



**Tithe an  
Oireachtais  
Houses of the  
Oireachtas**

**AN COMHCHOISTE UM GHNÓTHAÍ FOSTAÍOCHTA AGUS COIMIRCE SHÓISIALACH  
AGUS  
AN COMHCHOISTE UM OIDEACHAS AGUS SCILEANNA  
AGUS  
AN COMHCHOISTE UM SHLÁINTE**

**ATHBHREITHNIÚ AR NA TACAÍ AR FÁIL DO DHAOINE FAOI  
MHÍCHUMAS ATÁ AG AISTRIÚ Ó OIDEACHAS NÓ OILIÚINT GO  
FOSTAÍOCHT**

**IÚIL 2018**

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**JOINT COMMITTEE ON EMPLOYMENT AFFAIRS AND SOCIAL PROTECTION  
AND  
JOINT COMMITTEE ON EDUCATION AND SKILLS  
AND  
JOINT COMMITTEE ON HEALTH**

**REVIEW OF SUPPORTS AVAILABLE TO PEOPLE WITH DISABILITIES  
TRANSITIONING FROM EDUCATION OR TRAINING INTO EMPLOYMENT**

**JULY 2018**



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No. JCSP 01/2018

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## JOINT CHAIRS' FOREWORD



The Joint Chairs, photographed at the first meeting of the three Committees on 3 May 2018. From left to right: Michael Harty TD, Fiona O'Loughlin TD and John Curran TD.

In undertaking this series of meetings involving three Joint Committees of the Houses of the Oireachtas, we hoped that working together may provide an additional energy and momentum to the report we intended to produce. Each of us has a concern for those people who are the subject matter of our investigation, and we can see that working collectively has added extra dimensions to our proposals. This should be a more routine way of working in Joint Committees.

One striking element in the testimony of witnesses describing their personal experiences was how many of them concluded they had been lucky: some lucky because they were old enough to access supports which are no longer available, some lucky because of the support of their parents, some lucky because they are stubborn and can shout and advocate. We do not consider that luck should have any impact on outcomes for people with disabilities – the appropriate services must be available as a matter of course.

We would like to thank all who participated in proceedings before the Joint Committees, as well as those who made written submissions. Their various contributions, together with that of the Committee Secretariat, to the production of this report are gratefully acknowledged. We particularly wish to acknowledge the participation of the seven individuals who attended meetings specifically to describe their lived experiences.

John Curran TD  
Employment Affairs and Social Protection

Fiona O'Loughlin TD  
Education and Skills

Michael Harty TD  
Health

July 2018

# JOINT COMMITTEE ON EMPLOYMENT AFFAIRS AND SOCIAL PROTECTION

AND

## JOINT COMMITTEE ON EDUCATION AND SKILLS

AND

## JOINT COMMITTEE ON HEALTH

### REVIEW OF SUPPORTS AVAILABLE TO PEOPLE WITH DISABILITIES TRANSITIONING FROM EDUCATION OR TRAINING INTO EMPLOYMENT

#### 1. Introduction

1.1 When the Joint Committee on Employment Affairs and Social Protection (JCEASP) adopted its Work Programme in 2016, labour activation was selected as an issue requiring investigation. On 25 January 2018<sup>1</sup> the JCEASP heard a presentation from the Disability Federation of Ireland regarding the particular challenges facing people with disabilities in their quest for labour activation measures to facilitate their transition from education or training into employment. Subsequently, in the interest of making a helpful contribution to this debate, the JCEASP invited the Joint Committee on Education and Skills (JCES) and the Joint Committee on Health (JCH) to meet together in joint session (hereafter called the Committees) for the purpose of investigating and reporting on the issue. Relevant motions were passed by both the Dáil and Seanad on 1 May 2018 (see Appendices 3 and 4).

1.2 The Committees met in public session on three separate occasions: on 3 May 2018<sup>2</sup> when the witnesses were the Disability Federation of Ireland and Inclusion Ireland, on 29 May<sup>3</sup> when members heard testimony from six individuals with disabilities regarding their personal lived experiences, and finally on 12 June<sup>4</sup>, when officials from the Departments of Employment Affairs and Social Protection, Education and Skills and Health attended the Committees.

#### 2. Background

2.1 Policy in the area of labour activation for people with disabilities is governed by the *Comprehensive Employment Strategy for People with Disabilities 2015 – 2024*<sup>5</sup>, described as a cross-government approach bringing together actions by different departments and state agencies in a concerted effort to address the barriers and challenges that impact on employment of people with disabilities.

2.2 At the launch of the strategy, it was noted that people with disabilities were only half as likely to be in employment as others of working age. The reasons for this were described as complex, and included level of education and skills, fears around loss of benefits, employer know-how, low expectations, and limited re-entry to work following onset of a disability, as well

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<sup>1</sup> [https://data.oireachtas.ie/ie/oireachtas/joint\\_committee\\_on\\_employment\\_affairs\\_and\\_social\\_protection/2018-01-25](https://data.oireachtas.ie/ie/oireachtas/joint_committee_on_employment_affairs_and_social_protection/2018-01-25)

<sup>2</sup> [https://data.oireachtas.ie/ie/oireachtas/joint\\_committee\\_on\\_employment\\_affairs\\_and\\_social\\_protection/2018-05-03](https://data.oireachtas.ie/ie/oireachtas/joint_committee_on_employment_affairs_and_social_protection/2018-05-03)

<sup>3</sup> [https://data.oireachtas.ie/ie/oireachtas/joint\\_committee\\_on\\_employment\\_affairs\\_and\\_social\\_protection/2018-05-29](https://data.oireachtas.ie/ie/oireachtas/joint_committee_on_employment_affairs_and_social_protection/2018-05-29)

<sup>4</sup> [https://data.oireachtas.ie/ie/oireachtas/joint\\_committee\\_on\\_employment\\_affairs\\_and\\_social\\_protection/2018-06-12](https://data.oireachtas.ie/ie/oireachtas/joint_committee_on_employment_affairs_and_social_protection/2018-06-12)

<sup>5</sup> [http://www.justice.ie/Comprehensive\\_Employment\\_Strategy\\_for\\_People\\_with\\_Disabilities](http://www.justice.ie/Comprehensive_Employment_Strategy_for_People_with_Disabilities)

as a higher incidence of ill-health. For all these reasons, the employment rate of people with disabilities remained stubbornly low even at the height of the economic boom.

2.3 The strategy identified six priority areas, as follows:

- building skills, capacity and independence;
- providing bridges and supports into work;
- making work pay;
- promoting job retention and re-entry into work;
- providing co-ordinated and seamless support;
- engaging employers.

2.4 A cross-agency Implementation Group was put in place to deliver the Strategy, chaired by Fergus Finlay. In his second Annual Report<sup>6</sup>, in 2017, Mr Finlay noted that

It was clear from the time implementation began that this is a ten year strategy, and it may well take that long for all of the strategic priorities to be met. My hope is that the level of engagement and commitment we are seeing, together perhaps with significant improvements in the economy, may enable us to reach our goals faster.

2.5 Coincidentally, and appropriately, as preparations were being made for the Committees to meet, the Dáil passed the following motion on 7 March 2018:

That Dáil Éireann approves the terms of the Convention on the Rights of Persons with Disabilities, as adopted on 13th December, 2006, at York, a copy of which was laid before Dáil Éireann on 21st February, 2018.

2.6 In 2007, Ireland had become a signatory to the Convention<sup>7</sup>, the purpose of which is stated in Article 1 as

...to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

At the time of the debate on the motion – the necessary first step to ratification– Ireland was the only EU member state that had not yet ratified the Convention.

2.7 During the Dáil debate many people with disabilities and their advocates attended in the public gallery, and many deputies made reference to the forthcoming meetings of the Committees, expressing the hope that they may be able to contribute to addressing the systematic and institutionalised barriers that prevent people with disabilities from participating in education, the workforce and society in general.

### **3. Disability Federation Ireland and Inclusion Ireland**

3.1 The first meeting of the Committees on 3 May 2018 was attended by Dr Joanne McCarthy and Dr Patricia McCarthy, on behalf of the Disability Federation of Ireland (DFI), and Mr Mark O'Connor and Mr Robert Murtagh, from Inclusion Ireland.

3.2 Dr Joanne McCarthy explained that DFI is a national representative umbrella body working to make Ireland more inclusive and fairer for people with disabilities. It has more than

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<sup>6</sup> [Chairman's Report on Comprehensive Employment Strategy for People with Disabilities 2017](#)

<sup>7</sup> [Convention on the Rights of Persons with Disabilities - Articles | United Nations Enable](#)

120 member organisations providing support services to people with disabilities, as well as working with a number of other organisations with an interest in securing better outcomes for people with disabilities in Ireland. She said that when the planning and delivery of health and personal social services for people with disabilities take place in siloes, it is people with disabilities who feel the consequences. Policies that are good but in a silo sit in a vacuum and are unable to respond to the complex and often interwoven experiences of exclusion and discrimination of people with disabilities. The exclusions and daily challenges faced by people with disabilities cannot be resolved through the provisions and supports offered by any one Department. She emphasised that people with disabilities are not simply defined by their disabilities, but are a heterogeneous group requiring different solutions at different times.

3.3 Dr McCarthy said that, according to the 2016 census, there are more than 640,000 people with disabilities in Ireland, with an additional 56,000 people being diagnosed with some disability each year. Some 71% of the people concerned are out of work, with 26.3% being estimated as living in consistent poverty. There are 250,000 students in higher education, of whom less than 6% are people with a disability who require support. People with disabilities are hugely under-represented in this area which could give them opportunities to access employment.

3.4 Dr Patricia McCarthy, a staff member of the School of Education in Trinity College Dublin, is also a person with a disability. She spoke to the Committees about her personal experiences as well as her research findings. She said that attending a special school was the norm when she was a child in the 1970s, and she attended boarding school from the age of seven. She sat the Intermediate and Leaving Certificate examinations, but attendance at third level was neither encouraged nor supported. Some 30 years later, she graduated with a PhD because the system had developed adequate supports and accommodation to enable her to work and study within a flexible system.

3.5 Dr McCarthy said that people with disabilities are increasingly attending higher education, but are not progressing through education at the same rate as their able-bodied peers. She pointed to the scarcity of provision of individual education plans as one of the reasons for this. These are provided for in the Education for Persons with Special Educational Needs Act 2004, but the provisions have not yet been fully implemented. The lack of individual education plans means that transition planning does not take place at an early enough stage and the ambitions of people with disabilities are not taken fully into consideration. People with disabilities also have specific problems in accessing employment. Many may only be able to take up part-time employment, but the question then arises of what level they can take up employment while retaining the necessary supports such as a medical card or rent allowance. The problem is that all of these supports have different thresholds and cut-off points; therefore, it is very hard for them to navigate through the system and know exactly what they can earn without it impacting negatively on them and without fearing that they will go over the limit and lose a vital support.

3.6 Mr Robert Murtagh explained that Inclusion Ireland was established in 1961 and is a national rights-based advocacy organisation that works to promote the rights of people with intellectual disabilities. The vision of Inclusion Ireland is that of people with intellectual disabilities living and participating in the community with equal rights as citizens and living the life of their choice to their fullest potential, and their work is underpinned by the values of dignity, inclusion, social justice, democracy and autonomy. Mr Murtagh contended that a lack of ambition and flexibility in the system starts early for someone with a disability, especially young people with intellectual disabilities. For example, there is no career guidance in special schools as it is assumed responsibility for these young people will transfer to the HSE at 18 years of age. The Department of Education and Skills is conducting a review of career guidance at second level, further education and higher education. The complete lack of career guidance in special

schools is not included in the terms of reference of the review, such is the lack of ambition within the Department for young people with disabilities. Inclusion Ireland's recommendation is that special schools must be included in the review of career guidance services as a matter of urgency.

3.7 Mr Murtagh added that there is a chronic shortage of places for children with autism in autism classes in schools, especially at second level where the number of class spaces is about one quarter of that at primary level and where there are also blackspots. There is legislation going through the Oireachtas at present - the Education (Admission to Schools) Bill - that could solve this problem. Inclusion Ireland recommends that the National Council for Special Education (NCSE) should have the power to direct a school to open an autism class so that every child who has this support need may attend his or her local school if he or she so wishes. Obviously, resources would have to flow to the school.

3.8 Mr Mark O'Connor told the Committees that for the 1,500 school leavers with higher support needs in terms of intellectual disability and autism in 2018, the only option available is a HSE funded day service and life on disability allowance. On average, the State is investing approximately €25,000 per person per year in something we know is not good and is often exclusionary for people with disabilities. As an example, in the HSE's New Directions - Personal Support Services for Adults with Disabilities from 2012, which has yet to be implemented, people with disabilities were surveyed on what they thought about day services. Much of the time they said they were bored, engaged in meaningless tasks and had very little scope for progression within a day service, yet people with intellectual disabilities, in particular school leavers, continue to be funnelled into these services.

3.9 Referring to what he described as cost of disability schemes, Mr O'Connor cited specifically the now closed motorised transport grant and the mobility allowance. Prior to Inclusion Ireland's submission on Budget 2018, the organisation consulted widely with disabled people and the mobility grant and the motorised transport scheme came up frequently. Some people said that a priority was the reinstatement of the mobility grant, that it has left families in desperate financial distress and many disabled people in rural areas without transport. Others said that there should be more bus routes for people living in rural areas, more frequent buses in towns and that community life is essential for good mental health and social interaction. Inclusion Ireland recommended that at least some thought be put into the establishment of a commission to examine the true cost of disability and that the advancement of the proposed Health (Transport Support) Bill should be a priority for the Oireachtas.

3.10 During the discussion with the members of the Committees, Dr Joanne McCarthy suggested that all would agree that the point of transition is when disablement becomes most acute, and this is significantly experienced in education. She said there is not enough planning in advance for transition points. Other jurisdictions begin to plan well in advance for transitioning for people with a disability when they are aged 13 or 14 years. She said we have the relevant demographic information, and that we can predict how and when people will start to transition and when their needs will change, but we are not using what we have to hand to help inform the decisions we make. Dr McCarthy also referred to the issue of the passport in terms of looking at how assistive technology is used to transition. She said that people should not have to look to go back all the time. If people come out of education and are now looking for a job their need for technology does not change. People should just transition and they should have a passport. The concept of a passport is a nice way to demand interfaces between Departments, agencies, systems and supports.

3.11 Dr Patricia McCarthy picked up on what she described as an absolute need for individual education plans to be mandatory and done well to ensure all pupils and students have a plan

worked out to ensure their expectations and ambitions are realised to their potential. They can achieve if the right supports are in place for them. They can then transition into further and higher education. Noting that the numbers of those with visual impairment transitioning into higher education has actually decreased year on year, in recent years, she said much of that was due to a lack of planning in primary and post-primary education and lack of expectation in regard to them. Dr McCarthy repeated support for the idea of a passport where things can transfer seamlessly rather than having to go to another Department and another section even within the same Department where one speaks to different people and one is sent around the houses. It is awful that it appears to the person with the disability that it is their responsibility when, in fact, it is not. It is the responsibility of others to ensure that they can access these things in an appropriate manner. As somebody with a PhD, she said she felt she needed another 10 PhDs to negotiate and to navigate the systems she comes up against on a daily basis.

3.12 Responding to questions from the members, Mr O'Connor described the situation in Limerick as an example of black spots for autism spectrum disorder (ASD) units at second level. He said there are children in Limerick being bussed to north Cork, south Tipperary and over to west Limerick and they are being taken out of their communities. They are not going to the birthday parties, they are not going to the football club and other social connections. In terms of good practice, Mr O'Connor spoke about a WALKPEER pilot programme in County Louth where presenters go into special schools, meet young people from 16 years of age and start talking about ambition. What are the students going to do when they leave school? The programme aims to anchor somebody with a part-time job in his or her community, so when that person leaves school, he or she knows what work is about, he or she gets a few quid for work and it is beneficial. Mr O'Connor said that community life and participation is at the heart of this and this is where a personal budget would benefit people. He described having a child with an intellectual disability, and said that the family considered what he can do. He accesses a really good service during the week and the family as a unit gets involved in local community events at weekends. They go to a park run on Saturday mornings, go to traditional music sessions in the pub, walk dogs at the local rescue centre on Sundays and do voluntary work as well. Mr O'Connor described these as activities that are community-inclusive, with the community getting something back. He said there was an example already there for young people, namely the youth advocacy programme, which was initially set up for young people having early engagement with the criminal justice system or at risk of that. It had been rolled out for young people with disabilities and although it only lasts a year, it gets people anchored in their communities. He suggested it should be rolled out to other age groups as well.

3.13 Mr Murtagh responded to questions on EmployAbility, the state-funded employment and recruitment service to assist people with disabilities to secure and maintain employment. He said that the service does not go far enough, and is not centred around the individual needs of certain individuals. It is more centred around people being job-ready. He said that, from Inclusion Ireland's experience, many of their clients want to get some work experience. There is no real outlet or place they can go to get this work experience and then get a job. Mr Murtagh suggested there were different ways to address this. There are some good practice models of job coaching, with mentors going in with a person with a disability to model the tasks that the person might have in a role. The person with a disability would slowly learn the task required as part of the job. That job coaching does not necessarily require that the coach should be there for the entire term of employment. It is about giving the person with disability the supports needed in order to learn those tasks and be more independent in a job. It could be phased out, leaving the person more independent in doing his or her job.

#### **4. Lived Experiences of certain individuals**

4.1 At the meeting of the Committees on 29 May, six individuals with disabilities spoke directly of their lived experiences. Their testimony is given here in their own words, slightly abridged for length but otherwise unedited.

4.2 The first speaker was Ms Jessica Ní Mhaoláin:

4.2.1 I have about two feet of clear vision and after that my world is blurry. I struggle to recognise faces, cannot read message or notice boards and need assistance in the simplest activities of life that most people would take for granted such as cutting bread or anything involving hand to eye co-ordination.

4.2.2 When I started school in the 1990s, supports for someone with my limitations were few and far between. In 2002, after repeated assessments and appeals to then Department of Education and Science, I was granted the use of a laptop and given some resource teaching. As I am blind, I rely on sound, which is my primary way of learning. I was unable to read and write properly until I was almost nine. I was eventually granted a special needs assistant which enabled me to learn properly for the first time in my life.

4.2.3 However, when I finished primary school I lost all of these services, which do not follow the student into second level education. At around the same time I was granted a medical card which was used to purchase low vision aids such as magnifiers, my white cane and monoculars which I use for notice boards. This timing is really important, given that I was in third year before I was granted any educational supports in school so I would have relied heavily on these low-vision aids. Once my supports were in place my school marks began to pick up. According to my academic records, any time I was without supports my marks would drop, but as soon as they were reinstated my marks would improve again.

4.2.4 To me that is simple proof that when persons with a disability are offered the correct supports in education they are just as capable of doing well as their schoolmates. I firmly believe that if my supports had been consistent throughout secondary school, I would not have failed examination after examination for two years. I also believe that if I had access to a lifelong assistive technology programme, as suggested by the Disability Federation of Ireland and Enable Ireland in their 2016 discussion document, my school days would have been as normal as those of my classmates, instead of the constant struggle they were.

4.2.5 My special needs assistant (SNA) hours were halved at the start of sixth year, which had a serious impact on my ability to revise and was horrendously stressful. I was unable to keep up in classes and had to be home-schooled for the remainder of the year with grinds to get me through my Leaving Certificate.

4.2.6 Once I got to college I was thrilled to discover that things were much different. The disability support service in University College Cork could not have been more supportive. I was offered grinds and assistive technology and I had a note-taker. I was allowed to learn at my own speed and my independence, particularly through assistive technology, was encouraged and hugely supported. I completed my BSc in Public Health in 2014 and followed on with an MA in Government and Politics in 2016. My master's

thesis focused on the impact of the Education of Persons with Special Educational Needs Act 2004 on children with disabilities and the results are as I expected. Children with disabilities are not being supported in the way the legislation intended because, for the most part, it has not been meaningfully implemented.

4.2.7 After spending almost six years in college, I found myself struggling to find work, even with my qualifications. As soon as prospective employers saw my cane, there was a pitiful look and I would receive the “we regret to inform you” letter a week later. I have a drawer full of such letters at home. To counteract the blank spaces that were quickly filling up on my curriculum vitae, I volunteered or interned in sectors in which I had an interest. It was only last November when I attended an interview where my disability and my cane were not given a second glance by the interview panel. I succeeded in getting a job as a constituency assistant to Liadh Ní Riada, the Sinn Féin MEP for Ireland South. I have all the supports I could ask for in this job. I have a large monitor and a scanner and these supports provide me with the help I need to do the job to the best of my ability.

4.2.8 However, with the good news comes a setback. When I was granted my medical card in the early 2000s I had more sight than what I have today. I have lost some of my peripheral vision in the past few years. I have had my medical card for almost 20 years. It was granted to me on medical grounds. However, when I notified the Health Service Executive that I had begun working my medical card was revoked. There was no appeals process open to me.

4.2.9 This puts a financial strain on me which is not faced by people without disabilities. The HSE seems to believe my blindness was cured overnight when I got my job. It has not factored the cost of low-vision aids covered by my medical card into its online means test. There is no set price for these aids. Depending on the aid a person needs, the cost could be €100, €200 or €2,000 and upwards.

4.2.10 The current funding model for assistive technology in the workplace is also completely outdated. The HSE did not factor in the number of doctor and hospital visits I have each year. I had well over 30 such visits last year. While my financial circumstances may change throughout my life, my rights to health care, as a person with a disability, should never change. I am very happy the committee is investigating labour activation for people with disabilities because it is very much needed and welcomed. However, I earnestly appeal to the committee to consider the importance of lifelong access to assistive technology and medical supports when it publishes its report.

4.2.11 Challenges are faced by people with disabilities as they try to find employment. These challenges are not faced by people without a disability. Under the UN Convention on the Rights of Persons with Disabilities, people like me have a fundamental human right to full and effective participation and inclusion in society. However, that right is of little use unless the correct supports are in place along the way. People like me need assistive technology. We need consistent educational supports and accessible facilities to allow us to participate on a level playing-field with our peers. Accessibility is not just for buildings. It is for every aspect of our lives in society.

#### 4.3 The second speaker was Mr Padraig Moran:

4.3.1 I have cerebral palsy which affects my motor control, so I require a motorised wheelchair to get around. I also have a task dog named Gail, to retrieve dropped items, help me take my coat off and perform basic tasks. Due to this, I no longer need as much help as I would. This has been provided to me by Dogs for the Disabled. I am a two-time Paralympian and a former world champion in the sport of boccia. I have just completed my degree in communications at Dublin City University, and I also compete for that university in powerchair football at European level.

4.3.2 Growing up in Ireland with any type of impairment is hard, because it is always a battle to access service that one needs. I have been very lucky in that both my Mum and Dad instilled a good work ethic in me and always told me not to accept the norm. Growing up in Ireland, one wonders whether one will be lucky enough to gain employment. The answer for me is “yes”, despite the fact that the system does its best to keep a person like me claiming social welfare. In 2006, I started working for East Coast FM in production. The station gradually upskilled me to mixing and producing, before I moved into the role of sports reporter on a freelance basis. The management and staff of East Coast FM have always challenged me to become the best that I can be.

4.3.3 In 2014, I secured a full-time job at Sky Ireland. It is an outstanding employer with a world class inclusivity policy, and any supports I have required have been put in place. My colleagues are the best that anyone could wish for, and they really take excellent care of Gail and me. I am now a service and loyalty specialist, having been promoted. When I started working, I lost my disability and medical card after a few months, and my travel pass two years later. The income disregard of €120 has not been renewed since 2006. That really needs to be looked at again. The members of the committee also might want to factor in that the disability allowance payment is exactly the same as the jobseeker’s allowance payment. Unemployment is a temporary condition, while I think the committee will accept that cerebral palsy, autism and most other physical disabilities are permanent. The State does not factor in the extra overheads that people with disabilities encounter every day.

4.3.4 There is also no consideration in the income tax system of the extra costs that a person with a disability has to face. I require a personal assistant to help me function, which I get for 10 hours a week. These 10 hours were allocated to me in 2011, and that plan has never been renewed or updated, nor has anyone ever asked me if it has changed. Twelve per cent of my monthly salary is spent on funding additional personal assistant hours because I cannot function on ten hours per week.

4.3.5 I have the long-term illness coverage because I have cerebral palsy. I am also asthmatic but, because asthma is not a cerebral palsy related condition, my inhalers are no longer covered under this scheme. In terms of education, I have been really lucky in terms of the supports provided to me by Dublin City University.

4.3.6 People with disabilities are often forgotten in the crossfire. We are not seen as a large voting group because we cannot engage in mass protest and so it is slightly easier to make cuts to our services. There are many advocacy groups and people on large salaries making decisions that affect us but up to now engagement with people with disabilities who face additional overheads in this regard has been rare. It is important that meetings like this continue to happen.

4.3.7 A few months ago, I had to have my glasses upgraded. When I applied for PRSI relief in an effort to recoup some of that cost I was told I was not entitled to it because I

had not worked for five consecutive years. There is supposed to be a five-year transition period for people who move from the disability allowance to employment but that transition period was never applied to me. My allowance was taken from me straight away. When I engaged with the then Department of Social Protection I was told by a member of staff that if I returned to part-time work I would get all of my benefits back. This is a damning indictment of the system. If the Government continues to decimate supports, people with disabilities will not move into employment. There are plenty of people with disabilities who are able to work. However, if in doing so their supports are withdrawn, it will have a massive impact on their lives.

4.3.8 We are supposed to be afforded fundamental human rights. The UN Convention on the Rights of Persons with Disabilities, UNCRPD, has been ratified but the protocol has not. In Ireland, we do little bits but we do not do enough. People with disabilities get a few crumbs every now and again to keep them happy. We need more than token gestures, we need action.

#### 4.4 Ms Eileen Daly spoke next

4.4.1 I propose to use this opportunity to speak from personal experience and also as a professional working in the area of education, supporting people with disabilities to transition from further and higher education into employment.

4.4.2 I graduated from University College Dublin in 1994 with a social science degree, following which it took me about one year to enter employment. I can categorically say that this was possible because I had a personal assistant throughout my education. I was also fortunate enough to be able to use my personal assistant service to transition into employment. The reason for that is I came into the system under the old conditions. Therefore, I did not have to give up my personal assistant service after I graduated from college. Nowadays, the system is very different. The funding structures, etc., are different. When a young person graduates from further or higher education, he or she no longer has an automatic entitlement to a personal assistant when he or she enters employment. Obviously, not everyone requires this support. It is required by many people with mobility issues and physical disabilities.

4.4.3 I would like to explain what personal assistants do for people in their workplaces. My personal assistant assists me in doing my job. I am employed by my employer. I am the person with the qualifications to carry out my role. My personal assistant follows my instructions and carries out tasks under my supervision that I am physically incapable of doing. Everything comes back on me as my ultimate responsibility. My personal assistant is not a burden on my employer. I employ her. It is really important for this to be clearly understood from an employer's perspective. This service or entitlement is no longer provided to many young people, and indeed older people. I categorically believe this is a fundamental barrier to employment.

4.4.4 I was fortunate enough to be involved and employed in the career pathways project, which was initiated by Trinity College. The outcomes of this project, which enabled and supported people in getting jobs, were very positive. During the course of this three-year project, I helped people with everything from CV preparation and interview skills to disclosure of disability. How should someone who has a hidden disability disclose that to a prospective employer? At what stage should this be done? How can one become confident in articulating one's needs and selling one's qualities?

How can one demonstrate to oneself and others that one has a valuable contribution to make in the labour market?

4.4.5 Despite all the positive outcomes - this project has won two awards for the substantial impact it has made in people's lives - unfortunately it was decided to discontinue the project when the funding dried up. Many people were left without a service, essentially. People's lives are worth much more than that. I am one of the lucky ones. I should not feel lucky. This should be an automatic human right for everyone.

4.4.6 The alarming lack of a comprehensive career guidance service in special schools has been highlighted in the media in recent weeks. It is old news, but it really has to change. It demonstrates the lack of value placed by the Government and by society at large on anyone who is different or does not fit the mould. If there is one message I would like to get across to the committee today, it is that there needs to be more communication between the Departments of Health, Education and Skills, and Employment Affairs and Social Protection. It is only through constant communication, dialogue and negotiation that the issues which prevent people from accessing education and employment can be addressed.

4.4.7 From my perspective, it is very uncomfortable to be asked by parents, and others who see me performing in my job, to explain how I have succeeded. When I share a certain amount with them, as appropriate, they ask me how they can get what I have. In such circumstances, I have to tell them honestly that they do not have an automatic human right to that. All I can do is give them some pointers and guidelines on how to advocate for themselves. In my opinion, that is no longer acceptable in 2018.

#### 4.5 The Committees next heard from Mr Gary Kearney:

4.5.1 Although I am 54 years old, this me is nine years old. Nine years ago, I was mugged and violently assaulted. I suffered multiple fractures of my skull and multiple brain injuries. I am deaf in one ear and I have various other issues. I am also invisible because I look normal, whatever that means. The semi-State company for which I had worked for less than 10 years was less than supportive. It forced me to go back to work after three months. It insisted that there was nothing wrong with me. Indeed, my bosses said I was not deaf and suggested I was making it all up.

4.5.2 This is the unfortunate part of being invisible, or what I normally call "hidden". I am high functioning. Brain-injured people who look brain injured or disabled have a large advantage over me. I would not call it a slight advantage.

4.5.3 When I found DeafHear in North Frederick Street, I walked in the door and said that I was deaf in one ear and had suffered brain injuries. I asked the people in DeafHear for help and they gave it to me. I also found Headway Ireland, which has saved my life twice at this stage. It is a great support group which has supported me to this day and, I suspect, it will probably do so for the rest of my life. I had to knock on that group's door and say: "Excuse me, can you help me?"

4.5.4 I taught myself to walk again, as I am deaf in one ear and I tend to fall over. I was falling over a lot. I have some false teeth, and I am due to get some more, as I kept falling over. I got no physiotherapy to help me with my vertigo and deafness.

4.5.5 Meanwhile the company I worked in was trying to sack me at every hand's turn. Eventually, I could not take it any more and I went out on sick leave again. I got a letter coming up to Christmas advising me I was being sacked because I had no underlying medical conditions. I have that letter from the chief medical officer of a semi-State company at home. The union backed me. It had an extraordinary meeting with us and the chief medical officer, for the first time in the history of a semi-State organisation, changed his mind and gave me my superannuation over Christmas when the union was closed and I could not get any support.

4.5.6 I was 48 years old and had been thrown on the scrap heap. I applied for social welfare benefit and I was awarded an invalidity pension. God help one if one is on an invalidity pension, as one cannot even volunteer to do anything, because if one does, one will lose benefits. I tried to apply for a hearing aid. I do not know if the members have noticed me turning around drastically to listen to the speakers to my left, which is my deaf side. DeafHear helped me, which was great, but it could not supply me with a hearing aid because it is granted on basis of having of a medical card, not on the basis of pay related social insurance, PRSI.

4.5.7 When I awarded an invalidity pension I applied for rent allowance and I was told I would get it. They said it would take a few months as there was a backlog, but nothing happened. I rang the Department and was told it had moved offices and that there was a backlog so I waited. I was still paying rent out of my superannuation payment, which was rapidly decreasing. That went on for nine or 10 months. I had to submit the form three times and on the third occasion, I was told I would not be granted rent allowance. I had to pay my landlord over half of my welfare payments, bearing in mind my level of payment is on the poverty line. That was the position I was in for another few months.

4.5.8 I was on the housing list. I was told by the Department that if I was on the housing list, I would get rent allowance. It was great to hear that, as I had been refused it previously. I went into the office to apply for rent allowance and was awarded it, which was great. Rent increased. I was dutiful and submitted the form but I was cut off again.

4.5.9 If the members look at this line of people, they will note we are all disabled. However, we are all different. We all need to be spoken to, not at. Too many times we are spoken at. I was very fortunate two years ago with the help of Headway to make contact with the Disability Federation of Ireland, which has been wonderful and has helped me to do these types of things. I was involved in Headway's *I See Beyond* campaign and I did not realise at the time I was asked to be a part of that for my own benefit. The idea is to see beyond the disability, to see the person. I was fortunate enough to be in Brussels as a representative of Disability Federation of Ireland for the 4th EU Parliament of Persons with Disabilities. I was involved also in the Make Way Day campaign, the aim of which is to get able bodied people to think about us for a change, to step out of their position and try to see matters from our side.

4.5.10 I am not the same as Jessica or Eileen but all Departments treat us the same way. We are not the same; we are all different. They do not talk to us. I cannot work as I am not allowed to work. However, I have a radio show every Thursday. It is Viva Vox Dublin City FM 103.2, a disability show with a difference. I can work and I know I can but I am not allowed to do so. My former employer threw me on the scrap heap and the Government seems to want to box me into a little corner until I reach the age of 66 and then, from its viewpoint, I stop being disabled. At the age of 66 we stop being disabled and just become old. Do members know what it feels like to be constantly pushed to the edge? Perhaps they did not but maybe they do now.

#### 4.6 Mr Paul Alford then addressed the Committees:

4.6.1 I left school a long time ago. It was not good for me because I did not even learn to read or write. I was sent to a nursing home to work. The work was okay but I was not properly paid for it and I got very little time off. I was not happy there. A social worker arranged for me to be moved to a service. It was a big hospital and I lived on a ward there. After living on that ward for a few years, I moved into one of the bungalows on the complex and from there I moved into a residential house on Aylmer Road in Newcastle, County Dublin. Nine of us lived there, four boys and five girls. I later moved from there into independent living. When I was moved into that hospital the social worker told me I would be there for only six months but that ended up being 32½ years.

4.6.2 While I was in that service, I had to work in a big workshop packing boxes and then in a newsagent's shop owned by the service. We did not get paid properly for that work. I was first paid the equivalent of 50p a week, then £5 a week and then £10 a week. It was hard work for very little money. When I worked in those workshops packing bottles, then packing boxes and making box dividers for a Smurfit company, I stopped going back to work after 3.30 p.m. break because I was not being paid properly and it was slave labour. I called them sweatshops, not workshops.

4.6.3 I was lucky and got a job with Inclusion Ireland. It was a real job and I am now properly paid for working 20 hours a week. It is the first real job I have had in my life. I have been working with Inclusion Ireland for 13 years. It is one of the best jobs I have had. I cannot work more than that or I will lose all my benefits. I would be afraid to lose my bus pass. It would cost about €15 return from Navan to Dublin for each day if I had no bus pass. If I had to pay that all my money would be gone, because I am only working part-time. Then I would not be able to pay my bills and my mortgage.

4.6.4 I would not be much better off in full-time work if I lost my travel pass and my medical card. I lost my medical card once when I was in these services. The social welfare management came to me and to my key worker and told me that I was not entitled to one. They took my medical card and they wanted the bus pass but I would not give it to them because I had to travel to work every day and I travel around the country a lot. They said I had too much money in the bank. They wanted bank statements and everything. It cost me more than €600 to get bank statements from the first day I opened a bank account. They were not happy with them, so they asked me to send them in again. It cost me another €600 to send them again. Then they took it off me again, saying I had too much money in the bank.

4.6.5 The reason I had too much money in the bank was that the service used to take money from our disability allowance every week. They used to give us €10 a week and then later it went up to €20. The most we ever got out of that was €30 a week. When Mary Harney was the Minister for Health and Children in 2005, she said that people in these services, in nursing homes and independent living, would have to be given back the money that had been taken from them. The amount depended on how long someone was in the services. We got a small sum in 2005 and it took three years for an organisation in Tralee to sort out the money. People received sums ranging from €20,000 up to €70,000 or €80,000. I kept that money.

4.6.6 When I started at Inclusion Ireland I used to get everything wrong because of my reading. They organised for me to attend reading and writing class with the national learning centre in Mountjoy. It was great. I can read and write now and I have also learned to use computers. My second chance at education really helped me in my job. It helped me to get where I am now. Now I can do it all with the support of Inclusion Ireland. I take part in advocacy groups about rights and independent living and I am involved in focus groups. I have been working with them for 13 years. I think the staff are A1.

4.6.7 I was still unhappy living in the service. I had moved to a group home, but had no choice in who I lived with. I could not choose my support worker. I was not at the interviews to choose who I wanted to work with me. People were just thrown onto a case. The service would simply say that a certain person was my key worker. That is wrong. People with disabilities should have the right to be at those interviews and choose who they want to support them in living a good life. I wanted to move out. I started to fight to get a personal budget. The service agreed to give me enough money to get eight hours of support. The budget took three years, and it took three years to find a place with the help of Inclusion Ireland, the anti-bullying group, and Possibilities Plus.

4.6.8 My new support service is Possibilities Plus. That organisation has my budget and pays a person to work for me for eight hours a week. He has to do eight hours a week, or 32 hours a month. I was the one who interviewed him, and for the first time in my life I chose the support worker I wanted. It was a big change for me when I moved out. I could not leave the house for the first six weeks, because I was used to support around me the whole time. Now I get out of the house. My support worker helps me to do that. He gets me out doing activities, and he helps me make friends. He helps me with what I cannot do, but I tell him what I want done. It is not about what he wants done, because I am his boss. I am the one who employed him. The HSE gives him some of my budget, paid via Possibilities Plus. If he does not do that eight hours a week, we can bank them for something else later on. I said to him when I first moved out that I needed a bit of support when I went to certain places. Now, I can do it all on my own. I bought my own apartment in Navan and it is great. I picked the paint, the bed clothes, the floors and all the electrical stuff myself. I never did that before. I got a loan from the credit union in Rathcoole. I repay it out of my payment from Inclusion Ireland at the end of every month.

4.6.9 The money goes to the credit union on the first of every month because I do not get paid until the end of the month. I have a new life living on my own because I never lived at home with my family. I was always away from home. I lived in services, in boarding schools, and did not get a proper education until I came to Inclusion Ireland. Fair play to it for organising all this for me and for supporting me over the last 13 years in which I have been working with it.

4.6.10 I thought hard about what to do with the money from the Government in 2008. I put it into my own bank. I told the staff I was not putting it into Bank of Ireland in Rathcoole because everyone else was. It was my own choice to do that. I brought the cheque in and lodged it myself. I did that for the first time in my life. After that, they did not have a leg to stand on because I was able to open an account myself.

4.6.11 I was lucky, but many people with disabilities are not so lucky. They have not moved out of the services. Years ago the Government stated people in the services should be moved out to live independently and choose their own support services. I do not know when that is going to happen. I was one of the lucky ones because I had to fight all my life for everything I wanted. A personal budget helps me to live a life of my own. It

is great having my own budget and to be able to look after it myself, with Possibilities Plus, the HSE and Brian [support worker] working with me.

4.7 The final person to address the Committees was Ms Dina McAnaspie:

4.7.1 I attend a day service three days per week and work part-time two days per week. I work in a bar on two-hour shifts, that is, four hours per week. I really enjoy working and my goal is to work in a full-time job in retail in the future. However, I have come across many things that have made getting a job very difficult for me. When I was younger, I attended a special school. There was no career guidance in my special school, so I did not get the same advice and help that other students get in mainstream schools across the country. As well as this, there was no option to go into transition year in my school. This means that I did not get the chance to get work experience in transition year the way that students in mainstream schools do.

4.7.2 When I was in school, I did get to have some work experience working in a charity shop. This was a really great experience and it gave me a taste of what having a job was like. I also got to experience what it is like to have a job. I believe there should be more work experience opportunities available for people with intellectual disabilities.

4.7.3 When I left school I attended a day service. I really enjoy attending my day service but at some point I want to be able to move on and get a full-time job. I want to work just like everyone else. At the moment, the staff members and my key workers help me with applying for jobs. They help me put together my CVs and send them to workplaces. It can be very hard to get a job, however, and it is also very hard to get the work experience one needs to get a job.

4.7.4 One of the problems that many people with intellectual disabilities come up against is that if we get a full-time job and leave the day service, there is no guarantee that those services will hold our places. If things do not work out in a job, some people are left with nothing afterwards. I feel that people with disabilities should be supported to get a job. They should be supported during the job, if needed, and also supported if things do not work out. At the moment, the system puts people off trying to get employment in case they lose their supports and services.

## **5. The Departments of Employment Affairs and Social Protection, Education and Skills and Health**

5.1 On 12 June 2018, the Committees were addressed in combined sitting by officials from the departments shadowed by each individual Joint Committee.

### **A. The Department of Employment Affairs and Social Protection**

5.2 Ms Simonetta Ryan spoke on behalf of the Department of Employment Affairs and Social Protection (DEASP). She introduced her presentation by saying she would focus on three key areas as follows:

- (i) Working with other government agencies and services to ensure good cross-governmental functioning to secure better employment outcomes;
- (ii) Providing a range of income and employment supports and services to address the needs of people with disabilities; and

(iii) Engaging with people with disabilities to advise them of these supports and to guide them where appropriate to employment or to other services.

5.3 (i) In the context of good cross-governmental functioning, Ms Ryan referred to the *Comprehensive Employment Strategy* (the Strategy), referenced earlier. She said that, under this, DEASP is engaged in delivering 33 actions with a view to assisting people with disabilities to participate in work in accordance with their capacity. Progress to date included:

- the publication in April 2017 of *Make Work Pay* (MWP), an interdepartmental report with independent external participation;
- joint working on the *Integrating Employment and Mental Health Support* pilot project in partnership with the Health Service Executive Mental Health Division, EmployAbility companies and Mental Health Reform, with the objective of improving integration between public mental health and supported employment services at national and local levels;
- joint working, supported by the NDA, with the Department of Health and the Department of Education and Skills on Action 5.1 of the Strategy, which focusses on transition points for people with disabilities. The group has produced a report agreed by Government, to be published shortly outlining the policy approach and an implementation plan;
- more generally, DEASP participates in the Strategy Implementation Group chaired independently by Mr Fergus Finlay who produces an annual report.

5.4 (ii) Regarding supports and services provided by DEASP, Ms Ryan said the primary income supports for people with disabilities are Disability Allowance, Invalidity Pension and Partial Capacity Benefit.

5.4.1 Disability Allowance (DA) is a means-tested payment for people with a specified disability. To qualify, a person must be substantially restricted in undertaking suitable employment arising from a medical assessment or examination of the person's disability, and be aged over 16 and under 66. DA is structured so that a person may retain all or a significant portion of their payment thereby ensuring that work is seen to pay. The first €120 of weekly earnings is disregarded in the means test for DA, with earnings between €120 and €350 assessed at 50%. Income from employment in excess of €350 is assessed in full. A single person earning over €420 a week can retain the minimum amount of DA and continue to qualify for the Free Travel Pass.

5.4.2 Ms Ryan noted that a number of previous contributors to the Committees had mentioned that uncertainty around the retention of benefits, including the medical card, represented a barrier to people with disabilities exploring their work options. She said the MWP report included among its recommendations that the requirement that work be of a 'rehabilitative nature' for the DA earnings disregard should be dispensed with, which would mean that a report from a doctor would no longer be required before commencing work and that the focus would be on capacity rather than incapacity. Legislation is required to give effect to this change and is included in The Social Welfare Bill 2017. Ms Ryan said that about 10% of DA recipients avail of this provision. On the basis that there are currently some 137,000 DA recipients, it is estimated that around 13,000 people avail of the DA earnings disregard.

5.4.3 Ms Ryan described other recent changes to income supports to make them easier to retain if employment is taken up as follows:

- the extension of travel pass entitlement to five years after starting full-time employment or exceeding the appropriate income threshold;

- a fast track return to DA if employment does not work out;
- a clear statement that DA payments will not be stopped or reviewed on the basis of an enquiry about work at an Intreo centre;
- the introduction of an online Benefit of Work Estimator to assist people with disabilities in assessing the impact of taking up work on their disability payment.

Since the launch of the MWP report just over 800 DA recipients have entered full-time employment and ceased claiming the allowance.

5.4.4 Invalidity Pension is an income support payment paid to people who are permanently incapable of work because of illness or disability. It is based on a claimant's social insurance contributions and is not means tested. To qualify for award of Invalidity Pension, a claimant must satisfy both PRSI contribution and medical conditions. While it is generally paid to pension age, a person with a disability who wishes to return to work may apply for Partial Capacity Benefit.

5.4.5 Partial Capacity Benefit (PCB) was introduced in February 2012 and is designed for people who are in receipt of long term social insurance invalidity/illness/disability income support payments who have some capacity for work.

5.5 Ms Ryan said the non-income supports provided by DEASP were:

5.5.1 The EmployAbility service, a nationwide employment service dedicated to improving employment outcomes for job seekers with a disability. The service currently comprises 23 limited companies, each with a specific geographical remit and each fully funded by DEASP.

5.5.2 The Ability programme is new pre-activation programme for young people with disabilities. The focus will be on projects aimed at young people with disabilities (aged 15 – 29), designed to assist in their transition from school to further education and employment. This will be undertaken using person-centred, case management approaches that support participants to identify and follow progression pathways based on both their needs and their potential.

5.5.3 Ms Ryan said DEASP also provides a range of grants under the Reasonable Accommodation Fund and the Disability Awareness Training Support Scheme to assist employers in the private sector to take appropriate measures to enable a person with a disability/impairment to have access to employment.

5.5.4 She said DEASP funds two significant disability projects directed at participants in third-level education:

- WAM (Willing Able Mentoring) – a programme that builds the experience and confidence of graduates with disabilities and employers through the method of a mentored, paid (by the employer) work placement programme;
- Get AHEAD – a training programme and forum for students and graduates with disabilities to discuss their experiences of education and employment.

5.6 (iii) In the context of engagement with persons with disabilities through the Public Employment Service, Ms Ryan said that the DEASP network of 62 Intreo Centres provides a gateway for people with disabilities to explore work options. They may seek an appointment with a case officer to discuss their work ambitions and develop a personal plan to progress their goals.

5.7 Ms Ryan said that DEASP recognises that engagement with people with disabilities requires developing its own employees' skills, and in November 2016 a Certificate in Professional Practice in Employability Services provided through the National College of Ireland was introduced for DEASP staff.

5.8 Returning to the MWP report, Ms Ryan said it marked an important step in the identification of specific actions intended to secure better employment outcomes for persons with a disability. The report's recommendations included one that DA payments and other schemes should be reconfigured for new entrants aged 18 and over to ensure that their work ambitions could be explored systematically at an early age (referred to as 'principle of early engagement').

5.8.1 Following the publication of the report, and recognising that some of the recommendations may be controversial, the then-Minister indicated that the Government wanted to consult with persons with disabilities and their families in relation to some of the recommendations. DEASP engaged a facilitator to ensure that the consultation process was as wide ranging as possible and included representation from a wide range of stakeholders.

5.8.2 Considerable efforts were made by DEASP to ensure that the materials were fully accessible. The documents were produced in a range of disability accessible formats such as easy-read, braille, audio, video captioned and Irish Sign Language.

5.8.3 Ms Ryan said that the Minister and Minister of State launched the Consultation Process in Dublin in March 2018 and four regional seminars were held Cork, Dublin, Sligo and Limerick during March and April. The findings of the consultation process are being consolidated and a report will be prepared for the Minister and Minister of State on the outcome of the consultation process when it is finalised in order to inform next steps in the implementation of the MWP report.

## **B. The Department of Education and Skills**

5.9 Mr Jim Mulherrins spoke to the Committees on behalf of the Department of Education and Skills (DES). He said his address would primarily deal with:

- (i) The provisions made for supporting children with special educational needs to support participation in further studies, training or employment subsequently;
- (ii) The supports available in the Further Education sector to facilitate access to further education and the transition from further education to employment; and
- (iii) Career guidance for those with a special educational need.

5.10 (i) In the context of supporting children with special educational needs, Mr Mulherrins said the DES policy aims to ensure that all children can have access to an education appropriate to their needs, preferably in school settings through the primary and post primary school network as well as in special class or special school settings. Such placements facilitate access to individualised education programmes which may draw from a range of appropriate educational interventions, delivered by fully qualified professional teachers, with the support of Special Needs Assistants and the appropriate school curriculum. Funding for special education provision in 2018 will amount to some €1.75 billion, up 43% since 2011 and equivalent to 18.7% of the gross overall current allocation for education and training.

5.11 Mr Mulkerrins said the National Council for Special Education (NCSE) has published guidelines for parents, students and schools covering the transitions between all stages of education, including the transition from primary to post-primary and on post-school education and training options for people with disabilities. These guidelines provide students and their families with information on the range of post-school options and supports available and guidance to inform individual choice. The guidelines cover Further Education and Training; Higher Education and Rehabilitative Training and Adult Day Services.

5.12 Mr Mulkerrins said DES recognised the importance of planning for transitions throughout a child's education and that all schools are required to develop Education Plans for all children identified with Special Educational Needs and Additional Care Support Needs. The Department Inspectorate's advice is that the majority of schools are now using some form of individual education planning for children with special educational needs. Educational plans should be differentiated in line with a pupil's needs. A student's support plan should include clear, measurable learning targets, and specify the resources and interventions that will be used to address student needs in line with the Continuum of Support process. Individualised support plans for students should be developed through a collaborative process involving relevant teachers, parents/guardians, the pupils themselves and outside professionals, as necessary. The individualised planning process should include regular reviews of learning targets as part of an ongoing cycle of assessment, target setting, intervention and review.

5.13 Referring to the Comprehensive Review of the Special Needs Assistant (SNA) Scheme published by the NCSE in May, Mr Mulkerrins said it had found that - while the scheme is greatly valued by parents, students and schools and works well in meeting the care needs of younger students - it is less effective for some older primary and post primary students, as over-reliance on SNA support can result in these students experiencing alienation and stigma. He said it found that there can be an over-dependence on SNA support, leaving some young people inadequately prepared for life in post-school settings, and it is seen as a blunt instrument to deal with the very wide range and variety of needs, ages, developmental stages and school settings. He said that DES is now developing proposals to implement the Review's recommendations in consultation with key Departments and Agencies.

5.14 (ii) Turning to the further education area, Mr Mulkerrins said that a major focus of the Further Education and Training (FET) Strategy was to deliver skills for the economy and support active inclusion of all citizens. He said these twin goals were closely connected and both point to the importance of assisting people with disabilities to access employment. Overall in 2017, over 17,000 people with a disability enrolled in a wide range of mainstream FET programmes. Learners on FET programmes have access to appropriate guidance services. Some programmes also provide income support by enabling learners to retain their DEASP entitlements and have provision for meal and travel allowances. The HEA Fund for Students with Disabilities also funds services and support for students with a disability in Post Leaving Certificate Colleges.

5.15 Mr Mulkerrins said that SOLAS (the Further Education and Training Authority) and DES meet regularly with DEASP to discuss issues relating to the training and upskilling of unemployed people and those on other payments. Protocols are in place between INTREO Offices and Education and Training Boards (ETBs) to deal with issues relating to the planning of training and the management of referrals. He said this provided a good opportunity for the Department, SOLAS and the ETBs to assist DEASP as they look to extend their employment services and supports for people with disabilities.

5.16 SOLAS through the ETBs also provides specific funding of almost €47 million per annum for dedicated education and training for people with disabilities through Specialist Training

Providers. Over 3,500 learners benefited from this provision in 2017. Generally this provision is accessed by people who need more intensive support. Features of the programme include longer duration, adapted equipment and transport arrangements.

5.17 Mr Mulkerrins said SOLAS regularly commissions follow-up surveys in order to establish what happens to participants, primarily in terms of outcomes, after they leave the FET training delivered by ETBs. The most recent follow-up survey was conducted in 2017 and it surveyed those that exited ETB training in the period January to March 2016. Within this survey, a customised survey to gain feedback from participants with a disability who participated in Specialist Training Programmes (STP) was conducted. The findings included outcomes indicating that 26% were in employment, 4% were on government schemes and 15% were engaged in further study. There are plans to extend the approach to monitoring outcomes to get a better picture of how people with disabilities on mainstream programmes fare after completing their courses.

5.18 SOLAS engages with ETBs each year to discuss funding priorities, taking account of local need and labour market data. In 2018, SOLAS has required ETBs to set out how they are addressing barriers to accessing FET. This is done in the light of the 2017 SOLAS report on barriers for vulnerable groups accessing FET. A fuller picture of initiatives in place at ETB level will emerge from this process and provide a basis for determining future supports. Mr Mulkerrins said DES recognised that there are still access difficulties in some FET settings. Scope to address these up to now has been limited as no specific capital budget was allocated for FET. Enhanced allocations of capital funds for the sector over the period of the National Development Plan will give greater capacity to address these issues.

5.19 Mr Mulkerrins said DES noted that many contributors to the previous Joint Committees hearings spoke about the potential of apprenticeship to provide access for people with disabilities to the labour market. 371 current apprentices, out of a total population of almost 13,500, report having a disability. As part of a review on 'Pathways to Participation in Apprenticeship', due to be completed at the end of June 2018, research is being undertaken on barriers to participation by people from diverse groups, including those with a disability. Alongside this research, SOLAS are conducting café dialogue sessions to further inform recommendations for the review. Attendees at the café dialogue sessions have included individuals from organisations representing people with disabilities. It is expected that the expansion of apprenticeship into new sectors, giving access to a much broader range of job opportunities and occupation types, will also assist in enabling people with disabilities access this valuable pathway to employment.

5.20 (iii) Turning to the question of career guidance for those with a special educational need (SEN), Mr Mulkerrins said that guidance in schools refers to a range of learning experiences provided in a developmental sequence that assist students to develop self-management skills which will lead to effective choices and decisions about their lives. It encompasses the three separate, but interlinked, areas of personal and social development, educational guidance and career guidance.

5.21 For all children in mainstream post primary schools, including those with Special Educational Needs in the mainstream class or the special class, the support of the guidance counsellor is available where it has been provided. There is no other additional or separate guidance support for children with Special Educational Needs and there is currently no policy to support an alternative or separate guidance provision for children with Special Educational Needs in mainstream post primary.

5.22 Mr Mulkerrins said that in mainstream post-primary schools it is common practice for the school guidance counsellor and the special educational needs (SEN) coordinator to work very closely in liaising with parents and the feeder primary schools, analysing psychometric

assessments, identifying and supporting the needs of students with SEN, advising students and their parents on the most suitable subject choices and programme options, and facilitating students to secure appropriate work experience as part of the Transition Year, Leaving Certificate Applied and Leaving Certificate Vocational Programmes. The SEN and Guidance team collaborate in facilitating students to apply for supports such as RACE (Reasonable Accommodation for Certificate Examinations), DARE (Disability Access Route to Education) and other access routes into further and higher education and employment. A key role of the guidance counsellor is to develop close links with employers, with access officers in colleges, with SOLAS training and apprenticeship schemes and other organisations such as the National Learning Network (NLN) with a view to maximising the opportunities for students with SEN and other disabilities to access further education, training and jobs.

5.23 The NLN offers 70 different training programmes (including vocational and rehabilitative courses) to up to 5,000 students annually, many of whom have a disability and wish to upskill, gain employment and live more independent lives. The programmes are funded through the ETBs or the HSE. The courses are free and individualised, and offer a variety of awards including QQI (Level 1 – 6), ECDL and City & Guilds. 90% of students who completed a training programme last year went on to further education and training.

5.24 Mr Mulkerrins said that for students in special schools the position is that these schools are substantially different to mainstream schools and these students typically have very different needs. In all cases, the classroom teacher and other school staff are more intimately aware of the abilities of all students than would be the case in mainstream schools with an average pupil teacher ratio of less than 5:1 and special needs assistants of 3:1 in the majority of special schools. Special school staff typically have extensive engagement with parents, HSE multi-disciplinary teams and the NCSE which involves planning for the child's future, including options for further education, training, employment or other placement options subject to the child's abilities, including the young person's transition to adult services when the child reaches the age of 18 years.

5.25 Students who transfer to adult service settings can continue to participate in educational programmes through further adult educational programmes or in adult settings which are allocated resources towards educational provision. The National Skills Strategy 2025 and the Action Plan for Education 2016-2019 provide for a Career Guidance Review that would include recommendations on changes to improve the existing career guidance tools and career information for post-primary/further education/higher education students and adults, currently in place across the education and training system in Ireland.

5.26 Mr Mulkerrins said that the purpose of the review was to ensure that DES is providing high quality, relevant career guidance information to students from post-primary level up to further and higher education. The review will look at the quality of information available to students and adults in relation to career guidance, the sources of this information and how the system is organised to support students and adults in this area. Opportunities have been provided for all relevant stakeholders to contribute to the review. Over 100 written submissions had been received including a significant number of submissions from special schools.

5.27 Drawing on the results of the consultation process and further consideration by the Steering Group, the specific role and objectives of career guidance in supporting students in special schools will be assessed further. Related to the area of career guidance, some stakeholders have spoken about work experience. The Action Plan for Education 2018 includes an action to commence a review of work experience at post-primary level with a view to increasing access to, and the quality of, work experience for students. This review is at the early

planning stages with a Steering Group to be established which will then define Terms of Reference and Project Plan for the review.

5.28 Noting the broadly complimentary remarks made in previous hearings concerning access to higher education for persons with disabilities, Mr Mulkerrins suggested it may be helpful to provide some information on the higher education sector. He said Student Support Services in higher education institutions usually include an equity of access office, dedicated disability services and a career guidance support service. The central role of disability officers is to provide supports and services to students with disabilities to assist them in accessing and successfully completing higher education, and to ensure compliance with the legal requirement to provide reasonable accommodations as appropriate. A key ambition of the National Access Plan for Equity of Access to Higher Education 2015-2019 is to achieve the implementation of more inclusive practices and integrated approaches that contribute to the realisation of a student body that reflects the diversity and social mix of Ireland's population. Mr Mulkerrins suggested that perhaps the most important measure of how well access to higher education is facilitated is to note that the proportion of higher education entrants indicating they have a disability has increased from 6% in 2012 to 10.3% in 2016. The challenge, of course, is to maintain and build on these numbers.

5.29 Mr Mulkerrins also confirmed that DES is represented on the Working Group of the Comprehensive Employment Strategy for People with Disabilities Strategic Priority Action 5.1, which is led by the NDA and which focusses on transition points for people with disabilities. The group has produced a report agreed by Government, to be published shortly outlining the policy approach and an implementation plan.

### **C. The Department of Health**

5.30 Ms Patsy Carr addressed the Committees on services provided by the Department of Health (DH). She said disability services were provided to enable each individual with a disability to achieve his or her full potential and live as independently as possible. Services are provided in a variety of community and residential settings in partnership with service users, their families and carers and a range of statutory, non-statutory, voluntary and community groups. Services, in the main, are provided either directly by the HSE or through a range of voluntary service providers. Voluntary agencies provide the majority of services in partnership with and on behalf of the HSE.

5.31 Ms Carr said the range of specialist disability services provided to people with disabilities includes:

- Residential
- Respite
- Day Services and Rehabilitative Training
- Assisted Living Services (Home Support & Personal Assistant Services)
- Early Intervention and School-aged Services - Progressing Disability Services for Children & Young People (0-18 years)
- Multidisciplinary supports
- Aids and Appliances
- Neuro-Rehabilitation Services
- Financial Allowances
- Miscellaneous Support Services

5.32 She said Disability Services has been allocated €1.78 billion in 2018. This funding is providing services throughout the country across all nine CHO Areas, ensuring that services are delivered in line with nationally agreed policy for persons with a disability, while at the same time endeavouring to maximise value. Ms Carr said a wide range of disability services are

provided to those with physical, sensory, intellectual disability and/or autism. Over 60% of the resources available are allocated to provide a range of residential services to approximately 8,400 people with a disability. A further 20% is targeted at the provision of over 18,000 day places and supports to nearly 25,000 people. The remaining 20% provides respite care services to just over 5,700 people, over four million personal assistant and home support hours for 2,500 people, as well as multi-disciplinary teams and other community services and supports to children.

5.33 Ms Carr noted that she had recently attended before the Joint Committee on Public Petitions in relation to the HSE funded Personal Assistant service, and was also aware that PAs had been discussed before the Committees. Ms Carr said the term 'personal assistance user' refers to a person with a disability choosing a personal assistant of their choice to aid them in everyday tasks. The 2004 Health Act does not mandate the HSE to provide PA services. It is, rather, an ancillary service. However, she said DH and the HSE were committed to protecting the level of PA services available to persons with disabilities. From 2013, the HSE has consistently, year on year, increased the number of hours of PA service delivered to people with a disability. Last year, 1.5m hours were provided to about 2,500 people.

5.34 Ms Carr said day services are a key component of support services that enable clients to live within the community. Currently day services are transitioning to a new approach outlined in the policy *New Directions*. This policy is underpinned by the values of Person Centredness, Community Inclusion, Active Citizenship and Quality. There are approximately 25,000 people availing of day services and there is an annual intake of approximately 1,000 young people who require such a service on leaving school. Within the New Directions service approach, people in receipt of a HSE-funded day service are offered a choice of twelve supports. These include support for making choices and plan, support for inclusion in one's local community, support for accessing education and formal learning, support for maximising independence and support for accessing vocational training and work opportunities.

5.35 The first support referred to - *support for making choices and plans* - sets the foundation for each individual's service. A person-centred plan is formulated for each individual and within that context if a person has ambition to progress to employment a plan is developed to support the person to achieve this target. The plan may incorporate a range of the all twelve supports.

5.36 Ms Carr said the range of supports and the timeframe involved in supporting a person to achieve their goal will depend on the needs and abilities of each individual. One of the key supports for people that express a wish to progress to employment is *Support for accessing vocational training and work opportunities*. Within this support, depending on a person's social and work related skills, preparation for the world of work commences. This support will include work experience placements which can act as a transition for people into employment.

5.37 The Rehabilitative Training (RT) Programme, which is also provided within the Framework of New Directions, acts as a foundation programme for people with disabilities. Work related social skills are also a key focus of this programme together with work experience placements and trialling of Vocational Training Programmes. There are RT Programme places available throughout the country. RT places are managed at CHO level and are often reallocated or moved within the CHO to meet demand. They include all ages and disabilities including Mental Health.

5.38 Ms Carr said that, since 2016, all HSE CHOs are allocated the funding required to meet the needs of all school leavers in their area. All school leavers in 2017 received the quantum of day service requested and a similar outcome is envisaged for this year's school-leavers. €12.5 million is being allocated by the HSE in 2018 (€25 million in a full year) to provide appropriate services and supports to young people with disabilities and autism who will require

continuing health-funded supports on leaving school or rehabilitative (life skills) training this year. As part of the annual school leaver/day service process, each service user seeking a day service is individually profiled to ensure that they receive the level of support required. DH and HSE work closely with the NDA to ensure that the right supports are provided at the right time to support each school leaver to maximise his or her potential.

5.39 Ms Carr said the range of employment supports offered can include work experience, therapeutic work following a clinical recommendation, employment in the open labour market, and supported employment. Supported employment can include the national Employability Programme or service provider supported employment initiatives. In the absence of appropriate supported employment programmes being available to people with disabilities, the HSE has funded some providers to provide this element of employment. This support will continue for those who are currently availing of it, while a more responsive arrangement is developed as part of the Comprehensive Employment Strategy.

5.40 Ms Carr said DH and the HSE are collaborating with DEASP and DES as part of the Comprehensive Employment Strategy 2015-2024. This initiative is led and co-ordinated by the Department of Justice and Equality, which has a coordinating role for disability matters. These Departments, with the assistance of the National Disability Authority, are exploring the development of a Pilot Project to test the policy approach for a comprehensive supported employment programme, which could be implemented over 2018-2020 and focus on a specific target group. This will provide learning for any future scaling of such an approach.

5.41 Returning to the MWP report previously cited, Ms Carr said it made two principal recommendations regarding medical cards to address a barrier to employment for people with disabilities. She said the Minister has previously committed to deliver on the recommendation to raise the medical card earnings disregard from its current level of €120 per week for people on DA or on PCB associated with Invalidity Pension. DH has collaborated with colleagues in DEASP, and is currently working with the HSE on the operational aspects to enable implementation of this recommendation. A second recommendation of the MWP report sought to amend the Medical Card Guidelines which required that employment must be of a 'rehabilitative nature' in order for the associated income to be disregarded when being assessed for a medical card. The guidelines were amended and the disregard applies since April 2017.

5.42 Ms Carr said that disability is not a health issue, nor an education issue, or employment issue. It is an equality issue. Government has had a whole-of-Government approach to disability for a number of years. DH works on a cross-sectoral collaborative basis with other Government Departments on national policies for adults and children with a disability. For instance, an Interdepartmental Cross-Sectoral Group, at Assistant Secretary General level, meets on a regular basis to ensure a co-ordinated approach to policy development across Health, Education, Children and Social Protection.

## 6. Conclusions and Recommendations

6.1 The Committees note that most supports for people with disabilities are means tested, but qualifying criteria, thresholds and cut off point for supports vary. Certain items, such as hearing aids, are available only to a medical card holder. A person requiring such items cannot become eligible on the basis of PRSI contributions.

**Recommendation:** The Committees recommend that both routes to eligibility be available.

6.2 Evidence provide to the Committees suggest that the cost of living with a disability (additional heat, prepared foods, transport costs, specialist aids) amounts to over €200 per week. People with disabilities may also have to fund additional assistance hours themselves.

**Recommendation:** The Committees strongly urge the establishment of a commission to examine the true cost of disability in Ireland.

6.3 The Motorised Transport Grant and the Mobility Allowance closed to new entrants in 2013. No replacement scheme has been introduced.

**Recommendation:** The Committees recommend that advancement of the Health (Transport Support) Bill be a priority for the Oireachtas.

6.4 A number of speakers highlighted the loss of their medical card and/or travel pass as a significant disincentive to entering full-time employment. Without a medical card, people with disabilities are forced to fund aids themselves. These costs are not factored into the HSE's online means test for medical card applications, and the means test also fails to take into account the number of hospital and doctor visits a person with a disability will have to make throughout the year.

**Recommendation:** The Committees propose that the fact of having a disability be a qualification criterion for possession of a medical card.

6.5 The Committees note that there is a chronic shortage of places for children with autism, particularly at secondary school which has about 25% of the places at primary.

**Recommendation:** The Committees recommend that the NCSE should have the power to direct schools to open autism classes so every child who wishes may attend their local school, and that corresponding resources would flow to the school.

6.6 Special schools are constituted as primary schools, which means there may be little opportunity for a person with a learning disability to have access to the Leaving Cert or Applied Leaving Cert. Career guidance and transition year are not commonly offered in special schools.

**Recommendation:** Special schools must be included in the current review of career guidance services as a matter of urgency.

6.7 The Committees note that SNA supports may be lost in the transition from primary to secondary school, and note the DES contention that continuation of the support may cause the student to become over-reliant on the support.

**Recommendation:** The Committees suggest that the period of transition from being a senior pupil in a relatively stable environment in primary school to being a very junior pupil in a less structured system is exactly the wrong time to lose supports.

6.8 From evidence given to the Committees, it is apparent that SNA hours are not always available to the amount required by the person with a disability. One witness had SNA hours cut in the final year and had to rely on home-schooling and grinds to get through her Leaving Cert. Another witness was allocated 10 hours' personal assistance per week in 2011, which has never been reviewed or updated.

**Recommendation:** The Committees recommend that allocation of hours be reviewed on a regular basis.

6.9 It is notable that third level students are supported until college finishes, but supports from DES do not carry into a work environment. People with a disability must have access to supports to engage in mainstream further education and training. Examples of good practice must be supported and their learning incorporated into services such as Intreo, Solas, etc.

**Recommendation:** Where a person with a disability has a desire to work, the appropriate service and support should be made available to assist them to realise their employment goals. In their 2016 discussion document, the DFI and Enable Ireland recommended the development of a 'lifelong assistive technology programme'. The Committees support this proposal.

6.10 It would appear that when young people with disabilities leave school, and come into contact with a HSE Guidance Officer, the only options for discussion are HSE-funded day services. If that young person wishes to try employment or further education, they will have to look elsewhere for guidance. If employment or education do not work out, there is almost zero possibility of accessing the HSE day services at a later stage, since the person is no longer a school leaver and therefore no longer a priority for the HSE. Other school leavers may defer a college place if they wish.

**Recommendation:** A similar accommodation to defer must be available for school leavers with a disability in relation to a HSE funded service.

6.12 EmployAbility - the state agency that assists people with disabilities to find employment - assists 'job ready' people only. Someone needing on-the-job training or a PA is not assisted with these. At present Solas is undertaking a review of training and apprenticeships.

**Recommendation:** This review should include training for jobs that is suitable for people with intellectual disabilities and leads to real jobs paying a real wage.

## APPENDIX 1: TERMS OF REFERENCE OF THE JOINT COMMITTEES

DÁIL ÉIREANN

THURSDAY 16 JUNE 2016

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### Establishment of Select Committees: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):   I move:

(1) That Select Committees as set out in column (1) of the Schedule hereto are hereby appointed pursuant to Standing Order 84A.

(2) Each Select Committee shall perform the functions set out in Standing Order 84A in respect of the Government Department or Departments listed in column (2) opposite each Committee (in anticipation of the coming into effect of the necessary Government Orders in relation to names of Departments and titles of Ministers and transfer of Departmental Administration and Ministerial Functions).

(3) The number of members appointed to each Select Committee shall be seven.

(4) Each Select Committee shall have the powers defined in Standing Order 85 (1), (2) and (3).

(5) Each Select Committee shall be joined with a Select Committee appointed by Seanad Éireann to form a Joint Committee to carry out the functions set out in Standing Order 84A, other than at paragraph (3) thereof.

(6) Each Joint Committee shall have the powers defined in Standing Orders 85 (other than paragraph (2A) thereof), 114 and 116.

(7) The Select Committee on Justice and Equality shall have the powers defined in Standing Order 115(1)(b).

(8) The Order of the Dáil of 10th March, 2016 in relation to the Standing Order 112 Select Committee is hereby rescinded and the Committee is accordingly dissolved.

### SCHEDULE

	(1) Committee	(2) Department(s)
1	Select Committee on Agriculture, Food and the Marine	Agriculture, Food and the Marine
2	Select Committee on Children and Youth Affairs	Children and Youth Affairs

3	Select Committee on Communications, Climate Change and Natural Resources	Communications, Climate Change and Natural Resources
4	Select Committee on Education and Skills	Education and Skills Finance Public Expenditure and Reform
5	Select Committee on Finance, Public Expenditure and Reform, and Taoiseach	Taoiseach Foreign Affairs and Trade
6	Select Committee on Foreign Affairs and Trade, and Defence	Defence
7	Select Committee on Health	Health
8	Select Committee on Housing, Planning and Local Government	Housing, Planning and Local Government
9	Select Committee on Jobs, Enterprise and Innovation	Jobs, Enterprise and Innovation
10	Select Committee on Justice and Equality	Justice and Equality
11	Select Committee on Regional Development, Rural Affairs, Arts and the Gaeltacht	Regional Development, Rural Affairs, Arts and the Gaeltacht
12	Select Committee on Social Protection	Social Protection
13	Select Committee on Transport, Tourism and Sport	Transport, Tourism and Sport

Question put and agreed to.

### **Standing Orders: Motion**

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):   I move:

1. Standing Order 81 is hereby amended by the insertion of the following paragraph after paragraph (2):

‘(2A) The rules as to procedure in Select Committees shall apply, as appropriate, to procedure in sub-Committees of such Committees.’.

2. Standing Order 84 is hereby amended by the insertion of the following subparagraphs after

paragraph (2)(b):

'(c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993; and

(d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by--

(i) a member of the Government or a Minister of State, or

(ii) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle, whose decision shall be final.'

3. The following additional Standing Order is hereby adopted:

'84A. (1) The Dáil may appoint a Select Committee to consider and report to the Dáil on—

(a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and

(b) European Union matters within the remit of the relevant Department or Departments.

(2) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.

(3) Without prejudice to the generality of paragraph (1), a Select Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments, such--

(a) Bills,

(b) proposals contained in any motion, including any motion within the meaning of Standing Order 187,

(c) Estimates for Public Services, and

(d) other matters as shall be referred to the Select Committee by the Dáil, and

(e) Annual Output Statements including performance, efficiency and effectiveness in the use of public monies, and

(f) such Value for Money and Policy Reviews as the Select Committee may select.

(4) Without prejudice to the generality of paragraph (1), a Select Committee appointed pursuant to this Standing Order may consider the following matters in respect of the relevant Department or Departments and associated public bodies:

(a) matters of policy and governance for which the Minister is officially responsible,

- (b) public affairs administered by the Department,
- (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
- (d) Government policy and governance in respect of bodies under the aegis of the Department,
- (e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
- (f) the general scheme or draft heads of any Bill,
- (g) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,
- (h) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
- (i) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
- (j) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and
- (k) such other matters as may be referred to it by the Dáil from time to time.

(5) Without prejudice to the generality of paragraph (1), a Select Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments--

- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 114, including the compliance of such acts with the principle of subsidiarity,
- (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
- (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
- (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.

(6) The Chairman of a Joint Committee appointed pursuant to this Standing Order, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee.

(7) The following may attend meetings of a Select or Joint Committee appointed pursuant to this Standing Order, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:

- (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
- (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
- (c) at the invitation of the Committee, other Members of the European Parliament.’.

4. Standing Order 85 is hereby amended by--

- (a) the insertion of 'oral presentations and' before 'written submissions' in paragraph (2);
- (b) the insertion of the following paragraph after paragraph (2):

'(2A) power to send for persons, papers and records;';

- (c) the deletion of all words after 'new legislation;' in paragraph (4);
- (d) the insertion of the following paragraphs after paragraph (4):

'(4A) power to examine any statutory instrument, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009, and to recommend, where it considers that such action is warranted, whether the instrument should be annulled or amended;

(4B) for the purposes of paragraph (4A), power to require any Government Department or instrument-making authority concerned to submit a Memorandum to the Select Committee explaining any statutory instrument under consideration or to attend a meeting of the Select Committee for the purpose of explaining any such statutory instrument: Provided that such Department or authority may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;'; and

- (e) the insertion of the following paragraphs after paragraph (6):

'(6A) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the member of the Government or Minister of State, oral briefings in advance of meetings of the relevant EU Council of Ministers to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings.

(6B) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role.'

5. Standing Order 95 is hereby amended by the substitution of the following paragraph for paragraph (1):

'(1) The member of the Government in charge of the relevant Department shall be an *ex officio* member of a Select Committee appointed pursuant to Standing Order 84A for the purpose of consideration of the matters referred to in paragraphs (3)(a), (b) and (c) of that Standing Order, and shall be entitled to vote in Select Committee proceedings: Provided that such member of the Government may nominate another member of the Government or a Minister of State to act in his or her stead for that purpose.'

6. The following additional Standing Order is hereby adopted:

'97A. (1) Unless otherwise provided by these Standing Orders or by Order of the Dáil, the quorum of a Select Committee or of a sub-Committee thereof, shall be three.

(2) A member of Dáil Éireann attending pursuant to Standing Order 95(3) shall not be counted for the purposes of determining a quorum.

(3) A member of the Government or Minister of State attending pursuant to Standing Order 95(1) shall be counted for the purposes of determining a quorum.

(4) The quorum of a Joint Committee shall be the combined quorum of the two Select Committees of which it is comprised, minus one: Provided that for the purposes of determining a quorum, at least one of the members present shall be a member of Dáil Éireann and one a member of Seanad Éireann.’.

7. Standing Order 114 is hereby amended by--

(a) the insertion of the following proviso to paragraph (3)(c):

‘Provided that the Dáil may substitute, add to or otherwise vary, the reasoned opinion set out in the Committee’s report by way of amendment to the motion tabled by the Chairman under this paragraph;’; and

(b) the substitution of the following for paragraph (3)(d):

‘(4) Where the Dáil agrees a motion tabled pursuant to paragraph (3)(c) of this Standing Order, either with or without amendment, the Ceann Comhairle shall cause a copy of--

(a) the Resolution agreed by the Dáil,

(b) the reasoned opinion agreed by the Dáil, and

(c) the report of the Committee referred to in paragraph (3)(c),

to be sent to the Presidents of the European Parliament, the Council and the Commission.’.

8. Standing Order 186 is hereby amended by the insertion of ‘Standing Order 85 2A) and’ before ‘Standing Order 88’ in paragraph (4)(a), and the deletion of ‘twelve’ and the substitution therefor of ‘thirteen’ in paragraph (9).”

Question put and agreed to.

### **Final Report of Committee of Selection: Motion**

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):   I move:

That Dáil Éireann:

(a) approves the First Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 15th June 2016, and appoints members to Select Committees accordingly; and

(b) pursuant to Standing Order 93(2), appoints the following members as Chairs of Committees:

Deputy Caoimhghín Ó Caoláin - Chair of the Committee on Justice and Equality

Deputy John McGuinness - Chair of the Committee on Finance, Public Expenditure and Reform, and Taoiseach

Deputy Fiona O'Loughlin - Chair of the Committee on Education and Skills

Deputy Maria Bailey - Chair of the Committee on Housing, Planning and Local Government

Deputy John Curran - Chair of the Committee on Social Protection

Deputy Brendan Smith - Chair of the Committee on Foreign Affairs and Trade, and Defence

Deputy Peadar Tóibín - Chair of the Committee on Regional Development, Rural Affairs, Arts and the Gaeltacht

Deputy Michael Harty - Chair of the Committee on Health

Deputy Pat Deering - Chair of the Committee on Agriculture, Food and the Marine

Deputy Hildegard Naughton - Chair of the Committee on Communications, Climate Change and Natural Resources

Deputy Brendan Griffin - Chair of the Committee on Transport, Tourism and Sport

Deputy Mary Butler - Chair of the Committee on Jobs, Enterprise and Innovation

Deputy Jim Daly - Chair of the Committee on Children and Youth Affairs.

Question put and agreed to.

## **APPENDIX 2: MEMBERSHIP OF THE JOINT COMMITTEES**

### **JOINT COMMITTEE ON EMPLOYMENT AFFAIRS AND SOCIAL PROTECTION**

**Deputies**

Maria Bailey TD  
John Brady TD  
Joe Carey TD  
Joan Collins TD  
John Curran TD (Chair)  
Bríd Smith TD  
Willie O’Dea TD

**Senators**

Catherine Ardagh  
Alice Mary Higgins  
Ged Nash  
Ray Butler

**JOINT COMMITTEE ON EDUCATION AND SKILLS****Deputies**

Thomas Byrne TD  
Kathleen Funchion TD  
Catherine Martin TD  
Tony McLoughlin TD  
Hildegarde Naughton TD  
Fiona O’Loughlin TD (Chair)  
Jan O’Sullivan TD

**Senators**

Maria Byrne  
Robbie Gallagher  
Paul Gavan  
Lynn Ruane

**JOINT COMMITTEE ON HEALTH****Deputies**

Stephen S. Donnelly TD  
Bernard J. Durkan TD  
Michael Harty TD (Chair)  
Alan Kelly TD  
Margaret Murphy O’Mahony TD  
Kate O’Connell TD  
Louise O’Reilly TD

**Senators**

Colm Burke  
John Dolan  
Rónán Mullen  
Kevin Swanick

**APPENDIX 3: MOTION OF THE DÁIL 1 MAY 2018**

Joe McHugh TD, Minister of State at the Department of the Taoiseach: “That, notwithstanding anything in Standing Orders, the Joint Committee on Employment Affairs and Social Protection,

the Joint Committee on Education and Skills and the Joint Committee on Health, in accordance with their orders of reference, may hold a joint meeting or meetings for the purpose of considering the experiences of people with disabilities in accessing employment, and may report thereon: Provided that the provisions of Standing Order 87 will apply."

QUESTION PUT AND AGREED TO.

#### **APPENDIX 4: MOTION OF THE SEANAD 1 MAY 2018**

Senator Jerry Buttimer: "That, notwithstanding anything in Standing Orders, the Joint Committee on Employment Affairs and Social Protection, the Joint Committee on Education and Skills and the Joint Committee on Health, in accordance with their orders of reference, may hold a joint meeting or meetings for the purpose of considering the experiences of people with disabilities in accessing employment, and may report thereon: Provided that the provisions of Standing Order 74 will apply."

QUESTION PUT AND AGREED TO.

#### **APPENDIX 5: LINKS TO OPENING STATEMENTS OF WITNESSES**

Meeting of 3 May 2018:

Disability Federation of Ireland

[https://data.oireachtas.ie/ie/2018-05-03\\_opening-statement-disability-federation-of-ireland](https://data.oireachtas.ie/ie/2018-05-03_opening-statement-disability-federation-of-ireland)

Inclusion Ireland

[https://data.oireachtas.ie/ie/2018-05-03\\_opening-statement-inclusion-ireland](https://data.oireachtas.ie/ie/2018-05-03_opening-statement-inclusion-ireland)

Meeting of 12 June 2018:

Department of Employment Affairs and Social Protection

[https://data.oireachtas.ie/ie/2018-06-12\\_opening-statement-dept-employment-affairs-and-social-protection](https://data.oireachtas.ie/ie/2018-06-12_opening-statement-dept-employment-affairs-and-social-protection)

Department of Education and Skills

[https://data.oireachtas.ie/ie/2018-06-12\\_opening-statement-department-of-education-and-skills](https://data.oireachtas.ie/ie/2018-06-12_opening-statement-department-of-education-and-skills)

Department of Health

[https://data.oireachtas.ie/ie/2018-06-12\\_opening-statement-department-of-health](https://data.oireachtas.ie/ie/2018-06-12_opening-statement-department-of-health)