NDA Submission

on the

Statement of Strategy 2023-2025

for the

Department of Housing, Local Government and Heritage[[1]](#footnote-1)

April 2023



Contents

[Introduction 4](#_Toc142909777)

[Policy Commitments 4](#_Toc142909778)

[Participation and Engagement 5](#_Toc142909779)

[Crosscutting Strategies 5](#_Toc142909780)

[Universal Design in Housing 6](#_Toc142909781)

[National Housing Strategy for Disabled People 2022-27 6](#_Toc142909782)

[Universal Design Homes Guidance 6](#_Toc142909783)

[Need for Part M for Dwellings to be reviewed 7](#_Toc142909784)

[Cost Benefit Analysis of Universal Design Homes 7](#_Toc142909785)

[NDA advice on targets for Universal Design in Housing 8](#_Toc142909786)

[Incentives to design and build UD Homes 8](#_Toc142909787)

[Universal Design Housing Targets in Development Plans 8](#_Toc142909788)

[Recent developments in Universal Design in the Built Environment 9](#_Toc142909789)

[New Standard for Accessibility and usability of the Built Environment 9](#_Toc142909790)

[Places for People, the national policy on architecture 9](#_Toc142909791)

[Shared Space and the public realm 9](#_Toc142909792)

[Universal Design Walkability Audit Tool for Roads and Streets in Ireland 10](#_Toc142909793)

[Changing Places Toilets 11](#_Toc142909794)

[Heritage sites 11](#_Toc142909795)

[Accessible voting 12](#_Toc142909796)

[Assisted Decision-Making (Capacity) Act 2015 12](#_Toc142909797)

[Election candidates with disabilities 13](#_Toc142909798)

[Statutory Obligations 13](#_Toc142909799)

[Compliance with Part 5 of the Disability Act 2005 13](#_Toc142909800)

[EU Web Accessibility Obligations 14](#_Toc142909801)

[European Accessibility Act (EAA) 15](#_Toc142909802)

[Compliance with Part 3 of Disability Act 2005 16](#_Toc142909803)

[Procurement Requirements 16](#_Toc142909804)

[Requirement for Accessible Public Buildings under Section 25 17](#_Toc142909805)

[Irish Sign Language Act 2017 18](#_Toc142909806)

[Conclusion 19](#_Toc142909807)

# Introduction

The National Disability Authority (NDA) is the independent statutory body with a duty to provide information and evidence-informed advice to Government and officials in the public sector on disability matters, and to promote Universal Design. This submission on the Statement of Strategy 2023-2025 addresses issues related to this Department’s remit which fall within the NDA’s competencies and expertise.

The NDA recommends that the Department of Housing, Local Government and Heritage includes clear commitments in this new Statement of Strategy with regard to how services and supports within its remit will be provided to members of the public with disabilities.

A clear statement confirming the Government’s policy of ‘mainstreaming’ and referencing how the Department of Housing, Local Government and Heritage will recognise and meet the needs of disabled persons when delivering services is a useful approach. This will require the department to disability-proof the policies and supports it provides, thereby also ensuring that the Department of Housing, Local Government and Heritage is playing its part in the delivery of the State’s commitments under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

## Policy Commitments

Ireland ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2018. A UNCRPD Implementation Strategy is to be developed during 2023. While the development of the Strategy will be coordinated by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY), there will be obligations and actions for all government departments and across the public sector, in order to ensure the rights of persons with disabilities are recognised and realised. Articles of the UNCRPD that are particularly relevant to the Department of Housing, Local Government and Heritage include:

* Article 9 Accessibility
* Article 19 Living independently and being included in the community
* Article 28 Adequate standard of living and social protection
* Article 29 Participation in political and public life

The NDA would encourage the Department to become actively involved in the development of the new UNCRPD Implementation Strategy.

We would recommend that the Department develops processes to ensure that local authorities are fully involved in the development of commitments under the upcoming UNCRPD Implementation Strategy, and that there are mechanisms to facilitate their reporting under the Strategy, so there can be effective monitoring of progress at local as well as national level.

## Participation and Engagement

The UNCRPD also places an obligation on states to ensure that people with disabilities are included in policy development and decision-making. The NDA encourages the Department to consult with stakeholders, including Disabled Persons’ Organisations (DPOs) and advises that meaningful engagement and participation should feature throughout the lifetime of the next Statement of Strategy, so that policy interventions planned and delivered by the department are disability-proofed from the outset. We acknowledge the breadth and the accessibility of the consultation that was carried out during the drafting process for the **National Housing Strategy for Disabled People 2022-27**.

The NDA has published two documents that may help with this. The first ‘**Participation Matters: Guidelines on implementing the obligation to meaningfully engage with disabled people in public decision making’** aims to support public bodies in achieving meaningful engagement with disabled people, especially through their representative DPOs.[[2]](#footnote-2) The NDA also produced an ‘**Advice Paper on Disability Language and Terminology**’ which is intended as a practical guide for departments and public bodies on the use of language about disability.[[3]](#footnote-3)

## Crosscutting Strategies

Consideration of some of the key issues set out within the UNCRPD Articles identified above will require input from more than one Department, and the NDA looks forward to continuing collaborative working across government during the lifetime of this Statement of Strategy. One route to underpinning this approach is to ensure that commitments in relation to disability are articulated in this Statement of Strategy and that annualised business plans of the Department are aligned with other crosscutting strategies and national policies, such as the **Roadmap for Social Inclusion 2020–2025**, **Housing Options for our Ageing Population: Policy Statement, Town Centre First**.

The NDA would like to take this opportunity to highlight the following key areas of focus relevant to the Department, which we suggest could be incorporated within this new Statement of Strategy and has organised them under the headings of:

* Universal Design Homes
* Built environment
* Accessible voting.
* Statutory obligations

A summary of recommendations is provided at the end.

# Universal Design in Housing

## National Housing Strategy for Disabled People 2022-27

This **National Housing Strategy for Disabled People 2022-27** (NHSDP) was published at the beginning of 2022. The NDA participated at all stages of the consultation and drafting as well as sitting on the National Advisory Group on the National Housing Strategy for Disabled Persons; chaired by the Housing Agency. The NDA very much welcomes the NHSDP, however, it is a high-level document and many of the actions remain to be set out in further detail in the Implementation Plan. It is unfortunate that the NHSDP is over 12 months in existence and the Implementation Plan has yet to be published. It is important that Implementation Plan is published as soon as possible. The lack of an Implementation Plan has knock-on effects to other policies such as Time to Move On from Congregated Settings.

## Universal Design Homes Guidance

Based on NDA advice the NHSDP does contain more content on Universal Design than in its original draft form, however, the NDA would have welcomed more references to Universal Design (UD) throughout.

In 2015, the NDA’s Centre for Excellence in Universal Design (CEUD) published guidance on how to implement UD in housing: **Universal Design Guidelines for Homes in Ireland[[4]](#footnote-4)**. The guidance is provided in a two-tiered system:

1. UD Home, optimising flexibility, adaptability and usability for everyone
2. UD Home+, providing for greater accommodation of people’s changing needs over time, including wheelchair liveable homes.

UD Home++ guidance and design tips are also provided to raise awareness and assist in person-centred design. These homes would be designed with a particular person’s needs in mind.

## Need for Part M for Dwellings to be reviewed

Part M of the building regulations sets out the minimum requirements for housing design, which is that new dwellings are visitable by disabled people. As most housing is built to the minimum requirements, this means that there is a lack of accessible housing, that disabled people can **live** in, in Ireland.

Part M was last fully reviewed in 2010[[5]](#footnote-5). The NDA has advised that Part M should be reviewed, with priority given to a review of Part M for Dwellings, to ensure that new homes are required to be liveable by all people, including disabled people and older people (to enable ageing in place).

## Cost Benefit Analysis of Universal Design Homes

The NDA is conducting a cost benefit analysis of UD Homes, under actions in the **National Disability Inclusion Strategy 2017-2022[[6]](#footnote-6)** and the 2019 policy statement from the Department of Housing and the Department of Health: **Housing Options for our Ageing Population: Policy Statement.**[[7]](#footnote-7) This sets out the aim that within five years, 30% of new builds in Ireland should incorporate UD principles to accommodate Ireland’s ageing population. To inform the cost benefit analysis, an assessment of the up-front cost of UD Homes is being developed.

A key element of UD Homes is that they **provide enough space** for people using mobility devices such as walking frames, crutches, and wheelchairs to move about throughout their home. Most homes provide the minimum floor space requirements under Part M. While the cost assessment will be available later in 2023, a preliminary finding is that the target floor areas of social and affordable houses are too small to provide for UD Home or UD Home+ houses. It appears that while the UD Home level can be achieved within the existing requirement for a certain percentage of apartments to exceed the minimum floor area by 10%, UD Home+ (wheelchair accessible) apartments cannot be achieved with this minimum floor area. We also advise that any proportion of an overall development built to UD level should incorporate a mix of unit types and sizes, to reflect the range of individual and family needs that might apply.

In the private market, there is evidence that the floor area of houses is comparable with that required for UD Home level.

## NDA advice on targets for Universal Design in Housing

The NDA has previously advised the Department of Housing, Local Government and Heritage that in the 30% target set out in the **Housing Options for our Ageing Population: Policy Statement**, there should be 20% homes built to UD Home level and 10% built to UD Home+ (wheelchair liveable) level. NDA advises that there is a review of Part M for dwellings which includes these targets.

## Incentives to design and build UD Homes

The NDA has advised the Department of Housing, Local Government and Heritage to consider the introduction of incentives for the provision of UD Homes. These include:

* UD mortgages for new homes where more favourable terms could be offered when UD features are included in new homes
* a time-limited VAT reduction in order to encourage builders to build UD Homes
* extending the existing practice of waivers from local authority development contributions to developments – or part of developments – that are planned, designed and built following a UD approach

## Universal Design Housing Targets in Development Plans

The NDA welcomes that some local authorities are setting targets for a percentage of housing units in new housing developments incorporate UD principles. For example:

* The Wexford County Development Plan 2021-2028 requires that a minimum of 20% of dwellings in residential developments of five dwellings or more are Lifetime Homes, suitable to accommodate or are adaptable to provide accommodation for people with disabilities and older people.
* The Meath County Development Plan 2021-2027 requires that all new residential developments on zoned lands in excess of 20 residential units provide for a minimum of 5% universally designed units.

# Recent developments in Universal Design in the Built Environment

## New Standard for Accessibility and usability of the Built Environment

The new standard **I.S. EN 17210:2021 - Accessibility and usability of the built environment - Functional requirements** can enable a transition from minimum legal obligations to good practice, by supporting the delivery of buildings and places with social, economic and sustainable value. I.S. EN 17210:2021 is the Irish adoption of the new European standard setting out functional requirements for the accessibility and usability of the built environment. The standard follows UD principles to facilitate equitable and safe use for a wide range of users, including disabled and older people. The functional accessibility and usability requirements and recommendations described in this standard are relevant to the design, construction, refurbishment, adaptation, and maintenance of built environments including outdoor pedestrian and urban areas.

The NDA advises that the Department consider and incorporate this standard into any standards and guidance it produces. It can form the basis for the development of a new standard for dwellings. The NDA will be supporting the National Standards Authority of Ireland, in 2023, on the development of a new Irish Standard on UD Dwellings. This new standard will specify requirements and recommendations for the design of accessible, usable, flexible, and adaptable UD Dwellings, ranging from apartments to individual houses.

## Places for People, the national policy on architecture

The new national policy on architecture, **Places for People**, does not explicitly refer to UD in the built environment. However, Objective 2, Quality is

‘to deliver quality architecture and places, planned and **designed with wide engagement and accessible to all**, in rural areas and villages, towns, cities and suburbia as an essential element of social sustainability.’

**Places for People** also distinguishes between minimum requirements and quality, stating that ‘a quality agenda is distinguished from conformance with regulatory requirements, as the latter set a pass/fail threshold’. The NDA will advise that UD is explicitly included in the proposed new national design quality criteria, to be developed under the **Places for People** policy.

## Shared Space and the public realm

The NDA conducted research on Shared Space in 2012, which highlights concerns about specific design features and the need for a UD approach to be adopted in relation to shared space. A Shared Space is defined as a street or place designed to improve pedestrian movement and comfort by reducing the dominance of motor vehicles and enabling all users to share the space. This concept is often accompanied by the idea of a shared surface too, where there is no kerb or level difference to segregate pedestrians and vehicles.

In the recent past we have incorporated our research findings into a submission we made on Dublin City Council’s plans to turn College Green into a Civic Plaza. We welcomed the UD approach being taken by Dublin City Council at the time, however, there were areas for improvement recommended by the NDA around accessible information for the public regarding the design and use of College Green, tactile surfaces, kerbs, etc.

The very real issue of shared space has emerged as certain parts of the economy have tried to make a comeback from the series of COVID-19 lockdowns. To aid this recovery, certain streets in urban areas were pedestrianised. Other measures included allowing bars and restaurants to place furniture on roads and pavements to allow for outdoor service. While these initiatives were well-intentioned they created barriers for disabled people, older people and parents with prams/buggies, that didn’t exist before. In some cases the initiatives were progressed without due consultation and engagement.

A UD approach to planning and consultation is advised in order to ensure such initiatives can be progressed to meet the needs of all users. There should be consultation and planning that reflects the needs of all users.

## Universal Design Walkability Audit Tool for Roads and Streets in Ireland

Our CEUD worked with the National Transport Authority (NTA) on the development of a **Universal Design Walkability Audit Tool for Roads and Streets in Ireland**. This work included conducting a pilot with a draft of the audit tool in 2019, in Kilrush, County Clare. The pilot involved participants with a diverse range of ages and abilities and was organised by the CEUD working in partnership with Age Friendly Ireland. The draft audit tool was informed by extensive consultation in six audits across Ireland with a wide range of users including persons of all ages, sizes, abilities and disabilities such as persons with low vision and reduced mobility. The Universal Design Walkability audit tool was published by the NTA in 2021. The audit tool is referenced in the Department of Rural and Community Development’s recently published **Town Centre First[[8]](#footnote-8)** policy. The audits are intended to be carried out by a wide range of people of various ages and abilities, for example parents with buggies, children, wheelchair users, older people and people with low vision, to identify features of roads and streets that prevent them from accessing services and amenities with ease.

NDA advises that the Department actively encourage the use of these audits throughout local authorities.

## Changing Places Toilets

A ‘changing places toilet’ means a room or facility with a toilet, hoist, basin, adult-sized changing bench and optional shower, for use by people with a range of abilities who may require assistance. The current lack of Changing Places Toilets in Ireland greatly restricts the everyday lives of some persons with disabilities and their families. Having access to a Changing Places Toilet can greatly improve a person’s quality of life, as it enables them and their family to get out and about for longer and to participate in everyday life in their community.

Part M has been updated to provide for Changing Places Toilets in certain buildings. The NDA participated in the Working Group set up to advise on the amendments to Part M and chaired the subgroup to advise on the technical requirements for Changing Places Toilets. In addition, the NDA provided advice on the estimated number of potential users of Changing Places Toilets to the Department, informing the regulatory impact analysis. The NDA is also developing design guidance on Changing Places Toilets to supplement the amended regulations and advise on good practice, management and maintenance. The draft TGD M issued for public consultation refers to this guidance.

When the final, amended version of TGD M is issued we would advise that dedicated funding for local authorities to support roll-out of Changing Places Toilets, nationwide, is provided. See the UK funding as an example[[9]](#footnote-9).

## Heritage sites

Section 29 of the **Disability Act 2005** places a statutory obligation on the head of a public body to ensure that, as far as practicable, the whole or a part of a heritage site in its ownership, management or control and to which the public has access, is accessible to people with disabilities and can be visited by them with ease and dignity. This obligation does not apply if it has a significant adverse effect on the conservation status of a species or habitat or the integrity of a heritage site or if it would compromise the characteristics of the heritage site. No adaptations or modifications of any heritage site can be taken that are contrary to law. **The Code of Practice on Accessible Heritage Sites**[[10]](#footnote-10) is designed to guide public bodies in meeting their statutory obligation under the Act by providing practical advice and examples.

The NDA had previously planned a review of this Code of Practice but was delayed due to COVID. Work will resume later in 2023, as it is our aim to have this Code developed in a manner that allows it to be consistent with the Code of Practice on Accessible Public Buildings. The NDA would welcome a commitment from the Department to work in cooperation on a review of this Code of Practice.

# Accessible voting

The NDA has been a member of the Department’s Working Group on Accessible Voting since it was established in December 2018. We welcome the establishment of the Electoral Commission and looking forward to working with officials when the Commission’s powers under the **Electoral Reform Act 2022** is fully commenced and that the progress made, to date, by the Working Group is reflected in the activities of the new Commission.

The NDA recommends that the Commission follows a UD approach to its voter information role in order to inform the greatest portion of the electorate. We have produced communications material –mentioned elsewhere in this document – that will assist the Commission in this function.

## Assisted Decision-Making (Capacity) Act 2015

This Act commences on 26 April 2023 following the recent passage of the **Assisted Decision-Making (Capacity) (Amendment) Act 2022**. We note the potential implications for all relevant public bodies under the remit of the Department – including the Electoral Commission.

The Act presumes that a voter presenting at a polling station has capacity to vote, however, the NDA advises that the Department/Electoral Commission may wish to explore guidance on this for election officials.

While there is no specific Code of Practice for voting, the Decision Support Service’s Code of Practice on Supporting Decision-Making and Assessing Capacity sets out the guiding principles of the legislation, including the presumption of capacity. Officials will need to be aware of situations where an individual could be registering to vote, or voting, with the support of a decision-making supporter.

This Act will have implications for all customer communications and interactions carried out by officials in the Department and the public bodies sunder its remit

## Election candidates with disabilities

There are, currently, no measures to support those persons with disabilities who wish to run as candidates for election. It is important that persons with disabilities are not prevented from standing as candidates because of barriers they may face. It should be possible for a candidate who is deaf or hard of hearing to access the services of an Irish Sign Language interpreter. A person with a physical disability may need help with transport (e.g. taxi fare) if they don’t have access to public transport or an adapted private vehicle. A personal assistant may be required to help a candidate with various activities associated with an election. A potential candidate may also need some form of assistive technology. A scheme called the EnABle Fund for Elected Office[[11]](#footnote-11) ran in England from 2010-2020. The fund gave support to candidates for the expenses they needed linked to the election process. The Department may wish to examine this scheme when considering how to incorporate supports for candidates with disabilities into the Irish electoral system.

The Electoral Commission should give consideration as to how expenses to address the potential issues listed above could be accommodated in the expenses regime outlined in the Bill. Candidates with legitimate, vouched expenses related directly to election activities should be able to have these types of expenses covered under the relevant definitions. In addition, they should be able to process these expenses using the processes set out in the legislation. The NDA advises that, in keeping with the policy of mainstreaming, it would not be appropriate to require a separate “fund” that sets candidates with disabilities apart from all other candidates.

# Statutory Obligations

## 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 7.7% in 2021[[12]](#footnote-12). In addition, across the 46 public bodies under the Department’s remit there was average compliance rate of 4.5%. Only five public bodies failed to meet the target; four of those public bodies had less than 20 employees. It is important to continue maintaining compliance with Part 5 of the Disability Act as a key focus of the Department's HR strategy, and 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).[[13]](#footnote-13) The **Assisted Decision-Making (Capacity) (Amendment) Act 2022** increases the minimum target from 3% to 6% by 2025.

## EU Web Accessibility Obligations

The EU Web Accessibility Directive[[14]](#footnote-14), 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[[15]](#footnote-15) 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 Act 2000-2015**, whichever so applies. The NDA 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. The NDA submitted [two monitoring reports](https://nda.ie/publications/monitoring-report-eu-wad-ireland-2021-nda-report) to the European Commission in December 2021 and 2022, in this regard, and issued a Notice of Monitoring to the departments in December 2022.[[16]](#footnote-16)The Department has received a Notification of Monitoring for a Simplified Review and has commenced the registration process.

The NDA has conducted Simplified (automated) Reviews on 34 public bodies under the remit of the Department with accessibility scores ranging from 0% to 96.1%.

We look forward to engaging directly with Department on its Review. We also recommend that the public bodies already audited address the issues identified in their Simplified Reviews.

The NDA advises that the Department follows through on its statutory obligation to ensure all its websites, and the websites of services the department contracts, 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 format.

## European Accessibility Act (EAA)

Directive (EU) 2019/882[[17]](#footnote-17) of the European Parliament and of the Council, of 17 April 2019 on the accessibility requirements for products and services requires that, from 28 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 private companies selling products or services that:

• Are seen as highly important for persons with disabilities, and

• Have wide ranging accessibility requirements across the member states.

It 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.

There are a series of harmonised standards that are being developed that will underpin the requirements on the provision of accessible products and services and it will be important for the Department to engage in their development as well as in their implication. The role of market surveillance authorities across the EU, including Ireland, will be vital in the implementation of the EAA.

The NDA is available to support the Department in building its own competency and capacity, and the relevant agencies under its remit, to advance and implement this transformative new act.

## Compliance with Part 3 of Disability Act 2005

Part 3 of the Disability Act details obligations public bodies have to ensure that information and service are accessible to persons with disabilities. Where practical and appropriate, public bodies should ensure that services provided to disabled persons and persons without disabilities are integrated. The Centre for Excellence in Universal Design at the NDA developed a **Customer Communications Toolkit for Services to the Public - A Universal Design Approach**, 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. An updated version of the Toolkit has just been published in partnership with the Department of Public Expenditure, NDP Delivery and Reform[[18]](#footnote-18).

The Department recently responded to the findings of the Part 3 Monitoring Report, which contains the results of a desk based exercise, assessing the websites of public bodies as defined by Part 3 of the **Disability Act 2005**.

Out of 55 public bodies under the aegis of the Department, there were 22 public bodies (40%) that met all criteria of the standard indicator regarding Section 26(2) - Access Officers. This is above the average (33.9%) of public bodies overall. The NDA looks forward to continued work on the recommendations detailed in the report, to ensure best practice is followed, and in assisting public bodies who do not meet this indicator, to address gaps.

## Procurement Requirements

Central to delivering universally designed services is procurement. If accessibility and UD are key requirements at the procurement stage, this will remain a central component of design and delivery throughout.

The NDA would like to remind the Department of accessibility in procurement requirements under S.I. No. 284/2016 - **European Union (Award of Public Authority Contracts) Regulations 2016[[19]](#footnote-19)** in the case of the public service and also in all public works contracts. In addition, **EU Directive 2019/882[[20]](#footnote-20)** on the accessibility requirements for procurement of products and services needs to be considered and this is of particular importance to information and communications technology. Accessibility of services provided to public bodies is also a requirement under Section 27 of the **Disability Act 2005**.

The NDA recommends that the Department incorporates procurement requirements into all processes to ensure these obligations are consistently met. The Department should ensure that these requirements are recognised and consistently applied throughout bodies under its remit. Accessibility requirements for housing projects are particularly important when procuring services as their exclusion can create repercussions throughout design and implementation processes and can ultimately lead to inaccessible homes.

“Public bodies are required to specify accessibility as a mandatory requirement when procuring communications products and services. They can do this by including accessibility criteria as part of the technical specifications or in the award criteria, or both. Where accessibility standards exist, public bodies are expected to use these as the basis of the accessibility criteria.”

## Requirement for Accessible Public Buildings under Section 25

Section 25 of the **Disability Act 2005** requires all departments and public bodies to ensure that the parts of their buildings which are accessed by the public, apart from heritage sites, are brought into compliance with Part M of the building regulations, which deals with access and use. 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 advises that each department and public body 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 buildings within its remit, including any public buildings, and that this commitment is clearly articulated in the Statement of Strategy.

Under Action 105 of the **National Disability Inclusion Strategy 2017-2022** (NDIS) the NDA was tasked with developing a Code of Practice for accessible public areas of public sector buildings We were also formally requested by the Minister for Children, Equality, Disability, Integration and Youth to draft this code. This Code will cover Section 25 – Access to Public Buildings - of the **Disability Act 2005** and will be a statutory code.

The Code will be informed by Article 9: Accessibility, of the UNCRPD and by a joint review from the NDA and the OPW of the operational effectiveness of Section 25 of the Disability Act 2005, which was also carried out under the NDIS. **An Operational Review of the Effectiveness of Section 25 of the Disability Act 2005[[21]](#footnote-21)** was published by the NDA in 2019 providing guidance on how public bodies can comply with Section 25

We have convened a Technical Expert Group to assist us with drafting. We have gone out to consultation with a wide range of disability stakeholders and there will be a broader public consultation later this year. 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 2017

The **Irish Sign Language Act 2017**, which recognises the right of Irish Sign Language (ISL) users to use ISL as their native language, and to develop and preserve it, was formally commenced 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 notes that in the recently published report on the operation of the Act, the Department of Housing, Local Government and Heritage had assessed themselves as compliant with the Act.[[22]](#footnote-22) Public bodes under the aegis of the department self-assessed as either compliant, partially compliant, or not compliant.

Of the 42 responses received, 12 public bodies (including the Department) self-assessed as compliant while 17 self-assessed as partially compliant. The NDA encourages the Department to look at how it can encourage greater awareness among the all public bodies under its remit and provide a more inclusive service for those of its customers who use ISL.

# 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, which are summarised below for convenience. We also look forward to making submissions on any forthcoming consultations on areas under the Department’s remit which can have a significant impact on the lives of disabled people.

## Summary of Key Recommendations to the Department

The NDA advises that the Department of Housing, Local Government and Heritage include the following clear commitments in the Statement of Strategy 2023-2025:

* Continue to involve DPOs in the consultation structures of the Department on all matters relevant to them.
* Work with the NDA on the development of an Irish standard for UD Homes - through the National Standards Authority of Ireland - to support delivery by local authorities.
* Revise Part M to reflect the criteria for UD Homes
* Get local authorities to apply a version of the Walkability Audit Tool, or approach, in the built environment in order to guide on achieving barrier-free roads and streets for all.
* Following finalisation of the amended Part M, we advise the Department to promote the design and delivery of Changing Places Toilets and to provide funding for their roll-out.
* Ensure that the Electoral Commission follows UD principles in the conduct of elections and referendums as a means to make voting, voting information and candidacy accessible to all regardless of age, size, ability or disability.
* Maintaining compliance with Part 5 of the Disability Act as a key focus of the department's HR strategy.
* Reference the obligations of the Department under the EU Web Accessibility Directive and develop an action plan to address access issues
* Prepare the Department for obligations under the European Accessibility Act
* Continued work on the implementation of the recommendations of the Part 3 Monitoring Report, in assisting public bodies under the aegis of the Department who do not meet their requirements.
* Ensure that accessible procurement is applied across the Department and public bodies
* Maintaining compliance under Section 25 of the Disability Act, requiring all public bodies to bring their public buildings into compliance with Part M Part M 2022 by 1st January 2033, including the new requirements under Part M 2022 in relation to the provision of Changing Places toilets.

1. <https://www.gov.ie/en/consultation/9bed2-call-for-submissions-statement-of-strategy-2023-2025/> [↑](#footnote-ref-1)
2. <https://nda.ie/publications/participation-matters-guidelines-on-implementing-the-obligation-to-meaningfully-engage-with-disabled-people-in-public-decision-making> [↑](#footnote-ref-2)
3. <https://nda.ie/publications/nda-advice-paper-on-disability-language-and-terminology> [↑](#footnote-ref-3)
4. <https://www.universaldesign.ie/built-environment/housing/> [↑](#footnote-ref-4)
5. Amended to include changing places toilets [↑](#footnote-ref-5)
6. <https://www.gov.ie/en/publication/8072c0-national-disability-inclusion-strategy-2017-2021/> [↑](#footnote-ref-6)
7. <https://www.gov.ie/en/publication/ea33c1-housing-options-for-our-ageing-population-policy-statement/> [↑](#footnote-ref-7)
8. <https://www.gov.ie/en/publication/473d3-town-centre-first-policy/> [↑](#footnote-ref-8)
9. <https://www.gov.uk/government/publications/changing-places-fund-allocation-of-funding-following-round-1-assessment> [↑](#footnote-ref-9)
10. <https://nda.ie/monitoring/monitoring-2-2/access-to-heritage-sites> [↑](#footnote-ref-10)
11. <https://www.disabilityrightsuk.org/enablefund> [↑](#footnote-ref-11)
12. <https://nda.ie/news/report-on-compliance-with-part-5-of-the-disability-act-2005-for-2021> [↑](#footnote-ref-12)
13. <https://nda.ie/publications/nda-annual-reports-on-compliance-with-part-5-of-the-disability-act> [↑](#footnote-ref-13)
14. <https://nda.ie/monitoring/eu-web-accessibility-directive/how-nda-monitors-compliance-under-the-directive> [↑](#footnote-ref-14)
15. <https://nda.ie/monitoring/eu-web-accessibility-directive/accessibility-statements> [↑](#footnote-ref-15)
16. [Monitoring Report EU WAD Ireland 2021: NDA Report - National Disability Authority](https://nda.ie/publications/monitoring-report-eu-wad-ireland-2021-nda-report) [↑](#footnote-ref-16)
17. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0882> [↑](#footnote-ref-17)
18. <https://universaldesign.ie/products-services/customer-communications-toolkit-for-services-to-the-public-a-universal-design-approach/> [↑](#footnote-ref-18)
19. <https://www.irishstatutebook.ie/eli/2016/si/284/made/en/print> [↑](#footnote-ref-19)
20. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0882> [↑](#footnote-ref-20)
21. <https://nda.ie/publications/an-operational-review-of-the-effectiveness-of-section-25-of-the-disability-act-2005-nda-report> [↑](#footnote-ref-21)
22. 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-22)