

July 2004



# Submission

to the

# Consumer Strategy Group

## Introduction

The primary function of Comhairle is the provision of information, advice and advocacy in the broad area of the social services. Comhairle also has a number of other functions including:

*“To support, promote and develop the provision of information on the effectiveness of current social policy and services and to highlight issues which are of concern to users of those services”*

In carrying out this function, Comhairle relies heavily on feedback, based on social policy reports, on the needs and experiences of users of the Citizens Information Centres (CICs) and Citizens Information Phone Service (CIPS).

CICs and CIPS report queries with a social policy dimension to Comhairle where they are analysed and used as the basis for policy submissions and reports. During 2003, the CICs registered 564,217 queries and the CIPS 41,307. Of these 605,524 queries, 1,154 were deemed by CICs and CIPS to have social policy implications and were reported to Comhairle in separate social policy records.

In CIC Survey 2003, the four largest categories of queries were issues relating to Social Welfare (30% of all queries), Employment (13%), Health Services (9%) and Health Board Payments (7% ).

Issues specifically recorded as consumer issues were 3% of the 1,154 social policy returns in 2003. However consumer issues are a feature of all social policy returns.

## Comhairle Strategic Plan 2003 to 2006

Strategic priorities governing Comhairle's work from 2003 to 2006 are documented in the Comhairle Strategic Plan;

### ***1. Produce and publish high quality integrated information on social and civil services***

Comhairle's core business is information production. The emphasis on integrated information highlights Comhairle's role as the key agency responsible for sourcing and integrating information on social and civil services from a wide range of providers and sources. The information is then made available in an independent and impartial manner.

### ***2. Promote and support the delivery of information, advice and advocacy on social and civil services to the public***

The second priority area for Comhairle is making the integrated information, identified in the first strategic priority, available to members of the general public. The routes and channels through which the information is made available must be effective and accessible to meet the varying needs of

individuals and communities from information to advice and advocacy services

**3. Influence policy developments by highlighting the concerns of service users as to the effectiveness of social and civil services.**

The third strategic priority sets out Comhairle's role and capacity to gather feedback on social policy matters from the users of information services, and the analysis and presentation of this feedback to the relevant Ministers and providers of services.

**4. promote accessibility to information, advice and advocacy and heighten public awareness of social and civil services.**

The fourth priority sets out Comhairle's approach to improving the public's access to information, advice and advocacy services and to increasing the awareness of social and civil services. The priority aims to improve access to services for all individuals, including people with a disability, by providing information in a range of formats and through co-ordinated channels.

## **Consumer Strategy Group Briefing Paper**

In the Consumer Strategy Group Briefing Paper, '**Questions that may help guide you**' there are three areas of particular relevance to the work of Comhairle. These are:

1. Access
2. Advice and support
3. Redress.

### **1. Access**

In a society where many are still socially excluded it is often not enough to merely provide information. Comhairle has responded in a number of ways to improve access to information and in the process access to entitlements and services.

#### **Accessible Information**

Comhairle is presently working on a set of guidelines for the content and delivery of accessible information. It is hoped that these guidelines will be useful to all organisations producing and delivering information to the public.

Information provision can be seen as a continuum that includes information, advice and advocacy. The guidelines concentrate on four elements that are important to improving the accessibility of information:

- Ensuring that *written information* is accessible means presenting information in a way or in a format that is easily used and understood.
- Taking account of how people receive *face-to-face* information so that it is welcoming and accommodating of people's needs, disabilities or backgrounds.

- Understanding the *complexity* of many people's information needs and responding to them by providing responsive services that take account of the information continuum of information-advice-advocacy.
- *Taking information out* to the groups that experience barriers in accessing information. This could be through partnerships with representative organisation and advocacy groups, advocacy or outreach schemes, for disabled people, Travellers, refugees and asylum seekers, homeless people, people living in institutions etc.

A Report: Research into Equal Access to Information and Services, Guidelines on Removing Barriers and Improving Access to Information for Everyone and Summary Guideline Sheets will be published by Comhairle during 2004.

### **Advocacy**

Some people have more difficulty than others in enforcing their rights and accessing their entitlements. Some voluntary organisations including Citizens Information Centres currently provide advocacy services for people who are unable, for whatever reason, to pursue the issue themselves.

Comhairle presently has specific responsibility for supporting the provision of advocacy services for people seeking social services. Advocacy services, in this context can range from helping people to fill out forms, making phone calls or writing letters on behalf of people, helping to make a case for appeal to representing a person at an appeal. The advocate does not provide legal representation.

Comhairle sees advocacy as a key part of the continuum or process between providing information and using that information to obtain entitlement to consumer rights and social services.

## **2. Advice and Support**

### **Information / Advice Channels**

Comhairle supports the provision of information, advice and advocacy to the public through the Oasis website, the Citizen Information Phone Service and through the network of Citizens Information Centres.

The **OASIS website**, [www.oasis.gov.ie](http://www.oasis.gov.ie), provides frontline information on public services for use by the general public

**The Citizens Information Phone Service** provides easy access by telephone and e-mail to information and advice on the broad range of social services.

**Citizen Information Centres** provide one-to-one impartial and comprehensive information on all aspects of entitlements to the public in about 100 locations around Ireland

Comhairle also supports the **Money, Advice and Budgeting Service (MABS)**, through information provision and training.

Continued promotion of these services, through various media campaigns and by word of mouth is vital so that people are aware of the availability of free, confidential and accurate information through all these channels.

### **Publications**

Comhairle provides a wide range of resources for Information providers booklets and leaflets to ensure that the public and information givers alike have access to accurate, up to date and comprehensive information on rights and entitlements. These include publications like; *Entitlements for People with Disabilities*, *Information for School Leavers* and *Where to Complain*.

Comhairle's monthly journal, **Relate**, is available on subscription and on the website. It provides an update on legislation and developments in the broad social services and social policy areas.

The **EU Supplement** is published quarterly with Relate and provides updates on relevant EU developments.

### **The Consumer Portal**

In conjunction with the Department of Enterprise Trade and Employment, Comhairle is undertaking a project to develop a consumer portal within the current Oasis (On-line Access to Service, Information & Support) website. Comhairle already has some consumer information available on both Oasis and the CIDB (Citizens Information Database).

The aim of the Consumer Portal is to extend the breadth and scope of the information, to provide a one stop shop for those seeking information on consumer related matters. The portal will combine expertise and information from a wide range of stakeholder organisations which include the Department of Enterprise Trade and Employment, the Office of the Directorate of Consumer Affairs, Comhairle and the Financial Services Regulatory Authority. With assistance from these groupings, Comhairle will produce, publish and host this information. It is hoped that a first phase of the project will be launched at the end of 2004 and subsequent phases in 2005.

### **Social Policy**

Social Policy returns from Citizens Information Centres and the Citizens Information Phone Service to Comhairle document the difficulties which clients encounter in dealing with social and civil services. In 2003 the cases specifically listed under consumer issues related, in the main to:

- a. Insurance
- b. Banking Services
- c. Legal Services
- d. Discrimination (specifically against travellers, immigrants and asylum seekers, older people and people with disabilities)

There is evidence of particular difficulties for vulnerable groups, in particular travellers, immigrants and asylum seekers, older people and people with disabilities.

Issues specifically recorded by CICs as consumer issues were 3% of the 1,154 social policy returns in 2003. A representative sample of the consumer case studies documented by CICs and sent to Comhairle as social policy reports during 2003 is included as an appendix to this document.

### **3. Redress**

#### ***Where to Complain***

Comhairle published the third edition of *Where to Complain* in January 2002. An updated and extended version is presently being edited and will be published shortly. The booklet states: "Citizens, consumers, customers and clients all have rights, not just to services but also to certain standards in the delivery of those services. This booklet is a guide to ensuring that you get the services to which you are entitled and that you know how to go about getting redress if you do not get those services or if you do not get the appropriate standard of service."

Most of the services dealt with in the guide are public services but information on the various complaints mechanisms and appeals procedures which exist for clients of professional people and users of major private sector services such as construction, banking and insurance are also included.

Under Comhairle's social policy remit we compile a Pre Budget Submission every year based on the key areas where customers and callers to the CICs and CIPS are having difficulties with services. In every Pre Budget Submission of the last five years Comhairle has recommended an extension of appeals mechanisms to public services not already covered.

In Pre Budget Submission to Budget 2004 we state that "Comhairle regards statutory independent complaints and appeals machinery as an essential requirement of a customer focused public service. As well as formal appeals procedures, there is a need for complaints procedures to be available to citizens who feel they have been treated unfairly or discourteously".

#### **Problems with delivery of services**

CICs and CIPS annually record, in social policy returns, difficulties encountered by clients in areas like; delays in the processing of applications,

inadequate appeals systems, discourteous treatment and inadequate provision of information and support.

Comhairle acknowledges the commitment of the service providers in almost all areas of the social services to improve service delivery and to provide customer focused services. However, CIC clients continue to experience shortcomings in service delivery.

### ***Independent Complaints and Appeals Systems***

Comhairle regards statutory independent complaints and appeals machinery as an essential requirement of a customer focused public service.

### ***Complaints procedures***

As well as formal appeals procedures, there is a need for complaints procedures to be available to citizens who feel they have been treated unfairly or discourteously. These procedures should be established in all state agencies dealing with large numbers of the public as a matter of priority. There should be some external element to these procedures and their existence should be widely advertised.

### ***Delays***

Feedback from CICs provides evidence of long delays in decisions about various services. There are long delays, in some cases of almost one year, in the processing of applications (for Family Income Supplement, One Parent Family Payment, Carer's Allowance, Household Benefits Package, Living Alone Allowance and Pensions).

A number of CICs report that the appeals system in respect of applications for services and benefits, such as unemployment assistance, is slow and waiting periods of 8-10 months are not unusual.

### ***Citizen/Customer involvement***

Initiatives such as the SMI and the Customer Services Action Plans are welcome but there is a clear need to have their implementation monitored by citizens/customers and not just by internal review. As the process of government becomes more complex, time and attention should be devoted to involving citizens in the decision making process. The opportunities for citizens to do so are increasing all the time but the requirement to be well informed and articulate may well lead to the further exclusion of vulnerable and marginalised groups.

### ***Codes of practice governing relationships between public servants and clients***

Public service providers who deal directly with clients should be governed by a code of practice. The Revenue Commissioners currently have such a code. Codes of practice are also required to govern the relationship between various authorities and their clients and between health board officials and applicants for various services, in particular between Community Welfare Officers and their clients. The codes should cover areas such as dealings with the client in his/her home, rights to information and

appeals procedures etc. Clients should be given a copy of the relevant code. While guidelines exist at the moment there is a lack of awareness of these and also a lack of enforcement and redress.

The Ombudsman's Guide to good practice could be used as the basis for these codes. Regular reviews should establish how well the codes are being implemented in the clients' view. The Charter for Hospital Patients is now in need of such a review.

### ***Freedom of Information***

Information is an absolute requirement for active citizen involvement.

Without good quality, accessible information, it is not possible for citizens to vindicate their rights or to make valuable contributions to the public processes.

The need to apply for information under the Act (other than personal records) would be greatly reduced if public bodies had an active information dissemination policy. Section 16 of the Act requires that relevant public bodies publish information on their policies and processes. There is evidence that there is not adequate compliance with this section. Information providers in the independent sector frequently encounter inadequate Section 16 manuals. They include general information but not the detailed guidelines, which the section requires. For example, the general rules about long stay care are included in health board manuals but detailed guidelines about how applicants for places are assessed are not included. There are variations in how health boards apply the rules for nursing home subventions and, in particular, for contracted beds but these details are not outlined in their Manuals.

All public bodies should post their Section 16 Manual on their websites in a user-friendly format. They should also be complete and regularly updated.

### ***Discourteous Treatment***

CICs continue to receive complaints about alleged discourteous treatment particularly by community welfare officers.

### ***Charter of Customer Rights***

Comhairle has recommended the introduction of an enforceable Charter of Customer Rights, which would outline specific time limits for the processing of claims and appeals.

## **Appendix – Consumer Cases documented by CIC’s**

### **a. Insurance**

#### **Life Insurance**

City Centre O’Connell St. Dublin CIC,  
Dublin City Council is insisting that customers for Shared Ownership Schemes take out their insurance life policy on the mortgage. A client claimed that he could get the same life cover much cheaper elsewhere but the Council said they would refuse the application if he did so. The Insurance Information Service are adamant that he has the right to seek his own cover as long as it meets the criteria.

The matter has been reported to The Competition Authority and they are investigating the policy of Dublin City Council in not giving their customers the same choice as they would have with other mortgage providers

#### **Car Insurance**

Mayo, Castlebar CIC,  
A person was driving for 4 years on their parent's car insurance. Now this person has a full driving licence. He cannot get a no claims bonus on these 4 years, only a letter outlining the length of time driving and that his record is clean. A person can only get a no claims bonus if they have been a named driver on their spouse’s insurance policy.

#### **Age & Car Insurance**

Kerry, Tralee CIC,  
A 70 year old man seeking car insurance was refused by a number of companies. Eventually one company quoted him an astronomical figure of €5,000. The man is in receipt of Old Age Pension and cannot fund this amount.  
There is a clear case of discrimination. The insurance section of The Dept of Enterprise, Trade & Employment was contacted. There has been no contact back from them.

#### **Travel Insurance for Older People**

With people living longer and travel more accessible, the problem of older people accessing travel insurance is coming up again and again in social policy records from CICs.

Navan CIC, Summerhill,

It is difficult to find insurance companies willing to insure older people travelling, especially to America. There is a general lack of information as to which companies will quote and which will not. Many old people are forced to travel without insurance because they are unable to afford it. The Equality Authority cannot challenge the insurance companies, provided they can produce statistics that show older people to be high risk. However, this means that they are assuming that all over 70s have the same levels of health and illnesses.

## **b. Banking Services**

### Case 1

Cork, Cobh CIC,

A parent was very unhappy regarding an account opened by her child with The Bank of Ireland. Her 13 year old daughter heard a presentation in school and was then asked if she (and classmates) would like to open an account. They agreed. No notification was sent out to parents either by the bank or the school. The school says they did not give ID details to the bank, yet the bank form says ID is necessary before the account can be opened. The parent has obtained a copy of the daughter's application (not authorised) after the daughter received her card and pin number etc. According to the bank and the school no standards have been breached. The form states that it should be signed after being read and understood and after ID has been verified. However, this was not adhered to. A list of students' names and DOB's was signed by the bank representative and the teachers. This was then checked against the electoral register. All this was done without the knowledge of the child or parent.

The parent has checked with other institutions regarding their practices. She has spoken to several head offices and contacted the ombudsman. She has many concerns, the safety issue regarding her daughter's personal information being released. The right of a banking institution to canvas children under 16 without the parents consent. The lack of information regarding form filling, authorisation and consent.

### Case 2

Kildare, Maynooth CIC,

An Italian citizen came to work in Ireland. His employer told him he needed a bank account to have his wages paid into. The bank insisted on proof of residency in the form of a utilities bill. The client could not furnish this as he had only arrived in the country and also only rented a room and the utilities are not in his name. The bank would not accept any other form of proof of residency. This policy prohibits most non-nationals from opening a bank account, at least in the short term. Surely a passport and a letter from the landlord or a copy of the lease should suffice and still safeguard against money laundering

## **c. Legal Services**

### Case 1

Dublin, Dun Laoghaire CIC,  
A client is in the process of purchasing a house and has signed the contract (which contains no closing date). The completion date has been moved several times by the builder. The client is now unhappy and wants to withdraw from the contract and retrieve the deposit.

The vendor and purchaser are both represented by the same solicitor. The developer suggested that a 'package' of €750.00 would cover legal fees if the same solicitor was used by both sides. The use of the same solicitor by both parties in the purchase of a newly built dwelling is expressly forbidden by the Law Society, confirmed by SI 85 of 1997. The client was advised to report the matter to the Law Society and to seek independent legal advice.

### Case 2

Mayo, Castlebar CIC,  
We have had a number of complaints about a particular solicitor at our office in recent months. We have contacted the Law Society at our client's request to have the complaints investigated. However, the Society does not publish the names of solicitors who have been found to be in breach of the Law Society Regulations. In this particular case, the solicitor seems to have been negligent around a particular type of legal transaction.

Is there a case to be made for publishing names of negligent solicitors so that the general public is aware of this fact when choosing a legal advisor?

## **d. Discrimination**

### **Credit Cards**

#### Case 1

Mayo, Castlebar CIC,  
Client went to the tourist office to book B&B accommodation. When the came to pay, with cash, the tourist office would only accept a credit card. The client did not have a credit card so she offered to pay the total amount in cash instead of just the deposit. The tourist office would not accept the booking. Luckily her friend had his credit card in the car and paid with it. The client felt discriminated against as she is a foreigner without a credit card.

What later transpired is that the owner of the B&B had no facilities to charge the bill to a credit card and was happy to accept cash. When the client's friend checked with the tourist office in next town they did not have credit card facilities either and did not use the same booking system as the first office.

## Case 2

Waterford

The Driver Assessment Test, conducted by insurance companies for new car insurance, requires a credit card number. If the person does not hold a credit card he/she cannot take the Test. There is no money involved and no way around this.

## Language and Literacy Difficulties

### Case 1

Cork CIC

Client - foreign national working legally in Ireland - required to take a commercial vehicle driving test as part of his job. Although his English was good he had repeatedly failed the test. It seems it is taken with instructions conveyed through headphones. He was unable to grasp the nature of some instructions e.g. 'reduce speed' because he did not have a good enough grasp of complex English. He would have understood 'slow down'.

This test should be offered with instructions in other languages and a simplification of the English used.

## Travellers

Clare (Ennis CIC)

A female member of the Travelling Community was refused insurance from a broker. This person had no history of a previous premium as she was a first time applicant. The client has alleged and it seems obvious from our own observations in dealing with the client (all paperwork was to the standard required) that the refusal stems from her home address and membership of the Travelling Community.

## Age Discrimination

Donegal (Dungloe CIC)

A woman over 70 years queried the fact that she was charged €30 for a medical form which had to be filled to renew her driving licence even though she had a Medical Card and the driving licence is free to over 70s. This means people under 70 can get a 10 year licence for €25 and the over 70s get their 'free' licence for up to 3 years at a cost of €30 as the Medical Cert required to get the licence is not covered on the Medical Card.

## **Disability**

### **Case 1**

#### **Longford**

A client is in receipt of Invalidity Benefit. His wife is not working so he claims for her as a Qualified Adult (QA). They applied to their local authority to purchase their council home and while the application was in the early stages he was informed by the council that he will not be able to get a Mortgage Protection Plan due to his being in receipt of Invalidity Payment. His wife cannot apply as she is a QA and not in receipt of a payment in her own right.

### **Case 2**

#### **Leitrim CIC**

A person with a disability, with a monthly mortgage repayment of €500, sought Mortgage Protection Insurance. This person could only obtain this cover at a cost of €240 per month. This person was referred to The Irish Insurance Federation.

### **Case 3**

#### **Leitrim CIC**

A young man confined to a wheelchair required Dental Treatment. This treatment was available on his Medical Card by attending the dentist in his own town. However, on arrival at two different surgeries, he was not able to gain access due to the fact that there were steps at the entrance, and no other entrance was accessible. The Health Board had to make special arrangements for this person at the local Health Centre. This person was unhappy that he could not access treatment just like anyone else.