



Independent Living Movement Ireland submission to the Oireachtas Committee on Housing, Planning and Local Government

1. Introduction to Independent Living Movement Ireland

Independent Living Movement Ireland (ILMI) is a campaigning, national representative organisation that promotes the philosophy of independent living and to build an inclusive society. Central to the way we work is to ensure that policy decisions that impact on the lives of disabled people have to be directly influenced by those whose lives are directly affected. As one of the few Disabled Person's Organisations (DPO), we are uniquely placed to make a submission on the housing needs of disabled people. All of our work is led and informed by disabled people across Ireland.

Our philosophy can be summed up as: 'Nothing about us without us!' and 'Rights Not Charity'. Our vision is an Ireland where disabled persons have freedom, choice and control over all aspects of their lives and can fully participate in an inclusive society as equals.

2. Disability and Housing: Context

Ireland is currently in the midst of a housing crisis. At our annual conference in September 2018 it was noted by members that housing has always been a crisis for disabled people due to the lack of accessible housing for disabled people, the lack of visibility of disabled people in discussions on housing and homelessness and the pervasive nature of the medical / charity model of disability which leads to institutionalisation of disabled people¹.

Housing choice for most disabled people in Ireland is severely limited due to their particular accommodation needs. According to the CSO there were a total of 643,131 people who stated they had a disability in April 2016, accounting for 13.5 per cent of the population.

The Department of Housing tabulates the Summary of Social Housing Assessments (SSHA), which includes assessments of housing need for disabled people. Since 2016, it is carried out annually with the following figures for housing based on disability as follows: in 2013, 3,938 houses required; in 2016, 5,753 houses required and in 2017 5,772 houses required. This shows an increased need of 1,834 households for disabled people in four years.

Disabled people are more than twice as likely to report discrimination relating to housing and over 1.6 times more likely to live in poor conditions, such as living in damp housing,

¹ See Appendix for a definition of the Medical / Charity model and how a rights-based approach to disability and housing needs to be grounded in an understanding of the Social Model of Disability.

lacking central heating or living in an area with neighbourhood problems. Disabled People are also particularly over-represented in the homeless population: more than one in four homeless people are disabled²

There are concerns about the disabled people who are the “hidden homeless” where disabled people who live in other people’s homes and who are not on any housing list or where there is no expectation that they should live independent lives. There are also thousands of disabled people in residential and congregated settings who are denied a right to their own home, and lack of delivery of policy in terms of housing means that their needs are not being met.

3. Disability and Housing Policy in Ireland:

The National housing strategy was developed against a background of a number of policies including the Disability Act (2005)³, the Housing (Miscellaneous Provisions) Act (2009)⁴, “A Time to Move On from Congregated Settings” (HSE 2011)⁵, the latter policy document was one of the drivers for the Housing Strategy for disabled people.

According “A Time to Move On” over 4,000 Disabled people in Ireland live in the congregated settings (a residential setting where they live with ten or more people). The report revealed that people who live isolated lives away from their community and families experience institutional living conditions lacking basic privacy and dignity.

In addition to these, in 2018 Ireland ratified the UN Convention on the Rights to Persons with Disabilities (UNCRPD)⁶. Within this convention, Article 19 states and recognises the equal right of all persons with disabilities to live in the community, with choices equal to others.

The National Housing Strategy for Persons with a Disability (NHSPWD) (2011) was the Government’s strategy to specifically address the housing needs of disabled people over the period of 2011 to 2016. Building on the Programme for Partnership Government commitment to meet the housing needs of disabled people, the NHSPWD has been affirmed in Rebuilding Ireland⁷ (2016) and extended to 2020 to continue to deliver on its aims.

² “Discrimination and Inequality in Housing in Ireland” IHREC and ESRI report

<https://www.ihrec.ie/discrimination-and-inequality-in-housing-in-ireland-set-out-in-new-research/>).

³ <http://www.irishstatutebook.ie/eli/2005/act/14/enacted/en/html>

⁴ <http://www.irishstatutebook.ie/eli/2009/act/22/enacted/en/html>

⁵ <https://www.hse.ie/eng/services/list/4/disability/congregatedsettings/time-to-move-on-from-congregated-settings-%E2%80%93-a-strategy-for-community-inclusion.pdf>

⁶ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

⁷ http://rebuildingireland.ie/Rebuilding%20Ireland_Action%20Plan.pdf

The strategy outlined the broad proposals and strategic objectives involved in effectively addressing the housing and related support needs disabled people have.

It is widely known that housing choice for most disabled people can be severely limited due to their particular accommodation needs and one of the key objectives of the NHSPWD is to provide mainstream access to the full choice of housing options, as appropriate to disabled people. This would allow them to obtain a sustainable tenancy and to support them in living as independently as possible.

The vision and strategic aims of the NHSPWD are to achieve a coordinated and integrated approach to meeting the housing needs of disabled people at local level. From this, Housing and Disability Steering Groups (HDSGs) have been established in all local authority areas. These are chaired by the Directors of Housing with membership including the HSE and disability representatives; although there is lack of clarity whether these representatives are disabled people or people working in organisations that provide services to disabled people.

Each HDSG is required to have prepared a local Strategic Plan on housing disabled people for its own City/County area. According to the Fourth progress report (JAN – DEC 2017) it states “All 31 local authorities had completed their plans by 2017. Subject to final approval by each local authority, the local Plans will be published on local authority websites over the course of 2018”. In providing an evidence base for this submission on the effectiveness of policy delivery for housing for disabled people, ILMI were unable to review all plans⁸.

4. Key Issues Identified by ILMI members for disabled people in relation to Housing

In order to build an inclusive society based on lived experience, ILMI created a working group for our members from across the country to discuss and develop a shared analysis of the housing issues facing disabled people and build a collective approach to address these issues. As a national grassroots Disabled Persons Organisation (DPO), our work is always informed by the lived experience of disabled people and ILMI is uniquely placed to solely represent the collective views of disabled people and not agencies or service providers.

- Housing choice for most disabled people in Ireland is severely limited due to their particular accommodation needs.
- Housing needs to be seen as a right and we need to support disabled people to have their voices heard in the broader discussions around housing and homelessness.
- Reliance on the Private Sector will not work and does not work for disabled people. For example, schemes such as the Housing Assistance Payment (HAP) and Rental Allowance Scheme (RAS) are not working for many disabled people.

⁸ No plans received from Carlow County Council and Laois County Council despite ILMI’s best efforts. Offaly County Council do not have a specific Housing Plan for Disabled People but include some commitments in their County Development Plan.

- Very few homes on the private rented market are accessible and there is no incentive for landlords to modify properties. People accessing HAP will also be taken off social housing lists.
- The shortage of housing units impacts everyone in a housing crisis. Lack of accessible unit's means it disproportionately affects disabled people.
- Many disabled people who want to live independent lives are caught in a "catch-22" situation: in order to get a home from a Local authority, they need a commitment from the HSE that a Personal Assistance Service (PAS) package is in place. The HSE will not sign off on this "package" unless there is a home to move into. People's lives are caught in the middle of two bureaucratic systems that seem not to communicate.
- Housing should be about choice, inclusion and freedom of movement. Housing needs to be linked to accessible transport and real social inclusion, including access to a personal assistance service otherwise the jigsaw doesn't fit.
- Quite often houses are given that is "accessible" but the location is not. This can lead to situations where disabled people have a home, but without specific supports such as a PAS, an accessible built environment or accessible transport, people are being isolated in their own home.
- **A Time to Move On** is not working⁹. A Group home is a mini-institution. If the policy is to move disabled people from congregated settings, where are people meant to go?
- Many disabled people are "hidden homeless". They either live in someone else's home or are in an institution. These people are not on any Local Authority housing lists. Their housing needs are not even being considered. Disabled people living at home are not prioritised as they "have a roof over their heads".
- If you work and earn over a certain amount per annum you do not qualify for local authority housing. This means that disabled people who are employed are often relying on the private rented sector for housing, and very few existing or new builds are accessible for disabled people.
- Many Local Disability Housing Steering Groups (as mandated by the National Housing Strategy for People with Disabilities 2011 to 2016) do not have the active participation of disabled people. Service providers are often listed as "disability sector" representatives when they are clearly not representing disabled people. The analysis of most discussions around disabled people and housing is being driven by those with a charity / medical view of disability. This needs to stop! Disabled people

⁹ A view shared by the Fundamental Rights Agency who point out that the aim of A Time to Move on was that by 2018 no disabled person would be in a congregated setting, yet "available figures show that 2,579 people remained in institutions at the end of 2016."
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-from-institutions-to-community-living-ground-perspectives_en.pdf

need to be resourced to represent the collective views of disabled people on these committees as per Article 3.4 of the UNCRPD: “Nothing About Us Without Us”

5. Local level analysis: How Local Authorities have developed their plans

The framework for the delivering of housing to meet the needs of disabled people is the National Housing Strategy for People with a Disability (2011-2016). Central to the strategy is the development of Housing and Disability Steering Groups in all Local Authority Areas¹⁰. If the national strategy is working for disabled people, the Local Plans should clearly map out the approach at a local and national level.

In developing our submission to the Oireachtas Committee, ILMI contacted all local authorities. ILMI secured all strategic plans of all local authorities, with the exception of Carlow County Council and Laois County Council.

Carlow have not responded to requests from ILMI for their plan and on that basis we have contacted the Housing Agency, who advise us that Carlow County Council have targets which ILMI as of yet have not received. Laois County Council currently do not have a plan however, as the person tasked with leading it is currently on sick leave. Offaly County Council do not have a strategic plan on housing for disabled people and only mention disability as part of their 50 page County Development Plan.

Of the plans received and analysed by ILMI, all broadly share the same aim (“To improve social housing options so that people can have suitable homes with the relevant supports they need to live in the community”). However, there is huge variation in the details contained in plans. Some plans have clear timelines, assessment of needs and targets for delivery. However, many are lacking in detail and are less than clear in how, what and when they will deliver in housing.

For example, Article 4.3 of the UNCRPD states that “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.” Very few

¹⁰ As Recognised by the Minister for Housing Eoghan Murphy TD in responding to a Parliamentary Question, 28th May 2019 (emphasis added) <https://www.oireachtas.ie/en/debates/question/2019-05-28/485/>
“One of the key initiatives involved has been the establishment of Housing and Disability Steering Groups (HDSGs) in all housing authority areas, to achieve a coordinated and integrated approach to meeting the housing needs of people with a disability at local level. These are chaired by Directors of Housing in each authority and include HSE and disability representative organisations. Each HDSG has prepared a local Strategic Plan for its own City/County area, to develop specific local strategies to meet identified and emerging need over the next five years. These Plans, the majority of which are now available on the relevant local authority websites, along with the annual Summary of Social Housing Assessments (SSHA), will allow local authorities to plan more strategically for the housing needs of people with a disability and will support the delivery of accommodation using all appropriate housing supply mechanisms.

plans give clear indication how disabled people were involved in developing or monitoring their plans.

Article 19 of the UNCRPD (“Living independently and being included in the community”) recognises the right of disabled people to “to live in the community, with choices equal to others”, yet very few plans make reference to housing as a right:

Many of the plans include targets, assessment of needs and other information including current demand, numbers on waiting lists and a commitment to reviewing their figures, but between local authorities there is a large variety in plans developed.

In consultation with our members ILMI felt that every plan should have certain criteria that in order that the plans be effective, that can be implemented, monitored and reviewed.

Therefore, ILMI has created a checklist for “Developing Effective Local Strategic Housing Disability Plans”. The checklist outlines what should be in the local strategic plans on housing disabled people at local level. Every local authority should have a plan in place and ILMI will work with local authorities through their HDSGs to ensure the highest standards in developing their strategic plans.

The checklist will be a resource that members can use to give to their local representatives and frames housing in a human rights perspective. The ILMI standards for assessing the plans in the form of the checklist is as follows below. This template has been applied to every Local Authority plan and scored out of 13.

ILMI Checklist for Developing Effective Local Strategic Housing Disability Plans

Do plans contain:

1. A rights based approach to housing including a clear equality statement to house disabled people?
2. A clear indication of how disabled people bring lived experience to steering groups?
3. Indicate how disabled people were involved in the development of the plan (disability consultation/ steering groups)?
4. An accessibility statement- (that identifies the need of the person (assessment of need)?
5. Achievable annual targets?
6. A clear implementation period?
7. A budget for implementation of plan?

8. A detailed analysis of the current situation of disabled people in the local authority area: such as current demand?
9. Number of disabled people on housing waiting list?
10. Number of disabled people accessing housing through AHBs?
11. Disabled people living in congregated settings?
12. Disabled people living in other people's homes?
13. A clear commitment to the involvement of disabled people in monitoring the effectiveness of the plan on an annual basis as per section 42 of the Irish human rights and equality commission act (2014)?

ILMI applied the checklist (see table below results). Of the 31 plans analysed, ILMI rated 2 as being very good (scoring between 8-13 on the checklist); 9 rated as being average (scoring between 5-7 on the checklist) and 20 rated as being poor (scoring 4 or less). This means that only 2% of plans are very good, while a worrying 65% of plans are poor.

Local Authority	Score on ILMI Checklist (out of 13)
1. Kilkenny County Council	9
2. Dublin City Council	8
3. Cavan County Council	7
4. Wexford County Council	7
5. Monaghan County Council	6
6. Sligo County Council	6
7. South Dublin County Council	5
8. Cork County Council	5

9. Dún Laoighaire / Rathdown	5
10. Louth County Council	5
11. Cork City Council	5
12. Kerry County Council	4
13. Kildare County Council	4
14. Westmeath County Council	4
15. Wicklow County Council	4
16. Leitrim County Council	4
17. Waterford City and County	4
18. Galway City Council	3
19. Limerick City and County	3
20. Roscommon County Council	3
21. Galway County Council	3
22. Longford County Council	3
23. Mayo County Council	3
24. Meath County Council	3
25. Clare County Council	2

26. Donegal County Council	2
27. Tipperary County Council	2
28. Fingal County Council	2
29. Offaly County Council	0
30. Laois County Council	0
31. Carlow County Council	0

Conclusion and Recommendations

Our analysis shows that the plans developed locally as part of the National Plan for Housing People with Disabilities 2011-2016 vary wildly. Some plans do not even have the basic components of a plan that could possibly deliver housing for disabled people (assessment of need, timeline, targets, budget required). This needs to be addressed as a matter of urgency.

These plans only set out what each local authority will do. It is absolutely vital that these plans are costed and monitored, not only by the Housing Disability Steering Group, but that reports are brought back to locally elected representatives at Housing SPCs.

There needs to be a National Driver to monitor the implementation of these plans. The Department of Housing must collate this information and report back to the National Disability Inclusion Strategy Steering Group and the Joint Oireachtas Committee on Housing.

The lack of consistency in approach is worrying and suggest that the accident of geography could impact serious on disabled people having a chance to live independently. The Housing Agency should adopt the ILMI Checklist of the key components of an effective local plan for housing for disabled people.

Ireland ratified the UNCRPD in March 2018. The accepted motto of the Convention was “**Nothing About Us Without Us**”. Disabled people have to be actively involved in the development and implementation of policies affecting their lives. Article 4.3 explicitly states the role of disabled people or their representative organisations. Service providers do not have the mandate to speak for disabled people. Consultation with disabled people should

be resourced and supported as per the HSE's Effective Participation in Decision-Making: Planning for Ordinary Lives in Ordinary Places (published September 2018)¹¹.

Housing Disability Steering Groups should all receive disability equality training and develop a clear, collective understanding of the social model of disability as per the UNCRPD.

Housing is not just about building homes. We need to recognise and reinforce in all policy development and implementation locally and nationally how independent living requires on more than just building. For disabled people to live independent lives we need to consider how accessible the built environment is around homes, accessible transport which allows disabled to get to and from their homes, support services such as the Personal Assistance Service, accessible education and employment for disabled people. Accessible Housing is not a stand-alone issue, we need to think about building genuinely inclusive communities.

Homes needs to be "wheelchair liveable" not "wheelchair accessible". Part M of the building regulations needs to be reviewed by disabled people to see if minimum standards set out are actually working for disabled people. We need to see how Local Authorities monitor the implementation of Part M.

Appendix:

What is Independent Living?

Independent Living is the right of all persons regardless of age or impairment to live in the community; to have the same responsibilities and range of choices as everybody else in housing, transportation, education and employment; to participate in the social, economic and political life of their own communities; to have a family; to realise their own potential and have the freedom to live the lives they wish to in an inclusive society.

The Social Model of Disability

The social model of disability says that disability is caused by the way society is organised, rather than by a person's impairment or difference. It is based on concepts of rights, dignity, autonomy and equality.

The social model of disability looks at ways of removing barriers that restrict life choices for disabled people. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives. Barriers are not just physical. Attitudes found in society, based on prejudice or stereotype (also called disablism), also disable people from having equal opportunities to be part of society. Disabled people developed the social model of disability because the traditional medical model did not

¹¹¹¹ <https://www.hse.ie/eng/services/publications/effective-participation-in-decision-making-final.pdf>

explain their personal experience of disability or help to develop more inclusive ways of living.

The social model of disability informs key International Conventions such as the UN Convention of the Rights of People with Disabilities (UNCRPD) and is in contrast to the **Medical / Charity Model** of disability. This model individualises disability and promotes the idea that people are disabled by their impairments or differences. The medical model looks at what is 'wrong' with the person and not what the person needs. It creates low expectations and leads to people losing independence, choice and control in their own lives. The medical / charity model never recognises the rights of disabled people and assumes that disabled people need to be "looked after" or "cared for". The medical / charity model has professionals make decisions for disabled people

Language and Disability

Independent Living Movement Ireland recognises that language is a very powerful and evocative tool. Therefore, the language and terminology used in this submission has been carefully chosen to reflect the values of equality and empowerment which at the core of this organisation. The term 'disabled people' has been used throughout the submission in accordance with the UPIAS classification of disability and impairment which has been developed by disabled people themselves (UPIAS 1976). Where disabled people are referred to in the submission this should be understood to include all disabled people, including those with learning difficulties, mental health difficulties and sensory impairments.