NDA Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2020

March 2021



## Table of Contents

[Introduction 5](#_Toc66288717)

[Overview of progress and delays in 2020 8](#_Toc66288718)

[Theme 1: Equality 15](#_Toc66288719)

[Theme 2: Joined up policies and public services 26](#_Toc66288720)

[Theme 3: Education 29](#_Toc66288721)

[Theme 4: Employment 33](#_Toc66288722)

[Theme 5: Health and well-being 38](#_Toc66288723)

[Theme 6: Person-Centred disability services 41](#_Toc66288724)

[Theme 7: Living in the community 46](#_Toc66288725)

[Theme 8: Transport and accessible places 48](#_Toc66288726)

[New Actions under the revised NDIS 52](#_Toc66288727)

[Summary and Conclusion 53](#_Toc66288728)

# List of Acronyms

AIM Access and Inclusion Model

CAMHS Child and Adolescent Mental Health Services

CES Comprehensive Employment Strategy for People with Disabilities

CHO Community Healthcare Organisation

CSO Central Statistics Office

DCC Department Consultative Committee

DCEDIY Department of Children, Equality, Disability, Inclusion and Youth

DFHERIS Department of Further and Higher Education, Research, Innovation and Science

DHLGH Department of Housing, Local Government and Heritage

DOE Department of Education

DOH Department of Health

DOJ Department of Justice and Equality

DSP Department of Employment Affairs and Social Protection

DSS Decision Support Service

ECCE Early Childhood Care and Education

FET Further Education and Training

HIQA Health Information and Quality Authority

HSE Health Service Executive

IHREC Irish Human Rights and Equality Commission

MHC Mental Health Commission

NAS National Advocacy Service

NCCA National Council for Curriculum Assessment

NCSE National Council for Special Education

NDA National Disability Authority

NDIS National Disability Inclusion Strategy

NDISSG National Disability Inclusion Strategy Steering Group

NRH National Rehabilitation Hospital

NTA National Transport Authority

SLIS Sign Language Interpreting Service

UD Universal Design

UNCRPD United Nations Convention on the Rights of Persons with Disabilities

YESS Youth Employment Support Scheme

# Introduction

The National Disability Authority (NDA), as the independent statutory body, provides information and evidence informed advice to the Government on policy and practice relevant to the lives of persons with disabilities, and has a role to promote Universal Design through its Centre for Excellence in Universal Design (CEUD). We have a duty to assist the Minister for Children, Equality, Disability, Integration and Youth and relevant officials in the co-ordination of disability policy.

The National Disability Inclusion Strategy 2017-2021 (NDIS) is a whole-of-government approach to improving the lives of persons with disabilities. It therefore provides a significant framework for all activity across government departments and agencies which can support progress in delivering on the obligations in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which was ratified in March 2018.

The Department of Children, Equality, Disability, Integration and Youth is the coordinating body for the NDIS (as of October 2020). The NDA works to support implementation of the strategy through our continued independent advice delivered through direct engagement with the departments and agencies concerned, our contributions through working groups and committees, our research and policy work and data gathering and analysis. The NDA also independently monitors and evaluates progress in the implementation of committed actions in terms of outputs each year and of impact over the lifetime of the Strategy.

This report is the third independent assessment prepared by NDA since the NDIS was launched in July 2017. The first assessment by NDA published in Q1 2019 covered an 18-month period up to end 2018. The second, published in Q2 2020 covered a 12-month period, from January-December 2019. The current review covers progress made on actions in 2020, noting that a revised version of the Strategy was adopted by the Minister of State with responsibility for Disability in March 2020, following a mid-term review. This revised version of the Strategy includes 20 new actions, 35 modified actions and 9 completed actions. The progress of these actions will be assessed for the first time in this paper. Prior to the mid-term review, there were 114 actions contained in the Strategy. Between the new, modified and removed actions, there are now 125 actions.

The NDA’s assessment does not provide a detailed analysis of each of the 125 actions within the revised Strategy but instead focuses on broader areas or themes, drawing on actions relevant to those themes noting those are areas where further focus and commitment may be required. The departmental reports, collated by Department of Children, Equality, Disability, Integration and Youth in September 2020 offer a breakdown of progress at the level of individual actions as reported by officials. The NDA has considered the information in those reports in preparation of this assessment. However, the NDA also draws information from its own work, as well as updates and discussions at Departmental Disability Consultative Committees and the NDISSG, from inputs by the DSG, and from our wider activities and experience across the disability landscape. The NDA also draws on learning from our ongoing engagement with a range of stakeholders including persons with disabilities, particularly through participation on a range of working and advisory groups across Government Departments on areas related to NDIS actions.

The report structure offers an initial summary of some key highlights in 2020 and a summary of areas in which progress was slow in 2020, and then offers a more detailed analysis of progress under the eight thematic priorities within the NDIS in the second part of the paper. The eight thematic priorities areas are:

1. Equality and choice
2. Joined up policies and public services
3. Education
4. Employment
5. Health and well-being
6. Person-centred disability services
7. Living in the community
8. Transport and accessible places

The Department has committed to updating the actions and the responsible bodies, to take into account the mid-term review and the transfer of functions between different departments following the 2020 General Election, although this updated version has not yet been published. This assessment will look at the progress of the departments named as original responsible bodies for the actions, but it does indicate where the responsibility for the action has transferred in recent months. This is mostly the case for NDIS and UNCRPD coordinating actions that have transferred from the Department of Justice and Equality to the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

## Mid-Term Review of Progress under the National Disability Inclusion Strategy Indicators

To coincide with the mid-term review of the NDIS, the NDA published a Mid-Term Review of Progress under the NDIS Indicators in April 2020.[[1]](#footnote-1) These indicators were developed by the NDA in consultation with a number of stakeholders during 2017 and 2018 and were adopted by the NDIS Steering Group in 2018.

The review provides a mid-term analysis of the status of the suite of indicators for the NDIS, and presents information on 61 indicators across the eight NDIS themes. The indicators are categorised as being either structural (13%), process (67%) or outcome (20%) indicators. Most indicators use publicly available data sources such as from the Central Statistics Office. The analysis has shown areas of progress in reaching the aims of the NDIS strategy and areas in need of improvement.

This report will feature some high level findings from the Indicators Report, as it assesses each of the eight themes.

Modified and removed actions will be considered in the context of the eight themes. Any of the new actions that have not yet been housed under one of the eight themes will be assessed in a standalone section later on in the document.

## COVID-19

It is important to highlight the extent to which the COVID-19 pandemic has impacted the lives of persons with disabilities. This impact has been felt in the increased unemployment for those working in sectors vulnerable to restrictions; the closure or reduced capacity of day and respite services; the gaps in educational provision for children with disabilities; the reduced or delayed access to non-COVID health interventions; and the increased isolation for persons with disabilities. The NDA emphasises the importance of persons with disabilities being considered as part of any recovery from the current crisis. The NDA has previously made submissions to government highlighting the impact of COVID-19 on persons with disabilities under the headings above.

The NDA has also written to the Minister for Health to advise that persons with disabilities are given due consideration in the roll-out of vaccines and to the Minister for Education to advise on the importance of school reopening for children with special educational needs in all types of school settings.

The NDA recognises that the pandemic has brought additional challenges and delays to implementation of some commitments under the NDIS. However, there has also been learning and opportunities to explore new ways of working that could inform future direction for disability services and supports. The NDA has recently begun to collect examples of good practice of innovations and adaptations to disability services and supports, which have allowed users to continue accessing those supports and services during the pandemic.

# Overview of progress and delays in 2020

## Areas of progress in 2020

Some of the areas where work has been completed or progressed in line with stated actions in the NDIS over the course of 2020 include:

* Following the General Election in 2020, a new Department was created (DCEDIY), which featured ‘disability’ in the title of a Government Department for the first time. This is turn created a senior Minister whose title also features ‘disability’. The role of a Minister of State with responsibility for disability has been retained. The NDA welcomes the importance put on disability with this Department formation, but reiterates that a whole-of-government approach is still required in respect of disability and reminds all Departments that they continue to have committed actions within the NDIS. In addition, all Departments and public bodies have obligations to ensure their services are accessible to persons with disabilities as well as persons without, as specified under sections 26 and 27 of the Disability Act 2005.
* A new role of Minister of State with responsibility for special education and inclusion was created.
* A mid-term review of the NDIS, which was committed to both in the foreword of the original Strategy and in Action 32, was carried out. The review examined the progress made up until late 2019, and explored whether the existing actions were fit for purpose or needed to be modified and updated. Consultations took place with relevant stakeholders, including the Disability Stakeholders Group, disability organisations and individuals with disabilities. A revised Strategy was adopted by Cabinet in early 2020.
* By the end of 2020, a first draft of the initial State Report under the UN Convention on the Rights of Persons with Disabilities was drafted by DCEDIY, in close cooperation with all relevant Government Departments, and supported by information and statistics gathered by the NDA. A public consultation process began in December 2020, to gather the views of relevant stakeholders, particularly persons with disabilities in respect of the report, prior to its submission to the Committee on the Rights of Persons with Disabilities in 2021.
* The Disability Participation and Consultation Network was established. This three-tier network, made up of Disabled Persons’ Organisations, disability organisations and individuals with disabilities, will provide a channel for involving persons with disabilities meaningfully in the development of policy and legislation, in line with the requirements of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Their first task is to lead consultations on the State Party report as described above.
* The NDA notes that throughout 2020, Departments have demonstrated increased awareness of the Convention. This has been evident through the degree of engagement with DCEDIY in respect of the draft State Report, and with the NDISSG, where UNCRPD features at each meeting,
* The EU Web Accessibility Directive was transposed into Irish law in September 2020, although the NDA notes that awareness of its provisions is currently low across the Irish public sector. This Directive, which was passed down by the European Union in 2016, requires public bodies to ensure their websites and apps are accessible to persons with disabilities. The NDA will have a monitoring role in respect of the Directive’s implementation in Ireland.
* The Decision Support Service, the regulatory body set up under the Assisted Decision-Making (Capacity) Act 2015, has been established since 2017 but is not yet operationalised. In Budget 2021, the Decision Support Service received additional funding required to develop the body so that it will be in a position to begin the implementation and regulation of the legislation once it is commenced.
* The National Council for Special Education (NCSE) have commissioned research on post-school education and learning destinations for adults with special educational needs, in order to enhance understanding of the landscape for learners with special education needs. It will provide further information on the training and education destination of school leavers and why such options were chosen. The work for this research has been postponed with the closure of schools and will now be completed in 2023.
* Sharing the Vision- A Mental Health Policy for Everyone, the successor to Vision for Change, was launched in June 2020. It incorporates new recommendations as appropriate to enhance national policy, while simultaneously aligning with the ten-year vision for reform and transformation of Ireland’s health and social care services encapsulated in the Sláintecare report.
* The Access and Inclusion Model Programme was recognised as a model of good practice by the United Nations, and won a UN Zero Project Award in February 2020.
* The NDA grant-funded a consortium of disability organisations to develop a new and innovative set of online supports for employers to become more inclusive in their recruitment and retention of employees with disabilities. A number of employers in the public and private sector have successfully piloted the supports.
* A number of actions from the NDIS were deemed to have been successfully completed by their responsible bodies, and were therefore removed from the Strategy following the mid-term review, although the NDA advises the importance of considering what follow-on actions may be relevant to build on this degree of progress.

## Delays and areas requiring further focus in 2021

There were a number of areas where progress was slow or seemed to have stalled in 2020. The NDA recognises that much of this can be attributed to the pressures put on the resources of various Departments, as well as the national restrictions put in place as a result of the COVID-19 pandemic. Some of the areas the NDA advises will require greater focus to regain lost ground in 2021 include:

* Following the dissolution of the last Government, the Disability (Miscellaneous Provisions) Bill lapsed, and has not yet been revived. This Bill had contained several amendments to various legislative provisions that are currently not in line with the UNCRPD. The NDA notes that action to address this is progressing within DCEDIY during 2021 and looks forward to seeing those areas critical to realisation of the goals of the Convention addressed in due course.
* Despite the increase in funding received by the Decision Support Service following Budget 2021, the Assisted Decision-Making (Capacity) Act 2015 has not yet been fully commenced. Until this legislation is commenced and implemented, Ireland’s existing practice around substitute decision-making and wards of court will be deemed to be in contravention of Article 12 of the UNCRPD.
* There has been a significant delay with the draft Mental Health (Amendment) Bill 2017. This Bill seeks to implement many of the recommendations contained in the Expert Group Review of the Mental Health Act 2001, and would bring the legislation in line with both the Assisted Decision-Making (Capacity) Act 2015 and the UNCRPD. The NDA notes that the draft legislation is currently under review in the Department of Health, and looks forward to the next steps in the amendment process being progressed as soon as possible. The Department of Health has also launched a public consultation, which will provide an opportunity for stakeholder to inform the review prior to publication of draft legislation to update the Mental Health Act.
* The first phase of the Personalised Budgets pilot was due to begin at the end of 2019, with the second phase commencing in autumn 2020. The pilot has suffered significant delays, which has in turn had an impact on the NDA’s commitment to manage the evaluation of the project. The NDA recognises that it has been challenging to progress delivery of person-centred services in light of the pressures on the health and social care system arising from COVID-19, but advises the importance of regaining momentum on testing the models of personalised budgets at the earliest opportunity.
* Following the mid-term review of the Strategy, two working groups were established and convened through the Department of Justice, to explore actions contained in the original Strategy: one on Assistive Technology and the other on Transport. The NDA understands that the COVID-19 pandemic had an impact on both of these working groups, but looks forward to them being reconvened through DCEDIY during 2021.

The NDA advises that, as well as addressing the areas that have encountered significant delays as outlined above, the following should be given further focus in 2021:

* The mid-term review of the NDIS introduced several new actions. However, Departments and public bodies have not had much opportunity to explore, commence and develop implementation of many of these actions as a result of COVID-19. In light of the remaining timeframe for the NDIS, the NDA advises the importance of progressing attention to these actions without further delay.
* Following the transposition of the EU Web Accessibility Directive and the commencement of the Irish Sign Language Act 2017, efforts should now turn to the implementation of both.
* While progress has been clear in respect of a number of actions, there are concerns around both the slow pace and staggered implementation of actions that are ‘shared’ between several different Departments. Progress in relation to such actions is often measured differently by each Department, and a recurring challenge is the lack of designated leadership or a clear, collaborative method for implementation.
* Much attention will be given to the consultations being carried out in respect of the State’s initial Report on its implementation of the UNCRPD. It will also be important to give consideration to how feedback and views received through consultation can be included or reflected in the State Report.
* The current Strategy runs from 2017-2021. The NDA advises that it is critical that early consideration is given to what its successor – and the associated monitoring structures - will look like, in order to support a seamless transition.[[2]](#footnote-2)
* While the Comprehensive Employment Strategy for People with Disabilities runs until 2024, its second Action Plan comes to an end in 2021. The NDA advises the importance of timely consideration of the development and adoption of its third and final Action Plan.

## Monitoring cross-departmental actions and thematic approach

The varied nature of NDIS actions and how they are framed for delivery, and the degree of cross-departmental dependency involved means that it is easier for Departments to succinctly report progress on some actions than for others. This is particularly the case in respect of actions that Departments have sole responsibility for, as opposed to actions that are the responsibility of ‘all departments and public bodies’.

The NDA advises that, in 2021, mechanisms are developed by officials at Departmental Disability Consultative Committee level and at the NDIS Steering Group to find ways to support better focusing of attention on areas where either little or no progress has been reported. The NDA notes the value of Departmental Consultative Committees in the implementation, coordination and reporting of NDIS actions, and particularly those actions where inter-departmental or cross-departmental work is required to develop joined-up public services. The NDA also notes the value of the membership of DSG representatives, who ensure that departmental deliberations are informed by persons with disabilities, who bring perspectives based on lived experience and expertise to these meetings.

The NDA advises that membership of the Disability Consultative Committee should include engagement from all relevant units of that Department and agencies under its remit, as for example in the case of the Department of Education DCC, where there is representation from units in the Department and agencies such as NCSE, SOLAS, and the ETBI. Similarly, the NDA encourages Departments to consider whether it would be relevant or appropriate to broaden the membership of their DCCs to allow for representatives of other disabilities organisations to participate, including representatives of Disabled Persons’ Organisations. The establishment of new departments following a new government in the summer of 2020 also requires that new DCCs are developed in some departments.[[3]](#footnote-3)

In order to allow monitoring structures to effectively examine progress made in respect of the NDIS actions, the NDA advises that DCEDIY compiles all new and modified actions into one document, and moves completed actions to an appendix of that document. The NDA also advises that DCEDIY could consider reviewing the responsible bodies for relevant actions, following the various transfers of functions that took place last year after the General Election, revising the Strategy document to accurately reflect the new ‘owners’ of many of the actions.

The NDA has previously advised that ‘thematic’ NDIS meetings may be one way of achieving the required focus, as the thematic approach has the potential to foster a greater degree of cross-sectoral understanding of some of the significant developments of relevance to the NDIS. In particular, thematic meetings can highlight:

* Which actions related to that theme within the NDIS are working well, and any learning that can be applied elsewhere
* Which actions have not progressed as expected, why this is so and what plans the Departments have to address same. These should ideally have been discussed with the DCC prior to meetings of the NDIS
* The views of the group on what could be helpful to addressing any challenges or delays that have arisen

The NDA advises that it would be helpful to use this approach for some NDIS and / or Departmental Disability Consultative Committee meetings in 2021.[[4]](#footnote-4) The NDA has proposed the following themes for 2021, but advises that this advice could be reviewed should any specific developments or emerging priorities indicate same:

* Focused meeting on possible NDIS successors and/or UNCRPD Implementation Plan
* Thematic meeting on NDIS mental health actions
* Thematic meeting on the new and modified actions contained in the Strategy following its mid-term review
* Thematic meeting on employment (to coincide with the final year of the second Comprehensive Employment Strategy Action Plan)
* Thematic meeting on person-centred disability services and inclusive communities.

## Summary of progress

The NDA welcomes certain milestones that were reached in 2020, despite the challenges faced by all relevant parties as a result of COVID-19. Achievements include the development of a comprehensive first draft of the UNCRPD State Report, the drafting of which involved collaboration on the part of many Departments and agencies. Similarly, the NDA welcomes the establishment of the Disability Participation and Consultation Network, the development of a public consultation process in respect of the State Report and the preparation by civil society to commence drafting of a Shadow Report.

The NDA welcomes the transposition of the EU Web Accessibility Directive and the commencement of the ISL Act, both of which will provide for improved accessibility of communications for persons with disabilities. The NDA advises that all relevant stakeholders work together to ensure effective implementation of both. The NDA also welcomes the addition of new actions, designed to increase access to justice for persons with disabilities.

Several reports and evaluations were published in 2020, including the FET-HE Transitions Reform Sub-Group Working Paper; the Roadmap for Social Inclusion; a new national Further Education and Training Strategy; a report on the Person-Centred Planning Demonstration Projects; and Sport Ireland Guidelines to support the return to sport and physical activity for persons with disabilities.

The new national mental health policy, Sharing the Vision- A Mental Health Policy for Everyone, was launched in June 2020. Given that the NDIS contains several actions on mental health, which cross a number of Departments, the NDA advises that one NDISSG meeting in 2021 explores the theme of mental health and features a comprehensive, holistic update on the current state of available mental health services and support, provided by officials working directly in this space.

The NDA congratulates all involved in the AIM Programme, which won a UN Zero Project Award in February 2020. The NDA welcomes the extension of the Pilot School Inclusion model for children with special educational and additional care needs 20/21, and the relevant commitment in Budget 2021, which includes funding for 60 additional therapists and 30 psychologists. The NDA also welcomes the commitment made in February 2021 to extend the Ability programme, which had been due to end in June 2021.

The NDA is concerned at the slow progress in respect of several NDIS commitments, including commencement of the Assisted Decision-Making (Capacity) Act 2015, amendment of the Mental Health Act 2001 and creation of Protection of Liberty safeguards, and would encourage responsible bodies to place a particular focus on progressing these actions in 2021.

The evaluation of the effectiveness of the Progressing Disability Services Programme in meeting the needs of children with disabilities has not yet commenced. Neither has the review of regulations for residential disability services. The NDA advises that work on both of these projects is commenced without further delay in 2021.

COVID-19 had a significant impact on the work of the Personalised Budgets Demonstration Projects in 2020. A small number of participants had joined the project pre-COVID-19, but recruitment was paused for much of 2020. The way in which disability services are funded and organised has created many challenges for the pilot, and the NDA advises that, following the pilot and evaluation, significant issues will need to be addressed if Personalised Budgets are to become a mainstreamed option for persons with disabilities.

Another policy on which COVID-19 had a significant impact was Time to Move On from Congregated Settings. The number of people who moved to new homes in the community during 2020 is expected to be in the order of 120, slightly under the target of 131. The NDA welcomes this degree of progress, given the challenges faced by responsible bodies in 2020, but advises the importance of continued focus in 2021.

The NDA notes that collaboration between Departments and between Departments and external stakeholders remains strong, in spite of COVID-19 restrictions. The NDA welcomes the efforts of all NDISSG members to embrace new ways of working, in order to both progress the actions committed to in the NDIS and to monitor implementation of same.

# Theme 1: Equality

The actions under this theme aim to ensure progress in relation to the rights of persons with disabilities to access mainstream public services and of ensuring persons with disabilities are recognised and treated equally before law, including in relation to making decisions.

### UN Convention on the Rights of Persons with Disabilities

A number of actions under this theme relate to the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Ratified by Ireland in 2018, the UNCRPD promotes and protects the fundamental rights of persons with disabilities on an equal basis with all other people. Ireland was due to submit its initial State Report, documenting its progress in realising the rights contained in the Convention, in 2020. However, the State sought an extension from the Committee on the Rights of Persons with Disabilities (the Committee), due to the impact of the COVID-19 pandemic on the State’s plans to conduct meaningful consultation on the draft report. The extension was granted, and the State is now on course to submit the State Report in Summer 2021.

All relevant Government Departments worked with the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) throughout 2020 to prepare a draft State Report. DCEDIY, as the focal point and coordinating mechanism under the UNCRPD, drafted the initial Report and sought feedback and information from Departments. The draft State Report is currently out for public consultation.

A new action, added to the NDIS following the mid-term review, included a commitment to establish a consultation and participation model, which will facilitate participation by persons with disabilities in the policy development process (Action 3C). This action has been completed, with the establishment of the Disability Participation and Consultation Network (the Network). This three-tier, funded Network brings together Disabled Persons’ Organisations, disability organisations and individual with disabilities to provide a cohesive approach to hearing the voices of persons with disabilities in respect of the development of policy and legislation. The first task of the Network is to undertake a consultation on the draft State Report. It is envisaged that the Network will, in time, act as a resource for Departments to consult and engage with when they are developing relevant policy and legislation.

In line with Action 2, the Programme for Government, published in October 2020, included a commitment to establish a Joint Oireachtas Committee on Disability Matters, which considers all disability matters, including monitoring the implementation of the UNCRPD. This Committee has met several times to date, and has heard presentations from Minister Roderic O’Gorman, Minister of State Anne Rabbitte and Minister of State Josepha Madigan, the NDA, the Irish Human Rights and Equality Commission, and several disability organisations.

The NDA finalised its UNCRPD Mapping exercise in 2020, following consultation with relevant departmental officials. This exercise mapped the extent to which the actions committed to within the NDIS, as well as existing or planned relevant legislation, national strategies, policies or programmes are aligned with the associated UNCRPD articles. This process assisted in identifying gaps and areas where there appears to be little or no legislation, policies or programmes in place to address the intention of an individual Article, and where there is insufficient or indeed no evidence of activity underway nor planned to address same. The exercise was not intended to provide commentary on the efficacy of the various items in realising the goals of the Convention, as this would be a separate exercise requiring detailed consultation with persons with disabilities. The NDA advises that DCEDIY’s public consultation plans for early 2021 will contribute to developing this picture. The NDA also updated a legal analysis it had carried out in 2012, which identified pieces of legislation that were not in line with the UNCRPD.[[5]](#footnote-5)

In January 2020, NDA hosted a forum event with a number of representative organisations in the disability sector. This was the second such event held, with the first taking place in June 2019. The purpose of each event was to hear from representative organisations on their perceptions – and those of their members – on how Ireland is implementing the UNCRPD. A report of this event was circulated to relevant officials. Attendees comprised representatives of DPOs as well as from other disability organisations.

An important part of the effective implementation of the UNCRPD is the involvement of civil society, especially in respect of the drafting of a Shadow Report. In 2020, the Irish Human Rights and Equality Commission (IHREC) awarded funding from its Grants Scheme to the Disability Equality Specialist Support Agency (DESSA) to finance the drafting of a Shadow Report by the Disabled Persons’ Organisations Coalition. IHREC also awarded funding to Inclusion Ireland to carry out work in respect of the participation of people with intellectual disabilities in the shadow reporting of the UNCRPD.[[6]](#footnote-6)

While presenting to the Oireachtas Joint Committee on Disability Matters in November 2020, Minister O’Gorman made two significant commitments in respect of NDIS actions: that the Optional Protocol would be ratified once Ireland’s first UNCRPD reporting cycle was completed (Action 3) and that a new Disability (Miscellaneous Provisions) Bill would be drafted (Action 1). The Disability (Miscellaneous Provisions) Bill 2016 which had contained amendments to several pieces of legislation that are necessary to bring them in line with the UNCRPD, lapsed in 2020, following the dissolution of the previous Government. The NDA notes that action to address the lapsing of this important Bill has commenced within DCEDIY (Action 1).

While there has been progress in one of the new actions added to the revised Strategy, others remain unexplored and unimplemented. Actions 3B and 3C oblige relevant Departments to develop an Implementation Plan to coordinate implementation of the UNCRPD across Government, and flowing from that, individual departmental plans, outlining how each Department will go about embedding and implementing the Convention in their work. These actions are timely additions to the Strategy, as the current NDIS has recently been extended to end 2022, and discussions will soon turn to its successor. The NDA advises that these actions are given priority in 2021, and form the basis of considerations and discussions around the Government’s approach to a new Strategy.

Action 3D calls for the establishment of a new data strategy that can be used to identify outcomes for persons with disabilities accessing services and programmes. Work on this data strategy has not yet begun, although early discussions between the NDA and DCEDIY on how they will approach this work have been held.[[7]](#footnote-7)

Importantly, a number of the new actions (including Action 3A and 3D) name the National Disability Inclusion Strategy Steering Group (NDISSG) as a Responsible Body for the implementation of those actions. The NDISSG is made up of officials from the relevant Departments, members of the Disability Stakeholders Group and its independent Chair, and representatives of the NDA. It meets four times a year, at meetings that are chaired by the Minister of State with responsibility for Disability. Up until now, the NDISSG was a monitoring structure, which met to assess the progress of the relevant Departments. The NDISSG has not yet had the opportunity to discuss how it will go about acting as a Responsible Body, and carrying out the actions in question, as opposed to monitoring them.

### Assisted Decision-Making

The NDA notes that there was little progress reported on actions relevant to the Assisted Decision Making (Capacity) Act of 2015 during 2020. The majority of provisions under the 2015 Act have yet to be commenced (Action 4) and while the Decision Support Service has been established (Action 5), it is not yet operational, due to the delay in commencing the legislation. The NDA notes that priority has been given within DCEDIY to drafting the amending legislation that is necessary prior to commencing the parent legislation, and that that work has recently begun, with the hope that the amending legislation will be enacted before the end of 2021. This will then allow the DSS to commence operating in early 2022. The NDA welcomes the additional budget granted to the DSS in Budget 2021.

While Departments report that the obligation to embed a presumption of capacity into the way services are delivered and designed (Action 6) is ‘on track’, the NDA advises there is no clear method for monitoring this implementation and associated impact. Until the Assisted Decision-Making (Capacity) Act 2015 is commenced, there is no clear legal framework underpinning this action. The same can be said for Action 9, which commits the DSS and the HSE to raise awareness of the options of supported decision-making contained in the 2015 Act. However, it should be noted that, despite the non-commencement of the legislation, both bodies are making great efforts to continue to raise awareness and prepare for commencement. The Director of the DSS continued to meet with many stakeholders during 2020, and the HSE has invested resources and time into creating regular and comprehensive education and training for healthcare professionals on the legislation.

### Protection of Liberty

Progress by the Department of Health on developing a new legislative basis for deprivation of liberty/protection of liberty safeguards remains slow (Action 12). This is a complex area and the Department of Health had previously considered that progress was on track whereby consultation on the Heads of Bill took place in 2018 and early 2019 and a consultation report on the draft heads of Bill was published in 2019. However, in Quarter 4 of 2019 the Department of Health briefed stakeholders that it was continuing to refine the draft Heads and was working hard to resolve complicated policy issues that had arisen, especially in light of the implications of what is known as the AC case in the Supreme Court. In Q4 2019, the Department held a workshop, aimed at identifying types of deprivations of liberty. Aside from a circulation of the discussion points from that workshop, there was no update from the Department of Health on this matter in 2020. The NDA acknowledges that the area is extremely complex and that it is imperative to get the legislative approach right. It also recognises that resources were diverted from this work in 2020, as part of the response to COVID-19. The NDA continues to advise the importance of increasing efforts to progress the legislation at the earliest opportunity, noting that this area is one of significance in relation to realisation of the goals of UNCRPD.

### Safeguarding

The HSE completed and published its HSE Adult Safeguarding Policy (Action 10) in 2019. The HSE has established an Implementation & Governance Group, which will be responsible for overseeing the implementation of the policy. The ongoing monitoring of the implementation and impact of same for persons with disabilities will be important. The output of this Group may be impacted by work currently underway in the Law Reform Commission. Following the introduction of a Private Members Bill in 2017, entitled the Adult Safeguarding Bill, the Law Reform Commission was tasked with carrying out further research on the topic of the establishment of a regulatory framework for adult safeguarding. The Commission held a public consultation in 2020 and is currently examining submissions it received, alongside its own research, and will make recommendations in 2021.

According to the mid-term review of the NDIS Indicators, published by the NDA in April 2020, there was an increase in the number of reported experiences of discrimination suffered by persons with disabilities, the increase in the number of people seeking advocacy support from the National Advocacy Service and the increase in safeguarding concerns reported to the HSE’s Safeguarding and Protection Teams between 2016 and 2018.

### Mental Health

In 2019, Draft Heads of Bill of legislation to amend the Mental Health Act 2001 were finalised and submitted to the Mental Health Commission for detailed review (Action 13). This amending legislation seeks to align the Mental Health Act 2001 to the Assisted Decision-Making (Capacity) Act 2015, as well as taking account of other recommendations made by an Expert Group tasked with reviewing the mental health legislation. The NDA is concerned as to the progress of this important piece of work, as, since 2019, there has been no update about the draft Heads of Bill, nor the Mental Health Commission’s review of same, although we note that a public consultation process is currently underway.[[8]](#footnote-8) If the Mental Health Act is not amended prior to the commencement of the Assisted Decision-Making (Capacity) Act, there will be discrepancies in the ways in which the individuals covered by the respective pieces of legislation are treated. The NDA also emphasises the importance of a comprehensive public consultation on the draft Heads of Bill; the lived experience of people who use mental health services should help to develop the provisions of the amending legislation.

### Access to Justice

Under the revised Strategy, the Government’s efforts to enhance access to justice for persons with disabilities have been refreshed. An Interdepartmental Group to examine issues relating to people with mental illness who come in contact with the criminal justice system was established in 2012. The Group comprised representatives of the Department of Justice and Equality, the Department of Health, the Health Service Executive, the National Forensic Mental Health Service, An Garda Síochána, the Office of the Director of Public Prosecutions and the Irish Prison Service. It was tasked with examining the issue of people with mental illness coming into the criminal justice system. It produced two reports, in 2016 and 2018, both of which contained recommendations.

A modified action in the revised NDIS (Action 8) seeks to build on the work of the Interdepartmental Group. Under the Programme for Government, a cross-departmental and cross-agency taskforce was established to consider the mental health and addiction challenges of those imprisoned and primary care support on release. The terms of reference of this taskforce are currently under development by the Department of Justice and Department of Health.

Three new actions on the topic of access to justice were added, and work has commenced in relation to all of them. Action 18B obliges the Department of Justice to integrate a focus on the needs of persons with disabilities in its initiative to enhance access to justice. Such initiatives include the implementation of the recommendations made in the O’Malley review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences. Several sub-groups have been established to implement the recommendations, and two of them (the sub-group to establish a pilot scheme for intermediaries and the sub-group to develop specialist training for legal professionals) will consider the needs of persons with disabilities in the context of the criminal justice system.

Under Action 18C, the NDA committed to drafting an advice paper on the use of intermediaries in the criminal justice system (Action 18C), which was completed and delivered in 2020. This paper is now guiding the advice the NDA is giving to the O’Malley sub-group tasked with establishing a pilot scheme for the use of intermediaries.

The NDISSG has yet to receive an update on the progress of Action 18A from the Responsible Body, which obliges the Policing Authority to monitor actions taken by An Garda Síochána to ensure its services and information is accessible. The NDA notes that An Garda Síochána has undertaken work in this respect, for example piloting ISL interpretation services in two of its Garda stations. An Garda Síochána has also established a Strategic Human Rights Advisory Committee, at which it explores how to embed a culture of accessibility and inclusivity in its work. An Garda Síochána and the University of Limerick have collaborated to create a Level 8 module on Human Rights and Policing. The module consists of a bespoke training programme for An Garda Síochána and has been accredited by the University of Limerick. It is a co-curricular module, involving Garda senior management and eight staff from the University of Limerick. It is a 12-week programme and several of the topics included feature a disability aspect. The module commenced in January 2021.

The Department of Justice and Equality carried out a public consultation in late 2019-early 2020, to gather information on hate speech in Ireland and to invite suggestions regarding the review of the Prohibition of Incitement to Hatred Act 1989 (Action 25). The Department is also developing legislation on hate crime; the Programme for Government commits to its introduction within 12 months of the formation of Government. This legislation will create specific offences to ensure that those who target victims because of their association with a particular identity characteristic are identified as perpetrators of hate crime. This legislation will be supported by training across the criminal justice system, as well as victim supports.

The Victims of Crime Directive was transposed in 2017, with the adoption of the Criminal Justice (Victims of Crime) Act (Action 14). This action has been removed from the revised Strategy, as it was deemed to have been completed.

The NDA dedicated its Annual Conference 2020 to the theme of Access to Justice in the context of Article 13 of the UNCRPD. Aimed at the primary audience of policy makers, the Conference explored access to justice for persons with disabilities in respect of policing, the courts, prisons, and probation. It also explored the area of supported decision-making and safeguarding, and youth justice. The Conference showcased good practice from other jurisdictions and a keynote speech from the former UN Special Rapporteur on the Rights of Persons with Disabilities.

### Intersectionality

Action 7, which speaks to proofing Government policies and programmes against their potential impact on women with disabilities, has been removed. The Department of Justice and Equality noted that, in the overall equality context, the focus is now on the development of an integrated equality/poverty proofing process that covers all nine equality grounds plus poverty. The Department believed that, in light of this, and following consultation with the its Gender Equality Division, it would be regressive to maintain separate guidelines for disability impact, gender impact, and impact on women with disabilities. While the NDA welcomes a streamlined approach to equality proofing, it believes that there should be a recognition of the specific struggles different cohorts of persons of disabilities experience, for example women, members of the Traveller community, asylum seekers. An emphasis on intersectionality is evident in the UNCRPD and should also be acknowledged in national policies and programmes.

### Disability Awareness

Under Action 20, some Departments reported on activities around disability awareness training for their staff. This includes the creation of new eLearning modules and the hosting of once-off awareness-raising days on specific types of disabilities.

The NDA funded a consortium of four disability organisations (Rehab Group, AsIAm, Not so Different and Walk) to develop an e-learning module on Inclusive Recruitment and Retention Practices for persons with disabilities (Article 117). Materials were developed and piloted across a range of public and private sector organisations, and the e-learning module was launched on International Day of Persons with Disabilities, in December 2020. The module is hosted on the website of AsIAm and in-person training is also an option.

In previous assessments, the NDA noted that the current format of reporting on this action makes it difficult to assess the extent to which training is delivered and whether or not it is effective. The NDA reiterates its suggestion that it would be helpful for Departments to report on the numbers of staff who receive disability awareness training in 2021 as one means of indicating progress in this regard.

### Accessibility

The EU Web Accessibility Directive was transposed by the Department of Communications, Climate Action and Environment in September 2020 (Action 23). The European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020 requires public bodies to ensure their websites and mobile applications are accessible to persons with disabilities. The NDA will have a role in the monitoring and reporting of this requirement. The NDA has also conducted research into the training needs of IT professionals on Universal Design and accessibility. On foot of this research, NDA collaborated with the Irish Computer Society (ICS) to support and develop a programme of Continuous Professional Development training. The delivery of CPD training by the ICS is underway. However, uptake has been impacted by the delay in the transposition of the Directive and the general lack of awareness within the public sector. Several deadlines introduced by the Directive have already passed, and the NDA stresses the need for public bodes to prioritise the carrying out of their responsibilities without delay.

Action 19 tasks the NDA with reviewing and monitoring progress by public bodies against the Code of Practice on Accessible Services and Information. In 2020, a revised version of the Code of Practice was finalised and is currently awaiting the Minister’s approval. The NDA’s Centre for Excellence in Universal Design developed a national pilot in specific areas for the inclusion of accessibility in public procurement as part of the Monitoring of Public Services under the Code of Practice and a pilot of key indicators was commenced. This will be completed by Q1 2021.

### ISL

Following its enactment in 2017, the Irish Sign Language Act was commenced in December 2020. The Act introduces a number of obligations for various public bodies, including providing for the use of ISL in legal proceedings, making ISL interpreting services available, establishing ISL interpreter registers and introducing targets regarding the accessibility of television programming. The NDA has been assigned a role to report on the implementation of the ISL Act by public bodies. While some public sector organisations, such as An Garda Síochána as mentioned above, carried out pilots to help them plan for how they will meet their statutory duties under the 2017 Act, the NDA emphasises the importance of all relevant public bodies examining how they will incorporate the statutory duties under the 2017 Act into their model of service provision. Public bodies must be aware of their responsibilities and obligations in this regard, and should look to those already carrying out pilots in order to learn from good practice.

Relevant to the commencement of the Act is the modified Action 29 in the revised NDIS. This action commits the Department of Social Protection to providing further resources to the Sign Language Interpretation Service (SLIS) to increase the number of trained Sign Language and Deaf interpreters, to put a quality-assurance and registration scheme for interpreters in place and to provide on-going professionals development. In this context, the Regulatory Centre for Irish Sign Language Interpreters Ireland CLG established a national register and quality assurance scheme for Irish Sign Language Interpreters in Ireland in 2020. The Register of ISL Interpreters (RISLI), a voluntary, national, professional register seeks to protect users of interpreting services through a standards-based registration system; set and ensure adherence to standards for the provision of ISL by public bodies; support public bodies to facilitate the use of professional ISL services; and support professional ISL interpreters to meet and maintain standards. The RISLI currently has 86 registered ISL interpreters, including five registered Deaf interpreters. Deaf interpreters are Deaf or hard-of-hearing professionals who possess fluency in ISL and an in-depth knowledge of Deaf culture and the Deaf community. Deaf interpreters usually work alongside a ‘hearing’ interpreter colleague in situations where the Deaf client is not a native user of ISL or has additional needs, or in a mental health setting. RISLI will publish quarterly reports, which will include updates on the number of registered interpreters and their activities.

### Autism Plan

The National Autism Programme Board tasked with implementing the Autism Plan (Action 21) paused its work in March 2020 due to the COVID-19 pandemic. However, the communications strand of this work has recommenced and is currently scoping the development of web-based information on available services, and how to access them.

### Voting

In 2020, the Department of Housing, Local Government and Heritage continued work on an Electoral Reform Bill, and published the General Scheme of that Bill in January 2021 (Action 29). The main reforms proposed under the Electoral Reform Bill are to:

* Establish an statutory, independent Electoral Commission which is accountable to the Oireachtas
* Modernise the electoral registration process
* Regulate online political advertising
* Amend electoral law to assist in the holding of electoral events if Covid-19 restrictions are in place.

In early 2021, the Minister of State with responsibility for Disability, Anne Rabbitte and the Minister of State with responsibility for Heritage and Electoral Reform, Malcolm Noonan, met with members of the DSG and its independent Chair to discuss the disability aspects of the Electoral Reform Bill. Minister Noonan informed the group that the new Electoral Commission will have a set of evolving capacities, including a research and advisory function. The research division will be tasked with carrying out a review of the current postal voting system. Persons with disabilities have reported barriers and inefficiencies with the current system so the opportunity to reform this could have positive implications. There is also a provision “giving the flexibility to returning officers to provide a postal vote to those on the special voters list if nursing homes and hospitals are inaccessible at the time of an electoral event” (for example, due to COVID-19).

With respect to the modernisation of the electoral registration process, one of the proposed reforms includes “the simplification of forms and the registration process, including an online option, a rolling (continuously updated) register” which may reduce some of the barriers faced by persons with disabilities when registering. The NDA has previously advised that a Universal Design approach to this process, and to the other activities of the new Electoral Commission, would be relevant in this regard.

### COVID-19 impact

Several responsible bodies have reported delays in respect of actions as a result of the COVID-19 pandemic. This includes the roll-out of a ‘reform and culture change’ programme by the Department of Health and the HSE (Action 11), which has seen the remaining 3 modules in the programme suspended until participants can re-engage. It also includes work to include commitments in strategy statements and business plans to ensure compliance with Part 3 of the Disability Act (Action 24) and work to bring buildings into compliance with revised Part M regulations (Action 25). The NDA looks forward to renewed focus in these areas in 2021, once COVID-19 restrictions begin to ease.

# Theme 2: Joined up policies and public services

The actions under this theme relate to the areas that particularly require Government Departments and State agencies to work together to provide public services in a way that meets the needs of persons with disabilities. This can entail co-ordinated provision of access to supports from different sources, co-operation to support effective, smooth and timely transitions and referrals between different service areas e.g. schools and further education, all of which are person centred and delivered with clear roles of accountability, good communications and continued building of staff capacity in this regard.

The NDA mid-term review of NDIS indicators noted that this theme is quite challenging to report on, as quantitative data are not routinely collected on the indicators and there is a subjective element to some indicators. However, the Review shows that engagement and collaboration between various Departments, and between Departments and external stakeholders has led to the success of several actions. It does note that input from some stakeholders has not been received by the NDIS Steering Group, for example Local Authorities.

### Children and Young People

Action 30 tasks the Department of Education and the HSE with identifying opportunities for local health and education forums to facilitate improved co-ordination of services for children with disabilities at local level. While delays have occurred, as a result of the COVID-19 pandemic, there has been much communication between the HSE and the DES, mainly in relation to COIVD-19 issues as they relate to young people leaving school and entering a HSE-funded day service. In recognition of the disruption to transition planning caused by school closures in 2020, the Department of Education and the HSE agreed a support programme for the transition of 2019/20 school leavers to Adult Day Services. While the National Education and Health Collaborative Forum has been established and has met to discuss the implementation of the Framework for Collaborative Working between Education and Health (agreed in 2013), the NDA advises the importance of a renewed focus on the rollout of the Framework.

Action 31 relates to facilitating smooth transitions into, within and out of education on a cross-departmental and agency basis. Work on this action has been put on hold while the departments and agencies involved consider how guidance on COVID-19 may feature in their considerations.

Further progress in this area of transitions from school into further education was committed to in Action 1.3 of the Comprehensive Employment Strategy Phase Two Action Plan 2019- 2021. This action commits responsible bodies to providing access to all school leavers requiring specialist supports to an appropriate transition programme. A steering group comprised of HSE, NCSE, DoE, SOLAS and ETBI was established to develop a new Transition Programme for students with special educational needs, met in November 2020 and reactivated planning around this action, which had previously stalled. This action will lead to the development of a transition programme for those requiring specialist supports post-school. Terms of Reference for the project have been established, and the NDA welcomes the development of an action plan for two pilot project groups in sites in North Dublinand Galway. An initial mapping exercise of services and supports post-school for both areas are completed. It will be important to see implementation of this action in early 2021.

A smooth transition to post-school options requires a clear pathway for a student and should be offered in a person-centred way. To fully understand this landscape for learners with special education needs, the NCSE has commissioned two pieces of research focussed on their post-school education experience. The first aims to reveal the actual post-school options for students with special educational needs. In doing so it will assist the development of pathways as they will capture where students go once they leave school, their reasons for choosing particular paths and their experiences of these paths. The second project examines educational provision and life-long learning in adult day services. The study developed a framework of principles and indicators of good practice. It reviewed educational provision available to adults with disabilities accessing these services, how it was delivered, and the expected outcomes from this provision and whether they were being achieved by adults. The study report is expected to be published in Q2 2021.

### Further and Higher Education

Also in the area of further education is the Further Education and Training (FET) Strategy 2020-2024, which stresses the need to adopt a more targeted approach to addressing barriers around participation, completion and progression of persons with disabilities and other prioritised cohorts. Education and Training Boards are encouraged to work in partnership with community and voluntary organisations who can represent or reach out to particular groups and facilitate a pathway to re-engage with education through FET.

The FET-HE Transitions Reform Sub-Group developed proposals for education and training qualifications from the FET sector to be recognised for entry into Higher Education in an agreed and consistent manner. The Sub-Group examines specific issues relating to the transition for learners from further education and training into third level and it considers and make recommendations on how best to position further education and training qualifications for points and entry purposes into higher education. The Sub-Group developed a Working Paper over the course of seven meetings held between 2018 and 2020. The Working Paper was published in September 2020 and highlights areas where further consideration and development is required to support FE-HE transitions under headings such as strategic approach, reviewing provisions, building the research base, developing consistent approaches.

### Stakeholder Engagement and Collaboration

In 2020, nine Disability Departmental Consultative Committees met at least once to discuss the progress of their respective actions (Action 32).[[9]](#footnote-9) While some meetings were disrupted due to COVID-19, most Departments reacted swiftly and moved their DCCs online. The NDA advises Departments that the NDISSG agreed that ideally four DCCs would be held each year to allow for full consideration of the commitments within the NDIS.

The NDIS Steering Group met four times in 2020; the new Minister of State with responsibility for Disability, Anne Rabbitte, chaired the meetings held in September and December.

In Q2 of 2020, the NDA published its independent assessment of progress under the Strategy in 2019, along with an interim assessment of progress against the agreed suite of indicators. The NDA has also provided its independent advice and input to the mid-term review of the Strategy, and supported the Department of Justice and Equality in its related public consultation events.

The NDA continues to provide secretariat support to the Disability Stakeholders Group (DSG). Between 2019 and 2020, the DSG saw a number of its members resign. This has created a large burden to be shared amongst the remaining members, who have had to take on extra work in terms of preparation for and representation at meetings. Each DSG, DCC and NDISSG meeting requires a significant amount of work from members. As a result of this increased burden, the Chair of the DSG worked with DCEDIY in 2020 to draft a notice inviting Expressions of Interest for new members to join the DSG. This work is ongoing.

Outside of the DCC context, several Departments and agencies engage with other representative organisations regularly, in order to inform their work. For example, IDA Ireland has partnered with the Irish Centre for Diversity (ICD) to assist in the development of a new Diversity & Inclusion Strategy for 2021-2023. IDA is also working with Open Doors as part of the Work Streams Project to create better employment opportunities. The HSE holds quarterly meetings with the National Consultative Forum (NCF), who in turn, hears from each CHO. The membership of the NCF includes the Disability Federation of Ireland, the National Federation of Voluntary Bodies, the National Advocacy Service and Inclusion Ireland. DEASP, DCCAE, DoH and DTTAS have all broadened the membership of their DCC meetings, to include several other stakeholders and disability organisations, in addition to the existing DSG members.

The NDA advises that, for the DCC-DSG-NDISSG structure to remain successful, all Departments should examine their current DCC arrangements. Following 2020’s General Election and the subsequent transfer of functions between departments, along with the mid-term review, DCCs may need to be reconfigured or established, or may need to update their agendas to include new actions. Officials have indicated that a DCC will be established in the new Department of Further and Higher Education, Research, Innovation and Science. With the transfer of the relevant personnel from DJE to DCEDIY, new personnel should be put in place to coordinate the Department of Justice DCC. Equally, the DCEDIY DCC should now examine actions belonging to the former DCYA DCC, as well as actions transferred from the DJE, such as responsibility for the NDIS and UNCRPD. DCEDIY, as the coordinating Department for the NDIS, should re-shuffle the responsible bodies named against the actions, as several of these need updating following last year’s election. An updated version of the revised Strategy is needed in order to effectively monitor Departments’ efforts.

The NDA encourages Departments to consider whether it would be relevant or appropriate to broaden the membership of their DCCs to allow for representatives of other disabilities organisations to participate, including representatives of Disabled Persons’ Organisations.

In 2020, the NDA published a paper on engagement with Disabled Persons’ Organisations (Action 33). This paper explored good practice from other jurisdictions, and considered recommendations made in the Transforming Lives Working Group 3 report on Effective Participation in Decision-Making. This paper was shared with DCEDIY and other Departments, so that a coordinated approach can be taken in respect of effective engagement. The NDA is also carrying out work on updating its Ask Me guidelines, and is looking at the issue of involving persons with disabilities in research. The NDA stresses the importance of including persons with disabilities at all stages of the development of policy and legislation that will impact their lives, in keeping with the goals of the UNCRPD.

# Theme 3: Education

The actions under this theme cover education from early learning and care up to further and higher education. The NDIS actions aim to ensure that education at all levels can be accessed and enjoyed by persons with disabilities. Progress on these actions will be important in terms of meeting the State’s obligations under Article 24 of the UNCRPD.

### Removed Actions

Following the mid-term review of the NDIS, three actions under the ‘Education’ theme were removed:

* Action 36, which tasked the Department of Education and the NCSE with continuing to require schools to link SNA support to individualised planning for each pupil. The DOE recommended that this action be removed, as individualised planning will be incorporated into the work to implement the recommendations that came out of the SNA scheme review (Action 35).
* Action 40, which tasked the Department of Education with amending its Technical Guidance Documents for school and educational buildings to ensure universal design principles and guidelines are fully considered in all designs for new building and, where possible, in the retrofit of existing buildings. The DOE deemed this action to have been completed, as all new buildings and retrofits are Part M compliant.
* Action 41, which tasked SOLAS with developing a social inclusion resource to enhance the capacity to support active inclusion of all people in further education and training including persons with a disability. This action was removed as the social inclusion resource has been developed in SOLAS with the establishment of the Inclusion Unit to enhance capacity to oversee the planning and delivery of activity in the sector.

In respect of Action 40, the NDA is not of the view that this has been completed, and it regrets that the mid-term review process did not allow for adequate discussion and examination of actions prior to their removal. Action 40 tasked the DOE with updating all of its Technical Guidance documents, to ensure that Universal Design principles and guidelines are fully considered in all designs of new buildings and retrofits. Ensuring that new buildings and retrofits comply with Part M Regulations does not satisfy the requirements within this action, as Universal Design goes beyond the minimum requirements of Part M of the building regulations.

### Access and Inclusion Model (AIM)

The Department of Children and Youth Affairs and its cross-sectoral partners continued to make significant progress in relation to the implementation and operation of the AIM model (Action 34). AIM is a model of supports designed to ensure that children with a disability can access and meaningfully participate in the Early Childhood Care and Education (ECCE) programme. AIM is a child-centred model, involving seven levels of progressive support, moving from the universal to the targeted, based on the needs of the child and the early learning and care (ELC) setting. The budget for the AIM programme has been increased under Budget 2021, from €33 million to €43 million per year.

In February 2020, AIM won an award at the UN Zero Project Awards.An international initiative, the Zero Project finds and shares models that improve the daily lives and legal rights of all persons with disabilities. AIM was one of 11 awardees selected from over 460 global submissions.

In 2020, AIM finished the fourth preschool year since its launch in 2016. So far, over 12,690 children have benefited from over 28,480 targeted supports in over 3,410 early learning and care settings, provided under AIM. In 2019/20, the number of children who benefited was 5,698.

### Early Learning

Just over 900 Early Learning and Care Practitioners participated in the fourth and final year of the Leadership for Inclusion (LINC) Programme, under the current contract. Since the start of the programme, there have been 2,532 LINC graduates, 1,912 of whom have agreed to take on the role of Inclusion Coordinator in ELC settings. In 2020, work began on finalising the details of the contract for another 3 years of the LINC programme with an added CPD element for existing graduates.

To date, 800 participants have completed Lámh Sign Language training and 1074 participants have completed Hanen Teacher Talk training. Course organisers note that trainings are very well received, with high demand for training places. In 2019-20, a new training course was introduced called Sensory Processing and Early Learning (SPEL). This online training course was rolled out to services with children with sensory processing issues. To date, over 2,100 participants have completed this training.

In 2021, the NDA advises that DCEDIY continues to build the capacity of the Early Learning and Care sector to deliver inclusive services through training and the provision of supports. The NDA advises that the Department builds on the Universal Design Guidelines for Early Learning and Care settings work, through promotion initiatives such as design competitions.[[10]](#footnote-10) It should be noted that, under the Project Ireland 2040 plan, capital funding for Early Learning and Care settings will be made available in 2021.

### School Inclusion Model

In August 2020, the Minister for Education, Norma Foley, announced that the pilot School Inclusion Model for children with special educational and additional care needs would continue for the academic year of 2020/21. The pilot involves 75 participating schools in the Community Healthcare Organisation area (CHO 7) and builds in-part on the continuation of the pre-school and in-school demonstration project. 75 pre-school settings associated with primary schools participating in the project were included. In total 150 settings participated in the demonstration project.

The School Inclusion Model involves the training of SNAs and frontloading of SNA allocation, increased National Educational Psychological Service (NEPS) supports, support from NCSE Regional Support Team (specialist teams comprising for example speech and language therapists, occupational therapists and behaviour practitioners) to build teacher capacity and a new model of provision of supports for children with complex medical needs.

The new School Inclusion Model pilot is testing a model of provision which aims to be more focused on children’s needs rather than diagnosis and seeks to deliver move comprehensive and coherent supports to schools. The NDA welcomes the continuation of the pilot, as it believes that the School Inclusion Model represents significant delivery of NDIS Action 35. The NDA also advises that the evaluation of the pilot represents an opportunity for key stakeholders to learn how Ireland’s progress on Article 24 of the UNCRPD could be supported.

The NDA welcomes the sanction given to the NCSE to recruit up to 31 speech and language, and occupational therapists (albeit at fewer hours (school day/year) than would be under a HSE contract), to support the continuation of this project, including the in-school and pre-school therapy demonstration project (see below). Previously under the pilot, therapists were supplied by the HSE but these therapists were redeployed as part of the COVID-19 public health response, so the NCSE’s autonomy to recruit their own therapists is welcomed. The National Training Programme for SNAs was developed in 2020 and the first course was due to commence in January 2021. A national frontloaded model for SNAs will be implemented for the 2021/22 school year.

In January 2021, the NCSE published the evaluation of the first year of the In-School and Early Years Therapy Support Demonstration Project. This project involved the development and implementation of a speech and language and occupational therapeutic support model for mainstream schools, special schools and early years’ settings. It saw a collaboration between the Departments of Health, Education and Children, as part of their work under AIM, along with the HSE and the NCSE to collectively deliver therapeutic supports and build capacity in 75 schools and 75 early years’ settings under a new model of provision. The approach implemented in the Demonstration Project was now been integrated into the new School Inclusion Model.

The evaluation found a number of positive impacts arising from the first year, including an increased ability of educators to differentiate instruction as a result of therapists being in the setting; enhanced ability to identify needs and create more positive interactions with students/children and more positive academic engagement by students/children. Participating students spoke positively about their experiences of the project, while parents noted the potential of the project to overcome waiting lists for therapy in the community.

The evaluation noted a number of challenges as well. There were significant delays in getting therapists in post and greater time than had been anticipated to ensure therapists were familiar with the requirements of an education environment. Within that environment, therapists encountered confusion over reporting lines and role clarity. As the Demonstration Project was extended for the 2020/21 academic year, we look forward to the next evaluation, to see how the identified challenges were addressed.

### Curriculum Developments

In recent months, the National Council for Curriculum and Assessment (NCCA) has undertaken a general reveiw of the organisational landscape supporting the deaf community in Ireland. This has involved a preliminary desktop study, which identified organisations working in this space, before engaging with key individuals working in the sector who have provided contextual background information and knowledge. NCCA maintains a register of ISL requests received and a process is in place to ensure ISL interpretation services are provided for ISL users, when and as requested, for NCCA events and/or meetings.

At Junior Cycle level, the Post-Primary Languages Initiative has developed a specification for a short course in Irish Sign Language, which is available as part of the new Junior Cycle. The emphasis is on developing communication skills in ISL at level A1 (Common European Framework of Reference for Languages). This course develops students' ability to understand ISL in live and in recorded situations, to produce the language and to interact with other signers in a simple way and on familiar topics. Schools can now choose to provide this short course as part of their Junior Cycle programme.

There is also an opportunity for students to learn ISL in the course of Transition Year and may also learn the language as a four-module course in the Leaving Certificate Applied. This course introduces students to ISL and aims to develop their expressive and receptive communication skills. The course also develops awareness and appreciation of the Irish deaf community and its culture. Deaf students may take all four modules instead of the Gaeilge and Modern Language courses.

### Children with Autism

The NCSE Policy Advice on Educational Provision for Children with Autism Spectrum Disorders (2016) set out a number of recommendations for further improvement of educational provision for children with ASD (Action 37).

The Department of Education convened an Implementation Group with representatives of the NCSE, NEPS, the Inspectorate and external representatives to ensure that the Report’s recommendations are fully considered and that appropriate measures are implemented to give effect to recommendations. The work of the Implementation Group is ongoing.

A number of the recommendations in relation to school aged provision have been substantially implemented, including those on the development of additional primary and post primary provision, admissions to schools, operating of special classes, additional release days for teaching principals and the use of evidence-informed interventions. Work is continuing on recommendations relating to developing teacher knowledge, skills and understanding. The Department of Education is currently developing comprehensive inter-agency Good Practice Guidelines on the education of children with Autism.

# Theme 4: Employment

This theme contains actions to address the barriers faced by persons with disabilities in gaining and maintaining employment. Baseline data from the 2016 census shows the gap between persons with and without a disability in terms of employment levels, with almost 73% of people aged 20-64 without a disability employed compared to 36.5% of persons without a disability in the same age group. Progress in closing the gap has been slower than hoped.

A European Commission Report for Ireland in 2019 noted that the employment rate for persons with disabilities in Ireland is the lowest in the EU at 26.2% versus an EU average of 48% (2017 figures).[[11]](#footnote-11) It also reports that Ireland has one of the highest gaps in employment between persons with and without disabilities (45.1 percentage points).[[12]](#footnote-12)

The NDIS includes an action to implement the Comprehensive Employment Strategy for People with Disabilities, which has its own monitoring structures and independent assessment of progress. The NDIS also includes a number of specific actions to support persons with disabilities on their pathway to work.

### Transitions

Action 46 of the NDIS covers work to support school to post-school transitions, awareness of post-school options, providing guidance and work experience options for persons with disabilities. A key support for students with disabilities in this regard relates to access to suitable career guidance. The Department of Education published the Indecon review of career guidance in schools generally and subsequently established a Department Taskforce to consider the recommendations arising from the review in 2019. The NDA advised that the Review did not sufficiently address the particular needs of students with disabilities, particularly those in special schools in relation to career guidance and advised that the Department’s internal Taskforce should address these issues. The NDA is exploring options for a virtual workshop to take place in 2021, to showcase learning from other jurisdictions and to inform future considerations.

In relation to the Senior Cycle Review, which began in 2016, the National Council for Curriculum and Assessment (NCCA)  is now finalising a report which will look at priority areas, longer-term goals and a proposed timeline and advice on the pace and scale of developments in senior cycle. The review seeks to generate a shared vision for senior cycle and a strong base from which to shape a curriculum that meets the needs of all learners.  The report is due to be submitted to the Department of Education in the coming months, following its approval by the NCCA Council.  The report will be considered by the Department of Education at that time.

### Further Education

Published in July 2020, the new national Further Education and Training (FET) Strategy, “Future FET: Transforming Learning”, outlines the development of Pathways from School including an awareness raising campaign of FET and vocational options for all (Action 47). This will include the equipping of school guidance services with knowledge and tools to promote FET. Vocational options and pathways will be developed as part of Transition Year and the senior cycle. Under the new Programme for Government, an updated Apprenticeship Action Plan looking at new ways of structuring, funding and promoting apprenticeships is being developed. It will have specific targets for the uptake of apprenticeships by underrepresented groups, including persons with disabilities.

### Employment Programmes and Information

DSP and the European Social Fund are jointly funding the Ability programme, which seeks to support young persons with disabilities in their transition into, for example, further education/training and/or employment. As part of the funding provided, an evaluation of the programme is being undertaken to ensure learnings from the programme are captured to aid future service / programme design. In February 2021, the Minister for Social Protection and the Minister of State with responsibility for Disability confirmed that arrangements would be put in place to support the continued provision of the Ability programme. The three-year programme was due to conclude in June 2021, but the Ministers stated that a range of new measures would be put in place to ensure that funding support for young persons with disabilities will remain available into the future.

DSP hosted JobsWeek in March 2020 (Action 51). This provided an opportunity for jobseekers and employers to connect and avail of the range of services offered by DEASP’s Intreo service. Over 19,000 people are estimated to have participated during JobsWeek. Throughout the country, 135 events were held, 20 of which were aimed at persons with disabilities; 12 more than were offered during JobsWeek 2019. There was a combined attendance of 1,777 people at the 20 events aimed at persons with disabilities, with 21 employers and 174 other organisations attending.

The Youth Employment Support Scheme (YESS) is a work experience placement programme targeted at young jobseekers aged 18-24 who are long-term unemployed or face barriers to employment. A review of YESS was carried out and the final report is to be published in 2021.

In December 2020, DCEDIY agreed a programme of work with the Open Doors Initiative (ODI) in relation to Action 56. ODI will develop an employer awareness programme to provide a dedicated helpline giving advice and information to employers about recruiting and employing persons with disabilities. Similar to the Employer Disability Information (EDI) service that was in place between 2015 and 2019, this initiative will host a central web-based information resource incorporating guidance and a FAQ section. The new service will also:

* Provide and participate in awareness raising and outreach activities.
* Maintain links with employer stakeholders and disability stakeholders.
* Promote the positive business case for the employment of persons with disabilities.

### Comprehensive Employment Strategy

Action 47 relates to the implementation of the Comprehensive Employment Strategy for People with Disabilities. As advised above, there are separate structures in place to support and monitor its implementation of this 10 year strategy, with an independent chairperson and members from relevant Departments and agencies as well as disability stakeholders and the NDA. The NDA has produced a separate assessment of performance under that strategy for 2020 to be considered by that Implementation Group. The NDA notes that a second three-year action plan, for the period of 2019-2021, was developed under the strategy and which was published in December 2019.

The NDA advises the importance of timely consideration of the development and adoption of the third and final Action Plan under the CES.

Action 5.1 of the CES aims to deliver a coordinated policy for provision of employment supports for people with disabilities, including those for people with high support needs. While a cross-departmental policy position has been agreed, the NDA advises the importance of progressing implementation of same at the earliest opportunity.

### Part 5, Disability Act 2005

The NDA continues to monitor compliance with the 3% target by public bodies of employment of persons with disabilities (Action 49). The NDA advises the importance of revising legislative structures to support incremental increase of the target to 6% by 2024, noting the need to raise awareness of this increase among departments and agencies. In 2018, 3.3% of employees of public bodies are persons with disabilities. 183 (84.3%) public bodies achieved or exceeded the minimum 3% target compared to 184 (84.4%) in 2017. 34 public bodies (15.7%) did not reach the minimum 3% target in 2018. This is the same number that did not meet the 3% in 2017. The NDA Report on Compliance with Part 5 for 2019 has been submitted to the Minister and is awaiting approval prior to its publication later in 2021.

### New Working Groups

In a re-commitment to actions contained in the original Strategy, two inter-departmental working group were established, to consider national policy in terms of how Assistive Technology (Action 53), and Transport and Mobility Supports (Action 104) can assist persons with disabilities to access and retain employment. The Working Group on Assistive Technology held a pre-meeting in 2020, to consider its work plan. The NDA is currently exploring ways of gathering and sharing learning of good practice to inform an advice paper in 2021, arising out of its engagement with relevant departments, agencies and other stakeholders, which will in turn inform the work plan of the Working Group.

The Working Group on Transport and Mobility met just once in 2020, due to the COVID-19 pandemic. The NDA looks forward to the work of both these groups resuming at the earliest opportunity in 2021.

### COVID-19 Provisions

A number of new payments were introduced by DSP in 2020 in response to the number of people unable to work due to the COVID-19 pandemic. If an individual was working and was also in receipt of any social welfare payment such as Disability Allowance or a Carer's Payment, they, provided they had lost their job due to COVID-19, could claim the COVID-19 emergency payment, in addition to retaining the existing welfare payment.

### Removed Actions

Action 55, which tasked the DEASP with developing a ‘Ready Reckoner’ of net income, taking into account benefits, was removed following the mid-term review of the NDIS. This action has been completed and the Benefit of Work estimator is available on mywelfare.ie.

### New Actions

Action 118 is a new action added to the Strategy following the mid-term review and relates to employer engagement. In 2020, the NDA began work to progress this action, commencing research with the OECD on effective approaches to employer engagement. In addition to analysing the situation in Ireland, the project will look at effective models in other countries as a means of enhancing access to employment for persons with disabilities, with a view to guiding policy considerations. This project suffered delays in 2020 due to COVID-19 but is progressing, and a report is expected in the second half of 2021.

Other new actions added to the revised Strategy that are relevant to this theme are:

* Action 115: We will implement an awareness and support programme for employers to support the recruitment and retention of persons with disabilities in employment (Department of Justice and Equality; Comprehensive Employment Strategy Implementation Group)
* Action 116: Within the framework of the Second Action Plan of the Comprehensive Employment Strategy for People with Disabilities, we will undertake initiatives to promote and support entrepreneurship and self-employment for people with disabilities, to support their employment in Foreign Direct Investment companies and to provide information on local enterprise opportunities (DBEI; Local Enterprise Offices; Enterprise Ireland; IDA)

Action 115 is progressing; at the end of 2020, the Open Doors Initiative was granted funding to create an awareness and support programme for employers, called Employers for Change, which was launched in March 2021.

A joint Enterprise Ireland/IDA Ireland webinar entitled “Recruiting for Ability” was held in December 2020. This event focused on highlighting opportunities to recruit people with differing abilities, and shared examples of the work of Specialisterne Ireland and two client organisations from Enterprise Ireland and IDA.

In 2020-21, IDA Ireland and Enterprise Ireland ran two information sessions for both client companies and internal staff. The first session related to the employment of Autistic people and persons with other neurodiverse conditions. This session heard from AsIAm and Specialisterne Ireland, as well as two client companies who spoke about their examples of good practice.

The second session was held in January 2021 and focused on innovation and inclusive design, and showcased successful entrepreneurs with disabilities (Action 116).

In Q4 2020, Enterprise Ireland presented at the ‘Business Start-Up for People with Disabilities’ webinars, in conjunction with Dublin Regional Enterprise Plan, to highlight supports available from Enterprise Ireland and Local Enterprise Offices.

# Theme 5: Health and well-being

The aim of this theme is to ensure that persons with disabilities are supported to achieve and maintain the best possible physical, mental and emotional well-being.

### General Health

The mid-term review of NDIS indicators noted that persons with disabilities have either higher or similar levels of access to health screening than those without a disability, but many people with intellectual disabilities are taking more medication than those without disabilities. Mortality rates for persons with disabilities are 4.1 times higher than for persons without a disability. Numbers on the waiting list for the National Rehabilitation Hospital have increased from 151 in 2016 to 242 in 2019.

Following an amendment in the revised NDIS, Action 57 now tasks the Department of Health with promoting initiatives to support healthy living for persons with disabilities in the context of the Healthy Ireland Framework.

“Get Ireland Active! - The National Physical Activity Plan for Ireland” (NPAP) aims to increase physical activity levels across the entire population. There is a specific focus in the NPAP on ensuring that no groups are disadvantaged and that targeted interventions are designed to address and overcome the barriers to participation that may be faced by some people. For example, the mid-term review of NIDS indicators found that those with a long term illness or disability are less likely than others to participate in sport. However, the proportion of persons with disabilities who engage regularly in sports increased from 28.7% in 2015 to 33% (mid-year figure) in 2019. There are specific actions in the NPAP designed to increase physical activity levels for persons with a disability. Work on promoting physical activity for organisations providing mental health services and disability services is progressing. Risk factor recording, brief intervention and care planning on physical activity have all been incorporated into the standardised Physical Health Assessment for all admissions to Adult Acute Mental Health Services. The “Let’s Get Active” guidelines for mental health staff on promoting physical activity with service users has been disseminated.

A project to develop, deliver and evaluate a Physical Activity Education Programme in 10 adult disability day care services has been progressed with CARA. Physical activity for older adults is being promoted through PALs (Physical Activity Leaders) training to older adults who are members of groups, to teach them to lead physical activity sessions within their own groups and communities.

While the NDA welcomes the ongoing work outlined above, it notes that the Physical Activity strand is only one of six strands of the Healthy Ireland Framework. The NDA advises that the Department of Health could also report on progress of targeted or mainstream activities in relation to how persons with disabilities and mental health issues are being engaged in relation to the obesity, smoking, alcohol, sexual activity and skin cancer strands of the Healthy Ireland Framework.

### Mental Health

In June 2020, the first CAMHS Connect Mental Health Hub was opened (Action 58). This innovative project is designed to demonstrate how tele-psychiatry can provide low cost solutions to national challenges faced by the Child and Adolescent Mental Health Services. In line with Sharing the Vision, the HSE Corporate Plan and National Service Plan, this project supports a focus on developing alternatives to inpatient psychiatric care and will stress flexible working and the use of e-mental health to develop centres of excellence in more remote areas of the country.

A service improvement project by the HSE has reported on a pilot national advocacy service for children in CAMHS services (Action 60). The report recommends further development of the model to reflect the need and effectiveness of the model, which will take place in 2021.

Another issue of note from the mid-term review of NDIS indicators is that many children under 18 years of age are still being admitted to adult psychiatric units and this number increased from 67 in 2016 to 84 in 2018. While many children requiring Child and Adolescent Mental Health Services still wait for an appointment, the numbers waiting both three months and 12 months has decreased. However, the NDA notes the availability of these services is not equitable across the country.

The NDA is concerned about the slow progress of Action 62. This action had originally tasked the Department of Health finalising the text of a Bill amending the Mental Health Act 2001 by Q4 of 2017. An amending Bill has not yet been circulated widely. Draft Heads of Bill were finalised and sent to the Mental Health Commission for review and input in 2019. A satisfactory update has not been received on this action in some time. It is critical that this action is progressed, as many amendments are necessary in order to bring the Mental Health Act in line with the Assisted Decision-Making (Capacity) Act 2015.[[13]](#footnote-13)

In relation to all NDIS actions that speak to mental health services, the NDA has suggested to DCEDIY that one NDISSG meeting in 2021 would explore the theme of mental health more holistically. While the updates given at DCC and NDISSG meetings are appreciated, they can often be quite high-level. The NDA advises that a comprehensive explanation of the current state of available mental health services and supports, provided by officials working directly in this space, and future plans for those services would be welcomed by all members of NDISSG, and their respective networks. It would also be helpful for consideration to be given to how the mental health units within the Department of Health and the HSE can continue to cooperate with the disability units of same, following a proposed transfer of disability functions to DCEDIY later in 2021.

### Assessment of Need

The NDA notes that in 2020 there continued to be delays in respect of statutory Assessments of Need. The mid-term review of NDIS indicators found that timely completion of Assessments of Need for children is very poor with only 8.5% of assessments reported as being completed on time in the HSE second quarter report in 2019. As of 30 June 2020, there was a backlog of 6,500 Assessments of Need. Funding was secured to clear this backlog and each CHO was required to make a plan to clear the waiting lists in their area. Ways to do this included restoring relevant staff members who were redeployed, offering staff the option to do overtime evenings/weekends, committing to filling maternity leave positions, procuring private assessments, and recruiting staff for specific purpose fixed-term contracts.

Challenges to this approach included limited uptake of the offer to work overtime, staffing challenges associated with COVID-19, private providers struggling to meet agreed timelines, and families’ reluctance to attend appointments during COVID-19.

As of January 2021, about half of the backlog has been cleared with 3,400 Assessments of Need remaining to be carried out. CHOs are aiming to clear their backlogs by Q2 of 2021. Many CHOs have reported improvements in structures and ways of working. Work is also underway by the HSE to improve the approach to assessments under the Autism Plan.

The number of Children’s Disability Network Teams has not yet met its target of 138 teams, with only 56 in place since 2016. However, Community Disability Network Team managers were recruited and a training programme for managers was developed in 2020 this training programme was delivered in Q4 2020 and Q1 2021.

### Vocational Rehabilitation

Action 65 committed the NDA to delivering a policy advice paper to guide the development and implementation of a national programme for vocational rehabilitation. A draft advice paper was developed in June 2020. The purpose of the paper is to recommend ways of improving the pathways back to sustainable employment for people who leave the workplace as a result of the onset of a disability or long-term illness, through a national policy and system for vocational rehabilitation. The paper identified the developments underway in mainstream and disability specific related education, welfare and health services and systems but also highlights the remaining work necessary to progress a well-functioning and coordinated vocational rehabilitation programme. The paper suggests that addressing the existing support gaps will cease the path to early retirement that acquiring a disability has, in many cases, become. A targeted consultation with persons with an acquired disability is currently underway and the findings from this consultation will be used to finalise the advice paper.

The NDA advises that Action 65 is better suited to the theme of Employment rather than Health and Well-being, and recommends that DCEDIY move it there when collating the revised Strategy.

# Theme 6: Person-Centred disability services

The theme of Person-Centred Disability Services covers actions related to creating more person focused disability supports for persons with disabilities to live lives of their choosing, and actions related to building and sustaining disability-competent and welcoming communities.

This section highlights various issues for how disability services are regulated, funded and delivered. Many of the issues are connected to one another, or involve the same stakeholders. The NDA suggests that, going forward, a way of addressing these issues in a coherent way may be through the Social Care Strategy committed to under the Sláintecare 2019 Action Plan.

### Transforming Lives

Transforming Lives is continuing to improve services and increase supports for persons with disabilities, with a particular focus on supports at key transition points such as going to school, progressing to further training or education, or moving into a new home (Action 66). In 2020, the NDA finalised over 400 interviews with persons with disabilities as part of an evaluation of costs and quality of life of new models of community-based service in order to inform implementation of the Time to Move On policy. An additional collection of cost data is underway and the report is due to be finalised in the summer of 2021. The NDA also progressed work on quality assurance systems, person-centred planning, adult day services and children's therapy teams under the Transforming Lives agenda, noting that research and frameworks have now been made available to HSE for implementation. The more work on New Directions and A Time to Move On that is progressed, the more effective and widespread the change from ‘care’ to ‘support’ model becomes (Action 69). NDA also looks forward to publication of the first report regarding implementation of the interim standards for New Directions.

Progress on implementing the reform of disability services, (for example Action 72 on the roll out of New Directions) was significantly impacted by COVID-19 in 2020. The HSE was forced to address the significant operational challenges of safe reopening and keeping open of services. However, in early 2020, Supporting the Implementation of the National Framework for Person-Centred Planning in Services for Persons with a Disability - A Report on the Demonstration Project 2019 was completed and published (Action 68). The report highlighted a number of challenges to delivering person centred disability services. Guidance documents to support the implementation of the framework on Circles of Support; Understanding the Difference between the Personalised Care and Support Plan and the Person-Centred Plan; Setting Goals; and understanding SMART actions were also completed in 2020. The NDA advises that, from the second half of 2021, further work to address the challenges to delivering person-centred disability services that were identified in the Demonstration Project Report should be addressed.

### Inclusive communities and active citizenship

No progress is reported on Action 73 on evaluating the outcomes of Local Area Co-ordination pilots. The Department of Health update indicates that a planned evaluation of pilot Local Area Coordination projects did not go ahead. Local Area Coordination is a mechanism to enable inclusive living in communities. NDA advises the importance of considering how actors at local level, e.g. local authorities, community services etc. can coordinate at a local level to support inclusive living in communities. In 2021, NDA will publish research it has undertaken on effective models of community engagement and support that may guide considerations in this regard. The NDA advises that next steps in relation to Action 73 could form part of the wider discussions, which need to happen in relation to Action 74 (below).

Action 74 relates to Local Authorities developing actions at community level to build and sustain disability-competent and welcoming communities. No progress was reported for 2019 or 2020. The NDA notes that, as part of the public consultation on the mid-term review of the NDIS, the issues of non-engagement by Local Authorities, and the absence of updates from their parent Department were raised several times. The NDA advises that it would be worth devoting time at an NDIS Steering Committee meeting to discussing the local implementation of the NDIS and, specifically, of actions for which Local Authorities are named as Responsible Bodies (Actions 74, 108 and 114). The NDA stresses the importance of parent departments identifying ways of ensuring bodies under their aegis incorporate relevant actions under NDIS in their local business plans.

While COVID-19 led to disruptions to sport for everyone, guidelines were developed by Sport Ireland to support the return to sport and physical activity for persons with disabilities (Action 76). The NDA welcomes this proactivity by Sport Ireland, and notes that there is a general lack of reporting of actions undertaken under this heading across the broader spectrum of cultural organisations. The NDA advises that it would be helpful for more information to be gathered by the Department of Culture, Heritage and the Gaeltacht from cultural organisations on their efforts to ensure that cultural activities are accessible to persons with disabilities.

In the context of the New Directions Policy, a working group was established to develop a national guidance document for Community Inclusion and Active Citizenship. In February 2020, the group met to review final feedback it had received on the draft guidance. The onset of the pandemic delayed its publication.

The Roadmap for Social Inclusion 2020-2025 was published in January 2020. It includes a commitment aimed at improving social participation with active citizenship as the relevant key metric. The Roadmap also includes a chapter on supporting persons with disabilities including specific poverty reduction and employment targets.

The NDA advises that learning from developments in terms of community supports to support persons with disabilities and others in the community during the COVID-19 crisis in 2020 may also be helpful.

### Children and Young People

Progressing Disability Services requires pooling together all resources, including staff, facilities and equipment, from the different voluntary agencies and the HSE providing specialist children’s disability services, in order to set up Children’s Disability Network Teams (CDNTs). A CDNT comprises a team of health and social care professionals who will provide services for a specific geographical area. Action 78 tasked the HSE with aligning Children’s Disability Network Teams to 96 Community Healthcare Networks by the end of 2020. A small proportion of posts remain unfilled, however where CDNMs are in posts, networks will continue to be formed.

The evaluation of the effectiveness of the Progressing Disability Services Programme in meeting the needs of children with disabilities has not yet commenced (Action 80). The Department of Health is hopeful that the evaluation can begin in 2021, following the reconfiguring of services in 2020.

Action 84, which tasked the HSE, Department of Health and Tusla with developing and implementing effective national joint working protocols between Child and Adolescent Mental Health Services (CAMHS), disability services and education to ensure children and young people with disabilities can access CAMHS, was removed following the mid-term review of the NDIS. The HSE published new CAMHS Operational Guidelines in 2019, which include Joint Working and Shared Care with other relevant services, and therefore the action was deemed to have been completed.

### Access to services and supports

The redevelopment of the National Rehabilitation Hospital was completed in June 2020. In addition to a new 120-bed ward, a new sports centre with physiotherapy pools, a link building to the original hospital and significant site development and landscaping were carried out (Action 82).

The new national mental health policy, Sharing the Vision – A Mental Health Policy for Everyone was launched on 17 June 2020 (Action 83). It carries forward those elements of the original policy that still have relevance in light of expert opinion. It incorporates new recommendations as appropriate to enhance national policy, while simultaneously aligning with the ten-year vision for reform and transformation of Ireland’s health and social care services encapsulated in the Sláintecare report. Sharing the Vision focuses on developing a broad based, whole system mental health policy for the whole of the population. A large-scale consultation process informed the recommendations in this policy, and directly engaged a wide range of stakeholders, including people with personal experience, family members, community and voluntary sector groups and staff.

A national monitoring and implementation group has now been established.

Action 85 tasked the HSE and the Department of Health with considering how best to support people within the system including the provision of an advocacy service, as part of the Disability (Miscellaneous Provisions) Bill. The NDA advises the importance of progressing this through the 2021 processes to amend relevant legislation.

The work of the Quality Improvement Team in HSE Disability Services continued in 2020 (Action 88). The team sent COVID-specific newsletters to all organisations in May and August 2020, with links to all of the guidance documents that had been developed in the Disability QI office. In lieu of a National Sharing Day in 2020, webinars were held on relevant themes and service users presented on their experiences. The National Office for Human Rights and Equality Policy in the National Quality Improvement Team held a series of webinars throughout 2020 to continue its awareness-raising of the Assisted Decision-Making (Capacity) Act, and included topics such as vaccinations, to ground the application of the 2015 Act in the current environment.

### Standards and Regulations

In general, compliance with regulations, standards and codes of practice by disability and mental health services was found to have improved in the mid-term review of NDIS indicators. This is evidenced in reports from the Mental Health Commission and HIQA. However, further improvements are still necessary. Work on Action 87, a review of the regulations for residential disability services, was not commenced in 2020. The NDA’s review of the first year of inspection processes highlighted the need for the regulations to be reviewed.[[14]](#footnote-14) In particular, the NDA’s review highlighted the difficulties posed by the definition of ‘designated centre’ in the context of residential disability services. The definition of ‘designated centres’ is problematic in the context of the wide variety of residential support models. Subsequent reports by HIQA have highlighted the same issue. In early 2021, HIQA published “The Need for Regulatory Reform – A Summary of HIQA Reports and Publications Examining the Case for Reforming the Regulatory Framework for Social Care Services”, which is likely to give more impetus to this.[[15]](#footnote-15) The NDA notes that in September 2020, a Private Members Bill (Health (Amendment) (Professional Home Care) Bill 2020), which would amend the definition of a ‘designated centre’ in the context of home care services, was debated in the Dáil. The Department of Health is progressing the development of a bespoke licensing system for home-support providers rather than extending the register of designated centres. In light of the above, the NDA advises that it would be timely to advance the review of the regulations for residential disability services in 2021.

### Personalised Budgets

COVID-19 had a significant impact on the work of the Personalised Budgets Demonstration Projects in 2020 (Action 91). A small number of participants had joined the project pre-COVID-19, but recruitment was paused for much of 2020. In addition to COVID-19, the Personalised Budgets Demonstration Projects have encountered a number of challenges, such as, unbundling historic funding allocations, mismatch between historic funding allocations and current service needs, access to clinical governance, therapy and transport support for those wishing to control their social care supports. These challenges relate to how existing disability services are funded and organised. Post the evaluation of the Personalised Budgets Demonstration Projects, when some of the issues raised above will be more formally documented, the NDA advises that there will be significant issues which will need to be addressed if Personalised Budgets are to become a mainstreamed option for those who want more choice and control over how their social care supports are delivered.

### Removed Actions

Action 70, which tasked the HSE with rolling out ‘Informing Families of their Child’s Disability’ guidance, has been completed and removed from the revised NDIS. The National Federation of Voluntary Bodies developed evidence- based National Best Practice Guidelines, which are a significant consultation and research process and have been widely endorsed by professional bodies, parent and family organisations and educational institutions. An e-learning module based on evaluated training materials is also available to support professionals who work with families of children with disabilities.

# Theme 7: Living in the community

This theme recognises the importance of persons with disabilities having choice and control in their lives, living ‘ordinary lives in ordinary places’. As such, it is a mechanism to achieve realisation of Article 19, among others, of UNCRPD. Actions under this theme relate to decongregation but also to housing in the community for people with disabilities.

### Supported to live in the community

Following the mid-term review, Action 93 and 94 were combined. Both related to the implementation of the Time to Move On programme to move people out of congregated settings into homes in the community. The mid-term review of NDIS indicators highlighted the slow pace of decongregation, a HSE policy since 2011, to move persons with physical, sensory and intellectual disabilities who are living in congregated settings (greater than 10 people) to dispersed homes in the community. The NDA recognises that COVID-19 has had an impact on progress under this action during 2020. The number of people who moved to new homes in the community during 2020 is expected to be in the order of 120, slightly under the target of 131. The NDA welcomes this degree of progress, given the challenges faced by responsible bodies as a result of COVID-19, but advises the importance of continued focus in 2021.

At the end of 2019, there were fewer than 2,000 people living in congregated settings and the Department of Health maintains that it is on target to achieve the 33% reduction of the original figure by 2021, as set out in the previous Programme for Government. The new Programme for Government emphasises continued government commitment to decongregation.

In 2021, the NDA expects to finalise a report commissioned by the HSE on its work to evaluate costs and quality of life associated with new models of service (the Moving In Study). This report will present learning on good practice with regard to transitions, outcomes for individuals, and the varying cost of service delivery models that have been identified within the system. The study has found however, that people in the new community models of residential services enjoy better outcomes and quality of life than those remaining in institutional settings.

The mid-term review of NDIS indicators also highlighted differences between HSE policies for residential disability services (for persons with intellectual, physical and sensory disabilities) and residential services for people with mental health difficulties. NDA notes further work is required to understand the experiences of persons in mental health services. Lack of regulation of 24-hour community psychiatric residences is also of concern and the number of these residences with 10 beds or more remains high.

### Housing

The Department of Health, the HSE and the Department of Housing, Planning and Local Government worked together in respect of a review of the National Housing Strategy for People with Disabilities 2011-2016, which came to an end in 2020 (having been reaffirmed under Rebuilding Ireland and extended to 2020 to continue to deliver on its aims) (Action 96). Consultation took place with various stakeholders in 2020, to prepare for the development of a new strategy in 2021. The NDA advises that the new strategy includes measurable and time-bound goals that recognise the requirements of persons with disabilities.

The NDA advises that the new strategy also commits to progressing universal designed homes, as outlined in the NDA’s policy advice paper to the Minister for Housing on building new Universal Design homes (Action 97). The paper contains a series of short- to medium-term recommendations to progress a UD approach to home-building, including incentives to progress same, for example a Universal Design Grant scheme (modelled on the Home Energy Grant); a Universal Design mortgage (modelled on Green mortgages); a time-limited VAT reduction for builders who follow a Universal Design approach; waivers from local authority development contributions for developments containing Universal Design homes.

The NDA is currently finalising a paper on the costs of delivering Universal Design Homes in collaboration with the Society of Chartered Surveyors Institute. The Cost Review demonstrates that designing and planning homes from a Universal Design (UD) approach requires minimal additional costs, and over the lifetime of the dwelling leads to significant cost savings. The Cost Review will be published in Q2 2021. This work will be followed by a Cost Benefit Analysis on UD homes in the NDA.

### Removed Actions

Action 99 tasked the Department of Housing, Planning and Local Government and the NDA with engaging local authorities and stakeholders in a review of housing adaptation grant scheme, in terms of its application and approval processes. This was carried out and the NDA will continue to engage with relevant stakeholders to advise on next steps, as required.

# Theme 8: Transport and accessible places

Commitments under the Transport and Accessible Places theme involve actions to progress the availability of accessible public transport and accessibility of the built environment. Under UNCRPD, the rights of persons with disabilities to personal mobility (Article 20) and participation in society’s cultural, recreation, leisure and sport activities (Article 30) are enshrined. Difficulties with accessing and using public transport was raised frequently in the consultations on the mid-term review of the NDIS, often as people’s greatest barrier.

### Transport

The Department of Transport’s Accessibility Work Programme combines public transport accessibility actions across a number of "whole of Government" Strategies, including the NDIS. Updates on the Accessibility Work Programme are published, usually on a quarterly basis to align with meetings of the Department’s disability consultative committee, called the Accessibility Consultative Committee (ACC). In addition, minutes of all ACC meetings, and associated documents, are also published. The NDA welcomes the comprehensive and relevant information that is contained in these updates, which allow for straightforward monitoring of responsibilities, and would encourage other Departments and agencies to follow this example of good practice.

The Department of Transport has been undertaking a review of sustainable mobility policy, which incorporates accessible public transport and public transport in rural areas. In this context, the Department held a public consultation process between November 2019 and February 2020, and included a stakeholder event in the course of that consultation, to which all members of the Department’s Accessibility Consultative Committee were invited. Over 250 submissions were received as part of this public consultation process and a report of the public consultation was published online in Q3 of 2020. The feedback received will help to inform the Department’s new policy statement, which will in turn provide a platform to advance the ambitions of the Programme for Government in the area of sustainable mobility (Action 100).

In 2020, €3.3m was ring-fenced under a rail lift refurbishment / replacement programme established by the NTA under the Capital Programme. The intent of this four-year programme of approximately €18 million is to renew and replace life-expired lifts and lifts in poor condition, to ensure the reliability and availability of lift access. A major part of the programme is the complete lift replacement renewal at 12 stations in the Dublin Suburban area. Works at several stations have been completed to date. In addition, Irish Rail is rolling out a Lift Call system which will ensure lifts are monitored by CCTV to prevent access to those who seek to vandalise or damage equipment. Lift faults predominantly arise from misuse, which in turn impacts on ongoing reliability. The Lift Call system is now in operation at 18 stations in the Greater Dublin Area.

The Dublin Bus Travel Assistance Scheme was suspended in 2020, in line with HSE advice on social distancing. However, Dublin Bus explored alternative ways of providing assistance to people with disabilities, for example with video calls through which they can issue instructions to persons with disabilities who need to use public transport. COVID-19 has not impacted Irish Rail’s efforts to provide assistance to those who need it when boarding trains. Luas Customer Assurance Officers continue to wear pink high visibility vests in order to make themselves known to people who may need assistance.

The National Transport Authority has undertaken a nationwide study to inform its approach to rolling out improved public transport across the country (excluding the Greater Dublin Area, Regional Cities and Large Towns) by providing better connections between villages and towns by linking them with an enhanced regional network connecting cities and regional centres nationwide. Arising from this study, the NTA commenced the first phase of consultation on its proposals, titled 'Connecting Ireland', with local authority officials in Q4 2020. This will be followed by consultation with other key stakeholders on the main concepts of Connecting Ireland, and then by a wider public consultation on the proposals in Q3/Q4 2021.

The Wheelchair Accessible Vehicle (WAV) 2020 Grant Scheme and the issue of new WAV licenses brought a total increase of 393 into the fleet during 2020. The percentage of WAVs has now increased to 16% of the fleet, compared to 4% in 2014.

All Local Link Rural Regular services continued to run as normal during the pandemic. All Demand Responsive (DRT) day time services also continued to run. However, as with the pilot Community Transport Scheme, many were redeployed for ‘collect and deliver’ services, delivering critical medical, food and other supplies from pharmacies and local shops to vulnerable members of the community who were unable to travel.

Approximately 90% of Local Link service trips are either fully or partially accessible. The NTA has now conditioned that all new Local Link services tendered must be wheelchair accessible.

The NTA has purchased 70 new low floor single and double deck regional commuter vehicles, and 100 new hybrid double-deck city buses, which will be provided in 2020/2021. Discussions were held with the manufactures to provide additional accessibility elements on each type of vehicle.

Action 103 commits the NDA to monitoring the user experience of public transport and making recommendations as appropriate based on the findings. The NDA has designed a monitoring mechanism and developed a suite of structured indicators. It is currently progressing a pilot project with Dublin Bus to monitor the accessibility of their public transport services. The NDA expects to report the findings and recommendations in 2021(Action 103).

While issues remain in ensuring access to public transport, there have been a number of improvements such as shorter notice periods for using rail services (Action 101), improvements in accessibility of stations and bus stops and the introduction of Customer Services Officers, on all inter-city routes, which will eliminate the advance notice requirement for persons with disabilities on such services.

### Public spaces

Under Action 105, the NDA is to develop a Code of Practice for accessible public areas of public sector buildings. The NDA has been requested by the Minister to proceed with developing this Code of Practice, as per its legislation, and work has already commenced in this regard, with the Code expected to be finalised in 2022.

Another Code of Practice being considered by the NDA is the Code of Practice for Heritage Sites (Action 106). The NDA has undertaken to review the Code and examining recommendations for amendments made in the light of experience of its application. This project includes case studies of a number of heritage sites where work has been carried out to improve accessibility. The project has been paused due to COVID-19 restrictions on travel and the accessing of relevant sites, but will resume at the earliest opportunity in 2021.

COVID-19 saw a change to how we use public spaces. Urban streetscapes changed to facilitate retail and hospitality, but this had an impact on persons with disabilities and their ability to navigate these spaces safely and in an accessible manner. The NDA continues to strongly emphasise the importance of consultation with relevant stakeholders prior to measures being implemented, even where situations are deemed urgent. Without such consultation, there is a risk that persons with disabilities will be marginalised by such mitigating actions.

### Accessibility

In December 2019, new direct award contracts were awarded to Iarnród Éireann, Dublin Bus and Bus Éireann. These included greater accessibility requirements with regard to websites/apps, format of information provided, the standard of disability awareness training and renewal, the review and monitoring of accessibility improvements and KPI’s, as well as a requirement for operators to provide a report on accessibility programmes to the NTA on a quarterly basis.

Irish Rail is continuing to develop a smartphone accessibility app to address some of the key communication breakdowns that occur when providing assistance to persons with disabilities. Final development of the app is progressing well, with ongoing workshops. At the end of 2020, Irish Rail began looking for mobility- and vision-impaired DART users to become part of a research panel which will include live testing of a prototype app.

The NTA is funding Bus Éireann to carry out Accessibility Audits on their Bus Station buildings this year. Eighteen audits have been completed to date. The Accessibility RetroFit programme has experienced some delays due to COVID-19, however all construction projects recommenced in late-2020.

Although challenges to progressing works arose due to COVID-19, new footbridges and lifts were installed in two railway stations and construction has started in another station. Construction on a Changing Place has also commenced in Connolly Station. Wheelchair accessible bus bays were also constructed in four bus stations and 11 other bus stops nationwide.

The first phase of an eLearning module, which introduces Continual Professional Development on Universal Design for architects, was developed throughout 2020, and will be launched in Q1 2021 (Action 112).

The NDA has previously advised that there should be an awareness-raising programme for public bodies on requirements of Section 25 of the Disability Act. The NDA wrote to the Secretary General of each government department in 2020 to draw attention to the need for all accommodation officers to be aware of their duties, to pursue audits to guide any action required and to follow up on those actions in order to achieve compliance.

The ‘Design for All’ workshop planned for Q1 2020 by the NDA in conjunction with NSAI was not held due to the impact of COVID-19 on the ability to host live events and on the diversion of resources. However, ongoing collaboration between NSAI and NDA to continuously promote the practical application of IS0 Guide 71/CEN Guide 6: 2014 remains. The NDA uses ISO/IEC Guide 71 as a resource with departments and agencies in design events, workshops and programme development (Action 113).

As mentioned above, the NDA notes, with concern, the ongoing issue with the lack of engagement from local authorities, who are tasked, under Action 114 in this context, with ensuring the promotion of accessible user engagement in design and planning, including public procedures under Planning Acts.

### Removed Actions

Action 101, which tasked Irish Rail with introducing a pilot scheme on the DART for mobility-impaired customers requiring assistance that would significantly reduce the advised notice time for travelling, was deemed to have been completed, and was removed from the revised Strategy. Both the new Irish Rail Accessibility App and the rollout of Customer Service Officers on all inter-city routes will assist mobility-impaired passengers. For example, the rollout of Customer Service Officers will eliminate the advance notice requirement for people with disabilities on such services. The NDA advises the importance of continued progress in this area, and suggests that it would be helpful if the NTA could continue to update to the NDISSG on the impact and success of implementation to date.

# New Actions under the revised NDIS

Several new actions have been added to the revised Strategy, following the mid-term review, but some have not yet been housed under one of the existing eight themes. These actions include:

* Action 120: We will fully leverage the Equality Budgeting initiative to ensure greater efforts to identify and address inequality that impacts people with a disability (Department of Public Expenditure and Reform; Department of Justice and Equality; National Disability Authority; Relevant departments)
* Action 121: We will develop programmes to promote awareness within the general public of the lived experience of, and to support more positive attitudes towards, people with disabilities (Department of Justice and Equality; National Disability Authority; National Disability Inclusion Strategy Steering Committee)
* Action 122: : We will ensure that all customer-facing staff in public transport companies receive disability awareness training and that such training is updated periodically
* Action 123: We will develop an advice paper on national policy and practice on assistive technology to guide policy development and to support the Assistive Technology Working Group (National Disability Authority)
* Action 125: We will develop links with other equality strategies aimed at identifying intersectional issues for people with disabilities relating to their gender identity, sexual orientation, ethnicity or migrant status (Department of Justice and Equality)
* Action 126: We will support initiatives to facilitate the participation of people with disabilities in cultural and heritage-related activities and programmes (Department of Culture, Heritage and the Gaeltacht)
* Action 127: Within the context of the rural development policy, we will work to improve accessibility for people with disabilities living in rural areas (Department of Rural and Community Development (lead); Relevant departments and agencies)
* Action 128: We will develop initiatives to improve employment opportunities for people with disabilities living in rural areas, including through remote working options (Department of Rural and Community Development (lead); Relevant departments and agencies)

Several of the new actions have not yet had the opportunity nor time to develop properly, since their introduction into the revised Strategy. However, with regard to Action 120, several meetings of the Equality Budgeting Expert Advisory Group have been held and a number of data projects have been progressed. With regard to Action 121, the NDA has begun investigating options for how nationally representative data regarding the lived experience of persons with disabilities might be captured in 2021, to inform awareness building activities and other policy and practice activities.

In respect of Action 122, disability awareness training is provided by all state transport operators and, in recent contracts, the level of training and its frequency is conditioned by the NTA. Bus Éireann, Dublin Bus, Go Ahead, Irish Rail and Transport Infrastructure Ireland (Luas) each have an Access Officer and have a Disability User Group in place.

Public transport was the first sector to be JAM (Just a Minute) Card-friendly in Ireland. It continues to be rolled out by the NTA, across Dublin Bus, Go Ahead, Irish Rail, Luas, Bus Éireann and Local Link services. It assists people with a communication barrier to tell others discreetly that they need a little extra time. The NTA planned a new campaign to further promote use of the JAM card, however, it has been delayed due to the COVID-19 pandemic.

Action 124 is connected to Action 53, which establishes a new Working Group on Assistive Technology. In respect of Action 124, the NDA had organised a roundtable for statutory stakeholders in in Q1 2020, to explore practical ways of achieving an effective, person-centred and coordinated AT provision system. However, this event was postponed due to COVID-19. Some scoping work on the proposed advice paper and engagement with relevant departments, agencies and other stakeholders has commenced.

# Summary and Conclusion

The NDA notes that there has been progress- some of it significant- on many actions under all eight NDIS themes in 2020. In respect of many actions, COVID-19 has delayed or paused progress. However, is must be acknowledged that progress under a number of actions has been slower than planned for a number of years, even prior to COVID-19.

Some NDIS actions are so substantial that it is difficult to break them down into tangible sub-actions to be completed in a particular timeframe. It is also difficult to regularly monitor some actions, as incremental progress is made over time, rather than achievement of major milestones. However, where a Department uses the word ‘ongoing’ to inform monitoring, we would advise the importance of providing sufficient detail to show that that action has not stalled.

As mentioned above, the NDA has advised the value of thematic meetings as a means to provide the NDISSG with a holistic update as to all the ongoing work being carried out by all the different stakeholders on a particular topic.

It is important to note that it remains challenging to report on the NDIS actions that belong to ‘all Departments and agencies’. It can happen that either Departments believe that it is the responsibility of one of their counterparts to update the NDISSG, or else all Departments report on one action differently, thereby making it difficult to monitor the progress of that action in a comparable way.

The NDA notes the value of Departmental Consultative Committees in the implementation, coordination and reporting of NDIS actions, and particularly those actions where inter-departmental or cross-departmental work is required to develop joined-up public services. The NDA advises that membership of the Disability Consultative Committee should include business units across the relevant department and agencies under its remit, but also that local action plans indicate how commitments within the NDIS can be translated at individual organisational level. The NDA also acknowledges the important role being carried out by the Disability Stakeholders Group, and notes the additional membership and supports required by the group to deliver on its functions.

The NDA also advises that the NDISSG discuss how it goes about carrying out its new role, given to it by the revised NDIS, to act as a Responsible Body for a number of new actions. The NDISSG has always worked in a reporting and monitoring capacity- to move into a development and implementation role will require further consideration and discussion.

The NDA welcomes the mid-term review that was approved in 2020 and the commitment to strengthening the strategy for the remainder of its term and with due regard to the UNCRPD. The NDA advises that it is important for the remainder of the Strategy’s lifetime that its actions are clearly linked to relevant Articles of the UNCRPD wherever possible. In this same context, it will be important for timely consideration to be given to a successor to the NDIS and how this would reflect the need to have a national plan for implementation of UNCRPD, which can in turn be translated at local level. It will be important for this work to be informed by consultation and engagement with persons with disabilities, including through their representative bodies.

The NDA looks forward to continuing to advise and support departments and agencies on the areas of responsibility within their remit.

1. <http://nda.ie/publications/justice-and-safeguarding/national-disability-inclusion-strategy/mid-term-review-of-progress-under-the-national-disability-inclusion-strategy-indicators.html> [↑](#footnote-ref-1)
2. In March 2021, Minister Rabbitte announced that the NDIS 2017-2021 would be extended for an extra year, until the end of 2022. Despite this extension, the NDA continues to advise that discussions around a successor and/or a UNCRPD Implementation Plan should commence at the earliest opportunity. [↑](#footnote-ref-2)
3. The NDA notes that the new Department of Further and Higher Education, Research, Innovation and Science has established a DCC, and that a new Chair has been appointed to the Department of Justice DCC, following the transfer of functions (and several personnel) from that Department to the Department of Children, Equality, Disability, Integration and Youth. [↑](#footnote-ref-3)
4. Most recently in an advice note sent to DCEDIY in December 2020. [↑](#footnote-ref-4)
5. Both documents were shared with relevant Departments, with the mapping exercise also circulated to NDISSG members in May 2020. [↑](#footnote-ref-5)
6. https://www.ihrec.ie/our-work/human-rights-and-equality-grants-scheme-2020/ [↑](#footnote-ref-6)
7. 3A tasks DCEDIY, NDA and NDISSG with developing an implementation plan to coordinate implementation of the UNCRPD. 3D tasks DCEDIY, NDA and NDISSG with developing a data strategy to support the collection and use of data to identify outcomes for people with disabilities when accessing services and programmes. [↑](#footnote-ref-7)
8. The NDA welcomes the public consultation on the ongoing review of the Mental Health Act, announced by the Minister of State with Responsibility for Mental Health and Older People on 1 March 2021. The NDA looks forward to the output of this process informing the amending legislation. [↑](#footnote-ref-8)
9. Department of Business, Enterprise and Innovation; Department of Children and Youth Affairs; Department of Communications, Climate Action and the Environment; Department of Education; Department of Employment Affairs and Social Protection; Department of Health; Department of Housing, Local Government and Planning; Department of Justice and Equality; Department of Transport, Tourism and Sport. [↑](#footnote-ref-9)
10. The NDA will have a role in the development of shared resources and elearning modules for professionals to implement the guidelines. [↑](#footnote-ref-10)
11. European Commission. *Country Report Ireland 2019 Brussels.* 2019. <https://ec.europa.eu/info/sites/info/files/file_import/2019-european-semester-country-report-ireland_en.pdf> [↑](#footnote-ref-11)
12. Note that the figures used in the EU report include all persons with disabilities not restricted to the working age group used above of 15-64. In addition, EU countries use different definitions of ‘disability’, which can vary significantly. For example, countries with a very high disability count are likely to include more people with mild levels of impairment, who are likely to be employed, whereas countries with a lower count will have a higher proportion of their disabled population with difficulties in undertaking employment. [↑](#footnote-ref-12)
13. As mentioned above, the Department of Health launched a public consultation in March 2021, to inform the review prior to the publication of draft legislation to update the Act in full. [↑](#footnote-ref-13)
14. NDA, 2015, Review of the implementation of regulations and inspections in residential services for adults and children with disabilities [↑](#footnote-ref-14)
15. HIQA, 2019, Five years of regulation in designated centres for people with a disability; HIQA, 2021, The Need of Regulatory Reform; <https://www.hiqa.ie/reports-and-publications/key-reports-and-investigations/need-regulatory-reform> [↑](#footnote-ref-15)