

Social Policy Quarterly Report April - June 2011

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Introduction and Overview

The Citizens Information Board (CIB) has a statutory role to provide information on the effectiveness of current social policies and services. One way in which CIB does this is by channelling critical information as to the experiences and needs of citizens through to the relevant government departments, state agencies and other bodies.

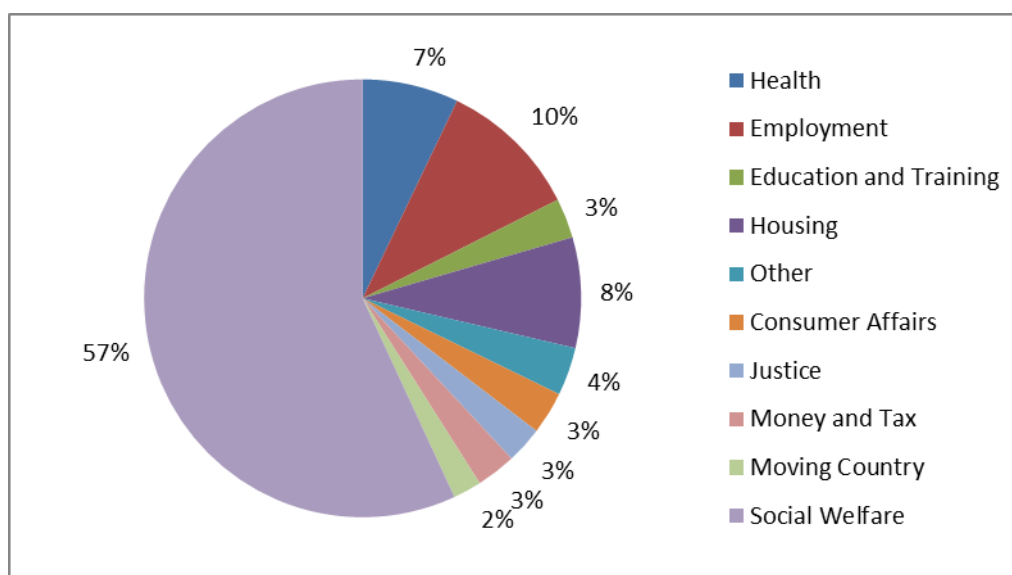
CIB gathers this information from Citizens Information Services (CISs) around the country, and from the national Citizens Information Phone Service (CIPS). These services are working with and on behalf of people who are seeking to access essential services and supports. As such, they are very well placed to see and understand the impact of social policy on real lives. By communicating the needs and experiences of people using Citizens Information, we hope to positively influence social policy and the way in which policy is administered¹

This Social Policy Quarterly Report covers the period April to June 2011. It is based on 561 social policy 'returns' to CIB from CISs and CIPS during this three-month period. A return is made whenever the information giver determines that the query being dealt with is illustrative of a wider policy issue.

The Report focuses on the following areas of concern, each of which was the subject of multiple social policy returns:

- ◆ Lengthy **delays** in processing benefit claims and dealing with appeals;
- ◆ **Inaccurate/incomplete information** and/or **failures to properly respond** to citizens who are trying to pursue their rights and entitlements;
- ◆ **Gaps and/or anomalies** in social welfare provision;
- ◆ **Difficulties in pursuing/accessing employment rights** and entitlements.

A majority of those using Citizens Information are looking for information or assistance with respect to Social Welfare, and the majority of the social policy returns that the CIB receives are in this area. The table below illustrates the percentage breakdown, by information category, of social policy concerns reported to us during the second quarter of 2011.



¹ During the first half of 2011, Citizens Information Services (including the national Citizens Information Phone Service) assisted 422,139 clients.

1 Social Welfare and the Barriers People Face (1)

1.1 Introduction

Any examination of social policy requires a close look not only at the policies themselves, but at how the supports and services provided for in legislation are administered on the ground.

It is not enough that people are theoretically entitled to state support. Ultimately, if people are unable to access the benefits that they need in a timely and transparent fashion, significant hardship and distress will arise, especially for those who are particularly vulnerable and/or isolated from community and family supports.

At this time of recession and high unemployment, and with recruitment embargoes in place across the public service, Social Welfare and HSE offices with a responsibility for administering claims are under considerable strain. The result is that many citizens face unacceptable delays as they pursue their welfare entitlements. Twenty two per cent of all social policy returns made to CIB during this quarter concern the negative impact on people's lives and wellbeing caused by these lengthy delays, a significant increase from the 16% of returns received on this issue during the first quarter of the year.

A particular difficulty is that a delay in processing a claim for one payment will often affect access to 'linked' (secondary) benefits, further adding to people's money problems and attendant stresses and strains. CIPS points out that *"during the delay, people are not entitled to any secondary benefits that they may have qualified for earlier, had the application been processed on time. The secondary benefits should be backdated from the date of application for the initial benefit."*

The distress and confusion caused by the long processing times is exacerbated by a situation where claimants (and those advocating on their behalf, such as Citizens Information Services) are frequently unable to make contact with staff in the offices processing their claims, with telephone calls and emails going unanswered. Nineteen per cent of the social policy returns address the issue of lack of access to necessary information and/or incomplete or inaccurate information being offered to people who are trying to find out what their entitlements are or whether their claims are being dealt with.

Moreover, quite a number of claimants who do manage to speak to welfare staff, either face-to-face or on the telephone, report that they are facing discourtesy, rudeness and, at times, discriminatory attitudes and comments, with 9% of social policy returns that we received during this second quarter pointing to real problems with discourtesy and/or other forms of unacceptable treatment of people making welfare claims.

We recognise the very real pressures being experienced by the public servants dealing with large backlogs of claims and appeals. It is nevertheless important that we point out that – on the evidence of social policy returns from CISs and CIPS – this situation is impacting very seriously on the quality of life of many people who are currently reliant on state support to meet their basic needs.

This section of the report will therefore examine the delays, discourtesies and discrimination that people are reporting to our services, while Chapter Two will cover the problems being experienced with regard to obtaining timely and accurate information.

1.2 Processing Delays

Many of the cases that have been brought to our attention by Citizens Information Services concern Family Income Supplement (FIS), One Parent Family Payment (OPFP), Jobseeker's Allowance/Benefit (JA/JB), Illness and Disability Benefits, Carer's Allowance (CA), Rent Supplement (RS) and Medical Card applications, although delays are certainly not confined to these benefits.²

Sometimes, processing delays are exacerbated by a mislaying of documentation that has been submitted by claimants. Case study evidence points to this being a particular problem in those offices dealing with Medical Card, Child Benefit and Family Income Supplement applications.

Family Income Supplement

Very lengthy delays both in new and renewal claims for FIS not only put great strain on the finances and well-being of low-income working parents and their children, but also prove to be a disincentive to taking up or continuing in paid employment. It would appear that in certain cases people are waiting in excess of six months for decisions on FIS claims.

In reporting on a lengthy wait for a response to a FIS claim, and failed attempts to get through to the FIS office on the telephone, one CIS states that this situation *“disincentivises people who are contemplating moving from Jobseeker's payments to work as they may well be worse off in the short term”*. People like Sophie³ have certainly had a negative experience of looking to the state for support to enable them to stay in work rather than to become wholly welfare-dependent. Sophie *“applied for FIS in 2010. Her documents were lost, registered documents apparently not received. Her application had to be resubmitted after seven months. She is fearful of applying again this year because of the earlier delay.”*

CIPS reports that those awaiting decisions on FIS claims found themselves unable to claim assistance under the Back to School Clothing and Footwear Allowance scheme, and also report the financial pressure experienced by low-income parents of four school-going children during a two-month delay in processing their renewal claim for FIS.

One Parent Family Payment

In quite a number of cases, the claimant has some income from employment, but insufficient means to feed and clothe the family. Joan is one such claimant. A mother of two, *“she made a claim for One-Parent Family Payment in May 2010 when she separated from her husband. She works ten hours per week. She was refused Supplementary Welfare as she is working and cannot claim Jobseeker's Benefit as her job has always been part time. She is still awaiting her claim for OFP – i.e. a thirteen-month delay. On calling the local Social Welfare Office, we were advised that there is a serious backlog. Joan's claim is there and all paperwork required for her claim is there - just lack of resources for the local office, which cannot process her claim any more quickly.”*

Siobhán, in the meantime, who has two very young children, *“applied for One-Parent Family Payment in November 2009. She has not received any payment, and each time she enquires, she is told it is still being processed.”*

² While the vast majority of welfare benefits are claimed from Social Welfare (under the auspices of the Department of Social Protection), the HSE also has responsibility for some welfare supports (e.g. Medical Cards, Mobility Allowance, Blind Welfare Allowance, Foster Care Allowance and others).

³ **All names used in this report are pseudonyms. No names are passed on to CIB by Citizens Information Services when submitting their social policy reports. Citizens Information Services offer complete client confidentiality.**

Jobseeker's Benefit/Allowance

Jobseekers' payments are decided upon and administered by local Social Welfare offices. Clients who have applied for a payment having become unemployed, or following a reduction in their working hours, are regularly facing delays. Brian, for example, *"is married and earns €132 from part-time working (three days per week). He signed on for JA over seven months ago and after a meeting with the Deciding Officer over six weeks' ago, is still awaiting a decision. The CWO has refused to assist him any longer, stating that he should have heard from Social Welfare by now. Brian is distraught. He is behind in his rent and fearful of falling into further debt."*

One CIS has made the point that processing delays might, on occasion, be used to dissuade people from reliance on the Irish state. Certainly they might have this effect. Eugen had lived and worked in Ireland for five and a half years, but on losing his job was refused JA on Habitual Residency grounds and because it was claimed he had failed to disclose means. The CIS contacted the local office – this took some time as calls and letters went unanswered – and explained that the disclosure of means form had not been received. (It was apparently not re-sent following this call). The CIS had also obtained specialist advice that a HRC debarment should not apply in this case, and subsequently spoke to the Appeals Office. The Appeals Office *"felt there were grounds to appeal and HRC should not apply but every time we contacted them, they were still awaiting the file from the local office. I spoke to the local office in February who said they were now ruling out HRC but the file was still under investigation. Unfortunately, my client's savings have run out and he has had to return to Slovakia. This situation is a regular occurrence at the Centre, where it is felt that Social Welfare offices take a long time to process these claims in the hope that non-Irish claimants will have left the state before the claim is settled."*

Illness and Disability Benefits

Chronic system delays in processing claims for disability payments add further to the distress of people who are experiencing ill health and incapacity. Claims for Disability Allowance and Invalidity Pension are, for example, sometimes taking many months to reach decision stage. There is a view amongst CISs that there is a growing tendency not just to delay decisions but also an increase in initial refusals of many claims, forcing people unnecessarily through a lengthy appeals process before payment is finally awarded. Oscar, for example, *"is in his mid-fifties and suffers with renal problems and severe chronic arthritis. He has been refused Invalidity Pension as the DSP doctor is of the opinion that he will not be permanently unfit for work."*

Patrick *"made an application at the beginning of January for Invalidity Pension. The claim was registered but is still not processed five months on. Patrick's Illness Benefit ended three months ago, in March. He had not been made aware of Supplementary Welfare Allowance."*

Evidence is also emerging that DSP delays in issuing written approval to undertake rehabilitative work have cost people jobs. Clara, who has been in receipt of Illness Benefit, *"was offered a job a number of weeks ago. It was left open while she applied for permission. She still has not received a decision and because it has taken too long, the job has been offered to someone else."*

Those waiting for decisions on award of disability/illness-related benefits from the HSE are faring no better than those waiting on the DSP. Margaret has applied for Mobility Allowance. She *"has advanced cancer of the spine and is attending a hospice. Neither the CIS nor the hospice Social Workers can get a return call from the HSE office concerned. Margaret can no longer work and her income is very low; her daughter is her carer and drives Margaret's car as Margaret can no longer drive herself. This Mobility Allowance would pay her car tax and insurance. She attends hospital several times a week. If she is unable to continue to afford her own car, it would cost the HSE a lot more to have her ferried to hospital for her treatment. What is the delay?"*

Carers' Payments

Sometimes, people are waiting for more than one benefit to be paid, which can add further to their distress. This is the case with Maureen, who *“applied in February 2011 for Carer’s Allowance in regard to her terminally ill brother. She is also awaiting an appeal for Domiciliary Care Allowance in respect of her child, which was refused initially on medical grounds. The means assessment for the Carer’s Allowance is delayed due to backlog of claims with the Social Welfare Officer, which is out of the control of the Carer’s Allowance section. The SW Appeal for the Domiciliary Care Allowance is also delayed due to backlogs. Maureen is providing full-time care to both her child and to her terminally ill brother, but is not receiving any payment.”*

Rent Supplement

In the case of Rent Supplement delays, the CISs are reporting cases of eviction or threatened eviction. This would seem to be a problem in the Dublin area most particularly. Patricia, for example, *“applied for Rent Supplement in early April and has not [June 2011] received a reply. The landlord is threatening eviction and the HSE are not answering the telephone.”*

“Collette sent in all the information that the Rent Supplement section requests and a later phone call confirmed that the information was complete and the claim was being processed. After a further two month wait, the RS Unit was phoned and they now say that they did not receive the required information and want it all again. How can a government department confirm that they have the required information and then lose it? This is causing Collette undue hardship as the landlord is about to evict her.”

Particular problems processing delays and in contacting the new Centralised Rent Unit in the Dublin area were reported by a number of CISs and CIPS. At the time of writing this Quarterly Report, however, this Unit had ceased to accept new claims, with applicants being asked to revert to their local Health Centre/ Community Welfare Officer (for further information, see http://communitywelfareservice.ie/cws_public/content/centralise-rent-unit-dublin-information)

Medical Card

In reporting on Medical Card processing issues, we acknowledge that since the time period on which we are reporting, a national centre has become fully functional and is receiving applications that would previously have been made to local HSE offices. It is intended that this will bring greater efficiency to the processing of applications, although evidence being received at the time of publication of this Quarterly Report suggests that this might not yet be the case.

It is nevertheless hoped that the new processing arrangements might go some way towards preventing situations such as that faced by Michael, an elderly gentleman who had *“sent all his details on Medical Card renewal form. A doctor’s letter and other documentation have been mislaid by the HSE. The CIS contacted the HSE Medical Card renewal section, who said that the documentation would have to be re-submitted. The man has proof of postage.”*

For those experiencing ill health, or with children who need to see a doctor, the Medical Card processing delays and mislaying of information has proven especially distressing. Anna, for example, *“applied for a Medical Card when their child was born, ten months ago. She got a letter asking for more documents six months ago and did not hear from MC since. When we called asking about her claim, nobody could find her case. She was told to claim again. Since she is not working, she cannot go to the doctor because she cannot afford it. She is very distressed.”* Eithne, meanwhile, *“applied for a Medical Card review last October. She has furnished all documentation requested. Her husband is seriously ill, on an awful lot of medication, and this delay is causing great stress and hardship.”* Her local CIS made a number of phone calls on Eithne’s behalf *“only to be told that if she sent in the information required it is not yet on the system.”*

Other Delays

Sometimes, delays can have a serious and long-term effect on people's lives. Two such outcomes are reported below.

One CIS reports a number of cases of third-level student places being lost due to inability to pay the Student Contribution of €1500 while awaiting processing of the Student Grant. *“The CIS has contacted a number of colleges for assistance, but no result has been achieved. Clients have been referred to St Vincent de Paul in such cases.”*

Meanwhile, another CIS tells us about David, who “has worked for over six years in Ireland and was in employment when he made his citizenship application. He was then made redundant from his job and is now dependent on Social Welfare. He was refused citizenship on the grounds that he was a burden on the state and he has no means of appeal. If the application was processed in a timely fashion after he applied he may still have been working and may have qualified for Citizenship.”

1.3 Appeals Delays

The experience of CISs is that a significant number of their clients' welfare benefits claims are turned down by the Deciding Officer in the first instance. The Citizens Information Services often successfully assist clients to seek a review of these decisions, particularly where clients had not realised specifically what information/evidence they should provide at initial claim stage. In most cases, however, the only way forward for those whose claim has been refused is to seek an appeal. Unfortunately, those who are able to navigate the system well enough to appeal an initial decision frequently find themselves waiting a very long time for their appeal to be heard.

A number of CISs have expressed the view, based on the cases that they are dealing with, that it seems increasingly likely that a Deciding Officer will simply refuse a benefit claim rather than seek necessary additional information or clarification. This is leading to a situation where many legitimate claims, particularly for illness, disability and carers' benefits, are proceeding laboriously through the appeals system before the benefit is finally awarded.

As with initial processing delays, appeals delays can have a negative 'knock on' effect with respect to supplementary benefits, making a situation of financial hardship even worse. Miklos, for example, *“has been awaiting a hearing with the Appeals Office since October 2010. He has had no written information from them since this date. His CWO is paying Supplementary Welfare Allowance (SWA) but now needs an up-to-date letter from the Appeals Office stating that the claim is still pending. Miklos went to the Local SW Office about this, but they directed him back to the CWO. The CIS [June 2011] made telephone contact with the CWO, who advised that she must have a letter on file. The CIS then tried to contact the Appeals Office, waiting 20 minutes on the telephone. Miklos is very worried that his SWA payment may be stopped.”*

Niamh, whose claim for Jobseeker's Allowance was turned down on the Habitual Residence Condition, is experiencing a long wait for her appeal to be heard. She is reported to have been struggling to feed herself *“for a number of weeks as she has no money”*. Her claim for Supplementary Welfare Allowance also fell foul of the Habitual Residence Condition.

Maeve has cared for her sister's child since the death of the child's mother several years ago. The father has never been involved with his child, despite many letters and other forms of contact from both the child's deceased mother and subsequently from Maeve. Maeve applied in 2009 for Guardian's Allowance. *“Social Welfare refused the application due to failure to prove parental abandonment. A*

review was also refused. Maeve has been awaiting an Oral Hearing since this date. If the child had been taken into care by the state as opposed to the family member, the financial implications would be much more expensive than paying Guardian's Allowance."

"Jim has appealed a decision on HRC. We contacted the Appeals Office as he is waiting more than eight months for a response. We were advised that he is listed for an Oral Hearing but it may take another three months. He is now left in limbo and without payment as he has exhausted his payment with the CWO. The delays in dealing with Appeals are where the problem lies as six months should be absolute maximum waiting period and during this time a client may have an entitlement to SWA."

1.4 Discourtesies and Discrimination

At first glance, the attitude of public servants towards people who are pursuing their entitlements might not seem to be a social policy issue. Policy, however, becomes 'real' for people through the ways in which it is administered on the ground. If a person - who might already be feeling distressed about a change in life circumstances that has rendered him welfare dependent - is in his view treated poorly by those dealing with his claim, this not only exacerbates his difficulties, but might also prevent him from continuing to seek the welfare support he needs.

Social Policy Returns that concern the manner with which people are treated can be broadly categorised into those that draw attention to discourtesy, and those that point to prejudice and perceived discrimination. In some of the cases reported below, formal complaints have subsequently been made by the clients concerned, but we include them here as illustrative of the discourteous treatment that some clients are reporting to Citizens Information Services.

Discourtesy

A CIS client reported that she "was treated very abruptly when she legitimately enquired about a footwear and clothing allowance", being subject to "bad language" and having the telephone hung up on her. Meanwhile, another CIS client is said to have been "shocked at the treatment she received on the phone" from the Disability Allowance office whom she felt spoke to her rudely. The DSP employee concerned "refused to give her name". A client with bowel cancer who had applied for Disability Allowance and been accepted on medical grounds was disallowed due to perceived 'irregularities' in her partner's means. "It is alleged that the SW Inspector rang the client and was quite discourteous. This if true is unacceptable especially towards a client with a serious illness."

CIPS report two instances of inappropriate treatment of clients by CWOs. In the first case, "Maire was extremely disheartened and upset by the treatment she received from a CWO. She was applying for an Exceptional Needs Payment and was laughed at. The CWO scrunched up the application while she was there and placed it in the bin, telling her not to come back." In the second case, "Clóna had been getting a clothing allowance on behalf of her sister, who has Down's Syndrome. Having received this for six years, she was refused this year by a different CWO. She felt that the CWO was very rude to her."

These client testimonies are lent weight by the fact that CISs themselves report rudeness in the way in which their own staff have been spoken to. One CIS contacted a local SW office "on behalf of a client who is in receipt of JSA and has had his payment reduced due to his wife claiming IP. When I queried the reason & requested that a breakdown in figures be sent to client, I was spoken to in an arrogant manner; he did not wait for me to finish my sentence and I can understand how client felt anxious phoning and why he requested the CIS phone on his behalf. The tone of voice was condescending and abrupt." This mirrors the experience another CIS staff member had with a FÁS employee, who gave "incorrect information, seemed little interested in the query and was rather abrupt".

Discrimination

It would appear from client accounts, and indeed from some CIS staff interaction with staff members in the DSP and HSE, that discourteous treatment might at times stem from prejudicial attitudes and might have the effect of discriminating against certain claimants.⁴

A CIS reports the case of clients who *“inform us that they are not allowed speak, not listened to and have been told to shut up by the CWO. They have also been requested to present every Tuesday in order to receive payment. They believe that they are being racially discriminated against as they are Travellers.”* A client of another CIS shares this view, feeling that *“she was being treated unfairly and rudely by a CWO as she is a Traveller and a single parent.”*

One CIS has a Polish client who *“feels he is being discriminated against by the Town Council. He has applied for Rent Supplement but has been waiting since March [i.e. three months] for a letter from the council. He says that every time he goes there they give him different forms to fill in and look for different information, which delays the process. He has found them rude to him. When he asked how long it would be before the letter was written, he was waved away.”*

Another CIS has a client who *“is a Black UK national. He has worked in the UK for many years and moved to Ireland last August as he is a relationship with a woman who works in Ireland. When he went to his local Social Welfare office he was told that it did not matter if he had a UK passport, he needed to apply to the Minister for Justice for a Stamp 4 so that he has permission to work. There is no basis for this. It would appear that because the client is Black and has an African accent the member of staff in the local office assumed that he does not have the rights of an EU national.”*

When a CIS staff member contacted the Child Benefit section with regard to a payment delay, *“the woman I spoke to repeatedly referred to foreign nationals as ‘these people’. She called my client, a young mother, a liar and suggested that she was trying to get away with something dishonest. I was quite shocked at the venom and racial undertones of the woman’s statements.”*

A Polish man applied for Supplementary Welfare Allowance (SWA) while awaiting JA following a lay-off. *“He has been asked to return with various different documents - each time he brings one item, he is requested to bring another. The only income in the meantime is his wife's part-time wage of €125 per week. He has one child and his wife is pregnant. He is now extremely distressed as he has been told this week that his claim has been closed but that the CWO 'might' review. When he asked what he can do, he was asked 'what did you do for the last six weeks?' It was also suggested by the CWO that he should return to Poland. Clients should not be treated in this manner by members of the public service.”*

Another CIS reports the case of a refugee from Afghanistan whose Social Welfare Officer, while processing a claim, allegedly *“told him to go back to his own country”*.

⁴ Legally, a person is said to be *discriminated against* if he/she is treated less favourably than another is, has been or would be treated in a comparable situation on any of the nine grounds listed under Irish Equality Legislation. These are: gender; civil status; family status; sexual orientation; religion; age; disability; race; membership of the Traveller community. Outside of the legal framework, it is widely recognised that discriminatory behaviour may take many forms, all involving some element of exclusion or rejection. This report makes no claims of legal discrimination, but does seek to accurately reflect the accounts of clients of Citizens Information services who feel that they have been treated unfavourably on account of their membership of a particular group, which may lie within or outside of the nine grounds currently used under Irish discrimination law.

The word *prejudice* is most often used to refer to preconceived judgments toward people or a person, again generally because of membership of a particular grouping, or other personal characteristics. It may, more generally, include any attitude that is unreasonable and/or irrational when measured against objective evidence. Prejudiced *opinion* towards a person or group will sometimes result in discriminatory *behaviour* (i.e. less favourable treatment)

2 Social Welfare and the Barriers People Face (2)

2.1 Introduction

People will not get what they need if they do not know what they can claim. If people receive inaccurate information - or no information at all - from those working within public services, they may well lose out on potentially critical benefits/services.

Case study evidence from Citizens Information Services points to very significant breakdowns in communication between public services and the citizen.

In many cases, it has proven impossible for people to make contact *at all* as very many telephone calls simply go unanswered. Where contact is made, information may be incomplete or inaccurate. This can have a significantly detrimental effect on quality of life and wellbeing, sometimes causing immense hardship.

Thus, the confusion and hardship caused by processing delays is often exacerbated by the difficulty that people have in contacting the relevant office to ask about the progress of their claims.

2.2 Failure to Respond

CISs frequently report that people are unable to get through by telephone to Social Welfare, HSE and other Government Department and Local Authority offices that are supposed to be accessible to the public.

Many CISs sent in policy reports that concerned the difficulty of reaching local and national social welfare and other public service offices, complaining repeatedly that it was proving “*impossible*” to get through by telephone.

Even where people are visiting local offices, rather than relying on telephone or letter/email, they are often unable to find out what they need to know about their claims. Colman, for example, “*is on reduced rate of Jobseeker’s Allowance. At a previous meeting, we advised him that he should now re-qualify for Jobseeker’s Benefit as he has had some periods of employment. He attended the Local SW Office with his P60s and all information. Four weeks later he has been unable to get a response. Clients continually complain to us that they cannot get information on their claims, either over the telephone or at the counters in the Local Office.*”

Many people are directed to web-based information rather than to telephone or face-to-face routes to government offices. This can, however, be problematic in itself, especially for those with little or no access to the internet, or without computer literacy. “*Joseph applied for a Medical Card and submitted the interest certificates from savings as requested but was asked to also produce proof of the capital amount in savings. This was requested three days before the renewal date and several weeks after first submission. When he queried the need for this he was told it was all on the website of HSE. He is elderly and has no computer or computer literacy. E-government is fine for the young and computer aware but for elderly clients it is socially unfair to be directed to an information source they are often not able to access.*”

2.3 Incomplete Information

When claimants receive decisions from the DSP turning them down for the benefit they have applied for, the information given is often so brief/unclear as to be of little use. This makes it very difficult for the claimants to understand why they have been turned down and, importantly, is a barrier to their considering an appeal or requesting a review. The following case highlights how a combination of inadequate information by letter combined with a difficulty getting through to welfare staff (as described in the above section) can together be a cause of confusion and upset.

“Brid called into the CIS very distressed as she had just received a letter to say that her Disability Allowance had been reduced by €124. It did not include any specific reason. She had tried repeatedly [but unsuccessfully] to contact the person dealing with her case.” It is the view of the CIS that highlighted this case, that *“the letters sent out by Social Welfare should accurately portray the actual circumstances and include a copy of the calculations if a payment is means-tested. It causes huge distress when the letters are a bald statement re alteration in circumstances. Many clients do not know the conditions under which they qualify [for a particular benefit] so they are not going to understand any change those qualifying conditions could produce without good, clear information at the time of change. The CIS saw the letter involved [in Brid’s case] and it was very basic and uninformative. We have seen an increase in such cases over the past few months. [The distress and confusion caused could be avoided] if full information were given.”*

CIPS concurs with this view. Advising an elderly caller who had been turned down for a Medical Card, they formed the view that – based on the information given to them as to her means and medical condition – she should have qualified. The caller was not, however, *“given any reason for the decision. We acknowledge that there may have been a good reason for the refusal but the lack of information made it impossible to establish why it was refused and to set out grounds for appeal.”*

Sometimes, a failure to give comprehensive information to people looking to claim benefits can cause people to lose out on money that they very much need. *“Maria applied for Child Benefit when her child was born two years ago but will be paid only from the date her residency status was granted. If Maria had been informed that the child’s father, who is Irish and employed, should apply for Child Benefit, they would not have lost out on two years’ payments.”*

An absence of guidelines to clarify how certain rules should be applied can lead to a situation of arbitrary decision making which will mean that some people receive benefit while others in an equivalent situation do not. CIPS reports *“inconsistent implementation of the nine-week disqualification period [for jobseeker’s payments] with regard to people who are voluntarily accepting redundancy. The Department was unable to clarify whether the disqualification period would apply. Nor could they define under what grounds the nine weeks might be reduced or not applied at all.”* CIPS expresses the view that *“the arbitrary application of discretion by Deciding Officers in this situation is unfair and unacceptable.”*

2.4 Misinformation

Misinformation can and does create very significant difficulties for people, including unnecessary hardship and stress.

CIPS, having checked a client’s Jobseeker’s Allowance means test and discovered a discrepancy of €63 that was later rectified by the local Social Welfare Office reports that *“consistent errors in processing means-tested payments are being reported. It is more than likely that some errors that are resulting in*

financial hardship for claimants are going undetected.” In some cases, the misinformation would appear to arise from a refusal to even consider a claim. CIPS calculated a jobseeker’s payment eligibility of approximately €190 for a family who had previously been turned away from the local Social Welfare office without their application form having been accepted, having been told that they would not qualify. “The caller stated that the SW worker concerned is ‘famous for being rude’.”

A CIS reports that a client who is 100-years-old came to them in a distressed state as a result of her Household Benefits Package having been stopped. She was fearful that she might go to jail for not having a TV Licence. On telephoning the relevant Section of the DSP, the CIS staff member was told that the Package had been stopped in error “because there are new people in the office and they do not understand the system.”

Paula telephoned CIPS to query the level of her FIS payment. “On evaluation of the information provided, it seemed that she was awarded a rate significantly lower than she should have been. She was also ill-advised to cancel her FIS payment and apply for part-time Jobseeker’s Allowance. Her intention was to return to education and she was told she would qualify for more that way, by applying for BTEA. The evaluation given by the SWO, however, was according to JA guidelines and not the guidelines for BTEA. She would in fact have been better off overall on the FIS payment. The advice provided by the DSP, if followed, would have lost her valuable income.” CIPS concludes that “problems that need to be addressed are inaccurate evaluations, incorrectness, and failure to take a long-term approach to a client’s situation.”

Misinformation can lead not only to potential loss of benefits, but also to situations in which claimants face repayment demands from Social Welfare. This happened to Séamus and Catherine, who moved in together in August 2010. “At that time, Séamus was in receipt of full-rate Carer’s Allowance and Catherine was claiming Jobseeker’s Allowance. They went into the local Social Welfare Office to declare their change of circumstances. The local office said that she should start claiming for him as a Dependent Adult on her JA and that he would retain half-rate Carer’s Allowance. Now the Carer’s Allowance Section has sent a letter stating that a Dependent Adult Allowance is not a qualifying payment for Carer’s Allowance half-rate, and are looking for €1500+ back off them. This has caused considerable stress now as no-one in Social Welfare will accept responsibility for the mistake.”

2.5 Information Sought From Claimants: Confusion and Contradiction

Information of course needs to travel both ways – from the citizen to the state and vice versa. People need clarity from service providers, however, to enable them to provide the personal information required for their benefit claims etc. to be processed. This clarity would sometimes seem to be lacking.

“Thomas had received a letter from Social Welfare regarding efforts being made by him to secure employment. He has applied to various companies for jobs but rarely gets a reply. Showing letters of application is not sufficient to prove that client is applying for jobs, according to Social Welfare. Made contact with SW and asked for clear guidelines of what is expected by the client. There are none. Firstly, they do not wish clients to bombard companies with applications. But they require a letter from these same companies advising client that his application has been unsuccessful. Clear and fair guidelines are needed.”

“Okó had been granted refugee status in Ireland, and had applied for and been granted Irish Citizenship. He did not have a passport or birth certificate when he arrived in Ireland, and had to supply an affidavit in place of the birth certificate. Now as of January this year the Passport Office cannot accept the affidavit. The client has been granted Irish Citizenship but cannot apply for an Irish passport.”

3 Social Welfare and the Barriers People Face (3)

3.1 Introduction

It would seem from evidence collected by CISs that there are anomalies in the welfare system such that people with significant need do not always receive benefits, or else receive less than others in similar financial/family circumstances.

Gaps and anomalies in the system represent the biggest proportion of social policy returns to CIB from our service delivery partners – 33% of all such returns during the second quarter of 2011. Three such systems failures were reported particularly frequently. These concern:

- People who are – or were, prior to business failure – self-employed;
- The ‘working poor’ and the poverty trap: disincentives to taking up or staying in work; and
- Housing issues (including problems faced by separated fathers and RS/MIS delays and refusals)

3.2 Difficulties faced by the Self-Employed and their Families⁵

It is now well-documented that self-employed people, particularly those whose businesses have not (yet) folded, but whose income has fallen significantly, are often denied access to welfare benefits, the PRSI system being such that they have not made the required contributions. Mary, for example, *“has worked all her life as a self-employed person. She has never had to claim Social Welfare, but recently her business has suffered badly in the recession. She has a health problem for the past six months that has impacted on her business as she has missed many days working. If she were an employee, she would have been able to take sick leave and be eligible for Illness Benefit. Mary feels that Class S PRSI needs to be reformed to provide self-employed people with benefits, where such scenarios prevail.”*

Ciara phoned a CIS in a “very distraught” state. *“Her husband had been self-employed and his business collapsed. When her husband went to Social Welfare for assistance they refused because he had tools and a work van which he could not sell. They had no money to feed their children. We phoned the CWO who stated that their position would have to be assessed before a Supplementary Welfare payment could be granted. The fact that there were children without food did not seem urgent enough to give an emergency payment while their position was assessed*

John, in the meantime, a young married man with three children, was self-employed but had not had any work since 2010. His means assessment for Jobseeker’s Allowance takes into account projected income and his JA has been reduced accordingly. John is appealing the decision, but in the meantime he and his family are trying to manage on very limited funds. The CIS comments: *“The means test should be more realistic about projected income.”*

An issue for those who have a certain amount of self-employed income is the differential treatment of self-employed earnings and employee wages with respect to the calculation of disregarded income. Self-employed income has a nil disregard - i.e. is taken into account in full - when calculating entitlement

⁵ CIB will publish a policy report on Responding to the Welfare Needs of Self-Employed People by end 2011. Additionally, the following resources are available from CIB: a ‘microsite’ dedicated to people who are or were self-employed and now need welfare support - <http://www.selfemployedsupports.ie/> - and a booklet entitled ‘Supports and Information for the Self Employed’, downloadable from http://www.selfemployedsupports.ie/self_employment.pdf

to a means-tested benefit such as Jobseeker's Allowance, whereas only a portion of an employee's income is taken into account. Gerry *"doesn't qualify for any JA payment because his wife's income is around €350pw. They have no children, so the limit is €312pw with no disregard because his wife's income is from self-employment. If she were an employee, the disregard would apply and Gerry would have qualified for around €138pw. Also, they don't qualify for Mortgage Interest Supplement (MIS) because she works for more than 30 hours per week. After paying the mortgage, they only have €100pw left for them both to live on. They would have more if the wife stopped her self-employment and they were in receipt of JA and MIS."*

This differential treatment of the earnings of self-employed people and employees for the purposes of means-tested benefit assessment also affected Joe, who was receiving a Supplementary Welfare Allowance while waiting for a Disability Allowance claim to be processed. *"The SWA payment suddenly stopped. The CWO told him that it is because his wife is self-employed. She has a hair salon but opens only three days a week and does not have a big income. The CWO, however, said that they have to treat her as if in full-time employment. If she worked for somebody else for three days, the situation would be different."*

The means-testing rule for self-employed income also operates as a disincentive to taking up casual self-employment while on Jobseeker's Allowance, as occurred in Liam's case: *"Liam is claiming Jobseeker's Allowance (JA) for himself, his wife and three children. Some work became available to him, but he would have to do it as an independent sub-contractor. This would put his family in a financially worse situation, as 'euro for euro' assessment would apply, and he would have some costs to pay (e.g. travel)." (CIPS)* Reporting on a number of such cases, CIPS suggests that some disregard should apply, not necessarily at the same rate as that for employees, but perhaps *"at a level that accounts for potential tax deductions that self-employed people can avail of. This would provide needed support for self-employed people while simultaneously encouraging self-sustainment."*

Neither can self-employed parents on low incomes claim Family Income Supplement. One CIS comments that some people with their own businesses *"have large families and are on very low incomes but are excluded from the FIS Scheme. This is a recurring query in the Centre."*

Another common difficulty faced by someone who has previously been self-employed and is now looking to re-enter the job market, the business having failed, is that of access to government training and education programmes/schemes. Ciarán, for example, was self-employed and, his self-employed income having ceased, applied for Jobseeker's Allowance. *"He was not entitled to any payment based on his wife's income, is not entitled to sign for credits either, and therefore is not entitled to register with FÁS and avail of courses that would allow him to re-train and return to work."*

This barrier can extend to the children of self-employed people whose businesses are struggling or have failed. Sarah's parents are self-employed, and her application for a higher education maintenance grant, based on their income, was refused. *"Sarah was told that she could appeal under 'change of circumstances' as her parents' income had fallen. However, her appeal was refused on the grounds that change of circumstances applies only to employees who can show hard evidence of income reduction, such as a P45."*

3.3 The 'Working Poor' and the Poverty Trap: Disincentives to Take Up or Stay in Work

Family Income Supplement is intended to enable parents earning a relatively low wage to continue to work and thus provide for their families while also contributing taxes to the state. It is intended that it gives extra financial support to those who need it (i.e. who are earning below a certain threshold for

their family size). Unfortunately, many people – in addition to the self-employed (see 3.2 above) – find themselves excluded from the scheme.

One such exclusion concerns those living in the border counties and offered work in the North. *“Brendan has been offered a job in the North with a wage equivalent to €400 per week. He has three children. He cannot get FIS as the job is over the border. If he takes the job, he loses Jobseeker’s payment of €432 and a Mortgage Interest Supplement (MIS) payment. This is a disincentive to work.”* This same situation was faced by Jackie who, having been offered work across the border, contacted a CIS wanting to know *“if she would be eligible for FIS. The Department confirmed that work based in the North of Ireland would not be accepted for FIS even if the client is resident in the Republic of Ireland.”* Commenting on this case, the CIS concerned suggests that this amounts to *“discrimination against cross-border workers.”*

Other low-income workers hoping to claim FIS are caught by the rule that states that employment must be for a minimum of 38 hours per fortnight in order to qualify. Maria, for example, *“works for a cleaning company. As with many cleaning companies, her hours are flexible. Maria has been refused FIS because the Department states that she does not work the required hours. If her wage slips are evaluated over a period, however, she does fit the 38-hour per fortnight criteria.”* In this case, Maria was appealing the decision with the help of the CIS, but - as we have seen (Section 1, above) – this is likely to prove a lengthy process, and in the meantime Maria may not manage to stay in work.

In each of the cases above, the FIS exclusion criteria operate as disincentives to taking up or remaining in work, and thus might be seen as self-defeating in that parents in these circumstances are likely to remain or become unemployed welfare claimants simply in order to maintain or achieve a reasonable income level.

This disincentive effect is compounded by the fact that those working 30 hours or more per week will be unable to claim, or will lose, Rent or Mortgage Interest Supplement and that even those working less than 38 hours per fortnight (and therefore ineligible for FIS) are likely to lose a significant level of Rent/Mortgage Support (see section 3.4). Not alone that, but people who have qualified for FIS, having met the various conditions, may find themselves debarred from council housing lists in certain local authority areas (see section 3.4).

3.4 Housing Issues

Rent Supplement (RS) and Mortgage Interest Supplement (MIS)

Apart from the processing delays often reported in respect of Rent Supplement (see Section 1), there would seem to be anomalies in the system that lead to unnecessary hardship.

The rule that a person working full-time – which is defined as 30 hours or more per week – cannot claim Rent or Mortgage Interest Supplement rules out many on low wages who are in need of such assistance. As one CIS points out, having informed a couple following the wife’s job loss, and with the husband in low-paid work, that they could not claim any assistance with their housing payment: *“Someone working 29 hours per week could have a higher income than another working 31 hours per week, yet the person with a higher income could apply for either RS or MIS while the lower-income person could not.”*

Another frequently-reported issue is the ‘link’ between housing needs assessment and Rent Supplement processing, the latter being reliant on completion of the former. Because of this link, any delays on the part of the local council in assessing housing need will hold up the Rent Supplement that

is often urgently needed. Dermot, for instance, “had submitted his housing application forms in mid-April. The Housing Officer assessed and passed them on 7 June (seven weeks later). The CWO will pay Rent Supplement only from 7 June. Clients are thereby penalised for councils’ internal delay in dealing with applications. Dermot was told that due to the volume of applications, this was the earliest the council could deal with the file.” Caoife, meanwhile, was faced with the same issue; she “was not allowed to apply for Rent Supplement until she had a Housing Needs Assessment completed. It is policy of the DSP not to pay RS while the Assessment is being conducted. Therefore anybody like Caoife will inevitably be in debt and rent arrears because the waiting period is not covered by RS.”

There would appear to be a lack of ‘seamlessness’ in the RS and MIS payment system. It manifests itself when, for example, a claimant takes up a FÁS training opportunity while on a jobseeker’s payment. John had been receiving Rent Supplement while on Jobseeker’s Benefit. “He commenced a FÁS course and when he went to collect his JB there was no money for him. He had no money all over Easter. The JB arrears payment was paid the following week but his Rent Supplement has not been paid since he started the FÁS course. I contacted the CWO who says that John needs to come into the office with a payslip and then the RS arrears will be paid. If he is entitled to these payments, why are they suddenly stopped with no letter or reason why? Surely the transfer from JB to a FÁS course should be seamless? (The money paid is the same.) It is very upsetting for someone when they go to collect their money to find there is nothing there.”

A near-identical case, but this time involving Mortgage Interest Supplement, is reported on by another CIS. “Christie, who had been in receipt of MIS, accepted a place on a FÁS course for which he received the basic SW amount for himself, his spouse and one qualified child. He went to the CWO to inform him that instead of getting €342.10 from Social Welfare he would now be getting the same amount from FÁS. The CWO he spoke to informed him that because of the change in circumstances he had to get a letter from FÁS stating what the course was and how much he would be in receipt of. He was also informed that his MIS would be suspended for this month. When he told the CWO that he did not have the money to pay his mortgage without the MIS, he was told to contact the bank, that ‘the banks are well used to that’.”

Housing Need and FIS

A CIS reports on two cases in which recipients of FIS found themselves denied housing assistance. In the first case, Deirdre “applied for local authority housing but was refused on the grounds that the income of the household was over the limit for household size - specifically because FIS is included as income with her husband’s work income. Whilst they have gained in one respect in obtaining FIS, they have lost out on eligibility for social housing because of it. Currently they are renting privately but unable to claim Rent Supplement because her husband works full-time, albeit on a modest income for their family size. They have used up all of their savings, so are dependent wholly on his income and the FIS top-up.”

In the second case, Catherine - who had been on the housing list for two years – “was removed from the list, it being stated that the family’s FIS payment put them over the income limit.” The CIS comments that “FIS is not counted as income for medical or tax purposes, so it seems unfair to classify it as means for housing purposes.”

Housing Need and Separated Fathers

A number of CISs have highlighted the difficulties that separated fathers are experiencing in accessing housing supports. This is undermining their ability to spend time with their children and thus compounding the fracturing of family relationships associated with the parental separation.

One CIS reports that “the Central Rent Supplement Unit [see page 6 above re closure of this unit] is now requesting court documentation for ex-partners who have joint custody and access of their children. Affidavit documentation is not enough. Also, if the ex-partner is not the primary carer the house type they

can rent according to Rent Supplement is one bedroom, stating that children can sleep on camp beds or in shared bedrooms with parents, even if the housing need assessment states otherwise. This situation is forcing otherwise amicable arrangements into the court and is very biased against one partner and does not allow for proper and appropriate family relations to be established and maintained. This guideline seems to be in breach of the rights of the child.”

Eddie “has been refused Rent Supplement because of the capital value of the family home. He cannot put that property to profitable use because it is being occupied by his wife and four children.” A similar situation is being experienced by Ruairí, who is unemployed and has left the family home following the break-up of the marriage. “He is unable to get Rent Supplement. The council will not assess him as being in housing need as he is part-owner of the family home. His wife and five children continue to live in the family home, while Ruairí is sleeping on the floor in his mother’s house.”

Other Housing Issues

A number of services report client difficulties with respect to housing and grant schemes (including the Warmer Homes Scheme). CIPS states that callers to the service “are reporting that there is no funding left for housing grants. Certain local authorities have run out of funding and the WHS is out of funding until 2012. Applicants are being told to apply again next year. There is no system in place where priority is given to applicants in need of the grants for the longest period. It seems unjust that new applicants are treated on the same basis as an applicant who originally applied months or years beforehand.”

CIPS also reports on a homelessness case that was brought to their attention by a Social Worker phoning on behalf of her client. “After losing her job within a few months of arriving from Poland, Magdalena applied for Jobseeker’s Allowance. She was refused on Habitual Residency grounds. She received some Supplementary Welfare, but after being cut off from this, became homeless. When she looked for emergency shelter for herself and her child, the Homeless Agency refused them on Habitual Residency grounds. Given that there was a child involved, the only alternative available was to separate the mother and the child, placing the child in care and leaving the mother on the streets.” CIPS suggests that “the mother and child should have been allowed at least temporary shelter while sorting out her situation or arranging a return to Poland. This separation could have been very traumatic. Homeless services should not be considering Habitual Residency decisions, made by Social Welfare, when assessing the emergency shelter needs of individuals.”

4 Employment Issues

4.1 Introduction

The main thrust of social policy returns to CIB in the area of employment is that some employers are taking advantage of the current high rates of unemployment – and people’s fear of joblessness in this economic climate – to disregard their employees’ statutory employment rights. In this climate, the employment law enforcement machinery and processes are of critical importance. It is hoped that the programme of major reform of the State’s employment rights and industrial relations procedures and institutions announced by the Minister for Jobs, Enterprise and Innovation in July 2011 will go some way towards resolving the type of issue reported below.

4.2 Terms & Conditions of Employment Not Issued and/or Violated

A number of CISs report that employees have not been issued with **written terms and conditions of employment**. This includes “*publicly-funded project staff who have requested Terms and Conditions of employment many times without success.*”

Not having a written contract can leave employees in a very vulnerable condition when terms are altered, particularly in view of the now widespread fear of dismissal.

Maria, for example, “*was initially employed as a full-time worker 9.00-5.30, but since then her role and her hours have been changed several times and now she's doing 6.5 hours shift work with only a 20-minute break. She has asked for her contract several times and is being fobbed off with promises of same. What can she do? If Maria doesn't get satisfaction from her employer and brings her complaint to the Rights Commissioner she risks being fired. She wouldn't be covered under the Unfair Dismissals Act as she has not been employed for twelve months and is not in an excluded category of complainants.*” The CIS sending in this policy return suggests that “*for availing of (or threatening to avail of) the services of the Rights Commissioner*” should be added to the list of exceptions to the twelve-month rule.

Sometimes, the employer openly uses **threat of dismissal in order to ensure compliance** from employees, such as in the case reported by a CIS in which the “*employer is paying only twelve days’ holiday for a full-time worker and has told the employee that if he doesn't like it, he knows where the door is.*”

Gerald is also putting up with a flagrant breach of his employment rights through fear that he will lose his job if he complains. “*He was advised by his employer, in writing, that the method of payment of wages was changing from weekly to monthly. He accepted this verbally. This occurred 4-5 months ago. Gerald has not received any wages for fifteen weeks. Three other colleagues are in the same position, but are not pursuing the employer pending promises of payment as soon as funds are received for work done from contracts fulfilled. Gerald is reluctant to demand his wages, as he is fearful that he will be dismissed immediately if he does so.*”

Late payment of wages is also an issue in this next case, which concerns a seasonal worker being expected to wait some months to receive 50% of her pay. “*Theresa works in the tourist industry over the summer months. She will be working two days per week but has been advised by her employer that she will receive only one day's pay and the remainder of the days will be paid in October when the employer receives a grant from government. She is in receipt of Jobseeker’s Allowance, which means that she will be informing the Department that she is working two days, losing JA for those two days, yet not receiving full payment from the employer.*”

A CIS reports on two cases of **pension and sick pay contributions not paid** into the construction workers' scheme by their employer. In the first case, *“Jan had been working in the construction industry since 2007. He was registered by his employer at the beginning of his employment, but no pension contributions were paid into the scheme. This only came to light when he was made redundant.”*

The second case involves misinformation as well as the employer's failure to register his employee in the scheme. *“Seán has worked for approximately five years as an employee in the construction industry. He has only now become aware that his employer did not register him in the CIF Pension & Sick Pay Scheme. He himself was unaware of the scheme and his entitlements and obligations under it. He had an accident at work and has been out sick for almost one year. However, he did not receive any payments from his employer during this time, relying only on Illness Benefit from DSP. His employer told him at the time of the accident that he did not have any public liability insurance cover and that the employee could not claim compensation for his injury. He was unaware that the relevant Social Welfare payment was Injury Benefit rather than Illness Benefit. He was also unaware of Disablement Benefit & Medical Care entitlement, and what this provides to an employee injured at work.”*

Another CIS reports on a number of instances of **breaches of employment rights**, all involving female clients and two of which are pregnancy/sickness related:

- *Sharon's hours were reduced from full time to three hours per week. She got no notice or reason why.*
- *Jessica was on maternity leave [after which] she went on sick leave and sent in medical certificates. She received her P45 recently with no explanation why.*
- *Grainne's hours of work have increased and she has not been paid for the overtime hours performed. She needed to know how to get paid as her employer did not give her a new contract or terms and conditions of employment.*
- *Paulina has never been paid for holidays or public holidays and is not paid for time for hospital visits for pregnancy. It would appear that the employer has employed all non-Irish staff and has indicated that the reason is that they do not know their rights. Surely more must be done to penalise employers who treat migrant workers in this manner.*
- *Karen has a contract which states she must work from 9am to 1pm but sometimes she ends up working half an hour over due to lack of support. She requested that she be allowed to leave at 1 as per contract, but was informed that she must do what she is told.*
- *Julia was dismissed from her job after 29 weeks and therefore without recourse under the Unfair Dismissals legislation. However, she was not paid for the hours she worked.*
- *Frances owes Revenue €400 due to not getting a payslip from her employer and not realising that no tax was paid on her behalf.*

A third CIS describes the following case as “typical”. It involves non-issue of payslips and underpayment of tax and PRSI: *“Áine was taking home €570 every week. She did not get payslips & her P60 stated gross earnings as €10,400 per annum – a loss of significant PRSI & tax revenue to government. How many employers are doing the same thing?”*

4.2 Redundancy Rights Disregarded or Manipulated

Some employers are reported to be sabotaging employees' access to the redundancy payments to which they are entitled, with little apparent fear of penalty.

“Maurice was let go by his employer on the basis of no work available due to recession. He was not paid redundancy and even though he submitted an RP9 form claiming his redundancy, the employer did not respond. The onus is thus placed on the employee to seek his rights which involved numerous phone calls and efforts to make contact with employer, but to no avail. Maurice will likely have to take a case to the Employment Appeals Tribunal, even with the interim help of the CIS advocating on his behalf to the employer. More stringent enforcement is required at the outset in order that employees can obtain their rightful entitlement without having to pursue claims to the EAT which are taking almost a year to obtain a hearing. In many cases, the employees in question are travelling abroad to find alternative work or are indeed returning home to their own country because of lack of job opportunities in Ireland. The system of redress and enforcement through the Employment Appeals Tribunal is not very effective due to the long delays.”

“Pat has been waiting over 18 months to receive his redundancy payment through the Social Insurance Fund. This is because the employer has not sent the proper documentation to the redundancy section, confirming his inability to make the redundancy payment. The claimant is now suffering from depression because of his employer's actions.”

In avoiding making redundancy payments, employers may well assume that employees do not know their rights and are unlikely to pursue payment. *“Alexandru is Romanian; he had worked for three years, but his employer has now let him go because he had no work for him. Alexandru did not receive any redundancy payment.”*

Another issue being reported is a reduction in employees' hours in the period prior to redundancy, which can lead to a situation where the employee is offered a lower redundancy payment than is his entitlement. In Samuel's case, *“his employer wants to pay him the part-time rate instead of full-time rate. However, he was only on a short-term working week for four weeks prior to being made redundant.”*

5 Concluding Comments

Social Policy is, very broadly, a set of legislation, systems and practices designed to ensure, as far as possible, that all the people of the nation - including and perhaps especially the most vulnerable - are supported to gain appropriate and equal access to health care, education, welfare supports, employment and are able to enjoy and exercise full citizenship.

Social Policy as regards health and welfare supports is supposed to provide a 'safety net' during periods of vulnerability (whether this is to do with income poverty, disability, ill health or other forms of incapacity).

Social Policy is also, however, supposed to ensure that this 'safety net' is not needed by most of the people most of the time. This it should do through mechanisms – e.g. educational and training access; incentives to obtain employment or to start up small businesses; community development and support mechanisms; and so on - that encourage sustainable self-sufficiency (both individual and community-based).

Sometimes, social policy does not work as well as it should.

Perhaps the policy itself – the legislation and the guidelines as to how these laws should be interpreted – is not fit for purpose, or has 'passed its use-by date' in a changing socio-economic and/or demographic climate.

Perhaps the institutions and personnel with responsibility for administering the policy - i.e. making sure that supports and opportunities are made available to those who need them – are not doing the job they should be doing, possibly because they are under-resourced (this might be financially and/or it might be in terms of the training and information they themselves need to do a good job).

In this report, using case study evidence provided by Citizens Information Services around the country, the Citizens Information Board has outlined some of the key ways in which social policy in Ireland would at this time seem to be failing its citizens, most particularly those in positions of relative vulnerability.

We have highlighted some areas in which the policy itself falls short in terms of meeting the needs of our society and citizens, most particularly as regards incentives to work and supports for those on low incomes ('the working poor').

We have also drawn attention to substantial systems failures, which block people's access to welfare benefits and supports that they are (or at least might be) entitled to. These delays, information deficits and failures to communicate fully and appropriately with welfare claimants are not only causing a lot of distress and anxiety, but also mean that people are living for periods of time in unacceptable and preventable poverty.

This Quarterly Report is made available not only to all our Service Delivery Partners, but – critically – to the government Departments and key personnel with responsibility for making and overseeing the smooth implementation of social policy. It is the hope of Citizens Information Board that we might in this way contribute to an understanding of current policy deficiencies, and to constructive and appropriate change. We are all, at this time, aware of substantial resource constraints, but even in this context we believe that it is possible to create and maintain a policy environment in which those who most need support and access to opportunities are adequately and properly provided for.

Appendix One

Categorisation of Social Policy Returns

The Social Policy Returns sent in to CIB by Citizens Information Services are classified under a number of category headings. The table below shows the proportion of returns received under each heading during Quarter Two, 2011.

Social Policy Category	%
Anomalies or Inconsistencies &/or Gaps in Coverage	33
Delays in Application Process	22
Inaccurate or Incomplete Information/Lack of Information	19
Discourteous Treatment	9
Other	17
Total	100

A simple way to ‘read’ the above table is to separate the category that is concerned with gaps, anomalies or inconsistencies in the policy framework itself – representing 33% of returns – from those categories which highlight issues with the way in which the policy is administered, or put into practice. These issues include long delays in paying benefits and/or hearing appeals, information deficits (i.e. people not being able to find out what they need), and discourteous treatment (which is often something that will deter a person from continuing with a claim, or returning to make a further claim). Together, returns that focused on these issues represented 50% of the total returns to CIB from CISs.

In addition to the categorisation above, the returns that are made to us are organised according to the nature of the initial query to the CIS – i.e. whether it concerned social welfare, health, education, and so on. The breakdown of social policy returns by this ‘topic’ category is illustrated on page two of the main body of this report.

Appendix Two

Glossary of Terms and Acronyms

Back to Education Allowance (BTEA): This Allowance is payable, under certain eligibility conditions, to those who are unemployed, getting a One-Parent Family Payment or have a disability and are taking up a place on a second- or third-level education course. The weekly Allowance is paid at a standard rate and is not means-tested.

Carer's Allowance (CA): A payment to people who are looking after someone who is in need of support because of age, disability or illness. It is mainly aimed at those on low incomes who live with and look after someone needing full-time care and attention.

Community Employment (CE): The CE Programme is administered by FÁS. It is designed to help people who are long-term unemployed and other disadvantaged people to get back to work by offering part-time and temporary placements in jobs based within local communities.

CIC: Citizens Information Centre.

CIPS: Citizens Information Phone Service.

CIS: Citizens Information Service.

Community Welfare Officers (CWOs): The Department of Social Protection's representatives - formerly officially known as Community Welfare Officers (CWOs) and likely to continue to be popularly known by this title - are based in Health Centres or DSP offices and are responsible for the day to day administration of the Supplementary Welfare Allowance Scheme (see below).

Deciding Officers: DOs are employed by the Department of Social Protection to accept or reject claims for social welfare payments. Deciding officers are given the power to make these decisions through the Social Welfare Consolidation Act 2005 and previous social welfare legislation.

Disability Allowance (DA): A weekly payment to a person who has an injury, illness or disability expected to last for more than a year.

Domiciliary Care Allowance (DCA): A monthly payment to the carer of a child with a disability so severe that the child requires care and attention and/or supervision substantially in excess of another child of the same age.

FÁS: FÁS is Ireland's training and employment authority.

Family Income Supplement (FIS): A weekly tax-free payment available to employees with children. It gives extra financial support to people on low pay.

Habitual Residence Condition (HRC): To qualify for a social assistance payment, a claimant must be habitually resident in Ireland. A number of factors are examined to determine whether or not a claimant is habitually resident:

Household Benefits Package (HRB): A person satisfying a number of conditions may qualify for the Household Benefits Package, which is made up of:

- The Electricity Allowance or the Natural Gas Allowance or the Electricity (Group Account) Allowance or the Bottled Gas Refill Allowance.
- The Telephone Allowance.
- The Free Television Licence.

Generally, those aged 70 and under must live alone or live only with certain 'excepted persons' to receive the Package (unless receiving Carer's Allowance or caring for a person receiving Prescribed Relative's Allowance or Constant Attendance Allowance).

Illness Benefit (IB): A payment made to those under 66 who are incapable of work because of illness.

Increase for a Qualified Adult (IQA)/Qualified Child (IQC): A Social Welfare recipient may receive an extra amount for an adult/child dependent, paid as an increase to a personal payment.

Invalidity Pension (IP): A weekly payment to people who cannot work because of a long-term illness or disability and are covered by social insurance.

Jobseeker's Allowance (JA): A means-tested unemployment payment for those who do not qualify for, or have used up their entitlement to, Jobseeker's Benefit (see below).

Jobseeker's Benefit (JB): A weekly payment to people who are out of work, available for/actively seeking work, and are covered by social insurance (PRSI). It is payable for a maximum of twelve months, and is not means-tested.

Medical Card: A Medical Card - issued by the Health Service Executive (HSE) - allows those qualifying to receive certain health services free of charge. The main services are free GP (family doctor) services, free prescribed drugs and medicines (except for a 50 cent charge per prescription item), free in-patient and out-patient public hospital services and some free dental, optical and aural services.

Mortgage Interest Supplement (MIS): This is a short-term support to enable someone who can no longer afford to make full mortgage repayments, and is not in full-time work (30 hours or more), to meet mortgage interest repayments.

Occupational Injury Benefit: Injury Benefit is one of the benefits available under the Occupational Injuries Benefit Scheme. It is a weekly payment made to a person unfit for work due to:

- An accident at work.
- An accident while travelling (on an unbroken journey) directly to or from work.
- An occupational disease.

One-Parent Family Payment (OFP): One-Parent Family Payment (OFP) is a payment for men and women who are bringing children up without the support of a partner and who meet certain conditions and satisfy a means test. A recipient of OFP must also have attempted to get maintenance from the child's other parent (father or mother).

Rental Accommodation Scheme (RAS): A person receiving Rent Supplement (see below) for more than 18 months and in need of long-term housing may be eligible for the Rental Accommodation Scheme (RAS). Under the scheme local authorities draw up contracts with landlords to provide housing for an agreed term. The local authority pays the rent directly to the landlord.

Rent Supplement (RS): Rent Supplement is a payment made to people living in private rented accommodation who cannot afford rent from their own resources.

Social Welfare Inspectors: Social Welfare Inspectors are appointed under Section 250 of the Social Welfare (Consolidation) Act 2005. Inspectors are required to investigate and report on claims (and to carry out inspections on employers to ensure that they are complying with the Pay Related Social Insurance system). Claimants (and employers) are required to furnish the inspector with any information and/or documentation deemed relevant to the claim.

Supplementary Welfare Allowance (SWA): A weekly payment for people who have insufficient means or no income. For example, SWA can be paid while the Department of Social Protection is processing a person's claim for another payment.

