DISABILITY FEDERATION OF IRELAND

Submission on Making Work Pay

Department of Social Protection

September 2016

"State Parties shall safeguard [and] promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment"

UN Convention on the Rights of Persons with Disabilities (Article 27, e)

1 Introduction

The Disability Federation of Ireland (DFI) welcomes the opportunity to provide our perspective and priorities for people with disabilities to the Make Work Pay Interdepartmental Group set up under the auspices of the Comprehensive Employment Strategy.

DFI is making the following submission based on our knowledge of social policy as it affects people with disabilities, engagement with individuals with disabilities themselves, and our member organisations. The lens through which we offer our observations and recommendations is necessarily one step removed from being able to answer questions about how *in total*, people with disabilities themselves might feel about some of the questions asked. In other words, we can make purposeful comment which is aimed at constructive contribution to this important issue, but we cannot purposively answer how people might feel about how financially better off they might be if they worked, for example.

1.1 Guiding Policies

United Nations Convention on Rights for People with Disabilities (UNCRPD)

The UNCRPD is due for ratification in Ireland by the end of 2016 and the outcomes of the Make Work Pay Group are critical to empowering people with disabilities to exercise their right to Employment (Article 27) and the right to an adequate standard of living and social protection (Article 28). After a protracted period to ratify this fundamental convention, the 600,000 people living with a disability in this country (CSO Census, 2011) will not accept further delays to, what should be basic, *equitable* employment and training guarantees from the Irish Government.

Public Sector Duty

This human right is spelt out further by Public Sector Duty, which obliges all official Government policy to

> *"Take proactive steps to actively promote equality, protect human rights and combat discrimination having regard to all their functions and powers".*

In effect, this encourages departments to consider actions that can be taken to advance the rights of those protected, such as people with disabilities in their core work, rather than as an add-on to policies, services, procedures and practices.

Work must pay, not only for the sake of fulfilling an equality and diversity responsibility, but also because so many people with disabilities want to access education and employment. The latest Department of Social Protection (DSP) Survey for 2015 bears this out: 43% of people surveyed on Disability Allowance expressed an interest in working given the right supports, and over half of respondents (56%) expressed an interest in education or training. These findings remind us that many people on Disability Allowance (DA) want to work, but continue to express frustrations with a system perceived to have too many flaws that persistently impedes their efforts to find and retain suitable work.

1.2 Making Work Pay and Cost of Disability

DFI understands that the Make Work Pay group has been tasked with examining how to make work pay. However, this task cannot be entirely separated from the issue that has yet to be addressed regarding the well documented costs associated with living with a disability in Ireland. DFI is very concerned that activation, training or employment becomes the singular way of defining a person's worth, and that the cost of disability will only be dealt with comprehensively in this context. Regardless of work status, people with disabilities must be afforded the right to live in dignity and have their basic needs met.

Evidence indicates that people with disabilities are under-represented in poverty statistics that look only at the efficacy of social transfers and do not address the extra costs of living with a disability. Recent research by Rehab indicates that people with disabilities are experiencing significant difficulties in making ends meet, even with supplementary payments.

DFI strongly asserts that people with disabilities must never be forced to take up employment inappropriately, out of financial necessity to make those ends meet. Furthermore, social inclusion is not synonymous with work, and supporting people into work cannot be the only mechanism by which social inclusion is delivered in Irish social policy.

Therefore DFI recommends that this Group also looks at how measures taken in this context will impact on those not in work, and for whom social transfers are their sole means of income. Once the parameters for making work pay are established, this group should extend its work into taking on the issue of the cost of disability more widely.

1.3 Measuring Success

The Make Work Pay group must establish the bar to which they intend to ensure that work will pay for people with disabilities. How will success be measured? It is not

enough for people to arrive at the same point as their non-disabled peers, once costs associated with their disability are met.

ESRI research indicates that for those on Jobseekers payments, income would rise 40% upon taking up employment and less than 3% would be worse off for taking up work. The cost of disability ensures that this is unlikely for people with disabilities, and medical card eligibility continues to play a significant role in putting employment beyond the reach of many. The fact that almost 12% of those at risk of poverty are in work already is very concerning in the context of encouraging people with disabilities to engage in work[1]. People with disabilities must have decent work that includes decent pay and terms and conditions. This fact along with the denigration of working conditions, the increase in short term contracts and increasing job insecurity, must be addressed alongside financial barriers to work.

DFI recommends that a minimum income is set to ensure that people have a decent income and that this is supplemented with different tiered bands of payment that compensate for costs associated with disability. These might or might not correspond with diagnosis, but would be tied to extra expenses incurred as a result of having a disability. Any methodology adopted here will need to also serve those not in employment.

2. Financial Barriers to work

In attempting to address the financial barriers to work, the questions asked are as important as the answers. The questionnaire focuses on the importance of existing payments and allowances without disaggregating the TV licence from gas and electricity, or rent allowance from free travel. The telephone allowance, which was abolished in Budget 2013, still poses a significant cost, not only for social inclusion but support people as they seek work. A better starting point might be to ask what the costs are that people might incur if they are seeking work, or want to sustain work. It is probable that some of this information can be gleaned from the recent DSP survey on those in receipt of DA. In addition to the well documented issues are things such as investment in clothing or counselling.

2.1 Medical Card Eligibility

For people with disabilities who have a medical need, eligibility for medical cards is critical to supporting access to work and work retention. Disabilities rarely go away after the three year entitlement period. Similarly, people with disabilities are, due to educational disadvantage, more likely to be found in lower paid work. The likelihood of earning sufficient income to compensate for losing a medical card within that three year time period is slim. This also holds true for those with high level of education as medical conditions might preclude working a full week due to fatigue for example. Unless

[1] NERI Institute (2015) Quarterly Economic Facts Summer 2015..

medical cards are granted on need rather than income, it is likely that few people will be encouraged to take the risk of taking up work. The fact that the DA income disregard forms part of means tested income, limits the potential of the DA disregard to provide a more sure footed way of entering work.

This issue is exacerbated by the changing nature of employment conditions including the proliferation of low paid, precarious contracts. Medical cards provide for a wider range of services than just medical need. They are the gateway to accessing aids and appliances as well as assistive technology for example. These costs also need to be borne in mind and understood from the perspective of a person with a disability, when the equipment required is key to communication or independent living.

DFI believes that medical cards should be granted based on medical need rather than income.

2.2 Flexibility in Accessing Payments

People with disabilities continue to experience persistent difficulties with a system that is perceived to be too inflexible to meet the needs of the people that use it.
A fast track system that supports people to move back into payments with no loss of income is required to ensure that people do not lose out and can be encouraged to take another risk to go out to work when circumstances or job opportunities change.
This requires specific protocols to be put in place to allow flexibility in the system, and to avoid the burden of having to reapply and fear of not getting back all the benefits previously held. A free claims support line must be put in place as well as an email system to support people to communicate with Operations in the Department in order to reinstate claims and benefits with no delay if a person cannot sustain employment or needs to take time out due to an episodic condition.

3. Payment schemes & Supports

3.1 Partial Capacity Benefit

Partial Capacity Benefit has proven ineffective at moving people into work, and needs to be revised to become effective in its purpose. The number of people taking up this scheme is poor - 4,116 successful applications from February 2012 – 2015, (Oireachtas, Nov 2015) – compared to the numbers who wish to work.

There are several disincentives to work associated with the scheme. Losing the medical card is one. Secondly, the scheme only works for those with capacity to work a full week or close to a full week, otherwise they may lose up to 50% of their earnings including secondary benefits. The fear of being assessed as having a mild restriction to work may threaten Illness Benefit or Illness Benefit eligibility and this is not a risk potential workers wish to take. Having to wait six months to apply also loses valuable ground in terms of job readiness.

DFI recommends that the Department takes a new look at how it can create a scheme that truly works for people rather than tweak something that is ineffective.

3.2 Wage Subsidy Scheme

DFI also has concerns about how one employer support may be working at cross purposes with another. Given the changing nature of work, and the move towards short term contracts, we are concerned about the unintended consequences of schemes are developed in isolation - for example, JobsPlus may work at cross purposes with the Wage Subsidy Scheme, in supporting people back into mainstream employment.
DFI calls for a review of how specialist supports for people with disabilities interact with mainstream activation supports to ensure that both are attractive options to employers and job applicants alike.

3.3 Reasonable Accommodations

The Department of Social Protection administers Reasonable Accommodation supports for people with disabilities that help them enter employment. An individual can apply for a Reasonable Accommodation grant under the following four categories: 1) Workplace Equipment/Adaptation Grant; 2) the Personal Reader Grant; 3) the Job Interview Interpreter Grant; and 4) the Employee Retention Grant.

In the recent DSP survey, over 10% of respondents incited that assistive technology would be a significant factor in supporting them into work. DFI is concerned that current ways of providing assistive technology are not fit for the newly emerging digitalisation of the workplace.

Findings by DFI indicate that the Workplace Equipment and Adaptation Grant (WEAG) is underused, slow and too bureaucratic to be effective, as this quote from a piece of upcoming research suggests*: applying for a WEAG is cumbersome, and takes too long for someone who needs to get on with their job in the private sector. It has resulted in instances where employers or employees end up paying for the equipment themselves rather than wait. The fact that the scheme is restricted to those in private employment or self-employed means that many people working the public sector, either do not have their needs adequately met or feel they are encroaching on already tight budgets if they ask for reasonable accommodations. The equipment is now "owned" by the employer which makes job mobility difficult, if not impossible* (Assistive Technology Report in Ireland, forthcoming 2016).

Official DSP figures on Reasonable Accommodations also appear to support our research that it is underused - in 2015 total spend under *all four categories* was only €73,925 (Oireachtas, May 2016).

DFI is seeking a cross-departmental funding mechanism for Assistive Technology and further commitments to improve training and IT supports.

3.4 Entrepreneurship and Self-Employment

For many people with disabilities, self-employment is the most viable option, particularly if they live in rural areas with poor transport links, or have particular health reasons that make home working more suitable. **DFI hopes that the make Work Pay Group will pay attention to this option and ensure that people with disabilities are offered supports to set up their own businesses or work as sole traders in a way that works with flexible payments.**

4. Other Barriers to Work

4.1 Length of time out of the workforce

The longer a person is out of the workforce the more likely they are to experience mental health issues alongside pre-existing conditions. There needs to be a concerted focus on young people so that they do not slip into long term unemployment by virtue of lack of opportunity upon leaving school. This requires a cross departmental approach with the HSE to ensure that school leavers are offered more choices than placements and long term supports to sustain work and an attitude of life-long learning. The supported employment model for young people needs to be tweaked and specialised to meet people where they are at when they leave school and journey with them for those formative years as they become independent adults. This requires developing more long term relationships with support services that are not target driven but outcome driven for the individual.

Payments and supports at school leaving age need to be reconfigured to ensure that people have real choices and there are incentives to attend college or seek work.

4.2 Gender differences in re-entry into work

This is an area that warrants more research. Certainly given the gender divide in caring responsibilities and the lack of affordable childcare in Ireland, it is not difficult to see that women, by and large will tend to be less likely to re-enter work.

5. Communication

5.1 How the Department communicates with customers

The relationship between the department and its disabled customers can be described as one of fear. People work hard at the application stage to ensure that they can get a payment and even then too many applications are turned down (Irish Examiner 2016). They are applying at a very stressful transition in their lives, they may be very unwell or

have recently experienced a very difficult diagnosis. The fact that so many applications are initially turned down sets the relationship between customer and service provider up to be one that is characterised by mistrust. There is a paradox inherent in applying for a payment which is based on being sick or disabled, and then presenting oneself as a potential worker, and seeking employment supports from the same organisation. People need an income that affords them the right to live in dignity. They also deserve the right to be treated with the right attitude, and to have their concerns and questions answered with a support person there if necessary. People want to be listened to. They do not want to be automatically referred on to support services without having the option to stay with Intreo supports if that is what they wish. Too often disabled customers have been passed around and cannot get their query or supports when and where they ask for them. Navigating supports becomes a full time occupation in itself. People need to be met where they are at. They need one named person to stay with them and support them on that journey.

DFI recommends that the Department invest in developing an ongoing relationship with disabled customers to better understand their experience and to genuinely listen to what it is that they experience and what they want from Intreo. This cannot be achieved via one-off focus groups or consultations. Area offices need to invest in building trust and have a mechanism for feeding back both to operations and policy in a way that is accountable to disabled job seekers and their supporting agencies.

4.1 Personal Assistant Supports

Inflexible restrictions around Personal Assistant (PA) use continues to prevent, for example, an individual who is receiving HSE-funded PA from availing of them in the workplace. Such home-use limits on HSE-funded PAs discourages people from taking up work, and instead keeps them reliant on DA. **DFI recommends that this group takes the lead in ensuring that cross-departmental responsibility for funding Personal Assistant hours in the workplace is clarified, to ensure that people who need PA support can receive it, and participate in work.**

Conclusion

This Interdepartmental Group has an unprecedented opportunity to create far reaching changes in how people with disabilities are supported into the workforce, one that matches the aspirations of respondents in the DSP survey and the wider disability community, and meets the objectives of the soon-to-be ratified UNCRPD. DFI will be monitoring how the working group fulfils this responsibility to disabled people and ensures that there is alignment between the aspirations of the Comprehensive Employment Strategy and those of disabled jobseekers throughout Ireland in making work pay for people with disabilities.

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1. Financial In-work supports

We want to know what works best and is attractive for people with disabilities when considering a return to or taking up work in terms of financial supports

How important are the following when considering taking up or returning to employment?

	Very Important	**Moderate Importance**	**Neutral**	**Slightly Low Important**
Disability Allowance Earnings Disregards (up to €120, €120-350)	Ox	O	O	O O
Partial Capacity Scheme (on Illness Benefit, Invalidity Pension)	O x	O	O	O O
Retention of Medical Card for 3 years	Ox	O	O	O O
Secondary Benefits: (Rent Supplement/Free Travel/Fuel Allowance)	Ox	O	O	O O
Household Benefits Package (Electricity/Gas Allowance/Free TV Licence)	O x	O	O	O O
Family Income Supplement	O x	O	O	O O
Tax Credits and reliefs	O x	O	O	O O

How well do you think the following are understood by people with a disability or their advocates?

	Well Understood	**Moderately Understood**	**Neutral**	**Slightly Not Understood**

Disability Allowance Earnings Disregards (up to €120, €120-350) O	O	O	O	O
Partial Capacity Scheme (on Illness Benefit, Invalidity Pension) O	O	O	O	O
etention of Medical Card for 3 years	O	O	O	O
Secondary Benefits: (Rent Supplement, Free Travel, Fuel Allowance) O	O	O	O	O
Household Benefits Package (Electricity/Gas Allowance, Free TV Licence) O	O	O	O	O
Family Income Supplement O	O	O	O	O
Tax Credits and reliefs O	O	O	O	O

Comments

It is difficult to answer how well the supports are understood. The question refers to two distinct groups of people, both of whom are diverse in their own right. This merits a questionnaire designed specifically for both cohorts.

2. Financial Barriers

Please rank the following in importance 1 – 6 (according to the scale of barrier) when considering taking up or returning to work: (1 = most important)

Loss of DSP Payment	O
Loss of Secondary Benefits (Rent Supplement, Free Travel, Fuel Allowance)	O
Loss of Household Benefits Package (Electricity/Gas Allowance, Free TV Licence)	O
Perceived difficulty obtaining DSP payment/benefits again (e.g. If work ceases)	O 2
Loss of Medical Card after 3 years	O1

Other (please specify) _____ O

It is recognised that the needs and issues arising for people with disabilities vary, and that different circumstances arise for different people at different times. If there are circumstances that are particularly relevant, please indicate:

Please see comments in main submission.

It is difficult to answer this question as people with disabilities are not a homogenous group. Therefore they have different priorities. As the weighting different people would give rent versus free travel or fuel allowance would vary according to context, putting them together in one question makes it difficult to give a decisive response. Similarly, the gas and electricity allowance and free TV licence have different significance for different cohorts of people with disabilities.

Framing the discussion based on what we already have leads to a mis-perception that these are the only ways in which the discussion can proceed. The fact that the telephone allowance is no longer available is missed entirely, despite the fact that this is considered a critical means of social inclusion and it would be difficult to secure work without one.

Clearly, the medical card poses a financial barrier. Even after three years in work, that person's medical need does not necessarily diminish. The fear of losing the card is significant. The likelihood that someone will earn enough to compensate for its loss is slim.

The "perceived" difficulty in obtaining payments should work cease is based on the real experience of people seeking DA. It is borne out by DSP stats that indicate that of 30,614 claims processed in 2015, 14,800 were refused (Irish Examiner 21 January 2016 http://www.irishexaminer.com/ireland/half-of-all-disability-allowance-applications-last-year-turned-down-377325.html).

In general, do people with a disability feel that they would be better off financially by taking up work?

Yes	**No**
O	O

Please elaborate:

3. Length of time out of workforce

Are there particular financial barriers to resumption of work for PWD if out longer term, i.e. 2 yrs or more?

What suggestions would you have to overcome barriers for PWD who have been out of the workforce long term?

Do you feel there are particular financial barriers that apply more to men than women, or to women than men?

4. Communication

Please rank the following sources of information people with disabilities use to research the financial aspects of taking up or returning to work:

	Always	**Often**	**Sometimes**	**Rarely**	**Never**
Department of Social Protection website	O	O	O	O	O
Intreo office/Local DSP office	O	O	O	O	O
Citizens Information Office	O	O	O	O	O
Citizens Information Website	O	O	O	O	O
Representative groups for PwD	O	O	O	O	O

Friends and family O	O	O	O	O
Media (TV/Radio/Newspapers) O	O	O	O	O
Other (please specify) O	O	O	O	O

Do you think people worry about asking for information from the Department of Social Protection when considering returning to work – e.g. applying for Partial Capacity Benefit, or the Disability Allowance Earnings Disregard?

yes

5. Experience of PWD who ARE working

Approximately 21% ***of PWD are in the workforce; in your view what are the financial and other factors which have supported these people to:***

A) Transition successfully from education/training to employment:

B) Remain in employment:

6. How do you see the role of the Intreo centre evolving to meet the needs of PwD?

The Department of Social Protection is expanding the role of the Intreo centres as an employment and recruitment service for pwd who wish to take up work.

What do you think PwD need from their Intreo centre in terms of assisting them to search for work?

How do you think the Intreo centre can best engage with PwD? e.g.

- Communication – social media, email/letters from intreo, telephone?
- Promotion of services via disability representative bodies/media?
- Named case worker

Accompaniment of family/friend/advocate at Intreo:

	Yes	No
▪ Is this important to PwD?	Ox	

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