



Pre Budget Submission

Budget 2007

September 2006

Comhairle Pre- Budget Submission to Budget 2007

Introduction

The primary function of Comhairle is the provision of information, advice and advocacy in the broad area of the social services. To this end, Comhairle is involved in the development of Citizens Information Services (CIS), including the development and support of the nation-wide network of Citizen Information Centres (CICs), the Citizens Information Phone Service (CIPS) and the Oasis Website (www.oasis.gov.ie).

Comhairle 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”

In carrying out this function, Comhairle relies heavily on feedback based on the needs and experiences of users of the Citizens Information Services (CISs) and Citizens Information Phone Service (CIPS). CISs and CIPS report queries with a social policy dimension to Comhairle where they are analysed and used as the basis for policy submissions and reports. The total number of queries to all CISs in 2005 was 733,879. The number of queries to the Citizens Information Phone Service in 2005 was 87,923. Of these queries to CISs and CIPS, 1,371 were deemed to have social policy implications and were reported to Comhairle in separate social policy records. In the CIS Survey 2005, the three largest categories of queries were issues relating to Social Welfare (34% of all queries), Health Services (including HSE payments) (13%), Employment (11%).

This submission is set out in two sections.

Section One sets out the main query areas and issues identified by CIS and focuses on low income families in the context of a life cycle approach to policy development and service delivery. *Towards 2016* endorses the lifecycle framework set out by NESC in its Developmental Welfare State Report which proposes that differentiated thinking is brought to bear on income supports for people at different stages in the lifecycle. The key lifecycle stages identified are: children, people of working age, older people and people with disabilities. Long-term goals and priority actions for each stage are outlined in the social partnership agreement.

Section Two deals with other issues identified by users of Citizens Information Services – access to services and supports by foreign nationals, employment rights and administrative issues relating to personal social services.

Section One: Low Income Households

1.1 Priorities over the Lifecycle

The analysis carried out by NESC and re-iterated in *Towards 2016* indicates that the following should be the lifecycle social welfare priorities going forward:

- (i) The poorest children in the State should be targeted in the allocation of further resources for child-income support.
- (ii) Since meaningful work participation is a legitimate expectation of people of working age, welfare/work traps need to be fully eliminated.
- (iii) Further increases are required in the rates of social welfare pensions, in accordance with average industrial wages.
- (iv) Access to sufficient income to cater for the additional costs associated with having a disability should become a priority policy goal.
- (v) Carers should be acknowledged in their caring role and adequate and equitable income supports put in place to cater for the wide range of caring circumstances that prevail.

Comhairle broadly agrees with these priorities and is strongly of the view that social welfare rates must be indexed to wages if we are to avoid an increasing income inequality and relative income poverty.

1.2 Low Income Households: Main Issues Identified by CISs

Comhairle has identified as a key policy consideration the experience of low income families over the lifecycle in terms of equality of access to income and social services. Many of the queries to CISs and CIPS focus attention on the complex difficulties and challenges faced by low income families. The ability of families to function effectively is affected by their level of access to income, housing, employment and health services. Rising energy costs have a significant impact on low-income households. Research¹ shows that low-income families in work poor households² are at a particular disadvantage -- the greatest risk of work poverty is in households of older people (55 - 64), lone parents, people with health and disability problems, people with no qualifications and those with a history of unskilled work. Since 2001, the top three query-types to CISs have remained One Parent Family Payment, Invalidity/Disability Payment and Free Schemes (including Household Benefits Package, Fuel Allowance and Free Travel). These account for over 37% of social welfare queries³.

¹ Russell *et al.* (2004), *Work-Poor Households: The Welfare Implications Of Changing Household Employment Patterns*, ESRI

² A work-poor household is defined as one in which none of the working age adults has a paid job

³ Citizens Information Services Survey Report 2005, Comhairle.

Feedback from CISs consistently identifies a number of difficulties encountered by low-income families.

- (i) The range of income support issues for low income families with children, the complexity of schemes, low take up of certain provisions and gaps in provision.
- (ii) The basic social welfare income is too low to meet ever rising costs, for example, increases in the price of food and basic utilities such as electricity, TV licence and home heating. Rising energy costs add significantly to the difficulties faced by low-income households.
- (iii) The many permutations and combinations that have to be taken into account by an individual in assessing his/her position and what is the most advantageous option in a particular set of circumstances, e.g., whether a lone parent would be financially better off working part-time, presents ongoing difficulties for low income families.
- (iv) The cost of schooling is a major consideration for many families and the Back to School Clothing and Footwear Allowance is inadequate to meet the basic costs incurred during the school year.
- (v) There are significant additional costs associated with having a disability which are not catered for under existing social welfare provisions.
- (vi) The well-being of many low-income families is affected by housing and accommodation difficulties. The main problems identified arise from the shortfall in social housing. Increasing numbers of low-income families are becoming long-term dependent on rent supplement assisted private rented accommodation.
- (vii) The lack of opportunities for training and upskilling of low-skilled workers (in contrast to people who are on social welfare payments) has been highlighted by some CISs.
- (viii) Service charges impact unfavourably on low-income households relative to higher earners and have a severe impact on their budgets.

1.3 Children in Low Income Families

A recurring theme in queries to CISs is the difficulties experienced by parents of children in low income families in making ends meet. The case of families with a number of older children presents particular difficulties. Comhairle fully

endorses the NESC view⁴ that the core income support objectives for children should be: (i) to give priority in allocating additional resources for child income support to children in low-income households; and (ii) to treat such families equitably (whether their parents are in work or on social welfare). In particular, there is a need to review the child income support structure and to look at the balance between Child Benefit and Child Dependant Allowances and other possible ways of supporting children in low-income households. The commitment in *Towards 2016* to progress, as a priority, further work aimed at assisting children in families on low incomes is welcomed.

Recommendations

- A targeted Child Benefit Supplement in respect of school going children in low-income families is required.
- There is a need for additional assistance for low income parents in respect of school and out of school childcare costs. In view of the increased cost of maintaining teenage children in school, the income limits for eligibility for *Back to School Clothing and Footwear Allowance*, particularly for lone parents (€336.50 for 2 children) should be raised.
- The rationale for different levels of Child Dependent Allowances should be examined with a view to making them the same across all social welfare payments.

1.4 Supporting Low-Income Households: Family Income Supplement

Family Income Supplement (FIS) is a key policy component in supporting low income families in employment and has been strongly promoted by Government in recent years. CISs identify a number of aspects of the operation of the Family Income Supplement (FIS) that are less than satisfactory

- (i) The same income thresholds apply to all families whether lone parents or couples. This limits the incentive for second earners in a couple situation and can also act as a deterrent to increasing the numbers of hours worked.
- (ii) The income threshold (€565 for a family with 3 children) is too low to deal with the relative poverty among low income households.
- (iii) Some CIS users are unable to draw down the FIS to which they are entitled because of they are unable to get a Statement of Pay (to which they are legally entitled) from their employer.

⁴ National Economic and Social Council (2005), *NESC Strategy 2006: People, Productivity and Purpose*.

- (iv) FIS is cut off after 6 weeks if a person is unable to work due to illness – this cut-off point is regarded as too rigid.
- (v) Some Local Authorities take FIS into account in assessing levels of Differential Rent while other do not – this inconsistency is both inequitable and confusing for the public.
- (vi) There is a lack of clarity about whether FIS is to be taken into account in establishing people’s eligibility for affordable housing;
- (vii) CE workers do not qualify for FIS as CE is not regarded as mainstream employment but people employed in either the Jobs Initiative or Social Economy programmes are eligible. There is no clear rationale for treating people in state-supported employment/training programmes differently.

Recommendations

- Employers should be fully informed about the operation of FIS and required to provide employees with Statements of Pay needed for FIS applications. This requirement should be included in the implementation of the *Towards 2016* proposal to prescribe the form in which payroll and working time records must be kept by employees.
- The possibility of paying FIS through the tax system should be further researched and the potential for sharing of data between the Revenue and Social Welfare, which would permit this to happen, should be explored. The Department of Social and Family Affairs should improve co-ordination with Revenue to ensure maximum take up of the payment by eligible families and undertake on-going awareness campaigns.
- § FIS should be restructured to make it more attractive to two income families on low pay through a combined income support package that alleviates childcare and housing costs.
- § The practice of some Local Authorities including FIS in assessment of means for Differential Rent should cease.

1.5 Welfare to Work Traps

Social welfare queries to CISs account for 34% of overall query levels and a high number of these concern welfare to work issues, secondary benefits and potential benefit losses when taking up employment. The NESC Report, *Developing the Welfare State*, refers to the importance of creating a climate which promotes and supports self-reliance. To this end, ongoing welfare to work traps need to be systematically addressed.

Childcare Costs

Childcare costs continue to be identified as an issue by CIS users in relation to participation (particularly by women) in the workforce and as a barrier for families dependent on welfare moving into work.

The availability and cost of quality childcare is a key issue for all working parents who find it difficult to integrate work and family life due to the lack of available and affordable childcare services. The problem is more acute for lone parents. Comhairle welcomes the provisions for childcare in Budget 2006 and the ongoing commitment by Government to a comprehensive childcare programme.

Recommendation

In light of the activation measures being pursued by the Government to encourage people on welfare into work, more resources are required in order to develop sufficient affordable childcare facilities at local level with a focus on the needs of low-income families.

Lone Parents

Comhairle welcomes the changes in the approach to supporting lone parents proposed by DSFA. Currently, lone parents of young children moving from welfare to work encounter considerable work-related expenses which are not adequately compensated for by FIS. Disposable income after childcare and housing costs are accounted for can be substantially reduced thereby creating a disincentive to work. This needs to be addressed by a comprehensive and integrated package of income support measures.

Recommendations

- The weekly disregard of €146.50 of weekly earnings for eligibility for the One Parent Family Payment has not changed since 1997 and should be reviewed.
- The back to work earnings disregard in relation to FIS should be raised to reflect the growth in earnings over the past decade. Also, the possibility of assessing entitlement to FIS net of childcare costs should be explored.

1.6 Housing

CISs report a range of issues relating to housing and low income families, particularly in relation to the private rented sector and the social housing sector. A significant issue continues to be difficulties people have in accessing affordable housing. Rent supplement is a key factor for people dependent on social welfare as their main source of income and, in many instances, acts as a disincentive to taking up paid employment.

The issues relating to the private rented sector identified by CISs continue to refer to difficulties with landlords, high cost of private rented accommodation relative to income or rent supplement. An issue which is being identified on an

increasingly frequent basis is that currently assistance under the rent supplement scheme is not available to those in full-time work. People on low wages are sometimes in as much need of assistance with housing costs as those on social welfare with broadly equivalent income. While the provision of limited tax relief against rent paid has provided some level of assistance, it is insufficient and does not cater for those whose income is below the tax threshold.

Comhairle considers that this issue needs to be addressed in order to resolve ongoing employment and poverty traps and since there is likely to be a continuing high reliance on accommodation in the private rented sector. In the short term a comprehensive scheme of housing benefit (incorporating the rent supplement scheme) catering for all people in the private rented sector should be introduced. The housing benefit would be based on an assessment of housing needs, income and means. It would have the added advantage that it could be structured in such a way as to obviate the need for retention of rent assistance as a secondary benefit. The level of benefit would be tapered in accordance with people's income. The system of rent tax relief could also be integrated into a comprehensive housing benefit scheme.

Recommendations

- A scheme of housing benefit catering for low-income earners living in the private rented sector should be introduced.
- A more proactive approach should be taken to enforcing regulations and imposing penalties on landlords who breach minimum standards legislation and/or who fail to register with the Private Residential Tenancies Board.
- The level of affordable housing available should be increased substantially as should the income thresholds to qualify for this scheme.

1.7 Other Services/Supports

Many of the queries to CISs point to the difficulties people on low income experience in dealing with both additional expenditure that is required from time to time and once-off additional expenditure. Such additional expenditure can put severe pressure on households that are already struggling to meet the costs of daily living. The two most frequently additional expenditures identified by CISs as presenting difficulties for families are service charges and funeral costs.

Refuse Charges

In recent years refuse services have been largely contracted out to private operators and many local authorities do not operate a waiver scheme for low-income households. As refuse charges continue to increase this can be a heavy financial burden on families on low income. Also, tax relief on refuse charges is of no benefit to people on low income.

Recommendation

- A Refuse Allowance (similar to a Fuel Allowance) should be introduced.

Bereavement Grants

People in receipt of insurance-based payments are entitled to a Bereavement Grant while those on means-tested payments are not. While the latter can apply for a Supplementary Welfare Exceptional Needs Payment to cover funeral expenses, there is no entitlement as of right. Also, CISs have highlighted the fact that the amount of the Exceptional Needs Payment for funeral expenses may be significantly lower than the Bereavement Grant (currently €635). The reality is that meeting the costs of funeral expenses can be very difficult for people on low income and can have a significant run-on effect in terms of being able to manage their finances.

Recommendation

- A Social Welfare Bereavement Allowance should be introduced for recipients of social assistance payments and, as a minimum, at the same level as the current Bereavement Grant.

1.7 Older Person Households

Older persons quality of life is clearly determined by their available disposable income, their ability to access services and the suitability of their living accommodation. CISs point to difficulties experienced by older people in all these areas.

Adequate Income

In order to be able to continue to live at home in relative comfort, older people need an adequate income. The EU Survey on Income and Living Conditions (2005) found that just over 36 per cent of those aged 65 and over were found to be at risk of poverty compared to 23 per cent of the total population.

Recommendation

- Comhairle welcomes the increases in old age non-contributory and contributory pensions (€16 and €14 per week respectively) in Budget 2006. We also welcome the €100 per week disregard for earnings and the increase in the weekly means disregard for all non-contributory pensioners. Annual increases should continue to relate to increases in average industrial earnings.

Living Alone Allowance

More than a quarter of older people live alone and this figure is projected to increase to 30 per cent by 2021⁵. People living on their own are among the groups most at risk of poverty⁶.

⁵ *Ibid.*

⁶ EU Survey on Income and Living Conditions (2005)

The rate (€7.70 per week) of the Living Alone Allowance for people aged 66 years and over has not been changed since 1995.

Recommendation

- The Living Alone Allowance should be increased in line with cost of living increases to at least €10 per week in Budget 2007.

Qualified Adult Allowance

Comhairle welcomes the increases in the Qualified Adult Allowance (QAA) in Budget 2006. However, these increases are inadequate to deal with the inequity that arises in the case of spouses (mostly women) who work in the home rearing families.

Recommendation

- The commitment by Government in *Sustaining Progress* which is reiterated in *Towards 2016* to work towards increasing the level of Qualified Adult Allowance for pensioner spouses to the level of the Non-Contributory Old Age Pension (NCOAP) should be progressed in the 2007 Budget.

Security in the Home

Some of the issues identified by CISs in respect of the Scheme of Community Supports for Older People have been addressed in the 2006 scheme. However, there remain shortcomings, including, the absence of any grant aid for people under age 65 or for emergency lighting (other than for people living on offshore islands). Some older people on low incomes report that they find it difficult to meet the annual monitoring charge, which can range from €60 to €100. Also, the scheme is effectively not available nationwide because voluntary/community groups operating it do not necessarily target all areas.

Recommendations

- Research is required on the security needs of older people and other vulnerable groups in the community with a view to identifying gaps in provision and targeting those who are not included in any scheme at present.
- The Scheme of Community Supports for Older People should be extended to provide assistance towards the cost of ongoing monitoring charges for social alarms.

Community Care Services

CISs continue to report a significant gap between the stated policy in relation to care for older people in the community and its implementation. There are major gaps in the community care services required to facilitate people to live at home when they need assistance to do so. Comhairle has regularly highlighted the lack of clear entitlement to a range of community care services and the lack of uniformity and variation in services across the country. There

is a need to introduce legislation to provide for entitlement as of right to core community care services such as home help services.

Home Care Support Package

The *Home Care Support Package* initiative, previously piloted on a regional basis and further extended this year, is an important development in that it moves the planning and delivery of care from a service-driven approach to a needs-led programme of care. CISs, however, have drawn attention to some shortcomings in some areas. For example, the Home Care Package on offer in one HSE area requires the family/carer to register as an employer, pay employer's PRSI and handle all the responsibilities that come with being an employer e.g. health and safety issues. This is likely to impact negatively on the uptake of the Home Care Package with a consequent recourse to residential.

Recommendation

- HSEs should explore a range of models for resourcing packages of care which would allow for the needs and abilities of individual families and carers to be fully taken into account.

Occupational Therapists

CISs regularly refer to the shortage of occupational therapists (O.T.) as a major difficulty with long waiting lists (several years in some instances) being the norm. There are also problems with lack of co-ordination between occupational therapy services in hospitals and community services.

CISs also point out that assessment by an occupational therapist is frequently necessary to access other services, in particular, the Disabled Person's Grant and that the delay in getting an OT assessment creates a significant service blockage.

Recommendation

- As an interim measure, the possibility of having assessment for aids and appliances, such as wheelchairs, carried out in day hospitals by hospital-based O.T.s should be explored. A longer-term response to address gaps in community care O.T. services is required.

1.7 People with Disabilities

Towards 2016 contains important commitments to creating a more inclusive service support system for people with disabilities in the context of implementing the Disability Act.

Cost of Disability Allowance

Comhairle very much welcomes the commitment in *Towards 2016* to move to a situation where every person with a disability would have access to an income which is sufficient to sustain an acceptable standard of living. However, this will require additional targeted measures and provisions. Some

two-thirds of people who are ill or have a disability are considered 'at risk of poverty' compared to 23% for all households. It is generally acknowledged that many people with disabilities have significant extra costs related to their disability and groups representing people with disabilities have long argued for the introduction of a Cost of Disability Allowance.

Recommendation

- A Cost of Disability Allowance should be introduced to cover extra transport, heating, education and assistance costs for people with significant disabilities in order to promote and support independent living.

Disabled Person's Grant Scheme

Comhairle has repeatedly referred to the Disabled Person's Grant Scheme in Pre Budget Submissions and other reports. Through its Query Back-Up Service, Comhairle has become aware of people, including people with a recently-acquired disability, being referred back and forth between Local Authority and HSE with officials in neither agency being clear about their respective roles in terms of meeting that person's accommodation needs.

Four aspects of the scheme need to be addressed with some urgency:

- (i) The Department of Environment, Heritage and Local Government inadequately fund the scheme.
- (ii) There is no consistency in the manner in which the 34 Local Authorities administer the scheme.
- (iii) Significant delays arise because of the non-availability of Occupational Therapists to carry out the required assessment.
- (iv) There is little evidence of co-ordination between Local Authority schemes and HSE schemes in responding to the wide range of housing adaptations and repairs required by older people and people with disabilities.

Comhairle very much welcomes the commitment in the Department of Environment, Heritage and Local Government Disability Act Sectoral Plan to reform the scheme to improve equity and targeting.

Recommendation

- The reform of the Disabled Person's Grant, provided for in the Disability Act Sectoral Plan for Department of Environment, Heritage and Local Government, should be carried out immediately and within a specified timeframe.

Income Supports

CISs report a range of issues in relation to existing income supports for people with disabilities. The proposed transfer of functions between the HSE and the Department of Social and Family Affairs provides an ideal opportunity to address these issues.

Domiciliary Care Allowance

CISs have identified 3 aspects of the Domiciliary Care Allowance, which are unsatisfactory.

- (i) Length of Time to Process;
- (ii) Lack of clear guidelines;
- (iii) Lack of awareness of the existence of the scheme.

Recommendation

- The Domiciliary Care Allowance should be actively promoted at both national and local levels. The DSFA, as part of assuming responsibility for administering the scheme, should ensure that there are clear guidelines and efficient protocols for processing applications.

Motorised Transport Grant

People aged over 66 are not eligible for the Motorised Transport Grant even though they satisfy the criteria (capable of holding down a job, the physical capacity to drive a vehicle, holding a driver's licence and needing the car to do the job). Also, a number of CISs have drawn attention to the fact that older people who have applied for the grant on the basis of living in a very isolated area though not in employment (which is provided for under the grant) have been unsuccessful in their application.

Recommendation

- People who satisfy criteria for the Motorised Transport Grant should have entitlement to the grant regardless of age. Older people living in isolated areas should be specifically targeted in this regard.

Home Security

Currently, there is no provision for home security for people with disabilities under 65 years of age. The Scheme of Community Supports for Older People is administered by the Department of Community, Rural and Gaeltacht Affairs which does not have any role in relation to home security for people with disabilities. The fact that the home security needs of people with disabilities are not currently provided for by any department needs to be addressed.

Recommendation

- Inter-departmental discussion should be initiated to put in place an appropriate mechanism to provide home security for people with disabilities under 65 years living alone.

Mobility Allowance

The fact that people with disabilities who are over the age of 65 are not entitled to Mobility Allowance even if they have been availing of the allowance up until that time is regularly identified as an issue by CISs. This is regarded as a matter of some concern in the light of the additional costs associated with disability.

Recommendation

- People aged over 65 years who fulfil the relevant criteria should be eligible for Mobility Allowance.

1.8 Carers and Caring

Comhairle welcomes the increased provisions for carers introduced in Budget 2006 – the increase to €200 in the weekly Carer's Allowance payment, the increased weekly income disregard for means assessment, the increase in the number of hours a carer can work and still receive the Carer's Allowance, and the extension of Carer's Leave and Carer's Benefit to two years duration. Comhairle also welcomes the provisions for carers included in *Towards 2016*, particularly the commitment by Government to develop a National Carers Strategy by end-2007. However, despite repeated calls for 'universalisation' of payment to full-time carers (see, for example, Report of the Oireachtas Joint Committee on Family Affairs on Carers, 2003) the Carer's Allowance remains a means-tested income support mechanism rather than a payment for caring.

CISs point to a number of concerns of full-time carers:

- (i) Full-time carers feel strongly that the means test for the Carer's Allowance should be applied only to the carer's income.
- (ii) The limiting of people to one social welfare payment is a major issue for many family carers. Carers in receipt of Widow/er's Pension, Old Age Pensions and One Parent Family Payment who are engaged in full-time caring for an older person or a person with a disability feel that they should have an additional entitlement to the Carer's Allowance.
- (iii) Carers working for more than 15 hours per week and who are also providing the full-time care (more than 42 hours per week) are excluded from any social welfare payment.
- (iv) Home care packages in some instances do not take the needs and abilities of carers adequately into account.

Recommendations

- As part of developing a National Carer's Strategy, the rate of Carer's Allowance should be increased and indexed with average industrial wages.
- Payments to full-time carers who are providing the highest level of care (i.e. looking after a highly dependent person) should be linked to labour market payments for such work. This would be broadly similar to the 'continual care payment' recommended in the 1998 Review of the Carer's Allowance.
- Consideration should be given to introducing a Tax Credit for part-time carers who work outside the home, or, in the case of a married couple, where one person is providing care in the home.

Section Two: Other Issues Identified by CISs

This section deals with three areas where CISs regularly identify policy issues - foreign nationals, employment rights and administration of services.

2.1 Foreign Nationals

CISs report that, despite the existence of a range of support agencies and various information channels (statutory and voluntary/community), foreign nationals experience difficulties in accessing services and supports relevant to their needs and to which they are entitled.

Migrant Workers

A Comhairle Employment Rights Social Policy Report (2006) notes that many migrant workers have difficulty in accessing their employment rights in Ireland due to lack of knowledge of rights, fear of challenging employers, language difficulties and poor access to support and legal services. Undocumented workers, (for example, people whose work permits have not been renewed) are particularly vulnerable to workplace exploitation.

Currently, people on work permits are not entitled to access FAS services in Ireland. This is particularly problematic for workers who are seeking alternative employment after being made redundant or who wish to leave a job because of unsatisfactory working conditions.

Recommendation

- The proposed Government initiative to co-ordinate services and supports for foreign nationals should include a specific consideration of the needs of people on work permits.

Spouse Dependent Visa Holders

An emerging issue noted by CISs arises from the fact that all spouses who join migrant workers have the right to reside in Ireland. However, that right is dependent on the relationship subsisting and the right is discontinued if the relationship ends. If a non-EU national is married to a EU national living in Ireland the situation in the case of separation or divorce is clear. However, in the case of a non-EU national married to an Irish national or where two non-EU national are married but one is dependent on the other for his/her immigration status, it can lead to difficulties when the marriage breaks down.

Recommendation

- The rights of all spouse dependent visa holders need to be fully considered in the context of developing additional supports for foreign nationals.

Asylum-seekers and the Right to Work

Asylum seekers, although very much decreasing in number in recent years, are not allowed to work in Ireland (Ireland is one of only two EU member states that did not sign up to the EU Reception Directive, which allows some asylum seekers access to employment).

The National Economic and Social Forum (NESF) report (“Creating a more Inclusive Labour Market”) concluded that “the system of ‘direct provision’ combined with the policy of not allowing asylum seekers to carry out paid work while their claim is being processed and the limited availability of pre-employment courses is contributing to the creation of an enforced dependency on the State”. The NESF Report stated that “the prohibition [on asylum seekers working] not only contributes to the social exclusion of asylum seekers, particularly in view of its impact on self-esteem and integration into society, but it also rules out a potential source of skilled labour.”

Recommendation

- Asylum seekers who have been in Ireland for a specific period (e.g. more than 2 years) should have the right to temporary work permits.

Family Re-unification

Currently there is no legislation dealing with the rights of Irish citizens and non-EU nationals living in Ireland to have their family members from outside of the European Union join them here. As a result, both migrants and Irish citizens are often forced to live apart from their partners and children for long periods. This situation is highlighted regularly in queries to CISs⁷. The people affected include those who have been separated from their families due to voluntary or forced migration and want to reunite with family members here. It also includes others who have formed a family unit in Ireland, such as Irish

⁷ See also Immigrant Council of Ireland (2006), *Family Matters: Experiences of Family Reunification in Ireland*

citizens who have married non-EU nationals, and are trying to get permission for their family to stay here on that basis.

Recommendation

- The rights of foreign nationals to a full family life should be addressed in new provisions for foreign nationals living and working in Ireland.

2.2 Employment Rights

Evidence from CISs cited in the Comhairle (2006) Report on Employment Rights shows that employers in many instances are still not applying current legislation. CISs report that there is reluctance on the part of employees in some work situations to discuss employment rights and conditions with employers because of fear of reprisal. Contact with a CIS or with enforcement agencies to seek redress sometimes occurs only after the person has already left the employment.

The people who seek information and advice in relation to employment protection matters from CISs are generally non-unionised employees (often people in low paid jobs or migrant workers and many of whom work for smaller employers) who are most at risk of not being able to exercise their rights under employment legislation. For such employees the gap between the theory of employment protection legislation and its implementation is widest.

According to the CIS Survey 2005, the most common employment rights queries were regarding holiday/leave entitlements, payment of wages, terms of employment and PRSI payments. Holiday/leave entitlements and lack of documentation from employers account for almost 40% of employment rights issues identified by CISs in Social Policy Records submitted to Comhairle.

Enforcement of Employment Rights Legislation

The major issue arising from the experience of CISs and the Citizens Information Phone Service is that of the effectiveness of employment legislation enforcement. Workers with less than one year's service feel vulnerable if they seek to enforce the legislation. Also, CISs report abuse of the work permit system by employers with many people in Ireland on work permits being paid less than the statutory minimum wage and frequent breaches of other aspects of employment protection legislation.

Comhairle very much welcomes the proposed establishment of a new statutory body (Office of the Director of Employment Rights Compliance) to police employment legislation, included in *Towards 2016*. The increase in the number of labour inspectors (up to 90 by the end of 2007) and the introduction of stronger penalties for non-compliance by employers will also be welcome developments.

Recommendations

- The establishment of a single point of contact for the Labour Court, the Rights Commissioner Service and all other services of the Labour

Relations Commission and the Employment Appeals Tribunal, not only for information provision, but also for receipt and distribution of requests for service, recommended by the Review Group on the Role and Functions of the Employment Rights Bodies, should be progressed.

- The institutions involved in employment rights enforcement need to give greater attention to the specific issue of better access to their services by people throughout the country.
- The Unfair Dismissals Acts 1977 - 2001 should be amended to remove the one year's service requirement in cases where an employee is dismissed for seeking to avail of or enforce employment legislation.

Holiday/Leave Entitlement

The experience of CICs points to considerable problems concerning annual/public holiday and leave entitlements, particularly amongst people on work permits and part-time employees. In addition, employees are often reluctant to insist on entitlements due to a fear of dismissal.

Recommendations

- The Department of Enterprise, Trade and Employment, in conjunction with Comhairle, CISs and other information services, should set up proactive mechanisms to disseminate the details of the relevant legislation on holiday entitlement to both employees and employers on an ongoing basis.
- Industries (e.g., cleaning and catering) that tend to rely heavily on part-time employees should be targeted in relation to providing comprehensive information on the rights of part-time workers.

Documentation

There is evidence that many employees do not receive written terms of employment or a statement of pay as required by the legislation. Some workers also report difficulties getting P60s and P 45s from employers. There is also a lack of information concerning what deductions from wages are legally allowable and some evidence of illegal deductions by employers, particularly in the case of those employed on work permits.

The proposal in the Partnership Agreement, *Towards 2016*, to prescribe the form in which pay roll and working time records must be kept by employers, when implemented, should improve the enforcement process.

Recommendation

- The Department of Enterprise, Trade and Employment should promote on an ongoing basis the importance of compliance with the law in relation to statement of pay and written terms and conditions of employment and highlight the consequences for employers in

continuous breach of the legislative provisions.

Health and Safety Benefit

CISs have identified situations where pregnant employees remain working even though there may be a health risk. This is because of the need to maintain an adequate level of income.

Recommendation

- The rate of Health and Safety Benefit should be brought into line with that of Maternity Benefit, which is paid at a rate of 80% of gross earnings subject to a set minimum and a maximum rate.

Maternity Benefit

At present a woman must be employed immediately before the first day of her maternity leave in order to be able to claim Maternity Benefit.

Recommendation

- Consideration should be given to allowing some relaxation of this requirement in cases where a woman was employed up to shortly before her leave was due to commence and would otherwise fulfil the contribution conditions for payment of benefit. For example women who have been employed up to 20 weeks before the date of birth and who fulfil the contributions requirements could be allowed claim Maternity Benefit.

2.3 Administrative/Communication Issues

Queries to CISs indicate that, despite the various quality service initiatives introduced in recent years, people are not always able to access social services appropriate to their needs. This is due to a number of factors. Firstly, it is sometimes the case that a person's needs do not fit easily into existing frameworks or eligibility criteria. Secondly, people may not be fully *au fait* with their rights and entitlements, particularly where services are provided on a discretionary basis. Thirdly, some people lack the skills to deal with officialdom and may not always be aware of the help available in this regard. Fourthly, some people (for example, some people with disabilities) experience existing support services, including income support, as inadequate.

Feedback from CISs refers repeatedly to difficulties in relation to the administration of schemes and related communication problems, including multiple means-testing, people being left for long periods waiting on the phone when trying to contact statutory services, application forms being lost or mislaid and people not being told of their right to have a matter dealt with in private.

- The need for consistent and coherent eligibility criteria and means testing across income maintenance payments is regularly referred to

by CISs.

- The differential treatment of people who work North of the border and reside in the South in terms of Child Benefit (which must be paid through the UK benefit system and the fact that they will therefore not receive the Early Childcare Supplement) is a recurring issue identified by CISs in the border regions.
- Attention has been drawn by CISs to the fact that people applying for the medical card at age 70 may lose out on the Drugs Repayment Scheme while waiting for the application for the medical card to be processed.
- CISs highlight a number of difficulties in relation to people applying for visas, particularly in the context of family reunification. These include a paucity of information on how to make an application or what the eligibility criteria are, difficulties in accessing the relevant offices and lack of information on the progress of applications.
- CISs have drawn attention to some difficulties arising from the transfer of responsibility from HSEs to Local Authorities in respect of long-term rent assistance for social welfare recipients in the private rented sector.

Appendix

Case Examples

Case 1 Welfare to Work Transition

A number of clients have reported an interest in the Back to Work Allowance scheme. When they become aware that once they earn over €317.43 combined income per week they will lose their rent supplement it leaves clients disinclined to take a job where they will be worse off and may end up in debt (especially when you take rent and childcare into consideration). This €317.43 threshold has not increased in a number of years and is now proving a disincentive to people wishing to return to work on this scheme.

Case 2 Anomalies and Inconsistencies in income thresholds

The earnings assessment for the Back to School Clothing and Footwear Allowance is different for one parent families than for couples. However, assessment for the medical card is the same for families in either situation. This highlights an inconsistency in the way that income thresholds are applied across the system. A CIC client who is a single parent with two children in secondary school gets OPFP and works 3 days a week. She qualifies for FIS but NOT for the Back to School Clothing & Footwear Allowance Scheme.

Case 3 FIS and Differential Rent

A client who was considering taking a part time job calculated that her differential rent would more than double. Given that FIS is intended as a supplement for low-income working families and is not considered for the medical card and rent supplement it seems inconsistent to have it reckonable for differential rent. It may be the case that some local authorities do not include FIS in their calculations but it is counted by Dublin City Council. It would contribute to the take-up of FIS in this highly populated area if it were excluded from consideration for differential rent.

Case 4 Welfare to Work traps

A client called in to the centre regarding information on eligibility for FIS. She and her husband started a CE Scheme 2 weeks ago. They have 3 dependant children. Her husband is on a personal rate of €192.20 and she is on €240.60 giving a total income of €430.80. Based on the income limit falling below €565.00 a family of 3 children would normally qualify for FIS. Due to the fact that this couple are both on CE Schemes they do not qualify. Other employment schemes - Jobs Initiative and Social Economy Programme are not affected. This family are losing out on €80.52 per week and living below the recommended income limit for their family size.

Case 5 – Lone Parents

A CIC client wants to move in with the mother of their children. She has been receiving the OPFP, which she will lose if he does this⁸. He will continue to be taxed as a single man and the household will not be able to claim the One Parent Tax Credit. All four people in this household will be poorer as a result, of becoming a “regular family”. He will be able to claim FIS but, if his partner works even part time, they will not be eligible. She cannot work full time because the childcare costs would be prohibitive.

Case 6 Rent Supplement and Disincentives to Work

Client married with two children, works full time earning €320, has rent of €150 per week. He is not entitled to rent supplement because he works full-time even though, based on means alone, he would be entitled. Rent supplement should be purely means tested. The exclusion of full-time workers is inequitable and acts as a disincentive to work full-time.

Case 7 Security in the Home

The claimant, in receipt of Invalidity Pension is living on her own and feels vulnerable. She is widowed and has been very ill recently requiring a lengthy hospital stay. She would like to have an alarm for her personal safety and have security measures fitted in her home. As she is aged 54 she is not entitled to grant aid under the current Scheme of Security Support for Older People.

Case 8 – Home Care Packages

A HSE Public Health nurse phoned to highlight problem of Home Care Package offered through South Tipperary HSE. The requirement to become an employer prevents people from taking up the offer even though they want to be cared for at home. To avail of the Home Care Package the family/ carer has to register as an employer, pay employer PRSI etc and incur all the ensuing responsibilities of an employer. The PHN states that of ten clients who meet eligibility for the scheme only one can take it up because the family can afford to take on the responsibility of employer.

Case 9 – Home Help Service

Client has a sister who is suffering from acute leukaemia and is only receiving one hour home help service each day and none at all at weekends. She does not have any immediate family herself and is dependant on both her sister (age 73) and her sister's daughter-in-law who have to tend to her daily needs at least 6 hours a day. Client felt that the home help service should provide more hours.

Case 10 – Domiciliary Care Allowance

Client has a daughter with a disability who has just reached 16yrs. Client has only been granted Domiciliary Care Allowance in recent months with a

⁸ Under the Reform Proposals for Supporting Lone Parents (Government Discussion Paper) February 2006, the co-habitation barrier is to be removed.

backdated payment to 2004, as she was unaware of the existence of this entitlement. Her daughter (the caree) has been suffering from a mental illness for a couple of years and the carer would have applied for the domiciliary care allowance much earlier had she been aware of it. The client herself is unable to read or write and would only become aware of her entitlements through others or through the service institutions.

Case 11- Motorised Transport Grant

Only disabled persons aged between 17 and 66 can avail of the Motorised Transport Grant. The grant, which was designed to enable people to obtain and retain employment, therefore excludes people who are past the 'normal' retirement age. Although most employers determine that normal retirement age is 65 years, in Ireland there is no set legal age at which people must retire. Enforced early retirement for someone who has the capacity to continue in employment can be traumatic contributing to social exclusion and reduced income. More generally it contributes to a lack of labour force flexibility.

Case 12 – Carers Allowance Means Test

At present if someone who is a carer applies for a Carers Allowance, then their means and the means of their spouse/partner is taken into account. The means of the person being cared for - e.g. a sick parent or child or someone not related to them - is not taken into account. Yet, if the person being cared for is the carer's spouse/partner then their income is taken into account. This is unfair on a carer applying for a carers allowance to look after a spouse/partner. Eligibility for this payment should be based on the carers' means only.

Case 13 – Family Reunification

Client from Bangladesh came into CIC to apply for Family Reunification Visa to bring his spouse and 3 children over to join him here in Ireland. Client has been working and paying tax here on a full-time basis for over 3 years and has a work permit/ visa and works a 39 hour week in a local restaurant on the minimum wage. The one criteria standing in his way is that he has to be earning income equivalent to the FIS guideline for a family of three children. Therefore client's earnings have to be over €565.00 per week in order to qualify under this condition. However as client is only getting the minimum wage he is only earning €300 a week, which is €265.00 below required level of income. Client felt this was unjust as the chances of a non-national outside of the professional arena earning more than the minimum wage was slim therefore client felt this visa only really applies to non-nationals who are from a highly skilled professional background like a doctor/nurse.

Case 14 – Child Benefit and Early Childcare Supplement

Frontier Workers living in Republic of Ireland and working in Northern Ireland who have to claim their child benefit in Northern Ireland will not qualify for early childcare supplement as it is only being paid to those in receipt of child benefit from Republic of Ireland. There are three key issues in relation to this:

1. Most families affected by this decision, although employed in another EU state are contributing financially to the Irish economy, are having their children educated in the Republic of Ireland and many children are attending and paying for childcare facilities here also.
2. Child Benefit is generally only paid to the mother in the Republic of Ireland, with some exceptions. However, if the mother does not work outside of the home and her husband/partner is employed in Northern Ireland, he must claim child benefit in Northern Ireland where he is employed.
3. If both parents are working e.g. father employed in Republic of Ireland and mother employed in Northern Ireland, the mother must claim child benefit in Northern Ireland.

Case 15 – Administrative Difficulties

CIC clients have experienced long delays in gaining access to Revenue using the local number for this region. You can only access the service by quoting a PPS number after getting through to the recorded announcement and this is not satisfactory when you simply require information which may not have any relevance to a particular individual's case. The on line service is limited as it is only available to those who have internet skills and access to it.