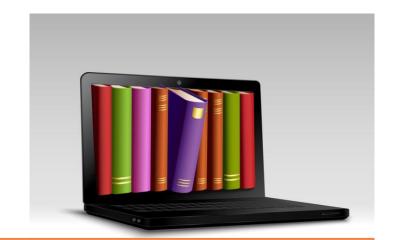
NATIONAL FEDERATION OF VOLUNTARY BODIES



Providing Services to People with Intellectual Disability

Disability Policy Library



A library at your finger tips

September 2015

4

NATIONAL FEDERATION OF VOLUNTARY BODIES



Providing Services to People with Intellectual Disability

Introduction

- Over the past few years there have been many new policies and laws introduced in Ireland that are important in the lives of people with disabilities.
- It can be difficult to know where all of these policies fit together or how to get information about what they mean.
- The aim of this tool is to provide a map of the policies and laws that are most relevant for people with disabilities, their families, and those that support them.
- This is a **reference tool that you can check when you need to** not all of the policies will be important to you at the same time. It can be overwhelming to try to take in all at once.









NATIONAL FEDERATION OF VOLUNTARY BODIES

Providing Services to People with Intellectual Disability

- This tool gathers together information from lots of different sources
- To use this tool, you need to have access to the Internet.
- If you are a service provider it may be useful to provide access to this tool on a computer in a place where families and people you support can use it.
- Inclusion Ireland also has a very useful guide to policies that can be downloaded and printed.
- This policy-mapping tool was developed by the Next Steps Project at the National Federation of Voluntary Bodies.
- You can contact <u>alison.harnett@fedvol.ie</u> if you have any questions about this tool or want to provide an update in any policy area.





Contact Us



NATIONAL FEDERATION OF VOLUNTARY BODIES



Providing Services to People with Intellectual Disability

How to use this tool

• Click on this icon from anywhere in the tool to return to the home screen. On the home screen you can choose the policy area you are interested in viewing.



 This icon tells you when there is an easy-to-read version of the document or policy available



• Click on this icon to find out 'What's happening now?' for any policy area where the icon appears



• The tool links to a lot of online information. To get back to this tool from an Internet site, click on the PDF icon. It is usually found at the bottom of your computer screen.



• You can also find a list of all the policies contained in the tool by clicking this link







Click on any box below to find out about the laws and policies most relevant to disability in this area.

Crossdepartmental

Housing

Education

Justice & Equality

Health

Entitlements, Benefits & Supports



Click on the home icon in the bottom left hand corner on any screen to return to this page





Cross-departmental laws and policies

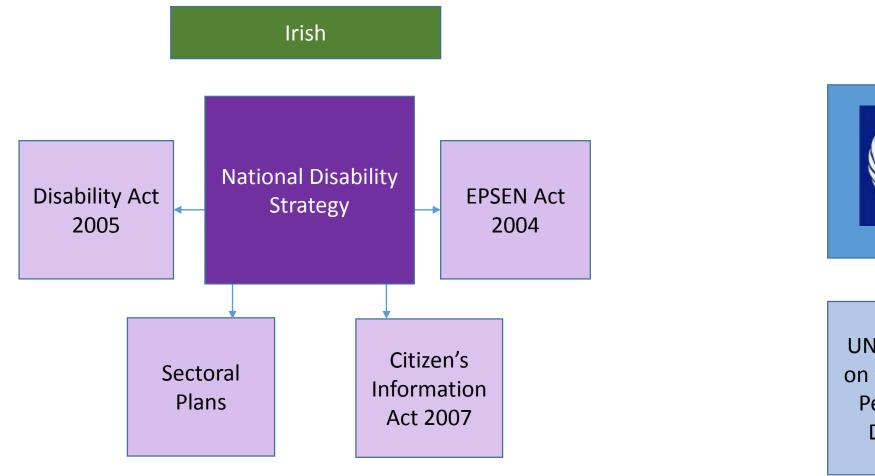
- Some policies that relate to disability are focused on one particular area, such as health or education.
- However, for policies to work best, many Government Departments need to work together.
- There are a number of policies and strategies that are particularly focused on all Departments working together to ensure a joined-up approach to meeting the needs of people with disabilities and their families.
- These policies and strategies are outlined on the next page.
- Click the forward arrow at the top of the screen () to view these cross-departmental laws, polices and strategies.

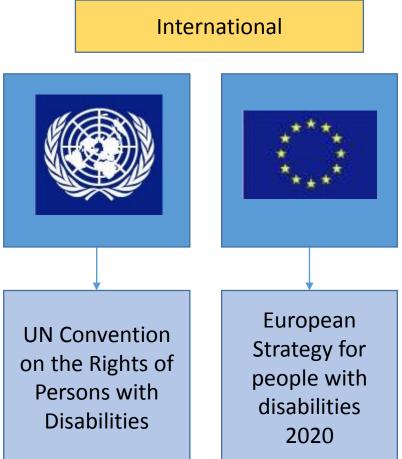






Cross-departmental laws and policies













In 2004 the Government launched the National Disability Strategy. The aim of the Strategy is to bring together laws and policies in the area of disability and to ensure that Government Departments work together for the benefit of people with disabilities. The key elements of the strategy are:

- The Disability Act 2005
- Sectoral Plans by 6 Government Departments
- The Education for Persons with Special Educational Needs (EPSEN)Act 2004
- The Citizens Information Act 2007
- A multi-annual investment programme which ran from 2004 to 2009.



- National Disability Strategy Implementation Plan 2013-2015
- <u>Link to Inclusion Ireland's Family Information Pack</u>, which includes information on the National Disability Strategy.
- Click the forward arrow () above to see each strand of the National Disability Strategy in more detail







Text of the Disability Act 2005

Applications for Assessment

of Need should be made

through your local health

office. Click here to find

your Local Health Office

The Disability Act (2005) contains a number of sections. These deal with the **assessment of the needs of people with a disability**; access to buildings; genetic testing; and targets for employing people with disabilities in public sector organisations. The Act also provided for the setting up of the Centre for Excellence in Universal Design.

Any child born after June 1st 2002 is eligible to apply for an assessment of need under the Disability Act 2005. Children who qualify for an assessment of need under the Act have a right to:

- an assessment of their health and education needs arising from their disability;
- an Assessment Report;
- a statement of the services they will receive;
- make a complaint if they are not happy with any part of the process.
- Information on the Disability Act on HSE's website
- <u>Early information for families</u>
- What's happening now?
- <u>Citizen's Information on the Disability Act</u>
- Department of Justice Guide to the Disability Act









Sectoral Plans



The Disability Act (2005) required six Government Departments to prepare and publish sectoral plans. These plans outlined the measures each Department planned to take in providing services to people with disabilities. Each Department consulted with people with disabilities and families in developing their plans. The plans include arrangements for complaints, monitoring and review procedures. The plans were reviewed in 2009. In 2011 a group was established to monitor implementation of the National Disability Strategy including the Sectoral Plans. This group is called the National Disability Strategy Implementation Group. You can click on the red question mark icon below to find the Implementation Plan for the National Disability Strategy 2013-2015.



- Overview of Sectoral Plans on Department of Justice website
- Sectoral Plan of the Minister for Health and Children (Section 32)
- Sectoral Plan of the Minister for Social and Family Affairs (Section 33)
- Sectoral Plan of the Minister for Transport (Section 34)
- <u>Sectoral Plan of the Minister for Communications, Marine and Natural Resources (Section 35)</u>
- Sectoral Plan of the Minister for the Environment, Heritage and Local Government (Section 36)
- Sectoral Plan of the Minister for Enterprise, Trade and Employment (Section 37)







Citizen's Information Act 2007

Text of the Citizen's Information Act 2007

This Act forms part of the National Disability Strategy. It introduced the new **National Advocacy Service.** It also changed the name of the previous Government information service (Comhairle) to the **Citizen's Information Board.**

 The National Advocacy Service The National Advocacy Service for People with Disabilities provides an independent, confidential and free, representative advocacy service that works exclusively for the person using the service and adheres to the highest professional standards



• <u>Citizen's Information</u>. This site provides information on public services and entitlements in Ireland, including the entitlements of people with disabilities.







Education for Persons with Special Educational Needs Act, 2004

Text of the EPSEN 2004 Act

As part of the National Disability Strategy the Education for Persons with Special Education Needs Act was published in 2004. The Act sets out to provide for the education of people with special educational needs in a way that is in line with international best practice. The focus of the Act is on inclusion, participation and maximising the capacity of children to the best of their abilities. It provided for greater engagement with families in relation to the education of children. It also provided for the establishment of the National Council for Special Education. Not all sections of the Act were commenced or implemented.

 <u>Link to Special Educational Needs section on the Department of Health</u> website



- What's happening now with the EPSEN Act?
- Link to the National Council for Special Needs Education, which was established on foot of the EPSEN Act (2004)







The EPSEN Act 2004: What's happening now?

Not all sections of the Education for Persons with Special Educational Needs (EPSEN) Act have been commenced. A number of sections of the Act have been implemented, including those establishing the National Council for Special Education (NCSE) and those promoting an inclusive approach to education of children.

The Department of Education stated in November 2014:

"In light of the very difficult economic situation and the significant costs involved in fully implementing the EPSEN Act, the previous Government deferred the full implementation of EPSEN. It is intended to bring into effect many of the good ideas contained in the EPSEN Act, on a non statutory basis initially, through policy developments across a range of areas, in conjunction with NCSE policy advice."





UN Convention on the Rights of Persons with Disabilities



The Convention on the Rights of Persons with Disabilities is an international convention on the rights of people with disabilities. It was adopted on 13 December 2006. The Convention aims to change attitudes and approaches to persons with disabilities.

The Convention sees people with disabilities as "subjects" with rights, who are capable of claiming those rights and making decisions for their lives, based on their free and informed consent. It also sees people with disabilities as active members of society instead of "objects" of charity, medical treatment and social protection.

- Link to the text of the Convention
- Why a Convention?
- Easy to Read version of the Convention
- The Convention in printable PDF format
- Inclusion Ireland information pack for families



Ireland and
the UN
Convention
on the Rights
of Persons
with
Disabilities







Ireland and the UN Convention on the Rights of Persons with Disabilities

 The UN Convention on the Rights of Persons with Disabilities has been included in the Government Legislation Programme in autumn 2015

 Link to Department of the Taoiseach to follow the Government's Legislation Programme







European Strategy for People with Disabilities 2010-2020

Text of the EU
Strategy for People
with Disabilities

This Strategy identifies actions at EU level needed to supplement national ones in order to implement the UN Convention on the rights of Persons with Disabilities.

The overall aim of this Strategy is to empower people with disabilities to enjoy their full rights, and benefit fully from participating in society and in the European economy. Achieving this and ensuring effective implementation of the UN Convention across the EU calls for consistency. It also identifies the support needed for funding, research, awareness-raising, statistics and data collection. The Strategy focuses on eliminating barriers at EU level.

Link to additional information about the Strategy









Housing-related policies



National Housing
Strategy for People
with a Disability 20112016

Government's

5 Year Social

Housing

Strategy



Time to move on from Congregated Settings
Report





National Housing Strategy for People with Disabilities 2011-2016

The National Housing Strategy for People with Disabilities is a framework for delivering housing to people with disabilities through mainstream housing sources. (For example, this means people with disabilities will access social housing through Local Authorities in the same way as all citizens do. Previously many people with disabilities had their housing needs met through health-funded service providers). The vision of the Strategy is "to facilitate access, for people with disabilities, to the appropriate range of housing and related support services, delivered in an integrated and sustained manner, which promotes equality of opportunity, individual choice and independent living".

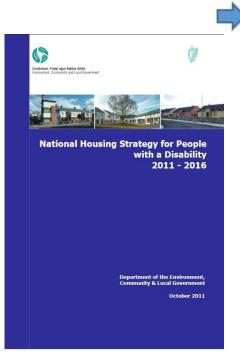
The Strategy coordinates the efforts of housing authorities and the HSE to support people with a disability to live independently in their own homes, with accommodation designed and/or adapted as necessary, rather than having to move into residential care settings.

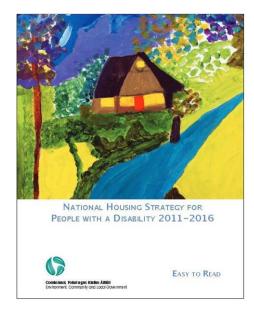
- National Housing Strategy for People with Disabilities 2011-2016
- Easy to Read version
- One page summary of the goals of the Strategy from Next Steps Project
- Implementation plan
- What's happening now?















National Housing Strategy for People with Disabilities 2011-2016: What's happening now?

 A national Housing Sub group meets once per month and is working on implementing the plans set out in the Strategy. This is chaired by the Housing Agency (<u>www.housing.ie</u>) and Project Managed by Ms. Claire Feeney.



- Housing and Disability Steering Groups are being set up in every Local Authority to establish and meet the housing needs of people with disabilities in each area.
- Each Housing and Disability Steering Group is currently finalising a 5 year Strategic Plan that will examine the housing needs of people with disabilities in the local area, and will devise plans for how housing can best be delivered.
- Protocols for assessing the housing needs of people with disabilities have developed and circulated to the Local Authorities.
- There are still gaps in the availability of rental or leasing properties for people with disabilities and in funding streams that will support people with disabilities to access housing that is suitable for their needs and preferences.
- The various Government Departments and agencies involved are actively seeking to develop mechanisms and funding streams to increase the number of people with disabilities that are housed appropriately.







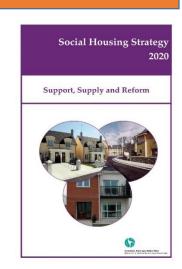
Social Housing Strategy 2020

The Department of the Environment, Community and Local Government developed and launched a 6 year Housing Strategy in 2014. The vision of this Strategy is that "every household will have access to secure, good quality housing suited to their needs at an affordable price in a sustainable community and that the State, for its part, will put in place financially sustainable mechanisms to current and future demand for social housing supports…"

Many of the difficulties that have been experienced by all groups in society in accessing suitable homes in recent years have been particularly acute for people with disabilities (as outlined in the National Federation submission below). The supply of housing that emerges nationally from the Government's Social Housing Strategy will be particularly important for meeting the housing needs of people with disabilities.

- The Government's 6 year social housing strategy
- National Federation of Voluntary Bodies submission to social housing strategy

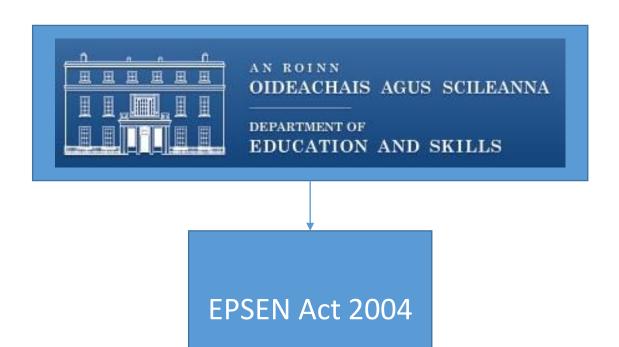








Education Policies





Proposed new model for allocation of Special Education Needs teaching resources





Delivery for Students with Special Educational Needs – a better and more equitable way

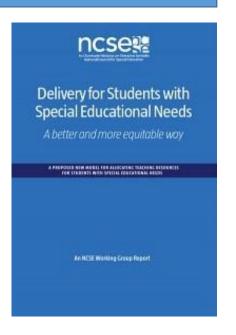


In June 2014 the National Council for Special Education (NCSE) published a report entitled "Delivery for Students with Special Education Needs – A Better and More Equitable Way, A proposed new model for allocating teaching resources for students with special educational needs". The aim of this model is to move away from the children's supports in school being based on a diagnosis, and instead to ensure that the supports are based on their needs. A new way of distributing the resources to support this approach is put forward in the proposed model.

- Link to the full report
- What's happening now?
- Further information, including a guide for parents and guardians on how the new model would work
- <u>Link to information and video about the National</u> Educational Psychological Service (NEPS)











What's happening now with the proposed new model for allocation of SEN teaching resources?

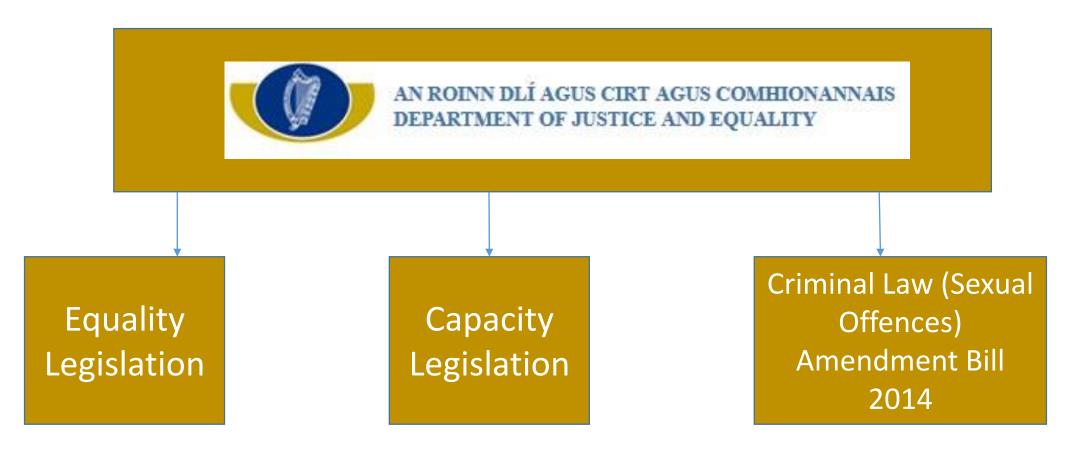
- It had been hoped that the proposed new model for allocating special educational needs teaching resources in mainstream schools would be in place for 2015/2016 school year.
- However, on 10 February 2015 the Department of Education released a press release indicating that the proposed new model would not be implemented in 2015. The Department indicated that there is a need to work out further details, such as the descriptors for complex needs, before the model can be implemented. It is hoped that this will be in place for the 2016/2017 school year.
- In the meantime, the press release indicates that the School Inclusion Service will be established. This will join together existing inclusion supports such as the Visiting Teacher Service for deaf children and the National Behaviour Support Service. The aim of this change is to provide schools with an improved and integrated school inclusion support service.







Policies relating to Justice & Equality









Equality Acts 2000 - 2004



Irish equality legislation prohibits direct and indirect discrimination in the area of employment and in the supply of and access to goods, facilities and services.

Irish law also makes it <u>illegal to discriminate</u> on any of the following nine grounds - gender, marital status, family status, sexual orientation, religion, age, <u>disability</u>, race or membership of the Traveller community.

FAQ's on Irish equality legislation

• Equal Status Acts 2000-2004





Capacity Legislation



Article 12 of the UN Convention on the Rights of Persons with Disabilities (Equal Recognition before the Law) states that "States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law." It also states that each country must introduce measures that will provide people with disabilities with any support needed to exercise their legal capacity.

In Ireland the Assisted Decision-Making Bill is due to be enacted to respond to Article 12 of the UN Convention on the Rights of Persons with Disabilities, and to give further support for people with intellectual disabilities (and all citizens) to make decisions, with support where necessary.

- <u>Inclusion Ireland provides information on existing Irish Capacity Legislation</u> (see pages 10-14 of information guide). This guide provides a description of existing areas of the law in Ireland in which capacity to make decisions is a key feature, such as 'Ward of Court'; capacity to marry; capacity to vote; and consent to medical care.
- <u>Link to a presentation on the forthcoming Assisted Decision-Making Bill</u>. This legislation is due to be enacted in 2015. We will update this tool when there are any developments in this area.



Link to information on the UN Convention on the Rights of Persons with Disabilities in this tool



Criminal Sexual Offences Bill 2014



In 2014 the Department of Justice issued a discussion paper on proposals to replace section 5 of the Criminal Law (Sexual Offences) Act 1993. The aim of the proposal was:

- "(i) to provide increased protection for vulnerable persons against sexual exploitation and not just limit protection to acts involving sexual intercourse or buggery;
- (ii) to respect the rights of the intellectually disabled to enter into loving sexual relationships;
- (iii) to repeal section 5 of the Criminal Law (Sexual Offences) Act 1993, and
- (iii) to be compatible with the 2006 UN Convention on the Rights of Persons with Disabilities."

A range of interested parties made submissions to the proposal.

In November 2014 the Department of Justice published the Heads of Bill of the Criminal Law (Sexual Offences) Bill 2014.

- Heads of Bill (see sections 9 and 12)
- Submission by the Inclusive Research Network to the proposed legislation

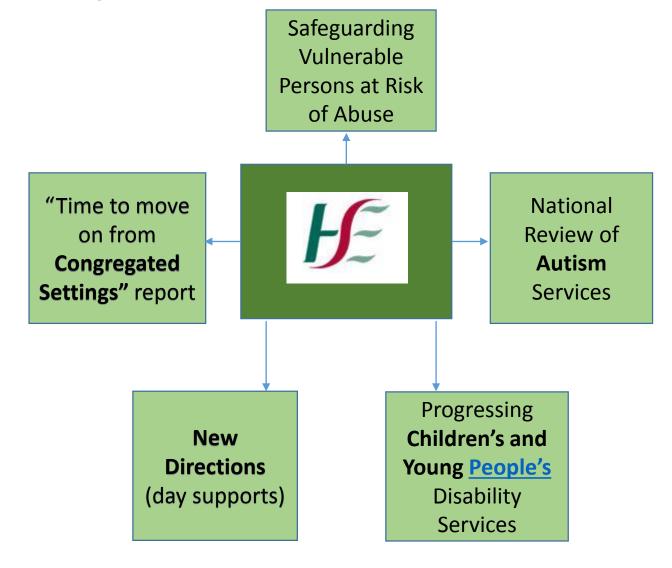






Key Policies and Reports in Health











Value for Money & Policy Review of Disability Services 2012

The Value for Money and Policy Review was an evaluation of the efficiency and effectiveness of disability services in Ireland wholly or partly funded by HSE. It was conducted under the Government's Programme of Value for Money Reviews 2009-2011. The purpose was to assess how well current services for people with disabilities were meeting their objectives and to support the future planning and development of services. The review made recommendations aimed at ensuring that the substantial funding provided to the sector is used to maximum benefit for persons with disability, having regard to overall resource constraints.

A separate Expert Reference Group on Disability Policy was established to look specifically at existing disability policy, and assess whether it needs to be changed to better meet the expectations and objectives of people with disabilities. The Reference Group oversaw a public consultation process on existing disability services, which concluded that people with disabilities and their families want **more choice** in the services they receive and **more control** over how they access them. A key direction recommended by the Policy Review is for services to move towards providing more **individualised supports**.

- Full report
- One page summary of the goals of the Disability Policy Review from Next Steps Project



What's happening now with the Value for Money & Disability Review?



Link to Inclusion Ireland family information pack on policies

Value for Money and Policy Review of Disability Services in Ireland

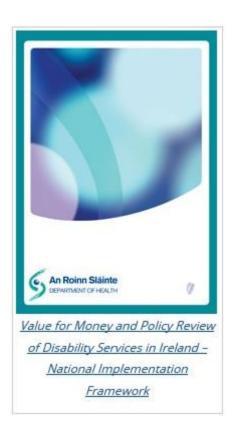
> JULY 2012 DEPARTMENT OF HEALTS





What's happening now with the Value for Money & Review of Disability?

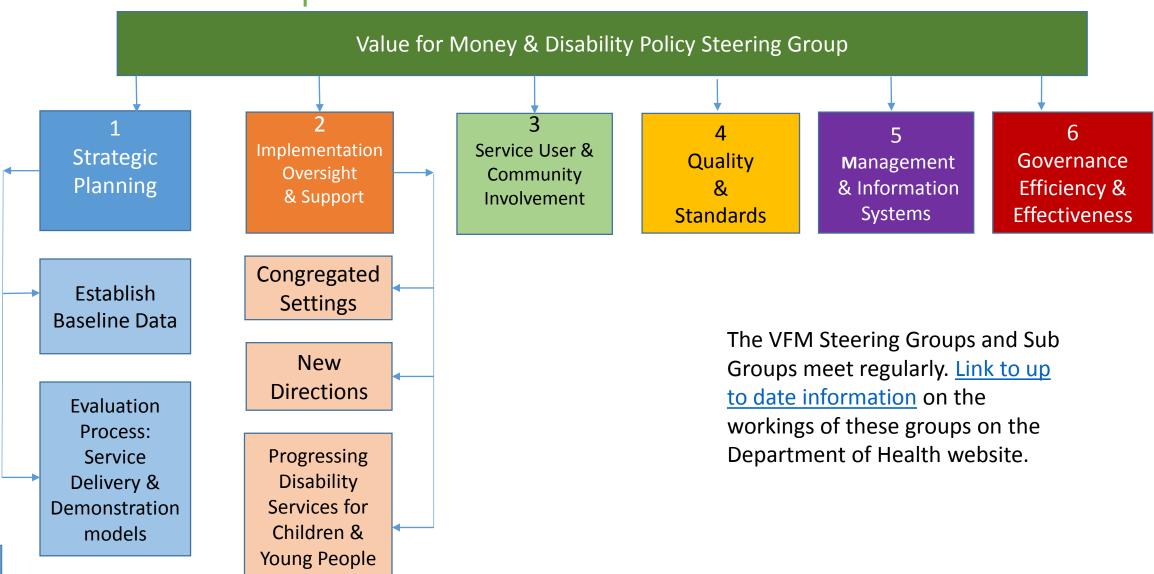
- The Department of Health published an implementation framework for the Value for Money (VFM) report in 2013. This assigns concrete actions and timelines to different agencies in the process. (You can access this report by clicking on the picture to the right).
- On behalf of the Department of Health, the HSE is implementing the Value for Money & Disability Policy Review
- A Steering Committee and six working groups have been set up to implement the recommendations of the VFM Report. Click on the forward arrow above (⇒) for information on these groups.















HIQA National Standards for Residential Services for Children and Adults with Disabilities



Safer Better Care

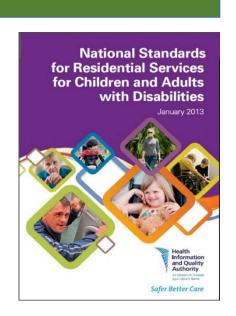
Since 1 November 2013 the Health Information and Quality Authority (HIQA) are responsible for the registration, inspection and monitoring of all centres providing residential services to people with disabilities (including respite).

The aim of the HIQA Standards is **to ensure good quality, safe residential services** for children and adults with disabilities. The standards are based on **key principles** to guide providers on providing a safe and effective service.



- <u>Link to the National Standards in various formats on the HIQA</u> website
- Inclusion Ireland information pack for families (see p.22)
- Resources for providers on HIQA website
- Resources for providers on National Federation website







Time to move on from Congregated Settings Report, HSE 2011



This report recommended that those **people with disabilities currently living in units of ten people and over** should be supported to move to a new model of community based supports where people will live in **dispersed forms of housing in ordinary communities.** The housing will be **provided mainly by housing authorities**. Those people with disabilities will have the same entitlements to mainstream community health and social services as any other citizen as well as the supports they require to live as independent a life as possible as an equal citizen of the state.

Time to move on from Congregated Settings Report



- Information page on HSE website with FAQ's, & implementation plan
- One page summary of goals of the Congregated Settings report from Next Steps Project
- <u>Link to Inclusion Ireland information pack on policies for families, including information on 'Congregated Settings' report</u>



Link to housing-related policies in this tool



Time to Move on from Congregated Settings A Strategy for Community Inclusion

Report of the Working Group Congregated Settings Health Service Executive June 2011





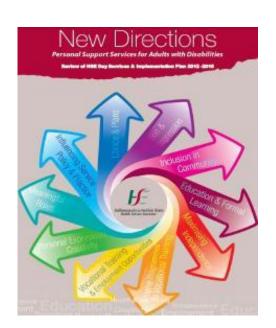
New Directions



"New Directions" is a policy that sets out a new approach to providing day supports and services for adults with disabilities. The aim of implementing the policy is that the supports provided should enable individuals to:

- make choices and plans to support personal goals
- have **influence over the decisions** which affect their lives;
- achieve personal goals and aspirations;
- be active, independent members of their community and society.
- New Directions Personal Support Services for Adults with Disabilities
- New Directions one page summary of goals from Next Steps Project
- Link to policy information pack for families from Inclusion Ireland
- What's happening now?











New Directions – What's Happening Now?

- The National New Directions Implementation Group has created **Interim Standards** to underpin the implementation of New Directions.
- The National New Directions Implementation Group has developed a process to implement and monitor the Interim Standards – this process is to be agreed by service providers.
- A Benchmarking Exercise has been completed by all service providers to prepare for local implementation planning.
- A number of **sub groups have been established** to progress specific recommendations in New Directions e.g.
 - Development of an Independent Guidance Service.
 - Development of a framework for Person Centred Planning.
 - Identification of data set to support the implementation of New Directions.
 - Aligning Rehabilitative Training with the New Directions approach.





Progressing Disability Services for Children and Young People



In 2009 a report called "Report of the National Reference Group on Multidisciplinary Disability Services for Children aged 5-18" was published. This led to the establishment of a programme in the HSE to provide a national unified approach to delivering disability health services for children, so that there is a clear pathway to the services they need for all children regardless of where they live, what school they go to or the nature of their disability or delay. The vision of the **Progressing Disability Services for Children and Young People** programme is:

- One clear pathway to services for all children with disabilities according to need
- Effective teams working in partnership with parents
- Resources used to the greatest benefit for all children and families
- Health and education working together to support children achieve their potential
- <u>Link to the "Report of the National Reference Group on Multidisciplinary Disability Services for Children aged 5-18" (2009)</u>
- Summary of key points from the report
- <u>Link to HSE information page on the Progressing Disability Services for Children & Young People process</u>



• What's happening now? (link to update bulletin on HSE website)





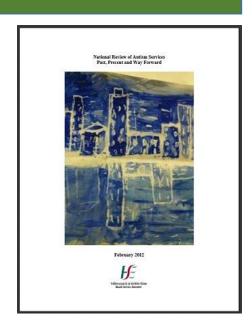
National Review of Autism Services, HSE 2012



This report highlights the key principles, important messages and recommendations for service delivery to people with Autistic spectrum disorders (ASD).

It also acknowledges best practice and suggests that the supports to individuals with ASD change in line with the latest evidence base practice.

National Review of Autism Services –
 Past, Present and Way Forward







Safeguarding Vulnerable Persons Policy



The Social Care Division of the HSE is committed to the safeguarding of vulnerable persons from abuse. It acknowledges that all adults have the right to be safe and to live a life free from abuse. All persons are entitled to this right, regardless of their circumstances. This policy sets out the responsibility of all Service Providers, statutory and non-statutory – to ensure that service users are treated with respect and dignity, have their welfare promoted and receive support in an environment in which every effort is made to promote welfare and to prevent abuse.

- <u>Safeguarding Vulnerable Persons at Risk of Abuse National Policy & Procedures</u>
- Leigh Gath has been appointed as the <u>confidential recipient for vulnerable</u> <u>persons</u>. Anyone can make a complaint or raise concerns about the care and treatment of any vulnerable person receiving residential care in a HSE or HSE funded facility.
- A national task group has been established to work on the implementation of the Safeguarding Vulnerable Persons policy, and this is chaired by Mr.
 Pat Healy, National Director of Social Care with the HSE.









Entitlements, Benefits and Supports

If you have a disability, or if your child is diagnosed with a disability there is a range of supports and benefits that you may be entitled to. The websites below provide detailed information on these entitlements and supports.

 <u>Citizen's Information</u>. This site provides information on public services and entitlements in Ireland, including the entitlements of people with disabilities.



- Continue to the next page of this tool for a sample of relevant pages on Citizen's Information about entitlements for people with disabilities
- Informing Families Early information for expectant and new parents







Entitlements for people with disabilities

A sample of the benefits and supports that people with disabilities are entitled to is provided below. Visit the Citizen's Information website to access information on all of the entitlements and benefits available to people disabilities and their families.

- Guide to entitlements for people with disabilities
- Health Services for people with disabilities
- Disability Allowance
- Employment and Disability
- Transport and Disability
- Tax relief for drivers and passengers with disabilities
- Caring for a child with a disability





The links above are only a small section of the information for people with disabilities on the Citizen's Information website - type the word 'disability' into the search box on the Citizen's Information website to see all of the relevant pages.

List of all reports and policies referenced in this tool

National Disability Strategy	Equality Acts 200-2004
Disability Act, 2005	<u>Capacity Legislation</u>
Sectoral Plans under the Disability Act, 2005	Sexual Offences Legislation
Citizen's Information Act, 2007	Value for Money & Review of Disability Services
EPSEN Act, 2004	HIQA National Standards for Residential Services for Children and Adults with Disabilities
UN Convention on the Rights of Persons with <u>Disabilities</u>	Time to Move on from Congregated Settings Report
European Strategy for People with Disabilities 2010- 2020	New Directions – Personal Support Services for Adults with Disabilities
National Housing Strategy for People with a Disability 2011-2016	National Review of Autism Services
Social Housing Strategy 2020	Progressing Disability Services for Children and Young People
Proposed new model for allocation of Special Educational Needs Teaching Resources	Safeguarding Vulnerable Persons at Risk of Abuse



4

NATIONAL FEDERATION OF VOLUNTARY BODIES

Providing Services to People with Intellectual Disability

Updates and corrections to information

- The aim of this tool is to gather available information on policies, laws and strategies that are particularly relevant to people with disabilities in Ireland, and provide it to those who may find it useful.
- This tool will continue to be updated over time as developments in policies, strategies and laws take place and as implementation continues.
- If you have information that is more up to date than the information currently contained in this tool please contact alison.Harnett@fedvol.ie so that we can continue to provide the most up to date information.
- If you come across any inaccuracies we would be very grateful if you could let us know.

