**UN Special Rapporteur on Adequate Housing**

**Response regarding**

**Questionnaire: The right to housing of persons with disabilities.**

**Response with regard to housing circumstances of people with Intellectual Disabilities in the Republic of Ireland. May 2017.**

Prepared by Professor P.J. Drudy and Mr. David Girvan on behalf of the Parents, Family and Friends Association, St John of God Carmona Services, 111 Upper Glenageary Road, Dun Laoghaire, County Dublin, Ireland

**1. Right to Housing.**

Research shows that there is no right to housing of persons with disabilities guaranteed in domestic legislation or the Irish Constitution or supportive of Human Rights legislation. Ireland has not ratified the UNCRPD.

**2. Statistical Indicators.**

Statistical review of the Irish [Health Research Board](http://www.hrb.ie/home/) (HRB) *National Intellectual Disability Database (NIID)* annual statistics between [2005](http://www.hrb.ie/health-information-in-house-research/disability/ddu-publications/ddu-publication/publications/383/) and [2015](http://www.hrb.ie/health-information-in-house-research/disability/ddu-publications/ddu-publication/publications/698/#filecategory4) demonstrate a worrying trend in relation to the provision of housing for people with intellectual disabilities.

During the 10 year period there was a net increase of 3,191 people registered on the NIDD database.

* The overall provision of housing for PwID **increased by just 38 in 10 years** (0.43%).
* The number of people with intellectual disability (PwID) housed in accommodation requiring funded Supported Living (b,c and d below) **reduced** by 349 places (-4.3%).
* The number of PwID being supported by family and in the family home **increased** by 3,300 (21%).
* The number of persons with disabilities housed in Residential Centres (Institutional settings) reduced by 1,094 while corresponding provision of additional supported living in Community Group Homes (b) increased by just 755, accounting for some transfers under de-congregation.
* At present the vast majority of PwID (19,157) live at home. This represents 68.2% of the total compared with 63.5% in 2005. This reliance on residence in the family home is most unsatisfactory since more than half (9,846) are in the “moderate, severe or profound” categories requiring regular and often constant care from elderly or ill parents.
* While those in the “independent” category and requiring no staff have fared relatively well, the numbers in staff-funded accommodation has reduced.
* Overall, less than 4 bed spaces per annum for people with intellectual disabilities have been provided during the last 10 year period. This is the equivalent of only one home per annum.

**Conclusion: The Irish State have failed to meet the existing and emerging housing needs of PwID and has actually reduced provision which requires support services to live in the community.**

**Table 1. Residential Provision (Bed Spaces) for People with Intellectual Disabilities, 2005-2015**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | **2005** | **% of total** | **2015** |  **% of total** |   | **Change** | **% Change** |
| At home (Parents or Sibling) | 15,827 | 63.5% | 19,157 | 68.2% |   | 3,330 | 21.0% |
| Independent Living (Minimal or no staffing) (a) | 810 | 3.3% | 1,197 | 4.3% |   | 387 | 47.8% |
| Community Group Home (b) | 3,502 | 14.1% | 4,257 | 15.1% |   | 755 | 21.6% |
| Residential Centre (c) | 3,334 | 13.4% | 2,240 | 8.0% |   | -1,094 | -32.8% |
| Other full-time res. (d) | 1,237 | 5.0% | 1,227 | 4.4% |   | -10 | -0.8% |
| Of which psychiatric hospital) | -396 | -1.6% | -154 | -0.5% |   | 242 | -61.1% |
| No fixed abode | 9 | 0.0% | 9 | 0.0% |   | 0 | 0.0% |
| Insufficient Information | 198 | 0.8% | 21 | 0.1% |   | -177 | -89.4% |
| **Total** | **24,917** | **100** | **28,108** | **100** |  | **3,191** | 12.8% |
| Source : *Annual Reports of the National Intellectual Disability Database Committee, 2005 and 2015*, Health Research Board, Dublin |

Is there evidence of discrimination against PwID? The above mentioned 4 bed spaces represents a mere 0.2% of the minimum number of full-time residential places (2,167) currently required (See [National Intellectual Disability Database, 2015](http://www.hrb.ie/health-information-in-house-research/disability/ddu-publications/ddu-publication/publications/698/#filecategory4)). However, this is an under-estimate since it would only deal with most of those currently in residential centres and takes no account of the increasing numbers in the family home.

 In the case of the general population, a total of 91,600 households were assessed as being in “housing need’ in 2016 (Housing Agency, 2017). During that year a total of 18,300 homes (either constructed or subsidised via the private rented sector) were provided by the government for those households. This represented 20% of total need (Government of Ireland, *Rebuilding Ireland Progress Report*, 2017). It is clear therefore that people with intellectual disabilities are experiencing serious discrimination in relation to housing provision in comparison with the general population in housing need.

**3. Congregated Settings and De-Institutionalisation Strategies.**

As shown in the Progress Report on the implementation of the Time to Move On proposal a total of 2,717 pwid still lived in residential centres in 2015. This also shows that only 1,300 PwID moved from residential centres, or passed away, since 2005 - an average of 109 per annum. At this rate of change it would take a further ten years to move the remaining people. The progress in this respect over the last ten years has been far too slow. The key Policy document [Time to Move On from Congregated Settings : A Strategy for Community Inclusion,](https://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwivuYzu1fHTAhXqJcAKHUsbAcgQFggpMAE&url=http%3A%2F%2Fwww.hse.ie%2Feng%2Fservices%2Flist%2F4%2Fdisability%2Fcongregatedsettings%2Fcongregatedsettingsreportfinal.pdf&usg=) Health Service Executive, Dublin, (2011) proposed that :

* All those living in congregated settings would move to community settings
* No new congregated settings would be developed and no admissions would take place to congregated settings
* The move to community homes would be completed within seven years and minimum annual targets would be set for each year in order to reach that goal.

No new congregated settings have been developed but new admissions have continued to take place. However, the proposal to move all those living in congregated settings within 7 years (i.e. by 2018) is most unlikely to be achieved in the light of the slow progress to date.

**4. Legislation, Policies and Programmes.**

**“Ireland is Policy Rich but Outcomes and Implementation Poor.”**

As outlined in above, no legislation, policy or programme exists in Ireland with the intention of providing a right to housing for persons with a disability. A number of official documents do make proposals for change. Time to Move On from Congregated Settings (2011) was mentioned above. In addition to this, the National Housing Strategy for People with a Disability, 2011-2016 stated that the “strategy vision” is:

To facilitate access, for people with disabilities, to the appropriate range of housing and related support services, delivered in an integrated and sustainable manner, which promotes equality of opportunity, individual choice and independent living.

The time frame for the above Housing Strategy has lapsed and has now been extended from 2016 to 2020 and an “Implementation Monitoring Group”, chaired by the Housing Agency, has been established to assess progress. See *Rebuilding Ireland : Action Plan for Housing and Homelessness Second Quarterly Progress Report* (Feb. 2017).

The conclusion must be that people with disabilities have no right to housing and despite calls from academics and a range of organisations that such a right is essential, the various policy proposals make no reference to and do not envisage such a right.

|  |
| --- |
| **Irish Legislation, Policies and Programmes** |
| **related to Housing of People with Disabilities.** |
|  |  |  |  |
| **Title:** | **Date** | **Period** | **Comment** |
| [National Housing Strategy for People with a Disability](https://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwjtjvel0fHTAhUBBMAKHXqkAXEQFggrMAI&url=http%3A%2F%2Fwww.housing.gov.ie%2Fsites%2Fdefault%2Ffiles%2Fpublications%2Ffiles%2Fnational_housing_strategy_with_a_disability_2) | 2011 | 2011 - 2016 | Government Plan |
| [Time to Move On from Congregated Settings](https://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwivuYzu1fHTAhXqJcAKHUsbAcgQFggpMAE&url=http%3A%2F%2Fwww.hse.ie%2Feng%2Fservices%2Flist%2F4%2Fdisability%2Fcongregatedsettings%2Fcongregatedsettingsreportfinal.pdf&usg=) | 2011 |   |   |
| [National Housing Strategy for People with a Disability 2011 - 2016: National Implementation Framework.](http://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Housing/FileDownLoad%2C30737%2Cen.pdf) | 2012 |   | Government Document |
| [Advancing Years, Different Challenges: Wave 2 IDS-TILDA](https://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiHl8Cx1vHTAhWMLsAKHXjPCIgQFggkMAA&url=http%3A%2F%2Fwww.idstilda.tcd.ie%2Fassets%2Fpdf%2FWave_2_Report_October_2014.pdf&usg=AFQjCNFbyL7KT61LC725OjdHEgDcr8CYCA) | 2014 |   | Trinity College: IDS TILDA |
| [First Progress Report on the National Implementation Framework for the National Housing Strategy for People with a Disability 2011-2016](http://www.housing.gov.ie/sites/default/files/publications/files/national_housing_strategy_with_a_disability_2011_-_2016_first_implementation_report.pdf) | 2014 |   | Government Document |
| [National Guidelines For Assessment and Allocation Process for Housing Provision for People With A Disability](https://www.housingagency.ie/Housing/media/Media/Disability%20Strategy/National-Guidelines-for-the-Assessment-and-Allocation-Process-for-Housing-Provision-for-People-with-a-Disability.pdf) | 2014 |   | Government Document |
| [Progress Report On the Implementation of Time to Move On From Congregated Settings: Annual Report 2015.](https://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwivuYzu1fHTAhXqJcAKHUsbAcgQFggkMAA&url=http%3A%2F%2Fwww.hse.ie%2Feng%2Fservices%2Flist%2F4%2Fdisability%2Fcongregatedsettings%2FProgress-report-implementation-of-Time-) | 2015 |   | Government Document |
| [National Statement of Housing Supply and Demand 2016](https://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiSy5XQ1fHTAhWkBcAKHRVjA1MQFggkMAA&url=https%3A%2F%2Fwww.housingagency.ie%2Fgetattachment%2Ff4d363c9-4969-4a05-9627-0c55cae7e22a%2FHousing-Supply-Demand-Report-2017-WE) | 2016 | 2017 - 2018 | Government Plan |
| [NHSPWD Implementation Monitoring Group Minutes of 8th Meeting on April 19th 2016](http://www.housing.gov.ie/sites/default/files/publications/files/minutes_meeting_19-4-16.docx) | 2016 |   | Government Document |
| [Rebuilding Ireland - Action Plan For Housing and Homelessness.](https://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwj91Ke_1fHTAhUHI8AKHXMdBGsQFggpMAE&url=http%3A%2F%2Frebuildingireland.ie%2FRebuilding%2520Ireland_Action%2520Plan.pdf&usg=AFQjCNFQDXM1E2tBS2VavOj6kWX6OnRtUA) | 2016 |   | Government Plan |
| [Understanding Family Strategies that enable Long Term and Sustainable Home Environments for Older People with Intellectual Disabilities.](https://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwj_5fKu1fHTAhVHLsAKHUvxAawQFggkMAA&url=http%3A%2F%2Fwww.idstilda.tcd.ie%2Fassets%2Fpdf%2FTCD_Family%2520Carers%2520Study_Executive%2520Summary_7_06_2016.pdf&usg=AFQjCN) | 2016 |   | National Disability Authority / IDS-TILDA |
| [National Housing Strategy for People with a Disability - Second Report on Implementation Jan 2014 - Dec 2015](http://www.housing.gov.ie/sites/default/files/publications/files/2nd_progress_report_-_national_housing_strategy_for_people_with_a_disability_2011_-_2016.pdf) | 2017 |   | Government Document |
| National Guidelines For Assessment and Allocation Process for Housing Provision for People With A Disability | DRAFT 2017 |   | Government Document |
|  |  |  |  |
| **Additional Documents are available at:** |  |  |  |
| https://www.housingagency.ie/our-publications/housing-for-people-with-a-disability.aspx |

As HRB statistics above demonstrate, actual implementation of policies has failed to deliver.

The “Time to Move On from Congregated Settings” plan of 2011 aimed to transition 4,000 People with Disabilities from institutionalised congregated settings into Ordinary Homes in Ordinary Communities by 2017. In 2015, a mere 150 People were transitioned to other arrangements with a further 121 People passing away. Of the 150 that transitioned, 23 (15.3%) were transitioned to Nursing Homes. During the same period, 41 PwID were admitted into Congregated settings, 46.3% of which were identified as having a Severe or Profound Intellectual Disability.

In 2017, there are still 2,580 people with disabilities living in Institutions, with Government Plans being reduced to a [revised target of transitioning](http://www.housing.gov.ie/sites/default/files/publications/files/2nd_progress_report_-_national_housing_strategy_for_people_with_a_disability_2011_-_2016.pdf) to only 1/3 (33%) of that number by 2021. Policy and Programmes have failed due to a non-viable “cost neutral” approach being adopted towards residential provision in communities.

Simultaneously, provision of appropriate independent living for adults with Intellectual Disabilities currently being cared for in family homes has been negligible. In effect, a placement will invariably be sought for Crisis or Emergency cases only upon the death or incapacitation of a family carer.

There are NO specific rights to a service or support for a person with a disability in Ireland. The Disability Act 2005 (part II) which provides for the right to an “Assessment of Need”, has not been commenced.

The Department of Housing and the Local Authorities are prohibited from allocating housing to people with disabilities if there is a requirement for Support Services, unless the Health Service Executive (HSE) can provide certification that necessary support services will actually be provided. The HRB statistics (above) and communicated lived experience within the ID community demonstrate that there has been close to Zero additional support services being approved other than for Crisis or Emergency provision. Furthermore, there appears to be no Support Service Funding Plans or allocations to address the NHSPWD for people requiring residential and social care support.

Examples to support this perspective are these recent press articles [1](http://www.independent.ie/irish-news/there-is-no-help-mums-heartbreaking-liveline-appeal-for-help-for-son-with-special-needs-as-she-faces-leukemia-treatment-35704815.html), [2](http://www.independent.ie/regionals/argus/news/parents-left-on-their-own-when-it-comes-to-care-35649534.html), [3](https://dublingazette.com/news/mums-desperate-search-find-home-fiona/).

Policies and Programmes are not sufficiently Outcomes Targeted.

**5. De-Institutionalisation**

Please also refer to point 4 above.

The primary programme for De-Institutionalisation is the “Time to Move on From Congregated Settings” plan from 2011. As outlined above, the proposal to move all those in congregated setting to community homes by 2018 is unlikely to be achieved. There is also evidence of an increasing resistance to de-congregation from some family advocates of people currently living in institutionalised settings. Families are concerned that the lack of in-community facilities and activities will result in their Intellectually Disabled relatives being transferred into “mini-institutions” where levels of support and supervision and robustness of services will actually be less beneficial than their current quality of life within institutions. However, the lack of empirical evidence currently prevents qualitative critique of the actual adequacy of housing and support services in the community.

**6. Responsibility for Overseeing Compliance.**

Ireland has delayed Ratification of the UNCRPD.

Most policy and programme initiatives have an appointed Implementation Monitoring Body. It can be argued that many of these monitoring bodies are dominated by personnel from state agencies and government departments with minority representation of advocacy groups and representatives.

|  |  |
| --- | --- |
| **Agencies / Institutions relevant to the Policy and Implementation monitoring** |  |
| [National Disability Authority](http://nda.ie/) | NDA |
| [Health Service Executive](http://www.hse.ie/eng/) | HSE |
| [Housing Agency](https://www.housingagency.ie/) | HA |
| [Department of Housing, Planning, Community and Local Government](http://www.housing.gov.ie/) | DHPCLG |
| [Irish Human Rights & Equality Commission](https://www.ihrec.ie/) | IHR&EC |
| [Ombudsman](http://www.ombudsman.gov.ie/en/About-Us/Legislation/The-Disability-Act/) |   |

**7. Right to Housing – Remedies –**

The Irish State does not recognise any legislative right to the provision of housing for People with Disabilities.

There are several policies and programmes which have not been implemented. Furthermore, most policies state a caveat “subject to available resources”, with such resources not being allocated to alleviate the increasing disability housing crisis.

Research has failed to identify any judicial or other appropriate remedy.

**8. Initiatives and Role of Special Rapporteur**

Accepting that the emphasis of this submission is specific to the Housing Needs of People with Intellectual Disabilities, there is a primary obstacle facing any and all initiatives.

Funding has not been made available for residential living support and social support services, with the Irish Government’s increasing reliance on the paternalistic provision of housing and primary support by families.

Independent research by IDS-TILDA has demonstrated that support within the family alone is not viable into the future. Yet the Irish Government has failed to plan effectively and, on the contrary, has simultaneously reduced services such as respite which enable carer families to survive in the absence of a Human Right to supported housing outside the home.

It is our hope that the Special Rapporteur will shine a very strong spotlight on the situation in Ireland and initiate a comprehensive review and inquiry to highlight the discrimination towards and neglect of people with intellectual disabilities in relation to residential and respite provision as well as other key requirements. The ideal is that the Special Rapporteur should influence the Irish government to bring forward as a matter of urgency appropriate legislation providing the right to housing for people with disabilities. Otherwise, people with disabilities will remain the “neglected citizens of Ireland”, as they were called by the Commission on the Status of People with Disabilities twenty years ago.

**Overall Conclusion**

The Irish State has undertaken measures considered “retrogressive” under points 40-46  of the Draft General Comment No.5 of the Committee on RPD and has failed to meet the existing and emerging housing need of PwID. Housing provision for People with Intellectual Disabilities which requires support services to live in the community has actually been reduced, with consequent increased dependence on support from families under pressure.

Contacts : pdrudy@tcd.ie; dgirvan@gmail.com