**JOINT COMMITTEE ON**

**PUBLIC SERVICE OVERSIGHT AND PETITIONS**

**WEDNESDAY 23rd SEPTEMBER 2015**

**STATEMENT BY SECRETARY GENERAL**

**DEPARTMENT OF HEALTH**

**Introduction**

This is my first appearance before the Joint Committee on Public Service Oversight and Petitions and I am very happy to be invited by the Committee to do so.

I am aware of the Committee’s continuing interest in the issues which have arisen in relation to the Mobility Allowance and I hope to update the Committee on the progress underway in developing new legislative proposals.

The Committee is very familiar with the circumstances around the closure of the Mobility Allowance and Motorised Transport Grant schemes. By way of reminder I will only provide a short synopsis to put today’s discussions in context.

I will then speak about developments underway, after which I would be very happy to answer questions.

**Background to Schemes**

The Mobility Allowance was established in 1979 as an administrative scheme by way of Departmental circular.

The Mobility Allowance was payable by the HSE (and previously the Health Boards), subject to a means test, to persons with a severe disability who were between 16 and 65 years old and unable to walk or use public transport.

The monthly full rate of Mobility Allowance was €208.50. At the time the scheme was closed there were 4,700 recipients, at an annual cost of €9.3m.

Since the closure of the scheme, the Government has directed that the HSE should continue to pay an equivalent monthly payment to these 4,700 individuals, pending the establishment of a new Transport Support Scheme.

The Motorised Transport Grant, established in 1968, was also an administrative scheme. It operated as a means-tested grant to assist a person with a severe disability with the purchase or adaptation of a car, where that car was essential to retain employment. The maximum grant was €5,020, payable once to an individual in any three-year period. In recent years, more than 300 people received a grant each year, at an estimated cost of €1.3m per annum.

As the Committee is aware, the Government decided to close the Motorised Transport Grant scheme in February 2013 and no further grants have been payable since this date.

However, it is important to note that the Disabled Drivers and Disabled Passengers scheme operated by the Revenue Commissioners remains in place. This scheme provides VRT and VAT relief, an exemption from road tax and a fuel grant to drivers and passengers with a disability who qualify under the relevant criteria set out in the governing regulations made by the Minister for Finance.

**Ombudsman’s Findings**

In 2012, the then Ombudsman recommended that the Department of Health revise both schemes to make them compliant with the Equal Status Acts, by removing the upper age limit and using a broader definition of disability in respect of eligibility for both schemes.

These recommendations raised significant issues of a legal, financial and practical nature, particularly as regards extending eligibility to a significantly wider cohort.

**Government Response**

With continuing pressure on public expenditure, including the Health budget, the Government came to the conclusion that such an extension of either scheme would have implications for the protection of front-line health services and would be unsustainable.

A Review Group on Transport Supports for People with Disabilities and an Inter-Departmental Group, which was chaired by the Department of An Taoiseach, were established.

On foot of the Inter-Departmental Group’s work the Government decided that the detailed preparatory work required for a new Transport Support Scheme and associated statutory provisions should be progressed by the Minister for Health, in consultation with other relevant Ministers.

In making the decision to establish a new Scheme, the Government’s focus has been on those in most need, who have least resources available to them.

**Current Position**

In line with the Government Decision, the Department of Health has been working to develop policy proposals for a new Transport Support Scheme. These proposals seek to ensure that:

* There is a firm statutory basis to the Scheme’s operation
* There is transparency and equity in the eligibility criteria attaching to the Scheme
* Resources are targeted at those with the greatest needs
* The Scheme is capable of being costed and it is affordable on its introduction and on an on-going basis.

Following detailed policy analysis the Minister of State, Kathleen Lynch TD, provided policy guidance to officials which has allowed for the drafting of a General Scheme and Heads of Bill for the new Transport Support Scheme. This General Scheme and Heads of Bill has now been completed in draft form and is currently subject to detailed legal examination. This is a very important stage given the complex legal issues which have arisen in the operation of previous arrangements. The proposals will also be the subject of consultation with other relevant Departments, in particular the Department of Social Protection which was previously identified as having a potential role in the issuing of payments under a new Scheme. In finalising proposals it will also be necessary to estimate both the numbers likely to qualify for payment and the likely overall cost, as well as securing the necessary funding in the event that additional costs arise.

The clear instruction from Government is that eligibility criteria for the Transport Support Scheme must focus on those with the greatest need and who have least resources available to them. The position as articulated in the Ombudsman’s reports about the inequitable nature of the abolished schemes remains valid and must be addressed under any new arrangements. However, to make the eligibility criteria for the Scheme very broad, opening up newer categories of eligibility, the effects of which are difficult to estimate, would carry major budgetary implications. Competing demands within the Disability budget and elsewhere must be considered - for issues such as therapies for children; day services for young adults leaving school; and the need to improve other supports for people with a disability.

Therefore, the focus in the Department has been very much on the identification of appropriate criteria which will benefit those facing the greatest challenges, while taking account of the group who have continued to receive the payment and who, it must be acknowledged, have come to rely on that payment.

These considerations continue to be at the centre of the Department’s efforts to find a solution which is fair, financially affordable and legally sound.

The very real needs in this area are recognised. If one takes the case of an individual who uses a large customised wheelchair which cannot be accommodated on public transport, and if that individual is not in a position to easily transfer to a standard seat in a car, there is a real issue of cost attaching to their transport. Additionally, if this individual is in receipt of a very low income, such costs could restrict their access to transport and participation in important activities.

An added issue to be addressed is the treatment of the 4,700 people who are currently in receipt of payment under the previous Mobility Scheme. As mentioned, payments continue to be made to this group, on an interim basis, in order to prevent hardship and allow time to deal with the complex issues which have arisen through no fault of recipients. This is important in alleviating stress, anxiety and uncertainty among a vulnerable group in society.

Whatever the criteria that are settled on for the new Scheme, we will also seek to address the needs of current recipients. Again, this adds complexity to the definition of eligibility criteria from a legal and drafting perspective but the proposals to be put to Government will seek to take account of this group.

The proposals will also provide for a transparent and objective appeals process which deals fairly and sensitively with applicants.

In the coming weeks we plan to submit the draft General Scheme to Government once the legal examination and consultation with other relevant Departments are complete. It will be a matter for Government to determine the precise policy which should underpin the General Scheme to be published and I cannot pre-empt what the outcome of these considerations will be.

The approval of a General Scheme and Heads of Bill by the Government will be followed by publication and pre-legislative scrutiny by the Oireachtas Health and Children Committee.

While I am limited in how precise I can be on the nature of the final proposals in advance of their determination by Government, I do want to assure members of the priority attaching to this issue. Delivering on the objective of finalising appropriate and equitable criteria for the new Scheme, while taking account of the group who continue to receive payment, has been demanding. It has been subject to considerable input across Government. I believe the current year has seen considerable progress achieved in the Department in developing detailed and concrete proposals which will now be subject to wider scrutiny.

I would also like to reassure the Committee that the Department has stayed in touch with the Ombudsman Mr. Peter Tyndall on this matter and I envisage updating him shortly about developments. The Review Group and Inter-Departmental Group were also assisted to a considerable extent by the National Disability Authority, who I have been assured remain available to assist as and when required.

**Conclusion**

In summary, the Department is working to develop a solution which will meet the aim of contributing towards the transport or mobility needs of those in greatest need and with the least resources, within whatever funding level is available. There is an unusual degree of complexity attaching to the issues. I fully acknowledge the protracted period since the problems with the Mobility Scheme were first highlighted. However, I believe significant progress has now been achieved. I look forward to completion of this work shortly. This will allow the Minister to bring proposals to Government in the coming weeks and for the process of Oireachtas scrutiny to commence.

I welcome any questions or comments from Committee members and I thank you again for the opportunity to meet with you today.