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Relate

Entitlements and supports for people who are unemployed

This special issue of *Relate* sets out the main benefits and services available to people who lose their jobs. It also gives information on returning to education or work and on becoming self-employed.

Further information is available on www.losingyourjob.ie and in the Citizens Information Board's leaflet *Have you lost your job?*

Redundancy

If you lose your job you may be eligible for a redundancy lump-sum payment. The statutory (that means laid down by law) lump sum is the minimum that must be awarded. You or your union may, of course, negotiate with your employer for a higher payment.

You may be entitled to a statutory lump-sum payment if you:

- Were in employment that is insurable under the Social Welfare Acts. Full-time employees must have been paying Class A PRSI. (The insurability requirement does not apply to part-time workers).

- Were working continuously for the same employer for at least two years (104 weeks).
- Are being made redundant, that is, being let go and not replaced. If you were sacked for, say, misconduct, you are not being made redundant and so would not qualify for a lump sum.

Redundancy payments

Your employer is primarily responsible for your redundancy payments. The procedure is that your employer should give you at least two weeks' notice of redundancy and a Redundancy Notification (RP50) form. The length of your notice period depends on how long you have worked for your employer. Your employer should also give you a Redundancy Certificate (this is section B of form RP50) and then give you your redundancy payment on the day your employment ends. If there are problems in getting either the Certificate or the money, you may go to the Employment Appeals Tribunal for help. The Tribunal can also help if there is any dispute about the amount of the lump sum or how it is to be calculated.

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Employment Appeals Tribunal
 Davitt House
 65a Adelaide Road
 Dublin 2
 Tel: (01) 631 3006
 Lo-call: 1890 220 222
 Website: www.eatribunal.ie

If you are entitled to a redundancy payment you will get it even if the employer has no money – the Redundancy and Employers' Insolvency Fund was set up for that purpose. It is now part of the Social Insurance Fund (see page 3).

Amount of lump sum

The amount of the statutory lump sum to which you are entitled depends on how long you have spent with your employer and on your pay immediately prior to redundancy. It is calculated as follows:

- Two weeks' pay for each year of *reckonable service* over the age of 16 and
- One extra week's pay

There are detailed rules for calculating reckonable service – time spent, for example, on sick leave, maternity or parental leave may be included.

A "week's pay" is your actual weekly earnings before redundancy or €600 a week, whichever is the lesser.

As mentioned earlier, it is possible to negotiate compensation over and above the amount of the statutory lump sum. If you are not eligible for statutory redundancy you may, of course, negotiate for some compensation. The Employment Appeals Tribunal has no function in disputes about such matters – it is concerned only with the statutory requirements. Your trade union may use the services of the Labour Relations Commission and the Labour Court in any negotiations.

Compensation for loss of employment may affect entitlement to Jobseeker's Benefit – see page 6. The question of taxation of such compensation is looked at on page 14.

You can get further information on redundancy pay from the National Employment Rights Authority at www.employmentrights.ie.

The Department of Enterprise, Trade and Employment website also has further information and a redundancy calculator at www.entemp.ie

Other aspects of losing your job

You may be entitled to some holiday pay and/or pay in lieu of notice.

Holiday pay

If you have not used all your holiday entitlement when you become unemployed, you are entitled to payment for the unused days. Your holiday entitlement is the number of days agreed in the conditions of employment but must, in general, be at least 20 days a year.

This payment is subject to PRSI and tax in the normal way. If you lose your job within five weeks of a public holiday you may be entitled to an extra day's pay for that holiday. If there are problems in

getting holiday pay, you may contact a Rights Commissioner:

Labour Relations Commission (including Rights Commissioner Service)
 Tom Johnson House, Haddington Road,
 Dublin 4

Tel: (01) 613 6700
 Lo-call: 1890 220 227
 Website: www.lrc.ie

Pay instead of notice

You are entitled to receive a statutory minimum period of notice. The minimum

period is related to your length of service as follows:

Length of service	Notice
13 weeks to 2 years	1 week
2 – 5 years	2 weeks
5 – 10 years	4 weeks
10 – 15 years	6 weeks
Over 15 years	8 weeks

If you do not get the amount of notice to which you are entitled you can get payment instead of notice. This payment is not regarded as wages or salary but as compensation for loss of employment. It is not, therefore, subject to the normal tax and PRSI. (If you work for the period of notice you pay tax and PRSI in the normal way.)

Pension contributions

If you were a member of an occupational pension scheme and you leave your job, whether voluntarily or otherwise, you are entitled to preserved benefit if you have two years' contributions. You can only get a refund of your contributions if you have less than two years' contributions and these refunded contributions are subject to tax at 20%.

You can leave the preserved benefit where it is and claim it when you reach the appropriate age or you may have it transferred to your new employer's pension scheme or to a life assurance annuity contract or to a PRSA. The Pensions Acts include rules on how and when the transferred pension is to be valued.

Money the employer owes to you

If your employer owes you wages or salary, you may look for the money from him/her directly or you may sue him/her. If your employer is insolvent, then this money may be claimed from the Social Insurance Fund (see below).

Last day at work

On this day, you should get whatever money is due for redundancy, wages, holidays, and payment instead of notice. You should also get a document called a P45. This is necessary to establish your claim to Jobseeker's Benefit and to allow you to claim any tax refund that may be due. You should receive an Income Levy Certificate with your P45, showing the income levy you paid in that employment.

Claims from the Social Insurance Fund

The Social Insurance Fund exists primarily for social insurance payments and benefits but it also incorporates the Redundancy and Employers' Insolvency Fund which was set up to meet various payments owed to workers by insolvent employers.

What may be claimed from the Fund

The statutory redundancy payment may be claimed from the Fund but you may claim some other things if your employer is unable to pay. These are:

- Any arrears of normal weekly pay, up to a maximum of eight weeks' pay, in the 18 months prior to the insolvency
- Any arrears in respect of the company's sick pay scheme, again up to a maximum of eight weeks, in the 18 months prior to insolvency
- Payment instead of notice

- Holiday pay to which you are entitled (maximum of eight weeks) in the previous 18 months
- An award by the Employment Appeals Tribunal for unfair dismissal or an award recommended by a Rights Commissioner in certain circumstances
- Arrears due under an Employment Regulation Order – that is, if the employer had failed to pay the statutory minimum wage applicable in certain employments
- Certain awards, fines and damages awarded under the employment equality legislation

These claims apply only to employees who pay Class A PRSI. The maximum weekly pay which is taken into account is the same as for the redundancy lump sum (€600). The amount payable in respect of a company sick pay scheme cannot be greater than the difference between your normal weekly pay and the amount of Illness Benefit which you were receiving.

Under certain circumstances, the Fund may also pay out the employer's unpaid contributions to occupational pension schemes. You may appeal to the Employment Appeals Tribunal (address on p2) if you are not satisfied with the payment from the Fund.

Jobseeker's Payments

When you are working you pay weekly Pay Related Social Insurance (PRSI) contributions along with tax. If you have enough contributions you are entitled to a social insurance payment when you are unemployed and looking for work. This payment is called Jobseeker's Benefit (JB). If you haven't paid PRSI or if you don't have enough contributions you may get a means-tested payment. This is called Jobseeker's Allowance (JA).

If your jobseeker's payment will take a long time to process or you do not qualify for Jobseeker's Benefit or Allowance, you may get a Supplementary Welfare Allowance from the Community Welfare Officer in your local health centre (see page 12).

If you become ill while unemployed you are no longer entitled to JB or JA because you are not available for work. You should apply for Illness Benefit.

If you were self-employed, you usually do not qualify for Jobseeker's Benefit but you may qualify for Jobseeker's

Allowance or Supplementary Welfare Allowance.

Pregnant women who are unemployed are not entitled to any specific maternity payment. They may continue to receive JB or JA and there are special signing-on arrangements for them.

Jobseeker's Benefit

Jobseeker's Benefit (JB) was previously known as Unemployment Benefit.

Who qualifies

In order to qualify for JB, you must fulfil all the following conditions:

- 1) Be unemployed
- 2) Be aged under 66
- 3) Be capable of working, available for work and genuinely seeking work
- 4) Have enough PRSI contributions
- 5) Have sustained "a substantial loss of employment" and as a result be fully unemployed for at least three days in any period of six consecutive days

1) Being unemployed

Being unemployed is not as clear-cut as it sounds because there are circumstances where you may qualify for benefit if you are working part-time or are self-employed.

2) Age

You are not eligible for JB if you are aged 66 or over. In practice, anyone aged under 18 is not eligible either

because it is not possible to have enough PRSI contributions before that age.

3) Capable of working, available for and genuinely seeking work

There are a number of reasons why you may be considered to be unavailable for work and, therefore, not entitled to JB. These include that:

- You are ill (you may qualify for Illness Benefit instead)
- You are only available for or seeking part-time work
- You are being unduly restrictive in the kind of work you are prepared to accept
- You are not entitled to remain in Ireland

The Department of Social and Family Affairs (DSFA) has detailed guidelines on what constitutes being available for and genuinely seeking work. For example, if you are only looking for work in the precise area in which you previously worked, this is regarded as

acceptable for a period – about three months. After that, you are expected to widen your search. You are entitled to restrict your search to work that you are able to do – this includes taking account of your physical ability. You are likely to be asked for evidence that you are actively looking for work, for example, registration with FÁS and letters which show failure to get a job.

You may be exempted from the requirement to be available for work if you are taking part in certain education or back-to-work courses and meet other conditions – see below.

4) How many PRSI contributions are required

To qualify for JB, you must have:

- 104 PRSI contributions paid at any time. The contributions must be Class A, Class H or Class P. Class A is paid by virtually all employees in the private sector and by public sector employees who started work since 1995; Class H is paid by Defence Forces personnel and Class P by share fishermen.

And also have either

- 39 PRSI contributions paid or credited in the relevant tax year with at least 13 of these being paid contributions. If the application for JB is made in 2009, the relevant tax year is 2007. If the application is made in 2010, the governing year is 2008. If you do not have 13 paid contributions in the relevant tax year, you may use either the two tax years before it, the current tax year, or the last complete tax year.

Or

- Alternatively, have 26 paid contributions in both the relevant tax year and the year before that.

Credited contributions

There are a number of circumstances in which people are awarded credits. From the point of view of people applying for JB, the most important are pre-entry credits and credits which you may have been granted while receiving a social welfare payment.

Pre-entry credits are awarded when you start work for the first time. Their effect is to allow you to qualify for JB as soon as 104 contributions are paid. Credits are normally awarded while receiving payments such as JB, Illness Benefit and Maternity Benefit and they may be awarded while receiving Jobseeker's Allowance. (There are other circumstances in which credits may be awarded.)

Contributions paid in EU/EEA countries

If you worked and paid social insurance contributions in another member state of the EU/EEA, these can be added together with Irish contributions in order to qualify for benefits. (Contributions paid in the Isle of Man or the Channel Islands may also be added even though they are not part of the EU/EEA.) If you are applying for JB in Ireland and need the contributions paid in the other EU/EEA

country to help meet the conditions, then you must have paid the last social insurance contribution in Ireland.

5) A substantial loss of employment in any period of six consecutive days

You are considered to have suffered a substantial loss of employment in any period of six consecutive days if you have lost at least one day of insurable employment in that period, and as a result you are unemployed for three days out of six. This condition does not apply to people engaged in casual or systematic short-time employment (see page 7).

This condition is clearly met if you become fully unemployed or if you lose one or more day's work per week and as a result are unemployed for three days out of six. If you choose to work part-time you are not considered to be unemployed for the days you are not working. If you then decide to look for full-time work, you do not get JB for the days not working because you have not suffered a substantial loss of employment. If you are working part-time because you could only get a part-time job, then you may be able to receive JB for the days not worked. However, when you exhaust your entitlement to JB you will not re-qualify for it because you will not meet this "substantial loss of employment" condition. You must claim JB for at least three days in any week – if you work four days, then no JB is payable for the other days.

Foreign nationals

The rules governing entitlement to JB are the same for foreign nationals as for Irish nationals but your precise status could affect the assessment of your availability for work.

EU/EEA nationals

If you are a national of a member state of the EU/EEA and you lose your job, you are eligible for JB in the usual way

and you may use contributions paid in another member state to help you qualify. With the exception of some Romanian and Bulgarian nationals, you are entitled to remain in Ireland while you are entitled to JB.

In general, Bulgarian and Romanian nationals need work permits in order to work in Ireland. People in this situation could be considered to be unavailable for work once their work permit runs out and would therefore not be entitled to JB.

Bulgarian or Romanian nationals who held work permits for a year prior to 1 January 2007 do not need work permits. Neither do their spouses or their children, provided those children were resident in Ireland as dependants before 1 January 2007.

Non-EU/EEA (third-country) nationals

You are not considered to be available for work if you are a non-EU/EEA national (also known as a third-country national) whose permission to live in Ireland restricts your right to work or if you are not entitled to remain in Ireland. If you are entitled to work and you lose your job, you may claim JB. If you meet the conditions, JB may be paid to you but only for the time you are legally entitled to live in Ireland. In practice, this means that third-country nationals who do not need work permits (for example, refugees, spouses of EU nationals, certain parents of Irish-born children) may qualify for JB in the normal way and receive it provided their permission to remain in Ireland continues. Third-country nationals who need work permits may also claim JB and it may be paid to them until their permission to remain expires – at the end of the period of their work permit.

Reasons why you may not qualify for Jobseeker's Benefit

Some of the reasons why you may not qualify for JB are obvious from the above description of the conditions. There are also circumstances in which you may be disqualified from receiving JB for a period.

You may be disqualified from receiving JB for a maximum of nine weeks if you:

- Have left work voluntarily and without just cause
- Lost the job through misconduct
- Have refused an offer of suitable alternative employment or refused to undergo suitable training with FÁS
- Are aged under 55 and have received a redundancy payment of more than €50,000. Both the statutory lump sum and any other redundancy payment are taken into account.

A disqualification must be imposed if the relevant circumstances apply but it may be any length up to nine weeks.

You do not have enough PRSI contributions

If you fail to qualify for JB because you do not have enough PRSI contributions you should apply for Jobseeker's Allowance (JA). If you do not qualify for JA either, you should still sign on for credits. The credits may not be of immediate use to you but they could be very important for later claims for JB or other benefits.

Out of work because of a strike

If you are on strike you are not regarded as unemployed and are not entitled to JB or JA. If you are out of work as a result of a strike because, for example, you have been laid off, then you are in a different position. You may qualify for JB or JA if you are not participating in or directly interested in the trade dispute which caused the

stoppage of work. There is a special Social Welfare Tribunal to adjudicate on disputes as to whether you are unemployed or not.

Receiving other social welfare payments

In general, social welfare rules about overlapping benefits mean that it is not possible to get two social welfare benefits at the same time. There are a number of exceptions.

- You may get JB if you are receiving Blind Pension and, in some cases, Disablement Benefit/Pension under the Occupational Injuries Scheme.
- If you are getting a widow's or widower's pension (either contributory or non-contributory), a One-Parent Family Payment or a deserted wife's payment from the DSFA and you meet all the conditions for JB, then you get JB at half the normal rate. If you are getting a reduced rate of the widowed or One-Parent Family payment then somewhat more than half-rate JB may be paid. Increases for Qualified Children are not paid with JB in these cases because they are already being paid with the widowed or One-Parent Family payment.
- You may not receive half-rate Carer's Allowance if you are getting JB, JA or Back to Work Allowance. However, your qualified adult may do so if they are caring for someone.

Out of Ireland

You may be disqualified from receiving JB if you are not in the State. However, this does not apply if you have arranged to transfer your JB to another EU country where you are going to look for work (see page 8). You are entitled to go abroad for two weeks' holidays while retaining your right to JB. You are also entitled to spend time abroad representing Ireland in an international amateur sporting event.

Reduced rate of Jobseeker's Benefit

A reduced rate of JB may be payable to unemployed people who were part-time workers. If you had reckonable weekly earnings of less than €300 a week in the relevant tax year, you may get a reduced amount of JB. The amount varies depending on the amount of earnings. If you are not entitled to the full rate of JB, you may apply for Jobseeker's Allowance (JA) and, if you would be entitled to more money, then you may opt to receive JA instead (see page 9).

Partly unemployed

There are a number of situations in which you may be partly employed and partly unemployed. Your entitlement to JB depends on the precise facts of each situation.

Spare-time work

As a general rule you may not get JB for any day during which you are employed or self-employed. However, it is possible to do some spare-time work and still get JB for the day in question. If you are offered spare-time employment you should always check with the DSFA to see whether or not your JB will be affected as the rules and the practice are not totally clear cut.

The general rule is that it is possible to do spare-time work if that work could have been done while you were in full-time employment. If your full-time work involved normal working hours you might be able to do spare-time work from, say, 8 pm to 11 pm and still get JB for the day in question. If you normally did shift work or worked non-standard hours then such spare-time work might not be possible. If the spare-time work involved very late hours, the DSFA may take the view that you are not actually available for work the next day. If you actually had the spare-time job while working full time you would find it easier to meet the requirements.

If the spare-time work is continued for a long time, the view could be taken that the spare-time work is now your main occupation and you are not unemployed at all. Much depends on the facts of each individual case.

There is a further complication on the spare-time work rule. If you have fewer than 117 paid PRSI contributions in the three years before becoming unemployed, you may not earn more than €12.70 a day from spare-time employment. There is no earnings limit if you have more than 117 paid contributions. Farmers who also have jobs are often affected by this rule. In their case, the farming is the spare-time employment and it would normally have been carried on together with the full-time job.

These rules on spare-time employment are not to be confused with those covering systematic short-time working or occasional employment or self-employment.

Systematic short-time working

This is the situation where you normally work full-time but short-time working is introduced on a temporary basis. If the short time involves a three-day week, you may get JB for the other two days provided you meet the normal conditions. In this situation, the social welfare week is five days. You get two-fifths of the normal amount of JB. There are no rules as to how long short-time working can continue. Theoretically, for social welfare purposes, it can continue indefinitely. However, you may, in certain limited circumstances, claim a redundancy payment which would mean that you would become totally unemployed. There is a very strict procedure for this and nobody on short time should embark on that procedure without getting advice. It should be noted that short time is defined differently for redundancy purposes than for social welfare purposes.

Job-sharing and week-on/off

If you worked full time and then entered a job-sharing arrangement, you are not eligible for JB because you have voluntarily opted to work fewer hours or fewer days. If you are recruited into a job-sharing arrangement (and you are available for full-time work) you may get JB for the days on which you are unemployed but this depends on the precise arrangements involved. If you are working week-on/off, you are in the same situation as job sharers unless, of course, you come under the heading of systematic short-time working. Your entitlement to JB for the week off depends on whether you are available for work on the week off.

Casual work

Generally speaking, you do not get JB for a day on which you do casual work unless it can be brought within the spare-time work rules. For each day on which you are unemployed, one-sixth of the normal rate of JB is payable provided you are unemployed for at least three days. (In this situation the social welfare week is six days.) So, if you got casual work for two days you would get four-sixths of the normal rate of JB for that week – this is different from the systematic short-time work situation.

How long is Jobseeker's Benefit payable?

JB is not payable for the first three days of any "period of interruption of employment". A period of interruption of employment is any three days (not necessarily consecutive) in a period of six consecutive days. If two such periods occur within 13 weeks, there is no break in the claim – this means that you do not have to have another three days of non-payment.

As a general rule, JB is then payable for 12 months provided you have 260 contributions paid; otherwise the

payment lasts for nine months. There are some exceptions:

- 1) If you are aged between 65 and 66 when your JB would normally end, you may continue to receive it until the age of 66 provided you have at least 156 contributions paid at any time. (If you are in this position, you should find out whether you are entitled to State Pension (Transition).)
- 2) If you are disqualified from JB for a number of weeks, this period is subtracted from the total period of time you are eligible for JB.
- 3) People paying Class P (certain share fishermen) may get benefit for up to 13 weeks in each calendar year.
- 4) If you were already receiving JB for more than six months on 14 October 2008 (the date when Budget 2009 was announced) and your then current entitlement was to 15 months, you may continue to receive it for a total of 15 months. If you were receiving JB for more than three months on 14 October 2008 and your then current entitlement was to 12 months, you may continue to receive it for a total of 12 months.

Re-qualifying for Jobseeker's Benefit

When you have used up your entitlement to JB it is possible to re-qualify by working and paying contributions for 13 weeks. These 13 weeks' contributions may only be acquired after 156 days of benefit have been received.

Dependants – adults and children

Extra amounts of JB are payable for adult and child dependants – known as qualified adults and qualified children.

Generally a qualified adult is a spouse or opposite-sex partner but an adult who looks after your children may also

qualify. For the purposes of JB, your spouse or partner is a qualified adult if he/she is wholly or mainly maintained by you and is not receiving a social welfare payment in his/her own right or has an income of less than €100 a week. A reduced increase for a qualified adult may be paid if the qualified adult is earning less than €310 a week. The qualified child increases are payable in full if any qualified adult increase is payable.

A qualified child increase may be payable for a child who lives with you and is maintained by you (up to age 18 and in some cases 22). The child need not be your child.

The procedure for getting Jobseeker's Benefit

The first thing to do is apply at the local social welfare office. You should do this immediately after you become unemployed. An application may be made by post if the office is more than six miles away. You should have your P45 (the form your employer is obliged to give you on the last day of work and which shows the current year's earnings, PRSI contributions and tax). If you do not have the P45, you should sign on anyway and get it at a later stage.

You should also bring your Personal Public Service Number (PPSN) as well as proof of your identity and of your address. If you are a foreign national, you should bring your stamped passport or other evidence of your immigration status. If you are claiming for a spouse or partner, you should bring details of the other person's PPSN and work status. If you are claiming for children, you should bring their birth certificates.

Delays

There may be a delay in establishing entitlement. There are a number of possible reasons for delays. The more usual include the failure of employers to return details of workers' contributions and sometimes the actual money, or giving an incorrect Personal Public Service Number (PPSN).

If there is a delay in getting payment, JB may be awarded pending a final decision. Alternatively, you may apply to the local Community Welfare Officer for Supplementary Welfare Allowance (SWA). When the JB claim is sorted out, arrears are payable. The amount received in SWA is normally deducted from those arrears.

Signing on

Normally you have to "sign on" as unemployed in order to get JB or JA. Theoretically, you could be asked to sign on every day but in practice that rarely happens. The most usual arrangement is for people to sign on once a month but there are different signing-on arrangements for different people. In a number of areas, people sign on monthly at the social welfare local office and collect their weekly payment at the local post office. You are told when, where and how often to sign on and it is very important that you adhere to these arrangements or you may lose payments. Of course, you are not required to sign on if you go abroad to look for work and transfer your JB (see below).

Transferring Jobseeker's Benefit to another EU country

If you are receiving JB, you may transfer it to another EU/EEA member state if you wish to go there to look for work. This applies to every EU/EEA national. You must have been getting JB for at least four weeks before transferring the benefit but the procedure can be started earlier. You should tell your Social Welfare Local Office as early as possible of your intention to go abroad. The office will then organise the form (Form E303). On arrival in the other member state, you should sign on at the unemployment office there within seven days. If you have the E303, you may collect your JB. It is Irish JB that is paid, that is, the same amount as you were getting when you left Ireland.

The right to receive JB in the other country lasts for a maximum of 13 weeks. It could be less if there are not 13 weeks of your entitlement left. Frontier workers, for example, people who live in Northern Ireland but work in Ireland, are eligible for JB in Ireland if partly unemployed and in Northern Ireland if fully unemployed. They do not need to have a contribution paid in Northern Ireland.

Decisions and appeals

Decisions about social welfare payments are made by Social Welfare Deciding Officers. If you are unhappy with a decision in relation to JB, you may ask that it be reviewed. If you are still unhappy, you may appeal to the independent Social Welfare Appeals Office.

Web: www.socialwelfareappeals.ie

Jobseeker's Allowance

Jobseeker's Allowance (JA) was previously known as Unemployment Assistance.

If you have exhausted your entitlement to JB or are not entitled to JB because you do not have enough PRSI contributions, you may apply for Jobseeker's Allowance. In order to qualify, you must:

- Be unemployed
- Be habitually resident in the State
- Be capable of, available for and actively seeking work
- Be aged between 18 and 66 and
- Satisfy a means test

The conditions in relation to being unemployed and being available for and actively seeking work are explained under JB.

The means test

The means test for JA is strict and complex. Income from almost all sources is taken into account. The main headings under which income is assessed are:

- 1) Cash income
- 2) Value of property used personally, for example, a farm or shop – but your own home is not taken into account
- 3) Value of investments, savings and property not used personally
- 4) Value of board and lodgings

1) Cash income

This may be income from a part-time job, self-employment or a pension. It does not include income from savings or income from rented property – these are assessed under another heading. If you have a part-time job you are only eligible for JA on the days when you are not working.

Part-time or casual employment income

Income from part-time or casual work is assessed as follows:

- The Department of Social and Family Affairs finds your average assessable weekly earnings – usually your average earnings in the previous 13 weeks but another period can be chosen if it is more representative.
- PRSI, superannuation and union dues are deducted from your gross earnings. There are no deductions for tax, private health insurance or travel expenses.
- A disregard of €20 a day for each day you work up to a maximum of three days each week is subtracted
- 60% of the remainder is considered to be your means.

Income of spouse or partner

In the case of a couple, each person's income from employment is assessed in exactly the same way. The total of both incomes is treated as your means if your spouse or partner is employed. If your spouse/partner is getting a social welfare payment (except Child Benefit, Early Childcare Supplement and Disablement Pension), HSE payment, or is on a FÁS or VTOS course and getting an allowance in his/her own right, your means are halved. An increase for a qualified adult is not payable but you can get a half-rate increase for each qualified child.

Seasonal earnings

Earnings from seasonal employment are assessed during the season while you are actually working in seasonal employment. These earnings are not taken into account if you are looking for JA in the off-season.

2) Property used personally

A farm, shop or other property which

is personally used comes under this heading. The house in which you live is not taken into account at all, unless there is a rental income from part of it. (In that case the rental income is regarded as cash income.)

3) Investments and savings

Your actual income from investments and savings is not taken into account. Instead all the capital involved is added together, for example, the capital value of a house let in flats, money in the bank, stocks and shares and any other cash or savings. A formula is then applied to the total amount of capital. The fact that the capital may not be yielding an income is not relevant.

The formula for assessing the value is as follows:

- The first €20,000 of capital is disregarded
- The next €10,000 is assessed at €1 per week for every €1,000
- The next €10,000 is assessed at €2 per week for every €1,000
- Any amount over €40,000 is assessed at €4 per week per €1,000

4) Value of board and lodgings

The means test for JA also takes into account any "benefit and privilege" received. In practice that means that the value of board and lodgings provided by your family may be assessed. This assessment could be made in any circumstances. At present it is usually carried out in the case of people up to the age of 25 living with their parents. It is not assessed if the young person is married. If the young person had lived independently for at least three years, then a maximum assessment of €7 a week is made.

The board and lodgings assessment is the reason why many young people who seemingly have no means

nevertheless fail to qualify for JA or only get a reduced rate. It is also the reason why young people in seemingly similar circumstances get different amounts of JA.

In order to assess the value of the board and lodgings, your parents' net income is taken into account – that is, income from virtually all sources less income tax, income levy, PRSI, private health insurance contributions, superannuation, union dues and rent or mortgage payments. A certain amount is then disregarded – €600 for a two-parent family and €470 for a one-parent family. There is a further disregard of €30 for each dependent child. The value of your board and lodgings is 34% of the remainder.

Total means

The total means under all the four headings described above are added together. The amount of JA which you receive is then the maximum rate appropriate to your circumstances, less the amount of means assessed.

Habitual residence

The rules about habitual residence for the purposes of certain social welfare benefits were introduced in 2004. They apply to Child Benefit and to a number of means-tested payments including Jobseeker's Allowance and Supplementary Welfare Allowance (except for exceptional needs payments).

Although the term 'habitual residence' is not defined in either Irish or EC law, it is intended to convey a degree of permanence evidenced by a regular physical presence enduring for some time, beginning at a date usually in the past and intended to continue for a period into the foreseeable future. It implies a close association between the applicant and the country from which payment is claimed and relies heavily on fact.

Habitual residence cannot be determined simply by reference to a specific period of residence in a country. The length and continuity of a person's residence must be considered along with other factors.

When deciding whether or not you have been habitually resident, the Department must take the following into account:

- The length and continuity of your residence in Ireland or in any other particular country
- The length and purpose of any absence from Ireland
- The nature and pattern of your employment
- Your main "centre of interest" and
- Your future intentions as they appear from all the circumstances

Your nationality is not relevant – the rules apply to Irish nationals in the same way as to others. You are likely to be considered habitually resident if:

- You spent most of your life in Ireland
- You have been in Ireland for two or more years and you intend to remain here and make it your permanent home
- You have lived in other parts of the Common Travel Area for two or more years and you then moved to Ireland with the intention of settling here

EU citizens in Ireland

The rules on habitual residence have to be implemented in a manner which does not conflict with the EU rules on freedom of movement for workers and with the EU rules on social security for migrant workers.

The EU rules on freedom of movement for migrant workers provide, among other things, that workers from other member states must be treated in the same way as workers in the state in which they are employed. Workers who move to another member state

are entitled to the same social and tax advantages as citizens. People who move to look for work but have not found it do not have this entitlement. The social and tax advantages do not have to be directly linked to working but if they are generally granted to workers, then migrant workers from other member states are also entitled to them.

Weekly Supplementary Welfare Allowance (SWA) is such a social advantage and must, therefore, be subject to the principles of equal treatment to all EU workers regardless of nationality. So, if workers from another member state lose income because of unemployment or illness, they are entitled to claim weekly SWA. (Of course, if they have enough social insurance contributions, they may claim JB or Illness Benefit.)

EEA citizens and Jobseeker's Allowance

EEA nationals have the right to come to Ireland to work. Non-EEA nationals must, first of all, have the right to live in Ireland and the right to work in Ireland before JA can be considered. If it is a condition of your residence here that you do not take up employment, then you cannot be considered available for work.

Disqualification

You may be disqualified from receiving JA for the same reasons as are described in relation to JB.

PRSI credits and Jobseeker's Allowance

The general rule about PRSI credits is that you are entitled to a credit while receiving JA if you have a paid or credited contribution in the previous two years. This means that if you go on to JA after you have exhausted your entitlement to JB you would get

credits with the JA. If you have been employed for only a very short time, you would get credits provided there was not a gap of two years between contributions.

Failure to get Jobseeker's Allowance

If you fail to get JA because you do not pass the means test you should continue to sign on if you are available for work. This is especially important if you are entitled to credits as the credits maintain your entitlement to other benefits.

Amount of Jobseeker's Allowance

The maximum rate of Jobseeker's Allowance is payable to people who are assessed as having no means. From May 2009, a reduced rate of

Jobseeker's Allowance applies for new claimants under 20 years of age, with some exceptions.

You may get increases for a qualified adult and dependent children. However, there are special rules where you are receiving JA and your spouse or cohabiting partner is receiving another social welfare benefit. In such a case, the maximum JA payable is the maximum of the qualified adult payment payable with the other benefit. If both of you are receiving JA, then neither gets the maximum personal rate. Instead, the amount of the personal rate plus the qualified adult rate is divided equally between you.

Procedure for getting Jobseeker's Allowance

The procedure for getting JA is quite similar to that for getting JB. A Social

Welfare Officer may conduct the means test at the Social Welfare Local Office or may visit you at home to carry out the means test. You should get an explanation of the means assessment. The rules about signing on are the same as for JB (see page 8).

Appeals

Decisions on applications for JA are made by Social Welfare Deciding Officers. If you are not happy with the decision – whether it is a decision not to grant a payment or to grant a reduced payment or to disqualify for some reason – you may appeal to an Appeals Officer within 21 days of the decision. Their decision may then be appealed to the Social Welfare Appeals Office: www.socialwelfareappeals.ie.

Other benefits

Family Income Supplement

Family Income Supplement (FIS) is a payment for low-income working families. If one of a couple becomes unemployed and the other is in employment, the family may qualify for FIS.

You may qualify for FIS if:

- You are working 19 or more hours a week (or 38 or more hours a fortnight). You may combine your weekly hours worked with your spouse's or partner's to meet this condition.
- Your employment is likely to last at least three months
- You have at least one qualifying child and
- Your weekly income is below a certain amount which is related to your family size

A qualifying child is a child who normally lives with you or is financially supported by you. The child must be under 18 years of age or between 18 and 22 years and in full-time education.

There are different income limits depending on family size. The income limit for a family with two children is €590 a week.

If your net average weekly family income is below the income limit for your family size, then you get 60% of the difference between the two. The minimum you get is €20 a week. So, if you have two children and your net weekly income is €400, you get 60% of €190 – that is €114 a week.

Income from FIS is not taken into account in the means test for a medical card.

Once you qualify, FIS generally remains in payment for a year. This is the case

even if your income increases during the year. However, the amount you receive is not increased during the year even if your income declines. You do not continue to be eligible for FIS if your hours of work go below the minimum 19 hours a week or 38 hours a fortnight. You may not receive FIS while you are on a Community Employment scheme or any other FÁS schemes except Job Initiative.

Family Income Supplement Section
Department of Social and Family Affairs
Social Welfare Services Office
Government Buildings
Ballinalee Road
Co. Longford
Tel: (043) 334 5211 or (01) 704 3000

Farm Assist

Farm Assist is a means-tested payment for farmers on low incomes. The means test is broadly similar to that for JA. Farmers who are also employed and then lose their jobs may be eligible for JB if they meet the usual conditions. In some cases, Farm Assist may be a more suitable payment than JB or JA.

Treatment Benefit

Unemployed people who have enough PRSI contributions may be entitled to Treatment Benefit – dental, optical and aural benefits.

Back to School Clothing and Footwear Scheme

A grant is payable between July and September towards the cost of clothing and footwear for the children of people whose only income is a social welfare payment. Most unemployed people should qualify. If you qualify for the clothing and footwear allowance you are also entitled to the School Books Grant Scheme.

Medical cards and GP Visit Cards

Medical cards are awarded on the basis of a means test. You should apply to your Local Health Office. If your only income is a social welfare payment, you should qualify.

Everyone who qualifies for JA should qualify. People who have just become unemployed and have got a lump sum or some savings may not qualify. GP Visit Cards help people who are not eligible for medical cards with the costs of visiting a doctor. The income guidelines are 50% higher than the medical card income guidelines.

Supplementary Welfare Allowance

The Supplementary Welfare Allowance (SWA) scheme aims to provide immediate and flexible help for people who need help and who do not qualify for payment under other schemes. The scheme is operated by Community Welfare Officers who are employed by the Health Service Executive (HSE).

The scheme includes a weekly payment and a number of other arrangements for meeting specific costs. You may qualify for SWA if you:

- Are living in Ireland
- Satisfy the means test
- Have applied for another benefit/ allowance to which you may be entitled
- Satisfy the habitual residence test (but this is not a condition for exceptional or urgent needs payments)
- Have registered for work with FÁS if you are of working age and are capable of working

You do not normally qualify for SWA if you are:

- In full-time work, that is, working for more than 30 hours per week
- In full-time education
- Involved in a trade dispute; however, you may claim SWA for your dependants

Foreign nationals

If you are a European Union (EU) or European Economic Area (EEA) citizen or are Swiss, and have been working in Ireland, you are eligible for SWA. If you are an EU/EEA citizen or are Swiss and are looking for work here, you have to satisfy the habitual residence condition. If you are a foreign national of a country other than Switzerland or the EU/EEA, you always have to satisfy the habitual residence condition.

Means test

The means test is similar to that which applies to JA but the method of assessing capital is different. The first €5,000 of capital or investments is not taken into account and any amount greater than that is assessed as follows:

Next €10,000	€1 for each €1,000
Next €25,000	€2 for each €1,000
Balance	€4 for each €1,000

Weekly SWA

If your weekly income is below the SWA rate for your family size, a payment may be made to bring your income up to the appropriate SWA rate. If you have claimed a social welfare benefit or pension but it has not yet been paid and you have no other income, you may qualify for weekly SWA while you are awaiting payment. Generally, if you are subsequently awarded a social welfare payment, the amount you have received in weekly SWA is deducted from the arrears of that payment. From May 2009, a reduced rate applies for new claimants under 20 years of age, with some exceptions.

Exceptional needs payments

Under the SWA scheme you may get a once-off payment to meet an exceptional or unforeseen need. You have to show that you cannot meet this need from your basic income.

Urgent Needs Payment

You may get an Urgent Needs Payment even if you do not meet the general criteria to qualify for SWA. This can happen, for example, in cases where your belongings have been destroyed by fire or flood. There is no automatic entitlement to such a payment; each case is assessed on its merits.

Managing your Money

Utilities

If you are having problems paying the bills for electricity, gas or phone, you should immediately contact the provider and see if you can come to an arrangement.

Household Budget Scheme

This is a scheme which may help you to spread the cost of household bills over the year. It is operated by An Post. To use the scheme, you must be getting one of the following social welfare payments through the post office:

- Jobseeker's Benefit
- Jobseeker's Allowance
- Back to Work Allowance
- Farm Assist

- Invalidity Pension
- State Pension (Non-Contributory)
- One-Parent Family Payment
- Pre-Retirement Allowance
- Widow's/Widower's Pension (Contributory)
- Widow's/Widower's Pension (Non-Contributory)

The scheme involves the deduction of a fixed amount from your social welfare payment each week. This money then goes to pay one or more of the following bills: your local authority rent or mortgage, your ESB bill, your Bord Gáis bill and your Eircom bill. It cannot be used for any other bills. There is no charge for the scheme.

The maximum that may be deducted from your social welfare payment is 25% of the total weekly payment. You may opt for a lesser deduction. This

amount may then be applied to the bills in question.

Household Budget Scheme, An Post, GPO, Dublin 1
Freephone: 1800 70 71 72

www.anpost.ie

Money Advice and Budgeting Service

The Money Advice and Budgeting Service (MABS) provides help and advice to people who are having difficulties in managing their money. It does not provide financial assistance. Clients with urgent difficulties are dealt with promptly. Less urgent cases are referred to the MABS National Telephone Helpline (1890 283 438) which is available from 9am to 8pm Monday to Friday and to the MABS website www.mabs.ie.

Housing

Local authority rent

If you are in local authority rented accommodation, you should immediately tell your local authority of any change in your circumstances and your differential rent may then be changed to reflect your new circumstances. You may arrange to have your local authority rent paid through the Household Budget Scheme – see above.

Rent Supplement

If you are living in private rented accommodation and your circumstances change you may become eligible for Rent Supplement under the Supplementary Welfare Allowance (SWA) scheme.

Virtually all income is taken into account when assessing your income

for Rent Supplement. Some income may be disregarded. For unemployed people the most important disregard is the Household Income Disregard. This provides that if you have income which is above the standard weekly rate of SWA, the first €75 of such additional income together with 25% of any additional income above €75 is disregarded. Additional income includes income from part-time employment or self-employment (under 30 hours a week), any employment or training scheme (for example, Community Employment or FÁS course) and Family Income Supplement.

Rent Supplement is calculated to ensure that, after the payment of your rent, you have an income that is not below the weekly rate of SWA appropriate to your family circumstances, less €18. This minimum

contribution of €18 increases to €24 from the end of May 2009.

The accommodation for which you are claiming the supplement must be suitable for your needs and the rent must be below the maximum rent level set for your county or area. Following the Supplementary Budget, from May 2009 the maximum rent limits are reduced between 6% and 10%, depending on geographical area and household size, and Rent Supplement payments are reduced by 8%.

You may qualify if

- you have been a tenant for at least six months or
- you have just moved from accommodation for homeless people or
- you have been placed on a local authority waiting list after a full housing assessment or

- you are a tenant of a voluntary housing body or
- you are aged 65 or over or
- you are receiving a disability payment

Problems paying your mortgage

If you have a mortgage, you should approach the lending institution to see about rescheduling the mortgage payments. It is very unwise to just stop paying the mortgage and to ignore letters from the lending institution.

The Financial Regulator Code of Conduct on Mortgage Arrears requires mortgage lenders to adopt flexible procedures for the handling of arrears. They must contact you if you fail to

make a payment in order to agree how the arrears can be paid. The lender cannot start legal action for six months after you miss a payment and must not seek repossession until every reasonable effort has been made to agree an alternative repayment schedule.

Separately from this code, the two banks which have been recapitalised by the Government – AIB and Bank of Ireland – have agreed not to start court proceedings for repossession of a principal private residence until 12 months after arrears arising, provided that the borrower continues to cooperate reasonably and honestly with the bank.

Mortgage Interest Supplement

You may be able to get help with paying your mortgage interest under

the Supplementary Welfare Allowance scheme. You do not get any help towards paying off the capital. The aim of the Mortgage Interest Supplement is to provide short-term income support for people who are unable to meet their mortgage interest repayments in respect of a house which is their only residence.

The means test and the amount of the supplement are assessed in the same way as Rent Supplement. It is calculated in order to ensure that, after you have paid the mortgage interest, you have means that are not below the current rate of SWA less €18. Following the Supplementary Budget, this minimum contribution of €18 increases to €24 from 1 June 2009.

Income tax

On the day you leave work you may receive a number of payments. The tax treatment of those payments is as follows:

- Statutory redundancy pay is tax-free.
- Pay in lieu of holidays is liable to tax and PRSI in the normal way.
- Pay in lieu of notice is regarded as "compensation for loss of employment" and qualifies for some tax relief. If you work for the period of notice then the pay received is subject to tax and PRSI in the normal way.

Compensation for loss of employment

This covers payments such as redundancy pay over and above the statutory entitlement and pay in lieu of notice. Of course, many unemployed people do not get any such payments. If you already got tax relief on a lump sum in the past five years, your present entitlement may be reduced.

- 1) Statutory redundancy pay is always tax-free.
- 2) After that, the first €10,160 plus €765 for each year of service is exempt from tax.
- 3) If you are not a member of an occupational pension scheme or if you give up your right to get a lump sum from the pension scheme, you get a further €10,000 tax-free. You can only get this extra exemption if you have not received similar compensation for loss of employment in the previous 10 years. If you get a lump sum from your pension scheme or if you are due to get one in the future, this €10,000 is reduced by the amount of that lump sum or the present-day value of the future lump sum.
- 4) It is possible to get an exemption greater than the amounts described. This is an extremely complex situation but the people most likely to benefit are those who have high earnings and long years of service. If the following formula gives an amount greater

than the amount to which you are otherwise entitled, then you get the higher amount tax free:

Take your average annual earnings over the past three years and multiply by the number of years of service; divide by 15 and subtract the lump sum superannuation payment, if any, received. This is known as the *standard capital superannuation benefit*.

- 5) When the tax-free amount is established the question then arises as to how much tax must be paid on the taxable part. There is a choice between taxing it as part of the current year's income or taxing it at your average rate of tax in the previous three years. The health levy and income levy may be payable but PRSI is not.

Taxation of Jobseeker's Benefit and Illness Benefit

In principle, Jobseeker's Benefit and Illness Benefit (IB) are taxable but there

are a number of exceptions to the general rule.

- JB received by systematic short-time workers is not taxable
 - The first €13 per week of JB is exempt
 - The qualified child increases payable with JB and IB are not liable to tax
 - The first six weeks of IB is not taxed
- Jobseeker's Allowance is not taxable.

Tax refunds

While you are working, your tax deductions are arranged in such a way that you pay broadly the same amount of tax each week or month. If you become unemployed you are more than likely to have overpaid tax for the year to date and be entitled to a refund. Not everyone would be entitled to a refund – it depends on

the time of year and on whether or not tax was being accurately deducted.

Your P45 can be used to claim any tax refund which is due.

Further information on tax is available from:

The Revenue Commissioners
Lo-call: 1890 60 50 90

Website: www.revenue.ie

Help with getting a job

FÁS

The National Employment Service (NES) has two elements: Employment Services, which are operated by FÁS, the National Training and Employment Authority; and the Local Employment Service (LES) which operates mainly through Local Area Partnership companies on contract from FÁS.

People who are unemployed or are changing job can engage with FÁS Employment Services without any formal appointment, to seek information and advice and to source job vacancies, training programmes and other FÁS supports.

The objective of the LES is to provide services in response to local circumstances in order to help those who are most disadvantaged in the labour market.

FÁS is part of the EURES network that provides a database of job vacancies in 31 European countries, as well as practical information about documentation and legal requirements.

Department of Social and Family Affairs

As well as providing income maintenance payments, the Department of Social and Family Affairs (DSFA) operates welfare-to-work measures which aim to help unemployed people, particularly

people who are long-term unemployed, lone parents, and people who are receiving sickness payments, to return to the active labour market either by taking up employment or becoming self-employed. The main welfare-to-work measure is the National Employment Action Plan (NEAP). Under the NEAP, if you are coming up to three months on the Live Register, you are referred to FÁS for interview, with a view to a job placement or an offer of training.

The DSFA has a number of Job Facilitators who provide a service to help people into employment.

Each week, FÁS and the DSFA exchange files containing relevant details of people they are dealing with, for the purpose of referrals and for the collation of statistics on outcomes. Social welfare staff in local offices liaise locally with FÁS to schedule interview dates for people who are unemployed.

Back to Work Allowance

The Back to Work Allowance Scheme allows participants to retain part of a social welfare payment and secondary benefits for three years after taking up a job.

In the Supplementary Budget April 2009 it was announced that the scheme would be closed to new applicants from 1 May 2009. Changes were also announced to make it easier

to access the Back to Work Enterprise Allowance scheme which provides similar supports to people who become self-employed - see page 17 for details.

Community Employment schemes

Community Employment (CE) is a programme which is designed to provide long-term unemployed people and other disadvantaged people, including those with a disability, with an opportunity to work for a fixed period. It is operated by FÁS.

The CE scheme has two options. The Part-time Integration Option is for a maximum period of one year. The other option is the Part-time Job Option, which is for people who have been unemployed for three years or more and runs for a longer period that varies according to age. You may retain your medical card on CE and may retain other secondary benefits depending on your income level.

Part-time Integration Option

You may be eligible for the Part-time Integration Option of one year on CE if you are aged 25 years or over and you have been receiving Jobseeker's Benefit (JB) or Jobseeker's Allowance (JA) for 12 months or more. Other long-term recipients of social welfare payments and certain groups who are aged 18 or over are also eligible.

Time spent on Carer's Allowance can also count towards the 12-month eligibility period but caring responsibilities must have ended by the time you apply and you must currently be receiving either JA, JB or One-Parent Family Payment.

If you are unemployed and qualify under the JB or JA rules but you yourself do not wish to join the Community Employment programme, you may be able to transfer eligibility to your spouse or partner if he or she is aged 25 or over. This means that you and your spouse/partner effectively swap entitlements.

Part-time Job Option

This is for people who are aged 35 or over and out of work for three years or longer. Certain groups may qualify if they are on other social welfare payments for shorter periods.

In general, you may remain on the scheme for three years. If you are aged between 55 and 65, you may spend up to six years in total on this programme. If you are getting a disability-related payment you may get an extra year – that is, you may spend four years on the programme if you are aged under 55 and up to seven years if you are 55 or over.

Rural Social Scheme

The Rural Social Scheme (RSS) was established to provide income support for farmers and fishermen on low income who are receiving certain long-term social welfare payments and to provide certain services of benefit to rural communities. There are 2,500 places on the scheme. The scheme is operated by the Department of Community, Rural and Gaeltacht Affairs

and full information is available at www.pobail.ie

Revenue Job Assist

If you have been out of work for a year or more and then take up a job, you may be eligible for Revenue Job Assist. In order to qualify, you must have been receiving one of a number of social welfare payments that include JB and JA. The job must be for at least 30 hours a week and must be capable of lasting for at least a year.

If you qualify, you get extra tax allowances for three years. Your employer also receives tax benefits. You may retain your medical card for three years and may retain other secondary benefits depending on your income level.

Web: www.revenue.ie

Becoming self-employed

If you want to become self-employed you may get help and advice from a number of agencies. You may get financial support from Enterprise Ireland or the City and County Enterprise Boards.

You will find a guide to starting your own business on www.basis.ie. This provides information on matters such as forming a company, employing staff, taxation and regulation.

Enterprise Ireland

Enterprise Ireland may help you in setting up your business if it meets the criteria of a "High Potential Start-up".

This means that it must be:

- Manufacturing an export-orientated product or offering a service that is internationally traded
- Offering a product or service that is innovative or technologically advanced
- Aiming to realise sales of €1m and employment of 10 or more within three years
- Located and controlled in Ireland

You may contact the Enterprise Ireland Start-up Team at (01) 727 2972.

Enterprise Ireland

The Plaza

East Point Business Park

Dublin 3

Tel: (01) 727 2000

Web: www.enterprise-ireland.com

Community Enterprise Centre Scheme

The Community Enterprise Centre Scheme 2007-2009 is a community-led enterprise support programme operated by Enterprise Ireland. Its aim is to enhance the development of an enterprise climate through the provision of infrastructural facilities to support the establishment and expansion of small enterprises through local community participation.

www.enterprise-ireland.com

Specific economic areas

A number of organisations may be able to help you if you are proposing to start a business in a relevant area.

Bord Bia: food and drink companies looking for export assistance. www.bordbia.ie

Bord Iascaigh Mhara: sea fishing and aquaculture companies looking for export assistance. www.bim.ie

Fáilte Ireland: companies in the tourism industry. www.failteireland.ie

Teagasc: businesses in the agri-food industry. www.teagasc.ie

Údarás na Gaeltachta: companies located in the Gaeltacht area. www.udaras.ie

City and County Enterprise Boards

There are 35 City and County Enterprise Boards (CEBs) which aim to provide support for small businesses as they start up or when they are trying to expand. That support may be provided to individuals, firms and community groups. The projects must have the capacity to be commercially viable. The boards give priority to enterprises in the manufacturing or internationally-traded services sector.

The sort of help which the CEBs may provide includes capital grants, employment grants and feasibility study grants. The boards may take preference shares in companies.

Your project may get grant aid from the CEB if:

- You can show that there is a market for the proposed product or service
- The project has a capacity for growth and new job creation and
- There will be fewer than 10 people employed

There are limits to the grants available as follows:

- Capital grants may be up to 50% of the cost of capital and other investment or €75,000, whichever is the lesser. A portion of the grant in excess of 40% (in the Border, Midland and Western (BMW) Region) or 35% (in the Southern and Eastern Region) will be in refundable form.
- Employment grants in exceptional circumstances may be up to €7,500 per new job for up to 10 jobs.

- Feasibility study grants may be up to a maximum of 60% (in the BMW Region) or 50% (in the Southern and Eastern Region) of the cost of a feasibility study and business plan, subject to an overall limit of €6,350 (in the BMW Region) or €5,100 (in the Southern and Eastern Region).

Web: www.enterpriseboards.ie

Taxation

If you are becoming self-employed, either as a sole trader or by setting up a business, you may need to register for VAT. You must register for VAT if you reach a certain turnover threshold. This varies depending on the kind of activity you are pursuing but, in general, it is €37,500 for people supplying services and €75,000 for people supplying goods. It may be in your interest to register even if your turnover is below the mandatory registration limits but this depends on the nature of your business.

Back to Work Enterprise Allowance Scheme

This allows you to keep part of your social welfare payment if you take up self-employment and meet various conditions. In order to qualify for Back to Work Enterprise Allowance (BTWEA), you must be setting up a self-employment business that has been approved by a Partnership Company or the DSFA's facilitator. In general, you must be aged 23 or over, have been unemployed for at least two years and be entitled to Jobseeker's

Allowance. Different rules apply to people receiving other social welfare benefits and the age limit may be reduced in certain cases. If you are eligible and have a spouse or partner as a qualified adult on your payment, he or she may be eligible to take part.

In the Supplementary Budget in April 2009 a number of changes were made to the scheme:

- The amount of time you can participate on the BTWEA is reduced from four years to two years.
- The period for which you must be receiving an eligible social welfare payment to qualify for BTWEA is reduced from two years to 12 months, provided you have an underlying entitlement to Jobseeker's Allowance.
- If you have previously participated in the BTWEA scheme and exhausted your entitlement, you can participate a second time after a period of at least five years has elapsed.
- If you qualify for Jobseeker's Benefit, and either qualify for statutory redundancy or have 104 PRSI contributions paid in the past two years, you may get immediate access to a shorter BTWEA called Short-term Enterprise Allowance. In this case, the allowance will be payable for the duration of your Jobseeker's Benefit entitlement (that is, either nine or twelve months).

If you qualify, you may retain 100% of your payment in the first year; 75% in the second; 50% in the third and 25% in the fourth.

Back to education and training

If you wish to go back to education, you may be able to continue to get your unemployment payment or get a Back to Education Allowance. In addition you may be able to keep your secondary benefits, depending on your circumstances. You may also get out-of-pocket expenses – currently €32 a week if you are on a course for three or more days a week, €20 a week if it is two days or less.

Information on all aspects of financial supports for students is available at www.studentfinance.ie

Keeping Jobseeker's Benefit or Allowance

You may continue to get JB or JA while taking part in certain education and training courses. This is the case if you start an approved course and you are at least 21 years old and have been on JB or JA for at least six months. The course may be approved by the DSFA Facilitators or by the Back to Education Schemes Section of the DSFA. A broad range of courses may be approved including personal development courses, basic education courses and general or specific training courses. You may also attend drug rehabilitation courses or take part in voluntary work. You should always get prior approval from the DSFA.

Back to Education Allowance

You may be eligible for the Back to Education Allowance (BTEA) scheme if you are getting one of a number of social welfare payments including JB, JA and Farm Assist. This allows you to study at second or third level if you get a place on an approved course.

In general, you must be at least 21 years of age and must have been receiving the payment for three months in order to avail of the second-level option (this was changed from six months in the Budget in April 2009) or for nine months in order to avail of the third-level option (changed from 12 months). However, there are circumstances in which you may be able to avail of the scheme if you are younger and/or if you have been getting the payment for a shorter

time. In particular, if you are at least 18 years of age and you have been out of education for two years or more, you may qualify if you have been receiving JA, JB or a One-Parent Family Payment for the required period of time (at least three months for second-level education or nine months for third level). If you are awarded a statutory redundancy payment, you may access the scheme as soon as you establish an entitlement to a relevant social welfare payment.

While on the scheme, you get the maximum personal rate of the social welfare payment you were receiving and increases for qualified adults and children where this is relevant. Your payment is not means tested so, you could, for example, have a part-time job without affecting the payment. You may also get a third-level maintenance grant if you qualify.

If you are eligible for the scheme, then your spouse or partner who is a qualified adult may be eligible to take part and, while doing so, may get the full personal rate of the payment to which you are entitled.

You also get a Cost of Education Allowance of €500.

www.welfare.ie

Vocational Training Opportunities Scheme

The Vocational Training Opportunities Scheme (VTOS) is operated by the Vocational Education Committees, who provide special courses for people who have been out of work for some time. You may qualify if you are aged 21 or over and receiving

an unemployment, lone parent or disability payment for at least six months. Periods spent on FÁS training courses, CE Schemes and Youthreach programmes can count towards the qualifying period. The adult dependants of qualified people may also qualify. People who have been receiving an unemployment payment get the equivalent as a weekly training allowance. Other participants continue to get their payment but any means they have are disregarded. You retain your secondary benefits and you may qualify for a Post-Leaving Certificate (PLC) maintenance grant as well.

There are no fees for VTOS courses and you get free books and materials at the start of the course. Depending on your individual circumstances you may be eligible for meal allowances, travel allowances and a contribution to childcare costs.

The courses range from basic education and training to advanced vocational training. There is a wide choice of subjects available. The courses are full-time, about 30 hours a week. The courses can last for up to two years and many of them lead to qualifications such as the Junior Certificate, Leaving Certificate and FETAC awards. There is a list of VTOS courses on:

www.qualifax.ie

New training and education supports

A number of training schemes and education programmes were announced in the April 2009 Supplementary Budget. Details will be finalised by Department of Enterprise,

Trade and Employment, and the Department of Social and Family Affairs. They include:

- A new six-month work experience scheme for unemployed people, including graduates. The State's payment will be equivalent to the weekly rates for social welfare jobseeker's payments.
- A pilot programme for short-time workers who have been put on a three-day week and who are receiving social welfare payments for the days they are not working. They will receive two days' training a week for a period of 52 weeks.
- A new 11-week certified Institute of Technology training programme for redundant apprentices to help them progress to other higher education training programmes or to complete their apprenticeship at a later stage if on-the-job placements are available.

Further and higher education for mature students

The information here is specifically geared towards people who have lost their jobs and are considering going back to education.

In general, mature students are people aged over 23 who are entering higher education for the first time. Second-chance students are students who started but did not complete third-level courses and are now starting again after a gap of at least five years. For the purposes of maintenance grants, you are considered to be an independent mature student if you are aged 23 or over and you were not living with your parents on the 1 October prior to applying for a maintenance grant.

Access to higher education

If you have the necessary standard of education – generally the Leaving Certificate – you may access higher education courses in Ireland by applying through the Central

Applications Office (CAO) in the usual way. There is no age limit on such applications. If you want to attend a third-level institution, the normal application deadline is 1 February but late applications, for which a higher fee applies, can be submitted up to 1 May.

Web: www.cao.ie

Special access for mature students

Most third-level educational institutions also have a separate access route for mature students. You should apply directly to the particular institution you wish to attend. You may get information on the requirements of the different institutions at:

www.qualifax.ie

Fees

Mature students who do not already have a third-level qualification are unlikely to have to pay fees for third-level undergraduate courses in public third-level institutions. In order to qualify for free fees you must be an EU (European Union) national and have been living in an EU member state for three of the five years before starting your course or you must have refugee status. In general, you do not get free fees if you are repeating a year or you already have a third-level qualification. However, if you have a National Certificate or Diploma and are progressing to a degree, you may be eligible. Students who have to pay fees – whether in public or private institutions or in undergraduate or postgraduate courses – may get some tax relief on the fees paid.

Part-time students on undergraduate courses do have to pay fees. In general, postgraduate students have to pay fees but there are some postgraduate courses which are funded under various schemes and for which there are reduced fees or no fees.

Free fees do not apply to private colleges.

Fee grants are not payable in respect of courses in other EU Member States even if fees are charged. An Irish student attending a college in another EU country must be treated in respect of fees in the same way as nationals of that country – so, if the nationals of the country in question have to pay fees, then so do Irish citizens.

Student services charge

There is an annual student services charge that students who do not qualify for maintenance grants have to pay. It is sometimes called a registration fee and it covers student services and examinations. It was announced in Budget 2009 that there would be an increase in the student services charge from €900 to €1,500 for the academic year 2009/2010.

Maintenance grants

Mature students who live independently are assessed for third-level maintenance grants on the basis of their own income. The means test for maintenance grants for other students is normally based on the income of parents or guardians. The BTEA is not taken into account in the means test for the maintenance grant schemes.

There are at present four different maintenance grants schemes for further and higher education students. They are:

- The Higher Education Grants Scheme for full-time degree courses at universities, Institutes of Technology and similar publicly-funded institutions
- The Vocational Education Committees Scholarship Scheme for add-on degrees where students have already finished certificate or diploma courses and for certain courses in Northern Ireland
- The Third-level Maintenance Grants Scheme for trainees for most two-year certificate and three-year diploma courses in Institutes of Technology

The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on the broad range of social and civil services to the public. It provides the Citizens Information website and supports the voluntary network of Citizens Information Services and the Citizens Information Phone Service.

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- The maintenance grants scheme for students attending approved Post-Leaving Certificate Courses.

The Higher Education Grants Scheme is administered by the local authorities; the other schemes are administered by the Vocational Education Committees. The means tests and general conditions are broadly similar.

Broadly speaking, you may get a Higher Education Maintenance Grant if you get a place on a full-time undergraduate course of at least two years' duration in an approved third-level course. Most undergraduate courses at universities, institutes of technology and similar institutions are approved. In general, fees are not payable in respect of these courses. You may also get a maintenance grant if you undertake a full-time course of one year's duration if it involves progression from your existing qualification and effectively enables you to get a third-level qualification.

Certain courses in other member states of the EU are also approved for the maintenance grant.

Amount of grants

The maximum maintenance grant is €3,420 for students who could not reasonably be expected to travel daily between the normal family home and the college and whose normal family residence is not within 24 kilometres (15 miles) of the college being attended. The maximum maintenance grant for students who live in or near the college town is €1,370.

Special rates of grants, usually called top-up grants, are paid to students from very low income families – often the children of long-term social welfare recipients. The income limit

for the top-up grant is €20,147, most of which must come from a social welfare payment. If you are a mature student, you may qualify for a top-up grant if you have been getting a long-term social welfare payment or Family Income Supplement.

If you qualify, you get a total grant of €6,690 if you live more than 24km from college or €2,680 if you live nearer.

Income limits

You may qualify for a maintenance grant for a course starting in the academic year 2009/2010 if your income in the year 2008 was below a certain level. If you are a mature student, your income as well as that of your spouse is taken into account. The precise level depends on the number of children in the family. See www.studentfinance.ie for details.

Nationality requirements

In order to get a maintenance grant you must:

- Be a national of an EU member state, another European Economic Area (EEA) member state or Switzerland or
- Have refugee status or
- Have been granted humanitarian leave to remain in Ireland or
- Have permission to remain in Ireland by virtue of marriage to an Irish national living here or be the child of such a person or
- Have permission to remain in Ireland by virtue of marriage to a national of another EU member state who is living in Ireland or be the child of such a person

Certain people who have been granted leave to remain in Ireland do not

qualify, for example, people who have been granted leave on the basis that they are the parents of Irish-born children.

Tax relief on fees paid

Tax relief applies to approved undergraduate courses that are either full or part-time and in either private or publicly funded third-level colleges. Students can study in approved colleges in Ireland or in any EU member state.

Relief is available for postgraduate courses in private and publicly-funded colleges in Ireland as well as universities and publicly-funded colleges in other countries (EU and non-EU).

You may claim relief if you pay tuition fees for yourself, your spouse, your child or any other person you are the legal guardian of. This relief is given at the standard rate of tax (20%) and the maximum amount of qualifying fees allowable is €5,000.

See www.revenue.ie for further information.



losingyourjob.ie is an online resource with more information on these topics. The booklet *Have you lost your job?* is available there and from the Citizens Information Board.