resources. The definition of disability contained in the Act is limited and restrictive.[14]

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[13] National Disability Authority, *Mainstreaming Position Paper* (2006). Available at
http://www.nda.ie/cntmgmtnew.nsf/0/E51F60A937C22740802571850050BC75/$File/mainstreaming_pos_pap_06_06.htm
[14] Section 2 of the Act defines disability as follows: "disability", in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment

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The most significant weakness of the Act relates to the statement of services, which will only apply the assessment to extent to which budgetary constraints permit.
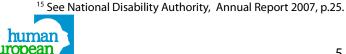
Services are therefore not provided as of right as there is no appropriate legal basis for the provision of services where resource constraints exist. Furthermore, while a complaints and appeals procedures were established under the Act, this is only in relation to the decision making process and there is no provision for challenging the contents of an assessment. Finally, section 19 of the Act provides that there shall be no appeal to a court from a decision of an appeals officer, except on a point of law. Thus, the Act does not contain justiciable rights.

The *Equal Status Act* outlaws discrimination against disabled people in accessing goods and services, accommodation and educations. It defines services as "a facility of any nature which is available to the public generally or a section of the public, and without prejudice to the generality of the foregoing, includes:

(*a*)   access to and the use of any place;
(*b*)   facilities for:
         (i)   banking, insurance, grants, loans, credit or financing;
         (ii)   entertainment, recreation or refreshment;
         (iii)   cultural activities; or
         (iv)   transport or travel. 30

The Employment Equality Act 1998 & 2004 covers nine protected grounds against discrimination, one of which is disability. The Act covers all aspects related to employment, including: advertising; equal pay; access to employment; vocational training and work experience; and terms and conditions of employment and employees in public and private sector are covered. Cases of discrimination are heard in the first instance by the Equality Tribunal which is an independent, quasi-judicial body where decisions are binding. Appeals are heard by the Labour Court and a further appeal on a point of law can be taken from the Labour Court to the High Court.

The government has put a mechanism in place to monitor the National Disability Strategy. Twice-yearly progress reports are presented to the National Disability Strategy Stakeholder Monitoring Group. This group is comprises representatives of the NDA, senior officials of the Sectoral Plan and other relevant government departments and the Disability Stakeholder Group, which comprises six disability umbrella bodies. These groups are the Disability Federation of Ireland, Inclusion Ireland, Mental Health Ireland, National Federation of Voluntary Bodies, Not for Profit and People with Disabilities in Ireland.[15]

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[15] See National Disability Authority, Annual Report 2007, p.25.

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1.3 What is the most recent research about disabled people's equality and social inclusion in your country?

Recent research publications

Key sources of research on the issue of disabled people's equality and social inclusion in Ireland can be found at the following sources:

The National Disability Authority[16], The Equality Authority[17], The Combat Poverty Agency[18], The Disability Law and Policy Centre, National University of Ireland, Galway[19], The Centre for Disability Studies, University of Dublin[20] and the National Institute for Intellectual Disability at Trinity College Dublin[21].

The Experience of Students with Physical Disabilities at Second Level Schools[22]
This report made a number of findings and recommendations. It noted the discrepancies between disability legislation and the experience of participants in the study. While the implementation of disability legislation is at an early stage, the report made recommendations with a view to informing how legislation could be implemented in practice and highlighting issues which need to be prioritised.

The report found that the extent to which students received appropriate educational supports depends primarily on the school they attend. There is a need to support schools both in developing the ethos of inclusion and in The study found that many schools did not have adequate physical accessibility. In addition, delays were reported in relation to some schools making appropriate alterations to facilitate students with physical disabilities. The report recommended that students who choose the mainstream route should have access to therapeutic services when needed. The report acknowledged that there was still a role for "special schools" despite the emphasis on mainstream education and recommended that special schools have a role beyond providing day care facilities. It also recommended that career guidance should be introduced in such schools.

The report highlighted that improving disability services in the wider community would support young people to participate in education. The need to increase disability awareness was also highlighted in the community, in particular among teachers and the wider student population. Many of those who participated in this study found it difficult to access information on supports and entitlements. There is also a need for increased resources in the higher education sector, particularly additional Disability Officers so that students can access the relevant supports

Survey on Public Attitudes to Disability in Ireland[23]
The report represents findings on a comprehensive survey commissioned by the National Disability Authority of public attitudes towards people with disabilities in the Republic of Ireland. The survey was conducted in 2006 and was a follow up of a similar survey conducted in 2001.

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[16] http://www.nda.ie
[17] http:// www.equality.ie
[18] http://www.cpa.ie
[19] http://www.nuigalway.ie/cdlp/
[20] http://www.ucd.ie/include/
[21] http://tcd.ie/niid/
[22] National Disability Authority, 2008. Available at:
http://www.nda.ie/cntmgmtnew.nsf/0/B1ECAA4DCC0AE28180257419003B60AD/$File/eslreport_01
[23] National Disability Authority, 2007. Available at:
http://www.nda.ie/cntmgmtnew.nsf/0/FD9B9DBF1F1CF617802573B8005DDED5?OpenDocument

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The findings cover a range of topics on attitudes relating to disability, including knowledge of disability and general attitudes, education, employment, relationships, access to buildings and public facilities, level of comfort living near people with disabilities, state benefits and awareness of disability related organisations/legislation/initiatives.

The report found that there was an increased awareness of disability, compared with the 2001 survey, both prompted and unprompted. Physical disability was the most frequently mentioned disability type and had far greater unprompted awareness than other disability categories, with the next highest awareness of intellectual or learning disabilities. Less than half of the respondents (45%) thought that people with disabilities were treated fairly in Irish society while 52% thought that people with disabilities did not receive equal opportunities in education. Nearly three quarters (71%) thought people with disabilities do not receive equal opportunities in employment. The most negative attitudes relate to people with mental health difficulties. Only 36% agreed that children with mental health difficulties should be in the same school as other children and 21% said they would object if their child was in the same class as children with mental health difficulties. Only 7% of respondents thought employers were willing to employ people with mental health difficulties. Respondents also said they would be least comfortable having people with mental health difficulties as work colleagues. Only 41% of respondents thought people with mental health difficulties should have children if they wish.

More than nine in ten respondents (92%) agreed that more could be done to meet the needs of people with disabilities regarding access to buildings and public facilities.

Respondents believe people with disabilities are treated unfairly by the State. Half of respondents (50%) who were aware that people with disabilities receive State benefits thought that the State does not provide enough benefits for them.

The Dynamics of Disability and Social Inclusion[24]
This report builds on the previous report *Disability and Social Inclusion in Ireland (2006)* and again uses data from the Living in Ireland Surveys 1995-2001. It examined the impact on employment, income and relative income poverty, and social participations when somebody moved from not experiencing a disability to reporting a disability (disability onset) or for people who cease reporting a disability (disability exit). It also looked at the effects of persistent disability for people who had a disability over the whole period examined.

In relation to the onset of disability, was found to be associated with a 20% decline in the probability of being in employment and a decline in household income of 15% on average. There is also an increased probability (7%) of falling below the relative income poverty threshold. In relation to social participation, only onset of a severely hampering disability was linked to significantly lower level of participation. Those who ceased to report a disability over the period were found to have increased probability of employment (7%) and a 10% increase in predicted household income. Those who reported a persistent illness/disability over the seven year period registered a very significant reduction (42%) in the likelihood of being in employment and a significantly lower income (20)% than for someone otherwise similar but with no disability over the period. The probability of being below the relative income poverty threshold was also significantly increased (by 20%) for this group and there was a significantly reduced level of social participation. The report noted that the findings present a challenge, in particular, for tackling the complex barriers to obtaining and maintaining employment for people with disabilities as well as the need to provide income support policies that provide an adequate standard of living for those relying on them, while also promoting employment.

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[24] Brenda Gannon and Brian Nolan, 2006, Dublin, National Disability Authority and Equality Authority. Available at: http://www.equality.ie/index.asp?locID=105&docID=624

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Disability and Social Inclusion in Ireland[25]
This contains a detailed analysis of the relationship between disability and social exclusion using data from the Living in Ireland Surveys conducted between 1994 and 2001, in relation to people aged 16 and over who reported having a "chronic physical or mental health problem, illness or disability".

The report found that people with chronic illness or disability that hampers them in their daily activities are much more likely to have no educational qualifications and less likely to have third level education than those without such an illness or disability. Those who acquire a disability early in life are substantially more likely not to have educational qualifications. It also found that chronic illness or disability substantially reduces not only the likelihood of being in work, but also affects the earnings of those who are in work due to the indirect impact disability has no earnings by virtue of the lower level of education and years of work experience obtained. The analysis also found that people with chronic illness or disability are approximately twice as likely to be at risk of poverty, twice as likely to experience basic deprivation and twice as likely to be consistently poor that those who are not ill or disabled.

The report also looked at social participation of this group and found that the probability of participation in club memberships, frequency of contact with neighbours and with friends or relatives or having an evening out is significantly reduced for with a severely hampering chronic illness or disability Being hampered to some extent also reduces the level of participation on these indicators, although the impact is a good deal less than for those who are severely hampered. Individuals whose disability or illness does not hamper them have were found to the same predicted social participation as someone without a disability.

How Far Towards Equality? Measuring How Equally People with Disabilities are included in Irish Society.[26]
This report uses data from the Census 2002 and other official surveys to document the extent to which people with disabilities participate fully and equally in Irish society and sets out a baseline from which future progress can be measured in increasing participation and reducing inequalities.

The report examined key indicators of participation in society.

The report also found lower participation levels and significant inequalities between people with disabilities compared with people without a disability across a wide range of areas of life. It found that, compared to non-disabled people, people with disabilities are much more likely to leave school early, less likely to have achieved any qualifications, two and a half times less likely to have a job, earn less in a job and are twice as likely to be at risk of poverty. They are less likely to marry and more likely to be separated or divorced, more likely to experience poor health and more likely to live with their parents into adulthood. Further indicators used found that people with disabilities are less likely to have a car, more likely to have difficulties with public transport, less likely to have a computer or the internet, more restricted in socialising outside the home and less likely to have an annual holiday.

The Experience of Discrimination in Ireland: Analysis of the QNHS Equality Module[27]
This research analyses the special module on Equality which was included in the Quarterly National Household Survey in 2004 and examines the subjective experience of discrimination across the adult population in Ireland. The survey examined reported discrimination in work, job search, and in seven different types of services (e.g. financial services, health services, shops/pubs and restaurants).

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[25] Brenda Gannon and Brian Nolan, 2005, Dublin, National Disability Authority and Equality Authority. Available at: http://www.equality.ie/index.asp?locID=105&docID=344

[26] National Disability Authority, 2005. Available at: http://www.nda.ie/cntmgmtnew.nsf/0/5419C80ECE72C05D802570C8003E1D36?OpenDocument
[27] Equality Authority, 2008. Available at: http://www.equality.ie/index.asp?locID=105&docID=723

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The study outlines the scale and distribution of perceived discrimination in Ireland and highlights particular social groups and particular contexts in which levels of perceived discrimination are high. The report shows that disability is one of the highest predictors of discrimination risk. People with disabilities reported high levels of work- related discrimination and were among those at most risk of discrimination while accessing services. In fact, people with disabilities were at higher risk across all categories except education.

The study found that almost half of the disabled group who reported discrimination took some form of action. However, the report also found that those with disabilities feel they know less about their rights under equality law than those without disabilities. Of the respondents with a disability who reported experience of discriminations, 35% said that such discrimination had a serious impact on their lives.

Evidence about inequalities between different groups of disabled people

There is very little research in Ireland in relation to inequalities between the different groups of disabled people. The literature review on women and disability undertaken by the National Disability Authority highlights the need for research in specifically in relation to issues which affect women with disabilities. The Equality Authority produced a report in relation to Minority Ethnic People with Disabilities. The Central Statistics Office is currently undertaking a National Disability Survey, the results of which are expected in October 2008.

Secondary analysis of the results of this survey could provide valuable information in relation to inequalities between the different groups of disabled people.

Exploring the Research and Policy Gaps: A review of literature on women and disability[28]

The NDA commissioned this literature review to explore gender and disability issues and to summarise the knowledge on this topic both in Ireland and internationally. The review found that there is a lack of research on the social, economic and psychological circumstances of women with disabilities. The review identified a large number of research gaps related to the following specific themes which were investigated: personal assistance and care; poverty and social welfare; labour market attachment; sexuality, reproductive freedoms and motherhood; and communication barriers.

In relation to poverty and social welfare, the review has identified the need for quantative and qualitative research on the gender specific additional costs of disability and the income and care needs of women with disabilities living in poverty. It has also identified the need for research on the reasons why more women than men are on short-term disability allowances, disabled women's decision making and control over resources within households. In relation to personal care and assistance, the following were among the research gaps identified: women as care givers and the supports they need, existing strategies working towards independent living for women with disabilities; personal assistance needs specific to disabled women; parenting experiences of disabled women and gender-based differences in access to and receipt of care and assistance related services.

Minority Ethnic People with Disabilities in Ireland[29]

This study also shows that minority ethnic people with disabilities face exclusion and marginalisation in Irish society and can experience complex forms of discrimination. They can face discrimination on the basis of disability. This can lead to isolation, segregation and marginalisation. They may also encounter negative perceptions of disability within their own minority ethnic communities and are open to discrimination on the basis of ethnicity by the dominant culture.

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[28] National Disability Authority, 2005. Available at:
http://www.nda.ie/cntmgmtnew.nsf/0/BF3A14B644017A648025729D0051DD2B?OpenDocument
[29] Equality Authority, 2003. Available at: http://www.equality.ie/index.asp?locID=105&docID=78

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Minority ethnic people with disabilities such as asylum seekers and refugees experience additional difficulties of post-migratory stress including issues around citizenship, separation from families, poverty, employment and accommodation issues.

Minority ethnic people with disabilities often do not have adequate access to information about the availability of and their rights and entitlements to health and social care services. This may result in the under-utilisation of health and social care services. The report also found that minority ethnic people with disabilities face a number of barriers in seeking to participate in the labour market and access employment. The barriers highlighted by participants include the low expectations of people with disabilities held by minority ethnic communities and by the wider society, physical barriers to accessing education and employment, lack of information and support services, exclusion from social contacts, geographical location and poor transport services.

The National Action Plan For Social Inclusion acknowledges that "more needs to be done to establish reliable data in relation to people with disabilities. In particular, baseline information will be assembled to allow for more rigorous testing and assessment relating to engagement strategies and participation rates."30

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[30] National Action Plan for Social Inclusion 2007-2016, p.57

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PART TWO: INCOMES, PENSIONS AND BENEFITS

2.1 Research publications (key points)

Welfare Policy and Poverty
The Institute of Public Administration and the Combat Poverty Agency jointly published a book in 2007 entitled *Welfare Policy and Poverty*[31]. Eithne Fitzgerald has written a chapter in the book on "*Disability and Poverty*" which discusses the high risk of poverty which people with disabilities face in Irish society. The chapter looks at statistics on the poverty and social exclusion of people with disabilities and the links between poverty, low levels of education and absence from the labour market. It also evaluates progress in public policy on disability and social exclusion and looks at how disability has been addressed in national strategy documents on poverty. Fitzgerald notes that while Ireland saw a sustained period of economic growth in the second half of the 1990s during which incomes rose and consistent poverty rates feel for the general population, incomes for disabled people actually disimproved during the same period, relative to the rest of society. While consistent poverty halved for the general population between 1995 and 2001, there was only a very slight decline in consistent poverty among people with disabilities during this period.[32]

Fitzgerald notes that while historically, disability policy took a medical model approach in Ireland, there was a shift from the medical model to a focus on disability as an equality issue when the Department of Equality and Law Reform (merged into the Department of Justice, Equality and Law Reform since 1997) took over responsibility for disability policy from the Department of Health in 1993. The article notes that the social welfare system has been the main strategy used to address poverty issues for people with disabilities over the years. Following recommendations from the Commission on the Status of People with Disabilities in 1996, people entering residential care have been entitled to disability allowance since 1999 and in 2007 this was also extended to those already living in residential care, although statutory maintenance charges are subtracted from the allowances of those in long-term residential care. The article also notes that, following the NESC report 2005 (see below) and the Review of the Department of Social and Family Affairs in 2003 (see below), the earnings limit for people taking up rehabilitative employment was relaxed to allow for a portion of disability allowance to be retained, as well as secondary benefits, where earnings are below €350 per week.

In relation to the costs of disability, the article outlines the recommendations on the Commission on the Status of People with Disabilities for a variable cost of disability payment to be introduced where extra costs were not being met by alternative means and also highlights the NDA recommendation for a cost of disability payment to be introduced.[33] Fitzgerald concludes that there must be a "comprehensive approach which addresses systemic issues such as the benefits trap and the passive nature of income support, which stems the outflow from employment by promoting retention and re-employment of people who acquire a disability in adult life and which engages both private and public sector employers in this task."[34]

Exploring the Research and Policy Gaps: A review of literature on women and disability
Among the key empirical research findings in relation to poverty and social welfare is that there is a clear link between women with disabilities and poverty. Disabled women with intellectual disabilities were found to be particularly vulnerable and services for such women were found to be under-resourced. Women who are married or co-habiting and experience the onset of disability can be impacted by their exclusion from income supports, loss of benefits and the negative effect of means testing.

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[31] Mel Cousins (ed), *Welfare Poverty and Policy*, 2007, Dublin, Institute of Public Administration and Combat Poverty Agency.
[32] Fitzgerald, in *Welfare Poverty and Policy,* 2007, p. 236-237.
[33] National Disability Authority, *Disability and the Cost of Living,* Dublin, 2004. Available at:
http://www.nda.ie/cntmgmtnew.nsf/0/EF734FD9D0C04B3880256E690055CFFB?OpenDocument
[34] Fitzgerald, *Disability and Poverty,* in *Welfare Policy and Poverty*, Combat Poverty and Institute of Public Administration, Dublin, 2007

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The Developmental Welfare State[35]

This report endorsed the OECD[36] recommendation that merely looking after the financial needs of disabled people through cash benefits is insufficient as there is a need to tackle the issue of exclusion from the labour market and from society generally. The OECD recommended an individual package to be adapted to individual needs and capacities which would contain rehabilitation and vocational training, support in seeking employment and benefits in cash and in kind.

The report recommended that illness and disability payments should also include systematic contact points with the providers of rehabilitation, education, training or employment services in order to address the slide from short term illness at the onset of a disability into discouragement and a believe that employment is unrealistic as well as a decline in work experience and skills. The report argues that features of the current social welfare code promote a view that employment is seen as primarily as "topping-up" welfare, even when the person has the capacity to engage in more substantial employment options.[37]

The report endorsed the recommendations in the Report of the Working Group on the Review of Illness and Disability Payment Schemes that active engagement should take place with recipients who have a partial capacity for work or other development opportunities[38]

Review of Illness and Disability Schemes[39]

This review examines the various State income maintenance payments for people who are ill and people with disabilities and was undertaken by the Department of Social and Family Affairs (DSFA) as part of the Government's Expenditure Review Initiative. The key elements of this review include clarifying the objectives of each scheme, considering their continued relevance, identifying gaps and overlaps in the overall provision, examining overall trends in numbers and expenditure, examining the extent to which schemes support self- sufficiency, evaluating alternative approaches to the design and delivery of social protection for people who are ill or disabled and examining the roles of the Department of Social and Family Affairs and the Health Boards in the provision of income maintenance.

The report made a number of recommendations. The additional costs of disability should be addressed separately rather than through higher basic income maintenance payments in order to target individuals whose needs are greatest. The significant increase in the number of people claiming disability allowance, as well as the over-representation of women in particular age groups needs to be examined.   There is a need to examine the factors which lead to a higher risk of poverty for people with disabilities, in particular, the lack of employment opportunities, the additional cost of disability, the impact of extended duration of social welfare payments and the differences in household composition. There should be a range of employment support options/schemes available to fit the different situations of people with disabilities e.g. those capable of some work, capable of part-time work, in need of rehabilitation/retraining etc. There is a need for a pilot project to assess the potential of early intervention measures for recipients of Disability Benefit who are likely to drift into long-term illness.

It may not be suitable to make the same range of additional supports, such as Free Schemes etc. available to all people with disabilities, regardless of their circumstances, particularly given the potential employment disincentive effects involved.

Possible mechanisms for overcoming the potential disincentive effects posed by the loss of these additional benefits by people with disabilities on taking up employment should be examined.

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[35] National Economic and Social Forum, Dublin 2005. Availabe at:
http://www.nesc.ie/dynamic/docs/NESC%20DWS_RZ%20Text+Cover.pdf
[36] OECD, *Employment Outlook, towards more and better jobs*, 2003
[37] Ibid, P.181
[38] Ibid, P.183-184
[39] Department of Social and Family Affairs, Dublin 2003. Available at: http://www.dsfa.ie/publications/dis_review.html

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New research is needed in relation to poverty and income of different groups of disabled people. Secondary analysis of the National Disability Survey which is due to be published by the Central Statistics Office shortly could be helpful in this regard. Specific data is also needed into the causes of poverty among disabled people and the practicalities of introducing both a cost of disability payment and also an individualised support system for disabled people to support their educational and employment needs. Research is also needed into the effectiveness of measures which have been introduced to overcome the "benefit traps" for people with disabilities and to support disabled people in securing employment.

2.2 Type and level of benefits (key points and examples)

Number of Recipients of Illness and Disability and Caring payments, payment types and amounts[40]

Type of Payment	Amount payable (2008)	Number of recipients 2007
Disability Benefit (now called illness benefit)	197.80	106,959
Invalidity Pension	203.30	79,981
Interim Disability Benefit	165.80	605
Disability Allowance	197.80	117,797
Blind Pension	223.30	1,975
Injury Benefit	197.80	1,267
Death Benefit Pension	227.70	799
Disablement Pension	228.90	13,629

To quality for **disability allowance**, you must "have an injury, disease or illness, or have a physical or learning disability that has continued or is expected to continue for at least one year and causes you to be 'substantially restricted' in doing work that would otherwise be suitable for a person of your age, experience and qualifications". This payment is means tested and will therefore examine income including, cash income of the applicant and their partner, value of savings, investments, chares or lands, any property, apart from the applicant's home, income from employment or self-employment.

To qualify for **disability benefit/illness benefit,** you must be unable to work due to illness and have made the required number of pay related social insurance (PRSI) contributions while working. **Invalidity Pension** is a payment for people who are permanently incapable of work because of an illness or incapacity. To qualify, you must satisfy both medical and social insurance (PRSI) conditions.

To qualify for the **blind pension**, you must be impaired to such an extent that you cannot perform any work for which eyesight is essential or you cannot continue in your ordinary occupation due to poor sight. This payment is also means tested.

Additional information in relation to state pensions and benefits, including detailed eligibility criteria can be found at www.welfare.ie, the website of the Department of Social and Family Affairs.

While much progress has been made in relation to disability issues in the past number of years in Ireland from the point of view of national policy, the financial income of disabled people does not appear to be an important political question in terms of Irish national politics. While a number of recommendations have been made in relation to the introduction of measures to address the cost of disability, little progress has been made.

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[40] Department of Social and Family Affairs, SWS Statistical Information Report, available at
http://www.welfare.ie/publications/annstats/07/2007stats.html
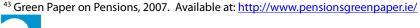
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However, the sectoral plans and the *Towards 2016* social partnership agreement have made commitments in relation to giving further consideration to the cost of disability issue, but only when the needs assessment mechanisms under part 2 of the Disability Act have been implemented, which is not due to take place until 2011. National Policies have demonstrated that important changes and modernisation of policies has taken place in Ireland in the past number of years, placing disability issues at the centre of policy-making through co-ordinated programmes which include legislation and sectoral plans. The extent to which the commitments made in the National Disability Strategy will be delivered upon remains to be seen however.

Despite increases in the levels of disability payments over the past number of years, research suggests that the vast majority of disabled people without employment are living in poverty. In 2001, over 80 per cent of disabled people at risk of poverty came from households where no member of the family was employed.[41] This points to the need for an individualised approach to addressing the cost of disability which would not only involve a cost of disability payment, but would include supportive measures tailored to meet the needs of the individual in relation to securing employment or training.

In relation to both younger and older disabled people, the current system of social welfare payments can present "benefit traps", rather than encourage disabled people into paid employment.[42] Barriers may arise as a consequence of the means test and other qualifying conditions to the various welfare payments. Barriers can also arise as a result of the loss of secondary benefits which apply generally to people on social welfare payments, such as rent and mortgage supplement and medical cards. Additional barriers can arise as a result of the loss of specific secondary benefits which are available to people with disabilities on social welfare payments, such as the mobility allowance, motorised transport grant and the range of disability specific benefits which a medical card holder receives. The Department of Social and Family Affairs has brought in a number of measures aimed at addressing these barriers, such as the back to work scheme and the concept of income disregards in the case of means-tested payments which pay go some way to addressing these issues.

In relation to the ability of the financial system to cope with increases in the number of disabled people or the level of pensions, the Green Paper on Pensions which was published by the government in 2007 suggests that the changes in the composition of the population imply a imply "a mismatch between the spending demands facing the public pension system and its ability to meet these demands". The Green Paper suggests that the existing system is not sustainable on the basis of current projections and stresses the need for adjustments in policy to deal with this fact.[43]

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[41] See Fitzgerald, p.232
[42] See Workway Policy Paper, available at http://www.workway.ie/useful_info/workway_policy_paper.554.html
[43] Green Paper on Pensions, 2007. Available at: http://www.pensionsgreenpaper.ie/

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SECTION 3: CARE AND SUPPORT

3.1 Recent research publications (key points)

The Right Living Space: Housing and Accommodation needs of People with Disabilities[44]
This report focuses on the experience of people with disabilities and the voluntary organisations working with them in accessing appropriate housing. It also considers the implications for housing and accommodation policies. The report identifies a number of key issues. There is a general shortage of social housing and community-based accommodation for people with different types of disability, particularly accessible housing and appropriate supports to allow people to live independently in their own homes.

There is also a considerable hidden housing need with many people with disabilities are living in accommodation which is not appropriate to their needs or in line with their wishes.
There is a lack of a strategic framework to provide for the individual housing needs and supports of people with disabilities. Needs assessment by Local Authorities has been inadequate in terms of identifying numbers or nature of need. There is insufficient attention given in Ireland to accessibility/lifetime adaptability aspects of housing design. Supports for independent living are under-resourced. There is also a lack of clarity about entitlements and options arising from different models of delivery of supports for independent living in different parts of the country.

The report makes a number of recommendations. Assessment of housing needs should include protocols for systematic consultation with individuals, and where appropriate, advocates to ensure that people's wishes are understood and accommodated. Local authorities should give a person with a disability a housing services statement setting out the type of housing and supports s/he requires and the timeline for their delivery. The provision of housing supports for people with disabilities should be substantially increased and provide for different models of support at both personal and community infrastructural level. A community based case-management approach should be applied to identify and meet the housing and related support needs of people with disabilities.

Additional research is needed into the introduction of direct payment schemes and other mechanisms to facilitate disabled people in managing their own finances. Research is also needed in relation to access to care and support for different groups of disabled people.

3.2 Types of care and support (key points and examples)

The housing report outlined above has found that people with disabilities are often living in unsuitable or inappropriate accommodation. These include adults in family homes when they wish to live elsewhere, people in inaccessible accommodation, people in long-stay residential settings, people awaiting discharge from hospital, people in nursing homes, homeless people with a disability. The report documented inadequacies in short-term crisis accommodation, sheltered/supported accommodation, supports for independent living and community group homes. The research also found that people with disabilities often experience difficulties in the transition from living in a residential or hospital setting to living in the community and that available supports are inadequate.

Assisted living schemes provide the support of a personal assistant to individuals with a physical or sensory disability. The PA service is usually organised by a voluntary/community organisation and funded by the HSE or through a state funded FAS Community Employment Programme. There are two options/packages. With the self-directed or leader-managed package, the person with the disability acts as the leader or service manager. This involves recruiting his/her own PAs, organising their weekly rosters, returning their timesheets, arranging holiday cover, etc.

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[44] Michael Browne, Dublin 2008, Citizens Information Board and Disability Federation of Ireland. Available at http://www.citizensinformationboard.ie/news/news20080115.html

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The leader can consult the service coordinator when necessary. With the supported package, the service coordinator takes responsibility for some or all of the management, delivery and operation of the service.

The Respite Care Grant is an annual payment for carers who look after certain people in need of full-time care and attention. The payment is made regardless of the carer's means. The Combat Poverty Agency has recommended an increase in the respite care grant to sufficiently cover the cost of respite for 20 days leave per year, which is the average annual leave entitlement.[45]

There are two types of government grants for people with disabilities in relation to housing adaptations. The Disabled Person's grant provides people with disabilities with financial support to reconstruct or carry out improvement works to their house. The maximum amount payable is 20,320 or 90 per cent of the approved cost of the adaptation.

The shortcomings of this grant have been well documented.[46] The grant is inadequate to cover adaptation costs and for many people, it is difficult to source the required 10 per sent of the cost. Some local authorities have also introduced restrictive application criteria in recent years. There also appear to be long delays in having the grant application processed. The Disabled Person's Grant has been replaced by the Housing Adaptation Grant and the Mobility Aid Grant since November 2007, however the new grants have yet to come into force.

In relation to accessibility, there are many difficulties for people with disabilities, particularly in relation to existing housing. In relation to new houses, Part M of the Building Regulations (amended in June 2000) requires newly built homes to meet certain accessibility requirements, including level entrance at the hall door and provision of a WC at living room level. Part M is currently being reviewed by the Department of Environment, Heritage and Local Government. It is envisaged that this will result in a number of changes to the building regulations, to include provision for a Disability Access Certificate, to confirm compliance of the design of proposed new buildings with Part M, as well as enhanced powers of Building Control Authorities in implementing the Building Code.[47]

Sheltered/supported accommodation is limited relative to need and in many instances it is very difficult to secure. Many people currently in residential care settings would be much more suited to sheltered/supported accommodation. There is an increased demand for sheltered/supported housing due to the poor availability of mainstream housing with appropriate supports and care services.[48]

Supported employment services for people with disabilities are provided by FAS, Ireland's national training and development authority, which has responsibility for providing labour market services for people with disabilities. The supported employment programme funds the placing in employment and ongoing support of people with disabilities and provides a number of 'on-the-job' supports, such as a Job Coach who will assist both the employer and the person seeking employment. There are currently 24 sponsoring organisations delivering supported employment on behalf of FAS, which usually consist of organisations in the voluntary and community sectors that provide direct services to people with disabilities.[49]

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[45] *Submission to the Department of Social and Family Affairs on the Development of a National Carer's Strategy,* Combat Poverty Agency, April 2008. Available at:
http://www.combatpoverty.ie/publications/submissions/2008_Sub_NationalCarersStrategy.pdf. See also National Disability Authority, *Disabled Person's Grant Review*, 2006.

[46] See *The Right Living Space*, p.32

[47] Ibid, p. 21

[48] Ibid, p.30

[49] For more information see
http://www.citizensinformation.ie/categories/employment/employment-and-disability/supported_employment_for_people_with_disabilities

With regard to accessible transportation, the Department of Transport organises a committee called the Public Transport Accessibility Committee which includes transport services providers and organisations representing people with disabilities. Under the Disability Act 2005, this committee is responsible for monitoring the government's Sectoral Plan for providing accessible transportation.[50]

There is a shortage of social housing for people with disabilities. There are particular difficulties in relation to accessible housing and appropriate supports for independent living. There is no strategic framework to provide tailored housing and housing supports for people with disabilities. There current system of housing needs assessments is also inadequate. It is hoped that the commitment to the development and implementation of a new and systematic approach to housing needs assessment and the recent introduction of new protocols for inter-agency collaboration will bring about significant improvements.

There is no provision for a direct payments scheme in Ireland to allow disabled people to manage their own finances for care and support.

Oranisations such as the Centre for Independent Living have been campaigning for the introduction of direct payment scheme.[51] Supports for independent living, such as personal assistants, home help and home support are seriously under-resourced and the grants available for adapting a disabled person's home are insufficient. This results in an inequitable system whereby disabled people may have to personally fund such vital supports and services, which means that the quality of care and support can depend on the resources available to the individual.

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[50] See part 3 of Disability Act 2005, section 34.
[51] See Dublincil.org

PART FOUR: SUMMARY INFORMATION

4.1 Conclusions and recommendations (summary)

There have been improvements in the manner in which social inclusion for people with disabilities has become part of government policy, which sees policy moving from a medical model to a model which focuses on equality. However, major challenges still remain. Despite significant economic growth in Ireland in the Ireland during the past decade, incomes for people with disability disimproved during this period compared with the rest of the population and consistent poverty among people with disabilities hardly declined at all while consistent poverty almost halved for the general population. There is a need for more individualised packages of assistance to be provided to people with disabilities to provide support in accessing employment and training and to staying in education. In addition, it remains to be seen how services will be provided to people with disabilities who have assessments of need carried out under the Disability Act 2005, particularly where resource constraints may play a greater role in times of slower economic growth ahead. The lack of a rights based approach to this legislation may become a significant barrier, particularly in times of enhanced resource constraints.

Recommendation for positive change

There is a need to tackle the lower levels of education achieved by people with disabilities compared to others in society, particularly given the fact that there are strong links between low qualifications and employment prospects of people with disabilities. More research is needed into the reasons for early school leaving among people with disabilities and more individualised support programmes need to be developed to ensure that people with disabilities have the supports they require to remain in education.

4.2 One example of best practice (brief details)

The workway project was established as a pilot project to promote the employment of people with disabilities in the private sector. The initiative established local networks in four regions throughout Ireland, comprising employers, people with disabilities, trade unions and other groups representing the interests of disabled people. The networks shared their knowledge and experience in relation to employment opportunities for people with disabilities and the barriers which needed to be addressed. The first phase of the project ran from 2001-2004. Its main aims were to raise awareness of the need to increase opportunities for people with disabilities, explore skill availability and labour shortages, identify barriers to employment from the perspectives of both employers and people with disabilities, involve all parties in finding practical solutions to these barriers, provide information to assist with the integration of people with disabilities in the workplace and inform policy makers and service providers of the implications for developing employment and training services. Among the key outcomes of the project were the development of local directories and wall charts of employment related supports and services, the development of relationships with service providers and the development of nationally adopted Employment Guidelines.

The second phase of the project ran from 2004-2005 and had three key objectives. The first objective was to develop a pre-employment preparation template to address a range of difficulties encountered by people with disabilities in relation to recruitment practices. This template focused on developing the skills of the individual in applying for and getting a job. A Guide for Jobseekers with Disabilities was also developed. The second objective was to pilot the Workway Employment Guidelines in a number of companies so as to gain feedback in order to update the guidelines. The Guidelines provide advice and guidelines on all aspects of employment to employers, union members, co-workers and people with disabilities. A training pack for employers was also developed. The third objective was to reconstruct the Workway website to provide a comprehensive and interactive site on employment and disability in Ireland.

The website contains information on current support services and how to access them, case studies of people with disabilities currently in employment, examples of how Irish based companies have accommodated employees with disabilities, Employment guidelines and training pack, relevant publications on disability and the workplace and up to date information on adaptive technologies. The aims and objectives of this project complement the objective contained in the Disability Action Plan 2008-2009 to foster accessibility of the labour market. Funding for phase 1 of the project came from the Department of Enterprise, Trade and Employment and amounted to €818,000. Phase II amounted to €223,000 and was provided by FAS, the national training and employment authority, which is funded by the Irish Government[52] Further information on this project can be found in the Workway Policy Paper, which documents the experience of the project.[53]

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[52] See http://www.socialinclusion.ie/documents/People_with_Disabilities_pdf
[53] See Workway, *The Way Ahead: Workway Policy Paper*, Dublin 2005. Available at http://www.workway.ie/useful_info/workway_policy_paper.554.html

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