NDA Independent Assessment of Implementation of the National Disability Inclusion Strategy for 2022

June 2023



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# Statement on language

In this report, the terms “people with disabilities” and “disabled people” are used interchangeably. The term ‘disabled people’ is recognised by many within the disability rights movement in Ireland to align with the social and human rights model of disability, as it is considered to acknowledge the fact that people with an impairment are disabled by barriers in the environment and society. However, we also recognise that others prefer the term “persons with disabilities” because of the inherent understanding in the term that they are first and foremost human beings entitled to human rights. This also reflects the language used in the UNCRPD. We recognise that many people with an intellectual disability, people with a mental health difficulty or psycho-social disability prefer person-first language. We also recognise that some people don’t identify with either term. You can find our full statement on language on our website.[[1]](#footnote-1)

# 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

CPD Continuous Professional Development

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

EDI Equality, Diversity and Inclusion

FET Further Education and Training

HIQA Health Information and Quality Authority

HSE Health Service Executive

IHREC Irish Human Rights and Equality Commission

LTDIG Local Transition Development and Implementation Group

MHC Mental Health Commission

NAS National Advocacy Service

NCCA National Council for Curriculum Assessment

NCSE National Council for Special Education

NDA National Disability Authority

NDIS National Disability Inclusion Strategy

NDISSG National Disability Inclusion Strategy Steering Group

NRH National Rehabilitation Hospital

NTA National Transport Authority

SIM School Inclusion Model

SLIS Sign Language Interpreting Service

UD Universal Design

UNCRPD United Nations Convention on the Rights of Persons with Disabilities

WPEP Work Placement Experience Programme

YESS Youth Employment Support Scheme

# Introduction

The National Disability Authority (NDA) is an independent statutory body which 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 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 fifth and final independent assessment prepared by the NDA since the NDIS was launched in July 2017. The first assessment by the NDA was published in Q1 2019 and covered an 18-month period up to end 2018. The second, published in Q2 2020, covered a 12-month period, from January to December 2019. The third, published in April 2021, covered the period from January to December 2020. The fourth review covered progress made on actions in 2021. This report covers progress made on actions in 2022 and a brief overview of progress over the five years of the strategy as a whole.

A revised version of the Strategy was adopted by the Minister of State with responsibility for Disability in March 2020, following a mid-term review. This revised version of the Strategy included 20 new actions, 35 modified actions and 9 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 that those are areas where further focus and commitment may be required. The final departmental ‘traffic-light’ reports, collated by the Department of Children, Equality, Disability, Integration and Youth in December 2022, offer a breakdown of progress at the level of individual actions as reported by officials. The NDA has considered the information in this report 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 and the NDIS Steering Group (SG), from inputs by the Disability Stakeholder 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.

This report is also informed by the NDIS indicators report also being developed by the NDA at the end of this Strategy. It examines progress in approximately 70 indicators that were last examined at the mid-point of the strategy. Where relevant, data from that report has been used here but ideally this report would be read in conjunction with the indicators report.

The report structure offers an initial summary of some key highlights in 2022 and a summary of areas in which progress was slow, and then offers a more detailed analysis of progress under the eight thematic priorities within the NDIS in the second part of the paper. The eight thematic priorities areas are:

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

This assessment will look at the progress of the Departments and agencies currently responsible for the actions. This may differ from the Department and/or agencies named as the original responsible bodies for the actions, because of transfers of functions between different departments following the 2020 General Election. For example, in the NDIS documents available on [www.gov.ie](http://www.gov.ie), the Department of Justice and Equality is named as responsible body for Action 3A, to ‘develop an implementation plan to coordinate implementation of the Convention on the Rights of Persons with Disabilities’.[[2]](#footnote-2) However, we know that, since the transfer of functions, in 2020, responsibility for this action has transferred to DCEDIY, although this change is not reflected in the available documentation.

# Overview of progress and delays in 2022

## Areas of progress in 2022

* Assisted Decision Making amending legislation enacted, paving the way for the commencement of the Assisted Decision-Making (Capacity) Act 2015
* Equality Data Strategy under development (action 3D)
* Mental illness and criminal justice system developments (action 8)
* Hate Crime legislation progressed, although not yet enacted (action 15)
* ISL Act report published (relates to action 28) and new initiative by Department of Education announced regarding provision of ISL in schools
* Initiatives to promote participation in third level education by disabled people (action 42)
* Pathways to work being implemented including early engagement approaches (action 51)
* New National Housing Strategy for Disabled People which includes commitments to Universal Design (action 96), although implementation plan is awaited
* Report delivered by working group convened to review funded transport and mobility schemes for disabled people (action 104)
* Transitions in education programme (action 31)
* Access Inclusion Model (AIM) continuing to work well with (AIM) evaluation conducted and awaiting publication (action 34)

## Delays and areas requiring further focus in 2023

* Development of a UNCRPD Implementation Strategy to succeed the NDIS was not achieved in 2022 (action 3A)
* Implementation and evaluation of Personalised budgets demonstration project has significant delivery issues (action 91)
* Report from working group on Aids and Appliances and Assistive Technology has significant delivery issues (action 53)
* Completion of transitions from congregated settings is very delayed with limited HSE reporting since 2019 (action 93)
* Evaluation of Progressing Disability Services for Children and Young People not yet conducted (action 80)
* Progress on Mental Health and Protection of Liberty legislation delayed (action 13, action 12)
* Commitments to attaching conditions regarding wheelchair accessibility on commercial licensed transport services has significant delivery issue (one part of action 102)

## Overview of last 5 years

Given that 2022 has seen the end of the NDIS, the NDA has provided a brief overview of progress over the past five years. At the end of the NDIS in 2022, 30 actions are marked by Departments as ‘complete’ and 74 are marked as ‘on track’ for completion. The NDA provides this information as an overview of what has been reported by Departments, but emphasises that further examination into the effectiveness of the various initiatives progressed at departmental level, such as that provided in this assessment, is important in order to provide further context. Some examples of actions marked as ‘completed’ by Departments and agencies are as follows:

* The completion of the work of the Transport and Mobility Working Group under Action 104, which has made proposals for next steps to enhance the provision of transport and mobility supports for disabled people.
* The establishment of the Disability Participation and Consultation Network as the consultation and participation model set out under Action 3C.
* The enactment of the Criminal Justice (Victims of Crime) Act to transpose the EU Victims of Crime Directive, taking account of the specific needs of vulnerable witnesses, and providing a framework for targeted actions to be developed as outlined under Action 14.
* The amendment of Technical Guidance Documents for school and educational buildings to ensure universal design principles and guidelines are fully considered in all designs for new building and, where possible, in the retrofit of existing buildings as set out under Action 40.
* The publication of reports on vocational rehabilitation and on effective models of employer engagement across OECD countries, as set out under actions 65 and 118 respectively.
* The appointment of DSG 5 and DSG 6, as envisaged by Action 89.
* The development and implementation of effective national joint working protocols between Child and Adolescent Mental Health Services (CAMHS), disability services and education to ensure children and young people with disabilities can access CAMHS, as outlined under Action 84.

Of those actions which are on track or ongoing, a significant number are process-based actions. Examples of these kinds of actions include:

* Developing links with other equality strategies aimed at identifying intersectional issues for people with disabilities relating to their gender identity, sexual orientation, ethnicity or migrant status, as set out under Action 125.
* Promoting the participation in third level education by persons with disabilities as outlined under Action 42.
* Developing initiatives to improve employment opportunities for people with disabilities living in rural areas, including through remote working options as set out under Action 128.
* Progressively making public transport accessible for disabled people, monitoring user experience of public transport and making recommendations as appropriate based on the findings, as envisaged by Action 100 and 103.

15 actions have been flagged by Departments and agencies as ‘orange’, meaning they are facing a minor delivery issue. Some examples include:

* Developing a strategy to implement the UNCRPD.
* Ratifying the Optional Protocol to the UNCRPD, which is a commitment in the Programme for Government.
* Action 62 relating to amending legislation under the review of the Mental Health Act 2001 to deal in a more complete and comprehensive manner with the operation of advance healthcare directives in the area of mental health in the longer term.
* Action 12 Protection of Liberty (Capacity) Bill has not progressed as much as planned although advisory group formed in late 2022 and work has recommenced.
* Action 93 in relation to reducing the number of people living in congregated settings and ultimately closing all congregated settings.
* Action 80 in relation to the evaluation of Progressing Disability Services.

Two actions are flagged ‘red’ by Departments and agencies, indicating a significant delivery issue. One part of a two-part action is also flagged in red. These actions include

* Action 53 which commits to developing proposals to address access to, or affordability of necessary aids, appliances or assistive technologies required for everyday living, for those people with disabilities whose entry, retention or return to work could be jeopardised due to being unable to afford these items. The Traffic Light Report states that activity stalled during the pandemic and subsequently due to DCEDIY’s response to the Ukraine Crisis.
* Action 91 in relation to the Personalised Budgets project. The Traffic Light Report outlines that progress stalled because of COVID-related delays and resourcing issues.
* Action 102 which commits to develop proposals informed by Universal Design principles in relation to attaching conditions for wheelchair accessibility on commercial licensed transport services. This is a two-part action. The Traffic Light Report states that the NTA report on this was shared with the Department of Transport but was put on hold due to COVID-19. It is reported that this action is ongoing and will continually be implemented.

# Theme 1: Equality

The actions under this theme aim to ensure progress in relation to the rights of disabled people to access mainstream public services and to ensure that disabled people 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.

### UNCRPD strategy development

The 2020 Mid-Term Review of the NDIS added an action (3A) which is owned by DCEDIY, the NDIS Steering Group and the NDA to “develop an implementation plan to coordinate implementation of the Convention on the Rights of Persons with Disabilities.” This commitment was reaffirmed in the Programme for Government.[[3]](#footnote-3) This action is marked ‘minor delivery issue’ in the Traffic Light Report as the NDIS ended in December 2022, after a one-year extension, without a successor strategy in place.

Discussions regarding the UNCRPD Implementation Plan have taken place, however, at the meeting of the NDIS Steering Group on October 4th 2022 during which an options paper presented by the NDA outlining considerations for the structure of a UNCRPD Implementation Plan was discussed. In addition, Minister Roderic O’Gorman stated at the Joint Oireachtas Committee on Disability Matters in January 2023 that his Department is capturing learning from the NDIS process to inform the next strategy and is preparing for broad public consultation and targeted consultation with disabled people and Disabled Persons’ Organisations.[[4]](#footnote-4) DCEDIY has also reported that it intends to launch a campaign to raise awareness of UNCRPD in Ireland in 2023.

Although progress on a successor strategy is now underway, its development will take up most of 2023. While there are sector specific policies in operation and NDIS actions that are being continued by some Departments and agencies that continue to drive progress in relation to disability commitments in the interim period, there is a gap in terms of an overarching whole-of-government national policy on disability. The NDA notes that it will be important to address this at the earliest opportunity so that progress and learning to date is not lost. For example, the lack of an overarching national policy instrument has meant that Departmental Disability Consultative Committees (DCCs) are not meeting until such time as a new strategy is in place. While we know that much work is still ongoing across departments in relation to disability, the DCCs are an important space for stakeholder engagement and the sharing of progress updates which is now unavailable. DCEDIY has reported that it intends to include the Disability Stakeholder Group (DSG) in consultations in relation to the new strategy. The NDA looks forward to supporting the work of the strategy development process over the coming months.

### Ratification of the Optional Protocol

Both NDIS action 3 and the Programme for Government outline a commitment to ratify the Optional Protocol to the UNCRPD. DCEDIY had stated that ratification would take place after the first reporting cycle under the UNCRPD. Ireland's first State Report was submitted to the UN Committee in November 2021. However, delays at UN level mean that the review of Ireland's report may not take place for some time. For this reason, both the Minister for Children, Equality, Disability, Integration, and Youth, and the Minister of State with responsibility for Disability, have indicated that they are open to an earlier ratification of the Optional Protocol. Minister O’Gorman has indicated that his Department is scoping the requirements for earlier ratification of the Protocol with its legal advisors and that the decision to ratify will ultimately be taken by Cabinet. [[5]](#footnote-5)

### Consultation and participation model

Action 3C outlined a commitment to establish a consultation and participation model, to facilitate participation by persons with disabilities in the policy development process in line with UNCRPD. In 2020, DCEDIY established the Disability Participation and Consultation Network (DPCN) in order to progress this action. The DPCN network brings together over 100 members, including Disabled Persons’ Organisations, disability organisations and individuals with disabilities, with the intention to provide a mechanism for hearing the voices of persons with disabilities in respect of the development of policy and legislation. However, the Joint Oireachtas Committee on Disability Matters recommended the DPCN in its current format does not satisfy the requirements of UNCRPD with regard to consultation and that additional direct consultation with DPOs is required until such time as the DPCN is changed to come in line with these requirements.[[6]](#footnote-6)

The DPCN is currently funded by DCEDIY until November 2023. The NDA has been requested by DCEDIY to carry out an independent evaluation of the DPCN in the first half of 2023. The evaluation will focus on the extent to which the DPCN model in its current iteration meets the requirements of UNCRPD article 4.3 and will make recommendations to DCEDIY in this regard to inform future decision-making in this space.

### Equality Data Strategy

Equality Data refers to “any piece of information that is useful for the purposes of describing and analysing the state of equality.”[[7]](#footnote-7) On 21 March 2022, Minister O’Gorman announced the development of a National Equality Data Strategy by the Central Statistics Office and the Department of Children, Equality, Disability, Integration and Youth that will put in place a strategic approach to improving the collection, use and dissemination of Equality Data. It is intended that the Strategy will provide a general approach for identifying current gaps in Equality Data and guidance on how to fill those gaps, as well as develop standard practices in classification. A working group has been established which brings together a range of stakeholders from across Government, as well as civil society and research bodies. The NDA continues to support the work of the Data Equality Strategy group and a draft of the strategy is due to go for consultation to relevant stakeholders in early 2023. Improvements in Equality Data will allow for better measurement of the effectiveness of policies and legislation in terms of challenging discrimination, promoting equality and protecting human rights. This work is a crucial step towards enhancing evidence-informed policy for the effective implementation of UNCRPD.

## Assisted Decision-Making (Capacity) Act 2015

The Assisted Decision-Making (Capacity) (Amendment) Bill was signed into law on December 17th 2022 paving the way for the commencement of the Assisted Decision Making (Capacity) Act 2015 on April 26th 2023. The amendment Bill aimed to improve processes and safeguards for those who will make use of the new decision-making supports under the Assisted Decision-Making (Capacity) Act 2015. 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 minimum target regarding the employment of persons with disabilities from 3% to 6% by 2025. It will also see the operationalisation of the Decision Support Service (DSS) which will begin processing applications for new decision support arrangements. In addition, the Circuit Court will be able to begin to process applications for Decision Making Representation Orders and there will be statutory provision for the making and recognition of Advance Healthcare Directives. Over 2000 persons who have been ‘wards of court’ will have a review of their circumstances undertaken and will exit wardship on a phased basis over three years from the point of commencement with a new system of tiered decision-making supports applied where relevant.

While the new legislation still provides for a degree of substitute decision-making, the NDA welcomes this progress, as bringing the State’s practice more in alignment with the goals of Article 12 in the UNCRPD.

## Protection of Liberty Safeguards

NDIS Action 12 in relation to Protection of Liberty Safeguards is under the responsibility of the Department of Health. The NDA independent assessment reports in 2020 and 2021 reported no progress in respect of the development of a legislative basis for Protection of Liberty Safeguards. However, although delayed, progress has resumed in 2022.

In their October 2022 report on Pre-Legislative Scrutiny of the Draft Heads of Bill to Amend the Mental Health Act 2001, the Oireachtas sub-committee on mental health noted an absence of any Deprivation of Liberty Safeguard legislation. The Subcommittee reported concerns in this regard as to what protections will apply in instances where any gaps may arise in the legislation. The Department of Health established an Expert Advisory Group on Protection of Liberty in late 2022 to advance this legislation. The first meeting of the Protection of Liberty Safeguards Expert Advisory Group took place on January 12th 2023 and has met a number of occasions since then. The Department has committed to consulting with relevant stakeholders, and in particular with those who may be at more risk of experiencing a deprivation of liberty once a draft, has been developed. The NDA advises the importance of focus on this matter in 2023, as the absence of protection of liberty legislation is a significant gap in the State’s compliance with UNCRPD.

### Safeguarding legislation

NDIS action 10 states that the HSE will implement and monitor its Safeguarding Vulnerable Adults policy. The status of this action is recorded as ‘ongoing’ but without any detailed information provided by way of an update.

HIQA inspects against the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013 and the National Standards for Residential Services for Children and Adults with Disabilities, which apply to residential services for people with disabilities in Ireland. In March 2022, HIQA published 35 inspection reports conducted over the previous three to four months on designated centres for people with disabilities.[[8]](#footnote-8) 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. These reports emphasise the need for a comprehensive regulatory framework for adult safeguarding, in order to respond to inconsistencies, gaps in practice and negligence.

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. In our 2021 NDIS assessment report, we noted that a report on the regulatory framework – and the Law Reform Commission’s recommendations on same – was expected to be published in early 2022. It does not appear to have been published and the status of this work is unclear. The NDA is concerned that the lack of a regulatory framework for adult safeguarding is a significant gap in protecting the rights of disabled people and advises that work progress in relation to this issue.

## Access to Justice

### Mental illness and criminal justice

Action 8 of NDIS committed the Department of Justice to implement proposals to address issues relating to people with mental illness who come into contact with the criminal justice system. On 29 September 2022, the Minister for Justice and the Minister for Health published the final report and recommendations of the High Level Task Force on mental health and addiction challenges of those who come into contact with the criminal justice sector. The Task Force produced 60 recommendations which they consider to capture the entirety of an individual’s interactions with the criminal justice system. An accompanying implementation plan assigns ownership for each of the recommendations and expected delivery time frames. Some recommendations can be achieved quickly (within the next 18 months), while others will require a longer lead-in time. A Steering Committee, co-chaired by senior officials from the Departments of Justice and Health, will monitor implementation progress and report at regular intervals to the Ministers for Justice and Health.

### Hate Crime legislation

Action 15 relates to ensuring that the needs of disabled people are central to the review of the Prohibition of Incitement to Hatred Act 1989 and the development of legislation on hate crime. The introduction of this new legislation is also a Programme for Government commitment.

The text of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 was approved by Government on 25th October 2022 and published on 1st November 2022. Disability has been included as a protected characteristic under this new Bill.

It was anticipated that the legislation would be enacted by the end of 2022. This has not yet taken place, but the NDA notes that the Bill went before the Select Committee on Justice on February 21st 2023.[[9]](#footnote-9) It is currently before Dáil Eireann, in the Fourth Stage in which amendments arising from Committee stage are considered. This new legislation will be an important step towards tackling discrimination against disabled people. In the interim, Disability is a protected characteristic for the purpose of An Garda Síochána’s Hate Crime Definition, Policy, Procedures and Training. The Garda PULSE system was updated to align the protected characteristics with Discriminatory Motives, allowing for accurate recording.

We welcome the new Hate Crime data being published by An Garda Síochána since July 2022 and the recording of Hate Incidents as well as Hate Crimes on the PULSE system under each of the protected characteristics. Although underreporting is an issue, we note that An Garda Síochána has introduced Online Reporting, with video instructions available on their website, as well as Third Party Referrals to address this matter. We advise that continued improvements are made to accessible reporting mechanisms and public awareness campaigns to improve reporting, particularly by disabled people.

## Disability Awareness

NDIS Action 20 obliges all Departments and public bodies to provide disability awareness training for all staff. This action is marked in the Traffic Light Report as ‘complete’. Many Departments and public bodies have addressed this action in 2022, which is welcomed, although the NDA advises further examination of the effectiveness of the various initiatives progressed at departmental level.

Delivery of this action has been uncoordinated across the public sector, resulting in different Departments developing different training. For example, DCEDIY has created a bespoke Disability Awareness eLearning module for that Department. The Department of Social Protection (DSP) has developed its own e-Learning modules for all DSP staff called 'Be Disability Aware' and another e-learning course entitled 'Be Accessibility Aware in Learning and Development'. Other Departments have Equality Diversity and Inclusion (EDI) groups responsible for various EDI training, such as the Department of Environment, Climate and Communications (DECC) EDI Group which has rolled out Deaf Awareness and Unconscious Bias training. Other Departments and bodies organise once-off events and trainings to mark specific days or topics, such as International Day of Persons with Disabilities, Autism Awareness Month and Deaf Awareness Month.

While it is clear that Departments and agencies are addressing Action 20, the uncoordinated approach leads to two main difficulties. The first is that there is no way to evaluate or compare the efficacy of the trainings delivered. A benchmark cannot be set, because the contents, the delivery and the outcomes of the trainings differ. It is unclear if the training being undertaken across Departments are underpinned by a human-rights based approach to disability, or if they contain information on crucial elements of disability policy, such as the UNCRPD or the Principles of Universal Design.

The second issue is that there is potentially a lack of compliance with UNCRPD Article 4(3) in the development of the trainings. There is no indication that disabled people or DPOs have been engaged in the design of training undertaken by Departments and public bodies.

Finally, the Traffic Light Report from 2021 noted that OneLearning, the Civil Service Learning and Development Centre housed in DPER, was developing a civil service wide programme to be made available in 2022. There has been no update on the progress towards this in the December 2022 Traffic Light Report. The NDA is currently updating an e-Learning module, in consultation with DPOs and other relevant stakeholders, which is expected to be completed in 2023.

## Web Accessibility

Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies” (the Directive) 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 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.

Due to a delay of two years in the transposition of the Directive and in the resourcing of NDA as the National Monitoring Body, there was a shortfall of reviews conducted by the NDA in 2021. This shortfall has since been addressed with 14 in-depth and 185 simplified reviews being conducted and the findings submitted to the European Commission in December 2022. The report is available on the NDA website and results have been shared with individual public bodies.[[10]](#footnote-10)

The findings of the reviews demonstrate that there is large variance in levels of compliance with the Directive across public sector websites and mobile apps in Ireland. Within the in-depth reviews, no website achieved full compliance with the accessibility standard. In addition, all websites subject to a simplified review contained accessibility errors. The monitoring data indicated an inconsistent implementation of the standard WCAG 2.1 AA across most public bodies. Many of the issues identified in this monitoring period, can be remediated through straightforward fixes which, once made, will improve levels of compliance with the Directive.53

## Irish Sign Language

The Irish Sign Language Act 2017 was enacted in December 2017 and commenced on 23rd December 2020. Section 10 of the Act places an obligation on the Minster 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. The NDA submitted the report to the Minister and DCEDIY in July 2021. The report was published by DCEDIY in January 2023.[[11]](#footnote-11)

The report highlights a lack of awareness among public bodies of the ISL Act and their responsibilities to provide ISL interpretation under the Act. In addition, an inadequate supply of accredited ISL interpreters was a barrier to public bodies fulfilling the obligations of the Act. Significant gaps were reported in the implementation of the Act in the area of education including the absence of a scheme for ISL supports in schools for children whose primary language is ISL and operational issues within the ISL Tuition scheme. In addition, there were shortcomings noted in the broadcasting of programmes with ISL.

The report describes progress in some areas such as the provision of support for access to events, services and activities in the development and piloting of a scheme referred to as the “Voucher Scheme”. NDA advises that the findings form the pilot and plans for any permanent scheme are shared. Overall, implementation of the ACT by public bodies and access to services through ISL was well below the expectations of the legislation.

The report made a number of recommendations and considerations to improve the functioning of the ISL Act, including developing an action plan to address the shortage of interpreters, organising awareness raising activities across the public sector and the establishment of a scheme to provide ISL support to children in schools. An ISL Scheme for schools has been established in 2022 (see page 30 of this assessment report).

The NDA advises that further focus on the findings and recommendations set out in the report will be required under a successor strategy for the NDIS, so that progress can be made in advance of the next reporting timeframe.

### The Irish Remote Interpreting Service (IRIS)

The Irish Remote Interpreting Service (IRIS) provides a live video-link to an Irish Sign Language interpreter. According to the Sign Language Interpreting Service (SLIS), their assignments between the period of 2017-2022 has more than doubled, with increased capacity (interpreters) and the IRIS app (on demand service) contributing to increases.[[12]](#footnote-12)

## Autism Innovation Strategy

Minister Rabbitte announced her intention to develop a National Autism Innovation Strategy in 2021. DCEDIY state that the Strategy will focus on delivering real and tangible solutions to better support the needs of autistic and neurodivergent people in Ireland. It is stated that the Strategy will concentrate on areas that may not be addressed by other national strategies and frameworks on the basis of additionality and complementarity.

An initial public consultation was conducted in April to May 2022 to seek views about the main barriers and challenges facing autistic people and their families in Ireland. A report collating and analysing submissions from the public consultation was published in April 2023. An expression of interest process was also launched in June 2022 for membership of the Autism Innovation Strategy Oversight and Advisory Group. The group, whose membership is majority neurodivergent, was appointed and met for the first time in December 2022. The group will play a key role in overseeing implementation of the Strategy once adopted, and in providing advice and analysis throughout the development process of the Strategy.

Following publication of the public consultation report and the appointment of the Oversight and Advisory Group, drafting of the Strategy is currently underway. A further consultation process will take place in 2023 before the strategy is finalised and adopted.

The NDA advised in its submission to DCEDIY that it is important that the work of the Autism Innovation Strategy be framed within the UNCRPD. We also advise that due regard is given to Ireland’s existing government policy on disability which has been based on mainstreaming and addressing access to services for all people with disabilities rather than different strategies for groups of people with particular disabilities.

It should also be noted that under the National Disability Inclusion Strategy there was a Programme of Actions on Autism developed (signed off by the Cabinet sub-committee on Social Policy in 2015). This Programme of Actions was developed based on research and policy / provision mapping and it was informed by consultation with autism stakeholders, including some consultation with autistic adults. Some of those actions in the Programme of Actions on Autism have not been progressed. The NDA advises that the Oversight and Advisory Group first establish which actions from the Programme of Actions on Autism were progressed and which were not and to seek answers as to why those actions were not progressed.

# 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 disabled people. This theme specifically mentions children with disabilities and focuses on transition of children and young people from one stage of life to the next. This theme also commits public services to actively engage with disabled people and their representatives in the planning, design, delivery and evaluation of public services.

## Transfer of specialist disability services to DCEDIY

On March 1st 2023, responsibility for specialist Disability services transferred from the Department of Health to the Department of Children, Equality, Disability, Integration and Youth.[[13]](#footnote-13) Specialist disability services include services related to physical, sensory and intellectual disability and autism.

It is intended that bringing together disability policy and specialist community-based disability services in a single department will strengthen strategic policy development and facilitate the transition from a medical model of support towards a rights-based approach in line with Ireland’s commitments under UNCRPD.

The HSE will retain responsibility for the delivery of specialist disability services. The transfer of functions will require the HSE to report to two different Ministers for different elements of its functions. As part of the transfer of functions process, a proportion of the budget of the Department of Health, circa €2.6 billion, will transfer to the Department of Children, Equality, Disability, Integration and Youth.

## Transitions in education

Disabled people often encounter particular challenges at key transition points in life, particularly where there is a changeover between the department or agency responsible for providing supports, e.g. from education to employment. Under action 31 of NDIS and under action 1.5 of the Comprehensive Employment Strategy, cross-Departmental work, overseen by the Department of Education, is underway to support transitions into and out of education. In November 2022, the Minister for Education and the Minister of State for Special Education announced a pilot project to support school leavers with disabilities.[[14]](#footnote-14) The pilot project targets pupils with intellectual disabilities and complex education needs in 20 post-primary and special schools in Dublin and Galway. These include a mix of special schools, mainstream schools and mainstream schools with special classes. Schools will be supported to help students and families complete a skills audit to identify skill gaps and necessary supports. Each student will develop an individual transition plan with school support on the specific skills required to ensure a positive transition from school.

The work in both project areas will be overseen by a Local Transition Development and Implementation Group (LTDIG). The Department of Education reported that the core task of the two LTDIGs will be to oversee the development, implementation and review of CPD, resources, tools and workshops which will support the young person towards post-school life. The young person’s post-school choices may include decisions on accessing day services, accepting a placement in apprenticeships, further education, higher education, employment, and other personal life choices that they may wish to plan for. Ultimately, the two groups will facilitate a capacity building model which offers a toolkit and a suite of supports for schools and others to draw on to support young people to transition to post-school life.

The LTDIGs will focus on the needs of the young people in the selected schools and will aim to do this under two core themes:

* + Skills for Post-School Life
  + Making Informed Decisions

A partnership with Business in the Community (BTIC) will be offered to the schools involved in the project. Progress will be monitored with a view to capturing the learning from the pilot phase with a view to developing a national model for transition support under the lifetime of the successor strategy.

## Stakeholder Engagement and Collaboration

NDIS action 32 states that Departments and agencies will actively engage people with disabilities through consultative committees and / or other appropriate fora. One such mechanism of engagement is the Disability Stakeholder Group (DSG). In January 2022, 26 members were appointed to the sixth iteration of the DSG by the Minister of State for Disabilities in order to monitor implementation of NDIS. Expressions of interest were also invited for the role of independent Chair of the sixth DSG, and Renée Dempsey-Clifford was re-appointed to this position. Members of the DSG include representatives of DPOs, disability NGOs, service providers and individuals.[[15]](#footnote-15) The term of DSG 6 will run for three years, which is longer than the lifetime of the NDIS. However, it is envisaged that the DSG will play an active role in the consultation on the development of a successor strategy.

In 2022, 10 government departments were operating Departmental Consultative Committees (DCCs) in which progress towards implementing NDIS was discussed with stakeholders. The most recent DCCs established were within the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) in 2021 and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media in 2022.

The aim of the DCC meeting are to examine departmental progress towards implementing the NDIS actions under their responsibility. The DCC meetings are attended by the NDA and members of the Disability Stakeholder Group (DSG)[[16]](#footnote-16) who seek updates and monitor progress towards implementing the NDIS. All meetings take place on a quarterly basis in advance of the NDIS Steering Group meetings. The DSG reports, through its independent Chair, to the Minister of State with responsibility for Disability (and by extension to the Minister for Children, Equality, Disability, Integration and Youth) at the NDIS Steering Group meetings highlighting in particular any failure of a particular DCC to meet, insufficient notice of meetings or non-timely circulation of materials. Officials from DCEDIY are developing standard operating procedures to try and standardise meetings as they have observed that not all DCCs are conducted in the same way. Due to the ending of the NDIS in late 2022 DCCs are not currently meeting but may resume when a new structure is established under a successor strategy, however this has not been confirmed.

The UNCRPD also places an obligation on State Parties to ensure that disabled people are included in policy development and decision-making. NDIS action 33 also commits Departments and agencies to embed a culture of early engagement with disabled people. In September 2022, the NDA published ‘ParticipationMatters: Guidelines on implementing the obligation to meaningfully engage with disabled people in public decision making’ which aims to support public bodies in achieving meaningful engagement with disabled people, especially through their representative DPOs.[[17]](#footnote-17) The guidelines were developed based on extensive consultation with DPOs, public officials at national and local level, and other relevant stakeholders. The guidelines are available in multiple formats including Easy-to-Read and Irish Sign Language. The NDA also produced an ‘Advice Paper on Disability Language and Terminology’ as a practical guide for departments and public bodies on the use of language in relation to disability.[[18]](#footnote-18)

The NDA is also working with DCEDIY, Hub na nÓg and other stakeholders, including DPOs, to develop guidelines for effective engagement with children and young people with disabilities. It is hoped that these guidelines will be published in 2023.

While there are examples of effective cross-Departmental collaboration, it must be noted that issues have been consistently highlighted by the DSG in relation to the progression of shared NDIS actions. For example, DSG has reported to the NDISSG that there has been slower progress and difficulty in monitoring some NDIS actions due to a lack of a clear lead Department responsible for the implementation of shared actions in particular. The targets within the NDIS mostly focus on processes, rather than outcomes, and therefore the DSG report that it is difficult to say whether the strategy has achieved better outcomes for disabled people.[[19]](#footnote-19)

# 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.

## Review of the Education of Persons with Special Educational Needs (EPSEN) Act

The Education for Persons with Special Educational Needs (EPSEN) Act 2004 provides for the education of children aged under 18 years with special educational needs. The public consultation on the review of the EPSEN Act was announced by the Minister of State for Special Education and Inclusion, Josepha Madigan in November 2022. The purpose of this review is to provide assurance that the law that governs the provision of education for children with special educational needs is adequate. This is important, in order to protect the interests of the children concerned and their families, and to ensure that the State can make plans to provide for appropriate education for children with special educational needs. A Steering Group, Working Group and Advisory Group[[20]](#footnote-20) are overseeing this review process. The NDA sits on the Advisory Group. The NDA advises that the outcome of the review may also have implications for the operation of Part 2 of the Disability Act, and we have suggested a review of same would be timely.

### Special schools and special classes

Recent years have seen a very steep rise in the number of special classes, many of them to meet the demand for special class places for children with autism. Despite the rapid increase in the number of special classes being opened, the introduction of 37A of the Education Act 1998 (as inserted by Section 8 of the Education (Admission to Schools) Act 2018) and improvements in the Department of Education and the NCSE’s process to estimate and plan for new special classes, meeting demand has proved to be challenging.

The rapid increase in special class places has taken place despite the absence of evidence (to either support or refute the position) that children with disabilities, including children with autism, have better social and education outcomes in mainstream or special classes. The ratification of the UNCRPD, the publication of the NCSE Policy Advice on the Future Role of Special School and Special Classes and the review of the EPSEN Act are an opportunity to provide a clear vision and a subsequent roadmap that will ensure an inclusive education system for Ireland, and the NDA suggests that a focus on same could usefully be incorporated within a successor strategy.

## Access and Inclusion Model (AIM)

Action 34 commits DCEDIY, the Department of Education and the HSE to ensure the full implementation of the Access and Inclusion Model. The Access and Inclusion (AIM) model has been in place since 2016, supporting children with a disability to access and meaningfully participate in the Early Childhood Care and Education (ECCE) programme in pre-school settings nationwide. This support is available without the need for diagnosis. It supports inclusiveness within settings generally and also targets supports on an individual needs assessed basis. In total, 42,821 children have been supported under AIM Levels 4, 5, 6 and 7 between 2016 and 2022.

In June 2022, the Minister for Children, Equality, Disability, Integration and Youth, announced an increase in funding to support children with disabilities access the State-funded Early Childhood Care and Education (ECCE) programme. The additional capitation provided through the Access and Inclusion Model (AIM) will allow for a lower adult-child ratio. The funding increased by 14% (€210 to €240 per week) in September 2022. This increase will also support continued alignment between AIM funding and the ECCE programme through a new Core Funding scheme. [[21]](#footnote-21)[[22]](#footnote-22)

A review to measure the effectiveness of AIM (an End of Year 3 Evaluation) is currently underway. DCEDIY reported in the December 2022 Traffic Light Report that an independent review of its first three years of operation has been completed by the University of Derby and will be submitted to the Minister. Amongst other things the review will consider if and how the AIM programme might be expanded beyond ECCE, and it may be that there will be considerations arising that could form part of the development of a successor strategy to the NDIS.

## School Inclusion Model

The Department of Education reported in the December 2022 NDIS Traffic Light Report that there are a number of challenges and barriers to continuing the roll-out of the School Inclusion Model (SIM) in Community Healthcare Organisation (CHO) area 7[[23]](#footnote-23) and expanding SIM to other areas at this time. While the Department’s initial intention was to expand SIM to other areas, pressures relating to workforce supply (therapists and psychologists) have resulted in SIM being limited to one CHO area and this will remain the case in 2023. The HSE are engaging with CORU (regulatory body of therapists) to determine how the current registration process can be expedited. The HSE are engaging with the Department of Health, DCEDIY and DFHERIS to explore how the Higher Education Institutes can increase third level capacity, with a focus on an initiative to commence in September 2023.

The NDA recognises the challenges in recruitment and the efforts underway to address these. We look forward to the findings of the SIM evaluation underway by the ESRI and the opportunity provided to inform the future direction of this model.

## Further and Higher Education and Training

Progress has been made under the action 42 commitment to promote participation in third level education by disabled people.

The Higher Education Authority, in collaboration with the Department of Further and Higher Education, Training, Innovation and Science (DFHERIS), published the new National Access Plan for equity of access, participation and success in higher education 2022-2028, in August 2022.[[24]](#footnote-24) DFHERIS reported in the December Traffic Light Report that the proportion of new entrants to third level by people with disabilities has risen from a baseline figure of 6% in 2012/13 to 12.4% by 2021. The new National Access Plan for Higher Education aims to increase this to 16% by 2028.

The Programme for Access to Higher Education (PATH) is a strategic funding programme operating since 2016 to support the implementation of the National Access Plan objectives. It provides funding to higher education institutions (HEIs) to support the participation and retention of specific target groups in higher education. To date five strands of PATH have been implemented and PATH 4, Phase 2 is underway.[[25]](#footnote-25) The NDA welcomes the aims of PATH 4 to support inclusive universally designed higher education environments for all students. It consists of €12m funding that will be implemented on a two-phase basis. Phase one (2022) is a once-off Universal Design Fund to support inclusive universally designed higher education environments for all students. The NDA and its Centre for Excellence in Universal Design has provided advice to HEIs in this regard. Phase two of PATH 4 (2023-2025) involves a three-year pathfinding pilot supporting development of course provision for students with intellectual disabilities and autism as well as informing future policy considerations for this cohort.[[26]](#footnote-26) The NDA welcomes the opportunity provided by this initiative to inform policy over the coming years.

## Teacher Education

Action 38, under the responsibility of the Department of Education and the Teaching Council, relates to Teacher Education. The Department of Education reported a number of updates in relation to Teacher Education in 2022. As of September 2022, all new and existing Initial Teacher Education (ITE) programmes have been realigned with Céim for first year student teachers. Céim sets out the requirements that all ITE programmes in Ireland must meet in order to gain accreditation from the Teaching Council and it includes seven Core Elements that underpin all aspects of programmes of ITE including inclusive education. Under the updated Standards, student teachers must demonstrate an understanding of inclusive education in their work. All other ITE programmes are undergoing the accreditation process under the new standards through the Teaching Council.

In addition, the Department of Education reported that the induction programmes for School Principals and Deputy Principals, Misneach and Tánaiste, include modules on Leadership of Inclusive Education, co-designed and facilitated with the National Council of Special Education.

Junior Cycle for Teachers (JCT) work closely to support their colleagues in the NCSE to support schools in planning for inclusive education. JCT has offered whole staff CPD on the theme of Universal Design for Learning to both Mainstream and Special Schools in recent times.

The NCSE delivers a range of professional learning initiatives and support structures for school leaders and teachers working with students with special educational needs in mainstream primary and post-primary schools, special schools and special classes.

The NDA welcomes the focus on inclusive education in initial teacher training and in CPD and highlights its crucial importance in the context of setting out a vision and roadmap for inclusive education in Ireland in line with UNCRPD.

## Wellbeing in schools

The Department of Education reported that following delays due to COVID-19, the Wellbeing CPD for schools commenced in Q1 2022 and is continuing this school year. Online resources have been made available to schools to support them as they embark on a review of their wellbeing promotion process. An Inter-agency group has been established which will ensure alignment of messages to schools and will address any gaps or duplication in provision.

Correspondence received by the NDA from the Wellbeing Office at the National Education Psychological Service (NEPS) notes that progress has been made in relation to delivering mental health promotion and well-being supports at primary and post primary level including counselling as a key part of the role of the Guidance Counsellor at moments of personal crisis but also at key transition points. The Guidance Counsellor also identifies and supports the referral of students to external counselling agencies and professionals, as required.

NEPS also offers a number of programmes and initiatives in addition to the educational psychological support that NEPS provide to all primary and post-primary schools[[27]](#footnote-27) including

* Facilitating post-primary schools to improve the Student Support Team process. Student Support Teams are the structure through which key wellbeing and wellbeing-related policies are implemented in post-primary schools.
* Developing training for school staff on the promotion of wellbeing and resilience in schools which include upskilling school staff on the use and implementation of therapeutically-informed approaches in schools.
* Providing training for school staff on the Friends for Life programmes to help reduce anxiety in children and also the Incredible Years Classroom Management System.
* Developing an eLearning course on Responding to Critical Incidents in Schools.
* Developing resources to support the wellbeing of children and young people from Ukraine enrolling in schools in Ireland.

The NDA welcomes the initiatives underway in relation to Wellbeing in Schools and emphasises the continued importance of guidance and professional development for teachers in this regard as well as the need for targeted supports and adequate resourcing in schools.

## Career guidance for schools

Career guidance in a school setting is an essential mechanism to empower young people to make informed choices about their post-school pathways. Action 124 commits the NDA to explore learning from other jurisdictions on effective career guidance models for students with disabilities.

In 2020 Indecon Consultants published a report on career guidance in the Irish education and training system, which made recommendations to improve the existing career guidance tools and information to enhance engagement with enterprise. There was limited focus in the report on students with additional learning needs although it did highlight that special schools are not allocated guidance counsellors and recommended that teachers in special schools should be provided with career guidance training. It also recommended that the wider career guidance supports for special schools needed improvement. To implement the recommendations of the Indecon report in 2022 a National Policy Group on Lifelong Guidance was established to develop a coherent national long-term policy on guidance through the development of an overarching National Strategic Framework for Guidance.

The NDA developed a literature review on career guidance during 2022. We also held a round table discussion with a number of education stakeholders which provide valuable insights and sharing of information and views. Two focus groups with young people with disabilities was held to get their views on the career guidance system. It is anticipated an NDA policy advice paper will be shared with the Department of Education in the first Quarter of 2023.

## Summer Programme

The Summer Programme sought to mitigate regression for children with special educational needs (SEN) by providing additional learning hours during the school holiday period in July. An expansion of the programme in 2021 saw eligibility rise from 15,000 children in 2019 to 80,000 children in 2021. However, despite expanding the cohort of pupils eligible for the Summer Programme, stakeholders have given evidence to the Joint Oireachtas Committee on Autism in November 2022 stating that those for whom the programme was envisaged were not able to avail of it, highlighting the need for a more targeted approach in order to reach the children who get left behind, and expressing concerns that some school do not offer the Programme at all. Others highlighted that the home-based tuition offered under the scheme falls considerably short of what is required for students with complex needs.[[28]](#footnote-28)

The Minister for Education, Ms Norma Foley TD and the Minister of State with responsibility for Special Education and Inclusion, Ms Josepha Madigan TD, have announced a review of the Summer Programme, along with an allocation of €40 million to its budget in 2023.[[29]](#footnote-29) This amount matches the allocation which was provided in 2022.[[30]](#footnote-30) Following this review Minister Foley TD and Minister Madigan of State TD made a further announcement with the details of the 2023 Summer Programme[[31]](#footnote-31) which stated that it is a priority of this year’s programme that more children in special schools have access to a school-based programme. This year will introduce a new Special School Programme as a pilot initiative to support special schools. The NDA considers that a review of the programme would be timely in order to consider the issues with delivery and to assess the effectiveness of the programme with regard to addressing learning regression. The outcomes of such a review would provide useful information in the context of the work underway to review the EPSEN Act and the need to define a vision for inclusive education in line with UNCRPD.

## ISL Scheme for Schools

In March 2022, the Department of Education announced the establishment of a scheme to provide Irish Sign Language Support for children whose primary language is Irish Sign Language (ISL) attending recognised schools.[[32]](#footnote-32) This scheme is intended to address the requirement under Section 5 of the ISL Act 2017 to provide Irish Sign Language support for children attending recognised schools whose primary language is Irish Sign Language.

The NDA is concerned that the eligibility requirements for accessing the scheme rely on a medical model definition of Deafness which does not meet the requirements of the ISL Act. The eligibility requirements state the scheme is for those “who were born without an auditory nerve or due to infection, disease, trauma, failed technology intervention (for example cochlear implants), their auditory nerve has ceased to function completely and whose primary means of communication is using Irish Sign Language.”[[33]](#footnote-33) The ISL Act is clear that such a scheme should be provided for those whose primary language is Irish Sign Language. Not all children whose primary language is ISL would meet the requirements of the Department’s scheme. Furthermore, the Deaf community is a cultural and linguistic group and is not defined by the absence or lack of functioning of an auditory nerve.

The NDA is concerned that consultation with stakeholders across the Deaf community, including the DPO Irish Deaf Society, did not take place in the design of this scheme. The Department initially indicated that consultation on the operation of the scheme would take place, and the NDA would welcome an update regarding same.

For those children who are deemed eligible, the new scheme will includes two key strands of support. The first is a programme of intensive in-school support for individual students to enable them access teaching and learning and participate in school life. The second is a programme of training and support to build capacity among the school community including teachers, special needs assistants, other school staff and pupils on communication using Irish Sign Language.

Under the scheme, two new posts are being created, an ISL – Specialist Classroom Support and an Advisor Deaf/Hard of Hearing (ISL). The role of the ISL – Specialist Classroom Support is to consistently convey the spirit and content of the communication occurring in the classroom and enhance active engagement with learning and participation in school life by the student.

The focus of the new Advisor Deaf/Hard of Hearing, (ISL) role will be to build capacity in ISL across the school community including teachers, SNAs, other school staff and students. It will be a key requirement of the scheme that only candidates who are appropriately qualified and fluent in Irish Sign Language will be appointed to these new roles. The NCSE will be responsible for delivery of the new supports.

# Theme 4: Employment

This theme contains actions to address the barriers faced by persons with disabilities in gaining and maintaining employment. The NDIS includes an action to implement the Comprehensive Employment Strategy for People with Disabilities, which has its own monitoring structures and independent assessment of progress. The NDIS also includes a number of specific actions to support persons with disabilities on their pathway to work.

## Comprehensive Employment Strategy

The [Comprehensive Employment Strategy for People with Disabilities](http://www.justice.ie/en/JELR/Pages/Comprehensive_Employment_Strategy_for_People_with_Disabilities_(2015_2024)) (2015-2024) is a cross-Government approach addressing the barriers and challenges to the employment of people with disabilities.[[34]](#footnote-34) Indicators to monitor progress under the CES have been developed by the NDA.[[35]](#footnote-35) The CES operates under a series of three year action plans and is overseen by an independently chaired cross departmental implementation group that also includes the NDA and disability stakeholders. There was a lack of agreement on the final three year action plan due to run from 2022-2024. The outstanding issues are being worked on by departments under the coordination of DCEDIY’s disability unit and it is hoped an action plan will be agreed in 2023. A mainstream-first approach to disability employment policy requires all departments and agencies with relevant responsibilities to engage with stakeholders to reach agreement on a Phase III Action Plan. Most equality strategies, while belonging to one department in terms of coordination, are cross-Governmental and therefore it is the responsibility of all government departments involved to ensure their implementation. The NDA produces a separate independent assessment of CES which contains further information.

## Employment Programmes, Initiatives and Information

### Employers for Change established (action 117)

The Open Doors initiative has been grant funded to establish the initiative, now called Employers for Change - A Disability Information Service. The service officially launched in March 2021. The service provides advice and information to employers about recruiting and employing people with disabilities. Funding has been provided by DCEDIY since it was established, and funding will continue to be provided in 2023. However, the NDA advises that planning will be required to ensure that an employer advice and information service can be made available on a sustainable and long-term basis, noting the value employers place on same.

### Pathways to work being implemented including early engagement approaches (action 51)

The Department of Social Protection launched the Work Placement Experience Programme (WPEP) in 2021 to replace the Youth Employment Support Scheme. WPEP is a key initiative under the Pathways to Work 2021-2025 employment strategy. Participation is open to jobseekers with a disability, including those in receipt of Disability Allowance or Blind Pension. The period of the placement is for 6 months, for 30 hours per week with a commitment by the host organisation to provide or facilitate access to training of at least 60 hours over the period of the placement. Participants retain any entitlements to adult or child dependent payments and any entitlements to fuel allowance, cost of living increase and the Christmas bonus. Participants can achieve accreditation for their work experience.

The Department of Social Protection reported that as of 11th November 2022, 48 clients who were on the Disability Allowance payment have been approved for the WPEP programme which equates to just over 10% of all approvals for WPEP. Of the 22 who completed the course six were employed by their host company and two were employed by and other company. Of the eight who finished early, one entered employment with another company. This means 30% of those who have completed WPEP have entered employment.

The value of this programme is clear, particularly in relation to allowing participants to retain disability allowance while also achieving accreditation for their placement. We advise that consideration is given to how to increase the completion rate and increase the rate of transition from placement into paid employment and that consultation and engagement with participants in the scheme, and their employers, would be beneficial in that regard. We recognise that particular efforts have been made to reach young people on disability allowance and that 4,000 places were ring-fenced for young job-seekers.

## Assistive Technology, Aids and Appliances

Action 53 commits DCEDIY and the NDA to develop proposals to address access to, or affordability of necessary aids, appliances or assistive technologies required for everyday living, for those people with disabilities whose entry, retention or return to work could be jeopardised due to being unable to afford these items. This action has faced significant delivery issues and is marked in red in the Traffic Light Report.

DCEDIY reported that the activity of this working group stalled during the pandemic and subsequently due to the Ukrainian response. The NDA is a member of the cross departmental/agency working group, and although there was no meeting in 2022, we submitted a paper to DCEDIY on the capacity theme, focusing on the need for training in AT from relevant health and social care professionals.

The work of the Digital and Assistive Technology Task Group, which is coordinated by the HSE, is still underway. The group is developing a strategy and framework to implement the improved use of digital and assistive technology in disability services in Ireland, the outputs of which may be useful in guiding further considerations.

However, the NDA is keen to see the action 53 working group led by DCEDIY reconvene noting the importance of AT in supporting independent living and participation for many disabled people.

## Compliance with Part 5, Disability Act 2005

Part 5 of the Disability Act 2005 obliges public bodies to take all reasonable measures to support and promote the employment of people with disabilities. Part 5 of the Disability Act established an initial target of achieving employment of staff with disabilities of 3%. The Assisted Decision Making (Capacity) (Amendment) Act 2022, commenced in April 2023, increases the minimum target to 6% by 2025 with an interim target of 4.5% by 2024. The NDA has the statutory role to report every year on the compliance by public service organisations with their legal obligation to promote and support the employment of people with disabilities and to achieve statutory targets for employment of staff with disabilities.

In 2022, the NDA published its sixteenth report on compliance with Part 5, which examined data from 2021. In 2021, the number of employees reporting a disability was 9,011 (3.6%), an increase of 1,374 (+18.0%) from the 2020 figures. The majority of public bodies (n=186, 87.3%) achieved or exceeded the minimum 3% target compared to 182 (84.7%) bodies in 2020. Twenty-seven (12.7%) public bodies did not reach the minimum 3% target in 2021, compared to 33 (15.3%) public bodies in 2020. Just over a third of public bodies (n=78, 36.5%) reported that a minimum of 6% of their employees were persons with disabilities. This is an increase from 2020, when 61 (28.4%) public bodies reported that a minimum of 6% of their employees reported a disability. Overall, the report found that public sector exceeded the minimum target of 3% for the eleventh successive year.[[36]](#footnote-36) However, the NDA notes the importance of all public bodies giving this area focus in the coming years, as the revised target will necessitate almost 2,000 additional disabled people being employed in the sector in each year to 2025.

# 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.

This theme contains nine actions, and several of these actions have not been updated by the relevant responsible body, in some cases for the third year in a row. Assessment of these actions is quite difficult, as for some actions the same text and data has been inputted into the December 2022 Traffic Light Report as was included in the December 2021 Traffic Light Report (e.g. actions 58, 60, 63) and some include the same text since the September 2020 Traffic Light Report (e.g. actions 57, 59). Other actions have been marked ‘complete’ but with no information about what has happened in order to complete them (e.g. action 64 completed in 2021).

## Mental Health

Children and adults with disabilities should have timely access to assessments and early intervention along with any therapy, rehabilitation or mental health services they require. Ireland came under review in February 2023 by the UN Committee on the Rights of the Child that raised significant concerns regarding children’s mental health services which it described as “insufficient and inadequate.” It highlighted particular concerns about long waiting lists and the placement of children in adult psychiatric wards.

The HSE target is that 80% of CAMHS referrals receive an appointment and are seen within 12 weeks. In 2022 (up to the end of Quarter 3) only 63.1% of referrals accepted by CAMHS were offered an appointment and seen. Figures were better for other years with the lower target of 78% being achieved between 2018 and 2020.[[37]](#footnote-37) .

Some NDIS actions related to mental health services are among those for which no new updates have been provided by the HSE or Department of Health in the Traffic Light Report. For example, action 60 commits both to “roll out a Pilot Youth Mental Health Information and Advocacy Service nationally to all CAMHS services in Quarter 1 2020.” The HSE has reported in both the December 2021 and 2022 Traffic Light Reports the same update stating that a pilot national advocacy service for children in CAMHS services “will shortly be reviewed.” Under action 63, the HSE reports for both 2021 and 2022 that “In line with MH service plan priorities 2021, Recovery education and Peer support have been expanded with 29 new CAMHS staff and five peer support workers in mental health services.” It is not clear whether the HSE is reporting that 29 new CAMHS staff have been appointed in each year or if this is simply a repeat of the previous years’ update. Given the seriousness of the issues listed by the UN Committee on the Rights of the Child, particularly in relation to children’s mental health services, it is disappointing that reporting on these actions seems to demonstrate a lack of prioritisation or urgency around progress.

We also wish to highlight that following the transfer of Disability Specialist Services from the Department of Health to the DCEDIY, it will be important for links to mental health services in the Department of Health to remain so that joined up services are strengthened and that clear commitments can be agreed under the new UNCRPD Strategy, including robust oversight.

## Assessment of Need

Children are referred for an Assessment of Need under Part 2 of the Disability Act 2005 if it is considered that they may have a disability. A 2020 report by the Office of the Ombudsman for Children, ‘Unmet Needs’, raised serious concerns about ongoing delays experienced by children in obtaining an assessment of need In January 2020, the HSE launched a new Standard Operating Procedure (SOP) for assessments of need. The new process comprised a Preliminary Team Assessment that determines a child’s needs and the initial interventions required to meet these needs. In March 2022, the High Court ruled that as a result of this SOP, the assessments of need by the HSE fall short of what is required under the Disability Act 2005.

The HSE reports annually on compliance with the statutory timelines. Compliance has increased in recent years but remains very low. In 2022 (up to end of Quarter 3) compliance was only 23.6%.[[38]](#footnote-38) According to the most recent HSE performance report of Quarter 3 2022 there were 4,916 requests for assessment of need received for Children by the HSE[[39]](#footnote-39) of which 3,422 children were waiting for assessment.

Notes in the HSE’s 2022 Performance Report highlight the impact that the High Court judgement in March 2022 on the completion of assessments. The judgement in summary said that Assessment Officers cannot complete assessments based on the previously agreed Preliminary Team Assessment format and that a diagnostic assessment is required.

The waiting time for assessments are a significant issue with regard to delivering the entitlements outlined under the Disability Act 2005. In addition, the NDA is concerned that the focus on assessments is further exacerbating the challenges with regard to providing the necessary interventions to support children and their families. These challenges were outlined in a recent survey conducted by Inclusion Ireland.[[40]](#footnote-40) The survey included over 1000 families and found that 83% of respondents report the lack of services as one of their top three issues with 95% waiting more than 6 months to avail of services while 85% reporting waiting more than a year. Twenty-seven families reported receiving service statements indicting a need for intervention however, the scheduled date for intervention was often two years after the assessment. In terms of quality of services, issues of poor quality were identified in particular relating to “lack of frequency, consistency and quality of interventions, difficulties with staffing and lack of joined up working with schools or other services”.[[41]](#footnote-41)

The NDA recognises the ongoing challenge of staff shortages which must be urgently addressed.

# 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 continues to work on projects relevant to Transforming Lives. We are planning to develop an academic paper to further disseminate the findings of the Moving In, Moving On study to share the work on outcomes for people with disability that we previously developed. We worked with the ESRI on PA services and are working with the HSE on the evaluation of the Personalised Budgets demonstration project (although the evaluation has yet to start due to project delays).

## Inclusive communities and active citizenship

In 2022, as in 2021, no progress was reported on Action 73 on evaluating the outcomes of Local Area Co-ordination pilots. The Department of Health update in the NDIS Evaluation for 2020 indicated that a planned evaluation of pilot Local Area Coordination projects did not go ahead. Local Area Coordination is a mechanism to enable inclusive living in communities. NDA advises the importance of considering how actors at local level, e.g. local authorities, community services etc. can coordinate at a local level to support inclusive living in communities.

Similarly, no update is (or ever has been) provided for Action 74, which obliges local authorities to ‘develop actions at community level to build and sustain for disability-competent and welcoming communities.’ The NDA strongly encourages the relevant Departments to examine why no progress is being provided on these actions. Given the success of the Disability Participation and Awareness fund and the large number of local authorities which applied for funding to improve the experiences of persons with disabilities in their communities, it is unlikely that the lack of engagement by local authorities with the NDIS comes from a lack of interest. 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.

## Progressing Disability Services for Children and Young People

The Joint Oireachtas Committee on Children, Equality, Disability, Integration and Youth in its report on Assessments of Need for Children[[42]](#footnote-42) called for an evaluation of Progressing Disability Services as a matter of priority. This is something that the NDA has also called for.

By 2021 the HSE’s performance report showed that 91 teams (100% of target) had been established.[[43]](#footnote-43) However, a recently published report reported that the average vacancy rate nationally was 34% in CDNTs.[[44]](#footnote-44) Maternity leave was highlighted as an issue as cover is unfunded it is not custom and practice in many agencies to backfill these vacancies. The NDA understands that there is work being progressed by the Department of Health and the Department of Further and Higher Education to increase the supply of therapists and that there has been an ongoing recruitment and retention issue across the sector

The Department reported that it is working with the HSE on a new roadmap for Progressing Disability Services, following a recent high court ruling regarding the previous Standard Operating Procedure.

## 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 was provided in the December 2021 Traffic Light Report, and again in the December 2022 Traffic Light Report except to say it is ‘Ongoing’. The HSE’s performance reports outline that disability services have exceeded the target of 80% of facilities in compliance with HIQA regulations over the past five years.[[45]](#footnote-45)

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 Department of Health is progressing the development of regulations for health-funded home support services (Action 87). A consultation took place during 2022. The NDA noted that the draft regulations proposed that Personal Assistants be regulated as part of this process and advised the importance of ensuring there is clarity about the distinction between home support services and personal assistant services in the regulations, while also noting that regulation and standards will have relevance in both cases. We also advised the Department of Health to consult extensively with disabled people who use Personal Assistants.

## Personalised Budgets

NDIS action 91 in relation to the delivery of the Personalised Budgets Project by the HSE is marked in red in the December 2022 Traffic Light Report, indicating a significant delivery issue. The HSE reported that progress on this project has suffered from COVID-19 related delays and resourcing issues.

The HSE commissioned the demonstration project in 2019 and in July of 2022 the Minister of State with responsibility for Disability announced an extension of the pilot until Q3 2023, with an evaluation of the pilot to be completed by Q2 of 2024.[[46]](#footnote-46) The NDA is tasked with carrying out an independent evaluation of the project which has been delayed due to the knock on effects of the delayed project. We note the level of interest among disabled people in the area of personalised budgets and advise that progress in this regard should be a priority under any successor strategy.

# 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.

## Support to live in the community

Congregated settings are defined by the “Time to Move on From Congregated Settings” report as a residential setting where people with disabilities live with ten or more people.[[47]](#footnote-47) NDIS action 93 states that the Programme for Government aims to reduce the number of people living in congregated settings by at least one third by 2021 and to ultimately close all congregated settings. This action is flagged as having a minor delivery issue in the December 2022 Traffic Light Report. The population within congregated settings has reduced from 2,514 people at the start of 2017[[48]](#footnote-48), to approximately 1,650 by mid-2022[[49]](#footnote-49), but this falls short of the targets set. The HSE has not produced detailed data on decongregation since 2019.

The National Housing Strategy for Disabled people 2022-2027,[[50]](#footnote-50) published in early 2022 reported that there are now 13 congregated settings with more than 50 residents remaining compared to 24 settings in 2012. In 2012 the largest congregated setting was home to 227 residents and the largest residential building was home to 112 people. Currently, the largest congregated setting has 138 residents, and the largest residential building has 28 residents.

While the reduction in the number of people living in congregated settings is welcomed, progress is slow and the target has not been reached. We are aware that the reduction in persons living in congregated settings primarily includes transitions into the community but also includes all other movements including deaths, emergency admissions, other discharges and transfers.[[51]](#footnote-51). In addition, the HSE has identified approximately 560 people living in congregated settings who were omitted from the original report.[[52]](#footnote-52) The original Time to Move On report’s figures were based on self-assessment, leading to some omissions, and did not cover intentional communities, condition-specific residential services or placements with private providers, leading to other omissions. The acknowledgement by the HSE of missing some congregated settings brings HSE numbers more in line with those of HIQA who have consistently quotes figures of people living in congregated settings that are well above those of the HSE.[[53]](#footnote-53)

The NDA’s ‘Moving In, Moving On’ study interviewed people living in residential disability congregated settings before and after their transition to living in the community.[[54]](#footnote-54) The report found that before and after comparisons indicated improved quality of life outcomes for individuals following the transition. The decongregation process is also important in realising the goals of the UNCRPD as well as several national policies and strategies. The findings of the report indicate that decongregation should continue, and should be appropriately resourced in order to build on the progress already made. Decongregation must also be accompanied by the provision of accessible public services, such as transport, availability of accessible housing, and personal assistance services in order to fully support independent living and being included in the community. The NDA advises that a cross-Departmental approach is vital to achieve this under the next strategy.

## Housing

The Department of Housing, Local Government and Heritage launched a new joint National Housing Strategy for Disabled People 2022-2027[[55]](#footnote-55) on 14 January 2022. The new Strategy sets out the vision for the cooperation and collaboration of Government Departments, state agencies and others in delivering housing and the related supports for disabled people over the next five years. This new Strategy will operate within the framework of ‘Housing for All – A New Housing Plan for Ireland’ 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. The National Housing Strategy for Disabled People contains an ambition to increase UD housing. Work to develop a Cost Benefit Assessment for UD Housing is ongoing. NDA will continue to support with advice on the importance of UD housing. However, we are concerned that at the time of writing (May 2023), more than one year after the publication of the strategy, the accompanying implementation plan has not been produced.

Housing for All also commits to reviewing the suite of Housing Adaptation Grants for Older People and People with a Disability. Among the areas which the review, currently underway, will consider are the income thresholds, the grant limits, the application and decision making processes, including supplementary documentation required. The Department of Housing, Local Government and Heritage reported that the review is to be completed by the end of 2022. At the time of writing (May 2023) this review has not yet been published.

# Theme 8: Transport and accessible places

Commitments under the Transport and Accessible Places theme involve actions to progress the availability of accessible public transport and accessibility of the built environment. Under UNCRPD, Article 20 outlines the rights of persons with disabilities to personal mobility and Article 30 refers to participation in society’s cultural, recreation, leisure and sport activities.

## Transport

The Department of Transport’s Accessibility Work Programme combines public transport accessibility actions across a number of "whole of Government" Strategies, including the NDIS. Updates on the Accessibility Work Programme are published, usually on a quarterly basis to align with meetings of the Department’s Disability Consultative Committee, called the Accessibility Consultative Committee (ACC). In addition, an end-of-year statement on the Department’s work during the year, minutes of all ACC meetings and associated documents, are also published. [[56]](#footnote-56) The NDA welcomes this approach to providing comprehensive and easily accessible information, which allows for straightforward monitoring of responsibilities, and would encourage other Departments and agencies to follow this example of good practice.

## Accessible vehicles

The NTA reported in the December 2022 NDIS Traffic Light Report that part of action 102 is on track while part of the action is experiencing a major delivery issue. Action 102 is a two-part action which states that the NTA will continue to engage with public transport vehicle manufacturers to establish the feasibility and availability of certain wheelchair accessibility options suitable for use in Ireland to ensure the roll-out of accessible public transport fleets which is on track. It also outlines a commitment to develop proposals informed by Universal Design principles in relation to attaching conditions regarding wheelchair accessibility on commercial licensed services. The NTA states that it fully supports the need to transition Licensed Commercial Bus Services to be fully wheelchair accessible to keep in line with the PSO services which are now 100% wheelchair accessible.

In 2019 the NTA undertook a public consultation in relation to potential changes to the licence conditions, and the timelines of them, for regular licensed services in order to improve the accessibility of services. Submissions were received from the industry, interest groups and the public. These submissions were reviewed and the report was sent to the Department of Transport. However, due to the financial impact of the COVID-19 pandemic on the licensed bus sector, implementation of any changes arising from the consultation was postponed as it was considered that the cost of the fleet upgrade, or the purchase of new fleet would put many of the operators out of business which in turn would mean a loss of services for all users, including people with disabilities.

Funding support was provided to the Licensed Commercial Bus sector by the Government up to June 2022 to ensure they could continue to provide their services. The NTA reports that since the funding ended, some licensed commercial services have been terminated.

### Accessible public vehicles

The NTA reports that all Dublin Bus, Bus Eireann and Go Ahead fleets are 100% wheelchair accessible. Bus Eireann’s coach fleet is now 100% wheelchair accessible, although some still have a wheelchair lift. However, we advise that they must also have a wheelchair accessible bus stop. In addition, the NTA reports that all new coaches purchased or funded by the NTA for public services provide for wheelchair accessibility plus visual and audio announcements and information.

### Accessible private vehicles

The Department of Transport and NTA are proposing that this part of Action 102, regarding commercial sector accessibility, be brought forward to the NDIS successor strategy as a priority action.

The NDA acknowledges the work underway to improve the accessibility of transport, but wishes to highlight that in addition to the accessibility of the fleet, on-street infrastructure must also be accessible. From our research and engagement with stakeholders we are aware that there are significant concerns in this regard, particularly in relation to island bus-stops. We are also aware that the DSG has raised concerns in relation to a perceived reluctance to apply the criteria of Section 13 of the Public Transport Regulation Act 2009. Under Section 13, the NTA can impose conditions on licenses for public bus services with respect to the minimum accessibility standards of the vehicles used to deliver the service. The NDA advises importance of ongoing, meaningful engagement with stakeholders which includes responding to the concerns raised and taking remedial action where necessary. We also highlight the requirements of UNCRPD article 9 in relation to accessible transportation which should underpin this work.

## Accessible bus stops

The NTA reported in 2020[[57]](#footnote-57) that it will roll out bus poles throughout the country that will have yellow carousels with up to date timetables and yellow flags at the top of each pole. These poles will therefore be more visible and more recognisable to people with visual impairments, people with intellectual disabilities, autistic people, older people and tourists. There have not been any updates on how many poles across the country have been updated, although the Department has stated that an update on this has not been requested. The NTA reports that it continues to work with Bus Éireann to install wheelchair accessible bus stops at all of their bus stations. Presently the NTA work with Local Authorities to install these in major towns with populations over 5,000. The NTA has also completed an audit of towns with a population over 1,000 people to identify additional locations to install wheelchair accessible bus stops.

We are aware from our engagement with stakeholders that concerns have been raised about the introduction of grey, stainless steel bus stop poles instead of the existing brightly coloured poles which are easier to see. Again, we advise the importance of meaningful consultation and engagement with disabled people on this issue.

The Department reports that each of the public transport operators, Bus Éireann, Dublin Bus, Go-ahead, Irish Rail and TII (Luas) has a dedicated Disability User Group (DUG) where management meets with disability representatives. During 2022, the NTA’s Transport Users Advisory Group (TUAG) was established. Three of the 16 members represent the disability community with another member representing Older People. In addition, members of the disability community are on the Boards of the transport companies, the Taxi Advisory Committee and the Railway Safety Advisory Committee.

## Transport and Mobility Working Group

A Transport and Mobility Working Group consisting of officials from relevant government departments and key agencies was established under the National Disability Inclusion Strategy 2017-2022 to advance Action 104, which contains a commitment for a number of Departments and Agencies to:

Lead a review of transport supports encompassing all Government funded transport and mobility schemes for people with disabilities, to enhance the options for transport to work or employment supports for people with disabilities and [to] develop proposals for development of a coordinated plan for such provision. This plan will have regard to making the most efficient use of available transport resources.

Action 104 was developed from a recommendation in the Make Work Pay Report 2017[[58]](#footnote-58) which found that:

While there are several transport supports available for persons with disabilities, responsibility for administering these supports is spread across a number of Government Departments and Agencies with differing qualification criteria. Some people who have significant transport needs, could, if they were to work, fall between different schemes of supports. Others may find their entitlement difficult to understand or navigate.”

A working group was convened in 2020 but was paused due to the COVID-19 pandemic. The working group was reconvened in January 2022 under the remit of the Department of Children, Equality, Disability, Integration and Youth. It discussed several key mobility and transport schemes including the Disabled Drivers and Disabled Passengers Scheme and undertook a stocktaking exercise of all state funded mobility and transport schemes as well as a comparison of similar support schemes across the OECD. A report was drafted detailing key recommendations for changes to the current provision and governance of transport and mobility schemes.

A key recommendation in the report emphasises the need for a comprehensive and coordinated cross-Government and mainstream process which ensures that the focus of policy, planning and transport provision is on the customer’s end to end journey and advances a joined up and door-to-door approach to transport and mobility supports for people with disabilities which will likely involve the convening of a new working group.[[59]](#footnote-59)

The NDA advises that any essential travel schemes for disabled people should be underpinned by rights-based principles and have due regard for the additional barriers faced by disabled people. For example, barriers to employment for disabled people in receipt of disability allowance and the additional costs related to having a disability, as outlined in the Indecon Cost of Disability report.

# Areas for focus beyond 2022

Given that 2022 has seen the end of the NDIS, we have outlined a number of key learnings and areas for focus as a successor strategy is developed.

## Learning from NDIS to inform the UNCRPD Implementation Strategy

### 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. Minister O’Gorman has indicated that the successor strategy will concentrate on “a tighter and more targeted number of ambitious actions that will deliver the most significant change and progress”. We highlight that consideration must be given to actions which have not been completed in the lifetime of the NDIS. The NDA has identified some of the actions in question, which include:

* Implementation and evaluation of Personalised Budgets demonstration projects to guide considerations for a national programme
* Completion of the Decongregation process
* Enactment of Mental health and protection of liberty legislation
* Evaluation of Progressing Disability Services
* Ratification of the Optional Protocol

In addition, where actions have been marked as ‘complete’ from this Strategy, the NDA advises that a next phase of implementation could focus on evaluating the outcomes from these actions, to avoid giving rise to situations where a Department or public body believes it has delivered on commitments, but disabled stakeholders feel this has not led to the hoped for outcomes in their daily lives.

### Shared actions

While progress has been clear in respect of a number of actions, there are concerns around both the slow pace and staggered implementation of actions that are ‘shared’ between several different Departments. Progress in relation to such actions is often measured differently by each Department, and a recurring challenge is the lack of designated leadership or a clear, collaborative method for implementation.

The DSG has also reported to the NDIS SG concerns regarding the responsibility of Departments towards ensuring agencies under their aegis meet their NDIS obligations. DSG members are concerned that oversight of the delivery of actions by agencies is not robust.

It will be important in the next strategy that we learn from our experience and use this to encourage and promote collaborative inter departmental working from the outset to deliver on commitments within the UNCRPD. For example, article 19 of the UNCRPD requires looking at housing, community living, transport, access to services, access to supports, employment, and more. Addressing this will necessarily involve effective collaboration across several departments. Therefore, even for shared actions, there must be clear leads which are accountable for coordination and delivery.

### Measurement

Minister O’Gorman has indicated his intention that the next strategy have a more explicit focus on outcomes[[60]](#footnote-60) which is welcomed by the NDA. The next strategy should set out clear, robust and measurable indicators with a stronger focus on outcomes. Measurement of outputs and processes can be useful, but they do not measure improvement in the lives of disabled people. Developing such outcome indicators will allow for more robust and effective monitoring of progress and the NDA advises that it will be most effective to develop the indicators at the same time as the actions are agreed in the next Strategy so that there is clear agreement about what targets or deliverables are appropriate. The current reporting mechanism, the Traffic Light Report, is not conducive to effective monitoring. The format is inaccessible and the targets and updates are often unclear. For example, terms such as ‘ongoing’ do not meaningfully measure progress. Specific timeframes for delivery should be attached to each action in the next strategy in order to resolve this. A “responsible body” should be assigned to each action, especially for those which are shared by more than one department. The NDA advises the importance of a discussion on effective measurement and monitoring as a key part of the consultation on the next strategy.

### Stakeholder engagement

Stakeholder engagement, particularly with DPOs, in the design, implementation and monitoring of the successor strategy is a requirement of UNCRPD. There are several existing mechanisms of engagement on disability issues, for example the DSG, the Disability Participation and Consultation Network (DPCN), the IHREC Disability Advisory Committee. It is suggested that the Department clarify the role of the various stakeholder engagement mechanisms from the outset, including setting out in more specific terms how DPOs will be involved within the implementation and monitoring of the Convention.

### Links to other strategies

Other national strategies also concluded in 2022, 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 learning across all strategies to inform successor 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.

In addition, there is an opportunity to link the successor strategy with the National Sustainable Development Goals implementation plan[[61]](#footnote-61) which includes an action to “Consider synergies between Agenda 2030 and the UNCRPD” and seeks to develop an approach which takes account of both commitments. The National SDG Stakeholder Forum Committee has also included a representative from a DPO for the first time, allowing another opportunity for links to be made in the monitoring and implementation of both strategies.

### Cost of Disability Implications

In December 2021, Minister for Social Protection published the Cost of Disability Report, carried out by Indecon International Research Economists. The Programme for Government commits the Government to use the research into the cost of disability to properly inform the direction of future policy. The report demonstrates the significant additional costs faced by persons with disabilities.[[62]](#footnote-62) The findings of the report have implications for many areas of public policy income supports and taxation. Full implementation of the report recommendations is a cross departmental undertaking, which was referred for monitoring under the NDIS Steering Group. However, with the end of the NDIS and a successor strategy not yet developed, the NDA recommend that departments continue to implement measures to address the cost of disability in their departments and consideration be given to how the topic can be incorporated in the successor strategy.

### European Disability legislation and policy commitments

Given the relatively recent adoption of the European Strategy on the Rights of Persons with Disabilities (2021-2030), and the transposition of European Accessibility Act, there is an opportunity to consider how European priorities align with our own, and how they may be manifested in our work and in our successor strategy. There is an emphasis currently being put on particular topics by the EU Disability Platform, such as participation of disabled people. It may be worth considering whether there is scope to engage with the EU’s Directorate-General Reform Unit, which provides technical support to Member States on a range of issues. For example, developing roadmaps for adapting disability systems to UNCRPD standards, or support with the calibration of existing disability tools to the national context.

# Conclusion

Over the five-year lifetime of the NDIS, it is clear that there has been much progress made in terms of new legislation, policy and programmes in relation to the rights of disabled people. In addition to ratifying the UNCRPD, several important pieces of legislation have been enacted or have progressed significantly, including the Irish Sign Language Act 2017, the Assisted Decision Making (Capacity) (Amendment) Act 2022, and the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022.

However, is must be acknowledged that progress under a number of actions has been slower than planned for a number of years. For example, an end to congregated settings has not been achieved and the potential of the Personalised Budgets programme has not been realised. Delays in the development of a UNCRPD strategy, following a one-year extension of the NDIS, has resulted in a gap in a national-level, coordinated government policy instrument in relation to disability.

Furthermore, it is not possible to robustly state the impact of many NDIS initiatives on the lives of disabled people because of a lack of measurable targets and accompanying outcome indicators. The issue of measurement must be a central part of the development of the next strategy from the outset so that when the next strategy is coming to an end, departments and agencies can clearly demonstrate the impact it has had on the lives of disabled people.

The lifetime of the NDIS has coincided with significant unforeseen challenges including the COVID-19 pandemic and the war on Ukraine. The challenges faced by departments and agencies in relation to these crises were, and continue to be, significant. While these events were unprecedented, there are no guarantees that we will not face similar challenges in future. The State should take measures to ensure to the greatest extent possible that external shocks do not impact of the promotion and protection of rights for disabled people. Meaningfully including disabled people in decision making, including in emergency response plans, is one way in which to mitigate against this.

The development of Ireland’s first UNCRPD strategy in 2023 represents an opportunity to apply the significant learning gained across government throughout the delivery of the NDIS. There is also an opportunity to strengthen the structures of engagement, including for example, a review of the operation of Departmental DCCs. We welcome the Department’s commitment to meaningful engagement with disabled people, through their representative DPOs, and with mechanisms such as the DSG, in the development of the new strategy. We emphasise that meaningful engagement with disabled people must be ongoing and become further embedded as part of the culture across all government departments.

The NDA looks forward to continuing to advise and support departments and agencies in their collaborative effort to deliver an ambitious, achievable and measurable next strategy that will promote and protect the rights of disabled people in Ireland in line with UNCRPD.

1. NDA (2022) [Advice paper on disability language and terminology](https://nda.ie/publications/nda-advice-paper-on-disability-language-and-terminology). [↑](#footnote-ref-1)
2. Department of Justice and Equality (2020) [Mid Term Review of the National Disability Inclusion Strategy 2017 – 2021.](http://ipo.gov.ie/en/JELR/Midterm-Review-of-the-National-Disability-Inclusion-Strategy-2017-2021%5b1%5d.pdf/Files/Midterm-Review-of-the-National-Disability-Inclusion-Strategy-2017-2021%5b1%5d.pdf) [↑](#footnote-ref-2)
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