



## *Social Policy Records*

### *Quarterly Report January to March 2003*

#### *Introduction*

This quarterly report contains a review of the social policy records compiled by Citizens Information Centres around the country during the first quarter of 2003. The data provided by CICs allow Comhairle to examine the nature of the problems and queries that bring the majority of clients to CICs. Where possible the data is translated into policy relevant findings, which are then used to inform the policymaking process. The data gathered also enables Comhairle to evaluate its information, advice and advocacy services and to tailor these services to meet the needs of CICs.

Through the social policy records CICs identify a significant number of cases where it is considered that the standard of civil and public services available to clients as well as the information available about these services falls far short of what is needed or appropriate in the circumstances. The topics discussed below, under various headings, broadly represent the issues consistently arising in the social policy records. It should be noted that any views and/or recommendations contained in this report are those of the CIC concerned and have not been subjected to any broader policy analysis.

#### *Employment Rights*

The overwhelming sentiment among CIC workers in relation to employment and their dealings with clients on this issue is a desire for legislation to be more strictly enforced in order to create deterrents to employers attempting to mislead and in some cases defraud unsuspecting employees.

### *Unfair Dismissal*

On 10/03/03 a client approached the service. She had recently been dismissed from her job. She had been working for her previous employer for five months. This included a three-month probationary period, which was passed successfully. The client became ill shortly after completing the probationary period. Her employer informed her that she was being disciplined and that he would have to let her go. The client asked for an explanation as she felt she had done nothing that warranted dismissal. She claims no explanation was given to her. Unfortunately the Unfair Dismissal Act does not cover the client because she had not been in employment for one year. The CIC worker comments “*We feel that the employment laws in this country are not covering a vast majority of employees as more people are now working short term and changing employment more often*”.

A client had been in employment as a kitchen assistant for a year and a half. Her employer informed her that her services would no longer be required as a new dishwasher was being purchased. A week later the client saw her job advertised. The CIC worker advised her of the various conditions under which an employee would have a case for unfair dismissal. During the course of the interview it also emerged that she hadn't received annual leave or bank holidays entitlements. She was unaware of these entitlements. Neither had the employer been making any PRSI contributions on her behalf, which meant that she did not qualify for Unemployment Benefit (17/01/03).

### *Holiday Entitlements*

A social policy record submitted on the 29/01/03 documented an alleged failure by an employer to grant full holiday entitlements to a registered Nigerian worker. The client had been contracted for a full working week (39 hours) but was given only 2 weeks annual leave. The CIC worker commented that it is very difficult for a labour inspector to prove that a staff member has not received holiday entitlements, as it is often the employer's word against that of the employee's. The CIC staff member suggests that some formal notification system be implemented to document annual leave entitlement and annual leave taken. Both the employer and the employee could then agree this.

### *Pay slips*

One particular query made to a CIC highlights the importance of providing employees with pay slips as a means of ensuring compliance with minimum wage legislation.

The client in question was a woman in receipt of a reduced rate of One Parent Family Payment. The client informed Social Welfare that she did not earn more than €146.50 per week however; she alleged that the Social Welfare official did not believe her on the grounds that she must be earning the minimum wage. The CIC worker remarked *“This lady never received a wage slip from her employer and because of this she is unable to prove to Social Welfare that she is not actually getting the minimum wage. As a result her OPFP has been reduced”* (16/01/03).

### *Employment Regulation Orders*

A problem with a number of statutory bodies in relation to employment rights was documented in a social policy return dated 24/03/03. The CIC worker involved remarked that job vacancies advertised through Local Employment Services and FAS Offices do not always comply with statutory requirements under employment legislation. Furthermore these agencies should not facilitate the advertisement of positions that do not offer statutory rates of pay and conditions.

The CIC worker offers a number of examples in relation to Employment Regulation Orders (EROs) established by Joint Labour Committees for a number of employments. These EROs deal with pay as well as working conditions and are binding on employers. According to the CIC the rates of pay advertised below are last years ERO rates for employees working in catering. New higher rates are in force since March 21<sup>st</sup> 2003.

#### **Rates advertised:**

1. Code 92780 - Chef Post - 40 Hours - €260 per week
2. Code 96647 - Chef Post - 40 Hours - €260 per week

#### **Correct rates:**

ERO rate (2002) €268.44

ERO rate (21/03/2003) €279.87

### *Availability for work*

A client was made redundant from a part-time job and was not permitted to sign on because she could not meet the qualifying criteria pertaining to availability for full time work. The CIC worker feels it is unjust that a tapered payment system is not available to people who are unable to be available for full time work. For instance if a person chooses to work part-time (3 days per week) s/he should be allowed to claim Unemployment Benefit or Unemployment Assistance for the remaining 3 days of the week. The CIC worker remarks that with the current emphasis on "family friendly and flexible working hours" the government has a responsibility to ensure that social welfare policy and legislation accords with the changing needs of the labour market.

A similar problem arises for people who work as little as an hour a day for five consecutive days. These people are not entitled to make a claim since a person must sign on for a minimum of 3 days out of 6 consecutive days to be regarded as unemployed (19/02/03).

### *Employment & Foreign Nationals*

A young woman who had been employed in Ireland without a work permit made a query on 17/01/03. Her employer had been deducting money from her wage packet explaining to the young woman that it was emergency tax. When the client finally acquired a work permit the tax office informed her that she could only claim back tax earned subsequent to receiving the permit. It appeared that the employer had been misappropriating the cash he was withholding from the employee. The CIC worker responding to this query acknowledged the fact that the young woman had broken the law by working in Ireland without a valid permit. However, while the client has suffered the loss of salary due to this indiscretion her employer who was equally blameworthy for this infringement of employment law appears to have come through the incident unscathed. In fact the employer emerged better off having appropriated the employee's emergency tax.

Similarly, another client made a query to a CIC on behalf of a friend here on a work permit. The client claimed that her friend was not receiving a list of entitlements including the minimum wage, holidays, rest breaks, wage slips or a statement of terms and conditions. It also appeared that the employer was not making any PRSI

contributions for her friend. The CIC worker noted *“her position is precarious because if she complains she may lose her job and she will be unable to seek further employment without another work permit, which could take a considerable amount of time to procure”* The information provider goes on to suggest *“the person is being exploited because of the vulnerability attached to holding work permit status. This situation might be avoided if the authorities conducted random inspections of employers who employ workers from outside Ireland. Furthermore, if work permit holders were allowed to continue to work without a replacement permit in the event of their initial job ending, within the specified period, this would at least allow workers to earn a living if they are dismissed by unscrupulous employers”* (08/12/03).

Two clients, in Ireland on work permits called to a CIC on 07/01/03. They had with them a number of pay slips. The clients claimed their employer had deducted the cost of the permits from their salaries. He charged each of them €400. He also stopped a large amount of money, approximately €700-800, which he claimed was tax. The clients did not have PPS numbers. Also their work permits had expired some three months prior to their visit to the CIC but they had continued to work for the same employer illegally. The CIC worker commented, *“The issue of the employer charging his employee for the permits can be reported but I don't think it will happen for obvious reasons”*. See also (06/01/03).

A male EU citizen (English) living and working as a farm labourer in Ireland contacted a CIC. The farmer the client was working for told the client he should be looking for other work as he had obtained work permits for 2 non-EU nationals. The client also claimed that the local FAS office had numerous jobs advertised for farm laborers but when he applied he was told that the employers were awaiting work permits. The CIC information provider claims this situation needs attention, as it would appear that work permits are being granted where an Irish or EU person was available to fill the position.

## *Social Welfare Assistance*

### *Delays in Processing Applications*

Two entries made on 07/01/03 relate to the delays encountered by clients accessing the pension forecast service. The clients claim the pensions office informed them that a forecast could take between eight and twelve months to complete. Both clients felt this was unsatisfactory. One client wished to find out if they had or potentially would have adequate contributions to qualify for an old age contributory pension. A delay of eight months would limit the client's ability to make an informed decision regarding the best available pension options on retirement.

### *Delays in Handling Telephone Queries*

#### *Time Holding*

One CIC information provider kept a log, submitted on 30/01/03, documenting the length of time spent holding on telephone calls to various Social Welfare departments. The following data was recorded.

<i>Social Welfare Department</i>	<i>Date</i>	<i>Time Holding</i>	<i>Comments</i>
DSFA Child Benefit	10/01/2003	15 minutes	
DSFA Disability Allowance	27/01/2003	15 minutes	
DSFA Free Travel	27/01/2003	15 minutes	
DSFA Child Benefit	28/01/2003	20 minutes	
DSFA Maternity Benefit	30/01/2003	10 minutes	
DSFA Disability Benefit	30/01/2003	15 minutes	Unsatisfactory reply (lost certificate)
DSFA Disability Benefit	30/01/2003	15 minutes	Transferred from person to person

A complaint made by a CIC worker on 05/03/03 highlights a similar problem with the Midland Health Board. The CIC worker phoned the Midland Health Board to get information for a client. *"It took me three days to complete the query because I could not get anyone to help me"*. It was the opinion of the CIC worker that *"No one seemed to take responsibility for anything. I was transferred to a lot of different*

*people. I found it very frustrating and it took up an awful lot of my time. Many of our volunteers have been in the same situation with the Health Board”.*

### *Long delays in processing visa applications*

Long delays when dealing with the Visa Section of the Department of Justice Equality and Law Reform in particular have been documented. A specific case brought to one CIC by an Irish woman married to a Turkish man for three and a half years 08/01/03 raised the problem of access to this section. The client’s husband was applying for a Green Card. Unfortunately the documents supplied by the couple to the Department of Justice were mislaid. The clients were informed that if they did not supply copies of the documents immediately, they would be placed at the bottom of the queue. Both the clients and the CIC allege to have had great difficulty contacting the Department of Justice. They complained that phone lines were constantly engaged while voice mails were left deactivated and any messages left for staff members to get in contact went unanswered. The problem was exacerbated by the Department’s refusal to accept documents over the counter requesting instead that any paperwork be posted. On one occasion the client was informed that the application would be processed in three weeks. Four months later the application was still pending. Regrettably this resulted in the man losing a job offer

Other CIC workers voice a number of similar complaints. On the 31/01/03 a CIC information provider rang the Visa Section and was left on hold for one hour. The CIC worker suggested, *“If there are only specific times one can ring this section, then surely there should be enough staff to deal with the volume of queries they receive?”*

## *Discourteous Treatment*

### *Processing Appeals*

A significant number of complaints were logged by CICs in the first three months of 2003 against discourteous staff from various statutory bodies. On the 08/01/03 a man contacted a CIC with a complaint against his local Social Welfare Office. The client called to the office at 11am to obtain an appeals form, which he requested from the receptionist. The client claimed the woman at reception responded by using obscene language. He eventually managed to acquire the form but not before a staff member

had assured him that the form he requested did not exist. At this point the client asked to see a supervisor. The client alleged that he waited 30 minutes before a supervisor gave him an interview and that she too was “*very unpleasant*”. The man then asked to see the Manager but was told she was not available. The client eventually left the social welfare office at 12.40pm

### *Code of Practice*

On both the 06/01/03 and the 21/01/03 complaints were recorded against Social Welfare staff at local offices. One client protested, “*I was treated like dirt, and made to feel as if I was begging*”. A CIC worker remarked, “*This is not good enough when people need help, it doesn't take much to be polite, this is not the first time this has happened*”. Another CIC information provider made the well founded observation that the absence of a code of practice for the Department of Social and Family Affairs creates difficulties for both employees and users of the service. As there is no ‘best practice’ or official standards for the behaviour of Department staff it is difficult for members of the public to make complaints when they feel that they have been treated in an offensive or discourteous manner.

### *Indifferent to the needs of client*

A lady who had been living in local authority housing decided she wanted to leave the house after a series of distressing incidents in the neighbourhood. These incidents included the theft of her car, which was subsequently found burned out, having her windows broken and falling victim to instances of verbal abuse. The client reported each of these to the Gardai and then informed the Corporation of the problem and her requirement for alternative accommodation. It was at this point that the client began to experience a number of difficulties with an official from the Corporation. She claimed the official was extremely unhelpful and indifferent to her needs when he stated “*her homelessness was not his problem and that she would not be put back on the housing list since she had "abandoned" her original accommodation*”. The client also alleges the Corporation official warned her that she would not receive any Rent Allowance despite the fact that this payment is at the discretion of the local CWO.

## *Housing*

### *Housing and the Environment*

A tenant of the City Council complained about foul smells emanating from a privately owned house in her estate. The client also advised of a mice and rat infestation on the same property. The City Council Environment division informed the client that if the unkempt and run down state of the property is not visible from the public road, the Council is powerless to take any action. In response to this the client went to the area Health Board and complained to the local Health Inspector who visited the neighborhood to view the offending house. The Inspector stated that he would see what could be done and get back to the complainant. Over twelve months went by and the client heard nothing from the Health Board. The client went to the Health Board and made a further complaint. On this occasion the client was told there was *"nothing they could do and that she should make a complaint to her local Citizens Information Centre"*.

### *Tenants Rights*

The following two cases highlight the on going difficulties regarding compliance with and enforcement of the legislation in relation to tenant rights.

A woman complained to her local CIC about her landlord. The client was living in rented accommodation but was unable to avail of tax credits because her landlord was not registered. Her landlord told her that she would have to leave the accommodation if she applied for credits (22/01/03).

Three clients called their local CIC in relation to a Notice to Quit order. They had been given 24 hours notice to vacate their private rented accommodation. The CIC worker involved indicated that it was common practice among some landlords to allow inadequate notice to quit even though they are aware of their legal obligations in this regard (11/03/03).

### *Essential Repairs Grant*

A CIC was contacted regarding an application to the local authority for an Essential Repairs Grant. An elderly lady was living alone in a house with no water or sanitation facilities. Despite submission of the relevant application form and numerous follow up telephone calls made on the lady's behalf to both housing officers and social workers, it took several weeks before the local authority made any contact. The CIC worker involved argued that there appeared to be no reason for such a lengthy delay.

### *Rent Supplement*

A CIC information provider expressed their concern over the potentially negative consequences of the newly introduced 'ceiling on payments' of the Rent Supplement. People currently in receipt of Rent Supplement may be deemed ineligible if at any time their rent is reviewed upwards, at which point the Rent Supplement will be stopped immediately. The CIC worker remarked, "*Local CWOs have said that those affected will be given a specific period of time to find alternative accommodation. However, If they are unsuccessful, we are looking at potential cases of homelessness*" (30/01/03).

Another CIC worker asserted that due to the amendment in regulations relating to Rent Supplement clients are colluding with landlords to understate the amount of rent payable in order to remain eligible for Rent Supplement. According to this CIC worker the clients then pay the excess to the landlord from their own pocket. "*This totally defeats the purpose of the rule change, but people feel forced into this situation because the rent limits set are so unrealistic.*" (11/03/03).

On the 02/01/03 a lone parent on a Community Employment scheme made a query to a CIC. The woman had her Rent Supplement reduced to €9 by her local CWO under the €50 disregard rule. The client was informed by the CIC that the "tapering" method could be applied in such circumstances. However, the client alleges that the CWO insisted this information was *incorrect*. The CIC worker involved double-checked this information with Comhairle and the DSFA who confirmed that it was possible to taper the payment and that the CWO was misguided. Subsequently the CIC helped the client appeal the decision and the appeal was granted.

A client, married with children was renting privately. However she could not claim Rent Supplement because her husband worked more than thirty-nine hours per week. The CIC worker involved with the client argued that entitlement to Rent Supplement should be based solely on a family's means and not on the number of hours worked by either partner.

## *Information*

### *Incomplete information*

A woman who had been involved in an accident at her workplace 7 years ago contacted a CIC seeking information. At the time she had contacted the Department of Social and Family Affairs and was informed that she did not have enough contributions to claim Disability Benefit. She was not advised to sign for credited contributions, or to make a claim for Injury Benefit. As a result of this the client had not claimed any payment.

A client called to a CIC to enquire if she would qualify for Farm Assist. During the course of the interview it emerged that she had a son who was about to turn age 16 and was still attending school. The woman had been in receipt of Child Benefit, which was paid directly into her bank account. She was unaware that the payment would be automatically discontinued on his 16th birthday. The CIC worker informed her that she would have to re-apply and have the form stamped by the school her son was attending. She was also informed that she would receive payments until his 19th birthday if he remained in full time education.

### *Lack of information*

On the 27/02/03 a client made a phone call to a CIC regarding Mobility Allowance for her disabled 10 year old child. The CIC worker found that the woman was generally unaware of the services and entitlements available to her child. The CIC worker noted, "*this information should be made available to parents of a child with a disability by doctors / hospitals when the disability is first detected. Many people lose out on their entitlements because of the lack of vital information*".

### *Disability Benefit*

A young man had an accident at his place of work in September 2001, as a result of which he claimed Disability Benefit. He claimed never to have been informed of his entitlement to Injury Benefit or Disablement Benefit. His eligibility for Disability Benefit ceased soon after the accident due to insufficient PRSI contributions. This young man will be unable to work again due to a permanent head injury. The CIC worker involved in the case advised the client to apply for Disability Allowance, Disablement Benefit and the Medical Card.

### *Restricted access to information*

A CIC client on a FAS training course wished to find out if FAS provided a travel allowance given that he was required to travel a considerable distance by public transport to their place of work. The CIC involved was able to ascertain the rates of the travel allowance from a local FAS office. However, the local FAS office was not able to advise the application procedure for a travel allowance and suggested that the client raise this with his employer. The same CIC worker contacted two other FAS offices in the West of Ireland and claims not one of the FAS offices was able to provide information regarding the application procedure for a travel allowance. The CIC worker also visited the FAS website to ascertain the procedure, but to no avail. The CIC worker states, "*Although there is a FAS travel allowance in existence, the necessary information required to progress an application is not readily available to potential claimants*". (19/02/03)

### *Misinformation*

In October of 2002 a CIC worker contacted the local Social Welfare office to make enquiries about entitlement to a Widow's Contributory Pension for a client. On checking the woman's PRSI contributions the Social Welfare official informed the CIC worker that the client had sufficient contributions in her own right to avail of the pension. The information provider notified the client and sent her the relevant guidelines and application form. However, in January 2003, Social Welfare rejected the client's application. On contacting the office a second time, the CIC worker discovered the woman had only amassed sufficient contributions following and not

prior to her husband's death. She was therefore not entitled to the payment and had been misled by the earlier information provided.

## *Inconsistencies*

### *Disability and rehabilitative training*

There is a difference in earnings of €3.00 for people on Disability Allowance and people on Disability Benefit who take up rehabilitative training. A person on a Disability Allowance will receive €56.80. This payment is made up of FAS training allowance of €24.80 (equivalent to Disability Allowance) and €1.80 for participation in the training. Conversely a person on Disability Benefit will retain their payment of €24.80 and gain an additional €24.80 for participation in the training. In many instances these people are doing the same work but the person on Disability Benefit is compensated at a much higher rate. The CIC worker cites this as a major inconsistency in policy towards the disabled which offers little incentive for people in receipt of Disability Allowance to take up rehabilitative training.

### *Disability Allowance*

A client who had applied for Disability Allowance had his application turned down. The reason given was that his long history of psychiatric depression was not considered a sufficient disability. In the opinion of his psychiatrist his long illness, which had manifested itself in suicidal tendencies more than once, provided adequate evidence to support his claim. Unfortunately this was not the case. The man was subsequently forced to apply for Unemployment Assistance. However the CIC worker was sceptical that his client would qualify for this payment, since he is unavailable for full-time work due to the nature of his illness. Despite a psychiatrist's report of the detrimental effects mental illness was having on this man's life he was unable to avail of any Social Welfare payment. The CIC determined that Government legislation should evolve to reflect the fact that not all disabilities are physical or even visible.

## *Anomalies*

### *Family Income Supplement*

On the 07/03/03 a client enquired about the Family Income Supplement payment and why her payment had been stopped. The woman was parenting alone and was in receipt of the One Parent Family Payment and FIS while also working the requisite number of hours. The client had undertaken a FÁS course in computers and as a result of this her FIS payment was ceased. The CIC worker made a query to the DSFA (FIS section) on the woman's behalf and was informed that the client could not claim an entitlement to FIS while participating in a FAS course. The CIC worker noted that this situation was "*anomalous as it presents a disincentive to up-skill and secure full time employment thus reducing the client's dependency on welfare*".

### *Unemployment Benefit holiday rule*

Unemployment Benefit makes provision for a two week holiday annually while the minimum holiday entitlement for those in employment is set at four weeks. However one CIC raises an interesting question "*what if the spouse of an individual in receipt of Unemployment Benefit works and wishes to take the family abroad for a three week holiday?*" In such a case the Unemployment Benefit holiday rule penalises the whole family.

### *Mobility Allowance*

A CIC worker logged a call on the 06/01/03 from a 71-year-old pensioner regarding eligibility for a Health Board 'Mobility Allowance'. Generally this payment is made to individuals who are wheelchair users. A means test, which is not published, is applied. The payment is made to those between 16 and 66 and those over 66 can retain the payment once they have been in receipt of it prior to reaching the age of 66. The CIC worker believed the anomaly lay in that someone over 66 is ineligible for the payment (if not in prior receipt of the allowance) despite the fact that his/her circumstances may be similar to, if not worse than someone of equivalent age who will continue to receive the payment after reaching the age of 66.

## *Impediments to Accessing Entitlements*

### *Lost documentation*

A man applied for local authority housing but claimed that five years elapsed without word from the Authority. Eventually he made inquiries to the Local Authority and was told that no trace of his application form could be found. The client had to fill out another form, which the Local Authority again lost. The CIC worker handling this case made the suggestion that all official government application forms should have an attaching acknowledgement slip with a perforated edge. The acknowledgement slip could be stamped and returned to the client within a week of submitting the form (20/02/03).

### *Automated systems*

A man called to a CIC asking how an income might affect his entitlement to Disability Allowance. The man was living alone and so the CIC worker enquired whether he was receiving the Living Alone Allowance. He was not and was unaware of the entitlement. Had the CIC information provider not asked this question the client might never have discovered his entitlement to this payment. Arising from this query the CIC worker recommends the introduction of an automated system whereby individual Social Welfare claims would have an attaching menu highlighting other entitlements or secondary benefits available to the client. This would prompt periodic checks of the client's entitlements.

## *Asylum Seekers and Refugees*

### *Co-ordination of Services*

An Eastern European couple was detained in a Direct Provision centre while seeking asylum. The young woman had been raped in her country of origin and was in need of both counseling and medical attention. Unfortunately neither clients knew where or how to access these or any other services. The CIC worker found that the CWO who visited the centre weekly did not consider it part of her remit to give any assistance in this area to the couple. In light of this, the CIC worker recommended that a new post

be created whereby a designated Health Board official is assigned to each Direct Provision centre to help co-ordinate services to Asylum Seekers in need.

### *Refugees and education*

A Nigerian woman seeking asylum had her application denied but was given "leave to remain". Meanwhile her daughter was accepted into a 3rd level institution. The woman applied for a 3rd level grant to the local VEC. The application was turned down under clause 5.5.1 of the third level maintenance grants scheme, which states "*candidates must hold EU Nationality or have official refugee status or have been granted humanitarian leave to remain in the state*". The client's leave to remain was given on humanitarian grounds but the Department of Justice refused to state this in the written correspondence. The CIC involved takes issue with clause 5.5.1. "*If the Department of Justice refuses to state that people are being given leave to remain in Ireland on humanitarian grounds, how then can the Department of Education demand this clarification in order that applicants may qualify for a grant.*"

*We contacted the student support unit of the Department of Education outlining the case; they reiterated the VEC decision quoting clause 5.5.1."*

## *Family Matters*

### *Joint Custody*

On the 24/02/03 a CIC worker noted some of the problems faced by separated parents wishing to share equal responsibility for child rearing. The information provider reported that no allowances are made for couples that separate but wish to hold equal custody rights over their children. It is not possible for both parties to avail of the One Parent Family Payment or Family Income Supplement. The CIC worker asserts that joint custody is likely to be more beneficial for the children of separated parents but as the legislation currently stands, it is not a financially viable option for many parents.

Another CIC worker noted a disparity in policy governing Rent Supplement for separated couples with children. There is no allowance made under the rent supplement regulations for partners/spouses who separate but wish to split custody of

their children equally. One party receives the Rent Supplement at a level deemed appropriate for a parent and child while the other party receives the single person's rate of benefit. Under the present system, the CIC worker believes parents are discouraged from sharing joint custody even though this may be in the child's best interest (17/02/03).

### *Problems Faced By Cohabiting Couples*

A number of CIC information providers highlight the difficulties faced by cohabiting couples in relation to tax relief and / or Social Welfare assistance. A young man living with his partner is unable to claim PAYE tax relief despite supporting his family, as the law does not formally recognize the couple's cohabitation. The CIC worker states "*Revenue needs to recognise changing social norms and values in Irish society*" (07/01/03). See also (31/01/03).

A CIC client who had been living with his partner for 18 years prior to her death experienced a considerable drop in income, as his partner had been the principal earner. The man is not however entitled to either Widower's Contributory or Non-contributory Pension, as the couple was not married. In this instance "not being married" disqualified him from benefits afforded a couple living together as "husband and wife". Paradoxically the Department of Social and Family Affairs recognize the couple's relationship as legitimate. For the purpose of a means test the combined incomes of cohabiting couples are calculated irrespective of whether they are married or not. The CIC worker states, "*It seems that Revenue hide behind the supremacy of the family based on marriage as defined in the Irish Constitution yet the DSFA can choose to ignore this interpretation of the family at will*".

### *Health*

A client was paying the maximum amount of €70 per month for prescribed drugs, medicines and appliances but had been erroneously charged €12.70 per month for his medicines for a period of 20 months, before corrective action was taken by the Health Board. The client applied to the MWHB for a refund of the €253.95 owed to him. The MWHB referred the decision to the Department of Health. A Department of

Health official referred the client back to the MWHB stating that responsibility for reimbursing the client's money was "*entirely the responsibility of the Health Board*". Therefore, the client again contacted the MWHB. The Health Board official refused to entertain the man arguing the matter was "*no longer under discussion*" (07/01/03).

### *Long term illness card*

The parent of a child who has been diagnosed with diabetes made a complaint to the local CIC office. The child's condition entitles him to a Long-term Illness Card. However, this card does not cover the cost of regular GP visits required to monitor the condition. The family is earning above the income threshold necessary to qualify for a medical card. The CIC worker proposed that the Long-term Illness Card should cover the cost of GP visits when the visit relates specifically to the long-term condition (17/02/03).

### *Medical Card*

A client on a medical card changed address and had his medical card cancelled, when he rang the Health Board he claims he was told he would have to go through the whole application process again. The CIC worker states, "*If someone sends in a letter notifying a change of address this should not happen. His medical card was cancelled until the new application was processed*" (16/02/03).

A client of a CIC sought advice having been turned down for a Medical Card. For the purpose of assessing eligibility for a Medical Card a household's total income is taken into account along with any outgoings such as travel expenses and household expenses. Rent or mortgage is also calculated. Yet the costs of medication and GP visits are not included in the calculations. The client is on a ventilation machine and her condition demands large amounts of medication as well as regular GP visits.

### *Carer's Allowance*

On the 08/01/03 a woman turned down for the Carer's Allowance sought advice from her local CIC. Her Social Welfare office justified the refusal by arguing that the client's father did not require full time care. At the time, the woman's father was unable to feed or dress himself. The CIC worker advised their client to appeal the decision and made suggestions as to how eligibility for the payment might be improved. The CIC worker states, "*The questionnaire on the back of the Carer's Allowance application form is too vague. There should be a section on the form where the doctor treating the care recipient can make comments*".

## *Disability*

### *Mobility Allowance*

A client's Mobility Allowance was reviewed and reduced to half rate as she was availing of free motor tax. She had availed of the VRT refund when she purchased a car 6 years previously making a saving of €180 per annum. However the reduced rate of Mobility Allowance at €63 per month or €756 per annum significantly outweighs any benefits the free motor tax option provides. She is seeking to appeal the decision. When the CIC checked with the Department of Health they had difficulty ascertaining the existence of any written guidelines regarding Mobility Allowance.

### *Disabled Persons Housing Grant*

A CIC noted the influx of complaints from various clients regarding the cessation of payments under the Disabled Person's Housing Grant Scheme in a particular Local Authority area. The CIC claims the changes are causing "*untold hardship for people with disabilities*". The CIC went on to state that they had been in touch with the Local Authority in question and had been informed that money was not available for the funding of this particular grant and they could not say at what point in the future the Scheme would be reinstated. CIC workers expressed their anger and frustration that "*in this the European Year of People with Disabilities the Government is saying one thing but in reality is doing quite the opposite, cutting down on funding and services for the disabled.*" (18/03/03).

## *Education*

### *Changes in Back To Education Allowance*

A recent rule change means that students will no longer receive the BTEA payment for the duration of the summer months between the end of one academic year and the start of the next. A Department official contacted by a CIC worker stated that students could either substitute the BTEA payment with summer employment or they could sign on for Unemployment Benefit / Assistance. The CIC worker then contacted the local Social Welfare Office and was informed that under no circumstances would an application for UA from anyone in receipt of BTEA be entertained. In fact, the Social Welfare staff seemed unaware of any change to the BTEA scheme. The information provider speculated that unless the department issued a directive to local Social Welfare Offices regarding the proposed rule change, a large number of students would find themselves in a difficult situation at the end of the academic year. The CIC worker also felt that the change might act as a disincentive for potential claimants assessing the suitability of the scheme.

Another aspect of the changes to BTEA likely to cause problems is linked to Supplementary Rent Allowance. Many of those in receipt of BTEA rely heavily on this secondary benefit also. The CIC worker asks, "*What will happen in this instance? Will recipients of the payment also be denied Rent Allowance during the summer months?*" The BTEA division of the DSFA informed the CIC that they were seeking clarification from the Department regarding the policy on students applying for Unemployment Assistance during the summer months. A number of students on the scheme told the CIC that they were unaware of the imminent changes and had received no notification concerning the rule change.

Another social policy record submitted on the 24/03/03 assesses the failure of the relevant government Departments to adequately publicise the rule change made to the BTEA and the impact that this has had on students availing of the scheme. A client moved home with his young family having been approved for the BTEA scheme. The client stressed to the CIC worker dealing with his case that the local Social Welfare office confirmed approval for a maintenance grant both verbally and in writing.

Assured by this the client registered and paid fees. A month later he received a letter stating that his application had not been approved due to the changes in BTEA regarding Postgraduate courses. The CIC worker argued that there had been little or no effort made to bring these changes to the attention of existing and potential claimants.

### *Child Benefit*

One CIC reports several instances parents enquiring about child benefit for children aged 19 and over who are still in secondary school. The introduction of transition year extends the time in secondary school by one year and in some cases the child may have started school later or have had to repeat a year. According to the CIC more and more children are starting school at age 5 rather than age 4. The CIC suggests maintaining child benefit payments for children until they leave secondary school regardless of what age they leave.

### *Conclusion*

This report sought to highlight data obtained from social policy records, which have a relevance to policy and the policymaking process. The report refers only to the queries and problems experienced by CIC clients in the period January to March 2003. The various issues outlined here are those, which feature recurrently in the social policy records returned by CICs.