



Citizens **Information** Board  
*information · advice · advocacy*

# CIS Advocacy Annual Report 2020



# Being heard

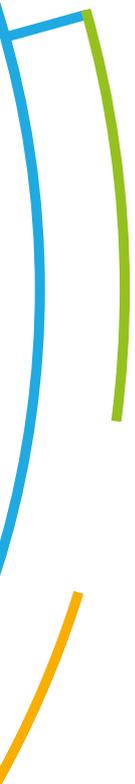


“Lovely to deal with, always there to listen and most importantly they ‘hear’ you.”

South Munster CIS client

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# Explained everything



“CIS guided me every step of the way, they really are for the people and were so much help and support. They explained everything perfect and always kept me informed.”

North Dublin CIS client

## FOREWORD

I am delighted to introduce the Citizens Information Service (CIS) Advocacy Annual Report 2020. This report showcases the outstanding work carried out in Citizens Information Services across the country to support clients in fulfilling their rights and entitlements.

Within each of the 4,016 cases lies a personal story. The case studies show how CIS advocacy empowers clients and redresses the balance for those most vulnerable. From accessing social welfare entitlements to resolving breaches of employment rights, from progressing family reunifications to accessing housing supports, positive outcomes for clients could not have been achieved without the time, work and dedication of all the staff in Citizens Information Services. Positive outcomes for clients were achieved across all types of cases, ranging from a 60% success rate in education cases to 74% in social welfare cases. Cases involving a Workplace Relations Commission hearing had a 32% higher success rate when a CIS staff member attended with the client. This report highlights how advocacy is essential in the protection, promotion and fulfilment of the human rights of service users and in redressing injustice.

In 2020, like many other frontline organisations, Citizens Information Services faced additional challenges in the practice of advocacy due to the Covid-19 pandemic. In line with public health guidelines, Citizens Information Services swiftly adapted, moving from the traditional face-to-face contact to supporting clients remotely where possible. While the restrictions imposed by Covid-19 resulted in a reduction of advocacy work in 2020, it is important to highlight that the year had started strongly with a 38% increase of advocacy work pre-pandemic. It is expected that this trend would have continued for the rest of the year, had restrictions not been in place. Services continue to explore new technologies and innovative ways of delivering advocacy, focusing on ensuring that those who most need an advocacy service can access it.

The Advocacy Development Group (ADG) and Advocacy Support Workers performed a leading role in maintaining and developing advocacy across Citizens Information Services. The ADG produced new policies and procedures and introduced new Advocacy Service Guides and Data Protection Notices. In December, the ADG organised a webinar for CIS staff to explore the provision of advocacy during the pandemic, providing practitioners with an opportunity to reflect and learn from other organisations' experiences.

On behalf of the Citizens Information Board, I would like to thank all CIS staff and volunteers whose expertise and dedication contributed to maintaining high standards and quality in advocacy provision and ensured the voices of clients, in particular those most vulnerable, could be heard.

**MICHELA BENASSI,**  
CIB ADVOCACY MANAGER

## CIS ADVOCACY

The Citizens Information Board (CIB) has a statutory remit<sup>1</sup> to support the provision of advocacy services to individuals, particularly those with a disability. CIB fulfils this remit by providing a free advocacy service to the public through the national network of Citizens Information Services (CISs) and specialist advocacy service for people with disabilities through the National Advocacy Service for People with Disabilities.

Advocacy is a means of empowering and supporting people to access their rights and entitlements, reach their desired outcome, or redress a grievance. The practice of advocacy advances social justice and inclusion by supporting people to have their voices heard, their views considered, and their rights protected and fulfilled. It is a validating experience for clients and a rewarding profession for practitioners.

Citizens Information Services provide an advocacy service across various areas, including social welfare, employment, housing, immigration, health, consumer issues, and education. Over two thirds (69%) of advocacy cases are related to social welfare payment issues.

CIS staff work with clients in partnership to identify their needs and goals and provide support as needed. Sometimes this will be a short-term advocacy engagement such as assisting a client in writing a letter or writing one on their behalf. However, most CIS advocacy work involves long-term advocacy cases that can take up to 10 months on average. This work can involve negotiating with third parties, progressing complex appeals, and representing clients at hearings and meetings, including the Social Welfare Appeals Office or the Workplace Relations Commission.

CIS staff engaged in advocacy work are supported by a regional Advocacy Support Worker whose role involves the development of advocacy across the CIS network. They do this by training and mentoring staff to carry out effective advocacy casework, assisting managers in undertaking effective case reviews, and supporting CIB to develop national standards, policies, and procedures.

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<sup>1</sup> The Comhairle Act, 2000, Section 7 (1) as amended by the Citizens Information Act, 2007

# Gave me strength



"I had been ready to give up but the Information Officer gave me strength to stay fighting and win my case. I owe the CIS so much."

South Leinster CIS client

# ADVOCACY PRACTICES IN A PANDEMIC

## Advocacy pre-pandemic

Before the pandemic, advocacy had been a core element of the service offer. CIS staff and volunteers would regularly meet with the public face-to-face in a Citizens Information Centre to provide free, impartial and confidential information, advice and, where necessary, a full representative advocacy service. Many people supported through advocacy are initially 'walk-in' or 'drop-in' clients.

The number and complexity of advocacy cases had been steadily increasing. The first two months of 2020 showed a 38% increase from the previous year in the number of new long-term advocacy cases.

## Change in service provision

When the first Covid-19 restrictions were announced in March, the Irish Government designated Citizens Information Services as an essential service. However, some offices temporarily closed or significantly reduced the number of people working in offices to allow for social distancing. Many staff were able to continue working remotely, but the large volunteer base could unfortunately not be retained on a remote basis. This resulted in the decline in numbers described in this report as Information Officers had to redirect their focus on providing information and advice.

Public visits and 'face-to-face' access to CIS offices were suspended and outreach services that usually ran in libraries and other community spaces were no longer accessible. These spaces had enabled effective access to the community and promoted connections with clients who may need advocacy support.

New online service delivery access points were implemented to meet the unprecedented demand for information as new emergency schemes, regulations and legislation came into effect. A centralised national email service was quickly established and a new "request a call-back" service was developed by mid-April and advertised on the Citizens Information website. Customer queries were distributed across the national network to staff working remotely. Capacity to the Citizens Information Phone Service (CIPS) was also increased by allocating additional staff from the CIS network.

To cope with this increased demand for information provision, the advocacy service offer was temporarily placed on hold except in exceptional circumstances. Many Advocacy Support Workers (ASWs) provided query and moderation support to the CIS Discussion Forums during this time, applying their expert knowledge and research skills to address the urgent information needs of the CIS network. In tandem with this, ASWs continued to provide virtual advocacy training, case exchanges, and case reviews.

## Resumption of advocacy

Advocacy work slowly recommenced for a short time during the summer as restrictions lifted and a limited number of face-to-face appointments could resume. These appointments were arranged through a phone or email consultation and were based on client need. However, the total amount of advocacy work undertaken during the year understandably dropped significantly. There was a 42% decrease in the number of new long-term advocacy cases for the whole year compared to 2019 and a 58% decrease from March to December 2020.

Although total advocacy case numbers are down, apart from the pre-pandemic period, the need for advocacy is more important than ever. Many CIS clients report difficulty navigating public services on their own, especially when there's a problem that needs to be resolved. The Covid-19 pandemic has exacerbated CIS clients' most common issues and the urgent need for correction, including negative decisions on social welfare payment applications. For example, there was a notable increase in illness, disability, and carers-related appeals lodged to the Social Welfare Appeals Office in 2020<sup>2</sup>. The Irish Human Rights and Equality Commission have noted that people with disabilities and other marginalised groups have been disproportionately affected by the State's legal responses to Covid-19<sup>3</sup>. To continue supporting those most vulnerable during this challenging time, Citizens Information Services are working to re-establish advocacy as a central element of its service offer.

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2 <https://www.kildarestreet.com/wrans/?id=2021-02-10a.1295>

3 'The Impact of COVID-19 on People with Disabilities: Submission by the Irish Human Rights and Equality Commission to the Oireachtas Special Committee on COVID-19 Response' (June 2020); Conor Casey, Oran Doyle, David Kenny and Donna Lyons, 'Ireland's Emergency Powers During the Covid-19 Pandemic' (February 2021).

## Advocacy developments and supports

The national **Advocacy Development Group (ADG)**, with representation from each CIS region and CIB's Advocacy and CIS Service Delivery teams, met once in February and four times during Covid-19 via Zoom. The purpose of the ADG is to drive, develop and oversee advocacy across the CIS network. The ADG produced new digitised Advocacy Service Guides and Data Protection Notices in early 2020. These resources have proven instrumental in enabling remote access to advocacy services during Covid-19 and further work is being done to make client consent forms more accessible. New policies finalised include a legal referral policy, case transfer policies, and new advocacy procedures for Information Officers and Development Managers.



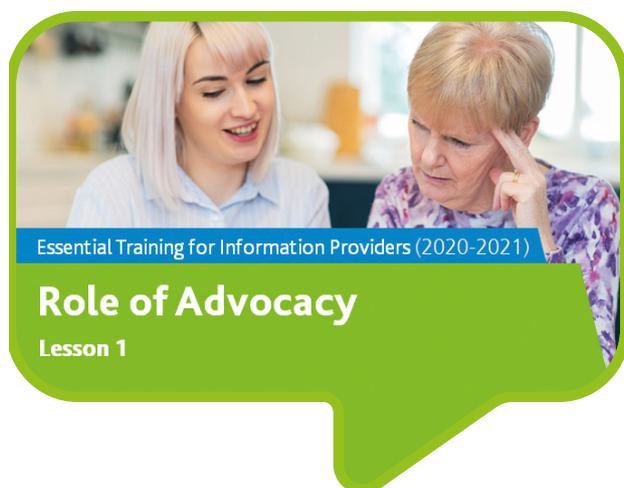
The ADG developed and circulated a **survey** completed by 130 CIS staff members, which explored the challenges of delivering advocacy during Covid-19 and sought suggestions on meeting those challenges. A workshop was organised to discuss the findings and the results were compiled into an internal report. Key factors identified as enablers of advocacy were the availability of face-to-face appointments following telephone calls and emails, the perseverance of the Information Officers in providing an advocacy service and finding flexible solutions to support clients, adequate ICT equipment, having dedicated advocacy time and a culture and commitment to advocacy within the services.

The ADG organised a **webinar** in December 2020 for CIS and NAS staff called "Advocacy in a Covid World" with two keynote speakers, employment law solicitor Richard Grogan and the independent advocacy training expert Kate Mercer. Representatives from different advocacy services were invited to share how they have successfully adapted to Covid-19 challenges during the year. Psychologist Margaret Forde rounded off the session with a presentation on the importance of well-being and self-care, particularly during a time of change.

An internal **advocacy newsletter** is produced by the Advocacy Support Workers and was distributed across the network twice in 2020. New developments and updates on social welfare, employment, housing and immigration regulations and legislation are signposted. Key CIS casework is referenced to promote shared learning. Updates on the advocacy case management system and in-house policies and procedures are also shared.

When CIS clients face a particularly complex social welfare or employment issue, the CIS may request advice from legal experts contracted by the Citizens Information Board. **Expert support** was sought on 11 social welfare issues and nine employment issues. The information and advice provided were integral to resolving some of the more complex advocacy cases undertaken in CISs.

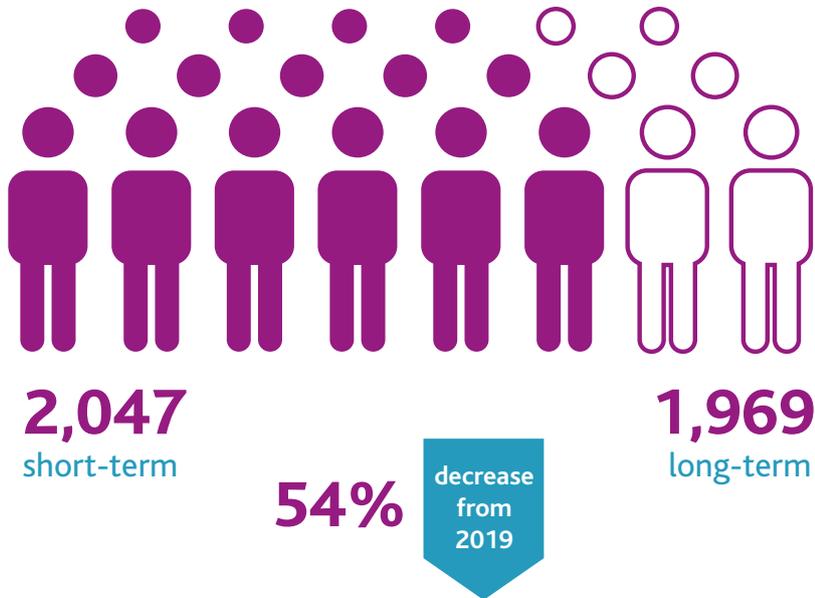
The CIB Advocacy Team's **Employment Law and Equality Training Bursaries** aim to support the development of employment and equality advocacy expertise within the CIS network. Eight CIS staff were awarded bursaries for employment law or equality training during the year. Five Advocacy Support Workers (ASWs) availed of the Continuous Professional Development (CPD) fund by attending a Masterclass in Employment Law by the Law Society of Ireland. One ASW was provided funding for a Diploma in Employment Law by the Law Society of Ireland.



The **advocacy eLearning** module developed for the *Essential Training for Information Providers* (ETIP) programme for all new CIS employees and volunteers was successfully completed by 26 people. This is a reduction in the numbers who would have completed the module in 2019 as a result of the decline in the numbers of new volunteers due to the pandemic. However, 112 learners successfully completed the new *Role of Advocacy in the CIS* course that was released during the year.

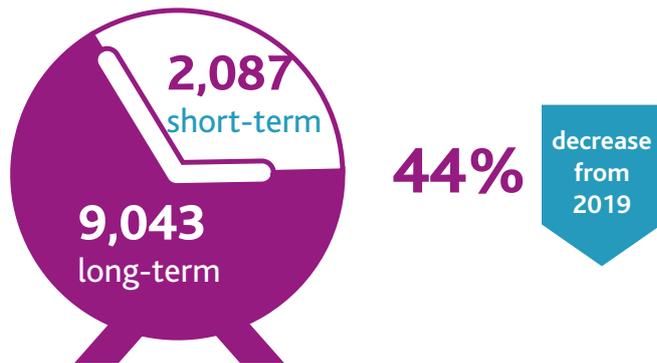
# 2020 IN NUMBERS

TOTAL  
ADVOCACY  
CASES  
4,016



## TOTAL TIME SPENT ON ADVOCACY

11,130  
TOTAL HOURS



average duration of long-term advocacy case



80% of desired outcomes were achieved or partially achieved

**188**  
**HEARINGS**  
**ATTENDED**



- 92 Social Welfare
- 88 Workplace Relations Commission
- 5 Labour Court
- 3 Residential Tenancies Board Adjudication

**MOST COMMON QUERIES**

Short-term advocacy

**51%**  
Social Welfare

**11%**  
Employment

**13%**  
Housing



Long-term advocacy

**69%**  
Social Welfare

**15%**  
Employment

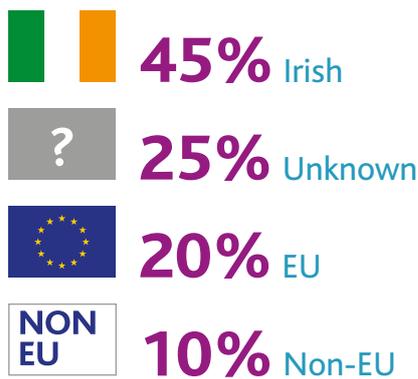
**8%**  
Housing

**CLIENT PROFILE**

Gender

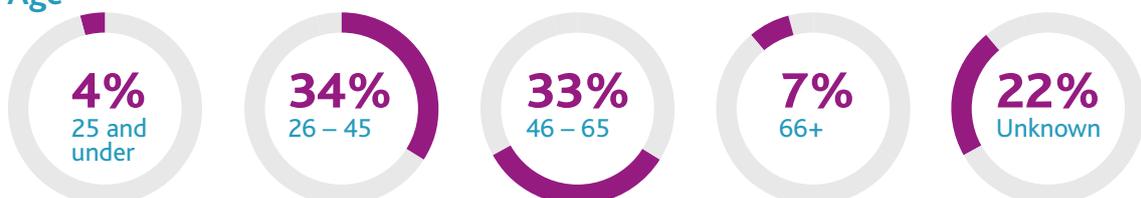


Nationality



**40%**  
of long-term  
advocacy  
clients have  
a disability

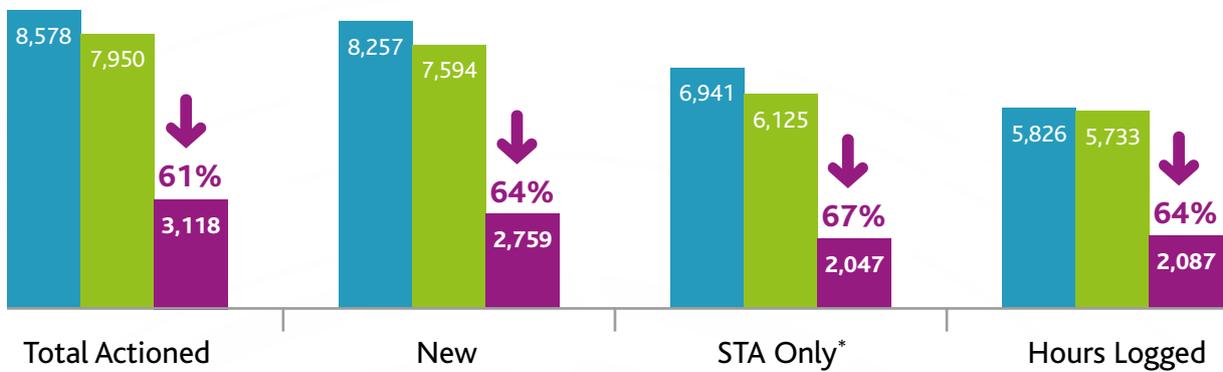
Age



## Short-term advocacy

Citizens Information Services worked on 3,118 total short-term advocacy cases in 2020, 2,759 of which were new. Excluding short-term advocacy work that became long-term advocacy cases, there were 2,047 short-term cases, representing a 67% decrease from 2019. This work took 2,087 hours and involved over 6,000 recorded actions which involved providing information, preparing forms, making phone calls, and writing letters or emails to employers, landlords, government departments or agencies.

● 2018 ● 2019 ● 2020



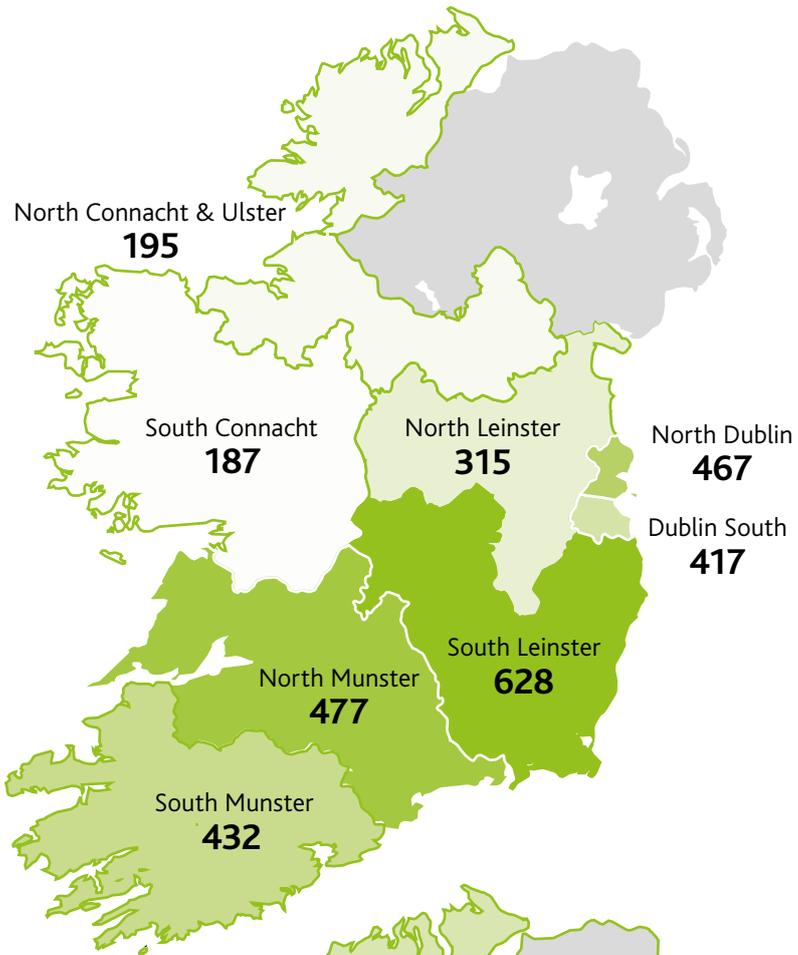
\*excludes short-term advocacy (STA) that became long-term advocacy cases

## Support and kindness

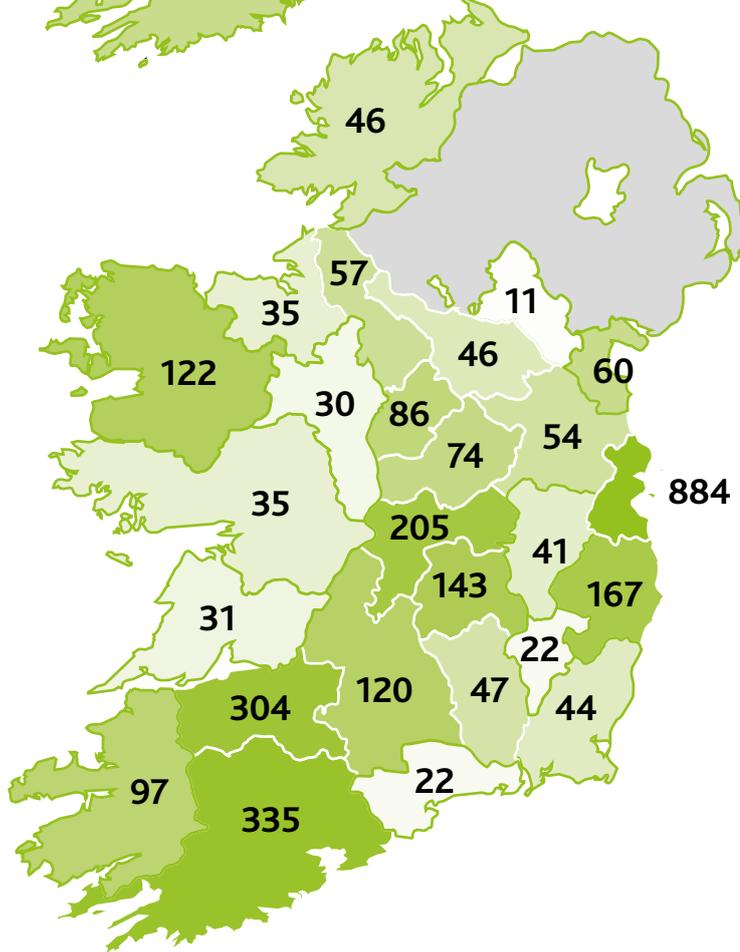
“As a Carer I would not have had the energy to continue with this without the support and kindness of CIS.”

North Leinster CIS client

**Short-term advocacy  
by region**



**Short-term advocacy  
by county**



## Long-term advocacy

Citizens Information Services worked on 1,969 long-term advocacy cases in 2020. Of these, 1,086 were open at the start of the year, and 883 were new cases created during the year. This work took 9,043 hours in 2020.

● 2018 ● 2019 ● 2020



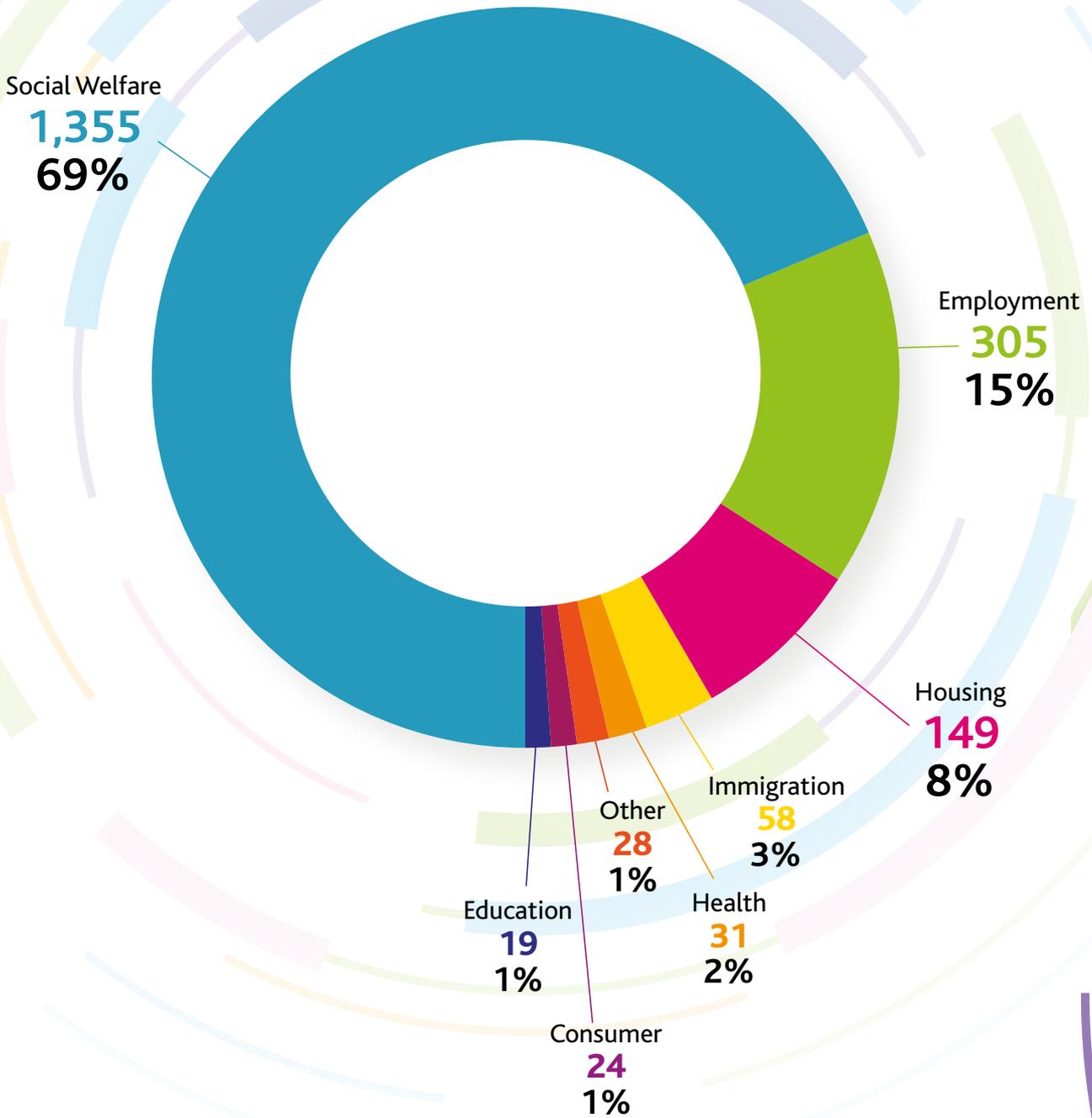
## New long-term cases per month





## Case Categories

### Total cases



Case Category	New	% change from 2019	Closed	Average duration (months)	% with successful outcome
Social Welfare	629	-42%	930	10	74%
Employment	118	-53%	148	14	71%
Housing	71	-45%	89	10	63%
Immigration	16	-59%	31	12	69%
Health	11	-68%	24	8	68%
Other	13	-57%	19	10	63%
Consumer	15	-32%	16	4	69%
Education	10	-23%	15	4	60%

## Life back

“Thank you so so much from my heart for helping me get my life back and to be able to smile again and help my family.”

South Munster CIS client

## SOCIAL WELFARE



There were 1,355 total social welfare cases in 2020, 629 of which were new. These cases typically involve supporting people to appeal a negative decision on a social welfare payment application, resolve an issue with an existing social welfare payment, or try to cancel an overpayment. Cases can sometimes involve more than one type of social welfare payment.

Common issues presenting in cases involving refused social welfare applications include medical eligibility (33% of all social welfare cases), satisfying a means test (10%) or satisfying a habitual residence condition (HRC, 5%). Cases relating to overpayments accounted for 10% of social welfare cases.

Social Welfare Payment Type	# cases	% change from 2019	% of social welfare cases	Common issues recorded	% with successful outcome
Disability Allowance	414	-16%	31%	Medical Eligibility (47%), Means (9%), Overpayment (5%), HRC (5%)	80%
Invalidity Pension	236	-3%	17%	Medical Eligibility (55%)	85%
Carer's Benefit and Allowance	225	-18%	17%	Medical Eligibility (50%), Overpayment (10%)	72%
Jobseeker's Allowance	96	-39%	7%	Overpayment (36%), Means (27%), HRC (11%)	52%
Domiciliary Care Allowance	74	-1%	5%	Medical Eligibility (51%)	81%

Social Welfare Payment Type	# cases	% change from 2019	% of social welfare cases	Common issues recorded	% with successful outcome
Supplementary Welfare Allowance	71	+6%	5%	Means (20%)	56%
Other type of social welfare case	51	-6%	4%	Overpayment (20%), Medical Eligibility (16%)	63%
Other Illness Payments	50	-17%	4%	Medical Eligibility (22%)	74%
State Pension Non-Contributory	45	-32%	3%	Overpayment (40%), Means (24%)	45%
State Pension Contributory	42	-22%	3%	Overpayment (17%), Means (14%)	63%
One-Parent Family Payment	37	-12%	3%	Means (24%), Overpayment (9%)	78%
Working Family Payment	31	-42%	2%	Means (29%), Overpayment (19%)	65%
Child Benefit	22	-37%	2%	HRC (50%)	53%
Secondary Payments	15	0%	1%	Medical Eligibility (53%)	80%
Guardian's Payments	9	-31%	1%	N/A	80%
Widow/er's & Surviving Civil Partner's Pensions	9	0%	1%	N/A	100%

Social Welfare Payment Type	# cases	% change from 2019	% of social welfare cases	Common issues recorded	% with successful outcome
Jobseeker's Benefit	5	-58%	<1%	N/A	75%
Activation & Education Schemes	3	-40%	<1%	N/A	50%
Maternity/ Paternity	3	-40%	<1%	N/A	50%

## Good community work

"I was very happy with the CIS Service and all the good work they do for the community."

South Leinster CIS client

## How did the CIS help?

CIS advocates supported clients by drafting appeal submissions in 69% of cases and attending oral hearings with or on behalf of the client in 10% of cases. Some of these hearings were held virtually. Social welfare cases involving oral hearings at which a CIS advocate was present had a 13% higher success rate than those where the CIS did not attend with the client. The success rate for all social welfare cases closed in 2020 was 74%.

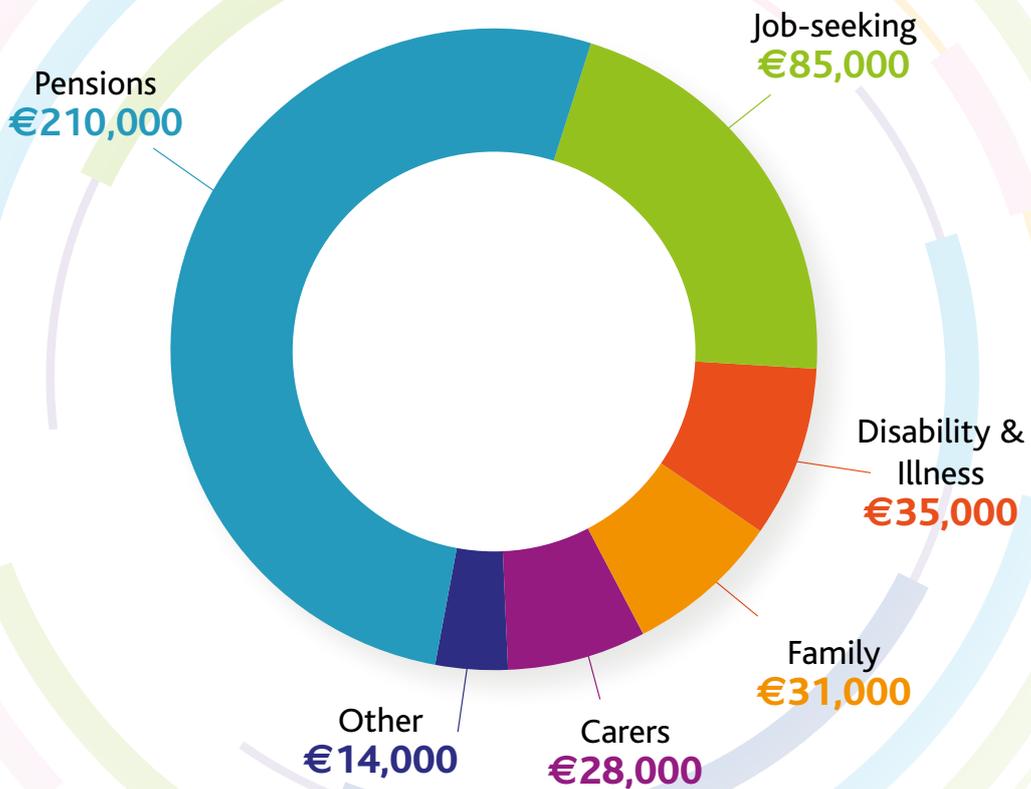
Of the 930 social welfare cases closed in 2020, the recorded interventions are outlined below. Cases may include more than one intervention.

Intervention	# cases	% of social welfare cases
Appeal submission	655	70%
Formal review	204	22%
Oral hearing attendance	92	10%
Oral hearing support to client, no CIS attendance	59	6%
Section 317 review	27	3%
Formal complaint	17	2%
Ombudsman complaint	10	1%
Section 318 review	7	1%
Application support	3	<1%
Legal referral	3	<1%
Informal negotiation	1	<1%

## Monetary Outcomes

Citizens Information Services supported clients to receive over €1 million in social welfare payments owed to them in arrears and helped clients cancel over €400,000 in social welfare overpayments in 2020.

### Overpayment cancellations



# EMPLOYMENT



There were 305 total employment cases in 2020, 118 of which were new. These cases typically involve supporting clients to receive their legal entitlements as an employee or to resolve issues where they have been treated unfairly by their employer.

Topics	# cases	% change from 2019	% of employment cases	% with successful outcome
Pay	97	-16%	32%	69%
Redundancy	89	-28%	29%	72%
Unfair Dismissal	77	-34%	25%	61%
Public Holidays & Annual Leave	76	+300%	25%	77%
Terms and Conditions	54	+218%	18%	79%
Minimum Notice	44	+389%	14%	73%
Other	25	+19%	8%	43%
Hours of Work	23	+130%	8%	86%
Disciplinary Issues	21	+24%	7%	93%
Constructive Dismissal	15	0%	5%	50%
Discriminatory Treatment	13	-13%	4%	50%
Health and Safety	12	+500%	4%	80%
Discriminatory Dismissal	7	-42%	2%	67%
TUPE	5	+400%	2%	100%
Maternity & Paternity	2	0%	1%	100%

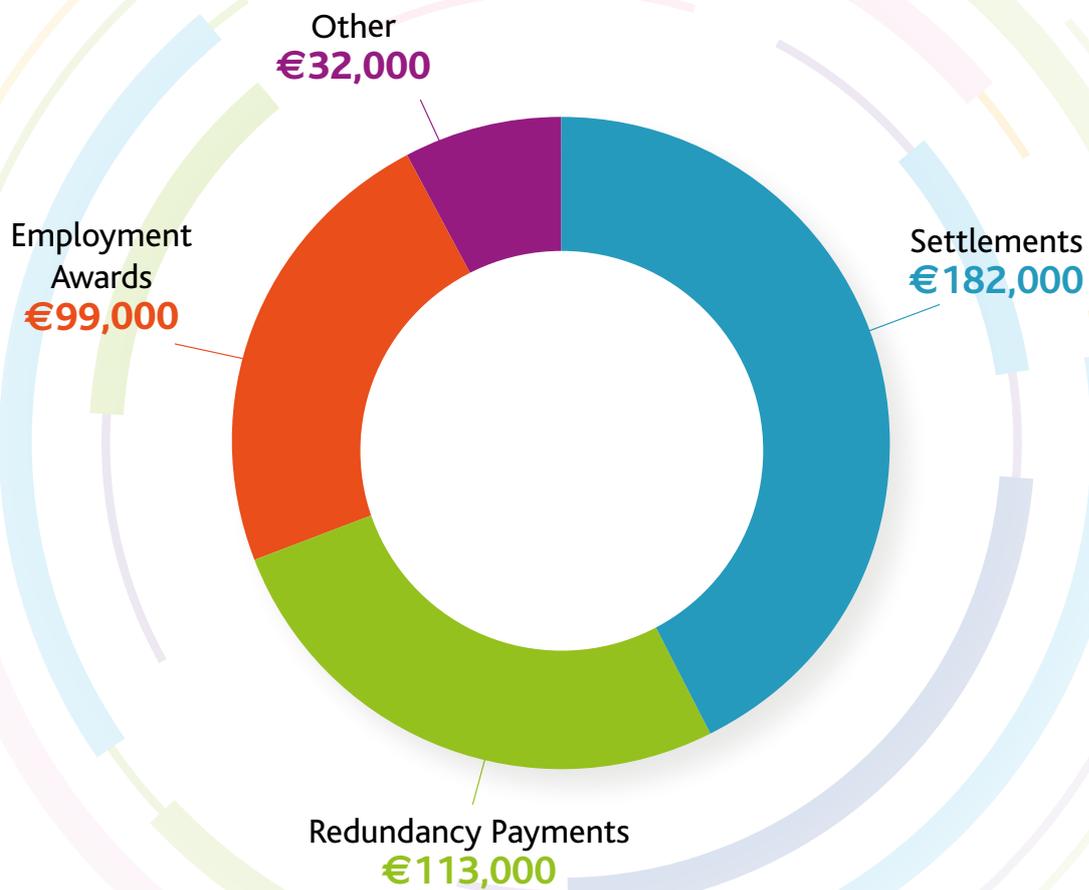
## How did the CIS help?

Of the 148 employment cases closed in 2020, the recorded interventions are outlined below. Cases may include more than one intervention. A majority (77%) of these cases involved a Workplace Relations Commission (WRC) hearing. Some of these hearings were held virtually. Cases involving a WRC hearing where a CIS advocate was present had a 32% higher success rate than those where the CIS did not attend with the client.

Intervention	# cases	% of employment cases
Direct negotiations with employer	130	88%
WRC hearing attendance	88	59%
Settlement agreement	56	38%
WRC hearing support to client, no CIS attendance	26	18%
WRC mediation	11	7%
Labour Court hearing attendance	5	3%
Direct negotiations with liquidator / receiver	3	2%
Labour Court hearing support to client, no CIS attendance	3	2%
Legal referral	3	2%

## Employment awards and settlements

Citizens Information Services supported clients to receive over €420,000 in employment awards and settlements during 2020.



# HOUSING

There were 149 total housing cases in 2020, 89 of which were new. These cases typically involve supporting clients to secure local authority housing, housing payments or resolve issues with the standards of living for both social housing and private residential tenancies (PRT). Clients were noted as being at risk of homelessness in 30% of housing cases and already homeless in 7% of cases.

Topics	# cases	% change from 2019	% of housing cases	% with successful outcome
Eligibility for Local Authority Housing	53	+15%	36%	58%
Housing Assistance Payment (HAP)	38	-25%	26%	74%
Other	14	-70%	9%	60%
PRT Standards	14	0%	9%	50%
PRT Eviction	13	-43%	9%	88%
Housing Grants	9	-10%	6%	33%
Local Authority Standards	7	-30%	5%	80%
PRT Deposit Retention	7	-13%	5%	40%
PRT Rent Increases	3	-25%	2%	100%
Local Authority Eviction	2	-50%	1%	Still open
Local Authority Tenancy Succession	1	-50%	1%	100%

## How did the CIS help?

Of the 89 housing cases closed in 2020, the recorded interventions are outlined below. Cases may include more than one intervention. The majority of cases involve the CIS making contact with local authorities or landlords on behalf of the client.

Intervention	# cases	% of housing cases
Direct Negotiations	64	72%
Other	13	15%
RTB Adjudication Hearing support to client, no CIS attendance	6	7%
Formal meeting with CIS and Local Authority	5	6%
Ombudsman	5	6%
Legal Referral	4	4%
WRC (Equal Status) Adjudication Hearing	4	4%
RTB Adjudication Hearing attendance	3	3%
RTB Tribunal Hearing support to client, no CIS attendance	1	1%
WRC (Equal Status) Mediation	1	1%

## IMMIGRATION

There were 58 total immigration cases in 2020, 16 of which were new. The majority (40%) of these cases were related to citizenship, and other topics included visas, renewals, and family reunification.

Of the 31 cases closed in 2020, the CIS helped clients prepare submissions to the Irish Naturalisation and Immigration Service, the Department of Justice, and the Garda National Immigration Bureau.

## HEALTH

There were 31 total health cases in 2020, 11 of which were new. The majority (80%) of these cases were related to medical cards, and 16% of cases involved access to health care.

Of the 24 cases closed in 2020, the CIS helped by supporting clients with their applications, drafting and preparing appeals to the Health Service Executive (HSE), and engaging with the HSE complaints process.

## CONSUMER

There were 24 total consumer cases in 2020, 15 of which were new. Topics included communications, retail, financial, utilities, and insurance.

Of the 16 cases closed in 2020, the CIS helped clients by negotiating with sellers and retailers, engaging with the Commission for Communications Regulation (ComReg), and in some instances initiating European small claims procedures.

## EDUCATION

There were 19 total education cases in 2020, 10 of which were new. The majority (74%) of these cases were related to Student Universal Support Ireland (SUSI).

Of the 15 cases closed in 2020, the CIS helped clients by preparing and submitting appeals to SUSI in most cases.

## How did people find their way to the CIS?

Referral Method	#	%
Self-referral	1,645	84%
Friends or family	193	10%
Department of Social Protection	27	1%
Non-governmental or community organisation	22	1%
Other	22	1%
Another CIS	19	1%
Another statutory organisation	16	1%
The Money Advice and Budgeting Service (MABS)	11	1%
The National Advocacy Service for People with Disabilities (NAS)	9	<1%
The Citizens Information Phone Service (CIPS)	5	<1%

## Supporting people with disabilities

In 2020, 40% (789) of long-term advocacy cases involved supporting a client with at least one disability. The most common issue recorded in these cases related to medical eligibility for Disability Allowance.

Disability type	#	%
Physical	494	49%
Mental health	322	32%
Learning	57	6%
Intellectual	53	5%
Autism spectrum	39	4%
Sensory	24	2%
Acquired brain injury	17	2%

## SOCIAL POLICY ISSUES

Information Officers working on advocacy cases in CISs submit details of social policy concerns to CIB when they believe a client is experiencing particular difficulty in trying to access social or public services. Anonymised case studies provide useful evidence to CIB for indicating a broader difficulty or concern with a policy, practice or piece of legislation. In turn, this data can help inform public policy consultative processes and influence social policy by evidencing the need for change.

In 2020, Information Officers in Citizens Information Services highlighted social policy concerns by recording a Social Policy Record (SPR) in 14% of the 1,969 long-term advocacy cases dealt with by services nationwide. In total, 312 social policy concerns were recorded in 273 individual cases - indicating that multiple policy issues were of concern for some advocacy clients. Almost three-quarters of the cases identified social policy issues related to social welfare matters—particular areas of concern related to Disability Allowance, Carer’s Allowance and Invalidity Pension. Over-and-above the social welfare-related issues, 13% of SPRs were concerned with housing (a 10% increase on 2019 returns), and 11% with employment. The remaining 6% of cases were related to various areas such as health, immigration and consumer issues.

In terms of the types of policy concerns that were highlighted, over two-thirds of the SPRs were categorised as *‘operational or administrative difficulties’*, which refers to difficulties in accessing schemes and progressing outcomes for clients due to administrative issues with government agencies. The remaining third of cases were policy-based concerns (that is, *‘anomalies in policy’* and *‘gaps and inconsistencies in provision’*). This is broadly consistent with trends on policy issues that are generated from information and advice queries within CISs.

### Policy concerns

In the context of the social welfare payments most frequently referenced in the casework – Disability Allowance, Carer’s Allowance and Invalidity Pension - the key issue highlighted was the difficulty for clients in establishing medical eligibility for these schemes. In many of the cases, advocates noted a high rate of success upon seeking a review or appeal of the initial decision – with little additional medical information being provided in some instances – indicating some difficulty with first-instance decision-making.

# Fantastic staff



“From the receptionist who is the first person you meet up to [the Information Officers], they all listened to me and talked me through every step of what to do. Fantastic staff all around and a great service for people like me who would have given up. Can’t thank them enough.”

North Dublin CIS client

Information Officers also pointed to difficulties for clients caused by unreasonable delays in processing carer's and disability payment applications, reviews, and appeals. These delays further impact an applicant's ability to claim additional benefits such as Fuel Allowance, Household Benefits or Free Travel. In some cases, Information Officers noted that the progression of appeals was delayed by long intervals in the transfer of files between the relevant section in the Department of Social Protection and the Social Welfare Appeals Office. The casework also evidenced delays in processing back-payments once a decision or appeal has been granted in favour of the client.

Other issues highlighted by services in their policy feedback included:

- A lack of notification to CIS staff, as client representatives, on the outcomes of appeals or reviews;
- General Practitioners seeking payment for medical reports to support an application, which can cause financial difficulties for clients who may not be receiving any level of income support pending the processing of their application;
- Difficulties in making telephone contact with the relevant section within DSP.

Many of the cases that were highlighted by staff in relation to housing concerns reflected the underlying issue of the limited availability of affordable housing – either private rented or social housing stock. In particular, several cases illustrated the inequality experienced by low-income tenants in making their own HAP contribution as market rents were not in line with the HAP thresholds in many areas – with the result that tenants were living in sub-standard or overcrowded accommodation.

## Impact on policy

In fulfilling our statutory role, CIB uses the data submitted by services to highlight issues of concern so that policy and the administration of public services can be continually improved.

During 2020, CIB made 17 formal policy submissions to a range of Governmental departments, Oireachtas committees and regulators based on the feedback received from our frontline delivery services. Key amongst these submissions was the annual CIB Pre-Budget Submission – *“Leaving Nobody Behind: Protecting Citizens’ Rights and Entitlements Post Covid-19”*. This submission was based on feedback from services nationwide and made a range of recommendations for change.

Many of the concerns raised in CIB's Pre-Budget Submission featured in the Government's budgetary provisions for 2021, reflecting the relevance and impact of the work of CISs. Examples include:

### Statutory Right to Sick Pay

The CIB submission highlighted the situation where employers are not obliged to pay employees during a period of sick leave. CIB has sought the provision of a statutory right to sick pay.



The Department of Enterprise, Trade and Employment is conducting a public consultation on the need for a statutory right to sick pay, which is due to report on the issue within six months.

### Illness Benefit

The CIB submission highlighted a lengthy wait for people seeking Illness Benefit. CISs have been reporting on the impact of the six-day waiting period for illness benefit consistently since 2014, when it was extended.



A reduction in waiting time for Illness Benefit from six to three days was implemented in March 2021.

### Increasing the Earnings Disregard for Disability Allowance

People with disabilities are a high welfare-dependent group who also face many barriers to employment. The Disability Allowance Earnings Disregard aims to support people in receipt of Disability Allowance to take up work and to remain in employment. CIB recommended maintaining a priority on employment quality and support for people with disabilities.



The earnings disregard for Disability Allowance will increase by €20 per week from €120 to €140 per week from June 2021.

### Introduction of Earnings Disregard for PUP

The CIB submission highlighted the difficulties that self-employed Pandemic Unemployment Payment (PUP) claimants faced with claiming for intermittent work.



An earnings disregards was introduced for self-employed PUP claimants effective from Budget day and amended in early December 2020.

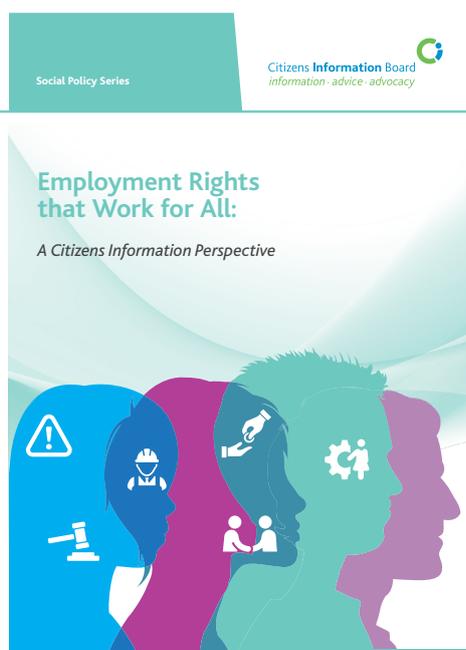
## National Covid-19 response

CIB made a submission to the Oireachtas Committee on the national Covid-19 response, which presented the key policy issues and areas of concern for people as they lived with the many restrictions in place during and after the national lockdown.

The submission looked at difficulties in relation to income support, employment rights and access to healthcare and childcare, indebtedness, and health and social care provision in a post-Covid environment. In the context of CIS advocacy services, the submission noted that, with bodies such as the Workplace Relations Commission and Labour Court initiating hearings via video conferencing, this poses new technological and operational challenges for CISs in continuing to provide advocacy supports.

## Workplace Relations Commission

CIB responded to the Workplace Relations Commission (WRC) consultation in connection with the process of dealing with the adjudication complaints during the Covid-related restrictions. This WRC consultation was particularly focused on the viability of their telephone mediation service to resolve complaints, and it also looked at the feasibility of processing complaints by way of written procedure where appropriate (or by “virtual” hearings).



## Employment Rights

CIB launched a report on employment rights issues during 2020 - “*Employment rights that work for all: A Citizens Information perspective*” – which drew extensively on the advocacy casework data provided by CISs. The report reflected the growth in the level of employment-related advocacy cases over the past number of years and highlighted the key areas of support being provided by services. This included assisting clients with direct negotiations with employers and supporting clients with Workplace Relations Commission (WRC) hearings or mediation. The research also identified enforcement issues as being a key challenge for clients and for services in seeking to assist them.

# Brilliant job



“The lady that helped me did brilliant job, I would be lost without her in my case. I was very impressed with the support I got regarding my case. I was listened, understood. I would not ask for more I was so pleased and thankful.”

Dublin South CIS client

# CASE STUDIES:

## Social Welfare

### Disability Allowance refusal impacted by Covid-19

#### Issues

The client suffers from severe back pain, depression and anxiety and had applied for Disability Allowance. While awaiting the decision, the client was moved from Jobseeker's Allowance to the Supplementary Welfare Allowance scheme. The Department of Social Protection sent him a letter refusing his claim for Disability Allowance. The client cannot read and normally has his letters read to him by a friend. Unfortunately, his friend was unable to visit him to read the letter due to the Covid-19 restrictions.

By the time his friend was able to visit, it was outside of the 21-day time limit for submitting an appeal. The client received a phone call from the Department advising him that his Supplementary Welfare Allowance would be cut off as he no longer had a pending Disability Allowance appeal or claim. The client then phoned the CIS in a very distressed state and an appointment was arranged.

#### Actions

The CIS wrote a basic appeal submission to the Social Welfare Appeals Office. It was requested that an exception be made to the 21-day time limit for submitting appeals due to the exceptional circumstances regarding the client's literacy issues which were compounded by Covid-19 restrictions preventing access to supports which would have allowed the letter to have been read to him. The CIS also wrote to the Department of Social Protection to request that the client's Supplementary Welfare Allowance remain in payment as a late appeal had now been submitted. Additional relevant medical evidence was gathered by the client which the CIS submitted to the Social Welfare Appeals Office to further support his appeal.

#### Outcome

The client was deemed eligible for the full rate of the Disability Allowance in addition to Fuel Allowance and the Living Alone Increase and was entitled to arrears.

*Source: South Munster CIS*

## Disability Allowance refusal on medical grounds

### Issues

The client was diagnosed with bilateral profound hearing loss and speech difficulties. The client's parent had been in receipt of Domiciliary Care Allowance until the client had reached 16 years of age and continued to receive Carer's Allowance for the client. The client applied for Disability Allowance on reaching their 16th birthday. This application was disallowed and a review submitted by the client was refused.

### Actions

The client came to the CIS with their parent in early 2020 seeking support to appeal the refusal. The CIS submitted an appeal to the Social Welfare Appeals Office seeking an oral hearing. A Freedom of Information request for the client's files was also requested so that the client would have the same information as the Appeals Officer and the original decision-maker, the Department of Social Protection.

Having reviewed the client's files and their original Disability Allowance application form, the CIS advised the client that sections of the form contained little or no detail and that the medical reports submitted were outdated. The CIS worked with the client to paint a picture of how their disability affected their daily life and gathered details from the post-primary school regarding the supports provided by Special Needs Assistants.

A report was then submitted with the new information to the Social Welfare Appeals Office. The client sourced further medical evidence from their General Practitioner and Consultant including updated assessments. This new evidence was sent to the Appeals Office.

### Outcome

The client received notice that their appeal was allowed and they would be awarded Disability Allowance based on the evidence submitted. The client was awarded a back payment of €7,400.

*Source: North Connacht and Ulster CIS*

## Invalidity Pension refusal on medical grounds for client living abroad

### Issues

The client was in receipt of Illness Benefit for two years and applied for Invalidity Pension. At the time of her application, the client was residing in another EU country. The Invalidity Pension section of the Department of Social Protection requested an up-to-date medical assessment in respect of the client from the authorities in that country.

Almost a year had passed without a decision and the client was struggling financially as her Illness Benefit had run out. The client also had no access to support of the Supplementary Welfare Allowance as she no longer lived in Ireland. She contacted the Department of Social Protection to request an update on her application for Invalidity Pension. Two weeks later, she received notification that her application was refused because she did not satisfy the conditions for receipt of the payment and it had been decided that she is not permanently incapable of work due to an illness or incapacity.

### Actions

The client contacted the CIS to ask for help to appeal the negative decision and believed that she was entitled to the payment. During the telephone consultation with the client, the CIS asked her to provide copies of the medical evidence which she had submitted with her application. Following an examination of this medical evidence, the CIS submitted a basic appeal to the Social Welfare Appeals Office stating the grounds for the appeal and showing the extent of the client's medical conditions that prevented her from being capable of work, substantiating her appeal with the medical evidence. An oral hearing was also requested as an opportunity for the client to tell her story as she was prepared to travel back to Ireland if required. In addition, a Freedom of Information request for her files was submitted to the Department of Social Protection.

Due to the Covid-19 outbreak and the change to the CIS working arrangements, a letter was sent to the Social Welfare Appeals Office to request that the summary decision on the case be postponed until the CIS was in a position to prepare a more detailed submission on the client's case.

Upon receipt and examination of the client's files from the Department, the CIS started work on preparing a more detailed submission. However, before the submission was sent to the Appeals Office, the CIS received an email from the client with a copy of a decision letter from the Appeals Office stating that the decision was allowed. The positive decision had been made on foot of the initial appeal letter submitted by the CIS without the need for the more detailed submission.

## Outcome

The client received confirmation of the commencement of her payment and that her Invalidity Pension would be backdated to the date of application. The client received arrears of over €18,000. The client was very happy with the outcome as she had been struggling financially since her Illness Benefit had ceased.

*Source: North Dublin CIS*

## Disability Allowance refusal on medical grounds

### Issues

The CIS helped a client with a chronic neurological disorder and mental health issues to apply for Disability Allowance in January 2020. The client's initial application was refused.

### Actions

The CIS helped the client to submit a notice of appeal to the Social Welfare Appeals Office. He was accompanied and supported by a parent. Due to Covid-19 restrictions, the client found it difficult to gather medical evidence to support the appeal. The appeal was refused before the client had the opportunity to submit this.

The client and his mother phoned the CIS after they received the refusal letter. The CIS advised the client to get a supporting letter from his General Practitioner and helped his mother to draft a supporting letter setting out her son's challenges. The client submitted this information to the Appeals Office.

## Outcome

The client contacted the CIS in October 2020 with the news that he had been awarded a Disability Allowance payment.

*Source: North Munster CIS*

## Invalidity Pension refusal on medical grounds

### Issues

The client had a long-term and severe back injury following a road traffic accident. Following the accident, the client went back to work for a number of years. However, the pain became too much and the client had to leave work on Illness Benefit and eventually applied for Invalidity Pension.

His Invalidity Pension application was refused on the basis that his condition would improve. This did not reflect the client's initial assessment from the hospital which indicated that his condition would deteriorate with age.

### Actions

The client contacted the CIS for support with the refusal. Following a review of reports in the client's file, it appeared that the Deciding Officer in the Invalidity Pension section had reviewed an older Ability Grid from a previous application which had been made many years ago. The CIS highlighted this oversight in an appeal submitted to the Social Welfare Appeals Office.

## Outcome

The client called the CIS when he received a letter from the Appeal's Office which confirmed that his appeal was successful.

*Source: North Munster CIS*

## Disability Allowance refusal on right to reside and habitual residence grounds

### Issues

The client is an EU national who has been diagnosed with cerebral palsy and is non-verbal. Her family moved to Ireland after her father had secured employment. In the client's country of origin, the Courts placed her in the guardianship of her parents as she had been assessed as having a partial deprivation of legal capacity. The client requires full-time care and numerous assessments have indicated that she is unable to live independently.

The client's application for Disability Allowance was refused on the grounds that she does not have a right to reside in Ireland and did not satisfy the habitual residence condition. A person who does not have a right to reside in the State cannot be habitually resident for social welfare payments. The habitual residence condition is a two-part process which firstly requires that a person has a legal right of residence in the State. If a right to reside is established, then an assessment of their situation is conducted under the five factors set out in legislation to determine their centre of interest and future intentions.

### Actions

The client's father, as her legal guardian, requested assistance from the CIS to appeal the decision and attended meetings with the client to assist with communication as she is non-verbal. Following consultation with the Advocacy Support Worker and the Immigrant Council of Ireland, the CIS researched the relevant legislation and drafted and submitted an appeal to the Social Welfare Appeals Office.

The Appeals Officer noted the nature of the client's medical condition, which was present before she and her family came to Ireland, and that there was a Court Order in place making her parents her legal guardians. It was decided that the client has a derived right to reside in the State as the family member of an EU citizen who is employed here and has been supporting her prior to and since she arrived in the State.

The Appeals Officer concluded that given the client's absolute dependency on her family and the fact that she is residing with her parents in the State and supported and cared for

by them, she has also demonstrated that her centre of interest is in Ireland at the date of making the claim and therefore she satisfied the habitual residence condition.

## Outcome

The appeal was successful and a Disability Allowance payment was awarded and backdated.

*Source: North Connacht and Ulster CIS*

## Disability Allowance refusal on habitual residence ground with support from NAS

### Issues

The client is an EU national with a severe disability and completely dependent on his parents. The client's Disability Allowance application was refused based on the Department of Social Protection's contention that the client did not have a right to reside in Ireland and did not satisfy the criteria of the habitual residence condition. According to the Department, there was no evidence to prove that the client had been living in Ireland since 2010 as stated in his application.

The client's parents asked the CIS for support. They outlined the client's residence in the State from when the mother had brought the client, then a minor, to Ireland towards the end of 2010 when she came here to work. On further engagement with the family, their level of self-reliance and responsibility towards the commitment to their son's well-being became very evident. The family had not sought any State support for their son's care over the years because they believed that it was their responsibility to care for him. They were also unaware of any supports which could have been provided by the State.

### Actions

The CIS agreed to assist with the Disability Allowance refusal and made a referral to the National Advocacy Service for People with Disabilities (NAS) to see if any assistance could be provided to the family in relation to his care needs. An Advocate from NAS worked with the client and his family and secured much needed supports and living aids, including a

new wheelchair. The Advocate also assisted the family in accessing more appropriate and accessible accommodation under the Housing Assistance Payment scheme. The client was supported by family to attend the CIS office. From the meeting, the level of support his parents provided became evident.

Given the approaching deadline for submitting an appeal, a basic appeal was made on the client's behalf advising the Social Welfare Appeals Office that a more detailed submission would follow. Evidence was gathered to support the appeal on the basis that the client had a right of permanent residence, having resided in Ireland in accordance with the EU regulations in excess of the prescribed five-year requirement. This was particularly difficult as his family had not engaged with any State authorities and had themselves taken care of all the client's needs.

Due to Covid-19 restrictions, the CIS was delayed in submitting a detailed submission and unfortunately a summary decision was issued by the Social Welfare Appeals Office based on the very basic appeal. The appeal was disallowed. As the decision had been made based on the very basic appeal and without a proper case being made for the client, it was decided to request a Section 317 review of the Appeals Officer's decision.

The preparation of the Section 317 review involved a great deal of work particularly in relation to trying to locate documentary evidence of the client's life in Ireland. This work had to be done remotely as the office was closed to the public due to the Covid-19 restrictions. Letters were sought from the landlord and friends and work colleagues of the family who could verify that the client had been living in Ireland for the last nine years. The CIS also sought confirmation of the date the client had left a special education centre in his home country which corresponded with the dates on the flight tickets the mother produced from their travel to Ireland nine years previously. This evidence and the submission outlining the legal argument in relation to right to reside and habitual residence were sent to the Social Welfare Appeals Office.

## Outcome

The Appeals Office overturned the original refusal. The client was deemed eligible for the full rate of Disability Allowance and received arrears of payment from date of application which was approximately €14,000. There was scope for further backdating of payment, however,

when asked if they wished to pursue this, the client's parents said that they were more than happy with what had been achieved for them and did not want to look for anything else.

Due to the collaborative work of the CIS and NAS, the client now receives his own payment, has appropriate supports in place, has accessible and suitable accommodation, and recently has received notification that his family is in 8th place on the local authority priority housing list.

*Source: North Dublin CIS*

## Receipt of Disability Allowance and Guardian Payment - EU coordination of social security systems

### Issues

This client was in receipt of Disability Allowance and held a medical card. Both were stopped following a review by the Department of Social Protection on the ground of means. The client was looking after a number of children who formally resided in another EU country and the client was now their legal guardian in Ireland. The client was receiving a Guardian Payment for the children from the other EU country.

### Actions

Due to the complexity of this case, the client attended the CIS on numerous occasions. The Information Officer working on this case consulted with the Advocacy Support Worker as the situation was uncommon and included a European legislative dimension. Research was essential to inform the substantive issue in the appeal. The CIS assisted the client with an appeal to the Social Welfare Appeals Office.

The Appeals Office wrote to the client to notify them that their Disability Allowance appeal had been allowed on the grounds that the EU Regulation 883/2004 applied in this instance. This regulation coordinates social security systems across the EU, although the coverage and qualifying conditions of the various schemes are a matter for the individual member states. For the regulation to apply, the situation under consideration must not be confined in all respects to a single member state.

In this case, the client is receiving payments for foster children from another EU country when they are currently residing in Ireland with their court appointed guardian who is resident in Ireland. As an EU citizen, the client was entitled to have this payment from another EU country. The payment should not have been assessed against the client's Disability Allowance as it is a payment for the children and not considered as the client's income.

## Outcome

The client was awarded a back payment of Disability Allowance and had their medical card reinstated.

*Source: South Connacht CIS*

## Disability Allowance reduced after review – decision making and natural justice

### Issues

The client had multiple medical conditions and was in receipt of Disability Allowance. A routine review of his weekly payment was carried out by the Disability Allowance section of the Department of Social Protection and his weekly payment was reduced from €337.70 to €65.20 per week. However, the client was never notified of this change and only noticed it when checking his bank account.

### Actions

The client asked the CIS for assistance and the CIS phoned the Disability Allowance section of the Department while he was present. They stated that he was only qualified for his new reduced weekly amount due to his wife's earnings from her job. The CIS asked why the client was not notified of this change and no explanation was given.

The client then requested the decision to be appealed on his behalf. The CIS advised the client that based on the review carried out, the means test was accurate and an appeal could not be lodged on those grounds. However, social welfare governing legislation and

the Department of Social Protection's Operational Guidelines: Decision Making and Natural Justice state that the rules of natural justice require that a person adversely affected by a decision must be given the opportunity to refute or comment on the case before a payment is suspended or the decision is made. They must be made aware of the evidence upon which a decision is made and that an appeal could be lodged on that basis. After being made aware of this option, the client wished to appeal on the grounds that they were not notified of a change in weekly payment and were not given the right to respond.

The CIS informed the client of the process involved and the timeframe involved for an outcome from the Social Welfare Appeals Office. Copies were taken of all relevant paperwork and the CIS submitted a Freedom of Information request for the client's files from the Department of Social Protection. An appeal was submitted to the Social Welfare Appeals Office.

The appeal was allowed as there was no evidence to show that the client was notified before the decision was made or that he was offered an opportunity to comment and supply evidence before the decision was made. From the paperwork supplied by the Department, there was no evidence to show that natural justice was afforded to the client.

## Outcome

The client's Disability Allowance payment was re-instated to the full amount of €337.70 per week, reducing to €65.20 weekly from the 1st April 2020, and was awarded over €5,000 in arrears.

*Source: South Leinster CIS*

## Disability Allowance overpayment

### Issues

The client had been receiving Disability Allowance since he was 16 years old due to a number of health concerns, one of which was short-term memory loss. He received a letter from the Department of Social Welfare which stated that there had been an overpayment of €10,000.

## Actions

The client came to the CIS with the letter and asked for support. The CIS submitted a notice of appeal and a Freedom of Information request to the Department. Medical evidence was sought from his General Practitioner to confirm his diagnosis.

After speaking to the client and reviewing his files, the CIS discovered that the client had not disclosed an increased income to the Department which would have resulted in a reduced Disability Allowance payment. However, the Department had been fully aware of his medical conditions and his short-term memory loss. No reviews of his payment had been conducted in over four years. If there had been yearly or six-monthly reviews, this overpayment would not have occurred. The Department also could have phoned the client at any stage as his mobile number had never changed. The CIS detailed all of this in a submission to the Social Welfare Appeals Office.

## Outcome

The appeal was successful and the overpayment was cancelled.

*Source: North Leinster CIS*

## One-Parent Family overpayment

### Issues

The client is a single parent in receipt of the One-Parent Family Payment. The father of her children was temporarily staying in her house to take care of the children because of her college commitments and a lack of childcare due to her limited income. However, they were not in an intimate and committed relationship. The client had previously notified the Department of Social Protection of her change in circumstances and was informed to put this in writing.

She received a letter from the Department of Social Protection stating that her payment was suspended because she was cohabiting with the parental father and now had an overpayment of over €9,000. The client asked the CIS for help with this. She explained that

when she was completing her Back to Education return form, she wasn't sure what option to tick when choosing her status as 'single parent' or 'cohabiting'. She chose cohabiting since the children's father was temporarily staying with her, but now realised she misunderstood the meaning of the term and should have ticked the single parent option.

### Actions

The CIS advised the client that she had the option to appeal the decision on the basis that she and the children's father were co-residing and co-parenting, but not cohabiting. The client wished to proceed with this so the CIS took copies of all relevant paperwork and a Freedom of Information request for the client's file was submitted to the Department of Social Protection. An appeal was submitted to the Social Welfare Appeals Office by the CIS.

### Outcome

The appeal was successful and the overpayment was cancelled.

*Source: South Leinster CIS*

## Guardian's Payment refusal in relation to definition of orphan

### Issues

The client has looked after their grandchild since birth under a private arrangement with Tusla due to child protection concerns. The parents of the child contributed €20 each towards the child's upkeep and try to visit every second week. The client applied for the Guardian's Payment in February 2014 and again in January 2019. Both applications were refused on the same ground that the child did not satisfy the definition of an orphan under section 2(1) of the Social Welfare Consolidation Act 2005. The client is not the child's legal guardian; however, the client is the de facto guardian since they make all the major decisions affecting the child's upbringing. The client is responsible for the welfare of the child which includes the moral, intellectual and physical wellbeing of the child.

## Actions

The CIS informed the client of the appeal process and timeframes. Copies were taken of all relevant paperwork and the CIS submitted a Freedom of Information request. The client provided letters from the child's school and General Practitioner. The CIS contacted Tusla to get a letter confirming the current arrangement and obtained a copy of the child's birth certificate, passport and proof the client was receiving Child Benefit. The CIS then appealed the decision on behalf of the client.

The appeal was refused and the client was not afforded an oral hearing even though the CIS requested this. The CIS researched the determinations from the Social Welfare Appeals Office and carried out research on the definition of "Orphan and Abandonment." The Advocacy Support Worker was consulted on this case and sought legal advice via CIB's expert support panel. Following the advice received, the CIS submitted a request for a review under Section 318 of the Social Welfare Consolidation Act 2005.

The core issue to be determined in the appeal was the definition of 'orphan' as defined in Section 2(1) of the Social Welfare Consolidation Act 2005 and whether the child's parents have abandoned and failed to provide for the child. The Appeals Officer had misdirected themselves as to the law in this regard and created their own test as to whether the child had been abandoned by using an unspecified dictionary definition when making their decision.

## Outcome

The CIS received correspondence from Chief Appeals Officer and having reviewed the Appeals Officer's decision, he considered that the Appeals Officer erred in law in the weight afforded to the level of contact the parents had with the child and their financial contribution and did not have sufficient regard to the totality of evidence, including the parent's duty to provide for the emotional and physical necessities of life required by the child. The client was awarded over €14,000 in arrears.

*Source: South Leinster CIS*

## Pension forecast and backdating beyond six months

### Issues

The client was approaching the age of 66 in 2015 and asked the CIS for advice on State Pension options. The client was a Qualified Adult on their spouse's State Pension Contributory claim. On obtaining their PRSI record and conducting a pension forecast, it was advised that they did not have enough contributions to gain access to a contributory pension of a value higher than the Qualified Adult payment she was currently receiving as she had spent a large portion of her working life in the home caring for children.

### Actions

The CIS advised correctly at the time that she would be financially better off to continue as a qualified adult on their spouse's State Pension Contributory claim and the client did not make an application on this basis.

In 2018, the Department of Social Protection conducted a State Pension Contributory Total Contributions Review. These reviews were part of a measure announced by the Government on 23 January 2018 to make improvements to pension calculations for post-September 2012 State Pension (Contributory) pensioners with social insurance contribution gaps in their record. This review took into account those applicants who had spent time at home performing home caring duties, as was the case for this client. The review was carried out on pension claims that had been made by applicants and deemed unsuccessful or deemed more advantageous to remain as a Qualified Adult on their spouses claims post-2012. The Department of Social Protection revised many of these decisions.

However, the client had not submitted an application since she was financially better off as a Qualified Adult, and therefore, was not informed of the Department's review of Contributory Pensions. The client subsequently found out about the review and made an application for a State Pension Contributory in April 2019. This claim was successful, but it was only backdated for six months to December 2018.

The CIS appealed the decision in relation to having the claim backdated further than six months, consistent with the reviewed cases of those who had made an application, but this was unsuccessful. The CIS then accompanied the client to an oral hearing in March 2020.

## Outcome

The appeal was disallowed. The Advocacy Support Worker was consulted on this case and sought legal advice via CIB's expert support panel to help explore other avenues for the client. It was decided that the matter was not covered by legislation and therefore it had been progressed as far as possible.

The CIS was correct in their advice at the time the client came to the CIS, but the client was disadvantaged in this particular case by not lodging an application for a State Pension Contributory. The CIS learned from this case that it is advisable that all pension forecasts provided to clients include a disclaimer stating that the advice is based on the information available to the CIS at the time. It is also advisable that all clients are advised of their right to make an application especially in State Pension Contributory cases to combat any retrospective reviews such as the one described above.

*Source: North Leinster CIS*

# CASE STUDIES:

## Employment

### Disability discrimination under the Employment Equality Acts

#### Issues

The client had been on sick leave for about two years with severe mental health issues. When she returned to work her duties were changed and diminished, she was isolated from the rest of the team, and prevented from attending training. An appointment for a medical examination was arranged for her without any objective justifiable reason and her family was contacted without her consent to elicit personal and confidential information. Other staff members were instructed to monitor her work without her knowledge. She was eventually suspended from her duties without her employer following any proper procedures or offering training or supports to address any performance deficits.

#### Actions

The client came to the CIS with a bullying at work complaint against her employer. She felt that she had been victimised since she had returned to work following her sick leave. The CIS advised the client of her rights under legislation and the possibility of lodging a claim for constructive dismissal and of a breach of the Employment Equality Acts 1998-2015. The Acts prohibit discrimination on the grounds of disability, including mental health difficulties, and requires employers to take reasonable steps to accommodate the needs of employees with disabilities.

The client decided to resign from her employment and the CIS submitted a claim to the Workplace Relations Commission (WRC). Following a two-day contested adjudication hearing, the client was successful in her claim that she had been discriminated against on the grounds of disability and was awarded €30,000 by the WRC. However, the employer informed the CIS that he had been declared bankrupt and was therefore not in a position to pay the award to the client.

The CIS submitted a request to the WRC on the client's behalf seeking the enforcement of the decision. The client received a letter from the WRC Enforcement Section that they would not be in a position to enforce the award as the employer was officially registered as bankrupt. The CIS then made an application to the Insolvency and Redundancy Payments Section of the Department of Employment Affairs and Social Protection.

## Outcome

The client received payment of the award 21 months after the WRC decision.

*Source: North Connacht & Ulster CIS*

## Discriminatory dismissal due to pregnancy

### Issues

The client came to the CIS with concerns about how to approach her employer with some delicate matters in relation to her employment and her first pregnancy. She worked across a number of locations for her employer. She duly informed her employer once she became pregnant. Due to pregnancy complications, her General Practitioner advised her not to carry heavy equipment up flights of stairs which was an employment duty in one of the locations that she worked at.

### Actions

The CIS advised her about her rights under the Health and Safety Act and advised her to seek a risk assessment and request that she be placed on Health and Safety leave. Following this, the client returned to the CIS and was very distressed because her employer had reacted negatively to her request for a risk assessment. The CIS assisted the client to write to her employer outlining that her request was not unreasonable and that it was in fact a legal entitlement under the Health and Safety Act. The relationship between the client and her employer continued to deteriorate. This culminated in the client informing the CIS that the employer had terminated her employment.

The CIS assisted the client to take a case for Discriminatory Dismissal, Non-Payment of Wages and service of inadequate notice to the Workplace Relations Commission (WRC). The employer failed to attend the WRC hearing and the client was successful in all of her claims.

The client returned to the CIS as her ex-employer had submitted a notice of appeal of the WRC decision to the Labour Court on the Discriminatory Dismissal and the payment of notice. The CIS compiled the response submission for the Labour Court with support from



the Advocacy Support Worker and Voluntary Assistance Scheme. As some considerable time had passed since the WRC hearing, the client was anxious to get the matter resolved. Due to Covid-19, the hearing was rescheduled and eventually heard virtually. The client was supported by the CIS on the day of the virtual hearing.

In its determination, the Labour Court noted that the Pregnancy Directive (Directive 92/85/EEC) provides a comprehensive legal framework in which special protection is afforded to the health and safety of pregnant women in employment. Having regard to the fact that the employee was pregnant at the date of the dismissal, the burden of proving that the dismissal was not related to pregnancy rested on the employer. The Labour Court concluded that the termination amounted to discrimination on the grounds of gender, arising from the employee's pregnancy.

## Outcome

The Labour Court affirmed the decision of the Adjudication Officer and the client was awarded compensation. The client was delighted with the decision and the support she had received from the CIS.

*Source: South Munster CIS*

## Criteria for self-employment and outstanding entitlements

### Issues

The client worked for a company through an employment agency for 10.5 months. The client was treated as being self-employed although she did not fulfil the criteria as laid out in the Revenue 'Code of Practice for determining Employment or Self-Employment', which sets out numerous indicators to determine if a person is an employee.

### Actions

The CIS advised the client that based on the indicators, she should not have been deemed as self-employed as she fulfilled the criteria to be classed as an employee. The client had an outstanding entitlement to 7 days of annual leave, public holidays and payment in lieu of notice as none had been given.

The CIS sent a subject data access request to the employment agency which prompted a phone call from them. The agency stated that the client was self-employed and had been made aware of it from the outset. The CIS informed the agency of the Revenue Code of Practice and informed the agency that based on the indicators, the client did not fulfil the criteria to be a self-employed contractor.

There were a number of emails and phone calls between the CIS and the agency. The client stated that she would be happy with the 7 days of annual leave that she was promised. The CIS negotiated with the agency on behalf of the client and eventually they agreed to pay 7 days of annual leave and a week in lieu of notice.

## Outcome

The employer lodged a payment of over €1,000 to the client's account and the CIS drew up a letter stating that the payment was in full and final settlement of the claim which the client signed.

*Source: South Leinster CIS*

## Statutory redundancy payment

### Issues

The client had worked in retail for 12 years at a family run business. The client was employed by one family member until 2013 and another family member for the remainder of her employment. The client was on sick leave when the employer closed the business and ceased trading. The client could not get in contact with the employer and he did not respond to any phone calls or letters.

### Actions

The CIS reviewed the evidence provided by the client and determined that she was due annual leave and a statutory redundancy payment. The CIS tried to engage with the employer, but there was no response. A complaint was lodged to the Workplace Relations Commission for Redundancy and Annual Leave. The employer did not attend the WRC hearing and the client was successful with her claim.



The CIS made an application to the Insolvency and Redundancy Payments Section of the Department of Employment Affairs and Social Protection for payment on the client's behalf and submitted the WRC decision for reference. The Redundancy Payments Section only awarded the client partial payment stating she did not show any proof of a Transfer of Undertakings (TUPE) that occurred 5 years earlier. The client did not have any documents pertaining to a transfer and was not aware that the employer's legal entity had changed or that a transfer had occurred.

The Advocacy Support Worker was consulted on this case and sought legal advice via CIB's expert support panel. Following the advice received, the CIS wrote to the Insolvency and Redundancy Payments Section seeking full payment and a decision in writing on a number of occasions, but never received any response. The CIS then lodged a complaint with the Ombudsman. They advised that as we had not received a decision in writing from the Department, they could not investigate but would write to the Department seeking this decision on the client's behalf.

## Outcome

The Redundancy Payments section subsequently conducted a review of the client's claim and awarded the remainder of her payment. The client received over €11,000 in Statutory Redundancy Payments.

*Source: North Leinster CIS*

## Unfair dismissal on the ground of unfair selection for redundancy

### Issues

The client had been seconded to a new project role for a number of years. She began to experience a deterioration in her working environment which included her role being undermined. The client raised the matter with her employer and requested to be returned to her previous role. The employer maintained this was not possible due to proposed structural changes within the organisation. The client initiated a grievance with her employer regarding

bullying, harassment and equality issues, but her complaint was not upheld. An internal appeal was also unsuccessful. The stress caused by her working environment negatively affected the client and caused her to go on sick leave.

## Actions

The CIS communicated with the employer on the client's behalf regarding her role and status. However, the company was not forthcoming with information and refused to engage in mediation. The CIS then supported the client to make a complaint to the Workplace Relations Commission (WRC) within the deadline as claims must be made within six months from the date of an incident. It was not until the complaint was submitted that the employer stated that the client had been made redundant. The dismissal element of her WRC complaint was then amended to cite unfair dismissal on the grounds of unfair selection for redundancy.

The company had supposedly completed an external assessment and report of a proposed new organisational structure of which there was only one positional change, that of the client, but this was never communicated to her at the time and a copy of this report was not provided. The company's solicitor took a very aggressive approach to the client's WRC complaints and sought retraction of all complaints with the threat of legal action and costs. The CIS had supported the client in line with internal procedures and, with the client's agreement, continued to pursue the complaints with confidence.

The WRC adjudication was delayed due to Covid-19, but a hearing date was eventually set. In line with best practice, the CIS provided a comprehensive submission to the WRC and the company solicitor in advance of the proposed hearing. No submission was provided by the other side in advance of the WRC hearing date or at any stage.

In light of revised public health measures, the adjudication was cancelled within days of its proposed hearing date. A virtual WRC hearing was proposed instead. The CIS objected to a remote hearing on the grounds of the complexity of the case, and that in the interest of a fair hearing, numerous witnesses would need to be called. The objection was accepted, but this meant further delays as in-person adjudications were cancelled for a further six weeks due to public health measures.



During the period of hearing scheduling and cancellations, the company's solicitor made numerous "without prejudice" proposals for settlement, which the client did not accept. Subsequently, the company revised their offer which the client accepted.

## Outcome

The CIS negotiated and drafted a settlement agreement on behalf of the client including payment of all pension contributions owed, a written reference, and payment of €20,000 tax-free as a redundancy payment. Upon receipt and lodgement of the cheque, the WRC complaints were retracted in full by the CIS on behalf of the client.

*Source: North Dublin CIS*

## Constructive dismissal

### Issues

The client had been working for their employer from September to June each year for 14 years. During a meeting purportedly held to discuss the start date for the year, the client had been verbally notified that their hours would be reduced and additional duties would be required of them. During the same meeting, the client was casually informed that there had been complaints made about them. No details of any allegations were put to them and they were not given the opportunity to respond to the complaints.

### Actions

The CIS assisted the client with writing three letters to the employer seeking a meeting to discuss the issue and to find out the date on which they were expected to resume their usual position. Despite the client's repeated efforts to engage with the employer, their request for a start date and for finding a solution was not accommodated.

The client was then assisted to submit a written notice to terminate the contract of employment. The CIS also assisted the client to make a complaint to the Workplace Relations Commission (WRC) under the unfair dismissals legislation arguing that the client had been constructively dismissed as the employer had broken the fundamental terms of a contract

of employment. The service made a subject data access request for the client's employee file and wrote a detailed submission to the WRC.

The CIS represented the client at an oral hearing. There was an extensive delay on the part of the WRC and the CIS contacted them on numerous occasions on behalf of the client to seek an update regarding the delay in the issuing of a determination.

## Outcome

The decision was received 9 months after the hearing and was in the client's favour. The Adjudication Officer awarded the client with the maximum compensation of 104 weeks' remuneration.

*Source: Dublin South CIS*

## Dismissal and disciplinary Issues

### Issues

The client was dismissed from her employment after being accused of gross misconduct. Prior to her dismissal, she was working up to 40 hours per week with an exemplary record. The client was initially put on paid suspension pending the outcome of an investigation, which ultimately led to disciplinary action. The client was dismissed after a disciplinary process which did not seem to follow appropriate procedures and she did not receive the final decision in writing in relation to her dismissal. The client at the time of her dismissal was over 66 years of age.

### Actions

The CIS met with the client in early 2020 and examined all of the evidence and prepared a detailed appeal in relation to her dismissal. Her appeal was hindered due to Covid-19 as the employer was unable to hear the appeal during this time.

At the client's request, the CIS contacted the employer on numerous occasions via email and phone requesting for the appeal to be heard and for the CIS to act for the client at the appeal



hearing. A date was agreed for an appeal hearing which the CIS attended alongside the client, adhering to the Public Health Guidelines in place at that time.

At the appeal hearing, the CIS addressed a number of preliminary issues of concern. The client outlined her own dissatisfaction with the process and informed the employer that a return to work was not a viable option. The CIS addressed the issue of statute of limitations in relation to any complaint being put forward to the Workplace Relations Commission. The employer listened to the appeal and stated that a decision would follow.

## Outcome

The client was offered a sum of money as compensation for the poor handling of the disciplinary process and ultimately for both parties to sever ties with each other. The client was fully advised at all times of her options, but decided to accept the monetary award from the employer.

*Source: North Dublin CIS*

## Unfair dismissal for employee on extended probation

### Issues

The client had been working for a company based in Northern Ireland for 15 months. The initial probation period had been for six months which was extended a number of times to 15 months. The client was then dismissed due to performance issues.

### Actions

The client asked the CIS for advice and provided copies of the employment contract and the staff handbook. The two documents set out the procedures which the employer should engage in before dismissing an employee. The client was dismissed from the position after a performance review, however, the employer had not used any of their own procedures before they ceased the employment, and the dismissal was completely unexpected by the client. The CIS advised the client that they were covered by unfair dismissals legislation as they were in employment for more than 52 weeks.

Before a complaint could be lodged on behalf of the client, the CIS had to establish if the Workplace Relations Commission (WRC) would hear a case against a company based outside of this jurisdiction. Following communication with the WRC, the CIS received confirmation that the case could be heard. The client wished to proceed and the CIS lodged a complaint to the WRC on behalf of the client and advised the client that the company did not have to engage as it was outside their jurisdiction. The company did engage and the CIS received a hearing date for the Workplace Relations Commission.

The CIS represented the client at the hearing. The case was based on the fact that the employer had not used fair procedures and that at no stage was the client made aware that their job was at risk. It was only at the hearing that the employer said that the client had been dismissed for gross misconduct. The employer argued that because the client's probation was extended, they had never become a permanent member of staff and therefore were not covered by the procedures set out in the staff handbook. The WRC adjudicator found in favour of the employer, stating that the dismissal was reasonable based on the extended probationary periods.

The CIS made a subject data access request for the client's file from the employer. There were a number of documents in the file relating to performance issues of which the client had been unaware. While these issues had been mentioned, the client had thought they were resolved as there was no follow-up and they were not mentioned at subsequent meetings. There was also documentation relating to the gross misconduct which the employer had brought up at the WRC hearing. The alleged gross misconduct was regarding business practice that the client claimed was normal in the trade but which the employer stated the client did not have authorisation to allow.

The Advocacy Support Worker was consulted on this case and sought legal advice via CIB's expert support panel. Following the advice received, the CIS decided to appeal the adjudicator's decision to the Labour Court. The Advocacy Support Worker prepared a submission for the Labour Court and copies of the submission were also sent to the employer.



## Outcome

A week before the date of the Labour Court hearing, a legal representative of the employer made a settlement offer of €15,000. The client decided to accept the sum as a full and final settlement. The CIS drafted a settlement agreement which was agreed and signed by both the client and the employer. Once the client received the settlement figure into their bank account, the Labour Court was then contacted to advise them that a settlement had been agreed and the client no longer wished to have the case heard.

*Source: South Leinster CIS*

## Won appeal

“I won my appeal for my Invalidity Pension claim. Support was amazing. Everything done for me was excellent. Forever grateful.”

North Connacht & Ulster CIS client

# CASE STUDIES:

## Housing

### Homeless Housing Assistance Payment

#### Issues

The clients were a couple who had lived and worked in Ireland for 18 years after moving here. They both worked for the same employer and their accommodation was dependent on this employment. When the couple lost their only daughter in tragic circumstances, they were unable to continue working and lost their accommodation as a result.

The couple applied to the local authority to be put on the housing list in the county in which they had lived and worked since coming to Ireland and where they had a long-established local connection. In their application form they also indicated their interest in another county in which they had never lived or worked but where there was a large community of their compatriots.

The couple, now homeless, were forced to stay with friends. They approached the CIS when they received a letter from their local authority and requested an explanation of it. It appeared that their local authority refused them access to the housing list and suggested that they make an application to another local authority in a different area.

#### Actions

The CIS assisted the couple to complete the social housing application form and helped them make a case to explain the reason for their application and request acceptance onto the housing list despite not meeting any of the criteria for establishing a local connection in the area.

The couple were then accepted onto the list and informed that they were eligible for the Housing Assistance Payment (HAP). However, they were only granted the HAP rate for a childless couple which amounted to €900 per month. They had hoped and expected that they would qualify for the Homeless HAP rate of €1,350 as they were homeless and this would make a one-bedroom apartment semi-affordable.

The CIS wrote to the local authority on the clients' behalf to query why the couple were not granted the Homeless HAP rate as their application form had clearly stated they were homeless. The local authority advised that the couple needed to present themselves to the



homeless team in the local authority offices to apply for the Homeless HAP rate. As the clients were very vulnerable, it was decided that the CIS would accompany them.

The CIS attended the meeting with the couple and explained the circumstances of the case to the local authority. The local authority agent was very understanding and agreed the couple were entitled to Homeless HAP.

However, even though the couple were directed to all available accommodation sourcing services, they were unable to find accommodation affordable to them and had to continue staying with friends. Despite helping the couple to get onto the Housing List and then get access to the Homeless HAP rate, the couple unfortunately remained homeless at the end of the advocacy process. Locating accommodation is outside the remit of the advocacy service therefore the case had to be closed.

A number of months later, the CIS received a phone call from the clients. They had found a property to rent and moved in, but HAP had not been paid by the local authority. They had been paying rent from savings and borrowing from friends, but were not able to afford rent any more. They were terrified of losing the home they had worked so hard to find, but were unable to resolve the problem with the HAP payment. Through a series of communications with the HAP office, the CIS identified and resolved the problem which had been causing the delay on the part of the local authority.

## Outcome

Payment was commenced and all arrears were paid to the landlord by the local authority. However, while waiting for the HAP to commence, the clients had been paying the letting agent from savings and borrowing from friends. This meant that the letting agent had been paid on the double. The CIS then assisted the clients to resolve the issue of re-imbursment of the rent they had paid. After much communication with the letting agent, a refund of €9,500 was made to the clients for their payments in lieu of the HAP.

These were very vulnerable clients trying to deal with services at probably one of the most difficult times in their lives. Without the advocacy service they received, they would never have been able to navigate the system and resolve the various difficulties that arose in their attempts to secure a place to live.

*Source: North Dublin CIS*

## Discrimination under the Equal Status Acts

### Issues

The client responded to an advertisement on a lettings website for a rental property. He contacted the person advertising the property and asked if the Housing Assistance Payment (HAP) would be accepted. He was advised that HAP would not be accepted.

### Actions

The client approached the CIS for support and was advised that he could pursue the matter with the Workplace Relations Commission (WRC) under the Equal Status Acts 2000-2015 as he cannot be discriminated against on the basis of him qualifying for housing support. The CIS supported the client to make a complaint to the WRC and a hearing took place four months later. The client was supported by the CIS at the hearing and the respondent was represented by a solicitor.

### Outcome

The WRC found in the client's favour and he was awarded €1,000 in compensation. The timeframe for appealing the decision elapsed and the client had not received his award. The CIS supported the client to apply to the WRC for enforcement of the decision in the District Court. It was explained to the client that the CIS does not get involved in enforcement of decisions in the courts. The client was very satisfied with the work done on his behalf.

*Source: Dublin South CIS*

## Local authority housing application

### Issues

The client had lived in Ireland for many years but had very little English. She and her children had received a termination notice from their landlord and had been unable to find anywhere else to move to. They were forced to move into emergency accommodation. The client had applied for social housing over ten years ago and believed she would be near the top of the

list for a local authority property by now. However, when she had gone to the local authority, they told her that her application had been cancelled in 2015 and that she would need to apply again.

## Actions

The CIS negotiated with the local authority on the client's behalf and they agreed to reinstate the client's housing application from the original date of application.

## Outcome

The client was able to express interest in accommodation through the choice-based letting system and she was offered a house shortly after that.

*Source: Dublin South CIS*

## Local Property Tax

### Issues

The client inherited the family home after his parents died a few years ago. Neither the parents nor the client had been paying the Local Property Tax (LPT). The client has literacy issues due to an intellectual disability and lives alone in an isolated area with little support.

### Actions

The client asked the CIS for support to engage with Revenue to resolve issues with the LPT. The CIS discussed with the client the need to establish the amount owed and seek a deferral of payment or agree a repayment plan with Revenue. The CIS contacted Revenue to support the client in setting up an account and to explore his options. The solicitor who handled the house transfer was also contacted by the CIS to see if the LPT was handled at the time of transfer.

## Outcome

The client is now engaging with Revenue regarding his LPT. He is set up to repay all existing monies owed. The CIS negotiated the amount with the case worker which is sustainable for the client and was successful in deferring the client's LPT liability for future payments.

*Source: South Munster CIS*

## Sub-standard accommodation and Housing Assistance Payment rates

### Issues

The client is a non-EU citizen with low fluency in English and a number of health issues. The client lived in Direct Provision for many years until he eventually managed to find a landlord to accept him under the Homeless Housing Assistance Payment (HAP) scheme. The accommodation was located in the attic of a building and was very small and sub-standard, but it was the only accommodation that he could find at the time due to the housing crisis.

The client's wife later came to join him under Family Reunification. His wife had previously been healthy, but her health deteriorated soon after moving in. The client believed that their health was being affected by their accommodation as it was very cold and there was a lot of mould on the walls and ceiling.

### Actions

The CIS assisted the client to contact the local authority to arrange an inspection by an Environmental Health Officer (EHO). The EHO visited the property and advised the landlord that work needed to be carried out to bring the accommodation up to standard. The landlord carried out some of the work, but not all, and the mould problem persisted.

The client's wife became pregnant and they became even more worried about the potential risk to their baby of being exposed to the mould and their damp and cold accommodation. They tried to look for more suitable accommodation, but found it impossible to source anything affordable in their area under the normal HAP rate.

The CIS assisted the client to contact the local authority to request the 20% discretionary increase in HAP rent limits. The local authority explained that if the rent for their new property was significantly over the normal HAP limit, then they would probably increase the HAP payment by 20%, but that the local authority would deem that based on their income they could reasonably pay a top-up of €250 to the landlord on top of their differential rent.

The client did not see how they would manage to pay this amount of top-up out of his basic social welfare payment. The CIS assisted the client with further negotiations with the local authority to see if they could re-approve them for the higher Homeless HAP limits in order to provide them with a reasonable chance of being able to move to accommodation which would not be damaging to their health.

This application was refused by the local authority's homeless section as they said the EHO had confirmed that the accommodation was now up to the minimum standards. The client disputed this as the EHO had not returned to the property for a further inspection.

The CIS assisted the client to appeal the decision of the local authority. Medical evidence provided by the client's General Practitioner showed the detrimental effect of the accommodation on their health, and it was explained that the attic flat was extremely overcrowded and was completely unsuitable for a family which now consisted of three people.

The local authority refused to change their decision and again referred to the EHO report. The CIS assisted the client to contact the EHO to arrange a further inspection of the property at a time when the client had someone with him to act as an interpreter.

## Outcome

The EHO provided the client with a letter confirming that the property was now deemed to be overcrowded under the Housing Act 1966. The client was then approved for the higher limit of the Homeless HAP scheme.

*Source: Dublin South CIS*

# CASE STUDIES:

## Immigration



### Family Reunification

#### Issues

The Irish Government established the Irish Refugee Protection Programme (IRPP) in 2015. Under the IRPP, the Government committed to accept up to 4,000 people into the State under a number of schemes and programmes. The Irish Humanitarian Admission Programme (IHAP) was established under IRPP which provided an opportunity for Irish citizens and people with Convention Refugee status, Subsidiary Protection status, and Programme Refugee status, who have eligible family members from the top ten major source countries of refugees, to propose to the Minister for these family members to join them in Ireland.

The client had applied under IHAP in 2018 with assistance from the CIS. The client had been granted Subsidiary Protection through the IRPP and applied to have his immediate family join him in Ireland. He contacted the Department of Justice on a number of occasions to receive an update on his application, but he had only received one email from them in 2018.

#### Actions

The client contacted the CIS in early 2020 as he was concerned that his application had been lost or not processed. The CIS contacted An Post and submitted a registered post receipt that the client had retained and was able to obtain copies of the signed delivery receipt from An Post. The CIS then contacted the Department of Justice on the client's behalf to request an update on the application and provided copies of the client's unanswered correspondence and the signed delivery receipt.

The IHAP section in the Department of Justice emailed the CIS to confirm that they were currently in the final stages of processing the application and hoped to issue a decision shortly. This was followed by an email from IHAP confirming that a decision had been issued.

#### Outcome

The Minister had decided to accept the client's immediate family for inclusion under IHAP and permission was granted in accordance with the provisions of Section 59(1) of the International Protection Act. The client was advised that permission to enter the State was subject to the grant of a visa for his immediate family and the CIS assisted with the visa application process.

*Source: Dublin South CIS*



## Citizenship

### Issues

The client has been assisted by the CIS with an application for Irish citizenship by naturalisation in 2018 which was still being processed. He received a letter from the Department of Justice in summer 2020 requesting further information to progress his application. He did not understand what the Department needed and had only 28 days to submit the required documentation and affidavit.

### Actions

When the client contacted the CIS for support, he only had one week remaining to submit the documentation. This was a short amount of time to obtain an affidavit, especially given Covid-19 restrictions. The client risked missing the deadline which could jeopardise his application. The CIS explained to the client what the Department requested and how to obtain an affidavit.

The CIS sent a letter to the Department of Justice on the client's behalf to request an extension. The letter explained that more time was needed in order to enable the client to instruct a solicitor and have the affidavit drafted and sworn. Several emails between the CIS and the Department of Justice were exchanged.

### Outcome

An extension was granted of one month from the date that the client received formal notification of extension. The client then instructed a solicitor to draft, swear and witness an affidavit with the required information and submitted the documentation to the Department of Justice on time.

*Source: Dublin South CIS*

# CASE STUDIES:

## Consumer

### Gas reconnection

#### Issues

The CIS became aware of this case while working with this client on another issue which involved reviewing an entitlement to the Household Benefits Package. During this time it became apparent that the client had been disconnected from her gas supply without consultation or consent. She advised that someone had removed the meter from outside of her house a year prior. She had been without heating in her home ever since as she was not aware of how to go about resolving this. The client was in poor health and was finding the cold winter months very difficult without heating.

The client explained that even if she had received notification about the disconnection in writing, she would not necessarily have understood it due to her literacy issues and learning difficulties. At this time she was not aware that her account was in arrears.

Her energy provider advised that there would be a €140 reconnection fee. She also needed a certificate of compliance which would incur further costs because the supply had been disconnected for so long. The client had limited means and felt she should not have to bear the cost of reconnection as the company disconnected the gas supply through no fault of her own.

#### Actions

The CIS successfully supported the client in negotiating a resolution with no reconnection charges and a new meter was installed. While she did have to pay for a certificate of compliance, she received support with the cost through St. Vincent de Paul after the CIS put her in touch with them. The CIS also supported the client with complaints to both the Commission for Energy Regulation and the client's energy provider.

The client was assisted to set up her new account, close her old account, and register as a vulnerable service user with the energy provider. This would offer her more protection and security from future disconnection. Her outstanding credit issues were also resolved.

After this work was completed, the client contacted the CIS to explain that her local authority was upgrading the heating and she no longer had need for a gas connection. She had difficulties dealing with the energy provider in trying to close the account and was supported by the CIS in resolving this.

## Outcome

All outstanding issues were resolved and the CIS empowered the client where possible to develop her own self-advocacy skills. The client expressed how much she had learned and that she was starting to use these newfound skills more in her life, even outside of the issues which presented in this case.

*Source: South Munster CIS*

## Chargeback

### Issues

The client lost €9,000 buying shares on what he thought was a stock and trade website. He was distressed and quite vulnerable when he asked the CIS for support.

### Actions

Although stock and shares is not covered by chargeback rules, the CIS investigated the case and discovered that the website was fraudulent and not a legal stock and shares website. The CIS wrote to the client's bank on his behalf to request a reversal of the charges based on the fact that the website was fraudulent. When the bank refused, the CIS made a complaint to the Financial Services and Pensions Ombudsman. The Ombudsman then arranged mediation between the bank, the Ombudsman, and the CIS.

## Outcome

The mediation proved successful and the client and was refunded the full amount.

*Source: South Connacht CIS*

# CASE STUDIES:

## Education

### Student Grant Scheme rate

#### Issues

The client was completing his postgraduate year in college. After applying for the Student Universal Support Ireland (SUSI) grant, he received a postgraduate fee contribution of €2,000 based on his mother's income. His mother was employed on a casual basis and received Jobseeker's Allowance for the days she was not in work. Her total income was just over €20,000. She had drawn down a once-off lump sum pension payment of €8,017 in the previous year. SUSI had included the pension lump sum in the means calculation. The family were shocked as they had not realised this once-off payment would be counted as means for affording the postgraduate fees.

#### Actions

The client asked the CIS for support with appealing the SUSI grant rate received. The CIS reviewed the mother's pension documents and researched the legislation that determines what is reckonable income or secondary income. Statutory Instrument No 152 of 2019 24 (2) states that in the case of retirement, "the proportion taken into account is the retirement lump sum divided by the number of years' pensionable service." The client's mother had paid into the pension over a 10-year period. The CIS completed the SUSI appeal form on the client's behalf and requested a review of the calculation based on the legislation and evidence enclosed.

#### Outcome

The client received a new decision awarding the full grant of €5,914.98 and with this his full postgraduate fees will be paid to the college.

*Source: North Leinster CIS*



## Student Grant Scheme refusal on nationality grounds

### Issues

The client was refused a SUSI grant on nationality grounds. She originally came to Ireland as an asylum seeker when she was a child and was not a citizen of the EU or EEA. The client and her mother were granted permission to remain in Ireland. At age 16, she received a Garda National Immigration Bureau (GNIB) card and was given Stamp 2 which grants permission to study a full time course. Stamp 2 holders do not normally satisfy the nationality criteria for SUSI grants.

### Actions

The client came to the CIS with her mother for support with this issue. From previous experience, the CIS was aware that the GNIB can issue a variety of immigration stamps (2, 3 or 4) to children in the client's situation. However, the underlying immigration permission for the client remains in the original letter from the Department of Justice. After discussing possible options with the client, the CIS submitted a review request to SUSI with supporting documentation on the client's behalf. The client received a response that the review was unsuccessful.

The CIS consulted with a specialist organisation who advised that SUSI were correct in their decision. However, the CIS concluded that the client did meet the nationality criteria after further research of the relevant legislation. Additionally, the client's university had determined that the client was eligible for the Free Fees Initiative which uses the same nationality criteria that SUSI does.

Freedom of Information requests were submitted to both SUSI and the Irish Naturalisation and Immigration Service. The CIS then completed an appeal form, submission letter, and drafted detailed grounds of appeal to accompany the appeal form. The client's university was also informed by the CIS that an appeal was in progress and requested that the client be allowed to attend classes and access the college facilities pending the appeal outcome.

Given the time constraints, the appeal documentation had to be submitted to SUSI before the Freedom of Information files were received. When these files arrived, the CIS reviewed them and found documentation to further support the client's case. The CIS drafted another letter to the SUSI Appeals Officer and included these documents.

## Outcome

The client received notification that the appeal was successful. The client was awarded the SUSI grant at the Special Rate.

The incorrect advice received by a specialist organisation was a challenge in this case as it could have led the CIS to incorrectly advise the client that their case had no merit.

*Source: North Dublin CIS*

## Essential service

"The CIS advocacy service is essential to maintain open, honest communication and is genuine in their efforts to help you as much as they can and specific to your circumstances."

Dublin South CIS client

APPENDIX: 2020 STATISTICS				LONG-TERM ADVOCACY (LTA)			
Region	Service Area	Overall Hours (hh:mm)	% change	Total LTA	% change	New LTA	Total Hours (hh:mm)
Dublin South	Dublin South West	847:17	-44%	144	-33%	50	671:04
	Dublin 12 & 24	461:56	-44%	114	-26%	54	380:39
	Dublin South Central	344:51	-75%	111	-59%	49	293:59
	Dun Laoghaire / Rathdown	236:18	-55%	43	-30%	11	195:49
	<b>TOTAL</b>	<b>1,892:14</b>	<b>-55%</b>	<b>412</b>	<b>-41%</b>	<b>164</b>	<b>1,541:34</b>
North Dublin	Dublin City Centre	644:22	-34%	104	-6%	39	518:14
	Fingal (North County)	726:28	-39%	89	-36%	34	640:54
	Northside / DCNB	226:04	-56%	67	-45%	33	218:54
	Blanchardstown / D15	339:42	-39%	52	-15%	26	291:48
	Dublin North West	389:35	-40%	47	-31%	28	364:07
<b>TOTAL</b>	<b>2,326:13</b>	<b>-40%</b>	<b>359</b>	<b>-28%</b>	<b>160</b>	<b>2,033:59</b>	
South Leinster	Offaly	525:00	-48%	88	-15%	51	387:36
	Wicklow	617:26	28%	58	-15%	34	522:49
	Wexford	207:11	-42%	57	8%	26	185:24
	Laois	257:29	2%	55	67%	36	151:54
	Carlow	136:10	-32%	17	6%	8	109:08
	Kilkenny	76:14	-22%	9	29%	5	41:24
<b>TOTAL</b>	<b>1,819:33</b>	<b>-24%</b>	<b>284</b>	<b>1%</b>	<b>160</b>	<b>1,398:16</b>	
South Munster	Cork City North	212:02	-36%	61	7%	27	205:01
	North & East Cork County	318:56	-41%	61	-15%	38	264:40
	West Cork	355:43	-56%	59	-33%	26	284:34
	Cork City South	468:05	-31%	41	-32%	21	360:03
	Kerry	279:46	-55%	22	-58%	7	221:46
<b>TOTAL</b>	<b>1003:56</b>	<b>-37%</b>	<b>244</b>	<b>-26%</b>	<b>119</b>	<b>1,336:06</b>	
North Leinster	Longford	283:29	-38%	63	-23%	35	243:01
	Kildare	222:49	-63%	61	-27%	18	197:55
	Westmeath	358:52	-38%	45	-33%	22	315:42
	Louth	226:51	-58%	33	-38%	15	178:05
	Meath	253:00	-36%	30	-27%	17	227:50
<b>TOTAL</b>	<b>1,345:03</b>	<b>-48%</b>	<b>232</b>	<b>-5%</b>	<b>107</b>	<b>1,162:35</b>	
North Connacht & Ulster	Donegal	230:33	-64%	65	-43%	10	200:09
	Cavan	318:27	26%	52	53%	33	306:10
	Monaghan	234:28	-44%	41	-16%	7	227:42
	Leitrim	200:34	-6%	28	56%	20	171:05
	Sligo	19:52	-73%	4	-56%	2	6:55
<b>TOTAL</b>	<b>1003:56</b>	<b>-37%</b>	<b>190</b>	<b>-15%</b>	<b>72</b>	<b>912:01</b>	
North Munster	Tipperary	261:43	-47%	40	-41%	11	114:58
	Limerick	208:57	-48%	35	-5%	15	57:38
	Clare	94:15	-53%	29	-53%	9	78:01
	Waterford	74:25	-40%	24	-20%	6	63:04
<b>TOTAL</b>	<b>639:20</b>	<b>-48%</b>	<b>128</b>	<b>-35%</b>	<b>41</b>	<b>313:42</b>	
South Connacht	Mayo	231:57	33%	59	64%	43	154:15
	Roscommon	158:10	-51%	36	-28%	13	137:30
	Galway	81:26	-73%	25	-40%	4	52:50
<b>TOTAL</b>	<b>471:33</b>	<b>-41%</b>	<b>120</b>	<b>-6%</b>	<b>60</b>	<b>344:36</b>	
<b>NATIONAL TOTAL</b>		<b>11,130:39</b>	<b>-44%</b>	<b>1,969</b>	<b>-27%</b>	<b>883</b>	<b>9,042:52</b>

\*excludes short-term advocacy that became long-term cases  
 These figures were drawn from the advocacy case management system on 18/01/2021

## SHORT-TERM ADVOCACY (STA)

Total STA	% change	New STA	STA only*	Total Hours STA only (hh:mm)
167	-68%	129	98	176:13
142	-60%	116	73	81:15
76	-84%	64	32	50:50
32	-68%	28	20	40:29
<b>417</b>	<b>-71%</b>	<b>337</b>	<b>223</b>	<b>350:39</b>
178	-68%	124	103	126:08
127	-51%	59	33	85:34
38	-62%	34	5	7:10
71	-65%	69	42	47:53
53	-62%	52	31	25:28
<b>467</b>	<b>-63%</b>	<b>338</b>	<b>214</b>	<b>292:14</b>
205	-66%	179	137	137:24
167	-19%	151	114	94:37
44	-58%	43	23	21:47
143	-36%	133	102	105:35
22	-67%	22	14	27:02
47	-29%	46	42	34:50
<b>628</b>	<b>-51%</b>	<b>574</b>	<b>432</b>	<b>421:17</b>
31	-67%	27	6	7:00
87	-35%	78	46	54:16
86	-64%	77	53	71:09
131	-57%	129	112	108:01
97	-68%	96	92	57:59
<b>432</b>	<b>-60%</b>	<b>407</b>	<b>309</b>	<b>298:26</b>
86	-67%	74	49	40:28
41	-83%	40	23	24:54
74	-65%	71	49	43:09
60	-62%	54	43	48:45
54	-70%	49	34	25:10
<b>315</b>	<b>-61%</b>	<b>288</b>	<b>198</b>	<b>182:28</b>
46	-72%	45	36	30:24
46	-81%	39	14	12:17
11	-87%	9	6	6:46
57	-50%	55	35	29:29
35	-68%	35	33	12:57
<b>195</b>	<b>-73%</b>	<b>183</b>	<b>124</b>	<b>91:54</b>
120	-52%	118	109	146:45
304	-39%	296	282	151:19
31	-43%	24	17	16:13
22	-66%	22	15	11:20
<b>477</b>	<b>-45%</b>	<b>460</b>	<b>423</b>	<b>325:38</b>
122	7%	119	87	77:42
30	-48%	28	16	20:40
35	-61%	25	21	28:35
<b>187</b>	<b>-28%</b>	<b>172</b>	<b>124</b>	<b>126:57</b>
<b>3,118</b>	<b>-61%</b>	<b>2,759</b>	<b>2,047</b>	<b>2,087:46</b>

# Amazing experience



“Besides winning my case, I have gained so much knowledge and confidence since I first contacted the CIS....My experience with the CIS has been amazing. From start to finish I was treated so well and everything was dealt with in a professional and timely manner. Any question was never a problem. The CIS went above and beyond to support me. This is an outstanding free service that I have already begun recommending.”

South Munster CIS client

# Citizens Information



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