



BUILDING A FUTURE TOGETHER

Report of the Establishment Group for the National Disability Authority and Disability Support Service

June, 1998

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The representative of the Department of Finance who participated in the work of the Establishment Group did not endorse the majority view of the Group in relation to the proposed budget, staffing and structure of the National Disability Authority and the proposed merger of the Disability Support Service and the National Social Services Board.

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MEMBERS OF THE ESTABLISHMENT GROUP

Ms. Sylda Langford, Chairperson, Department of Justice, Equality and Law Reform;

Ms. Moira O'Mara, Secretary to the Group, Department of Justice, Equality and Law Reform;

Mr. John Collins, Department of Health and Children;

Mr. Brian Flynn, Department of Social, Community and Family Affairs;

Mr. Ronnie Sheehan, Department of Enterprise, Trade and Employment;

Ms. Brid MacSweeney, Department of Finance,

Dr. Arthur O'Reilly, Ministerial nominee;

Ms. Angela Kerins, Ministerial nominee.

The Chairperson invited FÁS and the National Social Services Board to contribute to the work of the Group.

Ms. Patricia Curtin (FÁS) and Ms. Leonie Lunny (NSSB) participated.

EXECUTIVE SUMMARY

On the 18th November 1997 the Minister for Justice, Equality and Law Reform announced that the Government had approved in principle, the establishment on a statutory basis, of a National Disability Authority and a Disability Support Service.

The Government also approved the formation of an Establishment Group, chaired by an Assistant Secretary at the Department of Justice, Equality and Law Reform.

The Establishment Group was tasked with the preparation of detailed proposals for the establishment of the National Disability Authority and the future location of Departmental responsibility for the functions of the National Rehabilitation Board (NRB). The Establishment Group was also tasked with the setting up of a Disability Support Service.

The guiding principles of the Commission on the Status of People with Disabilities in its report are equality, maximising participation, enabling independence and choice through a social model of disability. These principles have been adhered to by the Group in preparing its report on organisational arrangements. The Group also adopted as core principles, non-duplication, cost effectiveness and non-diminution of services.

The Establishment Group would like to acknowledge the valuable contributions of all persons, groups and organisations who made representations and submissions. Following is a summary of the recommendations of the Establishment Group:

SUMMARY OF RECOMMENDATIONS

Chapter 2 — Recommendations for a National Disability Authority

1. The Establishment Group recommends that the legislation to establish the NDA should provide for the following principal functions:

- to advise the Minister for Justice, Equality and Law Reform on all aspects of policy in relation to disability;
- to advise public authorities and other bodies in respect of disability issues;
- to review and evaluate on a regular basis all legislation, policies, programmes, services and standards for people with disabilities in order to assess the effectiveness of such legislation, policies, programmes, services and standards in meeting the needs of individuals with disabilities;
- to encourage, facilitate, support, advise on, monitor and report on the development and implementation of standards in relation to programmes and services for people with disabilities;
- to liaise with agencies involved in the provision of services to people with disabilities;
- to promote, undertake and commission research on disability issues;
- to monitor progress in the implementation of policies in relation to disability and, in particular, implementation of the Recommendations of the Commission on the Status of People with Disabilities;
- to promote and assist in the development of statistical information necessary for the planning, delivery and monitoring of services for people with disabilities;
- to promote good practice and to provide for the development of models of good practice in relation to services for

people with disabilities including the promotion of cost-effective and efficient service provision by relevant agencies;

—to collect and make available information on disability policies and practices and to monitor and report on new and emerging national and international disability policy issues, practices and programmes; and

—to prepare an annual report to be laid before each House of the Óireachtas (2.8).

2. The Establishment Group recommends that the functions of the NDA should exclude:

—the provision of grievance and redress procedures in individual cases. The NDA should, however, be responsible for monitoring and reporting on the existence and effectiveness of complaints procedures (2.4);

—the provision of a Disability Support Service (2.5); and

—the development of Community Action Plans (2.6).

3. The Establishment Group recommends that the Authority consist of a Chairperson and 20 ordinary members who shall be appointed by the Minister (2.10).

Chapter 3 — Recommendations for a Disability Support Service

4. The Establishment Group recommends that the requirements of the proposed DSS should be met by merging the appropriate services of NRB and the NSSB into a new organisation under the Minister for Social, Community and Family Affairs (3.7).

Chapter 4 — Recommendations for Reallocation of responsibilities for Training and Employment

5. The Establishment Group recommends the following transfer of responsibility in respect of training and employment:

- responsibility for vocational training, including part of level 1 and all of levels 2 and 3, would transfer from the Department of Health and Children to the Department of Enterprise, Trade and Employment;
- responsibility for sheltered and supported employment (e.g. PEP and ESS) would transfer to the Department of Enterprise, Trade and Employment;
- the current financial provision made available by the Department of Health and Children to NRB for these services and programmes will transfer to the Department of Enterprise, Trade and Employment;
- lifeskills training for people in health services' day care programmes would continue to be the responsibility of the Department of Health and Children as part of the training continuum; and
- day activation and rehabilitative workshops under the health service day care programme would continue to be the responsibility of the Department of Health and Children (4.5).

Chapter 6 — Implementation of the Report

- 6.** The Establishment Group recommends implementation of this report without delay with a view to introduction of the new arrangements from 1st January, 1999 (6.1).
- 7.** The Establishment Group recommends that existing services should not be diminished by implementation of the new arrangements and that the resources needed to maintain these services must be a first call on the existing pool of NRB resources (6.2).
- 8.** The Establishment Group recommends that NRB staff would be reallocated to the NDA, the new support service, FÁS, the Department of Health and Children and the health boards in proportion to the need identified in each case as a result of the relocation of NRB's functions (6.3).

CHAPTER 1

INTRODUCTION

1.1 In the Report of the Commission on the Status of People with Disabilities, published in November, 1996, the Commission stated its belief that the creation of an executive body to monitor the impact of public policy and services on people with disability, which would be called a National Disability Authority is necessary if the primary aim of ensuring equality for all citizens is to be achieved. On 18th November 1997, the Minister for Justice, Equality and Law Reform, Mr John O' Donoghue, T.D., announced a Government Decision in principle to establish on a statutory basis a National Disability Authority (NDA) and a Disability Support Service (DSS).

1.2 The Government also approved the formation of an Establishment Group, chaired by an Assistant Secretary at the Department of Justice, Equality and Law Reform, tasked with the preparation of detailed proposals for the establishment of the NDA and the future location of Departmental responsibility for the functions of the National Rehabilitation Board (NRB), its staff and assets and the reallocation of existing NRB staff and budgetary resources to meet the requirements of the new Authority, with functions as recommended in the Report of the Commission on the Status of People with Disabilities, for submission to Government within six months. The Establishment Group had also to examine issues relating to the setting up of a Disability Support Service and the transfer of responsibility in relation to vocational training and employment for people with disabilities from the Department of Health and Children to the Department

of Enterprise, Trade and Employment. A number of other functions currently carried out by NRB which will not transfer from the Department of Health and Children, such as the provision of an audiology service, were also considered by the Group.

1.3 As well as the Department of Justice, Equality and Law Reform and two nominees of the Minister, the Departments of Health and Children, Enterprise, Trade and Employment, Social, Community and Family Affairs and Finance were represented on the Establishment Group. The Chairperson invited FÁS and the National Social Service Board (NSSB) to contribute to the work of the Group. The Group held its first meeting in December, 1997 and continued to meet on a frequent basis through the following six months. In April, 1998, it held a series of consultative meetings. Representative groups of people with disabilities, of trade unions and of organisations who had expressed a wish to meet with the Group were given an opportunity to make their views known. The Establishment Group would like to acknowledge the valuable contributions to their work made at these meetings.

1.4 The Group's task was to give an operational format to the broad proposals set out in the Commission's Report. The Group took the view that the NDA should be a resource, working with people with disabilities, Government Departments and service providers, to move the equality agenda forward by providing support and advice as well as by monitoring the activities of agencies. The NDA's monitoring role will, however, be crucial and this report sets out proposals to ensure that the NDA will have the necessary power to undertake this role effectively.

1.5 The guiding principles listed by the Commission in its Report are equality, maximising participation, enabling independence and choice through a rights model of disability. These principles have been adhered to by the Group in preparing its report

on organisational arrangements. In effect, these principles require the adoption of a mainstreaming approach to issues relating to disability. In considering the operational arrangements for the NDA and DSS the Group adopted the principle of mainstreaming as a core value. In line with the approach taken by the Commission, the Group is recommending that the new organisational arrangements should provide for full participation by people with disabilities in the decision-making processes of the new bodies. Additionally, it adopted the principles of non-duplication, cost-effectiveness and non-diminution of services. The recommendations of the Group have been informed by these principles.

1.6 The Group's proposals are in line with the objectives set out in the Government's programme "**An Action Plan for the Millennium**". The Government's Action Plan recognises disability as one of the most important social issues facing Ireland today. **It includes, as stated priorities, implementation of the Commission's Report and achievement of greater equality for people with a disability.** The Action Plan endorses the core principles of promoting empowerment through appropriate, accessible and responsive services and recognises as a key priority, the implementation of the Commission's Report. In an EU context, one of the four pillars of the 1998 Employment Guidelines, as provided for in the "**National Employment Action Plan**", is "strengthening the policies for equal opportunities". This requires promoting the integration of people with disabilities into working life and the provision of special attention to problems attendant on participating in working life which may be encountered. Under the amendment of existing EU treaties proposed by the **Treaty of Amsterdam**, the principle of human rights and fundamental freedoms will be declared as one of the principles on which the European Union is founded.

1.7 In making its proposals on the establishment of a DSS, the Group saw it as essential to maintain the principle of mainstreaming and, in this regard, it took the view that the logical approach would be to amalgamate the activities of the DSS with those of the NSSB; which they considered complementary. However, the Group recognised that in recent years the “High Street” presence or profile of NRB has resulted in more people with disabilities coming in and accessing services on the ground. There was some concern that to immediately create an amalgamated organisation could possibly result in some short-term diminution in the level of services available to people with disabilities. **The Group is, therefore, recommending the creation of a new organisation which would be based on an amalgamation of the resources and services of the two existing organisations.**

1.8 A key element in the overall framework is the development of equality legislation. The Employment Equality and Equal Status legislation will prohibit discrimination on the grounds of disability in employment and non-employment. The Employment Equality legislation provides for the establishment of an Equality Authority and a Director of Equality Investigations to progress the effective exercise of rights and obligations arising from the equality legislation and to provide procedures for redress where this is appropriate. Poverty and unemployment were identified as key issues for people with disabilities in the Commission’s Report. A key element in developing employment opportunities for people with disabilities must be the integration of employment strategies for people with disabilities with the general strategies for training and employment of the general population being pursued by the Department of Enterprise, Trade and Employment. The Group sets out its recommendations for the new departmental responsibilities in Chapter 4 of this report.

1.9 The de-medicalisation of the social aspects of disability requires changes in the institutional arrangements for access to

and delivery of services, training and employment opportunities for people with disabilities. An integral part of the institutional change required was the location of responsibility for disability as an equality issue in the Department of Justice, Equality and Law Reform and the planned location of responsibility for all other aspects of disability within the relevant service-providing departments or agencies.

CHAPTER 2

RECOMMENDATIONS FOR A NATIONAL DISABILITY AUTHORITY

2.1 The Group worked on the basis that its task was to provide a structure for implementation of the Commission's Recommendations. The Commission recommended the creation of a National Disability Authority (NDA) to monitor the impact of public policy and services on people with disability. It emphasised that in setting up the new body there should be no overlap or duplication of functions. The overall role of the NDA would be to empower and enable people with disabilities to achieve and exercise their economic, social, cultural, political and civil rights.

2.2 The Commission identified the key functions of the NDA as follows:

- to monitor compliance with the recommendations of the Commission and other relevant EU and International Agreements that have been accepted by Government;*
- to serve as a national focal point to co-ordinate disability policies;*
- to undertake and commission research on disability issues;*
- to advise on and develop standards in relation to disability programmes and services;*
- to require the creation of appropriate standards for services provided to people with disabilities and to ensure their observance;*

- to monitor and evaluate programmes and services;
- to provide grievance and redress procedures;
- to publish an annual report to be laid before each House of the Óireachtas and special reports as considered necessary;
- to provide a Disability Support Service at local level; and
- to organise Community Action Plans.

The Commission added that other roles and functions which would blunt its effectiveness should not be loaded on to the NDA.

2.3 The Establishment Group recommends that three of the above listed functions would be more appropriately and effectively addressed other than by being specifically included in the NDA remit. These are:

- the provision of grievance and redress procedures.
- the provision of a Disability Support Service at local level, and
- the organisation of Community Action Plans.

The Group considers that the NDA should monitor and report on the effectiveness of the processes involved. The Group also acknowledges that individual bodies have primary responsibility for the development of standards under existing legislation.

2.4 While the Commission's Report lists the provision of grievance and redress procedures as a key function of the NDA, it also has the following to say in regard to procedures for dealing with appeals and complaints, viz.

"The provision of adequate complaints procedures currently varies greatly from one area of social services to another. In

some areas, statutory rights of appeal already exist. In relation to most payments made by the Department of Social, Community and Family Affairs for example, a statutory right of appeal exists to the independent Social Welfare Appeals Office.

For many other areas of social services, however, no similar right of appeal or formal complaints procedure exists. This lack of any formal right of appeal has been highlighted by the Ombudsman in several annual reports.

The Commission believes it is essential that individuals should have the right to voice their complaints in relation to the provision of payments and services. It is recommended that a formal complaints procedure be introduced by service providers where such a procedure is not already in place. Such a complaints procedure should be simple, accessible and made known to all users of the services. In the first instance, a complaints procedure should involve a complaint being made to a designated person in the organisation. Such a complaint could be made directly or with the assistance of a Support Co-ordinator. In the case of services provided by public organisations, an individual who is dissatisfied with the response to the complaint could make a further complaint under the provisions in the proposed Disabilities Act or through the Office of the Ombudsman. In the case of services provided by non-governmental organisations, an independent office should be established by the umbrella organisation(s) which would have the power to consider complaints concerned. The establishment of a formal complaints procedure should be made a condition of public funding to non-governmental organisations."

The Group agrees with the Commission in recommending that a formal complaints procedure should be introduced by

all service providers where such a procedure is not already in place. In recent years a number of initiatives have been introduced in the Public Service such as the Strategic Management Initiative and Delivering Better Government. A key aim of both of these has been to bring a clearer focus to meeting the needs of the consumer of public services and to increase the emphasis placed on quality service delivery. A central principle of quality service delivery is the provision by public bodies of customer action plans and internal complaint and redress systems. Where there is dissatisfaction with the outcome of a complaint, further recourse must be available. In this regard, the Group welcomes the appointment by FÁS of an independent Client Services Commissioner to handle complaints which cannot be resolved through the normal procedures of the organisation. The Group has consulted with the Office of the Ombudsman in regard to ready access to appeals and complaints procedures. That Office has responded positively, strongly supporting the importance of accessibility of complaints systems and that special consideration be given to meeting this need for people with disabilities. The Ombudsman's Office has, to date, investigated a number of cases directly involving the provision of services to people with disabilities. Additional provisions for redress where discrimination on the ground of disability is found, will be provided under the Employment Equality Act, 1998 and the proposed Equal Status Bill.

In light of the above, and mindful of the Commission's own admonition about loading tasks on to the NDA, the Group recommends that the functions of the NDA should exclude the provision of grievance and redress procedures in individual cases. The NDA should, however, be responsible for monitoring and reporting on the existence and effectiveness of complaints procedures.

2.5 The creation of a DSS which is independent of and separate from the NDA is consistent with the guiding principles adopted by the Group of mainstreaming, cost-effectiveness and non-duplication of services. The Group concluded that the monitoring and evaluation roles of the NDA require that it should be functionally separate from organisations directly providing services, including the proposed DSS. Indeed, a key part of the work of the NDA will be to audit the effectiveness of the DSS. **The Establishment Group recommends, therefore, that the provision of a Disability Support Service should not be a function of the NDA.**

2.6 Similar reasoning applies to the development of **Community Action Plans**. As outlined by the Commission, these Plans would involve a wide range of agencies, many of which would be providing services to people with disabilities and, therefore, subject to monitoring by the NDA. The Group again considers that the key monitoring and evaluation roles of the NDA could be jeopardised by its being perceived as both referee and player. **The Establishment Group recommends that the development of Community Action Plans should not be a function of the NDA.**

The Group considers it advisable to have the NDA and other institutional arrangements in place before any decision is taken in relation to Community Action Plans and how they would interact with a Disability Support Service. It may be advisable to pilot Community Action Plans through bodies such as Area Partnership Boards on the grounds that Partnerships are the main bodies which offer cross-agency possibilities arising from the representation on Partnership Boards of other service providing agencies. Proposals in relation to Community Action Plans may also be appropriate at county level in the context of the planned renewed system of local government as set out in the Department of the Environment and Local Government's White Paper "Better Local Government: A Programme for Change".

However, the Group does not wish to pre-empt any decision in this regard.

2.7 The Establishment Group is of the view that the NDA should have a sharp focus and should be established on a statutory basis if it is to facilitate the transformation of policy and practice across a wide range of statutory and voluntary agencies. The role of the NDA will be to empower and enable people with disabilities to achieve and exercise their economic, social, cultural, political and civil rights. The NDA will work in co-operation with other statutory bodies and Government Departments.

2.8 The Group agrees with the general thrust of the Commission's recommendation in regard to the functions of the NDA, subject to certain refinement and elaboration. **The Establishment Group recommends, therefore, that the legislation to establish the NDA should provide for the following principal functions:**

- to advise the Minister for Justice, Equality and Law Reform on all aspects of policy in relation to disability;
- to advise public authorities and other bodies in respect of disability issues;
- to review and evaluate on a regular basis all legislation, policies, programmes, services and standards for people with disabilities in order to assess the effectiveness of such legislation, policies, programmes, services and standards in meeting the needs of individuals with disabilities agencies;
- to encourage, facilitate, support, advise on, monitor and report on the development and implementation of standards in relation to programmes and services for people with disabilities;
- to liaise with agencies involved in the provision of services to people with disabilities;

- to promote, undertake and commission research on disability issues;
- to monitor progress in the implementation of policies in relation to disability and, in particular, implementation of the Recommendations of the Commission on the Status of People with Disabilities;
- to promote and assist in the development of statistical information necessary for the planning, delivery and monitoring of services for people with disabilities;
- to promote good practice and to provide for the development of models of good practice in relation to services for people with disabilities including the promotion of cost-effective and efficient service provision by relevant agencies;
- to collect and make available information on disability policies and practices and to monitor and report on new and emerging national and international disability policy issues, practices and programmes; and
- to prepare an annual report to be laid before each House of the Óireachtas.

The primary role of the NDA will be to support the development of standards, to identify current best practice and to monitor implementation. Its success in achieving this role will be determined by its ability to win recognition as an invaluable support to other organisations and thereby to win their co-operation in developing state of the art standards and policies to international standards. The NDA will commission independent research and promote innovative projects in the disability sector. NDA staff will be required to operate independently in a team leadership role, dealing with sub-committees, outside consultants and other statutory and non-statutory bodies.

In recommending that a function of the NDA would be to monitor progress in the implementation of policies in relation to disability and, in particular, implementation of the recommendations of the Commission, the Establishment Group considers that the Monitoring Committee which is currently in place for this purpose should cease to operate on the coming into being of the NDA.

2.9 The Commission recommended in their Report that the membership of the NDA should include a wide range of interests and represent a balance of key stakeholders, that is to say Government departments, local authorities, health boards other state and voluntary agencies, independent users, carers and specialists. It also recommended that at least 60% of the membership should be people with disabilities or their families. A judgement has to be made about the most appropriate balance. As the consultants to the Commission noted: *“If the board is dominated by government departments and statutory agencies, it may lack courage in challenging current practice. If, however, it is dominated by service users and carers, it may lack the knowledge, leverage and legitimacy necessary to achieve real change.”*

2.10 The Group recommends that the Authority consist of a Chairperson and 20 ordinary members who shall be appointed by the Minister. Of the ordinary members, the Group recommends that the following groups should be taken into account within the membership:

- people with disabilities, their representatives, families or carers;
- service providers, both statutory and voluntary;
- relevant Government departments;
- the Social Partners; and
- the staff of the NDA.

CHAPTER 3

RECOMMENDATIONS FOR A DISABILITY SUPPORT SERVICE

3.1 The Commission recommended the setting up of a "Disability Support Service" which would operate through a national network of one-stop-shops (to be known as Disability Resource Centres) and which would have the following functions:

- collating and providing information,
- giving advice, guidance and support,
- assisting people in accessing entitlements and services, and
- displaying a range of technical aids and assistive technology of most general interest.

3.2 The Commission envisaged that Disability Resource Centres would operate as a single point of contact for information, advice, support and advocacy but would not act as "needs assessors". However, they would assist people with disabilities in understanding their needs and in identifying and helping to negotiate appropriate provision to meet those needs. In relation to assistive technology, the Commission recommended that a single agency should be responsible for all aspects of this important service, including assessment of the most appropriate technical aids, recommendations in relation to available options and the dissemination of information on new technological developments.

3.3 There are currently 18 Disability Resource Centres coming under the responsibility of NRB. In recent years, some of these have benefited from a major upgrading programme which has involved refurbishment and others, where necessary, have been relocated to ensure that they are fully accessible, visible (i.e. on or close to the Main Street) and within easy reach of public transport and designated public parking for people with disabilities. All Centres carry a wide range of information on services and entitlements in a variety of formats. In addition, the larger Centres have a range of technical aids on display. The Dublin City Centre has the most comprehensive display of and information on technical aids in the country together with qualified advisory staff. Where space allows, the facilities in the Centres are made available to disability groups for meetings, exhibitions, etc. and in 1996 over 800 such meetings took place.

3.4 In considering how a "Disability Support Service" as envisaged by the Commission might be provided, the Group adopted the following guiding principles:

- the DSS should be mainstreamed as a matter of principle with no diminution in the level of existing services,
- there should be no unnecessary duplication of services;
- the Service must have visibility on the "High Street"; and
- the cost-effectiveness of the DSS must remain an essential prerequisite.

3.5 Two broad options were considered by the Group:

- (i) a dedicated approach whereby a Disability Support Service would be established as a new and separate agency aimed specifically at the disability constituency, and
- (ii) an integrated approach whereby there would be a merger with an existing mainstream service.

3.6 The dedicated approach described above would involve a new agency which would comprise NRB centres as its basic network. It is recognised that the existing network of centres would not be sufficient to provide an adequate national service and a range of additional centres would be necessary over time with particular reference to the needs of the larger centres of population. Where appropriate, the network provided by the new agency could be supplemented by information services already being provided by other organisations in a local community context. The difficulty raised by this approach, however, is that almost by definition it does not meet the requirements of the guiding principles described above. Setting up an additional support service aimed exclusively at the disability constituency is not mainstreaming, is inevitably prone to duplication of services and is unlikely to prove itself in terms of cost-effectiveness over the long term. Faced with the aggregate effect of these defects, the Group considered it most unlikely that adopting a dedicated approach would develop a capability to meet future needs and expectations in terms of improved services. The Group could not recommend the establishment of a DSS as a new and separate service supported by a new agency.

3.7 In considering the integrated approach, the Group considered that the Citizens' Information Centres under the NSSB would have most affinity with the role of the proposed Disability Support Service. The NSSB, which was established by statute in 1984, is charged with the task of promoting greater co-ordination and public awareness of and accessibility to social services and information, advice and advocacy services delivered for those purposes by both the statutory and voluntary sectors. In 1995 responsibility for the NSSB was transferred from the Department of Health to the Department of Social Welfare. Following that transfer, the role of the NSSB has developed towards the promotion and support of independent information, advice and

advocacy services throughout the country to ensure that all citizens have access to accurate, comprehensive and clear information on the full range of social services. The proposed merger of the services of the NSSB with the DSS is in keeping with the principles outlined in paragraph 3.4.

The Group recommends that the requirements of the proposed DSS should be met by merging the appropriate services of NRB and the NSSB into a new organisation under the aegis of the Minister for Social, Community and Family Affairs.

3.8 The Group considers that the primary function of the new organisation is to assist, advise and support *all* citizens in identifying their needs and accessing their entitlements. The new organisation will provide or facilitate the provision of a locally based service with a name which clearly reflects its wider customer base. The following principle functions were identified for the new support service:

- to provide or arrange for provision of independent information, advice, guidance and, where appropriate, advocacy services so as to ensure that all citizens have access to accurate, comprehensive and clear information;
- to assist and support people in identifying, understanding and accessing their needs and entitlements and to refer them to the appropriate services;
- to promote greater accessibility, co-ordination and public awareness of services and of information, advice and advocacy services delivered for those purposes by both the statutory and non-statutory sectors;
- to promote awareness of, disseminate information on and provide independent advice on assistive technology;
- to support, promote and develop the provision of information on the impact of social policy and to highlight issues of concern to users of services;

- to promote and support the development of the independent voluntary social services sector and to give effect to their support where appropriate by providing financial or other resources such as integrated information, training and development services;
- to assist in identifying unmet needs and in planning and co-ordination of services;
- to promote, develop, encourage and assist, whether by means of the provision of financial or material aid, personnel or services or otherwise, the work in relation to social services of such persons as the Minister with responsibility may specify;
- to furnish advice, information and assistance to the Minister in relation to the development of any aspect of social services; and
- to develop services to address identified needs whenever the Minister so requests.

3.9 The immediate requirements which must be put in place in order to establish the new organisation are as follows:

- a legislative basis for the new organisation with a view to putting a new Board in place as quickly as possible;
- appointment of the Chairperson and Board by the Minister for Social, Community and Family Affairs with a specified number of the members (to be agreed by the relevant Ministers) being appointed on the nomination of the Minister for Justice, Equality and Law Reform. Nominations by the latter Minister should take account of the need for disability interests to be represented on the Board;

- an initial term of office of the new Board of 3 years by the end of which there would be a review of the new organisation's functions and operations; and
- a name for the new organisation which reflects its remit and reinforces that it is a new and independent structure.

The first task of the Board will be to initiate the process of merging the two strands of the new organisation while ensuring the continuity of existing services.

CHAPTER 4

RECOMMENDATIONS FOR REALLOCATION OF DEPARTMENTAL RESPONSIBILITIES FOR TRAINING AND EMPLOYMENT

4.1 As part of its remit the Group addressed the transfer of certain responsibilities in relation to the training and employment of people with disabilities from the Department of Health and Children to the Department of Enterprise, Trade and Employment. The current arrangement whereby the Department of Health and Children has responsibility for matters relating to vocational training and employment of people with disabilities is outdated and reflects the old medical model rather than the currently accepted economic and social rights model.

An ad hoc sub-group with representatives of the Departments of Health and Children and Enterprise, Trade and Employment, NRB and FÁS, was formed to assist the Group in formulating recommendations in regard to the future location of these responsibilities.

The sub-group adopted the following basic principles:

- that there would be no diminution in services for people with disabilities;

- that new organisational arrangements would take account of the special requirements of people with disabilities;
- that decisions on the recommended options for people with disabilities would take account of individual needs and abilities;
- that services would be mainstreamed to the greatest extent possible;
- that account would be taken of recent studies and reports, and the commitments made in Partnership 2000;
- that the expertise in existing disability training and employment services would be retained; and
- that given the significant nature of the change, the new arrangements should be flexible and capable of growth and development.

4.2 Recommendations to mainstream vocational training and employment services for people with disabilities were signalled as essential in a number of recent significant reports and studies on future policy for people with disabilities. These also reflect best international practice. The main influences were:

*** The Commission on the Status of People with Disabilities**

The Commission recommended that “*overall Government responsibility for vocational training and employment of people with disabilities should be assigned to the Department of Enterprise and Employment*”. It also recommended that as part of its responsibilities that Department should develop the Employment Support and WorkPlace Equipment Adaptation Schemes as well as new employment opportunities and that appropriate supports should continue to be available for those who work in sheltered

and supported work settings. They identified lack of a job and income as the major cause of poverty among people with disabilities.

* **The NACTE Report**

In considering how best to implement the Commission's recommendations, the sub-group referred to the Report of NRB's National Advisory Committee on Training and Employment (NACTE) "Employment Challenges for the Millennium — A strategy for Employment for people with disabilities in Sheltered and Supported Work". NACTE's definitions of work and employment and its recommendations that the focus for future expansion and employment opportunities should be based on the PEP (Pilot Employment Programme) model and on expansion of supported employment in the open market, were of particular value to the sub-group in its work.

NACTE proposed the following categorisation of work and employment options for people with disabilities:

- **Rehabilitative work (sheltered work/supported work)** is associated with residential and other services provided by the health services. Its prime objective is to rehabilitate people with disabilities and provide them with life skills. Remuneration is normally by means of disability allowance plus a supplementary payment of up to £36 per week by "the employer". The number of people availing of this form of arrangement is not known but is considered to be substantial. Those availing of rehabilitative work will typically be in the more severe range of disability and will in the main be people with a moderate, severe and profound mental handicap.

Internationally, it is recognised that persons with this level of mental handicap are more likely to remain in close contact with the health services and are less likely to find employment in the commercial range of sheltered/supported employment options;

- Social Enterprises (Sheltered employment)** is employment in an enterprise established specifically for the employment of people with disabilities and which is in receipt of special funding from the State. Workers are employees and would be in receipt of a wage. The enterprises are intended to have a commercial basis. Social enterprises will be more productive and more commercially oriented. They are more likely to be operated by independent commercial bodies or bodies like the Rehab Group rather than by the voluntary bodies in the health services. This will typically be the employment option for most people with a physical or sensory disability or with a mild mental handicap;

- Supported employment** is employment in the open employment market with a range of supports. The supports include income support for loss of productivity, capital grants to enable work place adaptations to be made by employers and job coaches to assist the individual to settle into employment and to retain their job.

*** Partnership 2000**

The recommendations of the sub-group also took account of the commitment in Partnership 2000 viz. *“In particular, consideration will be given to the allocation of the relevant functions between the Department of Enterprise, Trade and*

Employment and the Department of Health and Children as part of the process of mainstreaming employment policy for people with 'disabilities'.

- * **The Department of Health and Children's draft document on future policy on training for persons with a disability**, which is based on information provided by a wide variety of groups and interests, was also considered.
- * **Experience gained from training schemes for other groups such as the long-term unemployed.** The new arrangements in the Department of Enterprise, Trade and Employment should be based on experience gained from these schemes. Also, in providing mainstream training for people with disabilities, courses in information technology will have a particular importance.

4.3 NRB is responsible at present for approving European Social Fund (ESF) funded training programmes and for monitoring the effectiveness of their delivery. NRB also has responsibility for accreditation of training centres, training standards and training programme certification. NRB uses its own Psychology Service to assess the suitability of candidates for particular training interventions. The current training provided to people with disabilities comprises four levels:

—**TOPS and Level 1**

The Training Opportunities Programme (TOPS) and Level 1 are pre-vocational or foundation level programmes. It is envisaged that the TOPS would remain the responsibility of the Department of Health and Children. It is also envisaged that participants following Level 1 training programmes who demonstrate an ability for progression to further training would become the responsibility of the Department of Enterprise, Trade and

Employment. Those not falling within this category and who require training of a more rehabilitative nature would remain the responsibility of the Department of Health and Children. A review, with the aim of identifying the exact numbers in each category, would be carried out and new arrangements will be put in place to provide for future assessments in this regard.

—Levels 2 and 3

Levels 2 & 3 are job specific training programmes which aim to provide participants with the theoretical and practical competencies necessary for successful entry into employment. The differences between levels 2 and 3 are essentially skill and certification levels. It is proposed that the Department of Enterprise, Trade and Employment assume responsibility for Levels 2 & 3 training accounting for approximately half of the total number of participants in training.

It is recommended that the responsibilities of NRB's European Affairs Department, which incorporates the National Support Structure for the Horizon Initiative on behalf of the Department of Enterprise, Trade and Employment, and administers the Human Resources Development OP insofar as it relates to persons with disabilities, would transfer to FÁS. (Technical support currently given by NRB's European Affairs Department to the Department of Health and Children in relation to their ESF scheme, will continue following the transfer.) NRB's Development and Standards Department would also be relocated to FÁS as an integral part of the mainstreaming of training provision for people with disabilities.

4.4 Significant numbers of people with disabilities are already participating in Community Employment (CE) schemes. As a result of the new arrangements, people with disabilities would be assisted by FÁS in seeking out appropriate employment whether in the open market or by referral to a sheltered/supported position. Responsibility for employment will transfer to the Department of Enterprise, Trade and Employment. In particular it is proposed that employment schemes currently operated by NRB under the umbrella of the Department of Health and Children will transfer to the Department of Enterprise, Trade and Employment with FÁS.

Employment Support Scheme (ESS)

This scheme provides support to employers to encourage them to employ people with disabilities whose work productivity levels are below average. Those who gain employment through the scheme forfeit their state benefit (Disability Allowance) but retain supplementary benefits for a year. To date, the average weekly wage subsidy (paid by NRB to the employer) is less than the lowest forfeited weekly state benefit.

Workplace Equipment Adaptation Grant (WEAG)

This scheme provides a grant, up to a maximum of £5,000, for the adaptation of a workplace or work equipment to facilitate the employment or retention of employment of people with disabilities.

Pilot Programme for the Employment of People with Disabilities (PEP)

This is a pilot sheltered employment programme operated by NRB on behalf of the Department of Health and Children. The aim of the programme is to determine the feasibility of establishing commercially viable enterprises which have a minimum of 50 % people with disabilities. Seven companies, six of which are

associated with Gandon Enterprises (part of the Rehab Group), are currently involved in the PEP employing 100 able-bodied people and 180 people with disabilities. Wage subsidy grants are provided for disabled employees who also retain their medical cards and certain secondary benefits. Government approval was obtained in June 1998 to extend the Programme on an interim basis pending the transfer of training and employment of people with disabilities to the Department of Enterprise, Trade and Employment. The on-going total cost of this programme, which fits in to the Social Enterprise model identified by NACTE, is estimated at £1.533 million in 1998. This on-going resource will transfer with the PEP. WorkPath, a personal support scheme, is also provided to disabled employees within the PEP. This programme supports disabled employees with work-related activities thereby helping them to retain their jobs and become active and productive members of the workforce:

Other Employment Oriented Schemes operated by NRB

NRB administers the Job Interview Interpreter Grant Scheme (Sign language Interpreter), the Personal Reader Grant Scheme (Reading assistance to blind people in a new job) and a small number of Job Clubs. It is proposed that responsibility for the administration of these schemes would transfer to FÁS.

4.5 The Establishment Group recommends the following transfer of responsibility in respect of training and employment:

- responsibility for vocational training, including part of level 1 and all of levels 2 and 3, would transfer from the Department of Health and Children to the Department of Enterprise, Trade and Employment;
- responsibility for sheltered and supported employment (e.g. PEP and ESS) would transfer to the Department of Enterprise, Trade and Employment;

- the current financial provision made available by the Department of Health and Children to NRB for these services and programmes will transfer to the Department of Enterprise, Trade and Employment;
- lifeskills training for people in health services day care programmes would continue to be the responsibility of the Department of Health and Children as part of the training continuum; and
- day activation and rehabilitative workshops under the health service day care programme would continue to be the responsibility of the Department of Health and Children.

It is recognised that while it is proposed that responsibility for vocational training and social enterprises and supported employment will transfer to the Department of Enterprise, Trade and Employment on and from 1st January, 1999, in practice some period of transition will have to be allowed for before full mainstreaming of these services is achieved.

CHAPTER 5

RECOMMENDATIONS IN REGARD TO AUDIOLOGY

One of the services currently provided by NRB, and in respect of which responsibility will be retained by the Department of Health and Children on the coming into operation of the proposed new arrangements, is audiology. The service as presently provided includes the provision of hearing tests as well as the supply, fitting and repair of hearing aids. All children up to school leaving age and all medical card holders are catered for under this service. In 1997, over 28,000 individual clinical appointments in 30 locations nationally, were met.

The Department of Health and Children will consider, in consultation with NRB, reallocation of responsibility for the audiology service within the health services. A first priority will be to ensure a smooth transition to prevent any diminution in quality, service delivery or cost effectiveness.

CHAPTER 6

IMPLEMENTATION OF THE ESTABLISHMENT GROUP'S REPORT

6.1 The Establishment Group recommends implementation of this report without delay with a view to introduction of the new arrangements from 1st January, 1999. The proposals which have emerged and the recommendations which are the subject of this report represent an inter-linked package of measures which must be adopted and implemented as one strategy at the one time if they are to succeed.

6.2 The Government Decision of 18th November, 1997 required the Establishment Group to prepare proposals for the "*reallocation of existing NRB staff and budgetary resources to meet the requirements of the new Authority*". However, in addressing its task, the Establishment Group had not only to consider the issue of establishing the NDA and a DSS but, also, the reallocation of NRB's other activities. In this context, the Group agreed that it is imperative that all services remain operational throughout the transition period and that the rights and obligations of NRB are preserved pending enactment of appropriate legislation. **The Establishment Group recommends that existing services should not be diminished by implementation of the new arrangements and that the resources needed to maintain these services must be a first call on the existing pool of NRB resources.**

6.3 In considering the issue of reallocation of existing NRB staff, the Group concluded that detailed transfer arrangements can only be finalised following a Government decision on the recommendations of this report and appropriate consultation with representatives of staff concerned. Detailed arrangements will then be agreed. The Group did however reach agreement in principle on the numbers of posts from existing NRB resources, which will be required by each of the relevant Departments represented on the Group, to provide for the proposed new arrangements. **The Group recommends, therefore, that NRB staff would be reallocated to the NDA, the new support service, FÁS, the Department of Health and Children and the health boards in proportion to the need identified in each case as a result of the relocation of NRB's functions.**

With a view to the new arrangements coming into effect from 1st January, 1999 and to ensure that programmes and services currently operated by NRB transfer as seamlessly as possible, the Establishment Group would make the following general recommendations:

- that the mandate of the Establishment Group be extended to the end of this year to oversee implementation of the recommendations of this Report;
- that a project team comprising NRB, NSSB and Department of Social, Community and Family Affairs officials works in liaison with the Establishment Group to agree the logistical arrangements, including staffing issues, necessary for the new support service proposed; and
- that a project team comprising NRB and FÁS officials works in liaison with the Establishment Group to agree the logistical arrangements, including staffing issues.

necessary for the transfer of training and employment services.

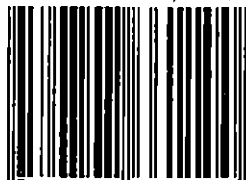
6.4 Offices and premises which are currently occupied by NRB will also be the subject of reallocation under the new arrangements. In many cases this will involve NRB Resource Centres many of which are likely to transfer to the proposed Disability Support Service. The accommodation requirements of the NDA, FAS and the audiology service will also need to be taken into consideration. As in the case of reallocation of NRB staff, the Group considers that more detailed examination will be needed before specific decisions can be taken in regard to the transfer of NRB offices and premises and it is recommended that this be undertaken by the Group on approval of the recommendations in this Report.

The Group would make the following general recommendations in regard to accommodation needs:

- that all serving NRB staff continue to be accommodated as at present pending introduction of the new arrangements;
- that the accommodation needs of NRB staff who are transferred under the proposed new structures will be adequately provided for; and
- that NRB offices and premises which are at present dedicated to medical services, in particular the audiology service currently provided by NRB, will under the new arrangements, be accessible to and at the disposal of that service as at present. This is considered essential given that the provision of medical services will be retained under the aegis of the health boards.

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