

relate

information for all

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Information Needs of Older People

Introduction

Comhairle is the national agency responsible for supporting the provision of information, advice and advocacy on social services for everyone. From time to time, priority is given to specific groups who have both general and specific information needs. At present, Comhairle is giving priority to the information needs of older people. Much of this information is, of course, very relevant to anyone who is caring for an older person and, indeed, to younger people who want to make plans for their old age.

We recognise that older people need information about all aspects of life all of the time. They also need specific information at specific points of transition – generally at retirement, the onset of illness, when they need care and, if it arises, the transition from home to long-term institutional care. Here we provide a guide to the payments and services which may be needed at these times and give information about arrangements which may be made to make these transitions easier. This is a guide and does not include detailed information on the conditions attached to services. It does, however, draw attention to problems which exist in the provision of services. More detailed information is available in *Entitlements for the Over-Sixties* and on the Citizens Information website at www.citizensinformation.ie. Previous issues of *Relate* also include detailed information for older people; in particular, the issues for older people and decision-making were addressed in the August 2005 issue and detailed information about income in retirement was given in the October 2005 issue.

From Work to Retirement

Many people have no choice about when they retire and they usually leave work completely. Others may be in a position to gradually ease into retirement by reducing their workload or doing part-time work. Some “retired” people may simply have retired from one occupation and may regard retirement as a job change rather than a total withdrawal from the labour market. More detailed information on retirement was given in *Relate*, October 2005.



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Early retirement

If you decide to take early retirement (or if you have to retire early), you may be eligible for various payments and you may need to take various steps to ensure that you maintain your entitlement to social welfare pensions. Further information on social welfare payments is available from the Department of Social and Family Affairs (DSFA) www.welfare.ie

You may be eligible for:

- A statutory redundancy lump sum if you are aged under 66. This is payable by your employer. If there are problems, contact the Department of Enterprise, Trade and Employment: www.entemp.ie
- Jobseeker's Benefit (formerly called Unemployment Benefit) – you need to have a certain level of PRSI contributions and you need to be available for work
- Jobseeker's Allowance (formerly called Unemployment Assistance) – this is means-tested and may be payable if you are not eligible for Jobseeker's Benefit
- Back to Work or Back to Education Allowances
- Community Employment scheme (contact FÁS www.fas.ie)
- The Farm Retirement Scheme if you are a farmer and you hand on your farm to a younger farmer (contact the Department of Agriculture and Food www.agriculture.gov.ie)

If you retire early and are not working or self-employed, you may have a number of years during which you have no PRSI contributions. This could mean that you may have difficulty in qualifying for the State Pension (Contributory) or other social welfare pensions.

If you are not employed or self-employed, you do not have to pay PRSI contributions. You can keep your PRSI contribution record up to date either by getting credits or by paying voluntary PRSI contributions – contact the DSFA.

Working after "normal" retirement age

In general, there is no upper age limit for employment. In certain jobs, there is a statutory (that is, set out in legislation) upper age limit and there is a mandatory retirement age in many contracts of employment. You cannot continue to work in a job beyond the statutory age limit, nor can you take up such a job if you are above the age limit. If you are subject to a statutory or mandatory retirement age in your job, there is nothing to prevent you taking up a

different job or taking up self-employment when you retire. The Employment Equality Acts provide for age equality in employment (with some exceptions) but they do not prevent the setting of different ages for retirement.

If you are self-employed, there is no set retirement age. There is no overall retirement age for company directors but the company's articles of association may set a maximum age.

If you continue to work either full-time or part-time after what is generally considered "normal" retirement age you have broadly the same rights as other workers but you are not eligible for statutory redundancy payments if you are aged 66 or over. In general, you are covered by legislation dealing with:

- Information about your terms and conditions of employment
- Holidays – the number of days is related to hours worked
- The national minimum wage
- Maximum working hours, rest periods, Sunday working, night working
- Health and safety at work
- Minimum notice – the amount of notice is related to the length of service
- Unfair dismissal – there is no upper age limit for claiming unfair dismissal but having to leave your job at the age limit specified in your contract is not considered an unfair dismissal

If you need to know more about discrimination in employment or you consider that you are being treated unequally in employment, you should contact the Equality Authority. www.equality.ie

Income in retirement

Occupational and personal pensions

You may belong to an occupational pension scheme or have a personal pension arrangement or a Personal Retirement Savings Account (PRSA). You need to deal directly with the pension provider to find out exactly what benefits your pension gives you. The Pensions Board is the regulatory body for occupational pensions and PRSAs. If you have a complaint, the Board will advise you about your rights.

www.pensionsboard.ie

The Pensions Ombudsman investigates and decides on complaints relating to occupational pensions and PRSAs.

www.pensionsombudsman.ie

In general, while you are receiving a pension you can also have income from other sources, such as employment. However, there are some restrictions on people receiving both a pension and employment income from the public sector – you should check with the pension provider.

Social welfare pensions

If you retire at age 65 you may be entitled to State Pension (Transition), formerly called the Retirement Pension. At 66, you may be entitled to the State Pension (Contributory), formerly called the Old Age Contributory Pension. Each requires that you have enough PRSI contributions. You should apply to the DSFA about four months before you reach the relevant age.

If you do not qualify for a State Pension (Contributory) you may qualify for a State Pension (Non-Contributory), formerly the Old Age (Non-Contributory) Pension. This is a means-tested payment.

If you are receiving any social welfare payment other than the State Pension (Contributory), working or being self-employed may affect your entitlement.

One of the conditions for receiving State Pension (Transition) is that you must be “retired”. This means that you must not be in insurable employment or self-employment – if you have earnings, they must be less than €38 a week from employment or €3,174 a year from self-employment. This condition ends when you reach the age of 66. The State Pension (Non-Contributory) is means-tested so any income is taken into account. However, it is possible to have a certain amount of income and assets and still be entitled to the pension – see Relate, July 2006 for details of how the means test works.

Other benefits

Free travel is available to everyone from the age of 66. The Household Benefits Package (Electricity Allowance, TV Licence and Telephone Allowance) is available to everyone from age 70 and to people aged 66 and over who are receiving certain social welfare payments or whose income is below certain limits and to certain people with disabilities. People under 70 must be living alone or with certain categories of dependants.

Illness and Needing Care

While the vast majority of retired people enjoy a healthy life, there are some who suffer illness and disability and may need care. Some may have retired because of the onset of illness or disability. The payments and services to which you are entitled depend on your age and on your needs. You may meet the conditions for more than one weekly payment but, as a general rule, you may receive only one weekly payment. The DSFA is responsible for the payments mentioned except where otherwise stated.

Pensioners

If you are already a pensioner (aged 65 or over) when you become ill or acquire a disability your income arrangements do not change – you continue to receive your pension and other entitlements.

Employed

If you are employed you may continue to be paid by your employer but this depends on your contract of employment. Employers are not obliged to pay employees who are unable to work because of illness but some contracts of employment include provisions for payment while ill. This applies regardless of age.

Aged under 66

If you become ill and unable to work before the age of 66, you may be eligible for Illness Benefit, formerly Disability Benefit, this is based on PRSI contributions.

If you do not qualify because you do not have enough PRSI contributions or because you are self-employed, you may be eligible for a weekly Supplementary Welfare Allowance. These cease to be payable at age 66.

If your illness or disability arises from a work-related accident or illness you may qualify for Occupational Injuries Benefit.

Long-term illness and disability

If you have a long-term illness or disability and cannot continue to work, you may be able to avail of your occupational or personal pension scheme if you have one. You may qualify for Illness Benefit initially and this can be continued in the long-term if you have enough PRSI contributions and are not eligible for Invalidity Pension. If you remain unable to work for a year or more you may qualify for Invalidity Pension.

If you do not qualify for long-term Illness Benefit or Invalidity Pension, you may apply for the means-tested Disability Allowance.

If you qualify for Invalidity Pension or Disability Allowance, you may also qualify for Free Travel and the Household Benefits Package.

If you have problems paying your rent or mortgage, you may be able to get help under the Supplementary Welfare Rent or Mortgage Interest Supplement.

The Supplementary Welfare Allowance scheme may also provide help with various costs such as special diets, heating, exceptional needs and urgent needs.

Housing options

If your home needs to be adapted to enable you to continue to live there, you may qualify for a grant under the Disabled Person's Grant scheme. The adaptations could include adding on an extra room, making the house wheelchair accessible or putting in a ground-floor bathroom and toilet. You should apply to your local authority. There are considerable delays in getting this grant in many areas. The Health Service Executive (HSE) also provides some grants under the Home Improvements Scheme for older people.

If your own home is unsuitable you may be able to get a specially adapted local authority house for older people and people with disabilities or an adapted house provided by a voluntary housing organisation. The availability of such houses and eligibility for them varies around the country.

Care at home

If you need care, the HSE may provide it, or else help you to pay for it and/or your carer may be able to get a payment from the DSFA.

Payments for carers

The Carer's Allowance is a means-tested payment to people providing full-time care and attention for a

person who is incapacitated. Carer's Benefit is a social insurance payment for people who give up work to care for an old or incapacitated person.

Help with home care

If you need support in order to enable you to continue to live at home, you may be able to get help from the community care services. The help you may get includes home help and public health nursing. In theory everyone with a medical card is eligible for public health nursing services but availability varies considerably. The home help service is discretionary and, again, availability varies from one area to another.

If you need full-time care you may get a Home Care Package from the HSE. That package may include a Home Care Grant which you may use to employ carers. Home Care Packages operate differently in different parts of the country. In some areas, the HSE directly provides care services at home or arranges for their provision by voluntary organisations or the private sector. In other areas, they pay a grant which you may use to employ carers privately. There is no standard means test for qualifying for a Home Care Package or a Home Care Grant – in some areas, it seems that the HSE applies the nursing home subvention means test. It is intended that these packages will be standardised throughout the country and the same conditions and criteria should apply no matter where you live. It is not clear when this will actually happen.

If you employ a carer, you may qualify for tax relief (see below). You may employ a carer directly or through an agency.

There are a number of agencies which arrange for the provision of home carers to people who need them. There are no particular rules applying to these agencies and you engage with them in accordance with the terms of the contract you sign. The agencies are obliged to charge VAT on the services they provide.

From Home to Long-Term Care

The vast majority of older people are able to live in their own homes with some support from their families, neighbours and the health and community care services. A number of people find that they cannot continue to live at home and need to go into long-term care. Your income support arrangements do not change when you go into institutional care.

Long-term institutional care for older people may be provided in publicly owned and financed institutions or in private and voluntary nursing homes.

Public long-term care

The HSE owns and runs a number of long-term care institutions. They may be called welfare homes, continuing care units, geriatric hospitals, community nursing units, tertiary care units – here we call them public nursing homes. In theory, everyone is eligible for a place in a public nursing home but there are not enough places for everyone who needs them. Virtually everyone who gets a place in a public nursing home is liable for long-stay charges.

There are no set rules about who may get a public nursing home place. In general, this is what happens: If you want to avail of public nursing home care, your needs are assessed by the HSE. This assessment of need is concerned with such matters as your housing, your social situation, your family support and your health. If no public place is available, the HSE may provide a contracted bed in a private nursing home. The financial arrangements for contracted beds are similar to those for public nursing homes. The availability and allocation of contracted beds varies throughout the country.

Charges for public nursing home care

Long-stay maintenance charges are now payable by virtually all residents in long-stay care. There is no general exemption for medical card holders or for people with dependants. The HSE has the power to waive the charges if they would cause hardship.

The long-stay charges apply when you have been receiving in-patient services for 30 days. They apply whether you are receiving those services in an acute hospital or in a long-stay institution. The maximum charge for anyone in public long-stay care is €120 a week and everyone must have at least €35 left for personal needs.

If you are unable to manage your money while in a public nursing home, the HSE may manage a Patient's Private Property Account on your behalf.

Private nursing homes

Private nursing homes charge fees. You may get a nursing home subvention from the HSE towards the costs of a private nursing home if you are in need of care and you pass a means test – the detailed rules are outlined in Relate, May 2006. You or another person who is paying the fees may qualify for tax relief on those fees.

Private nursing homes are subject to regulation – they must be registered and adhere to minimum standards of care. This legislation is implemented at present by the HSE. It is proposed to set up an independent social services inspectorate (within the Health Information and Quality Authority) which will be responsible for implementing and monitoring the regulation of both public and private nursing homes. The HSE is obliged to keep a list of registered private nursing homes. Any member of the public is entitled to inspect this register. Each home must have a brochure setting out information about the home including the name and address of the proprietor, the admissions policy, accommodation provided and special facilities and services. Inspection reports are available under the Freedom of Information legislation and it is intended to make them available on the internet in the near future.

There are detailed rules about physical standards and standards of care in nursing homes. There is also a non-statutory Code of Practice for Nursing Homes, which sets out the best standards of care to which nursing homes should operate.

Health Services

The detailed rules about entitlement to health services are set out in the April 2005 issue of Relate. The general entitlement of retired and older people is as follows:

Everyone aged 70 and over is entitled to a standard medical card. People under the age of 70 may qualify if they meet the means test and other conditions. (The means test is more generous for people aged 65 and over than for those aged under 65.) A medical card gives entitlement to free GP services, free prescribed drugs and medicines, free out-patient and in-patient public hospital services (but you may have to pay long-stay charges – see above), free dental, ophthalmic and aural services and certain community care services. The “GP visit” or doctor only” medical card scheme gives entitlement to free GP services only. It is also means-tested but has higher income limits.

If you do not have a standard medical card you are entitled to subsidised prescribed drugs and medicines under the Drugs Payment Scheme – you should not have to pay more than €85 in a calendar month. You are also entitled to free public hospital treatment but you may have to pay short and long stay in-patient maintenance charges and out-patient charges.

Taxation

In general, older people pay tax on the same basis as everyone else. As a general rule, all income is taxable. This includes social welfare and occupational pensions but there is a small number of pensions which are exempt, for example, certain military and War of Independence pensions. Certain foreign pensions which would be exempt from tax if you were resident in the country paying the pension are also exempt from tax in Ireland. The rules on taxation of foreign income are complex and are generally governed by double taxation agreements with the country in question.

Tax exemption limits

Exemption limits are limits below which no tax is payable. They are not the same as tax-free allowances or tax credits. The limits for people aged 65 and over are considerably higher than for those under 65.

The exemption limits for people aged 65 and over for the year 2006 are as follows:

Single/widowed person:	€17,000
Married couple	€34,000
1st two children	€575 each
subsequent children	€830 each

Tax credits and allowances

There are some tax credits and allowances which are only available to people over 65 and there are some which are designed for people who care for an elderly or incapacitated relative. The following are the most important of these:

Age Tax Credit

This is additional to the personal tax credit and may be claimed once you or your spouse reach the age of 65. The current amount of the age tax credit is €250 for a single person and €500 for a married couple.

Tax relief for rent paid

A higher amount of tax relief is available to people aged 55 and over in respect of rent paid for private rented accommodation. The maximum amount on which you can claim tax relief at the standard rate for people aged 55 and over is €3,300 for a single person and €6,600 for a widowed or married person.

Employed person taking care of an incapacitated individual

If you employ a person to take care of an incapacitated member of your family you may get a tax-free allowance. This has not been changed to a tax credit. The maximum allowance is €50,000.

Deposit Interest Retention Tax

Deposit Interest Retention Tax (DIRT) is deducted from the interest payable on savings in banks, building societies and other financial institutions.

This happens whether or not you would normally be liable for tax. If you are aged 65 or over (or your spouse is aged 65 or over or if you or your spouse are permanently incapacitated) you may reclaim the DIRT paid if you are exempt from income tax.

Lump sum for loss of employment

There are various circumstances in which people receive compensation for loss of employment. The most common is where you are made redundant and you get a settlement, which may include the statutory redundancy lump sum and a further sum negotiated by you or your union with the employer. If you had a fixed-term contract and it is ended early, you may get a lump sum in compensation.

A lump sum which is payable as part of your pension arrangements when you retire is **not** in the same category. It is generally tax-free.

If you receive a lump sum in compensation for the loss of employment, part of it may be tax-free. The rules are complex. The statutory redundancy lump sum is always tax-free. After that, the first €10,160 plus €765 for each year of service is tax-free. Another €10,000 is tax-free in certain circumstances.

PRSI contributions

If you are aged under 66 and you are employed or self-employed, you are liable to pay PRSI in the normal way. This applies regardless of what you did previously. For example, if you are a former public servant and you take up a job in the private sector, you have to pay full PRSI. You only pay PRSI on your income from employment or self-employment. You do not have to pay PRSI on your pension from a former employment.

If you take up part-time work or low-paid work, you are still in the PRSI system but you may not have to pay anything. You do not have to pay any PRSI if your income is less than €300 in a week but you are an insured employee and eligible for social insurance benefits. If your income is over €300, then you pay PRSI on the amount of your income above €127 a week up to a ceiling. The current ceiling is €46,000.

If you are self-employed and earn over €3,174 in a year, you are liable for PRSI at 3%.

You are not liable for PRSI contributions after the age of 66 – this is the case whether or not you are employed or self-employed.

Many pensioners think they are paying PRSI because their payslip from the pension payer has a deduction under the heading of PRSI – this is actually the health levy and not PRSI itself.

Health levy

Even though the health levy (2%) is usually deducted with your PRSI contribution, the rules which apply to

it are quite different. It may be charged on all your income so you may have to pay it on your pension from your former employer.

You are not liable for the health levy if

- You have a medical card: everyone over the age of 70 is entitled to a medical card.
- Your income is less than €440 a week (once you go above this limit, you have to pay the 2% on all your income, unless you are otherwise not liable)
- You are receiving a widow's/widower's pension or any of the one-parent family benefits from the Department of Social and Family Affairs or the equivalent from an EU member state

Equal Treatment

Equal status

Under the Equal Status Acts, discrimination on a number of grounds, including age, in areas of life other than employment - mainly the provision of services – is prohibited.

There are a number of areas of activity which have upper age limits. These are not affected by the equal status legislation.

Jury service

In general, jury service is obligatory for people aged 18 – 65 who are on the electoral register. There are some exclusions and some exceptions but these are not age-related.

If you are aged between 65 and 70, you are “excusable as of right”. This means that you may be called to serve on a jury and may do so, but you may tell the court that you do not wish to serve. In effect, you have the choice about whether to serve or not. If you are called for jury service and you do not wish to serve, you should write to the Registrar of the Court concerned pointing out that you are excusable on age grounds.

If you are aged 70 or over, you are not qualified to serve on a jury at all. If you are called, you should write to the Registrar of the Court concerned pointing out that you are disqualified on age grounds. (If you decided to serve, the trial could be a mistrial.)

Driving licences

The general rules about qualifying for a driving licence apply to everyone, regardless of age. There are also some special rules which are age-related.

Aged under 60: you may apply for a three-year or a ten-year driving licence.

Aged between 60 and 67: you may no longer apply for a ten-year licence. Instead, you may apply for a

driving licence which expires at age 70 or for a three-year licence.

Aged 67 or over: you may only apply for a three-year licence. A one-year licence may be issued if, for medical reasons, a longer-term licence cannot be granted.

Aged 70 +: you may apply for a one-year or three-year licence and you must provide a medical report when applying for a driving licence.

People over 70 must provide a medical report when applying for a driving licence. There are circumstances in which a medical report is required in order to get a driving licence, regardless of age. This is the case if you are suffering from certain specified diseases or physical or mental disability; if you are taking drugs or medication on a regular basis which would be likely to cause your driving to be a source of public danger; if you ever suffered from alcoholism or epilepsy or if you are dependent on psycho-active drugs.

The doctor's fee for the medical report is not covered by the medical card.

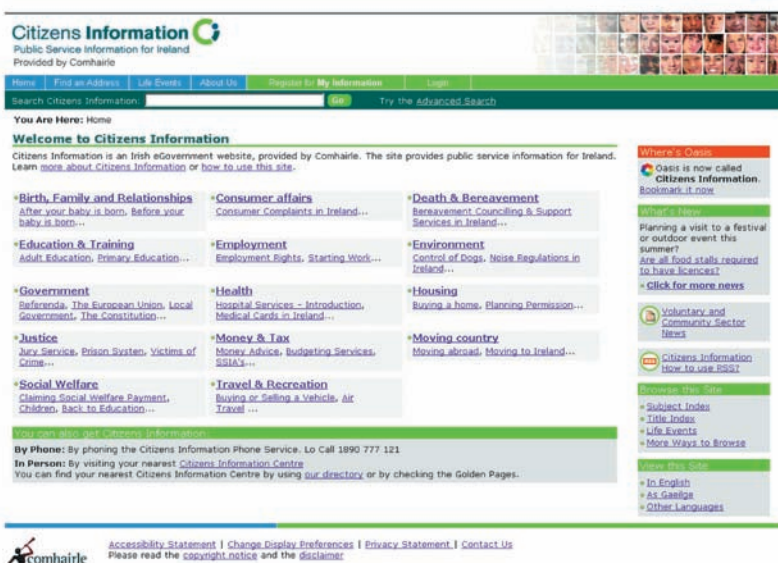
If you are in this situation, you may be allowed a one-year licence only or a three-year or ten-year one.

At present, a one-year licence costs €5; a three-year licence costs €15 and a ten-year licence costs €25. If you are aged 70 or over, you do not have to pay for your driving licence.

providing information just got easier with citizensinformation.ie

Comhairle's new information website at www.citizensinformation.ie replaces the current OASIS and Citizens Information Database websites.

The new website aims to make it easier to find both basic and more in-depth information on topics.



Finding information

The home page shows categories.

Click on these to view a list of documents.

You can also find information using:

- an alphabetical subject list
- an alphabetical list of document titles
- a list of "life events" – key situations in an individual's life
- a listing by document type, for example, reference documents
- the search bar wherever you are on the website.

Other features

- subscribe to our RSS feeds
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