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**Green Paper on Disability Reform Public Consultation**

**​​Submission to the Department of Social Protection**

**May 2024**

# **Executive Summary**

DFI welcomed the acknowledgement by this government, through the Green Paper on Disability Reform, that current social protection supports for disabled people are not addressing the twin challenges of poverty and deprivation, and low employment rates. While we did not agree with the Green Paper’s proposed solution, it was positive to see an attempt being made to address these problems.

Reform is urgently needed: the current system is not delivering for people with disabilities and their families. This is clear from the data.

* At EU level Ireland ranks 22nd of the EU 27 on disability poverty, despite being one of the wealthier EU states.[[1]](#footnote-2)
* The 2023 CSO SILC data show that:[[2]](#footnote-3)
	+ 16.5% of people unable to work due to long-standing health problem (disability) live in consistent poverty, compared to the national average of 3.6%.
	+ 44.7 % of people unable to work due to long-standing health problem (disability) live in deprivation, unable to afford basic essentials.

As our submission outlines, there is very strong public and political support for change, and a mandate for meaningful reform that delivers a dignified, above the poverty line income for all disabled people, along with sufficient support addressing the extra Cost of Disability.

DFI welcomes the recent decision not to proceed with the proposals outlined in the Green Paper, which unfortunately caused much anxiety and stress to disabled people. Two fundamental weaknesses of the Green Paper were that it wrongly conflated the extra Cost of Disability with ‘capacity’ to work, and that it did not integrate the cross-Departmental approach that is essential to tackle disability issues, especially those of poverty, employment and the extra Cost of Disability.

While the proposal may have tried to advance one way forward, it was silent on the many structural issues and social barriers that prevent disabled people from entering the labour force and retaining employment. The Green Paper also proposed social protection rates that are significantly below the poverty line, and were far from sufficient to address the extra Cost of Disability, It also did not address issues like the need for indexation of social protection supports, to deliver a Minimum Essential Standard of Living, and for a Cost of Disability payment.

Our submission is based on significant feedback and consultation with DFI member organisations, as well as with international experts, civil society organisations, and the many disabled people who have been in contact with us about the Green Paper over the duration of the consultation.

We outline key ongoing concerns that have not been addressed around disability poverty, income and employment, where Ireland lags far behind at EU level. We provide significant evidence and context showing the scale of the problem, and the government’s public mandate to make serious progress on it. We also provide detailed feedback on the specific aspects and elements of the Green Paper proposal – both those that should be dropped and those that should be retained - as well as suggesting alternative approaches.

Any social protection reform should have the UN Convention on the Rights of Persons with Disabilities as its foundation and starting point. It should adopt a social model of disability, focusing on removing structural barriers to inclusion and participation. It should also be based on a series of agreed values, including support for independent living.

Ultimately, an inter-Departmental approach will be essential to tackle the extra Cost of Disability, an issue that manifests across many Departments.

There is now a positive opportunity to deliver transformative change - Ireland can be a global leader on Cost of Disability by bringing in the Cost of Disability payment that disabled people have called for for decades.

A change of approach will be required in the context of the level of dissatisfaction with the Green Paper, and revising and developing new reform proposals will clearly take some time. In this context, DFI’s submission outlines longer-term asks and bigger picture recommendations for whatever policy approach and proposal is developed in due course, based on the learnings and feedback from the Green Paper consultation. However given the time this may take, we also outline some urgent areas of immediate priority to tackle this issue, including actions for Budget 2025.

Below we provide a summary of our key recommendations regarding core elements of the Green Paper. More detailed and specific thematic recommendations are provided under the section headings of this submission, as listed in the Table of Contents.

1. **Longer term recommendations**

**Approach and Starting Point**

* The starting point, and foundation of any social protection supports for disabled people, should be delivering the rights outlined in the UN Convention on the Rights of Persons with Disabilities.
* Base any future reform on a social model of disability, and on an agreed set of progressive values.

**Poverty**

* Index disability social protection payments and ensure they are above the poverty line and deliver a Minimum Essential Standard of Living.
* Develop a three-year Disability Poverty Reduction Strategy, with concrete and measurable actions, targets and timelines.

**Cost of Disability**

* Update the Indecon report figures based on inflation since 2020 and use these figures in the future.
* Bring in a universal non-means-tested Cost of Disability payment of €40 a week, starting with social protection recipients.
* Commence work to develop a graduated Cost of Disability payment scheme that offers more tailored supports, based on differential and changing needs and best practice internationally, in consultation with people with disabilities.

**Tiering, Employment and Assessment**

* No-one with a disability should be forced into work or training. To support increased employment, focus on understanding and supporting disabled people’s individual needs and desires around their working life and career. Career progression and opportunities are also essential.
* Develop a plan to address the many structural barriers to employment for disabled people, and improve employment supports.
* Disabled people’s own assessment of their ‘capacity’ is paramount. Any assessment should be holistic, and ensure the participation of disabled people, as per best practice recommendations.
* The proposal to recognise that some people with disabilities will be unable to work for the duration of their lifetime should be retained. A sufficient income to support a life of dignity and inclusion must be available to all who cannot work due to health reasons.

**Cross-Departmental Approach Needed**

* To effectively address disability poverty, low employment and the extra Cost of Disability, a strong cross-Departmental approach is needed.
* Harmonise the recommendations of disability organisations and disabled people to the Green Paper consultation and integrate these into the forthcoming National Disability Strategy.
* Develop a three year cross-departmental Action Plan on Cost of Disability, co-designed with disabled people and disability organisations. A series of actions, timelines and measurable targets which are reported annually are necessary.
* Convene a series of policy discussions, considering in detail the findings of the Indecon Cost of Disability report, with disability organisations and disabled people, to inform the Cost of Disability Action Plan and Disability Poverty Reduction Strategy.

**Consultation and Co-Design**

* There is significant learning from the Green Paper process regarding consultation. Following best practice guidelines, nationally and internationally, and adopting principles of co-design and co-production will deliver the best outcomes.

**Implementation and Monitoring**

* Implementation, both of existing and new commitments and policies, is essential. A strong implementation and monitoring plan for any future disability reform is necessary to deliver for disabled people; and for transparency and accountability.
* Report clearly against targets annually. The annual report should be reviewed independently, towards further refinement of actions if necessary.

**B. Immediate Recommendations – Take Action on Poverty**

In the meantime, given that it will take time to make progress on the above recommendations, action is urgently required to address disability poverty. We thus also offer the following **recommendations for immediate action**:

* Bring in a universal, non-means tested Cost of Disability payment, starting at €40 a week, for disabled people. Initially this should be rolled out to all those in receipt of a disability-related social protection payment. This should be understood similar to Child Benefit, a universal non-taxable payment that is paid by the Department of Social Protection.
* Ensure that disability social protection payment increases in Budget 2025 make up the spending power lost due to inflation since 2020 and follow the 2024 recommendations of the MESL Research Centre.
* Retain the Disability Support Grant as an annual payment to those in receipt of a disability social protection payment. Increase the Disability Support Grant to two payments of €500 a year, given six months apart.
* Roll out the new Reasonable Accommodation Fund. Report on its usage, impact and funding drawdown annually and review it regularly towards continuous improvement.
* Publish the long-awaited Action Plan 2022-2024 for the Comprehensive Employment Strategy. Incorporate the learnings from the Green Paper consultation into this plan, should it be subsumed into the forthcoming National Disability Strategy.
* Move to consistently increase the amount of money that people with disabilities can earn without losing entitlements to benefits - be it through income disregards, a Working Age Payment approach or other mechanisms.
* If bringing in a Working Age Payment model, increase the threshold substantially - bringing it in line with, or above, the Working Family Payment threshold.
* Remove the requirement to engage with Intreo and others. Instead concentrate on improving employment supports for those who want to work in the variety of areas of concern highlighted during this consultation.
* Update and provide clear measurable annual targets for increased employment levels in the disabled community. Monitor and publish data on an annual basis.
* Consider and outline how the Green Paper proposals and the Roadmap for Social Inclusion commitments interconnect with and support the Comprehensive Employment Strategy, and the forthcoming National Disability Strategy.
* Change medical card entitlement criteria so that it is provided based on medical and social care need, rather than means-testing.

**C. Taking the Reform Agenda Forward**

Prior to the decision not to proceed with the Green Paper proposals, DFI felt that ultimately key issues like poverty, low employment, and particularly Cost of Disability, could only be strategically addressed and tackled through the development of a clear set of specific, targeted and time-bound Cost of Disability actions, and a specific Disability Poverty Reduction Strategy.

There is an urgent need for specific Cost of Disability actions, with named responsibilities of different government departments and timelines for delivery. The revised Cost of Disability commitment in the Roadmap for Social Inclusion commits the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to “consider the actions required by Government Departments on foot of recommendations contained in the Cost of Disability report” – this can be integrated into the new National Disability Strategy. To be effective, a Cost of Disability Action Plan will need input and actions from all relevant Government Departments (for example Health, Transport, Education, Further and Higher Education, Environment etc). Effectively tackling disability poverty and the extra Cost of Disability will require active collaboration between DCEDIY and the Department of Social Protection.

Given its poverty-reduction mandate, the Department of Social Protection’s focus should now be on developing and delivering a UN CRPD-consistent social protection approach for disabled people. Developing this through a co-design and co-production process would offer greater potential to deliver positive proposals that secure the backing of disabled people and the disability community. A specific Disability Poverty Reduction Strategy will be necessary for the coming years. The strategy should outline concrete actions and timelines that address the many issues raised by disability organisations and people with disabilities, in their feedback on the Green Paper.

Ireland now has the positive opportunity to be a global leader on the extra Cost of Disability. There is a strong public and political mandate to deliver a social protection system and set of supports that deliver dignity, equality and inclusion for disabled people. Where people can work they should be supported to do so, and all people with disabilities should have an income that is above the poverty line, sufficient to live a dignified life and participate in their community, and to cover disability related costs.

Moving away from a siloed response to a holistic model that addresses structural barriers will be essential to deliver positive change. People with disabilities can’t wait in poverty and deprivation any longer.

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# **1. Introduction**

DFI welcomes the opportunity to provide input and feedback on policy reforms to address disability poverty, the extra Cost of Disability, and low employment rates, in the context of the Green Paper consultation. We have called for reform in the area of social protection and disability for many years. Ireland’s current social protection provision for disabled people is failing to reduce poverty or to significantly increase the disability employment rate. This continues to have devastating impacts on people with disabilities in communities across Ireland, many of whom live in ongoing deprivation.

DFI is a federation of over 120 disability organisations across Ireland. This submission has been informed by three consultation meetings and discussions with our member organisations, along with significant ongoing feedback from members and the people they work to support. We have also attended all Green Paper consultation events, consulted EU and UK experts, and convened discussion with broader civil society and anti-poverty organisations, as well as other disability organisations. Over the course of the Green Paper consultation period we also received many phone calls and emails from concerned individuals, whose feedback was invaluable, and which strongly informed this document. In addition, we hosted a session, at their request, with Enable Ireland’s Virtual Service Owners and Service Owners Council, to discuss the Green Paper and alternative approaches to support them to live independently, from which we gained much insight.

Our submission identifies gaps and issues with the 2023 Green Paper proposal. It also highlights areas of focus where positive progress can be made in the future. While the Green Paper on Disability Reform has been halted, we welcome the opportunity to provide input based on our consultations with members, disabled people and civil society organisations on this issue. The valued feedback can provide useful insights for the Department of Social Protection.

Ireland, and the Department, led the way internationally by commissioning and publishing the comprehensive Indecon report (2021) on the Cost of Disability. It has the opportunity now to respond to concerns raised about the Green Paper proposal, and instead become a global leader. By following international best practice, and working with people with disabilities and disability organisations to develop solutions to the Cost of Disability, Ireland can work towards a social protection system that does protect people from poverty and supports people to participate in society - ensuring that no disabled person has to go without due to their disability.

# **2. The Starting Point: UN CRPD, a Social Model of Disability and Shared Values**

The ratification by Ireland of the UN CRPD[[3]](#footnote-4) in 2018 presents a huge opportunity for disabled people to realise the goals of independent and adequate standards of living. The Convention is a guide for policy makers, and all disability-related policies developed since its ratification in Ireland should take the values, principles, rights and entitlements laid out in the UN CRPD as their starting point.

All principles of the convention are important, however in the context of poverty reduction and employment for disabled people, two articles are particularly relevant, namely:

* Article 28 – which outlines the right to an adequate standard of living and social protection, including the continuous improvement of living conditions, poverty reduction programmes and to state assistance with the extra Cost of Disability.
* Article 27 – which outlines the right to work on an equal basis with others, the right to training, return to work, and reasonable accommodation.[[4]](#footnote-5)

The Green Paper on Disability Reform did not mention or reference the UN CRPD once. This was very concerning; viewed as a significant gap and a missed opportunity. Ireland’s social protection policy for people with disabilities should deliver the above rights, and others codified in the UN CRPD (including the right to independent living, choice equal to others and to community participation), and should explicitly articulate how it will do so.

In addition, the Department of Social Protection, and the State in general, has a responsibility under Public Sector Duty, to have regard to eliminate discrimination, promote equality of opportunity and protect the human rights of service users.

The reform proposal continues the negative tradition of using the medical model framework of disability, while the disability movement and UN CRPD ratification is moving us to a progressive social model. This is one which understands that there are many barriers in society and the environment, which make it difficult or impossible for disabled people to participate equal to others. The Green Paper is strangely silent on many of these barriers, despite them being well documented.

A rights-based approach to poverty reduction and increased employment, informed by the UN CRPD, will be more likely to deliver improved outcomes for disabled people.

As the Department and the government now look to develop a fresh reform proposal to take this important area forward, it is imperative that any future approach is built on a set of shared, progressive and understood values or principles, which have been discussed and agreed upon by disabled people and disability organisations.

We outline some core values below, for consideration:

**Values:**

* A **rights-based approach** to disability social protection, based on Ireland’s commitment to the UN CRPD, Public Sector Duty, the International Covenant on Economic and Social Rights and other human rights frameworks and conventions. This should include vindicating the **right of disabled people to live equally to others** in all aspects of life.
* A **social model of disability** framework – acknowledging the multiple societal barriers that disabled people face on a daily basis.
* Active and meaningful participation, consultation and voice for all people who will be affected by this reform – centring co-design and co-production approaches.
* A focus on **supporting independent living.**
* Any reform must deliver and support **dignity, agency and inclusion** – ensuring all people with disabilities have an income sufficient to live a dignified life, to support their needs and choices, and to be included and able to participate in their community.
* The approach should recognise that each person’s disability affects them differently, and allow for **individualised and tailored supports**, rather than a one size fits all model.

Delivering the above effectively and meaningfully will clearly require co-ordination and joint working across Departments, as our submission outlines in more detail below.

# **3. The Mandate for Reform: Significant Public and Political Support to Tackle Disability Poverty**

There is significant public and political support for reform. The Joint Oireachtas Committees on Gender Equality, Disability Matters and Social Protection have all called for social protection rates that are above the poverty line, while two Dáil motions were unanimously passed in recent years calling for a Cost of Disability payment and other supports. There is cross-party agreement that this issue should be tackled, as we outline in more detail in Appendix 2.

At a public level, the 2021 Citizen’s Assembly undertook a comprehensive reflection and consultation on gender, care and disability. It called for an improved system of supports for disabled people, their families and carers.[[5]](#footnote-6) Its report recommended that disabled people should:

1. Be actively supported and resourced to live independently.
2. Have access to person centred financial supports to serve their individual needs.[[6]](#footnote-7)

Other recommendations relevant to the Department of Social Protection’s brief, and the Green Paper, include that:

Social protection services should:

1. Set social protection payments and/or supports at a level that lifts people above the poverty line, prevents deprivation and supports an adequate standard of living.
2. Regularly train staff to prioritise dignity and respect in all contact with clients, including giving a choice in how they receive payment.[[7]](#footnote-8)

Crucially 95.6% of citizens said “if necessary, we are also prepared to support and pay higher taxes based on the principle of ability to pay, to make a reality of our recommendations”.[[8]](#footnote-9) While often a focus is put by the State on its limited resources, there is in fact a popular mandate to increase Ireland’s tax take in order to take measures to eradicate poverty.

It is thus clear that there is broad and comprehensive public and political support to take action to address disability poverty and the extra Cost of Disability in a significant way, and a mandate to allocate state resources to do this.

# **4. The Context: Worst Disability Poverty and Employment Rates in EU and OECD**

As the Green Paper itself acknowledges, Ireland’s current social protection provision is not keeping people who are unable to work due to disability out of poverty. Annual poverty statistics show that people with disabilities consistently have the highest rates of poverty and deprivation. While the exact percentages change slightly annually, year-on-year the data shows that disabled people who are unable to work frequently cannot afford the basic essentials. For instance:

* EU SILC data show that while on average 28.8% of the EU population with a disability were at risk of poverty or social exclusion (AROPE) in 2022, Ireland’s rate was more than 10% higher, at 39.5%.
* Ireland ranks 22nd of the EU 27 on disability poverty, despite being one of the wealthier EU states.[[9]](#footnote-10)
* The 2023 CSO SILC data show increases in deprivation last year, and an almost static rate of consistent poverty:[[10]](#footnote-11)
	+ 16.5% of people unable to work due to long-standing health problem (disability) live in consistent poverty, compared to the national average of 3.6%.
	+ 44.7 % of people unable to work due to long-standing health problem (disability) live in deprivation, unable to afford basic essentials like heating or new clothes.
	+ 27.3% of people unable to work due to long-standing health problem (disability) live at risk of poverty, compared to 5.8% of employed people, and 8.8% of those who are retired.

Ireland performs extremely poorly at EU level on employment also. A 2023 European Disability Forum comparative report on employment names Ireland as “leading the hall of shame.”[[11]](#footnote-12) The report shows that Ireland ranks the lowest in the EU for both its disability employment rates, and its disability employment gap (ie the gap between the employment rates of people with and without disabilities).

* The Irish disability employment rate, at 32.6%, is almost 20% below the EU average of 51.3%, which in turn is significantly lower than the 75.6% employment rate of those without disabilities across the EU.[[12]](#footnote-13)
* The average disability employment gap in the EU 27 was 24.4%, but in Ireland this gap was much higher, at 38.6%.
* The disability employment gap for women was even higher again, at 45%.[[13]](#footnote-14)

Recent studies from the OECD confirm this serious issue - highlighting that Ireland also has one of the lowest disability employment rates, and the largest employment gaps in the OECD, as well as the worst poverty statistics in the grouping.[[14]](#footnote-15)

There is a long way to go to improve things, and the current system of supports is not working. Change and reform is urgently needed.

# **5. Conceptual Problem in Green Paper: Conflating Cost of Disability and Capacity to Work**

Significant work and thought clearly went into developing the Green Paper, and it was positive to see the stated aims of the reform being poverty reduction and increased employment of disabled people.

A fundamental conceptual issue with the Green Paper was that it confused two issues - it conflated the extra Cost of Disability and “capacity to work”, assuming that those who have the highest extra costs are also those with the lowest “capacity to work’. However this is an incorrect assumption, and these are two different (albeit in some cases interrelated) issues. Moreover, any attempt to increase employment rates amongst people with disabilities must consider and plan to address the structural barriers that prevent people from securing and sustaining employment, where it is possible for them to do so. We elaborate more on these issues in the sections to follow.

# **6. Cross-Departmental Approach Essential for Reform**

Another concerning aspect of the Green Paper was its lack of acknowledgement of the interconnectedness of various issues, and its silence on the many structural barriers that disabled people face.

The Department of Social Protection’s brief and mandate is clear, both in terms of the UN CRPD, and the political and public mandate cited above. It must also be guided by its own Statement of Strategy’s commitment to poverty reduction, and existing policy commitments such as those in the Roadmap for Social Inclusion.

However, undertaking a reform such as that proposed in the Green Paper in isolation from the other policy areas of disabled people’s lives - those that impact on both poverty and employment - will not achieve meaningful change. Moreover, the Green Paper didn’t acknowledge the many structural barriers, gaps in services etc that disabled people have to contend with daily. If all these issues are not considered and addressed, then it will not be possible to improve employment rates. Moving away from a siloed response to a holistic model that addresses structural barriers is essential to deliver positive change.

At a broader level, the question of co-ordination across different government Departments remains increasingly urgent. It was not at all clear how the Green Paper proposals complemented, connected and were co-ordinated with other key areas of disability policy, and with other existing and forthcoming disability policies and strategies. Disability poverty, the extra Cost of Disability and low employment do not exist or occur in isolation, nor can these issues be tackled by one Department only - they require cross-Departmental coordination and planning.

For example, issues outside of social welfare and direct employment must be considered. Is accessible reliable public transport available to a person if they find a suitable job? Is it reasonable to expect someone who has been living in inappropriate accommodation while waiting on the social housing list for more than 5 years to be able to work, and what happens if they are offered a house in an area very far from where they are working?

At a policy level, it was unclear how the Green Paper proposals linked with existing strategies, like the flagship employment strategy for disabled people - the Comprehensive Employment Strategy - whose third Action Plan (2022 -2024) is still awaited. It was also unclear how the proposal was coordinated and interacted with the forthcoming DCEDIY-led National Disability Strategy (for which separate consultations commenced late in 2023). It is also important to consider how such reform connects with other key national disability strategies, such as the HSE Action Plan on Disability Services, New Directions, and the National Strategy on Housing for Disabled People.

No reform can succeed unless cross-cutting issues are addressed consistently and systematically. In this context we welcome the Minister of Social Protection’s recent statement that “the Government needs to have a fresh look at how we can best support people with disabilities. I believe this can be best done on a whole-of-government basis through the new Cabinet committee” and her emphasis on a “broader holistic focus” and a “broader review of disability supports and services” at this Committee.[[15]](#footnote-16)

For meaningful reform to achieve the aims of reducing poverty and increasing employment rates, a strong and holistic cross-Department effort will be required.

# **7. Specific Aspects of the Green Paper**

DFI welcomes the decision not to implement the current Green Paper proposals and to prioritise a cross-Departmental approach - in response to the critiques made of the proposal. We also welcome the recent initiative to convene a new Cabinet Committee on disability, and the focus on a cross-Departmental discussion and review of supports. Significant and increasingly urgent reform is needed to reduce disability poverty, and alternative policy recommendations are available in our submission below, and those of other organisations and individuals.

## **7.1.1 Poverty: Failing to Deliver Existing Commitments**

Ireland has specific and significant disability poverty reduction commitments. The Roadmap for Social Inclusion 2020-2025 commits to “reduce the [disability] AROPE (At Risk of Poverty and Social Exclusion) rate from 36.9%, first to 28.7% (2025) and then to 22.7% (2030)”.

However, the third Progress Report shows that despite these very clear targets, things are getting worse. Ireland’s disability AROPE rate actually increased from 35% in 2020 to 39.5% in 2022.[[16]](#footnote-17) Ireland also ranks 22nd of the EU 27, even though we are one of the wealthiest European countries, and the Roadmap commits us to be in the top 10 for disability poverty by 2025. This is one of only two Roadmap indicators where Ireland ranks outside the top 20 EU countries for the third year in a row.

A key critique of the Roadmap has been that although it gives a measurable poverty reduction target, it does not detail how, and through what actions, this reduction will be achieved. Given that there remain only two years (and one Budget) left to deliver the Roadmap’s targets, urgent corrective action and significant resources will be required in Budget 2025 to address this failure to reduce disability poverty.

## **7.1.2 Tackling Poverty: A Below Poverty Line Proposal, without Cost of Disability or Inflation being Addressed**

It was positive to see an acknowledgement in the Green Paper of the extra Cost of Disability that many people live with, and that the current Disability Allowance rate of €232 is not protecting people from poverty. However, it is concerning that even the highest ‘Level 1’ payment rate indicated was deeply inadequate. The proposed highest rate (which matched the current pension rate) of €277.30 is €40 below the 2023 poverty line of €317.32.[[17]](#footnote-18) It is unclear what evidence-base was used to determine the level of the payment rates proposed across the three tiers.

The poverty line calculation, it must be remembered, does not factor in the extra Cost of Disability. A recent ESRI report cautions that we may in fact be significantly underestimating the level of poverty that disabled people live with, and the impact that has on their household. The authors write that:

there is also a sizeable group of individuals who report being materially deprived but who are not classified as being at risk of poverty (AROP) […] Of these, almost half lived in a household where someone reported having a disability, with most of these less than €100 per week (in equivalised terms) above the poverty line. Given the significant extra costs of living incurred by households affected by disability, this raises questions about whether the official measure of poverty is adequately capturing the incidence of very low living standards or poverty, and suggests that there may be a case for revisiting the way the income-related component of this official indicator is measured.[[18]](#footnote-19)

The Indecon report on the Cost of Disability indicated a range of extra costs totalling €8,700 - €12,300 a year, as well as extra unaffordable costs of €2,706 a year.If we were to take the lowest weekly estimate of €167 in extra costs, many of the households the ESRI describes may be well below the poverty line, when Cost of Disability is factored in. As the paper observes, “due to the extra costs borne by households affected by disability, measures of low living standards using income alone can understate the true difference in living standards between households affected and those not affected by disability.”[[19]](#footnote-20) These conclusions have important implications for any move to benchmark or index social protection payments.

The inadequacy in the highest ‘Level 1’ rate proposed is particularly concerning given that the Green Paper seems to assume that this rate is for people who are most unlikely to be able to work, who would thus not be able to supplement this allowance with income from any other source. Moreover the lowest ‘Level 3’ €232 weekly rate would stay the same, meaning almost half of Disability Allowance recipients (as per the Department’s estimates) would be left with an income almost €100 below the poverty line.

Breaking down the annual Indecon estimate further establishes extra costs of between €167 and €236 a week. Given that the highest ‘Level 1’ rate involves a weekly increase of just €45, it is hard to see how this payment will sufficiently address the extra Cost of Disability and the way that it creates and perpetuates disability poverty. Some simple case studies make the inadequacy of the rates proposed clear.

*Joe lives at home with his parents in a city. He is 22 and has muscular dystrophy. Joe is assessed as ‘Level 1’.*

* Basic weekly payment: €277.30
* Extra disability related costs (high average range): €236
* Balance in weekly income left after paying for disability costs: €41.30

*Mary lives at home with her husband. She is 53, lives in a rural area and is a wheelchair-user. Mary is assessed as ‘Level 3’.*

* Basic weekly payment: €232
* Extra disability related costs (low average range): €167
* Balance in weekly income left after paying for disability costs: €65

Bear in mind that both Mary and Joe will also have all the regular expenses that non-disabled people have - including rent, food, toiletries, transportation, utilities, mobile phone and internet costs etc.

In other policy contexts, a significantly higher rate has been or will be provided to social protection recipients. During the Covid-19 pandemic the Pandemic Unemployment Payment was set originally at €350 for a significant time period. The recent Pay Related Benefits proposal will see some people who lose their jobs receiving payments of up to €450 a week, declining over time to €375 and later €300, before transitioning onto standard Jobseekers. The Universal Basic Income for the Arts pilot scheme has seen artists on the scheme provided with an income of €325 a week. A similar level of basic income is required for disabled people.

## **7.1.3 Minimum Essential Standard of Living and Need for Indexation**

The work of the Vincentian Minimum Essential Standard of Living (MESL) Research Centre provides an evidence-based indicator of the current cost of goods and services. It outlines annually the required income level to enable a socially acceptable minimum standard of living. MESL expenditure data thus serves as a benchmark to assess the adequacy of social welfare supports and the national minimum wage. It is important to acknowledge however that MESL does not currently account for the extra Cost of Disability, meaning that the MESL rate for a disabled person would almost inevitably be higher, in some cases significantly.

It is notable that at the Department of Social Protection’s annual Pre-Budget Forum, the one policy proposal that gets unanimous support from civil society every year is the recommendation of the MESL Research Centre. It is also noteworthy that numerous Joint Oireachtas Committees (JOCs), including the Disability Matters, Gender Equality and Social Protection Committees, have endorsed Ireland moving to deliver MESL[[20]](#footnote-21) - this indicates cross-party support to address income inadequacy.

Another key concern regarding poverty, not unique to disability but highly relevant to people with disabilities, is the question of indexation. There is no systematic approach to increases in Ireland’s social protection rates, which are subject to political decisions annually during the budget cycle. In recent years, the extraordinarily high levels of inflation have seen the real value of social protection payments being significantly eroded. The MESL Research Centre have shown that cumulatively minimum living costs rose by 18.9% from March 2020 to March 2023. The overall change in the MESL, from 2020, is projected to reach 27.9% by the end of 2024.

Analysing Budget 2024, the MESL Research Centre concluded that “the purchasing power of core social protection supports has not been maintained, as a result the adjustments are a real term cut. […] These measures are likely to compound the deepening and widening of income inadequacy that developed this year.” They further stated that from 2020 to 2023 the real value of core working-age weekly supports fell by 6 to 12 percentage points.[[21]](#footnote-22) The Green Paper does not acknowledge this lack of indexation or benchmarking of payments as a significant contributory factor to the high and persistent disability poverty rates.

In Britain there is a statutory requirement to review the level of social protection benefits annually, with refence to increases in the cost of living. This process is known as ‘uprating’, and while imperfect, it means that those relying on the social protection system to survive have some certainty that their payments will not be significantly eroded in times of inflation. The Social Security Act 1975 (see relevant extract in Appendix 5)[[22]](#footnote-23) outlines the requirement that the Minister assess the extent to which current rates have retained their value in relation to the general level of prices and adjust them accordingly.

This provision means that an annual assessment of inflation is an essential input into the Budgetary process, and the Minister is required to increase payments in line with inflation in the UK.[[23]](#footnote-24) Any meaningful attempt to reduce the poverty must address this issue in Ireland. The erosion of the real value of social protection through inflation is particularly challenging for disabled people, many of whom have experienced real term cuts to their incomes since 2020.

**Poverty Recommendations**

* Ensure that disability social protection payment increases in Budget 2025 make up the spending power lost due to inflation since 2020 and follow the 2024 recommendations of the MESL Research Centre.
* Develop a three-year Disability Poverty Reduction Strategy, with concrete and measurable actions, targets and timelines.
* Move to deliver the Minimum Essential Standard of Living (MESL) for disability-related (and other) social protection payments.
* Social protection payments must be indexed or benchmarked on an annual basis. The Department should refer to the recent advice of the Nevin Economic Research Institute and Social Justice Ireland to the Committee on Budgetary Oversight on how to approach indexation, in particular the technical aspects of what payments should be indexed to.[[24]](#footnote-25)
* Where benchmarking or indexation takes place, an exercise must be undertaken to factor in the extra Cost of Disability.

# **7.2 The Extra Cost of Disability**

**Cost of Disability Estimates and Inflation**

The Department of Social Protection made a significant contribution to the policy evidence on disability and poverty by commissioning and publishing in full the Indecon Report on the Cost of Disability (2021). The report demonstrated that people with disabilities have significant extra costs across areas including mobility, transport, communications, care and assistance services, equipment, aids and appliances, and medicine. As the Green Paper acknowledged, the report concluded that the costs it established were “currently not met by existing programmes or by social welfare payments”. The report indicates extra costs in the range of €8,700-€12,300, as well as unaffordable extra costs of €2,706 a year.[[25]](#footnote-26)

Research by Family Carers Ireland and the Vincentian Partnership for Social Justice added further evidence. Their 2022 report concluded that the core Minimum Essential Standard of Living (MESL) costs for a two-parent household caring for an adolescent with a profound intellectual disability amount to €752 per week, excluding housing. This is €244 higher than the MESL for a two-parent household with an adolescent child without additional caring and disability needs.[[26]](#footnote-27)

Moreover, the Indecon estimates are based on data from 2020 or, in some cases, much earlier years. Asked about whether the Cost of Disability had increased in recent years at the Green Paper consultation event in Dublin Castle last year, Indecon replied that there had been significant inflation since the report, and there was “absolutely no doubt” that the figure would have increased as a result. The original Cost of Disability estimate is thus clearly out of date. The Consumer Price Index Inflation Calculator shows inflation of 19.5% from January 2021 to March 2024.[[27]](#footnote-28) Applying this to the original Indecon estimate, we can see that inflation has likely increased the original estimated range to €10,397 – €15,177.

While it is welcome that the Green Paper proposed increasing payment rates to some people with disabilities, as already outlined the proposal was inadequate - given the cost of living, the ongoing gaps in provision of public services (also highlighted in the Indecon report - see pages 121-126) and the extent of the extra Cost of Disability.

The Green Paper is also silent on the issue of the extra Cost of Disability being borne by the disabled person, and/or their family members. It only provided for some improvement for those who rely on our social protection system to survive, leaving those whose family members or partners are earning over a certain amount and who thus do not qualify due to means-testing, (see also section on individualisation below) and those who are earning above the income threshold without support.

**Indecon Report: Conclusions and Recommendations**

The Indecon report mostly focuses on establishing and documenting the extra costs, and is light on recommendations regarding *how* Ireland should address these costs. The chapter on “implications for public policy” is much shorter than the other chapters – at 17 pages long, more than five of which are taken up with (very informative) tables on service utilisation and satisfaction. The report does recommend a multi-faceted approach, including increased cash payment, enhanced access to services and targeted grant programmes. The authors emphasised that there should be a focus on alleviation of poverty, reducing inequality, and improving social inclusion and quality of life of disabled individuals.

The Department of Social Protection’s interpretation of the Indecon report, as articulated during the Green Paper consultation process, is that it did not recommend a Cost of Disability payment. However this is not DFI’s interpretation of the report’s findings.

The original Terms of Reference for the report[[28]](#footnote-29) are vague on the extent to which Indecon should make specific positive or negative recommendations on how to tackle the extra Cost of Disability. The text under Deliverable 3 - ‘Implications for public policy and service delivery’ - of the Terms of Reference has a strong focus on value for money and administrative issues. It was not within the scope of the report to endorse or reject the idea of a Cost of Disability payment, and the Terms of Reference does not ask Indecon to critically assess such an approach.

The report does not undertake a significant or detailed analysis of potential policy options to tackle Cost of Disability and recommend a particular approach, nor does it weigh up the pros and cons of different approaches, like a Cost of Disability payment. Thus DFI does not believe that the Indecon report *did not* recommend a Cost of Disability Payment.

Moreover at a practical level, the report was published just before Christmas 2021, and a detailed policy discussion with disability organisations and disabled people on its findings has not been convened by the Department of Social Protection (nor other Departments) - although some consideration of the report by the National Disability Inclusion Strategy Steering Group did take place in 2022. This gap has perhaps contributed to the differinh interpretations of some aspects of its findings and conclusions. It would be a worthwhile initiative to undertake a series of detailed policy discussions on the Indecon report with those working on disability issues, and with disabled people, in the future.

# **7.3 Cost of Disability Payment**

**Social Protection Recipients Surveyed Favoured Extra Income**

One striking aspect of the Cost of Disability report was the responses from the more than 4,000 social protection recipients who participated in the survey which contributed significantly to its findings. As the table below shows, a clear majority favoured extra income, when asked what would be most useful in addressing the extra Cost of Disability. 89% said that extra income would be most helpful or helpful, an almost unanimous endorsement of increased economic and social protection supports.

**Table 1**



Source: Indecon report, page 118

**Commission on the Status of People with Disabilities Recommended a Cost of Disability Payment in 1996**

Just over three decades ago, the Commission on the Status of People with Disabilities examined all aspects of the life of disabled people in Ireland. In 1996 it delivered a comprehensive report, which made recommendations to improve Ireland’s protection and vindication of the rights of people with disabilities, including economic rights. While progress has been made in several areas, concerningly many of the issues raised in the Chapters on Income, Training and Work have still not been resolved decades later. On Cost of Disability, the Commission recommended that:

Two types of payments should be established:

• a payment to compensate for loss of income due to an incapacity for full-time work, or work to full potential, to be called a Disability Pension

• a graduated payment to meet the additional everyday costs associated with disability. This payment, which would be made irrespective of whether the person is at work or not, would be called the 'Costs of Disability Payment' (6.12)[[29]](#footnote-30)

Later in its report the Commission added further detail:

The Costs of Disability payment is designed to facilitate participation. It is not meant to replace all existing free schemes but rather to bring a unified philosophy to such payments as they apply to persons with disability. There is no way that a specific cost can be assigned to such a payment at this stage since it involves individual assessments. Instead the principle must be accepted and reasonable and appropriate budgeting be made on this basis.[[30]](#footnote-31)

The Commission recommended:

That the Department of Health and Social Services introduce a variable Costs of Disability Payment where services are not or cannot be provided. This payment should be available to all people with disabilities irrespective of their age and employment status. This payment should not be taxable.”[[31]](#footnote-32)

This recommendation, made almost three decades ago, remains a core ask and a key principle of agreement for disability organisations and disabled individuals. For decades DFI has recommended that the first step towards addressing Cost of Disability should be a weekly payment – initially for those receiving social welfare support, and later for all people with disabilities. As long back as 2005, we recommended a €40 weekly Cost of Disability payment in our Pre Budget submission.[[32]](#footnote-33) This should be a universal non-means tested payment for disabled people - in the same way that Child Benefit is a universal payment.

**International Recommendations favour Universal Cost of Disability Payment**

Such an approach is in keeping with recommendations internationally regarding effective strategies to address the Cost of Disability, and to support disabled people to work. For example, the International Labour Organisation recommends that: “To cover basic disability-related costs, countries should seek to introduce (quasi) universal disability-specific cash benefit which are compatible with work and with other benefits providing income security.”[[33]](#footnote-34) The OECD has also made similar recommendations - a 2008 report on sickness, disability and work recommended that Ireland:

Address the low level of income of people with disability:

Evaluate the range of assistance currently available to mitigate the additional costs incurred by people with a disability. Consider introducing more adequate payments to compensate these costs so as to reduce the high level of income poverty of this population group. Any such payments should be independent of the work status and separate from income support payments. The results of the ongoing needs assessment process underway in the DHC [Department of Health and Children] should be used to determine the appropriate level of such cost-of-disability payments.[[34]](#footnote-35)

This remains an area of concern for the OECD. At the Dublin Green Paper Consultation event (2023), Christopher Prinz from the OECD emphasised the necessity of a Cost of Disability payment. His presentation offered five key ‘Lessons’ for Ireland, one of which was titled “Cost-of-disability payments are essential”.[[35]](#footnote-36) His presentation also stated that “Cost-of-disability payments are much fairer, not hindering employment and thus much more likely to help people out of poverty”. Indeed Prinz argued that Ireland could be a global leader in this area by bringing in a Cost of Disability payment.

**The example of the Personal Independence Payment**

There is a form of non-means tested Cost of Disability payment in England, Wales and Northern Ireland (Scotland also has a similar payment). The Personal Independence Payment, known as the PIP, is a payment designed to support people with independent living. Its stated purpose is to:

help with extra living costs if you have both:

* a long-term physical or mental health condition or disability
* difficulty doing certain everyday tasks or getting around because of your condition[[36]](#footnote-37)

This payment is not means-tested, and is available to people who qualify regardless of their employment status or level of savings. It is made up of two aspects - everyday activities (‘daily living’ tasks) and getting around (‘mobility’ tasks) - with different rates of payments to support people with each of these difficulties.[[37]](#footnote-38) This offers one positive example of social protection Cost of Disability provisions, some aspects of which could be emulated.

**Recent one-off Cost of Disability Supports should be Retained and Built On**

The past two Budgets have seen small but symbolically important acknowledgements of disability-related costs, through the Disability Support Grant. Budget 2023 for the first time acknowledged the extra Cost of Disability. Minister McGrath, in his speech, said “it is important that we acknowledge that persons living with a disability face additional costs. In this regard, a once-off payment of €500 to those who qualify for Disability Allowance, Invalidity Pension and the Blind Pension will be made.” This was welcomed by many disabled people as an important symbolic step forward, although it was clearly insufficient to address Cost of Disability with a one-off payment. Disappointingly there was no such acknowledgement in Budget 2024 speeches, and the one-off lump sum for those who rely on disability payments to survive was set at €400. This was a 20% reduction on the previous year, despite the extra Cost of Disability increasing over the period, due to significant and ongoing inflation (see above). Nevertheless, the principle of a Disability Support Grant is an important positive first step in acknowledging the Cost of Disability. It should be retained and built on over time.

**Cross-Departmental Action on Cost of Disability Needed**

Ultimately, at a broader level, as previously outlined, it is undeniable that tackling the extra Cost of Disability requires a cross-Departmental approach. DFI and others have in recent years called for an Action Plan to comprehensively address the Cost of Disability, since the publication of the Indecon report.

**Cost of Disability Recommendations:**

* To strengthen the evidence base, update the figures from the Indecon report based on inflation since 2020 and use these figures in the future.
* Bring in a universal, non-means tested Cost of Disability payment, starting at €40 a week, for disabled people. Initially this should be rolled out to all those in receipt of a disability-related social protection payment. This should be understood similar to Child Benefit, a universal non-taxable payment that is paid by the Department of Social Protection.
* Retain the Disability Support Grant as an annual payment to those in receipt of a disability social protection payment, including those who have aged out of such payment or who are in education or training. Increase the Disability Support Grant to two payments of €500 a year, given six months apart.
* Commence work on developing a graduated Cost of Disability Payment scheme based on differential need and best practice internationally, in consultation with people with disabilities.
* Develop a three-year cross-Departmental Action Plan on Cost of Disability, co-designed with disabled people and disability organisations. This plan should include actions, timelines and measurable targets which are reported annually.
* Convene a series of detailed policy discussions, considering in detail the findings of the Indecon Cost of Disability report, with disability organisations and disabled people, to inform the Cost of Disability actions and the Disability Poverty Reduction Strategy.

# **7.4 Tiering**

One of the aspects of the Green Paper which caused most upset and controversy was the proposal to introduce ‘tiering’ for disability-related social protection payments. This was particularly in the light of the Green Paper and the Department’s initial assessment that potentially up to 50% of current DA recipients would likely be deemed Level 3, with a “moderate or high capacity to work”.[[38]](#footnote-39) In particular the language and articulation in the Green Paper has been strongly criticised, including the statement that “people assigned to this category will also be **required** to engage with Intreo services and take up reasonable offers of training and employment programmes or offers of employment **appropriate to their capacity and circumstances**” (emphasis in original).

This led to many concerns, particularly amongst those who have chronic and/or episodic illnesses or conditions that can fluctuate, as well as those with invisible disabilities, that they would be assessed as Level 3, despite not being able to work, and would be put under pressure to engage in training or employment. Many disabled people have reported experiencing huge stress in this regard, leading to a negative impact on their physical and mental health due to fear of losing benefits or being forced to work. Moreover some people might seem ‘fit to work’ on a given day, but be completely incapable the next day, depending on their condition. It was not clear how this would be factored into the assessment process.

In this context the change in language from the Department and the Minister for Social Protection over the duration of the consultation period, to describe engagement with Intreo as being voluntary, was welcome, as was the more recent decision not to proceed with the Green Paper proposals.

The focus on this issue has unfortunately to some extent distracted attention from the fact that at a broader level, disabled people know and acknowledge that there are different levels of need in and across the community, with some people living with much higher extra costs than others.[[39]](#footnote-40) Implemented a different way, without the aspects of the Green Paper that have been so divisive, it could be appropriate to build this into our social protection system.

It was of concern that the Green Paper proposal would have divided the disability community into three bluntly separate groups. Indeed there was a risk in this proposal of perpetuating highly problematic stereotypes about welfare dependency - especially problematic given the level of deprivation that those unable to work due to disability live with. Moreover, given the income adequacy issues we have previously outlined with the payment rates that were proposed, it would be understandable that people might seek to be assessed as Level 1 or 2, simply to secure some extra financial support to address their disability-related costs. Many people in the community felt the Green Paper pitted disabled people against each other. While not a simple task, it will be necessary to work towards a more nuanced system and approach, that acknowledges and accounts for an individual’s personal circumstances and specific extra costs.

It was also not sufficiently clear how and when the assessments of the tier levels would be undertaken, and how disabled people would be able to participate in those assessments, as per best practice (see also section below on assessments).

One positive aspect of the proposed tiering approach was the proposal that those who were assessed as having ‘a permanent restriction’ would not have to be periodically re-assessed, and that their payment would not be time-restricted. These periodic reviews are wasteful from a state point of view, in terms of the resources expended to undertake them, and stressful for the individual and those who care for them. This aspect of the Green Paper proposals should be retained.

**Tiering Recommendations**

* No-one with a disability should be forced into work or training they do not feel capable of, but employment should be an option for anyone who wishes to work. To support increased employment, focus on understanding and supporting disabled people’s individual needs and desires around their working life and career.
* Disabled people’s own assessment of their ‘capacity’ is paramount. Any assessment should be holistic, and ensure disabled people’s participation, as per best practice recommendations (for example those of the ILO and UN CRPD Committee – see Section 8 and Appendix 4).
* The proposal to recognise that some people with disabilities will be unable to work for the duration of their lifetime should be retained. A sufficient income to support a life of dignity and inclusion must be available to all who cannot work due to health reasons.

# **7.5 Employment**

As stated previously, there were two key weaknesses of the Green Paper. Firstly it conflated the extra Cost of Disability and “capacity to work”. While these issues can be interrelated, it is not necessarily the case that the person with the highest extra costs is also least likely to be able to work. Secondly it does not sufficiently acknowledge, reflect on, or offer solutions to the many structural barriers that prevent disabled people from securing and retaining employment.

The Department has been attempting to address aspects of employment supports that fall within its remit in recent years, with developments including the new ‘early engagement’ approach, the multi-annual funding programme for employment supports (notwithstanding issues around lack of predictability of funding last year, and delays in dispersal of the funding earlier this year). The review of the Reasonable Accommodation Fund was an important, long-awaited and positive development, and we await the roll out of the new fund and approach. The review last summer of the Wage Subsidy Scheme was also welcome.

However, issues that undermine people’s capacity to secure and retain employment persist. These include ongoing lack of disability awareness in society and amongst employers, and persistent discrimination and negative attitudes, as the Irish Human Rights and Equality Commission’s annual report shows. For example, of the 233 enquiries regarding employment discrimination received by the Commission in 2022, 39% - the highest proportion - related to disability.[[40]](#footnote-41)

The Green Paper is concerningly silent on policy areas that play a central role in supporting people with disabilities to secure employment. While these may be beyond the Department of Social Protection’s own remit, they are nonetheless highly relevant to any policy initiative that aims to increase disability employment rates. These include issues such as the availability of health and social care services, availability of Personal Assistant hours, inadequate and lack of accessible housing in the social and private sector, a lack of reliable and regular accessible public transport etc. The Green Paper is also silent on the role of employers, which is crucial in this area. There is no clarity in the Green Paper regarding how or if any of the above issues will be addressed.

As regards increased expectations of training and education participation, the National Learning Network, and other organisations that deliver training, expressed concern about making attending training courses mandatory. They highlighted the fact that they are currently running a significantly increased level of service on 2011 funding levels, despite regularly requesting increases in funding. Any increased participation of disabled people in training programmes would clearly require increased funding for the organisations delivering these courses. Moreover, there is a fundamental concern on a point of principle and values, about participants engaging on a course or training programme because of being required to do so to maintain their social protection payment, rather than out of choice. There was no clarity in the Green Paper (notwithstanding the change in language around the requirement to engage during the consultation period) about *how* the requirement to engage in training and employment would work. For example who would make this decision, how and according to what guidelines would they make it? And what would be the sanctions applicable for those who did not engage?

Another ongoing concern relates to people with episodic and/or fluctuating conditions (this can include those with mental health difficulties, neurological conditions, and other conditions like Cystic Fibrosis, EB, epilepsy etc), and those who may seek to return to work (often gradually and tentatively) after acquiring a disability or life-long condition such as heart failure. There are contradictions between the requirement to prove ‘fitness to work’ in order to return to employment, and the requirements to show entitlement to disability supports, should the return to work not be successful. A more effective, joined-up, flexible and supportive system is necessary to address this, as the OECD has also pointed out in previous reports already cited.

The Green Paper is also silent on the ongoing issue of the extra Cost of Disability being borne by the disabled person, particularly those in employment. Under its provisions those who can work and are earning above a certain threshold will continue to be poorer than their non-disabled colleagues who earn the same income as them, due to receiving no support with disability-related costs. This perpetuates ongoing issues of in-work poverty for disabled people, and doesn’t sufficiently address the issue for self-employed people, entrepreneurs, artists etc. It again shows the need for a universal Cost of Disability payment.

As our colleague in the European Disability Forum (EDF) observed, “the systems we find promising are those in countries where the amount you earn as a worker does not impact your disability allowance, and where there is also no ceiling for how much you can earn before losing entitlement. In Ireland we know people start very quickly losing disability allowance after a very small level of income.”[[41]](#footnote-42) This is not the case in many parts of the EU. As the EDF observed in their analysis of a report examining social protection across 35 European countries “in many European countries, income from work-related activities does not affect entitlement to disability-specific cash benefits. This is the case, for example, in Bulgaria, Cyprus, Czechia, Germany, Finland, France, Croatia, Hungary, Greece, Spain, Italy, Lithuania, Latvia, Malta, Romania and Slovakia.”[[42]](#footnote-43)

**Employment and Training Recommendations**

* Remove the requirement to engage with Intreo and others. Instead concentrate on improving the supports for those who want to work in the variety of areas highlighted by people with disabilities and disability organisations during this consultation.
* Training should be tailored around the person’s key interests, their desired professional development, and ambitions for the future. Career progression and opportunities are also essential.
* Update and provide clear measurable annual targets for employment increase in the disabled community. Monitor and publish data on an annual basis.
* Publish the long-awaited Action Plan 2022-2024 for the Comprehensive Employment Strategy. Incorporate the learnings from this consultation into this plan, should it be subsumed into the forthcoming National Disability Strategy.
* Provide predictable multi-annual funding, committed in advance, for employment support programmes.
* Strengthen and review the new early engagement model, based also on the recommendations of the OECD.
* Roll out the new Reasonable Accommodation Fund. Report on its usage and funding drawdown annually and review it regularly towards continuous improvement.
* Ensure that all Department of Social Protection staff have high-quality disability awareness and rights training.
* Examine and develop a plan to provide better joined-up and flexible employment and social protection supports for those who acquire a disability or whose condition worsens over time.
* Examine and improve the supports available for those seeking a phased return to work who are nervous about losing entitlements to supports should they find a return to work impossible.
* Introduce mandatory targets for the employment of people with disabilities in the private sector, modelled on existing public sector targets and international examples.
* Fully deliver all recommendations of Make Work Pay.
* At minimum, move to consistently increase the amount of money that people with disabilities can earn (through wages, but also in other ways, such as self-employed supports, arts grants etc) without losing entitlements to benefits - be it through income disregards, a Working Age Payment approach or other mechanisms. (See also other recommendations on issues like the medical card, other benefits, the Cost of Disability etc).

# **7.6 Assessments**

Another aspect of the Green Paper that was widely criticised was the assessment approach. While acknowledging that some level of assessment currently takes place of all applicants when they apply for a disability payment, given the proposal to tier and to require those assessed as Level 3 to engage with Intreo and others, this aspect of the proposal caused a lot of concern, and DFI heard from many individuals who were very fearful of this approach and what it might mean for them.

The Green Paper did not provide detail regarding the process of assessment and *how exactly* these assessments would be done. It was also unclear how disabled people would be involved in the assessment and engaged with and supported to report on their own needs, apart from submitting medical documents for review. Many people were understandably fearful given the well-publicised, highly problematic approach to assessments in the UK. Many people were concerned that due to their condition being episodic or fluctuating, or being invisible, they would be assessed as Level 3, against their own assessment of their work capacity.

It was not clear how exactly assessors would assess ‘capacity to work’. Beyond assessing different types of medical data regarding disabilities, it was unclear to what extent, or indeed how, assessors would determine how various disabilities impede access to the labour market and ‘capacity to work’. There is no conclusive policy evidence available that demonstrates a correlation between types of disability and unemployment rates.

Another aspect of the Green Paper proposals that was unclear and did not appear to be factored in was the cost of its administration, including the cost of these assessments, both for new applicants and for the re-assessment of those already in receipt of payments.

It is also evident that issues exist with the current assessment process - every year significant numbers of applicants that are originally refused are subsequently awarded disability payments on appeal. For example, in 2022 43.2% of appeals for Disability Allowance were allowed, 1.3% were partially allowed, and 13.3% saw a revised Deciding Officer decision – meaning almost 60% of appeals were successful. The ‘allowed’ % rate for Disability Allowance is the highest across appeals under all payment types.[[43]](#footnote-44) This pattern has been evident and consistent for many years.

**International Recommendations on Assessment**

As the European Disability Forum (EDF) has written, reflecting on assessment approaches across the EU:

several countries [including Ireland, in EDF’s assessment] leave their assessments entirely up to medical professionals or officers of the municipality or State, who often do not have an understanding of what a human-rights based model of disability entails. Assessments that only consider a medical condition or a percentage of “incapacity” do not consider the lived experience of the person with disability or the barriers they encounter on a daily basis.[[44]](#footnote-45)

EDF indicates that the best approach to any assessment is a holistic one. They indicate that “a holistic assessment combines assessments related to impairment, functional capacity and environmental factors, which more closely aligns with the CRPD and will aid in its successful implementation.”[[45]](#footnote-46) EDF’s 2019 mapping of EU member states showed that only Estonia and Hungary undertake what they categorise as a ‘holistic assessment’.

Best practice regarding assessments, according to EDF, is “for persons with disabilities to be involved actively in their own disability assessment and to explain the barriers and difficulties they are facing, which can include an explanation of how feasible it might or might not be to take up paid work.”[[46]](#footnote-47)

For more guidance and international best practice on disability assessment, see Chapter 7 of the ILO’s “Towards Inclusive Social Protection Systems Enabling Participation and Inclusion of Persons with Disabilities”. This detailed chapter provides many recommendations, including summaries, outlines and analysis of the recommendations of the UN CRPD Committee on assessment.[[47]](#footnote-48) For example it states that:

The CRPD implies a shift of paradigm for disability assessment, moving from answering “What is wrong with the person? or “What the person can or cannot do due to the impairment?” to “What is required for the person to be in position to live independently and be included in their community?” Therefore, the assessment should consider not only the impairment and/or functional limitation but the barriers to be removed and support required to achieve equal participation as stated repeatedly by the CRPD committee.[[48]](#footnote-49)

The chapter also highlights how “as recommended by the CRPD committee, countries should avoid multiple disability assessment processes for accessing different disability related benefits”. This is highly relevant from a cross-Departmental point of view, as people with disabilities are often assessed separately, with different administrative requirements, processing times and assessment criteria, by the Departments of Health, Housing and Social Protection (to name just a few key Departments) regarding their disability and support requirements.

The ILO also observes that “recent studies have highlighted how persons with disabilities often find disability determination processes difficult and how disability determination procedures can limit significantly access to existing benefits […]. Even when accessible, disability determination mechanisms tend to focus on assessing medical conditions and impairments, rarely collecting information on the diverse support that people need (Ibid), depriving central and local government from useful data to prioritize resource allocation and plan the development of required schemes and services”.[[49]](#footnote-50) This again highlights the need for a cross-Departmental approach.

The UN’s CRPD training guide provides important reflections on assessment of disability status,[[50]](#footnote-51) and it is worth quoting in detail. One section offers reflections on measuring disability according to category or percentage of impairment. While it acknowledges that definitions are sometimes required in certain areas, it nonetheless cautions against the dangers of assessing and categorising disability, and the impact that has on a person’s dignity, and again stresses the importance of the use of a social model of disability.

**Categorizing barriers rather than human beings**

Categorizing a person can be the first step towards excluding that person and violating his or her inherent dignity. The Convention does not preclude the use of definitions in national legislation; definitions might be particularly necessary in some sectors, such as employment or social security. What is important is that definitions informing policies and laws reflect the social model of disability where the challenge facing a person with a disability is measured in terms of the existing barriers and not on the category or percentage of the impairment.

The explicit reference to barriers, external to the subject, as constituting factors of disability represents an important step away from notions that equated disability with functional limitations.[[51]](#footnote-52)

**Assessment Recommendations:**

* Any ongoing or future disability assessment process must actively involve the disabled person being assessed, including ensuring they have an opportunity to outline their own needs.
* Work to ensure that all disability assessment processes comply with the UN CRPD, and follow best practice as outlined above and throughout this submission.
* Consider moving towards a combined holistic disability assessment, rather than undertaking multiple separate disability assessments under different Departments and stage agencies.
* See also recommendations above under ‘Tiering’.

# **7.7 Combining Various Disability Schemes Welcome**

A positive aspect of the Green Paper proposal was the attempt to untangle and simplify the numerous different disability and illness schemes, which were developed independently of each other in many cases. This resulted in different criteria; creating anomalies across schemes. Removing the anomalies that developed over time will be positive, leading towards a consistency of approach and a less complex system for individuals to understand. It would also help to ensure equal and fair treatment of all people living with disabilities and chronic health conditions - although no-one should be subject to less favourable treatment due to reform. The retention of this aspect of the proposal would be welcome.

It is not entirely clear in the Green Paper if the mooted new Personal Support Payment would be taxable. Currently payments like Blind Pension and Invalidity Pension are taxable, while Disability Allowance is not. Moreover there are other inconsistencies across the schemes that lead to unequal treatment of people with disabilities. In particular it is notable that those in receipt of Invalidity Pension are not allowed to earn additional income and do not have an income disregard allowance, in contrast to those receiving Disability Allowance. While there is scope for people to transfer onto Partial Capacity Benefit, the experience is challenging for many people and the administrative work involved in switching schemes and the complexity of it can be off-putting. It would be optimal to have a common set of rules regarding income that apply to all disability payment recipients, both in terms of fairness and equality of treatment, and as it would make the system and economic possibilities clearer to people with disabilities.

**Combining Schemes Recommendation**

* Retain the positive aspects of the Green Paper’s proposal to address anomalies and strengthen consistency and equality of treatment by developing one common disability scheme.

# **7.8 Working Age Payment**

A proposal to move to a Working Age Payment approach for various disability payment schemes was made in the Green Paper. The Working Family Payment, on which this is presumably modelled, attempts to address issues of low income in working families, notably one-parent families who are more at risk of poverty. Any change that makes it easier for people to retain supports while also increasing their income through work, where they can work, would be welcome, particularly in the context of the European Disability Forum’s observation that people in Ireland tend to lose benefits as a result of securing a relatively low level of income from employment.

It is not sufficiently clear in the Green Paper how exactly the Working Age Payment model could or would work, nor how the threshold used as an example in the paper, €367, was arrived at. This threshold is notably almost €300 less than the Working Family Payment’s current lowest threshold (for a family with one child) of €645. Moreover under the present system, some people would be better off working with the existing income disregard, relative to what is proposed in the Green Paper table on page 40.

For this provision to offer a meaningful improvement the suggested threshold would need to increase substantially. DFI suggests that it could be worthwhile to have a detailed discussion with disabled people and disability organisations specifically on this aspect of the Green Paper, to flesh out the positive possibilities and the specific provisions that would enable a Working Age Payment approach to deliver improved income outcomes for people with disabilities.

**Working Age Payment** **Recommendations**

* Convene a detailed discussion with disabled people and disability organisations specifically on a Working Age Payment approach, to make positive recommendations after consideration.
* If bringing in a Working Age Payment model, increase the threshold substantially, bringing it in line with, or above, the Working Family payment.

# **7.9 Increasing Disability Allowance Payment Age to 18**

Increasing the age at which Disability Allowance is paid to 18 would clearly be consistent with other schemes; and will encourage people with disabilities to stay in education until 18. This can only be progressive if all the educational and other supports needed within the school system for disabled people are accessible and equitably provided. However, at a practical level, as the Green Paper acknowledges, this could lead to an income drop for some households who may rely on the Disability Allowance income, and this must be addressed and mitigated against, especially given that the Domiciliary Care Allowance rate is significantly lower than the Disability Allowance.

**Recommendation:**

* Increase the age at which disability schemes are paid to 18, while mitigating against income loss for households who depend on payments of people under 18.

# **7.10 Other Relevant Issues**

There are many other relevant issues that disabled people experience which impact on both poverty and employment, that the Green Paper does not acknowledge or address. We outline some key issues below.

**Individualisation of Means-Testing**

The individualisation of social protection payments was recommended by the Joint Oireachtas Committee on Gender Equality, and the Citizen’s Assembly. Currently, a disabled individual may see their Disability Allowance reduce or be stopped entirely if they move in with a romantic partner. They will then be assessed jointly, with their partner’s income now being considered part of their ‘means’, despite them being an independent individual, with all the same costs they had before. This is sometimes referred to as the ‘love tax’. As the European Disability Federation has outlined, this leads to “people with disabilities being punished unfairly when they get married or register a partnership, on the basis of the income or even the disability allowance of their spouse.”[[52]](#footnote-53) In 2021 Belgium took action to address this issue for people with disabilities.[[53]](#footnote-54)

Similar issues occur for people who live with family members, or indeed share a house with friends, flatmates or others – in many cases individuals with whom they have no financial connection, or claim over their income. This creates and perpetuates negative stereotypes, and crucially, financial dependency. It is assumed that family members or partners will subsidise the extra costs that disabled people live with, something which is unfair to everyone involved.

This is also particularly worrying in a romantic context, especially given that disabled women are more likely to experience domestic violence, and may find it harder to flee an abusive relationship, for a number of reasons. Moreover at the most fundamental level, disabled people should not have the choose between living with a partner and losing some or all of their social protection supports.

**Recommendation**

* Where means-testing or assessment takes place, a disabled person should be assessed based on their own income and means only, not including that of their family member, romantic partner or anyone else they live with.

**Secondary Benefits and the Risk of Working**

Many of the secondary benefits that disabled people receive such as a medical card, free travel, fuel allowance etc, are at risk if that person secures employment. This approach fails to acknowledge that the extra costs that disabled people live with do not disappear simply because they are in employment. Indeed in some instances those costs may well increase for someone on taking up employment - for example if they need to rely on taxis to travel to and from work every day. While some progress has been made on extending entitlement to the medical card and free travel for some years after taking up employment, nevertheless an employed person will suddenly experience a very significant income drop when they pass the five year mark, and - for example - lose their free travel pass, and as a result have to pay daily transport costs for themselves and their Personal Assistant to get to work.

Equally, while it is positive that people can retain their medical card up to a certain income level, the loss of a medical card is a key risk for disabled people in taking up employment. In this regard DFI reiterates its longstanding position that medical card entitlement should be based on medical need rather than means-testing. The medical card is also a passport to social supports which are critical for many disabled people to live well and independently. In some areas, because of a stretched and under-resourced system, the practice of prioritising people who have a medical card for access to timely care and intervention persists.

As the OECD observed in 2021, “larger earnings disregards for Disability Allowance (DA) recipients and Medical Card holders can alleviate the situation but cannot do away with the structural barrier. Linking health care access with benefit entitlement is a structural mistake from both an equity and a work incentives perspective. A much more fundamental and equitable solution – and one that goes way beyond the scope of this report – would be to ensure access to universal health care which would allow the government to abolish the Medical Card.”[[54]](#footnote-55) The European Disability Forum makes similar observations in its policy papers. DFI does not disagree with this analysis and recommendation, but in the interim our more modest recommendation regarding medical card criteria holds.

A medical card, and free transport, should be made available to any disabled person who needs it, as part of the overall state package to address the extra Cost of Disability. An assessment should also be made of other work-related costs that people with disabilities may encounter, that will not be covered by the new Reasonable Accommodation Fund. In this regard, aspects of the British Access to Work Scheme[[55]](#footnote-56) (which is available to people with a disability no matter what they are earning, and covers aspects of work-related costs like transport costs, vehicle adaptation and mental health supports) may be a model to examine.

**Recommendations**

* Base medical card entitlement on medical and social care need, rather than means-testing.
* Make a medical card, and free transport, available to any disabled person who needs it, as part of the state package to address the extra Cost of Disability.
* Integrate consideration of other work-related costs that people with disabilities experience into standard assessment processes, followed by the development of a plan of support to address these.

**Lifecycle Approach: Disability Doesn’t Disappear at 66**

At present, once an individual turns 66 they are moved from their disability related social protection payment onto the state contributory or non-contributory pension. This is problematic, as it does not take into account the aging process. Indeed, age is the main risk factor for disability, and many disabilities worsen with age. But this is not acknowledged by the social protection system. For example, many polio survivors are over 66 years of age, and yet they still live with the disabling impact of their condition, as well as more common aspects of ageing. Disability social protection supports must be considered across the lifespan and delivered through a lifecycle approach.

This is relevant in the context of the recent one-off supports provided in recent years. Many disabled people who had ‘aged out’ of disability supports did not receive the ‘Disability Support Grant’ in 2022 or 2023, despite still living with all the extra costs associated with their disability. DFI was contacted by a couple where one half of the couple, who was in receipt of Carers’ Allowance, received the one-off payment given to carers, but as her disabled husband was over 66 years he himself did not get the Disability Support Grant. This is deeply unfair and should be addressed in any future reform.

**Recommendation**

* Make disability supports life-long, and consider the extra costs associated with ageing and disability for people as they reach pension age.

**Other Concerns: Carers, Self-employment, and the Importance of Language**

There were numerous other concerns regarding the Green Paper, and we outline a few below.

DFI heard from concerned individuals, who were worried that if they were assessed as Level 3, the person who cares for them might lose their Carers Allowance. This was not addressed in the Green Paper and clarification around this would be helpful.

Disabled people who are self-employed and/or entrepreneurs, artists etc often struggle with getting access to financial support to set up their own business, equal access to reasonable accommodation supports, and with the issue of artistic and other grants being considered as income by the system, thus reducing people’s disability supports. These issues must be considered in any reform proposal.

Another important issue relates to the language used to describe social protection schemes. While aspects of the UK system have been rightly critiqued, the language used for the Personal Independence Payment is a positive example of values of independent living being acknowledged by a State in its provision. The Department should consult with disabled people regarding the final name of any reformed and amalgamated payment – a rights-based UN CRPD centred approach and terminology will be optimal.

**Recommendations**

* Consider the needs of those who are self-employment, entrepreneurs, artists etc, and ensure they benefit from the same supports, income disregards etc as those in employment.
* Consult with disabled people regarding the final name of any reformed and amalgamated payment, towards a rights and UN CRPD based terminology.

# **7.11 Implementation and Monitoring**

It is often at the implementation stage that problems arise with the delivery of positive and innovative new policies. Implementation, both of existing and new commitments and policies, is essential, and as previously outlined, existing commitments are lagging behind – notably of key disability promises in the Roadmap for Social Inclusion, and of the Comprehensive Employment Strategy.

In this context, whatever reform does take place in the future, and where action is taken on any of the above recommendations and policy areas highlighted, effective, rigorous, and carefully monitored and transparently reported implementation will be essential, to deliver positive change.

**Implementation Recommendations**

* A strong, action-focused and time bound implementation plan will be necessary for any future disability reform to deliver for disabled people; and for transparency and accountability.
* The Department should consider concept testing before any national rollout.
* Any reform process will have to be carefully monitored. In addition to the implementation plan mentioned above clear, transparent and regular annual reporting against targets should occur.
* The annual report on progress should be reviewed by the Disability Matters Committee and an independent monitoring/oversight committee (which should include people with disabilities and disability organisations), and a mechanism for review and further refinement of actions will be necessary.

# **8. International Guidelines and Recommendations**

There is significant international guidance and expertise available which the Department of Social Protection can draw on as it seeks to redevelop its reform proposal.

It was very positive that the Department invited a speaker from the OECD to present at the public consultation event in Dublin, and very interesting to hear his presentation. The Department might engage with this speaker to secure his further feedback on alternative approaches, including in particular his feedback that Cost of Disability payments are essential.

The International Labour Organisation has developed a comprehensive guidance note and statement on inclusive social protection systems to support participation and inclusion of persons with disabilities. It calls for a paradigm shift towards “an approach that acknowledge barriers to participation and promotes social and economic inclusion across the lifecycle.”[[56]](#footnote-57)

Our counterpart the European Disability Forum has developed a Position Paper on “Social Protection and the Welfare State”[[57]](#footnote-58). DFI is also a signatory to the Global Standards for Self-Directed Support, which highlight the importance of an individualised personal budget, and “transparent, sufficient, fair resource allocation based on a person’s priorities and needs”, as well as many other issues relevant to aspects of the Green Paper.[[58]](#footnote-59)

In Appendix 4 below we outline a few publications which have informed our own submission, and which contain a wealth of recommendations that could feed into the Green Paper process. We also highlight three international schemes in the US, Australia and Canada, that try to address aspects of the extra Cost of Disability.

# **9. Urgent Action Needed: People with Disabilities Can’t Wait Years for Change**

Given the complexity and significance of the Green Paper proposals, and the level of critique of them, it is clear that a new approach is needed, with a different starting point. This should be based on the extensive feedback provided during the consultation and must take due regard of the many issues raised. Subsequently it will take more time again to develop and pass legislation to enact any reform proposals that receive support from the disabled community.

In the interim we cannot wait and see disabled people be pushed further into poverty, due to slow action overall and in annual Budgets, while further reform developments are awaited. Existing government commitments to reduce poverty, increase employment rates and deliver action on Cost of Disability require urgent attention. As previously outlined, progress on delivering these targets is very slow, and so remedial action will be necessary in this year’s Budget.

In this context, along with and complementary to the various detailed recommendations outlined under the thematic headings above, focused on the Green Paper proposals, we offer the following **recommendations for immediate action**:

Department of Social Protection:

* Introduce a €40 weekly Cost of Disability payment for everyone in receipt of a disability-related social protection payment, as an interim measure.
* Ensure that disability social protection payment increases in Budget 2025 make up the spending power lost due to inflation since 2020 and follow the 2024 recommendations of the MESL Research Centre.
* Rollout the new Reasonable Accommodation Fund, and review it after one year in operation.
* Retain the Disability Support Grant in Budget 2025. Increase it to two payments of €500 a year, given six months apart.
* If bringing in a Working Age Payment model, increase the threshold substantially - bringing it in line with, or above, the Working Family Payment threshold.
* At minimum, move to consistently increase the amount of money that people with disabilities can earn without losing entitlements to benefits (be this through income disregards, a Working Age Payment approach or other mechanisms).
* Develop a three-year Disability Poverty Reduction Plan, with a focus on concrete actions that will help to reduce poverty. This can contribute to delivering the Roadmap for Social Inclusion targets.

Department of Children, Equality, Disability, Integration and Youth and Cross-Departmental Actions:

* Consider and outline how the Green Paper proposals and the Roadmap for Social Inclusion commitments interconnect with and support the Comprehensive Employment Strategy, and the forthcoming National Disability Strategy.
* Publish the long-awaited Action Plan 2022-2024 for the Comprehensive Employment Strategy. Incorporate the learnings from the Green Paper consultation into this plan, should it be subsumed into the forthcoming National Disability Strategy.
* Update and provide clear measurable annual targets for increased employment levels in the disabled community. Monitor and publish data on an annual basis.
* Change the medical card entitlement criteria so that it is provided based on medical and social care need, rather than means-testing.

## **Taking the Reform Agenda Forward**

The Green Paper discussions have mostly been dominated by critical responses to many aspects of the proposal. Given the level of critique, and the shock at aspects of its proposals, to move forward the more significant and positive reform that is needed in this area, we recommend the following.

The Department of Social Protection should:

* Convene a series of exploratory discussion events with disabled people and disability organisations to identify how the social protection system can support people with disabilities. This can centre on a solutions-focused series of conversations, now that the Green Paper proposals have been shelved.
* In addition, adopting a co-design and co-production approach to any reformed system and supports, would offer greater potential to deliver positive proposals that secure the backing of disabled people and the disability community.
* It would be positive to also involve other international experts, for example through more detailed inputs and discussions from and with the OECD, EU actors, the ILO or any other international good practice experts and examples.

The Department of Children, Equality, Disability, Integration and Youth (where appropriate with input from and coordination with the Department of Social Protection), should:

* Reflect on, harmonise and integrate the learnings and feedback from the recommendations of disability organisations and disabled people to the Green Paper consultation and integrate these into the forthcoming National Disability Strategy, and other policies and reform proposals in the future.
* Convene and facilitate a detailed policy discussion and consultation with disabled people and disability organisations on the various thematic and evidential findings in the Indecon report, to inform a set of agreed actions to address the Cost of Disability, and the Disability Poverty Reduction Strategy.
* Develop a three-year cross-departmental Action Plan on Cost of Disability, co-designed with disabled people and disability organisations. A series of actions, timelines and measurable targets which are reported annually are necessary.

# **10. Conclusion**

Disabled people have waited far too long for a national focus on their economic wellbeing. There is a strong, committed, and broad political and public mandate to tackle disability poverty available to the government, and recent political developments have only reinforced this.

Reform of our current social protection approach to disability is urgently needed, however it must address the many cross-cutting issues of:

* The extra Cost of Disability
* Lack of services and supports, as well as structural barriers to employment and the right to work
* Delivering the right to live independently, equal to others, and to an adequate income, and a dignified standard of living that enables community participation and inclusion.

This submission is based on significant member consultation, the views we heard from disabled people, and engagement with international and domestic policy experts. It has provided detailed analysis of the Green Paper’s proposals, and made recommendations for changes and alternative approaches. It has also identified good practice examples in other countries, and international recommendations. It has outlined the importance of co-design to support future reform and consensus on the way forward.

As our submission asserts, any future social protection reform proposal must have the UN Convention on the Rights of Persons with Disabilities as its foundation and starting point. It should adopt a social model of disability, focusing on removing structural barriers to inclusion and participation. It should also be based on a series of agreed values, including support for independent living.

Ultimately, an inter-Departmental approach will be essential to fully tackle the extra Cost of Disability, an issue that manifests across many Departments. Moving away from a siloed response to a holistic model that addresses structural barriers will be essential to deliver positive change – to reduce disability poverty and improve employment levels.

Given the resources available to the State, the health of our economy and the strong societal desire for change, there is now an opportunity to deliver transformative change. Ireland can be a global leader on Cost of Disability by bringing in the Cost of Disability payment that disabled people have called for for decades.

People with disabilities can’t and won’t wait in poverty and deprivation any longer. We can and must do better.

# **Appendix 1:**

# **Full Text of Articles 27 and 28 of the UN CRPD**

**Article 27 – Work and employment**

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one’s own business;

g) Employ persons with disabilities in the public sector;

h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

**Article 28 – Adequate standard of living and social protection**

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

d) To ensure access by persons with disabilities to public housing programmes;

e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

# **Appendix 2:**

# **Public and Political Support for Reform**

**Public Support for Reform**

The 2021 Citizen’s Assembly made strong recommendations in the area, endorsing an improved system of supports for disabled people, their families and carers.[[59]](#footnote-60) It undertook a comprehensive reflection and consultation on gender, care and disability and related issues. Its report recommended that disabled people should:

1. Be actively supported and resourced to live independently.
2. Have access to person centred financial supports to serve their individual needs.[[60]](#footnote-61)

Other recommendations relevant to the Department of Social Protection’s brief, and the Green Paper, include that:

Social protection services should:

1. Set social protection payments and/or supports at a level that lifts people above the poverty line, prevents deprivation and supports an adequate standard of living.
2. Regularly train staff to prioritise dignity and respect in all contact with clients, including giving a choice in how they receive payment.[[61]](#footnote-62)

A crucial part of the Citizen’s Assembly conclusions is that 95.6% of citizens indicated that “if necessary, we are also prepared to support and pay higher taxes based on the principle of ability to pay, to make a reality of our recommendations”.[[62]](#footnote-63) While there is often a focus put by the state on its limited resources, there is clearly a popular mandate to increase the Ireland’s revenue income to support the eradication of poverty.

An April 2023 ESRI paper also provides useful data showing very high public support for action to tackle disability poverty. The results show that “most people in Ireland acknowledge the financial challenges of living with a disability and are supportive of stronger government assistance… 77 per cent of people agree that welfare payments for disabled people should be increased and most (91 per cent) agree that more should be done to support disabled people to meet their extra cost of living.”[[63]](#footnote-64)

**Oireachtas Support for Reform**

The Joint Oireachtas Committee on Disability Matters’ 2022 report “Ensuring independent living and the UN CRPD” highlights many issues related to social protection policy and disability. The Committee notes that “consistent poverty is the reality of many people with disabilities in Ireland and the cost of disability is not reflected in social protection responses. There is urgent need to develop a rights-based approach to social protection for people with disabilities and update supports accordingly.”[[64]](#footnote-65)

The report also recommends strengthening Ireland’s approach to equality and disability proofing policy measures, and to equality budgeting. The Committee recommended that Ireland “introduce a cost of disability payment for people living with disability to achieve the same standard of living as non-disabled people and to remove existing barriers to disabled people’s financial independence and inclusion in the workforce. In the interim increase disability payments to a level to allow disabled people and their families to reach a minimum standard of living.”[[65]](#footnote-66) The Committee again recommended the introduction of a Cost of Disability payment, to ensure an adequate standard of living for disabled people, in its most recent Pre Budget submission*.*[[66]](#footnote-67)

The Joint Committee on Gender Equality, which examined the Citizens Assembly report, made a number of recommendations for the Department of Social Protection to address disability poverty and the Cost of Disability in its final report in December 2022.[[67]](#footnote-68) The Joint Committees on Disability Matters, Gender Equality and Social Protection have all endorsed the Minimum Essential Standard of Living and/or benchmarking social protection payments to ensure they provide an above the poverty line income.[[68]](#footnote-69)

In July 2022 a motion calling “on the Government to introduce a cost of disability payment in budget 2023 of at least €20 per week, as a first step to addressing the significant additional costs of having a disability” was unanimously endorsed by all members of the Dáil*.*[[69]](#footnote-70) More recently, a Dáil motion was passed in April 2024 that called for the government to “introduce a system of non-means-tested universal payments that cover the real costs of having a disability and provide income security to disabled people.”[[70]](#footnote-71)

# **Appendix 3:**

# **Consultation Approach – Move to Co-Production Needed**

Unfortunately, there were several issues with the Green Paper consultation. Problems with the original consultation were well documented, with issues around complexity of language, and fear amongst the disabled people. There were also issues regarding the physical and technical accessibility of the consultation meetings, as well as a lack of provision of support, or resourcing for support, for disabled people to make submissions. While there are some existing support mechanisms, through the National Advocacy Service, individual organisations or disability services, the translation and communication of the proposals for and to non-policy organisations and individuals in the community was mostly left to disability umbrellas and organisations, without any resourcing being provided to do this. This is not optimal, given the significance of the reform proposal, and the level of under-resourcing that already exists in disability organisations.

There is an opportunity to reflect on the learnings from this consultation and use them, along with best practice recommendations, to inform any future approach.

The 2023 ILO guidance note “Towards inclusive social protection systems enabling participation and inclusion of persons with disabilities” makes several recommendations on how to develop social protection approaches and systems in an inclusive way. It recommends that “in the development and reform of social protection programs and systems, stakeholders should ensure meaningful participation of persons with disabilities and their representatives’ organisations (OPDs).”[[71]](#footnote-72) The National Disability Authority published good practice guidelines on consultation in 2022, with a stress on consultation early in the process of policy development.[[72]](#footnote-73)

While we understand the logic behind a Green Paper approach to consultation, with the aim being to provide people with a possible policy reform proposal to respond to and critique, rather than a ‘blank page’, this may not be the optimal approach for disability reform.

In the future, a policy development approach that centres and prioritises co-design and co-production with disabled people will be more likely to address the needs of the disability community in Ireland.

**Co-production with disabled people**

Co-production is a relationship where professionals and citizens share power to plan and deliver support together, recognising that both have vital contributions to make in order to improve quality of life for people and communities. Co-production is a key concept in the development of public services.[[73]](#footnote-74)

Co-production has the potential to make an important contribution to all of the big challenges that face health and social support services in Ireland. Co-production starts from the idea that everyone has skills, abilities and contributions to offer. Disabled people have assets and value. Lived experience brings richness and diversity to organisations, but it is also crucial because people with lived experience often hold the keys to solutions to make things better for all. These individuals become experts in the systems they encounter regularly, they see the gaps, they see the difficulties, and often, they know the solutions.

Implementing co-production can support:

* cost-effective services which make the best use of resources
* improved user and carer experience of services
* delivery of better outcomes
* improved quality of life for people and communities
* more equal partnerships between people who use services, carers and professionals
* greater equality, diversity and access for disabled people
* the reform and transformation of services, including better integration of services
* increased community capacity through building stronger communities and active citizenship

While co-production is not yet mainstream in Ireland, there are good practice examples of co-production and partnership working in health and social care services in Northern Ireland[[74]](#footnote-75) and elsewhere, and some positive examples in the health policy space in Ireland.

# **Appendix 4:**

# **International Guidelines, Recommendations and Examples**

**ILO Guidelines**

In June 2023, the International Labour Organisation developed a guidance note for consultation, entitled *“Towards inclusive social protection systems enabling participation and inclusion of persons with disabilities: guidance note v1.0”[[75]](#footnote-76).* The guidance note sets out a range of recommendations on how social protection systems can better support disabled people. The note references and builds on a 2019 joint statement *“Towards inclusive social protection systems supporting the full and effective participation of persons with disabilities, February 2019, A process facilitated by ILO and IDA”[[76]](#footnote-77)*. This statement was contributed to and endorsed by the European Disability Forum, of which DFI is the Irish member.

The 2023 guidance note summarises some of the key recommendations of the 2019 joint statement:

*[It] highlighted several key normative elements required for social protection systems to support the full and effective participation of persons with disabilities:*

*• The paradigm for social protection for persons with disabilities should shift from mostly focusing on compensating people for an alleged incapacity to work to an approach that acknowledge barriers to participation and promotes social and economic inclusion across the lifecycle.*

*• Inclusive social protection systems should provide income security and coverage of health care and disability related costs, including care and support, in ways that improve access to services and promote full participation and inclusion. This requires a context-relevant combination of cash and in-kind, contributory and non-contributory, inclusive mainstream and disability-specific schemes.*

*• In the development and reform of social protection programs and systems, stakeholders should ensure meaningful participation of persons with disabilities and their representatives’ organisations (OPDs).*

There are also significant sets of recommendations in recent and older OECD studies on Ireland (some of which we have amplified in this submission) and showing some best practice at OECD level.

The European Disability Forum has also provided significant analysis on practice at EU level, as we have previously highlighted. The Department might particularly refer to their 2022 Position Paper on “Social Protection and the Welfare State”, which makes a series of recommendations.[[77]](#footnote-78)

**Some international examples**

It is difficult to find significant models of good practice internationally, particularly around a Cost of Disability payment - as Christopher Prinz from the OECD said in Dublin Castle, Ireland could be an international leader here. Nevertheless, there are many interesting schemes in other countries that try to tackle aspects of the Cost of Disability in different ways, and we mention below a few (this list is not comprehensive nor are we saying that these schemes are perfect – simply that they offer interesting examples).

* Australia’s [National Disability Insurance Scheme](https://www.ndis.gov.au/understanding/supports-funded-ndis) provides funding directly to individuals to cover costs associated with having a disability. It is not means-tested and is publicly funded, despite its name.
* In the US there is a provision for a special [ABLE bank account](https://www.ablenrc.org/what-is-able/what-are-able-acounts/). These are described as “tax-advantaged savings accounts that can fund disability expenses.” The purpose of this provision is to recognise the extra cost of disability, and it allows people to save in these accounts without the savings in them up to $100,000 being counted against means-testing for social protection benefits.
* Canada has a [‘Disability Tax Credit’](https://www.canada.ca/en/revenue-agency/services/tax/individuals/segments/tax-credits-deductions-persons-disabilities/disability-tax-credit.html). This “helps reduce the income tax that people with physical or mental impairments, or their supporting family members, may have to pay. It aims to offset some of the costs related to the impairment.” The tax credit in 2023 was $9,428. There is also a “disability supplement” for the Canada Workers Benefit, which is somewhat similar to the Working Family Payment.

# **Appendix 5:**

# **UK Social Security Act**

**UK Social Security Act 1975**

*The Secretary of State shall review the rates of social security benefits then in force; and the review shall be completed in such period as will enable him (if he so determines) to prepare and lay before Parliament, not later than 30 June in the year in which the review is begun, an order under this section increasing rates of benefit.*

*39 (3) In the course of a review of social security benefits under this section, the Secretary of State shall consider —*

*(a)the extent to which current rates appear to him to have retained their value in relation to the general level of prices obtaining in Great Britain from time to time since the beginning of the year in which this section first came into force or, as the case may be, the end of the period to which he had regard for the purposes of the last previous review under this section;*

*4 If on his review the Secretary of State concludes that current rates have not retained their value as mentioned in subsection (3)(a) above, he shall prepare and lay before each House of Parliament, not later than the date referred to in subsection (1) above, the draft of an order for the purposes of subsection. (5) below, framed so as to increase the rates there mentioned at least to such extent as appears to him necessary to restore their value in accordance with his conclusions on the review.*

# **Appendix 6:**

# **Social Welfare Appeals Data**

**Table 2: Information on disability-related appeals in 2022**



Source: Social Welfare Appeals Office Annual Report 2022, pages 31-32

**Table 3: Information on disability-related appeals in 2021**



Source: Social Welfare Appeals Office Annual Report 2021, page 31



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**DFI’s vision**

An Ireland where people with disabilities are participating fully in all aspects of society.



**DFI’s mission**

DFI is a federation of member organisations working with people with disabilities to implement the UN CRPD and ensure their equal participation in society.

**Four-year goal**

Member organisations are actively involved in DFI, working to implement the UN CRPD and to achieve the equal participation of people with disabilities in society.

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Email: info@disability-federation.ie

Web: www.disability-federation.ie

Registered Charity Number: 6177 Company Number: 140048

Charities Regulator Number: 20010584



 @DisabilityFed @disabilityfederationire @DFIIreland

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