

# CIS/CIPS Social Policy Records Quarterly Report

Citizens Information Services /  
Citizens Information Phone Service  
Social policy records quarterly report

April – June 2005

## Introduction

This quarterly report contains a selected representative review of the social policy records compiled by Citizens Information Services (CIS) around the country during the second quarter (April to June) of 2005. The data provided by Citizens Information Services and the Citizens Information Phone Service in social policy reports allows Comhairle to examine the nature of the problems experienced by callers for information and advice. These are described in case studies. Views and/or recommendations contained in this report are those of the CIS concerned and have not been subject to any broader policy analysis.

The number of social policy records received from the Citizens Information Service and the Citizens Information Phone Service for the second Quarter in 2005 was 317 (again an increase on the second quarter of 2004 where 266 social policy records were received). Comhairle would like to thank all CIS and CIPS staff for taking the time to complete and submit work on social policy records. We are aware that the constraints of time and resources place considerable demands on CIS workers and we appreciate that you take the time to fill out social policy reports.

The general area of social welfare, taking in Social Welfare Assistance, Insurance and others account for 113, or more than one third of the 317 social policy records received during this quarter. The greatest number of these related to Carers Allowance and One Parent Family Payment. Delays in processing claims accounted for a high proportion in both cases. Cases relating to the Household Benefits Package feature again in this quarter, including lack of awareness about entitlement and the need to reapply and change all bill names on the death of a spouse. The fact that an Irish citizen returning after working all his life in the UK is not entitled to the Living Alone Allowance because he is in receipt of a UK pension is highlighted and many case studies document situations where people were not given accurate or sufficient information initially and lose out on benefits to which they were entitled.

Again a large and growing proportion of the queries to CISs with a social policy implication relate to employment and in particular employment rights. Non-compliance with statutory legislation in the areas of minimum wage, and holiday entitlement, lack of proper documentation (no P60, P45, contract, payslips etc.), non payment by employers of tax and PRSI and problems relating to work permits, including employers delaying applying for permit renewals, feature frequently in social policy records again in this quarter. Non-compliance with statutory legislation by employers often relates to non-nationals. Cases relating to work permits describe situations where workers are working long hours for less than the minimum wage, with no payment for overtime and no holidays, overcrowded living conditions with rent deducted from wages and a general fear of complaining because the employer may not renew the work permit. Cases also document incidences of non-payment by employers of fines imposed by the Rights Commissioner. The lack of

legislative entitlement to compassionate leave when a close family member dies also features during this quarter.

Employment cases also cover the areas of Family Income Supplement, where people with part access to their children are not entitled. There may be no financial gain in employment even with FIS when loss of secondary benefits and childcare costs are considered. The qualifying period for Back to Work Allowance and the income threshold before loss of secondary benefits and the disincentive to take up employment as a result also feature in this category.

In the health area the medical card still dominates with people on a social welfare payment still having to appeal on special grounds because they are over the income threshold for automatic entitlement and doctors in dispute with the HSE not accepting patients with medical cards. It is also felt by some information workers that more clarity is needed on doctor only medical cards. Other cases featured the complex process for claiming back expenses for hospital visits and the fact that while a carer may be entitled to a travel pass the child on Domiciliary Care Allowance being cared for is not.

While some pilot community support schemes are now in place around the country for older people leaving hospital, issues relating to community care services in relation to home help and issues in relation to nursing home subvention also feature with a call for more home supports for older people leaving hospital.

In education, third level supports are an issue of concern, especially the lack of flexibility in the issuing of third level grants.

In housing, eligibility for rent supplement and the difficulties that arise for people trying to pay rent when they become ill or unemployed feature in this category. Issues relating to housing grants, both the Disabled Persons Housing Grant and the Essential Repairs Grant still feature as well as difficulties with the Security Scheme for the Elderly and the lack of appropriate emergency housing for young homeless people.

In the family issues category, fathers' rights in separation/divorce situations feature again - particularly difficulties gaining access to their children. Elderly people looking after young children without any extra resources to feed and clothe them again arise in case studies. An issue which arises again and again is that of parents who separate but who want to share custody of their children but as a result neither is entitled to the One Parent Family Payment. The need for support, possibly in the form of tax credits for childcare costs is also highlighted.

In the area of migration, issues relating to migrant workers and difficulties with the Habitual Residence Condition (HRC) dominate. The HRC is causing difficulties for many people. Irish emigrants returning to Ireland are finding that there are long delays in making any welfare claims while they satisfy the HRC. Irish citizens returning to care for dying parents find they are not

entitled to the Carers Allowance and are suffering hardship as a result. A woman waiting 6 months for her claim for One Parent Family Payment to be processed wished to visit her dying father in Poland but was told her application would be cancelled if she left the country. Also EU nationals laid off work after working less than two years in Ireland are having great difficulty paying rent and living day to day, during what may only be short periods of unemployment, with no entitlement to Unemployment Assistance.

Extreme difficulties contacting the Visa Office of the Department of Justice, Equality and Law Reform have been reported in social policy records and verbally during this quarter.

In the area of law and justice the main area of concern is the long waiting list for Free Legal Aid.

## **1. Employment**

### **1.1 Employment Rights**

#### **1.1.1 Documentation**

26.05.05 Clare (Ennis CIC)

A Nigerian lady came to see me. She was in a very distressed state and crying. She had just come to live in Ennis. Before that she was employed in a restaurant in Co Sligo. She alleged that her employer paid her €100 per month cash, she had no pay slips or P60 and she had worked 90 hours per week as a kitchen porter. She had a work permit. The employer consistently bullied her and she alleged that burn and knife cuts on her arms were as a result of his treatment of her. She worked there for one year and six weeks ago he sold the restaurant and gave her no notice or P45.

She had no proof she ever worked there as he disappeared leaving an Italian message on his phone, so he could not be understood. The lady got a job in a new hotel in Ennis on condition she got her P45. I tried to ring her former employer but to no avail. The lady could not read or write. Eventually I rang the new employer and told them she had filed Revenue T12A form for Tax Credits and they accepted this.

07.05.05 Meath (Navan CIC)

A client called into the office. He had worked for his present employer for over 2 years, yet had never received one payslip. His wages fluctuated and he was never sure how calculations were made and what tax (if any) was being returned for him. This is a problem encountered frequently.

### **1.1.2 Holiday Rights**

25.04.05 Longford (Longford CIC)

A client was working 10 months for an employer and was not granted any holiday entitlement. She was unaware of holiday entitlements herself and her employer had not advised her of the holiday situation in the company.

01.05.04 Louth (Dundalk CIC)

A caller to Dundalk CIC in July 2003 had worked for his employer for 5 months. He decided to leave his employment and gave his employer 2 weeks notice in writing. When he was leaving, his employer refused to pay him the holiday pay he was owed.

He called into the CIC and the information officer helped him fill out a form for a Rights Commissioner hearing. The first hearing was cancelled and he was not notified. He had a Rights Commissioner hearing in June 2004 and received the decision in July 2004 in his favour.

His employer appealed the Rights Commissioner decision to the Labour Court. The Labour Court hearing was in May 2005. Two weeks after the Labour Court hearing the employee received their decision again in his favour.

Now he has to wait for 6 weeks to see if his employer will pay him his holiday pay. If the employer does not pay him, he has two options. One to go to the District Court to get an enforcement order, which can then be given to the local sheriff's office to enforce, or to contact the Department of Enterprise, Trade and Employment and ask the Enforcement Section to follow up on his case.

The information provider noted: "This is not the first case of this kind that the CIC has come across. If employers were to receive a financial penalty for withholding holiday pay / redundancy / wages from their employees we would not have as many cases as we have now going to Rights Commissioners / Labour Court. There is not enough protection for employees against this behaviour".

02:06:05 Waterford (Waterford CIC)

There is no legislative provision for Compassionate Leave or Force Majeure on the death of a family member. In the past custom and practice dictated that most people received paid leave on the death of a close relative. This is no longer the case. A client who called to the CIC had to take time off from her holidays to attend the funeral of her mother.

### **1.1.3 Work Permits**

21.06.05 Roscommon (Roscommon CIC)

A foreign national client approached us because his friend had successfully used the CIC to apply for tax relief on private accommodation.

In the course of the interview, it emerged that the client had never received a P21 cert or a P60. The CIC showed him examples of both forms and he confirmed that his employer had never given the forms to him. The client, who worked in the construction industry, had also never received a payslip, or a contract/terms of employment notice.

This client said he was afraid to ask his employer for the forms or his payslips because his work permit was due for renewal and he felt that his employer might not renew it.

01.06.05 Longford (Longford CIC)

A client who is a foreign national was employed in a local restaurant. He was made to work long hours, not paid any over time, and his employer told him he is not entitled to any holidays even though he has worked for two years.

The client was unwilling to pursue his situation as he was afraid that his employer would victimise him as he is being maintained by the employer and the employer holds his work permit and is also a distant relation.

07:06:05 Roscommon (Roscommon CIC)

The client is a foreign national who has been working in Ireland for two and a half years. He has never received a payslip, a P60 or a P21, which has presumably been posted to his employer but not passed on to him.

He has no idea what his gross wage is or what his position is in relation to tax credits or reliefs. He has a PPS number but is afraid to approach his employer about his tax, payslips, P60s and P21s because he is afraid that the employer will not renew his work permit in November.

The information worker comments: "This client is being denied basic personal information about his employment and tax affairs by his employer and the millstone of the work permit means that he is afraid to ask for the information that every worker is entitled to."

Roscommon (Roscommon CIC)

The client is a foreign national on a work permit who attended the Foreign Nationals Support Service for assistance in filling out a form to claim rent relief on private rented accommodation. In the course of the interview it emerged that this adult lives with 15 other adults in a three bedroom house, each of them paying €50 per week, a total of €800.

The client did not know who his landlord or landlord's agent was and the rent was being deducted automatically from his wages by his employer. The issue of foreign nationals living in overcrowded conditions is a common one in County Roscommon, as is the practice of rent being deducted from wages by the employer, in some cases because the employer, or a family member of the employer, owns the house concerned.

The information worker comments: "Workers in these situations are afraid to complain feeling that their work permits will not be renewed or that they will be

sacked. These rental situations are examples of blatant exploitation of foreign workers.”

## 1.2 Family Income Supplement (FIS)

03.06.05 Wexford (Wexford CIC)

Payment of Family Income Supplement stops after 6 weeks if a person is on a disability payment due to illness and unable to work. This causes financial hardship at a time when they most need support.

04.04.05 Mayo (Castlebar CIC)

A young father of 2 children wants to go back to work but the job he was offered is at the minimum wage. His Unemployment Assistance plus Rent Allowance is greater than he would be earning for 40 hours on the minimum wage. He does not qualify for FIS because he has only part custody of his children.

The Social Welfare office informed me that they could not give FIS in these circumstances. There seems to be a great lack of support for parents in this situation, especially, as he is particularly keen to return to work and FIS would have enabled him to do this.

(Comhairle comment: In this situation he would be entitled to FIS if he was paying the minimum of €16.80 in maintenance.)

15:04:05 Longford (Longford CIC)

A woman with 5 children who is a qualified adult on her husband's Disability Allowance wants to go out to work part time and expects her net earnings to be in the region of €200 per week. She wishes to apply for FIS. Her husband is getting €148.80 Disability Allowance plus €98.79 Qualified Adult Allowance plus Child Dependent Allowance x 5. There is no financial gain for her going out to work, even if she was getting FIS with her husband losing the Qualified Adult Allowance and losing the Child Dependent Allowance for her 5 children.

## 1.3 Back to Work Allowance

10:06:05 City Centre (Dublin) CIC

A person on One Parent Family Payment is living with her parents and wants to work and get her own accommodation. She has been offered a job and would qualify for Back to Work Allowance. However, her income from the job would be over the €317 limit to get the Rent Allowance on a tapered basis. The €60 disregard would not allow her enough to live on and pay rent.

The €317 limit is restricting and should be abolished or increased to encourage people to work and become independent.

05.04.05 Mayo (Castlebar CIC)

The qualifying period for Back to Work Allowance (BTWA) seems to be a great disincentive for long term unemployed people (5 years for those on

Unemployment Allowance) to go back to work, this is particularly so for people who do not qualify for FIS because they do not have dependent children. Many people find it very difficult to give up Unemployment Assistance plus Rent Supplement for a minimum wage job and the BTWA could be more of an incentive for them to do this.

17:05:05 Kildare (NewbridgeCIC)

Currently within the Citizens Information Centres in our area, (Athy, Naas and Newbridge), a number of clients have reported an interest in the Back to Work Allowance scheme. As we examine the other aspects of our client's lives it becomes evident that they are in receipt of a number of secondary benefits, in particular Rent Supplement.

When we explain to clients that once they earn over €317.43 combined income per week they will lose their rent supplement it leaves our clients with the decision whether to take up the job where they will be worse off and may end up in debt (especially when you take rent and childcare into consideration), or carry on unemployed and receiving their supplements.

This €317.43 threshold has not increased in a number of years and is now proving a disincentive to people wishing to return to work on this scheme. It would appear that a number of people are interested in taking up work on this scheme but feel that there can be a huge disadvantage financially for them to do so when their secondary benefits are taken into account.

## **2. Social Welfare Assistance**

### **2.1 Carers Allowance**

30.06.05 Donegal (Dungloe IIU)

A client applied for Carer's Allowance in February and it wasn't awarded until June. The CIC complained about the length of time the process took.

28.06.05 Mayo (Castlebar CIC)

A woman who applied for Carer's Allowance for her uncle who is epileptic and has had operations on both his hips, was turned down because he was considered not to be in sufficient need of full time care and attention. Despite letters from her doctor outlining his need for care they still refused. We have come across situations recently where people failed to receive Carer's Allowance on medical grounds and where the applicant was already supplying full time care for the person.

01.06.05 Leitrim (Drumshanbo CIC)

The fact that a carer does not live within 10 miles of the person they are caring for may disqualify them from Carer's Allowance.

There is no definite requirement in relation to proximity of carer to the person they are caring for in the information provided when applying for Carer's Allowance. However, it came to light at an Appeal Hearing for Carer's

Allowance to day that the fact that the carer lived over 10 miles from the caree may disqualify them from payment. In rural Ireland it may take approximately 10-15 minutes to travel 10 miles while in a town or city one could spend 30 minutes travelling 1 mile.

The information in relation to carers would need to be more explicit.

09:06:05 Waterford (Waterford CIC)

A carer looking after a disabled child who is attending a special school should be allowed to take up an educational course or part-time job in excess of the 8 hours presently allowed if it fits within the school going hours.

## 2.2 One Parent Family Payment

20.06.05 Offaly (Tullamore CIC)

A client is waiting five months to have her third child included on her One Parent Family book. When she called Social Welfare she was told that they had lost her file. I called the section involved and was told they had the file but that there could be a wait of up to ten months as they were processing new claims first.

I think this time frame is excessive and puts further hardship on the client.

01.06.05 Carlow (Carlow CIC)

A lone parent applied for One Parent Family Payment nine months ago but has not received any word to date.

28.05.05 Limerick (Limerick CIC)

A 30 year-old male who has joint custody of his child on a week on week off basis is excluded from the One Parent Family Payment. Under existing regulations where there is joint custody no party is entitled. He was also informed that Child benefit could not be split.

## 2.3 Disability Allowance

28.06.05 Dublin (Ballyfermot CIC)

A male client in receipt of Disability Allowance, applied for the Household Benefits Package He was refused because his brother lives with him. His brother is in receipt of Unemployment Benefit. This household's only income is from Social Welfare.

07.06.05 Dublin (Crumlin CIC)

Our client had to leave a chef training course because he developed heart problems. He applied to the Social Welfare local office at Bishop Street and was informed correctly that he was not entitled to UA (Unemployment Assistance) but they also informed him that he was not entitled to a disability payment.

We found that our client was entitled to DA (Disability Allowance), supported by his doctor, and we assisted with this application. Despite the fact that

Social Welfare local offices have an information provision function, our client was misinformed and could have been left without an appropriate payment to suit his circumstances.

## 2.4 Living Alone Allowance

27.04.05 Donegal (Donegal Town IIU)

A pensioner claimed a Living Alone Allowance. His only income was a UK Retirement Pension and a small Invalidity Pension paid due to an industrial accident in the UK. He was refused a Living Alone Allowance as it is not payable when a pension is paid from the UK.

It seems unfair that, although he satisfies the conditions of living alone, he is unable to be paid the Allowance because his pension is from the UK when the qualifying conditions for other related benefits include a "similar social security benefit or pension from an EU member state or a country with which Ireland has a bilateral social security agreement".

It should be noted that the client is an Irish citizen who went to work in the UK at a time when there was no work in Ireland and he feels he is now being penalised for doing so.

## 3. Social Welfare Insurance

### 3.1 Old Age Pension

10.05.05 Dublin (Northside CIC)

My colleague and myself presented to a Ladies Club recently. There were a few widows in the group, they complained that they felt it was unfair how they were treated by Social Welfare. These women had worked all their lives and were entitled to a Contributory Pension. At present they are getting the Widow's Pension due to the fact that their late husbands had also worked and contributed towards a pension, but are now in a position that if they claim their own pension they would lose the Widow's Pension

Their point was, if they had contributed to a private pension instead of the compulsory state pension, they would be entitled to this pension and they would still get the Widow's Pension also. The idea of being able to claim half of their late spouse's pension would make a fairer system. The information provider commented: "I would like to highlight this on behalf of widows/widowers and sometime in the future somebody might look at these anomalies in the system".

20/05/2005 Longford (Longford CIC)

A client was a Qualified Adult on her husband's Contributory Old Age Pension and was in receipt of the Household Benefits Package. Upon her husband's death, the Qualified Adult has to organise to get utility bills into her own name to continue to receive the Free Schemes.

In effect, even with prompt notification to the ESB and Eircom, it takes approx 3 or 4 months before the person receives a bill in the new name and then it takes another 4 or 5 weeks before a decision is made in the Dept of Social & Family Affairs which is then notified to the service providers to re-implement the reductions. Meanwhile, the bereaved person is subjected to the full cost, with line rental for the current bill period and arrears for previous bill period often included, at a time when there are often other financial constraints.

The person is credited with the overpayments in subsequent bills but this is not a very satisfactory method and other methods should be looked at such as the Dept of Social & Family Affairs accepting a letter from the service provider confirming that the account is now in the relevant name rather than waiting for an actual bill to be issued in the name.

14/04/2005 Carlow (Carlow CIC)

We phoned the Old Age Pension section Sligo and had to wait 20 minutes before our call was answered. Then we got an answering machine.

## 3.2 Unemployment Benefit

1.05.05 Dublin, (Ballyfermot CIC)

A client was posted to the USA by her employers for a five year contract. Initially, she was paying PRSI. After three years they said they could not afford to pay her contributions under the Irish system. She was given no choice but to pay into the American Social Security system, which she did for the following two years of her contract.

The client returned to Ireland last November. After a short holiday period she began working for a company under contract, she needed to have a tax clearance certificate for the purpose of invoicing her new employer. This position is seasonal and the client now finds herself unemployed.

She is not entitled to claim Unemployment Benefit because she does not have the required PRSI contributions as her last contributions are for 2002.

This client is not entitled to claim a number of Social Welfare benefits because she does not have the required PRSI contributions, although she worked for an Irish Company that posted her to the USA. For that company's own reasons she was forced not to keep paying into the Irish system. Should posted workers be given protection to stop this happening again?

Also because the client is not entitled to Unemployment Benefit she will have to apply for Unemployment Assistance and then she will have to satisfy the Habitual Residence Condition. She has not lived in Ireland for the past five years.

## 3.3 Widows Pension

21.06.05 Louth (Dundalk CIC)

The widow of an old age pensioner requested our assistance to see if she was entitled to any benefits. She was a Qualified Adult on his pension and is now on a Widow's Contributory Payment and over the age of 66.

Her husband died 7 years ago and had the Household Benefits Package but his widow was under the impression that all that died with him. She never knew that she had to transfer the bills into her own name and make a new application for the benefits.

This lady through lack of information has lost out on 7 years of entitlements. This benefit should be automatic where the qualifying conditions are already in place and could so easily be done if both names were on the household bills and the benefit transferred to the remaining spouse.

20.06.05 Louth (Dundalk CIC)

A lady called to one of our Outreach Services enquiring about her entitlements. She has been on a Widow's Pension for the past eleven years and apart from Child Benefit has received no other assistance.

Her husband died at a young age and left a young family to be reared. As this lady is under the age of sixty she is not entitled to the Household Benefits Package but she is entitled to the Fuel Allowance and has been for the past eleven years.

Her family are all reared now and help her out financially when they can but that extra allowance would have been a huge help to her when she was rearing her family. Why did no department pick up on the fact that this lady had not claimed an entitlement that was due to her? She is now applying for the Fuel Allowance and would still be without it only she used the Outreach Services of the CIC.

### 3.4 Disability Benefit

30.06.05 Louth (Drogheda CIC)

A lady came into our office to find out about her entitlements. She was on long term Disability Benefit but in July 2004 she reached the age of 65, so she was put on the Retirement Pension, however, a few weeks later her husband died. She was advised by Social Welfare to stay on the Retirement Pension instead of applying for Widow's Contributory Pension and be entitled to claim half rate Disability Benefit. She would have been €50 better off a week.

I made several phone calls on her behalf and finally she was told she was entitled to claim Widow's Pension and half rate Disability Benefit. She is going to be given back the €2,000 she is owed. We feel she should have been given this information when her husband died instead we had to fight very hard for what she was entitled to.

26.05.05 Cork (Cork (South Mall) CIC)

A male client called to Centre. He is presently on Disability Benefit for 2 years. He does not think he will be able to work again. He was in an accident

on the journey to work. He signed on to Disability Benefit and did not complete the part for Occupational Injury Benefit as he was not aware of being able to do so, as he was not actually in his workplace when the accident happened.

The time limit for claiming this has now expired. This error in not claiming Occupational Injury Benefit might now exclude him from receiving a Disablement Pension / Gratuity Payment as he will now have to go through an exhaustive late claim procedure.

We encouraged the client to make a late claim.

More definite information on Occupational Injury Benefit claims should be printed on the Medical Certificate Claim Form. Doctors / GPs treating the accident victim should point out this information to their patients, to enable them make a claim for the correct benefit.

### 3.5 Free Travel Pass

16.05.05 Kildare (Newbridge CIC)

A client contacted the Service enquiring about a Free Travel Pass as she is in receipt of Carers Benefit. She was informed that she would not be entitled to a Free Travel Pass whilst in receipt of the Carers Benefit. She was very distressed to learn this as her friend is in receipt of a Carers Allowance and has a Free Travel Pass.

She feels, as she is providing full-time care she should have a Free Travel Pass irrespective of whether she is receiving Carers Benefit or Carers Allowance.

25.05.05 Clare (Ennis CIC)

The Free Travel Scheme is of limited use to people living in rural areas due to the lack of public transport. The Dept should initiate services through private sector transport if necessary to accommodate those who remain isolated.

## 4. Social Welfare General

### 4.1 Household Benefits Package

20.04.05 Louth (Dundalk CIC)

On several occasions this month I have assisted bereaved women to complete forms and changes of names on bills in order for them to get the entitlement that their husbands had been receiving.

One example is the Household Benefits Package. As all the household bills such as ESB, telephone, TV licence are in one name, which is usually the husband's, these all have to be changed into the widow's name. This is a

cause of great stress at a time when a person is trying to come to terms with bereavement.

It would make more sense to have both names on the bills and in that way when a spouse dies the other spouse does not have to deal with writing letters, contacting departments, filling out forms and worrying about these matters at a time of mourning.

22.04.05 Louth (Dundalk CIC)

A lady rang the CIC after listening to an information talk on local radio. Her mother had a stroke ten years ago and is in a wheelchair since. The daughter cares for her but was not aware of her mother's entitlement to the Household Benefits Package.

The information officer explained what the Package covered and how to apply for it. A booklet and application was forwarded to her that day. She just could not believe that no one had informed them of this entitlement even though her mother is on a Social Welfare payment and therefore in the system.

This is yet another example of people losing out on their entitlements due to lack of information. Why aren't flyers sent to people who are on payments or advertised on radio and through the media?

## 5. Health

### 5.1 Medical Card

20.04.05 Louth (Drogheda CIC)

A young man, aged 18, had his own Medical Card. His parents are both on Social Welfare. He held his own Medical Card since he was 16. The Card was in for renewal but the renewal form was not returned in time. So this young man had to apply again and get his doctor to accept him onto his panel but the doctor told him he was in dispute with the Health Board and was refusing to take him on. This man has very bad acne and his medication is €70 per month. The doctor will not sign the Medical Card form.

29.06.05 Kildare (Newbridge CIC)

Upon reading an article and viewing the new MC1 application form on the HSE website in relation to GP Visit Card/Medical Card scheme, the following three issues need clarification;

1. When the GP Visit Card is compared with the medical card system it seems there is no transparency between the schemes. For example there is no definition of what reasonable expenses incurred in respect of childcare costs, rent/mortgage payments and travel to work is in order to qualify for a GP Visit Card scheme. With the medical card scheme, there are clear definitions of the amounts of assessable income for travel expenses to work and rent/mortgage expenditure.

2. It is unclear how reasonable expenses incurred for childcare will be assessed by the HSE as there is no reference made to childcare expenditure in the MC1 form.

3. Also there is no section on the MC1 form for the doctor to agree to provide medical care for the person applying for both schemes. With the old form a doctor had to complete and stamp the form in order to agree to provide medical services to the applicant.

14:04:05 Dublin (Northside CIC)

A couple came into the Northside CIC enquiring about their social welfare entitlement. The husband had been in ill health for the last 20 years and had now discovered that he also has diabetes. He was originally on Unemployment Benefit when he left work due to illness and when this ran out did not qualify for Unemployment Assistance due to his wife's income. His health did not improve and he did not sign on for credits at the time so he has been out of the system for an extended period. At the time he felt that the DSFA did not inform him of his entitlements and he did not realize the importance of signing on for credits.

His wife has now had to leave work due to ill health and is going to sign on for Disability Benefit. Her husband will be the Qualified Adult. (We also advised the husband to sign on for Disability Allowance himself.) Their total income will be €247.50. This means that their income will be above the income limit to automatically qualify for a medical card, €222. We directed them to apply and supply details of their health problems and the cost of medication etc. This problem with the income guidelines for medical cards affecting people dependent on social welfare payments keeps cropping up. In this case it added to the worry of a couple who are both in ill health and approaching retirement age.

## 5.2 Community Care Service

1.06.05 Leitrim (Drumshanbo CIC)

The present system of reclaiming a refund for expenses incurred in attending hospital appointments is bureaucratic and complex especially for the elderly.

When payments are being made, a cover note outlining a breakdown of expenses detailing dates and times of journeys would be of assistance to the patient.

01.06.05 Dublin, (Ballyfermot CIC)

A male client aged 83 years lives alone. One week after emergency surgery the client's family was notified that he was to be discharged from hospital. This man lives alone and none of his family would be in a position to give him the care and attention he would need.

The client was then placed in a convalescent home for two weeks. Both the nursing home and the hospital had told the family that support systems would

be put in place as soon as the client was discharged. One of these support systems would be meals-on-wheels.

When the family checked this out for their father, it transpired that the man would get two meals per fortnight, one every second Monday and Friday. It appears that while the HSE gives a contribution of €1.27 towards the cost of the meal to Cherry Orchard Hospital, the meals on wheels service in this area is dependant on volunteers to deliver the meals to the local people. Due to a shortage of volunteers the senior citizens are not getting these meals every day. Why are the hospitals telling people that meals-on-wheels is a service that will be provided?

### **5.3 Alarms for the Elderly**

#### **01.05.05 Sligo (Sligo CIC)**

The claimant, who is living on her own, is feeling vulnerable and is in receipt of Invalidity Pension. The lady is also widowed, she has been very ill recently and required a lengthy hospital stay.

She would like to have an alarm for her personal safety and have security measures fitted in her home. The difficulty is the lady is aged 54 and therefore she is not entitled to grant aid under the current system.

Grants are provided for security measures for people aged 65 or over living alone and who are unable to install or purchase such equipment. Would it be possible for these cases be assessed on their own merits?

#### **18.05.05 Kerry (Tralee CIC)**

Elderly clients seeking home alarms have to apply through a local community group. Because of problems with some of the alarms and the calls for back-up service, some community groups have pulled out of the Scheme, leaving no coverage in certain areas.

Just because an elderly person happens to live in an area where there is no cover, this should not mean that they cannot access the Scheme. The Scheme could be administered in these cases by the local HSE, to ensure that everybody who needs an alarm can get access to one.

#### **05.05.05 Carlow (Carlow CIC)**

Our client is now (early May 2005), applying for an alarm but will not receive it until Jan 2006.

### **5.4 Nursing Home Subvention**

#### **25.05.05 Longford (Longford CIC)**

An elderly person, a stroke victim, is living alone but due to requiring supervision has had to move into a nursing home.

The client feels that if this person was eligible and able to source a home help or personal assistant, they could continue to live independently in their own

home. The costs of care in the nursing home, paid by the State could be used to pay the personal assistant and give this person the dignity and enjoyment of continuing to live at home in their own community rather than in an institution removed from friends and neighbours.

17:04:05 Louth (Dundalk CIC)

It was announced by the Department of Social and Family Affairs recently that from June 2005 that applicants for all social welfare payments except Supplementary Welfare Allowance may have capital savings of €20,000 before it will affect their payments.

The Nursing Home Subvention Scheme funded by the Health Services Executive provides subsidies at rates of up to €190 per week to patients in private nursing homes unable to get a bed in a public institution due to lack of space. Their income and pensions are used to make up the balance. Most of the people in receipt of subvention have medical cards as this was extended to the over 70s four years ago.

Yet if an elderly person or a person with a disability needs to apply for a HSE subvention payment, which is means tested they are only allowed to have capital savings of €7,618.43. Any more and they do not qualify. As the cost of nursing homes are extremely high this puts a strain on the family and in most cases the person has to sell the family home to cover the cost of care.

The means test for subvention has not changed in years and requires a realistic overhaul.

## 5.5 Domicillary Care Allowance

2.06.05 Galway (Rosmuc CIC)

This Social Policy Record relates to a person on Domiciliary Care Allowance and living on the Aran Islands and who needs to travel a lot to hospital and different clinics in Galway City. This person has a carer who has a Free Travel Pass but the child on Domiciliary Care Allowance has to pay as they don't qualify for the Free Travel Pass.

The family find it very difficult to manage being on a low income. We feel that people on Domiciliary Care Allowance should be awarded the Free Travel Pass.

01.04.05 Clare (Shannon CIC)

A client, who is a Social Welfare recipient, has four children including a 13-year-old daughter with a moderate learning disability. The client himself has major literacy problems. His spouse also has literacy problems, and has a long-term illness. The client's daughter has had two assessments carried out by Health Board psychologists. In both those assessments, her mental age was found to be far below her chronological age. She also has other problems. The client has copies of both assessments although he cannot read them.

At the time of her first assessment, the client says that he asked if there was any extra payment he could get to help him and was told that there was not.

The client was advised by this CIC to apply for Domiciliary Care Allowance from the Health Board, in respect of his daughter. He has been awarded this since May 2005. The client was also advised to apply for Carer's Allowance for two people instead of his UA (Unemployment Assistance) payment and he has been awarded this also along with the secondary benefits.

We have also sent in a claim for back payment of his Domiciliary Care Allowance to the date of the first assessment. He is awaiting a decision on that. We will appeal a negative decision if it happens.

The client made the point that he should have been informed by the Health Board of the payment open to him, even if he had not asked about it (which he says he did). Also, since the Health Board were well aware of his literacy problems (says he told them) an extra effort should have been made to inform him - even a referral to his local CIC would have satisfied him.

## **6. Housing**

### **6.1 Rent Supplement Cap**

30.05.05 Cavan (Cavan CIC)

A lady who was employed and is living in private rented accommodation has lost her job. Her weekly rent is €100 and she will now get a weekly pay of €148.80 UB (Unemployment Benefit). As her rent is over the maximum level set out (NEHB €85.00 single person living alone) she will not qualify. At the current rate of inflation for housing and rental costs, these limits should be increased.

15.06.05 Dublin (City Centre North West Information Centre)

A client has been out of work on sick certificates. He has been in hospital. He received Rent Allowance for 6-8 weeks after Christmas only because his rent is over the €115 per week cap. He has not received it since as the exception is only for 6-8 weeks. His rent includes electricity. He is unable to afford this rent as he is not working due to illness. He is getting help from a friend but does not have this week's rent.

### **6.2 Disabled Persons Housing Grant**

7.04.05 Leitrim (Drumshanbo CIC)

An elderly lady who had obtained approval for a Disabled Persons Grant to build a downstairs toilet at the rear of her house required planning permission. This took six months at considerable cost. As a person living alone, the process, time and difficulties encountered for a person of her age made her question why she made the application in the first instance.

One could question if planning was needed in the first place as the new structure was to the rear of her dwelling house and did not exceed 40 square metres. A little assistance and consideration from The Local Authority would have helped speed up the process for this lady.

### 6.3 Essential Repairs Scheme

28.06.05 Mayo (Castlebar CIC)

Very long delays in processing the Essential Repairs Grant is causing hardship to many elderly people. In a recent case the delay was so long that the applicant died before the work commenced.

30.06.05 Roscommon (Roscommon CIC)

This client is partially blind and is in receipt of a blind pension. She is a local authority tenant in County Roscommon. The county council, she says, has not maintained the house properly since she moved in, and it is therefore prone to dampness and infestation by insects. Two of her three children come to stay in the house periodically.

She has complained numerous times verbally to the Council without an adequate response. She said that while the Council cut the lawns once, it was then cut by a CE scheme for a time, but now it is not being cut at all. Given her disability, she is not in a position to cut the grass herself.

She is seeking a transfer to County Kildare and, while a number of local authority tenants in the Kildare area have looked at the house, none is willing to accept the transfer because of the state of the house in Roscommon. to be unattractive to potential tenants.

Roscommon County Council has a limited budget for housing maintenance. Perhaps more resources need to be provided so that the Council's housing stock is not declining in value and usefulness. Already, one house in this three-house scheme is vacant, despite an extensive housing waiting list. This is not an example of getting good value from public funding. The initial outlay to build a local authority house is one thing, but it's essentially wasted if, over time, that same house is not maintained to an acceptable standard.

### 6.4 Homelessness

01:04:05 Dublin (City Centre North West Information Service)

An 18 year old man came to the office requesting advice/assistance. He had been referred by a Jobs Club which he attended daily. He had been thrown out of his foster home because of ongoing difficulties with his foster parents. He had been in care since the age of two and had only been fostered at age 17 and it just had not worked out.

He had spent some nights with friends but when his sister saw him hanging around the local park, she had taken him to stay with her. However this could only be short term as she lived in local authority accommodation and the

council would not allow her to have someone else live with her due to overcrowding. The young man had gone to visit transitional housing but had been put on a long waiting list. The money he had from previous work was almost gone. While his major concern was how to get a job, he needed money to live on in the short term. Because he had no fixed address, he could not make a claim for Unemployment Assistance. The only way to get payment was to register with the Homeless Person's Unit. To get payment there he would have to avail of their emergency accommodation, (and provide receipts for staying in the hostel).

Hostel accommodation is not suitable for a young person this age due to the conditions regarding alcohol, drugs etc. The information officer attempted to make an arrangement with the Homeless Person's Unit to enable him to receive payment without availing of the accommodation. This was not accepted. Payment would not be made unless he availed of homeless accommodation.

The young man was himself very aware of the vulnerable position he was in. He was afraid to go to the hostel. He was afraid of the temptation to become part of the drugs scene. He just wanted to work. (He attended the Jobs Club daily.) Because he had no fixed address his problems were becoming more difficult to deal with.

The information worker commented: "His case could not be dealt with on its own merits. He either satisfied the criteria (i.e. availed of hostel accommodation) or he did not get payment. There is very limited availability of suitable accommodation for young people who are homeless.

## **7 Education**

### **7.1 Third Level Supports**

14.06.05 Galway (Rosmuc CIC)

This Social Policy Record relates to a lone parent who applied for the Third Level Maintenance Grant two years ago and was dependent on her parents at the time but two years later her circumstances have changed.

She is now living in a flat on her own with her child but this year she will not qualify again for the top-up Grant as she is still coming under the terms of the Grant when she first applied. If she could be assessed as a mature student on Lone Parent's Allowance she would get the special rate top-up Grant that has gone up to over €5,000 for 2005.

31:05:05 Sligo (Sligo CIC)

A person with two children in third level education called to the Centre. She cannot understand why Child Benefit ends at the most expensive educational period of a child's life. This person felt that Child Benefit should continue until a student finishes third level education.

## 8. Family

### 8.1 Separation

02.05.05 Meath (Navan CIC)

A client who has separated from his partner called to the office. They were not married and he was trying to gain access to his children and this was proving very difficult. When a couple co-habits, the mother is automatically the child's guardian whereas, the father must apply for guardianship through legal channels to have the same rights.

Surely in 2005 this type of rule/ law should not exist and both parents should have equal status in relation to their children. This is causing great distress in situations of separation.

### 8.2 Family Home

26.05.05 Dublin (KARE CIC)

An elderly client approached the Centre to enquire if there was any extra money he might be entitled to. He lives at home with his spouse (who has several disabilities including what was described as a severe form of epilepsy and his forty year old son, whom he described as a chronic alcoholic. After exploring the family's situation, we noted the following:

Although the client and his spouse are on the Non Contributory Old Age Pension they are finding it hard to make ends meet, because the son makes no contribution to the running of the household.

The client also described a situation where they are living in fear because the son brings back other drinkers to the house. One such visitor stole the client's personal possessions. The client and his spouse lock themselves in their room at night due to this. There was no instance of domestic violence, but the client stated that he was nearing his wits end, wondering how to deal with this difficult situation.

We looked at client's situation and found that most entitlements were in place, except the Respite Care Grant, which we felt there may have been an entitlement to, considering that he was attending to his spouse's basic needs on a daily basis. A form was ordered and client was advised to come back to us for help if needed.

Concerning the situation with his son, we supplied details of Al Anon's 24-Hour Helpline as a possible support network. We discussed a scenario where client might have to ask his son to leave the family home. Client accepted a Free Legal Advice appointment at our Monday night session to discuss this. Details of the senior Helpline were also given.

This kind of situation is something that we see from time-to-time at the Centre. In some cases, elderly people are looking after young children without any extra resources to feed and clothe them. We have encountered a number of cases where elderly parents on low incomes are financially supporting adult children (in one case there was one as old as 36 and living in Thailand) by paying their rent and maintaining them on a weekly basis. In most cases the dependant adult children would not seek help or support independently, but preferred to leave the legwork and the worrying to their parents. Perhaps there is a need for a parenting network to coach elderly parents with grown-up children to deal with what might be termed as the third age of parenting.

### 8.3 Childcare

#### 4.05.05 Galway (Rosmuc CIC)

This Social Policy Record relates to tax credits. A married couple on average income has to pay high child minding costs and they cannot get any refund or tax credits for these costs.

This woman says that it is very unfair that tax credits are not given for these expenses, after all, there are tax credits for nearly everything else.

There are no child minding facilities for employed mothers and especially on the Islands and these credits should be given so that women can have the opportunity to take up employment.

## 9. Migration

### 9.1 Habitual Residence Condition

#### 8.05.05 Meath (Navan CIC)

As the Habitual Residence clause affects a large number of payments being made by the Dept of Social & Family Affairs, this added delay to an already lengthy application process is causing an added strain on other services. There are now more people seeking assistance from local Community Welfare Officers to assist with payments in the meantime. Could alternatives to this process or any way to speed up the process be considered, especially for Irish Citizens who have a lengthy work history in Ireland, but who may have just returned from a period abroad and find themselves in this loop. This process is taking approximately 6/7 weeks at present.

#### 19.06.05 Longford (Longford CIC)

Our clients are Irish citizens who have lived abroad in the US for a number of years, having been forced to emigrate for financial reasons during times of high unemployment in the 1980s and to help their family back home in Ireland. Now they have to satisfy the Habitual Residence Condition upon returning here whilst waiting to gain employment for Social Welfare / health services. These clients left the state back then rather than be on welfare and

be a burden on the state and now find themselves treated as if they did not belong to this country.

15.06.05 Mayo (Castlebar CIC)

The Habitual Residence Condition is causing hardship for a number of people who have come to us recently. One person needed to go and see her dying father in Poland and had applied for One Parent Family Payment. She was told if she left the country her One Parent Family Payment application would be cancelled. She had already been waiting 6 months to have it processed.

29:04:05 Limerick (Limerick CIC)

A middle aged woman and her sister recently returned from America and Australia to care for their sick parents. They called to the CIC. Their enquiry regarded the carers payment. The sisters are each caring for one of their parents. Their mother has cancer and is terminally ill. Their father has Dementia. As they have returned from the US and Australia after 15 to 18 years abroad they do not qualify for the Carers Allowance due to the Habitual Residence Condition. The information provider commented: "The Habitual Residence Condition is affecting a lot of returned emigrants. We told them to apply stating the mitigating circumstances and to talk to the Community Welfare Officer.

01:04:05 Dublin (Liberties CIC)

A German man called to the Centre last week. He had not got contributions from the time he worked in Holland. He got a job in Ireland in the building trade and unfortunately it only lasted 6 months. He was laid off at the end of February and would be re-employed in mid-April. When he went to claim Unemployment Assistance he was of course refused because of the Habitual Residence Condition.

The information worker commented: "This makes it very difficult for non-nationals and EU citizens who are eligible to work here to be able to survive in between jobs during their first two years in Ireland. A solution, we feel, to this problem would be that people who have been employed for a set period of time, e.g. 3 months, (particularly if they have been laid off for down periods) should be exempt from the Habitual Residence requirement.

28:04:05 Kerry (Killarney CIC)

A German citizen who has been living and working here for 6 months has recently become unemployed. He is able to claim Unemployment Benefit by using his Irish and German contributions. However he is unable to pay his rent from his Unemployment Benefit and he cannot get Rent Allowance because he is subject to the Habitual Residence Condition for Supplementary Welfare.

## 9.2 Migrant Workers

07.06.05 Roscommon (Roscommon CIC)

This client is a foreign national with three dependent children, two of whom live in Ireland with him. His rent is €160 per week. For the past four weeks, he has been working reduced hours, due to a downturn in his employer's business. His average earnings during this period are €200.

His employer told him that he was not entitled to apply for any Social Welfare because he was on a work permit, even though the client had sufficient contributions to qualify for UB (Unemployment Benefit).

The Foreign National Support Service assisted the client with his application for UB. Cases like this reinforce our view that workers coming here should be provided with basic information on their rights and entitlements in their own language before they leave their home country.

#### 15.06.05 Longford (Longford CIC)

These clients are non-nationals with very poor English. They have major difficulty understanding their entitlements because of poor English and in understanding directions of where to seek help etc. There is a lack of interpreters to help such individuals. If a pool of voluntary interpreters could be established by some of the support organisations in the community it would be helpful as it is very expensive to obtain professional interpreters and generally they are only provided by the courts.

### 9.3 Child Benefit

#### 07.06.05 Roscommon (Roscommon CIC)

The client is a foreign national. The factory he works for has let 30 workers go recently and the remainder are on short time. His wife and two children live with him and, when he was working full time, his wages never exceeded €300 a week.

He approached the Foreign Nationals Support Service for assistance in filling out a child benefit form. He has been in the country for two-and-a-half years. The application was refused on the basis that his wife had to apply for the payment, and she did not satisfy the Habitual Residence Condition.

Either parent should be allowed to apply for Child Benefit. It is unfair that the children are being penalised by a requirement for the mother to apply.

#### 07.06.05 Roscommon (Roscommon CIC)

The client is a foreign national who has been living in Ireland for four years. He applied for Child Benefit for his one dependent child but the application was returned. He was told that only the mother could apply but she did not fulfill the HRC (Habitual Residence Condition) because she had not been living in Ireland for long enough.

The client is a low-paid worker on a work permit.

(Comhairle comment: This aspect of the Habitual Residence Condition has been changed and a male foreign national who has been living here for more

than two years can now apply for Child Benefit for his children even if his wife and children have not been living here for the full two years.)

## 9.4 Refugees/Asylum Seekers

23.06.05 Donegal (Donegal Town IIU)

An asylum seeker consulted the Centre. He had taken and passed his Driver Theory Test. However, on application for a provisional licence the Local Authority told him they could not issue him with a licence unless he could show proof of his date of birth.

The only documents accepted as proof of date of birth are a birth certificate, passport, or in certain instances, a certificate of registration (a GNIB card). Asylum seekers may not possess any of these documents.

To enter for the Driver Theory Test costs €34.00 and this is a great deal of money for an asylum seeker to pay if they are unable to continue with the procedure to pass their driving test.

There should be some way around the documentation accepted as proof of date of birth to enable asylum seekers to obtain a provisional licence once they have passed the Driver Theory Test. In the event that this is not possible, there should be some mechanism in place to ensure that asylum seekers are aware of the fact they may not be in a position to obtain a provisional licence despite the fact they have passed the Driver Theory Test.

## 9.5 Visas

1.05.05 Dublin (City Centre North West Information Centre)

A gentleman phoned the office in a very agitated state. He and his wife had received residence in Ireland based on their Irish born child under the new scheme launched in January 2005. Because they now have residence, they decided to book a trip to Pakistan (their home country).

With their new residence status they had no problem getting re-entry visas to enable them to return to Ireland after their holiday. Their Irish born child had an Irish passport so could return without any further documentation. However, their eldest child (5 years old) had been born in Pakistan and, therefore, had a Pakistani passport. A re-entry visa was refused by Immigration for this child. Their only option was to appeal the refusal but as this problem had not been foreseen they would not have the time for the appeal procedure before the planned departure date.

There appears to be a lack of communication within the Immigration Department. With the granting of residence to such large numbers of people with Irish born children it would seem obvious that these people would wish to take trips outside the country (as they had not been allowed to leave the country while waiting for status). It would also seem obvious that they may have children other than Irish born children and, therefore, it would have been appropriate to facilitate the granting of re-entry visas for these other children.

25.04.05 Kerry (Killarney CIC)

It is absolutely impossible to get through to the naturalisation office or the Visa office to get any information for clients.

12:04:05 Longford (Longford CIC)

The Visa Office of the Department of Justice, Equality and Law Reform is open only on Monday, Wednesday and Friday from 10am to 12.30pm. This is not adequate from the public's perspective to access information on the basis of the current levels / numbers applying or having queries regarding the issuing and refusal of visas.

21.06.05 Dublin (Crumlin CIC)

Our client, a Romanian national living in Ireland (Registration Card), had obtained a visa to visit Romania for herself but had actually applied for a visa for herself and two children (also Romanian citizens, on her passport). Her concern was being allowed to return to Ireland.

She was unable to get satisfactory information on what was happening with her application for the visas for her children. We also found it impossible to get this information by telephone. Despite various attempts we were always eventually referred back to the Immigration Office. Despite the obvious demand for the service this office is open to receive calls from the public on 3 days per week, Mon, Wed, and Fri, for 2.5 hours on each of these days.

We finally decided to write to this office on behalf of our client but this necessitates using more time for us and further delays for our client (her own visa is for 3 months and is already half way through this period!) with no guarantee of an adequate response.

The availability of the telephone service for the Immigration Office is totally inadequate.

## **10 Disability**

### **10.1 Parking Permit**

08.06.05 Donegal (Carndonagh IIU)

A lady with advanced MS asked for an application form for a Disabled Parking Permit. A family member assisted her in filling out the application and did not notice the instruction to enclose a stamped addressed envelope. She returned the application to the Disabled Drivers Association in Co Mayo. Three weeks later she rang the CIC and asked if we could enquire about the delay. I duly rang the Disabled Drivers Association and was told that the delay was due to the fact that an s.a.e. had not been enclosed. They informed me that 60 to 70 such applications were put in the waste basket per month without further reference to the applicant.

I enquired if this was policy and was informed that indeed it was and that this was dictated by financial constraints on the organization. No other explanation or apology was offered.

## 11 Law / Justice

01.06.05 Longford (Longford CIC)

Our client, the neighbour of a deceased person, was advised by a solicitor that she had been named as executor of the will and also as a beneficiary of the will for €1,000. The solicitor then wrote to her enclosing documentation from another solicitor saying he is in possession of a more recent will made by the deceased person with a different person named as executor.

The client subsequently received a letter from the second solicitor advising her that she is a beneficiary of the will and enclosing a cheque for €500. The client felt that the person may not have remembered that he had already made a will three years previously and wondered why he had made the second will and changed solicitors without informing the existing one.

As far as she was aware no medical report was sought to verify that the person was lucid on both occasions. She was also concerned about the manner in which the first will was drawn up. The solicitor's legal secretary went to the nursing home to draw up the will and she witnessed it. The solicitor has admitted that he was away that day but he has still signed the will as a witness. The client feels that this practice might be widespread and that it needs more scrutiny. The client also feels that many people named as executors are not aware of their responsibilities. She feels that more independent information should be made available to communities on this topic as well as to the elderly in nursing homes.

29:06:05 Mayo (Castlebar CIC)

The number of complaints against solicitors seems to be on the increase. The latest ones include, long delays in processing people's business, discourteous treatment, failure to give clients information, sloppy workmanship, overcharging and what in some cases appeared to be fraud. Many people do not complain to the Law Society as they feel that this is a very cumbersome process that yields very little results.

17:04:05 Donegal (Letterkenny IIU)

There is a huge backlog of people waiting to access the Legal Aid Centre in Letterkenny. People have to wait at least four months for an interview with a solicitor and possibly a further three to five months to have their case heard. A lot of men who are denied access to their children have to wait all this time to see them again. This is a long time in the life of a child and indeed in the life of a grieving parent. A lot of separated couples cannot get on with their lives due to these waiting times.

## 12 Equality

### 12.1 Travellers

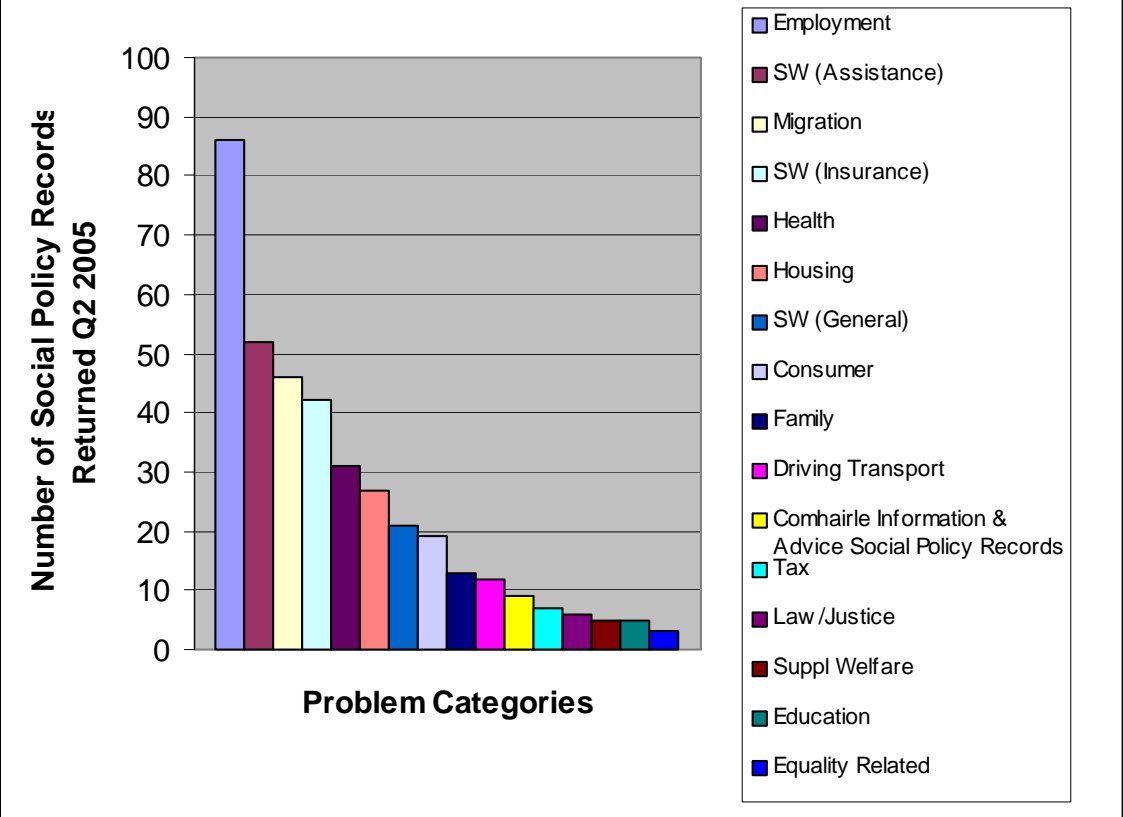
31:05:05 Dublin (NorthsideCIC)

A client who is a member of the Traveller community came to the CIC for advice. He and 3 of his friends were in a pub in Swords for a few drinks. After 3 drinks they were approached by a guard and asked to leave. They were not drunk and had not caused any problems. They were not approached by or given any warning by the pub management or bouncers. They were approached by a guard and asked to leave. When they asked why, the guard explained that he had been called in by the pub management. He gave the young man his card and wrote on it to enquire about the Equal Status Act. He explained that he had been called by the management and was just doing his job but that as far as he could see there was no reason behind it other than their Traveller status.

The young man and his friends were very embarrassed at being asked to leave by the guard in front of everyone. I contacted the Equality Authority on their behalf but cases to do with licensed premises are now dealt with through the district courts.

The information provider commented: "I feel that the protection legislation in the Equal Status Act is rendered somewhat ineffective in this situation as unless the client qualifies for legal aid, it is up to him/her to pay a solicitor to take a case, something which this client could not afford. I referred him to the Free Legal Advice clinic and the local Traveller Resource Centre and advised him to come back to us if he needed any more assistance. Although the Equal Status Act condemns discrimination on the grounds of being a member of the Traveller community it is unfair to single out and expect people who experience discrimination in a licensed premises not to have the same channels available for making a complaint.

### Social Policy Records Q2 2005



Number of Social Policy Records returned to Comhairle by  
Citizens Information Services and the Citizens Information Phone  
Service during April to June 2005

<b>CIC</b>	<b>No.</b>
Carlow (Carlow CIC)	51
Cavan (Cavan CIC)	11
Clare (Ennis CIC)	13
Clare (Kilrush CIC)	2
Clare (Shannon CIC)	5
Cork (Bantry CIC)	2
Cork (Cork (South Mall) CIC)	13
Cork (Hollyhill/Knocknaheeny CIC)	8
Donegal (Ballyshannon CIC)	1
Donegal (Buncrana CIC)	1
Donegal (Carndonagh IIU)	5
Donegal (Donegal Town IIU)	8
Donegal (Dungloe IIU)	9
Donegal (Letterkenny IIU)	4
Donegal (Milford IIU)	4
Dublin County (Skerries CIC)	1
Dublin (Adelaide Road CIC)	3
Dublin (Ballyfermot CIC)	7
Dublin (Blanchardstown CIC)	6
Dublin (City Centre North West Information Centre)	8
Dublin (City Centre (Dublin) CIC)	1
Dublin (Crumlin CIC)	6
Dublin (KARE CIC)	2
Dublin (Liberties CIC)	2
Dublin (Northside CIC)	5
Galway (Galway CIC outreach Portumna)	2
Galway (Galway CIC)	6
Galway (Rosmuc CIC)	6
Kerry (Caherciveen CIC)	2
Kerry (Killarney CIC)	4
Kerry (Tralee CIC)	3
Kildare (Newbridge CIC)	4
Kilkenny (Kilkenny CIC)	4
Laois (Portlaoise CIC)	1
Leitrim (Carrick-on-Shannon CIC)	2
Leitrim (Drumshanbo CIC)	9
Limerick (Limerick CIC)	14
Longford (Longford CIC)	28
Louth (Drogheda CIC)	3
Louth (Dundalk CIC)	26
Mayo (Castlebar CIC)	15
Meath (Navan CIC)	10
Monaghan (Monaghan CIC)	1
Offaly (Tullamore CIC)	4
Roscommon (Roscommon CIC)	13
Sligo (Sligo CIC)	10
Tipperary (Thurles CIC)	6

Waterford (Waterford CIC)	13
Westmeath (Athlone CIC)	2
Wexford (Wexford CIC)	5
Wicklow (Bray CIC outreach Baltinglass)	1
Wicklow (Bray CIC outreach Carnew Library)	1
Wicklow (Bray CIC)	1
Statutory Agency	1
Comhairle Information & Advice Social Policy Records	9
<b>Total</b>	<b>384</b>

