



**INCLUSION IRELAND**

National Association for People with an Intellectual Disability

# **Submission to the Department of Social Protection**

**Development of the Department's Strategy for  
2016-2019**

**August 2016**

**This document is written in font 12 Verdana in line with Inclusion  
Ireland plain English guidelines**

## **About Inclusion Ireland**

Established in 1961, Inclusion Ireland is a national, rights-based advocacy organisation that works to promote the rights of people with an intellectual disability.

Our membership is drawn from persons with intellectual disability; parents and family members; providers of services to persons with a disability, academics, policy-makers and others.

Inclusion Ireland uses a human rights-based approach to its work. This recognises persons with an intellectual disability as rights holders with entitlements, and corresponding duty bearers and their obligations.

Inclusion Ireland seeks to strengthen the capacities of persons with an intellectual disability to make their claims and of duty bearers to meet their obligations.

The vision of Inclusion Ireland is that of people with an intellectual disability living and participating in the community with equal rights as citizens, to live the life of their choice to their fullest potential.

## **Introduction**

Improving the lives of people with disabilities is a key aim of this government, as outlined in 'A Programme for a Partnership Government'. The Programme states that "people with disabilities should be supported in maximising their potential, by removing barriers which impact on access to services, education, work or healthcare"<sup>1</sup>.

The mission of the Department of Social Protection is to promote active participation and inclusion in society by providing income supports and employment supports, as well as other services.

Inclusion Ireland believes that the Department's strategy for the period 2016-2019 should include actions to ensure that people with disabilities have an adequate income and standard of living and actions aimed at removing the barriers to inclusion and participation that people with disabilities face.

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<sup>1</sup> A Programme for a Partnership Government, 2016

## Current context

The National Social Target for Poverty Reduction is to reduce poverty to 4% by 2016 and 2% or less by 2020. The consistent poverty rate for people with disabilities is currently at 13%.

Under Better Outcomes, Brighter Futures, the Department of Social Protection is responsible for addressing the economic security and opportunity of children and young people in Ireland. Where there is a child with a disability in the family, parents are less likely to be employed and household income is lower.

People with disabilities have been disproportionately disadvantaged in recent times. Social welfare cuts, failure to enact promised legislation and exclusion from mainstream employment strategies all impact on the standard of living of people with disabilities and act as barriers to inclusion and participation.

The Department of Social Protection has the opportunity to drive real reform in the lives of people with disabilities in Ireland. Doing so will entail addressing the root causes of poverty and social exclusion and recognising people with disabilities as citizens with rights.

The Departments current strategy aims to put the person at the centre of services and policies. As well as the key reforms outlined below, there are some practical measures that the Department can implement to ensure that people with disabilities can access social protection systems on an equal basis.

### **We are requesting that the following key issues be considered in drawing up the Departments' strategy for 2016-2019:**

1. Make employment possible for people with an intellectual disability;
2. Introduce measures to address the cost of disability;
3. Introduce a statutory advocacy service;
4. Improve the accessibility of social welfare services;
5. Reform the social welfare application system.

## **1. Make employment possible for people with disabilities**

Having a job is accepted as essential in order for persons with intellectual disabilities to participate in mainstream society and take an active part in the community. Having a job helps to combat the institutional and systemic causes of poverty and social exclusion.

However, the labour participation rates for people with disabilities are extremely low with only three out of 10 adults with a disability of a working age having a job. Data from the Health Research Board (HRB) indicates that only 1% of adults registered with the National Intellectual Disability Database (NIDD) are in open employment<sup>2</sup>.

More than one third of people with a disability who are not in employment would like to have a job if the circumstances were right. Among young adults, this figure is higher at almost two thirds of young adults.

People with disabilities experience many barriers in accessing employment. These include financial barriers, negative societal attitudes, environmental barriers, the education system and lack of opportunity. Employers, service providers and policy makers all have a role to play in reducing the impact of these barriers and enabling and supporting people with disabilities to access employment. However, there are a number of actions that the Department of Social Protection can take.

People in receipt of disability payments are not classified as unemployed and are often restricted from participating in various labour activation programmes. Ensuring that persons in receipt of disability allowance are eligible for all current and future labour activation programmes would help to support people with disabilities to access employment opportunities.

The loss of secondary benefits (e.g. travel pass) makes the transition from welfare to employment extremely difficult, if not impossible, for people with disabilities. Many persons with disabilities feel that they are caught in a welfare trap.

Allowing persons in receipt of disability allowance to keep their secondary benefits when taking up employment would help to mitigate the increased costs that people with disabilities face.

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<sup>2</sup> Health Research Board (2015). Annual Report of the National Intellectual Disability Database Committee 2014. Dublin: HRB.

## **Recommended actions:**

- Introduce measures to allow persons in receipt of disability allowance to keep their secondary benefits when taking up employment.
- Introduce measures to ensure that persons in receipt of disability allowance are eligible for all current and future labour activation programmes.

## **2. Introduce measures to address the cost of disability**

Economic costs associated with having a disability mean that people with disabilities are more likely to experience poverty and social exclusion compared to others. They are twice as likely to live below the poverty line and also experience higher levels of consistent poverty. In the situation where there is a child with a disability in the family, parents are less likely to be employed and household income is lower.

Worrying as these figures are, they are likely to be an underestimation of the real level of economic disadvantage that people with disabilities experience. The Survey of Income and Living Conditions (SILC) looks mainly at income levels in assessing poverty and deprivation, but does not take into account the additional costs of having a disability.

Data from the UK shows that while 18% of households in general and 23% of disabled households are at risk of poverty when standard income measures are utilised, this rises to 47% when the additional costs of disability are factored in<sup>3</sup>.

There are two elements to cost of disability.

Firstly, people with disabilities are less likely to attend further education or be in employment. If they do have a job, they are likely to have lower earnings.

Secondly, people with disabilities generally have extra costs associated with having a disability; costs such as home adaptations, higher costs for energy & transport, higher medical costs and disability aids. These extra costs have been estimated to represent around 35% of disposable household income.

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<sup>3</sup> Wood, C. & Grant, E. (2010). Counting the cost. London: Demos

Addressing the cost of disability is an equality issue – people with disabilities have lower incomes compared to the population as a whole and have to spend more of their income to achieve the same standard of living as everyone else.

'A Programme for a Partnership Government' makes a commitment to increase some welfare payments and to introduce a new mobility scheme. While these measures are welcome and may go some small way towards alleviating poverty in the short term, they fall far short of the reform required to adequately address the cost of disability.

In its assessment of cost of disability in the UK, the Extra Costs Commission made a series of wide ranging recommendations such as: intervention by regulatory bodies where features of markets result in unfair costs for people with disabilities; reform of laws around taxi and private hire vehicles; and improving accessing to the internet and web accessibility so that customers with disabilities can shop around for better deals and access essential consumer information.

Inclusion Ireland is calling for the establishment of a Cost of Disability Commission to evaluate the additional, essential and recurring costs of having a disability and to make necessary recommendations to address these costs. Among other tasks, the Commission should examine the interaction between social welfare and taxation for people with disabilities.

Having accurate data on the number of people with disabilities experiencing poverty and the level of poverty experienced is key to implementing effective policies. Introducing disability-adjusted poverty and inequality estimates and equivalence scales would increase the accuracy of this data.

Addressing costs associated with having a disability can have a very real and substantial impact on the standard of living and social inclusion of people with disabilities and should be a key reform for the Department over the next few years.

**Recommended actions:**

- Establish a Cost of Disability Commission to identify the extra costs of having a disability and to make recommendations around necessary reforms.

- Introduce disability adjusted poverty and inequality estimates and equivalence scales to ensure policy making is informed by accurate evidence.

### **3. Introduce a statutory advocacy service**

Advocacy is crucial for enabling people with disabilities to enjoy their rights and entitlements. It is a key support to allow people to access essential social services, supports and information and to make an appeal where these rights have not been upheld.

Currently, advocacy services are provided through the National Advocacy Service (NAS) and the community and voluntary sector. However, advocates have no statutory powers to enter premises or make enquiries about people and service providers have no legal obligation to cooperate.

The many well publicised cases of violence and abuse perpetrated against people with disabilities in residential settings underscores the need for advocates to have statutory powers which would authorise them to enter residential services and to make enquires about the situation of people living there.

The Minister has responsibility for advocacy for people with disabilities, which is funded through the Citizens Information Board (CIB). However, only one type of advocacy is supported and the lack of a coordinated approach to advocacy, coupled with significant cuts to voluntary groups, has left a sector fragmented and under-resourced. The demand for advocacy supports far exceeds supply. The NAS has 33 advocates, yet there are around 600,000 people with disabilities in Ireland.

The Citizens Information Act 2007 provides for a Personal Advocacy Service for people with disabilities. The Minister has the power to sign the commencement order for this service. The commencement order should be signed without any further delay.

'A Programme for a Partnership Government' makes a commitment to establish an independent patient advocacy service. However, despite the stated desire to empower people with disabilities to live independent lives, there is no commitment given to placing advocacy on a statutory footing.

However, instead of an independent patient advocacy service, Inclusion Ireland believes that a National Advocacy Authority should be established that has responsibility for coordination and oversight of all advocacy services to persons in receipt of public services.

A National Advocacy Authority would take overall responsibility for advocacy in all its guises and would be independent of Government in a similar way to the National Disability Authority (NDA) and the Health Information & Quality Authority (Hiqa).

**Recommended actions:**

- The Minister should sign the commencement order to introduce the Personal Advocacy Service provided for in the Citizens Information Act 2007.
- Establish a National Advocacy Authority.
- Provide funding for a broad spectrum of advocacy, including self-advocacy.

#### **4. Improve the accessibility of social welfare services**

Persons with intellectual disabilities and their family members have a right to access public services in a manner that is understandable and accessible to them.

Public bodies and Government departments have obligations under the Disability Act 2005 to ensure that their services are accessible to people with disabilities. The Citizens Information Board (CIB) and the National Disability Authority (NDA) have published guidance for public bodies on how to make information and services accessible.

Plain English is a way of presenting information that helps people to understand it the first time they read or hear it. The National Adult Literacy Agency (NALA) has produced plain English guidelines, which Inclusion Ireland has adopted.

The Department should also ensure that its website is fully accessible and incorporates a number of accessibility functions. These functions could include the website being responsive to the width of a person's screen (mobile phone, laptop, tablet or desktop etc); use of icons so people can easily navigate around website; and installing Texthelp's BrowseAloud App that offers digital accessibility features.

The Department should also consider including a 'How to fill out this form' information guide with each of its application forms for social welfare payments. This measure will make applications easier to complete and will cut down on the number of appeals and delays.

### **Recommended actions:**

- Ensure that 'How to fill out this form' information guides are designed to accompany application forms.
- Incorporate plain English guidelines in all the Departments communications.
- Review accessibility features of websites under the Department's control.

## **5. Reform the social welfare application and appeal system**

Figures from the Department show that people looking for welfare payments can wait up to a year to have their application cleared.

The average processing time for payments in 2016 is currently 17.3 weeks for a decision by officials and 24.3 weeks for an appeal which required an oral hearing. This equates to almost 10 months<sup>4</sup>.

The figures show that some categories of welfare payments can take well over a year in cases where an appeal is involved. For example, figures show that applications for the domiciliary carers allowance averages 23 weeks for a decision and another 28 weeks for an appeal to be decided.

The Social Welfare Appeals Office Annual Report 2015 showed that almost 60% of social welfare appeals that were made by people who were unhappy with decisions about their entitlements were upheld last year<sup>5</sup>.

The report also indicated that a high proportion of people who were initially denied their social welfare payments were left waiting almost six months to have the initial decision rectified.

A representative from the Free Legal Advice Centres (Flac) has previously stated that there is a potential problem with decision-making by welfare officers and that better first-instance decision-making could reduce delay, bureaucracy and spending within the Department.

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<sup>4</sup> John Downing, 2016, 'Waiting up to one year for welfare approval is unacceptable' - O'Dea, The Herald.

<sup>5</sup> Kitty Holland, 2016, 'Nearly six out of 10 welfare appeals upheld in 2016', The Irish Times.

**Recommended actions:**

- Recruit or internally deploy additional staff as deciding officers in the various schemes to reduce waiting times to eight weeks.
- Introduce urgent reform of social welfare applications and appeals systems.