

RehabGroup

Investing in People, Changing Perspectives



Rehab Submission on the Draft Initial State Report for the UNCRPD

What is this submission about?

Recently the State (Government) wrote a report on its work for the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It has to do this every four years.



This submission is Rehab's feedback on that report and whether it is accurate or not.

To do that, Rehab has spoken to people who use its services through focus groups to find out how they feel life is like for persons with disabilities in Ireland. The results of those focus groups and other surveys Rehab have done make up this document.

First thing's first, what is the UN Convention on the Rights of Persons with Disabilities?



The UN Convention on the Rights of Persons with Disabilities is a big document about disabled peoples' rights. The UNCRPD makes it clear what the countries that sign up to the convention have to do to make sure that disabled people have the same rights as

everybody else.

What parts of the UNCRPD will this submission deal with?

This submission will cover a number of different parts (or Articles) of the UNCRPD. Some of the Articles will cover different subjects such as:

Accessibility
Education
Living independently and being included in the community
Freedom of expression and opinion, and access to information
Health
Employment



Accessibility (Article 9)

What is this section about?

This part of the report talks about Accessibility in the community and says the Government should make sure that all parts of the community are accessible for people with disabilities.

This part will split up into **4** sections:

- Buildings and Services
- Technology
- Physical Environment
- Transport

Buildings and Services

Feedback from people on the focus groups said that not all buildings and services are accessible. For example, some public buildings like banks still have manual doors and not automatic operated doors, which make them difficult for people to use.

Building regulations must be changed to make buildings and services more accessible. Guides and Irish Sign Language interpreters are needed in public buildings so all customers can communicate with staff.

Recently, a law called the Irish Sign Language Act was brought in by the Government. While it is good that the law is there, at the moment it only applies to public services.



Technology

This part of the report says that the Government has to support people with disabilities to have access to **Information and Communication Technologies systems**.



Information and Communication Technologies are pieces of technology like iPads, Tablets, Laptops, and Computers that are used to help people with disabilities access Education.

In 2020 the Government gave extra funding for computer equipment like computers, laptops, iPad, tablet for Further Education and Training colleges, and universities.

Not all students with a disability got this equipment and this needs to be improved.



With Covid-19 restrictions and students moving to remote and blended learning this has been an issue and some students with disabilities have fallen behind in their education.

Some students do not have access to a computer at home and the library is not an option due to Covid-19 restrictions. 20 per cent of people who use Rehab services said in a survey that they don't have access to a laptop, PC or tablet.

We ask the Government to review this funding for Further Education and Training students.

Physical Environment

This part of the report highlights the physical barriers that people with disabilities face in their towns and communities.

Many of the people that took part in the focus groups said the footpaths were dangerous, damaged, cracked, rough and had high kerbs.



Other people said that their towns were inaccessible because of things like high kerbs, not enough ramps for wheelchair users, or pedestrian crossings that don't have a sound to let people who have visual impairments know when it's safe to cross.

In 2014, people from Rehab services in Carrick on Shannon took part in the Walkability Audit of their town. This had a very positive outcome for them and the town.

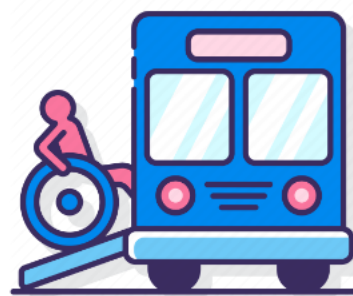
The Walkability Audit was carried out 7 years ago and needs to be looked at again in towns and villages around Ireland.

Transport

This part of the report talks about the importance of accessible transport for people with disabilities.

How important is transport?

The State has to make sure that persons with disabilities have access to transport in rural and urban areas.



Many people who took part in the focus groups said they rely on public transport to visit friends and family, to socialise, to do things in town, and to go to work or school. Transport is very important for independence.

Some people who live in rural areas said the local transport services are frustrating because there aren't any, or they are bad, or that bus stops are not accessible.



Many people with disabilities in rural areas rely on family members for lifts or on taxis.

One person said he is often told the wheelchair accessible taxi is not available which means he misses his appointments.



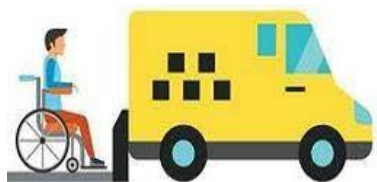
Is transport expensive?

Most people with a disability have a free travel pass.

Many can't use their free travel pass because there is no accessible public transport so have to use more expensive private transport like taxis instead.

The Mobility Allowance scheme has not been replaced even though the State has promised to do it.

The Mobility Allowance scheme gave some money every month to help people with limited mobility to get around.



Is public transport accessible?

Many people who took part in the focus groups complained that public transport was not very accessible.

Lots of people who use the train said it's unfair that if they want to travel on the train they have to let the company know 24hrs beforehand.

Wheelchair users said the bus companies' coaches were not very accessible.

One person mentioned that they have to give 48hours notice to travel to Dublin by coach because the company has to take out a seat on the bus to make room for his wheelchair.

Other people who took part in the focus group said local bus services were not accessible and that some bus drivers didn't even know people with limited mobility might need a ramp to get onto the bus.

One participant said they were worried the bus wasn't safe because it didn't have a seatbelt for a wheelchair user.



What did people in our Focus Groups say?



Technology:

I did not have the resources to work from home, so I missed out on a lot of my training...

I needed my own laptop...I had to handwrite my work and send a photo from my phone and email it to the Instructor every day. I feel I missed out on some of the work because of the computer.

...I had to buy a computer which put me out two weeks of weekly pay, so Covid affected my connection with college and tutors through the internet dramatically.



Physical Environment:

There are cracks on the path and people are afraid...wheelchair users are afraid. A crack could make them fall over. If the government fixed all the cracks...then people would be safer...



Transport:

I live out in the country...there isn't a bus stop. I have to wave the bus driver down with the light on my phone...no shelter area either.

Only for my Dad, I'd have no social life whatsoever, he takes me everywhere, but I'd love if sometime I was able to find some way to transport myself... there doesn't seem to be a lot of transport, buses and things like that out where I live, in the country.

Some buses don't have a seatbelt for wheelchair access... There's something to hold on to, but it's not the same as being strapped in for safety.

Equal Recognition Before the Law (Article 12)

What is this section about?

This part of the report is about being treated equally before the law.

People with a disability can be made a “Ward of Court”. They are not treated equally before the law.

A Ward of Court is a person who is deemed not capable of making decisions for themselves by the High Court.

Important decisions can be about health, how to spend money, and having romantic relationships.

The Assisted Decision Making Act 2015 is a law that will support people with disabilities to make decisions and recognise people’s capacity to make decisions.

The Act says that people with disabilities can make important decisions for themselves or with the help of a chosen person.

The Act hasn’t fully started yet. The Government says it will become law in 2022. We say that it must become law by then as people with disabilities cannot wait any longer.



Freedom from exploitation, violence and abuse (Article 16)

What is this section about?

This part of the report is about the right to be free from exploitation, violence and abuse. This includes online bullying.

There are laws to protect people from exploitation, violence and abuse.

Some people said they were bullied online because they have a disability and that there is not a lot of information about keeping safe on the internet.

The Government needs to protect people from online bullying.

The Government needs to share information about online bullying in an accessible way for all people with disabilities.



What did people in our Focus Groups say?

It happened to me a few months back. I was in a complete state, I was panicking...we screenshotted the messages, we informed the Gardaí in case I know the person...you don't know who the person is. and they'll make fun of you iust the way you are.

Living independently and being included in the community (Article 19)

What is this section about?

This part of the report talks about people with disabilities being able to live how they would like to live and as part of the community.

Who to live with?

Many people with disabilities live in their family homes or residential centres.

Some people have to live with people that they would not live with if they had the choice.

Recently, one person who lives in a RehabCare service, explained that she is frustrated because she has to live with someone she does not get along with.



Where to live?

A person who lives in a RehabCare service said that they would like to live independently with some small support from RehabCare.

People who took part in our focus groups also said the lack of universally designed housing and social housing, in general, was a big problem for them.



Universally Designed Homes are homes that are built in a way that they can be accessed and used by everyone, regardless of their age, size, ability or disability.

People who took part in the focus groups said a lack of housing in general, and a lack of accessible social housing, is why people with disabilities find it hard to live independently.

How to live independently?

Some people who spoke to the focus groups said there are not enough supports to help people with disabilities to live independently.

Some supports that help people with disabilities to live independently include: personal assistants, the Housing Assistance Payment (HAP), or grants to make homes accessible.



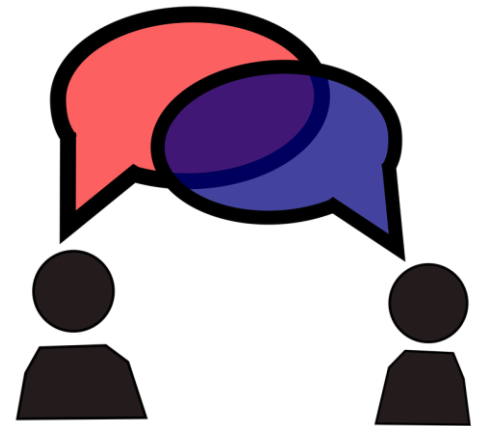
Housing Assistance Payment is a support for people who need help with housing and means the person will pay rent based on what they can afford.

People who took part in our focus groups said it was very difficult to get those supports and that sometimes it was difficult to get information about supports.

Living independently and being included in the community (Article 19)

What did people in our Focus Groups say?

"I would like to be able to take more responsibility for myself to live independently. I want the government to see what I'm going through...I want to move on instead of using a community house. [...] I'd like to live as a part of my community and move on after that then."



"...it was hard to be under the same roof as someone you don't like. [...] I would like to be able to choose the people I live with. This is my home."

"There might be 100 houses built but only 10 of them are social housing"

"Every house should have wheelchair accessibility. Not only one or two, but the whole lot of them should have it. At the end of the day, you could need it in the future."



Freedom of expression opinion, and access to information (Article 21)

What is this section about?

This part of the report is about freedom of expression and opinion and access to understandable information for any person with a disability.

The Disability Act says that public bodies have to provide information that is understandable to people with sight and hearing impairments.

A public body is usually a service that is supplied by the Government, like healthcare services and social welfare services.



One participant said she gets letters about her healthcare that she can't read or understand fully. A family member, friend or key worker supports her to read the letters she receives.

This means that she has no privacy about her healthcare needs or treatments. This happens to many people.

People with disabilities have the right to privacy and accessible information.

The government needs to make better laws to protect these rights.

What did people in our Focus Groups say?



I get letters from the hospital that my Mam has to read to me, there's no privacy.

Majella's story:

Majella is a student who has an enduring mental health condition. She applied for Disability Allowance. Her application was initially refused by the Department of Social Protection on the grounds of her condition not being considered acute. When she appealed, the Social Welfare Appeals Office reviewed the case and found that she did in fact meet the disability conditions of the payment. However, Majella was refused the payment as one document requested in the process, and relating to the means test for disability allowance, was not supplied by her. The Appeals Office communicated this decision to Majella in a four-page letter which set out the reasoning and quoted complex tracts of the relevant legislation. Majella did not understand the letter. She assumed she had been refused on the same basis as before. She did not realise all she needed to do was supply a document so that the case could be fully considered. The issue was only later resolved when an advocate working for Rehab Group intervened on Majella's behalf.

Respect for the home and family (Article 23)

What is this section about?

This part of the report is about the rights of people with disabilities to have romantic relationships, get married and have a family.

Recently, the Minister for Disability repealed the Marriage of Lunatics Act 1811, which means that people with intellectual disabilities can get married if they have the capacity to make that decision.

One participant, who is in a relationship, felt that she was treated differently because of her disability. She is unsure of her rights to get married and have a family. She wants the Government to make this information clear.

The State must ensure that people with disabilities know their rights and have access to this information.



What did people in our Focus Groups say?

Whether people have Down syndrome or not, they should be together holding hands, having fun, talking, going on dates, [...] the government aren't listening that we are the same. I want the government to say that.

Education (Article 24)

What is this section about?

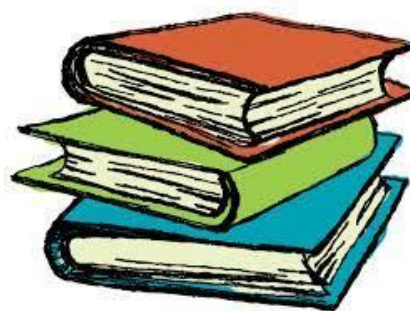
This part of the report is about the right to education, particularly the right to higher and further education, and Government funding of Specialist Training Providers.



Specialist Training Providers (STP), like National Learning Network, provide accredited courses to students who are at a disadvantage, or have a disability or learning difficulty. The courses they provide have individualised and personal supports to help the student to progress in their education.

The funding model for STP is different from that of mainstream further education and training colleges. STP is only paid based on student attendance rather than on the cost of providing the service.

This prohibitive funding model is used to fund the further education of people with disabilities. This can affect the services that are provided and undermines progression opportunities for people with disabilities, their continuation in education and their access to employment.



The problems that the funding model creates have been highlighted during the Covid-19 pandemic, as colleges closed and fewer students were being referred to NLN.

STP further education is not on an equal footing with mainstream further education. This should be reflected in the Government's Report.

What did people in our Focus Groups say?

It was too crowded in school and I found it was hard to calm myself down. The teachers would send me out of the classroom but I didn't know what was wrong. I've made progress in NLN. The instructors here know if I need to go for a walk. it's okay, I can do that, and come back in when I feel calm again. My instructor understands.

I used to be scared of being myself in school, I was scared of being bullied. In NLN, I'm not afraid of being myself. Everything is tailored for each one of us; it all depends on what works for the person. I'm not shy anymore; I'm making more progress in my life and I can be myself now.

Health (Article 25)

What is this section about?

This part of the report talks about the right to health and the Government's role to provide people with disabilities with the highest attainable standard of health, and health services must be provided "as close as possible to people's communities, including rural areas".

The UN Convention says that people with disabilities must be provided with the same range, quality and standard of free or affordable health care as other persons.

Is healthcare expensive?

The Government's Report does not mention the cost of healthcare for people with disabilities. Some people in the focus groups said that healthcare is too expensive without a medical card. The unaffordability of healthcare for people with disabilities limits their access to the same range, quality and standards of healthcare as others.



Participants also said the cost of medication is too high. In October, the Government moved to decrease prescription charges, but the cost is still too high, especially for those whose only income is social welfare. This is another barrier to affordable healthcare.

People in the focus groups said that they sometimes have to travel long distances for health appointments. Appointments can be difficult and expensive to get to.

What did people in our Focus Groups say?

Every time I go to the GP it costs €65. I have to budget my money – do I go or don't go?

...It [prescription charges] also makes me reluctant to seek extra medical treatment in case I am prescribed more meds which I will have to pay prescription charges for.

Habilitation and Rehabilitation (Article 26)

What is this section about?

This section is about the Rehabilitative Training Allowance and disability services.

- *Rehabilitative Training Allowance*



The Rehabilitative Training Allowance (RTA) was a grant paid to people with disabilities on training programmes.

The Government's Report does not mention that the RTA was stopped in 2019. The RTA was €31.80 per week and supported many people to access rehabilitative courses. Its withdrawal has already affected some students.



What difference does this make?

The cost of taking part in a training programme will in some cases use up most of any income support participants receive. The RTA was an effective and appropriate measure to support people into rehabilitative training in line with the Convention.

- *Disability Services*

The pay difference for staff between different kinds of disability service providers is making it difficult for Rehab to recruit and retain staff.

Staff leaving to take up better-paid jobs elsewhere can cause disruption for people with disabilities – particularly if their key worker leaves. This is a serious issue, which is affecting the delivery of vital services for people with disabilities.



Section 38/HSE service providers have had pay for their staff fully restored. Rehab Group is a Section 39 disability service provider, and have only some pay has been restored. This is because the HSE has funded full pay for staff in Section 38/HSE service providers, but has not done so for Section 39 service providers.

This is unfair and means workers in the same roles are not being paid the same rate. We believe it is only fair and in the interests of the people who use Rehab's services that this pay difference is addressed by fully funding Section 39 service providers to restore full pay.

- *Funding for Section 39 Sector*

Section 39 disability providers also face particular challenges associated with the funding model and how budgets are set. A 2019 report, called the Catherine Day Report sets out these challenges.



Also, there is very little capital funding available to the sector that would allow it to improve and expand facilities and services. There needs to be a dedicated fund.

Two-thirds of disability services are delivered by not-for-profits. In total, 35 per cent of the entire disability budget is spent by Section 39 providers. Therefore, the State is heavily reliant on our sector to meet the needs of people with disabilities.



What do we want to happen?

The recommendations from the Catherine Day Report must be implemented in full so that people with disabilities have properly funded services that they can rely on.

What did people in our Focus Groups say?

I use this allowance (Rehabilitative Training Allowance) for essentials, like lunch...but I also buy things like clothes and shoes and so on. It's my bit of independence while I'm at my course.

Work and Employment (Article 27)

What is this section about?

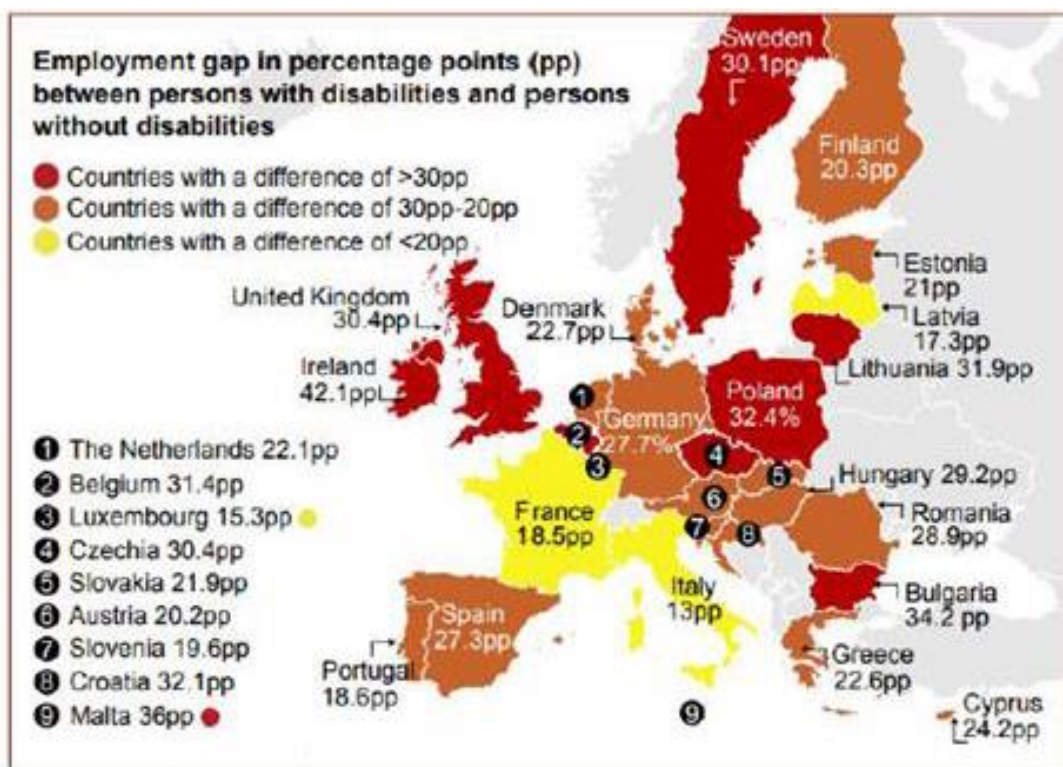
This section deals with the employment of persons with disabilities.

The Government's Report says the State is making big efforts to get people with disabilities job-ready and to make sure persons with disabilities have access to work opportunities. However, Ireland is not doing well in terms of employment for people with disabilities.



Do many persons with disabilities have jobs in Ireland?

According to research, Ireland has the highest employment gap in the EU between people with disabilities and the general population (42 percentage points).



Source: European Disability Forum - Human Rights Report 2020 quoting EU SILC

In the "Roadmap for Social Inclusion 2020", Ireland has set itself a target of increasing the employment rate of people with a disability.

However, this target will not be met unless there is a significant change in the approach of public authorities to employment supports and work opportunities for people with disabilities. Rehab highlights two of those changes in particular below:

Wage Subsidy Scheme

The Wage Subsidy Scheme (WSS) for people with disabilities is crucial to creating and maintaining job opportunities. The WSS solves two of the biggest issues that employers have with employing people with disabilities

1. The WSS recognises that a person with a disability may experience decreased work productivity because of their disability.
2. Sometimes the person with a disability may require extra support to carry out their job.



At Rehab, we think the level of subsidy available to employers under the WSS is too low. It has not increased since the last recession. We believe that this has impacted employment opportunities through the scheme.

Article 20 EU Public Procurement Directive

Article 20 of the EU Public Procurement Directive means that certain jobs or services purchased by local authorities or Government agencies are reserved for organisations that employ people with disabilities and disadvantages.



Unfortunately, authorities in Ireland are not using Article 20. A survey of local authorities by Rehab Group last year showed that the Directive had not been used since 2017.

There are two key things we would like to see changed:

1. Increase the rate per hour for the Wage Subsidy Scheme to a level greater than 60 per cent of the National Minimum Wage.
2. Make sure that public procurers such as Government Departments, Government Agencies, and local councils use Article 20 by setting targets and ensuring that they show how they use it.

Adequate Standard of Living and Social Protection (Article 28)

What is this section about?

This section deals with the standard of living of persons with disabilities and their social welfare and protection.

The UNCRPD says the State has to make sure that people have an adequate standard of living through social protection.

Statistics produced by the European Disability Forum in April of last year shows that Ireland has the highest “at risk of poverty” rate for people with disabilities of any western European country.

The previous Government set targets to reduce poverty levels among people with disabilities in its strategy on poverty which is called the ‘Roadmap for Social Inclusion 2020 -2025 Ambition, Goals, Commitments’:

- 28.7 per cent by the year 2025 and
- no more than 22.7 per cent by 2030.

We feel these targets don’t go far enough and lead to a too high rate of poverty among people with disabilities.

Many people who use Rehab’s services rely on State income support or social welfare as their main or only source of income. In our recent focus groups, some people who took part said that disability allowance was not enough to live on.

Who is affected most by income inadequacy?

People who lived independently, in particular, felt the effect of income inadequacy. People who took part in the focus groups often said they relied on their family, and especially their parents.



People with disabilities and the people who support them campaign to either stop cuts to the disability allowance or to increase it every year.

The study on the cost of disability, mentioned in the State Report, needs to be completed as soon as possible.

Two in five people with disabilities in Ireland go without basic necessities.

The Report does not reflect the significant financial difficulties people with disabilities have or their experiences of poverty.



What did people in our Focus Groups say?



I don't think people are getting enough [disability allowance] because...quite a bit of money is spent on medication alone...They could increase the allowance.

Sometimes I can't afford to take a bus into the centre and have to walk. Sometimes paying my electricity bill leaves me without enough money for food.

I sometimes have to go without heating in the winter time...Disability allowance is a good payment, but needs to be increased.

...if the bonus was stopped I would feel terrible hurt. I wouldn't be able to pay my rent, I depend on it. If the Disability Allowance was cut we would fight for it.

Participation in Cultural Life, Recreation, Leisure and Sport (Article 30)

What is this section about?

This section deals with persons with disabilities rights to take part in cultural life, recreation, leisure, and sport.



The State Report lists several different programmes the State has set up to promote inclusivity in sport. We are happy to see the uptake of the Sports Inclusion Disability Charter and the development of a national network of disability officers.

According to feedback from our focus groups though, the reach of those programmes may be limited. Some people in our focus groups said that they did not feel included in sports and that sports clubs were often not open to people with disabilities. One person from the focus group said that there is a lack of visibility of people with disabilities in sport in Ireland, including the management and coaches. Feedback from the focus groups showed that people would like to see people with disabilities in sport featured more prominently as well.



The programmes set up by the State should be monitored and reviewed to make sure that sport in Ireland becomes more inclusive, as people with disabilities are not experiencing the intended effects of these initiatives.