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**Disability Federation of Ireland**

**Submission on the Disabled Parking Consultation to the Department of Transport**

**12/03/2024**

**Introduction**

The Disability Federation of Ireland is an umbrella organisation representing over 120 organisations across Ireland. We advocate for our members and people with disabilities, and for the full implementation of the UN Convention on the Rights of Persons with Disabilities, or UN CRPD. DFI campaigns for a society in which people with disabilities are fully equal and included.

DFI welcomes the opportunity to make this submission on the current Disabled Parking Scheme. Disabled parking is an important issue for many people with disabilities in Ireland, as it allows them more independence, and the ability to travel for social occasions, work and education. Therefore, DFI welcomes this review of the Disabled Parking Scheme.

This consultation focuses on who should be eligible for a disabled parking badge. This is an important question. It is important that everyone who needs a badge to facilitate their mobility, and to allow them to participate in the community, should have access to one.

**A Rights Based Approach: UN CRPD**

Ireland ratified the UN Convention on the Rights of Persons with Disabilities, or UN CRPD, in 2018. Ireland is now in the process of implementing that convention, and all government Departments have a responsibility to adhere to the UN CRPD. This review of the Disabled Parking Scheme is a chance to bring the scheme in line with the UN CRPD.

Disabled parking is crucial to the delivery of the rights articulated in many of the articles in the UN CRPD. These include:

* **Article 20**, on Personal Mobility, which states that state parties should “ensure personal mobility with the greatest possible independence for persons with disabilities”.
* Disabled parking also supports and enables participation in the community, as it allows people to get out of their homes, and so is also important to the fulfilment of **Article 19**, Living Independently and Being Included in the Community.
* Disabled parking is also important to fulfil **Article 30**, Participation in Cultural Life, Recreation, Leisure and Sport.
* For many people, access to parking may also be important in accessing Employment, covered by **Article 27**.

Any new Disabled Parking Scheme must ensure that it supports and protects the rights of people with disabilities outlined in the UN CRPD.

The Department of Transport also has a responsibility to consider equality and human rights in any action it takes. This is the obligation of all public bodies under the Public Sector Duty. The Department must work to ensure that this review does not lock in a Disabled Parking Scheme that perpetuates inequality for and amongst people with disabilities, but instead develop a scheme that supports all people with disabilities to exercise their right to inclusion in the community.

**Concerns around this consultation**

While DFI welcomes this review of the Disabled Parking Scheme, and the opportunity to offer our views on the process, we have several concerns about how this consultation has been carried out.

Firstly, the timeline of just three weeks without advance warning is very tight, especially for this type of consultation. This creates a few problems:

* DFI is an umbrella organisation, and with so little time it was difficult to consult all our members and prepare this submission.
* For many of our members, who have fewer resources, it is even more difficult to consult with the people with disabilities they represent and support in the given time frame.
* In this particular consultation, the ability to consult with members and take time to prepare a submission is particularly important, as the questions asked are quite technical.

Despite this challenge DFI held a member consultation, which 16 of our member organisations attended, to inform this submission. During this consultation, members shared their experience of using the Disabled Parking Scheme with DFI, as well as their views on the consultation itself. It is this feedback from our members that forms the bulk of DFI’s own submission.

We are also worried that this approach fails to support the engagement of the people most impacted by this scheme – disabled people and their family members. The National Disability Authority published guidelines on meaningful and participatory consultation in 2022. These include the requirement that consultation be meaningful - it must occur both early enough in the decision-making process to truly have an impact on decisions and be conducted in such a way that organisations have a chance to arrange meaningful input. The tight timeline and technical questions make this a challenge in this particular consultation.[[1]](#footnote-2)

DFI also has concerns regarding the questions the Department has chosen to ask, and the framework for the Disabled Parking Scheme they seem to imply. The questions ask stakeholders:

* To define a particular category of disability,
* how people in that category benefit from a parking badge,
* how to define ‘severity’ for that category of disability,
* how ‘severity’ should be measured and by whom, and
* how many people with that category of disability are likely to require badges.

Both DFI and our members have several concerns about these questions and this way of framing the consultation. Many DFI members felt that these are not questions for any disability organisation to answer. This is because:

* Many of the questions asked are medical, and personal to an individual.
* Questions of ‘severity’ can be complicated. Many people with disabilities have good days and bad days, and some disabilities are periodic or episodic, affecting people differently at different times.
* As far as questions about the number of people in a particular disability category, members felt that the government has more resources available to it than civil society organisations to gather and analyse this data, especially with the recently completed Census 2022.

Also, these questions approach disability using a medical model, whereas Ireland is supposed to be moving to a social, rights-based model of disability.

Many organisations believe that the disabled parking badge is a right, something that someone should receive if they need one. As discussed above, the UN CRPD, which Ireland has ratified, uses a rights-based approach to services. Anyone who requires a service should be able to access it. A disabled parking badge is an important service. For some people, it is the difference between being stuck at home and getting out and being able to participate in their community. For many others, it allows them to travel without fear that their limited mobility will make travel difficult or painful, as they have to walk farther than is easily possible for them. While all organisations do agree that the eligibility criteria should be examined, they do not want this examination to lead to people who need a badge losing access to it and would like to see badges given to those who need one, but have been denied a badge in the past.

Despite Ireland’s commitment to adopt a rights-based framework for disability, the framework implied by these consultation questions is one in which disabled parking badges must be rationed, and only given to those who can most strongly justify their need. But that is not a framework that is compatible with the UN CRPD, in which everyone should receive the services, including parking badges, that they need to live their lives equal to others in the community. Policy measures such as disabled parking badges support this and help to correct structural inequality that people with disabilities experience.

DFI understands that there are a limited number of disabled parking spaces in Ireland, and a limited amount of space in which to put new parking spaces. But this is a situation that calls for new solutions, rather than a rationing of needed services. While space is limited, there is certainly space for more disabled parking spaces than currently exist to be created in many places. Rather than rationing access to existing spaces, the Department should be focused on positive steps forward for accessibility and inclusion, prioritising creating more space to provide for independent travel.

Better, more frequent, reliable and accessible public transport, in both urban and rural areas, can reduce the need for car journeys for both those with disabilities and non-disabled people. If there is less demand for parking overall, then not only will there be less demand on existing disabled bays, but it will be possible to construct new disabled bays in existing parking spaces, as more of these will be unused. Reducing car traffic overall by improving public transport is also in line with Ireland’s goals around climate change.

More accessible taxis, and ensuring that accessible taxis are affordable, can also reduce demand on disabled parking bays. Local authorities could be required to institute a pro rata system, in which every 10th or 20th parking space is a disabled space. Different disabilities require different parking bays. Buses for people with disabilities require the most space, to fit the bus and operate the lift. Cars adapted for wheelchair users also require space for the wheelchair user to leave and enter their car. Many badge holders, however, do not use wheelchairs, and can make use of a space without extra area around it. Taking this into account would allow for some smaller spaces, and therefore more spaces overall.

The use of badges can also be better enforced, to ensure they are not being used by people fraudulently, who take up valuable space others need. Better education about the benefits of the badge could also be helpful, reminding users that the badge allows them access to all on-street parking, and if they don’t need the extra space provided by a disabled bay, they can use other parking spaces.

Other ideas and solutions can and should be explored. Rationing of services, however, means that some people who need a badge to get around their community will instead be trapped at home, and become more reliant on others, rather than living independently. DFI, and many of our members, would like to see a review of the current scheme, and a consultation process, that is grounded in realising the rights of people with disabilities, rather than limiting options and services.

**Changes to the current Disabled Parking Scheme**

DFI and its members have a number of ideas for improving the current Disabled Parking Scheme, which many people have found difficult to access, and frustrating to navigate. Some frustrations that our members have encountered are:

* Many of our members find the current process to be convoluted and inconsistent. They know of instances in which people who had a great need for a badge were denied badges, while others with a similar level of need received them easily.
* Many people feel that getting a badge often relies on their relationship with their GP, and that different GPs may have different ideas about who should or should not have a badge.
* Some people are unable to access badges because they cannot navigate the bureaucracy around the process. This is particularly difficult for people who are unable to read at a high level or are innumerate, many of whom cannot apply for a badge independently under the current system.

Building more consistency into the system would be welcomed by many people. Making the system easier to navigate and more accessible is also important. Support for the use of advocates and advocacy services in applying for badges would also be welcomed.

Some of DFI’s member organisation use buses to transport groups of their members to social occasions, and other events that several members might be attending. Some of these organisations report great difficulty in getting badges for these buses, which makes it significantly harder to organise group events for their members. Developing an easier process for these buses, which are efficient, inclusive and sustainable (rather than each of the individuals travelling to events in separate cars) to receive badges would be welcomed.

Currently, those holding a badge are asked to reapply every two years. Having the same time frame for everyone makes very little sense and is inefficient. Many people have permanent disabilities that are unlikely to change, and there is no reason to ask every two years if they still require their badge. On the other hand, some people require badges for short periods of time, such as those who, for instance, have broken their ankle. These badges should be reviewed under a very short time frame, which will also prevent abuse of the badge after it is no longer needed. Perhaps these badges could be a different colour, with a clear review date, making policing of badge use easier for authorities. Making changes to review individual badges in a time frame that makes sense in each case would be a welcome change.

There are some positive examples of parking policy to support disabled people. For example, Limerick’s e-parking app allows a user to locate accessible parking spaces and see whether each space is currently vacant or occupied. DFI’s members have found this useful and would like to see this functionality available across the country.

DFI’s members do believe that the granting and use of badges should be carefully undertaken. They do not want people who do not need badges to be issued them, and they do not want to see them abused. Nevertheless, as things stand, there are many disabled people and parents of children with disabilities, who need a badge but have not been awarded one. A careful balance must be struck between enforcement of the rules around badges, and creating a hostile environment for people with disabilities who apply for or use badges. It must be remembered that not everyone who needs a badge will have a visible disability, and a wide range of disabilities need and benefit from having a badge.

**Conclusion**

The review of the Disabled Parking Scheme is welcome. Almost everyone agrees that the current scheme could be improved in a number of ways. This consultation is also welcomed. Under the UN CRPD, changes to laws and policy that have a large impact on people with disabilities should not be carried out without meaningful consultation with people with disabilities.

DFI’s concerns are with the way the consultation is structured. The short time frame makes it difficult for organisations to draft a submission that has meaningful input from their own members. This is especially hard for smaller organisations, who have fewer resources, and need more time to prepare such submissions. A short time frame thus limits what organisations can respond to the consultation, often excluding those with the least resources. We are also unclear regarding how the Department will deliver on its responsibilities to consult with people with disabilities themselves – will there be a second phase of consultation in this regard that will do this? As previously mentioned, good practice guidelines on consultation have been published by the NDA. There are also historically positive examples of consultation processes, including that undertaken by the Housing Agency, to inform the development of the National Housing Strategy for Disabled People 2022-2027.

In addition, the questions respondents have been asked to answer frame the issues around the Disabled Parking Scheme in a particular way. They frame the issue as requiring the identification of the groups with the greatest need, who will derive the most benefit from badges. This implies a limited supply of badges that cannot be given to everyone who might benefit, but only to a subset with a particularly severe need. DFI suggests that the Department rethink this framing, and instead look at the review of the Disabled Parking Scheme through the lens of the UN CRPD and see this as an opportunity for the Department to do its part to advance its implementation in Ireland.

Of course, the work of the Department of Transport is only one part of the implementation of the UN CRPD. In considering issues around disability, all Departments must work together. For instance, disabled parking badges allow a person access to the community, but that means very little if buildings and footpaths are not accessible, or if services and businesses are not open and welcoming to people with disabilities. All issues around disability are interconnected, and each issue, such as disabled parking, must be considered as part of a web of supports that allow people with disabilities equal access to the community. In this context, it is not clear how this review and piece of work relates to and connects in with the ongoing consultation being undertaken by the Department of Children, Equality, Disability, Integration and Youth, to inform Ireland’s first UN CRPD implementation strategy, which is to be known as the National Disability Strategy. Will this review and its outcomes make up one strand or action in this larger strategy? Moreover, the provision of the disabled parking badge links into and impacts on disability policy issues that are covered by numerous other Departments (such as Health, Finance, Revenue and Social Protection). Inter and cross-Departmental coordination is essential in the area of disability policy.

**In summary, DFI recommends:**

* A longer consultation period, to allow organisations to meaningfully consult their members.
* A change to the overall framework of the consultation, from one of limiting badges to a rights-based framework of providing services to those who need them.
* A focus on solutions to the high demand for disabled bays, including access to other methods of active travel.
* A review of the process to apply for badges, to simplify application and ensure that all people who need them get a disabled parking badge.

**ENDS**

**12 March 2024**

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**DFI’s vision**

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

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**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.

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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.

DFI, Fumbally Court, Fumbally Lane, Dublin 8

Tel: 01-4547978

Email: info@disability-federation.ie

Web: www.disability-federation.ie

Registered Charity Number: 6177 Company Number: 140048

Charities Regulator Number: 20010584



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1. <https://nda.ie/about/engaging-with-disabled-people/guidance-on-consultations> [↑](#footnote-ref-2)