



INCLUSION IRELAND

National Association for People with an Intellectual Disability

Submission to the Department of Employment Affairs and Social Protection

**On Make Work Pay Report
Recommendations 9 & 10**

April 2018

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Ireland plain English guidelines.**

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Easy to Read Summary



This submission is about some of the recommendations of the Make Work Pay Report



The Make Work Pay report was all about making sure that people with disabilities can access work in a fair way.



Less people with disabilities work than people without disabilities.

The Work Pay report recommended some actions to help people with disabilities.



Inclusion Ireland thinks that most of the recommendations are good but we have some suggestions to make the recommendations even better.



At the moment, people with disabilities get Disability allowance at 16 years old.

The Make Work Pay report recommends that people should get this payment at 18 and not 16.

For people with high support needs, the report said the payment should be paid to their carer until 18 years.



Below are some changes Inclusion Ireland thinks would make the Make Work Pay recommendations better than they are now.

The level of Disability Allowance for people aged 18-22 years should not be linked to jobseekers payment.



Before any change to the age people get disability allowance happens, A Cost of Disability Commission should be set up, to see what the changes to payments would really mean for people with disabilities.

People may have less money than before the changes.

The Department of Employment Affairs and Social Protection should consult with people with disabilities who are aged 16-18 to find out what the changes would mean for them.



There must be career guidance services for people in special schools, this must include lots of options and choice for after school and not just HSE services.

Funding should be available for people with disabilities to go to college and learn new things. There should be lots of options in higher education.

People with disabilities should not have to pay college fees. There needs to be more support and training for young people to get jobs.

These supports should be available in mainstream services like INTREO offices



SOLAS

An tSeirbhís Oideachais Leanúnaigh agus Scileanna
Further Education and Training Authority

There should be more opportunities to do internships and traineeships through SOLAS.

This will help people enter the workforce.



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

A person should be allowed to enter HSE services after trying Higher Education or work.

This will support the person to try lots of options without being afraid that things might go wrong.



If a person tries working for a while and it doesn't work out, they should be able to get their disability allowance back quickly.

Grants for transport need to be put back in place so that people with disabilities can get to college and work.



People should not be forced to do work that does not suit them.

People should have the supports they need to do their job well if they do have a job.

This includes, training mentoring and personal assistance.

1. 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.

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. Inclusion Ireland's work is underpinned by the values of dignity, inclusion, social justice, democracy and autonomy.

2.1 Introduction

Inclusion Ireland welcomes the opportunity from the Department of Employment Affairs and Social Protection (DEASP) to comment on the Recommendations 9 a), 9 b) and 10 of the Make Work Pay Report. Inclusion Ireland broadly welcomes these recommendations but is concerned that they are being implemented in the absence of proper impact analysis, cost of disability analysis or openly consulting with the young people who will be affected by the change to the entry age of the Disability Allowance Scheme.

People with a disability, experience or risk poverty at rates more than double the population as a whole. Employment is one way to reverse this trend. Inclusion Ireland will make recommendations that can enhance the proposals of the Make Work Pay Report. There are many additional costs to living with a disability whether a person is in employment or not and these must be examined via a Cost of Disability Commission.

Some of the recommendations within this submission may fall outside of the remit of the DEASP. However, it is the belief of Inclusion Ireland that responsibility for early engagement on employment and education for people with a disability requires a joined up approach involving other Departments and the HSE.

2.2 The Public Sector Duty

Government departments are required to have regard to the public sector duty in all activities as provided for by Section 42 of the Irish Human Rights and Equality Commission Act, 2014.

Inclusion Ireland would encourage the DEASP to ensure that all decisions made in relation to Make Work Pay are in line with this duty by being proactive in promoting equality, ensuring human rights are realised and eliminating discrimination.

3. Recommendation 9: Reconfigure the Disability Allowance scheme for new entrants to give effect to the principle of early intervention, as follows:

a. Support for 16-18 year olds with significant support needs, which is currently paid by means of Disability Allowance, to be paid via Domiciliary Care Allowance up to 18 years of age.

The Make Work Pay report notes that many people enter the Disability Allowance scheme and never work or leave the scheme.¹ It is however unclear if this alarming statistic would change if the age of entry to the scheme was raised to 18. The main reason for people remaining on the scheme is that up to now the DEASP has historically not engaged people receiving Disability Allowance around taking up employment opportunities.² It is acknowledged that the longer a person is on a social welfare payment the more difficult it is to gain or get back to employment. In this regard, changing the entry age to 18 makes sense but supports to obtain employment as discussed below must be put in place prior to any change to the scheme being implemented.

The Disability Allowance scheme is only available to people who as a result of their disability are “*substantially restricted*” in undertaking work that would otherwise be suitable for a person of their “age, experience and qualifications”.³ Because the payment requires a person to be severely restricted from taking up work, there is naturally a fear associated with even looking for work, in case the payment is ceased.

¹ Make work pay for people with disabilities, A Report to Government, 2017.

² *ibid*

³ www.citizensinformation.ie

One of the most affected groups from a financial perspective will be young people with a disability who would qualify for the Disability Allowance at 16. They will lose out on €198 per week.⁴ This group of people have yet to be asked for their opinion on the changes to the scheme.

However, those who will experience the greatest financial loss are young people with disabilities who live in residential care settings. They will completely lose out on access to Disability Allowance at 16 and not feel the benefit of the extension of Domiciliary Care Allowance up to 18. While there is a proposal to continue the payment of Domiciliary Care Allowance up to 18 this is a payment to the carer. It does not have to be spent on the young person. By contrast the Disability Allowance is paid to the young person or must be spent to their benefit if an agency arrangement is in place.⁵

It is unclear from the Make Work Pay Report if an impact analysis has been carried out on the young people this change will affect. Many of these young people will experience costs to living with a disability. While young people without a disability can take up part time employment, to have an income is a rare occurrence for young people with a disability.

Recommendations:

- The DEASP should establish a Cost of Disability Commission which would report on the extra costs of living with a disability including for young people (aged 16-18).
- The DEASP should conduct an impact analysis of the proposed changes to the Disability Allowance scheme. This analysis should include the young people who live in residential care. If an analysis has previously been conducted it should be made public.
- It is critical that the DEASP consult with young people who will be affected by the change to the Disability Allowance scheme prior to any change taking place.
- Any change to the entry age to the Disability Allowance scheme must be preceded by the provision of supports around early engagement for real jobs, accessible training, changes to accessing HSE services and access to career guidance in schools. Not all of these are within the remit of the DEASP and each is discussed below.

⁴ As of March 26th 2018.

⁵ www.welfare.ie

- An interagency and inter-department, joined up approach is required to develop effective early engagement of young people with disabilities to find work.

4. Recommendation 9: b. Explore possibilities for the reform of the structure of the Disability Allowance for those between the ages of 18-22 to focus on participation in education, training and/or social inclusion according to individual capacity.

A previous proposal was to align Disability Allowance with the lower rate of Jobseekers Allowance for younger people as a cost cutting exercise.⁶ The proposal was to save €36m in a full year. The previous proposal, if carried out as part of this review, would further risk people with disabilities falling into poverty. In 2015, 35% of people with a disability were at risk of poverty and 22.4% were living in consistent poverty. This is more than double the rates in the population as a whole.⁷ A reduction in the already poor income of young people with disabilities would further risk the likelihood of them falling into poverty.

Recommendation:

- The level of the Disability Allowance payment for younger people (18-22) should not be reduced in line with Jobseekers Allowance under any circumstances. Any realignment should be to restore Jobseekers Allowance to parity with other payments.

4.1 An inflexible system

The lack of ambition and flexibility in the 'system' starts early for people with a disability, especially young people with an intellectual disability. For example, there is no career guidance in special schools. In addition, almost 2/3's of Disability Allowance recipients have not completed the senior second level education cycle.⁸

When young people with a disability do leave school they may come into contact with a Guidance Officer in the HSE. The only options for discussion are HSE funded day services. If a person would like to try employment or higher education they must look elsewhere and with no guidance counsellor in special schools, it is unclear where such guidance

⁶ Advisory Group on Tax and Social Welfare, Second Report, 2012.

⁷ The Survey on Income and Living Conditions, 2015.

⁸ Ibid

can be sought. Once a person is no longer a school leaver they are not a priority for the HSE. If employment or education do not work out there is an almost zero possibility of accessing a HSE funded day service at a later stage. Other school leavers may defer a college place if they wish; a similar accommodation must be available for school leavers with a disability in relation to a HSE funded service.

Recommendations:

- Career guidance must be made available to young people in special schools. A whole range of post school options should be explored; not just HSE funded services.
- A person should be allowed to access a HSE funded day service at a later time or be allowed to defer a place. This will allow them to try employment or further education and training without the fear of not having a backup support should their circumstances change or a job or education not work out.

4.2 Cost of disability

As noted, many people with a disability experience poverty at rates more than double the population as a whole. There is a cost to having a disability and attaining the same standard of living as people who do not have a disability. Additional costs include: additional heat, prepared foods, transport costs, specialist aids and equipment, etc. Studies have put the cost of living with a disability in Ireland at between €207 - €276 per week.⁹

The cost of disability, especially relating to accessible transport, has a significant impact on people taking up work. The Motorised Transport Grant and the Mobility Allowance were closed to new entrants in 2013. Despite promises, no replacement scheme has been established. These allowances made getting to work possible for many people with disabilities. While all recipients of Disability Allowance have a free travel pass, accessible transport and indeed transport itself are not always available.

During Inclusion Ireland's consultation with disabled people for Budget 2018 people noted the following:

"Reinstatement of the mobility grant (is needed). This had left families in desperate financial distress and has left many disabled people in rural areas without transport."

⁹ The private economic cost of disability in The Economics of Disability, Cullinan J & Lyons, S (2015)

"More bus routes for people living in rural areas. More frequent buses in towns. Community life is essential for good mental health and social interaction."

"The trains ramps can be very dangerous, its wearying & time consuming arranging access. Transport is by no means EQUAL. Carrying disabled people out of their wheelchairs onto Bus Eireann buses (Letterkenny) is obscene and dangerous in the 21st century."¹⁰

Recommendations:

- Establish a commission to examine the Cost of Disability in Ireland.
- In the interim period, introduce a replacement scheme for the closed Mobility Allowance and Motorised Transport Grant to allow people with disabilities who need it to get to work.

4.3 Supports for further education & training

It is widely acknowledged that the further a person has progressed in education; the greater chances they have of obtaining employment.

There is a small number courses in higher education institutes for people with intellectual disabilities. The people who attend these courses are some of the only undergraduate students paying tuition fees and maintenance grants are not available.

There are other initiatives in higher education run by disability services. For example, Kare pioneered the 'Inclusive Learning Initiative' in NUI Maynooth. People with intellectual disabilities were supported to attend undergraduate programs in the university. However, funding for the program has ceased and it is set to discontinue.

A significant barrier to further education and training is accessible courses. There are few QQI level 3 courses available that lead to real jobs or further training for people with intellectual disabilities in mainstream services.¹¹

Recommendation:

- Funding should be provided to enable people with disabilities to attend college without fees and to be provided with supports such as in the Kare example if required.

¹⁰ Pre-Budget Submission to Department of Transport, Tourism and Sport, Inclusion Ireland, 2017.

¹¹ Accessing Mainstream Training: Barriers for People with Intellectual Disabilities, WALK, 2015.

- Solas and the Education and Training Boards should develop courses that are at accessible levels for people with disabilities.

5. Recommendation 10: Apply the principle of early intervention across all illness and disability schemes, adapting existing schemes where necessary to give effect to this principle.

As noted in the survey of Disability Allowance recipients many people with a disability want to work and are willing to engage in finding work. However, finding work for people with a disability, especially an intellectual disability is not easy. According to the National Intellectual Disability Database less than 1% of people with an intellectual disability are in open employment.¹² When others who are not on the database are included, about 17% of people with an intellectual disability are in employment.

The greatest barrier to people with a disability taking up work is the level of their disability in about 75% of cases.¹³

Recommendations:

- No person with a disability should be forced into unsuitable employment that they will not be sustainable without support.
- People who do take up employment should have personal assistance and training support to do so if required.

5.1 Early engagement good practice

Inclusion Ireland believes that recommendation 10 does not go far enough in how it envisages early engagement. There are small scale examples of how young people with a disability can be engaged at an early age. WALK Peer has received funding from the Department of Social Protection previously to engage young people (age 16 – 24) with intellectual disabilities in further education and employment.¹⁴ The model has been shown to be effective in its pilot stage in engaging people in work and education and also in terms of its cost effectiveness. The model involves engaging young people with a disability while still in school to look at options for employment and further education and training. The aim is to divert young people away from a life dependant on disability services and welfare dependency where possible.

¹² Health Research Board (2016). NIDD 2015 annual report tables and figures.

¹³ Report on Disability Allowance Survey, DSP, 2015.

¹⁴ www.walk.ie

Recommendation:

- Further develop models of engagement similar to WALK Peer and look to mainstreaming this early engagement model in INTREO offices.
- Career guidance counselling must be available to young people in special schools and cover more than HSE funded day services.

5.2 Training good practice

Kare a disability service provider has piloted 'Project Search' in Naas General Hospital. Project Search gives young people with a disability a chance to learn on the job over a 9-month internship period. The people on the internship learn real skills to enable them to take up real jobs. This is only one example of apprenticeships or traineeships that can prepare people with a disability for real employment. At present such examples are the exception rather than the norm.

Recommendation:

- The DEASP should engage with Solas and the business community to establish appropriate traineeships that lead to jobs for people with disabilities. This may involve on the job support such as training and mentorship.

5.3 Re-applying for Disability Allowance

The Make Work Pay Report notes many barriers to people with a disability taking up employment. Inclusion Ireland regularly consults with persons with a disability and they report similar barriers. The barriers to taking up employment have been noted as the loss of free transport, the loss of the medical card, loss of secondary benefits and the difficulty in reapplying for Disability Allowance should the job not work out.

The application for Disability Allowance is onerous and problematic. Waiting time for a decision on an application is at least 12 weeks. However, as there is no guide to completing the form many people are refused their application. Of appeals lodged Disability Allowance has the highest rate of appeal for any scheme.¹⁵ Approx. 76% of appeals are allowed or partially allowed. An appeal can take an additional 12-16 weeks meaning a total application period of more than 6 months. This ordeal is putting people off taking up employment.

¹⁵ Written Answer to PQ 18341/17, 11 April 2017.

The DEASP has recently tendered for training in making information plain English. Inclusion Ireland welcomes this step and looks forward to seeing this in action. The DEASP must also be commended for the multi-format versions of the Make Work Pay report which is a public sector exemplar in accessible communication.

Recommendations:

- Employ additional deciding officers to speed up applications, reviews and appeals.
- Any person returning to the Disability Allowance payment within a 2-year timeframe of taking up work should be deemed to meet the medical criteria. Their application should be approved within a two-week maximum period. The DEASP has indicated such a 'fast track' system is in place or due; people should be informed.
- The DEASP should publish a short factsheet detailing the secondary benefits that may be retained and a 'fast track' reapplication process for Disability Allowance. The factsheet should be available in multi formats, similar to the Make Work Pay report itself.