

*Dé Máirt, 17 Nollaig, 2019
Tuesday, 17th December, 2019*

2 p.m.

**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS**

Fógra i dtaobh Leasuithe ar Thairiscint: Notice of Amendments to Motion

254. “That Dáil Éireann:

acknowledges that:

- the independent not-for-profit Section 39 sector provides vital services for many thousands of people with disabilities across Ireland;
- the Section 39 sector also provide healthcare, elderly, youth, substance abuse, suicide prevention, social inclusion, education, community development and many other services in communities across the State;
- this independent not-for-profit group of providers, while part-funded by the Government, are accountable to the State and while standards of accountability, compliance and regulatory structures have increased substantially over the last decade, necessary additional funding to assist this work has not been put in place;
- this group of providers stepped up, when the Government did not, to ensure that people with disabilities had at least the prospect of the life they deserved, and they want to continue to do so;
- the independent not-for-profit sector is recognised in legislation as providing services that enable people requiring supports to live the best quality of life they can;
- these organisations seek to improve society and communities rather than focus on delivering profits, unlike the private sector; and
- there is a growing sense of crisis in this sector, not least the crisis of financial sustainability confronting many not-for-profit organisations;

agrees that:

- according to Census 2016, 13.5 per cent of those resident in Ireland, 643,131 people, stated that they had a disability;
- for many years the approach of the Irish State towards the needs of people with disabilities has not been to provide services directly, but to instead rely on the delivery of services by a variety of voluntary/not-for-profit organisations, albeit with funding provided by the State;
- over the years the nature of this provision has radically changed, given that in the

early years it was driven by religious orders, whereas now it is the remit of a range of secular and increasingly specialised and professionalised organisations;

- the significance of these organisations cannot be underestimated;
- in 2018, the Health budget for the provision of disability services was more than €1.81 billion;
- of this, more than 60 per cent was allocated to provide residential services, 20 per cent was allocated to provide day places and supports, with the remaining amount providing respite services and personal assistant and home support hours;
- these organisations sustain the communities they serve, building unique relationships with service users, their families and their network of friends;
- these organisations should always be prepared to be innovative, flexible and adaptable to the often complex needs of all marginalised groups they provide services to, including those living with a disability;
- these organisations should operate from a ‘naturally person-centred approach’ as opposed to being dominated by the requirements of a system of bureaucracy;
- there is a distinct feeling amongst these organisations that the State does not value their contribution as much as it did in years gone by; and
- there is a need to establish a renewed relationship between not-for-profit organisations and any future Governments who will provide adequate funding to enable the continued provision of services to people with disabilities and promote independent living and de-congregation; and

calls for:

- the Department of the Taoiseach to intensively engage with the not-for-profit sector to develop a long-term vision that would allow both the sector and future Governments to provide services through a more integrated approach, underpinned by any new legislative changes required and with sustainable levels of funding;
- the not-for-profit sector to establish a forum, which would include service users, to develop a plan to provide enhanced services into the future and agree to develop a compact agreement with the State that will govern this vital future relationship and that this would be completed within a three-year period;
- future Governments to give due recognition to the sector and create a junior ministerial portfolio for the community and these sectors;
- a complete review of current legislative provisions governing the relationship between the State and not-for-profit organisations in the disability sector to take place at the earliest opportunity, and any changes to current legislation or identified new legislation required to be given priority in any new Programme for Government; and
- the Government to agree that the unequal pay terms that exist between Section 38 and Section 39 organisations must end without delay, and that full pay restoration for these workers must be delivered as a priority.” — *Caoimhghín Ó Caoláin, Mary Lou McDonald, Gerry Adams, John Brady, Pat Buckley, Seán Crowe, David Cullinane, Pearse Doherty, Dessie Ellis, Martin Ferris, Kathleen Funchion, Martin Kenny, Denise Mitchell, Imelda Munster, Jonathan O'Brien, Eoin Ó Broin, Donnchadh Ó Laoghaire, Louise O'Reilly, Aengus Ó Snodaigh, Maurice Quinlivan, Brian Stanley, Mark Ward.*

Leasú:

Amendments:

1. To delete all words after “Dáil Éireann” and substitute the following:

“acknowledges:

- the valuable contribution that voluntary organisations make across Irish society and in particular their integral role in the health and social care sector, where the State relies on these organisations to deliver core health and social care services through various contractual arrangements;
- the wider role played by the sector in social inclusion, community and rural development and youth and education services;
- the Report of the Independent Review Group established to examine the role of voluntary organisations in publicly funded health and personal social services, which recognised the continuing important contribution of the voluntary sector and recommended placing the relationship between the State and the voluntary sector on a new footing;
- the establishment by the Minister for Health of a new dialogue forum, in response to the Independent Review Group’s report, with the aim of building a stronger working relationship between the State and the voluntary sector based on trust and partnership and to facilitate regular dialogue with the voluntary sector on future policy and strategic developments;
- that Ireland has ratified the United Nations Convention on the Rights of Persons with Disabilities and the United Nations Convention on the Rights of the Child, which place a duty on Ireland to ensure that children and adults with mental or physical disabilities should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate active participation in the community;
- the significant progress being made under the Transforming Lives disability reform programme, which aims to provide a more person-centred, integrated and cost-effective model of disability service provision; and
- that the Government has significantly increased investment in disability services since it came into office and the overall budget for disability services will exceed €2 billion in 2020, an increase of 31 per cent (€490 million) since 2016;

notes that:

- over 2,000 voluntary organisations receive funding from the Health Service Executive (HSE), spanning almost all areas of health and social care, including acute hospitals, disability, mental health, older persons and hospice services;
- Sections 38 and 39 of the Health Act 2004 legally underpin:
 - the provision of services by non-statutory providers on behalf of the HSE (Section 38); and
 - the provision of services similar or ancillary to a service that the HSE may provide (Section 39);
- the HSE fund Section 39 organisations to assist them in providing services to the population, and a majority of these agencies provide essential services to people with disabilities;
- the issue of pay restoration for Section 39 workers has been the subject of intense engagement between the parties under the auspices of the Workplace Relations Commission (WRC);
- an agreement reached in October 2018 in relation to pay restoration for employees of these organisations provided for pay restoration in relation to 50 ‘pilot organisations’ in the first instance, including the larger organisations that are funded in the main by the HSE;

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- pay restoration for the 50 organisations commenced in April of this year, with further payments due in 2020 and 2021 as appropriate;
- the WRC agreement recognised that some of the remaining Section 39 organisations (estimated 250 approximately) are likely to have pay restoration issues and a process to address these will be agreed, and the parties will commence engagement on this issue during 2019;
- the call for pay restoration is premature as the WRC agreement did not guarantee pay restoration for every Section 39 organisation which receives funding from the HSE and that an agreed process is underway regarding the remaining 250 agencies; and
- Section 39 services and pay agreements extend beyond those that provide services for health and social care; and

calls on the Government to commit to:

- the full implementation of ‘Sustainable, Inclusive and Empowered Communities strategy to support the community and voluntary sector in Ireland 2019 – 2024’, which sets out a long-term vision for communities in Ireland and a general direction of travel for Government policy in relation to the community and voluntary sector for the coming years;
- strengthening the State’s relationship with the voluntary sector through meaningful participation in the new dialogue forum between the Department of Health, relevant health agencies and representation from voluntary organisations in the health and social care sector;
- working within the parameters of the WRC agreement in relation to pay restoration for Section 39 agencies; and
- a continued whole-of-Government approach to improving access to and quality of services for people with a disability in line with the National Disability Inclusion Strategy 2017 – 2021 and Transforming Lives.” — *An tAire Sláinte*.

2. To insert the following after “that full pay restoration for these workers must be delivered as a priority.”:

- “— the strengthening, by the Government, of the linkages between acute and hospice care, in light of the complementarity of services provided where appropriate;
- the recognition, by the Government, of the critical role played by Section 39 hospice organisations such as Marymount Hospice, including the unsustainable financial position being forced on Section 39 hospices due to unequal pay terms; and
- the provision, by the Government, of sufficient funding to Section 39 hospices such that their local fundraising efforts can be directed to capital investment, and therefore not required for normal operating expenses.” — *Stephen Donnelly, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Malcolm Byrne, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa Chambers, Niall Collins, Barry Cowen, John Curran, Timmy Dooley, Sean Fleming, Pat the Cope Gallagher, Seán Haughey, John Lahart, James Lawless, Marc MacSharry, Micheál Martin, Charlie McConalogue, Michael McGrath, John McGuinness, Aindrias Moynihan, Michael Moynihan, Eugene Murphy, Margaret Murphy O'Mahony, Darragh O'Brien, Jim O'Callaghan, Éamon Ó Cuív, Willie O'Dea, Kevin O'Keeffe, Fiona O'Loughlin, Frank O'Rourke, Pádraig O'Sullivan, Anne Rabbitte, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy*.