

**August 2024**

NDA Submission to Department of Housing, Local Government and Heritage Statement of Strategy 2024-2025[[1]](#footnote-1):

# Introduction

The National Disability Authority (NDA) is the independent statutory body with a duty to provide information and advice to the Government on policy and practice relevant to the lives of persons with disabilities, and to promote Universal Design

The NDA welcomes the opportunity to make a submission to the Departments Statement of Strategy. The comments and advice below address issues related to your Department’s remit which fall within the NDA’s competencies and expertise. The Statement of Strategy provides an opportunity to disability-proof a range of actions across your Department. It is also an opportunity to reconfirm and embed mainstreaming of disability across the Department’s units which obliges mainstream public services to include persons with disabilities. Mainstreaming is also a useful building block for the Department to deliver commitments due under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), as outlined below.

# Areas requiring focus

### National Strategies

The NDA welcomes the ongoing work on the implementation of the National Housing Strategy for Disabled People. At a recent meeting of the National Implementation Steering Group the NDA noted that some of the timelines may have been overly ambitious and that some actions in the strategy are reported as being behind target. The NDA has been very involved in the consultation on the new National Disability Strategy and housing to facilitate independent living was a frequently occurring topic. The strategy actions are under development and the National Housing Strategy for Disabled People actions will be crucial in delivery of the National Disability Strategy. We are aware that the Department of Children, Equality, Disability, Integration and Youth (DCEDIY), who are leading on strategy development, are keen that the Department of Housing, Local Government and Heritage (DHLGH) will go beyond the ambitions of the Housing Strategy for Disabled People so that there is transformative change for disabled people with regard to housing. There is a strong requirement for cross-government working to achieve the ambitions of both strategies and the NDA would encourage that adequate time is factored in to facilitate this collaborative working.

### Universal Design Housing

The NDA regards a Universal Design approach to housing as the best way to meet the provisions set out in the UNCRPD and are pleased to see a Universal Design approach to housing included in the national Housing Strategy for Disabled People. Article 19 on the right to live independently and Article 28 on the right to adequate housing are the two most relevant CPRD articles relating to housing.

In line with the commitment in the Housing Options for Our Ageing Population Policy Statement the NDA advises the Department to introduce measures to ensure that over a five-year period delivery of universally designed housing is increased to ensure that 30% of all new dwellings are built to incorporate universal design principles to accommodate our ageing population. NDA also advises that Part M of the building regulations for dwellings is revised to improve the minimum standard. Like other countries, our population is growing and therefore the number of people with disabilities is growing. The population is also living longer resulting in an increase in the number of older persons. Ageing and disability are inextricably linked, as illustrated by Figure 1 below, (copied from Figure 10.7 in the Housing Commission report). This has particular implications for housing and supported living in the community, and the need to ensure a sustainable housing model in Ireland, for all people, regardless of their age or disability.

Figure 1 Prevalence of disability by age group



Work is ongoing in the NDA in partnership with the Society of Chartered Surveyors Ireland on a cost assessment for Universal Design housing. While these homes can be somewhat more expensive to build, the long-term benefits may outweigh these costs and further research is planned to examine the benefits. For a housing provider, builder or developer a UD Home can provide a competitive advantage as the home offers a more attractive market proposition for the widest range of potential residents. UD Homes are about good design, efficiency and a broader market need. We note and support this recommendation in the Housing Commission report:

‘Universal Design supports the ageing-in-place policy. The availability of housing options that are safe and appropriate for older people avoids the need to rely on forms of care that are less preferable and more costly. This transition must be public policy-led, and the adoption of Universal Design should be adequately funded and supported.’

The NDA is supporting the National Standards Authority of Ireland (NSAI) to develop a new Irish standard: Universal Design Dwellings, requirements and recommendations. We welcome the Department’s participation on the NSAI Technical Committee established to develop this standard, which will provide clarity for clients and designers on building Universal Design homes. The draft standard includes two categories of Universal Design Dwelling, following the approach in the Universal Design Guidelines for Homes in Ireland, which include the UD Home and UD Home+ categories. For wheelchair liveable homes, UD Home+ guidelines should be applied. The Department should be aware of the need to include as well as disseminate to key stakeholders both categories of Universal Design Homes in housing schemes that include accessible homes for disabled and older people.

### Accessible voting

The NDA welcomes the renewed attention on accessible voting and the establishment of the Electoral Commission. The Electoral Commission provides an opportunity to improve on the measures the Department has already taken and to move towards the creation of a voting system and an electoral register that is accessible to all and that meets our obligations under Article 29 of the UNCRPD. The NDA believes that following a Universal Design approach will allow the Department to fulfil its obligations and we have provided advice in relation to this through our membership of the accessible voting advisory group.

**Statutory Obligations**

**New European Accessibility Act (EAA)**

Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services requires that, from 28th June 2025, a range of specified products and services are designed, and where necessary manufactured, to ensure that they are accessible to persons with disabilities. The directive is known as the European Accessibility Act (EAA). The directive focuses on economic operators involved in the design and/or production of products or services that:

* Are seen as highly important for persons with disabilities, and
* Have wide ranging accessibility requirements across the member states.

The Act obliges providers to ensure the products or services they are marketing are accessible for disabled people – i.e. that they can be easily and readily used by disabled users. The department will need to become familiar with its obligations under the Act and that due regard is given to the Act in relevant procurement processes, covering a wide range of products and services such as personal devices like computers and smartphones, public services such as ATMs information kiosks and ticketing machines as it is transposed as S.I. No. 636 of the 2023 European Union (Accessibility Requirement of Products and Services)[[2]](#footnote-2)

**Compliance with Part 5 of the Disability Act 2005**

Part 5 of the Disability Act 2005 details the obligations public bodies have to promote and support the employment of persons with disabilities. The NDA is pleased to note the record of the Department in relation to the employment of persons with disabilities, achieving 6.3% of employees reporting a disability in 2022. In addition, the majority of the public bodies under the aegis of the Department also exceeded the minimum 3% target[[3]](#footnote-3). However as the minimum target increases to 4.5% for 2024 and to 6% for 2025 the NDA advises it is important to ensure continued compliance with this target as a key focus of the department's HR strategy to ensure it continues to improve its performance under Part 5 and to exceed these minimum targets. Articulating a commitment to same in the department’s overall Statement of Strategy can also demonstrate the department’s standing as an employer invested in equality, diversity and inclusion (EDI).

**EU Web Accessibility Obligations**

The [EU Web Accessibility Directive](https://nda.ie/monitoring/eu-web-accessibility-directive), which came into force in September 2020, requires Member States to ensure that websites and mobile applications of public sector bodies are fully accessible to persons with disabilities and comply with the harmonised standard EN 310 549 (v3.2.1). The Directive further requires public bodies to maintain an [Accessibility Statement](https://nda.ie/monitoring/eu-web-accessibility-directive/accessibility-statements) in a prominent location on all its websites. This must include a clear feedback mechanism for users to ask for assistance with inaccessible content and features as well as the statutory complaints mechanism through which a person can make a formal complaint about the website’s accessibility in-line with the Disability Act 2005 or the Equal Status Acts 2000-2015, whichever so applies.

The National Disability Authority is named in Irish Regulations as the National Monitoring Body for the purposes of monitoring compliance with and reporting on the EU Web Accessibility Directive. In its most recent report from 2023[[4]](#footnote-4) the NDA is pleased to note that public bodies under the Aegis of the Department that were subjected to monitoring performed relatively well and showed some improvements although there is still room for further progress. Tipperary County Council was the subject of an in-depth website review and was found to be 79% compliant. The Heritage Ireland Android app was 88% compliant and the iOS app was 93% compliant. A number of Local Authorities’ websites were subject to simplified review and a comparative analysis was conducted for this group. A small number of Local Authority websites significantly reduced the number of errors on their websites in 2023, but overall the performance of the majority of Local Authority websites remains static. Some other bodes such as the Housing agency scored poorly with a simplified accessibility score of just 1.54. [[5]](#footnote-5)NDA’s review of the frequently downloaded PDFs belonging to all government departments on GOV.ie showed that all DHLGH PDFs reviews contained critical accessibility errors.  None were found be compliant with the accessibility requirements under the EU WAD/SI 358/2020.

The NDA recommends that the Department articulates its statutory obligation to ensure all its websites and mobile applications comply with the EU Web Accessibility Directive, in the Statement of Strategy. The department should continue to be mindful of the EU Web Accessibility Directive in the development of any future online content, particularly the development of online forms that people with disabilities may be required to complete. The NDA recommends that this obligation and an action plan to address access issues is referenced in relevant strategic objectives and that the Statement of Strategy itself is published in a fully accessible PDF.

**Compliance with Part 3 of Disability Act 2005**

Part 3 of the Disability Act, 2005, obliges public bodies to ensure that information and services are accessible to persons with disabilities. The Centre for Excellence in Universal Design at the NDA developed a Customer Communications Toolkit for Services to the Public, which provides guidance for public servants on how to communicate with the public using the simplest and clearest language possible and to ensure that all services are accessible and meet the diverse needs of all customers.[[6]](#footnote-6)

The NDA published a monitoring report on Section 26 of the Disability Act on Access officers in 2023.[[7]](#footnote-7) The Department of Housing, Local Government and Heritage and their aegis bodies were 52.7% compliant in promotion of access officers on their websites and 40% compliant with all criteria. This monitoring will be repeated in 2025 and it would be positive if the department and its aegis bodies could improve on this score.

## Heritage sites

Section 29 of the Disability Act 2005 places a statutory obligation on the head of a public body to ensure that the areas of a heritage site that are open to the public are accessible to people with disabilities. The statutory obligations relating to heritage sites do not apply if it would have a significant adverse effect on the conservation status of a species, habitat or the integrity of a heritage site or if it would compromise the characteristics of the heritage site. The NDA is responsible for monitoring the Code of Practice on Heritage sites.

## Requirement for Accessible Public Buildings under Section 25 of the Disability Act 2005

Section 25 of the Disability Act requires all departments and public bodies to ensure that the parts of their buildings which are accessed by the public, are brought into compliance with Part M of the building regulations, which deals with access and use. This does not apply to heritage sites which have separate requirements under Section 29 of the Act. The requirement is to upgrade older public buildings so that they comply with Part M, within a ten-year time-frame of any amendment to Part M. Part M 2010 commenced on 1 January 2012 and was subsequently reviewed and replaced again with Part M 2022, which commenced on 1 January 2023. Under Section 25 therefore, public bodies are required to bring their public buildings into compliance with Part M 2010 by 1st January 2022 and Part M 2022 by 1st January 2033. The new requirements under Part M 2022 relate to the provision of changing places toilets.

The NDA advise that each department and agency should develop an action plan including access audits, planned improvements works, timeframes for implementation and earmarked funding, to work towards achieving compliance with these legal obligations. This may involve engaging with other authorities as appropriate, including for example, the OPW. We also advise that compliance with Section 25 should be factored into performance framework agreements with agencies as a governance matter to comply with legal duties. The NDA recommends that the department develops a plan to implement Section 25 recommendations in relevant buildings within its remit.

Under Part 3 of the Disability Act, the NDA is developing a statutory Code of Practice on Accessible Public Buildings at the request of the Minister, informed by the findings of the Operational Review[[8]](#footnote-8). When completed, the NDA will have a role to monitor compliance with same, and to provide advice to departments on areas requiring further action or focus.

**Irish Sign Language Act**

The Irish Sign Language (ISL) Act 2017, which recognises the right of ISL users to use ISL as their native language, and to develop and preserve it, was enacted in December 2020. This Act places a statutory duty on all public bodies to do all that is reasonable to provide ISL users with free ISL interpretation when availing of or seeking to access statutory entitlements and services provided by or under statute. The NDA is pleased to note that DHLGH reported themselves as being aware of the ISL Act and their responsibilities under it, have procedures in place for arranging ISL interpretation and assessed themselves as compliant with the Act.[[9]](#footnote-9) We note however that the majority of aegis bodies under the department report themselves as only being partially compliant or not compliant with the Act. We recommend the department make clear their commitment to continued compliance with the ISL Act within their statement of strategy and ensure internal procedures reflect this. We expect that the next report on the operation of the Act will be requested by the Minister in 2025.

**Conclusion**

The NDA would be happy to engage with officials from the Department of Housing, Local Government and Heritage on any of the points raised in this submission. We also look forward to making submissions on forthcoming consultations on various pieces of work which can have a significant impact on the lives of people with disabilities.

1. [gov - Consultation on Department's Statement of Strategy (www.gov.ie)](https://www.gov.ie/en/consultation/cadd2-consultation-on-departments-statement-of-strategy/) [↑](#footnote-ref-1)
2. <https://www.irishstatutebook.ie/eli/2023/si/636/made/en/pdf> [↑](#footnote-ref-2)
3. <https://nda.ie/uploads/publications/Report-on-Compliance-with-Part-5-for-2022-English.pdf> [↑](#footnote-ref-3)
4. [Monitoring-Report-EU-WAD-Ireland-2023.pdf (nda.ie)](https://nda.ie/uploads/publications/Monitoring-Report-EU-WAD-Ireland-2023.pdf) [↑](#footnote-ref-4)
5. NDA provides an Accessibility Score for Simplified Reviews based on the number of pages containing issues that are classified as having a critical, serious or moderate impact on users.43 A website’s Accessibility Score increases with fewer errors. A site with no errors detected will achieve a score of 100%, sites with at least one critical error on each page will achieve a score of zero. [↑](#footnote-ref-5)
6. <https://universaldesign.ie/communications-digital/customer-communications-toolkit-a-universal-design-approach> [↑](#footnote-ref-6)
7. [Monitoring Report on Access Officers - National Disability Authority (nda.ie)](https://nda.ie/publications/monitoring-report-on-access-officers) [↑](#footnote-ref-7)
8. https://nda.ie/publications/draft-code-of-practice-for-accessible-public-buildings [↑](#footnote-ref-8)
9. See Technical Annex 2 on the Public Body Survey: [Report on the Operation of the Irish Sign Language Act 2017 (December 2021) - National Disability Authority (nda.ie)](https://nda.ie/publications/report-on-the-operation-of-the-irish-sign-language-act-2017-december-2021) [↑](#footnote-ref-9)