



***Social Policy Records
Quarterly Report
July to September 2003***

This quarterly report contains a review of the social policy records compiled by Citizens Information Centres around the country during the third 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 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

The overwhelming message coming through from the social policy returns is a desire for legislation to be more strictly enforced in the area of employment. Records show that the number of employment related queries have been rising in CICs over the past number of years. A survey of CIC queries in 1999 showed that 14 % related to employment. The survey of CIC queries 2001 showed that employment related queries had risen to 16 %. Of these 42 % related to employment rights. The need for employment legislation that protects the rights of employees and acts as a deterrent to employers attempting to mislead and in some cases defraud unsuspecting employees is a particular concern for CIC workers.

CE Schemes

A client of a CIC, who was participating in a CE Scheme fell ill and changed over to a Disability payment. Due to her illness the woman did not have the opportunity to take any holidays while on the Scheme. Neither did she receive Holiday Pay for the period she had worked. A FAS Officer contacted by the CIC argued that the CE Work Rules Manual states participants are not entitled to money in lieu of time off. Labour Law confirms this rule. However the client's employer could have offered her time off once she was well enough to resume work. The woman recovered from her illness and finally returned to work to discover her job was no longer available and that she had lost any holiday entitlement due to non-take up.

The Department of Enterprise, Trade and Employment brochure "Information on Holidays & Public Holidays" states on page 8 *"it is the responsibility of the employer to ensure that the employee takes his/her full statutory leave allocation within the appropriate period"*. In addition, the CIC information provider responsible for the case made a phone call to the Dept of Enterprise, Trade and Employment on 22 May and they confirmed that employees on CE Schemes are entitled to Holiday Pay under such exceptional circumstances.

Rehabilitative Work (Older People)

A social policy record was submitted on the 01/08/2003 following a direct request from a client wishing to record in writing an anomaly within the Social Welfare system. The complaint relates to a loss of benefits if paid certain claimants undertake work. The client points out that whilst people on Disability Benefit are allowed to earn a certain amount of income when work is undertaken for therapeutic purposes, the same is not true for those on Non-Contributory Pension since it is more strictly means tested.

The client also expressed dissatisfaction with government and wider societal attitudes toward older people. As she perceives it, older people are not encouraged to take up work or valued as potential employees in the workforce.

Work Permits

The difficulties encountered by Irish work permit holders have been well documented in the social policy records submitted by CICs. In recent months there has been a marked increase in the number of social policy records documenting the concerns of work permit holders and the employment rights abuses committed by their employers.

It would seem to be common practice among some employers to recoup the cost of the work permit by deducting a portion of it from the employee's weekly wage as was the case with a client, documented on the 26/09/2003. This man worked on average 70-80 hours per week but received no overtime. No tax or PRSI is deducted from the employee's wages. The man is afraid to complain, as he desperately needs the job. The information provider involved in the case noted, "*This theme of fear runs through every query connected with work permits and employment*".

Similarly a man visited a CIC stating that his employer had brought him over to Ireland from Asia on a work permit. The man paid his new employer the sum of IR£7,000 for the permit. The man's brother also worked for the same employer and was owed a substantial sum in unpaid wages (Ir£3,000).

The man stated that he was forced to work 7 days a week without any days off or any holidays. He explained that he worked 13-14 hours per day without breaks and was paid €2.80 per hour. He believes his employer applied for up to 6 work permits and was of the understanding that each of these people paid for their permits.

This case is an example of the abuses, which appear to be rampant within the Work Permit Scheme. Despite the employer's legal obligation to supply and pay for the permit, the client found that he had to pay an exorbitant fee for the permit and then had his rights as an employee abused. The client was afraid to leave employment due to limited resources and the effort required to find a new employer who would in turn have to apply for a new work permit. The information provider involved in this case realised "*It would*

appear that some employers are using the Work Permit Scheme for profit and as a means to acquire cheap labour” (17/07/2003).

Housing

Private Rented

On the 07/07/2003 a CIC client made inquiries on behalf of her son. The client's son had been living in rented accommodation with 3 others. Despite very poor living conditions, rent was set at €500 per month for each tenant. The client's son and his friends found more suitable accommodation but only gave 2 weeks notice to their landlord. The landlord responded by refusing to return their deposit, which amounted to four weeks rent.

While the landlord was within his rights to withhold the deposit, the information provider commented that it seemed unfair that the landlord should retain the entire deposit, irrespective of the short notice given. As it stands, for example, a tenant who gives three and a half weeks notice would suffer the same penalty as a tenant who gives none. The information provider suggests that landlords should only be entitled to keep a share of the deposit, which is proportional to the amount of notice given. For example, if a tenant gives three weeks notice the landlord should only be entitled to withhold 1 week's rent from the deposit.

On 29/08/03 a single parent with an eighteen month old child approached a CIC with a housing related query. The client had a query concerning landlord / tenant Rights. The woman had saved a month's deposit of €950 for a flat. She handed over this deposit along with a month's rent (another €950) in advance to the landlord. Immediately afterward the landlord issued the client with 28 days notice to quit the accommodation, informing her that he was selling the premises in a short time and wanted it vacant.

The CIC contacted the organisation Threshold. While members of the organisation agreed that the landlord had been unprincipled and deceitful, it was, unfortunately within

his legal rights to do this. By law the landlord was not required to inform the client that he was about to sell it before she rented the accommodation and he was only required to provide 28 days notice in writing to vacate the premises. Moving from one place to another in such a short period of time is a very stressful prospect both for the young mother and her child. The information provider suggests that this case clearly *“illustrates that current landlord / tenant legislation offers no protection for the tenant”*.

Family Income Supplement and Differential Rent

A client of a CIC participating in a Back to Work Allowance Scheme was receiving Family Income Supplement while living in Local Authority housing. Once he began the Back to Work Scheme the Local Authority reviewed the amount of differential rent the client paid. The calculation treated FIS as income. The CIC worker stated that because FIS is a ‘top up payment’ it should not be factored in as means since, in effect what was provided by Social Welfare was then taken back by the Local Authority. The CIC worker stated that such practice *“defeats the whole purpose of Family Income Supplement”*. Local authorities when assessing differential rent should treat income from FIS consistently. Currently, some local authorities take it into account while others do not.

Social Welfare

The combined categories of Social Welfare made up a large proportion of the social policy records submitted. Issues surrounding Social Welfare Insurance based benefits were most prevalent. Within these queries feelings of concern and annoyance from clients claiming Invalidity Pensions were documented, particularly in relation to rehabilitative work.

Supplementary Welfare Back to School Clothing / Footwear Allowance

A widowed client with five school-going children contacted a CIC in relation to the Back to School Clothing and Footwear Allowance. The woman was in receipt of a Widow's Pension at the time while also participating on a CE Scheme when she was turned down

for the BTSCF Allowance. The client was informed that she was €20 over the income as stipulated in the guidelines for this Allowance. Participants in CE Schemes are paid for child dependants as part of their salary. If the client had two children she would be eligible for the payment. Perversely as she has five children the client's income is slightly higher which brings her income above the recommendations made in the guidelines for the Allowance. Therefore the client receives nothing at all from the BTSCFA.

The information provider dealing with the widowed woman's case suggested the Allowance be designed to scale. By adopting a tapering method of assessment, the client would be able to claim a proportion of the payment thereby alleviating the significant financial strain of dressing five growing children for school. The information provider notes that while the system of payment adopted by the CE Schemes appears to acknowledge the greater financial need of parents with large families, i.e. the greater number of children the larger the wage payment they will receive, the BTSCF Allowance would appear to penalise parents of larger families. *"Perversely this client has lost out on the BTSCFA because she has too many children. Yet five children need to be dressed for school. This Allowance pays all or nothing"*.

Insufficient and Inaccurate Information

Social Welfare (Insurance) Disability Benefit

On the 07/08/2003 a social policy record was logged outlining the details of a query made by a recently widowed client. The client's late husband had been in receipt of Disability Benefit as was the client. She applied to her local Social Welfare Office for the Six Week Payment after Death. On two separate occasions the client was informed that she did not qualify. She explained to staff members in the Office that she had read the Disability Benefit Booklet and believed she would qualify under the guidelines stipulated in the Booklet. (SW9 Section 16 pp. 19). The Social Welfare Office stated that she would not qualify for the payment. The CIC intervened on the client's behalf, phoning the Social Welfare Office and quoting a section of the Social Welfare (Miscellaneous Provisions) Bill 2003 which amends the rules in relation to this payment. According to the information

provider, "*The Bill extends entitlement to the six weeks payment following death to the surviving spouse who is receiving a payment in his or her own right. This measure will take effect from June 2003*".

The Social Welfare Office had been unaware of this amendment and, according to the information provider, "*expressed concerned at their lack of knowledge and quickly sought to redress the situation for the client*".

Social Welfare (Insurance) Self-Employment

A client had worked for a company for 37 years when aged 52 he took early retirement. That was four years ago. The client was in receipt of Unemployment Benefit for 10 months in 1999, after which time he set up a consultancy firm with a friend. The client was unaware of the implications of switching PRSI Class contributions until he visited a Social Welfare Office to enquire about Treatment Benefit and was informed that the 37 years of contributions were 'frozen' due to his new status as self employed.

The man had enquired about the implications of becoming self employed with a Social Welfare Officer before establishing the business and had been told he could simply come off the Live Register, set up his business and sign back on again if it did not go to plan. The client alleges that at no time were the implications of self employment for his PRSI contributions adequately explained.

Social Welfare (Insurance) Unemployment Benefit

Upon losing his job a 21 year old client of a CIC applied to Social Welfare for Unemployment Benefit. The client was informed that processing his application would take up to 6 weeks but that he would receive a back dated payment. Six weeks passed and having received no correspondence from the Social Welfare Office, the client went back to make enquiries. The client alleges the Social Welfare officer rebuked him for not 'signing on' the previous week stating that his new claim would take a further 6 weeks to process. He was also informed that he would *not* receive any back dated payments. At

the time of consulting the CIC the client through no fault of his own had been without an income for two months.

Education - VTOS

A man in receipt of Disability Benefit exhausted his eligibility for the payment after 15 months. He subsequently contacted his local Community Welfare Officer and was offered Supplementary Welfare Allowance. Following his transition from Disability Benefit to SWA the client was allocated a place with VTOS. However, when the man started the programme he was informed that Supplementary Welfare Allowance was not a qualifying payment and as such claimants were ineligible to receive an allowance. The client, therefore, had to choose between a place on the VTOS programme or his income from supplementary welfare. The information provider involved in the case expressed exasperation at the fact that such a difficult decision need never have arisen. If the man had moved from Disability Benefit to Disability Allowance he would have qualified for the VTOS scheme and an allowance. The client alleges that at no time was he advised by the CWO to apply for Disability Allowance from Social Welfare. The information provider commented, "*Most people are not aware of their entitlements and if the CWO had advised him of his rights this situation would not have arisen*".

Impediments to Exercising Rights

Social Welfare (Insurance), Invalidity Pension and Rehabilitative Work

Three clients with mental health problems presented with similar queries in June of 2003. Each of the clients' received letters stating that their 'Rehab Status had been exhausted'. Two of the clients worked 20 hours per week, the other worked varying hours every week and all three had claimed Invalidity Pension for over three.

The letter stated that there were no grounds for appeal but that representation could be made to the section dealing with Invalidity Pensions. One of the clients was so frightened

of losing his Pension that he immediately gave up work and declined the opportunity to pursue the matter further.

Another wanted to make representation to the relevant section dealing with Invalidity Pensions with the help of his employer. The third client was undecided about his course of action. The information provider involved in the case contacted the Invalidity Pension Section on 02/07/03. It transpired that each claimants right to 'Rehab Status' and disability payments in general was currently under review. An 'Exemption Section' has been set up for this purpose.

The Invalidity Pensions Section stated that they would 'look at individual cases and make a decision on the merits of each case'. Each claimant was asked to provide a letter from his or her employer and from his or her GP stating that due to the nature of his or her illness they are unable to compete in the open labour market. The section was unwilling to reveal to the CIC the criteria used in determining the eligibility of claimants with mental health problems.

In a similar case documented on the 30/07/2003, the adequacy of the current assessment method used to assign 'Rehab Status' was called into question. In this case Social Welfare medical advisors deemed the client unsuitable for work on the grounds that employment no longer offered therapeutic or rehabilitative value.

However, the client believed that the medical examination carried out for this purpose was not appropriate. The client suffered from an anxiety disorder and had battled with chronic depression since the early 1980s. The client was adamant that the medical assessor had granted her only a cursory medical examination and failed to carry out a full psychological examination better befitting her condition.

The examination consisted of a series of questions regarding the client's height, educational attainment, her first job after the Leaving Certificate and whether or not she lived alone. The medical examiner did not read a letter written by the client's psychiatrist.

When asked if he wished to contact the consultant, he replied simply that the consultant should contact him. The examination lasted less than five minutes, which evoked strong feelings of anxiety in the client since she felt that the medical examiner would be unable to fully assess the psychological benefits of the employment in this limited time. The client believes that she was inappropriately assessed and that an expert in the field of psychiatry should have conducted the examination.

The Department informed the CIC that no system exists as yet, to appeal the decision of a medical examiner. The information provider involved in the case noted, "*This case implies that one must accept the decision of a Social Welfare medical examiner even if it contradicts known experts in the field*".

In this particular case the Department agreed to refer the case back to the Deciding Officer but stated that this was contrary to normal procedure. The information provider suggested that an appeals system be put in place to ensure an individual's right to a second professional opinion is protected and to ensure that any referrals from the client's consultant be given due consideration when making a decision. The Department agreed that the client should continue to work until the issue was satisfactorily resolved.

Social Welfare (General) and Household Benefits package

A client who had been receiving Disability Allowance for 8 months with his wife as a qualified adult dependant contacted the CIC for information on his entitlements. It transpired during the conversation with information providers that the gentleman was not aware of his eligibility for Free Travel, the Household Benefits Package or a Medical Card.

A client who had been in receipt of a Carers Allowance complained to a CIC that they had not been made aware of their entitlement to the Household Benefits Package or Free Travel. The client had recently transferred to Disability Allowance and only then realised that they could have availed of these extra benefits while receiving the Carers Allowance.

Social Welfare (General) Rights and Entitlements

A social policy record returned in July expressed a wish to see a more proactive approach adopted by Social Welfare offices in the dissemination of information regarding the full spectrum of entitlements for claimants. It was further stated that offices should at all times display the full range of Social Welfare literature pertaining to benefits and entitlements. This request was accompanied by a complaint regarding the lack of privacy and confidentiality afforded claimants in Social Welfare Offices, which many clients find demeaning, embarrassing and stressful.

Discourteous Treatment

Supplementary Welfare Appeals

A male client in his mid 20's had been refused continued Unemployment Assistance and had his Rent Allowance payment cut. The client made an application for Supplementary Welfare Allowance but was refused. He sought to appeal the decision to the Superintendent CWO but was once again refused. The client then requested a copy of the Guidelines and 'Statutory Instrument' referenced regarding his eligibility. The CWO refused and told the man to leave or the Gardai would be called.

The client refused to leave and requested that the Gardai be called in order to witness proceedings. Eventually, the CWO agreed to pay the client a Supplementary Welfare Allowance and increase his Rent Supplement payment. In return, the CWO requested the client lodge an appeal with the Social Welfare office regarding their decision to withdraw the his Unemployment Assistance.

Education

Third Level Supports

A 19 year old client contacted a CIC with a query relating to his recent application for a Third Level Education Grant. The client had been living away from home for 3 years and did not have any contact with his family. Due to a breakdown of communication with his parents he cannot fill in the details of their income on the application form. As the information is mandatory in order to assess his parents' means the information provider was not convinced the student would qualify for the grant. The CIC worker noted, "*Maybe it is time to re-evaluate the Education Grants means test? I am sure that there are more students in this position. In cases like these another method of assessment is needed. It does not seem fair that my client will be refused a grant simply because he is not in a position to provide the information requested*"

The information provider also points out the repercussions of denying supports to students in this way. "*If they are not given any assistance towards the cost of further education, students will be forced to leave the education system and some may end up on Social Welfare*"

A student (aged 21) who has just completed the 3rd year of a four year degree course was denied Unemployment Assistance by Social Welfare during the summer months. Social Welfare informed the client that she needed to complete the 3rd level course before she could apply for Unemployment Assistance. Paradoxically, if her degree course entailed a progression from certificate to diploma to degree, then at each stage of qualification the client would be entitled to apply for UA. The CIC worker stated, "*Surely this rule is discriminatory to certain students?*"

Supplementary Welfare Allowance

SWA Rent Supplement means test

A single parent claiming the One-Parent Family Payment (OPF) and Rent Supplement contacted a CIC to discuss the effects of returning taking up part time work on her financial situation. The information provider at the CIC explained to the client that only €50 of her earnings would be disregarded for the SWA Rent Supplement means test so, effectively, she would lose most of the Rent Supplement.

The information provided stated that the Rent Supplement means test could act as a deterrent to many people wishing to return to work. While the One Parent Family Payment offers substantial disregards the benefits can be negated by the calculations of the Rent Supplement means test. The CIC worker notes "*There should be more consistency between means tests so that one does not offset the benefits of the other*".

Clothing / Footwear Allowance means test

A single parent in receipt of the One-Parent Family Payment was turned down for the Back to School Clothing & Footwear Allowance. The reason given related to the maintenance payment she received from her ex-partner. The client felt that she was being put in an intolerable situation since on the one hand she was encouraged by the Department to actively seek out her ex-partner for maintenance but in doing so was forced to forfeit eligibility for supplementary payments such as the BTSCF Allowance. Had the woman been less diligent in seeking maintenance her entitlement to state benefits such as BTSCF Allowance would have been assured.

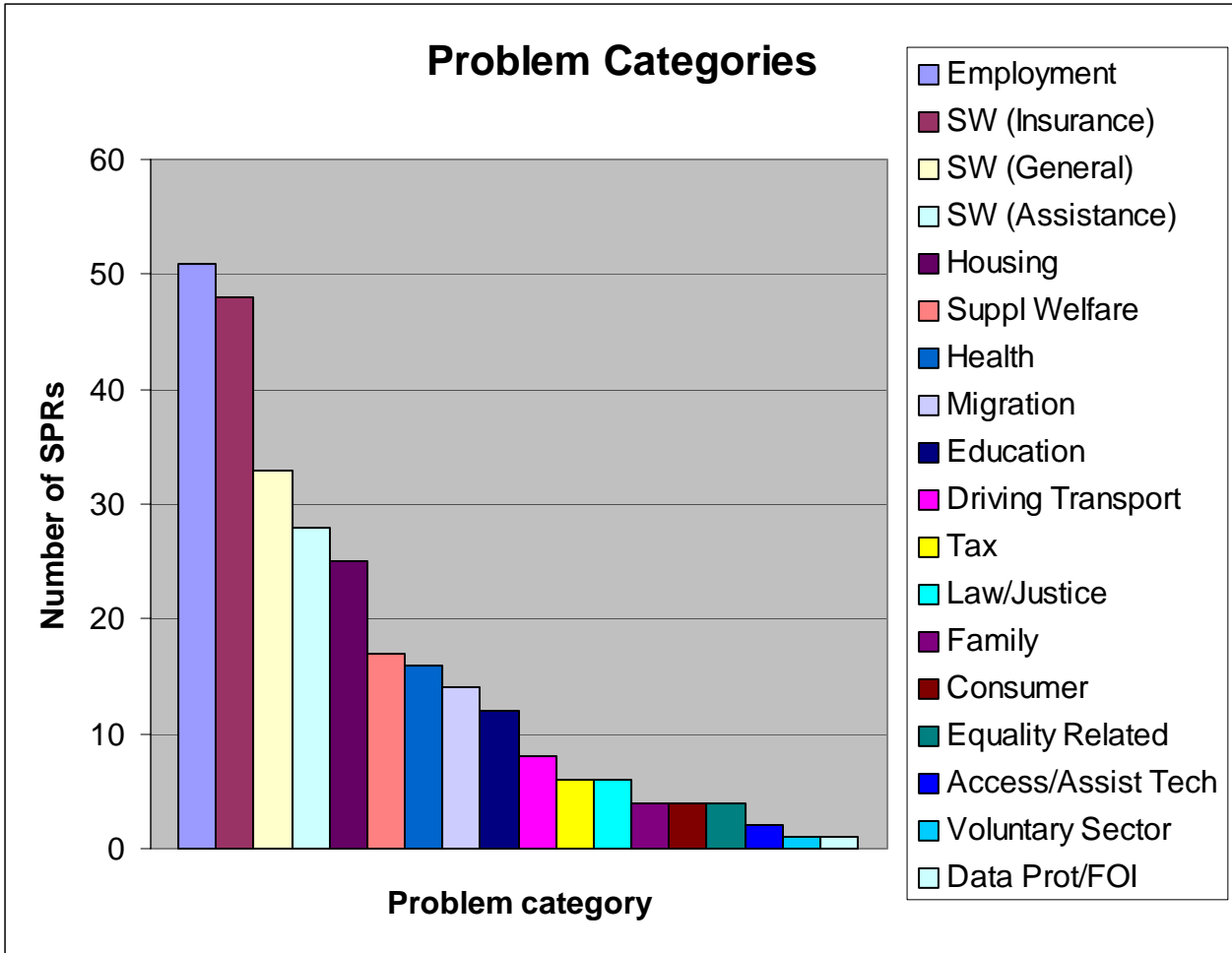
A client contacted a CIC in relation to the Back to School Clothing & Footwear Allowance. She explained that last year she had applied and was turned down for the allowance. She appealed the decision but lost. The client had been over the limit by a mere 8c. Having calculated her income for this year the client realised she would miss out on the cut off limit for the allowance by only 9c. The client contacted the CIC in an agitated state since

she feels certain she will be turned down once again if she applies for the payment. Given the discretionary nature of the payment the client could not understand why exceptions could not be made in cases such as this.

Conclusion

This report sought to highlight data obtained from social policy records, which have a relevance to policy and the policymaking process. The largest percentage of queries related to the categories of employment and social welfare insurance. Within these categories the most recurrent issues related to work permits and Invalidity Pensions respectively. Other issues of concern included third level supports in education, entitlement to the Household Benefits Package within the category of Social Welfare Assistance and the Back to School Clothing and Footwear Allowance in the Supplementary Welfare category.

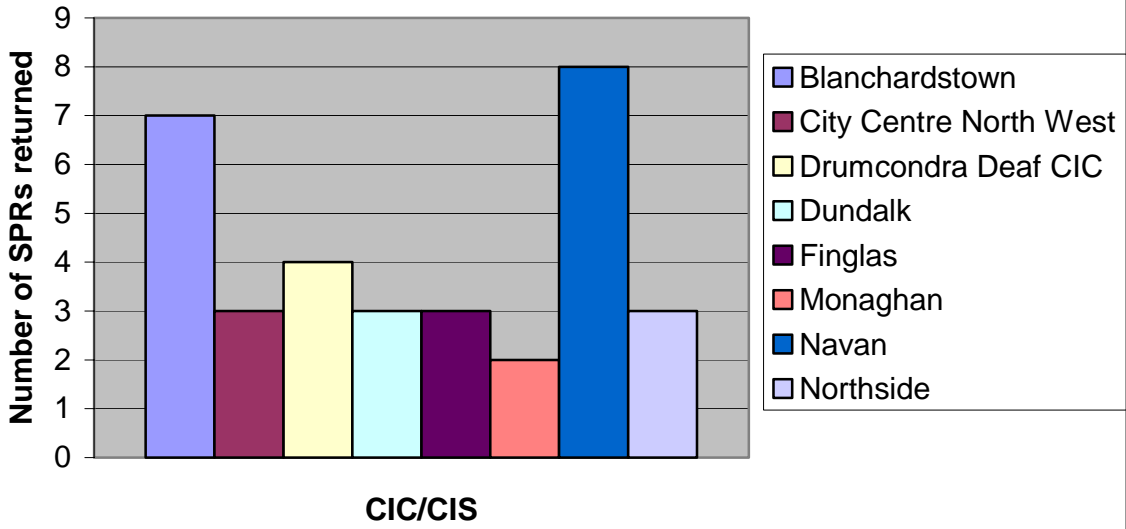
The report refers only to the queries and problems experienced by CIC clients in the period July to September 2003. In this quarter we received a total of 280 social policy records, which is an increase of 21 % on the previous quarter when we received 231. The various issues outlined here are those, which feature recurrently in the social policy records returned by CICs.



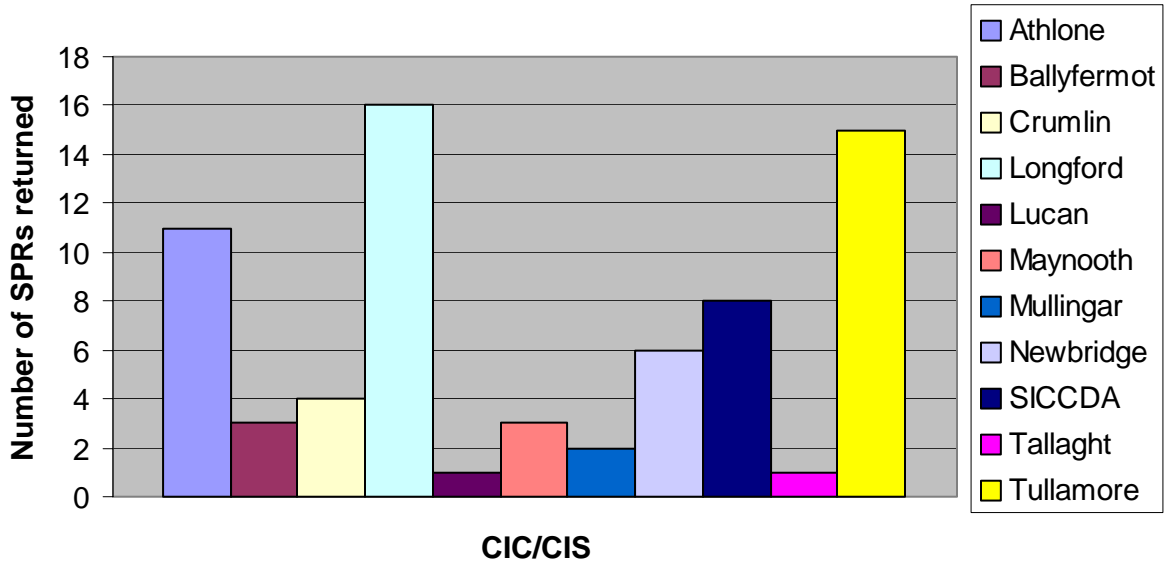
Problem Category	No.	%
Employment	51	18.21
SW (Insurance)	48	17.14
SW (General)	33	11.79
SW (Assistance)	28	10.00
Housing	25	8.93
Supplementary Welfare	17	6.07
Health	16	5.71
Migration	14	5.00
Education	12	4.29
Driving Transport	8	2.86
Tax	6	2.14
Law/Justice	6	2.14
Family	4	1.43
Consumer	4	1.43
Equality Related	4	1.43
Access/Assistive Technology	2	0.71
Voluntary Sector	1	0.36
Data Protection / FOI	1	0.36
Total	280	100

Social Policy Records returned by problem category

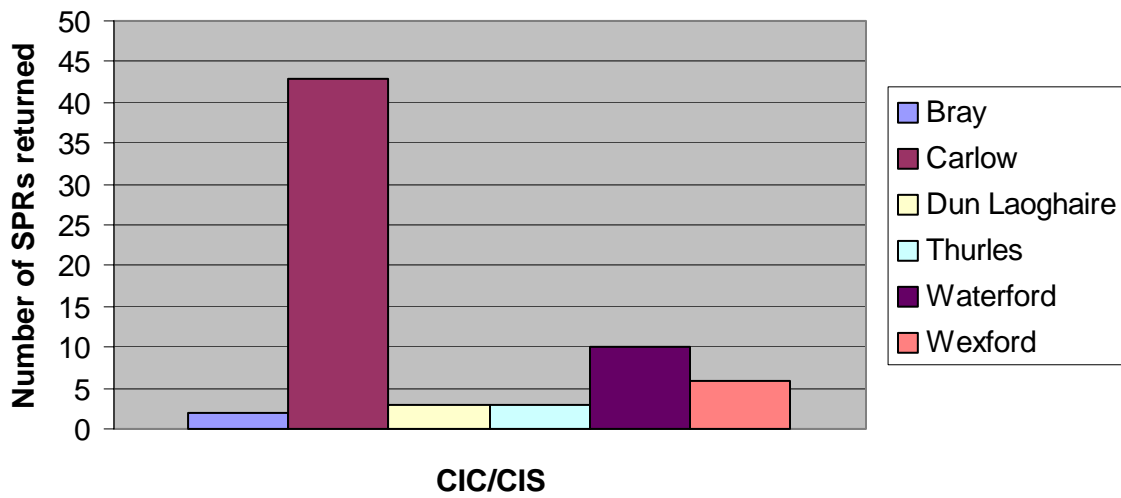
Region 1 SPRs returned by CIC/CIS



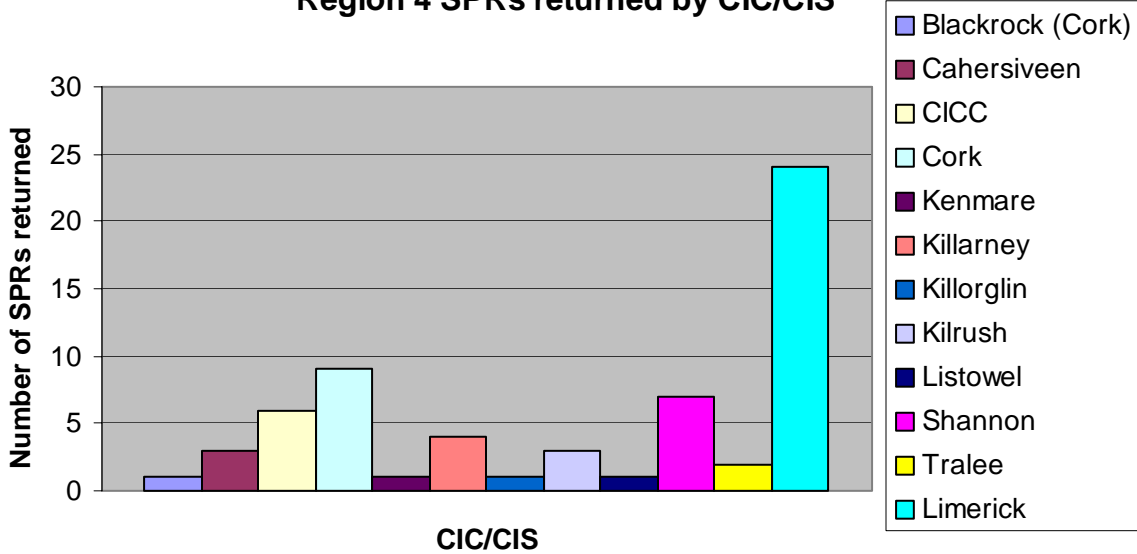
Region 2 SPRs returned by CIC/CIS

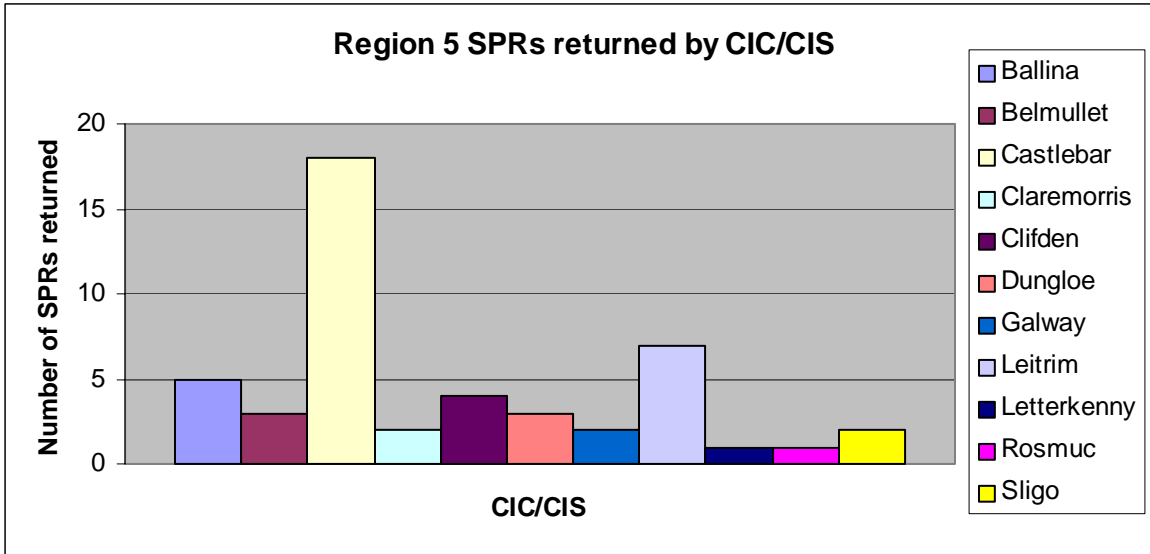


Region 3 SPRs returned by CIC/CIS



Region 4 SPRs returned by CIC/CIS





*SPRs: Social Policy Records

	CIC/CIS	Number of SPRs returned
1	Athlone	11
2	Ballina	5
3	Ballyfermot	3
4	Belmullet	3
5	Blackrock (Cork)	1
6	Blanchardstown	7
7	Bray	2
8	Cahersiveen	3
9	Carlow	43
10	Castlebar	18
11	CICC	6
12	City Centre North West	3
13	Claremorris	2
14	Clifden	4
15	Cork	9
16	Crumlin	4
17	Drumcondra Deaf CIC	4
18	Dun Laoghaire	3
19	Dundalk	3
20	Dungloe	3
21	Finglas	3
22	Galway	2
23	Kenmare	1
24	Killarney	4
25	Killorglin	1
26	Kilrush	3
27	Leitrim	7
28	Letterkenny	1
29	Limerick	24
30	Listowel	1
31	Longford	16
32	Lucan	1
33	Maynooth	3
34	Monaghan	2
35	Mullingar	2
36	Navan	8
37	Newbridge	6
38	Northside	3
39	Rosmuc	1
40	Shannon	7
41	SICCDA	8
42	Sligo	2
43	Tallaght	1
44	Thurles	3
45	Tralee	2
46	Tullamore	15
47	Waterford	10
48	Wexford	6
	Total	280