

# **CIS/CIPS Social Policy Records, April - June 2006: Summary of Issues Identified**

## **1. Categories of Issues Identified**

This report sets out the main issues identified by CISs and CIPs in social policy records (SPRs) for the period April to June 2006. It should be noted that a range of employment rights issues identified in the SPRs have been the subject of a recent Comhairle Social Policy Report, *Employment Rights: From Information to Redress*. Also, issues relating to Family Income Supplement (FIS) have been analysed in a recent Comhairle discussion document.

The issues identified are set out here under three headings:

- (i) availability of services/supports;
- (ii) administration/communication difficulties;
- (iii) information deficits.

## **2. Service Availability**

The limited availability or non-availability of services and supports was the subject of a number of social policy records. These records referred to a service/support which, in the view of the CIC involved, might have been reasonably expected but was not available or available only in a manner which did not meet a client's needs. These included income support, accommodation, access and community supports and referred to a variety of life situations and contingencies where an appropriate support was either not available or only partially available. The following service deficits were identified:

### **2.1 Income Supports**

The following income support issues were identified:

- People on non-Irish (e.g. UK) social welfare pensions do not have entitlement to the Living Alone Allowance;
- The non-inclusion of some long-term illnesses in eligibility criteria for medical cards is a cause for concern for some families and is regarded as inequitable;
- There is no provision for rent assistance for low income earners in private rented accommodation;
- The income limit for tapered rent supplement is too low (€317.43 figure has not changed since 1997)
- The income supports available to young people in workplace training/ apprenticeship as an alternative to school are regarded as inadequate;
- The criteria for One Parent Family Payment are regarded as too limiting in that the payment cannot be split between parents when they have joint custody of children;

- *Family Income Supplement (FIS)*
  - (i) The interaction of FIS with the One Parent Family Payment (OPFP) means that there is little incentive for lone parents who are receiving the OPFP to return to work. Also, parents who have part time custody of their children receive no financial support.
  - (ii) FIS is not payable to self-employed people and is of little value to two income families;
  - (iii) Some local authorities take FIS into account in assessing differential rent thereby reducing its value;
  - (iv) People on Community Employment schemes do not qualify for FIS whereas people on the Social Economy programme and the Back to Work Allowance do;
  - (v) There are different income thresholds for FIS and for the Back to School Clothing and Footwear Allowance scheme which means that some FIS recipients do not qualify;
  - (vi) The required minimum hours of 19 hours per week to qualify can prevent some families from qualifying for the payment.
- There appear to be instances where, because of anomalies in the manner in which Habitual Residence Condition is applied, a person entitled to income support has failed to get it, at least in the first instance;
- There is no provision for people with inadequate PRSI contributions to top-up after the age of 66;
- Guardian's Payment (Contributory) previously called Orphan's (Contributory) Allowance and Guardian's Payment (Non-Contributory) previously called Orphan's (Non-Contributory) Pension rate of payment (at 138 euro per week) is below the basic level of other social welfare payments

## **2.2 Access/Transport**

The following access/transport issues were identified:

- Lack of public transport in rural areas (Free Travel of no benefit) is a recurring issue;
- The non-eligibility for Free Travel pass of children with disabilities under 16 years is regarded as a significant gap
- People under 66 years on Illness Benefit (previously called Disability Benefit) are not eligible for free travel (people on Disability Allowance

are eligible)

## **2.3 Community Supports**

### *Respite Care*

There is poor availability in some areas of respite care for people with disabilities being cared for at home.

### *Home Chiropody*

The withdrawal of a Home Chiropody Service in one area has resulted in difficulties for people with poor mobility in accessing this necessary service because of transport and access problems.

### *Nursing Home Care*

There are insufficient HSE long-term care nursing homes in some areas. People with no assets/property who have to rely on private nursing homes and depend on current levels of subvention encounter great difficulties.

### *Occupational Therapy*

The waiting list for Occupational Therapy is reported as being over a year in some areas. This is particularly problematic for people with acquired mobility/functional difficulties who need urgent assistance and advice.

### *Orthodontic Care*

There is inadequate provision for essential orthodontic treatment for children which results in some children remaining untreated.

### *Home Help Service*

The availability of the Home Help Service is regarded as too restrictive – for example, a family with children with disabilities and multiple needs have been refused the service in one area.

## **2.4 Housing/Accommodation**

### *Repair/Adaptation Grants*

There are shortfalls in many areas in grants for house repairs and adaptations especially in relation to the Disabled Persons Grant and the essential repairs grant.

### *Temporary Accommodation*

There is inadequate provision for emergency/temporary accommodation for families who become homeless in certain areas.

### *Accessible Accommodation*

There is a difficulty in finding appropriate accessible accommodation (social housing) for families with children with a physical disability.

### *Children in Private Rented Accommodation*

One-parent families with young children experience “almost insurmountable difficulties” in some areas in finding accommodation in the private rented sector.

### *Accommodation after Separation*

People who have to move out of the family home after separation experience significant difficulties in finding suitable accommodation. This is exacerbated by the fact that they may be refused SWA rent assistance or other social housing on the basis that they are deemed to have a 'financial interest' in the family home.

### *Rent Tax Relief*

Tax relief on rent for private rented accommodation is deemed to be inadequate.

## **2.5 Other Service Issues**

### *Family Reunification*

The income criteria for family reunification visas (person with 3 children required to have earnings of €565.00 per week - significantly higher than minimum wage) appear to discriminate against families on low wages.

### *Rights of Co-habiting Couples*

The rights of co-habiting couples compared to those of married couples is a recurring theme with the discrimination against cohabiting couples in relation to taxation and inheritance being highlighted. This is currently being addressed by the Law Reform Commission in the following report

<http://www.lawreform.ie/Cohabitants%20Report%20Dec%201st%202006.pdf>

## **2.6 Employment Rights Enforcement**

The major employment rights issue arising from the experience of CISs and the Citizens Information Phone Service is that of the effectiveness of employment legislation enforcement. The SPRs point to a significant gap between the legislative protection and the ability of employees to enforce their statutory rights. Employees who do not receive their holiday/leave entitlements, written terms of employment or a statement of pay as required by the legislation experience difficulties in enforcing these rights. Some workers also report difficulties getting P60s and P45s from employers.

## **3. Administration/Communication Difficulties in Accessing Services**

There were a number of situations where significant difficulties were encountered in accessing a service/benefit and/or related delays. In some instances access occurred only after significant representation/advocacy by the CIC. These cases included income support, delays in processing claims and visas. Some of the queries referred to the interface with individuals and the administrative system. An underlying issue in some queries was that people felt that frontline statutory staff did not deal adequately or appropriately with their situation.

### **3.1 Delays**

- Delays in processing applications for Child Benefit were highlighted. The failure to provide a regular update on progress compounded the delay problem.

- A delay of 14 months in processing an application for Disability Benefit meant that a person could not make an application for Back to Education Allowance within the required timeframe.
- Delays (up to 8 months) in having applications for Domiciliary Care Allowance were reported.
- An appeal to HSE which was to be processed within 6 weeks but took 4 months to complete.
- Long delays were reported by a number of CICs in respect of employment rights enforcement.
- There was a delay of 10 weeks in having a One Parent Family Payment re-instated after it was wrongly withdrawn.
- There was a delay of 3 months in having a Local Authority rented home valued for purposes of tenant purchase.
- Delays in issuing of work permits caused a problem with the calculation of reckonable residence in the country for the purpose of applying for naturalisation.

### ***3.2 Telephone Contact with Government Offices***

- Difficulties with telephone access to the Passport and Visa Office were noted repeatedly - the option to speak to a person was reported as just not available with only general information being provided.
- Difficulties with contacting the Revenue Commissioners offices were recorded. In particular, the fact that information could only be obtained by providing a PPSN was particularly problematic. The need for Revenue to have a general enquiries line where a PPSN is not required was highlighted by several CICs.

### ***3.3 Other Administrative/Communication Issues***

- A requirement for a person to produce an original of his work permits (rather than copies) in respect of a visa application was deemed inappropriate given that the employer rather than the individual was the holder of the work permit.
- The need for people to re-apply every year for a refuse charge waiver was regarded as unnecessary. A similar system to that for Household Benefits Package or Fuel Allowance was suggested whereby people would be made aware that if their circumstances change for the better, they must inform the Local Authority.

- The Habitual Residence Condition, according to some CICs, appeared to be interpreted differently by the HSE and by DSFA.
- The fact that people over 70 have to pay for medical cert for a driver licence renewal was regarded as unfair and contrary to the concept of free medical services.

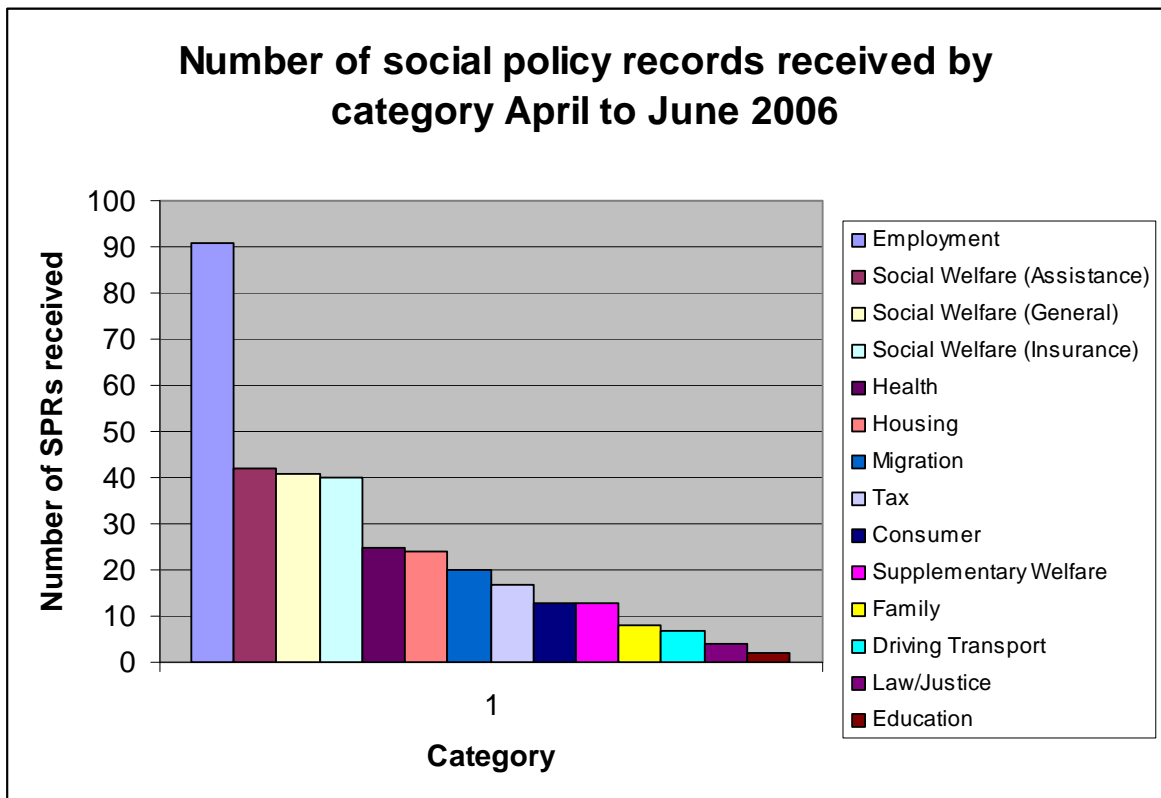
#### **4. Information**

A core issue identified in some of the Social Policy Records was a significant information gap or where the information available was inaccurate or not clearly understood by the people involved. The following are some examples:

- A person in receipt of a Widow's Pension and caring for her mother full-time would have been better off on Carer's Allowance, Respite Care Grant and Household Benefits Package. She was never advised of this by the Department of Social and Family Affairs.
- Applicants for Unemployment Benefit at a Local Social Welfare Office were informed that they were not entitled to the payment as they did not have enough relevant PRSI contributions. However, they were not informed that they may be entitled to Unemployment Assistance as in fact they were.
- A woman applying for a One Parent Family Payment was not informed by the Social Welfare Local Office that she was eligible for the Contributory Widow's Pension which would have been a much better payment in her situation.
- Some people eligible for FIS are not aware of their entitlement.
- A tenant in the private rented sector was unaware that she is entitled to a Rent Book and did not know about either current legislation in regard to the private rented sector about the Private Residential Tenancy Board or Threshold.
- There is a lack of information about how to calculate the cost of refuse collection ( for tax relief and waiver purposes) under general maintenance contracts on apartments.
- Some CICs referred to people not having adequate information about taking out probate and its related costs and being wrongly advised by solicitors in this regard.
- CE workers in some instances were unaware of their Terms and Conditions of Employment and received wrong information about their rights from their supervisor.

- Some CIC clients were unaware of their entitlement to a medical card or a GP Visit card.
- A Local Authority tenant for the past 5 years and was seeking information on options to purchase his home was not given adequate information in order to weigh up his choices and, therefore, make a decision whether he would be better off buying or not.
- Some people (particularly older persons) may not be fully informed of the implications of changing telephone supplier.
- A difficulty was noted about the availability of information in relation to insurance cover for people with genetic diseases.

**Appendix 1**



**Table 1 Number of Social Policy Records returned to Comhairle by Citizens Information Service between April and June 2006**

<b>Query Source</b>	<b>Number of social policy records returned</b>
Ballyfermot CIS	1
Blanchardstown CIS	7
City Centre (Dublin) CIS	7
Co Carlow CIS	62
Co Cavan CIS	8
Co Clare CIS	12
Co Donegal CIS	23
Co Galway CIS	9
Co Laois CIS	2
Co Leitrim CIS	15
Co Longford CIS	40
Co Louth CIS	9
Co Mayo CIS	18
Co Monaghan CIC	1
Co Offaly CIS	3
Co Roscommon CIS	28
Co Sligo CIS	7
Co Tipperary CIS	8
Co Waterford CIS	13
Co Westmeath CIS	6
Cork City Centre & South County CIS	7
Crumlin CIS	1
Independent	8
Kerry CIS	7
Kilkenny CIC	9
Meath CIS	11
Northside CIS	9
Tallaght CIS	16
West Cork CIS	6
<b>Total</b>	<b>352</b>