

**Social  
Democrats**

# Disability

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*Putting people with disabilities  
at the heart of all decisions*

*Hope for better.  
Vote for better.  
Vote Social Democrats.*

#VoteforBetter

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## Introduction

**People with disabilities face some of the biggest challenges in our country.**

At the last Census count (2016), 13.5% or 643,131 people in Ireland had a disability and most people will at some stage experience some form of disability at some point in their lives. This is a normal percentage statistic for a European country.

Within this group lie a myriad of different circumstances and disability types, and therefore a complex matrix range of support needs. But whatever the disability, **this part of our community is at significantly greater risk than non-disabled people of experiencing poverty, social exclusion, unemployment and barriers in transport, housing, education, training and retraining.**

Simultaneously, Ireland has, in comparative terms, a significantly high dependence on the provision of **informal care support by family members.** Questions must be asked as to the continued viability and sustainability of such reliance in light of the changing demographic and socio-economic realities of modern Ireland.

**It doesn't have to be like this.**

### A Rights-based approach

In 2006, the United Nations agreed on a series of interpretations and guidelines in the form of the **UN Convention on the Rights of Persons with Disabilities (UNCPRD)**. In 2018 Ireland became the last EU country to ratify the UNCPRD. While ratification is welcome in itself, and long over-due, it has had little effect yet on the actual lives of people with disabilities as **so much of our national legislation remains out of sync with the Convention**, and transitioning to a **social model of disability inclusion** continues to be de-prioritised.

In addition, the Government did not ratify the **optional protocol** to the Treaty - having made repeated and continuous commitments to simultaneously do so. This protocol makes a significant difference to disability rights as it would provide for a mechanism of independent oversight by civil society. Without it

the Government is not answerable to the UN nor subject to possible inquiries by it.

Without the commencement of this legislation and a means to enforce the rights within the Convention, it will mean that **disability rights in Ireland will still depend on the charity of who is in Government** and where we are in the economic cycle.

**Rights with such conditions are not really rights at all.**

It is little wonder that large swathes of disability legislation are **still waiting to be fully commenced**. This includes the Disability Act 2005, the Assisted Decision-Making (Capacity) Act 2015, and the Special Educational Needs Act 2004. Each of these must be progressed to ensure a rights-based approach to disability and the full participation of people with disabilities in our society.

### Funding Services

In addition, the **funding system for disability services needs to be completely overhauled**.

As pointed out by the Independent Review Group report in February 2019, the majority of disability services are provided by **not-for-profit organisations**. 80% of residential places for people with disabilities are provided by such organisations and overall two thirds of services are provided by not-for-profits.

Given this dependence on the sector, it is **imperative that there is a sustainable funding model** in place. Unfortunately, this is simply not the case with a fundamentally flawed system in operation that entails protracted and unnecessary stand-offs between the HSE and not-for-profit providers - very much impacted by the conflict of interest within the HSE between the focus on the acute hospital medical system and the need for community based social care and supports.

The reality is that disability services have not yet recovered from cut-backs introduced in the recession and in some cases the level of services have actually reduced. The people caught in the middle of this, of course, are vulnerable service users. We are now seeing several providers so stretched that they are unable to maintain services, with the reserves of many providers exhausted. Indeed, some providers put the funding shortfall in the sector at over €30m.

Yet again, despite the formal adoption of the UNCRPD, **people with disabilities and their families are being forced to seek charity and to campaign for their right to decent services.**

Furthermore, sections 8 to 23 within Part 2 of the Disability Act which was passed into legislation in 2005 contained several critically important requirements for the agencies of the state to provide essential assessments and maintain records and statistics so that government could accurately identify the level of need in society and make appropriate planning possible. Successive governments have avoided commencing this legislation, with the consequences being a **lack of transparent and reliable information with which to inform national decision making** and thereby avoid decisions regarding appropriate funding.

### Funding Supports

Critical to realising **much better participation for People with Disabilities in Irish society** is vast improvements in supports and protections. A range of measures are required across housing, health, transport, income and grant support, consumer protection and employment protection.

## Objectives

The Social Democrats main objectives in terms of Disability Policy are:

- to see key legislation enacted and commenced to promote and protect the rights, quality of life and independence of people with disabilities
- to put in place long range national support planning
- to invest in far greater supports, to put the disability sector on a proper financial footing
- to have the UNCRPD protocol fully ratified in Ireland

## Implementation

The implementation of these objectives will require a wide range of measures across governance and legislation, policy and structural, service and supports areas. The following actions are necessary:

### Governance and Legislation

- Base the position of a **Super Junior Minister for Disabilities in the Department of the Taoiseach** to ensure a whole of Government, cross departmental approach to disability is under the aegis of and the responsibility of the Taoiseach of the day.
- **Fully commence the Disability Act 2005** and the **Assisted Decision-Making (Capacity) Act 2015** with specific and urgent emphasis on resource allocation to facilitate immediate implementation of sections 8 to 22 of the Act with respect to all citizens with a disability.
- Pass legislation including the **Disability (Miscellaneous Provisions) Bill 2016** and new legislation on the **Deprivation of Liberty**
- **Sign the Optional Protocol** and having a clear action plan with budget lines and timelines for implementation, monitoring, reporting, enforcement and other follow up actions associated with the UNCRPD.
- Introducing a **statutory right to Home Care and Personal Assistance**
- **Commence** in full the **Education for Persons with Special Educational Needs Act 2004** and the **Irish Sign Language Act 2017**

### Policy and Structural

- Establish that the term “**subject to resources**” shall be interpreted as being relative to the entire resources of the State, taking account that current disability supports are already relatively disadvantaged.
- Facilitate the perceived lack of funding for the conducting of **Independent Assessments of Need**, as described in section 9 of the Disability Act, by utilising the precedent established by the Department of Finance / Revenue Commissioners wherein

- a framework and system of Self-Assessment will be utilised to identify and benchmark the level of supports provided and the national level of unmet need, facilitating appropriate reporting and service planning to the responsible Minister.
- Fund sufficient staff so that the implementation of the UNCRPD can be effectively monitored
  - Increase the levels of Transparency and Accountability for monitoring the real wellbeing of our disabled and carer communities and vulnerable members of society by **delegating powers to Local Authorities and Local Elected Representatives for local wellbeing monitoring and assessment** and to hold central government and state departments and centralised agencies to account for failing to effectively plan or meet the needs of the local disabled community.
  - Put in place a **fit for purpose planning infrastructure and a stream of additional supports** for People with Disabilities to deal with housing, transport, poverty, health access, and several other areas of concern
  - Overhaul and **modernise the means testing and financial compensation to family carers of people with long term incapacitating disabilities**, and review the option to provide Refundable Tax Credits and PRSI Pension rights to those with limited earnings capacity due to performance of their caring role
  - Vastly improving the **number of and access to primary care health staff and rehabilitative staff** as promised under **Sláintecare**;
  - Restore the **Rehabilitative Training Allowance**
  - **End barriers to disabled people entering or remaining within the paid work force** such as inadequate educational provision, continuing benefit traps, discriminatory access rules and attitudes;
  - **Ensure that the target of a minimum 6% employment rate** for people with disabilities for public bodies is fully implemented, and **extended to public sector contractors**, and seeking to raise this target over time; Ensure that there is proper transparency and monitoring of these measures with the intent that new employment opportunities are provided for

people with Intellectual / Sensory / Physical disabilities and autism and mental health conditions.

- **Emulate the Scottish model on Article 20 of the EU procurement directive** to encourage far greater use of the directive in Ireland. Set formal binding targets and proper reporting arrangements for the use of Article 20 by public procurers in Ireland. This will provide better work opportunities for people with disabilities.
- Seek to improve funding under the **Wage Subsidy Scheme** and link to changes in the National Minimum Wage
- **Recognise the extra costs of living for people with disabilities** and, where appropriate, their carer families (as highlighted by the Minimum Essential Standard of Living research) and helping them to stay out of poverty through a specific **cost of disability payment**;
- Recognise that **people with disabilities face specific disadvantages as consumers** that may result in higher household bills, and therefore ensuring that all regulators have fair price protections in place for people with disabilities and that these protections are properly notified to customers and enforced vigorously by the relevant authorities;
- Improve regulations and funding conditions so that **access to buses, trains, and taxis is vastly improved for people with disabilities**;
- Improve **financial supports for disabled transport users**, including the reintroduction of a mobility grant scheme and eliminating notice time for travelling for mobility-impaired customers who require assistance;
- Improve audio and visual alerts on transport services;
- **Make our public and private transport system fully accessible** – in terms of fleet, stops, platforms and other access points;
- Change tendering rules to encourage much greater **availability of wheelchair accessible taxis**;
- Improve Road Traffic laws to ensure easier **enforcement of parking rules for disabled parking bays**;
- Amend rules so that more people can qualify for **Carers'**

- Allowance**, introduce better training for carers of people with high needs, and **improve supports for carers in terms of training, respite and respite options**;
- **Set a minimum of 7% of social housing to meet universal design standards**, and ensure that every social housing pipeline project demonstrates at Capital Appraisal Stage the inclusion of a minimum 7 % of fully wheelchair accessible housing with higher percentages applying for areas of higher need.
  - Adequate supports must also be in place to enable people live independently; We will insist on the **disability-proofing all new construction projects** so that housing is fully accessible, and streetscapes are designed with the specific needs of people with disabilities built in
  - Ensure Local Authorities **review their approved social housing lists** and identify the number of people and households who require wheelchair accessible housing and maintain a register of all wheelchair accessible social housing in their area and occupancy status.
  - Improve access to and benefits under **Housing Adaptation schemes** and to funding for **assistive devices**
  - **Increase the number of psychologists** under the National Educational Psychological Services;
  - Introduce an **Assistive Technology Passport**
  - Develop and publish a **National Strategy for Autism**, beyond simply health services, to include far better supports for families supporting a person with autism, including more respite hours, and more special needs assistants for schools
  - Develop training for special needs children into the **curriculum for teacher training**
  - Implement the **National Dementia Strategy (NDS)**, improving homecare and community supports for people with dementia, and integrating dementia into the Chronic Disease Management Programme.
  - **Expand the number of playgrounds, pools, gyms, parks and green spaces and venues that are universally designed.** In particular, we want to ensure that all future recreational projects include accessible changing facilities - accessible

toilets which include a hoist, adult sized changing bench and larger space for additional assistants, to ensure the health, safety and dignity of those with disabilities and mobility issues.

- **Improve employment supports for Deaf people** so they can access the reasonable

### Service and Support

- **Reverse the recent unacceptable cut to disability services** in the HSE 2020 service plan
- **Adopt the recommendations in the Independent Review Group Report to address the basic funding deficit in the funding of services** in the disability sector.
- In line with the recommendations of the IRG report, we are committing to providing funding to **bridge deficits**, the introduction of **multi-annual budgeting**, a clear long-term agreement on what is to be funded, and a **streamlined process for accountability**. There needs to be strong governance arrangements for the sector but in a way that minimises costs, compliance-burden and duplicated work across different regulators and funders.

accommodation fund to use it to access interpreting services.

- Ensure public bodies follow the **ISL Act**
- We support **the full restoration of pay to workers in Section 39 organisations** and are anxious to see this completed as soon as possible.
- **Improve personal assistant and other individualised social care services** so that people with disabilities can live independently;
- **Provide community neuro-rehabilitation teams** in each of the Community Health Organisations areas, and inpatient rehabilitation services at both national and regional level to ensure timely access to rehabilitation;
- **Improve investment in residential care** and providing an adequate amount and adequate quality of **respite care**;



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