



Citizens **Information** Board
information · advice · advocacy

Entitlements for children with disabilities



2010
European Year
for Combating
Poverty and
Social Exclusion

The Citizens Information Board provides independent information, advice and advocacy on public and social services through **citizensinformation.ie**, the Citizens Information Phone Service (Lo-call 1890 777 121) and the network of Citizens Information Services. It is responsible for the Money Advice and Budgeting Service and provides advocacy services for people with disabilities.

The Citizens Information Board has a particular remit to help people with disabilities identify and understand their needs and options. This booklet covers the services and entitlements available for children with disabilities and gives an overview of how supports work. We do not give information about specific disabilities although we recognise children's individual needs may vary enormously.

This is the first edition of this booklet. We hope that the booklet will help parents and carers of all children with disabilities – from newly diagnosed babies to adult children – and we welcome feedback from you, as parents, on whether it meets your needs and on what we should change next time around.

The Citizens Information Board gratefully acknowledges comments from Inclusion Ireland, the National Disability Authority, the National Federation of Voluntary Bodies, the Health Service Executive and the Department of Health and Children during the compilation of this publication. Earlier versions of the booklet were published by Louth and Dublin 246 Citizens Information Services and we have drawn on these when compiling the information that follows.

Citizens Information Board
citizensinformationboard.ie
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Frequently asked questions

Q: We have just heard that our baby has a disability. Are there any support groups for new parents in our situation?

A: You will find contact details of several parents' organisations and other useful supports in Appendix 1 – *Organisations and supports*.

Q: How do we find out what special therapy our baby will need, and how do we get access to it?

A: Chapter 1 of this booklet covers health services and entitlements, including the assessment of need and public health nurse service.

Q: Because of his disability, our son will need extra care and attention. Are there any state payments to help with this?

A: The main disability payments are described in Chapter 2. Your local Citizens Information Centre (CIC) may also be able to help. You can drop into your nearest centre and experienced staff will take you through your options. They can also help with filling out forms and contacting government departments and agencies. A list of Citizens Information Services is given in Appendix 2.

Q: I need to take a lot of time off work to bring my son to specialist appointments and it leaves very few days for a family holiday. Any suggestions?

A: You may be entitled to unpaid parental leave. This is covered in Chapter 4: *Working and caring*, which also deals with carer's leave.

Q: Our son may need special help and support when he starts school. Who do we apply to?

A: The National Council for Special Education has a network of Special Educational Needs Organisers (SENOs) throughout Ireland. See Chapter 5: *Education* for detailed information.

Q: Where can we get special toys and play equipment for our daughter? We also need some kind of seat to support her in the bath.

A: The Assist Ireland website, assistireland.ie, provided by the Citizens Information Board, gives comprehensive information about specialised equipment, including toys and bathing appliances. You will find some information on aids and appliances in Chapter 7: *Daily life and getting around*.

Q: We may have to get our house adapted to facilitate our daughter's needs. Can we get a grant for this?

A: You will find information about the various grants in Chapter 8: *Housing*.

Q: Our adult son has been offered a part-time job. Does he risk losing his Disability Allowance if he takes it up?

A: Your son can do rehabilitative or therapeutic work with the permission of the Department of Social Protection and earn up to €120 a week without affecting his allowance. You can find out more about working while getting a disability payment in Chapter 6: *Training and employment*.

Q: We are anxious to make proper provision for our daughter's future but because she has an intellectual disability she would need someone else to help her to manage her finances. How can we arrange this?

A: Chapter 9: *Rights and decisions* gives information on various arrangements that you can make.

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Introduction

As the parent of a child with a disability you may be faced with significant challenges¹. However, you are not alone. Of the 70,000 or so babies born each year in Ireland, about 600 are diagnosed with a disability in the first year of life. According to Census 2006 about 4% (one in every 25) children under 18 experiences some form of disability. The National Disability Survey 2006 puts the prevalence even higher at 11% of children under 17.

This booklet gives information about the services and supports available in Ireland for children with disabilities. Legally, a child is someone under the age of 18 years. Often, however, parents (or other family members) continue to care for children with disabilities long after they reach adulthood so we include information for these carers. You can also read the Citizens Information Board's booklet *Entitlements for people with disabilities* which gives detailed information for adults with disabilities and their carers.

In Ireland there are universal services and payments for all children such as public health nurse visits, Child Benefit, a free pre-school year and free primary education. There are also services and payments specifically for people with disabilities. They apply whether the child was born with the disability or acquired it later.

The Department of Social Protection provides the main income supports (or payments) for people with disabilities and their carers. The Health Service Executive (HSE) provides health and personal social services. Disability support services may be provided directly by the HSE, or more usually, by HSE-funded voluntary organisations (which provide services on behalf of the HSE). Voluntary organisations or

1. In this booklet we address most of the information directly to parents. However we are aware that readers may be guardians, foster parents, grandparents or other relatives, or may be adult children themselves.

charities can give useful information, advice and support and can often help you make contact with other families in the same situation. They provide services directly in many areas.

You can find contact details for all the organisations mentioned in the booklet in Appendix 1: *Organisations and supports*. See page 100 for government departments and agencies, page 103 for voluntary organisations and page 107 for Local Health Offices.

Other supports that you may get include tax credits, grants to adapt your home and help with your child's education. Services can differ from area to area and can depend on the nature of your child's disability. In this booklet, we cover the main entitlements and give you sources of information so you can find out what is available for your child in your own area.

A note of caution – this booklet describes a wide range of schemes, services and supports, not all of which may be relevant to your child. Each state benefit, for example, has specific qualifying criteria. You may need to provide a variety of information when applying for each scheme or service, and the fact that you qualify for one scheme or service does not necessarily mean that you qualify for others.



Terminology

The word 'disability' covers a wide spectrum of physical, sensory, mental health or intellectual disabilities. The impact of a disability is different in every child.

Some terms that were used to describe disability have gained negative connotations over time and, in some cases, the schemes and services we cover use terms that are no longer in general use. For example, tax legislation tends to use the term 'incapacity' rather than 'disability'. Often, this is because the legislation that underlies the scheme was drafted at a time when these terms were more generally used and has not been updated since.

The Glossary at the back of this booklet explains all the terms used in simple language. If you see a word or phrase in **coloured bold text**, you can look it up in the Glossary.

In Ireland, the legal definition of disability in the Disability Act 2005, is:

"A substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment."

The Act also states people are entitled to services if their disability is permanent (or likely to be permanent), results in significant difficulty in communication, learning or mobility or in significantly disordered cognitive processes and requires that services be provided continually to them. For children with disabilities, services should be provided in early life to ameliorate their disability.

Citizens Information Services

A nationwide network of 42 Citizens Information Services (CISs) give free, confidential and impartial information on all aspects of rights and entitlements – including topics such as social welfare, health services, employment law and redundancy, income tax, housing, family law, consumer affairs, and local organisations and services. When necessary, staff in CISs can help you access your entitlements by contacting government departments or other agencies. CISs also help people who are appealing against decisions and can advocate on their behalf. Further information is available from your local CIS. All CISs are listed in Appendix 2.

You can also call the Citizens Information Phone Service (CIPS) on Lo-call 1890 777 121 or contact them by email at information@citizensinformation.ie. The phone service is available from Monday to Friday, 9.00am to 9.00pm.

The Citizens Information Board provides online information on the Citizens Information website (citizensinformation.ie).

Feedback

We hope that you find this guide useful. We would welcome any comments or suggestions you may have. There is a feedback form at the back of this booklet and you can send your comments to:

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Life stages

A child's disability may be diagnosed before birth or around the time of birth. Sometimes a disability may not become apparent until later in your child's life when they have difficulty learning or display difficult behaviour in school. Some mental health conditions do not emerge until the later teen years. In some cases, the diagnosis can emerge over weeks, months or even years, and in other cases children acquire a disability suddenly as a result of an accident or illness.

In this section we follow the stages of a child's life from newborn to young adult and end with a short section on planning for the future.

➔ Wherever you see this icon in this section, it means that the topic is covered in more detail further on in the booklet.

When your child is born and the early years

Having a baby is a huge change in anyone's life. Parents of a child with a disability may need support to come to terms with the diagnosis and to understand their child's condition. It is not always possible for doctors to predict exactly how your child will be affected and sometimes this will only emerge over time as your child develops. Parents of a child with a disability also need to get to know all the services available. One of the first things you can do is to collect information – information about your child's disability, about services, and about what you can do to help your child develop to the fullest extent possible.



Getting the news of a child's disability

Many parents may feel overwhelmed after their child's diagnosis. They have to learn how to navigate a new world of therapy and doctor's appointments, often while caring for other children and managing family life with the new arrival. Support from other people who have had similar experiences can be very helpful. There are a growing number of parent groups, support and advocacy organisations throughout Ireland, and many parenting blogs and message boards have emerged in recent years. (Not all of the information that you see on the Internet may apply to your child, and some of the information may not be accurate.)

The National Federation of Voluntary Bodies' Informing Families project has produced best practice guidelines for how families are informed of their child's disability. They have also developed a website that provides answers to some of the questions and concerns of parents: **informingfamilies.ie**.

If your child is diagnosed around the time of birth (depending on the nature of their disability), the maternity hospital may refer your child to appropriate specialist services and supports. Children with disabilities have a range of developmental needs during different childhood stages. In the early years, the emphasis is on developing learning skills, achieving physical milestones and forming relationships. You can also apply for an assessment of need for your child under the Disability Act 2005. At present this is only available to children aged under five. → See page 23.

Your child may need early intervention services such as physiotherapy or speech therapy. The paediatrician who sees your

child or the Disability Services Manager in your **Local Health Office** may be able to refer you and your child to early intervention services. Some of these services are provided by voluntary bodies (such as Enable Ireland, St Michael's House in Dublin, COPE Foundation in Cork and others) and others directly by the HSE. You can also apply directly to service providers yourself.



Early intervention is concerned with all the basic and brand new skills that babies and young children typically develop during the first five or six years of life, such as:

- physical (reaching, rolling, crawling, and walking)
- cognitive (thinking, learning, solving problems)
- communication (talking, listening, understanding)
- social/emotional (playing, feeling secure and happy)
- self-help (eating, dressing)

Early intervention services can include:

- Aids and appliances (or assistive technology)
- Audiology or hearing services
- Counselling and training for a family
- Home support
- Medical services
- Nursing services
- Nutrition services
- Occupational therapy
- Physical therapy
- Psychological services
- Speech and language services
- Social work services

If you are on maternity leave from work and find out that your child has a disability, you may decide to change your

plans. Options available to you include extra maternity leave, postponing part of maternity leave if your baby is in hospital and parental leave. → See Chapter 4: *Working and caring*.

Domiciliary Care Allowance is the main payment for the carers of children with a disability. If you are caring full time for your disabled child or are working no more than 15 hours a week outside the home, you may also be eligible for a carer's payment. → See page 30.

There are a number of schemes to help families with medical costs including medical cards, GP Visit Cards and the Long Term Illness Card. The Drugs Payment Scheme limits your family's expenditure on prescribed medications and appliances to a fixed maximum each month. → See pages 24-28.

You may be entitled to claim an Incapacitated Child Tax Credit if your child is permanently disabled. → See page 41.

The growing child

Pre-school children with disabilities can generally attend mainstream pre-schools. From 2010 all children are entitled to a year's free pre-school education. Some pre-schools have staff who are trained to work with children with special needs. If your child is attending an early intervention service, the team there may be able to help you choose a pre-school and advise you and the pre-school staff on any extra help or equipment your child needs.

A small number of special pre-school class units are attached to some primary schools for children with autistic spectrum disorders. Alternatively, these children may be able to access home tuition. → See page 59.

You may be able to get training in skills relating to your child's disability: for example, sign language if your child is deaf or parent-delivered speech therapy.

Children who are visually impaired or deaf may be referred to the Visiting Teachers Service. → See page 59.

A range of educational options are available for children with disabilities, including inclusive education in mainstream schools, special classes and special schools. You can help your child with the transition to formal schooling by making contact with the school in good time and discussing your child's needs with the principal and staff. Extra supports may be available for your child, such as resource teachers and special needs assistants (SNAs). → See Chapter 5: *Education*.

At this stage of your child's life you may want to consider possible adaptations that you may need to make to your home as your child grows. Grants are available for adaptations in certain circumstances. It is important to apply in good time and to get your home assessed by an occupational therapist. → See Chapter 8: *Housing*.

Depending on your child's disability you may be able claim tax concessions to help with the costs of driving and transport. It may be possible to get other transport-related supports. → See page 45.

The teenager

Your child continues to be entitled to free primary education up to the age of 18. The boards of management of all schools are required to use the state resources provided to make reasonable provision and accommodation for students with disabilities or other special educational needs. This could include, where necessary, alteration of buildings and provision of appropriate equipment. Other supports

include special needs assistants (SNAs), special classes and help with exams. (In some cases, children with disabilities may be exempt from certain subjects.) → See Chapter 5: *Education*.

You are entitled to make decisions on medical treatment for your child up to the age of 18. Children aged 16 and over may be able to give valid consent to certain medical procedures. Once your child reaches 18, you no longer have a legal right to make decisions on behalf of your child. However, in practice, parents of children with intellectual disabilities frequently make decisions on behalf of their adult children.

If you have been getting a Domiciliary Care Allowance for your child, this will stop when they reach the age of 16. At this stage they may apply for a means-tested Disability Allowance on their own behalf. → See page 33.

The young adult

As your child grows into adulthood, the family home may no longer be the most suitable place for them to live. They may wish to live independently, perhaps with the support of a Personal Assistant. → See Chapter 8: *Housing*.

They may wish to go on to training, third-level education or employment. Other services that may be useful, depending on circumstances, are Sign Language Interpretation and Job Interview Interpreters. → See Chapter 6: *Training and Employment*.

Planning for the future

Chapter 9: *Rights and decisions* deals with decision making and planning for the longer term. This chapter also covers the recently published Mental Capacity Bill, which aims to provide greater legal protection for vulnerable adults, including those with **intellectual disabilities**.



Advocacy

People with disability can be disadvantaged because their views may not be heard. Advocacy is a means of empowering people by supporting them to assert their views and claim their entitlements and, where necessary, representing and negotiating on their behalf. Delivering a professional advocacy service means providing a trained person who advises and supports their client to make a decision or claim an entitlement and who can, if appropriate, go on to negotiate or make a case for him/her.

The Citizens Information Board supports forty-seven advocacy projects around the country. These services provide a service to people with disabilities, helping them to work out their options and, on occasion, representing them in appeal and review processes. For example, an advocate could help parents in their efforts to obtain the best possible service for a child with a disability.

1: Health, social services and community care

This chapter introduces a range of health services and entitlements that are available to people who are ordinarily resident² in Ireland. Some of them, such as maternity and infant services, are generally available, while others are specific to people with certain conditions, for example, the Long Term Illness Card.

Health, **community care services** and **personal social services** are delivered by the Health Service Executive (HSE), through medical professionals and hospitals and through a network of **Local Health Offices**, health centres and clinics. In many cases, services for children with disabilities are provided by voluntary organisations funded by the HSE.

There are four HSE Administrative Areas. Each HSE Area is responsible for providing or arranging for the provision of services to the people in its area. Each HSE Area has appointed a Disability Services Manager to co-ordinate the delivery of services to people with disabilities. The HSE or voluntary organisations provide dedicated disability teams in some areas – see *Early Intervention Team* and *Children’s Disability Team* below.

Paying for services

Children generally have the same entitlement to health services as their parents. For example, if parents have a medical card, their children are included as dependants on that card and are entitled to the same range of services (see page 24). Certain services are provided free of charge for all children even if their parents do not have a medical card. These services include maternity and infant services, health services for pre-school children and school health

2. Ordinary residence means that you are living in Ireland, or you intend to remain living in Ireland for at least one year. Short absences do not affect ordinary residence.

screenings. Children are also entitled to free vaccination and immunisation services.

If your child has a disability they are also entitled to a range of health and community care services free of charge. These include:

- Health services for people with disabilities
- Community care services (for example public health nurse, occupational therapy and social work services)
- Free prescribed drugs and medicines for specific long-term conditions (these may be subject to a proposed prescription charge)


You do not have to pay hospital in-patient or out-patient short-stay charges for your child if they have a specific long-term condition or have been referred to hospital from child health services or school health services.

Your family (or your child) may qualify for a medical card or a GP Visit Card (see below). If you do not have a medical card, you can still avail of the Drugs Payment Scheme and other schemes to help with medical costs.

Medical care for infants

The vast majority of births in Ireland are in hospital, so the maternity hospital is your first point of contact for information, services and supports. All children born in public hospitals are screened for a number of metabolic disorders and are also examined by a consultant **paediatrician**. All of these checks try to detect any physical, mental or emotional disabilities as early as possible.

When you get your baby home, the **GP (family doctor)** who saw you during the pregnancy will check the baby at two weeks and will



check mother and baby at six weeks. Childhood immunisations are provided through the Childhood Immunisation Programme and are generally given by your GP (visit immunisation.ie).

Public health nurse

All babies born in Ireland are referred to their local public health nurse who visits the baby at home. This nurse, who is usually based in the local health centre, also runs a baby clinic where children's development is monitored regularly in the first months of their life. Parents can contact their public health nurse directly. You do not need to be referred by a GP or other health professional.

The public health nurse is a point of contact for information, services and supports, and may, for example, be able to put you in touch with other parents in your area who are in a similar situation. She/he usually carries out a series of developmental checks when your baby is 9 months, 18 months and 2 years old, and refers the baby to relevant services if necessary. In some areas some checks may be carried out by the HSE Area Medical Officer or another professional.

These developmental checks compare your baby's development against a series of 'norms' for that age group. For example, at nine months, the checks look at your baby's eyesight and hearing, motor development, vocalisation and general growth. Any problems that are identified at this examination may be treated free of charge at out-patient hospital departments and any subsequent treatment is free as a public patient.

Public health nurses can also carry out school health screenings. You should receive a reminder call from your public health nurse. If you do not, call your local health centre to make an appointment. These checks are optional.

School health screenings

All school-going children have their hearing and vision examined during school health screenings. If necessary, or if requested by a parent, physical examinations may also be carried out. The screenings are carried out at the school by public health nurses or HSE area medical officers. School principals are told of the date of the screenings in advance so parents can be notified. You can attend your child's screening if you wish.

Children who are discovered to have hearing or optical problems are referred to an appropriate consultant for treatment. Any problems identified are treated free of charge if the child attends as a public patient at an out-patient hospital department. Any subsequent treatment (whether out-patient or in-patient) arising from this initial referral is free of charge as a public patient.

Early Intervention Team

The Early Intervention Team is a support service for children from birth to age six with childhood developmental delay or disabilities. In some areas, it is provided directly by the HSE and in others by voluntary bodies. The team works in partnership with parents. Your child may be referred through your **paediatrician**, GP or public health nurse. You can also contact the Early Intervention Team directly.

The team generally includes some or all of the following:

- Area Medical Officer (who is a HSE doctor) or community paediatrician
- Clinical psychologist
- Counselling nurse
- Early intervention specialist

- Occupational therapist
- Physiotherapist
- Social worker
- Speech and language therapist

The support of other specialists [paediatrician, ophthalmologist, Ear, Nose and Throat (ENT) surgeon and child psychiatrist] and relevant voluntary sector service providers may also be available to the team, if required.

The team screens, assesses and identifies your child's needs, and together with you, the parents, develops a plan of action for providing services. This plan may include individual therapy, group therapy and skills development, as well as supports for parents. Services are provided based on available resources. The assessment is followed by a family meeting to develop a plan that meets your child's needs (this can be called a Family Partnership Plan or Individual Family Service Plan). If your child's needs cannot be met by this service, they refer you to a more appropriate service. This assessment is different from the assessment of need covered on page 23 below.

Contact your **Local Health Office** (see list in Appendix 1: *Organisations and supports*) to see if there is an Early Intervention Team in your area.

Children's Disability Team

There are Children's Disability Teams in certain areas throughout Ireland (sometimes provided directly by the HSE and sometimes by voluntary bodies). These teams aim to provide a comprehensive service to children aged 6–18 with a physical, sensory or intellectual

disability. They work together with you to provide a service that meets the needs of your child. The team may include the following:

- Clinical psychologist
- Community nurse
- Occupational therapist
- Paediatrician
- Physiotherapist
- Respite co-ordinator
- Social worker
- Speech and language therapist


Your child may be referred through your paediatrician, GP, public health nurse or school. You can also contact the Children's Disability Team directly. Contact your Local Health Office to get contact details for local services.

Assessment of need

Under the assessment of need provisions of the Disability Act 2005 (which was implemented on 1 June 2007 for children under five)³ people with disabilities have a right to an assessment of their health and educational needs arising from their disability. They have a right to get an Assessment Report and a statement of the services they will receive. If you feel that your child has a disability, you can apply for an assessment.

Initially, an Assessment Officer (employed by the HSE but required by the legislation to be independent) links with you. When the assessment is completed, the Assessment Officer prepares an Assessment Report. This report identifies the range of health and

3. The right to an assessment of need applies to all children who were under five on 1 June 2007 (who can apply retrospectively).



educational needs associated with your child's disability and the services your child needs. It does not have regard to the cost of the services or the State's capacity to provide them.

This report is then forwarded to a Liaison Officer (also known as a Case Manager) who prepares a service statement outlining the services and supports that will be provided. Many of the services and supports available are outlined in this booklet. It is important to note that, due to financial and other constraints, it may not always be possible for your child to get all the services identified by the Assessment Officer in the Assessment Report. However if a service detailed in the service statement is not implemented in the time frame it specified, you may complain to the Complaints Officers designated under the Act, and then to the Disability Appeals Office (see page 92).

While it was originally intended that the Disability Act 2005 and the Education for Persons with Special Educational Needs Act 2004 (see page 55) would be rolled out together for children between 5 and 18, and the Disability Act would be rolled out for adults after that, the Government has decided to postpone further implementation. It is not clear therefore when assessments of need will apply to children over five and adults.

How to apply

You can get an application form from your GP, pharmacies, hospitals and Local Health Offices or by calling the HSE information line: 1850 24 1850.

Medical card

Depending on your circumstances, you and your family may be entitled to a means-tested medical card. To qualify for a card, your

weekly income must be below a certain guideline amount, which depends on your family circumstances. At present (2010), the means test income guidelines for people under 70 are:

Married couple (or lone parent with dependent children)	€266.50
Allowance for each of first 2 children aged under 16	€38
Allowance for each of first 2 children aged over 16 (with no income)	€39
Each dependant over 16 years in full-time third-level education, who is not grant-aided	€78


Reasonable expenses for childcare costs and rent/mortgage payments are also allowed.

A medical card entitles you to free:

- Dental, optical and aural services
- GP (family doctor) services
- In-patient public hospital services, out-patient services, medical appliances and disability aids
- Maternity and infant care services
- Maternity cash grant (€10.16 at present) on the birth of each child
- Prescribed drugs and medicines (with some exceptions)⁴
- Some personal and social care services, for example, public health nursing, social work services and other community care services

If you are aged 16–25 and financially dependent on your parents, you are entitled to a medical card if your parents hold a medical

4. It is proposed that medical card and Long Term Illness Card holders will pay a 50 cent charge per prescription item subject to a monthly ceiling of €10 per family. This charge is not currently in force.



card. A student who is financially independent of their parents and who satisfies a means test may be entitled to a medical card. A student who gets Disability Allowance is generally entitled to a medical card. (Disability Allowance and other social welfare payments are covered in Chapter 2).

If your family is not eligible for a medical card, your child may get an individual medical card if they have particular medical expenses. Alternatively, your family may be entitled to a GP Visit Card (see below).

How to apply

You can get the application form and a list of participating GPs from your local health centre or Local Health Office for your area. If you are aged under 70, the application form should be returned to your Local Health Office.

GP Visit Card

If you or your child does not qualify for a medical card, you may qualify for a GP Visit Card. This card only covers the cost of visits to the doctor. It does not cover the cost of medicines. The income guidelines for the GP Visit Card are 50% higher than those for the medical card.

Long Term Illness Card

The Long Term Illness Card allows people with certain medical conditions to get drugs, medicines and some approved appliances free of charge (except for the proposed 50 cent charge mentioned above) if they are prescribed for the treatment of their condition. Your child may be eligible for this card if they have one of the following:

- Acute leukaemia
- Cerebral palsy
- Conditions arising from use of thalidomide
- Cystic fibrosis
- Diabetes insipidus and mellitus
- Epilepsy
- Haemophilia
- Hydrocephalus
- Mental handicap (intellectual disability)
- Mental illness (for people under 16 only)
- Multiple sclerosis
- Muscular dystrophies
- Parkinsonism
- Phenylketonuria
- Spina bifida

Note that the list of conditions for this scheme has not changed for many years and is unlikely to do so.

If your child qualifies, they get a Long Term Illness book. This book lists the drugs and medicines for the treatment of your child's condition, which will be provided to you through your community pharmacist. Other drugs and medicines not related to the specified condition must be paid for in the normal way. (You can get help with the cost of medicines with the Drugs Payment Scheme, see below.)

How to apply

Application forms for the Long Term Illness Scheme are not available online. You can get an application form from your family doctor (GP) or your Local Health Office. Send the completed application form directly to your Local Health Office.

Drugs Payment Scheme

Under the Drugs Payment Scheme, you have to pay a maximum of €120 a month (from January 2010) for approved prescribed drugs, medicines and certain appliances for use by yourself and your family in that month. In order to qualify for this scheme, you must be ordinarily resident in Ireland.

The scheme covers the person who applies, his or her spouse/partner and children under 18 years or under 23 if in full-time education. A child (or other dependant) with a disability living with you may be included in the family expenditure regardless of age if they do not have a medical card and are unable to fully maintain themselves.


When you register for the scheme, your Local Health Office will issue a plastic swipe card for each person named on the registration form. You should present this card whenever you are having prescriptions filled. You can use the Drugs Payment Scheme with a Long Term Illness Card.

How to apply

You can get the registration form from pharmacies or from your Local Health Office. You can also download the DPS application form from hse.ie. Send the completed form to your Local Health Office.

Help with the cost of aids and appliances

If your child or the family has a medical card and your child needs medical or surgical aids and appliances (such as wheelchairs or walking aids), you can get help from the HSE with the cost. If your child has a Long Term Illness Card, they may also get help with the costs of medical or surgical appliances for that condition.



If your child or the family doesn't qualify for a medical card or a Long Term Illness Card, you may still get some help from the HSE if the medical or surgical appliances are part of hospital treatment.

The Citizens Information Board has developed a dedicated website, assistireland.ie, which contains information on products and suppliers of assistive technology in Ireland. Assist Ireland also offers telephone support at Lo-call 1890 277 478 from 9am to 1pm and 2pm to 5pm, Monday to Friday. Alternatively, you can send a text message to 086 383 7644. See also page 69.

Registration for blind and visually impaired people

If your child is blind or visually impaired, you may wish to register them with the National Council for the Blind of Ireland. If your child qualifies for registration, they can apply for a Companion Travel Pass and a Disabled Person's Parking Card – see Chapter 7: *Daily life and getting around*. At age 18, your child can apply for Blind Pension and Blind Welfare Allowance – see Chapter 2: *Main payments* below.

Treatment abroad

If your child is ordinarily resident in Ireland and requires specific hospital treatment that is not available in Ireland, the HSE may authorise this treatment in another EU/European Economic Area (EEA) member state or Switzerland if certain conditions are met. If you have been referred for treatment abroad, the HSE will authorise this treatment by issuing you with Form E112. Contact your Local Health Office for more information on referral for treatment abroad.

2. Main payments

You may be able to claim several benefits as the parent of a child with a disability or with additional needs. You may be entitled to a monthly Domiciliary Care Allowance and an annual Respite Care Grant if your child has a severe disability. If you are a full-time carer, you may qualify for a weekly Carer's Allowance or Benefit payment.


When your child reaches the age of 16, they may qualify for Disability Allowance. If your child is blind or has low vision, they may qualify for Blind Pension at age 18. There is also a means-tested Blind Welfare Allowance. All these benefits are paid by the Department of Social Protection.

Domiciliary Care Allowance

If you are caring for a child with a severe disability who lives at home, you may qualify for a monthly Domiciliary Care Allowance. This is paid by the Department of Social Protection. (Up to 2009 it was paid by the HSE.) Neither your means nor your child's means are taken into account. To qualify for this payment, your child must have a severe disability that is likely to last for at least one year and:

- Be under 16
- Live at home with you for five or more days a week (for full-rate payment)
- Meet the medical criteria
- Be ordinarily resident in the State (ordinary residence means that that you are living in Ireland, or you intend to remain living in Ireland for at least one year. Short absences do not affect ordinary residence.)

In addition, you must care for your child and satisfy the **habitual residence condition**. Habitual residence means you have a proven



close link to Ireland. If you have lived in Ireland all your life, you will probably have no difficulty showing that you satisfy the factors which indicate habitual residence.

The guidelines for Domiciliary Care Allowance state that the payment is not based on the type of disability but on the resulting physical or mental impairment which means that your child needs more care and attention than a child of the same age. There is no list of conditions. The Department's Medical Assessor looks at all the following before giving an opinion on whether your child meets the medical criteria:

- The history of your child's case.
- All medical reports. (Your GP fills out a medical report and you should include reports from any relevant specialists.)
- Your description of the care and attention required by your child. (This is very important to give a picture of the extra work involved in caring for your child. The form allows you to state what extra care your child needs under a number of headings.)

The full rate of Domiciliary Care Allowance (DCA) in 2010 is €309.50 per month. You will not get DCA if your child is in full-time residential care, but you may get a half-rate payment if your child comes home from residential care at weekends and/or for holidays. If you qualify for DCA, you will also qualify for an annual Respite Care Grant, which is paid automatically in June each year. See below for information on this grant. You may also qualify for Carer's Allowance, see page 35 below.

How to apply

To apply for Domiciliary Care Allowance (DCA) you should download form Dom Care 1 from welfare.ie or text "FORM DCA" followed by your name and address to 51909. You and your child's GP fill in the

form before returning it to the DCA section at the address given on the form.

Respite Care Grant

The Respite Care Grant is an extra payment for carers, aimed at enabling the carer and the person being cared for to take a break. You can use the grant in whatever way you wish.



Respite care may involve providing alternative family care for your child, or care by a specialist organisation, so that you can take a short break, a holiday or a rest. It can cover very short-term respite (for example, someone to stay with your child for an evening) or a much longer arrangement for a holiday. Schemes of respite care are sometimes called Breakaway or Friendship schemes. Respite care is sometimes provided by the Health Service Executive (HSE) and sometimes by voluntary organisations. There are also some summer camps for children with disabilities. These are funded by the HSE.

The Respite Care Grant is paid in June of each year. You automatically qualify for this payment if you qualify for Domiciliary Care Allowance, Carer's Allowance or Carer's Benefit. If you are not getting one of these payments, you may still qualify for a Respite Care Grant if you are caring for your child full time. You do not have to apply for it each year.

This payment is not means tested but there are some conditions. You do not qualify if:

- You are working more than 15 hours per week outside the home
- You are getting a jobseeker's payment or if you are signing on for unemployment credits

- You are living in a hospital, convalescent home or similar institution

The rate in 2010 is €1,700 for each person you are caring for. It is not taxable.

How to apply

To apply for a Respite Care Grant, you should download an application form (RCG 1) from welfare.ie, which covers one or two people being cared for. If you are caring for more than two people, you should fill in an RCG 1(a) form for each additional person and attach it to your completed RCG 1 form. You send the completed form to the address given on the form.

Disability Allowance

If you have been getting Domiciliary Care Allowance for your child, this payment will stop when they reach the age of 16. At this stage, they may be eligible for Disability Allowance. Disability Allowance is a means-tested payment for people with disabilities who are unable to work because of their disability. There has been some debate about the starting age for Disability Allowance because paying the allowance to young people aged 16 with a disability, most of whom are still at school, could act as an incentive for early school leaving. The age of eligibility was changed to 18 in Budget 2009 but this decision was then reversed. For the moment, it remains at 16.

To qualify for Disability Allowance your child must:

- Have an injury, disease or physical or intellectual disability that has continued or may be expected to continue for at least one year, as a result of which they are substantially restricted from undertaking work that would otherwise be suitable for a person of the same age, experience and qualifications

- Be aged between 16 and 65
- Satisfy a means test
- Satisfy the **habitual residence condition**

See the Citizens Information Board's booklet *Entitlements for people with disabilities* for full details of the means test. It is important to note that, unlike the Domiciliary Care Allowance, the child's income and capital are taken into account. So, for example, a child who received significant compensation would be unlikely to qualify. In general, compensation payments paid as a result of an accident or medical negligence at birth are taken into account. (Compensation payments to victims of thalidomide, hepatitis C and payments by the Residential Institutions Redress Board are not taken into account.) The capital amount involved is assessed rather than the actual income from it.

The maximum weekly rate for a single person in 2010 is €196. Your child may not have full capacity to manage their money or other affairs. If they are getting Disability Allowance, the Department of Social Protection may appoint you as an agent to deal with the money (called type 2 agency). Before making such a decision, a social welfare officer usually calls to assess your child's circumstances and needs. Medical certification of your child's incapacity is also needed. If you are appointed a type 2 agent, you deal with all aspects of the social welfare payment (for example, liaising with the Department, informing them of any changes to your child's circumstances and collecting the payment). At all times, the money belongs to your child and you are legally obliged to use the money for your child's benefit.

How to apply

To apply for Disability Allowance, download form DA 1 from **welfare.ie** or text "FORM DA" followed by your name and address to

51909. When the first part of the form is complete, and any relevant medical reports attached, ask your child's GP to fill in the rest of the form. You then send it to the Disability Allowance section at the address given on the form.

Carer's payments

Carer's Allowance

Carer's Allowance is a means-tested payment for carers on low incomes who live with and look after people who need full-time care and attention. If your child is under 16, you qualify for Carer's Allowance *only* if you qualify for a Domiciliary Care Allowance (see above). The Domiciliary Care Allowance (along with some other types of income) is not counted in the means test for Carer's Allowance. The Carer's Allowance payment is made up of a personal rate for the carer and an Increase for a Qualified Child for each qualified child. You may claim the full rate if you are a carer and are single, widowed or separated. You cannot get a qualified adult payment for your spouse/partner on the Carer's Allowance. You can work up to 15 hours a week and keep your Carer's Allowance.

If you are looking after more than one person, you may be entitled to an additional 50% of the maximum rate of Carer's Allowance each week. Carer's Allowance is not taken into account in the assessment for a medical card (see Chapter 1 for the assessment details). If you are already on a social welfare payment, for example Widow's Pension or State Pension, and looking after someone who needs full-time care and attention, you may get a half-rate Carer's Allowance in addition to your other payment. If you are getting Carer's Allowance, you are paid the Respite Care Grant automatically in June each year (see above). If you qualify for Carer's Allowance, you also qualify for free household benefits (these include free

electricity/gas, telephone rental allowances and a free television licence) and a Free Travel Pass.

Currently (2010), the maximum weekly rate of Carer's Allowance for a person under 66 who is caring for one person is €212.

How to apply

To apply, fill in an application form for Carer's Allowance. This form (CR1) is available online at welfare.ie, from your local Social Welfare Office or from the Carer's Benefit Section in the Department of Social Protection.

Carer's Benefit

If you are in insurable employment and you wish to leave the workforce for up to two years to care for your child, you may qualify for Carer's Benefit. This payment is based on your PRSI contributions. You can claim Carer's Benefit for a single continuous period or in any number of separate blocks up to a total of 104 weeks (two years) for each person being cared for. If you are caring for more than one person, you may claim payment for each of them for 104 weeks. This may result in the care periods overlapping or running concurrently.

You must have been working for at least eight weeks in the previous 26 weeks before becoming a carer, and you must have worked for a minimum of 16 hours per week or 32 hours per fortnight. While the scheme requires you to live with the person being cared for, you may still receive the payment if your child is being treated in a hospital or other institution for less than 13 weeks.

You must not be engaged in employment, self-employment, training or education courses outside the home for more than 15 hours a week, and the maximum amount you can earn from employment or self-employment is €332.50 per week.

PRSI contribution conditions

You must have at least 156 PRSI contributions paid at any time between entry into insurance and the time you make a claim for Carer's Benefit, and

- 39 contributions paid in the relevant tax year, or
- 39 contributions paid in the 12-month period before the commencement of the Carer's Benefit, or
- 26 contributions paid in the **relevant tax year** and 26 contributions paid in the relevant tax year before that.

You will automatically be awarded PRSI credits (credited contributions) while you are getting Carer's Benefit. The credits are awarded at the same rate as your last paid contribution. These credits help protect your future entitlement to social welfare benefits and pensions.

You should apply for Carer's Benefit eight weeks before you intend to leave employment so that your eligibility can be assessed before you finish work.

The weekly rate of Carer's Benefit in 2010 is €213 if you are caring for one person and €319.50 if you are caring for two people.

How to apply

To apply, fill in an application form for Carer's Benefit. This form (CARB1) is available online at welfare.ie, from your local Social Welfare Office or from the Carer's Benefit Section in the Department of Social Protection.

Homemaker's Scheme

Under the Homemaker's Scheme, if you give up work to care full-time for a child under 12 or a disabled child or adult, you may be able to have these years disregarded or not taken into account when your yearly average is calculated for your State Pension (Contributory). This homemaker's disregard will be replaced by a system of credited contributions in 2012 under the new National Pensions Framework.

Blind Pension

The Blind Pension is a means-tested payment paid by the Department of Social Protection to blind and visually impaired people between the ages of 18 and 66. To qualify for the Pension, your child will need to have an eye test by an ophthalmic surgeon (paid for by the Department) to verify the visual impairment. Some people with low vision may qualify. Your child should claim for this Pension four months before their 18th birthday. If the visual impairment starts after that date, your child should make a claim as soon as possible in order to avoid any delay in payment.

If your child is awarded a Blind Pension, they may also qualify for the Blind Welfare Allowance. This is a means-tested payment to qualified people who are blind or visually impaired. It is paid by the Department of Health and Children and supplements an existing payment from the Department of Social Protection. (The allowance is payable between the ages of 18 and 66.).

How to apply

To apply fill in an application form. This form (BP1) is available online at welfare.ie, from your local Social Welfare Office or from the Blind Pension Section in the Department. Braille and audio versions are available from the National Council for the Blind of Ireland (ncbi.ie).

Child Benefit


In the same way as all other parents, you are entitled to get Child Benefit until your child is 16. If your child has a disability, is in full-time education or doing FÁS Youthreach training, Child Benefit is paid until 18. (You need to fill out a form and have it certified by your child's school or doctor to claim Child Benefit for a 16 or 17 year old).

From January 2010, children aged 18 no longer get Child Benefit. An extra payment is being paid in 2010 to certain families with children aged 18 in full-time education or with a disability. You get this extra compensatory payment if your 18 year old child is getting Disability Allowance, or if you are getting an increase in your social welfare payment for the 18 year old, or if you are getting Family Income Supplement (see below).

Other family payments

Depending on your circumstances, you may also qualify for some other income supports:

- **Family Income Supplement** is a weekly payment for families at work on low incomes. It is paid by the Department of Social Protection. The rate depends on your family income and the number of children you have.
- A **Back to School Clothing and Footwear Allowance** is paid by the HSE each year to families who have difficulty paying for school clothes and shoes. There is a means test. In 2010, the payment is €200 for a child aged 2–11 and €305 for a child aged 12–17.
- The **One-Parent Family Payment** from the Department of Social Protection may be payable if you are parenting alone. There is also a One-Parent Family tax credit and an increase in the standard rate tax



band. This means that, in 2010, you can earn up to €40,400 a year before you have to pay tax at the top rate of 41%.

- The **Supplementary Welfare Scheme** can provide financial supplements for certain expenses you may not be able to meet, including emergency situations. For example, you may get help with your rent or mortgage interest payments and you may get urgent needs payments for unanticipated expenses. Payments under the Scheme are administered by Community Welfare Officers in your local health centre.

3: Tax credits and reliefs

This chapter deals with the various tax credits and reliefs that have been established to help with certain costs of disability. You can get more detailed information and application forms from the Revenue Commissioners (revenue.ie).

Incapacitated Child Tax Credit

You can claim this tax credit of €3,660 if your child has a permanent disability. The disability must have arisen before the child reached the age of 21 or while she or he was in full-time education. The Revenue Commissioners regard cystic fibrosis, spina bifida, blindness, deafness, Down Syndrome, spastic paralysis, certain forms of schizophrenia and acute autism as permanent disabilities. Other types of disability are assessed on the basis of a doctor's certificate stating how the incapacity affects the child.

You may claim the tax credit for each child who has a disability. The child's own income (if any) does not affect the credit. You need a letter from your child's GP or other doctor.

Home Carer's Tax Credit

You can claim a tax credit of €900 if one parent (of a married couple who are taxed jointly) works in the home caring for a dependent child for whom Child Benefit is being paid. The full credit is paid if the income of this parent is not more than €5,080 in the tax year. You get a reduced tax credit if the carer's income is between €5,080 and €6,880. This is not confined to couples who have a child with a disability.

Tax relief on medical expenses

A tax refund at your standard rate is available for money spent on certain medical expenses. You can claim relief on the following expenses:

- Doctor's visits
- Educational psychological assessments for a dependent child
- Hospital or nursing home costs
- Medication costs which have not been covered by the Drugs Payment scheme
- Physiotherapy
- Speech and language therapy for a dependent child
- Supply and repair of medical or surgical appliances used on medical advice

If your child has a permanent disability or is a cancer (oncology) patient, you may claim tax relief on the following under the heading of health expenses:

- **Telephone** – If a child is treated at home, you may claim a flat rate of €315 for telephone rental and calls where the expenses are directly connected with the treatment of the child.
- **Hygiene products** – If you have to use gloves or aprons for your child's care, you can claim up to €500 per year.
- **Travel** – If you use a private car, the cost of travel can be claimed at €0.36 per mile or €0.23 per kilometre. No relief is available for car parking fees. Hold on to evidence of hospital visits, for example your child's appointment card.
- **Kidney patients** – If your child is a kidney patient, you may claim tax relief on travel to and from hospital (unlimited journeys) at

the rate of €0.36 cent per mile or €0.23 per kilometre. Again, keep evidence of all hospital appointments. If your child uses a dialysis machine or a pump at home, you can claim tax relief up to €1,440 for electricity and up to €270 for laundry.

- **Overnight accommodation** – You can claim for payments made for overnight stays in a hospital, hotel or bed and breakfast near the hospital where your child is a patient, if such an overnight stay by you is necessary for the treatment of the child. Note: Claims for the cost of minding brothers or sisters of the patient while you are at the hospital are not allowable.
- **Treatment abroad** – If qualifying health care is only available outside Ireland, you can claim reasonable travelling and accommodation expenses for your child. If the child's condition requires someone to travel with them, the expenses of one person accompanying the child may also be allowed.

How to claim

You can claim tax relief on medical expenses through the Revenue Online Service (ros.ie) or by using a Med 1 form. You should complete a Med 1 form at the end of the tax year. If you are claiming for dental expenses, you can get a Med 2 form from your dentist, who should complete it. Submit forms Med 1 and 2 together. If you find that you have exceptionally large expenses throughout the year, you may be able to claim a refund each quarter. No refund is given for expenses which could be reimbursed from other sources, for example from the HSE or a private health insurance company.

You can make claims retrospectively for the previous four years. You can only claim for medical expenses if you have receipts to prove your claim. Do **not** send your medical receipts with your Med 1 or 2 form. However, you must keep your medical receipts for six years because Revenue may investigate your claim.

VAT refunds

You may claim a refund on Value Added Tax (VAT) for certain aids and appliances used by your child to help with independent living and working. This includes most aids to daily living and communication aids. It does not include goods designed for leisure purposes. You can claim refunds on:

- Braille books
- Commode chairs
- Communication aids
- Domestic aids, for example, eating and drinking aids
- Lifting seats and specified chairs
- Hoists and lifts, including stairlifts
- Walk-in baths

VAT refunds are **not** allowed on:

- Rented aids and appliances
- Services for people with disabilities

How to apply

Form VAT 61a is available from the Revenue Commissioners or can be downloaded from the Revenue website (revenue.ie). An invoice clearly stating the VAT element of the total amount paid must be included with your application.

Revenue Commissioners

FREEPOST, Central Repayments Section, M: TEK II Building,
Armagh Road, Monaghan.

Tel: 047 62100

Lo-call: 1890 606 061

revenue.ie

Allowance for employing a carer

You can claim a tax allowance for up to €50,000 (at your top rate) when you employ a carer for a person with a disability. You may employ the carer directly or through an agency. This relief may be claimed by a family member or divided among a number of family members if they are contributing towards the cost of the carer. If the employed person is a relative, the taxpayer cannot claim a Dependent Relative Tax Credit or an Incapacitated Child Tax credit for this relative.


How to apply

More information and a claim form is available on the Revenue Commissioner's website (revenue.ie). You can also contact your local Revenue office for more information.

Tax relief for disabled drivers and disabled passengers

You can claim a range of tax reliefs for the purchase and use of specially adapted vehicles by drivers and passengers with severe disabilities under the Disabled Drivers and Disabled Passengers Scheme. The conditions for qualifying are strict and it is rare for parents of children with disabilities to qualify.

You may buy a vehicle for the purpose of transporting your child and be able to claim tax relief if your child lives with you most of the time. If your child only stays with you part of the time, the residency requirement is not met. However, if your child is in residential or medical care on a part-time or occasional basis and spends a significant part of their time at home (for example, every weekend and holidays), the residency requirement may be met. The Revenue Commissioners may, in exceptional circumstances, waive the residency requirement.



In order to qualify, the child must meet the medical criteria and have a Primary Medical Certificate. This is a certificate that confirms your child is severely and permanently disabled. It is only used for tax purposes. Your **Local Health Office** processes applications for Primary Medical Certificates.

If you are refused a Primary Medical Certificate, you may appeal the refusal to the Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin. If your child has a Primary Medical Certificate you automatically qualify for a Disabled Person's Parking Card (see page 73).

The tax reliefs available on vehicles are:

1. Exemption or refund of vehicle registration tax (VRT), repayment of value-added tax (VAT) on the purchase of a vehicle and repayment of VAT on the cost of adapting a vehicle, up to a maximum of €9,525 for a disabled driver and €15,875 for a disabled passenger.
2. Repayment of excise duty on fuel used up to a maximum of 2,728 litres (600 gallons) a year. Keep your fuel receipts.
3. Exemption from annual motor tax.

Relief is limited to a vehicle that has been specially constructed or adapted for use by a disabled person and that has an engine size of less than 2,000cc in the case of a disabled driver and 4,000cc in the case of a disabled passenger. A car which qualifies for tax relief cannot be sold for at least two years. The cost of the adaptation must be 10% of the net cost of the vehicle. If you benefit from the Disabled Drivers and Passengers Tax Relief Scheme, you are only eligible for the lower rate of Mobility Allowance (see page 76).

How to apply

Apply for tax reliefs on vehicles to:

Disabled Drivers Section

Central Repayments Office, Office of the Revenue Commissioners,
FREEPOST, Coolshannagh, Co. Monaghan.

Tel: (047) 82800

Tax reliefs for people with a visual impairment

Parents cannot claim a Blind Person's Tax Credit for children who are blind, but you can claim the Incapacitated Child Tax Credit – see above. If your child is paying tax and has a certain level of visual impairment, they may claim a Blind Person's Tax Credit. Your child will need to get a certificate from an ophthalmic surgeon certifying that his or her eyesight falls within prescribed limits in order to qualify for the credit. The value of the credit in 2010 is €1,830.


If your child pays tax and has a trained guide dog, they can apply for the Guide Dog Allowance. In 2010, the value of the allowance is €825. It applies at your child's highest rate of tax. To claim the allowance, your child must have a letter from Irish Guide Dogs for the Blind confirming that they are a registered owner.

How to apply

Fill in a Claim for Blind Person's Tax Credit and Guide Dog Allowance form (available at revenue.ie) and send it to your local tax office.

Tax exemptions on trust funds

The Irish tax system allows for tax exemptions in respect of certain trust funds that have been set up to benefit someone who is permanently and totally incapacitated. There are strict rules about the



type of trust involved and how it is administered. The money must be raised from the proceeds of public subscriptions. This generally means monies raised from a public appeal or charitable events.

If your child is permanently incapacitated, and a public appeal raises the money, such a trust fund may be set up for them. The legal terminology “permanently incapacitated” in this context means that the child is totally and permanently unable to maintain himself or herself as a result of physical or intellectual disability.

Trustees cannot have any connection with the beneficiary of the trust – this means that neither you nor any other family members can be trustees if such a trust is set up for your child. The trustees must remain independent and objective in decisions arising from the operation of the trust to ensure that they act in the beneficiary’s best interest.

If your child is to be exempt from tax, the money from the trust fund must be their sole or main source of income. Income from social welfare payments is not counted when deciding if the trust fund is the main source of income.

Both your child and the trustees must declare this income to the Revenue Commissioners when making their annual tax returns. Setting up a trust fund has complex legal implications, so it is important to get professional legal advice. In addition, it is very important to discuss the tax implications with an accountant and the Revenue Commissioners.

Deeds of covenant

A deed of covenant is a legally binding written agreement stating that one person agrees to pay another an agreed amount of money without receiving any benefit from that person. Depending on the tax situation of each party to the deed, both of them may be able to gain tax benefits.

The only people who can receive payments under a deed of covenant are:

- Permanently incapacitated adults
- Permanently incapacitated minors (that is, under 18s) – but not from their parents
- People aged over 65

Until your child is aged 18 or over (or, if under 18, is married) you may not claim tax relief on a covenant made in his or her favour as they would legally be regarded as a minor. Tax relief can be claimed, however, if other family or friends are in a position to covenant money to your minor child. The exact tax saving depends on the amount of tax paid by the person making the payment (the covenantor) and on the amount of the income of the person receiving the payment (the covenantee).

Tax on children's capital and income

People with disabilities are liable to pay tax in the same way as everyone else. Most children under 18 do not have any income so the issue does not arise. However, some children do have assets and income – for example, children who inherit money or property or who get compensation payments may have taxable income and they are liable for tax in the same way as adults. The parents or

guardians are liable for the tax if the minor child fails to pay. Some types of payments or income are exempt from tax.

Tax treatment of personal injury payments

Exemption from income tax is available for some personal injury compensation payments and income from the investment of these payments – for example, compensation paid for medical negligence at birth. The conditions that apply to this exemption include:

- The compensation must be for personal injury
- The compensation must have been received arising from the institution of a civil action for damages in the courts (out-of-court settlements also qualify)
- The person receiving the compensation must, as a result of the injury, be permanently and totally incapacitated either physically or mentally and unable to maintain himself or herself
- The income obtained from the investment of the compensation must be the person's sole or main source of income

If tax has been paid on income which qualifies for exemption, you can claim a refund. You can also claim a refund of tax deducted at source – for example DIRT. Write to your local Revenue Office setting out your position with a medical certificate stating the disability and evidence that the payment was in settlement of an action for damages (for example, a letter from your solicitor).

4: Working and caring

If you are the parent of a child with a disability, you may need more flexible working arrangements. In this chapter, we cover the various types of leave working parents can take, and the extra provisions made for a child who has a disability or who is hospitalised during the mother's maternity leave.




Working part-time

You may wish to reconsider your working arrangements. If you are working full time you don't have a statutory right to change to part-time employment or to other flexible working arrangements such as job sharing or unpaid time off work. However if you wish to change your work patterns your employer should consider your request seriously and consult with you before making a decision.

You can visit worklifebalance.ie to find out more about part-time and flexible working options. For more information on leave entitlements and employment rights, see the Citizens Information Board's booklet *Employment Rights Explained* or contact the Employment Rights Information Service of the National Employment Rights Authority (NERA) on Lo-call 1890 80 80 90 or at employmentrights.ie.

Maternity leave

If you are employed and become pregnant, you are entitled to a basic 26 weeks (six and a half months) of maternity leave, regardless of how long you have been working for the organisation or the number of hours you work per week. You may be entitled to Maternity Benefit during this leave, depending on your PRSI record, and/or your employer may pay you depending on your contract. You can also opt to take an extra 16 weeks (four months) of unpaid maternity leave.



If your baby is hospitalised while you are on maternity leave, you may decide to postpone the rest of your maternity leave and go back to work until the baby is discharged from hospital. This applies whether you are on basic maternity leave or on additional unpaid maternity leave. The maximum amount of time for which you can postpone the leave is six months. Your employer can refuse your application to postpone your maternity leave.

You can only ask to postpone the rest of your maternity leave after you have taken at least 14 weeks of it, four of which must have been taken after the birth. If you postpone your maternity leave and go back to work, you may take your remaining leave in one block, not later than seven days after your baby gets out of hospital.

Similar rules apply to adoptive leave except that the period of leave you are entitled to is 24 weeks.

Parental leave

In general, parents who are working are entitled to take parental leave from employment until their child is eight years old. If your child has a disability, you can take parental leave until the child is 16.

You can take parental leave for each of your children. It amounts to a total of 14 weeks (four and a half months) per child. If you have more than one child, the leave is limited to 14 weeks in a 12-month period. This can be longer if your employer agrees. This restriction does not apply in the case of a multiple birth, such as twins or triplets.

You are entitled to take the 14 weeks per child in one continuous period or in two separate blocks of a minimum of six weeks each, with a gap of at least 10 weeks between the two blocks. If your employer agrees, you can separate your leave into periods of days or even hours.

Both parents have an equal separate entitlement to parental leave. Unless you and your partner work for the same employer, you can only claim your own entitlement of 14 weeks per child. If you both work for the same employer and the employer agrees, you may transfer your parental leave entitlement to each other.

Carer's leave

If your child needs full-time care, you may be able to take carer's leave (temporary unpaid leave from employment) while preserving your employment rights. In order to qualify, you must have been in continuous employment for at least a year.

The minimum period for which you can take carer's leave is 13 weeks and the maximum period is 104 weeks (two years). If you do not take carer's leave in one continuous block, there must be a gap of at least six weeks between the blocks. However, you and your employer may agree arrangements which are more favourable to you. Your employer may refuse (on reasonable grounds) to allow you take a period of carer's leave which is less than 13 weeks long. The grounds for refusal must be specified in writing. You must give your employer at least six weeks' notice of your intention to take carer's leave.

This leave is unpaid but you may be able to qualify for Carer's Benefit or Carer's Allowance (see Chapter 2). If you do not qualify for Carer's Benefit or Allowance while on carer's leave, you are entitled to carer's leave credits (credited PRSI contributions) in respect of each week taken, up to a maximum of 104 weeks.

You may only be on carer's leave for one person in need of full-time care at any one time. An exception is where two people live together and both are in need of full-time care and attention. In this situation, the total amount of carer's leave is 208 weeks (104 for each person being cared for).

5. Education

Educational options for children with disabilities include inclusive education in mainstream schools, special classes in mainstream schools and special schools. Other supports include special needs assistants, assistive technology, home tuition and the Visiting Teacher Service.



Introduction to terms

If your child needs more help than other children to participate in and benefit from education because of a disability, they are described as having special educational needs.

Special needs education means the educational arrangements that are in place for children with special educational needs. Special needs education is provided in mainstream settings as far as possible. Children who have been diagnosed with a disability may get special needs assistance from **resource teachers** and perhaps other specialists such as **speech and language therapists** or **educational psychologists**.

Learning support is the help given to children who may lag behind other children in school perhaps because of learning difficulties, behavioural problems or undiagnosed disability. This is given by learning support teachers.

Special needs assistants (SNAs) work with children who need non-teaching support perhaps because of a physical disability or behavioural difficulties. Pupils' needs could range from needing an assistant for a short period each day – for example, to help feed or change them or bring them to the toilet – to requiring a full-time assistant.

National Disability Strategy

Two pieces of legislation are relevant to the education of children with disabilities. Neither of these Acts has been fully implemented.

The first is the Education for Persons with Special Educational Needs Act 2004 (known as the EPSEN Act). The Act defines special educational needs as “a restriction in the capacity of a person to participate in and benefit from education on account of an enduring physical, sensory, mental health or learning disability, or any other condition which results in a person learning differently from a person without that condition.” Children with special educational needs will be educated “in an inclusive environment with children who do not have special educational needs” unless this is inconsistent with either the best interests of the child or effective provision for the other children.

The National Council for Special Education (NCSE) has published a plan for the phased implementation of the EPSEN Act including individual education plans for each child assessed as having a special educational need. However this has not yet been implemented.

The second piece of legislation is the Disability Act 2005, which provides for an assessment of need and the generation of a service statement for each child who meets the definition of **disability** in the Act. As described in Chapter 1: *Health, social services and community care*, to date the assessment of need has only been implemented for children under five.

If the assessment of need for your child identifies the need for education services, the Assessment Officer must refer the matter to the NCSE under Section 8(3) of the Act. The Council is then required to nominate a person with appropriate expertise to help in the carrying out of the assessment. Under recently revised guidelines, the person nominated is the local Special Educational Needs Organiser.

Pre-school services and early intervention


Pre-school children have a right to a year's pre-school education (from 2010) and are entitled to certain health services related to education.

The HSE is responsible for providing health and personal social services (such as psychological services or speech and language therapy services) at pre-school stage. If your child is attending an early intervention service, these speech and language therapy services are generally included in your child's programme. Your child can also be assessed for these services under the assessment of need provisions of the Disability Act 2005 (see above and Chapter 1: *Health, social services and community care*).

You may be able to access appropriate specialised pre-school services in your area. For example, the early learning centre of the National Council for the Blind in Ireland (NCBI) provides specialised education to children with sight loss from birth up to the age of six. If your child has an autistic spectrum disorder (ASD), you may be able to access one of the small number of special pre-school class units attached to primary schools to cater for children with ASD. Alternatively, you may be able to access home tuition as an early intervention for your child. See also Early Intervention Team on page 21 above.

Early Childhood Care and Education (ECCE) Scheme

This scheme provides a free year of pre-school education for children aged between three years three months and four years six months. However if your child's special needs will delay their entry to primary school, they may be able to continue in pre-school beyond four and a half. You should write to the Office of the Minister for Children and Youth Affairs to ask for an exemption from the age band. Enclose a



copy of confirmation of your child's special needs from the HSE or from a consultant who is treating your child. A letter from a GP is not enough to get an exemption for your child. Under the ECCE scheme, a child is expected to attend pre-school four or five days each week. However, this requirement does not apply to children with special needs if a shorter week would be more appropriate for them.

You can get a list of participating pre-schools and childcare providers from your city or county childcare committee.

Mainstream primary and secondary schools

All children have a constitutional right to free primary education. If your child has special educational needs, they have the right to free primary education up to the age of 18⁵. They are also entitled to free post-primary education in the same way as other children. A child has the right to attend a mainstream school unless their presence there is detrimental to their own education or that of other children.

Special Educational Needs Organisers

When your child moves into primary school, or later on into post-primary, you (and/or the school) can contact your local Special Educational Needs Organiser (SENO) to see what arrangements can be made for your child.

The nationwide network of SENOs is operated by the National Council for Special Education. A SENO deals with applications for supports for children with special educational needs from all schools in their area. These can include:

5. In September 2009 the Equality Tribunal ordered the Department of Education and Skills to review its policy requiring students at special needs schools to finish their second-level education in the year they become 18. At present the Department advises special schools that they can retain students over 18 who are following courses leading to accreditation on a case-by-case basis.

- Resource teaching hours
- Special needs assistant (SNA) hours
- School transport for children with disabilities with special educational needs
- Other resources such as **assistive technology** equipment, computers and scribes (someone to write for another person)

The SENO will decide on the application and tell you and the school the outcome of their decision. SENOs can also advise schools and parents on the facilities, services, and resources available for children with special educational needs. You will find a full list of SENOs on the website of the National Council for Special Education, ncse.ie.

1 The **National Council for Special Education (NCSE)** was set up to improve the delivery of education services to persons with special educational needs, particularly children. The NCSE is responsible (through its network of local Special Educational Needs Organisers) for allocating resource hours and special needs assistants to support children with special needs.

The **Special Education Support Service (SESS)** provides a nationwide service to teachers and special needs assistants. The aim of the service is to enhance the quality of teaching and learning with particular reference to the education of children with special needs.

Other supports

Visiting Teacher Service


If your child has special educational needs resulting from hearing difficulties or visual impairment, you can access the Visiting Teacher Service of the Department of Education and Skills from the time your child is two years old. This service provides teaching and support to parents and schools. The visiting teacher will travel to meet you and your child, and other professionals who are involved with your child.

If your child is visually impaired, you may refer them to the Visiting Teacher Service yourselves as parents, or they may be referred through an eye clinic or the National Council for the Blind. If your child is deaf or hard of hearing, they may be referred through the HSE's audiology services, through hospital services or the Cochlear Implant Unit at Beaumont Hospital. Your child can also be referred by their school or the HSE area in which they live.

Each visiting teacher is responsible for a particular region and is allocated a caseload of pupils. The visiting teacher will continue to provide guidance and support for your child throughout their education, up to and including third level. Assistive technology is an example of the supports that the visiting teacher can provide, where necessary (see Chapter 7).

Home Tuition Scheme

If your child is unable to go to school on a regular basis because of serious medical difficulties, they may be able to access home tuition. This may also be provided if your child has special educational needs and is waiting for a suitable school place. Home tuition is also used to provide early intervention for pre-school children with autism. The grant aid is for 10 hours home tuition a week for children aged two and a half to three and 20 hours a week for children aged three and over.



The funding is not provided if there is a place in school or early education available to your child. You apply directly to the Home Tuition Unit of the Department of Education and Skills.

July Education Programme

There is a special funding arrangement for schools to provide further special needs education in the month of July each year. Special schools and mainstream primary schools with special classes catering for children with autism can choose to extend their education services through the month of July. There is also a July Education Programme for pupils with a severe or profound general learning disability. The funding includes transport and escort services for the children.


If your child's school is not taking part in the July Education Programme, you may be able to get home tuition for your child during July as an alternative.

Special arrangements for particular disabilities

If your child has a specific learning disability, they may be able to get an exemption from some of the usual educational requirements. For example, if they have dyslexia they may be exempt from the requirement to learn Irish. They may also be granted spelling and grammar waivers in language subjects in state examinations.

Depending on the nature of your child's disability, they may be exempt from part of some exams in Junior and Leaving Certificate subjects. For example, if your child has a hearing impairment, they may be exempt from the aural component of an exam.

If your child avails of such a waiver or exemption in a state exam, the certificate awarded may note that they have not taken an element of the exam. The Equality Tribunal has ruled that this type



of annotation is contrary to the Equal Status Acts 2000–2004. That decision is under appeal at present (2010).

Your child may be able to avail of special arrangements, known as **reasonable accommodation**, when sitting exams. These can include extra rest breaks, large-print exam papers and the services of a reader or a scribe.


Generally you apply for waivers and reasonable accommodations through your school or education provider. External candidates apply directly to the State Examinations Commission.

Physical access

Depending on the nature of your child's disability, you may need to check with the principal that the school is accessible to your child (playgrounds and toilets as well as classrooms and assembly areas). The school may apply for a grant to make the premises accessible by, for example, putting in ramps or accessible toilet accommodation. The Building Unit of the Department of Education and Skills deals with these grants. There are also special transport arrangements, including escorts and safety harnesses, for children with disabilities attending school. See also Chapter 7.

Special schools

Education in a special school is another option you may wish to explore for your child. There are over 107 special schools catering for particular types of disability and special needs. They include about 70 schools for children with varying degrees of general learning disability and 11 schools for children with physical disability, of which three cater for children with hearing impairment and one caters for children with visual impairment.



There is one school for children with multiple disabilities, also about 20 schools for children with emotional and behavioural disturbance and five for children with autism.

Twelve stand-alone facilities provide a specific applied behavioural analysis (ABA) methodology on a pilot basis for children with autistic spectrum disorders. Six schools located in hospitals are also classified as special schools. They ensure that if your child spends time in hospital, they can still keep up with their education.

You can discuss your child's needs and the most appropriate educational setting for them with your local Special Educational Needs Organiser (SENO). You can find a list of all special schools on the website of the Department of Education and Skills (education.ie).


Third-level education

Your child may apply for admission to a third-level institution through the standard process operated by the Central Applications Office (CAO). Some institutions reserve a number of places for people with disabilities. The direct admission system varies from one institution to another, and your child will need to find out the closing dates for such applications and the criteria for a place.

Most third-level institutions have Disability Liaison Officers. The Disability Liaison Officer can help with applying for a reserved place, finding suitable accommodation and any special access requirements or provisions for sitting examinations. Some institutions reserve a number of student accommodation places for students with disabilities.

Disability Access Route to Education (DARE)

A new scheme called DARE (Disability Access Route to Education) was launched in October 2009. At present (2010), there are 11



higher education institutions (HEIs) taking part in the scheme. Each HEI has allocated a quota of places on a reduced points basis for students entering through DARE. If your child is applying through DARE, they must provide evidence confirming that their disability has had a significant impact on their educational performance.

DARE works alongside the mainstream CAO process. Your child should apply online at cao.ie as part of the CAO application process. They should mention their disability or specific learning difficulty on the appropriate section of the application form. They will then be directed to the separate online Supplementary Information Form which will ask them for additional information about their disability or specific learning difficulty. They must indicate their wish to be considered for DARE, and then submit supporting documentation.

Your child must still meet the minimum entry (matriculation) and subject requirements of the college or institute, and will then compete with other applicants for a quota of places based on their Leaving Certificate results. They may apply through both systems (CAO and direct) for the same academic year. If they get an offer in each system, they may choose whichever suits them better.

All students with a disability are offered a variety of academic, personal and social supports while studying at third level. The following are examples of the types of supports available:

- An orientation programme to introduce students to university/college
- Study skills, extra tuition if required and exam support
- Access to assistive technology and training
- One-to-one meetings with support staff, social gatherings and mentoring

- Course materials in relevant formats (for example, audio tapes of journal articles)

Grants and other supports

Students with disabilities are eligible for third-level grants on the same basis as other students. There are some grants specifically for people with disabilities. Grants tend not to be available for part-time or distance learning third-level courses.

The Fund for Students with Disabilities

This allocates funding to further and higher education colleges for the provision of services and supports to full-time students with disabilities. It is administered by the Department of Education and Skills. The Fund aims to ensure that students can participate fully in their academic programmes and are not disadvantaged by a disability.

Eligible students can receive assistance from PLC (post-leaving certificate) level right up to doctoral level. You do not have to be in the first year of a course to be eligible to apply. First-time applications can be made during any year of study on an approved course at further or higher education level. Applications to the Fund are made on behalf of an eligible student by their college following an assessment of need. Applications cannot be made directly to the Fund by students. Colleges are also responsible for the management of the funding approved for eligible students.

Applicants to the Fund for Students with Disabilities are not means tested. A minimum age for application applies, however. Students with disabilities enrolled in part-time courses, access or foundation courses in higher education institutions or short courses are not eligible for consideration under the Fund.

AHEAD (Association for Higher Education Access and Disability)

AHEAD is a voluntary organisation working to promote improved access to third-level education for people with disabilities. It has published *Accessing Third-level Education in Ireland – A Guide for Students with Disabilities*.

AHEAD

Newman House, 86 St Stephen's Green, Dublin 2.

Tel: (01) 475 2386

ahead.ie

Other education schemes

If your child is on a disability payment and decides to return to second-level or third-level education, they may qualify for a Back to Education Allowance paid by the Department of Social Protection. They will get a standard rate of payment plus an annual Cost of Education Allowance of €500.

Another third-level option is the Vocational Training Opportunities Scheme (VTOS), which allows people aged 21 or over who have been getting certain social welfare payments for at least six months to take up a full-time education course at certain Vocational Educational Committee (VEC) centres around the country. The course centre pays you the equivalent of the maximum rate of your unemployment payment.

See the Citizens Information Board booklet *Entitlements for people with disabilities* for more information on schemes for adults.

6. Training and employment

As your child faces into adult life, they may be able to access mainstream vocational training or what is known as rehabilitative training. Many people with disabilities work in mainstream employment, particularly if they are granted **reasonable accommodation**. Your child may also do sheltered work. This chapter covers the various training and employment supports available.

Training

Two types of training are available for your child when they have finished education – rehabilitative training and mainstream vocational training. The HSE has teams of guidance counsellors who offer information, advice and guidance on rehabilitative training and sheltered work services.

Rehabilitative training focuses on the development of core life skills, social skills and basic work skills. It aims to enhance the trainee's quality of life and general work capacity. This training is generally provided by the HSE or by specialist agencies on its behalf. Your child is assessed by the **Local Health Office** to establish what level of rehabilitative training would be suitable.

Vocational training aims to equip trainees with specific skills which help them to secure employment. Most vocational training is provided by FÁS (the National Training and Development Authority) or by specialist agencies under contract to FÁS. People with disabilities are considered a priority for FÁS training. If a person with a disability requires training not provided by FÁS, FÁS may meet some of the costs.

Financial support during training

If your child is on a means-tested social welfare payment (Disability Allowance or Blind Pension), their payment is suspended. Instead

they get a FÁS Training Allowance at the same rate as the social welfare payment along with a training bonus of €31.80 per week. If your child is on a social insurance payment (Illness Benefit or Invalidity Pension), they get the standard FÁS Training Allowance (currently €196) and also continue to be paid the social welfare payment. If your child is not on a social welfare payment, they get the standard FÁS Training Allowance and the weekly training bonus of €31.80.

FÁS employment supports

FÁS provides a range of employment supports aimed at helping people with a disability to get and keep employment. Your child may be able to benefit from some of the following supports:

- **Wage Subsidy Scheme** – This gives financial assistance to employers to encourage them to employ people with disabilities.
- **Job Interview Interpreter Grant** – If your child has a speech or hearing impairment, FÁS can pay for a three-hour period for an interpreter to accompany them to a job interview.
- **Personal Reader Grant** – If your child is blind or visually impaired, FÁS can pay to fund the employment of a reader for up to 640 hours a year to assist in the workplace.
- **Workplace/Equipment Adaptation Grant** – This provides a maximum of €6,348.70 in order to make your child's workplace more accessible or equipment easier to use.
- **Supported Employment Programme** – This helps people with disabilities to get and keep employment. It operates through a range of organisations and provides for job coaches who assist in the employment of people with disabilities. Your child must first be referred by a FÁS Employment Service Officer or a Local Employment Service Mediator.

- **Disability awareness training grants** to employers – FÁS provides these grants to employers to help with the cost of staff training. This service is aimed at integrating people with disabilities in the workplace and addressing the concerns that employers and employees may have about working with people with disabilities.
- **Employee Retention Grant** – If your child is working, and acquires a disability through sickness or injury, FÁS can pay this grant to the employer. The purpose of the grant is to assist employers to retain at work employees who become disabled. It can be used to retrain the worker so that they can undertake alternative duties or continue to work at their existing duties, using modified techniques.

Contact FÁS for more information about these supports (fas.ie).

Sheltered work

Sheltered work gives people with disabilities the opportunity to take part in daily work in a setting where they receive personal support services. Employees are not insurably employed (do not pay PRSI) and are not entitled to the full range of employee benefits, though they may produce goods with a commercial value. To arrange sheltered work, you or your child should contact the HSE. See also the website of the Irish Association of Supported Employment (iase.ie).

Back-to-work schemes

Your adult child may qualify for back-to-work supports if they are getting Disability Allowance, Blind Pension, Invalidity Pension or Illness Benefit.

See *Entitlements for people with disabilities* or citizensinformation.ie.

7. Daily life and getting around

This chapter deals with some of the supports available to help your child with daily living.

Aids and appliances

A range of products and technologies are available to people with physical and sensory disabilities to help them be more independent in their everyday lives. The general term for these products is **assistive technology** (AT). AT can refer to very low-tech equipment like flash cards or high-tech computer equipment like synthetic speech engines which translate text to speech.

Your child and your family may need different types of AT at different stages. For example when your child is a baby, you may need specialist equipment like adapted cups, buggies or chairs or tools to help you lift your child safely. Later, your child might use specialised computers to help with school work.

The Citizens Information Board has developed a dedicated website, **assistireland.ie**, which contains information on products and suppliers of assistive technology in Ireland. Assist Ireland also offers telephone support at Lo-call 1890 277 478 from 9am to 1pm and 2pm to 5pm, Monday to Friday. Alternatively, you can send a text message to 086 383 7644.

Paying for equipment

Equipment for people with disabilities is usually supplied free to medical card holders. People with a Long Term Illness Card may get equipment, essential for the primary condition, free of charge (see page 26). People in hospital may have aids and appliances provided free of charge when they are prescribed as part of in-hospital treatment in a public hospital. VAT paid on certain equipment which

is privately purchased for use by a person with a disability can be reclaimed from Revenue (see page 44).

Private health insurance schemes provide members with cover for a limited number of medical and surgical appliances under their out-patient schemes.

The Assistive Technology Acquisition Grant (ATAG) is an initiative by the National Council for the Blind of Ireland (NCBI). It exists to help reduce the cost of assistive technology for people who are blind or visually impaired. The scheme is monitored for NCBI and advised on by the Visually Impaired Computer Society of Ireland (VICS), vicsireland.org.

Toys for development and play are unlikely to be provided by either by the health service or social services.

Assessments

Depending on the type of equipment required, a qualified therapist assesses your child and makes a recommendation to the body responsible for the provision of the equipment or to the person or agency who has requested the assessment. The assessment process and provision may vary in different parts of the country but the following generally applies:

- **Occupational therapists** assess for aids to daily living – these include items like wheelchairs, beds, mobility aids, specialised chairs, bath, shower and toilet aids, stairlifts and hoists. They also assess applicants for housing grants (see page 79).
- **Physiotherapists** assess for movement, strength and balance training equipment, walking aids and exercise devices.

- **Speech and language therapists** assess for communication, speech therapy, and training aids.
- Other relevant therapists and specialists may also be involved in carrying out assessments, depending on the equipment or appliance required.

Personal assistants

As your child becomes an adult, they may wish to live more independently with the help of a personal assistant (PA). A PA is someone who provides a person with a disability (sometimes referred to as a Leader) with physical assistance to help in all aspects of daily life from personal care and household tasks to assistance in college or the workplace, driving and interpretation.

Personal assistance (PA) services are mainly funded through the HSE and to a lesser extent through Community Employment (CE) schemes. They are currently administered through a number of service providers, such as Centers for Independent Living (CILs), Enable Ireland and the Irish Wheelchair Association. In some parts of Ireland, children's PA services are available through voluntary organisations. Enquire locally to find out what is available.

Your adult child can apply directly to a provider of PA services or through the HSE Disability Services Manager in their **Local Health Office**. See page 82 for more on the Independent Living movement.

Assistance dogs

Assistance dogs is a broad category covering guide dogs for the blind, hearing dogs for Deaf people, helping dogs, and dogs that are trained specially to work with autistic children and their families. You can get more information from Irish Guide Dogs for the Blind (guidedogs.ie).

Sign Language Interpreting Service

If your child needs a sign language interpreter, they can book one through the Sign Language Interpreting Service (SLIS). The agency's customers include members of the Deaf community, the public sector, hospitals, schools, universities, the business community and individual members of the public. Details of charges are published on slis.ie. To book an interpreter, contact SLIS at the address below.

Sign Language Interpreting Service

Hainault House, The Square, Tallaght, Dublin 24.

Tel: (01) 413 9670

Fax: (01) 413 9677


Mobile: 087 980 6996

Email: bookings@slis.ie

slis.ie

Accessibility

Public bodies are required to ensure that the services they provide to the general public are accessible to people with disabilities where practicable and appropriate (under the Disability Act 2005). There is also a statutory *Code of Practice on Accessible Public Services and Information Provided by Public Bodies*, which was developed by the National Disability Authority (NDA). Accessibility of the built environment for people with disabilities is mainly controlled by Part M of the Building Regulations (2000). The underlying philosophy of Part M is to ensure that buildings should be usable by people with disabilities. Under the Equal Status Act 2000 goods and services must be available to people with disabilities on an equal basis. Complaints over unequal treatment can be taken to the Equality Tribunal.



In practical terms, this means that people with disabilities must be able to avail of a service provided by a public body at the same point of access or location, at the same time as everyone else. This means that your child should be able to access, for example, school buildings, public libraries, sports facilities, entertainment facilities and public transport. Private providers of goods and services must also make their services accessible to people with disabilities provided the cost is not excessive. Often only minor changes are needed to make a building or service accessible. If you find it difficult to access a local service, you should contact them and let them know.

See also Chapter 10 and Complaints under the Disability Act.

Travel

Disabled Person's Parking Card

The Disabled Person's Parking Card (also known as the European Parking Card) is for people with severe disabilities, whether they are drivers or passengers. It costs €25 (€50 to replace a lost card) and it applies to the person rather than the car. Card holders can park in disabled parking spaces. The card is for people whose disability affects their mobility, including people who are registered as blind. If you already have a Primary Medical Certificate from the HSE (see page 46), you automatically qualify but must apply. Generally, the card is not issued to anyone under five.

How to apply

The parking card scheme is administered by the Disabled Drivers Association of Ireland and the Irish Wheelchair Association. Apply in writing for an application form, stating your child's disability, their age and how their disability affects their mobility and enclose a stamped addressed envelope. You have to get the form completed

by the gardaí and by your doctor unless you have a Primary Medical Certificate (see page 46).

Disabled Drivers Association of Ireland

Parking Card Section, Ballindine, Claremorris, Co. Mayo.

Tel: (094) 936 4266/4054

ddai.ie

Irish Wheelchair Association

National Headquarters, Áras Chúchulainn, Blackheath Drive, Clontarf, Dublin 3

Tel: (01) 818 6400

Email: info@iwa.ie

iwa.ie

Motorised Transport Grant

The Motorised Transport Grant is a means-tested Health Service Executive (HSE) payment for people in Ireland with disabilities who need to buy a car. They must be over 17. This payment is also for disabled people who need to have a car or other vehicle adapted in order to enable them to drive and, as a result, earn a living.

Travel to school

The Department of Education and Skills provides school transport services for children in Ireland with special needs. Bus Éireann (the state public transport operator) operates the School Transport Service on behalf of the Department. Children who qualify for special transport are those who are enrolled in special schools or special classes in a primary school.

The School Transport Service may not be available in all areas. If it is not available in your area you may be eligible for a transport grant to help with the cost of making private transport arrangements. The transport grant is paid:

- If your child has to be brought to a specific pick-up point to meet a special transport service
- If your child requires a supervised transport service and it is not possible to provide this service
- If there is no special transport service available for a child with special needs who is travelling home from a residential school at the weekend

How to apply

You should apply to the school principal who will contact the school's Special Educational Needs Organiser (SENO). If the SENO is satisfied that your child is enrolled in the nearest suitable school, and that school transport is required, a recommendation will be sent to the School Transport Section of the Department of Education.

If your application for a transport grant has been refused, you are entitled to appeal the decision. You must appeal in writing to the Special Education Section of the Department of Education and Skills.

Companion Free Travel Pass

If your child is blind or visually impaired, they may be entitled to a Companion Free Travel Pass from the Department of Social Protection. With this pass, your child can travel free (alone or accompanied by one other person over the age of 16) on Dublin Bus, Luas, Bus Éireann and Iarnród Éireann services.

How to apply

Apply to the Free Travel Section of the Department of Social Protection or call them on Lo-call 1890 66 22 44 or (071) 919 3313.

Mobility Allowance

The Mobility Allowance is a means-tested monthly payment paid by the Health Service Executive (HSE) to people aged between 16 and 66 who have a disability and are unable to walk or use public transport and who would benefit from a change in surroundings (for example, by financing the occasional taxi journey). There are two rates of payment. The higher rate is only paid to people who do not claim Disabled Drivers and Passengers Tax Relief (see page 45). Mobility Allowance is not paid to people who received a Motorised Transport Grant for three years after the date of the grant.

Air travel

Airlines and tour operators cannot refuse to carry passengers, or to take bookings, on the basis of reduced mobility. This applies only to flights from airports in the EU.

All European airports and air carriers must offer free assistance to anyone with a disability. Certain services like wheelchairs or transport of guide dogs must be provided free of charge, while priority boarding is guaranteed. All staff working at the airport should be trained in disability equality and awareness.

The law also ensures that people cannot be refused bookings or carriage on the grounds of disability, nor can they be charged additional costs for any services provided.

8. Housing

As your child grows, you may need to have physical adaptations made to your home and/or special mobility aids installed. You can get grants to help with the cost of this work.

As your child becomes an adult, they may wish to move out of the family home. Depending on the nature of their disability, and financial position, they may set up home in mainstream housing – by renting or buying in the private market. For some people with disabilities, however, additional supports are needed. This chapter covers local authority accommodation, sheltered housing options, Independent Living, community group homes and residential care.

Adapting your home

Housing Adaptation Grant for People with a Disability

You may qualify for this grant if you need to adapt your house for a child with a disability. The adaptations could include adding on an extra room, making the house wheelchair accessible or putting in a ground-floor bathroom and toilet.

The local authority decides if the proposed work is necessary. The amount of the grant is the full cost of the work (up to a maximum of €30,000) in the case of a rented local authority house or flat, or 90% of the cost (up to a maximum of €30,000) for a private house. Please note that there are often long delays in getting this grant. If the house is less than one year old or if a new house is being built specifically to meet the needs of a person with a disability, a grant of up to €14,500 is available.

Apply to your local authority.

Mobility Aids Grant Scheme

The means-tested Mobility Aids Grant Scheme provides smaller grants. For example, the grant can be used to buy and install grab-rails, a level access shower, access ramps or a stairlift. While it is mainly aimed at older people, you can also use the Mobility Aids Grant to make your home more accessible for your child with a disability. This scheme is administered by the local authorities.

You may qualify for this grant if you are an owner-occupier, a local authority tenant purchaser or a private tenant. It is also available to people living in communal residences or in accommodation provided under the voluntary housing Capital Assistance and Rental Subsidy schemes.

The maximum grant available is €6,000 and may cover 100% of the cost of the work.

You cannot apply for both the Mobility Aids Grant Scheme and the Housing Adaptation Grant for People with a Disability. However, you can withdraw your application for one scheme and submit a new application under the other.

Your household is means tested for the Mobility Aids Grant. This means your total household income is assessed to see if you qualify for the grant and what amount you will get. Your maximum assessed household income must be less than €30,000. The main item in the means test is the annual gross income in the previous tax year of the property owner (or tenant) and their spouse or partner. The following items are then disregarded:

- €5,000 for each member of the household aged up to 18 years

- €5,000 for each member of the household aged between 18 and 23 years and in full-time education or a FÁS apprenticeship
- €5,000 where the person for whom the grant is intended (your child with a disability) is being cared for by a relative on a full-time basis
- Carer's Benefit or Allowance (if the application is made on behalf of the person from whom the grant is intended)
- Child Benefit
- Domiciliary Care Allowance
- Family Income Supplement
- Respite Care Grant

Your application is prioritised based on medical need. Highest priority is given to people who are terminally ill or where alterations/adaptations would facilitate their discharge from hospital. The local authority may look for an occupational therapist's (OT) assessment. You can have this done free of charge by the local authority's own OT but, under the scheme, you can employ an OT privately to carry out an assessment and recoup up to €200 as part of the total grant.

If you intend to pay more than €650 to a contractor to carry out the works, you must get the contractor to submit a Tax Clearance Certificate (TC2 form) to the local authority.

Local authority home improvement loans

If you are an owner-occupier, you may qualify for a local authority loan in order to carry out works to improve, repair or extend your home. This could include works that are necessary to adapt your home for a child with a disability.

A single-income household whose income was below €40,000 in the previous tax year may qualify for a home improvement loan.

For a two-income household, you multiply by 2.5 the gross income (before tax) of the higher earner in the last tax year and then add the gross income of the other earner in the last tax year. To be eligible for a loan, the result should be €100,000 or less.

Local authority housing

Your family or your adult child may wish to apply for local authority accommodation. There is a huge variety in the availability of accommodation suitable for people with various disabilities, and you may have to stay on a waiting list for quite some time until a suitable dwelling becomes available. If you think you or your child may need adapted local authority accommodation in the future you should register with your local authority well in advance (local authorities maintain lists of housing needs for marginalised groups and plan provision accordingly). You can apply to more than one local authority. For example, it is possible to register on a county council list in addition to an urban district council list.

Each local authority draws up its own rules for deciding order of priority on the waiting list. You can get a copy of these rules, called "schemes of letting priorities", from your local authority. Some local authorities operate a points system, whereby each household on the waiting list is given a number of points depending on its circumstances. The greater your housing need, the more points you get. Priority is generally given to families and older people rather than single people or couples without children.

Voluntary social housing

A number of voluntary and community organisations provide housing that is geared towards the special needs of people with various disabilities. This type of housing may include supports – for example key workers and communal facilities like dining rooms. Your child can apply to one of these organisations for housing, but again there may be a long waiting time before a suitable home becomes available.

Residential care

Most children with disabilities live at home. Some families use respite care services; these may last for a few days a couple of times a year or involve a longer stay of weeks or months if needed. Some children who are unable to live at home, perhaps because they have very high care needs, may live in foster homes or in long-term residential care.

Residential care can be in a home run by the HSE, a children's residential centre, a school or other suitable place of residence. The Child Care (Placement of Children in Residential Care) Regulations 1995 state the requirements for the placing of children in residential care and the standards for residential centres which are registered with the HSE.

New draft standards for the safety and wellbeing of children and young people in residential and foster care services were launched for public consultation by the Health Information and Quality Authority (HIQA). The draft standards are grouped under seven headings and cover issues such as quality of life, children's and young people's rights, keeping children and young people safe and protected, and educational, health and social development needs. Information collected from the consultation process will be used to inform the development of the national standards which will be published in late 2010.

Children under 18 do not have to pay for residential care. People aged 18 and over do have to pay. A booklet, *Your Guide to Living in Residential Care*, published by the Irish Association of Young People in Care (IAYPIC), covers all aspects of living in state residential care for young people.

Inspection of residential centres

The Health Information and Quality Authority (HIQA) inspects children's residential centres and special care units run by the Health Service Executive (HSE) as well as children's detention schools and foster care services run by the HSE and private organisations. HIQA does not currently inspect residential services operated by non-statutory or private service providers. When the relevant sections of the Health Act 2007 come into effect, the remit of HIQA will include inspections of both statutory and non-statutory children's residential centres.

Independent living

The Independent Living movement is a social and political movement that aims to change the way in which services are provided and the role that people with disabilities play in society. The philosophy of Independent Living is that of living like everyone else – having control of one's own life, having opportunities to make decisions that affect one's life and being able to pursue activities of one's own choosing, regardless of disability.

The first Irish Center for Independent Living, CIL Carmichael House, was established in 1992 by and for people with disabilities. There are currently 26 centres in Ireland. The most visible service offered by the Irish Centers for Independent Living (CILs) is the personal assistant (PA) service, described in Chapter 7: *Daily life and getting around*.

"Independent Living is not doing things by yourself...it is being in control of how things are done." (Disability activist, Judy Heuman).

9. Rights and decisions

This chapter deals with some legal and financial issues that may arise for you and your child, including access to information, decision making and planning for the future.

Access to personal information

The Freedom of Information Act 1997 gives each person a legal right to access information held about them by public bodies and government departments. You also have a legal right to obtain reasons for decisions affecting you.

In general, everyone is entitled to access to their own health record. Access to health information should be provided administratively but you may need to invoke the Freedom of Information (FOI) Act in some cases.

Parents or guardians can access personal information about a minor (a child under 18), and the FOI Act also allows parents and guardians to access personal information about an adult who is unable to exercise their rights under the Act because of mental incapacity or severe physical disability. The person must be certified by a doctor as being in this category. Access in both cases will only be granted if the head of the public body concerned considers it would be in the best interests of the person concerned.

You should apply in writing to the appropriate service or agency (for example, for hospital records apply to the hospital manager) giving enough information to help in locating your child's files including their date of birth, current and previous addresses, the contacts you and they had with specific services and approximate dates. There is usually no charge for copies of personal records. However, the health agency can charge for photocopying and for copies of x-rays if you need a large number.

Guardianship of children

Guardianship is a legal term that describes the collection of rights and duties of a parent towards a child. It includes the duty to maintain and properly care for the child and the right to make decisions about the child's education, health needs and general welfare. If a child's parents are married, both parents are automatically legal guardians. If the parents are not married to each other, the mother is automatically a guardian but the father must sign a statutory declaration to become a guardian of his child. Parents have a duty to maintain children who are aged over 18 if they are unable to maintain themselves because of a physical or intellectual disability.

It is always very important for a child's guardians to ensure that someone else will act as guardian in the event of their death. It is especially important for the parents of a child with a disability. You can include a paragraph in your will, appointing a friend or family member as guardian to your child (or joint guardian with the surviving parent) in the case of your death. You should talk this over with the person you feel might act as guardian and ensure that he/she consents to being named in your will as a testamentary guardian.

The proposed Mental Capacity Bill will provide for the appointment of personal guardians for people over 18 who lack capacity (as decided by the courts).




The Mental Capacity Bill (published in September 2008) is mainly based on the proposals outlined in the Law Reform Commission *Report on Vulnerable Adults and the Law* and takes account of the requirements of the UN Convention on the Rights of People with Disabilities. We have mentioned where the bill may change the current position on decision making for people with no or limited capacity.

Decision making

Under current law, your rights as parents to make decisions on behalf of your child are the same whether or not your child has a disability. This means that, in general, you have no legal right to make decisions on behalf of your child once they reach the age of 18. In practice, parents of children with intellectual disabilities frequently make decisions on behalf of their adult children. Children under 18 do have the right to make specific decisions. For example, they may validly give consent to medical, surgical and dental treatment from the age of 16 and they may legally engage in sexual activity from age 17.

Although you have no legal right to make decisions on behalf of an adult, the Irish Medical Council has established medical ethics in this area. The *Guide to Professional Conduct and Ethics for Registered Medical Practitioners* states "Disability does not necessarily mean lack of capacity. Any decision you make on intervention or non-intervention in the case of a person with a disability requires their consent. If a person with a disability lacks the capacity to give consent, you should consult their parents, guardians or carers. Where necessary you should consider getting a second opinion before making decisions on complex issues" (Section 5.2). There is no requirement for medical practitioners to follow instructions from family members, merely to consult. There are no guidelines for resolving any disagreement between the parties. The proposed Mental Capacity Bill includes provisions for informal decision making, assisted decision making and substitute decision making, and provides for supervision of the decision makers.

Children with a mental disorder can be admitted to hospital as voluntary patients with their parents' consent under the Mental Health Act 2001 (the law that applies to mental health care and treatment).



In some circumstances children can be detained and treated without their parents' consent but this usually involves an application to the courts. There is a Code of Practice under the Act that sets out procedures if a child is admitted to hospital. (In the Act a child is defined as a person under 18 who is not and has never been married.)

Under present legislation, your child may legally consent to sexual activity (heterosexual or homosexual) from the age of 17. The proposed Mental Capacity Bill will not change the law in relation to such consent. However some people with intellectual disabilities do not have the capacity to consent to a sexual relationship and it may be a criminal offence to engage in sexual activities with such a person.

Financial planning

Some parents choose to make extra financial provision for their child with a disability through a will, a trust or other arrangement. (This may require the advice of a solicitor.) You may wish to ensure that the financial provision you make does not jeopardise your child's entitlements to means-tested supports such as Disability Allowance. Many parents use discretionary trusts to provide for a child with a disability without affecting entitlement to benefits. Inclusion Ireland (inclusionireland.ie) is a good source of information on the various arrangements than you can make. There is also some information on trust funds and deeds of covenant in Chapter 3: *Tax credits and reliefs*.

Most public sector occupational pension schemes, and some private sector schemes, have provisions that allow for pension arrangements for dependent children to continue for the lifetime of a child who is permanently incapacitated. Check with your pension provider to see if this applies in your case.

Wards of Court

If it appears that your adult child is unable to manage his or her assets because of mental incapacity, you (or someone else) can apply to the courts for them to become a Ward of Court. If the court decides that they cannot manage their own property because of mental incapacity, a Committee is appointed to control the assets on their behalf and deal with their personal affairs. The Committee means the person into whose care the ward is committed. The person who makes the application is usually (but not always) the person authorised to act as the Committee. If your child lives in a residential setting, the person who is in charge of that residential home is excluded from being the Committee.

In some cases, a person can be taken into wardship for his or her own protection. This would normally only happen in the case of a person with a mental illness. The intention of the proposed Mental Capacity Bill is to change the current Wards of Court system or replace it with a system of guardianship.

Wardship as a minor

If your child is under 18 years of age (a minor) and is awarded damages by a court, the money is paid into the court and invested on their behalf until they reach the age of 18. In this case, your child is not a Ward of Court. If, however, your child has special housing or care needs, they are taken into wardship as a minor.

If a house is bought for your child, it is registered in their name. When they reach the age of 18, provided they are of full mental capacity, they can apply to the High Court for payment of any funds held on their behalf.

10. Enforcing your child's rights

If you are unhappy about the service you or your child has received or if you feel that you or your child have been unjustly treated when claiming your entitlements, you can complain to the relevant body. In this chapter, we outline the complaints and appeals processes for health services and social welfare payments, and the specific complaints procedure under disability legislation.

If you are not satisfied with the outcome of an appeal, you can contact the Office of the Ombudsman or the Ombudsman for Children which can investigate complaints about certain public services. We also cover the role of the Ombudsman under the Disability Act 2005. You may need the help of an advocate to make a complaint. There are a number of advocates working in advocacy projects around the country, funded by the Citizens Information Board (see page 17). Ask at your local Citizens Information Service (listed in Appendix 2).

Health service complaints

The statutory complaints system for the Health Service Executive (HSE) allows anyone receiving public health or personal social services in Ireland to make a complaint about the actions or failures of the HSE. The complaints system also covers service providers with HSE contracts who provide health or personal social services on behalf of the HSE.

Making a complaint

You may make a complaint about any action of the HSE or a person or organisation providing services on behalf of the HSE that:

- In your view, does not accord with fair or sound administrative practice, and

- Adversely affects you or the person on whose behalf the complaint is made.

You can make a complaint on behalf of your child. You must make your complaint within 12 months of the date of the action you are complaining about or within 12 months of the date you became aware of the action. A complaints officer may extend the time limit in special circumstances.

There are limits to what you may complain about. You cannot complain about a matter that relates solely to the clinical judgment (medical decision) of a person acting on behalf of the HSE or a service provider.

Complaints officers may be appointed by the HSE or by a service provider. They deal with the complaint and make a recommendation. You may then ask for a review of that recommendation and there will be an internal review. Written complaints are acknowledged within five working days and investigated within 30 working days. You will get a written response to your complaint.

How to make a complaint

The HSE has leaflets entitled *Your Service, Your Say* in all health service locations throughout the country. You can make comments and observations on these or you can email such comments to yoursay@hse.ie or use the website hse.ie to register a complaint or comment. The HSE's national information line is 1850 24 1850.

Appeals of HSE decisions

If you have exhausted the health service complaints machinery, you may complain to the Ombudsman or the Ombudsman for Children, even if your complaint is about an action taken by a service provider under an agreement with the HSE (see below).

Social welfare complaints and appeals

Complaints

The Department of Social Protection deals directly with complaints from customers about the service they receive (for example delays, mistakes or other comments on services). You can find out more about making a complaint in the leaflet SW 104, available online at welfare.ie.

Appeals

If you are refused a social welfare payment, such as Domiciliary Care Allowance or Carer's Allowance, or get less than you expected, you can appeal the decision to the Social Welfare Appeals Office. This office operates independently of the Department of Social Protection. You should note that the Appeals Office only deals with what are known as legislative schemes. You can find a list of the schemes which come within the jurisdiction of the Social Welfare Appeals Office on their website, socialwelfareappeals.ie.

If you wish to appeal a decision, you should do so within 21 days. You can use a special form to make your appeal or you can write a letter – the most important thing is to explain your case fully so the Appeals Officer has all the information they need to make a decision.

You should include the following information in your appeal:

- Your name (or your child's name if you are appealing on their behalf)
- Your address
- Your Personal Public Service (PPS) number
- The type of payment you wish to claim
- The decision you are appealing against

- The reasons why you believe the decision is wrong

You can also include the deciding officer's written decision or a copy of it. If you wish to obtain any information or documents used in reaching the decision, you should contact the section of the Department of Social Protection that dealt with your application.

You can get more information about appealing a decision of a social welfare deciding officer in the leaflet SW 56, available from:

The Social Welfare Appeals Office

D'Olier House, D'Olier Street, Dublin 2.

Lo-call: 1890 747 434

Email: swappeals@welfare.ie

socialwelfareappeals.ie

In the case of Supplementary Welfare Allowance (SWA) weekly payment or rent supplement or other supplements, you should first of all appeal to the designated Appeals Officer in the HSE (see *Health service complaints* above for more information on the HSE). If you are still dissatisfied, you can appeal to the Social Welfare Appeals Office. If you are dissatisfied with the outcome of an appeal (to either the HSE or the Social Welfare Appeals Office), you may take your case to the Ombudsman (see below for more information).

Complaints under the Disability Act 2005

Assessment of need complaints and appeals

Section 14 of the Disability Act 2005 provides for an independent complaints system for people with disabilities. You may complain on the following grounds:

- Against a determination that the applicant does not have a disability
- That an assessment was not commenced within three months or was not completed without undue delay
- That an assessment was not conducted in accordance with HIQA Standards
- About the contents of a service statement
- That the HSE or a service provider did not provide a service described in the service statement

Currently (2010), this system applies only to needs assessments for children under five (see page 23) so complaints may be made on their behalf by parents or guardians. Complaints must be made within three months. The complaints officer may dismiss the complaint as frivolous or vexatious but must give reasons in writing for doing this. In many cases, the officer may try to resolve the complaint informally. If this fails or if the issue is not suitable for informal resolution, the complaints officer formally investigates the complaint.

If you are not happy with the result of your complaint you can appeal to the Office of the Disability Appeals Officer (odao.ie). The Disability Appeals Officer provides an appeals service to people who wish to appeal against a finding or recommendation of a complaints officer of the Health Service Executive (HSE) under the Disability Act 2005, or against the failure of the HSE or an education service provider to implement a recommendation of a complaints officer.

Complaints under the Disability Act


You can make a complaint against a public body if they do not comply with the provisions of Sections 25, 26, 27 and 28 of the Disability Act 2005. These sections cover services for people with disabilities. In summary, the sections cover the following:

- Public buildings, by 2015, must comply with accessibility requirements in line with Part M of the Building Regulations.
- Services for persons with and without disabilities should be integrated. Assistance in accessing a service should be provided and there should be at least one Access Officer on the staff to assist and guide people with disabilities in accessing the service.
- Goods and services provided to public bodies should be appropriate as far as is practicable.
- Communication (oral, written or electronic) should be provided in a form that is accessible to persons with hearing or visual impairments. Information for people with an intellectual disability should be easy to understand and in clear language.

If you wish to make a complaint, you need to contact the public body directly with your complaint. The body must investigate your complaint, outline whether there has been a failure by their organisation and, if so, what will be done to ensure future compliance. If you are not satisfied by the response of the public body, you can bring your complaint to the Ombudsman (see below).

The Office of the Ombudsman

The main function of the Office of the Ombudsman is to investigate complaints from members of the public about how they have been treated by certain public services. For example the Ombudsman can examine decisions, refusals to take action and



administrative procedures of public bodies. These services include government departments and offices, the HSE, An Post and local authorities (except for reserved functions – this means functions exercised exclusively by elected members of local authorities). The Ombudsman can investigate issues which have been through the social welfare appeals system.

The Disability Act 2005 also gives the Ombudsman powers to investigate complaints about compliance with Part 3 of the Act. Part 3 of the Act sets out the requirements of public bodies in relation to:

- Access to public buildings
- Access to services
- Accessibility of services supplied to a public body
- Access to information
- Access to heritage sites
- Sectoral plans

Making a complaint

Anyone may complain to the Ombudsman. Generally speaking, you must have exhausted the existing complaints machinery – for example, if you have a complaint about the Department of Social Protection, you should go through the normal appeals process before contacting the Ombudsman. If you wish to make a complaint to the Ombudsman under the Disability Act 2005, you must first put your case to the public body concerned and allow it time to investigate the matter. If your complaint is about the accessibility of public buildings, services, information or heritage sites, your complaint will be investigated by an Inquiry Officer of the public body. If your complaint relates to a

sectoral plan, the sectoral plan will set out information about the complaints procedure to be followed.

You must make your complaint to the Ombudsman as soon as possible. The time limit for making a complaint about a decision or action of a public body is 12 months. Time starts to run from the date the decision is made, or action is taken, or from the date that you become aware that the decision or action occurred.

How to apply

You may make your complaint in writing, by telephone or by email (see the contact details below). You should include any relevant documentation or correspondence.

Office of the Ombudsman

18 Lower Leeson Street, Dublin 2.

Lo-call: 1890 223 030 or Tel: (01) 678 5222

Email: ombudsman@ombudsman.gov.ie

ombudsman.gov.ie

The Ombudsman for Children

If you wish to make a complaint on behalf of a child, you can contact the Ombudsman for Children. This is a statutory office established under the Ombudsman for Children Act 2002. Its main functions are:

- To promote the rights and welfare of children, and
- To investigate complaints made by children or on behalf of children against public bodies, schools and public hospitals.

Under the Act, a child is someone under the age of 18 (except for young people under 18 who are members of the Defence

Forces). The Ombudsman for Children can investigate government departments, the HSE, local authorities, schools, public hospitals and the prison service.

The Ombudsman for Children may investigate on her/his own initiative or as a result of a complaint by a child, a family member or a professional who has dealings with the child. If parents are not making the complaint together, the non-complaining parent must be informed that a complaint is being made.

Before making a complaint to the Ombudsman, you must first use the complaints and appeals machinery of the body against which you have a complaint. If you are not satisfied with the outcome, you can then contact the Ombudsman to make your complaint. The Ombudsman may not investigate complaints where legal proceedings have already commenced.

How to apply

To make a complaint, you should write to the Ombudsman for Children. You should enclose a copy of the letter(s) you sent to the public body and give the reasons why you are not satisfied with the outcome of your complaint. You will be contacted by the Ombudsman for Children who will discuss your complaint with you.

Ombudsman for Children's Office

Millennium House, 52-56 Great Strand Street, Dublin 1.

Freefone: 1800 20 20 20 or Tel: (01) 865 6800

Email: oco@oco.ie

oco.ie

Equality and discrimination

Your child should not be discriminated against on the grounds of their disability. The Equal Status Acts outlaw direct and indirect discrimination on a number of grounds including disability, gender, religion, race and membership of the Traveller community.

There are certain specific provisions in the Acts in relation to education. Under the law, a school may not discriminate in relation to:

- The admission or the terms and conditions of admission of a student
- The access of a student to any course, facility or benefit provided
- Any other term or condition of participation in the school by the student
- The expulsion of a student or any other sanction
- Discrimination on grounds of disability

However some activities do not constitute discrimination. For example schools may make different arrangements for sport for children on the basis of age, gender or disability if these are reasonably necessary. Schools will not be considered to discriminate against a student with a disability if compliance with the provisions of the legislation would have a seriously detrimental effect on or make the provision of services to other students impossible.

In certain circumstances, discrimination on the grounds of disability can occur if a provider does not do all that is reasonable to accommodate the needs of a person with a disability. Where a person with a disability cannot avail of a service without the provision of special treatment or facilities, then the service provider may be required to provide such special arrangements if there is only a nominal cost involved.

Appendix 1: Organisations and supports

We list the addresses of government departments and agencies mentioned in the text in this section. Many of the supports and services for people with disabilities are provided by voluntary organisations, usually with financial support from the Health Service Executive (HSE). A wide range of national and local organisations provide services. There are umbrella organisations for people with physical and intellectual disabilities or autism and support groups for people suffering from particular illnesses. Most of these organisations also campaign for the rights of people with disabilities. There are also a number of organisations that devote themselves exclusively to promoting the rights of people with disabilities. You can find a more detailed list of organisations in the *Directory of National Voluntary Organisations and Other Agencies*, published by the Citizens Information Board.

Citizens Information Services (CISs) around the country provide a free and confidential information service on rights, entitlements, benefits, taxation, local and other information. There is a list of CISs in Appendix 2 and you can also find your local CIS online at citizensinformation.ie.

Citizens Information online citizensinformation.ie

Citizens Information Phone Service

Lo-call: 1890 777 121

Outside Ireland:

+353 21 452 1600

Email: information@citizensinformation.ie

Citizens Information Board

Head Office

George's Quay House

43 Townsend St

Dublin 2

Tel: (01) 605 9000

Email: info@ciboard.ie

citizensinformationboard.ie

Assist Ireland

Citizens Information Board

George's Quay House

43 Townsend Street

Dublin 2

Lo-call: 1890 277 478 or

Tel: (01) 605 9000

SMS: 086 383 7644

Email: support@assistireland.ie
assistireland.ie

Sign Language Interpreting Service

Hainault House, The Square

Tallaght, Dublin 24

Tel: (01) 413 9670

Fax: (01) 413 9677

Mobile: 087 980 6996

Email: bookings@slis.ie

slis.ie

Money Advice and Budgeting Service (MABS)

MABS National Development Ltd

2nd Floor

Commercial House

Westend Commercial Village

Blanchardstown

Dublin 15

Tel: (01) 812 9500

mabs.ie

Government departments and agencies

Central Applications Office (CAO)

Tower House
Eglinton Street
Galway
Tel: (091) 509 800
cao.ie

Department of Education and Skills

Marlborough Street, Dublin 1
Tel: (01) 889 6400
education.ie

Visiting Teacher Service

Regional Office
Midlands Region
Friar's Mill Road
Mullingar, Co Westmeath
Tel: (044) 933 7000
Lo-call: 1890 40 20 40

Home Tuition Unit

Special Education Section
Cornamaddy
Athlone, Co Westmeath
Tel: (090) 648 3755

Department of Social Protection

Information Services
Social Welfare Services Office
College Road
Sligo
Lo-call: 1890 66 22 44
welfare.ie

Carer's Benefit/Allowance Section

Social Welfare Services Office
Ballinalee Road
Co. Longford
Lo-call: 1890 927 770
Tel: (043) 334 0000

Child Benefit Section

Social Welfare Services Office
St Oliver Plunkett Road
Letterkenny
Co Donegal
Lo-call: 1890 400 400
Tel: (074) 916 4400

Domiciliary Care Allowance Section/Free Travel Section

Social Welfare Services Office
College Road, County Sligo
Lo-call: 1890 500 000
Tel: (071) 915 7100

Health Service Executive (HSE)

Oak House
Millennium Park
Naas
Co Kildare
Tel: (045) 880 400
Callsave: 1850 24 1850

hse.ie

See page 107 below for a list of
Local Health Offices

FÁS (the National Training and Development Authority)

Head Office
27-33 Upper Baggot Street
Dublin 4
Tel: (01) 607 0500
Email: info@fas.ie

fas.ie

Health Information and Quality Authority (HIQA)

Head Office
Unit 1301
City Gate
Mahon
Cork
Tel: (021) 240 9300
Email: info@hiqa.ie

hiqa.ie

National Council for Special Education

1-2 Mill Street, Trim
Co. Meath
Email: policy@ncse.ie
ncse.ie

National Disability Authority

25 Clyde Road
Dublin 4
Tel: (01) 608 0400
Email: nda@nda.ie
nda.ie

National Employment Rights Authority (NERA)

O'Brien Road
Carlow
NERA Information Service
Lo-call: 1890 80 80 90
Tel: (059) 917 8800
employmentrights.ie

Office of the Disability Appeals Officer

1st Floor, Dolcain House
Monastery Road
Clondalkin
Dublin 22
Lo-call: 1850 211 583
Tel: (01) 461 4211
odao.ie

Office of the Ombudsman

18 Lower Leeson Street
Dublin 2

Lo-call: 1890 223 030

Tel: (01) 639 5600

Email: ombudsman@ombudsman.gov.ie
ombudsman.gov.ie

Ombudsman for Children

Millennium House,
52-56 Great Strand Street
Dublin 1

Freephone 1800 20 20 40

Lo-call: 1890 654 654 or

Tel: (01) 865 6800

Email: oco@oco.ie
oco.ie

Revenue Commissioners

Central Telephone Information
Service

PAYE Lo-call

Dublin: 1890 333 425

East and South East:
1890 444 425

South West: 1890 222 425

Border Midlands West:
1890 777 425

revenue.ie

Social Welfare Appeals Office

D'Olier House
D'Olier Street

Dublin 2

Lo-call: 1890 74 74 34

Email: swappeals@welfare.ie
socialwelfareappeals.ie

Special Education

Support Service (SESS)

c/o Cork Education Support
Centre

The Rectory

Western Road

Cork

Tel: 1850 200 884

Email: info@sess.ie
sess.ie

Voluntary organisations

AHEAD (Association for Higher Education Access and Disability)

East Hall, UCD
Carysfort Avenue
Blackrock, Co Dublin
Tel: (01) 716 4396
Email: ahead@ahead.ie
ahead.ie

Barnardos

Christchurch Square
Dublin 8
Tel: (01) 435 0355
Email: info@barnardos.ie
barnardos.ie

Brothers of Charity Services

National Secretariat
Kilcornan House
Clarinbridge
Co. Galway
Tel: (091) 796 623
brothersofcharity.ie

Central Remedial Clinic

Vernon Avenue
Clontarf, Dublin 3
Tel: (01) 854 2200
Email: info@crc.ie
crc.ie

Centers for Independent Living (CILs)

Carmichael House,
North Brunswick Street
Dublin 7
Tel: (01) 873 0455
Email: info@dublincil.org
dublincil.org

Cheshire Ireland

Central Office
Block 4, Bracken Business Park
Bracken Road
Sandyford Industrial Estate
Dublin 18
Tel: (01) 297 4100
Email: info@cheshire.ie
cheshire.ie

COPE Foundation

Bonnington
Montenotte
Cork
Tel: (021) 464 3100
Email:
headoffice@cope-foundation.ie
copefoundation.ie



**Cystic Fibrosis Association
of Ireland**

CF House
24 Lower Rathmines Road
Dublin 6
Lo-call: 1890 311 211
Email: info@cfireland.ie
cfireland.ie

DeafHear.ie

35 North Frederick Street
Dublin 1
Tel: (01) 817 5700
Minicom: (0)1 817 5777
Fax: (01) 878 3629
Email: info@deafhear.ie
Text messages: (0)1 878 3629
deafhear.ie

**Disability Equality Specialist
Support Agency (DESSA)**

Fumbally Court
Fumbally Lane
Dublin 8
Tel: (01) 416 3548
Email: info@desa.ie
desa.ie

Disability Federation of Ireland

Fumbally Court
Fumbally Lane, Dublin 8
Tel: (01) 454 7978
Email: info@disability-federation.ie
disability-federation.ie

**Disabled Drivers Association
of Ireland**

Ballindine
Claremorris
Co Mayo
Tel: (094) 936 4266/4054
Email: info@ddai.ie
ddai.ie

Down Syndrome Ireland

Citylink Business Park
Old Naas Road, Dublin 12
Tel: (01) 426 6500 / 426 6501
Lo-call: 1890 374 374
downsyndrome.ie

Enable Ireland

32F Rosemount Park Drive
Rosemount Business Park
Ballycoolin Road
Dublin 11
Tel: (01) 872 7155
Email: communications@enableireland.ie
enableireland.ie

Inclusion Ireland

Unit C2
The Steelworks
Foley St
Dublin 1
Tel: (01) 855 9891
Email: info@inclusionireland.ie
inclusionireland.ie

Irish Association of Supported Employment (IASE)

3 Broadhaven House
Lower Barrack Street
Belmullet, Co Mayo
Tel: (097) 82894
Email: info@iase.ie
iase.ie

Irish Association of Young People in Care (IAYPIC)

6 Red Cow Lane
Smithfield
Dublin 7
Tel: info@iaypic.ie
Email: (01) 872 7661
iaypic.ie

Irish Autism Action

41 Newlands
Mullingar
Co. Westmeath
Tel: (044) 933 1609
Autism helpline: 1890 818 518
(7pm - 10pm)
Email: kevin@autismireland.ie
autismireland.ie

Irish Autism Society

Unity Building
16/17 Lower O'Connell Street
Dublin 1
Tel: (01) 874 4684
autism.ie

Irish Deaf Society

30 Blessington St
Dublin 7
Tel: (01) 860 1878
Fax: (01) 860 1960
Email: info@irishdeafsociety.ie
irishdeafsociety.ie

Irish Guide Dogs for the Blind

Model Farm Road
Cork
Lo-call: 1850 506 300
Tel: (021) 487 8200
Email: info@guidedogs.ie
guidedogs.ie



Irish Wheelchair Association

National Headquarters

Áras Chúchulainn

Blackheath Drive

Clontarf

Dublin 3

Tel: (01) 818 6400

Email: info@iwa.ie

iwa.ie

**National Council for the Blind
in Ireland (NCBI)**

Whitworth Road

Drumcondra, Dublin 9

Lo-call: 1850 33 43 53

National Technical Support

Number: 1850 92 30 60

Email: info@ncbi.ie

ncbi.ie

**National Federation of
Voluntary Bodies**

Oranmore Business Park

Oranmore, Galway

Tel: (091) 792 316

Email: info@fedvol.ie

fedvol.ie

**St John of God Hospitaller
Services**

Provincial Administration

Stillorgan,

Co. Dublin

Tel: (01) 277 1500

Email: communications@sjog.ie

sjog.ie

St Michael's House HQ

Ballymun Road

Dublin 9

Tel: (01) 884 0200

Email: info@smh.ie

smh.ie

HSE Local Health Offices

CARLOW

Carlow Local Health Office

Carlow Community Care
Athy Road
Carlow, Co. Carlow
Tel: (059) 913 6520

CAVAN

Cavan Local Health Office

Community Care Offices
Lisdaran
Cavan, Co. Cavan
Tel: (049) 436 1822

CLARE

Clare Local Health Office

16 Carmody Street Business Park
Ennis
Co. Clare
Tel: (065) 686 3480

CORK

Cork City

North Lee Local Health Office
Abbeycourt House
George's Quay
Cork City, Co. Cork
Tel: (021) 496 5511

South Lee Local Health Office

Abbeycourt House
George's Quay
Cork City
Tel: (021) 496 5511

Mallow

North Cork Local Health Office
Gouldshill House
Mallow, Co. Cork
Tel: (022) 22220

Skibbereen

West Cork Local Health Office
Coolnagarrane
Skibbereen, Co. Cork
Tel: (028) 21722

DONEGAL

Donegal Local Health Office

Ballybofey
Co. Donegal
Tel: (074) 913 1391

DUBLIN

Co Dublin

Dun Laoghaire Local Health
Office
Tivoli Road
Dun Laoghaire
Tel: (01) 284 3579

Dublin 2

Dublin South City
Local Health Office
Carnegie Centre
21-25 Lord Edward Street
Dublin 2
Tel: (01) 648 6500

Dublin 5

North Dublin Local Health Office
Cromcastle Road
Coolock
Dublin 5
Tel: (01) 816 4200

Dublin 6

Dublin South East
Local Health Office
Vergemount Hall
Clonskeagh
Dublin 6
Tel: (01) 268 0300

Dublin 7

North West Dublin
Local Health Office
Rathdown Road
Dublin 7
Tel: (01) 882 5000

Dublin 9

Ballymun Civic Offices
Dublin 9
Tel: (01) 846 7000

Dublin 10

Dublin West Local Health Office
Cherry Orchard Hospital
Ballyfermot
Dublin 10
Tel: (01) 620 6300

Dublin 12

Dublin South West
Local Health Office
Old County Road
Crumlin
Dublin 12
Tel: (01) 415 4700

GALWAY**Galway Local Health Office**

Community Services
25 Newcastle Road
Galway City
Tel: (091) 523 122

KERRY**Kerry Local Health Office**

18-20 Denny Street
Tralee, Co. Kerry
Tel: (066) 712 1566

KILDARE

Kildare/West Wicklow Local Health Office

Poplar House
Poplar Square
Naas, Co. Kildare
Tel: (045) 876 001

KILKENNY

Kilkenny Local Health Office

Kilkenny Community Care
Headquarters
James's Green
Kilkenny
Tel: (056) 778 4600

LAOIS

Laois/Offaly Local Health Office

Health Centre
Dublin Road
Portlaoise, Co. Laois
Tel: (057) 86 21135

LIMERICK

Limerick City

Limerick Local Health Office
31-33 Catherine Street
Limerick City
Tel: (061) 483 286 and 483 287

North Tipperary/East Limerick Local Health Office

Holland Rd
Plassey
Limerick City
Tel: (061) 464 063

LONGFORD

Longford Local Health Office

Health Centre
Dublin Road
Longford, Co. Longford
Tel: (043) 50169

LOUTH

Louth Local Health Office

Community Care Offices
Dublin Road
Dundalk, Co. Louth
Tel: (042) 933 1194

MAYO

Mayo Local Health Office

County Clinic
Castlebar, Co. Mayo
Tel: (094) 22333

MEATH

Meath Local Health Office

Community Care Offices
County Clinic
Navan, Co. Meath
Tel: (046) 902 1595

MONAGHAN

Monaghan Local Health Offices

Community Care Offices
Rooskey, Co. Monaghan
Tel: (047) 30400

OFFALY

Laois/Offaly Local Health Office

Health Centre
Arden Road
Tullamore, Co. Offaly
Tel: (057) 93 41301

ROSCOMMON

Roscommon Local Health Office

Community Services
Roscommon, Co. Roscommon
Tel: (090) 663 7500

SLIGO

Sligo/Leitrim/West Cavan Local Health Office

Community Services
Markievicz House
Sligo, Co. Sligo
Tel: (071) 915 5100

TIPPERARY

**South Tipperary
Local Health Office**
Western Road
Clonmel, Co. Tipperary
Tel: (052) 22011

WATERFORD

Waterford Local Health Office
Cork Road
Waterford City
Tel: (051) 842 800

WESTMEATH

Westmeath Local Health Office
Health Centre
Longford Road
Mullingar, Co. Westmeath
Tel: (044) 93 40221

WEXFORD

Wexford Local Health Office
Grogan's Road
Wexford, Co. Wexford
Tel: (053) 912 3522

WICKLOW

Wicklow Local Health Office
Glenside Road
Wicklow, Co. Wicklow
Tel: (0404) 68400

Appendix 2: Citizens Information Services

DUBLIN

Ballyfermot CIS

Ballyfermot Community Civic
Centre, Ballyfermot Road,
Dublin 10
Tel: (01) 620 7181

Blanchardstown CIS

Westend House, Westend
Office Park, Snugborough Road
Extension, Blanchardstown,
Dublin 15
Tel: (01) 822 0449

City Centre (Dublin) CIS

13A Upper O'Connell Street,
Dublin 1
Tel: (01) 809 0633

Clondalkin CIS

Luke Cullen House, Unit 2,
Oakfield Industrial Estate, 9th
Lock Road, Clondalkin, Dublin 22
Tel: (01) 457 9045

Crumlin CIS

146 Sundrive Road, Crumlin,
Dublin 12
Tel: (01) 454 6070

Dublin 246 CIS

Montague Court,
7-11 Montague Street,
Dublin 2
Tel: (01) 405 3760

Dublin 8 and Bluebell CIS

90 Meath Street,
Dublin 8
Tel: (01) 473 4671

Dublin City North Bay CIS

2 Sybil Hill Road, Raheny,
Dublin 5
Tel: (01) 805 8574

Dublin North West CIS

Unit 7, Finglas Village,
Dublin 11
Tel: (01) 864 1970

Dun Laoghaire/Rathdown CIS

85-86 Patrick Street,
Dun Laoghaire, Co Dublin
Tel: (01) 284 4544

Fingal (North County) CIS

Unit 26, Swords Plaza, Fingal,
Co Dublin
Tel: (01) 840 6877

Northside CIS

Northside Civic Centre, Bunratty
Road, Coolock, Dublin 17
Tel: (01) 867 4301

Tallaght CIS

512 Main Street, Tallaght,
Dublin 24
Tel: (01) 451 5887

CARLOW**Co Carlow CIS**

St Catherine's Community
Centre, St Joseph's Road, Carlow
Town
Tel: (059) 913 8750

CAVAN**Co Cavan CIS**

Townhall Place, Townhall Street
Cavan
Tel: (049) 433 2641

CLARE**Co Clare CIS**

Bindon Lane
Bank Place, Ennis
Tel: (065) 684 1221

CORK CITY AND COUNTY**Cork City Centre and South
County CIS**

80 South Mall, Cork
Tel: (021) 427 7377

Cork City (North) CIS

Harbour View Road, Portacabin
beside Community College,
Knocknaheeny
Tel: (021) 430 2301

**Cork North and
East County CIS**

61 Lower Patrick Street, Fermoy
Tel: (025) 32 711

West Cork County CIS

Wolfe Tone Square, Bantry
Tel: (027) 52 100

DONEGAL**Co Donegal CIS**

Public Service Centre, Blaney
Road, Letterkenny
Tel: (074) 919 4281

GALWAY CITY AND COUNTY**Galway CIS**

Augustine House, St Augustine
Street, Galway City
Tel: (091) 563 344

KERRY

Co Kerry CIS

4 Bridge Lane, Tralee

Tel: (066) 712 3655

KILDARE

North Kildare CIS

Derroon House, Dublin Road,
Maynooth

Tel: (01) 628 5477

South Kildare CIS

Room 5, Parish Centre Station
Road, Newbridge

Tel: (045) 431 735

KILKENNY

Kilkenny CIS

4 The Parade, Kilkenny

Tel: (056) 776 2755

LAOIS

Co Laois CIS

27 Main Street, Portlaoise

Tel: (057) 862 1425

LEITRIM

Co Leitrim CIS

Bridge Street, Drumshanbo

Tel: (071) 964 0995

LIMERICK CITY AND COUNTY

Limerick CIS

54 Catherine Street,

Limerick City

Tel: (061) 311 444

LONGFORD

Co Longford CIS

Level One, Longford Shopping
Centre, Longford Town

Tel: (043) 41 069

LOUTH

Co Louth CIS

4 Adelphi Court, Long Walk,
Dundalk

Tel: (042) 932 9149

MAYO

Co Mayo CIS

Cavendish House, Link Road,
Castlebar

Tel: (094) 902 5544

MEATH

Co Meath CIS

1 Brews Hill, Navan

Tel: (046) 907 4086



MONAGHAN

Monaghan CIS

23 North Road, Monaghan Town

Tel: (047) 82 622

OFFALY

Co Offaly CIS

Level One, Bridge Centre,

Tullamore

Tel: (057) 935 2204

ROSCOMMON

Co Roscommon CIS

18 Castle View, Castle Street,

Roscommon Town

Tel: (090) 662 7922

SLIGO

Co Sligo CIS

8 Lower John Street, Sligo

Tel: (071) 915 1133

TIPPERARY

Co Tipperary CIS

34-35 Croke Street, Thurles

Tel: (0504) 22 399

WATERFORD CITY AND COUNTY

Waterford CIS

37 Yellow Road, Waterford City

Tel: (051) 351 133

WESTMEATH

Co Westmeath CIS

St Mary's Square, Athlone

Tel: (090) 647 8851

WEXFORD

Co Wexford CIS

28 Henrietta Street, Wexford

Tel: (053) 914 2012

WICKLOW

Co Wicklow CIS

Unit 3 & 4, The Boulevard,

Quinsboro Road, Bray

Tel: (01) 286 0666

Glossary

Advocacy is a means of empowering people by supporting them to assert their views and claim their entitlements and, where necessary, representing and negotiating on their behalf.


Assistive technology is any item, piece of equipment or product system that is used to improve functional capabilities of people with disabilities.

Capacity means the ability to understand the nature and consequences of a decision in the context of available choices at the time the decision is to be made.

Community care and **personal social services** are services designed to enable people to remain living in their communities, especially when they have difficulties doing so because of illness, disability or age. People with disabilities are entitled to avail of the range of community care services. In many cases, they have priority in access to the services.

Disability, as defined in the Disability Act 2005, means a substantial restriction in the capacity of a person to carry out a profession, business or occupation in the State, or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment. People with a disability entitled to services in Part 2 of the Disability Act 2005 are those with a "substantial restriction" which is permanent or likely to be permanent, results in significant difficulty in communication, learning or mobility or in significantly disordered cognitive processes and requires that services be provided continually to the person whether or not a child, or, if the person is a child, that services be provided in early life to ameliorate the disability.

Early Intervention Team is a support service for children from birth to age six with childhood developmental delay or disabilities.




Educational psychologists are qualified teachers who have additional training as psychologists. Educational psychologists help children who find it difficult to learn to understand and communicate with others. They can assess your child's development and provide support and advice.

GPs (general practitioners) are family doctors who work in the community. They deal with your child's general health and can refer you on to clinics, hospitals and specialists when needed.

Habitual Residence Condition: Habitual residence means you have a proven close link to Ireland. If you have lived in Ireland all your life, you will probably have no difficulty showing that you satisfy the factors which indicate habitual residence. These factors are:

- Your main centre of interest, based on facts such as:
 - Whether you own or lease a home here,
 - Where your close family members live,
 - Whether you belong to social or professional associations here, and
 - Any other evidence or activities indicating a settled residence in Ireland.
- The length and continuity of your residence in Ireland or other parts of the Common Travel Area.
- The length of and reason for any absence from Ireland. For example, you can spend time on short holidays, studying or travelling outside of the Common Travel Area and still be regarded as habitually resident here.
- The nature and pattern of your employment, if any.
- Your future intention to live in Ireland as it appears from the evidence.

Intellectual disability is generally diagnosed when a person has greater than average difficulty in learning. A person is considered



to have an intellectual disability when their general intellectual functioning is significantly below average, significant deficits exist in adaptive skills (or everyday life skills) and the condition is present from childhood (eighteen years or less). Different terms have been used over the years but intellectual disability or learning disability are the most common terms used.


Interdisciplinary team is a team of professionals representing different fields of expertise – for example paediatricians, occupational therapists, physiotherapists, speech and language therapists, social workers, psychologists, and childcare staff. By co-ordinating their assessment of a child, an interdisciplinary team provides a comprehensive picture of the child's strengths and needs.

Learning support is the help given to children who may lag behind other children in school perhaps because of learning difficulties, behavioural problems or undiagnosed disability.

Learning support teachers give extra teaching to children who may have difficulty with the curriculum. Learning support is designed to help children with learning difficulties to succeed at school.

Local Health Offices are administrative centres for community health and personal social services. There are 32 around Ireland. Health centres deliver services directly to individuals – for example public health nurses are based in health centres. All Local Health Offices are listed on pages 107-110.

Occupational therapists (OTs) help people who have a disability (physical, psychological or social) to live as independently as possible. They work with children to develop physical or learning skills, using special play equipment. OTs can give advice about modifications or adaptations to your home that will help your child move about as independently as possible.



Paediatricians are doctors who specialise in working with babies and young children.

Personal social services (see page 115)

Physiotherapists specialise in physical and motor development. They can assess your child and develop a plan that might include helping your child control their head movement, sit, crawl or walk. They can work with parents on exercises that can be done at home and can show parents how best to lift their child.


Reasonable accommodation is any action that helps a person with a disability avail of a service. Under equality legislation discrimination can occur if a provider or employer does not do all that is reasonable to accommodate the needs of a person with a disability (see also page 97).

Relevant tax year, for social welfare purposes, is the second last complete tax year before the year in which your claim is made. So, for claims made in 2010, the relevant tax year is 2008.

Resource teachers give individual support to pupils with low incidence special needs, such as hearing impairment, visual impairment and autistic spectrum disorders.

Respite care refers to care for a person with a disability to allow their main carer to take a temporary break from caring.

Social workers work with individuals and groups experiencing social and emotional difficulties including people with disabilities. They may help you deal with practical issues such as your entitlement to services and they may also liaise with other professionals, such as psychologists, doctors, childcare workers and gardaí. They may also offer counselling and help facilitate support groups. In some areas families may be assigned a **key worker**. A key worker acts as a



point of contact for your family and helps co-ordinate services from different areas, including health, education and social services.

Special educational needs is the term used to describe a child who needs more help than other children to participate in and benefit from education because of a disability.

Special Educational Needs Organisers (SENOs) deal with applications for teaching and other supports for children with special educational needs (see also page 57).

Special needs assistants (SNAs) work with children who need non-teaching support perhaps because of a physical disability or behavioural difficulties. Pupils' needs could range from needing an assistant for a short period each week – for example, to help feed or change the pupil(s) or bring them to the toilet – to requiring a full-time assistant. SNAs may work with more than one child and can also work on a part-time basis depending on the needs of the school.

Special needs education means the educational arrangements that are in place for children with special educational needs. Special needs education is provided in mainstream settings as far as possible. Children who have been diagnosed with a disability may get special needs assistance from **resource teachers** and perhaps other specialists such as **speech and language therapists** or **educational psychologists**.

Speech and language therapists are health professionals who specialise in communication development and disorders and, sometimes, associated eating and swallowing difficulties.

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Entitlements for children with disabilities

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