



Pre Budget Submission

Budget 2004

September 2003

Comhairle Pre Budget Submission 2004

Introduction

The primary function of Comhairle is the provision of information, advice and advocacy in the broad area of the social services. It has a number of other functions including:

“To support, promote and develop the provision of information on the effectiveness of current social policy and services and to highlight issues which are of concern to users of those services”

This submission addresses the social policy issues, which are of most concern to people who have used the services of Citizens' Information Centres (CICs) over the past year. Many of the issues addressed here have been raised in previous Comhairle submissions. This arises because the issues in question continue to emerge in the evidence gathered by CICs in relation to the difficulties faced by their clients on an ongoing basis. The national network of CICs dealt with almost half a million queries from members of the public in 2002. This is an increase of over 20% on the numbers in 2001. The number of queries has increased by 70% since 1997.

CICs report queries with a social policy dimension to Comhairle where they are analysed and used as the basis for policy submissions and reports. During 2002, CICs submitted almost 475,000 queries to Comhairle. Of these 772 were deemed by CICs to have social policy implications and were reported to Comhairle in separate social policy returns. A further 290 social policy queries were logged by Comhairle staff giving a total of 1062 social policy queries in all. For the first 7 months of 2003, January to the end of July, 639 social policy returns have been submitted to Comhairle from CICs.

From an analysis of these, Comhairle considers that the main issues which need to be addressed are:

- Problems in services for people with disabilities and for older people
- Funding shortfalls and uncertainty about schemes such as the Disabled Person's Housing grant and the security scheme for the elderly
- Inadequate income maintenance and other services for carers
- Problems for people who become unemployed and who face disincentives to taking up work.
- Problems with the rules and administration of the Rent Supplement
- Access to medical cards and health services generally
- Income maintenance and accommodation problems for asylum seekers
- Inadequate information provision by some public service providers
- Inadequate complaints and appeals systems in a number of areas
- Problems in the resourcing and delivery of public services

Comhairle recognises that many of the issues identified cannot be addressed in the context of one Budget and favours the development of long-term plans for addressing these issues. However, this submission concentrates more on immediate measures, which could be taken to address some of the problems identified.

2003 is European Year of People with Disabilities and this submission suggests that Budget 2004 could target the particular difficulties faced by people with disabilities in accessing entitlements and where possible aiming to lead independent lives.

Services for People with Disabilities and Older People

There is broad agreement that the overall aim of policy in relation to services for people with disabilities is to support independent living. Significant extra funding is required to provide the services and structures which are needed and long term plans need to be made for the development of those services.

Cost of Disability Allowance

Many people with disabilities have significant extra costs related to their disability. These costs vary according to the severity of a disability. A recent study from the UK suggests that the annual cost of raising a child with a disability is on average three times greater than the annual cost of raising a child without a disability¹. Initial outlay on aids and appliances and the loss of paid employment places a considerable strain on people with disabilities and on family carers. Groups representing people with disabilities have long campaigned for the introduction of a Cost of Disability Allowance. Comhairle's submission to the DSFA *Review of Income Maintenance Payments for People who are Ill and people with Disabilities* points to the "substantial extra costs of disability, especially for people living alone". The issue has been under examination for a number of years. A long-term plan now needs to be put in place to introduce such a payment.

Home Help Schemes

Home help services remain poorly developed and unevenly distributed. Availability varies greatly depending on health board area and coverage is generally low. Recent comparative studies of social care in Europe found that only 3 per cent of people aged 65 and over in Ireland are receiving publicly funded home care services as compared with 8 per cent in the UK and 20 per cent in Denmark². Amidst concerns that informal care provision will reduce in the future³ it is imperative that we invest in the provision of services that support care in the home.

Mobility Payments

The report of the Inter-Departmental Review Group, on the Disabled Drivers' and Disabled Passengers' (Tax Concessions) Scheme has still not been published. The Comhairle submission to the group recommended that the scheme should not be viewed in isolation from other transport/mobility schemes for people with disabilities and should be reviewed in the context of a new Cost of Disability payment. The subsidy should be a direct payment rather than a tax concession and should be based on an individual needs

¹ Dobson, B. and Midleton, S. (1998) *Paying to Care: the cost of childhood disability*. York Publishing Services: Joseph Rowntree Foundation

² Blackman, T., Brodhurst, S. and Convery, J. (2001) *Social Care and Social Exclusion: A Comparative Study of Older People's Care in Europe*. Basingstoke: Palgrave

³ DSFA (2003) *Study to Examine the Future Financing of Long-term Care in Ireland*. Undertaken by Mercer Limited on behalf of the DSFA.

assessment. A medical appeals system exists but it is inadequate for the numbers appealing and there are very long delays in the process.

The Motorised Transport Grant for vehicle adaptations is currently only available to employed people with disabilities. These grants should be made more readily available to those who are undertaking training, or need to travel to day care centres.

The Mobility Allowance is very small relative to the current cost of taxi fares and should be increased. People over 66 may not apply for it at present although they may retain it if it was awarded before that age. This is discriminatory on the basis of age. It also discriminates against returned emigrants who cannot avail of the allowance. The means test criteria for the allowance should be published and uniformly applied across all Health Board areas.

Housing Grant Schemes

Comhairle has previously documented the problems arising with housing related grant schemes administered by the Health Boards and Local Authorities and funded through the Department of the Environment, Heritage and Local Government (DEH&LG). Both the *Essential Repairs Grant* and the *Disabled Person's Grant* schemes are administered by Local Authorities. The *Home Improvement Scheme for Older People* is operated by the health boards and directed by the Task Force on Special Housing Aid for the Elderly.

As reported in the Dail Debate, March 3rd 2003, demand for the Disabled Persons Grant is increasing, construction inflation is high, but the budget has been cut by an estimated €0.25 million in 2003. Local Authorities are required to fund one third of the total cost but are unable to meet their commitments under the scheme. Grant application deferrals to following year budgets have resulted in building delays, increased costs and disruption to the lives of people with disabilities. Reviews of the administration of the scheme have resulted in the introduction of measures that include establishing priority systems, introducing means testing and reducing the amount of grant available to applicants.

A recent Joint National Disability Authority / Comhairle Submission to the DEH&LG review of the Disabled Persons Grant scheme echoed previous criticisms and made a number of recommendations including: an increase in the funding available, the publication of a national policy for the administration of the grants and a requirement that grants be applied consistently across Local Authorities.

Essential Repairs Scheme

With effect from 28th February 2003 only roof repairs/replacement and rewiring works are eligible for grant aid under the Essential Repairs Scheme. For people with disabilities, the chronically ill and older people heat is a vital utility and currently neither the Essential Repairs Grant nor the Disabled Person's Grant schemes cover installation and / or repairs to heating systems. This needs to be addressed.

A scheme to cover very small repairs and minor adaptations, where these allow an older person or a person with a disability to continue living independently, should be introduced.

Personal Assistant service

The Personal Assistant service facilitates certain people with disabilities to live independent lives by providing them with an opportunity to work and develop skills. At present the service varies between Health Board areas and is largely provided through Community Employment schemes. It is essential that these schemes are mainstreamed to avoid the loss of qualified personnel and further deterioration in what is already a limited service.

Training

People on training courses are treated differently depending on whether they are getting DB or DA (people on DA lose their DA and get training allowance and training bonus while people on DB get the allowance plus their DB). People on DA need an incentive to go on training courses as the training bonus barely covers the extra costs involved.

Disability Allowance for people in long stay care

Certain people with disabilities who have been in long stay care for some time are still not eligible for Disability Allowance. They have no income and are being treated unequally relative to people who came into long stay care later. The intention to address the issue has been announced and a time frame for extending DA to all people in long stay care should be put in place immediately.

Funding of Long Stay Care

Comhairle welcomes the recent reports on the funding of long stay care and the review of the nursing homes subvention scheme and recognises that implementation requires a long term strategy. The report on the future financing of long term care projects a 140 % increase in the number of older people needing long term care over the next 50 years. However, the need for long term care is not confined to older people and affects people with disabilities and chronic illnesses also. The lack of clarity in relation to entitlement to public long stay care should be addressed as a matter of urgency. Legislation to deal with this was promised in the 1994 Health Strategy and in the 2001 Health Strategy but nothing has been done. This, together with the anomalies and inconsistencies in the administration of the nursing homes subvention scheme, leaves people with disabilities, the chronically ill and older people insecure about providing for their future.

Carers

The problems experienced by carers and the difficulties in getting suitable home care continue to feature prominently in queries to CICs. Comhairle has recently published a Social Policy report – *Supporting Carers*. This draws on, among other sources, queries to CICs. It recommends a National Strategy for Carers, which takes a long-term view, seeing care as a continuum with supports for independent living and for caring in the community and the home.

Many home carers do not qualify for either a Carer's Allowance or Carer's Benefit. In some cases, this is because they are already receiving a social welfare payment, for example, a widow's pension. Consideration should be given to allowing such carers to qualify for half rate Carer's Allowance/Benefit in the same way as they qualify for half rate Unemployment and Disability Benefit, provided they meet the other conditions. Those carers who fail to get a specific carer's payment purely on the grounds that they

are already receiving another social welfare payment should qualify for the Respite Care Grant.

Interaction of Tax and Social Welfare

There is a range of tax credits and allowances available to carers – the Home Carers tax credit, the Incapacitated Child Credit, the Prescribed Relatives Credit and the allowance for employing a carer. There is no overall policy behind these credits and allowances. By their nature, tax credits and allowances are only relevant to people who have taxable income, thus excluding significant numbers of carers. These credits and allowances should be examined to see if they have any significant impact on the target groupings and to see if the expenditure involved would be better used to finance direct payments.

EU Pensions

There is no justification for the different means test for carers who are receiving UK pensions or where partners receive such allowances.

Unemployment related Problems

It is particularly important that disincentives to work be removed from the social welfare system as unemployment is increasing. The major focus should be on getting people back to work as soon as possible after losing their jobs and not allowing long-term unemployment to set in. Most of the schemes for encouraging people back to work require a period of unemployment. These should be examined to see if there is scope for making them available at an earlier stage, particularly for people who do not have any formal qualifications or are at risk of long-term unemployment.

Among the specific anomalies and traps identified by CIC clients that need to be addressed are:

- The operation of the qualified adult allowance system which involves a disincentive to work for qualified adults, usually women
- The traps at specific income levels caused by the limits for PRSI payments and the health contribution
- The problems caused by limits for retention of secondary benefits (particularly the Medical Card), limits on Family Income Supplement and other benefits
- Different treatment of co-habiting couples in the tax and social welfare systems

Qualified Adult Allowance

The upper income limit for qualified adults has increased over the past few years but the basic problem remains that many qualified adults restrict the hours worked in order to stay under the limit. The interaction between spouses' employment and claims for Qualified Adult Allowance needs to be reviewed. The problem is of greatest relevance in the case of unemployment payments as the majority of people affected are married to UB or UA recipients.

PRSI

A start should be made this year towards the eventual elimination of the traps caused by the different levels at which PRSI and the health contributions are applied.

Employed family members should be included in the PRSI system in the same way as other employees. Their exclusion means that they continue to be regarded as

dependants even though they have been in employment. The effect is that employed family members are not covered for social welfare benefits or under employment law.

Supplementary Welfare Allowance

SWA and Exceptional Needs Payments are not available to people who work more than 30 hours. There should be an income limit rather than an hours worked limit for entitlement to SWA and Exceptional Needs Payments.

The review group on the SWA scheme has been in existence for nearly five years. Its report should be completed and published. (The issues arising in the case of SWA Rent Supplement are addressed below).

Family Income Supplement

The rules for the Family Income Supplement scheme should be eased in order to encourage recently unemployed people to take up lower paid jobs.

The qualifying working hours for Family Income Supplement (FIS) should be reduced to 17.5 as many lone parents are job sharing (a 35-hour week being increasingly common) and many fail to qualify for FIS due to the number of hours worked.

Local authorities when assessing differential rent should treat income from FIS consistently. At the moment some take it into account while others do not.

Interaction between the Social Welfare and Tax Systems

There are a number of areas in which the social welfare system and the tax system interact which do not always lead to consistent or fair treatment and sometimes provide a disincentive to work. The most obvious example is the different treatment of married and cohabiting couples in the two systems. The fact that unmarried couples are treated as a couple for social welfare purposes, but as separate individuals in the tax system is clearly inconsistent, encourages welfare fraud, causes hardship for the adults as well as the children and is a disincentive to work for social welfare recipients. The treatment of married and cohabiting couples should be harmonised in both the tax and social welfare systems.

Older People

The effect of spouse's earnings is disproportionately high for the old-age non-contributory pension as compared to other means-tested payments such as unemployment assistance, the pre-retirement allowance and the disability allowance.

Community Employment

As the numbers of places on community employment continue to drop and participants are not replaced, the capacity of voluntary and community groups to deliver services remains under pressure. The effect of these changes on organisations needs to be documented and the State needs to provide appropriate alternative resources where necessary.

It is also important that participants and potential participants, are provided with training, alternative supported avenues into employment and alternative supports in employment where mainstream employment is not an option.

Housing

Queries in relation to housing continue to be a major element of the CIC workload. The major issues continue to be:

- Problems within the private rented sector
- Problems with the Rent Supplement
- Grants for house improvements

The Private Rented Sector

Comhairle welcomes the publication of the Residential Tenancies Bill, 2003 as a first step towards implementing the package of reforms in the rented accommodation sector, arising from the report of the Commission on the Private Rented Sector. However, there are legitimate concerns that certain loopholes will undermine entitlements under the legislation, in particular the definition of anti-social behaviour and the right to evict in order to refurbish accommodation. Full implementation of the Commission report would address most of the legislative inadequacies which exist at present but adequate mechanisms need to be put in place to ensure that it is rigorously implemented. There is clear evidence from CICs that the existing legislation is not being implemented, that landlords are frequently in breach of their existing obligations in respect of minimum standards, rent and registration, notice to quit rules and provision of rent books.

Rent Supplements

Comhairle has made a number of submissions on this issue, most recently in our submission on Housing and the NAPS and we have recently compiled a Social Policy report on the issue, in conjunction with Threshold, *Rent Supplement in the Private Rented Sector – Issues for Policy and Practice*. The recommendations include:

- Maximum rent levels should be reviewed regularly to ensure that they reflect actual local conditions.
- The rent supplement should operate in a way which ensures that the unemployment trap is eliminated. Rent allowance should be reduced gradually as income increases and the transfer from unemployment to employment should always result in higher income.

Health Services

The major health service concerns of CIC users over the past year continue to be, waiting lists for treatment in hospitals and in dental and orthodontic services, issues in relation to caring in the community, nursing home subventions and, most of all, entitlement to medical cards. We acknowledge the difficulties in addressing these problems and that the Health Strategy, if fully implemented, would lead to major improvements.

Medical Cards

The Health Strategy plan for increasing the numbers who are eligible for medical cards (affirmed in the Programme for Government) and for clarification of entitlement is to be welcomed. However evidence from CIC users shows that:

- Entitlement to a medical card is not clear or consistent,
- Significant numbers of low income families, including people whose only income is a social welfare benefit do not qualify and
- There is no adequate complaints and appeals system available.

Clarity and Consistency

Medical card income guidelines have not kept pace with social welfare increases. In January 2002, the Minister for Health and Children said that nobody should lose a medical card because of the increase in social welfare payments. Evidence from CICs shows that people whose only income is a social welfare payment are being refused medical cards. So, new social welfare recipients are being treated less well than those who were receiving their payments before January 2002. This situation is clearly inequitable and needs to be rectified.

Income Guidelines too low

CICs hear constant complaints about people on very low incomes not qualifying for medical cards. The income guidelines for medical cards remain too low and need to be raised and aligned with social welfare payments and the minimum wage. The income limit for a married couple (€200.00 per week) is particularly low considering that the limit for a single person is €138. This should be reviewed to reflect more accurately actual living costs.

The medical card limit for a single person living with his/her family is at €123 which is below the basic Social Welfare payment rate of €124.80 (Unemployment Benefit and SWA). This effectively means that such a person must seek family support to cover medical expenses. The numbers of people and the proportion of the population qualifying for medical cards have been consistently declining in recent years. In 1994, just over 36% of the population had medical cards. The proportion was down to just under 30% in May 2003.

Currently the Old Age Contributory Pension (OACP) at €157.30, is higher than the medical card income limit for the age group 66 – 70 (€151). This is even more pronounced for couples where the joint OACP is €278.80 while the medical card limit is €224. It is unreasonable to expect such pensioners to start paying for medical treatment out of a relatively low income at a time when their medical needs may be increasing. There is a strong case for ensuring that everyone whose only income is a social welfare payment should qualify for a medical card. The medical card income limits for those aged 65 and over should not be less than the highest social welfare payment available. The possibility of giving a medical card to all children whose parents' income is below a certain limit e.g. the minimum wage, should be considered. The expense of doctors' visits may make parents reluctant to take their children to the doctor in time. Medical card income limits should take into account expenses such as childcare costs and mortgage repayments that can reduce disposable income even when a family's gross income is over the qualifying income limit.

Inadequate Appeals System

There is no independent statutory appeals system for health services generally and this is a particular problem in the case of medical cards. Health Boards have established internal complaints systems but these are not seen to be independent and people are not systematically informed of their existence and the right to make an appeal. The lack of clarity and consistency in entitlement leads to a perception of unfairness in the process and the absence of an adequate appeals system further exacerbates this view.

CICs frequently appeal medical card decisions on behalf of their clients and they report long delays in dealing with letters from CICs about individual cases. An independent

statutory complaints and appeals system along the lines of the Social Welfare Appeals Office system should be introduced without delay.

Long Term Illness Scheme

The Long Term Illness Scheme should be revised and extended. At present it gives preferential treatment to people with some illnesses while overlooking others, such as asthma, which are equally serious and give rise to similar expenses. These conditions are also not covered for doctor's appointments.

Education

Back to Education Allowance

A recent rule change to the Back to Education Allowance means that people who were in receipt of an unemployment payment prior to their participation in the scheme will have their allowance paid for the duration of the academic year only. The allowance will not be paid for the summer period between academic years. A further rule change requires all students who have completed an undergraduate course and intend progressing to a higher qualification to make a new application for the BTEA. Only students pursuing a Higher Diploma or Post Graduate Diploma in Education will continue to be covered by the scheme. Comhairle considers this to be a retrograde step in relation to third level access to education and recommends that the rule changes outlined above be reversed.

Childcare Allowance

A recent 37% cut in childcare services for students on Youthreach and VTOS courses could force the VEC's most vulnerable students out of education. Many of these students are young single mothers. This is a retrograde step and should be reversed.

Immigrants and Asylum Seekers

CICs have reported an increase in the number of queries in relation to immigration in recent years. Comhairle supports the Refugee Information Service and many people who are asylum seekers or who have been granted refugee status come to CICs with queries in this regard.

Immigrants

The major issues in relation to immigration which arise in CIC queries include:

The continuation or non-continuation of residence rights,

- Problems with immigration control procedures,
- The employment rights of work permit holders,
- The rights of immigrants to social services generally,
- The right of family members of holders of visas and/or work permits/authorisations to visit or reside in Ireland and their rights to work here,
- Problems associated with the requirements to register frequently.

Employed Immigrants

Immigrants have particular problems with the enforcement of employment rights. They tend to be less aware of their rights and reluctant to make complaints. There is evidence from CICs of non-nationals paying employment agencies under the guise of travelling expenses. Many are provided with housing by their employers, making it even more

difficult for them to assert their rights. There should be systematic inspections of immigrants' employment conditions. The DETE has the information necessary to carry out such inspections and needs to be resourced with sufficient inspectors.

- In order to address the problems of immigrants, Comhairle considers that the Immigration and Residence Bill and the statutory framework for work permits and authorisations should be enacted as a matter of priority.

Asylum Seekers

Direct payment to asylum seekers remains at a very low level and has not been increased since it was first introduced. The payment should be increased in line with social welfare payments generally.

The impact of direct provision accommodation on asylum seekers can be detrimental. The Refugee Information Service report a range of day to day problems concerning income maintenance, dietary requirements, isolation, frustration at not being entitled to work and poor access to medical services and language services. The entitlement of asylum seekers to Rent Supplement removed by Section 13 of the Social Welfare (Miscellaneous Provisions) Act 2003 should be reinstated.

Delivery of Services

We acknowledge the commitment of the service providers in almost all areas of the social services to improve service delivery and to provide customer focused services. However, CIC clients continue to experience shortcomings in service delivery.

Independent Complaints and Appeals Systems

Comhairle regards statutory independent complaints and appeals machinery as an essential requirement of a customer focused public service. As well as formal appeals procedures, there is a need for complaints procedures to be available to citizens who feel they have been treated unfairly or discourteously.

Delays

Feedback from CICs provides evidence of long delays in decisions about various services. There are long delays, in some cases of almost one year, in the processing of applications (for Family Income Supplement, One Parent Family Payment, Carer's Allowance, Household Benefits Package, Living Alone Allowance and Pensions). More efficient use should be made of computerised records in order to minimise the amount of paperwork and duplication of applications and certificates required from social welfare clients. There should be more integration between the customer services of social welfare offices and health boards so that duplication and delays are avoided.

Comhairle recommends the introduction of an enforceable Charter of Customer Rights, which would outline specific time limits for the processing of claims and appeals, as well as other basic standards of service.

Codes of practice governing relationships between public servants and clients

Public service providers who deal directly with clients should be governed by a code of practice. The Revenue Commissioners currently have such a code.

Codes of practice are also required to govern the relationship between various authorities and their clients and between health board officials and applicants for various services, in particular between Community Welfare Officers and their clients. The codes should cover areas such as dealings with the client in his/her home, rights to information and appeals procedures etc. Clients should be given a copy of the relevant code. While guidelines exist at the moment there is a lack of awareness of these and also a lack of enforcement and redress.

The Ombudsman's Guide to good practice could be used as the basis for these codes. Regular reviews should establish how well the codes are being implemented in the clients' view. The Charter for Hospital Patients is now in need of such a review.

Citizen/Customer involvement

Initiatives such as the SMI and the Customer Services Action Plans are welcome but there is a clear need to have their implementation monitored by citizens/customers and not just by internal review. As the process of government becomes more complex, time and attention should be devoted to involving citizens in the decision making process. The opportunities for citizens to do so are increasing all the time but the requirement to be well informed and articulate may well lead to the further exclusion of vulnerable and marginalized groups.

Freedom of Information

Information is an absolute requirement for active citizen involvement. Without good quality, accessible information, it is not possible for citizens to vindicate their rights or to make valuable contributions to the public processes. Comhairle considers that recent increases in charges for information under the Freedom of Information Act are excessive and may constitute a disincentive to people exercising their rights under the Act.

The need to apply for information under the Act (other than personal records) would be greatly reduced if public bodies had an active information dissemination policy. Section 16 of the Act requires that relevant public bodies publish information on their policies and processes. There is evidence that there is not adequate compliance with this section. For example, the Comhairle/NDA submission quoted above shows a clear breach of this section in respect of the guidelines used for the Disabled Persons' housing grant. Information providers in the independent sector frequently come across inadequate Section 16 manuals. They include general information but not the detailed guidelines, which the section requires. For example, the general rules about long stay care are included in health board manuals but detailed guidelines about how applicants for places are assessed are not included. There are variations in how health boards apply the rules for nursing home subventions and, in particular, for contracted beds but these details are not outlined in their Manuals.

All public bodies should post their Section 16 Manual on their websites in a user-friendly format. They should also be complete and regularly updated.