

Submission to the Public Consultation on the Review of the Disability Act 2005

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Introduction

Rehab Group is an independent voluntary organisation that has supported adults and children with disabilities for more than 75 years. As a campaigning and advocacy body, we represent the voices of the 12,500 individuals who currently access our services, as well as their families.

Our mission is to empower those we support to live more independent lives and to participate fully and meaningfully in their communities. We achieve this through the delivery of high-quality, flexible, and sustainable services in care, learning and education, training, and employment.

We are a rights-based, inclusion-focused organisation, operating through three key divisions: RehabCare, National Learning Network, and Employability and Social Enterprise.

The Disability Act 2005 was enacted before Ireland ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and is rooted in a policy framework that no longer reflects Ireland's commitments under the Convention. While amendments to specific provisions may be necessary, incremental changes alone will not address the fundamental shortcomings of the Act.

Rehab Group considers this review an important opportunity to reshape the legislative framework governing disability in Ireland and to ground it in the principles of the UNCRPD. It should be within a rights-based approach with a clear focus on upholding the rights, dignity and autonomy of people with disabilities. This includes strengthening mechanisms for accountability, removing barriers to inclusion, and ensuring meaningful opportunities for people with disabilities to have a say in the decisions that affect their lives. Legislation must also support access to appropriate services and supports, enabling people to live as independently as possible and to be active, valued members of their communities. Ultimately, the review should lead to a contemporary and effective framework that reflects Ireland's commitment to equality, human rights and person-centred support.

In preparation for this submission Rehab Group surveyed 95 people who use our services across 12 focus groups across the country.

1. Definition of Disability

The Disability Act represented a significant step forward in recognising and advancing the rights of people with disabilities, its existing definition continues to reflect aspects of a medical and deficit-based perspective. By placing emphasis on impairment and limitations in functioning, it does not fully capture the social and structural factors that shape disabled people's experiences. The barriers created by society restrict opportunities and prevent people from participating on an equal basis.

Rehab Group believes that any revised Disability Act should reflect a rights-based understanding of disability, informed by the social model and consistent with the principles and obligations set out in the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Disability should be understood in the context of the relationship between a person's impairment and the physical, social, attitudinal, communication, institutional and other barriers they may encounter. This approach recognises that these barriers can significantly limit a person's ability to exercise their rights and participate fully in society.

Bringing the definition of disability into line with the UN Convention on the Rights of Persons with Disabilities (UNCRPD) would help establish a stronger and more contemporary basis for legislation and public policy. It would support more effective approaches to service planning and the provision of appropriate supports, while ensuring that the Disability Act reflects current understandings of disability and Ireland's wider commitments to equality, inclusion and human rights.

Rehab's focus group participants felt that the Disability Act 2005 definition is too restrictive, complex, and difficult to understand. The word "restriction" was particularly criticised, as participants felt it suggests that people with disabilities are unable to do things, whereas with appropriate support, accommodations, and sufficient time, they can participate in many everyday activities.

Participants also felt the definition focuses too much on the individual's limitations and does not adequately recognise the social and environmental barriers that can prevent disabled people from participating fully in society. They suggested that the definition should place greater emphasis on ..

2. Assessment of Need

The Disability Act 2005 is primarily focused on assessment processes and access to services. While important, it does not establish a clear and enforceable right to independent living. As a result, many people with disabilities continue to be denied access to the personal assistance, accessible housing, and community-based supports necessary to live with dignity, autonomy, and full participation in society.

Under the Disability Act 2005, any child or young person born on and after June 1st, 2002, is eligible for an independent assessment of their health and educational needs. This entitled people to:

- Apply for a free comprehensive assessment carried out by the Health Service Executive regardless of service costs and available resources.
- A relevant service statement.
- Access to an independent redress enforcement system.

A recent 2026 NUIG study highlighted several issues relating to the realisation of the Act, most significantly, issues pertaining to the assessment of needs. Concerns raised related to the assessment of needs, failure to link the assessment of needs report to the service statement, ongoing failure to realise the identified needs, the complaints mechanism, and the failure to court access other than on a legal technicality. The process is not fit for purpose, once people reach this point. There are significant delays.

Statutory Timelines Need to be Reconsidered

Very few assessments take place within the statutory six-month deadline set out in the Act. Presently, there are more than 23,000 awaiting an assessment, an increase of over 52% in the last year. This means that the State is in breach of its obligations as per the Act. The Irish Human Rights and Equality Commission note that systemic delays constitute a continuous breach of human rights.

There is an enforcement system in place, however this is flawed. Quinlivan and O'Mahony, 2026 report highlights that there is an acceptance that such delays are inevitable and are administratively managed rather than the legal requirement for provision being enforced. It was acknowledged that families will be generally accepting if communicated with effectively...once they know that the statutory timeline will not be honoured.

If the assessment of need is completed, it is not always adequately linked to the relevant service statement. If the assessment links the need of the disabled person to the service statement, it does not guarantee that this will result in accessing necessary services with many finding that services and supports are not available.

There is a statutory loophole which states that service provision is dependent on available resources and finances. Therefore, whilst an assessment of need is a statutory right, delivery of services as per the service statement is not.

HIQA standards require assessment of needs to be comprehensive, accurate and up to date. Yet, it has been found that service statements are too general, again, with inadequate resources and no legal entitlement to any services or resources outlined in the service statement. There is an accountability mechanism in place, however, this does not work well. The system places all onus on the person/family to pursue accountability rather than the State being held accountable for not meeting legal requirements. Section 20 of the Disability Act 2005 notes that decisions made by a Disability Appeals Officer is final and cannot be challenged in court unless on a point of law.

It is important to consider that the Disability Act passed into Irish law in 2005, three years before Ireland adopted the UNCRPD. Ireland formally ratified the UNCRPD in 2018. The above-mentioned issues highlight gaps between Irish domestic legislation (Disability Act, 2005) and its human rights obligations under the UNCRPD. The disconnect between an identified need and a vacuous service statement breaches several core UNCRPD articles, namely, Article 4, Article 19 and Articles 25 and 26

What is not working well of Part 2 of the Act is best reflected in court rulings of the following cases:

- *RY & anor v Health Service Executive & Anor* (2025)
- *C.D. (A Minor) v Health Service Executive and Another* (2024)
- *O'Driscoll & anor v Health Service Executive* (2022)

Collectively, these cases highlight Ireland's domestic and international breaches of its human rights obligations under the UNCRPD. Furthermore, they provide empirical proof that the Disability Act, 2005 is not fit for purpose.

Recommendations:

- **Timely completion:** Guarantee timely completion of assessments and require Service Statements to specify binding delivery timelines.
- **Shift from paper rights to enforceable rights:** Disability supports should be defined as enforceable rights rather than benefits, with clear statutory duties on relevant public bodies. Presently, families with completed assessments continue to wait years on waitlists for services. A system that guarantees timely access to services is needed.
- **Alignment with UNCRPD:** UNCRPD views disability through a human rights lens as opposed to a medical or charitable lens. Alignment with this ensures that access to services is treated as fundamental human right, not a luxury.
- **Strengthen Enforcement and Accountability:** Introduce enforceable obligations subject to independent review
- **Establish a Single Point of Access for Children and Families:** The Act should establish a single-entry pathway for children and families seeking disability, primary care or mental health supports. A Single Point of Access model would help ensure children are directed to the most appropriate pathway and to reduce duplication and confusion within the system. Reform should ensure that families receive clear, accessible information and guidance throughout the process.
- **Lifelong continuity:** The current system is extremely taxing and does not support a positive transition from child to adult services. To support this transition, a free and comprehensive assessment of need should be conducted before children enter adulthood. A “cradle to grave” framework targets each distinct developmental and social stages of a disabled persons’ life and promotes a lifelong system of State accountability and support, regardless of age.
- **Better Integration Between Assessment and Intervention:** Reform should ensure that children and families receive support as early as possible, and assessment processes and subsequent service statement should be integrated with service provision rather than operating as standalone activities.
- **Address Workforce and Service Capacity:** Any reform of the Disability Act should therefore be accompanied by investment in staffing and service provision if better outcomes for children and families are to be achieved.

Examples of International Good Practice that May Help Advance the Implementation of UNCRPD within Part 2 of the Act:

International good practice examples include Sweden's LSS Act and Germany Federal Participation Act. Sweden shifted from a medical based assessment to an enforceable rights-based system. Most notable, the Swedish system separates the assessment of need from budgetary constraints, meaning that an entitled service cannot be refused due to lack of funds. The LSS shifted disabled people from passive recipients of care to active citizens. People gained fuller self-determination over who supports them, when and how. In turn, people moved from family homes and institutional care settings to their own chosen independent living arrangements.

Germany formally aligned its domestic and social legislation with the UNCRPD. Its person-centred assessment approach enables people to exercise their rights to spend their own personal budget on their own chosen supports and staff. Similar to the Swedish system, the positive impacts are increased self-determination. With people having control over their own personal budgets, resulting in increased educational, community inclusion and more independent living arrangements.

Common themes in Sweden, Germany and Scotland are that the State cannot use lack of resources or long waitlist as a valid excuse for lack of services. Once an assessment proves a need for a service, the State must provide it. Secondly, there is a shift of power from bureaucratic State to the disabled person through personalised budgets or self-directed supports. Also, there is a keen focus on lifelong inclusion across all three of these States. Disability is not viewed as a medical condition that must be treated in childhood. Their laws are drafted to fund a persons' independence, employment and social life, at all stages of their life.

In short, the above examples prove that disability law must guarantee access to services, not merely the right to an assessment.

3. Access to Buildings, Services and Public Infrastructure

1. Building Accessibility

Access to public buildings and services remains a fundamental requirement for participation in society. While Part 3 of the Disability Act represented a significant step forward when introduced, many disabled people continue to experience barriers in accessing public buildings and services in practice. There remains a significant gap between legislative requirements and the lived experience of disabled people.

A major theme amongst Rehab Group focus group participants was issues with physical accessibility. Participants reported narrow or heavy doors, inaccessible entrances, steps and kerbs, faulty automatic doors, lifts that are regularly out of order, unsuitable toilets, and buildings that are difficult for wheelchair users or people with visual impairments to navigate.

“In our local county council offices the doorways aren't wide enough.”

A key concern is the lack of effective monitoring, enforcement and accountability mechanisms. Many people who encounter inaccessible buildings or services are unclear about where complaints should be made or how issues can be resolved. Existing accessibility standards, particularly those contained within Part M of the Building Regulations, no longer reflect best practice in universal design and should be reviewed in line with the principles of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

Feedback from Rehab Group's focus groups highlights the persistence of basic accessibility barriers. Individuals reported difficulty accessing healthcare appointments because automatic doors did not operate correctly, resulting in missed appointments. Others described public service buildings with heavy doors, steps, high kerbs, narrow doorways and lifts that were frequently out of service. One visually impaired individual described being struck by outward-opening doors in public buildings because of poor design and layout. These examples demonstrate that accessibility remains an ongoing challenge, even within public services that should be accessible by default.

“Some of the doors open out on top of you. It's really difficult as I'm blind and I have been caught a few times and gotten a fright.”

Feedback indicated that many also service users highlighted difficulties navigating once inside buildings or using basic facilities within them with disability toilets proving to be a particular issue.

“Most public disability toilets are either locked or too small. The doors also often open in which make it hard to get in and out. The handles to hold to at the toilet are also at incorrect heights.”

Accessibility standards should also recognise the need for buildings to adapt to changing user needs over time. Future-proofed and adaptable design principles should be incorporated into all public infrastructure projects to ensure accessibility remains effective throughout the life of a building

Recommendations:

- Strengthen monitoring and enforcement of accessibility duties
- Establish a clear, accessible and independent complaints mechanism
- Give greater statutory force to universal design

ii. Accessible Information and Communications

Accessibility extends beyond the built environment. Equal access to information is essential if disabled people are to engage fully with public services and exercise their rights.

Focus group participants also reported that government forms are often overly long and complex, with little information available in Easy Read format. Concerns were also raised regarding the lack of information in Braille, inconsistent provision of Irish Sign Language supports, and overreliance on telephone communication despite the needs of people who are deaf or hard of hearing.

“I am ok with written, but I cannot hear on the phone and they keep ringing me to confirm my appointments. Its very stressful.”

Phone systems also cause issues for people with intellectual or neurodivergent impairments who struggle with chatbots or numerous layers of menus rather than speaking to a person:

“Some systems like phone systems where you get trapped in endless loops with no accessible alternative.”

“It is hard now that AI has taken over, it can be hard to get in contact with real people, alternatively you are left to wait on the phone for an hour.”

Suggestions included the introduction of accessible information kiosks in public buildings such as libraries and Intreo offices, alongside a greater commitment to providing information in multiple accessible formats.

The revised Disability Act should recognise access to information and communication as a fundamental right and place a statutory obligation on public bodies to ensure that information, communications and services are accessible from the outset.

Recommendations:

- Recognise communication and information accessibility as a statutory right.
- Require all public bodies to make information routinely available in a range of accessible formats.
- Guarantee access to Irish Sign Language interpretation where required.
- Ensure the availability of Easy Read materials and Plain English information.
- Provide information in Braille, large print and other accessible formats.
- Require all digital services and online information to be fully accessible.
- Ensure access to alternative and augmentative communication supports.
- Reduce reliance on telephone-only communication channels and provide accessible alternatives.
- Introduce accessible information kiosks and information points in public buildings and community settings.
- Establish monitoring and accountability mechanisms to ensure compliance with accessibility standards.

By embedding communication and information rights within the Act, the State can help ensure that disabled people have equal access to public services, decision-making processes, and the information necessary to live independently and participate fully in society.

iii. Accessible Public Transport

Transport remains one of the most frequently cited barriers to participation. Service users reported inconsistent wheelchair accessibility on public transport, inaccessible bus ramps, and a lack of confidence among staff in supporting disabled passengers. Visually impaired passengers also reported difficulties when stop announcements were unavailable and those with hearing impairments highlighted that stop announcements on buses were audio only, making independent travel significantly more challenging.

“When I take the train there are announcements made about the next stop but when they do the announcements it's not accessible for me as I'm deaf. They should have a screen with ISL. This would be really helpful and also make sure that everything is working before leaving the station.”

The Disability Act should place stronger obligations on transport providers regarding accessibility standards, maintenance of accessibility equipment, staff training and accountability for service failures.

Recommendations:

- Establish enforceable accessibility obligations for all public transport providers
- Give statutory rights to dual-format passenger information
- Introduce a statutory right to accessible travel assistance

iv. Access Officers and Enforcement

The experience of many disabled people demonstrates that accessibility standards are only effective where there are clear mechanisms for implementation, monitoring and enforcement. Research undertaken by Disability Federation of Ireland identified the critical role played by Access Officers within local authorities, while also highlighting significant shortcomings in how the role is currently resourced and supported. Many Access Officers undertake the function in addition to existing responsibilities, without dedicated resources, training or clear national guidance.

The review of the Disability Act provides an opportunity to strengthen the role of Access Officers by establishing it as a dedicated, full-time senior position within every local authority, supported by clear statutory duties, national guidance and adequate resources. A stronger Access Officer network would significantly improve consistency, monitoring and enforcement of accessibility obligations nationwide.

Recommendations

Part 3 of the Disability Act should be strengthened through:

- A comprehensive review of accessibility standards to align with universal design principles and the UNCRPD.
- Mandatory accessibility audits and accessibility action plans for all public bodies.
- Stronger enforcement and complaints mechanisms, with clear accountability where accessibility obligations are not met.
- Improved accessibility standards across public transport, housing, healthcare, education, employment and digital services.
- A requirement that publicly funded services, including those delivered by private contractors, meet the same accessibility standards as public bodies.
- The establishment of fully resourced, full-time Access Officer posts in every local authority, with responsibility for monitoring, implementation and public engagement on accessibility issues.

This would help move accessibility from a compliance exercise to a practical and enforceable right, ensuring that disabled people can access buildings, services, information and transport on an equal basis with others.

4. Employment and Public Service Participation

Employment is a critical pathway to economic security, social inclusion and participation in public life for people with disabilities. However, Ireland continues to have one of the lowest employment rates for disabled people in the EU, and people with disabilities remain significantly more likely to experience poverty, exclusion and social isolation. This highlights that the barriers to employment are not simply structural but are also driven by attitudes, misconceptions and a lack of disability awareness among employers.

While the Disability Act's employment provisions focus primarily on public sector employment targets, a review of the legislation presents an opportunity to adopt a broader and more ambitious approach to disability inclusion across the public service. Public bodies should not only seek to employ more people with disabilities but should also create workplaces that actively support recruitment, retention, progression and leadership opportunities for disabled employees.

Feedback gathered by Rehab through our focus groups consultations suggests that many disabled people do not view the public service as an accessible or realistic employment option. Participants reported that there is little encouragement for disabled people to consider public service careers and insufficient awareness of the opportunities available. As one participant noted: *"No encouragement to look for a job in the public sector. Not enough is known about the opportunities."* Another participant observed that many disabled people do not believe they would be considered for public service positions.

Focus group participants did not feel the 6% public service employment quota is working effectively. There was a lack of awareness about the quota, alongside concerns that public bodies may meet the target without creating meaningful opportunities or supports for people with more significant disabilities. Participants highlighted the need for better education, upskilling, workplace supports and genuine paid employment opportunities to help people with disabilities access and remain in the workforce.

A recurring theme throughout the consultation was the need for greater disability awareness among employers. Participants consistently reported being judged on their disability rather than their skills, experience and potential.

As one participant stated,

"Employers need a greater understanding of people with disability, and their ability and capability," while another remarked – "It's the lack of disability awareness that's the problem."

Rehab Group believes that mandatory disability awareness and inclusion training should be introduced across the public service. Such training should focus on challenging stereotypes, understanding reasonable accommodation, promoting inclusive recruitment practices and supporting career advancement for employees with disabilities.

The existing public sector disability employment target also requires review. While the target has increased to 6%, implementation and enforcement remain inconsistent across public bodies. Stronger monitoring, reporting and accountability mechanisms are needed to ensure compliance. Consideration should also be given to whether current targets reflect the reality that almost one in five people in Ireland identifies as having a disability.

The Disability Act should also place greater emphasis on the quality of employment and workplace inclusion. It is notable that the Act focuses largely on recruitment targets, while issues such as reasonable accommodation, retention, progression and workplace culture receive little attention. The revised Act should require public bodies to demonstrate how they are creating inclusive workplaces and supporting disabled employees throughout their careers. This is particularly important given reports of disabled employees encountering barriers to advancement and instances where employees who acquired disabilities felt discouraged from returning to work.

In addition to direct employment measures, the Act should recognise the important role that public procurement can play in advancing disability employment. Article 20 of the EU Public Procurement Directive allows contracting authorities to reserve certain contracts for organisations that employ people with disabilities or other disadvantaged groups. However, this provision remains significantly underutilised in Ireland. The review of the Disability Act should consider requiring Government Departments and public bodies to allocate a proportion of procurement expenditure to social procurement initiatives, including social enterprises where a significant proportion of the workforce are people with disabilities.

This would create meaningful employment opportunities while enabling the public sector to leverage its purchasing power to achieve wider social inclusion objectives.

Recommendations

- Introduce mandatory disability awareness and inclusion training across the public service.
- Strengthen monitoring and enforcement of public sector disability employment targets.
- Increase awareness of public service career opportunities among people with disabilities through targeted outreach and recruitment initiatives
- Expand the focus of the Disability Act beyond employment quotas to include reasonable accommodation, retention, progression and workplace culture.
- Require public bodies to report on disability inclusion measures and employment outcomes.
- Promote the use of Article 20 of the EU Public Procurement Directive and introduce social procurement targets across Government Departments and public agencies to support employment opportunities for people with disabilities.

This approach would position the public service not only as an employer of people with disabilities, but as a leader in disability inclusion and a driver of wider employment opportunities across society.

5. Universal Design

Universal design is a cornerstone of an inclusive society and must play a much stronger role in the revised Disability Act. The work of the Centre for Excellence in Universal Design has made an important contribution to advancing accessibility and inclusion in Ireland. However, while valuable guidance and standards exist, their application is often inconsistent because implementation remains largely advisory rather than mandatory.

The revised Act should require universal design principles to be embedded from the earliest stages of planning, design and development across both physical and digital environments. Designing accessibility into infrastructure from the outset is more effective and cost-efficient than retrofitting buildings, services or technologies at a later stage. Universal design benefits not only disabled people but also older people, parents with young children, people carrying heavy loads and those experiencing temporary illness or injury, creating environments that are easier for everyone to use.

Universal design requirements should also extend to public procurement. While current provisions focus primarily on public-sector infrastructure, many public services are delivered by private organisations on behalf of the State. Any organisation receiving public funding or delivering publicly funded services should be required to meet the same accessibility and universal design standards expected of public bodies. This would help prevent the creation of unnecessary barriers and ensure that public services are accessible regardless of who provides them.

A strengthened legislative framework should also address the current gaps in monitoring, accountability and enforcement. The principles and standards developed by the Centre for Excellence in Universal Design should be underpinned by statutory obligations, with clear mechanisms to monitor compliance and enforce standards across both public and private sectors. Consideration should be given to assigning these powers to the Centre or establishing an alternative independent oversight body.

The accessibility provisions introduced in 2005 were an important foundation but are now outdated and, in some cases, have been overtaken by more recent standards and regulations.

Recommendations:

- Universal design standards across all public services.
 - Mandatory accessibility audits.
 - Accessibility action plans for all public bodies.
 - Stronger monitoring, compliance and enforcement mechanisms.
- Particular attention should be given to key areas of daily life including public transport, housing, digital services, healthcare facilities, education settings and employment supports, ensuring that accessibility and inclusion are embedded throughout society rather than addressed as an afterthought.

6. Further Recommendations

While reform of the core provisions of the Disability Act is essential, the review should also address a number of wider issues that continue to affect the ability of disabled people to participate fully in society and exercise their rights on an equal basis with others. The revised Act should strengthen independent living, improve accountability, address gaps in data and service planning, and ensure that disabled people are actively involved in the development of policies and services that affect them.

i. Put Personal Assistance Services on a Statutory Footing

Progress towards independent living and community inclusion in Ireland has stalled and, in some areas, is moving backwards. A key contributing factor is the absence of a statutory right to personal assistance, which limits many disabled people's ability to exercise choice, control, and autonomy in their daily lives.

The Act should:

- Define personal assistance in law.
- Establish eligibility criteria.
- Create a legal entitlement based on assessed need.
- Set national standards and waiting time targets.

ii. Accessible Housing

Access to appropriate housing is fundamental to independent living and community inclusion. The Act should support a strategic and coordinated approach to accessible and adaptable housing that responds to both current and future need.

Recommendations:

- Establish national targets for wheelchair-accessible and universally designed housing.
- Improve data collection on accessible housing need.
- Strengthen accessibility requirements in housing policy and planning.
- Ensure housing strategies are disability-inclusive.
- Promote accessibility and adaptability across all housing tenures.

iii. Disability Data and Planning

Effective planning depends on accurate and comprehensive data. Significant gaps remain in the collection and publication of disability-related data, which impacts the State's ability to plan services, housing, transport and community supports. The review should strengthen obligations on public bodies to collect and publish disability data on a consistent basis.

Recommendations:

- Improve collection and publication of disability-related data.
- Gather data on wheelchair users and mobility aid users.
- Improve data on housing accessibility needs.
- Strengthen information on personal assistance requirements and unmet need.
- Address data gaps relating to intellectual disability, neurodivergence and rehabilitation services.
- Require ongoing review of disability data needs in consultation with disabled people and their representative organisations.

iv. Participation, Co-Design and Co-Production

The principle of "Nothing About Us Without Us" should be embedded throughout the revised Act. Disabled people must be recognised as experts through lived experience and should play a central role in designing, delivering and evaluating policies and services.

Recommendations:

- Stronger requirements for co-design and co-production in policy and service development.
- Greater involvement of people with lived experience in service planning and evaluation.
- Accessible consultation and feedback mechanisms.
- Recognition of the expertise and contribution of lived experience.
- Representation of disabled people and Disabled Persons Organisations on relevant advisory and decision-making structures.

v. Monitoring, Accountability and Enforcement

Many of the challenges experienced under the current Act stem not from an absence of policy commitments, but from a lack of effective enforcement and accountability. The review should strengthen oversight arrangements and ensure that rights can be effectively realised in practice.

Recommendations:

- Introduce stronger monitoring and reporting requirements.
- Strengthen independent oversight of disability rights and service provision.
- Establish clear accountability mechanisms where statutory obligations are not met.
- Improve access to complaints, appeals and redress mechanisms.
- Consider the establishment of a dedicated Disability Ombudsman.