



# Quarterly Report

## **Citizens Information Centres / Citizens Information Phone Service Social policy reports**

**July-September 2004**

### **1. Introduction**

This quarterly report contains a review of the social policy reports compiled by Citizens Information Centres around the country and the Citizens Information Phone Service during the third quarter of 2004. These social policy reports allow Comhairle to examine the nature of problems presented by clients as described in case studies. Where possible the data is translated into policy relevant findings, which are then used to inform the policymaking process. The topics discussed below, broadly represent the issues arising in the social policy reports during the quarter July to September 2004. 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.

The third quarter of 2004 saw a considerable increase in the number of social policy reports (SPRs) returned by CICs/CIPS compared with figures for the previous quarter of 2004. The total for April to June 2004 was 266 while the total for July to September was 416.

The category of employment continued to dominate as the largest percentage of queries with a social policy implication. The number of employment related social policy reports more than doubled within this period compared with quarter two figures. Employment issues relating to maternity leave and employment rights for pregnant women also increased in this period. A large proportion of the queries related to employers' non-compliance with employment legislation. The need to ensure effective complaint and redress mechanisms against exploitation and discrimination in the workplace for migrant workers remains particularly urgent. Other emerging issues within the employment category include the difficulties encountered by victims of bullying in the workplace and the inadequacy of work place supports for employees experiencing bullying.

Issues relating to social welfare assistance and housing represent the second and third largest categories of concern for CIC/CIPS clients. Issues relating to social welfare assistance include disincentives to work while collecting

assistance payments especially for those on One Parent Family Payment (OPFP) and those on rent supplement. Problems experienced by clients of CICs/CIPS concerning housing, relate to hardship created by Rent Supplement eligibility guidelines, including the ceiling on payments and the six month rule. Other issues, which continue to cause difficulties, include eligibility for the Medical Card and delays in processing applications for entitlements, especially in sections dealing with OPFP, the Household Benefits Package and Pensions. Widow's entitlements were also a feature particularly in relation to entitlement to Bereavement Grants.

The rights of grandparents in relation to their grandchildren featured in a number of social policy returns this quarter in particular in relation to their legal rights and entitlement to supports where they are caring for their grandchildren.

Some of the reports for this quarter refer to issues concerning older people's entitlement to services like personal alarms.

Issues for people on Community Employment and Job Initiative Programmes related mainly to disincentives to taking up places on these programmes because of loss of benefits and the cost of childcare and the issuing of payslips to Community Employment participants.

A number of issues also arose in this quarter in relation to transport. These included access for disabled people, the driver theory test, car insurance for non-nationals and penalty point delays.

## **2. Employment**

### **2.1 Employment Rights**

#### ***Compassionate Leave/Dismissal***

Carlow (Carlow CIC) 07/07/04

A client had been in employment for four years when his son was born. The child was ill from birth and the client was forced to take time off work to visit the child in hospital and to discuss his son's case with doctors etc. The child died at 3 weeks old. The client explained to the information officer that after his child's death, he fell into a depression. The client decided to take a few days off to recuperate. The client's employer responded by firing him immediately. The client also alleged that his employer verbally attacked him saying he wasn't running a baby-sitting service. The information provider advised the client in relation to his right to notice, holiday pay etc as well as the possibility of claiming Disability benefit when/if his health continued to deteriorate.

Westmeath (Mullingar CIC) 27/08/04

A young male builder was in employment for a year and a half with a local builder. He gave two weeks notice in June 2004 and was told by his employer, on the day he gave his notice, to "get the hell out".

He is owed 9 days holiday pay and 3 days wages in arrears. Despite several calls on his behalf and also on his mother's behalf, no wages were paid. He had never received a pay slip in the year and a half he worked there.

The information worker rang the employer on the client's behalf and he said that he would try to sort something out. He was quite abusive on the phone and when the issue of pay slips were mentioned he hung up.

The information worker comments: "*This problem about no pay slips crops up on a weekly basis here. Perhaps something could and should be done about these rogue employers*".

## **2.2 Family Income Supplement (FIS)**

Clare (Shannon CIC) 08/07/04

A foreign national with a work permit, had been living in County Clare with his spouse and newborn child for over two years. The client worked in a full-time position for minimum wage. He applied for and was granted Family Income Supplement. However the information provider involved in the case believed he was receiving less than his circumstances warranted. The client was unaware of this until he called to Shannon CIC.

In response to this information the client phoned the Department of Social and Family Affairs. He alleged that he was told, "*nothing could be done for a year*". The client felt he was treated discourteously. The information provider involved in the case spoke to a Social Welfare Officer who agreed to meet with the client. If the calculation for FIS was incorrect, the officer promised to rectify the error and apply for back payment for him.

The client then sent in a Tax Form to the Tax Office upon starting work. He called in person to the Tax Office and spoke to an official and was told his tax affairs were correct and up to date. The client believed his taxes were unnecessarily high and asked if he would be eligible for any form of relief. He alleged he was rudely informed that he was not eligible for any form of tax relief. The client was not informed of his right to the Home Carer's Tax Credit, to relief on rent paid or on bin charges. Due to intervention by the information provider on his behalf the client eventually received the appropriate tax credits. The client had yet to receive notification of a decision by the Social Welfare Officer in relation to the amount of FIS he was entitled to.

### ***One Parent Family Payment / FIS***

Dublin (Northside CIC) 23/07/04

Participants on the Job Initiative Scheme are not being informed of their possible entitlement to Family Income Supplement once their eligibility for the One Parent Family Payment expires. Information Providers at Northside CIC feel the staff in the OPFP Section should inform participants on the Jobs

Initiative who are due to lose their One Parent Family payment, of their likely entitlement to FIS.

The Northside CIC encountered a client on OPFP whose eligibility for the payment was reviewed in January 2004. Subsequently the department had the client's payment withdrawn due to their participation on the JI and consequently the effect on the client's income. A calculation by Northside CIC workers estimated the woman would have been entitled to €150 extra per week on FIS. She had not been aware of this entitlement. The client had missed out on this payment to date, as FIS is not backdated, it is only payable from the date of application onwards.

Northside CIC feel the onus is on Social Welfare (OPFP Section) to inform claimants of their possible entitlement to FIS, at the time their One Parent Family Payment is being withdrawn.

## **2.3 Work Place Supports**

Longford (Longford CIC) 04/07/04

A client of Longford CIC had a disagreement with his employer regarding a decision to suspend all staff without pay, as a result of one employee's misconduct. The client alleged that his employer knew which individual was responsible but refused to discontinue his suspension of all other staff. The client did not have Union representation, nor was an employee representative on hand to air the client's grievance upon being suspended.

He tried without success to discuss the matter directly with his employer. The client found him both unapproachable and unwilling to communicate. The client believed he had no choice but to seek alternative employment. At the time of documenting this case this matter was ongoing and had not been resolved to the client's satisfaction. The information provider noted that the client did not feel he had any means to dispute the suspension record or loss of pay until he approached the CIC for advice.

*"Shouldn't it be mandatory under employment law for all employers to make contact details of Employment Rights agencies known through staff handbooks etc, for the benefit of their employees?"*

## **2.4 Bullying in the workplace.**

Galway (Galway CIC) 22/09/04

A client of Galway CIC had been subjected to bullying in the workplace. Members of management perpetrated the bullying. The client found the response to his complaints entirely inadequate and unsatisfactory, as the management was responsible for investigating itself. As a result the client felt he had no other option than to fight it through the courts. Unfortunately the man explained to the information provider involved in the case that this was not an option, which he felt psychologically strong enough to pursue.

The CIC worker recommended the introduction of an independent statutory body to investigate allegations of bullying. *“It is not realistic to expect the victims of bullying to have confidence in a system where the accused is also the investigator and adjudicator”.*

## **2.5 Maternity Leave**

Roscommon (Roscommon CIC) 01/07/04

A client, pregnant with her second child, approached Roscommon CIC. Following the birth of her first child, the woman did not receive paid maternity leave. The client alleged that upon hearing of her second pregnancy, her employer declared that her timing was poor. The client had been working for the same company for 17 years.

She enquired as to whether her employer would pay her during her maternity leave on this occasion. She alleged he refused. At this point the client pointed out to her employer that sick pay was offered for three months in any leave year, so why not maternity leave? The client alleged her employer stated that pregnancy was a choice while illness was not. Through a number of different sources, the client learned that female staff employed at her grade should be paid during maternity leave.

The information provider suggested, *“The 'custom and practice' employment principle surely applies in this case”.*

During her second pregnancy, the client's company was taken over by a much larger one with her original employer remaining as chief executive. The employee requested the chief executive ask their new employer about company policy in relation to paid maternity leave. The client believed he deliberately delayed finding out this information for several weeks. Eventually, he returned to the client stating that maternity leave would be paid at this time. However, the CEO also added that if the decision were his maternity leave would not have been paid.

During a meeting with the Human Resource Manager the client asked what had happened in the past with other employees in relation to this situation. She was informed that the situation had never arisen before since all other middle management employees were male. The client alleged that the HR manager also commented that, her pregnancy and pending maternity leave placed the company in a difficult position in relation to staffing.

The information provider involved in the case noted a number of broader issues highlighted by this client's particular situation:

1. The client's original employer failed to honour a union agreement to offer paid maternity leave to staff of a certain grade -- of which the employee was unaware -- during her first pregnancy. The client wished to raise this point with her union at a later date.

2. The client felt she was being 'blamed' and victimized by more than one member of staff because her pregnancy was deemed to create difficulties for the company.

Roscommon CIC explored options with the client, including the possibility of taking a case to the Equality Tribunal or the involvement of her union. However she declined the offer to take action, and also decided against taking a case against her former employer/CEO in relation to lost earnings during her first pregnancy. The client explained that she felt vulnerable as a direct result of being pregnant and didn't wish to 'rock the boat' any further.

The information provider involved in the case recommended the union keep its members better informed about the precise terms of union-employer agreements. The CIC worker also suggested the new employer/chief executive familiarize themselves with aspects of employment law relating to maternity.

*“The issues raised in this case are symptomatic of a prevailing attitude among male employers toward pregnant staff: pregnant women are seen as an inconvenience”.*

## **2.6 Work Permits**

Longford (Longford CIC) 13/08/04

A social policy record from Longford CIC documented what information providers there termed the *“unfair treatment of foreign nationals by their employers in relation to work permits”*. A client from Bangladesh aged between 22 - 25 years approximately had been working in an Indian restaurant since his arrival in Ireland. The young man arrived almost a year previously to source employment and a better quality of life. The client alleged he was asked to pay €13,000 before leaving Bangladesh. This money, he was told, was needed to organise a Work Permit so that he could legally travel to Ireland and work. The Work Permit issued to him stated that the client was a qualified chef. However the client explained to the information provider that he had never trained as a chef.

After his arrival the client alleged that he worked 10 weeks in the restaurant before he received any pay. In the eleventh week he received his first pay cheque. His wages were not backdated to include the previous 10 weeks. The client alleged he consistently worked 55 to 60 hours per week with pay varying from €50 to €150 for those hours. When he approached his employer the client was told that business was bad so they had to reduce his wages accordingly.

The client also alleged that his employer seized his Work Permit and his Passport and threatened to have him deported if he complained. The client expressed anger and annoyance at having been manipulated by his employer in this way.

Meath (Navan CIC) 03/08/04

An Indian man has been working in Ireland on a Work Permit for the past two years. During this time he has not been allowed any holidays. He is afraid to inform his Indian employer of his right to paid holidays as he says he would let him go and then he would have no job and no accommodation. His employer provides his accommodation in a room which sleeps five. He works 69-70 hours per week and is paid €240.00

“More attention should be focused on employers and visits paid by Enterprise, Trade and Employment as quite a number of non-nationals are being exploited here and are too afraid to make a complaint.”

Donegal (Buncrana CIC) 30/09/04

A Latvian woman has been on a work permit in Ireland since May 2003. She was working on a mushroom farm from 6.00am to 11,00pm every day. She requested overtime pay from her employer and was fired on the spot without pay. She was owed nearly a full weeks wages and the information worker encouraged her to return to the farm to demand the money owed. Her employer gave her €60 and told her to get out. The information worker directed her to the local Jobs Club but they told her to apply for Unemployment Assistance (UA). She is not eligible for UA. She was told that it would take a couple of weeks for a decision on UA to come through but she was not informed that she is not eligible for UA.

### **3. Social Welfare General**

#### **3.1 Household Benefits Package**

Donegal (Dungloe IIU) 07/07/04

A client whose wife had been taken into a nursing home, wished to transfer the couple's Household Benefits Package into his name. Up to that point the package had been in his wife's name but as she would not be living in the house any longer he felt it best to change this. As a direct result, the client lost the Household Benefits Package while his own claim was being processed.

Delays of up to three months have been recorded in processing these claims. As a result, the client, who was over 80, had to pay his ESB bill and telephone bill in full before his application was approved. The information provider involved in the case felt strongly that this man should not have had to go through the entire process again particularly since his eligibility for the scheme had already been proven.

Similarly Dungloe IIU dealt with a woman who had been forced to reapply for the Household Benefit Package because she was changing address. Information providers there felt that individuals deemed eligible for the Package should not have to reapply simply because they change address.

## **3.2 Bereavement**

### ***Six-Week Payment after Death***

Leitrim (Drumshanbo) 28/07/04

A young woman approached Drumshanbo CIC. She had lost her mother a number of years previously and had just recently buried her father. The client was distraught to discover that she would not be eligible to receive the Six Weeks Payment After Death. Her father had been in receipt of Contributory Old Age Pension before his death, which only provides for a once off payment such as this to be issued to the deceased pensioners spouse. The information provider involved in the case noted that the young woman had become the guardian of her 16-year-old sister, who was totally dependent on the client.

The CIC worker added "*I suggest when deciding eligibility for this payment, the Department of Social and Family Affairs look closely at individual circumstances and make allowances in cases such as this one*".

### ***Widowed Parent's Bereavement Grant***

27/07/04 Leitrim (Carrick-on-Shannon)

A widow with a 24-year-old daughter in full time education was refused the Widowed Parents Bereavement Grant on the grounds that her daughter was over 22 years of age. Both mother and daughter were living in a situation of financial hardship. The client's spouse died suddenly, leaving his wife to bear the financial burden of mortgage repayments alone. The client's sole source of income was a Widow's Pension. The information provider involved in the case noted that as a result the family was in danger of slipping into a poverty trap.

## **4. Social Welfare Assistance**

### **4.1 Unemployment Assistance**

#### ***Discourteous Treatment***

Donegal (Donegal Town IIU) 07/07/04

A 20-year-old man from Donegal Town had been on Unemployment Assistance for two years. During this time he was unsuccessful in his efforts to source employment and had furnished his local Social Welfare Office with proof of his attempts to do so. On 31st May the client informed his local Social Welfare Inspector, that he intended to set up his own business as a window cleaner. Initially it was intended to be a one-day a week venture while the client gauged its viability as a profitable profession. When asked by the Social Welfare Officer how much he expected to earn, the client was unable to provide an answer. The client alleged that the SWO swore at him and demanded he come up with a specific figure, which he was unable to do. The SWO responded by reducing his Unemployment Assistance by €30 per week. The client was reasonably satisfied with this decision.

When the client approached his local Social Welfare Office on the 2nd June, the client was informed that his payment was suspended until further notice. He had no money and no means to support himself. The client alleged that a friend had been in a similar situation earlier in the year and that he had received a reduced payment without suspension. The information provider noted that the client was deeply distressed by this situation and worried about how he would survive without any money. He was particularly upset by the Social Welfare Officers behaviour toward him.

The client finally received a payment from his local Community Welfare Officer on June 11th. This payment amounted to €54 in total. The CWO then contacted Social Welfare to complain about the way the client's case had been handled. Following this, the client approached the Social Welfare Office on the 16th June and was informed that a payment would be posted to him the following day. The client received this payment in due course.

## **4.2 Community Welfare Office**

### ***Discourteous Treatment, Difficulty Making Contact***

Meath (Navan CIC) 19/07/04

A 24 -years -old client graduated 6 months was attempting to source employment within his relevant field. He had applied for over 50 jobs but lack of experience was acting as a barrier to securing an interview for any of the positions he applied for. The client decided to make a claim for Unemployment Assistance while he looked for a job.

When he went for an interview with his local CWO he brought all of his completed job applications with him. The client alleged the CWO commented "*if you have failed to get a job after 50 applications, maybe it is time for you to apply to McDonalds*". The information provider involved in the case was adamant "*This sort of discourteous treatment should not be tolerated*".

Dublin (Blanchardstown CIC) 03/08/04

A client of Blanchardstown CIC applied for Rent Supplement in January 2004, following the birth of his child. At that time it had become increasingly difficult to access the local Community Welfare Officer. The only means of doing so was by leaving an application form in a box designated for that purpose in the Health Centre. By March of 2004, the client's girlfriend had moved out of their rented house and he agreed to take care of their daughter full-time until the child was 9 months old and could be left in the care of a crèche/child minder.

Between the months of January and March 2004, the client received no communication, written or otherwise from his local CWO, despite leaving several query forms at the Health Centre. In the meantime he subsisted on an Unemployment Benefit payment while simultaneously applying for the One Parent Family Payment. The client's girlfriend agreed to provide voluntary maintenance, all be it sporadically, while also taking care of their baby at weekends.

Between May and July 2004, Blanchardstown CIC provided the client with support in pursuing his claim for Rent Supplement. However his claim was informally refused during this period. Upon appeal the client's application was reviewed but once again refused. The client alleged that both he and his girlfriend were treated extremely discourteously at times.

In July, a local volunteer with the St Vincent de Paul Society accompanied the client to a meeting with the CWO (by special appointment) and advocated on his behalf, aided by the CIC. Eventually, in late July the client's Rent Supplement claim was approved and processed.

The information provider involved in the case made the comment that such cases highlight issues, which need immediate action and further discussion. They believed the Community Welfare Section of DSFA and the Equality Authority should be alerted to this particular case, "*based on our perception that the claim made by this client, as a single father, was scrutinised in far more detail than a similar claim from a single mother would have been*".

### **4.3 Family Matters / Grandparents Supports**

South County Dublin (Ballyfermot CIC) 19/07/04

A client of Ballyfermot CIC with responsibility for her three grandchildren approached the centre with a query. The children's mother was a lone parent but had abandoned them some time before. As a result the client was forced to give up her job in order to look after her grandchildren, aged six, three and two. The woman also suffered from a physical impairment, which impeded her ability to care for the children fully.

She applied to Social Welfare for the Orphans Allowance in April and was informed by staff in the section that it could take months to process her claim for this payment. The client then applied to the Community Welfare Officer for Supplementary Welfare while her claim for Orphan's Allowance was being processed. The client was awarded a once off clothing allowance payment of €240. She received no other financial support for the children.

The woman also contacted the Health Board in order to alert a Social Worker to the children's situation. She also hoped the Health Board would provide counseling for the children. She made contact with Social Services and explained her family's situation over the phone. The client alleged that Social Services made no arrangements for further meetings to discuss the situation. The client also claimed that at no time did any representative from the Health Board call to the family home to meet with the client or the children for assessment.

This client called to Ballyfermot CIC on 3rd June 2004. The woman sought assistance from Ballyfermot CIC, as "*she was desperate*". The information provider involved in the case described the woman as "*clearly distressed*" following a second meeting with the Community Welfare Officer. The client had once again applied for assistance under Supplementary Welfare

Allowance, as she had not received any correspondence from Social Welfare regarding the status of her claim for Orphans Allowance. On this occasion the CWO had refused her. *“Under the Supplementary Welfare Allowance Scheme people are entitled to apply for help while their Social Welfare claims are being processed yet this client was refused any payment”*.

The client was not in a financial position to provide for three children. As a result of the drain the children were placing on her resources, the client had fallen behind with her household bills and rent etc without any recourse to pay them. *“A significant number of people now find themselves in situations similar to this one, where parent’s are required to take care of their children’s children. There appears to be a delay in the delivery of services required by families affected in this way”*.

The information provider involved in this case noted that the client had been seeking assistance, financial and otherwise, since April of 2004. In June of the same year, when the client first approached Ballyfermot CIC, she had received little or no help from the services designed to support people in difficult situations such as this. The CIC worker suggested that this case serves to highlight a number of issues with implications for social policy. The difficulties experienced by the client arose from the delay in processing her application for Orphans Allowance Payment. The CWO’s decision not to grant an interim payment while the client’s claim was being processed also caused undue hardship. The client was also distraught following a meeting with her CWO as she found the treatment she received to be discourteous.

The Information provider advocating on the client’s behalf also noted that the Health Board failed to provide any practical support to their client despite her obvious physical disability. Nor did a representative from the Health Board visit the house to assess the family. Finally the CIC worker commented that a greater number of practical and financial supports are needed for Grandparents finding themselves in similar situations to this one.

Longford (LongfordCIC) 28/09/04

A lone mother died tragically this year leaving two children aged 8 and 13. She was divorced and her ex husband had remarried and was living in the UK with his new family. He was paying maintenance through the courts which was reviewed but not increased. According to our clients (the grandparents), he has no interest in taking care and custody of the children at this point. The children are currently being taken care of, with his consent, by the maternal grandparents who had come to retire in Ireland. The grandfather is on a pension from the UK and the grandmother has taken up employment as she is a little short of UK pension age herself.

She now has to give up this employment to take care of the children who need her. She is the only close family member living in Ireland. All social welfare payment options have been explored, but none are relevant in their situation as the grandfather’s pensions are being assessed in the means test and the children are not regarded as orphans because the father has not

technically abandoned them, due to the maintenance arrangements and the fact that he is contactable.

Financially, the grandparents have not been able to obtain any support except Back to School Clothing and Footwear Allowance and a once-off urgent needs payment from the CWO. There is no long-term financial support available to them as grandparents. They feel obliged and willing to look after the children but are very aggrieved that there is no State financial support available to them. They are left to delve into their own retirement resources in order to maintain their grandchildren.

They feel that it should only be the children's means and not the grandparents' means that are assessed. They also feel that there should be some provision made through OPFP / FIS / Carer's Allowance / Orphan's Allowance or any other relevant Social Welfare or Health Board payment to fit this type of situation.

#### **4.4 Family Matters / Legal rights of Relatives**

Citizens Information Phone Service (26/8/2004)

We had a call from a client who is looking after her 3 year old niece on a full time basis because her mother is a drug addict and has checked herself into a drug treatment centre. The client is very concerned about the welfare of the child as she has no legal rights and the child has a violent father who is not married to the child's mother.

She has been in touch with the Health Board on numerous occasions and no social worker has been in contact with her yet. The child's behaviour has been improving from being with her for the last 3 weeks. Her sister has now checked herself out of the treatment centre and she is afraid that her sister will want to take the child.

"I advised the client to make contact with the Child Protection Section of the Health Board directly and explain the situation to the on-duty social worker."

#### **4.5 Carer's Allowance**

07/07/04 Donegal (Carndonagh IIU)

A client approached Carndonagh IIU to ask for assistance in checking the status of her claim for Carer's Allowance. The client had applied for the payment in mid January of 2004. Five months later a final decision had yet to be made by DSFA. Six weeks after making her claim the client had contacted the Department. The Carer's Allowance section had acknowledged that her claim had been received and informed her that 6 weeks was a relatively short period of time to wait for a decision on whether to grant the payment.

Carndonagh IIU contacted the Department on their client's behalf. Staff in the section were awaiting a report from their pensions officer before they could proceed with the claim. The pension officer, however, had yet to visit the client. The information provider documenting the case noted that staff in the

section cited staff shortages, pressures of business, holiday periods etc as causing these delays. The information provider also commented “*given the importance of Carers to the community, we should expect a better performance and greater supports from DSFA. The least this lady should expect is written acknowledgement of receipt of her application and a realistic estimate of the timeframe for completion*”.

## **4.6 Disability Allowance,**

Clare (Shannon) 24/08/04

A 21-year-old client suffering from mental health problems in the past wished to pursue a Post Leaving Certificate (PLC) Course. The client had been in receipt of Unemployment Assistance and in search of work. He objected to claiming Disability Allowance as he believed he no longer suffered from mental illness. The client strongly objected to the 'disability' label, which he believed perpetuated the enduring stigma attached to mental illness.

The client would lose all entitlement to Unemployment Assistance if he attended the PLC course. Had he claimed Disability Allowance for six months, he would be eligible to apply for Back To Education Allowance. The client was staunchly opposed to what he believed were the potentially detrimental affects of 'labelling' people. In an effort to eradicate stigma, the client suggested each of the Social Welfare payments be referred to by number such as SW1, SW2 etc.

## **5. FAS Schemes**

### **5.1 Community Employment**

#### ***One Parent Family Payment***

Longford (Longford CIC) 14/07/04

A lone parent with two dependant children was refused the Back to School Clothing and Footwear Allowance for September 2004. The woman had successfully applied for the payment the previous year. The client's circumstances changed in the early part of 2004 when she accepted part-time employment as part of a CE scheme.

The woman paid €80 per week for child minding to facilitate her return to work on the CE scheme. The client's other expenses include the rented accommodation she shares with her children. She is approximately €4 over the limit for CE participants wishing to apply for the Back to School Clothing and Footwear Allowance. The client felt aggrieved by the refusal of the payment and believed it was unfair that she was being penalised when she was attempting to better herself through employment. The woman also had sole responsibility for the care of her elderly and incapacitated mother but would not receive any payment from the State for the extra duties without first relinquishing her One Parent Family Payment.

## **Pay slips**

Roscommon (Roscommon CIC) 29/07/04

A client of Roscommon CIC had been attending a local FAS CE Scheme for a number of weeks. In that time, she had received only one pay slip. This was only issued to the client when she asked for it. She applied for the Back to School Clothing and Footwear Allowance but was told that the application had to be accompanied by a recent pay slip.

Her CE supervisor was on leave and no other member of staff was in a position to provide her with a pay slip. The client's supervisor was not due to return until the end of August. *"Naturally, this is delaying submission of her application for the allowance. Surely a body like FAS should ensure that CE workers are issued with pay slips by their employers as a matter of course as is required under the Payment of Wages Act 1991"*

## **Income Calculation**

Mayo (Castlebar CIC) 29/08/04

An information provider at Castlebar CIC complained of the difficulties encountered when attempting to source information from FAS. A client of the CIC wished to know what the rate of Qualified Adult Allowance would be if she earned €140pw while her husband was participating in a Community Employment scheme. She contacted FAS and a staff member there calculated a figure of €21.30, however the client believed this figure to be incorrect.

The client approached Castlebar CIC for assistance. The information provider telephoned FAS on the client's behalf. The staff member at FAS stated that a figure could not be calculated until they knew the exact amount the client was earning. The CIC worker duly disclosed the figure as €140 per week. The information provider alleged that the reply received was *"I'd need to see that in writing then I'll put it into the computer and the computer will work it out"*. When asked if it was a similar scale to Social Welfare she replied *"it could well be but I really couldn't say"*.

The information provider commented, *"I was surprised that an office which processes thousands of payments for people on CE Schemes was unable to provide a straight answer to a relatively uncomplicated query"*.

## **5.2 Social Economy Programme**

### **One Parent Family Payment**

Donegal (Milford IIU) 07/07/04

A woman on a One Parent Family Payment came to the Milford IIU office. She had been offered a one-year contract with a local employer as part of the social economy scheme funded by FAS. The client alleged that through inaccurate information from both a member of staff at FAS and her

prospective employer, she was led to believe that taking up the job would not affect her entitlement to the One Parent Family Payment, regardless of income earned from employment.

The information worker involved in the case contacted FAS and Social Welfare to verify that the information the client received was correct. Both FAS and Social Welfare were in agreement that this information was inaccurate and the client would indeed be subject to a means test on her income, as money earned from the scheme, would be viewed in a similar light to any other insurable employment. The information provider noted that the client was *“really upset as she felt she would be unable to take up the offer as childcare costs would make it unfeasible”*.

## **6. Social Welfare Insurance**

### **6.1 Invalidity Pension,**

#### ***Lack of Information***

Dublin (Northside CIC) 13/07/04

A client of Northside CIC, living on an Invalidity Pension had his payment stopped abruptly. The information providers involved in the case advised the client to appeal the decision, which he did. At the oral hearing it was explained that his Pension had been stopped as a result of the application he had made for an exemption to work *after* he had received his Invalidity Pension. Under Statutory Law a recipient of Invalidity Pension cannot apply for an exemption to work for at least one year before or one year after successfully applying for Invalidity Pension.

The client had not been made aware of this rule. The information provider also commented on the difficulties the CIC experienced in finding written documentation outlining this rule.

*“I checked the database and it does not mention that this rule applies. I also checked the SW44 booklet and there is no reference to it either. I feel this could be misleading to anyone applying for an Invalidity Pension”*.

## **7. Health**

### **7.1 Medical Card Eligibility**

Donegal (Dungloe IIU) 07/07/04

#### **Case 1**

Dungloe IIU documented a number of complaints from clients regarding eligibility for the Medical Card. An unemployed client’s spouse was working 14 hours a week, earning €88 in total. As the client pointed out, his wife may

earn up to €88 per week without it affecting his entitlement to Unemployment Assistance but Health Board policy dictates that eligibility for the medical card is based on an income limit no greater than a Social Welfare payment.

### **Case 2**

Another client of Dungloe CIC lost his Medical Card due to his wife's earnings from a part-time job. The client's wife suffered from a medical condition and as a result was permitted to keep her Medical Card for a year. The client was not permitted to keep his. *"People feel that they cannot take up part-time work because the income guidelines are so low"*.

## **8. Migration (See also Work Permits etc..under Employment - pages 6 and 7)**

### **8.1 Residency Rights**

#### ***Habitual Residence Condition***

Waterford (Waterford CIC) 13/07/04

A 49-year-old Irish citizen was refused Unemployment Assistance based on his failure to meet the criteria of habitual residence. The client had lived in Ireland for the first 6 years of his life before emigrating. His family had since moved back to Ireland so he returned home to be near them.

Donegal (Letterkenny IIU) 31/08/04

A client of Letterkenny IIU returned to Ireland having spent some time in America. On his return the man applied for Unemployment Assistance. However he subsequently found work and signed off. In June of 2004 he was made redundant and once again applied for Unemployment Assistance. On this occasion the man was informed that under new EU regulations regarding residency he would not qualify.

The information provider involved in the case was of the opinion that in this instance the decision had been harsh as the client was an Irish citizen and had been actively employed for the majority of his return. *"Where a person has spent most of their life in Ireland shouldn't they be considered habitually resident?"*

The CIC worker also made reference to EU case law, which identifies five factors to be considered when assessing an applicant's compliance with the Habitual Residence Condition. These include "centre of interest" i.e. family, home, connections etc and "future intentions, reasons for coming to Ireland, employment prospects and length and continuity of residence". The information provider felt there was no indication that the deciding officer applied either of these factors in this client's case.

*"I have advised our client to ask for reasons for refusal in writing and his rights of appeal, as such decisions should be challenged"*.

## ***Difficulties obtaining Visas***

Waterford (Waterford CIC) 08/07/04

A non-national living in Ireland approached Waterford CIC with copies of a visa refusal for her fiancée who was living in Germany. The client's fiancée was also a non-national. The client's fiancée had been issued with five visitor visas in the previous two years. Applying for the most recent visa he declared the purpose of his visit as marriage to the client. His application was refused. The client's fiancée had supplied all the relevant documentation, including letters from his German Employer stating his status as an employee of two years. The client approached Waterford CIC following several unsuccessful attempts to contact the Visa help line. Two days later, the information provider involved in the case finally made contact with the Visa section.

*“The lady I spoke to was very helpful and subsequently issued the reasons for refusal in writing. They didn't believe he would return to Germany”.*

The client's fiancée appealed the decision through the German department. However, before a decision could be made on this case he was granted German citizenship, and was therefore free to travel to Ireland as an EU citizen.

## **8.2 Family Reunification**

23/08/04 Leitrim (Carrick-on-Shannon)

A migrant worker applied to the Department of Justice, Equality & Law Reform for a visa for his family to join him in Ireland but he was refused on the grounds of inadequate income. It was considered that he was not in a position at that time to provide adequate financial support to his family. Also the client alleged the processing of his application took a considerable amount of time. During this time the client explained that both he and his family had raised their hopes and expectation of being reunited in Ireland. The information provider involved in the case believed that there is an expectation among migrant workers of a positive outcome in the majority of applications for family reunification, when they come to Ireland initially. This does not accurately reflect the true situation. *“People coming to Ireland on Work permits should be advised that Family Reunification will not take place unless they have a substantial income to support both their own needs and those of the arriving family”.*

Donegal (Buncrana CIC) 30/9/04

The client, a Bulgarian national has been in Ireland on a work permit since June 26 2003. He applied for a D-Visa (for a stay longer than 90 days) on the 27<sup>th</sup> June 2004 and supplied all the documentation requested. On August 24<sup>th</sup> he received a letter of refusal. No reason was given. The letter stated that if the applicant wished to know the reason he would have to make a written request. On August 31<sup>st</sup> he submitted a written request asking why he was turned down.

The client has a wife and three children in Bulgaria. He had enrolled his children in the local school and in an English language programme. The information worker phoned the Department of Foreign Affairs a number of times but could not get through. She then emailed her query but received no response. She phoned the Department of Foreign Affairs on September 29<sup>th</sup> to complain about the service and was put through to the Minister's office. She says that when she announced that she was phoning from a CIC the person hung up. She contacted other CICs and was told of similar experiences with lack of response from the Department by email.

The information worker requested a Dail question through her local TD asking if there is an unwritten policy against family re-unification for migrant workers and why the €400 per week minimum applied for family re-unification applied when the minimum wage is approximately €280.

The client decided to apply for a Visitors Visa for his family. While the information worker encouraged this she felt she should warn him that this too would probably be refused.

## **9. Equality Related**

### **9.1 Travelling Community**

Dublin (Finglas CIC) 09/07/04

A young woman from the traveling community approached Finglas CIC seeking assistance in the retrieval of her One Parent Family book and her Child Benefit book. She explained to the information provider involved in the case that the books had been taken from her because the Department believed she was living with her child's father.

The client visited the Welfare office on numerous occasions but alleged she was told her file was being processed in Sligo. She also claimed the officer dealing with her query was frequently abusive. Upon ringing the Social Welfare office the information provider spoke to the officer in question who claimed he had tried to contact the young lady to discuss the case. He had her mobile phone number and address.

When asked if any officer had approached the client at her home, the officer allegedly retorted, "*Would you risk your life going to a campsite? If a Welfare Officer went out there he would never be seen again*".

Dublin (Finglas CIC) 09/07/04

A Traveller gentleman, 70 years of age, called to Finglas CIC to enquire about his entitlement to the Clothing Allowance. The client was awaiting a payment. The information provider involved in the case contacted the local Social Welfare Office and was told by a staff member that they could not process the query, as the client did not have his PPS number with him. The CIC worker explained to the member of staff at the office that the client would have a one mile walk back to his home in order to get his number and so requested some

leniency from the officer. The information provider also pointed out that Health Boards and the Department of Social and Family Affairs had processed client queries on numerous occasions in the past through quoting the client's address. The client in question had been a settled traveller for many years.

Following this negotiation, the officer agreed to discuss the case, at which point he stated that the man had in fact received the clothing allowance payment from his local Post Office, on a particular date. However the officer could not produce proof that the allowance had been signed for by the client. The client was adamant that he had not received the allowance on that date or any other.

The information provider commented, *"I believe this to be a case of inequality. I was asked questions pertaining to the client's home, which I found totally inappropriate. I believe this to be a form of segregation and racism"*.

## **10. Housing**

### **10.1 Homelessness**

25/08/04 Donegal (Letterkenny IIU)

A client of Letterkenny IIU approached the unit after being made homeless. Her husband had put her out of the family home. The information provider noted that in similar situations the unit would make efforts to source emergency housing for their client, such as a B&B or Hostel Accommodation. However this client had 9 children and it was proving to be an impossible task to locate Emergency Accommodation in Letterkenny large enough to facilitate a mother with 9 children. The client was ultimately forced to stay in a local hostel alone, having left the children with their father, as she did not believe they were in any immediate danger. The information provider noted that the client was very distressed at having to leave her children however. The woman felt she did not have any other choice, as there were no alternative facilities or supports available to her at that time.

### **10.2 Rent Supplement**

Louth (Drogheda CIC) 30/08/04

A client of Drogheda was refused Rent Allowance. The man had applied for the payment before the introduction of the six-month rule in February of 2004. He was refused because he was still a named tenant on the lease for a local authority house. The man had left the house some time previously due to domestic difficulties with his partner.

He moved in with his sister for several months, before once again sourcing rented accommodation of his own. He then applied for Rent Allowance for a small one-bed house in Drogheda. The CWO refused his application for a second time. By this time the man had become homeless and had registered as homeless with the local authority. Regrettably he then attempted suicide.

*“Drogheda CIC wrote to the Senior CWO outlining the client’s situation, explaining the exceptional circumstances of the case and still his application was refused”.*

Mayo (Ballina CIC) 28/08/04

A client approached Ballina CIC for information. The client's husband was claiming Disability Allowance. The couple was claiming Rent Supplement of €100 per week. The woman had been offered a position working 15 hours over 5 days earning €105 per week. She wished to know what effect this employment would have on the couple’s financial situation. The information provider involved in the case advised the client that whilst the effect on her husband’s Disability Allowance would be quite small, all but €50 of her earnings would be taken into account when calculating eligibility for the Rent Supplement.

*“This is a disincentive to work. Means testing needs to be harmonised otherwise the benefits from disregards for one scheme can be negated by the lack of disregards for another scheme. This is particularly true for Rent Supplement vis-à-vis other means tested payments”.*

Kildare (Maynooth CIC) 21/09/04

A single parent on One Parent Family Payment, in receipt of Rent Allowance was offered a job as a chef. The client would be entitled to earn €146.50 per week without affecting her eligibility for OPFP but any earnings over €50 per week would be assessed against her entitlement to Rent Allowance.

The client’s potential salary as a chef would not have been sufficient to cover her rent and bills. As a result the woman felt she had no other choice but to turn down the job. *“She was disappointed, as she wanted to work. If the client had been renting from the local authority this would not have happened, as the rents are based on income. The housing situation is completely unsatisfactory for low-income families or those who depend on Social Welfare payments, as it cultivates dependency on the payments which is very difficult to escape”.*

## **11. Older People**

### **11.1 Personal Pendant Alarms for Older People**

Wicklow (Bray CIC Outreach Baltinglass) 22/09/04

The personal (pendant) alarm has become increasingly difficult to access. The application closing date for 2004 passed on the 13th September. Therefore an individual in sudden need of a personal alarm after this date would have to wait a year or pay for it from his or her own pocket.

*“This vulnerable group should be entitled to apply for an alarm at any time”.*

This deadline also applies to alarms which break down. Prior to 2004 a grant was available to upgrade an outdated alarm. This grant is no longer available

and an alarm may not be upgraded in the future unless they are completely out of order.

As the government now pays a maximum of €300 per alarm rather than 90% of the price of the alarm, as before the financial cost to the individual has risen dramatically from €38 to €83. Formerly, the price of a second pendant to a person residing in the same house was €7 (10% of the cost of the alarm). It is not possible to establish what the cost will be in the future. The personal pendant scheme is funded by the National Lottery and not directly through Government funding. *“The scheme facilitates older people in living secure and independent lives, it empowers them, giving them greater quality of life and lessening the likelihood of their becoming a burden on the State. The funding for the personal pendant alarm should have remained at least at the previous level”.*

Overall funding fell from €2.9m in 2003 to €2.4m for 2004. The cap for each group has been reduced to €30, 000 (down from €300, 000). In 2004 new regulations were also introduced 4 working weeks before the application deadline, making it difficult for community groups (through which application must be made) to complete the necessary paper work for each individual in time. As a result of the new regulations the workload for both the applicant and the community group has greatly increased as the individual is required to fill in a complicated application form before approaching their local group, and they also have to be assessed by their group. As a result the community groups are expressing reluctance to process applications as a result of the extra administration. The new regulations also require the local community groups to assess applicants. However some volunteers are reluctant to do so as they do not feel qualified.

The information provider documenting these issues also suggests the geographical restrictions placed on the scheme are unnecessary and therefore should be removed. Similarly they suggest the mandatory tax clearance or charitable status number required from community groups applying for the alarms unfairly discriminates against smaller groups. *“This regulation should be removed for smaller groups at least”.*

## **12. Consumer**

### **12.1 Driving / Transport**

#### ***Car Insurance***

Mayo (Bellmullet CIC) 07/07/04

An Irish couple living in the USA was spending time in Ireland. They found they could not source car insurance in Ireland because their American licenses were not recognized here. The couple once lived, worked, drove and held insurance in Ireland, yet were prohibited from exchanging their American licenses for Irish ones. The information provider highlighted the anomaly inherent in this case since individuals visiting from other countries i.e.

Australia, Gibraltar, Isle of Man, Japan, Jersey, South Africa, South Korea, and Switzerland are entitled to exchange their licenses for Irish equivalents.

The couple must sit a theory test in order to obtain provisional licenses, in order to apply to sit a driving test so that they might eventually secure a full Irish driver's license. The CIC worker went on to note that once they obtain their Irish licenses and seek insurance the couple will be treated as first time drivers and will therefore not qualify for the no-claims bonus, despite having over forty years of driving experience between them. The couple found it difficult to understand why they could not source car insurance in Ireland without an Irish license when they had no difficulties renting a hire car, which was insured.

*"They are very frustrated and feel they are being unfairly treated and discriminated against".*

### **Gap in Service Leading to Unequal Treatment**

Roscommon (Roscommon CIC) 06/07/04

The client is an employer who wishes to place an employee on his company's motor insurance policy. The employee is a Brazilian national and requires a provisional Driving Licence. He has held a Brazilian driving licence for many years but has been told that this is not valid in Ireland. The difficulty is that the client cannot speak English and to obtain a Provisional Licence he must pass the driver theory test. The test is in English.

The employer investigated and was told that if the test was to be translated into Portuguese, a fee of €140 would have to be paid by the person taking the test. He also noted that when he contacted the driver theory test company he seemed to be dealing with someone in a call centre in Manchester who "hadn't a clue" what he was talking about and didn't appear to be interested.

The client's point was that his employee was being penalized because he cannot read or speak English. He pointed out that with the large number of foreign nationals living in Ireland now, perhaps it was time to for the Driver Theory Test to be translated into a number of languages.

The standard fee for the test, which is available in Irish and English, is €34. The employee was being asked to pay over three times the normal fee. It is noteworthy that while the privately run Driver Theory Test will make arrangements for those with special needs at no extra charge, this does not extend to those who cannot speak or read the two languages offered.

### **Gap in Service Provision for People with Disabilities**

Meath (Navan CIC Outreach Summerhill) 08/08/04

A client was told to go for a hospital appointment but had no transport. The client was informed by the doctor at the local Health Centre, that there was a bus going from St. Joseph's Nursing Home and because the client was a medical Card holder, she would be able to avail of this.

When she rang to enquire she was told that the bus would not take her if she was on crutches or in a wheelchair. She has Spina Bifida and therefore uses both. She has no other form of transport and could not afford a taxi.

The information provider comments; "Should not this service, if it is operating to bring people to hospital appointments, be suitable for carrying people with disabilities, particularly since some of the passengers may be going to the hospital appointment because of this same disability".

### ***Penalty Point Delays***

Longford (Longford CIC) 21/07/04

Client was fined for speeding 15 months ago. He promptly paid the €80 fee and submitted his Licence for processing without delay. He assumed that the penalty points would be applied there and then and that he would now be half way through the three year record period. To his surprise he received a letter from the Dept. of Transport advising him that the points were being recorded with effect from June 1<sup>st</sup> 2004.

This delay arose due to administrative procedures by the Gardai and in their subsequent communication with the Dept. of Transport. This delay apparently affected many others in the midlands region and our communication with the Dept. of Transport revealed that they had at least 100 other phone calls that same week with regard to this situation in the Midlands region. The Dept. will not regularise the situation unless directed to do so by the Courts.

*The client feels that this is an unfair situation. He has a number of vans in his business, some of which may pick up more penalty points. It is important to him, as a businessman, that any penalty points accumulated are not delayed and deferred in the process due to admin. Inefficiencies. The client feels particularly disappointed because he complied with everything required of him at the outset.*

## **13. Law/Justice**

### **13.1 Civil Legal Aid**

Kildare (Newbridge CIC) 06/09/04

A client of Newbridge CIC contacted the centre in a distressed state. She had received a solicitor's letter requesting her attendance in court in relation to her ex-partner's guardianship and access rights to their children.

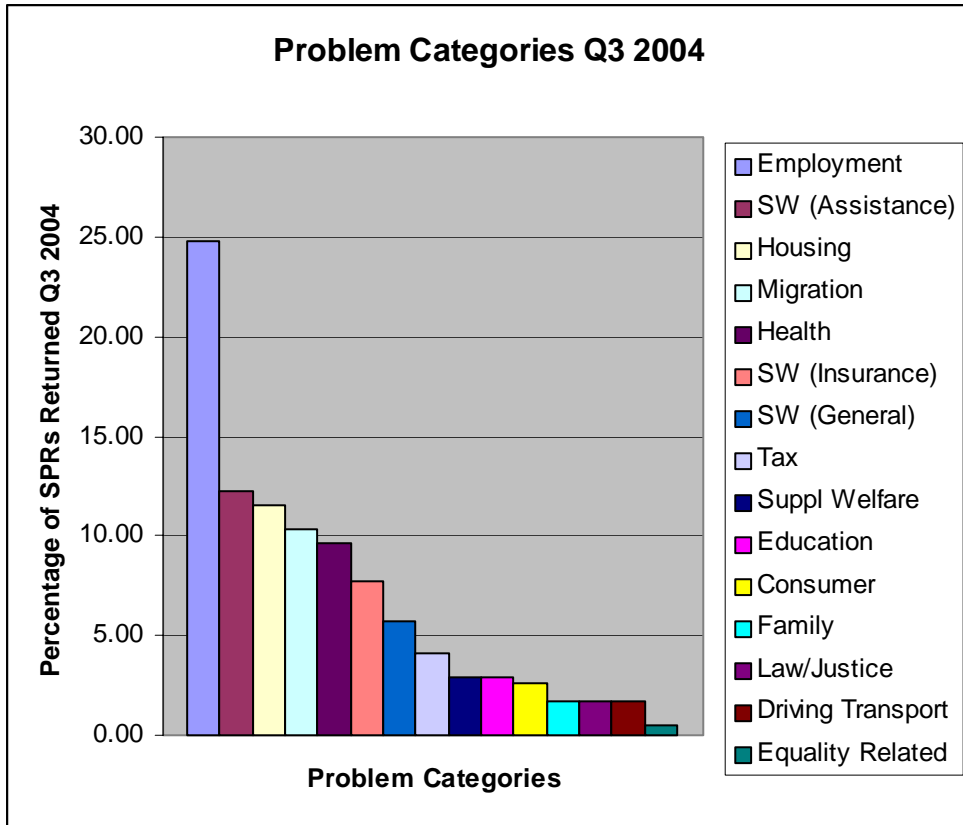
The client registered with the Legal Aid Board in March 2003 and they informed her that they would not be in a position to represent her at the hearing due to a nine-month waiting period for applicants. At this point the client had only been on the waiting list six months. The information provider involved in the case referred the client to the centre's free legal advice clinic, but noted that the clinic's barristers could not take her case, as they worked on an advice basis only. The client attempted to borrow money from her

parents in an effort to hire a solicitor to represent her interests at the hearing but was unsure whether they would be in a position, financially, to support her.

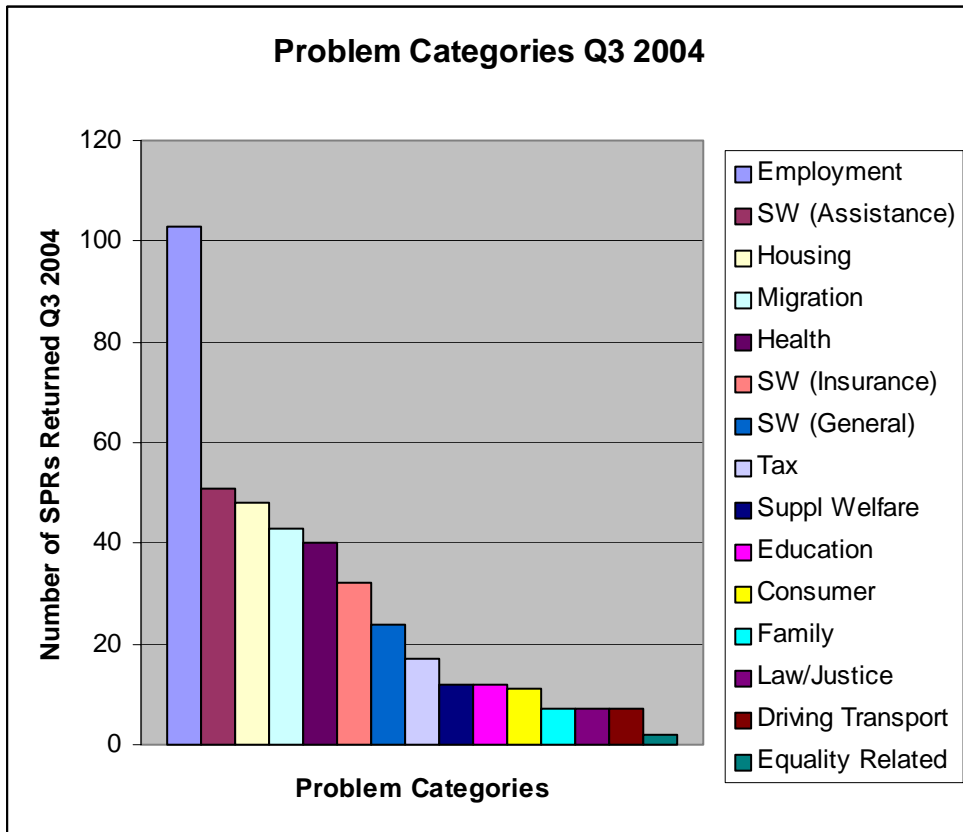
The client was very reluctant to allow her ex-partner to have any contact with his children whatsoever. She alleged that he was unstable and unreliable, as he did not pay his maintenance on a regular basis or honour visitation agreements. *“He is constantly bullying her”*.

*“It seems most unfortunate that due to the Civil Legal Aid waiting list this client may not receive adequate legal representation at the court hearing. Our client is feeling anxious and vulnerable. Her ex-partner is financially secure and can afford a solicitor. This woman does not wish to attend the hearing without proper legal representation”*.

## **Statistics from July, August and September 2004**



Percentage Social policy reports categorised by query



Number of Social policy reports categorised by query

**Number of Social policy reports returned to Comhairle by  
Citizens Information Centres and the Citizens Information  
Phone Service during July to September 2004**

**CIC**

Carlow (Carlow CIC)	67
Citizens Information Phone Service	24
Clare (Kilrush CIC)	1
Clare (Shannon CIC)	7
Cork (Cork (South Mall) CIC)	9
Cork (Hollyhill/Knocknaheeny CIC)	2
Donegal (Ballyshannon CIC)	2
Donegal (Buncrana CIC)	2
Donegal (Carndonagh IIU)	9
Donegal (Donegal Town IIU)	8
Donegal (Dungloe IIU)	9
Donegal (Letterkenny IIU)	19
Donegal (Milford IIU)	11
Dublin City (SIDDCA-Liberties CIC)	1
Dublin (Blanchardstown CIC)	10
Dublin (Dun Laoghaire CIC)	2
Dublin (Finglas CIC)	2
Dublin (Northside CIC)	7
Galway (Galway CIC)	19
Kerry (Killarney CIC)	3
Kildare (Maynooth CIC)	3
Kildare (Newbridge CIC)	4
Kilkenny (Kilkenny CIC)	12
Leitrim (Carrick-on-Shannon CIC)	4
Leitrim (Drumshanbo CIC)	4
Limerick (Killmallock CIC)	1
Limerick (Limerick CIC)	7
Longford (Longford CIC)	28
Louth (Drogheda CIC)	3
Louth (Dundalk CIC)	6
Mayo (Ballina CIC)	13
Mayo (Belmullet CIC)	1
Mayo (Castlebar CIC)	11
Mayo (Claremorris CIC)	2
Meath (Navan CIC Outreach Summerhill)	4
Meath (Navan CIC)	35
Monaghan (Monaghan CIC)	1
Roscommon (Boyle CIC)	1
Roscommon (Roscommon CIC)	16
Sligo (Sligo CIC)	3
South County Dublin (Ballyfermot CIC)	8
South County Dublin (Crumlin CIC)	3
Tipperary (Thurles CIC)	2
Tipperary (Tipperary CIC)	1

Waterford (Waterford CIC)	10
Westmeath (Athlone CIC)	5
Westmeath (Mullingar CIC)	5
Wexford (Wexford CIC)	4
Wicklow (Bray CIC Outreach Baltinglass)	4
Wicklow (Bray CIC outreach Carnew Community Day Centre)	1
<b>Total</b>	<b>416</b>

**Numbers of SPRs submitted by each CIC**

### Family Matters - Data Sheets Returns\*

CIC Names By County	Datasheets Received
Carlow (Carlow CIC)	1
Clare (Ennis CIC)	6
Clare (Kilrush CIC)	3
Clare (Shannon CIC)	6
Donegal (Letterkenny IIU (Ballybofey outreach))	1
Donegal (Letterkenny IIU)	8
Dublin (Dublin North West CIS)	1
Dublin (Northside CIC)	5
Galway (Galway CIC (Portumna outreach))	1
Galway (Galway CIC)	14
Kerry (Caherciveen CIC)	3
Kerry (Kenmare CIC)	2
Kerry (Killarney CIC)	4
Kerry (Killorglin CIC)	1
Kerry (Listowel CIC)	4
Kildare (Newbridge CIC)	6
Kilkenny (Kilkenny CIC)	1
Leitrim (Carrick-on-Shannon CIC)	2
Leitrim (Co Leitrim CIS)	1
Leitrim (Drumshanbo CIC)	1
Longford (Longford CIC)	7
Mayo (Castlebar CIC)	2
Meath (Navan CIC)	9
Offaly (Birr CIC)	1
Offaly (Tullamore CIC)	1
South County Dublin (Clondalkin CIC)	2
South County Dublin (Tallaght CIC)	24
<b>Total</b>	<b>117</b>

\*The foregoing data sheets were gathered as part of the research for the Family Matters Report, the data sheets were not classified as SPRs and as such were not included in the problem categories for Q3 2004