NDA Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2021

April 2022



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# 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

DECC Department of the Environment, Climate and Communications

DETE Department of Enterprise, Trade and Employment

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

DoT Department of Transport

DSG Disability Stakeholders Group

DSP Department of 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

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

NTA National Transport Authority

SIM School Inclusion Model

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. In 2021, it was announced that the NDIS would be extended for one year, until the end of 2022.

The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) 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 fourth independent assessment prepared by NDA since the NDIS was launched in July 2017, and covers progress made on actions in 2021.

A revised version of the NDIS 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 included 20 new actions, 35 modified actions and nine completed actions. 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 DCEDIY in December 2021, 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 on information from its own work, as well as updates and discussions at Departmental Disability Consultative Committees (DCCs) and the NDIS Steering Group (NDISSG), from inputs by the Disability Stakeholders Group (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 2021, a summary of areas in which progress was slow, and a summary of areas requiring further focus in 2022. The report 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

# Overview of progress and delays in 2021

This section summarises areas of progress and areas of delay in the implementation of the NDIS in 2021. It also includes an outline of areas requiring specific focus in 2022. All bullet points below are developed more fully under their respective thematic priority.

## Areas of progress in 2021

* Several areas of progress in relation to progressive realisation of the UNCRPD, including:
* The submission of Ireland’s first State Report under the UNCRPD to the Committee on the Rights of Persons with Disabilities
* The launch of the Disability Participation and Awareness Fund, an annual fund of €2.5m to provide funding for Local Authorities to support the participation of people with disabilities in local activities, to help remove barriers to community involvement, and to support the promotion and implementation of the UNCRPD in communities.
* Significant progress in relation to a number of important pieces of legislation including:
* The Assisted Decision-Making (Capacity) (Amendment) Bill 2021
* The Mental Health (Amendment) Bill 2021
* The Electoral Reform Bill 2020
* Criminal Justice (Hate Crime) Bill 2021.
* Several areas of progress in the area of removing barriers to accessing justice for persons with disabilities, including:
* A large-scale modernisation project being undertaken by the Courts Service, which includes consultation with various stakeholders to ensure that the digital transformation of existing services are inclusive and accessible
* Development of Hate Crime definitions, training and an online reporting mechanism by An Garda Síochána, as well as the development of Hate Crime legislation by the Department of Justice
* Continued work of a High Level Taskforce to consider the mental health and addiction challenges of people interacting with the criminal justice system was established. Met 5 times in 2021.
* A refreshed approach to the monitoring structures of the NDISSG, including enhanced membership of DCCs, recruitment of new members to the DSG and improved input from Departments and public bodies to the Traffic Light reporting system
* The carrying out of two significant reports- the Report on the Operation of the Irish Sign Language Act, and the Monitoring Report under the EU Web Accessibility Directive
* The establishment of Employers for Change by the Open Doors Initiative, a service which provides advice and information to employers about recruiting and employing people with disabilities, and which is funded by DCEDIY
* The funding by DSP of 45 projects, amounting to over €7.5 million, to support initiatives under the heading of “Measures to Support Employment, Education and Training Outcomes for People with a Disability and Family Carers”
* The launch of the NDA’s ‘Moving In, Moving On: An evaluation of the outcomes and costs of congregated and community models of service in the disability sector’, a large-scale study to evaluate the outcomes and costs of living in congregated and community person-centred models of service in the disability sector
* The launch of the National Housing Strategy for Disabled People 2022-2027.

## Areas of delay and challenges in 2021

* As in 2020, there has been no report of progress in respect of the development of Protection of Liberty Safeguards. A lack of legislation in this area remains one of the most significant barriers to the realisation of the UNCRPD Article 14 (Liberty and Security of the Person)
* Delays to the progression of Adult Safeguarding legislation, although the NDA notes that the Law Reform Commission is considering responses to a public consultation it held on this matter in 2020. In the meantime, HIQA continues to report on the need for a review of safeguarding practices in many of the services it inspects
* There has been an increase in the delivery of disability awareness training to public and civil service staff; however, it appears as though that delivery is inconsistent and uncoordinated across Departments and bodies. There is no shared benchmark to measure effectiveness or learning outcomes, and there is no way of knowing if the trainings contain crucial elements of disability policy. Also, there is no indication that disabled people or DPOs have been engaged in the design of this programme, as is envisaged by UNCRPD Article 4(3)
* The Monitoring Report under the EU Web Accessibility Directive notes that gov.ie, on which information of most of the Government Departments is published, is not 100% compliant
* Development of Third Action Plan of the Comprehensive Employment Strategy for People with Disabilities remains slow, given that it was due to commence at the beginning of 2022 and has not yet been finalised and agreed
* Once again, no updates have been included on the NDIS actions for which local authorities are responsible
* No details have been included on the current stage of the evaluation of Progressing Disability Services for Children and Young People
* Significant delays and challenges remain in respect of the Personalised Budgets Demonstration Projects.

## Summary of Progress and Areas of Focus for 2022

The NDA welcomes certain milestones that were reached in 2021. This includes the submission of Ireland’s initial State report under the UNCRPD, and the significant progress made by various Departments in respect of a number of pieces of legislation. Certainly, much of the proposed legislation which passed various stages in 2021 allow for further realisation of the rights contained in the UNCRPD.

The NDA welcomes the continued efforts of many Departments in the implementation of actions under the NDIS in 2021. Many Departmental Consultative Committee have been refreshed and their membership broadened. Information is being sought, and received, from agencies under the remit of Departments which would not have engaged with the NDIS process in previous years. We are very happy to see the Disability Stakeholders Group back to full strength after a successful recruitment process, and its independent Chair, Renée Dempsey-Clifford, being re-appointed.

We have seen a number of important policy documents developed in 2021, including informative reports (on employment, decongregation and the operation of the ISL Act), the first monitoring report under the EU Web Accessibility Directive, and the National Housing Strategy for Disabled People 2022-2027.

Unfortunately, many areas of work have seen continued delays and new challenges. Certain important actions have not reported any progress in recent years, for example providing a legislative basis for Protection of Liberty Safeguards or a number of local initiatives for which local authorities have responsibility. The Personalised Budgets Demonstration Projects continue to see significant delays, which, of course, then impedes the overall objective of rolling out a nationwide programme of individualised funding. There has been an inconsistent approach to the implementation of some shared actions. Delays in respect of the development and approval of a third CES Action Plan continue to stall the implementation of that Strategy. Finally, some Departments have been slow to provide detailed updates on actions, under which the NDA is sure work is progressing. However, without updates, such progress cannot always be reflected in this annual evaluation.

In the final part of this document, the NDA outlines areas it believes should be prioritised in terms of focus for 2022. This includes the consultation on, and development of, a national UNCRPD Implementation Strategy to succeed the NDIS, which ends in December 2022. This process should include a discussion around the future of outstanding NDIS actions, the objectives of which will not be achieved in the remaining lifetime of this Strategy.

Other aspects of future planning that should take place in 2022 include discussions around where the Cost of Disability report and the Autism Innovation Strategy fit in the current and future disability policy landscapes.

The NDISSG should also take the opportunity to assess the work and role of the Disability Participation and Consultation Network in 2022. Upon establishment, it was agreed that the DPCN would provide an interim report on its work, and be subject to a review after one-year. Neither a report nor an update on this review has been provided to the NDISSG. Funding has now been granted to the DPCN for 2022 and the NDA suggests that a discussion around the DPCN’s work to date, its 2022 work-plan and its role in relation to engagement with Departments and public bodies going forward should take place at an upcoming NDISSG meeting.

# 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 implementation of 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. Following a lengthy period of drafting, and consultation with departments, agencies, Disabled Persons Organisations (DPOs), disability organisations and disabled individuals and an open public consultation, DCEDIY submitted Ireland’s initial State Report to the Committee on the Rights of Persons with Disabilities in November 2021. The State now awaits the issuing of a List of Issues by the Committee, and the subsequent interactive dialogue, although it is likely that these next steps will not take place for 3-4 years, given the current backlog faced by the UN Committee.

In the meantime, the NDIS remains the main conduit for the continued realisation of the UNCRPD, and several of its actions are relevant to this role. A significant responsibility of the NDIS in relation to UNCRPD is to “develop an implementation plan to coordinate implementation of the Convention on the Rights of Persons with Disabilities” (Action 3A). This commitment was reaffirmed in the Programme for Government.[[1]](#footnote-1) It is envisioned that this implementation plan will come into force when the current NDIS ends, in December 2022. The NDIS names DCEDIY, the NDISSG and the NDA as owners of this action. In the most recent Traffic Light Report (December 2021), several Departments indicated that they continue to await guidance from DCEDIY in this respect.

At its June 2021 meeting, the NDISSG was presented with a concept paper on the UNCRPD implementation plan by DCEDIY. A discussion and an invitation to submit observations followed. At the following NDISSG meeting in September, both the NDA and the DSG outlined their thoughts and suggestions. Contributions from Departments noted that awareness of the implementation plan would need to be raised among senior personnel in government departments, and that the implementation plan should be a living document, in which actions can be removed when completed and a more targeted focus can be applied to actions not being delivered. The takeaway from that meeting was that the NDISSG would come to a collective decision on the way forward. However, this does not take into account the significant consultation that will need to be carried out in order to ensure a comprehensive, cohesive, workable implementation strategy that has buy-in from all relevant stakeholders. The NDA advises that the development of a UNCRPD Implementation Strategy be a key priority of the NDISSG in 2022.

Action 3C, added to the NDIS following the mid-term review in 2019, included a commitment to establish a consultation and participation model, to facilitate participation by persons with disabilities in the policy development process. This action was delivered in 2020 with the establishment of the Disability Participation and Consultation Network (the DPCN). This three-tier, funded network brings together 117 members, including 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 DPCN was to undertake a consultation on the draft State Report, which was carried out in 2021. It also engaged during 2021 with the Department of Housing, Local Government and Heritage (DHLGH) on the development of the National Housing Strategy for Disabled Persons 2022-2027.

The DPCN application information guide (August 2020) stated that the Organising Member should provide an interim report by 1 March 2021, which should include details of the UNCRPD consultation process and the financial activity to that date.[[2]](#footnote-2) In an informational PowerPoint presentation circulated at the same time as the application information guide, it is stated that the DPCN will run until September 2021 (approximately 12 months after its establishment). The presentation notes that a review of the DPCN’s work would then take place, before a plan for its future was made.[[3]](#footnote-3)

The implementation of actions under the NDIS are monitored by the NDISSG. Although the establishment of the DPCN is directly linked to Action 3C, neither an interim report of the DPCN nor a review of its work has been presented to the NDISSG. The December 2021 Traffic Light Report indicates that other Departments are awaiting clarity from DCEDIY on how the DPCN should be used as a resource in the development and consultation of policy.

Funding has now been granted to the DPCN for 2022 and the NDA suggests that a discussion around the DPCN’s work to date, its 2022 work-plan and its role in relation to engagement with Departments and public bodies going forward, will take place at an upcoming NDISSG meeting.

In keeping with Action 121, which seeks to promote awareness within the general public of the lived experience of disabled persons, and to support more positive attitudes towards persons with disabilities, Minister Rabbitte launched the Disability Participation and Awareness Fund in October 2021. The purpose of this new, annual fund of €2.5m is to provide funding for Local Authorities to support the participation of people with disabilities in local activities, to help remove barriers to community involvement, and to support the promotion and implementation of the UNCRPD in communities.

In December 2021, it was announced that 39 projects had been awarded funding. These projects including the development of activity parks and sensory gardens, the provision of beach access ramps and changing places facilities, disability awareness training for county councils, accessible library services and the co-design of a consultation and engagement process with DPOs.

## Assisted Decision-Making (Capacity) Act 2015

Significant progress was made in 2021 in respect of the commencement and operationalisation of the Assisted Decision-Making (Capacity) Act 2015 (Action 4). This includes the approval by Cabinet of the General Scheme of the Assisted Decision-Making (Capacity) (Amendment) Bill 2021 in November. The General Scheme was then referred to the Office of Parliamentary Counsel in the Attorney General’s Office where it is receiving priority drafting.

It was also referred to the Joint Oireachtas Committee on Children, Disability, Equality and Integration for pre-legislative scrutiny. The Committee was asked to give the proposed Bill priority consideration so that the 2015 Act can be amended and commenced by the June deadline. In February 2022, the Joint Oireachtas Committee invited several witnesses to present on and discuss the legislation, including DCEDIY, the Decision Support Service (DSS), IHREC, NUIG, the National Platform for Self Advocates, Independent Living Movement Ireland, the National Federation of Voluntary Bodies, Mental Health Reform and Family Carer’s Ireland.

The proposed Bill aims to improve processes and safeguards for those who will make use of the new decision-making supports under the 2015 Act. It also includes measures to further realise the UNCRPD, including legislating for the Irish Human Rights and Equality Commission's position as the national monitoring body for the Convention, and increasing the public sector duty regarding the employment of persons with disabilities from 3% to 6%.

The DSS Service made further progress in 2021, as it prepares to become operational in mid-2022. It held two public consultations (one in December 2021 and another in February 2022) on its 14 Codes of Practice, originally drafted by the NDA, which are designed to assist those who have statutory obligations under the 2015 Act. The Decision Support Service also commenced recruitment for a Decision-Making Representative panel and a General/Special Visitor panel, three roles created by the 2015 Act.

The NDA Conference 2021 explored the theme of realisation Article 12 of the UNCRPD through the Assisted Decision-Making (Capacity) Act 2015. It featured international speakers discussing similar legislation and practice in other jurisdictions, a panel of Irish experts and professionals whose work will be impacted by the legislation, and persons with disabilities who will be directly impacted by the 2015 Act.

## Protection of Liberty Safeguards

As in 2020, this annual evaluation must report no progress in respect of the development of a legislative basis for Protection of Liberty Safeguards (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 has been no update from the Department of Health on this matter since early 2020, and resources were diverted from this work in 2020 as part of the response to Covid-19. In the most recent Traffic Light Report, no update on this action was included.

The NDA continues to advise the importance of increasing efforts to progress the legislation at the earliest opportunity, noting that this area remains one of the most significant barriers to the realisation of the UNCRPD Article 14 (Liberty and Security of the Person).

## Safeguarding

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. In February 2021, the Commission attended a meeting of the Joint Committee on Health to discuss its initial work on the issues paper, and Ms Justice Mary Laffoy noted that it was hoped that a report on the regulatory framework – and the Commission’s recommendations on same - would be published in early 2022.

In March 2022, HIQA published 35 inspection reports on designated centres for people with disabilities, all of which were visited between September and December 2021.[[4]](#footnote-4) In six of those reports, the need for a review of safeguarding practices was highlighted. Issues ranged from gaps in training to inconsistent applications of safeguarding policy to discrepancies in the reporting of safeguarding incidences to HIQA. The issues highlighted in the reports emphasise the need for a comprehensive regulatory framework for adult safeguarding, in order to respond to inconsistencies, gaps in practice and negligence.

## Access to Justice

A High Level Taskforce to consider the mental health and addiction challenges of people interacting with the criminal justice system was established by Minister Helen McEntee in April 2021 (Action 8). The Taskforce aims to progress the Government’s commitment to ensure the critical mental health needs for people in prison are met, addiction treatments are provided and primary care support is available on release.

The Taskforce is chaired by former Minister Kathleen Lynch and its membership includes representatives from the HSE, Central Mental Hospital, the Irish Prison Service, the Probation Service, An Garda Síochána, the DoJ, DHLGH and DCEDIY. The Taskforce met five times since its establishment and established three expert subgroups on diversion, prison and central mental hospital capacity and community through-care.

The Taskforce is working on producing an interim report for both the Ministers for Health and Justice and a high level implementation plan was due to be published by the end of 2021, but has not yet been made available.

An Garda Síochána Mission and Strategy Statement 2019 -2021 gives a commitment under the Human Rights Organisational Objective for focusing on An Garda Síochána engagement with vulnerable criminal justice users. In this regard, in September 2018, following on from a pilot project, the ‘Garda Síochána Custody Record Risk Assessment’ C84 (A) (supplementary) Form was introduced. This form provides a process of risk assessment for persons in Garda custody in order to assist in the identification of vulnerable persons.

In line with the Programme for Government commitment to introduce new legislation on hate crime, and Action 15 of the NDIS, the General Scheme of the Criminal Justice (Hate Crime) Bill was approved at Cabinet and published in April 2021. The Bill was referred to the Oireachtas Joint Committee on Justice for pre-legislative scrutiny, which took place in November 2021. The report of the Committee is awaited. The General Scheme has also been referred to the Office of Parliamentary Counsel for drafting. It is intended that disability will be a protected characteristic under this proposed legislation. A report on the public consultation ‘Legislating for Hate Speech and Hate Crime in Ireland’ and the submissions received are available on the Department of Justice website.

To assist with preparation for the introduction of this legislation, An Garda Síochána’s Diversity and Integration Strategy 2019-2021 includes several strategic priorities whose implementation has resulted in the following relevant considerations:

* The introduction of a working definition of a Hate Crime / Hate Incident, which includes disability as a protected characteristic
* The development of Policy and Procedures - Responding to Hate Crime and Non-Crime Hate Incidents to set out the processes to be followed when responding to Hate Crimes and Hate Incidents and to establish the roles and responsibilities associated with recording, investigating and prosecuting Hate Crime.
* The development of an Online Hate Crime Training, which includes contributions from advocates on behalf of disability-related Hate Crime
* The launch of an Online Hate Crime Reporting mechanism in July 2021, available via www.garda.ie
* The establishment of a National Diversity Forum to monitor and review the implementation of the strategy, and to act as a critical friend. The Forum is made up of 15 representatives of various communities (including a disability representative) and other key stakeholders.

The Policing Authority’s oversight of the Garda Síochána continues to include a strong emphasis on disability inclusion (Action 18A). Over the course of 2021, the Policing Authority engaged with the Garda Commissioner in relation to the management of people in Garda custody, in particular the approach to vulnerable individuals including individuals with a disability. The Authority engages with the Garda National Diversity & Integration Unit on an ongoing basis regarding implementation of the Garda Diversity and Integration Strategy 2019-2021, and participates, in an observer capacity, in the Garda Diversity Forum.

In 2021, the Policing Authority highlighted the importance of multi-disciplinary Crisis Intervention Teams and due regard to human rights standards (such as UNCRPD and UNCRC) its submission to the Review of the Mental Health Act 2001. The Policing Authority also focused on disability inclusion as part of its 2021 Stakeholder Engagement Plan. During 2021, the Authority met with two organisations who work with vulnerable adults on safeguarding issues, and this included people with disabilities.

In the Irish Prison Service, the Higher Certificate in Custodial Care (HCCC) course for recruit prison officers (RPO) has elements on equality, diversity, inclusion and human rights. In early 2021, a module on Neurodiversity was introduced as part of the Higher Certificate. This module enables RPOs to demonstrate awareness of mental health and wellbeing, and work more effectively with people in custody with experience of Neurological Disorders (such as Alzheimer’s disease, Dementia, Acquired Brain injury, Parkinson’s disease) and how their treatment and progress may interact with mental wellbeing). Recruit Prison Officers also receive a six hour module on Mental Health Awareness, enabling them to demonstrate awareness of mental health and wellbeing and work more effectively with people in custody with experience of depression, self-harmful behaviours, suicidal thinking and behaviours, anxiety disorders, eating disorders, psychotic disorders/schizophrenia, and substance use disorders.

There has been a pilot roll-out of the Just A Minute (JAM) card across certain sectors of the justice system, thus removing one potential barrier to accessing justice for persons with disabilities who may need to ask for a moment of patience easily and discreetly (Action 18). In September 2021, the Courts Service, the Irish Prison Service and the Dublin Coroner’s Court signed up to the initiative. An evaluation of the JAM card roll out in these settings is now being reviewed by DoJ in consideration of a wider roll-out across the sector.

Finally, the Courts Service is undertaking a large-scale modernisation project, and made significant progress during 2021 in respect of increasing capacity and capability of service design, user interface and user experience. The Courts Service carried out continued consultation with various stakeholders to ensure that the digital transformation of existing services are inclusive and accessible.

## Disability Awareness

In the NDIS Evaluation for 2020, the NDA raised the issue of challenges to progressing so-called ‘shared actions’, due to no one Department having ownership or a lead role.

In this year’s evaluation, we see a different trend emerging from shared actions, and that is implementation of actions in different ways by different Departments and bodies, with little attempt made at communicating or developing a coordinated approach. This trend is manifested clearly in Action 20, which obliges every Department and public body to provide disability awareness training for all staff. Many Departments and public bodies have tackled this action in 2021, and this proactive move to provide training for staff is welcomed.

However, what we now see is the delivery of individual, inconsistent, and uncoordinated disability-awareness packages across the civil service. For example, one Department has contracted two firms to design a bespoke disability awareness training e-learning module for its staff. Another has developed its own in-house training. Other Departments have Equality, Diversity and Inclusion groups or Learning and Development units which are responsible for delivering or organising the delivery of training. Some Departments and bodies organise once-off events and trainings to mark specific days or topics, such as International Day of Persons with Disabilities. OneLearning, the Civil Service Learning and Development Centre housed in DPER, is developing training in this area and the NDA is updating its own e-learning module on disability awareness.

The NDA recognises two difficulties with the implementation of Action 20. The first is that, due to the uncoordinated approach taken by colleagues, there is no way to evaluate or compare the effectiveness of the trainings delivered. A common benchmark cannot be set, because the contents, the delivery and the outcomes of the trainings differ. No information was provided in the Traffic Light Report of the contents of the different trainings, therefore we cannot say if they provide information on crucial elements of disability policy, such as the UNCRPD or the Principles of Universal Design. Some feedback received by the NDA highlighted that some training had taken a medical model approach rather than a social model approach, which would not be in line with UNCRPD.

The second difficulty we have identified is that there is potentially a lack of compliance with UNCRPD Article 4(3) in the development of the trainings. As mentioned above, the Traffic Light Report notes that OneLearning is currently developing a civil service-wide programme to be made available in 2022. There is no indication that disabled people or DPOs have been engaged in the design of this programme, or in any of the other trainings undertaken by Departments and public bodies in 2021, and the NDA would welcome further information and engagement in this regard.

## Accessibility

The EU Web Accessibility Directive (WAD) requires Member States to ensure that websites and mobile applications of public sector bodies are fully accessible to persons with disabilities (Action 23). In September 2020, the Department of Environment, Climate and Communications (DECC) transposed the Directive into Irish legislation via the European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020. The Regulations name the NDA as the National Monitoring Body. The NDA carried out the first monitoring report in 2021, and transferred it to DECC, who submitted it to the European Commission in December.[[5]](#footnote-5)

Following reviews carried out on a wide range of websites and mobile applications[[6]](#footnote-6), the monitoring report outlined the following findings:

* No website or mobile app subject to in-depth reviews achieved full compliance with the accessibility standard
* There is a large variance in levels of compliance with the WAD across public sector websites and mobile apps in Ireland
* All websites subject to a simplified review contained accessibility errors
* A large number of relatively minor errors indicate that most public sector websites are not yet subject to routine accessibility checks and reviews, but that many such errors could be addressed relatively easily
* Even on websites where obvious care and attention has been given to accessibility, a relatively large number of errors may still exist.

Levels of awareness of the WAD have increased significantly among public bodies in Ireland in 2021, and all public bodies subject to monitoring have identified a dedicated liaison person. The NDA received a higher number of web accessibility queries in 2021 than other years and was invited to speak on the WAD at five national conferences and events. The NDA, in partnership with the Irish Computer Society, ran six webinars on the WAD, which were attended by over 700 participants.

Due to a delay of two years in the transposition of the Directive and in the resourcing of the National Monitoring Body, the NDA has conducted reviews on a reduced number of websites and mobile apps for this monitoring period. In consultation with DECC and DCEDIY, the NDA has developed an action plan to address this shortfall in 2021. The action plan also incorporates the NDA’s ongoing work to ensure public bodies receive practical guidance on how to remediate issues identified during the monitoring process.

In the December 2021 Traffic Light Report, several Departments note that their websites are hosted on gov.ie, which they say is “fully accessible”. The WAD monitoring report indicates that this is not the case; while gov.ie achieves a ‘very good level of accessibility’, and has a consistent ‘look and feel’, a small number of errors persist across most of the site, resulting in a large cumulative number of errors. As a result, gov.ie is deemed to be ‘partially compliant’ with the WAD. The monitoring report also notes that much of content published by Departments to gov.ie is in inaccessible PDF format. The NDA looks forward to engaging further with the OGCIO as well as with Government Departments (who are responsible for ensuring the content they send to gov.ie to publish is accessible) on this during 2022.

## Irish Sign Language

The Irish Sign Language Act 2017 was enacted in December 2017 and commenced on 23 December 2020. Section 10 of the Act places an obligation on the Minister of Children, Equality, Disability, Integration and Youth to report on its operation. The NDA was requested by the Minister to prepare a report on the operation of the ISL Act and work commenced in early 2021.

The NDA established an advisory group to advise on the reporting process and independently undertook information gathering through consultation activities with the ISL community; an independent survey administered to public bodies, parents of ISL users and the ISL community; and meetings with specific public services within sectors emphasised in the Act.

The NDA submitted the report to the Minister and DCEDIY in July 2021. The report was subsequently circulated to Departments for their observations, and minor amendments were made as relevant and appropriate. Following the approval of the report by the Minister, it will be laid before the Houses of the Oireachtas in the coming weeks, as per the provisions of the Act.

## Voting

The Joint Committee on Housing, Local Government & Heritage carried out Pre-Legislative Scrutiny of the General Scheme of the Electoral Reform Bill 2020 and produced a report in July 2021. The DHLGH is considering the recommendations of the Committee.

## Autism Plan

In April 2021, Minister Rabbitte announced the government’s intention to launch an Autism Innovation Strategy. The aim of the Strategy is to take a whole-of-government approach to advance the rights of people with autism in Irish society. It will identify key areas where individuals with autism face particular challenges and barriers and it will focus on practical and tangible solutions.

In December 2021, Minister Rabbitte initiated a call for submissions on co-creating the new Strategy. People were invited to consider what shape they believe the Strategy should take, the areas it should focus on, and the development and engagement timeline outlined for 2022.

The launch of the process to design, adopt and implementation a new Autism Strategy includes no mention of the Action Plan on Autism, which has existed since 2015. Action 21[[7]](#footnote-7) of the NDIS places an obligation on all Departments and public bodies to put in place the activities for which they are responsible under the Action Plan on Autism. Page 79 of the Programme for Government commits to “implement[ing] the National Autism Plan and keep it under regular review”.

In the bi-annual NDIS Traffic Light Reports, a number of Departments continue to include updates on their implementation of actions under the Autism Plan. For example, in the December 2021 Traffic Light Report, the Department of Education (DoE), Department of Enterprise, Trade and Employment (DETE), DECC and DoJ all included updates under this action. However, other stakeholders have indicated that they are unsure of the status of the Action Plan on Autism, require clarity around their obligations under it, and have even stated that they cannot find a copy of the Action Plan online.

Both the Commission on the Status on People with Disability (1996) and the UNCRPD (2006) have recommended a pan-disability approach to policy-making, rather than specific strategies or plans for individual disability areas. This has been echoed in government policy to date, including through successive National Disability Strategies, and the overall policy of ‘mainstreaming’. The NDA advises that there remain gaps in knowledge in relation to the prevalence of autism, the experiences of people with autism in Ireland, and the provision of supports and services. We therefore suggest that there may be scope for this Autism Innovation Strategy to have a focus on developing research, evidence, and guidance to ensure that public sector organisations are using best practice approaches in meeting the needs of people with autism.

Given the early stage of development of the Autism Innovation Strategy, the NDA advises that consideration is given to whether the Action Plan on Autism can be incorporated into the new Strategy, or should be formally ended, in order to reduce confusion and duplication of work.

# 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, and smooth, timely transitions and referrals between different service areas, all of which are person centred and delivered with clear roles of accountability, good communications and continued building of staff capacity in this regard.

## 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. An interdepartmental Cross-Sectoral Team supports and plans for the co-ordinated delivery of services to families of children with special educational needs across the disability sector. The Team comprises representatives of the DoE, DoH, HSE, DCEDIY, DSP the National Council for Special Education (NCSE) and the National Educational Psychological Service (NEPS). A practical example of ongoing collaboration between DoE, DoH and HSE is the provision of support and guidance to enable schools to ensure the smooth transition of their young adults to HSE funded Day Services in light of the disruption caused by Covid-19 and school closures in 2020 and 2021.

Action 31 relates to facilitating smooth transitions into, within and out of education on a cross-departmental and agency basis. As reported in the last evaluation, progress under this action was impacted heavily by Covid-19. However, it has picked up again, and under CES Action 1.3, a cross-departmental and agency team comprising DoE, DoH, DFHERIS, HSE, NCSE, Education and Training Boards Ireland (ETBI), Higher Education Authority (HEA) and Solas has developed a ‘transition from school’ pilot project. This pilot programme, which will commence in early 2022, aims to provide all school leavers who require specialist supports with access to a transitions programme. The pilot will take place over 2.5 to 3 years on 20 project sites in two demonstration regions (North Dublin and Galway), with representation from a cross section of schools to include students with disabilities in mainstream post primary settings, located in special classes attached to mainstream and in special schools. It is anticipated that there will be presentation of urban/rural, DEIS and Gaeltacht regions where possible. The project coordinator has completed a mapping of provision in the two demonstration regions, looking at how the current curriculum supports the development of independent living and life skills, career planning and management skills.

The DoE’s Curriculum Assessment Policy Unit (CAP) is engaged in ongoing discussions with the National Centre for Guidance in Education (NCGE) in respect of raising the awareness of guidance counsellors in supporting young people to make successful transitions. In October 2021, the NCGE delivered a webinar for guidance counsellors entitled 'Working with students with disabilities'. Engagement is ongoing with the NCGE to review the post-grad training on inclusion, SEN and transitions which guidance counsellors receive. CAP also met with DFHERIS to discuss the gov.ie career information portal 'The Right Course' to highlight gaps in user accessibility and areas for development.

## Stakeholder Engagement and Collaboration

In 2021, it was announced that the NDIS 2017-2021 would be extended until the end of 2022. Last year, ten Disability Departmental Consultative Committees (DCCs) met at least twice to discuss the progress of their respective actions (Action 32).[[8]](#footnote-8) This is one more Committee than last year, as a result of DFHERIS establishing a new DCC. The move to virtual meetings, first put in place in 2020 in response to the pandemic, continued. A number of Departments have broadened the membership of their DCCs. Some include representatives of disability organisations, relevant agencies under the remit of that Department, and employees with disabilities within that Department.

The NDA would like to acknowledge – and commend – the effort made by Departments in 2021 to gather updates on NDIS actions from agencies and bodies under their remit. More so than any other year, we have noticed a significant input from public bodies that we had not heard from before, despite them having excellent updates to provide on work being carried out to progress universal design, disability awareness training, accessible and inclusive initiatives, to name but a few. Some of the agencies/bodies appearing in the Traffic Light Report for perhaps the first time include the Data Protection Commission, the National Museum, the Chester Beatty Library, Sport Ireland, the Heritage Council, the Legal Services Regulatory Authority, Legal Aid Board and Fáilte Ireland. The NDA also welcomes the significant amount of information provided by Departments and agencies – certainly more so than in other years – and the new practice put in place by DCEDIY to collate this information in a ‘Supplementary Document’, accompanying the Traffic Light Report.

The NDIS Steering Group met five times in 2021, with Minister of State with responsibility for Disability, Anne Rabbitte T.D., chairing each meeting. In March, the Steering Group held a thematic meeting, examining the area of Mental Health. Minister of State with responsibility for Mental Health and Older People, Mary Butler T.D. attended this meeting. In December 2021, Ministers Roderic O’Gorman T.D. and Heather Humphreys T.D. joined the NDISSG meeting to discuss the Cost of Disability Report.

The NDA continued to provide secretariat support to the Disability Stakeholders Group (DSG5) in 2021. Between 2019 and 2020, the DSG saw a number of its members resign. This created a significant workload to be shared amongst the remaining members. In response to this, the DSG5 and DCEDIY developed a recruitment process for a DSG6. In Autumn 2021, Minister Rabbitte announced that 17 individuals had been chosen to join the nine members of DSG5 who had chosen to remain on the Group for a second term. Expressions of interest were also invited for the role of independent Chair of the DSG6, and Renée Dempsey-Clifford was re-appointed to this position. DSG6 commenced its work in January 2022.

The NDA is updating its ‘Ask Me’ Guidelines for Effective Consultation with People with Disabilities. Significant consultation with disabled people, including young people, and DPOs took place throughout 2021, and a consultation report is being drafted. Further consultation with government and public sector organisations got underway in January 2022, to help inform the guidelines, particularly focusing on what would be of most use to public sector staff engaging with persons with disabilities, in line with 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.

## Access and Inclusion Model

The Access and Inclusion Model (AIM) supports the meaningful participation of children with disabilities in the Early Childhood Care and Education (ECCE) programme (Action 34). AIM includes seven levels of supports for children in pre-school, one of which funds services either to reduce the number of children in the pre-school room or to buy in additional assistance to enable a lower adult-child ratio. This assistance ensures that children with a disability can participate, learn and socialise with their peers in an inclusive and supportive environment.

At the end of 2020, Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman, T.D., announced that additional funding for AIM would be made available from January 2021. This funding, which ECCE providers use to reduce the adult-child ratio within the pre-school room, was set to rise by 7% from €195 to €210 per week. Overall, the budget for the AIM programme increased from €33 million to €43 million per year.

Since its beginning in 2016, 18,521 children in 3,871 settings have received targeted supports under AIM. A trial process is underway to provide nursing or healthcare assistance to support the participation of children with complex healthcare needs in mainstream preschool settings. Learning from this trial will be reviewed before a decision is taken on possible mainstreaming in 2022/2023. The Leadership for Inclusion programme (LINC), a free higher education blended-learning programme for early years professionals designed to enhance and support the inclusion of children with additional needs in Early Learning and Care (ELC) settings, has trained approximately 4,000 staff over the past five years. LINC, in turn, enables graduates to take up the leadership role of Inclusion Co-ordinators (INCOs) in their services. Further training (Lámh sign language, Hanen Teach Talk and Sensory Processing and Early Learning) for early years professionals to support children with disabilities are now available on-demand online.

An end-of-Year 3 evaluation of AIM was commissioned by DCEDIY in December 2020 and is being undertaken by the University of Derby, which established a research consortium of ‘Practitioner Researchers’ (PRs) in May 2021. The PRs are individuals who hold the LINC Level 6 Special Purpose Award and who may be acting in the role of INCO, and they were tasked with gathering research-based case studies of ELC settings on their experience of AIM. Surveys were also issued to parents and service providers to help inform the evaluation.

The report is on course to be published in Q1 2022. The NDA understands that the evaluation will state that the model has made positive impact on children and families’ outcomes and on the capacity of ELC settings.

## School Inclusion Model

The School Inclusion Model (SIM) provides tailored in-school therapeutic supports, such as speech and language and occupational therapy, with the aim of achieving better educational outcomes for children. Key elements of the SIM are frontloading of SNAs in mainstream classes, increased training and professional development, and increased support from the National Educational Psychological Service (NEPS).

In February 2019, the Government approved the trialling of the SIM for the 2019/20 school year. Initially designed as a one-year pilot involving up to 75 participating schools in the CHO 7 region, it was interrupted by Covid-19 with the closure of schools and the redeployment of HSE therapists from the project to Covid-19 related work. The pilot was extended to the 2020/21 school year, and recommenced in October 2021. Funding contained in Budget 2021 provided for the extension of the SIM to two other CHO areas in 2021.

The frontloading of Special Needs Assistants for mainstream classes in primary and post-primary schools is a key part of the SIM (Action 35). However, due to Covid-19, it was not possible to deliver the necessary training and information workshops to support the roll out of the new Frontloaded Allocation Model for SNAs. Therefore, the introduction of the new model was deferred for a further year, to the beginning of the 2022/23 school year.

The National Training Programme for SNAs commenced in January 2021. This programme, delivered by UCD, consists of five modules delivered over a ten-month period covering inclusion, communications and language, a range of special needs and information on caring for students with additional care needs. In total, there are 3,500 places available on the programme over the next four years.

## Initial Teacher Education

The revised Céim: Standards for Initial Teacher Education (ITE) were published in November 2020 (Action 38). These standards set out the requirements which all programmes of qualification for teaching in Ireland must meet in order to gain accreditation from the Teaching Council. The core elements for all programmes of ITE have been updated and the definition of ‘inclusive education’, as outlined in the glossary of the revised standards, is to include support for the development of student teachers’ ability to provide for the learning needs of all pupils by utilising, for example, a universal design for learning framework.

All new primary and post-primary programmes submitted to the Council for accreditation must now be in alignment with Céim. Existing programmes of ITE shall be realigned in accordance with Céim for commencement in September 2022 for first year student teachers.

## Education for Persons with Special Educational Needs (EPSEN) Act 2004

In December 2021, Minister of State with responsibility for Special Education and Inclusion, Josepha Madigan T.D., announced the commencement of a full review of the Education for Persons with Special Educational Needs Act 2004. The EPSEN Act provides for the education of children aged under 18 years with special educational needs. The purpose of the review is to ensure that legislation on education for students with additional needs is up-to-date, fully operational, and reflective of the lived experiences of students and families.

A Steering Group and Advisory Group will be established in early 2022 to oversee the process of reviewing this legislation, and it is envisaged that the full review will be completed by early 2023.

The NDA wrote to the relevant Ministers to suggest that a review of Part 2 of the Disability Act 2005 (Assessment of Need, Service Statements and Redress) be carried out in parallel with the review of the EPSEN Act. The original intention was that the EPSEN Act and the Disability Act would operate in tandem and provide people with disabilities / special educational needs with a joined up approach to assessment and support provision. Through the NDA’s engagement with parents of children with disabilities, we consistently hear that their experience of provision of supports is fragmented. The NDA advises that it would be important to maintain efforts to implement a joined up approach to health and education assessment and provision (as envisaged in the National Disability Strategy), and that any legislative review should be conducted in that context.

## Further and Higher Education and Training

A key priority for the Further Education and Training Strategy 2020-2024 is to ensure consistency of support for all learners, underpinned by a universal design approach. The 'Conceptual Framework of Universal Design for Learning (UDL) for the Irish Further Education and Training Sector' was published in 2020. From this framework came the 'UDL for FET Practitioners: Guidance for Implementing UDL in Irish Further Education and Training' document and accompanying resource, which was launched in June 2021. This guidance provides all practitioners throughout the FET sector with the knowledge to implement universal design for learning. A series of online webinars have been organised by Education Training Board Ireland on various aspects of UDL.

The Statement of Strategy (2021-2023) for the Department of Further and Higher Education, Training, Research and Science was published in March 2021. Inclusion is one of the core strategic goals in the Statement of Strategy. The ambition is to ensure that we provide supports and opportunities for learning to all. This means recognising the needs of vulnerable learners, people who are most marginalised and people with special and additional needs. The Action Plan for Apprenticeship (2021-2025) was launched in April 2021. One of the five unambiguous objectives in the plan is ‘Apprenticeship for all’*,* meaning that the profile of the apprenticeship population will more closely reflect the profile of the general population. The explicit ‘deliverables’ underpinning this include an apprenticeship structure that is inclusive in terms of access and delivery.

The 10-year Adult Literacy for Life Strategy (2021-30) was launched in September 2021. It outlines a cross-Government approach to reduce the number of adults in Ireland who have unmet literacy, numeracy and digital skills needs. People with a disability are one of the key target groups within the strategy.

The National Plan for Equity of Access to Higher Education 2015-2021 set targets to increase the participation of persons with disabilities in higher education. A progress review (2018) has shown significant increases in participation rates, with targets exceeded, including for physical or mobility disabilities, deaf students or those hard of hearing and students that are blind or that have a vision impairment. DFHERIS and the HEA commenced a consultation process for the next five-year National Access Plan (2022-2026) in April 2021. The new Plan, which will cover the 2022-2026 period is due to be published in Q2 2022.

# 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 with a disability in the same age group.[[9]](#footnote-9) 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).[[10]](#footnote-10) It also reports that Ireland has one of the highest gaps in employment between persons with and without disabilities (45.1 percentage points). However, it should be noted 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.

The NDIS includes an action to implement the Comprehensive Employment Strategy for People with Disabilities 2015-2024 (CES), the State’s primary strategy in this space, which aims to achieve an increase of 33% to 38% in the employment rate of persons with disabilities aged 20-64 by 2024. The CES has its own monitoring structures and an annual independent assessment of progress conducted by the NDA. 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. A DoE Taskforce to consider the recommendations arising from the Indecon Review of career guidance in schools was established in 2019. Proposals are currently in draft form for various inter-departmental Guidance policy working groups and subcommittee groups to consider how best to implement the recommendations. As highlighted in last year’s evaluation, the NDA advised that the Indecon Review did not sufficiently address the particular needs of students with disabilities, particularly those in special schools in relation to career guidance. NDA commenced a literature review in 2021 that will inform a policy advice paper on career guidance for young people with disabilities and has met with DoE and other relevant agencies to discuss same. We reiterate our call to the Taskforce to address these issues.

## Employment Programmes, Initiatives and Information

Enterprise Ireland established a Diversity and Inclusion Steering Group in 2021. The Steering Group is at an advanced stage of developing a Diversity and Inclusion Strategy, which contains a section on supporting entrepreneurship & self-employment for persons with disabilities.

In June 2021, and following consultation with the NDA, the Health and Safety Authority published a guide for employers that sets out how to implement inclusive health and safety practices for employees with disabilities.[[11]](#footnote-11) The guide addresses aspects of work-related safety, occupational health and facilities management and welfare as they pertain to workplace health and safety for employees with disabilities and aims to assist employers to ensure their health and safety systems of work are inclusive to people with disabilities.

DSP, through the Dormant Accounts Action Plan 2021, put in place funding for 45 projects, amounting to over €7.5 million, to support initiatives under the heading of "Measures to Support Employment, Education and Training Outcomes for People with a Disability and Family Carers". The 27 projects funded under the former Ability Programme were successful in securing funding under this measure.

Fáilte Ireland have engaged with the Oireachtas Work Learning (OWL) programme and have plans to offer placements to people with disabilities in 2022.

The New Pathways to Work (2021-2025) strategy was published in July 2021. It includes the following commitments:

* Review the current long-term disability payment schemes with a view to removing inconsistencies/anomalies and ensure that they recognise the continuum of disabilities and support employment
* Complete the consultation on the Early Engagement Roadmap for young people with disabilities and implement the approach starting in 2021.

The DSP’s Youth Employment Support Scheme (YESS) was a work experience placement programme targeted at young jobseekers aged 18-24 who were long-term unemployed or face barriers to employment. As of June 2021, 990 people had commenced a placement. The YESS was closed in July 2021, and replaced by the DSP Work Placement Experience Programme (WPEP). This programme gives people who have never had a job or who have lost their job an opportunity to gain work experience. Persons in receipt of Disability Allowance and Blind Pension payments are eligible for the WPEP, and as of the end of 2021, such persons made up 10% of WPEP participants.

The Open Doors Initiative received funding from DCEDIY to deliver a new service, entitled Employers for Change - A Disability Information Service (Action 117). The service officially launched in March 2021. Employers for Change provides advice and information to employers about recruiting and employing people with disabilities. It hosts a central web-based information resource incorporating guidance and a FAQ section. It provides and participates in awareness raising and outreach activities, maintains links with employer stakeholders and disability stakeholders, and promotes the positive business case for the employment of people with disabilities.

In its Equality, Diversity and Inclusion Strategy Statement and Action Plan 2020 – 2021, An Garda Síochána commits to continuing supports by way of reasonable accommodations, in order to create a more inclusive work environment. The Plan includes an action to develop a Code of Practice for the Employment of People with Disabilities to support better employment outcomes for people with disabilities in An Garda Síochána.

## Comprehensive Employment Strategy for People with Disabilities

Development of Third Action Plan of the Comprehensive Employment Strategy is currently underway by the CES Implementation Group (Action 47). It is envisaged that the new (and final) Action Plan will take into account ongoing actions from the previous action plan. The NDA notes the slow pace of development of the Action Plan, given it was due to commence at the beginning of 2022 and has not yet been finalised and agreed. The NDA advises that consideration is given as to how the CES and the final Action Plan is built into the successor to the NDIS 2017-2022. It is important to recognise that their timelines do not align, but come 2025, the learnings and follow-on from the CES 2015-2024 should be seamlessly incorporated into one, single national disability/UNCRPD implementation strategy.

In line with commitments in the CES Phase Two Action Plan (2019 -2021), Budget 2022 saw DSP introduce two measures to support persons with disabilities returning to, entering into or remaining in employment. These were:

* An increase of €25 per week to the upper earnings disregards for both the Disability Allowance and Blind Pension, from €350 to €375 per week
* Building on the introduction of a training grant of up to €1,000 in Budget 2022, three reasonable accommodation grants, currently available through Intreo, are to be made available through DSP’s Employability contractors in 2022.

The latter measure will help to ensure the grants are readily available at the time and location of need, which was an issue identified in the NDA’s 2019 paper, ‘Reasonable Accommodations: Obstacles and Opportunities to the Employment of Persons with a Disability’.[[12]](#footnote-12) The three grants to be made available are the [Workplace Equipment Adaptation Grant](https://www.gov.ie/en/service/38fdd0-workplace-equipment-adaptation-grant/) (WEAG), the [Job Interview Interpreter Grant](https://www.gov.ie/en/service/4c4ce4-job-interview-interpreter-grant/) (JIIG) and the [Personal Reader Grant](https://www.gov.ie/en/service/231dfe-personal-reader-grant/) (PRG).

## Part 5, Disability Act 2005

The NDA continues to monitor compliance with the 3% minimum target by public bodies of employment of persons with disabilities (Action 49). In February 2022, the NDA published its fifteenth annual report on employment of persons with disabilities in the public sector. This report covered employment levels in 2020.

At the end of 2020, the total number of employees in the relevant public sector bodies was 245,190, an increase of 7,016 (+3.0%) from 2019. In 2020, the number of employees reporting a disability was 7,637 (3.1%), an increase of 318 (+4.4%) from the 2019 figures. The NDA notes the increase in the number of employees reporting a disability in 2020 from the 2019 figures.

However, in light of the overall increase of employee numbers in the public sector the overall percentage of employees reporting a disability in the public sector remains at 3.1%, the same percentage as 2019.  Overall, the public sector exceeded the minimum target of 3% for the tenth successive year.

The NDA continues to advise the importance of preparing for imminent legislative revisions, which will introduce the incremental increase of the target to 6% by 2024. Awareness-raising of this increase is required across departments and agencies, as well as the development and roll-out of supports and initiatives to assist public sector bodies to work towards this target. In 2020, 61(28.4%) of public bodies reported that over 6% of their employees reported a disability.

In 2019, the NDA commissioned a review of the Part 5 process. The research findings will be published and launched in 2022, along with a paper setting out recommendations for next steps. These recommendations will be implemented over the next two years.

## New Working Groups

In a re-commitment to actions contained in the original Strategy, two inter-departmental working group were established by the mid-term review, 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 work of both groups were interrupted by Covid-19, however, 2021 saw a re-commencement of their meetings and their work.

The Working Group on Assistive Technology is prioritising a number of themes to examine and make recommendations on. The NDA has developed discussion papers and arranged a speaker to inform the deliberations of the group which met twice during 2021.

The Working Group on Transport as it relates to Employment met in January 2022 for the first time since 2020. It was agreed that DCEDIY would liaise with key departments separately (DoT, DSP, DoH, Department of Finance) to develop a comprehensive list of schemes and grants available relating to transport. The Working Group will then discuss next steps.

## Research on Employment

The NDA collaborated with the Organisation for Economic Co-operation and Development (OECD) (Action 118) to produce a report entitled 'Disability, Work and Inclusion in Ireland; Engaging and Supporting Employers'.[[13]](#footnote-13) This report was launched in September 2021 and its recommendations will be incorporated as appropriate into the final three year action plan of the CES.

The NDA also worked with the Economic and Social Research Institute (ESRI) on a report entitled ‘Identification of skills gaps among persons with disabilities and their employment prospects’.[[14]](#footnote-14) The report examines data on the skills and employment gaps of persons with disabilities in comparison to persons without disabilities both in Ireland and Europe.

These two reports provide valuable data to highlight issues requiring further focus in respect of the employment of persons with disabilities, as well as outlining where Ireland sits in relation to other EU jurisdictions

# 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.

## Disability Capacity Review Action Plan

In July 2021, the DoH published its Review of Disability Social Care Demand and Capacity Requirements to 2032. This report sets out a range of estimates of the scale of disability social care needed, and the additional capacity required, from a base year of 2018 up to 2032. These estimates are based on projections of future change in the size and age structure of the population, and on the extent of unmet need documented in the Health Research Board’s disability databases. Based on this work, the Government is committed, by end 2021, to the development and publication of an Action Plan for Health-funded Disability Services, to cover the first years of this period, from 2022-2025. The action plan has not yet been published.

## Assessment of Need

At the end of 2020, the Ombudsman for Children, Dr Niall Muldoon, published a report entitled ‘Unmet Needs” – a report on the challenges faced by the Children of Ireland who require an assessment of their needs. The report raised serious concerns about ongoing delays experienced by children in obtaining an assessment of need (AoN) and recommended several actions to remedy this, taking a child-centered and rights-based approach. The entitlement to and timelines associated with AoN are outlined in the Disability Act 2005.

In January 2020, the HSE launched a new Standard Operating Procedure (SOP) for assessments of need. The AoN process now comprises a Preliminary Team Assessment that determines a child’s needs and the initial interventions required to meet these needs. In March 2021, a Review Group was established to carry out a review of the SOP for the Assessment of Need for Children.

In an address to the Joint Oireachtas Committee on Children, Equality, Disability, Integration and Youth in May 2021, Minister Anne Rabbitte stated that she had secured funding of €7.8 million to address the backlog of children waiting for an AoN. She noted that, at the end of March 2021, the waiting list had reduced to approximately 1,860 cases (a reduction of approximately 70%). As well as this, she noted that three of the nine HSE CHOs had cleared their backlogs.[[15]](#footnote-15)

In March 2022, the findings of a Judicial Review were published, which was based on two cases that sought an interpretation of the intentions of the Disability Act (2005) regarding the Assessment of Need process. It was determined that the HSE’s Standard Operating Procedure for the AoN process did not comply with the Disability Act. The HSE is currently reviewing the judgement and has stopped using the existing Standard Operating Practice.

## Mental Health

The draft Heads of Bill to amend the Mental Health Act 2001 were approved by Government on 13 July 2021 (Action 62). This is to be welcomed after several years of delay. The 165 recommendations of a 2015 Expert Group Review of the 2001 Act, and the results of a 2021 public consultation have been given due consideration in the draft Heads of Bill. They also take on board recent legislative changes in Ireland, including the Assisted Decision-Making (Capacity) Act 2015, the Mental Health (Amendment) Act 2018, and Ireland’s international obligations under the UNCRPD. The DoH is now working with the Office of the Attorney General to prepare a Bill. The Joint Oireachtas Committee on Health will carry out pre-legislative scrutiny on the draft Heads.

The HSE Service Plan 2021 contained several priority areas it had identified as necessary to progress the implementation of the national mental health policy, Sharing the Vision: A Mental Health Policy for Everyone. These include:

* Progress the roll-out of accessible integrated mental healthcare programmes in line with the HSE Corporate Plan
* Design integrated, evidence-based and recovery-focused mental health services
* Deliver timely, clinically effective and standardised safe mental health services in adherence to statutory requirements
* Ensure that the views of service users, family members and carers are central to the design and delivery of mental health services
* Enable the provision of mental health services by highly trained and engaged staff and fit for purpose infrastructure

Each heading contains a number of actions underneath. Unfortunately, aside from confirmation of 29 new CAMHS staff and five peer support workers in mental health services, neither DoH nor HSE has provided any details on the progress of implementation or outcomes of the Service Plan 2021.

The National Implementation and Monitoring Committee (NIMC) is collectively responsible for driving and overseeing the long-term implementation of Sharing the Vision. The NIMC comprises a Steering Committee, which was established at the end of 2020, the HSE Implementation Group, the Reference Group, and a number of associated Specialist Group Panel. The NIMC met ten times in 2021.

The Sharing the Vision Implementation Plan 2022 – 2024 was published in March 2022, and sets out programme deliverables for the next three years.

## Physical Activity

Get Ireland Active! – the National Physical Activity Plan for Ireland (NPAP) was launched on 14 January, 2016 in order to increase the number of people taking regular by making physical activity a normal part of everyday life and giving people more opportunities to be active (Action 57). The NPAP contains a number of actions targeting people with disabilities. Sport Ireland is a key stakeholder in the implementation of the NPAP and provides significant support for CARA and disability sports. In 2020 and 2021, CARA was allocated €130,000 in Core Grant funding.

In 2020, through Dormant Account Funding, CARA was allocated €180,000 for the Sports Disability Training Framework and this was increased to €210,000 in 2021 Dormant Account Funding. The Sports for Disability Training Framework is designed to support the further development and delivery of specialised disability training courses through CARA.

## Vocational Rehabilitation

Action 65 commits 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,[[16]](#footnote-16) and this was finalised in 2021 following consultation with people with an acquired disability in or seeking employment. The NDA continues to engage bilaterally with departments to advise on and support implementation of this policy advice. It is intended that it will feature in the Third Action Plan under the CES.

# 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.

## 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).

The NDA conducted a multi-annual study to evaluate the outcomes and costs of living in congregated and community person-centred models of service in the disability sector. The findings of the study were launched in a report entitled ‘Moving In, Moving On: An evaluation of the outcomes and costs of congregated and community models of service in the disability sector’ in December 2021.[[17]](#footnote-17) The study was funded by the Health Service Executive (HSE) as part of the Transforming Lives programme.

The findings indicated that quality of life outcomes improved for participants after they moved from congregated settings to the community. Participants and staff reported residents having more opportunities to exercise more choice and control over their daily lives. Further analysis, which examined different models of care, found that quality of life was better for people who received person-centred services, and worse for people who lived in congregated settings, could not choose who they lived with, did not like who they lived with or were experiencing pain.

The cost analysis indicated a cost uplift of 60% for providing services in community rather than congregated settings for those yet to transition from congregated settings. The level of support required by residents is a key driver of costs with higher support needs incurring higher costs - mainly due to the need for additional frontline staff.

These forecasts were not dissimilar to the Disability Capacity Review findings and the HSE’s own projections. The report highlights the importance of progressing the process of deinstitutionalisation as a means of achieving Ireland’s obligations under Article 19 of the UNCRPD, the goal of which is to ensure everyone has the supports they need to have choice and control over where and how they live.

## Inclusive communities and active citizenship

As in previous years, no progress is reported on Action 73 on evaluating the outcomes of Local Area Co-ordination pilots. The DoH update in the NDIS Evaluation for 2020 indicated that a planned evaluation of pilot Local Area Co-ordination projects did not go ahead. Local Area Coordination is a mechanism to support inclusive living in communities. The NDA advises the importance of considering how actors at local level, e.g. local authorities and community services can coordinate at a local level to support inclusive living in communities. The NDA has developed a draft research report and is planning consultations in 2022 to inform an advice paper around social inclusion. This piece of work will look at the issue of Local Area Co-ordinators, among other mechanisms that have the potential to foster inclusion.

Similarly, no update is provided for Action 74, which obliges local authorities to ‘develop actions at community level to build and sustain disability-competent and welcoming communities.’ The NDA strongly encourages the relevant Departments to examine why no progress is being provided on this action, and other actions for which local authorities are named as the responsible bodies. Given the success of the Disability Participation and Awareness fund (outlined in Theme 1) and the large number of local authorities applying for funding to improve the experiences of persons with disabilities in their communities, it is clear that there is activity relevant to the NDIS underway at local level. The NDA advises that improved communication with local authorities may see implementation of the actions for which they are responsible (74, 108 and 114) progress. The NDA suggests that the engagement of local authorities, and the progress of the actions for which they are responsible, be given a dedicated thematic NDISSG meeting in 2022.

Universal design principles were embraced by a number of public bodies in ensuring access for persons with disabilities to cultural and sporting facilities (Action 75). Under the Sports Capital and Equipment Programme, Sport Ireland is required to ensure that all facilities are accessible to people with disabilities and that capital projects must conform to the seven principles of Universal Design. All gym equipment funded must be accessible to people with disabilities and the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media has produced a guide to accessible gym equipment.   
  
The Sports Inclusion Disability Capital Project aims to reduce barriers to sports participation for disabled people through minor infrastructure development and the provision of equipment. The fund is provided to organisations to purchase a range of disability sports equipment and enabling infrastructure. Through Dormant Accounts Funding, Sport Ireland administered €400,000 to 26 Local Sports Partnerships (LSP) in 2021.

In 2021, €945,000 was allocated to support and maintain the Sports Inclusion Disability Programme, with Sports Inclusion Disability Officers (SIDO) delivering in 29 LSP areas. The aim of the Sports Inclusion Disability Programme is to encourage and facilitate more people with disabilities to participate in sport and physical activity and develop sustainable clubs and programmes in all settings.

The CARA Inclusive Volunteer Programme was developed by CARA, Sport Inclusion Ireland and supported by Sport Ireland, Federation of Irish Sport, and Volunteer Ireland. Over 170 active volunteers participated in the programme from across Ireland with a variety of backgrounds, sports and activities. This programme was developed to empower new and existing volunteers to provide positive opportunities for people with disabilities in sport & physical activity at club and community level.

Under its Master Vision Statement 2018-2032, the National Museum of Ireland names accessibility as one of its five values. The Museum ensures that collections and activities are wide-reaching and seek to engage with new audiences. It aims to make NMI’s sites, exhibitions and interpretations fully accessible for all people.

## Children and Young People

There is no update in traffic light report on current stage of Progressing Disability Services for Children and Young People. The NDA notes, however, that re-configured teams have been established across the country but it seems that significant delays in receiving an assessment or an intervention remain, based on anecdotal evidence received by the NDA and others. The NDA advises that it would be important to consider and address the capacity of the teams to meet demand as estimated in the Disability Capacity Review (which states that spending on therapy services [child and adult] needs to increase by approximately €50m-€54m a year by 2032 if those needs are to be addressed). It would also be very important for a cross-departmental approach to addressing the supply of key professionals. The NDA advises that a formal evaluation of Progressing Disability Services is conducted in the near future.

## Standards and Regulations

Under Action 86, HIQA is responsible for ensuring continued registration, regulation and inspection of disability services against standards and regulations, and for providing for the next round of inspections with particular focus on thematic inspections against key quality of life outcomes. Unfortunately, no update to this action is provided in the December 2021 Traffic Light Report.

Building on the completion of the first cycle of regulation for residential centres for people with a disability, and in the context of extension of regulation to other Social Care services, the DoH is progressing the development of regulations for health-funded home support services (Action 87). A targeted stakeholder consultation took place in December 2021, and the DoH intends to launch a public consultation in 2022.

## Supports and Information

The work of the Quality Improvement (QI) Team in HSE Disability Services continued in 2021 (Action 88). The team sent newsletters to all organisations in May and August 2021, with links to all of the guidance documents that had been developed in the Disability QI office. Updated Covid-19 guidance was circulated and work was carried out to adapt AFFINITY (national falls and bone health programme) for persons with disabilities. The National Office for Human Rights and Equality Policy in the National Quality Improvement Team held a series of webinars throughout 2021 to continue its awareness-raising of the Assisted Decision-Making (Capacity) Act, to prepare service providers and staff for the commencement of the legislation.

## Personalised Budgets

The Personalised Budgets Project to test models of personalised budgets identified in report of the Personalised Budgets Task Force has suffered from Covid-19 related delays and resourcing issues (Action 91). In addition, the time it takes for a person to enter into the pilot, from the time they express an interest to receiving a budget is longer than originally expected and many people who go through this process ultimately decide not to take a budget. The NDA sits on the project steering group in its advisory capacity with the DoH and HSE. The steering group intends to write to the Minister to request an extension of the project to the end of 2023, with an evaluation report coming later in 2024. The NDA has advised on the need for communication with stakeholders regarding the reasons for this extension, as this will delay further any recommendation being made relating to a national programme.

The NDA is project-managing the independent evaluation phase, the commencement of which has been delayed due to the knock-on effects of the delayed project. The NDA has contracted an evaluation consortium to undertake the evaluation and has received ethical approval for the evaluation from the HSE and a number of relevant service providers. Evaluation fieldwork (interviews with Demonstration Project participants and others) should commence in 2022. The NDA looks forward to further progress on this important programme.

# 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 in 2019, 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.

Unfortunately, the December 2021 Traffic Light Report did not include figures on how many people moved out of congregated settings in 2021. The update noted that 144 people were expected to move to new homes in the community in 2021, however, it has not been confirmed if this was achieved.

The NDA’s Moving In, Moving On report estimated that, at the end of 2020, 1,739 people remained in congregated settings. Given that it is unlikely that all persons will be moved out of congregated settings by the time the NDIS ends, the NDA advises that timely consideration is given to how this commitment (which was made both in the NDIS and in the Programme for Government) is continued and achieved in the next national disability strategy.

## Review of Part M building regulations to provide for Changing Places Toilets

A changing places toilet is an accessible sanitary facility with a toilet, hoist, basin, adult-sized changing bench and optional shower. It offers larger supported facilities that address the needs of people for whom current accessible sanitary accommodation is inadequate. There is no requirement to provide Changing Places Toilets in current building regulations. The Department of Housing, Local Government and Heritage is holding a public consultation on proposed changes to Part M of the building regulations to provide for Changing Places Toilets in certain publicly accessible buildings. The NDA participated in the Departmental Working Group set up to examine the types and sizes of buildings where a changing places toilet should be required, along with the technical requirements (equipment, room size and layout) of a changing places toilet. The NDA also carried out research on the estimated number of potential users of Changing Places in Ireland.[[18]](#footnote-18) The deadline for making submissions to the public consultation process is May 12, 2022.

## Housing

The NDA welcomes the development of the new National Housing Strategy for Disabled Persons 2022-2027, which was launched in January 2022 (Action 96). The new Strategy is the first piece of national policy to use identity-first language i.e. ‘disabled persons’. The reasoning behind this departure from the usual approach of person-first language (i.e. person with a disability) is outlined on Page 1 of the new Strategy, and is based on the comprehensive consultation carried out by DHLGH on this document during 2021. This included a public consultation, online questionnaire, focus groups and engagement with the Disability Participation and Consultation Network. Two DPOs and four disability organisations sat on the National Advisory Group.

The new strategy places a greater emphasis on independent living and community inclusion than the previous strategy. It is based on the principles of the UNCRPD and has a focus on universal design. The strategy places an emphasis on disabled people having choice and control over their living arrangements. It contains six themes:

1. Accessible housing and communities
2. Interagency collaboration and the provision of supports
3. Affordability of housing
4. Communication and access to information
5. Knowledge, capacity, and expertise
6. Strategy alignment

Work has now commenced on the Implementation Plan for the Strategy, and this will be completed by Q2 2022. The NDA looks forward to the development of this Plan, which will be critical in identifying practical next steps to achieve progress under the six themes outlined above.

‘Housing for All – A New Housing Plan for Ireland’ was launched in September 2021 to target the delivery of more homes of all types, for people with different housing needs. The new National Housing Strategy for Disabled People will operate within the overall framework of Housing for All, which is committed to ensuring that affordable, quality housing with an appropriate mix of housing design types provided within social housing, including universally designed units, is available to everyone in Irish society, including those with disabilities and older people.

The NDA’s Centre for Excellence in Universal Design collaborated with the Society of Chartered Surveyors Institute in 2021, to develop a paper on the costs of delivering Universal Design homes. This cost assessment will inform a cost benefit analysis of Universal Design homes currently being commenced by NDA/CEUD and scheduled for completion during 2022 (Action 97).

# 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.

## Transport

The Department of Transport publishes updates in its Accessibility Work Programme (AWP) on a quarterly basis, to align with meetings of the Department’s Accessibility Consultative Committee (ACC). In addition, an end-of-year statement on the Department’s work during the year, minutes of all ACC meetings, and associated documents, are also published. The NDA welcomes this approach to providing comprehensive and easily accessible information, which allow for straightforward monitoring of responsibilities, and would encourage other Departments and agencies to follow this example of good practice.

Some information and statistics included in the AWP of December 2021[[19]](#footnote-19) include:

* On 10 March, Irish Rail announced details of the 2021 rail station lift and escalator replacement and renewal programme. There is now a four-year Lift Renewal /Replacement Plan of over €18 million to cover from 2020-2023
* Eighteen lifts were replaced/renovated by December 2021, and the Department was hopeful that the five remaining stations would be completed by the end of the year
* The installation of footbridges and lifts were completed in three rail stations in 2021. Similar works commenced in another two stations
* Capital Funding was provided in 2020 and in 2021, to install the Lift Call System in Irish Rail Stations to try and to minimise the damage caused to lifts due to vandalism. 28 stations have been completed to date (9 in 2021)
* The NTA launched its “Connecting Ireland Rural Mobility Plan” consultation on 29 October 2021, which ran until 10 December. People were invited to review the NTA's proposals for their area and give their feedback to the NTA to guide the implementation of Connecting Ireland
* Bus Eireann’s Public Service Obligation coach fleet is now 100% wheelchair accessible with the wheelchair lift. The NTA continues to fund the installation of wheelchair accessible bus bays in various locations and at bus stations.
* The number of Wheelchair Accessible Vehicles (WAVs) was 3,221 at end October 2021 (17% of the Small Public Service Vehicle fleet)
* The 2021 Wheelchair Accessible Vehicle grant scheme opened on March 1. By 19 November 2021, 746 applications had been received and of those, 341 have completed the licensing process. A condition attaching to the grant scheme is that all successful applicants must complete a disability awareness training programme with the Irish Wheelchair Association, which is funded by NTA
* A Changing Places facility has been installed in Connolly Station and it is planned to start the refurbishment of the sanitary facilities in Heuston Station in December where a Changing Place facility will be installed.
* The DART App has been developed. Developers are working on solving issues that arose when tested by the staff and the current plan is to have updated version available by the end of the year to allow for proper Pilot testing by customer contacts via the Disability User Group
* A Transport for Ireland (TFI) JAM Card Campaign commenced on 15 November 2021
* The NTA are establishing a Transport User Advisory Group, which will involve various groups such as users of various modes of public transport, pedestrians, cyclists, disabled people, older persons, and businesses.

The NDA continues to progress work to deliver a national pilot to monitor accessibility of public transport, and is currently working on the development of a proof of concept mobile app, which will allow users to log up-to-date information about their experiences using public transport (Action 103). User testing of this will progress in 2022 and the NDA expects to report the findings of this later in the year. Public transport providers were also included in a horizontal monitoring exercise undertaken in 2021, which examined compliance of public bodies with indicators derived from the revised Code of Practice on the Accessibility of Public Services and Information Provided by Public Bodies and Part 3 of the Disability Act 2005. It is expected that the report of the findings of this monitoring exercise will be published in 2022 and the NDA will engage further with public bodies to support them in meeting their obligations under the Act.

## Public spaces

Under Action 105, the NDA has been requested by the Minister of State with responsibility for Disability to proceed with the development of a Code of Practice for accessible public areas of public sector buildings. The NDA expects to submit a draft Code to the Minister later in 2022, informed by consultation and engagement with key stakeholders, including disabled people and their representative organisations.

Sport Ireland are leading on an initiative to develop a National Database of Sport & Recreation Amenities (Action 107). The database will include up-to-date and accurate information on opportunities to be active in Ireland, including information on accessibility for people with disabilities.

# Areas for focus in 2022

Given that 2022 will see the end of the NDIS, the NDA has outlined a number of areas for focus this year. The below takes into account the need for a seamless transition into the next national disability policy, whatever form that may take, and will also allow all stakeholders to continue with, and build on, the momentum of actions that are ongoing. Finally, a considered discussion around the topics outlined below will provide for a foundation of the most immediate issues that should be addressed in the successor to the NDIS.

## UNCRPD Implementation Strategy

The NDA strongly advises that NDISSG ensure that the development and consultation of a successor Strategy is the main priority of 2022. In its reasoning for extending the current NDIS until the end of 2022, DCEDIY noted that an extra year would allow for meaningful engagement on a successor Strategy. Departments, and other stakeholders such as the NDA and the DSG, have called for a single, streamlined strategy incorporates all disability policies, in a way that reduces the reporting burden on departments and allows for a more straightforward realisation of the rights contained in the UNCRPD. The current NDIS, which is currently being used as the vehicle for implementation of the UNCRPD, does not satisfy all aspects of each UNCRPD Article. In the NDA’s mapping exercise, several gaps were identified between the NDIS and what effective implementation of the UNCRPD would look like.

As outlined above, and based on learning from other jurisdictions, the NDA suggests that a 10-year UNCRPD Implementation Strategy is developed, which would contain a high-level set of commitments to ensure that the Convention is fully implemented across all areas of life in Ireland. This Strategy would be translated into multi-annual disability action plans at the level of each Department, and further translated into annual work-plans within Departments and public bodies.

Consideration of the key performance indicators for the strategy at this early stage can ensure that indicators of progress are agreed with an outcomes focus, based on robust and trusted data sources. This will also ensure an appropriate focus on collection and use of data disaggregated by disability from the outset. Equally, timely consideration of monitoring structures will be necessary in order to have the infrastructure in place to drive implementation from January 2023.

As mentioned earlier in this paper, the key to a wide-reaching and meaningful Strategy is a timely discussion, which allows for considered development and effective consultation with all stakeholders. Ownership and buy-in will be critical to the success of a new Strategy and therefore the shaping and development of it, in close cooperation with DPOs, Departments, disabled people and disability organisations must be prioritised in 2022. The NDA reminds stakeholders of the 2-year gap between the end of the NDIS 2013-2015 and the commencement of the NDIS 2017-2022. We strongly advise that DCEDIY and the NDISSG commence the discussion around a successor strategy without delay.

## Outstanding Actions

As well as agreeing on the shape and structure of a successor strategy, stakeholders will have to discuss the priorities and actions of that strategy. In order to do this, consideration must be given to actions that have clear targets attached to them but which, for whatever reason, have not been completed in the timeframe of the current NDIS. The NDA has identified some of the actions in question, which include:

* The implementation of Personalised Budgets demonstration projects
* The achievement of the commitment to deinstitutionalisation
* The development of legislation on Protection of Liberty Safeguards
* The ratification of the UNCRPD Optional Protocol
* The development of a regulatory framework for Adult Safeguarding.

Where actions have been delivered, the NDA advises the importance of considering and building upon, the associated impact or outcomes.

## Intersectionality

Another focus for 2022 may be to discuss what an intersectional approach to a successor strategy might look like. Other national strategies will also come to an end this year, including the National Traveller and Roma Inclusion Strategy, the National Strategy for Women and Girls, and the National LGBTI+ Inclusion Strategy. There is an opportunity to explore and address similar barriers that are seen across all strategies. This will involve consultation with the different units within DCEDIY tasked with drafting the strategies, the various advisory/monitoring groups affiliated to the strategies, as well as with people with intersecting identities.

## Cost of Disability Implications

Research conducted in Ireland and internationally over many years has shown that there can be significant costs of disability. In order to get a better understanding of the extent and composition of these costs, and their impact of people’s lives, the Department of Social Protection commissioned Indecon International Research Economists to carry out research into the cost of disability in Ireland and the Government published the final report on 7 December 2021.[[20]](#footnote-20) Upon its launch, Minister Anne Rabbitte announced that

[…] the report will now be considered by the National Disability Inclusion Strategy Steering Group, which includes representatives of people with disabilities. Recommendations arising from the report will be monitored in conjunction with the various stakeholders through this steering Group.

It should be noted that the Cost of Disability Report was not commissioned or carried out on foot of a specific action under the NDIS. The role of the NDISSG in considering the Report or in developing and monitoring any recommendations flowing from it must be carefully considered. While streamlining disability policy is to be encouraged, it should be noted that much of the membership of the NDISSG is made up of volunteers, who already carry out a significant amount of work in the monitoring of the NDIS.

However, it is an opportune time to consider how the Cost of Disability findings may fit into the development of a successor strategy.

## European Accessibility Act

The deadline for transposing the European Accessibility Act into national legislation is approaching. Given the relatively recent adoption of the European Strategy on the Rights of Persons with Disabilities (2021-2030), and the transposition of this significant directive, there is an opportunity to consider how European priorities align with national ones, and how they may be manifested in a successor strategy to the NDIS. There is an emphasis currently being put on particular topics by the EU Disability Platform, such as universal design. Given Ireland’s expertise in this area, there may be a chance to showcase our knowledge to a wider audience.

## Disability Stakeholders Group 6

As outlined above, a significant recruitment process has resulted in the DSG being at full strength for the first time in three years. This now places a new responsibility on the NDISSG to ensure that the DSG6 obtains the training and support it needs to carry out its role in monitoring the NDIS. The formation of DCCs will change, as a result of new members, and Departments and the DSG6 members should work together to build the capacity of each other.

The membership of the DSG6 runs for three years, commencing in January 2022. However, its current role will be completed in December 2022, as the NDIS comes to an end. A timely discussion will need to take place on what role the DSG6 will play come January 2023; this discussion will go hand-in-hand with discussions around the monitoring structure of the successor strategy. Amendments to the Group’s terms of reference may also be required.

# Conclusion

The NDA notes that there has been progress - some of it significant - on many actions under all eight NDIS themes in 2021. The submission of Ireland’s first State Report under the UNCRPD to the Committee on the Rights of Persons with Disabilities is a milestone. Several important pieces of legislation, which had been delayed or in development for a number of years, have progressed significantly. Many Departments have refreshed and revitalised their Departmental Consultative Committees, and this has resulted in the production of detailed and up-to-date information on the implementation of NDIS actions. This has also been helped by the recruitment of new members to DSG6, which is now back to full strength.

However, is must be acknowledged that progress under a number of actions has been slower than planned for a number of years. 2022 presents a timely opportunity to discuss the future of actions that have brought about challenges for Departments and public bodies in respect of implementation. A frank discussion must be held by the NDISSG on what can be practically achieved in respect of the many incomplete actions in the final year of the NDIS, and what form these actions will take in a successor strategy.

The NDA continues to strongly advise that discussions and consultations around the development of a successor strategy. Our reasoning for the urgency behind this advice is outlined above, as well as our suggestions for the structure and format of a UNCRPD Implementation Strategy.

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

1. Programme for Government ‘Our Shared Future’, page 78. <file:///H:/Downloads/130911_fe93e24e-dfe0-40ff-9934-def2b44b7b52.pdf> [↑](#footnote-ref-1)
2. https://www.justice.ie/en/JELR/Pages/EoI\_Organising\_Member\_Disability\_Participation\_and\_Consultation\_Network [↑](#footnote-ref-2)
3. https://www.justice.ie/en/JELR/Application\_information\_E2R\_Guide\_on\_Grant-Funded\_Member.pdf/Files/Application\_information\_E2R\_Guide\_on\_Grant-Funded\_Member.pdf [↑](#footnote-ref-3)
4. <https://www.hiqa.ie/hiqa-news-updates/disability-services-publication-statement-3-march-2022> [↑](#footnote-ref-4)
5. Ireland’s Monitoring Report for the EU Web Accessibility Directive (December 2021) https://nda.ie/publications/communications/eu-web-accessibility-directive/monitoring%20reports/monitoring-report-eu-wad-ireland-2021.html [↑](#footnote-ref-5)
6. In-depth reviews carried out on 5 websites and two apps, simplified reviews carried out on 50 websites. [↑](#footnote-ref-6)
7. “[All Departments and public bodies] will implement the Action Plan on Autism.” [↑](#footnote-ref-7)
8. Department of Children, Equality, Disability, Integration and Youth; Department of Education; Department of Enterprise, Trade and Employment; Department of the Environment, Climate and Communications; Department of Further and Higher Education, Research, Innovation and Science; Department of Health; Department of Housing, Local Government and Heritage; Department of Justice; Department of Social Protection; Department of Transport. [↑](#footnote-ref-8)
9. Due to Covid-19, Census 2021 was postponed for 12 months. Therefore, data from Census 2016 remains relevant but it should be acknowledged that it is several years old. [↑](#footnote-ref-9)
10. 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-10)
11. <https://www.hsa.ie/eng/publications_and_forms/publications/safety_and_health_management/hsa_disability_guidelines_2021.pdf> [↑](#footnote-ref-11)
12. National Disability Authority (2019) Reasonable Accommodations: Obstacles and Opportunities to the Employment of Persons with a Disability. https://nda.ie/publications/employment/employment-publications/reasonable-accommodations-obstacles-and-opportunities-to-the-employment-of-persons-with-a-disability1.html [↑](#footnote-ref-12)
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14. https://nda.ie/publications/employment/employment-publications/identification-of-skills-gaps-among-persons-with-disabilities-and-their-employment-prospects.html [↑](#footnote-ref-14)
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