



## **Balancing the Care Gap: Submission to the Joint Committee on Gender Equality**

Family Carers Ireland

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## Summary of key points:

- (i) The report of the Citizen's Assembly demonstrates not only the immense contribution of carers across Ireland, but also the gendered nature of care. While we have seen some advances in recent years, we have not yet seen adequate measures to rebalance the gendered nature of care, or for care work to be better recognised, valued and supported for both male and female carers.
- (ii) *Family Carers Ireland* welcomes the recommendation of the Citizens Assembly to replace Article 41.2 with wording that is not gender specific and obliges the State to take reasonable measures to support care within the home. The reform of Article 41.2 is not only an opportunity to remove an archaic reference to a woman's place in the home, but is also a means of introducing long-overdue recognition of the contribution and public good realised by family carers, both men and women.
- (iii) *Family Carers Ireland* recommends that the rewording of Article 41.2 be used as an opportunity to define in the Constitution where the ultimate responsibility for care should lie. We also believe that in its obligation to support family carers the State include within the statutory home support scheme a right to a minimum 20 days per year of respite and the right to a Family Carer Needs Assessment.
- (iv) *Family Carers Ireland* acknowledges the practical challenges involved in the rewording of Article 41.2, not least of which is the need to balance a meaningful recognition of care work against the possible implications on exchequer funding. Rather than propose wording we believe the re-worded Article should enshrine explicit recognition of the value of unpaid care provided by both men and women; recognition of the range of caring relationships and family types; obliges the State to support those providing unpaid care and to respect a person's right to balance care with paid employment.
- (v) More proactive efforts are needed to promote employment and attract workers to the homecare sector. This includes calls for domestic or care work to be included as an eligible category in the issuing of work permits; an equal approach to the terms and conditions, including pay and travel for all home care workers and more flexibility within the social welfare system to support casual work.
- (vi) While welcome, the changes to the Carer's Allowance income and capital disregards announced in Budget 2022 do not go far enough to extend the protection of the scheme to all fulltime family carers who warrant financial support. We believe the time has come to reconsider the classification of Carer's Allowance as a social assistance payment and the subsequent restrictions this imposes on family carers.
- (vii) We welcome the recommendations made by the Commission on Pensions which reflect the proposals submitted by *Family Carers Ireland* to the Commission both in written and oral form in February and March 2021. We understand that a decision on whether these recommendations will be accepted by Government is due by the end of March 2022 and we seek the Committee's support in bringing them to fruition.
- (viii) It's deeply concerning that family carers have no entitlement to any time away from their caring role and that rather than increase over recent years, respite provision has actually fallen. We welcome Governments the €10m secured in 2021 towards respite, however, the amount sought does not address the latent unmet need for respite which the Department of Health's *Capacity Review to 2032* suggests requires an investment of €16 to €20m annually.
- (ix) Finally, a number of important channels, not named in the report of the Citizen's Assembly, may prove useful in helping to achieve some of the Assembly's recommendations, including a refreshed National Carer's Strategy, EU Directive on Work-Life Balance for Parents and Carers, the Commission on Care and the Assisted Decision-making (Capacity) Act 2015 due to be commenced in June 2022.

## Introduction

*Family Carers Ireland* welcomes the opportunity to submit our views to the Joint Committee on Gender Equality as part of the Committee's examination of the recommendations made by the Citizens' Assembly. The report of the Citizen's Assembly demonstrates not only the immense contribution of unpaid carers across Ireland, but also the gendered nature of care. While we have seen some advances in supports for carers over recent years, we have not yet seen adequate measures to rebalance the gendered nature of care work, or for care work to be better recognised, valued and supported for both male and female carers. This submission focuses on one of the three constitutional recommendations made by the Citizens Assembly, namely the rewording of Article 41.2 as an opportunity to recognise care within the home and wider community as a critical public good. The submission goes on to provide a brief overview of *Family Carers Ireland's* position in relation to four of the Assembly's recommendations relating to care and concludes by identifying a number of important policy frameworks, not named in the report of the Citizen's Assembly, but which may prove to be a useful channel through which to achieve some of the Assembly's recommendations.

### **Gendered nature of care**

Almost 13% of Irish people (approximately 500,000) aged over 15 years provide care in the home<sup>1</sup> and in doing so *Family Carers Ireland* estimate save the State some €20bn in avoided health and social care costs each year<sup>2</sup>. The majority of carers in Ireland are women (61%); over half of all carers (52.7%) are between the ages of 40 and 59, with the age group 50-54 accounting for almost 15 per cent of carers. Approximately half of all carers (53%) also juggle their caring responsibilities with paid employment<sup>3</sup>.

Across the three care-related social protection schemes the vast majority of recipients are women, ranging from 77 per cent of claimants receiving Carer's Allowance to 83 per cent of those on Carer's Benefit. This is at odds with Census figures which show just under 40 percent of carers are men. This leads to the assumption that while a significant number of men identify as a family carer, the bulk of fulltime caring work is undertaken by women.

### *Carers in receipt of Social Welfare*

Scheme	Total	Men	Women
Carers Benefit	3,514	593	2,921 (83%)
Carers Allowance	90,934	20,795	70,139 (77%)
Carers Support Grant	115,381	22,543	92,838 (80%)

*Figures are at end of January 2022*

According to the latest EU Gender Equality Index, not only do female carers outnumber men, care is also provided in gendered ways<sup>4</sup>. Women provide more demanding and intensive forms of daily caring than men, such as bathing and dressing, care with incontinence and walking, and with complex tasks including dressing changes, assistance with medical equipment and the administration of prescription medication. Men's contribution, on the other hand, is much more likely to be concentrated in care management or household maintenance, shopping or transportation<sup>5</sup>. The Gender Equality Index shows that the unequal distribution of care and domestic responsibilities between women and men remains among the most problematic areas in the EU in terms of gender equality

A 2019 study '*Caring and Unpaid Work in Ireland*' undertaken by the ESRI and the IHREC also found evidence of the highly gendered nature of caring<sup>6</sup>. The study, which used European Quality of Life Survey data between 2002 and 2016, found that:

<sup>1</sup> CSO Irish Health Survey 2019.

<sup>2</sup> Estimate calculated by applying the 38.7 average weekly hours of care identified in Census 2016 and an hourly replacement value of €20.

<sup>3</sup> Census of Population 2016

<sup>4</sup> European Institute for Gender Equality, 2020.

<sup>5</sup> file:///C:/Users/Clare%20Duffy/Downloads/Eurocarers-Gender-dimension-of-infomal-care%20(1).pdf

<sup>6</sup> Russell, H., Grotti, R., McGinnity, F. & Privalko, I. (2019). *Caring and Unpaid Work in Ireland*. Dublin: ESRI.

- there is a significant and persistent imbalance between men and women with regard to caring. 45% of women and 29% of men provide care for others on a daily basis and on average women spend double the time of men on caring. This substantial gender gap persists even among men and women doing the same amount of paid work.
- the majority (55%) of those providing unpaid care juggle their caring responsibilities with paid employment.
- between 2007 and 2011 the time spent caring by men rose, but this returned to 2007 levels in 2016, suggesting this was a response to the economic shock of the recession rather than an underlying shift in behaviour.
- Ireland has the third highest weekly hours of unpaid work for both men and women across the EU, reflecting the relatively low State involvement in support for caring. This places Ireland more in line with Southern and Eastern European Countries, rather than Scandinavian and Western EU States.

The report suggests a number of policy implications including the need for changes in policies that reconcile care and employment; the introduction of measures to encourage greater male participation in care and the need to address the clear connection between caring responsibilities in the home and gender inequality in the labour market. Without greater equality in the provision of care in the home, greater gender equality in the labour market is unlikely. Therefore, a redistribution of care responsibilities between men and women, as well as between the family and the State, is critical to achieve gender equality.

#### **Article 41.2**

*Family Carers Ireland* welcomes the Assembly's recommendation that Article 41.2 of the Constitution be deleted and replaced with language that is not gender specific and obliges the State to take reasonable measures to support care within the home and wider community. The reform of Article 41.2 is not only an opportunity to remove a discriminatory reference to a woman's place in the home, but is also a means of introducing long-overdue recognition of the immense contribution and public good realised by family carers, both men and women. *Family Carers Ireland* make two important recommendations with regard to how this proposed change would be implemented:

#### ***(i) Constitutional responsibility for care***

The rewording of Article 41.2 offers a unique opportunity to define in the Constitution where the ultimate responsibility for care should lie. We believe that there would be overwhelming support in Ireland for a system which locates primary responsibility with the family with a secondary duty on the State to support this endeavour in specific ways (as well as acting as a provider of last resort where the family is unwilling or unable to meet the need)<sup>7</sup>. We believe that this would be the most sustainable approach in social and well as financial terms.

#### ***(ii) Obligation on the State to support family cares***

We believe that people who take on significant caring responsibilities should have certainty that basic supports will be provided if required; that services will be in place to help them maintain their own health and wellbeing and that they will be able to work and have a life of their own alongside their caring role. We are encouraged by the deliberation of the Citizens Assembly members in relation to Article 41.2 and their ultimate decision to include wording that would impose stronger obligations on the State to support care within the home and community. This is timely given work underway in relation to the creation of a statutory home support scheme which will give adults of all ages an entitlement to home support where they are assessed as in need of support. *Family Carers Ireland* are calling for the legislation underpinning the statutory home support scheme to include two important provisions for family carers (i) a minimum annual entitlement to 20 days respite for fulltime family carers in line with the statutory leave afforded to paid employees and (ii) access to a Carer Needs

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<sup>7</sup> The other two main options in Europe are (i) the state taking lead responsibility ahead of the family and (ii) the state refusing to accept any role in supporting the family in fulfilling their caring responsibilities.

Assessment which will enable carer advocates to support family carers to identify their needs and make positive changes in their lives.<sup>8</sup> Furthermore, as a mark of recognition for carers, we are calling for the publication of a fully-funded, refreshed National Carers Strategy as committed to in the PfG<sup>9</sup>.

### **General Principles**

*Family Carers Ireland* acknowledges the practical challenges involved in the rewording of Article 41.2, not least of which is the need to balance a meaningful recognition of care work against the possible implications on exchequer funding. At its simplest, the reworded Article could preserve the existing acknowledgment of the value of care in the home for the common good by substituting a more neutral term e.g. family/carers for the problematic reference to women. At this point however, rather than articulate proposed wording for Article 41.2 we set out below the general principles we believe the re-worded Article should enshrine:

- Explicit recognition of the value of unpaid care provided by both men and women in the home and wider community;
- Recognition of the range of caring relationships and family types;
- Recognition of care provided outside of the home and unpaid care work in the community more broadly, all of which are of significant benefit to the society as a whole;
- An obligation on the State to support those providing unpaid care, including practical supports such as homecare, housing, transport and financial supports.
- Respect a person's right to balance care with paid work and create and improve employment supports, work life balance policies and tax reliefs for caring households.
- Respect a person's right to cease caring

### **Recommendations on Care**

Seven of the 45 remaining recommendations put forward by the Citizen's Assembly relate specifically to family carers and reflect the priority issues that *Family Carers Ireland* has lobbied for over many years. We are heartened to see early progress in relation to a number of these recommendations, notably changes to the income disregard for Carers Allowance and initial work to address the long-standing pension anomaly affecting carers. However, much more needs to be done. The following section provides a brief overview of FCI's position in relation to the Assembly's recommendations on care. In order to respect the Committee's request to adhere to a six-page limit, we have focused on four of these recommendations.

- (i) Recommendation 4:** *Improve the terms and conditions of those in paid employment as carers (a) They should have a pay structure and benefits (including sick pay and pensions) that reward their level of skill and training, similar to those of teachers and nurses. (b) They should have a career structure, including access to training and professional registration, which enables them to progress in their chosen area.*

The quality of home care is more dependent on the quality of front-line care workers than any other factor. For this reason, *Family Carers Ireland* as an employer of homecare workers and an advocate acting on behalf of family carers is doubly concerned with quality of employment as fundamental to developing and sustaining a quality care system. There is currently a homecare crisis due to a severe shortage of homecare workers, caused in part by the poor terms and conditions that characterise the sector. The delivery of the statutory home support scheme is dependent on having access to a skilled pool of homecare workers available across the country. Even before the scheme is launched, the acute shortage of homecare workers is having a detrimental effect on the sector, with homecare providers

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<sup>8</sup> A Family Carers Need Assessment pilot is currently being undertaken by the HSE in CHO2. FCI use the Carer's Outcome Star – an internationally recognized outcomes-based tool for supporting and measuring change when working with carers.

<sup>9</sup> FCI received assurances that the National Carers Strategy would be refreshed and published as a matter of priority in 2021, however this has not materialized.

frequently unable to deliver funded home support due to a lack of staff. This is not limited to rural communities, but is increasingly experienced in towns and cities. *Family Carers Ireland* is calling for proactive efforts to be made by Government to promote employment and attract workers to the sector. This has included a call for domestic or care work to be included as an eligible category in the issuing of work permits by the Department of Jobs, Enterprise and Innovation. Consideration is also needed with regard to:

- an equal approach to the terms and conditions, including pay and travel for all home care workers, including those employed by the HSE and non-statutory providers.
- recognition of the precarious nature of care work.
- the intersection between care work and social protection schemes, including anomalies relating to the 4 out of 7-day rule i.e. person can claim a partial Jobseekers if they work less than 3 days per week. However, a homecare worker who works one hour for four or five days per week cannot.
- the different skill levels required within the homecare workforce and the opportunity to reconfigure the delivery of support based on the complexity of a clients needs. Homecare workers could then be compensated based on skills levels and have a clear career pathway.
- the creation of a register of homecare workers.
- policies to promote gender balance and attract more male care workers to the sector.

**ii. Recommendation 5: Reform Carers' Allowance by:** (a) Increasing the level of the income disregard. (b) Reimbursing the costs associated with caring. (c) Increasing the ceiling on the number of hours in paid work outside the home. (d) Providing access to State employment and training programmes.

- ***Income and Capital Disregards for Carers Allowance***

For many years FCI has lobbied for an increase to the income and capital disregards applied to Carer's Allowance in line with average industrial earnings<sup>10</sup>. We therefore welcome the announcement in Budget 2022 that both disregards will increase from June 2022. While the changes will benefit some 45,000 carers currently on a reduced rate Carer's Allowance and many more who may now become eligible, it does not go far enough. Under the current means-testing regime, a carer who is part of a couple who has a total, gross household income of less than €37,500 will qualify for a full rate Carers Allowance. The amount of Carers Allowance payable is reduced up to €61,000 where the weekly amount is as little as €4. Under the new means-test, households with a gross income of less than €42,000 will be eligible for full rate Carers Allowance with eligibility for a reduced rate up to approximately €66,000. These are by no means well-off families after rent/mortgage, cost of living and costs of caring are factored in (see point below).

While FCI has taken a more cautious approach in calling for income disregards to be increased, many family carers feel strongly that the means-test for Carer's Allowance should be abolished, making the scheme available to anyone who provides fulltime care to a person who has satisfied a robust medical assessment. An alternative view held by some is that carers applying for Carer's Allowance, most often women, should be assessed on their individual means rather than that of their partner.

- ***Costs of Caring***

Because the assessment of means for Carer's Allowance is applied to gross rather than net income and does not consider mortgage repayments, dependent children, college fees, Fair Deal contributions, medical costs, etc., the assessment does not reflect the reality faced by many caring families. These families may appear relatively financially comfortable based on their gross income, but are struggling to make ends meet when living expenses and the cost of care are deducted. In a report due to be published over the coming weeks, the Vincentian Partnership for Social Justice calculates the costs of a Minimum Essential Standard of Living for a household caring for a child with a profound intellectual disability to be €752.49 per week. This is an additional €243.95 when compared to a two-parent household with an adolescent child without additional caring and disability needs. The report

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<sup>10</sup> As committed to in Towards 2016.

goes on to show that even with the full range of financial carer supports provided, the income of lower income families is still inadequate to meet minimum needs.

- ***Need for a review of Carer's Allowance***

The expectation that carers provide fulltime care – at least 35 hours each week to those medically assessed as in need of fulltime care - for just €16 more than basic social welfare rates is untenable. In fact, of the 91,000 carers receiving Carers Allowance, almost half receive a reduced rate due to other means, and are therefore likely to receive even less than the basic rate. Family Carers Ireland are calling for an overhaul of the Department's approach to family carers and a re-framing of carer income supports. Carer's Allowance is classified under legislation as a 'social assistance' payment characterised by the imposition of a means test and the application of the Habitual Residence Condition. While Family Carers Ireland accepts the logic of the categorisation of Carer's Allowance as a Social Assistance payment on the basis that it is neither PRSI based nor universal, it is increasingly clear that this classification does not recognise the uniqueness of family carers within the social welfare system and as such is hampering efforts to make the scheme accessible to genuine full-time carers who we believe should qualify.

- ***18.5 hour ceiling***

Part-time work is critical in allowing carers to retain a foothold in the labour market while contributing to their social insurance record, protecting their future pension entitlement and protecting their mental health and wellbeing as well as providing essential household income. Under existing rules, a carer cannot work or study more than 18.5 hours per week if they receive Carers Allowance, Carers Benefit or the Carer Support Grant. This includes work or study that is carried out at home, or on a voluntary basis. Where a carer is found to have exceeded the 18.5 hour ceiling sanctions are applied, with the carer likely to lose their payment and issued with a repayment demand. Imposing a strict limit on the number of hours an unpaid carer can work or study, disproportionately affects women, who make up the vast majority of social welfare carer schemes. It locks them into long-term welfare dependency, contributes to pension disadvantage and reinforces the gender pay gap.

**iii. Recommendation 6:** The State should develop an individualised pension solution for carers to ensure they have an adequate income once they reach retirement age.

For many years *Family Carers Ireland* has lobbied for an equitable State Pension system that recognises rather than penalises family carers, and values their immense contribution in the same way we value social insurance 'contributions' paid through PRSI. We therefore welcome the PfG commitment to address the long-standing pension anomaly affecting long-term family carers, the majority of whom are women and the subsequent recommendations contained in the Report of the Commission on Pensions. These recommendations reflect the proposals submitted by *Family Carers Ireland* to the Commission on Pensions both in written and oral form in February and March 2021. We understand that a decision on whether these recommendations will be accepted by Government is due by the end of March 2022 and we seek the Committee's support in bringing them to fruition.

**iv. Recommendation 7:** Improve respite provision for carers by: (a) Increasing the level of the Carers' Support Grant in the next Budget and keeping it under review to ensure it keeps pace with other increases in social protection payments. (b) Providing adequate access to a range of respite services to meet individual needs.

- ***Respite provision***

Respite has been identified as one of the most necessary and effective strategies to preserve and improve the well-being and quality of life of family carers.<sup>11</sup> It is therefore deeply concerning that family carers have no entitlement to any time away from their caring role and that rather than increase

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<sup>11</sup> Lund DA, Utz R, Caserta MS, Wright SD. Examining what caregivers do during respite time to make respite more effective. *Journal of Applied Gerontology*. 2009;28(1):109–131. doi: 10.1177/0733464808323448. [Google Scholar].

over recent years, respite provision has actually fallen. Family carers and carer advocates scored Government progress in relation to the provision of respite as 'Regressive' in FCIs Family Carer Scorecard 2021.<sup>12</sup> *Family Carers Ireland* believes full-time family carers should have a right to at least 20 days respite each year, in line with the statutory entitlement afforded to other workers and are calling for this to be included in the statutory homecare scheme legislation. We are also calling for a national audit and mapping of respite provision to be undertaken to establish the availability of respite for children, adults and older people across the country. At present, due to the multiple use and rotation of residential beds (i.e. a 'bed in a residential centre can be used for multiple uses including short-term respite, rehabilitation, transitional care arrangements and longer-term residential stays) as well as the reduced capacity brought about due to the regulation of residential centres by HIQA, it is not known how many respite places or beds are available within the healthcare system.

*Family Carers Ireland* welcome the €10m investment towards respite care secured in 2021 however, the amount sought does not address the latent unmet need for respite. The Capacity Review to 2032 suggests that €16m to €20m is needed annually to meet the unmet need for respite in 2017 but with latent unmet need this is likely to be significantly higher.

- **Increase the Carer's Support Grant**

The Carer's Support Grant is an annual payment of €1,850 made to fulltime family carers. It is not means-tested so is received by some 21,000 fulltime family carers who do not qualify for either Carer's Allowance due to the means-test or Carer's Benefit due to the PRSI requirement. For these carers, it is the only financial recognition from the State of the fulltime care they provide. Budget 2021 increased the value of the grant from €1,700 to €1,850. *Family Carers Ireland* unsuccessfully called for the grant to be increased to €2,000 in Budget 2022 and more recently made a public appeal to Government to increase the grant by €300 as part of their package of supports to offset the spiralling cost of living. An outstanding PfG commitment is to extend eligibility for the Carer's GP Visit Card to include carers in receipt of the Carers Support Grant, rather than limit it to only those in receipt of Carer's Allowance and Carer's Benefit as is currently the case.

**Channels through which to achieve some recommendations not named by the Citizen's Assembly:**

A number of important channels exist through which some of the recommendations of the Citizen's Assembly could be achieved, however these were not noted in the Assembly's report, namely:

- **Refreshed National Carer's Strategy:** The actions contained within Ireland's first National Carers' Strategy, published in 2012 have been exhausted, however Government has renewed its committed to review and update the Strategy during the term of this Government (PfG, p.76). We urge the Committee to support our calls to have the Strategy published as a matter of priority.
- **EU Directive on Work Life Balance for Parents and Carers:** The EU Directive on Work Life Balance for Parents and Carers, due to be transposed into Irish law in August 2022, includes important provisions to support family carers in the workplace including the right to at least 5 days Carer's Leave each year and the right to request flexible working. We have called for the Directive to be interpreted as ambitiously as possible, including a minimum of 5 days 'paid' Carer's Leave and policies to encourage a more balanced sharing of care between male and female workers.
- **Commission on Care:** The pandemic has accelerated the need for a renewed focus on our health and social care systems, and has given us an opportunity to reassess the value we place on informal care – which is timely given the significant long-term care challenges that lie ahead. With between 80-90 per cent of care in the community provided by family and friends, it is imperative that the Commission on Care, as committed to in the PfG, is established and its terms of reference include an examination of the role, reliance and recognition of family carer's.

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<sup>12</sup> <https://familycarers.ie/media/2370/family-carers-ireland-family-carer-scorecard-2021.pdf>

- **Assisted Decision-Making (Capacity) Act 2015:** A number of the recommendations of the Citizens Assembly relate to older people and persons with a disability being enabled to participate fully in decisions relating to their care and to have their will and preference respected. These principles are at the heart of the Capacity Act due to be commenced in June 2022. While *Family Carers Ireland* welcomes the commencement of the Act there are a number of practical considerations with which we are concerned, including the Circuit Courts ability to meet the level of demand projected by the DSS itself with regard to the assigning of Decision-Making Representatives (DMR) and the unequal treatment of family members who assume the role of DMR when compared to those assigned by the Court from a professional panel who will be reimbursed for their time.