



COVID-19 and people with disabilities

Assessing the impact of the crisis and informing disability-inclusive next steps

Ireland

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Glossary

CES	Community Employment Scheme
CSO	Central Statistics Office
DFI	Disability Federation of Ireland
ECDC	European Centre for Disease Control
EU	European Union
GAA	Gaelic Athletic Association
HIQA	Health Inspectorate and Quality Authority
HSE	Health Service Executive
HPSC	Health Protection Surveillance Centre
ICGP	Irish College of General Practitioners
IHREC	Irish Human Rights and Equality Commission
MHC	Mental Health Commission
NIAC	National Immunisation Advisory Committee
NDA	National Disability Authority
NPHE	National Public Health and Emergency Team
PUP	Pandemic Unemployment Payment
WHO	World Health Organisation

1 Executive summary

The COVID-19 pandemic has had a significant impact on disabled people in Ireland. Disabled people have been denied services, expected to isolate in their own homes, detained in nursing homes, and faced a higher mortality rate. As the pandemic has continued, many disabled people have been left in a state of flux. Disabled people faced barriers in participating in planning and management, a higher mortality rate, and barriers in accessing health care. Disabled people were advised to cocoon or to shield, and lost opportunities to participate in public and social activities. They were subject to involuntary detention, and independent living was compromised. Young disabled people lost out on essential supports and services in order to support them in their education. The impact of the COVID-19 Pandemic on disabled people is hard to quantify.

Disability inclusivity of disaster and recovery planning

Disability has not been to the fore of disaster or recovery planning as discussed in section 2 below, and where disability has been taken into consideration, the state has diverted to the expertise of service provider and advocacy organisations ahead of disabled persons organisations.

Impact of the virus on mortality among people with disabilities

While data in this area is fragmented, the researchers identified a number of sources which provide an overview of the impact of COVID-19 on disabled people. 88 % of the deceased persons had an underlying condition and people aged 65 years and above accounted for about 92 % of the confirmed deaths.¹ The COVID-19 mortality rate in June 2020 per 100 000 for persons with disabilities was 41- whereas for persons without disabilities the rate was 23 per 100 000.² The latest figures showed that there were 297 outbreaks in residential institutions, with 1 519 linked laboratory confirmed COVID-19 cases, notified in Ireland since 1 March 2020.³ Alongside this there have been 500 outbreaks in nursing homes and community hospital/long stay units, with 9 113 linked laboratory confirmed COVID-19 cases, notified in Ireland since 1 March 2020.⁴

According to the Mental Health Commission there has been a total of 28 deaths of residents of mental health services since the commencement of data compilation in

¹ CSO, COVID Deaths and Cases: From 28 February to 15 May 2020 [COVID-19 Deaths and Cases - CSO - Central Statistics Office](#).

² IHREC, 'The impact of COVID-19 on persons with disabilities', at p. 5. <https://www.ihrec.ie/app/uploads/2020/07/IHREC-Submission-The-Impact-of-COVID-19-on-People-with-Disabilites.pdf>.

³ Health Service Executive and Health Protection Surveillance Centre 'Epidemiology of COVID-19 Outbreaks/Clusters in Ireland Weekly Report Prepared by Health Protection Surveillance Centre on 11th January 2021', available https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/surveillance/covid-19outbreaksclustersinireland/COVID-19%20Weekly%20Outbreak%20Report_Week012021_v1.0_12012021_WebVersion.pdf.

⁴ Health Service Executive and Health Protection Surveillance Centre 'Epidemiology of COVID-19 Outbreaks/Clusters in Ireland Weekly Report Prepared by Health Protection Surveillance Centre on 11th January 2021', available https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/surveillance/covid-19outbreaksclustersinireland/COVID-19%20Weekly%20Outbreak%20Report_Week012021_v1.0_12012021_WebVersion.pdf.

April 2020.⁵ 85 people were said to have died in wardship at the start of the year a doubling of figures that was attributed to COVID-19.⁶

Outline of key concerns about a disproportionately negative impact of the COVID-19 crisis on people with disabilities

Deprivation of liberty measures have been a significant feature of life globally during COVID-19, however specific forms of deprivation of liberty have had a particularly pernicious impact on persons with disabilities⁷. In particular the denial of visitors and family supports to persons in long term residential care facilities is a grave concern.⁸ Nursing Home residents accounted for half of all deaths in the initial wave of the pandemic.⁹ The high mortality of nursing home residents evidence, not just of a failure to manage the pandemic, but long term policy which has prioritised institutional care.¹⁰

Examples of good practice

Remote or e-prescribing had been an issue of contention within the Irish health service for a number of years. At the onset of the pandemic the then minister for health¹¹ signed two statutory orders in order to bring e-prescribing into effect. While this was not specifically done with disability in mind, it did ensure that those cocooning continued to have access to essential medications, and has in effect removed barriers to healthcare going forward.

One positive element of the state's response to the pandemic was that recipients of the disability allowance,¹² were also permitted to claim pandemic unemployment benefit for those who lost work due to COVID-19. Recipients of disability allowance are permitted to engage in a limited number of hours of rehabilitative work each week. Initially persons with disabilities were entitled to the pandemic unemployment payment alongside their disability related payment if they lost work as a result of the Corona Virus pandemic. This has been reduced for people on both payments from the 16th of October, as the earnings cap under the Disability Allowance would see people with

⁵ Mental Health Commission, Press Release, February 2021
https://www.mhcirl.ie/File/PR_010221.pdf.

⁶ M Carolan, Irish Times, 'High Court President Expresses Sympathy as 85 Wards of Court Die Since January' (2020), <https://www.irishtimes.com/news/crime-and-law/courts/high-court/high-court-president-expresses-sympathy-as-85-wards-of-court-die-since-january-1.4256346>.

⁷ This will be discussed further in Section 7.

⁸ National Platform of Self Advocates, 'Submission on the impact of COVID-19 on people with disabilities and the disability sector, at p. 4,
https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_responses/submissions/2020/2020-09-30_submission-brian-hayes-chairperson-national-platform-of-self-advocates-scc19r-r-0499_en.pdf.

⁹ Disability Federation of Ireland, Impact of COVID-19 on people with disabilities and the disability sector (29 June 2020) at p. 6,
https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

¹⁰ This will be discussed further in Section 9.

¹¹ Department of Health, Minister Signs Regulations to Assist with Prescriptions, Press Release (2020) <https://www.gov.ie/en/press-release/d80ca9-minister-for-health-signs-regulations-to-assist-with-prescriptions-d/>.

¹² Citizens Information, COVID-19 Pandemic Unemployment Payment;
https://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/unemployed_people/covid19_pandemic_unemployment_payment.html.

disabilities under the lower rate.¹³ Those who had not been previously earning were not entitled to the COVID payment.

While it was not uniform across the education system, some schools used the Special Needs Assistance (SNA) role as a support for students with disabilities during distance learning. SNAs in many schools remained in close contact with students and offered advice to students and parents on managing student learning.¹⁴

Recommendations and opportunities for change

Over half of all deaths in the initial months of the pandemic were in nursing homes. Ireland had previously prioritised nursing home care in older age, and a high number (approximately 1 300) of disabled persons under 65 live in nursing homes.¹⁵ The pandemic has facilitated some discussion on the policy failures that have resulted in such a high rate of institutional care.¹⁶

While for many groups the transition to online learning and work was stressful, there were individuals who were marginalized by the previous system who benefited from the transition to online and remote options. The Economic and Social Research Institute (ESRI) noted that for some students who experienced anxiety around school as a social setting online interactions were preferable.¹⁷ People interviewed for the ESRI's research 'mentioned that school refusers with a number of additional needs and mental health issues reengaged after the shift to distance learning'¹⁸ while other students started to disengage. Providing mixed methods, both in person and online in the future will allow for more people to engage with school and work.

As discussed in the report, COVID-19 had a significant impact on wardship proceedings. It is imperative that the Assisted Decision Making Act is commenced so that the outdated law is not used to further deny disabled people of their rights as a result of the pandemic.

¹³ Citizens Information, COVID-19 Pandemic Unemployment Payment; https://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/unemployed_people/covid19_pandemic_unemployment_payment.html.

¹⁴ Teresa Griffin, National Council for Special Education Submission, Oireachtas Special Committee on COVID-19 Response, 30 September 2020. https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-teresa-griffin-ceo-national-council-for-special-education-scc19r-r-0292_en.pdf.

¹⁵ C Kenna, Irish Times 'Using nursing homes as 'default option' must end, experts say' <https://www.irishtimes.com/news/health/using-nursing-homes-as-default-option-must-end-experts-say-1.4266952>.

¹⁶ C Kenna, Irish Times 'Using nursing homes as 'default option' must end, experts say' <https://www.irishtimes.com/news/health/using-nursing-homes-as-default-option-must-end-experts-say-1.4266952>.

¹⁷ G Mohan, S Mccoy, E Carroll, G Mihut, S Lyons And C Mac Domhnaill, ESRI 'Learning For All? Second-Level Education In Ireland During COVID-19.' https://www.esri.ie/system/files/publications/SUSTAT92_3.pdf.

¹⁸ G Mohan, S Mccoy, E Carroll, G Mihut, S Lyons And C Mac Domhnaill, ESRI 'Learning For All? Second-Level Education In Ireland During COVID-19.' https://www.esri.ie/system/files/publications/SUSTAT92_3.pdf.

2 Disability-inclusive disaster and recovery planning

[Article 11 – Situations of risk and humanitarian emergencies & Article 4\(3\) – involvement of persons with disabilities](#)

2.1 Commitments to disability in disaster management and recovery strategies

The Government Task Force on Emergency Planning coordinates and monitors emergency planning measures implemented by public authorities, including the Health Service Executive (HSE), An Garda Síochána and Local authorities.¹⁹

International approaches to public crisis management were incorporated into the Framework for Major Emergency Management (MEM) adopted in 2006.²⁰ This is the approach that was utilised to design the Framework for Restrictive Measures in response to COVID-19 implemented to reduce the escalation of the transmission of the virus.²¹

The State published an Action Plan following the detection of the first COVID-19 confirmed case on 29 February 2020. The Action Plan outlined Ireland's commitment to coordination with international bodies as well as the coordination of Irish statutory and non-statutory agencies to respond to the needs of the public during the pandemic. The Department of Health (DOH) and The Health Services Executive (HSE) were tasked with leading the formulation of response plans and establishing the necessary policies and taskforces to manage the spread of the virus.²² To further the Action Plan, a cross-sectoral Stakeholders Forum was established and is Chaired by the Department of An Taoiseach – the highest political office.²³ It is not clear whether any organisations representing people with disabilities are present on the Forum.

The National Public Health Emergency Team (NPHE) for COVID-19 was established to ensure a public-health-led response to COVID-19.²⁴ NPHE is working with a number of subgroups like the 'Vulnerable people sub-group' which includes those with disabilities and chronic illness. NPHE is supported by an Expert Advisory Group, and the HSE National Crisis Management Team has been responsible for the HSE's response.²⁵ This involved including a tab on the website dedicated to information on the COVID-19 response, and a page on the website was prepared by the HSE in

¹⁹ Government of Ireland, A Framework for Major Emergency Management [gov.ie - Emergency Planning \(www.gov.ie\)](http://www.gov.ie/en/publication/47b727-government-publishes-national-action-plan-on-covid-19/).

²⁰ A Framework for Major Emergency Management (2006) <http://mem.ie/>.

²¹ Government of Ireland, Resilience and Recovery 2020-2021: Plan for Living with COVID-19 (2020), pp. 5-8.

²² Government of Ireland, Ireland's National Action Plan in Response to COVID-19 (Coronavirus) updated 16 March 2020, pp. 10-28. Available from: Gov.ie, <https://www.gov.ie/en/publication/47b727-government-publishes-national-action-plan-on-covid-19/>.

²³ Government of Ireland, Ireland's National Action Plan in Response to COVID-19 (Coronavirus) updated 16 March 2020, at p. 11.

²⁴ Government of Ireland, Ireland's National Action Plan in Response to COVID-19 (Coronavirus) updated 16 March 2020, at p. 11.

²⁵ Government of Ireland, 'National Public Health Emergency Team (NPHE) for COVID-19: Governance Structures' (26 June 2020). to include older people, people with disability, mental health service users, those with an underlying illness or condition, children in care and those accessing social inclusion services (not an exhaustive list).

collaboration with the Irish Deaf Society and Chime where resources have been prepared for hard of hearing patients and health care workers in support roles.²⁶

The HSE website outlines target groups and persons with disabilities are categorised as vulnerable persons with a high risk from COVID-19. The list includes but is not limited to persons living in long term care residences or nursing homes, those with learning disabilities, older persons from about 50-60 years and over, as well as persons with specialist disability care needs.²⁷ So for the purposes of this paper, instances where policies and disaster management plans implemented by the State mention vulnerable or high-risk groups, persons with disabilities shall be assumed to be included within that cohort.²⁸

2.2 Involvement of people with disabilities in disaster management and recovery strategies

Persons with disabilities are often given the opportunity to inform policy either by appearing personally or having their representative organisations that they are affiliated to send submissions to the State or by appearing at Special Committee debates to give evidence that is later used to inform practices like disaster management and recovery planning. Organisations like the Disability Federation of Ireland (DFI), Inclusion Ireland and the Irish Human Rights and Equality Commission (IHREC) appeared before the Special Committee on COVID-19 Response and gave evidence on the successes and shortcomings of the State response to the pandemic and how insufficient action left the Disability community floundering to provide or access services.²⁹ None of these organisations are disabled persons organisations but are involved in disability advocacy.

IHREC is the national independent monitoring body as per CRPD and has an 11 member Disability Advisory Committee with lived experience of disability that the organisation consults with on disability-related issues.³⁰ However, it is hard to measure the true extent of the involvement of disabled persons in the preparation of reports or if their views were adequately reported. The Commission also raised concerns that the participation of the disabled community in the planning processes was limited and only taken into consideration after awareness was raised of this oversight by DPOs.³¹

The National Platform of Self-Advocates was invited to make a submission to the Special Committee on COVID-19 and being an independent advocacy group that is predominantly operated by people with intellectual disabilities- it could be said that the

²⁶ HSE, COVID-19 deaf and Hard of Hearing Communications Resources [COVID-19 Deaf and Hard of Hearing Communications Resources - HSE.ie](#).

²⁷ Health Service Executive, *People at higher risk from COVID-19* (2020) [People at higher risk from COVID-19 - HSE.ie](#).

²⁸ Health Service Executive, *People at higher risk from COVID-19* (2020) [People at higher risk from COVID-19 - HSE.ie](#).

²⁹ Special Committee on COVID-19 Response debate, 17 July 2020, <https://www.oireachtas.ie/en/committees/33/special-committee-on-covid-19-response/>.

³⁰ IHREC, New departure on rights of persons with disabilities as formal Committee begins work in monitoring Ireland's obligations (28 January 2019) <https://www.ihrec.ie/new-departure-on-rights-of-persons-with-disabilities-as-formal-committee-begins-work-in-monitoring-irelands-obligations/>.

³¹ IHREC, The impact of COVID-19 on People with Disabilities: Submission by the Irish Human Rights and Equality Commission to the Oireachtas Special Committee on COVID-19 Response (Dublin, June 2020) IHREC, at p. 7, <https://www.ihrec.ie/app/uploads/2020/07/IHREC-Submission-The-Impact-of-COVID-19-on-People-with-Disabilites.pdf>.

voice of experience of persons with disabilities was represented in the planning process. However, this was only possible after the submission deadline had been extended to account for the fact that the organisation had a member consultancy process that they engaged in before requesting their facilitator to assist them—especially as the government does not fund independent disabled persons organisations.³²

Any actions that frustrate the rights of persons with disabilities to express their opinions could mean that any management and recovery plans that the State implements may not be an accurate representation of the lived experience of disabled persons. If independent DPOs are failing to source funds for running costs, eventually the voice of persons with disabilities will be distorted and denied with time. There is no information readily available regarding the number of DPOs that were called to make a submission or those who failed to make submissions to the Special Committee.

In relation to COVID-19 disaster management and planning, the Disability Federation of Ireland lobbied NPHET for representation of vulnerable people and this culminated in the appointment of a Vulnerable Sub-group whose role is to advise on the impact of the pandemic on the lives of persons with disabilities and older people. NPHET comprises of 45 members and 11 sub-committees, and the members represented patients, GPs, Health Information and Quality Authority (HIQA), the voluntary sector and persons with disabilities, but concerns were raised that nursing homes were not adequately represented.³³

Minister Simon Harris explained that nursing homes have always been monitored by HIQA and as such the welfare of older persons and those in long-term residential care settings are the responsibility of HIQA who are the regulating body that oversees the safety and sets the standards for persons in these settings.³⁴ However, there is no definitive data stating that persons with disabilities contributed to emergency management or recovery plans made by HIQA.

2.3 Disability impact assessments and research to inform disaster management and recovery planning

Funding to respond to the impact of the pandemic to the value of EUR 44 million has been made available for community, enterprise, research and development organisations.³⁵ However, only the COVID-19 Response Fund mentions vulnerable people, otherwise disabled persons as a target group are not mentioned on the descriptions of the disaster recovery funds that have been made available.

A temporary National Research Ethics Committee (NREC) for COVID-19 was formed in accordance with WHO Roadmap for Research and Development (R&D) by the

³² National Platform of Self Advocates, ‘Submission on the impact of covid-19 on people with disabilities and the disability sector’, at p. 4, https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-brian-hayes-chairperson-national-platform-of-self-advocates-scc19r-r-0499_en.pdf.

³³ Dail Eireann debate, 23 April 2020, Vol 992, No 7. Available from <https://www.oireachtas.ie/en/debates/debate/dail/2020-04-23/>.

³⁴ Dail Eireann debate, 23 April 2020, Vol 992, No 7. Available from <https://www.oireachtas.ie/en/debates/debate/dail/2020-04-23/>.

³⁵ The Wheel, <https://www.wheel.ie/covid-19-info-hub/covid-19/funds>.

Minister of Health and located within the Health Research Board. The purpose of this committee was to streamline R&D funding calls, whilst ensuring that international standards and best practices are maintained.³⁶ The Health Products Regulatory Authority and NREC COVID-19 were established to expedite timelines of review of research proposals and policy advice submissions and expedite clinical trials for medicinal products and trials of medical devices during the pandemic. Disabled people and those with long term chronic health conditions could be participants in these research projects.

The Health Research Board (HRB), Science Foundation Ireland and the Irish Research Council are supporting 39 research and innovation projects from the Rapid Response funding.³⁷ This includes a disability specific project at the Centre for Disability Law and Policy, NUIG - 'ResPoNCE: Respecting People with disabilities' Needs and rights in Crisis and Emergency'.³⁸ The aim of this project is to review the laws and policies introduced during the pandemic and review how they have affected the lives of persons with disabilities across six European countries, including Ireland. The project will provide guidance on how decision-making bodies can live up to their obligations and uphold the rights of persons with disabilities by recommending best practices that can be implemented in line with State obligations outlined in the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD).³⁹

Funded by the same mechanism as the response project, a Maynooth study considers the opportunities for governments actions to limit the detrimental impact which the crisis is having on mental health.⁴⁰

2.4 Use of disaster management and recovery planning funds

The state has made available funds and implemented disaster management and recovery plans like the National Action Plan.⁴¹ A EUR 3 billion aid package would be made available to alleviate the economic, social and health-related challenges people would face due the pandemic.⁴² An estimated EUR 435 million was awarded to the HSE as contingency funding to assist in producing the services that would be in high demand during the pandemic. However, even though the action plan mentions in detail the departments and organisations that will be tasked with providing and monitoring

³⁶ Health Research Board, *NREC COVID-19*, <https://www.hrb.ie/covid-19-ethical-review/nrec-covid-19-overview/>.

³⁷ Health Research Board, *New investment in COVID-19 research and innovation projects*, <https://www.hrb.ie/news/covid-19-coronavirus/coronavirus-news/article/new-investment-in-covid-19-research-and-innovation-projects/>.

³⁸ Health Research Board, *ResPoNCE: Respecting People with disabilities' Needs and rights in Crisis and Emergency* (14 December 2020) <https://www.hrb.ie/news/covid-19-coronavirus/coronavirus-news/article/the-impact-of-national-past-on-behaviour-in-the-covid-19-pandemic/>. This project considers the pandemic responses in Ireland, France, Germany, Spain, Portugal and the UK.

³⁹ Health Research Board, *ResPoNCE: Respecting People with disabilities' Needs and rights in Crisis and Emergency* (14 December 2020) <https://www.hrb.ie/news/covid-19-coronavirus/coronavirus-news/article/the-impact-of-national-past-on-behaviour-in-the-covid-19-pandemic/>.

⁴⁰ Health Research Board, *News Roundup, Assessing and protecting the mental health of the nation during the COVID-19 pandemic*, (14 December 2020) <https://www.hrb.ie/news/news-story/article/assessing-and-protecting-the-mental-health-of-the-nation-during-the-covid-19-pandemic-copy-1/>.

⁴¹ Government of Ireland, *Ireland's National Action Plan* (Dublin, 16 March 2020) at p. 4. Discussed above at p. 5.

⁴² Government of Ireland, *Ireland's National Action Plan* (Dublin, 16 March 2020), at p. 6.

services for persons with disabilities,⁴³ it does not provide a breakdown of what percentage of these funds would be allocated to disability- related purposes.

The Innovate Together Fund is a EUR 5.6 million philanthropic fund contributed to by statutory and private investment.⁴⁴ The aim of the fund is to develop innovative responses that will not only be relevant during the COVID-19 pandemic but will aid communities to adjust to life after the pandemic which will be different from the previous norm.⁴⁵ Disability organisations such as ASIAM (an autism charity), Down Syndrome Ireland, Headway Ireland, Independent Living Movement Ireland, The Wellness Recovery Action Plan have benefitted from this fund in their work promoting mental health, Community outreach, Reskilling the workforce, Cross-Cutting issues, Online Education, Physical Education and Sustainable Ireland.⁴⁶

In June 2020, the Disability Federation of Ireland (DFI) published a report outlining the effects of COVID-19 on people with disabilities and the Disability sector and applauded that in the first phase the State put in place measures to protect people with disabilities. Especially as in the first 28 days no outbreaks had been recorded in 75 % of the 1 100 residential centres for persons with disabilities.⁴⁷ However, concerns were raised based on shortcomings witnessed in managing the response that DFI felt should be noted in the COVID-19 recovery planning phase. Budget allocation is one of the issues raised. Prior to the pandemic there was a EUR 40 million deficit hampering service delivery and response to needs within the Disability community.⁴⁸

They also called for investment in community support packages for persons with disabilities and their families that was ringfenced for the Disability community. The need for this investment was highlighted during the pandemic when there was a lack of clarity regarding which state agency was responsible for providing PPE for disability services between the HSE and local authorities.⁴⁹ However, as witnessed from the spike in death rates during the third wave of the pandemic whereby 54 outbreaks were recorded in the second week of January- the recovery phase needs clear planning to ensure adequate support is made available to persons with disabilities, their families

⁴³ Government of Ireland, Ireland's National Action Plan (Dublin, 16 March 2020), pp. 16-20.

⁴⁴ The Department of Rural and Community Development contributed EUR 5 million towards the fund from the Dormant Accounts fund. Rethink Ireland also secured EUR 0.6 million with the help of corporate partners like Medtronic, Twitter, Z Zurich Foundation and Oakfield Trust Department of Rural and Community Development, The Philanthropy Fund 22 July 2020 <https://www.gov.ie/en/publication/12ca62-the-innovate-together-fund/>.

⁴⁵ The Philanthropy Fund 22 July 2020, <https://www.gov.ie/en/publication/12ca62-the-innovate-together-fund/>.

⁴⁶ Rethink Ireland, 'Innovate Together Round 1 awards' https://rethinkireland.ie/awarded_fund/innovate-together-round-1-awards/.

⁴⁷ Disability Federation of Ireland, *Impact of COVID-19 on people with disabilities and the disability sector*, (Monday 29 June 2020) at p. 3. https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

⁴⁸ Disability Federation of Ireland, *Impact of COVID-19 on people with disabilities and the disability sector*, (Monday 29 June 2020) at p. 4. https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

⁴⁹ Disability Federation of Ireland, *Impact of COVID-19 on people with disabilities and the disability sector*, (29 June 2020) at p. 4. https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

and relevant support persons.⁵⁰ It is worth noting that DFI represents the needs of persons with disabilities and service providers, but are not a DPO. This makes it difficult to determine whether the disability related concerns were addressed adequately by funding schemes in the disaster management or disaster response phase as desired.

Through the Department of Rural and Community Development, the Government COVID-19 Stability fund totalling EUR 35 million was made available to fund community and voluntary organisations providing support in communities. However, it was only revealed that EUR 2 million was allocated to disability services in Dublin providing services to those at the most risk, and no specific mention is made about the rest of the country.⁵¹

In September 2020, Minister of State for Disability Anne Rabbitte and Minister for Health Stephen Donnelly announced that EUR 10 million would be made available from the National Action Plan on COVID-19 to improve home support services for persons availing of disability services and day services to ensure adequate support could be provided.⁵² Following the announcement of Budget 2021, an additional EUR 100 million was sourced for new initiatives, bringing the total 2021 Disabilities budget to approximately EUR 2.22 billion. COVID-19 revealed the pros and cons of technology with regards to the convenience of connecting people, and Minister Rabbitte communicated that the HSE was allocated EUR 20 million for new innovations to facilitate inclusion through technology which played a huge role in easing isolation during the pandemic.⁵³

However, the overall effectiveness of these measures could be called into question as recorded infection and outbreak rates have been higher in the third wave of the pandemic with 30 outbreaks said to have been recorded in long-term care facilities.⁵⁴ The question then is that can this be ascribed to the disabled community's purported higher susceptibility to the virus or have implemented protective measures been inadequate despite the funds that have been made available to support disabled persons in this recovery phase?

⁵⁰ The Irish Times, *Disability services are being overlooked* (Thursday 28 January 2021) <https://www.irishtimes.com/opinion/letters/disability-services-are-being-overlooked-1.4469397>.

⁵¹ Dail Debate, 5 November 2020, Vol 1000, No 3. Available from: <https://www.oireachtas.ie/en/debates/debate/dail/2020-11-05/>.

⁵² Department of Health, 'Ministers Donnelly and Rabbitte announce 10 million funding to support people with disabilities during COVID-19' (27 September 2020) gov.ie - [Ministers Donnelly and Rabbitte announce €10m funding to support people with disabilities during COVID-19 \(www.gov.ie\)](https://www.gov.ie/en/news/2020-09/ministers-donnelly-and-rabbitte-announce-10m-funding-to-support-people-with-disabilities-during-covid-19/).

⁵³ Seanad Eireann debate, Disability Day Services: Statements, 11 November 2020, Vol 985, No 2. Available from: <https://www.oireachtas.ie/en/debates/debate/seanad/2020-11-11/12/>.

⁵⁴ The Irish Times, *Disability services are being overlooked* (28 January 2021) <https://www.irishtimes.com/opinion/letters/disability-services-are-being-overlooked-1.4469397>.

3 Mortality connected to COVID-19 among people with disabilities

[Article 10 – The right to life](#)

3.1 Are official statistics available concerning the overall mortality rate of people with disabilities?

Yes, there are numerous State agencies that are releasing official statistics. The Health Protection Surveillance Centre (HPSC) is built into the HSE and its role is to provide information to health service providers and similar organisations both nationally and internationally- that monitor communicable diseases.⁵⁵ Under the Statistics Act 1993, the Central Statistics Office (CSO) was formed and is the national agency responsible for impartially collating, analysing and publishing statistical information about Ireland's economy, population and society.⁵⁶ During the course of the pandemic, the CSO has also utilised data on death notices from the RIP.ie website, HIQA, Death Events Publishing service, StatBank, the General Register Office and NPHET.⁵⁷ GeoHive is a spatial data provider run by Ordnance Survey Ireland and has been working with several State agencies to collate data and COVID-19 related data for the public.⁵⁸

Data is not disaggregated by disability for COVID deaths by the CSO. As of 1 February 2021, the Mental Health Commission recorded a total of 28 COVID related deaths of residents in mental health facilities.⁵⁹

Estimates from official sources have revealed that on average 1,000 more people died during the first three to six months of the pandemic, which would be February to around May and later August.⁶⁰ HIQA also reported that 13 % more deaths were recorded from 11 March to 16 June 2020 due to the pandemic, when compared to the same period previous.⁶¹ The COVID-19 mortality rate in June 2020 per 100 000 for persons with disabilities was 41- whereas for persons without disabilities the rate was 23 per 100 000.⁶² Estimations suggest that mortality rate patterns would have followed a similar pattern in the absence of the pandemic and excess mortality rates recorded due to COVID-19.

The mortality rate for persons with disabilities has been significantly higher than mortality rates in the general population. Inclusion Ireland also raised concerns in April

⁵⁵ Health Protection Surveillance Centre, About HPSC, [About HPSC - Health Protection Surveillance Centre](#).

⁵⁶ Central Statistics Office, *Who We Are*, <https://www.cso.ie/en/aboutus/whoweare/>.

⁵⁷ Central Statistics Office, *Measuring Mortality Using Public Data Sources 2019-2020*, <https://www.cso.ie/en/releasesandpublications/fb/b-mpds/measuringmortalityusingpublicdatasources2019-2020/>.

⁵⁸ GeoHive, About [GeoHive - Spatial data made easy](#).

⁵⁹ Mental Health Commission, *Notable increase in COVID-19 case numbers across mental health centres* (18 January 2021) https://www.mhcirl.ie/File/PR_180121.pdf, at p. 2.

⁶⁰ Lauren Boland, *Fact Find: Has COVID-19 impacted the overall number of deaths in Ireland this year?* The Journal 18 December 2020 The Journal <https://www.thejournal.ie/factfind-factcheck-covid-19-deaths-numbers-5304598-Dec2020/>.

⁶¹ Lauren Boland, *Fact Find: Has COVID-19 impacted the overall number of deaths in Ireland this year?* The Journal 18 December 2020 The Journal <https://www.thejournal.ie/factfind-factcheck-covid-19-deaths-numbers-5304598-Dec2020/>.

⁶² IHREC, 'The impact of COVID-19 on persons with disabilities', at p. 5. <https://www.ihrec.ie/app/uploads/2020/07/IHREC-Submission-The-Impact-of-COVID-19-on-People-with-Disabilites.pdf>.

2020 that there was a discrepancy in reporting, as the number of deaths in long-term residential facilities are not being reported upon as clearly or regularly- in comparison to nursing homes.⁶³ The HPSC and CSO still follow this trend to a large extent as most statistics are broken down in terms of age, however mortality rates for persons with intellectual disabilities are often presumed to be included in the 'underlying conditions' category with no comparative analysis provided on what percentage persons with intellectual disabilities represent.

The National Disability Authority published standardised mortality rates for persons with disabilities indicated to be 4.1 times higher than for persons without disabilities.⁶⁴ The document outlined that based on CSO published 2016 census results that were published in 2019, the mortality rate for persons with disabilities was 1 232 per 100 000 people, whilst the mortality rate for persons without disabilities was 302 per 100 000.

In June 2020 DFI produced a report outlining that disabled persons account for 13.5 % of the population with 643 131 disabled persons living in the State.⁶⁵ DFI reported that nursing homes account for 50 % of all deaths in the State since the pandemic began.⁶⁶ The CSO first registered COVID-19 related deaths in quarter 2 2020 and recorded

1 227 COVID related deaths, with persons aged over 75 accounting for 81.8 % or 1 004 of these deaths.⁶⁷ Older persons are categorised as persons with disabilities as mentioned and as such statistics can be utilised to assume that the mortality rate of persons with disabilities is disproportionately higher than that of the general population.

3.2 Are official statistics available concerning the mortality rate of people with disabilities who have died from complications connected to COVID-19?

On 31 January 2021, the HPSC reported that a total of 3 317 people have died from COVID-19. 3 050 of these deaths were confirmed to have been COVID-19 and 267 are probably COVID related.⁶⁸ Between 1 March 2020 when the pandemic began in Ireland and 23 January 2021, 2 978 deaths have been recorded as confirmed or possibly COVID-19 related deaths.⁶⁹ 2 488 or 83.5 % of these people who died had underlying conditions.

⁶³ Orla Ryan, 'Deep concerns' about lack of reporting of COVID-19 deaths among people with intellectual disabilities, The Journal (Dublin, 27 April 2020) <https://www.thejournal.ie/inclusion-ireland-simon-harris-covid19-5084581-Apr2020/>.

⁶⁴ National Disability Authority. Mid-term Review of Progress: The National Disability Inclusion Strategy and Indicators (April 2020) at p. 6, <http://nda.ie/Publications/Justice-and-Safeguarding/National-Disability-Inclusion-Strategy/Mid-term-Review-of-Progress-under-the-National-Disability-Inclusion-Strategy-Indicators1.pdf>.

⁶⁵ Disability Federation of Ireland, Impact of COVID-19 on people with disabilities and the disability sector (29 June 2020) at p. 3. https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

⁶⁶ Disability Federation of Ireland, Impact of COVID-19 on people with disabilities and the disability sector (29 June 2020) at p. 6. https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

⁶⁷ CSO, Vital Statistics: Quarter 2 2020 (27 November 2020) <https://www.cso.ie/en/releasesandpublications/ep/p-vs/vitalstatisticssecondquarter2020/>.

⁶⁸ Health Protection Surveillance Centre, COVID-19 cases in Ireland (31 January 2021), [COVID-19 cases in Ireland \(hpsc.ie\)](https://www.hpsc.ie/covid-19/cases-in-ireland/).

⁶⁹ Health Protection Surveillance Centre, Weekly Report on the Epidemiology of COVID-19 in Ireland: Week 3 (25 January 2021), at p. 25,

1 446 COVID-19 related deaths were reported as of 14 June 2020, and 943 of these deaths presumably occurred in nursing homes, whilst 17 deaths of residents were recorded in mental health facilities. However, there is no explicit mention of what percentage of those recorded deaths were persons with disabilities. No specific breakdown exists regarding what percentage of these deaths were persons with disabilities.

Available data shows that of the 2 978 people who died due to COVID-19, 1 418 died after being hospitalised, 216 or 7.3 % who died had been admitted to the ICU. 1 202 or 40.4 % who died had not been to the ICU, and 2 488 died and had one or multiple underlying conditions.⁷⁰ However, there is no conclusive data that states where persons with disabilities with a confirmed COVID-19 diagnosis died.

There is no comparative data available that identifies where persons with disabilities who had a confirmed COVID-19 diagnosis died. The data available mainly highlights whether or not people were hospitalised or in ICU before they died, or if an outbreak occurred in a mental health service facility or long-term care centre, however no specific data beyond that has been published to date.

According to the Mental Health Commission (MHC) there has been a total of 28 deaths of residents of mental health services since the commencement of data compilation in April 2020.⁷¹

https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/surveillance/epidemiologyofcovid-19inirelandweeklyreports/COVID-19%20Weekly%20Report_%20Week%203_%20Slidset_HPSC%20-%20Website.pdf.

⁷⁰ Health Protection Surveillance Centre, Weekly Report on the Epidemiology of COVID-19 in Ireland: Week 3 (25 January 2021), at p. 25,

https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/surveillance/epidemiologyofcovid-19inirelandweeklyreports/COVID-19%20Weekly%20Report_%20Week%203_%20Slidset_HPSC%20-%20Website.pdf.

⁷¹ Mental Health Commission, Evidence shows that elderly mental health residents receiving COVID-19 vaccination, https://www.mhcirl.ie/File/PR_010221.pdf.

4 Access to health

[Article 25 – Health](#)

4.1 Emergency measures

At the outset of the pandemic, NPHET published guidelines which stated that in light of ‘principle of minimising harm, it may be necessary to impose stringent restrictions on ICU admission during a pandemic in order to ensure that the available resources are used to achieve the best possible outcome at a population level’.⁷² Clinicians were told to take into account a number of factors, including, the presence of comorbidities and frailty; the impairment of other organs and systems; how long the patient is likely to require intensive care treatment for; and long-term functional status should they survive amongst other things.⁷³

Factors such as frailty or the existence of co-morbidities should only be considered relevant in triage decisions insofar as they will have an impact on the patient’s potential to benefit from ICU admission and remaining survival time after discharge.⁷⁴

The guidance was clear that no decision should be made on a single factor or in ‘such a way as to result in unfair discrimination’.⁷⁵ Individual hospitals produced their own guidelines, but they are not in the public domain. The guidance affirmed that ‘people with physical and intellectual disability have equal rights to the highest attainable standards of health and to a high standard of healthcare’.⁷⁶ The document acknowledged that ‘people with disabilities may face increased health risks because they live in congregated settings or because they have pre-existing medical conditions which leave them more vulnerable to infection and serious illness’.⁷⁷ It also notes that disabled people should not be disproportionately prevented from accessing appropriate care (up to and including ICU admission) during the pandemic. This was in supplementary guidance rather than in the main document.⁷⁸

The supplementary information also made it clear that patients with a disability may require additional supports such as personal or family assistants, independent

⁷² NPHET, Ethical considerations relating to critical care in the context of COVID-19 <https://www.gov.ie/en/publication/13ead5-ethical-considerations-relating-to-critical-care-in-the-context-of-c/>.

⁷³ NPHET, Ethical considerations relating to critical care in the context of COVID-19 <https://www.gov.ie/en/publication/13ead5-ethical-considerations-relating-to-critical-care-in-the-context-of-c/>.

⁷⁴ NPHET, Ethical considerations relating to critical care in the context of COVID-19 <https://www.gov.ie/en/publication/13ead5-ethical-considerations-relating-to-critical-care-in-the-context-of-c/>.

⁷⁵ NPHET, Ethical considerations relating to critical care in the context of COVID-19 <https://www.gov.ie/en/publication/13ead5-ethical-considerations-relating-to-critical-care-in-the-context-of-c/>.

⁷⁶ NPHET, Ethical considerations relating to critical care in the context of COVID-19 <https://www.gov.ie/en/publication/13ead5-ethical-considerations-relating-to-critical-care-in-the-context-of-c/>.

⁷⁷ NPHET, Ethical considerations relating to critical care in the context of COVID-19 <https://www.gov.ie/en/publication/13ead5-ethical-considerations-relating-to-critical-care-in-the-context-of-c/>.

⁷⁸ NPHET, Ethical considerations relating to critical care in the context of COVID-19 <https://www.gov.ie/en/publication/13ead5-ethical-considerations-relating-to-critical-care-in-the-context-of-c/>.

advocacy, decision-making and other communication supports.⁷⁹ Visiting restrictions to hospital were particularly strict. It is unclear how that played out in practice. Guidance did allow for some visitation, and social visitation on compassionate grounds. There was no clear right to an advocate or support under the guidelines.⁸⁰

4.2 Access to hospital treatment for COVID-19

There is a significant dearth of data in how people were treated and who was hospitalised, and what treatment was received. In its submission to the Oireachtas Special Committee on COVID-19 Response on The Impact of COVID-19 on People with Disabilities, the IHREC stated that there were significant issues concerning quality and publicly available disaggregated data.⁸¹

Nursing home treatment was a significant issue in the media. The Irish College of General Practitioners advised that telemedicine should be pursued to reduce risk of infection to nursing homes and that GPs and nursing would be the primary care providers for residents.⁸² There were some very significant examples of understaffing, and nursing homes been left without staff, and public appeals on this subject were made.⁸³ It is unclear why residents were not transferred to hospital in light of these staffing shortages.

4.3 Treatment for COVID-19 in congregate settings

Between March and December 2020, there has been 650 confirmed outbreaks of staff or residents were notified in disability residential institutions.⁸⁴ As discussed above, the COVID-19 mortality rate was 41 per 100 000 for people with disabilities compared to 23 per 100 000 without a disability.⁸⁵

Within Congregated Settings, in particular nursing homes, staff struggled to manage to care for COVID positive patients. GP's acknowledged this in a statement, which

⁷⁹ NPHE, Ethical considerations relating to critical care in the context of COVID-19 – (supplementary information) <https://www.gov.ie/en/publication/13ead5-ethical-considerations-relating-to-critical-care-in-the-context-of-c/>.

⁸⁰ HPSC, COVID-19 Guidance on visitations to Inpatient Areas of Acute Hospitals including Children's Hospitals, rehabilitation services and other healthcare settings providing a similar intensity of care (1.1 23.12.2020) December 2020 <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/infectionpreventionandcontrolguidance/visitorsvisiting/Guidance%20on%20visitations%20to%20Acute%20Hospitals.pdf>.

⁸¹ IHREC, The Impact of COVID-19 on People with Disabilities Submission by the Irish Human Rights and Equality Commission to the Oireachtas Special Committee on COVID-19 Response June 2020 <https://www.ihrec.ie/app/uploads/2020/07/IHREC-Submission-The-Impact-of-COVID-19-on-People-with-Disabilites.pdf>.

⁸² IHREC, The Impact of COVID-19 on People with Disabilities Submission by the Irish Human Rights and Equality Commission to the Oireachtas Special Committee on COVID-19 Response June 2020 <https://www.ihrec.ie/app/uploads/2020/07/IHREC-Submission-The-Impact-of-COVID-19-on-People-with-Disabilites.pdf>.

⁸³ RTE, Broadcast, Nurses Shortage Amid COVID-19 Outbreak. <https://www.rte.ie/news/coronavirus/2021/0201/1194391-nursing-homes-outbreaks/>.

⁸⁴ Information received through Freedom of Information request to HIQA providing monthly data of confirmed notifications of COVID outbreaks.

⁸⁵ See discussion at p. 13. IHREC, The Impact of COVID-19 on People with Disabilities Submission by the Irish Human Rights and Equality Commission to the Oireachtas Special Committee on COVID-19 Response June 2020, <https://www.ihrec.ie/app/uploads/2020/07/IHREC-Submission-The-Impact-of-COVID-19-on-People-with-Disabilites.pdf>.

highlighted that these difficulties were not being faced in all nursing homes. They clarified that they were working with staff in nursing homes and treating them through a combination of onsite visits and telephone and video consultations.⁸⁶

4.4 Public health promotion and testing during the pandemic

From early in the pandemic, all briefings were given in both English and Irish Sign Language. This was as a result of advocacy from the Deaf community. The Irish Deaf Society also did considerable work in creating and distributing Irish Sign Language versions of posters and guidance.⁸⁷ The HSE has produced some Easy to Read information on COVID-19 and has also developed a guidance and resource pack for vaccination in disability services which focuses on respecting the will and preference of individuals in obtaining consent for vaccination.⁸⁸ Inclusion Ireland, a national advocacy group which represents people with intellectual disabilities and their families also produced some easy to read guidance.⁸⁹

Home testing is limited. A tester travels to an individual's home. It is specifically for persons unable to make it to a test centre for medical reasons.⁹⁰ Ireland also introduced enhanced testing regimes in nursing homes in order to better protect against outbreaks in those settings. This mainly focused on testing staff on a fortnightly basis.⁹¹

4.5 Impact of the COVID-19 crisis on access to health services for general or pre-existing physical or mental health conditions

All non-essential or elective surgery was cancelled during surge points in the pandemic.⁹² This also impacted tests and reviews with the head of one hospital group saying that 'only very urgent appointments, tests and procedures will be carried out at public hospitals'.⁹³ An effort was made to use private hospitals in order to facilitate some aspects of the health service moving forward. This ultimately fell through.

⁸⁶ Irish College of General Practitioners, Press Statement 'General Practitioners Continue To Care For Their Patients In Nursing Homes Despite Pandemic Challenges', 21 April 2020, <https://www.icgpnews.ie/joint-statement-from-icgp-imo-in-relation-to-gp-care-in-nursing-homes-during-covid-19/>.

⁸⁷ Irish Deaf Society, Corona Virus Posters Explained (2020) <https://www.irishdeafociety.ie/coronavirus-posters-explained/>.

⁸⁸ HSE National Disability Services, Guidance & Practical Resource Pack to prepare for the COVID-19 vaccination programme in Disability Services (2021) Version 2 <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/guidance-and-practical-resource-pack-in-preparation-for-covid-19-vaccination-programme-disability-services.pdf>.

⁸⁹ Inclusion Ireland, Stay and home and Stay Safe Guide, (2020) <https://inclusionireland.ie/wp-content/uploads/2020/12/ETR-Stay-at-Home-and-Stay-Safe-.pdf>.

⁹⁰ HSE, How to Get Tested, (2020) <https://www2.hse.ie/conditions/coronavirus/testing/how-to-get-tested.html>; Citizens Information, Testing for COVID-19 (2020), https://www.citizensinformation.ie/en/health/covid19/testing_for_covid19.html#195f7e.

⁹¹ Department of Health, Minister for Health and Minister for Mental Health and Older people announce EUR 42 million in funding for private and voluntary nursing homes, 5 November 2020, <https://www.gov.ie/en/press-release/2c2f0-minister-for-health-and-minister-for-mental-health-and-older-people-announce-42-million-in-funding-for-private-and-voluntary-nursing-homes/>.

⁹² N Griffin, Munster Hospitals Cancel Elective Surgery, Irish Examiner, 11 January 2021, <https://www.irishexaminer.com/news/arid-40204880.html>.

⁹³ Midwest Radio, Elective Surgery Cancelled at Hospitals in Saolta Group (2020), <https://www.midwestradio.ie/index.php/news/36009-elective-surgery-cancelled-at-hospitals-in-the-saolta-group-with-the-exception-of-a-limited-number-of-urgent-cases>.

Some mental health services moved online, while some remained face to face with further restrictions.⁹⁴ Mental Health Reform published guidance on telehealth care in a mental health setting during a pandemic.⁹⁵ The Disability Federation of Ireland noted that access to these health services has been impacted by the hospital capacity and infection prevention and control measures introduced due to COVID-19. It also highlighted issues around the redeployment of staff to COVID-19 related roles which an impact on capacity in other area of healthcare.⁹⁶

A survey of 176 people with rare diseases and their family members found that 73 % were worried about their personal health; 26 % were encountering difficulties accessing medicines and medical supplies.⁹⁷ The sources of concern about personal health cited were varied but focused on safely accessing healthcare if or when needed, accessing medicines/medical supplies, worry about risk of exposure to COVID-19 and impact of COVID-19 on their underlying condition. A submission to the Oireachtas Special Committee on COVID-19 from the Carers Alliance noted that there was a reduction in access to respite services.⁹⁸

4.6 Vaccination programmes

On the 8 December 2020, Government approved the COVID-19 Vaccine Allocation Strategy, The Strategy was developed by the Department of Health (DOH), the National Immunisation Advisory Committee (NIAC) including relevant State agencies and relevant parties tasked with mitigating the effects the pandemic.⁹⁹ The Strategy is one of the recovery processes being used to facilitate the return to a semblance of normalcy in Ireland.

In the roll- out of the Strategy, 15 provisional groups have been outlined based on a vulnerability assessment with people aged over 65 living in long- term care facilities at the top of the list, then those aged between 18-64 who have medical conditions are seventh on the list and the same age category who live in crowded settings are ninth on the list.¹⁰⁰ These are the groups that are most likely to encompass persons with

⁹⁴ See HSE, Mental health supports and services during COVID-19,

<https://www2.hse.ie/services/mental-health-supports-and-services-during-coronavirus/>.

⁹⁵ Mental Health Reform, Guidance on Telemental Health for mental health services and practitioners (2020), https://mentalhealthreform.ie/wp-content/uploads/2020/04/eMEN-rapid-briefing-paper_-_COVID-19_final-12.pdf.

⁹⁶ DFI, Non COVID Healthcare (2020), https://pdf.browsealoud.com/PDFViewer/_Desktop/viewer.aspx?file=https://pdf.browsealoud.com/S_treamingProxy.ashx?url=https://www.disability-federation.ie/assets/files/pdf/dfi_submission_non-covid-19_healthcare_1.pdf&opts=www.disability-federation.ie#langidsrc=en-ie&locale=en-ie&dom=www.disability-federation.ie.

⁹⁷ Rare Diseases Ireland, *Living with a Rare Disease in Ireland during the COVID-19 Pandemic* (2020), <https://rdi.ie/wp-content/uploads/2020/05/Research-Report-Living-with-a-rare-disease-in-Ireland-during-the-COVID-19-pandemic.pdf>.

⁹⁸ Zoe Hughes, Care Alliance Ireland - *Guiding Support for Family Carers Submission to Oireachtas Special Committee on COVID-19 Response* (2020), https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_respons_e/submissions/2020/2020-09-30_submission-zoe-hughes-policy-research-officer-care-alliance-ireland-guiding-support-for-family-carers-scc19r-r-0353_en.pdf.

⁹⁹ Department of Health, Provisional Vaccine Allocation Groups, 8 December 2020 <https://www.gov.ie/en/publication/39038-provisional-vaccine-allocation-groups/>.

¹⁰⁰ Department of Health, Provisional Vaccine Allocation Groups, 8 December 2020 <https://www.gov.ie/en/publication/39038-provisional-vaccine-allocation-groups/>.

disabilities, however it is worth noting that the list does not specifically identify persons with disabled within a specific category.

The vaccine programme begun successfully on 29 of December 2020, after the European Commission authorised the use of the Pfizer/BioNtech COVID-19 vaccine, whilst awaiting authorisation to use the Moderna and AstraZeneca vaccines.¹⁰¹ The Taskforce also considered seeking authorisation for the US Johnson & Johnson vaccine which only requires a single dose and would reduce the time required to vaccinate everyone.¹⁰² However, even though there is mention of consideration being taken into account of 'different logistical requirements for different cohorts' there is no mention made of what exactly that means.¹⁰³

It could be assumed that the Taskforce was considering the supports that would be needed for the various groups in society on the vulnerability spectrum, but again there is no clear mention of persons with disabilities. Furthermore, it could only be assumed that the interests of persons with disabilities were considered, but the composition of the Taskforce does not immediately reflect that the planning process was inclusive and that the voices of persons with disabilities were adequately represented. Inclusion Ireland also called for clear additional details regarding the vaccination plan because it does not specifically reference which category disabled persons are classified under, in the vaccination plan, thereby causing uncertainty and worry in the disabled community.¹⁰⁴ This could be assumed to reflect that the involvement of persons with disabilities in the planning and recovery process is limited as they are not adequately referenced represented.

In the wake of the publication of the vaccine roll-out plan, the CEO of Inclusion Ireland, Enda Egan highlighted concerns the vaccine plan lacked clarity and failed to mention specifically when persons with disabilities, their families and their carers would be vaccinated.¹⁰⁵ Persons living in congregated settings have been deemed to be vulnerable and at a high risk, however recovery measures like the vaccine roll-out schedule focus on age, occupation and health- care needs with no time-frame or category specified for persons with disabilities.

¹⁰¹ Government of Ireland, *High Level Task Force on COVID-19 Vaccination: 4 January 2021 Meeting, Updates, decisions and actions from meeting*, at p. 2. Available from: <https://www.gov.ie/en/collection/372d9-minutes-and-agendas-from-meetings-of-the-high-level-task-force-on-covid-19-vaccination/>.

¹⁰² Government of Ireland, *High Level Task Force on COVID-19 Vaccination: 11 January 2021 Meeting, Updates, decisions and actions from meeting*, at p. 3. Available from: <https://www.gov.ie/en/collection/372d9-minutes-and-agendas-from-meetings-of-the-high-level-task-force-on-covid-19-vaccination/>.

¹⁰³ Government of Ireland, *High Level Task Force on COVID-19 Vaccination: 11 January 2021 Meeting, Updates, decisions and actions from meeting*, pp. 3-4. Available from: <https://www.gov.ie/en/collection/372d9-minutes-and-agendas-from-meetings-of-the-high-level-task-force-on-covid-19-vaccination/>.

¹⁰⁴ Inclusion Ireland, Inclusion Ireland call for clarity for people with disabilities in Government COVID vaccine plan, <https://inclusionireland.ie/news-events/inclusion-ireland-call-for-clarity-for-people-with-disabilities-in-government-covid-vaccine-plan/>.

¹⁰⁵ Inclusion Ireland, *Inclusion Ireland call for clarity for people with disabilities in Government COVID vaccine plan* <https://inclusionireland.ie/news-events/inclusion-ireland-call-for-clarity-for-people-with-disabilities-in-government-covid-vaccine-plan/>.

5 Income and access to food and essential items

[Article 28 – Adequate standard of living and social protection](#)

5.1 Emergency measures

During the initial weeks following the declaration of the pandemic, those over the age of 70 along with those with certain pre-existing conditions were advised to cocoon. During this time, it was clear that they were not to go to the shop, or accept any non-essential help, or leave the house even for exercise. It was later clarified that they could exercise in their own garden.¹⁰⁶

Significant confusion ensued as to how persons with disabilities and older people were to access food and medication during this time. For the most part, access to essentials were organised through pre-existing social services, volunteers, and community groups.¹⁰⁷ During the initial weeks of the pandemic government advised those cocooning to rely on ‘friends, family and neighbours’ in order to access essentials. A number of local groups began to coordinate volunteers in order to assist those who had been advised to cocoon. Following this local government established a database of community supports, or community call, in order to coordinate services.¹⁰⁸

An Post, the Irish postal service offered to check on known persons cocooning, and created a request a check in service.¹⁰⁹ An Post also operated a newspaper delivery service to support persons cocooning.¹¹⁰

5.2 Impact of the COVID-19 crisis

It was initially unclear if social protection measures extended to people who were in employment alongside receiving disability allowance, a disability related social welfare payment which allows a limited rehabilitative work, pursuant to income limits. Initially persons with disabilities were entitled to EUR 350 alongside their disability related payment had they lost work as a result of the Coronavirus pandemic. This has been reduced for people on both payments from 16 October, as the earnings cap under the Disability Allowance would see people with disabilities under the lower rate.¹¹¹

¹⁰⁶ Department of Health, Guidance on Cocooning, (2020), <https://www.gov.ie/en/publication/923825-guidance-on-cocooning-to-protect-people-over-70-years-and-those-extr/>.

¹⁰⁷ For example: C Sunderland, Irish Examiner, ‘We won’t see anyone Stuck: Self Isolation Help’ (2020), <https://www.irishexaminer.com/lifestyle/arid-30987787.html>.

¹⁰⁸ Citizens Information, Community Support During COVID-19, (2020) https://www.citizensinformation.ie/en/covid19/community_support_during_covid19.html#leff32.

¹⁰⁹ Department of An Taoiseach, An Post to Roll out New Range of Services (2020) <https://www.gov.ie/en/publication/634c10-an-post-to-roll-out-a-range-of-new-services-to-help-during-covid-19/>.

¹¹⁰ Department of An Taoiseach, An Post to Roll out New Range of Services (2020) <https://www.gov.ie/en/publication/634c10-an-post-to-roll-out-a-range-of-new-services-to-help-during-covid-19/>.

¹¹¹ Citizens Information. Pandemic Unemployment Payment (2020), https://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/unemployed_people/covid19_pandemic_unemployment_payment.html.

6 Access to transportation and the public spaces

Article 9 – Accessibility

6.1 Emergency measures

Depending on the level of lockdown imposed, public transport and access to the public realm is restricted to varying degrees. Currently, Ireland is at in a Level 5 lockdown, which means that public transport is operating at a 25 % capacity. Social distancing, use of hand sanitiser and wearing of face coverings is mandatory on public transport and in retail or food services, unless the individual has a ‘reasonable excuse’ which includes where the person:

- cannot wear a face covering because of a physical or mental illness or a disability, or because it would cause them severe distress;
- needs to communicate with someone who has difficulties communicating;
- removes a face covering to provide care or assistance to a vulnerable person or to provide emergency assistance to someone;
- removes a face covering to take medication;
- removes a face covering to avoid harm or injury.¹¹²

Failure to wear a face covering without reasonable excuse in the specified locations is a criminal offence.

Street pedestrianisation is another problem that has arisen in an effort accommodate health and safety guidelines, whereby establishments with insufficient outdoor space used disabled parking spots for al fresco dining so that diners would be served within the boundaries of health and safety guidelines.¹¹³ However, this has made pavements inaccessible and made navigation difficult for disabled persons. Furthermore, the relocated bays had flawed design as some parking spots were located besides bins and poles or lacked a dropped kerb and ultimately failed to meet the accessibility standards required by disabled persons.¹¹⁴

6.2 Impact of the COVID-19 crisis

The overarching healthcare guideline to vulnerable persons or persons with underlying conditions, which is the category that many older people and persons with disabilities fall into- has been to cocoon and not to use public transport or travel unless strictly necessary.¹¹⁵ Many appointments for those cocooning are available through utilising digital assistive technologies and in the form of virtual clinics. This has had many benefits as disabled persons could still attend their appointments without having to go through some of the challenges that sometimes lead to them missing appointments-

¹¹² S.I. No. 244/2020 - Health Act 1947 (Section 31A – Temporary Restrictions) (COVID-19) (Face Coverings on Public Transport) Regulations 2020.

¹¹³ Shauna Bowers, ‘Users critical of moving disabled parking spaces to enable outdoor dining’ *The Irish Times* (10 November 2020), <https://www.irishtimes.com/news/social-affairs/users-critical-of-moving-disabled-parking-spaces-to-enable-outdoor-dining-1.4405686>.

¹¹⁴ Shauna Bowers, ‘Users critical of moving disabled parking spaces to enable outdoor dining’ *The Irish Times* (10 November 2020), <https://www.irishtimes.com/news/social-affairs/users-critical-of-moving-disabled-parking-spaces-to-enable-outdoor-dining-1.4405686>.

¹¹⁵ Health Services Executive, ‘Virtual Clinics’ (16 July 2020) <https://www2.hse.ie/services/hospital-service-disruptions/virtual-clinics.html>.

like inaccessible public transport coupled with the expense of using a taxi service to minimise the risk of infection.

However, an issue that has arisen is that some disability services can only be provided in-person like occupational therapy, physiotherapy and speech therapy, whereas the infection prevention and control measures that have included controlling hospital capacity by cancelling in-person appointments.¹¹⁶ This has led to the regression of the progress of persons with intellectual disabilities, whilst the health of disabled persons with physical disabilities has also deteriorated with many reporting that experiencing anxiety and depression due to the lack of access to care and support services.¹¹⁷

Another additional benefit would be that the virtual clinic would be in line with social distancing guidelines. However, one of the issues with virtual clinics is that access to internet is a challenge for some disabled people, especially those in residential care facilities who do not own devices or the connections, and sometimes lack the necessary support persons readily available due to staff shortage and redeployment.¹¹⁸ Facemasks are necessary according to health guidelines, but they create a communication barrier for disabled people who depend on lip-reading to communicate or receive instruction in public spheres.¹¹⁹

The National Transport Authority (NTA) committed EUR 28 million was committed for a retrofit programme of public transport services to be completed between 2018 and 2021.¹²⁰ In 2019 a survey found that 90 % of persons with disabilities expressed that transport was still limiting their independence because broken lifts, inaccessible ramps when boarding trains, interminable waits for accessible taxis and buggies in wheelchair designated spots meant people were often left stranded and unable to travel.¹²¹ According to a survey carried out by the Irish Wheelchair Association in November

¹¹⁶ DFI, Non COVID Healthcare (2020)

https://pdf.browsealoud.com/PDFViewer/Desktop/viewer.aspx?file=https://pdf.browsealoud.com/S/StreamingProxy.ashx?url=https://www.disability-federation.ie/assets/files/pdf/dfi_submission_non-covid-19_healthcare_1.pdf&opts=www.disability-federation.ie#langidsrc=en-ie&locale=en-ie&dom=www.disability-federation.ie

¹¹⁷ DFI, Non COVID Healthcare (2020)

https://pdf.browsealoud.com/PDFViewer/Desktop/viewer.aspx?file=https://pdf.browsealoud.com/S/StreamingProxy.ashx?url=https://www.disability-federation.ie/assets/files/pdf/dfi_submission_non-covid-19_healthcare_1.pdf&opts=www.disability-federation.ie#langidsrc=en-ie&locale=en-ie&dom=www.disability-federation.ie

¹¹⁸ National Platform of Self Advocates, 'Submission on the impact of COVID-19 on people with disabilities and the disability sector, at p. 4,

https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-brian-hayes-chairperson-national-platform-of-self-advocates-scc19r-r-0499_en.pdf

¹¹⁹ Independent Living Movement Ireland submission to the Special Committee on COVID-19

Response, 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created', at p. 3. Available from:

https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf

¹²⁰ National Transport Authority, 'Public transport accessibility programme',

<https://www.nationaltransport.ie/planning-and-investment/transport-investment/public-transport-accessibility-programme/#:~:text=Under%20the%20programme%20the%20NTA,pick%20up%20passengers%20in%20wheelchairs>

¹²¹ Digital Desk Staff, '90% of people with disabilities feel they do not have enough access to public transport' *The Irish Examiner* (Dublin, 7 March 2019), <https://www.irishexaminer.com/news/arid-30898292.html>.

2020, 77 % of disabled persons said they still faced challenges when using pedestrian crossings, parking or public pavements.¹²² A further 68 % stated that often emergency exits, public toilets, lifts, parking machines were failing to accommodate their needs.¹²³

The implementation of protective measures like the mounting of wall sanitisers, collection of contact details for contact tracing and installation of Perspex in restaurants and retailers have all aided in controlling the spread of the virus. However, these have also become accessibility barriers. Some sanitising stations are manually pumped and sometimes mounted too high on the wall for wheelchair users to use.¹²⁴ Furthermore, disabled persons with poor dexterity have had challenges with filling out contact details forms, and persons using assistive technology found that some programs were not compatible and this made online content practically inaccessible, when work and school became virtual.¹²⁵ Disabled persons who have been capable of completing tasks like going to the bank and shopping using an iPad or communication board, have had difficulties being understood as health guidelines restrict the exchange of items unless they are sanitised to minimise the risk of infection, and have been forced to seek assistance or depend on other people for tasks they ordinarily complete themselves.

The introduction of emergency measures such as closing down day services, curtailment of respite services except for emergency situations, reduction of home supports and the prioritisation method of assigning personal assistants are some of the measures that were introduced to limit the spread of COVID-19. Some families welcomed these measures as they meant the risk of getting the virus in congregated settings, or from support staff who would be entering their home could be curtailed.¹²⁶ However, many family members who had taken on additional caring roles have been struggling to cope as they had not anticipated that COVID-19 or the lockdown periods would go on for so long and many are experiencing excessive burnout or worried as they are expected back at work.¹²⁷

In Ireland, there are 28 388 people with intellectual disabilities with most of this disability group often being more physically active and younger than persons in nursing homes, with 69 % living with their parents.¹²⁸ This group are more vulnerable to

¹²² Sorcha Pollak, 'Irish people with disabilities still 'locked out' of public spaces' *The Irish Times* (Dublin, 10 November 2020). <https://www.irishtimes.com/news/social-affairs/irish-people-with-disabilities-still-locked-out-of-public-spaces-1.4404870>.

¹²³ Sorcha Pollak, 'Irish people with disabilities still 'locked out' of public spaces' *The Irish Times* (Dublin, 10 November 2020). <https://www.irishtimes.com/news/social-affairs/irish-people-with-disabilities-still-locked-out-of-public-spaces-1.4404870>.

¹²⁴ Carrie Williams, 'Living with the 'new normal' is extra difficult with a disability- here are some small changes that would help' *The Journal* (Dublin, 29 August 2020), <https://www.thejournal.ie/readme/disability-and-covid-19-5188869-Aug2020/>.

¹²⁵ Carrie Williams, 'Living with the 'new normal' is extra difficult with a disability- here are some small changes that would help' *The Journal* (Dublin, 29 August 2020). <https://www.thejournal.ie/readme/disability-and-covid-19-5188869-Aug2020/>.

¹²⁶ DFI, Impact of COVID-19 on people with disabilities and the disability sector, https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

¹²⁷ DFI, Impact of COVID-19 on people with disabilities and the disability sector https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

¹²⁸ College of Psychiatrists of Ireland, 'Statement from the Faculty of Intellectual Disability Psychiatry regarding the COVID-19 pandemic and People with Intellectual Disability' (Dublin, April 2020),

COVID-19 which is ascribed to a higher prevalence of comorbid health problems. However, disability staff have reported that due to the break in routine that has been necessitated by health guidelines- some within this disability group have had a hard time adjusting or understanding hand hygiene, social distancing, and self- isolation measures. This has led to reports of increased assault incidences, self-injury, screaming episodes, and prolonged shouting. The College of Psychiatry has made a call that healthcare guidelines need to be ‘consistent with Slainte Care which advocates the right care in the right place at the right time’, whereas the current health guidelines seem to fall short of the non-discriminatory approach that Article 25 of the CRPD which directs non- discrimination in provision of healthcare.¹²⁹

Professor Mary McCarron at the Trinity Centre for Ageing and Intellectual Disability (TCAID) highlighted that the health and disability sector are ill-equipped to meet the needs of people with an intellectual disability who may have low levels of health literacy, considered to be in the high risk category due to their susceptibility to several health conditions.¹³⁰ Older people with intellectual disabilities have been reported to be at a higher risk of multimorbidity, with the most prevalent concern being that understanding and adhering to social distancing guidelines, whilst routine disruption posed a grave risk to the mental and emotional well-being of this disability group.¹³¹ This cohort usually do not have a partner or children to form their support bubble, and have fewer social support, smaller social networks and have difficulty understanding disseminated information regarding COVID-19 regulations.¹³² Ultimately, emergency measures have exacerbated the feelings of loneliness and social isolation experienced by this disability cohort.

<https://www.irishpsychiatry.ie/blog/statement-from-the-faculty-of-intellectual-disability-psychiatry-regarding-the-covid-19-pandemic-and-people-with-intellectual-disability/>.

¹²⁹ College of Psychiatrists of Ireland, ‘Statement from the Faculty of Intellectual Disability Psychiatry regarding the COVID-19 pandemic and People with Intellectual Disability’ (Dublin, April 2020) <https://www.irishpsychiatry.ie/blog/statement-from-the-faculty-of-intellectual-disability-psychiatry-regarding-the-covid-19-pandemic-and-people-with-intellectual-disability/>; Gautam Gulati et al, ‘People with intellectual disabilities and the COVID-19 pandemic’ (2020) *Irish Journal of Psychological Medicine*, at p. 1.

¹³⁰ Ciara O’Shea, ‘People with an intellectual disability vulnerable to adverse outcomes of COVID-19 warns Trinity expert’ *Trinity News and Events* (24 March 2020), https://www.tcd.ie/news_events/articles/people-with-an-intellectual-disability-vulnerable-to-adverse-outcomes-of-covid-19-warns-trinity-expert/.

¹³¹ Ciara O’Shea, ‘People with an intellectual disability vulnerable to adverse outcomes of COVID-19 warns Trinity expert’ *Trinity News and Events* (24 March 2020), https://www.tcd.ie/news_events/articles/people-with-an-intellectual-disability-vulnerable-to-adverse-outcomes-of-covid-19-warns-trinity-expert/.

¹³² Ciara O’Shea, ‘People with an intellectual disability vulnerable to adverse outcomes of COVID-19 warns Trinity expert’ *Trinity News and Events* (24 March 2020), https://www.tcd.ie/news_events/articles/people-with-an-intellectual-disability-vulnerable-to-adverse-outcomes-of-covid-19-warns-trinity-expert/.

7 Involuntary detention or treatment

[Article 14 – Liberty and security of person](#)

[Article 15 – Freedom of torture or cruel, inhuman or degrading treatment or punishment](#)

[Article 16 – Freedom from exploitation, violence and abuse](#)

[Article 17 – Protecting the integrity of the person](#)

7.1 Emergency measures

Persons detained and treated under the Mental Health Act 2001 have a right to a tribunal within three weeks of detention or renewal. From late March 2020, tribunals were held online. All tribunals continued to be 3 person tribunals, although it was initially envisaged that one person tribunals could be held in the event that the system became overwhelmed.¹³³ Data from this time period is not yet available, and it remains to be seen how the Act interacted with emergency COVID-19 Legislation.

Reporting on wardship in Ireland is quite limited, but a number of reports suggest that some people detained under the jurisdiction are being detained in their own homes rather than in institutions or hospitals as a result of the pandemic.¹³⁴

It is unclear if the pandemic has impacted the number of applications made, or individuals' experience of wardship. COVID is also taken into consideration when allowing for more expansive orders, including orders for hospice treatment.¹³⁵ The wardship jurisdiction was used on one occasion in order to detain a man who was leaving his nursing home for visits early in the pandemic.¹³⁶

While there is no official data on people under wardship who contracted COVID-19 or died from COVID-19, it was noted by the President of the High Court in June 2020 that 85 people under wardship had died in the previous six months, a twofold increase on previous deaths in this group.¹³⁷ The reason for the deaths were not given, but it was speculated that it was a result of COVID-19.¹³⁸

¹³³ Mental Health Commission, Guidance for Mental Health Tribunals Re the Emergency Measures in the Public Interest Act 2020 and the COVID-19 public health emergency (2020) <https://www.mhcirl.ie/File/Guidance-Document-for-MHTS-COVID-19-August-2020.pdf>.

¹³⁴ M Carolan, Irish Times, 'Anorexic Women Being Tube Fed At Home Due to COVID-19' (2020), <https://www.irishtimes.com/news/crime-and-law/courts/high-court/anorexic-woman-being-tube-fed-at-home-due-to-covid-19-hospital-pressure-1.4464454>; M Carolan, Irish Times 'Anorexic Women Discharged From Hospital Over COVID Risk' (2020), <https://www.irishtimes.com/news/crime-and-law/courts/high-court/anorexic-woman-discharged-from-hospital-over-risk-of-alarming-rise-in-covid-19-1.4220310>; M Carolan, Irish Times 'Anorexic Women Discharged For Her Safety' (2020), <https://www.irishtimes.com/news/crime-and-law/courts/high-court/coronavirus-woman-with-anorexia-discharged-home-for-her-safety-1.4207950>.

¹³⁵ M Carolan, Irish Times 'Court Allows Transfer of Elderly Man to Hospital Against His Wishes' (2020), <https://www.irishtimes.com/news/crime-and-law/courts/high-court/court-allows-transfer-of-elderly-man-to-hospital-against-his-wishes-1.4461508>.

¹³⁶ M Carolan, Man with Brain Injury May Not Leave Nursing Home for Visits (2020), <https://www.irishtimes.com/news/crime-and-law/courts/high-court/coronavirus-man-with-brain-injury-may-not-leave-nursing-home-for-visits-1.4216050>.

¹³⁷ M Carolan, Irish Times, 'High Court President Expresses Sympathy as 85 Wards of Court Die Since January' (2020), <https://www.irishtimes.com/news/crime-and-law/courts/high-court/high-court-president-expresses-sympathy-as-85-wards-of-court-die-since-january-1.4256346>.

¹³⁸ M Carolan, Irish Times, 'High Court President Expresses Sympathy as 85 Wards of Court Die Since January' (2020), <https://www.irishtimes.com/news/crime-and-law/courts/high-court/high-court-president-expresses-sympathy-as-85-wards-of-court-die-since-january-1.4256346>.

Visiting has been a contentious issue, at the start of the pandemic all visits were stopped except on compassionate grounds. The HSE and HSPC regulated visits for all long-term residential care facilities (LTRCF) which included all congregated care settings where people are intended to remain for extended periods including nursing homes, certain mental health facilities and community housing units for people with disabilities. Separate guidance has also been issued by Nursing Homes Ireland which represents private homes. All of them are monitored by Health Information and Quality Authority (HIQA).

On 6 March Nursing Homes Ireland announced that they were suspending non-essential visits in all 385 private and voluntary homes it represented impacting 25 000+ peoples. It restricted access for all groups, children and non-essential visitors, but were letting in some individuals on compassionate grounds.¹³⁹ This was followed by public nursing homes.

Persons with disabilities were allowed support visits in private homes however, something which was not the case for persons with disabilities in long term residential care facilities.¹⁴⁰ Wardship was also used in order to detain a man who was leaving his nursing home for visits early in the pandemic.¹⁴¹

There were reports that at various points throughout the more stringent lockdown window visits were allowed, where residents would be brought to a window, where they would be able to see loved ones while speaking on the phone. This did not become commonplace until at least May 2020.¹⁴² From June some nursing homes started to allow visitors, as per guidance. Visits were limited and restricted. In September 2020, Ireland moved to a Living with COVID framework which had five distinct levels, each with specific guidance for nursing homes and residential facilities.

Under Level 1, they would be open with protective measures in place (limited visitor numbers and social distancing), this would be further restricted during level two when the threat was higher. Visits would be banned between Level 3 and Level 5 or restricted to 'window visits' – which in effect completely restricted nursing home visits in a significant portion of the country from early September.¹⁴³

On 18 December 2020, HPSC released guidance to the effect that visitors are important to all residents, and that they should be allowed on a limited basis. It is one visitor per person, and either one a week or one every two weeks when the virus level is higher. As of 2 February, Residents at publicly run nursing homes and residential

¹³⁹ Nursing Homes Ireland, Corona Virus Nursing Home Care, <https://nhi.ie/covid-19-coronavirus-nursing-home-care/>.

¹⁴⁰ Post Cabinet Statement by An Taoiseach, Available: https://merriionstreet.ie/en/news-room/speeches/post_cabinet_statement_an_taoiseach_leo_varadkar_24_march_2020.html.

¹⁴¹ M Carolan, Man with Brain Injury May Not Leave Nursing Home for Visits (2020), <https://www.irishtimes.com/news/crime-and-law/courts/high-court/coronavirus-man-with-brain-injury-may-not-leave-nursing-home-for-visits-1.4216050>.

¹⁴² Nursing Home Visits to Resume, Irish Times. <https://www.irishtimes.com/news/social-affairs/nursing-home-visits-resume-speaking-through-the-phone-just-wasn-t-the-same-1.4279870>.

¹⁴³ COVID-19 Guidance on visits to Long Term Residential Care Facilities (LTRCFs) V1.5 11.01.2021

care facilities can have 1 visit by 1 person every 2 weeks. This is on compassionate grounds under Level 5 restrictions.¹⁴⁴

Small group homes also had restricted visitors which stretched from two visits by up to two people a week at Level 1, to one visitor a week at Level 5.¹⁴⁵ Visitors for own door supported living were given their own guidance and were deemed less of a risk. While limits were placed on visitors, this was in line with the community guidelines. Household visits have been banned in certain parts of the country for most of the last 12 months, it is unclear if placing guidelines in line with the community is actually more restrictive, and therefore denying much needed supports.¹⁴⁶

Some issues arise when a person transfers back into a nursing home after a visit outside, where even if they do not have symptoms or a negative test, they still have to restrict their movements, and remain separated from other residents including not to dine in communal dining areas or attend group activities. While this is less severe than some of the other restrictions, it could be fairly continual throughout the pandemic for anyone who has to transfer in and out regularly for medical visits.¹⁴⁷

7.2 Impact of the COVID-19 crisis

No annual data on numbers of individuals living in institutional settings has yet been released for 2020, so it is not possible to ascertain whether numbers admitted to these settings have increased or decreased.

¹⁴⁴ HSE, Visiting nursing homes and residential care facilities, <https://www2.hse.ie/conditions/coronavirus/visiting-nursing-homes-and-residential-care-facilities.html>.

¹⁴⁵ HPSC, Guidance on Visits to Residential Facilities for People with Disabilities (2020) <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/infectionpreventionandcontrolguidance/residentialcarefacilities/COVID-19%20Guidance%20on%20visits%20to%20residential%20facilities%20for%20people%20with%20disabilities.pdf>.

¹⁴⁶ HPSC, Guidance on Visits to Residential Facilities for People with Disabilities (2020) <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/infectionpreventionandcontrolguidance/residentialcarefacilities/COVID-19%20Guidance%20on%20visits%20to%20residential%20facilities%20for%20people%20with%20disabilities.pdf>.

¹⁴⁷ HPSC, Guidance on Visits to Residential Facilities for People with Disabilities (2020) <https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/guidance/infectionpreventionandcontrolguidance/residentialcarefacilities/COVID-19%20Guidance%20on%20visits%20to%20residential%20facilities%20for%20people%20with%20disabilities.pdf>.

8 Violence, exploitation or abuse

Article 16 – Freedom from violence, exploitation and abuse

8.1 Emergency measures

While there has been recognition of the increase of domestic violence during the pandemic,¹⁴⁸ no disaggregated data is available on calls for assistance by disabled people experiencing abuse.

8.2 Impact of the COVID-19 crisis

Research commissioned by Safeguarding Ireland found that there had been an increase in adult abuse since the start of the pandemic.¹⁴⁹ While 32 % of adults over all said they had experienced some kind of abuse as adults, 12 % had experienced in the previous 6 months under lockdown.¹⁵⁰ It should be noted that while violence was raised as an issue throughout the pandemic, there was at the point where access to family supports had been withdrawn for people in institutional settings, and a failure to provide alternative supports or oversight.

Safeguarding Ireland also raised significant concerns about financial abuse across the pandemic, as tens of thousands of older persons assigned agents to collect their pensions, which places them in a vulnerable situation.¹⁵¹

¹⁴⁸ An Garda Síochána, Press Release: Operation Faoiseamh (June 2020) The aim of the Operation Faoiseamh was to make contact with victims of Domestic Abuse with a view to ascertaining any existing issues of concern, to offer support and reassurance and to ensure that issues arising would be dealt with. <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2020/june/operation%20faoiseamh%20-%20domestic%20abuse%209th%20june%202020.html>.

¹⁴⁹ Safeguarding Ireland, Incidence of Adult Abuse in Ireland During COVID-19 (2020), <https://63273-593977-raikfcquaxqncofqfm.stackpathdns.com/wp-content/uploads/2020/10/Incidence-of-Adult-Abuse-in-Ireland-during-COVID-19-5.10.20-FINAL.pdf>.

¹⁵⁰ Safeguarding Ireland, Incidence of Adult Abuse in Ireland During COVID-19 (2020), <https://63273-593977-raikfcquaxqncofqfm.stackpathdns.com/wp-content/uploads/2020/10/Incidence-of-Adult-Abuse-in-Ireland-during-COVID-19-5.10.20-FINAL.pdf>.

¹⁵¹ Safeguarding Ireland, Protection from Financial Abuse (2020), Majority who needed help managing money during COVID lockdown have not taken back control, <https://www.safeguardingireland.org/majority-who-needed-help-managing-money-during-covid-lockdown-have-not-taken-back-control/>.

9 Independent living

Article 19 – Living independently and being included in the community

9.1 Emergency measures

The focus of policy attention on Article 19 UNCRPD during the pandemic in Ireland has been the impact on disabled people in residential settings.

Based on data from October 2020, there are 8 300 persons with disabilities residing in 1 302 residential services in Ireland which are subject to monitoring by the Health Inspection and Quality Authority (HIQA).¹⁵² Residential services accommodating 10 people or more account for 21 % of these services.¹⁵³ HIQA have been tasked with assisting in the monitoring of confirmed or suspected cases of COVID within residential settings for persons with disabilities.¹⁵⁴ The Department of An Taoiseach has outlined that ‘The Health Inspection and Quality Authority has been supporting the national public health response to COVID-19 through the monitoring/tracking of confirmed or suspected outbreaks of the virus in Residential and Respite Centres for people with disabilities. The COVID tracker is based on mandatory notification from the provider whereby it is mandated to report outbreaks within 72 hours.’¹⁵⁵

There is no national policy for the delivery of personal assistance. When COVID took effect, this meant a lack of clarity around continuity of service for disabled people.¹⁵⁶ For those living within residential settings, the re-deployment of staff¹⁵⁷ and adjustments to service delivery have reduced support levels. Each local authority has established a Local Authority Community Response Forum to assist with the delivery of essential items, transport to health appointments (including COVID testing) and to support social isolation to those who cannot safely independently access these services during the pandemic.¹⁵⁸ A request has been made to the Social Inclusion

¹⁵² Disability Services Community Operations Health Service Executive, ‘Interim Rights-based Guidance on implementing Infection Prevention Control Measures and mitigating risk in Disability Services’, at p. 4, <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/right-based-guidance-on-the-management-of-ipc-risks-in-disability-services.pdf>.

¹⁵³ Disability Services Community Operations Health Service Executive, ‘Interim Rights-based Guidance on implementing Infection Prevention Control Measures and mitigating risk in Disability Services’, at p. 4, <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/right-based-guidance-on-the-management-of-ipc-risks-in-disability-services.pdf>.

¹⁵⁴ Postal communication from then Taoiseach Leo Varadkar to Dr. Áine Sperrin on 18 June 2020.

¹⁵⁵ Postal communication from then Taoiseach Leo Varadkar to Dr. Áine Sperrin on 18 June 2020.

¹⁵⁶ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, ‘The Impact of COVID-19 on Disabled People’s Lives: Challenges faced, Opportunities Created’, at p. 3. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

¹⁵⁷ Disability Federation of Ireland, Non-COVID-19 Healthcare, Wednesday 1 July 2020, at p. 5, https://www.disability-federation.ie/assets/files/pdf/dfi_submission_non-covid-19_healthcare_1.pdf, Disability Services Community Operations Health Service Executive, Interim Rights-based Guidance on implementing Infection Prevention Control Measures and mitigating risk in Disability Services, at p. 4, <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/right-based-guidance-on-the-management-of-ipc-risks-in-disability-services.pdf>.

¹⁵⁸ HSE, National Office for Social Inclusion, The Community Call, <https://www.hse.ie/eng/about/who/primarycare/socialinclusion/travellers-and-roma/irish-travellers/the-community-call.html>.

section of the HSE for data on disabled people availing of the Community Response Forums on 5 February 2021. The national Gaelic Athletic Association coordinated a community response initiative to conduct similar work to the local authority forums.¹⁵⁹

Disabled people are subject to the laws regulating these lockdowns on an equal basis with non-disabled people, although it has been recognised that the impact has been disproportionately restrictive on disabled people's lives.¹⁶⁰

The [Health \(Preservation and Protection and Other Emergency Measures in the Public Interest\) Act 2020](#) restricts travel within Ireland, prevents gatherings of people, regulates business and closes public premises. The [Health Act 1947 \(Section 31A - Temporary Restrictions\) \(COVID-19\) \(No. 10\) Regulations 2020](#), regulates the operation of businesses, non-essential services, requires face coverings and restricts social activities which severely curtails Article 19 rights. These laws are in force until April 2021 at the earliest.

As discussed at pages 26 and 27, the pandemic has restricted socialisation opportunities for residents of disability and nursing home settings through suspension of visitors and a reduction in visits outside the residential settings at different stages of lockdown.

Day services which facilitate access to education and employment and social activities were closed as part of the initial lockdown in Ireland in March 2020.¹⁶¹ Some services have reopened at a reduced capacity with only 2 or 3 days available to individuals instead of the full five days.¹⁶² Reduced capacity of public transport has also been noted as restricting disabled people's independence.¹⁶³

Non-essential services have been closed and eateries operate take away only services.¹⁶⁴ Disabled people are equally affected by these closures. The Irish Global

¹⁵⁹ Gaelic Athletic Association, GAA's Community Response to COVID-19, <https://www.gaa.ie/news/survey-shows-impact-of-gaa-volunteers-in-the-community-during-covid-19/#:~:text=The%20GAA%20has%20released%20details,going%20response%20to%20COVID%2D19.&text=Some%20942%20clubs%20or%2086.4,of%20COVID%2D19%20Community%20Response>.

¹⁶⁰ Contributions from panellists of the Institute for Lifecourse and Society Webinar Series, Living and Learning Empathy in COVID-19: A Virtual Global Conversation. 'Respecting the Right of Persons with Disabilities During COVID-19, 21 May 2020, at p. 2. Available from: <https://www.youtube.com/watch?v=-X8wJlpro-s&t=124s>.

¹⁶¹ Framework for the Resumption of Adult Disability Day Services Supporting People with Disabilities in the context of COVID-19: The Next Year, May 2020, <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/framework-for-resumption-of-adult-disability-day-services.pdf>.

¹⁶² Dáil Eireann, Special Committee on COVID-19 response, 30 September 2020. Comments from Deputy Pauline Tully, at p. 28. Available from: https://www.oireachtas.ie/en/debates/debate/special_committee_on_covid_19_response/2020-09-30/.

¹⁶³ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created,' at p. 3. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

¹⁶⁴ Citizens Information, Plan for living with COVID-19, https://www.citizensinformation.ie/en/covid19/living_with_covid19_plan.html.

Health Network has advised reducing shopping trips, to avail of online shopping services or that people considered vulnerable to COVID engage support to have their shopping delivered in some other way.¹⁶⁵

Each local authority has established a Local Authority Community Response Forum to assist with the delivery of essential items, transport to health appointments (including COVID testing) and to support social isolation to those who cannot safely independently access these services during the pandemic.¹⁶⁶ A request has been made to the Social Inclusion section of the HSE for data on disabled people availing of the Community Response Forums on 5 February 2021. The national Gaelic Athletic Association coordinated a community response initiative to conduct similar work to the local authority forums.¹⁶⁷ A request for data has been made on 5 February 2021 to the GAA for disaggregated data on disability, if available.

9.2 Impact of the COVID-19 crisis

Independent Living Movement of Ireland have reported hostility from members of the public towards disabled people, questioning their ability to be in public places. This attitude arises from the medical model of all disabled people being at increased risk of infection.¹⁶⁸ Further, because of the loss of personal assistant services, some disabled people reported being forced to move in with family members to avail of basic services.¹⁶⁹ The scope of the role of a personal assistant was also reduced as they were prohibited from providing a driving service, which previously they could have.¹⁷⁰

¹⁶⁵ Chartered Institute of Environmental Health, Environmental Health Association of Ireland and the Irish Global Health Network, A quick guide to safe shopping during the coronavirus (COVID-19) pandemic, <https://globalhealth.ie/wp-content/uploads/2020/03/Safe-Shopping-Guidelines-COVID-19-1.pdf>.

¹⁶⁶ HSE, National Office for Social Inclusion, The Community Call, <https://www.hse.ie/eng/about/who/primarycare/socialinclusion/travellers-and-roma/irish-travellers/the-community-call.html>.

¹⁶⁷ Gaelic Athletic Association, GAA's Community Response to COVID-19, <https://www.gaa.ie/news/survey-shows-impact-of-gaa-volunteers-in-the-community-during-covid-19/#:~:text=The%20GAA%20has%20released%20details,going%20response%20to%20COVID%2D19.&text=Some%20942%20clubs%20or%2086.4,of%20COVID%2D19%20Community%20Response>.

¹⁶⁸ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created', at p. 3. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

¹⁶⁹ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created', at p. 3. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

¹⁷⁰ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created', at p. 3. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

Due to the need for staffing to participate in activities or to access the community for those in residential settings, there has been a significant loss in choice and control over everyday life: 'Not being in contact with their local communities, activities can sometimes be put to one side because of staffing issues or lack of transport to go and do what residents wish to do.' - HIQA's Deputy Chief Inspector of Social Services Finbarr Colfer.¹⁷¹

The Action Plan and laws governing movement of people and operation of retail and commercial services¹⁷² have impacted disabled people disproportionately.

Independent Living Movement Ireland have reported satisfaction with the increased use of remote technology for education, employment and social activities.¹⁷³ However, there are concerns that in a post-pandemic world remote working will be used to exclude disabled people from having a physical presence in their work environments.¹⁷⁴

Citizens Information¹⁷⁵ outlines the legal requirements for face coverings on public transport, unless there is a valid excuse such as health, to not do so, under the laws discussed above.¹⁷⁶

There is no national policy for the delivery of personal assistance. When the pandemic took effect, this meant a lack of clarity around continuity of service for disabled people.¹⁷⁷ For those living within residential settings, the re-deployment of staff¹⁷⁸ and adjustments to service delivery have reduced support levels. Disability Federation of Ireland have compiled guidance from the HSE and their member organisations about

¹⁷¹ HIQA's Deputy Chief Inspector of Social Services Finbarr Colfer reported in Breaking News Ireland, 'COVID-19 worsened life quality for thousands of with disabilities living in institutions', 02 September 2020, <https://www.breakingnews.ie/ireland/covid-19-worsened-life-quality-for-thousands-with-disabilities-living-in-institutions-1015762.html>.

¹⁷² Discussed above at pp. 31-32.

¹⁷³ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created', at page 2. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

¹⁷⁴ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created', at p. 2. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

¹⁷⁵ Citizens Information, Public health measures for COVID-19, https://www.citizensinformation.ie/en/health/covid19/public_health_measures_for_covid19.html.

¹⁷⁶ Discussed at p. 31.

¹⁷⁷ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created', at p. 3. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

¹⁷⁸ Disability Federation of Ireland, Non-COVID-19 Healthcare, 1 July 2020, at p. 5, https://www.disability-federation.ie/assets/files/pdf/dfi_submission_non-covid-19_healthcare_1.pdf.

supports available for disabled people nationally.¹⁷⁹ The HSE produced detailed guidance on the correct use of PPE in Disability Services.¹⁸⁰ The National Federation of Voluntary Service Providers Ireland has compiled multiple Easy to Read materials to explain the changes to residential and community services to adults with intellectual disabilities.¹⁸¹ Information related to the provision of health and social care services to Irish Sign Language users during COVID-19 is available also.¹⁸²

Multiple organisations have highlighted the shortages of PPE for disabled people in the community as the priority was focused on health and social care settings.¹⁸³ As highlighted above, there was confusion about the responsibility for providing PPE to disabled people in the community.¹⁸⁴ The increased supply of PPE has alleviated this problem since the summer.

Criteria for testing has evolved since March 2020. Easy to Read information about the testing process was devised by an intellectual disability service and adapted for national use. The HSE prepared guidance aimed at informing persons with disabilities in the community about COVID and testing. They include links to disability advocacy and service organisations.¹⁸⁵ Guidance for COVID-19 testing for staff of disability services highlights the centrality of assuming decision making capacity for service users.¹⁸⁶

Where a resident of a congregated setting or nursing home has been infected with COVID-19, there is a 14-day isolation period. HIQA recommends individual ensuite rooms in this scenario and where more than one resident is infected that the rooms be within the same zone to avoid transmission risks to other parts of the facility.¹⁸⁷ The NDA note the lack of control for residents of congregated settings to self-isolate or reduce their risk of exposure to the virus due to staff and co-residents.¹⁸⁸

¹⁷⁹ Disability Federation Ireland, 'Where to go for help', <https://www.disability-federation.ie/covid-19/help/>.

¹⁸⁰ Disability Services Community Operations, HSE, Guidance on the use of Personal Protective Equipment, (PPE) in Disability Services, Version 4.

¹⁸¹ National Federation of Voluntary Service Providers Ireland, COVID-19 Updates and information, http://www.fedvol.ie/COVID19_Updates_and_Information/Default.2273.html, accessed 04 February 2021.

¹⁸² HSE, 'HSE Approved Guidance for Disability Services', <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/>.

¹⁸³ National Disability Authority, 'NDA Advice: Specific Issues for Persons with Disabilities regarding implications of COVID-19', April 2020, at p. 4, <http://nda.ie/Publications/Health/COVID-19/NDA-Advice-Specific-Issues-for-Persons-with-Disabilities-regarding-implications-of-COVID-191.pdf>.

¹⁸⁴ Disability Federation of Ireland, Impact of COVID-19 on people with disabilities and the disability sector Monday 29 June 2020, at p. 4. Available from: https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf. Discussed above at p. 10.

¹⁸⁵ HSE, Supporting someone with disabilities during the COVID-19 pandemic, <https://www2.hse.ie/wellbeing/supporting-someone-with-special-needs-during-covid19.html>.

¹⁸⁶ Disability Services Community Operations, HSE Guidance for testing for COVID-19 in Disability Services, pp. 3-5. Available from <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/>.

¹⁸⁷ HIQA, Rapid review of public health guidance for residential care facilities in the context of COVID-19, 14 January 2021, at p. 10. Available from <https://www.hiqa.ie/reports-and-publications/health-technology-assessment/rapid-review-public-health-guidance>.

¹⁸⁸ NDA Advice: Specific Issues for Persons with Disabilities regarding implications of COVID-19 April 2020, <http://nda.ie/Publications/Health/COVID-19/NDA-Advice-Specific-Issues-for-Persons-with-Disabilities-regarding-implications-of-COVID-191.pdf>.

Guidance updated in January 2021 for the response to COVID cases in residential settings involves contact tracing and testing. A significant restriction on Article 19 during COVID is that an individual is required to restrict their movements for 14 days if a housemate or staff member become infected.¹⁸⁹

Independent Living Movement of Ireland reports that because of the loss of personal assistant services, some disabled people reported being forced to move in with family members to avail of basic services.¹⁹⁰

¹⁸⁹ <https://www.higa.ie/sites/default/files/2020-11/Rapid-review-of-public-health-guidance-for-residential-care-facilities-in-the-context-of-COVID-19.pdf>.

¹⁹⁰ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created', at p. 3. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_responses/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

10 Access to habilitation and rehabilitation

Article 26 – Habilitation and rehabilitation

10.1 Emergency measures

There has been a reduction in the availability of habilitation and rehabilitation service which are essential for the quality of life of some disabled people. There are waiting lists for community-based services.¹⁹¹ Further, restrictions on permitting personal assistants to attend these appointments have reduced their accessibility.¹⁹² The closure of swimming pools has been cited as particularly difficult as it is a public amenity of vital importance for physical and mental health.¹⁹³

HSE risk assessments are undertaken to facilitate persons with disabilities in residential settings avail of therapeutic interventions. This is considered to be quite low however due to the reduction in appointments available and reluctance by both individuals and family members.¹⁹⁴

General Practitioners and acute hospitals have been the main coordination mechanism for habilitation and rehabilitation services.¹⁹⁵ Where these have been disrupted due to COVID, the individual's Community Health Organisations are the primary source for habilitation and rehabilitation services.¹⁹⁶ Each CHO have been tasked with prioritising need and designating resources on that basis. CHOs are encouraged to consider online group and individual interventions as well as in person interventions adhering to public health guidance.¹⁹⁷

¹⁹¹ Dail Eireann, Select Committee on COVID-19, 30 September 2020, at p. 11. Comments from Deputy David Cullinane. Available from: https://www.oireachtas.ie/en/debates/debate/special_committee_on_covid_19_response/2020-09-30/.

¹⁹² Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created, at p. 3. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

¹⁹³ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created, at p. 5. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

¹⁹⁴ Information relayed in phone conversation with disability service staff and Dr. Áine Sperrin on 3rd February 2021.

¹⁹⁵ Disability Federation of Ireland, Non-COVID-19 Healthcare, Wednesday 1 July 2020, at p. 6, https://www.disability-federation.ie/assets/files/pdf/dfi_submission_non-covid-19_healthcare_1.pdf.

¹⁹⁶ Health Protection Surveillance Centre, COVID-19 Contingency Planning Guidance for Alternative Models of Care (Non-Residential), at p. 3.

¹⁹⁷ Health Protection Surveillance Centre, COVID-19 Contingency Planning Guidance for Alternative Models of Care (Non-Residential), at p. 3.

10.2 Impact of COVID-19 and/or emergency measures adopted

Therapists including physiotherapists, occupational therapists, speech and language therapists were re-deployed to testing and tracing or long-term residential services at the onset of the pandemic in Ireland.¹⁹⁸

There are over 1000 day services nationally which provide opportunities for employment, education and socialising.¹⁹⁹ These services were closed from mid-March 2020 to the end of the summer, with only partial reopening available and in some cases no services were available.²⁰⁰ Full resumption of all services are not anticipated until a national vaccination programme has been successful.²⁰¹ Day services are advised to work with service users to adjust their person centred plans to reflect the reduced capacity for support until normal service resumes.²⁰² Where the individual has the skills or support, remote services will be undertaken. If the individual cannot engage with remote services, protocols must be devised to provide services in their accommodation.²⁰³

Telehealth services have been lauded as a positive response to alleviate the mental health impacts of the pandemic.²⁰⁴

No additional disability-related data about changes in access to habilitation and rehabilitation support services beyond the information provided in section 10.1 is currently available.

¹⁹⁸ Dail Eireann, Select Committee on COVID-19, 30 September 2020 at p. 29. Comments from Deputy Pauline Tully. Available from:

https://www.oireachtas.ie/en/debates/debate/special_committee_on_covid_19_response/2020-09-30/.

¹⁹⁹ HSE, Framework for resumption of adult disability day services, at p. 10,

<https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/framework-for-resumption-of-adult-disability-day-services.pdf>.

²⁰⁰ Dail Eireann, Select Committee on COVID-19, 30 September 2020 at p. 28. Comments from Deputy Pauline Tully, Available from:

https://www.oireachtas.ie/en/debates/debate/special_committee_on_covid_19_response/2020-09-30/.

²⁰¹ Dail Eireann, Select Committee on COVID-19, 30 September 2020 at p. 29. Comments from Minister Stephen Donnelly, Minister for Health. Available from,

https://www.oireachtas.ie/en/debates/debate/special_committee_on_covid_19_response/2020-09-30/.

²⁰² HSE, Framework for resumption of adult disability day services,

<https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/framework-for-resumption-of-adult-disability-day-services.pdf>.

²⁰³ HSE, Framework for resumption of adult disability day services, at p. 11,

<https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/framework-for-resumption-of-adult-disability-day-services.pdf>.

²⁰⁴ Disability Federation of Ireland, Non-COVID-19 Healthcare, 1 July 2020, at p. 11,

https://www.disability-federation.ie/assets/files/pdf/dfi_submission_non-covid-19_healthcare_1.pdf.

11 Access to justice

[Article 13 - Access to justice](#)

11.1 Emergency measures

The main measure in the justice system which has an explicit disability dimension is the use of intermediaries to facilitate the provision of testimony in court (such as sign language interpreters)²⁰⁵ and the possibility for vulnerable witnesses including disabled people to provide evidence via video-link.²⁰⁶ The Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 extends the ability to conduct remote hearings to the Coroners' Act, all civil proceedings and limited criminal proceedings (such as those under the European Arrest Warrant, or Extradition Act). This new law also applies to the Workplace Relations Commission which is the body adjudicating disability discrimination claims under the Employment Equality Acts and Equal Status Acts.

Legal Aid Board Circular 2/2007 also provides that where the interests of justice require, disabled parents who are at risk of having their children removed from their care, should have access to the support of a non-legal advocate, in addition to their legal representation.

The Courts Service of Ireland is a public body which has an obligation to uphold the public sector equality and human rights duty in respect of disabled people,²⁰⁷ and it also has obligations to ensure the accessibility of its information, systems, locations and procedures, under the Disability Act.²⁰⁸

11.2 Impact of COVID-19 crisis

The closure of physical access to the courts and other locations, systems, information and procedures during various lockdown periods must have impacted disabled people in a range of ways, but there is no evidence of the specific disadvantages experienced by disabled people compared with others in publications to date. The impact of the COVID-19 crisis on access to justice for disabled people has not been referenced in any of the submissions made by disability groups nor the NHRI to the parliamentary special committee on COVID-19. These issues have also not been addressed in any publications from the legal professions (Law Society of Ireland, Bar Council of Ireland) or public bodies (Courts Service or Legal Aid Board).

The National Advocacy Service in its submission to the parliamentary special committee on the COVID-19 response noted with respect to childcare proceedings in which it assisted disabled parents 'Court hearings were only available in emergency cases and NAS advocates were unable to support people to attend court. Meetings with legal representatives in advance of proceedings to assist the parent to understand all implications of decisions were impacted by the lack of face-to-face meetings.'²⁰⁹

²⁰⁵ Criminal Evidence Act, 1992, s 14.

²⁰⁶ Criminal Evidence Act, 1992, s 13.

²⁰⁷ Irish Human Rights and Equality Commission Act, 2014, s 42.

²⁰⁸ Disability Act, 2005, ss 25-28.

²⁰⁹ NAS, 'Submission, Louise Loughlin, National Manager, National Advocacy Service for People with Disabilities' to Oireachtas Special Committee on the COVID-19 Response, 20 September 2022, at p.6, https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_res

The same submission also noted that ‘There has been an increase in applications for Wards of Court (substitute decision-making) due to the pandemic. Due to COVID-19 and the increased number of assessments there have been delays to court cases and capacity assessments. Infection control measures impeded the manner in which assessments took place.’²¹⁰

[ponse/submissions/2020/2020-09-30_submission-louise-loughlin-national-manager-national-advocacy-service-for-people-with-disabilities-scc19r-r-0422_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-louise-loughlin-national-manager-national-advocacy-service-for-people-with-disabilities-scc19r-r-0422_en.pdf).

²¹⁰ NAS, ‘Submission, Louise Loughlin, National Manager, National Advocacy Service for People with Disabilities’ to Oireachtas Special Committee on the COVID-19 Response, 20 September 2022, at p. 6, https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/submissions/2020/2020-09-30_submission-louise-loughlin-national-manager-national-advocacy-service-for-people-with-disabilities-scc19r-r-0422_en.pdf.

12 Access to education

[Article 24 – Education](#)

12.1 Emergency measures

On 12 March 2020, all schools in Ireland were closed, including segregated schools and segregated units within mainstream schools were also closed.²¹¹ The Department of Education requested that education be provided through online resources. As schools remained closed the Department of Education and Skills published ‘Guidance on Continuity of Schooling: Supporting pupils at risk of educational disadvantage’, which specifically referenced disabled students.²¹² In April the State also highlighted further supports for at risk learners in further education including students with disabilities.²¹³ Schools remained closed until September, but students with disabilities in primary and post primary schools were given access to a summer provision programme, which provided teaching over the summer period.²¹⁴

This took two forms, a school-based programme of learning for children with disabilities, and a Home-Based programme. Eligibility was determined on diagnosis and school/classroom placement. Some disabled students in mainstream classes in mainstream schools were able to take part in the programme. It was only available to primary school students, and the schools themselves had to register their interests.²¹⁵

The second option for students with disabilities was the home-based strand, which was available where a school was not running a programme or it did not have capacity to accommodate an eligible student. The Home-Based Programme was also available for eligible post primary students. The department funded the employment of a tutor by the young person’s guardian for up to 10 hours per week for up to 4 weeks over the summer.²¹⁶

²¹¹ In this context, the term ‘segregated schools’ is used to describe schools which only admit students with special educational needs. See Leahy, Cullen, Lynch and Kelly, Coronavirus; Schools, colleges and childcare facilities to shut in Ireland, 12 March 2020. <https://www.irishtimes.com/news/health/coronavirus-schools-colleges-and-childcare-facilities-in-ireland-to-shut-1.4200977>.

²¹² Department of Education, Guidance to Support Pupils At Risk in Primary (2020), <https://www.education.ie/en/SchoolsColleges/Information/National-Emergencies-Public-Health-Issues/guidance-support-pupils-at-risk-primary.pdf>.

²¹³ Department of Education, Press Release on Educational Disadvantage (2020), <https://www.education.ie/en/Press-Events/Press-Releases/2020-press-releases/PR20-04-27.html>.

²¹⁴ Department of Education, Letter to Principals: ‘Guidance on Summer Provision’, <https://www.education.ie/en/Parents/Services/summerprovision/guidance-on-summer-provision-letter-to-principals.pdf>.

²¹⁵ Department of Education, Summer Provision Guide 2020, (2020) Available at: <https://www.gov.ie/en/publication/5d15a-summer-provision-2020/#school-based-summer-education-programme>.

²¹⁶ Department of Education, Summer Provision Guide 2020, (2020) Available at: <https://www.gov.ie/en/publication/5d15a-summer-provision-2020/#school-based-summer-education-programme>.

State exams were cancelled due to COVID-19, and a predicted grades system was established in its place.²¹⁷ Concerns were raised that this would disadvantage disabled students.²¹⁸

In September 2020, schools, including segregated school, and segregated units in mainstream schools reopened. School outbreaks were of particular concern, but uptake was high. A survey completed by ASIAM, Down Syndrome Ireland and Inclusion Ireland found that over 90 % of disabled students who were represented in the data had returned.²¹⁹

Schools then remained closed following winter break in January 2021. Cases were filed under judicial review in order to contest the closures.²²⁰

On 11 February, students in segregated schools returned to school with 50 % capacity. Students in segregated units in mainstream primary schools could return from 22 February. There was also a 'supplementary in-person care and educational support programme to commence from 11 February for four weeks'.²²¹ Children with disabilities in mainstream education remain at home until further guidance is issued.

12.2 Impact of the COVID-19 crisis

In June 2020, the Economic Social Research Institute published Learning For All? Second-Level Education In Ireland During COVID-19.²²² In this report is noted that the COVID-19 pandemic exacerbated already existing inequalities faced by students with disabilities.²²³ The report highlighted difficulties with a change in routine but several 'school leaders'²²⁴ found that working with students on creating a new daily structure was successful. While it was not uniform across the education system, some schools used the Special Needs Assistance (SNA) role as a support for students with disabilities during distance learning. SNAs in many schools remained in close contact

²¹⁷ ASIAM, Down Syndrome Ireland & Inclusion Ireland 'Educational Supports on the Reopening of Schools 2020', <https://asiam.ie/educational-supports-on-the-reopening-of-schools-2020/>.

²¹⁸ ASIAM, Down Syndrome Ireland & Inclusion Ireland 'Educational Supports on the Reopening of Schools 2020', <https://asiam.ie/educational-supports-on-the-reopening-of-schools-2020/>.

²¹⁹ ASIAM, Down Syndrome Ireland & Inclusion Ireland 'Educational Supports on the Reopening of Schools 2020', <https://asiam.ie/educational-supports-on-the-reopening-of-schools-2020/>.

²²⁰ A O'Faolain 'School reopening actions to be telescoped' Court News Ireland, (2021), <https://courtsnewsireland.ie/school-reopening-actions-telescoped/2021/02/01/>.

²²¹ Department of Education, Press Release 'Ministers Welcome Agreed Plan For Return to In School Learning for Children with Special Educational Needs at Primary Level', <https://www.gov.ie/en/press-release/6f91d-ministers-foley-and-madigan-welcome-agreed-plan-for-return-to-in-school-learning-for-children-with-special-educational-needs-at-primary-level/>.

²²² G Mohan, S Mccoy, E Carroll, G Mihut, S Lyons And C Mac Domhnaill, ESRI 'Learning For All? Second-Level Education In Ireland During COVID-19.' https://www.esri.ie/system/files/publications/SUSTAT92_3.pdf.

²²³ G Mohan, S Mccoy, E Carroll, G Mihut, S Lyons And C Mac Domhnaill, ESRI 'Learning For All? Second-Level Education In Ireland During COVID-19.' https://www.esri.ie/system/files/publications/SUSTAT92_3.pdf.

²²⁴ G Mohan, S Mccoy, E Carroll, G Mihut, S Lyons And C Mac Domhnaill, ESRI 'Learning For All? Second-Level Education In Ireland During COVID-19.' https://www.esri.ie/system/files/publications/SUSTAT92_3.pdf.

with students and offered advice to students and parents on managing student learning.²²⁵

The ASIAM, DFI and Inclusion Ireland report noted the difficulties of students transitioning school settings, with over 33 % of respondents saying they did not get support for transitioning. The report also identified concerns from families about integration (30.4 %), issues with Special Needs Assistant allocations (21.7 %), denial of reasonable accommodations, such as stimming tools or ear defenders (13.8 %), and reduced timetables' use (13.3 %).²²⁶ 79 % of respondents to the survey stated that children would need in-school support to continue their learning, in the event of future school closures.²²⁷

²²⁵ G Mohan, S Mccoy, E Carroll, G Mihut, S Lyons And C Mac Domhnaill, ESRI 'Learning For All? Second-Level Education In Ireland During COVID-19.'

https://www.esri.ie/system/files/publications/SUSTAT92_3.pdf.

²²⁶ ASIAM, Down Syndrome Ireland & Inclusion Ireland 'Educational Supports on the Reopening of Schools 2020' <https://asiam.ie/educational-supports-on-the-reopening-of-schools-2020/>.

²²⁷ ASIAM, Down Syndrome Ireland & Inclusion Ireland 'Educational Supports on the Reopening of Schools 2020' <https://asiam.ie/educational-supports-on-the-reopening-of-schools-2020/>.

13 Working and employment

[Article 27 – Work and employment](#)

13.1 Emergency measures

In Budget 2021, the Minister for Social Protection, Heather Humphreys announced that approximately EUR 25.13 billion would be used on social welfare to combat the negative effects wrought by the pandemic on people's lives.²²⁸ Since health guidelines largely advised that disabled persons and older people to cocoon- this meant that many disabled people who had been employed were forced to leave their jobs.²²⁹

There are several social protection payments that have been introduced during the course of the pandemic, and most people who lost their jobs due to the closing down of sectors or based on health advice are eligible to apply for the COVID-19 Pandemic Unemployment Payment with 4 pay rates ranging from EUR 203 to EUR 350 per week based on how much they had been earning.²³⁰ This scheme was introduced to provide income security in the circumstances wrought by the pandemic, and the payment will be in place till March 2021.

Disabled persons who have been received medical advice to self-isolate or those who tested positive for COVID-19, can claim for the Enhanced Illness Benefit which has a weekly pay rate of EUR 350.²³¹ Qualification for the payment is dependent upon confinement to a medical facility or home, absence from work and that the disabled person has ceased to receive payments from their employer.

Disabled persons who have been forced to work reduced hours can claim for the Short Time Work Support Payment which is similar to the Jobseeker's Benefit in form, as an income support.²³² This claim is reliant upon meeting the PRSI conditions like being below the age of 66, availability to take on full-time work and temporary reduction of work week. This payment is not taxable unlike the PUP.

In the 2021 Budget, it was announced that the waiting period for the Illness Benefit would be reduced to 3 days from 6 days, for claims that would be made after February 2021. There were also increases made to payments being provided for pensioners who are within the older age cohort, such as the Christmas Bonus Double payment, a grant of up to EUR 500 for hearing aids and an increase of fuel allowance from EUR 3.50 to EUR 28 for both older persons and disabled persons.²³³ The earnings disregard for disabled persons was increased to EUR 140, whilst the Carer's support grant which can only be accessed in one is already in receipt of the Carer's Benefit was increased to EUR 1 850 per year.²³⁴ These measures have helped alleviate the pressures faced during these uncertain times by disabled persons, however the sufficiency of these measures and increases has been questioned by IHREC as there

²²⁸ Department of Social Protection, Budget 2021 (13 October 2020).

²²⁹ Disability Federation of Ireland, High risk people in Catch 22 during COVID-19, <https://www.disability-federation.ie/publications/highrisk-people-in-catch22-during-covid19/>.

²³⁰ Department of Social Protection, 'COVID-19 Pandemic Unemployment Payment Rates until 31 March 2021' (23 July 2020).

²³¹ ASIAM, Explainer: COVID-19 and Changes to Work, <https://asiam.ie/covid-19-changes-to-work/>.

²³² Department of Social Protection, 'Short-Time Work Support' (28 February 2020).

²³³ Department of Social Protection, 'Budget 2021' (13 October 2021).

²³⁴ Department of Social Protection, 'Budget 2021' (13 October 2021).

were concerns that the additional costs incurred to cover energy bills and buying PPE had not been extensively considered.²³⁵ ASIAM also reiterated this concern when they highlighted that the failure to introduce a Cost of Disability payment, the Government had missed the chance to make meaningful advances towards addressing the relationship that exists between disability and poverty in the lives of disabled persons.²³⁶

13.2 Impact of the COVID-19 crisis

The EmployAbility service is one of the employment support schemes that has been introduced and provides support to disabled persons when seeking employment and once gainful employed to both the employee and the employer.²³⁷ There is a need for continued efforts post-COVID-19 to ensure that disabled persons do not lose their autonomy and are not denied an equal opportunity to access the work environment.

Down Syndrome Ireland run an Ability Programme which has been focused on breaking down barriers and ensuring equitable access to meaningful employment for people with Down Syndrome. At the start of 2020 over 60 people had been in employment, however due to the pandemic 96 % of persons on the Ability Programme were temporarily laid-off.²³⁸ Fundraising plans have also frustrated by the pandemic which makes the previous success of the employment programme hard to replicate due to the inability to make long-term plans in the absence of adequate funding, which is a major concern.

The DFI reported that one of the most prevalent fears in the disability community is that they may not get their jobs back or might be overlooked once the State opens fully. The fear is that employers will cite financial constraints due to the pandemic as their reason for their claimed inability to meet reasonable accommodation standards or implement additional measures needed by persons with intellectual disability in the workplace.²³⁹

Technology has made the work environment more conducive, flexible and accessible for disabled persons. However, ILMI made a submission in which they highlighted that an equal, accessible and inclusive work environment cannot be substituted by flexible work conditions.²⁴⁰ This statement has been prompted by fears in the disability that

²³⁵ IHREC, 'The impact of COVID-19 on persons with disabilities', at p. 10, <https://www.ihrec.ie/app/uploads/2020/07/IHREC-Submission-The-Impact-of-COVID-19-on-People-with-Disabilites.pdf>.

²³⁶ ASIAM, Explainer: 'COVID-19 and Changes to Work', <https://asiam.ie/covid-19-changes-to-work/>.

²³⁷ Department of Social Protection, 'Access the EmployAbility Service' (8 August 2019).

²³⁸ Aoife Gaffney, 'Opinion: Support is needed to help people with Down syndrome to return to work' *The Journal* (Dublin, 12 August 2020), <https://www.thejournal.ie/readme/down-syndrome-employment-covid19-5169395-Aug2020/>.

²³⁹ DFI, Impact of COVID-19 on people with disabilities and the disability sector https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

²⁴⁰ Independent Living Movement Ireland submission to the Special Committee on COVID-19 Response, 'The Impact of COVID-19 on Disabled People's Lives: Challenges faced, Opportunities Created', at p. 4. Available from: https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_responses/submissions/2020/2020-09-30_submission-damien-walsh-ceo-independent-living-movement-ireland-scc19r-r-0411_en.pdf.

employers will utilise remote working options rather than making workplaces more accessible.

The NDA applauded progress that has been made through the Comprehensive Employment Strategy for Persons with Disabilities (CES), whereby concerted efforts have led to the improvement of employment outcomes for disabled persons resulting in internships and supported employment.²⁴¹ However, fears have arisen amongst the disability community that all the progress that had been achieved will be reversed by COVID-19 as sectors like retail, hospitality and catering are where a majority of disabled persons are employed, and these have been the most affected by the pandemic. Therefore, once restrictions are lifted there is a need for deliberate, calculated actions to be taken to ensure that the economic downturn does not become an excuse for the implementation of employment access barriers that prevent disabled persons from having the independence afforded by gainful employment.²⁴²

The PUP and Enhanced Illness Benefit have been a great help during these uncertain times that have been caused by COVID-19, however the lack of alignment of health advice and plans regarding the return to work are causing concerns in the Disability community. Health advice till date has been that most disabled persons are at a high or extremely high risk of contracting the virus with the main message being to cocoon and stay at home as much as possible. However, the Department of Employment Affairs and Social Protection made statements reflecting that once, workplaces re-open, the Enhanced Illness Benefit and the PUP will cease to be paid out, which leaves disabled persons in a vulnerable position.²⁴³

These announcements have also distressed family members who have had to take on a caring role due to reduced supports, as there are no guarantees that PAs or support persons will be reinstated, however most families cannot afford to risk losing their jobs as it may be the main source of income in many homes.²⁴⁴

It is worth noting that disabled persons who work in essential services have had to continue working despite the risk factor outlined in the public health guidelines.²⁴⁵ The qualifying criteria for receiving the PUP is that one should not voluntarily leave their place of employment.²⁴⁶ This example reveals another disparity between health and

²⁴¹ National Disability Authority, 'NDA Advice: Specific Issues for Persons with Disabilities regarding implications of COVID-19', April 2020, at p. 6, <http://nda.ie/Publications/Health/COVID-19/NDA-Advice-Specific-Issues-for-Persons-with-Disabilities-regarding-implications-of-COVID-191.pdf>.

²⁴² National Disability Authority, 'NDA Advice: Specific Issues for Persons with Disabilities regarding implications of COVID-19', April 2020, at p. 9, <http://nda.ie/Publications/Health/COVID-19/NDA-Advice-Specific-Issues-for-Persons-with-Disabilities-regarding-implications-of-COVID-191.pdf>.

²⁴³ Disability Federation of Ireland, Impact of COVID-19 on people with disabilities and the disability sector (29 June 2020) at p. 9, https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

²⁴⁴ Disability Federation of Ireland, Impact of COVID-19 on people with disabilities and the disability sector (29 June 2020) at p. 9, https://www.disability-federation.ie/assets/files/pdf/dfi_submission_impact_of_covid-19_on_people_with_disabilities_and_the_disability_sector_290620_1.pdf.

²⁴⁵ Tomás Murphy, Margaret Turley, Chris Byrne, Nóirín Clancy and Harry Browne, 'The Experiences of Adults with Intellectual Disabilities in Ireland during the COVID-19 Crisis (Inclusion Ireland, September 2020), pp. 6-7, <https://www.tudublin.ie/media/website/news/2020/homepage/Covid-disability-report-September-2020.pdf>.

²⁴⁶ Department of Social Protection, 'COVID-19 Pandemic Unemployment Payment' (16 June 2020).

safety guidelines and the need to retain independence afforded by meaningful employment.

According to ASIAM, many autistic people are employed on fixed-term contracts, which are already precarious in nature- a circumstance that has been exacerbated by COVID-19. The natural inclination to prioritise their health due the anxieties and fear that may be attached to getting COVID-19 may outweigh the desire to work in preference of self-isolation to alleviate the anxieties associated with going out on a daily basis.²⁴⁷

There are also concerns for autistic people that health and safety guidelines such as the use of hand sanitiser in work environments could lead to obsessive thought and compulsive behaviours, as such employers will have to implement measures to manage these anxieties until the pandemic subsides.²⁴⁸ Employers can alleviate these fears by maintaining flexible work arrangements where autistic people work predominantly from home, but there are concerns in the autistic community that they may be excluded from the labour market due to reasonable accommodation requirements. Overall, there is a need for emergency laws to be brought into alignment with health guidelines such that disabled people are not forced to choose between their health and living a life of dignity and independence which is afforded by being employed.

²⁴⁷ Ian Lynam, 'Adrian Carroll: Impact of COVID-19 on Autistic Employees' (25 March 2020). <https://asiam.ie/adrian-carroll-impact-of-covid19-on-autistic-employees/>.

²⁴⁸ Ian Lynam, 'Adrian Carroll: Impact of COVID-19 on Autistic Employees' (25 March 2020). <https://asiam.ie/adrian-carroll-impact-of-covid19-on-autistic-employees/>.

14 Good practices and recommendations

14.1 Examples of good practice

Remote prescribing and appointments

Remote or E prescribing had been an issue of contention within the Irish health service for a number of years. At the onset of the pandemic the then minister for health²⁴⁹ signed two statutory orders in order to bring E prescribing into effect. It allowed for prescriptions to be electronically delivered to pharmacies

While this was not specifically done with disability in mind, it did ensure that those cocooning continued to have access to essential medications and has in effect removed barriers to healthcare going forward.

COVID payment and disability allowance

One positive element of the state's response to the pandemic was that disability allowance,²⁵⁰ a disability related social welfare payment which allows a limited work, pursuant to income limits, could be received alongside PUP. Initially persons with disabilities were entitled to EUR 350 alongside their disability related payment had they lost work as a result of the Corona Virus pandemic. This has been reduced for people on both payments from the 16 October, as the earnings cap under the Disability Allowance would see people with disabilities under the lower rate.²⁵¹ Those who had not been previously earning were not entitled to the COVID payment.

14.2 Recommendations

Wardship and deprivation of liberty

As discussed in the report, COVID-19 had a significant impact on wardship proceedings. It is imperative that the Assisted Decision Making Act is commenced so that the outdated law is not used to further deny disabled people of their rights as a result of the pandemic.

Deinstitutionalisation

Over half of all deaths in the initial months of the pandemic were in nursing homes. Ireland had previously prioritised nursing home care in older age, and a high number (approximately 1 300) of disabled persons under 65 live in nursing homes.²⁵² The pandemic has facilitated some discussion on the policy failures that have resulted in such a high rate of institutional care.²⁵³

²⁴⁹ Department of Health, Minister Signs Regulations to Assist with Prescriptions, Press Release (2020), <https://www.gov.ie/en/press-release/d80ca9-minister-for-health-signs-regulations-to-assist-with-prescriptions-d/>.

²⁵⁰ Citizens Information, 'COVID-19 Pandemic Unemployment Payment'; https://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/unemployed_people/covid19_pandemic_unemployment_payment.html.

²⁵¹ Citizens Information, 'COVID-19 Pandemic Unemployment Payment'; https://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/unemployed_people/covid19_pandemic_unemployment_payment.html.

²⁵² C Kenna, Irish Times 'Using nursing homes as 'default option' must end, experts say' <https://www.irishtimes.com/news/health/using-nursing-homes-as-default-option-must-end-experts-say-1.4266952>.

²⁵³ C Kenna, Irish Times 'Using nursing homes as 'default option' must end, experts say' <https://www.irishtimes.com/news/health/using-nursing-homes-as-default-option-must-end-experts-say-1.4266952>.

Remote work and education

While for many groups the transition to online learning and work was stressful, there were individuals who were marginalized by the previous system who benefited from it. The ESRI noted that for some students who experienced anxiety around school as a social setting online interactions were preferable.²⁵⁴ People interviewed for the ESRI's research 'mentioned that school refusers with a number of additional needs and mental health issues reengaged after the shift to distance learning'²⁵⁵ while other students started to disengage. Providing mixed methods, both in person and online in the future will allow for more people to engage with school and work. The ESRI suggested that distance learning has the power to keep some students engaged in education, as well as for generally improving the experiences of some students with disabilities.

14.3 Other relevant evidence

Not applicable.

²⁵⁴ G Mohan, S Mccoy, E Carroll, G Mihut, S Lyons And C Mac Domhnaill, ESRI 'Learning For All? Second-Level Education In Ireland During COVID-19.'
https://www.esri.ie/system/files/publications/SUSTAT92_3.pdf.

²⁵⁵ G Mohan, S Mccoy, E Carroll, G Mihut, S Lyons And C Mac Domhnaill, ESRI 'Learning For All? Second-Level Education In Ireland During COVID-19.'
https://www.esri.ie/system/files/publications/SUSTAT92_3.pdf.

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