

Submission to the Department of Communications, Climate Action & Environment on Pay by Weight Bin Charges

This joint submission is made to the Department of Communications, Climate Action and Environment (DCCA) on behalf of six disability, caring and condition specific organisations to set out our views on the Department's proposals to introduce a Pay-by-Weight system of waste collection¹. It follows the engagement which took place between representatives of the Department², the Irish Waste Management Association (IWMA) and disability, caring and condition specific groups during 2016, and is intended to inform any future discussion on the formulation of an incentivised pricing system for household waste collection. The submission specifically focuses on four areas:

1. Response to the Department/IWMA's proposal to introduce an allowance for households providing incontinence care
2. Legislative requirements underpinning Government policy initiatives
3. Core principles underpinning a fair system of waste collection charges
4. Practical issues for consideration.

1. Response to the Department/IWMA's proposal to introduce an allowance for households providing incontinence care.

In April 2016 following requests from a number of organisations, the Department invited representatives from the disability, caring and condition specific sectors to an initial meeting to discuss the proposed Pay-by-Weight charges due to come into effect on July 1st. A further meeting took place at the Department's offices in Wexford on June 2nd. During this meeting the Department and the IWMA presented a proposal for addressing the increased bin charges that would be incurred by households where incontinence products are used and disposed of³. In summary the Department and IWMA proposed:

- The introduction of an allowance for households where incontinence care is provided.
- Persons receiving incontinence products through the HSE's Public Health Service would be eligible for the allowance. Figures provided by the HSE to the Department showed that on average families receive 3 incontinence pads per day.
- Under the proposal the waste collection company would allocate an allowance to each family based on the saturated weight of three incontinence pads. The household's waste collection bills will be reduced by this amount.
- The waste collection companies would recoup the cost of this allowance from a levy applied to all other households.

While we welcomed the Department's commitment to ensuring that the needs of people who are incontinent would be addressed in the roll-out of pay by weight charges, and believe such an acknowledgement in itself sends a positive message to these families, we are deeply concerned with certain aspects of the proposal, which we expressed during and after the meeting. Our concerns related to:

- **Issues relating to data protection:** Does the HSE have the authority to share sensitive information relating to incontinence with private waste collection companies? Even if data

¹ Disability Federation of Ireland; Family Carers Ireland; Alzheimer's Society of Ireland; Irish Wheelchair Association; Spina Bifida and Hydrocephalus Ireland; MS Ireland.

² Meeting which took place during 2016 were with representatives of the Dept. of Environment.

³ The proposal presented had yet to be approved by members of the IWMA. The IWMA was due to meet on June 16th 2016 to discuss the proposal.

protection legislation allows for this how will families react to such personal information being shared?

- **Restricting eligibility to only persons receiving incontinence wear through the HSE:** By restricting eligibility for the allowance to only those receiving incontinence wear through the HSE, the Department are ignoring a very significant cohort of people who pay for incontinence wear privately. It is also the case that the allocation of pads allowed by the HSE does not meet the actual needs of patients.
- **Restricting access to holders of a Medical Card:** The provision of incontinence products through the HSEs Public Health Service is subject to eligibility criteria, the most basic of which is that the person must be a Medical Card holder. This means that the proposal to use the HSEs incontinence database as an identifier of households eligible for an 'Incontinence Allowance', would mean only households who satisfy the means test/medical assessment for a Medical Card will be eligible.
- **Proposal will lead to an increase in demand:** It is likely that the introduction of a waste collection allowance that is only available to HSE clients, will lead to an increase in demand for HSE provided incontinence wear, as people who had previously paid privately will now register to receive their products from the HSE. In recent years we have seen numerous cases in the media reprimanding the HSE for cuts to incontinence wear when they did not have the resources to meet demand. It is likely similar instances will arise as demand for publicly provided incontinence wear surges.
- **Application of an 'Incontinence Levy':** The model proposed by the Department/IWMA is based on a social solidarity model, where the public will cover the cost of the incontinence allowance through the imposition of a levy. While we are not opposed to solidarity in itself, it is unfair that the public alone are expected to cover the costs resulting from failures to ensure sufficient safeguards were in place to prevent such issues arising. We are also concerned with how such a levy will be interpreted by the public, who may well be strongly opposed to paying it.
- **Sustainability of the proposal:** The proposal is based on the goodwill and acceptance of IWMA members. Even if the proposal is accepted on June 16th, what measures will be in place to ensure the uniform application or long term sustainability of the proposal? What, if anything will be done for customers of waste collection companies who are not members of the IWMA?

Representatives from the disability, caring and condition specific sectors received no further notice of this proposal following Minister Coveney's announcement on June 21st that Pay-by-Weight charges would be delayed until June 2017.

2. Legislative requirements that underpin Government policy initiatives.

- (i) Disability Impact Assessment: The Cabinet Handbooks requires that all substantive Memoranda for Cabinet should indicate the impact on people with disabilities.
- (ii) Disability Act 2005: The Disability Act requires that public bodies ensure that:
 - Section 26 (1) (a) where practicable and appropriate, ensure that the provision of access to the service by persons with and persons without disabilities is integrated
 - Section 26 (1) (b) where practicable and appropriate, provide for assistance, if requested, to persons with disabilities in accessing the service if the head is satisfied that such provision is necessary in order to ensure compliance with paragraph (a)
 - Section 27 (1) Where a service is provided to a public body, the head of the body shall ensure that the service is accessible to persons with disabilities

- (iii). Equal Status Acts 2000-2015: These Acts prohibit discrimination in provision of goods and services covering nine grounds including disability. They require service providers to provide reasonable accommodation where without these it would be impossible or unduly difficult for a person with disabilities to avail of the goods and services, unless this would cost more than a nominal cost.