

DPO Network Consultation Response to the Green Paper on Disability Reform

April 2024

About the DPO Network

The DPO Network is an alliance of five national Disabled Persons' Organisations in Ireland. We work together to help ensure that the CRPD in Ireland is fully implemented.

The five DPO member organisations are:

- I Am – Ireland's National Autism Advocacy Organisation
- Disabled Women Ireland (DWI)
- Independent Living Movement Ireland (ILMI)
- Irish Deaf Society (IDS)
- National Platform of Self Advocates

The DPO Network relies on disabled people's lived experience, expertise and analysis and is led and informed by the active input of disabled people. Their input provides a unique opportunity for an analysis of the issues faced by disabled people that truly covers all areas of society.

The DPO Network is committed to the human rights and social model of disability. This model says that the exclusion, inequality, and discrimination that disabled people experience is not because of a person's disability but due to economic, cultural, social, and political barriers that continue in society.

Introduction

The DPO Network welcomes the opportunity to provide comment on the Green Paper on Disability Reform published by the Department of Social Protection in September 2023.

The Green Paper proposes to replace multiple existing long-term disability payments with a single scheme, the Personal Support Payment. This proposed payment offers 3-tiers of supports based on an assessment of a person's "ability to work". In addition, it proposes new in-work supports along with a proposal to raise the age of accessing the Personal Support Payment to 18.

The Green Paper is part of a commitment by Government, as set out in the *Roadmap for Social Inclusion 2020 - 2025*, to reduce the number of people in consistent poverty and increase the social inclusion of those most disadvantaged including disabled people.

It is our belief that income support is a critical factor in moving people out of poverty. We see the proposals set out in the Green Paper as the beginning of a discussion on how best to reform disability-related payments in order to better support disabled people and protect them from poverty and social exclusion. However, it is our opinion that the proposals set out in the Green Paper fall short of their objectives and that not enough is being done to ensure that disabled people can gain and maintain employment. In addition, the proposals do not take account of the barriers to work that disabled people face.

We believe that this policy reform must acknowledge and reflect the extra costs faced by disabled people on a daily basis and recognise that such costs can increase significantly when a person takes up employment.

We also believe that there is a need for a clear distinction between welfare reform and the needs and challenges of disabled people accessing employment.

It is important to note that DPOs were not involved in the development of proposals within the Green Paper. This lack of engagement and guidance from DPOs led to many people feeling blindsided and fearful of the proposals and their interpretation by the media. Had the Department of Social Protection engaged with DPOs, as the representative voice of disabled people, this may have been prevented. A process of co-creation to develop policy on income supports is needed which entails disabled people, through DPOs, working in partnership with the DSP. The involvement of disabled people and their organisations in "the development and implementation of legislation and policies" is one of the general obligations under the CRPD (Article 4.3). We call on the Department of Social Protection to seriously consider these points and engage in co-creation processes with DPOs in the development of all future policies.

DPO Network Members: As I Am - Ireland's National Autism Advocacy Organisation, Disabled Women Ireland (DWI), Independent Living Movement Ireland (ILMI), Irish Deaf Society (IDS), National Platform of Self Advocates. Chairperson – Jacqui Browne, chairperson@dponetwork.ie. www.dponetwork.ie

Our submission is developed in response to the list of questions set out in the consultation and is in two parts. The first part looks at general issues related to disability-related reform including rights and the cost of disability and the second part looks at the specific proposals set out in the Green Paper.

Part 1

Disability Rights and Welfare Reform

The DPO Network believes that the high level of poverty facing disabled people in Ireland represents a systemic failure of government.

In Article 28 of the CRPD, the Irish Government, as a signatory to the Convention, is required to: “recognise the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions”. Yet, the economic security of many disabled people in Ireland continues to worsen. According to the Survey of Income and Living Conditions (SILC) for 2022, the consistent poverty rate for disabled people is 19.7%, nearly nine times that of people in work.

Employment opportunities for disabled people have failed to increase, and housing is a bigger issue than ever before, with only limited affordable and accessible accommodation available. Basic costs such as utilities, transport and food, have been increasing, which has made the lives of people in receipt of disability-related income supports, who already face disadvantage, increasingly difficult.

Article 27 of the CRPD requires Ireland to: “recognise the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.” Yet, employment rates among disabled people are very low, causing financial hardship and reinforcing social exclusion.

The cost of disability is a critical factor which must be considered in the reform of disability-related supports. Disabled people face significant costs in negotiating their daily lives which are not faced by non-disabled people as indicated in the recent Indecon study (2021) commissioned by the DSP. These costs can increase when a person starts work and may include increased use of transport and additional needs relating to employment such as personal assistance and equipment costs and loss of entitlements.

Key Points

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1. The DPO Network does not believe that the Green Paper proposals adequately acknowledge and address the costs of disability.
2. There should be no link between income supports and capacity to work in the reform of a disability-related payment system.
3. A person's capacity to work can depend on the nature of the job they get, the extent of supports available to them and the presence or absence of participation barriers including employer attitudes. Any process to assess the ability to work should identify and take into account these barriers. Barriers include a lack of appropriate and informed career guidance both in schools and in INTREO, the public employment service, inadequate transport services and a lack of access to reasonable accommodations and workplace discrimination.

Part 2

The DPO Network's response to the Green Paper proposals

In this section, each point relates to a question asked in the *Questions for Consultation* developed by the DSP as part of the consultation process.

Section 3 Proposals

1. The DPO Network agrees that there should be a single payment system to replace the multiple long-term disability payments. This system should be underpinned by the social model of disability and a human rights approach to income supports.
2. We disagree with a “tiered” system based on capacity to work as this would reinforce the medical model and make assumptions about ability. There should be no link between income supports and capacity to work. We recommend a flat rate of payment for all with “add-ons” based on an individual’s circumstances and needs.
3. We question the capacity of the employment services, INTREO, to adequately engage and support disabled people into employment. It is our opinion that INTREO does not have the understanding, skills or competencies to effectively support disabled people in accessing employment.
4. The DPO Network has insufficient information to offer a view on the Working Age Payment employment supports.
5. We agree with the idea of transitioning people already in receipt of a disability payment to a new approach on a no-loss basis.

Section 4 Tiered Proposals

- 1./2. We do not agree with a tiered approach/definitions of tiers or the categorisation of people based on “capacity”.
3. We question the capacity of the public employment service, INTREO, to engage with disabled people. INTREO staff require skills, knowledge and attitudinal training to effectively support disabled people in accessing employment. It was highlighted that many disabled people have reported distrust and negative experiences of INTREO. Many services were reported as inaccessible and that the attitudes of INTREO staff was a barrier to successful engagement. In addition, many disabled people are directed to disability-specific services such as EmployAbility and NLN rather than mainstream services. Alternative mainstream career options such as apprenticeships and further education through Education and Training Boards should be offered by INTREO staff.

4. The assessment approach should be based on a social/human rights model of disability and should include the participation of disabled people in assessment design. Medical assessments of disability go against the concept of disability in the CRPD.

In addition, many disabled people believe that the input of their GPs should be sought and considered.

Section 5 In-work Support

1. In-work supports should be aligned and accessible to all. Supports must acknowledge and respond to the support needs of disabled people such as access to a Personal Assistant service, accessible transport and reasonable accommodations like flexible working hours.
2. More information is required on the Working Age Payment in order to review the ways in which the additional costs of disability for people in work must be acknowledged and considered.

Section 6 Eligibility

1. There is confusion in relation to this question and we are not in a position to respond. We do, however, believe that eligibility requirements for the means testing threshold should be higher and that a better approach to the process of means testing be developed in consultation with disabled people.
2. We agree that the age requirement should be raised. However, some concerns were highlighted. Reasons for raising the age of entry included the importance of encouraging young people to stay in education until they reach the age of 18 and thereby not becoming benefit dependant at an early age. It was acknowledged that some young people they experience barriers due to the extra costs of disability. For example, there may be additional expenses, such as transport costs, for young Deaf people who may wish to socialise outside of their hometown/city due to inaccessible events. We suggest that free travel should be extended to disabled young people from the age of 16 years should the age criteria be raised to 18 years.
3. We agree with the transitions from Domiciliary Care Allowance to the proposed Personal Support Payment as long as there is no loss of income support.

Concluding Observations

The DPO Network advises that the Department of Social Protection must also consider the following observations:

1. The obligation to acknowledge and reflect the rights committed to by Ireland under the UN CRPD in the development of a new system.
2. All future DSP policy and documents should be based on the principles of co-design and commit to undertaking a co-design process with DPOs.
3. Separate financial supports for the extra costs of disability from welfare payments.
4. For disabled people who currently do not qualify for free travel or a medical card and, in recognition of the extra costs of disability, consideration should be given to the allocation of free travel and the GP visit card at a minimum.
5. Align eligibility criteria for disability-related payments in accordance Ireland's human rights obligations under Article 28 of the UN CRPD.
6. Ensure eligibility criteria and assessments for the proposed payments are in line with the social model of disability and account for disabling barriers in society rather than being limited to medical assessments of the impact of impairments on functional capacity.
7. Upskill employment services staff to support disabled people who wish to enter and remain in the workplace.
8. Upskill INTREO staff to engage with Further Education and Training services such as the Education and Training Boards to provide access to mainstream employment supports and opportunities.