

Submission on Disability Reform

This report was developed as a response to the Green Paper on reforming disability payments in Ireland.

Submission to the Department of Social Protection
April 2024

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Context

This paper was developed in late 2023/early 2024 as a response to the Green Paper on Disability Reform released by the Department of Social Protection in late 2023. Whilst the Department decided not to proceed with the proposals in the Green Paper in their existing form, we have submitted this response to the Department as we feel it is important to share the perspective of SVP on the poverty and exclusion facing disabled people in Ireland.

We welcome the decision by Minister for Social Protection, Heather Humphries, not to proceed with the outlined reforms as they were presented, and call instead for a co-creation of reforms with disabled people and Disabled Persons’ Organisations (DPOs) in order to improve and increase payments and supports, and ultimately end the unacceptable levels of poverty and deprivation that exist today.

The introduction has been amended to reflect the fact the Minister has decided not to proceed with the Green Paper Proposals, and we include our responses to the questions presented in the Green Paper as an Appendix. We welcome that Taoiseach has announced the establishment of a special Cabinet committee on disability with a major emphasis on improving supports and services for people with disabilities in all aspects of their lives. We hope that the contents of this submission will inform the future development of policy proposals in this area.

Introduction

In Ireland, people with a disability experience unacceptably high poverty rates, levels of enforced deprivation, and barriers to employment. All of these experiences lead to social exclusion.

This Green Paper sought to describe one way the state could improve the way it provides income and employment supports to people with a disability. This is an essential discussion, and a discussion that must continue with the voices of DPOs and disabled people to the fore. We welcomed the acknowledgement in the Green Paper of the challenges that people are facing, the scale of inequalities that exist, and the current inadequacies in how people with a disability are supported. The paper acknowledged that serious change is needed.

In the Minister's foreword, we appreciated the acknowledgement that, for people who cannot work due to disability, *'it is important that the welfare payment, which is more than likely their only source of income, is sufficient to not just cover their extra costs but to protect them poverty.'*

Prior to the Ministers announcements on the 12th of April to not proceed with the Green Paper Proposal, it was our opinion that the proposals contained in the Green Paper would not have achieved these aims: there were a number of fundamental flaws at the heart of the outlined policy changes which meant they needed to be rethought and reformulated alongside disabled people, DPOs and wider representative groups. We welcome that the proposals will not proceed as outlined but hope the contents of this submission, which were originally drafted in response to the Department's consultation, can be used to improve supports and services for people with disabilities.

In this Introduction, we begin by setting out some of the key challenges that welfare reform must contend with from SVP's perspective as an organisation that supports many people with disabilities who are experiencing poverty and exclusion. We offer a summary of our key critiques and recommendations in response to the Green Paper proposals. The rest of our response answers select questions most relevant to our experience – these are included as they could inform future pathways to reform disability payments.

SVP's perspective on poverty amongst people with a disability

The Society of St Vincent de Paul, through our practice of visitation in which Members directly support people who request assistance, witnesses the social injustice disabled people face when living in poverty and social exclusion. A significant amount of the households we support are either headed by someone with a disability, or have a disabled family member, and so this is a very important issue to SVP members. We believe the over-representation of people with ill health or disability amongst the households we support is due to inadequate social protection payments, barriers to employment, and the additional costs of disability, all of which deplete people's financial resilience.

Too often SVP Members meet households with a disabled member who cannot afford food or heating, who prioritise their children's wellbeing at the expense of their health, or who are forced into financial hardship because of costs associated with their disability, such as dietary needs, regular transport to appointments, or higher energy or technology requirements at home. People may be on a chronically low income over a long period, or they may have had an income shock – either from loss of employment, or from delays in social welfare.

For disabled people the combination of low incomes and high costs creates a vicious cycle of poverty that it is the state's responsibility to mitigate.

As displayed in the table below, people who are unable to work due to long-standing health problems have poverty rates much higher than the national average, with the highest rate of consistent poverty of any demographic group – over four times the national average.¹ While recent years have seen At Risk of Poverty rate reduce,² consistent poverty has not moved, and there has been a particularly stark increase of over 7 percentage points for people living in enforced deprivation, now at 44.7% of people. The deprivation measure shows the lived reality experienced by people and flags the shamefully high numbers of people who are forced to go without life's essentials. This measure alone shows the need for reform.

¹ [Survey on Income and Living Conditions \(SILC\) 2023 - Central Statistics Office](#)

² It should be noted without the temporary cost of living measures the AROP rate would have increased by 3.4 percentage points between 2020 and 2023 to 34.3%. Without repeated cost of living measures, we could see a significant jump in this rate in next years SILC survey data.

2023	At Risk of Poverty	Enforced Deprivation	Consistent Poverty
State Average	10.6%	17.3%	3.6%
People unable to work due to long-standing health problems	27.3%	44.7%	16.5%

Source: Survey of Income and Living Conditions CSO 2023

The rates of poverty outlined above are the result of people forced to navigate a very high cost of living on an inadequate income. The cost of living is particularly high for people with a disability who also face additional costs, as detailed extensively by the government’s report from Indecon.³ As things stand, the social protection system does not make accommodation for these costs, notwithstanding a once-off ‘lump sum’ of €400 paid during 2023 which was specifically targeted towards people on a disability or caring payment.⁴ SVP members would support people facing extra costs associated with their health or disability, often seeing the impact of increased electricity and heating needs at home, special diets, and transport needs either to get to medical appointments, or needing to run a car if public transport is not suitable.

The Vincentian MESL Research Centre at SVP looks at the adequacy of income from social protection. Even without factoring in additional costs from disability the research shows that for the majority of households reliant on social protection, income levels are inadequate to meet a decent standard of living: only 16 out of 214 cases are assessed as adequate for 2024.⁵ In 2023, a single adult without an illness or disability needed between €300.63 (urban) and €342.48 (rural) to afford a minimum standard of living and a dignified life.⁶

Due to the current barriers to employment experienced by people with a disability in Ireland, far too few people are able to access work – and for some people, work will not be an option – this means that social protection must be able to provide an income that allows people to live a life free of poverty.

³ [gov - The Cost of Disability in Ireland – Research Report \(www.gov.ie\)](http://www.gov.ie)

⁴ [Help with the cost of living \(citizensinformation.ie\)](http://citizensinformation.ie)

⁵ [mesl impact briefing - budget 2024.pdf \(budgeting.ie\)](http://budgeting.ie)

⁶ [2023 EXP & INC Scenario - SW NMW MIS.xlsx \(budgeting.ie\)](http://budgeting.ie)

Key Points

What we welcomed from the Green Paper

- It is right that there is an appetite for reform for payments for people with disabilities to reduce the completely unacceptable rates of poverty that have become entrenched year after year.
- The paper acknowledged the inadequacy of current rates of payment for people with a disability.
- It is important that the paper talked about the additional cost of disability and that it is the government's responsibility to take action on it.
- The paper recognised the benefits of employment and sought to reduce the employment gap for people with disabilities.
- Other social protection issues faced by people with disabilities, including movement in and out of payments, differential age of eligibility, etc, were also recognised in the proposed reforms and it is right these are also dealt with.

Our key concerns about the withdrawn Green Paper proposals

We believe there were a number of fundamental flaws at the heart of the Green Paper which meant it must be rethought and reformulated – that is why we welcome that DSP is not proceeding with the proposals in this form. There are important lessons about cocreation and the policy development process that we hope are used to continue reform in a new partnership process.

- The previous proposals were built on a conflation of an assessment of 'work capacity' and providing a tiered payment intended to address the additional cost of disability – these two factors are not the same issue and conflating them built in a flaw at the heart of the proposed policy structure. These are separate and need to be addressed with adequate attention to the nuances of the two issues.
- None of the rates that were proposed met, or were methodologically aligned with, the cost of an adequate standard of living, let alone the additional costs of disability. It was unclear if the suggested illustrative rates proposed an ongoing tie to the contributory pension rate, or would have remained standalone and subject to fixed value increases as part of Budget negotiations, as with other payments. This would have meant the value of payments were not indexed to a real-world evidence base. This is a wider problem with the social protection system and the reason we advocate

for benchmarking and indexation of social protection payments to ensure they meet minimum living costs.

- There was a flawed top-down policy design process which highlighted the power imbalance between the Department and disabled people who would have experienced the impacts of the reforms, and IHREC have critiqued the consultation process from a human rights perspective: *'Despite obligations under the UNCRPD, disabled people and DPOs were not consulted at the initial development stage of this paper.'*⁷
- There was ambiguity – which has led to fear – about what conditionality was actually being proposed, and whether there would have been consequences for not engaging with employment or training options. Despite ensuing clarifications⁸ this ambiguity would have clouded any subsequent policy roll out, and is in itself a poor basis for new policy as it builds in a lack of transparency/accountability for how the policy is managed 'on the ground'.
- There was a lack of acknowledgment of the structural barriers to work, within the workplace (eg. Ablism, local job choices) and to reach the workplace (eg. accessible public transport) and incorporation of this into the proposed policy design.
- There were no details about plans to pilot or develop the required employment (or, in fact, employer) supports.
- There was an insufficient evidence base to give confidence in the assignment of different tiers of work capability, and therefore level of social protection payment and suggested new conditionality criteria – the assessment would have carried significant weight for individual outcomes and poverty levels and so there needed to be much greater clarity on the Department's approach. We also note that DPOs, disability representative bodies, and IHREC have critiqued the medical model of disability that was used in the proposals.⁹

⁷ [Ireland and the International Covenant on Economic, Social and Cultural Rights \(ihrec.ie\)](#)

⁸ [Joint Committee on Social Protection, Community and Rural Development and the Islands debate - Wednesday, 25 Oct 2023 \(oireachtas.ie\)](#)

⁹ [ILMI Summary of the Green Paper on DA Consultations – ILMI](#); [Ireland and the International Covenant on Economic, Social and Cultural Rights \(ihrec.ie\)](#); [Latest News | Disability Federation of Ireland \(disability-federation.ie\)](#);

Our key recommendations/proposals

- The Green Paper should be redrafted based on co-creation principles with people with disabilities and must centre the expertise of DPOs. As IHREC recommend to be in line with the UNCRPD *'policy changes to disability payments are designed with the active participation of disabled people and their representative organisations at all stages of development, implementation, monitoring and evaluation, in line with international human rights commitments.'*¹⁰ The Department should take this approach not only to align with the UNCRPD, but to achieve the best possible policy design from the expertise and experience of DPOs and disabled people.
- The issues of income inadequacy and the employment gap should be addressed as separate but related issues – every disabled person, no matter their work status, must have an adequate income to meet their needs: this means all social welfare payments should be benchmarked to the Minimum Essential Standard of Living, with particular accommodation for the additional cost of disability.
- Further reform proposals should consider a standalone cost of disability payment that is targeted towards mitigating the additional costs facing people with a disability and is non-means tested. The amount should be evidence-based and rooted in the costs of a Minimum Essential Standard of Living and should not be counted as means towards other social welfare and secondary benefits.
- The employment gap should be addressed within a new iteration of the Green Paper which is tied to an employment strategy for disabled people (ie. The next version of the Comprehensive Employment Strategy). This should include actions to remove structural barriers within work, and support people towards work through wraparound services and supports.
- While the welfare reform agenda is, and should be, owned by DSP, there needs to be greater acknowledgement and alignment with a whole-of-government approach. This should impact both policy design and policy roll out/sequencing.

Conclusion

We look forward to hearing how the new Cabinet Sub-Committee on Disability will progress reform on the social protections and services need for disabled people to live free of poverty

¹⁰ [ILMI Summary of the Green Paper on DA Consultations – ILMJ](#); [Ireland and the International Covenant on Economic, Social and Cultural Rights \(ihrec.ie\)](#); [Latest News | Disability Federation of Ireland \(disability-federation.ie\)](#);

and exclusion. The engagement on this Green Paper has displayed the appetite for a co-created set of reforms that prioritises the voices, perspectives and leadership of disabled people, DPOs, and the wider stakeholder network. We hope the new Sub-Committee harnesses this energy and uses it to enact ambitious reform that reduces the unacceptable levels of poverty and deprivation SVP members continue to witness amongst disabled people.

Appendix – Green Paper Questions

We have included the responses we prepared to the Green Paper in this Appendix.

Section 2 – Context for change and the focus of this Green Paper

2.1. Do you agree with the analysis of the situation and challenges set out in section 2.1? If not, why not? Are there other relevant factors to be considered?

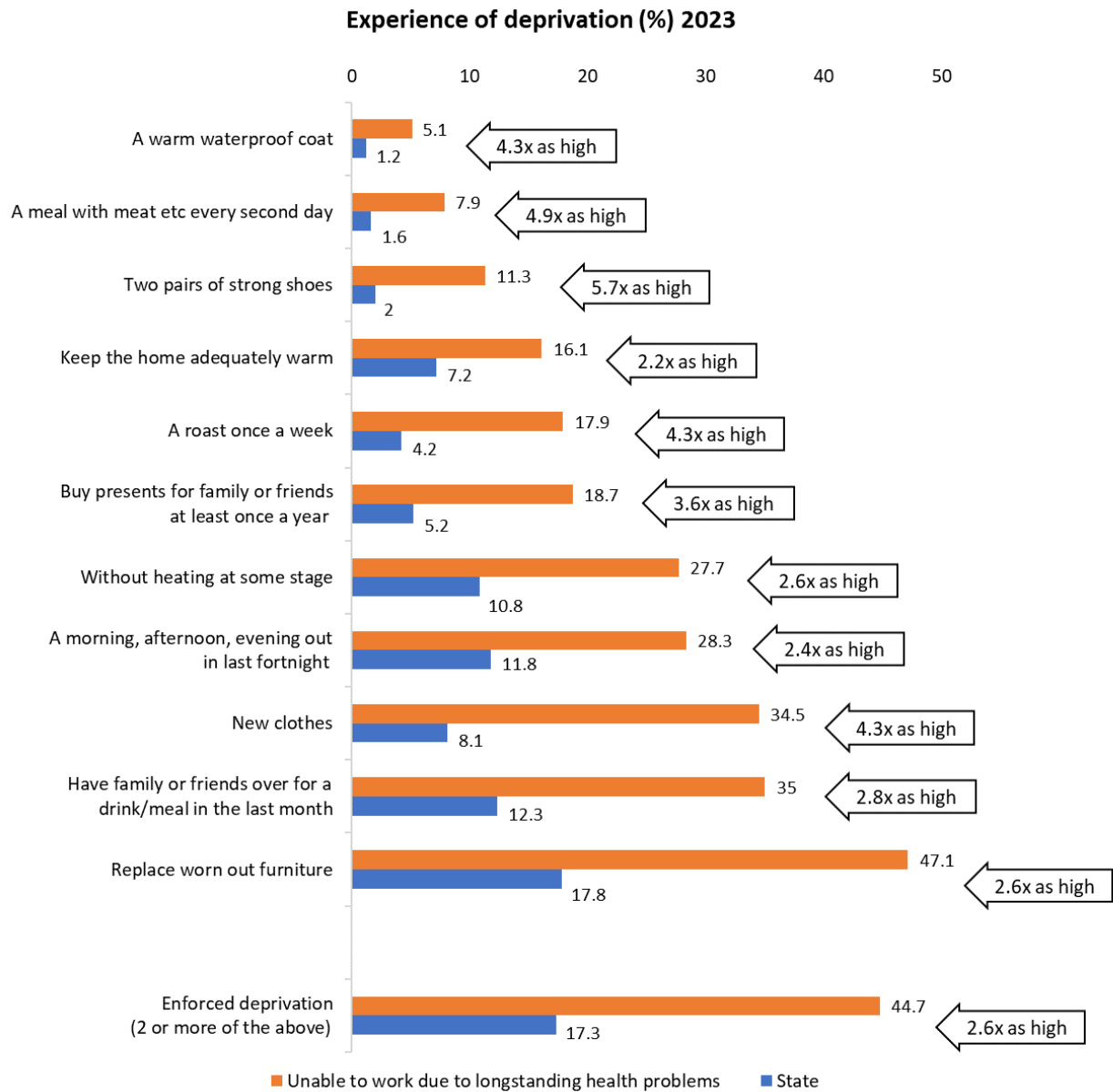
We welcome the analysis presented in this section, which recognises high poverty rates and the inadequacy of social protection levels in light of the additional cost of disability. However, there are important factors missing: below we discuss the need to include further analysis of deprivation levels, and further analysis of the reasons behind the employment gap.

Levels of enforced deprivation

There is insufficient analysis of the experience of deprivation in this section. Analysis of deprivation is essential as it shows the lived experience of people with a disability, and the real-life outcomes of income-based poverty rates. It provides us with different information that complements income-based indicators.

The chart below illustrates the severity of the situation facing those unable to work due to long term health conditions, 44.7% of whom live in enforced deprivation. Across all individual deprivation measures, rates for this group are at least twice as high as the state average. The highest discrepancy is for having two pairs of strong shoes - the rate is almost six times higher for those unable to work due to their health. When we look at measures of the most basic essentials, such as being able to afford a decent meal with meat/protein every second day, 7.9% of people who couldn't work due to their health could not afford this standard – this is a shocking indication of the extent of food poverty amongst this group, which is almost 5 times as high as the national average. Another basic essential is being able to stay warm, and the figures show approaching 3/10 people who can't work due to ill health had gone

without heating due to affordability (27.7%) - this is up over ten percentage points in the last two years.



Source: Survey of Income and Living Conditions, Enforced Deprivation, 2023 (CSO)

In a European context, Ireland is 22nd out of 27 Member States for people with disabilities experiencing severe material deprivation.¹¹

A recognition of this data is essential to contextualise income-based figures such as risk of poverty, as well as the research by Indecon into the additional costs associated with

¹¹ [BKMNEXT434_0.pdf \(esri.ie\)](#)

disability. It foregrounds the reality of poverty, and reminds us of the real-life impact of policies on people's lives. Rather than an income-based proxy for exclusion (which is not to deny the importance of income-based indicators), it shows the extent of day to day exclusions taking place in our society.

An understanding of experiences of deprivation for disabled people is essential if we are to effectively monitor the extent to which Article 28 of the UNCRPD is being fulfilled, which is *'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'*.¹²

Understanding the employment gap

The Green Paper recognises that there is an unacceptable employment gap for people with disabilities in Ireland, and that this gap is very high in an international context. However, the analysis given is insufficient. This is important, as it will dictate the correct emphasis and sequencing of the policy response.

In the paper, there is a lack of recognition given to the particular barriers to employment people with a disability face. The onus, in this paper and proposed reform, is being put on the individual to engage with supports and to then enter employment – this misses the barriers within the workplace and the barriers in reaching the workplace that disabled people can face. There is insufficient recognition of the responsibilities of employers and government to improve employment opportunities available to this group.

There needs to be further analysis on the challenges that fall into the below categories:

- Supporting people to get ready for employment. I.e. How effective are our education systems and public employment services?
- All the public services that enable people to reach work. I.e. Are childcare, healthcare, public transport (etc) enabling people to reach work?

¹² [Article 28 – Adequate standard of living and social protection | United Nations Enable](#)

- The world of work itself. I.e. What are employers and in-work supports doing or not doing that prevents/enables disabled people to obtain employment, and remain in employment?

The Green Paper, as it stands, is not clear enough on these barriers. This results in an individualisation of the responsibility for low employment rates amongst disabled people. Examples of weak analysis in the Paper include *'[The employment gap] may suggest that people with disabilities who have a capacity to work have few opportunities to gain and sustain employment'* and *'disabled people tend to drop out of education earlier in Ireland than in other countries'*. This analysis is ambiguous in its identification of the problems, and this damages the policy proposals.

2.2. Do you agree that the focus of reform for disability income supports should be to:

- Better insulate (protect) people with disabilities who have limited capacity to work, from poverty?*
- Move away from a binary approach (that is, a person is either assessed as being capable of work or being incapable of work) and instead recognise the continuum of disabilities and different work capacities of disabled people?*
- Encourage and support people with disabilities who have the capacity to work to take up employment?*
- Achieve greater coherence in how people in similar circumstances are provided with income supports?*

If not, why not? Are there any further aspects that need to be considered?

The above are all important elements of reform. However, we caveat our agreement with an amendment to proposition (a): **Better insulate (protect) all people with disabilities from poverty**. The current levels of poverty and deprivation amongst disabled people is simply and patently unacceptable, and this cannot be split by whether and to what extent someone can engage in paid employment. The conditional nature of the statement in proposition (a) is of extreme concern to us. As an organisation that supports people in work and out of work we must emphasise that the only appropriate response from the state to the current level of poverty is that welfare reform must better protect *everyone* from poverty.

SVP contends that as a baseline, the social welfare system needs to provide everyone with the resources needed to have a decent standard of living. Without this, poverty is built into

the system for groups most reliant on the safety net. Through income supports and accessible services, the needs of people to have a MESL should be guaranteed by the state. To illustrate the deficiencies of the current system, a single adult of working age, receiving HAP, would need €301 a week to meet a MESL.¹³ This is without any additional costs of disability.

As things stand, social welfare rates are subject to sporadic increases of a certain euro value, rather than an evidence-based figure or a clear and consistent policy trajectory. In the absence of a clear pathway, we have seen core social welfare rates fall further behind earnings and further beneath the poverty threshold. The result is people reliant on social welfare – many of whom cannot work due to illness, disability or caring responsibilities – have to make budgets stretch further. Sporadic social welfare increases followed by stasis illustrates an arbitrary approach to providing people with the level of income support they need to escape poverty and participate in society.

2.4. Do you agree that it is important to try to eliminate or minimise the differences identified in section 2.3? If not, why not?

It is important that the social protection system is coherent, transparent, and easy to navigate for claimants, advisors, and system administrators. However, that does not mean there should not be differences between schemes: in order to support people in various circumstances, differences between schemes will always be needed.

Where discrepancies between schemes have developed over time, or our understanding of challenges and effective supports have changed, differences between schemes should be reformed. The number of schemes outlined in section 2.4, and the differing eligibility and treatment of earned income, is overly complex and risks people in similar circumstances having different levels of support based on which payment they may end up on – which may differ based on the person’s knowledge of the system, or the advice they are able to access. The range of payment options and treatment of earned income is overly complex and we agree there should be some minimization of the differences.

¹³ [2023 EXP & INC Scenario - SW NMW MIS.xlsx \(budgeting.ie\)](#)

Section 3 – Green Paper proposals – A summary

3.1. Do you agree with replacing the Disability Allowance, Blind Pension and Invalidity pension with a single scheme as proposed? If not, why not?

Yes, this makes sense.

3.2. Do you agree, in principle, with a tiered approach to payment levels based on capacity to work? If not, why not?

We do not agree with a tiered approach to payments based on capacity to work. Any levels or tiers of payments should be assessed on the basis of need, ie. The means available to the person, and the income required to meet their cost of living – which for disability payments must take into account the additional cost of disability. A needs-based assessment is the only way of alleviating deprivation.

Everyone should be protected from poverty and able to meet a MESL as a floor, and the additional costs of disability should be accounted for above this. That is separate to capacity to work.

We do not believe anyone, including those assessed as having some capacity to work, should receive a less than adequate income if they are not currently in work. This is financial penalisation of the individual for a complex series of circumstances, many of which are beyond their control (including the sufficiency of support services to help prepare someone for work, the type of work, location, and job design available to the person, family circumstances that enable someone to work, and services such as childcare and transport that enable someone to reach work).

Social Justice Ireland comment on the fluctuating – though always high – levels of poverty amongst people with disabilities over the past 20 years: *‘As with other welfare dependent groups, these fluctuations parallel a period where policy first let the value of welfare support payments fall behind wage growth, before ultimately increasing them to catch-up. It is a cruel and unnecessary cycle.’*¹⁴

¹⁴ [2023 International Day Of Persons With Disabilities | Social Justice Ireland](#)

The Green Paper does not set out the rationale for the given payment levels, apart from stating that the highest payment level is equivalent to the highest level of contributory state pension. This is a missed opportunity to introduce a benchmarked and indexed approach into the social protection system, which would lead to a more coherent approach to setting welfare rates.

As people with disabilities are exposed to the higher costs of living with a disability, tying rates to the actual cost of living – as measured by the Minimum Essential Standard of Living, and assessment of the cost of disability – is the only course of action that can ensure disabled people who are out of work have the income they need to live well and fully participate in society.

A further iteration of the Green Paper would need to clearly set out:

- The rationale behind the proposed payment levels (which should be benchmarked to the MESL and the additional costs of disability);
- The proposed approach to indexing these payments to keep up with rising costs.

3.3. Do you agree, in principle, with a tiered approach to the offer or obligation to avail of public employment services? If not, why not?

Ambiguity of a critical difference

We understand a tiered approach to the ‘offer’ to avail of PES, although it should be made clear that everyone is welcome to avail of PES at any point, and everyone should be offered the same level of personalised service if they wish to engage: we believe all PES should be available to everyone who wishes to engage with them.

However, we do not believe it is appropriate to have a tiered ‘obligation’ to avail of Public Employment Services. The terms ‘offer’ and ‘obligation’ refer to very different relationships and realities, and the use of these words should be treated very carefully. We have grave concerns around the proposals of tiered obligations.

We fully support the goal of increasing employment amongst people with disabilities, with the objective of increasing social inclusion and equality of opportunities. Notwithstanding the financial gains employment can bring, it brings independence and the chance to expand horizons. However, accessing employment is not merely contingent on a person making a

choice to access employment: there are structural and systemic barriers in place that shape, and too often limit, what jobs are available.

There is a lack of clarity around what is meant by ‘obligation’, which connotes a consequence to failing to engage. This, by accident or design, aligns it with a Genuinely Seeking Work requirement, which holds the threat of consequences. There is ambiguity – which has led to fear – about what conditionality is actually proposed, and the existence of consequences for engaging with employment or training options. Despite ensuing clarifications¹⁵ this ambiguity will cloud any subsequent policy roll out, and is in itself a poor basis for new policy as it builds in a lack of transparency/accountability for how the policy is managed ‘on the ground’.

Barriers to work

We do not believe that there is sufficient recognition of the barriers to work, and importantly, high quality work, to people with a disability. Without this recognition and understanding, increasing further conditionality on people is merely punitive and will not succeed. Incentivising an individual to take up work does not mean the world of work is going to be accessible to them.

The content of this report does not give adequate weight to these barriers. Any proposed social welfare reforms must be fully informed by the reality of a. the level, quality and location of employment opportunities available, and b. the enabling services that will allow people to go to work, and c. the ability of PES to support people to obtain and sustain employment opportunities. As IHREC point out *‘National policy frameworks focus on activating structurally vulnerable groups to join the labour market, rather than addressing the prevalence of labour market discrimination in Ireland.’*¹⁶

We have serious concerns about the ability of a high quality PES to be in place at a sufficient scale to support the estimates of the number of people who would engage. The OECD has criticised the ‘non-existence’ of effective employer engagement around disability employment, illustrating a lack of ambition and consistency in how the government

¹⁵ [Joint Committee on Social Protection, Community and Rural Development and the Islands debate - Wednesday, 25 Oct 2023 \(oireachtas.ie\)](#)

¹⁶ [Ireland and the International Covenant on Economic, Social and Cultural Rights \(ihrec.ie\)](#)

approaches this aspect of labour market policy: *‘The non-existence of such a structure is a major weakness in the Irish system, and finding the right place for it will be critical’*.¹⁷ In the absence of positive reports and progress in this area, it is concerning that mainstreaming conditionality for individuals is coming *before* mainstreaming of disability awareness amongst employers. On employment support, the OECD comment *‘the employment service is under-resourced and the system generally still payment driven rather than employment driven’*.¹⁸ And DFI, in their submission to the ICESR, state that *‘While some employment projects have been undertaken in recent years, and some important policy reviews, no significant progress has been made to redress the low employment levels of disabled people. The third Action Plan for the Comprehensive Employment Strategy (CES) for People with Disabilities was originally due for publication in 2022, but is still awaited.’*¹⁹

IHREC have also flagged the importance of prejudice from employers: *‘further attention is required on the role that employers play in perpetuating negative stereotypes and allowing biases to impact employment outcomes for particular groups.’*²⁰

The DPO Coalition published survey results in 2023 which found that of survey respondents in employment, 42% reported their employer had not made the necessary reasonable accommodations for them.²¹ The OECD’s analysis of the lack of awareness, or use of, reasonable accommodation states: *‘Ireland should better accommodate individual constraints and preferences of workers. A substantial evidence base shows that reasonable accommodation – changes in the workplace and/or the work activity to enable a person to perform and advance on the job – reduces employment barriers for all workers, including for those who experience health problems. Availability of low-cost accommodation such as working time and work place flexibility should become the norm in Ireland. Furthermore, the government should guide employers better how to implement reasonable accommodation and promote awareness of the available supports’*.²²

¹⁷ [1. Assessment and recommendations | Disability, Work and Inclusion in Ireland : Engaging and Supporting Employers | OECD iLibrary \(oecd-ilibrary.org\)](#)

¹⁸ Ibid.

¹⁹ [dfi submission to icescr january 2024.pdf \(disability-federation.ie\)](#)

²⁰ [Ireland and the International Covenant on Economic, Social and Cultural Rights \(ihrec.ie\)](#)

²¹ [DPO-Coalition-Consultation-Report-2023.pdf \(irishdeafsoc.wpenginepowered.com\)](#)

²² [2. Challenges and opportunities in a changing world of work | Disability, Work and Inclusion in Ireland : Engaging and Supporting Employers | OECD iLibrary \(oecd-ilibrary.org\)](#)

On different experiences of work quality, the ESRI – studying employment transitions between 2010 and 2015 – found that people with disabilities were more likely to work part-time, and that the part-time employment was more likely to be less stable, with disabled part-time workers 1.8 times more likely to leave employment than full time workers.²³ The ESRI suggest that the data shows *‘part-time work is less embedded and more sensitive to changes in demand for labour than full-time positions. This finding may be of particular importance to the employment prospects of people with disabilities, for whom part-time hours would be more suitable, particularly if they are dealing with mobility or pain-related conditions: a part-time contract would expose them to a less stable employment arrangement.’*

Two of the policy implications the ESRI identified in this report are [our emphasis]: *‘Given the diversity of circumstances of people with disabilities – in terms of the nature and severity of the disability and their level of education and family support – the optimum mix of income support, retention of benefits, and **employment support will need to be tailored to the individual’s specific circumstances.**’* And a further key point [our emphasis]: *‘Promoting labour market inclusion of people with disabilities will require genuinely proactive engagement with them in the context of the Pathways to Work 2016–2020 strategy. **To be effective, the specific barriers to employment they face need to be addressed.**’²⁴*

Access to services

Barriers to work and barriers within the workplace, as discussed above, exist within wider inadequacy of services for people with disabilities. IHREC’s Disability Advisory Group point to *‘the wider infrastructural issues that impact on equal access to work, including the limited access to Personal Assistants and Irish Sign Language interpreters and inflexibility in working hours’*.²⁵

The ILMI has reported extensively on the impacts of insufficient personal assistant services in Ireland which reduces disabled people’s independence including (among other things) people’s ability to participate in employment.²⁶ An interview respondent in recent ILMI

²³ [Employment Transitions among People with Disabilities in Ireland - An Analysis of the Quarterly National Household Survey, 2010-2015 \(esri.ie\)](https://www.esri.ie/publications/employment-transitions-among-people-with-disabilities-in-ireland-an-analysis-of-the-quarterly-national-household-survey-2010-2015).

²⁴ [Employment Transitions among People with Disabilities in Ireland - An Analysis of the Quarterly National Household Survey, 2010-2015 \(esri.ie\)](https://www.esri.ie/publications/employment-transitions-among-people-with-disabilities-in-ireland-an-analysis-of-the-quarterly-national-household-survey-2010-2015).

²⁵ [Ireland and the International Covenant on Economic, Social and Cultural Rights \(ihrec.ie\)](https://www.ihrec.ie/ireland-and-the-international-covenant-on-economic-social-and-cultural-rights)

²⁶ [Not in the driving seat. Reliance on family for supports and the impact it has on the lives of disabled people. \(ilmi.ie\)](https://www.ilmi.ie/not-in-the-driving-seat-reliance-on-family-for-supports-and-the-impact-it-has-on-the-lives-of-disabled-people)

research said ‘I am employed and make my way in the world as a result of PA service.’ Recommendations from the report include to co-design, with DPOs, a national Personal Assistance Service, and to legislate for a right to receive PA services.²⁷

Other services that enable work, and in fact, make work financially worthwhile, include accessible, reliable and affordable public transport. Public transport is a key enabler of sustainable employment, and a survey of SVP’s members carried out in 2020 found that almost 39% of responding conference members said that public transport is one of the main barriers to employment for people living in rural areas.

Transport is included in the UN CRPD under articles 9 and 20,²⁸ but for people with disabilities, public transport is too often inaccessible. This presents a barrier to all forms of social inclusion including participation in employment. This includes significant numbers of taxis²⁹, rural bus stops (with reports of just 1300 out of 5000 Bus Eireann bus stops being accessible³⁰), as well as factors such as having to give significant advance warning for train travel.³¹ This significance of public transport for enabling employment was stated by Jack Kavanagh at the Access Now conference, commenting on the levels of people with spinal cord injuries who are not able to return to work: ‘This is not because they aren’t qualified but because they can’t get to work’.³²

We outline this challenge because, while not directly the responsibility of DSP, it highlights the need for social welfare reform to be fully integrated with other departments (and indeed agencies and services) progress and strategies: a strategy or set of reforms cannot succeed if it doesn’t respond to the world as it is.

²⁷ [Not in the driving seat. Reliance on family for supports and the impact it has on the lives of disabled people. \(ilmi.ie\)](#)

²⁸ [Transport - National Disability Authority \(nda.ie\)](#)

²⁹ [Publications | Disability Federation of Ireland \(disability-federation.ie\)](#)

³⁰ [Public transport and disability: ‘It’s improving but it could be improved more’ – The Irish Times](#)

³¹ [218778_5d7b0fb7-4394-4fae-854d-94ae023aa1e6.pdf](#)

³² [Public transport and disability: ‘It’s improving but it could be improved more’ – The Irish Times](#)

3.4. Do you agree, in principle, with the proposal to link payment durations to the anticipated duration of a person's restriction, but to allow for extension or reapplication as set out above? If not, why not?

This approach appears to make sense, but it should be decided in conjunction with DPOs who will have the optimum understanding of how this may work in real life. Any reform should remain under review initially as the practice and implementation of the policy will be key to its success or failure. If there are indications that durations are being set at too short intervals, or extensions and reapplications are onerous, this will cause unnecessary distress to people and should be amended.

3.5. Do you agree, in principle, with the use of a Working Age Payment type model (similar to Working Family Payment) for in-work supports? If not, why not?

It would make sense to have an aligned approach to in-work payments across payment types. However, we have a number of concerns with the WAP model as referenced in our response to the Pay-Related Benefit consultation and previous engagement with the Department.³³

Our concerns include the risk that an earnings-based model in this instance may create an environment that encourages poor labour market conditions related to low hours/low pay. It could also undermine commitments to move towards a living wage for workers as outlined in the Programme for Government. There is also the potential to create a cliff-edge with high Marginal Effective Tax Rates for those wanted to increasing their working hours. This is evident from the Vincentian MESL Research Centre's analysis on the Working Family Payment.³⁴ In the PRB submission, we instead proposed the Department include the option of hours worked model or the earning disregard model that is applied to the Jobseeker Transition Payment in further rounds of consultation on in-work supports for adults without children.

Importantly, for disabled people entering work, it is essential – that any transition between in and out of work payments is smoothed – breaks in payment would be of material impact to people entering or leaving work, and concern around this would also disincentivise people

³³ [Pay-Related-Benefit-SVP-Response-Feb-23.pdf](#)

³⁴ https://www.budgeting.ie/download/pdf/mesl_2022_annual_update.pdf

In flagging this evidence, we recognise that the policies from the UK do not map directly onto the Green Paper proposals and comes from a completely different social welfare model and approach, however it does suggest the need for much more development of the ‘tier’ model proposed.

We believe that instead of the proposed tier structure, there is a strong case that a reformed approach should take the form of an adequate core social welfare payment, and an additional non means tested cost of disability payment. Our proposal is that the Department begins a process of co-creating a reformed payment structure in conjunction with disabled people and DPOs.

4.2. Do you agree with the indicative payment levels set out in section 4.2? – If not, what would you propose?

We do not agree. None of the payment levels meet, or are methodologically aligned with the level of income needed to meet a Minimum Essential Standard of Living, let alone meeting the additional costs of living with a disability. The MESL research shows that current social welfare rates for single adults provide for between 75% (based on short term payment eligibility) and 84% (based on long term payment eligibility) of the costs of a MESL.³⁷ In 2023, a single adult without an illness or disability needed between €300.63 (urban) and €342.48 (rural) to afford a minimum standard of living and a dignified life.³⁸ On top of this is the estimated costs of disability averages €9,027 (not including foregone costs).³⁹

We believe the inadequacy of current and proposed social protection rates means too many disabled people live in deprivation, and aren’t able to enjoy their right *‘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.’* (UNCRC Article 28).⁴⁰ Introducing a new payment that is not rooted in providing income inadequacy will build poverty into the system from the outset.

³⁷ [mesl impact briefing - budget 2024.pdf \(budgeting.ie\)](#)

³⁸ [2023 EXP & INC Scenario - SW NMW MIS.xlsx \(budgeting.ie\)](#)

³⁹ [gov - The Cost of Disability in Ireland – Research Report \(www.gov.ie\)](#)

⁴⁰ [Article 28 – Adequate standard of living and social protection | United Nations Enable](#)

It is unclear if the suggested illustrative rates propose an ongoing tie to the contributory pension rate, or will remain standalone and subject to fixed value increases as part of Budget negotiations, as with other payments. This would mean the value of payments are not indexed to a real-world evidence base. Along with many other organisations, we believe it is essential that the government adopts the benchmarking and indexation of social welfare payments to ensure they maintain their value year on year, and the system as a whole maintains coherence – fixed value increases means there is no clear rationale behind the value of each payment.

Indexation is supported by IHREC,⁴¹ and the ESRI have repeatedly recommended the need for benchmarking in their budgetary analysis⁴², while the Tax and Welfare Commission have recommended regular benchmarking and multi-annual evidence-based targets to guide social welfare rates.⁴³ At SVP we propose that benchmarking and indexation should be tied to the Minimum Essential Standard of Living.

We are concerned there is a conflation of graded potential for employment, and graded cost of disability – these do not necessarily go hand in hand. It is our view they need to be acknowledged and dealt with separately within the system, and that this would be best done through a new non means tested ‘Cost of Disability’ payment.

If the requirement for additional income support is to be conflated with differing jobseeking requirements, the Department needs to provide evidence of the overlap of these definitions. The Green Paper does not provide analysis of the potential number of people, and the impacts on them, if, for example, someone is given the lower tier of payment due to their ability to engage with PES and employment, but has very high disability costs. For this reason we believe both the logic at the heart of the payment is flawed, and the potential impacts have not been adequately assessed.

⁴¹ [Policy Statement on the Index-Linking of Welfare Payments \(Welfare Indexation\) \(ihrec.ie\)](#)

⁴² [Distributional impact of tax and welfare policies: Budget 2023 \(esri.ie\)](#)

⁴³ Tax and Welfare Commission, Recommendation 12.1 The Commission recommends that ‘Government undertakes a benchmarking exercise in respect of all working-age income supports (including supports for people who are unemployed, people with disabilities and people parenting alone), following which multi-annual targets should be set for social welfare rates which provide for regular incremental progress. Annual increases in social welfare rates should be based on a transparent and evidence-led process.’

4.3. Do you agree with the approach to engagement with the Public Employment Service set out in section 4.2? – If not, what would you propose?

While there have been assurances (eg. The Oireachtas Committee representations from DSP⁴⁴) that the policy will not lead to people being penalised for not engaging with PES, that is not reflected in the current wording. Our view is that the common sense interpretation, and the interpretation of stakeholders, of the current wording of the requirements are that engagement with PES is obligatory and therefore not engaging with PES will lead to consequences and penalties. The significance of this shift, were it to be the case, must not be underestimated. There is no justification to use this wording if this is indeed not the case.

In reforming the relationship between people on disability payments and the PES, the Department should learn lessons from the development of the Jobseekers Transition Payment, both in how a new payment is rolled out, and in the JST's approach to activation (summarised on Citizens Information as 'you must engage with your local Intreo office when asked to do so'⁴⁵). Research published this year by One Family examines the experience of being on JST through qualitative research⁴⁶. A finding of particular note is an ambiguity in understanding and practice of conditionality and sanctioning. The report states '*Many of the participants in the study spoke about encountering a coercive and threatening tone and feeling as though they might be sanctioned as result of their interactions with payment administrators both in-person and through the tone of correspondence they received. Overall, the research findings suggested that in many cases, the way in which claimants were treated and received was inconsistent and likely to depend on the practice approach of the specific administrator.*'

The resulting recommendation focusses on improving communication (tone and content) with claimants in person-to-person interaction, and standardised correspondence. Suggestions of differential practices between regions is concerning, suggesting a lottery in the support that is provided in Intreo centres.

⁴⁴[Joint Committee on Social Protection, Community and Rural Development and the Islands debate - Wednesday, 25 Oct 2023 \(oireachtas.ie\)](#)

⁴⁵[Jobseeker's Transitional payment \(citizensinformation.ie\)](#)

⁴⁶[InTransit-report_digital.pdf \(onefamily.ie\)](#)

We are also concerned about the ability of PES to provide high quality person centred support to the number of people who would be required (obliged, or encouraged?) to engage should these reforms progress. As Whelan states: *'The Green Paper proposes that PWD should have to engage with the employment services. It does not explain how the employment services will be made to engage with people with disabilities.'*⁴⁷

Much more information would need to be provided on how the PES would be prepared to mainstream the best quality of support for people with disability. For example, as AsIAM have queried, *'There is little mention of employment opportunities being steered by the person's interests, aspirations or career goals'* which risks people engaging with services to remain on their payment which could *'potentially funnel people into employment or training supports against their will to keep their entitlement'*. They further note *'There is little mention of entrepreneurship and self-employment, or further and higher education, as possible options for supporting disabled people to find the employment they want'*.⁴⁸

SVP have advocated for the importance of SUSI to be paid for part-time students as a way of supporting people into higher education, and from there to high quality employment, including people with disabilities and single parents.

4.4. Do you agree with the approach to assessment and assignment set out in section 4.3? – If not, what would you propose?

We wish to echo the concerns of DPOs and representative groups that the approach corresponds to a medical rather than a social model of disability, and that a human rights and social model of disability must be the basis of any reformed payments.

AsIAM states *'The assessment approach the Department is taking for assessing a person's capacity to work would not be consistent with human rights approach –the reliance on 'functioning labels' to determine the level of payments they may be entitled to would risk further entrenching medicalised or stigmatising attitudes towards disability and people who receive social welfare and would be inconsistent with a rights based approach set out by Article 28 of the United Nations on the Rights of Persons with Disabilities.'*⁴⁹

⁴⁷ [The Green Paper on Disability Reform: a flawed effort to reform payments for people with disabilities – Public Policy](#)

⁴⁸ [Department of Social Protection publishes Green Paper and launches Public Consultation into the Future of Disability Payments - AsIAM](#)

⁴⁹ [Department of Social Protection publishes Green Paper and launches Public Consultation into the Future of Disability Payments - AsIAM](#)

The use of medical assessors to assign people to groups that are described to be about work capability is misguided. Will the medical assessors, for example, have knowledge about what work opportunities are available locally that may suit an individual? Will they have expertise in what range of jobs may be an option an individual, and what jobs won't be? Given the gravity of assignments – that come with conditionality, as well as financial consequences – there is scant information provided about how this system will operate. We are concerned that there has been insufficient detail provided on the capacity of the assessment system to scale up and upskill for its new responsibilities, and that there has been no suggestion of piloting the approach in the first instance. We echo IHREC's concern that current high levels of successful appeals for Disability Allowance calls into question how robust the assessment processes are.⁵⁰

4.5. Do you agree with the approach to entitlement reviews set out in section 4.4? – If not, what would you propose?

The suitability of time periods and process for reviews should be decided in conjunction with DPOs. Currently, the Green Paper does not stipulate what would count as evidence and how onerous this may be for the individual to provide.

4.6. Do you agree with the approach to the transition of existing claimants set out in section 4.5? If not, what would you propose?

This approach appears to make sense, though we would be concerned about the lack of details for the appeals process. How will people be supported to appeal, and what will the appeal process entail? We would be particularly concerned in light of the use of the medical model of disability for assessing claims.

4.7. Do you agree with aligning short-term and long-term payments by setting a two-year impact test for long-term payments as introduced in section 4.6? If not, what would you propose?

We believe this requires further attention from the Department.

⁵⁰ [Ireland and the International Covenant on Economic, Social and Cultural Rights \(ihrec.ie\)](https://www.ihrec.ie)

Cut off at two years

We would like to see further information on the rationale behind having a strict two year cut off between short term and long term payments, and how this applies to peoples circumstances and the lived reality of illness.

Issues with Illness Benefit

Currently, there are problems with Illness Benefit that also need addressing. Someone being temporarily off work (eg. For a number of days or a small number of weeks) may not need the same level of income support as someone who is expecting to be off work for closer to two years.

People who are on Illness Benefit longer term are at a disadvantage to those on disability payments as they cannot access the Fuel Allowance. If people are to remain on Illness Benefit for longer periods, they must receive Fuel Allowance at the same time that a jobseeker would.⁵¹ If someone does end up being on the Illness Benefit scheme for two years they should not be penalised by missing out on FA payments.

We propose that greater attention is given to how Illness Benefit is functioning for people on it longer term, and if there needs to be differentiation between short term and long term IB.

Section 5 – In-work income supports

5.1. Do you agree with the approach to align the in-work supports for the new contributory and non-contributory disability income supports? If not, why not?

They should be aligned, however we outline our concerns and suggestions related to the proposal in question 3.5.

5.2. Do you agree with the proposed Working Age Payment model? If not, what alternative approach would you propose?

Please see response to Question 3.5.

We propose that a non-means tested cost of disability payment is also strongly considered, and is not impacted by working status.

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5.3. Do you have any other comments on the proposals in this section?

We don't think this section gives enough attention to the role of secondary benefits and their value to people entering employment.

The security of secondary benefits, whether that is travel, medical, childcare, or fuel support, must not be underestimated in how it shapes people's decisions and ability to enter work. They are an important part of minimising the risks for people and their families when they change their financial circumstances.

Removing secondary benefits introduces uncertainty into the transition to work. Medical cards, fuel allowance, transport subsidies – these are all of huge financial and inclusion benefit to people, and risking them for a job that may not last for a range of reasons will weigh heavily on an individual deciding whether they can afford to take on paid employment. Removing secondary benefits from persons and families who we know have significant extra outgoings due to the cost of having a disability, at a time of precarity and changing personal finances (new employment), is misguided.

It is our view that people should keep their secondary benefits for a period of time and then their value should taper. In cases such as the Medical Card, or free transport, we believe these should remain indefinitely as they contribute to lessening the additional cost of disability.

Section 6 – Eligibility for long-term disability payments

6.1. Do you agree with the approach to maintaining the current means test and PRSI contributions eligibility conditions? If not, what approach would you propose?

We agree with the approach which aligns with other core social protection payments.

6.2. Do you agree with standardising the age requirement under the new tiered payment at age 18? If not, what approach would you propose?

Yes, we agree that standardisation, on balance, brings benefits.

6.3. Do you agree with the proposed transitional arrangements for people currently in receipt of the Domiciliary Care Allowance? If not, what approach would you propose?

This approach appears to make sense, however this should be decided with the people and families affected.