

# Voice

## Influencing Social Policy

The Citizens Information Board aims to influence policy developments by highlighting the concerns of service users as to the effectiveness of public and social services.

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### Getting There: Transport Report Launched



*Getting There: Transport and Access to Social Services*, was launched by Mary Hanafin TD, Minister for Social & Family Affairs on 4th February 2010. The report highlights access to transport as a critical factor in combating social exclusion.

Speaking at the launch, Tony McQuinn, Chief Executive, of the Citizens Information Board said: "The report clearly indicates the difficulties experienced by people with the range of transport and mobility support schemes and is based on direct feedback from the public through our nationwide network of Citizens Information Services and Disability Advocacy projects. It shows the importance of building a service based around the needs of the public rather than a multiplicity of parallel and fragmented support initiatives, frequently operating independently of one another, that lose sight of the needs of the end user."

The report identifies the lack of adequate public transport as a major factor preventing access to social and health services. Among its recommendations is that the Department of Transport take a lead role in bringing together the different government departments and statutory agencies involved in transport provision to streamline responses and optimise the use of resources.

Minister Hanafin, who welcomed the report, said "the report has, most appropriately, given serious consideration to effective use and targeting of resources in the current economic climate and I know that it will be of interest to a number of agencies and Government Departments in developing future policy."

## New Study

### Charges for People with Disabilities Living in Residential Settings

The Citizens Information Board is currently undertaking a study of personal finances and charges for people with disabilities living in residential settings. For many people with intellectual disabilities and some people with physical/sensory disabilities, residential services have been their only home for many years.

The study will focus on how the personal finances of people living in residential settings are managed and on the way charges for residential care are implemented. It will draw on feedback from the CIB-funded Community and Voluntary Disability Advocacy Projects. Anecdotal evidence suggests that there is wide variation in the way fees are calculated and some lack of transparency as to how people's money is managed. The study will examine current practice through a number of case studies, it will review existing regulations and guidelines and will take into account recent proposals to close out-dated psychiatric facilities and the policy to move to community-based facilities.

## Policy Issues

### Housing Supports

To be eligible for Rent Supplement a person must be in rented accommodation for 6 months or have been assessed as in need of housing by local authorities within the past 12 months. Local authority housing needs assessments put the number of people on housing waiting lists at 56,000. Citizens Information Centres report delays in carrying out assessments, so the actual number in need of housing support could be higher.

To help meet this growing need, Michael Finneran, T.D., Minister for Housing, Urban Renewal and Developing Areas, introduced a new social housing initiative to replace the capital funding schemes for the voluntary and co-operative housing sectors. This initiative sees a shift in policy from financing social housing through capital funding for new-builds to a revenue funding model based on long-term leasing arrangements of unsold houses in the private market and from local authorities' unsold affordable housing stock. This new scheme will complement the existing Rental Accommodation Scheme. Capital support will still be provided for adaptations for disability access and for older people's homes.

Other housing supports include the Affordable Housing Scheme, the Shared Ownership Scheme and the Home Choice Loan Scheme which has now been extended to include second hand houses from 1st January 2010.

### Homeowners' Protection

A legal action moratorium of 12 months on lending institutions repossessing homes had been ordered by the Financial Regulator. An Inter-Departmental Mortgage Arrears Review Group to advise the government has also been set up to look at ways of protecting homeowners who are faced with repossession. Among the measures being considered are reducing rates, extending maturity dates, rolling-up outstanding interest or the lending institution taking equity in the house, rather than repossessing it. The extension of the Shared Ownership Scheme by local authorities to mortgage holders (as opposed to home purchasers) is another possibility. Among the recommendations of the Joint Oireachtas Committee on Social & Family Affairs in their report on indebtedness is equity sharing either between the bank and its customer or with the State included. It also recommended the extension of the moratorium on repossessions to 24 months.

The Department of Social & Family Affairs is carrying out a review of the administration of the Mortgage Interest Supplement (MIS) payment which provides temporary relief to those in financial difficulties by covering the interest part of their mortgage payment. The review group includes representatives from the Department of Finance, the Department of Environment, Heritage and Local Government and the Office of the Financial Regulator. A number of issues raised by Citizens Information Services were communicated to the review group; such as, assistance being restricted to those who work less than 30 hours a week regardless of their income and people being refused MIS since their income at the time they took out the mortgage would not have been within standard guidelines for the size of the mortgage they took. (See Special Edition *Relate*, Feb 2010, for further information on mortgage difficulties).

### Nursing Home Charges

Following the introduction of the Nursing Homes Support Scheme (Fair Deal) in Oct 2009 (see *Relate* Dec 2009), the HSE published the costs of public nursing home care and the prices agreed for private care with the National Treatment Purchase Fund (NTPF).

The costs of private care are generally lower than public care, averaging €815 per week compared to an average of €1,371 per week for public nursing home care.

According to the HSE the cost difference between the public and private sector is accounted for by the higher staff-to-patient ratios in public facilities and this arises because public institutions have a higher percentage of very high dependency patients, 60% compared to 35% in private institutions.

In CIB's 2007 submission to HIQA on the Draft National Quality Standards for Residential Care Settings for Older People, the need to identify both minimum staffing ratios and optimum best practice staffing levels was highlighted. The standards published subsequently refer to the number and skill mix of staff on duty being determined and provided according to "a transparently applied, nationally validated, assessment tool, to plan for and meet the needs of the residents." As part of the implementation of the Fair Deal, a Common Summary Assessment Report (CSAR) provides information to enable a decision to be made as to whether or not an individual needs long term residential care. A national assessment tool has yet to be developed for the ongoing care needs assessment once a person has been placed in long term residential care.

### Habitual Residence Condition

To satisfy the Habitual Residence Condition (HRC), anyone claiming a social assistance payment must meet certain conditions. As a general rule, residing in Ireland, or the Common Travel Area (CTA), for two years usually satisfy the residency requirement. However, it is also necessary that "one's centre of interest" is in Ireland, which may require that applicants prove they intend to stay in Ireland for the long term. Some returning Irish emigrants from outside the CTA have been refused welfare support on the basis of the two year rule, while the rule concerning one's centre of interest has affected many non-Irish applicants. The onus is always on applicants to provide sufficient evidence to support their claim. A new rule introduced in the Social Welfare Bill in December stipulates that no asylum seeker can satisfy the HRC while their application for asylum is being considered regardless of the length of time in the country.

CISs report that HRC decisions are taking as long as nine months in some cases. They also report that some immigrants who are entitled to claim Jobseeker's Benefit are not doing so because this would undermine their application for citizenship. Some of

those currently unemployed had been in continuous employment for 5 years when they first applied for citizenship, but the processing time for naturalisation is taking up to two years.

### Migrant Workers

The Joint Committee of the Northern Ireland Human Rights Commission and the Irish Human Rights Commission are currently examining issues concerning the protection of migrant workers on the island of Ireland, with a view to the ratification by both jurisdictions of the Migrant Workers Convention, *The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (MWC).

Migrant workers are a particularly vulnerable section of the workforce. The downturn in the economy has been sharply felt by migrants and their experiences have exposed weakness in current employment legislation. Strengthening the rights of migrant workers through the ratification of the Migrants Workers Convention would strengthen the rights of all workers and bring law and practice concerning migrant workers up to recognised international standards.

### EU Year

2010 has been dedicated as the EU Year for Combating Poverty and Social Exclusion. Almost 80 million Europeans live at risk of poverty. The year recognises that:

- all people have a right to live in dignity and take part in society
- the public and private sector share responsibility to combat poverty and social exclusion
- eradicating poverty for a more cohesive society benefits all
- commitment at all levels of society is needed to achieve this goal

The Social Inclusion Division within the Department of Social and Family Affairs is the National Implementation Body for the EU Year in Ireland. Two social inclusion weeks in May and October to highlight best practice and showcase locally-based social inclusion initiatives are being planned as part of the year's activities. For further information, see, [www.welfare.ie/en/eu2010](http://www.welfare.ie/en/eu2010) and [www.2010againstopoverty.europa.eu](http://www.2010againstopoverty.europa.eu).

## CIB Submissions

### Draft Quality Standards for End of Life Care in Hospitals

The Citizens Information Board (CIB) made a submission on the draft standards for end of life care in hospitals, which are currently being developed by the Irish Hospice Foundation. The fact that some 40% of all deaths occur in acute hospital settings points to the need to set out comprehensively what role independent advocates can play in helping people deal with the end of life process in hospital settings. There is also a need for greater clarity regarding the respective roles of clinicians and families in cases where a client has reduced mental capacity. (The provisions of the Mental Capacity Bill, which has yet to be published, should go some way to clarifying issues in relation to capacity).

### National Positive Ageing Strategy

CIB welcomed the preparation of the National Positive Ageing Strategy which takes forward the commitment in the Programme for Government to better recognise the position of older people in Irish society. In its submission, CIB advocated a two-pronged approach: identifying factors that would contribute to a more positive view of ageing generally and a better understanding of the ageing process and secondly, targeting groups of older people who need additional supports because they are frail, ill or vulnerable or because of social or environmental factors. The government has committed to providing a timetable for the implementation of the agreed recommendations once the Strategy is completed.

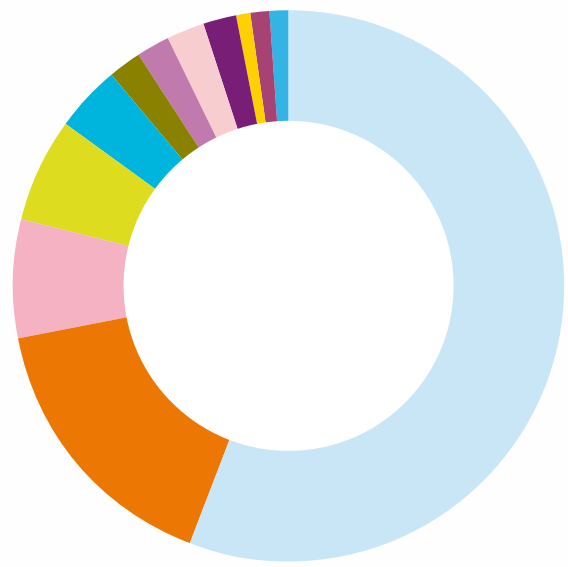
### Legal Aspects of Family Relationships

The Law Reform Commission is carrying out consultations on the legal aspects of family relationships and the responsibilities of fathers, step-parents, grandparents and other members of the extended family, taking into account the best interests and welfare of children. CIB published a report in 2005 on *Supporting Grandparents Caring for their Grandchildren* which highlighted the problems faced by grandparents in gaining custody of their grandchildren and receiving state assistance for childcare.

## Review of Disability Services

A review of disability services under the Value for Money and Policy Review Initiative 2008-2011 is being carried out by the Office for Disability and Mental Health, within the Department of Health & Children. Drawing on feedback from CISs and Voluntary and Community Disability Advocacy Projects, CIB noted in its submission the need to address gaps in the delivery of community supports and inequalities of access to services as well as the need to improve assisted living provision.

## Social Policy Issues in 2009



- Social Welfare 56%
- Employment 16%
- Health 7%
- Housing 6%
- Money and Tax 4%
- Education and Training 2%
- Moving Country 2%
- Travel and Recreation 2%
- Birth, Family and Relationships 2%
- Consumer Affairs 1%
- Justice 1%
- Other 1%

Feedback from Citizens Information Services (CISs) throughout the country highlight many of the issues confronting people who interact with public and social services on a daily basis. The quarterly reports published



on the Citizens Information Board's website document the implications these have for social policy. What is evident from all of the cases presented is the growing number of people faced with redundancies and the difficulties they experience coping with job loss, claiming benefits and managing debt.

Employment rights issues were very much to the fore during 2009 and many employees, both in work and those made redundant, feel vulnerable, particularly those on work permits, because of the current economic climate. A number of workers had had their hours or pay cut without their agreement and others had difficulties receiving their proper pay, holiday entitlements or redundancy pay. Even when the services of the Rights Commissioners or Employment Appeals Tribunal were engaged, some still had to go to court to have judgements in their favour enforced.

Partly as a result of the downturn, which saw a sharp rise in applications for jobseeker payments, delays in processing social welfare claims were experienced by many applicants. The knock on effect on other services, such as Community Welfare services was noticeable. The Back to School Clothing & Footwear Allowance came in for particular criticism when some payments had not been received before the children returned to school.

Payments, such as Family Income Supplement, a payment for those on low income, was judged by some recipients affected by the downturn as not being flexible enough to respond to their changing needs. Jobseeker's Benefit (JB) was also found not to address the issue of loss of income due to reduced hours since it is based on days worked rather than on hours worked. Also, the self-employed are not covered for JB and many who are now unemployed are experiencing financial difficulties, though some will qualify for Jobseeker's Assistance.

Difficulties obtaining Rent Supplement were evident in reports from CISs, with the new eligibility criterion of being in rented accommodation for six months causing some problems. Losing Rent Supplement created benefit traps for those offered low paid employment.

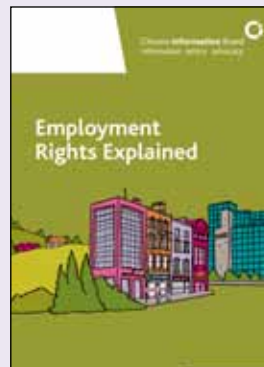
Students have also been affected by the downturn. Some of those who were supporting themselves though college by working part-time are now struggling having lost their part-time job, while others are finding it difficult to get grant assistance.

CISs and MABS are continuing to respond to the difficulties being experienced by their clients. Two micro-sites have also been developed to facilitate access to information, [www.losingyourjob.ie](http://www.losingyourjob.ie) and [www.keepingyourhome.ie](http://www.keepingyourhome.ie).



## Publications

### Employment Rights Explained



The Citizens Information Board has published the 2010 edition of *Employment Rights Explained*. This booklet brings together information from different government departments and agencies to cover the full range of employment rights including sections on enforcing employment rights, losing your job and redundancy. Citizens Information Services deal with over 900,000 queries annually and 13% of these are queries relating to employment rights. This edition includes a new section on the responsibilities of employers.

### National Employment Rights Authority (NERA) Review of 2009



The National Employment Rights Authority (NERA) protects worker's rights and assists employers to meet their obligations under employment law. In 2009, NERA inspected approximately 8,800 employers and recovered almost €2.5m in unpaid wages due to over 6,000 workers. In 27 cases convictions were secured with fines ranging from €300 to €3000. Since July 2009, NERA has also been carrying out inspections in relation to employment permit compliance. ([www.employmentrights.ie](http://www.employmentrights.ie))

The Citizens Information Board provides independent information, advice and advocacy on public and social services through [citizensinformation.ie](http://citizensinformation.ie), the Citizens Information Phone Service and the network of Citizens Information Services. It is responsible for the Money Advice and Budgeting Service and provides advocacy services for people with disabilities.

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Pictured at the launch of *Getting There*, from left: CIB Chief Executive, Tony McQuinn, Minister for Social and Family Affairs, Mary Hanafin, T.D., Report Author, Michael Browne and Former Board Member CIB, Martin Naughton.

### Implementation of the Home Care Package Scheme (NESF Report No. 38)



An Fóram Náisiúnta Eacnamaíoch agus Sóisialta  
National Economic & Social Forum

The Home Care Package (HCP) scheme was the subject of an evaluation by the NESF, which is to be absorbed into the National Economic and Social Council (NESC). CIB made a submission to the NESF in March 2009 highlighting some of the difficulties experienced by clients in accessing packages. In its submission, CIB advocated for greater community supports and a case management approach to the delivery of HCPs. Among its recommendations, the NESF emphasised the need for agreed standards and outcomes for clients as well as greater accountability. ([www.nesf.ie](http://www.nesf.ie))

The HSE also published an independent evaluation of home care packages. Like the NESF, it found regional variations in the type and number of packages available. Its report made 20 recommendations, including the need for national standards and for a full value for money assessment to be undertaken in 2011 once delivery is standardised.

### One Size Doesn't Fit All:

A legal analysis of the direct provision and dispersal system in Ireland, 10 years on (FLAC)



The Free Legal Advice Centres (FLAC) in this report critique direct provision and dispersal policies and call for reform of the asylum system in Ireland. The report notes that weekly allowances have not increased since introduced 10 years ago. To meet human rights standards, access to employment and freedom of expression and association all need to be addressed.

## Citizens Information

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