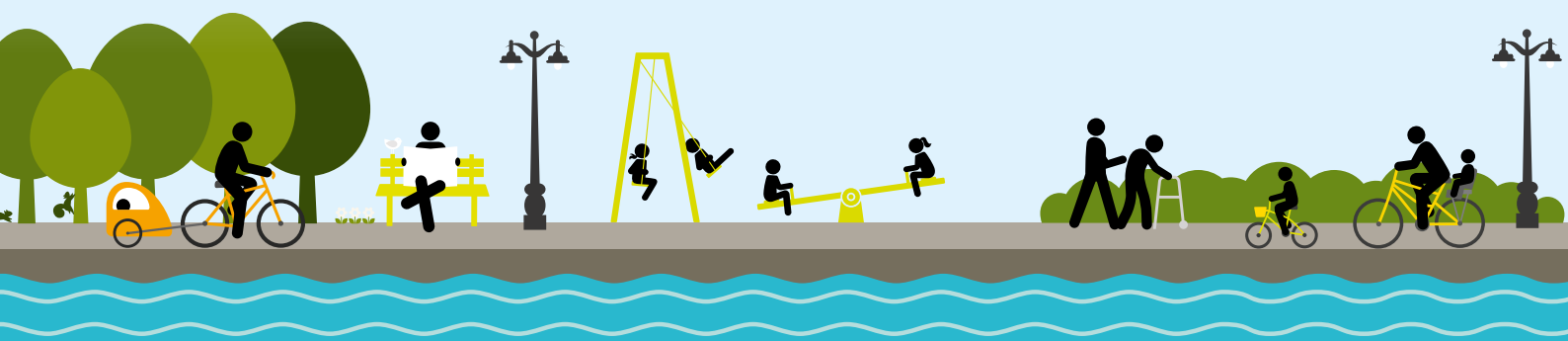




Citizens **Information** Board
information · advice · advocacy

CIS Advocacy Annual Report 2021





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“I could not have done this by myself.
You need someone who knows what they
are talking about to speak on your behalf.
I was told to phone Citizens Information by
a friend. It is the best decision I ever made.
I will now recommend the service to my
friends and family if they ever need help.”

South Munster CIS client



FOREWORD

I am delighted to present this annual report which details the advocacy work of Citizens Information Services (CISs) in 2021. The aim of this report is to highlight and recognise the outstanding advocacy service offer provided by CISs through statistical data and case studies.

Advocacy means supporting and empowering people to have their voices heard, access their rights and entitlements, reach a desired outcome, or redress a grievance. Citizens Information Services provide a free advocacy service to the public across a range of areas, including social welfare, employment, housing, immigration, health, consumer issues, and education.

People come to the CIS with a variety of difficult situations and need varying levels of support, such as needing access to a social welfare payment, help with an employment issue, or to secure a housing payment. While social welfare issues continued to account for the majority (64%) of advocacy casework in 2021, the number of housing cases increased by 50% since last year. The number of clients represented by the CIS at Residential Tenancies Board adjudication and tribunal hearings also increased.

The case studies in this report show how the work of CIS staff can have a tremendous impact on people's lives. CIS clients were supported to access life-changing payments, win cases against their employers and secure accommodation through a range of interventions. From supporting someone to submit an appeal to representing them at an oral hearing, CIS staff are able to achieve outstanding outcomes for their clients.

As the Advocacy Standards and Development Manager, I want to sincerely thank all CIS staff for their incredible dedication and flexibility throughout another challenging year. The Citizens Information Board (CIB) recognise the strong advocacy work carried out every year. I look forward to continuing to work with you and to support the CIS advocacy service offer. Thanks again for all your work and amazing service.

Stephanie Coleman,

CIB Advocacy Standards and Development Manager

2021 IN NUMBERS

Short-term advocacy cases

Short-term advocacy work involves making phone calls, preparing forms, and writing letters or emails to employers, landlords, local authorities, and government departments or agencies with or on behalf of clients.

In 2021, there were 2,272 **new** short-term advocacy cases, which represents a 19% decrease from the 2,759 new cases in 2020. Those new cases combined with 93 cases **open at the start of the year** gave a **total** of 2,365 short-term advocacy cases actioned during 2021.

1,178 of those new cases **became long-term advocacy cases**, along with 66 short-term advocacy cases which were created the previous year. This left 1,094 cases remaining as short-term advocacy.


949 cases were **closed** as short-term advocacy in 2021. Of these, the majority (50%) related to social welfare, followed by housing (16%) and employment (8%).

This short-term advocacy work took **1,283 hours** in 2021.

“CIS were the only service open and willing to help me during the Covid-19 lockdown. I feel much more secure now that I am on the correct payment and I no longer live in fear of being cut off”.

South Munster CIS client





“My CIS was just brilliant, has changed my life. Only way to describe is that I was treated like I was family. Safe, friendly and supporting. The Information Officer is beyond amazing.”

South Leinster CIS client

Long-term advocacy cases

Long-term advocacy cases are open for an average duration of 10 months and involves negotiating with third parties, progressing complex appeals, and representing clients at meetings and hearings, including the Social Welfare Appeals Office or the Workplace Relations Commission.

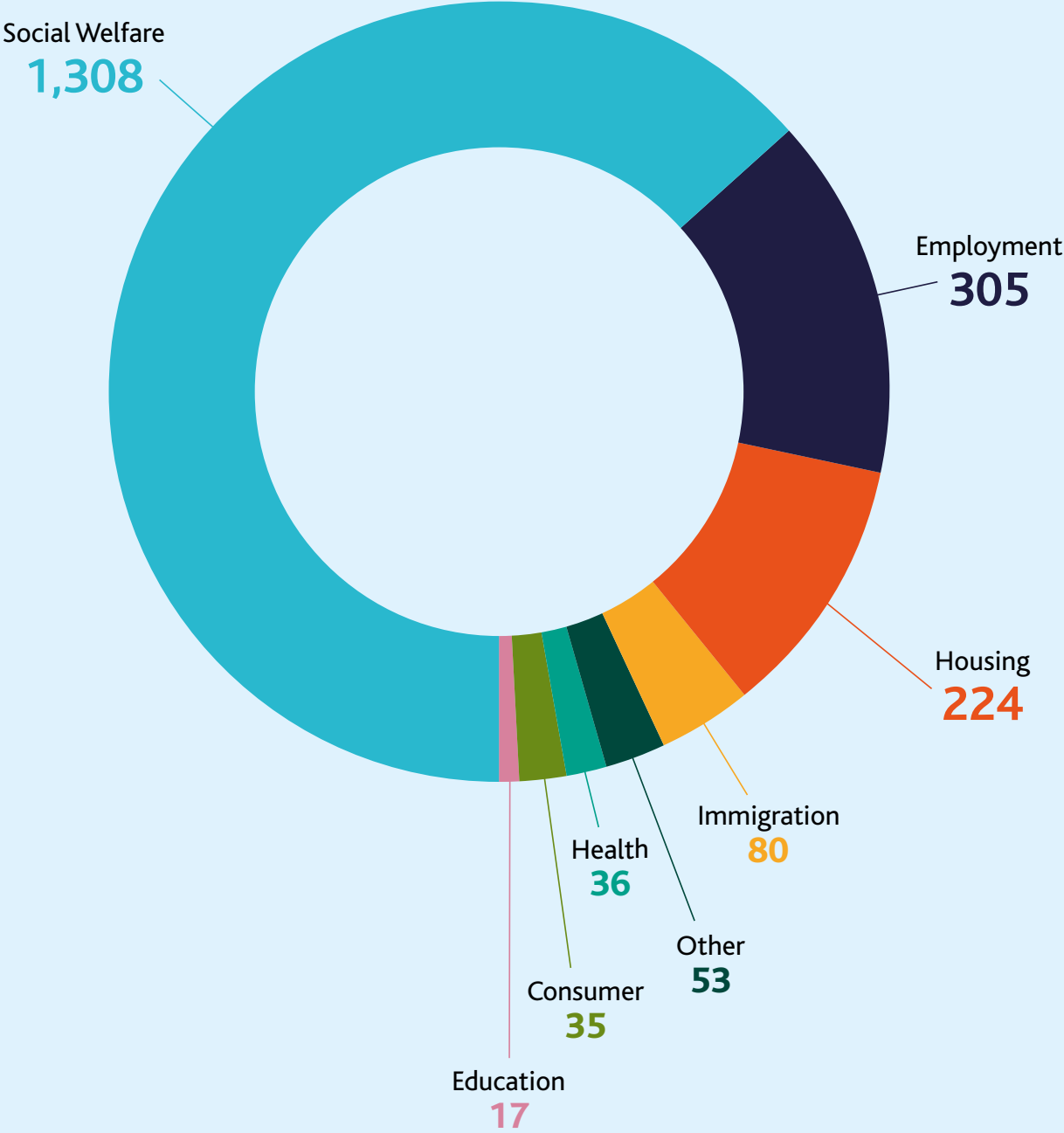
In 2021, there were 1,244 **new** long-term advocacy cases, which represents a 34% increase from the 883 new cases in 2020. Those new cases combined with 814 cases **open at the start of the year** gave a **total** of 2,058 long-term advocacy cases actioned during 2021.

1,254 cases were **closed** in 2021. 83% of desired outcomes were achieved or partially achieved. The CIS supported clients with 86 total hearings and represented the client in 61 of them.

CIS staff spent **11,295 hours** working on long-term advocacy casework in 2021, which represents a 25% increase from the time logged on cases in 2020.

A breakdown of the type of long-term advocacy casework completed in 2021 is detailed over the next few pages.

CASE CATEGORIES



Social Welfare

Social welfare 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.

The most common types of social welfare cases in 2021 involved **Disability Allowance** (27% of social welfare cases and 17% of all cases), **Carer's Benefit and Allowance**, and **Invalidity Pension** payments. Common issues recorded included the client's medical eligibility (33% of all social welfare cases), means, or right to reside. 11% of social welfare cases involved trying to cancel an overpayment.

Of the 750 social welfare cases closed in 2021, not including cases withdrawn by the client, 62% of cases involved **submitting appeals** with or on behalf of the client. Clients were also supported with seeking reviews of decisions on social welfare payments, application support, and informal negotiation.

The CIS supported clients with 52 Social Welfare Appeals Office **oral hearings**.

Employment

Employment 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.

The most common types of employment cases in 2021 involved **redundancy, unfair dismissal** (12% increase from last year), and issues with **pay**.

Of the 89 employment cases closed in 2021, not including cases withdrawn by the client, 55% of cases involved **direct negotiations** with the client's employer.

The CIS also supported clients with 27 **Workplace Relations Commission (WRC) hearings** and 3 **Labour Court** hearings.

Clients were supported to receive over €700,000 in employment awards, settlements, and redundancy payments in 2021.

Housing

Housing cases typically involve supporting clients to secure local authority housing, housing payments or resolve issues with standards of living for both social housing and private residential tenancies. Clients were noted as being at **risk of homelessness** in 35% of cases and already homeless in 7% of cases.

There was a 50% increase in the number of housing cases in 2021 compared to 2022. There was also a 50% increase in the number of cases involving the **Housing Assistance Payment (HAP)** specifically, making it the most common type of housing case last year. The next most common types of housing cases involved issues surrounding clients' **eligibility for local authority housing**.

Of the 92 housing cases closed in 2021, not including cases withdrawn by the client, 59% of cases involved **direct negotiations** with the client's local authority or landlord.

The CIS also supported clients with 7 Residential Tenancies Board (**RTB**) **adjudication hearings**, 2 **RTB Tribunal hearings**, and 1 **WRC adjudication hearing** relating to discrimination under the housing ground of the Equal Status Acts.

Immigration

The majority of these cases involved **citizenship**, visas, family reunification, and renewals. The CIS helped clients prepare submissions to the Irish Naturalisation and Immigration Service, the Department of Justice, and the Garda National Immigration Bureau.

Health

The majority of these cases involved **medical cards**. The CIS helped clients draft and prepare appeals to the Health Service Executive (HSE) and to engage with the HSE complaints process.

Consumer

These cases involved issues with **utilities**, retail, finance, communications, and insurance. The CIS negotiated with the seller, retailer, or utility provider on behalf of the client in the majority of these cases.

Education

The majority of these cases involved **Student Universal Support Ireland (SUSI)** reviews and appeals.

“I can’t tell you how much I appreciate the amazing work you did on my behalf. Thanks for doing everything in your power to win my (complicated!) case. If it weren’t for your analytical skills and professionalism the matter wouldn’t be settled now. I would like to express my heartfelt gratitude to you for all the care and concern you have shown me and for working tirelessly to ensure that the law worked in our favour.”

North Dublin CIS client



CASE STUDIES



SOCIAL WELFARE

Working Family Payment refusal

Issues

The client contacted the CIS after she was refused Working Family Payment (WFP). She is divorced and has 50/50 custody of her children. She works part-time over 19 hours a week and her income would qualify her for the payment. The father of the children is self-employed, so there was no question of the other parent entitlement for the payment. The WFP section refused the payment, claiming that our client had no qualified children residing with her full-time as they spent 50% of the time living with their father. The specific legislation was not quoted.

Actions

The CIS spoke with the client and received an overview of her situation. The client was asked to send in a copy of the decision letter.

The intention to appeal was submitted and a letter seeking clarification on the legislation under which the payment was refused was sent to the Social Welfare Appeals Office (SWAO). The Information Officer conducted an extensive research on the social welfare legislation in relation to the definition of a family, qualified children, residence of the qualified children and maintenance to the other parent and how this affects Working Family Payment. There was no definitive answer in the legislation as to how the 50/50 custody should be treated. A strategy of the appeal was discussed with the Development Manager and presented to the client for approval.

The strategy was to prove that despite the 50/50 custody, her parenting did not stop on the "weeks off". With encouragement, support and direction from the Information Officer, the client gathered the documents proving that on the week the children were with their father, she still continued to pick them up from his house and drop them to school. She also attended all meetings with school and brought them to all medical appointments and sporting events. This information was verified by letters from school, GP and consultants. With this information, the Information Officer put together a written submission which put forward the case that the client met the criteria for the Working Family Payment. The client approved the final submission and it was sent to the SWAO.

Outcome

The appeal was allowed summarily. The CIS had requested an oral hearing, but there was no need for it. The client was delighted with the outcome and provided excellent feedback to the service.

Source: South Munster CIS

Disability Allowance refusal on right to reside and habitual residence grounds

Issues

The client is a non-EU national who came to Ireland with her children to join her husband. The client's husband is an EU national who had been living and working here in the years before his spouse's arrival.

The client's application for Disability Allowance (DA) was unsuccessful on the grounds that she did not have a right to reside in Ireland and failed to satisfy the habitual residence condition.

Actions

The client contacted the CIS and was supported by her husband as English was not her first language to seek assistance with the refusal. The Information Officer explored the merits of the case with the client. The client requested that the CIS represented her in appealing the decision.

The Information Officer sent a basic appeal on the client's behalf and requested her file under the Freedom of Information (FOI) Act 2014 from the Department of Social Protection. The Information Officer asked the client to provide additional supporting documentation to assist the CIS to build a submission for the appeal. The Information Officer discussed the merits and case approach with the CIS Advocacy Support Worker. The Advocacy Support Worker supported the Information Officer to interpret the relevant legislation relating to the right to reside and examined the Social Welfare legislation (SI 548 of 20165) and the Operational Guidelines for Deciding Officers and Designated Persons on the determination of Habitual Residence with the Information Officer.

The FOI file was reviewed and the Information Officer worked with the Advocacy Support Worker to prepare a submission based on the new documentary evidence that the client had provided. However, the Information Officer discovered that among these documents was a summary decision letter from the Social Welfare Appeals Office (SWAO) stating the appeal was disallowed. The CIS was not aware of this decision from the appeals office.

Following discussion with the Development Manager, Advocacy Support Worker and client, a comprehensive submission was prepared for a Section 317 review to the SWAO. The grounds of the appeal outlined that the client arrived in Ireland to join her spouse and was exercising her EU treaty rights.

Her spouse was an EU national who had been employed in Ireland. Our client became ill which necessitated her migrant worker spouse to leave the workforce to care for her. He was awarded Carer's Allowance for our client. The CIS further outlined the legislative reasoning pertaining to her spouse retaining a right of residence where family status had changed.

He had resided and worked in Ireland for 4 years and was absent from employment for reasons not of his own making. We submitted that he retained his EU treaty rights as a migrant worker and requested that his absences from employment be retained as periods in employment.

We also outlined how our client had met the habitual residence condition and substantiated this with documentary evidence.

Outcome

The outcome of the Section 317 was successful. The client received a summary decision awarding her Disability Allowance and relevant secondary benefits. As the client's spouse had been awarded a Carer's Allowance in respect of our client, he therefore had a right of residence and was deemed habitually resident in the state. The SWAO accepted that our client was a qualifying family member as his spouse as set out in legislation.

Source: North Leinster CIS

Carer's Allowance refusal

Issues

The client was refused Carer's Allowance in respect of her father. The Deciding Officer found that the client was not providing full-time care and attention as required. The Deciding Officer went on to say that the client was providing a certain level of care, but the time involved was not considered full time. The refusal letter stated that the qualifying criteria for Carer's Allowance are that the care recipient must have a disability that meets the full-time care and attention requirement as set out in section 179 (4) of the Social Welfare Consolidation Act 2005 such that:

1. They need continual supervision and frequent help throughout the day with normal bodily functions or continual supervision in order to avoid being a danger to themselves,
and
2. Require this level of care for at least 12 months.

The client stated that their father did require this level of care, and accordingly sought representation to appeal the decision. The client explained to the Information Officer that they had literacy difficulties and came from the travelling community and had left school early. The Information Officer explained the CIS advocacy service offer to the client who was more than happy to have the CIS advocate on their behalf.

Actions

The Information Officer took copies of all relevant paperwork from the client which would assist in the appeal on behalf of the client. The relevant social welfare legislation was checked, and an initial letter of appeal was sent into the appeals office on behalf of the client. The client's file was requested from the Department of Social Protection under the Freedom of Information Act 2014.

Once we had accessed the file and reviewed the client's Carer's Allowance application, it came to our attention that the form had not been filled in correctly. When we asked the client regarding the level of care they were providing in respect of their father, the client informed us that they were caring for him seven days per week, spending between seven and eight hours per day caring for him.

It had been noted on the application form that our client only mentioned providing care four days a week, and on each of these days they only provided five hours' care per day, rather than what they had stated in the initial interview.

When we discussed this matter with our client, they informed us that they had a friend fill in the form for them due to the client's literacy issues. The client also explained to us that because they have a house from the local authority, they feared that if they showed that they were out of their house between seven and eight hours per day providing care, they might take the house back from them. We reassured the client that this would not be the case.

The application form also stated that the client's parent did not require help, but the client was actually assisting the parent, which was reinforced by the medical report from the client's GP.

We then assisted our client in completing a care diary which detailed the level of care they provided to the parent. The Information Officer then looked at the medical from the client's GP. The report stated that our client's parent needed assistance in several areas and had additional impairments. According to the GP's medical opinion, the client's parent's care needs will last indefinitely.

The care diary and the medical report were included in the submission to the Appeals Officer. In our submission, we informed the Appeals Officer that our client was willing to attend a hearing if the decision was not in her favour.

Outcomes

After weighting up all the evidence submitted by the Information Officer, the Appeals Officer upheld the appeal. The client received €3,565.00 in arrears in respect of the Carer's Allowance application.

Source: South Leinster CIS

Disability Allowance refusal based on means derived from UK benefit

Issues

The client lived and worked in the United Kingdom before returning to Ireland. He was in receipt of the Industrial Benefit Payment from the UK due to an accident in the workplace. On his return to Ireland, the client applied for Disability Allowance (DA), but his claim was disallowed as the Deciding Officer found that his means were over the prescribed statutory limit. The means derived from his UK benefit. The appeal of this decision was also disallowed. The CIS sought a review by the Chief Appeals Officer under section 318 of the Social Welfare Consolidation Act 2005, on the basis that the Appeals Officer erred in law in failing to apply Article 4 (Equality of treatment) and 5 (Equal treatment of benefits, income, facts or events) of the EU Regulation 883/2004.

Actions

The CIS carefully considered and compared the qualifying criteria for the UK Industrial Injury Disablement Benefit and its Irish equivalent (a Disablement Benefit) and proceeded to submit an appeal documentation citing the EU law. The CIS argued that in line with the equality of treatment, the UK Industrial Injury Disablement Benefit should be treated similar to Disablement Benefit payable in the state and therefore excluded from the calculation of means for the purposes of Disability Allowance.

Outcome

The Chief Appeals Officer was satisfied that the client's UK benefit was 'like' the Disablement benefit under the Occupational Injuries benefit scheme and that in line with the Article 5 of the Regulation 883/2004, the UK payment should be excluded from the means test for Disability Allowance in the same way as Disablement Benefit is excluded. The client was awarded Disability Allowance and substantial arrears of over €7,000. The client was also able to apply for the Free Travel Scheme, Living Alone and Household Benefit Package.

Source: North Connacht and Ulster CIS

Invalidity Pension refusal on medical grounds

Issues

The client was an EU national who had lived and worked in Ireland as self-employed for almost 30 years. When he developed severe arthritis he was forced to stop working as his work required the use of both hands. As a self-employed individual, he did not qualify for Illness Benefit. His savings, a substantial amount that he intended to use to purchase a house, precluded him to qualify for Disability Allowance. His application for Invalidity Pension was rejected on medical grounds and he asked the CIS for help to appeal the decision.

Actions

The CIS asked the client to send in a copy of the decision letter. The intention to appeal was submitted and his file was requested from the Department of Social Protection (DSP) under the Freedom of Information (FOI) Act 2014.

When his file was received from the DSP, the Information Officer reviewed it and identified areas where the client needed to provide additional evidence to support his case. The client was advised that he needed to get up-to-date medical evidence to support his case and he was also asked to prepare an account of the day-to-day impact of his medical condition on his life. The client had difficulties in preparing the day-to-day statement, therefore the Information Officer decided to approach it differently. The Information Officer prepared detailed questions to the client and worked with him on the preparation of the statement of impact (how the illness impacted on the client's daily routine and the availability to look for work).

With encouragement, support and direction from the Information Officer, the client gathered the additional medical information from his GP and consultants. With this information the Information Officer put together a written submission which put forward the case that the client met the medical conditions to entitle him to receive Invalidity Pension. The client approved the final submission and it was sent to the Social Welfare Appeals Office (SWAO).

Outcome

The appeal was allowed summarily. The CIS had requested an oral hearing but there was no need for it. The client was delighted with the outcome and provided excellent feedback to the service.

Source: South Munster CIS

Jobseeker's Allowance while living in a direct provision centre

Issues

The client is a non-EU citizen with language difficulties and poor health. They spent many years living under Direct Provision (DP) until they were granted Subsidiary Protection. After receiving their stamp 4, the client applied for Jobseekers Allowance (JA). They never received a decision letter but started to receive a payment at the rate of €19 per week. The DP centre allowed the client to stay in the centre for a further 18 months as the housing crisis had made it extremely difficult to source rental accommodation. The client found it impossible to save for a deposit. Homeless Housing Assistant Payment (HAP) had not yet been approved for people in this situation. When the client finally found accommodation their JA payment was increased to the full rate.

Actions

The client approached the CIS for help. They believed they were entitled to a greater JA payment than they had been receiving while they were staying in the DP centre. The CIS Information Officer had been involved in a similar case involving a client who was unable to move out of a DP centre despite being granted a stamp 4 permission.

In that case, the Information Officer had successfully argued that the legislation did not allow for a deduction from Jobseekers Allowance payments for the non-cash benefit received by people who remained living in a hostel after they had been granted permission to remain.

As it was more than two years since the decision in this case, the Information Officer decided to submit a request to have the original decision reviewed. The client's file was obtained under the Freedom of Information Act 2014. As there was no written decision in the file, the Information Officer wrote to the manager of the relevant Intreo Centre but no response was received despite a number of reminders. Two months later, the Information Officer managed to speak with the manager over the phone. The manager said that she was not prepared to revise the decision or issue an original decision letter.

The Information Officer submitted an appeal to the Social Welfare Appeals Office (SWAO) explaining the situation. The SWAO refused to register the appeal as they said they could not process an appeal without a decision letter. The Information Officer then wrote to the Area Manager for the Intreo Centre outlining the client's situation. The Area Manager arranged for a written decision to issue to the client which then allowed the Appeals Office to process the appeal.

The Information Officer argued that the legislation used by the Department of Social Protection to reach the decision was not in place at the time of the original decision. The appeal was refused.

The Information Officer submitted a request for a review under Section 318 of the Social Welfare Consolidation Act 2005 (as amended) arguing that the Appeals Officer had made an error in law.

Outcome

The Chief Appeals Officer reversed the decision of the Appeals Officer and allowed the appeal. The client received over €14,000 in arrears.

Source: Dublin South CIS

“I was very happy with the outcome achieved by my Information Officer. My case was handled very professionally, non-judgmental, a caring and compassionate way. I would definitely recommend the service, I will be forever grateful.”

North Connacht and Ulster CIS client



EMPLOYMENT

Contract employment and unfair dismissal

Issues

The client had been employed on a yearly contract. Each year, for three years, their contract was renewed. At the end of the third year, there was no mention of a new contract. The day after the last date on their present contract, our client enquired about a new contract. Their employer told them that they would have to attend an interview the following afternoon for the job they were doing. Our client was upset and confused, and felt that they had been given no notice of the change in their situation.

They attended the interview. The following day they were informed that they had not been successful at the interview and that the position would be filled by an agency worker. They were also told that their last day would be the following day.

Our client was in shock. They left their employment the following day without having a chance to say good-bye to the colleagues they had been working with for three years.

Actions

In our initial discussion with the client, it was evident that fair procedures had not been followed by the employer and there potentially was merit in the case. We would need the client's file to ascertain the background of the issue. A data subject access request was sent to the employer.

On receipt of our client's file, time was spent analysing all the documents. There were multiple issues that were evident:

1. When our client approached their employer about a new contract, they were already into the first day of their fourth year and fourth contract.
2. The contract our client had was based on a task being completed. The task had not been completed due to the employer's laxity, and was now being carried out by an agency.
3. The employer had not followed fair procedures.
4. Our client had not been given the required notice.
5. There were grounds for alleging unfair dismissal.

Under the Protection of Employees (Fixed-Term Work) Act 2003, an employee cannot be employed under an indefinite number of fixed-term contracts. An employee on two or more fixed term contracts, where the total duration of the contracts exceeds four years, would be regarded as being on a contract of indefinite duration. Also, under the Unfair Dismissals Act 1977- 2015, where a fixed-term contract expires and the individual is re-employed within 3 months, they are deemed to have continuous service.

A complaint was lodged with the Workplace Relations Commission (WRC). In the complaint, the client agreed to be contacted by a mediator if the employer agreed to mediate. The Information Officer drafted a submission. The WRC mediator contacted the CIS before a date for the hearing had been arranged. The CIS negotiated on behalf of the client with the employer through the WRC mediator.

Outcomes

The former employer agreed on a settlement and the client received the sum of €4,347.16.

Source: South Leinster CIS

Unfair dismissal following withdrawn verbal resignation

Issues

The client had been employed in an office for eight years. She tendered her resignation to her employer verbally who accepted it immediately without being asked to reconsider or withdraw it. She asserted that she verbally withdrew her resignation a few weeks later to the employer. The employer did not formally agree to her withdrawing her resignation but appeared to assume that she was continuing in employment. The issue arose again at a meeting that took place with the employer some two months later where the employee asserted that she had withdrawn her resignation. The employer disagreed with this and further stated that her work colleagues no longer wanted to work with her due to escalating tensions in their working relationship. The employer maintained the client had resigned, and she was effectively dismissed from her employment.

Actions

The CIS met with the client to explore the background of the case. The client provided a timeline of events. A step-by-step advocacy plan was then agreed between the CIS and the client. The Information Officer made the client aware of the time limit to submit a complaint to the Workplace Relations Commission (WRC) for Unfair Dismissal.

The CIS wrote to the client's employer on her behalf seeking reasons for the dismissal. A data subject access request under GDPR was also made to the employer to obtain all documents relating to our client's employment. The employer in their response to the CIS stated that the client was not dismissed but had submitted her resignation verbally. The Information Officer assisted the client to lodge a complaint to the WRC under the Unfair Dismissals Act, 1977. Following a series of meetings between the CIS and the client, a comprehensive submission was prepared and submitted to the WRC. The CIS represented the client at a remote WRC adjudication hearing.

Outcome

Following the hearing, the WRC adjudicator determined that the complaint was well founded and the dismissal was unfair as it was substantively and procedurally unfair. The adjudicator concluded that the employer had accepted her withdrawal in his own mind, which resulted in him terminating her employment albeit in the guise of accepting her resignation, due to pressure from his other staff. The client had made good efforts to mitigate her loss and was awarded compensation of €10,000. The client expressed how grateful she was for all the support from the CIS and very positive feedback was received in her advocacy feedback form.

Source: North Leinster CIS

Discrimination on disability grounds during job application process

Issues

The client initially presented to the CIS via email during Covid-19 restrictions, querying the refusal of a public sector body to continue to process her application for a night shift position. The decision appeared to have been made on the basis that the client has epilepsy. The Information Officer identified the query as a potential advocacy case and contacted the client by phone to discuss the case further.

The client's job application had been processed through several steps including an application form, aptitude tests, and a group interview. At no point was she asked to provide any medical details. The client was then advised that she needed to have a medical assessment and was asked to fill in a medical questionnaire. This was the first time the client was asked for medical information and she stated on the questionnaire that she has epilepsy. Due to Covid-19, the medical assessment was carried out over the phone and the Medical Assessor advised the client she would be assessed as fit for work, with proviso that shift work might be disruptive to the client's medical condition. Three days later the client received a letter from the public sector body stating they were no longer proceeding with the application due to the client's medical condition.

The client did not take any action at the time but was surprised to continue receiving updates as to the status of her application from the public sector body. Eventually the client emailed to ask what the exact status of her application was. The client received an email stating that her application had been stopped immediately after the medical assessment and that correspondence since then was an error. The client asked about "reasonable accommodation" and was advised that this did not apply in her case as the client was not an employee.

Actions

The Information Officer liaised with the CIS Advocacy Support Worker to ascertain if the client's case came under equality legislation. The Advocacy Support Worker agreed with the Information Officer that the legislation covered the client's situation (access to employment) and sent the Information Officer details of some relevant case law.

The Information Officer then submitted a data subject access request to public sector body and carried out relevant research into legislation and case law. Due to the delay in the client contacting the CIS, the deadline for submitting a complaint to the Workplace Relations Commission (WRC) was very tight. The Information Officer submitted a WRC complaint which included a statement outlining facts and discriminatory grounds.

The public sector body requested an extension to fulfil the data subject access request and advised the Information Officer that they only held part of the recruitment record. The Information Officer then submitted another data subject access request to the Public Appointments Service. When documentation from both of the access requests were received, the Information Officer reviewed them in detail and started drafting a submission to send to the WRC.

The Information Officer was then contacted by the WRC to see if the client would be willing to avail of remote mediation. The Information Officer discussed this with the Development Manager and the Advocacy Support Worker as originally this case was not considered suitable for mediation. However, considering Covid-19 restrictions and possible further delays to any adjudication hearing, we decided to suggest to the client that we accept the option of remote mediation and the client agreed.

The Advocacy Support Worker obtained legal advice from CIB's contracted expert support provider for this case to ensure there was nothing we were missing, and the Information Officer studied this on receipt. The Information Officer discussed with the client the possible outcomes and obtained the client's desired outcome. The Information Officer liaised with the WRC mediator and arranged a test run on Webex system with the client.

On the day of the mediation, the respondent's solicitor wanted to negotiate settlement in advance of the remote mediation session. The Information Officer discussed the offer with the client who decided to accept it. The Information Officer attended the remote mediation session with the client to confirm that a mediated settlement had been reached. The WRC drafted a mediated agreement which was reviewed by the Information Officer who made amendments before both parties signed.

Outcome

The Information Officer remained in contact with respondent's solicitor until the client obtained the settlement monies (the details of which were not to be disclosed) and then closed the case.

Source: North Dublin CIS

Bullying and unfair dismissal

Issues

The client had made numerous complaints to management about alleged bullying that she was experiencing in the workplace. The client asserted that nothing was ever done about these complaints and the bullying continued. She was summarily dismissed from her employment following a verbal altercation with the alleged perpetrator of the bullying, and it appears that proper procedures were not followed. The client came to the CIS to seek advice as to how to proceed the day after her summary dismissal.

Actions

The Information Officer gathered together all relevant information, including a copy of relevant employment policies and procedures relating to the client's employment. The Information Officer agreed to support the client to appeal the decision of the employer, in line with the procedures provided in the employee handbook. The employer, on receipt of the letter of appeal, convened a meeting to discuss the appeal which the client attended supported by the Information Officer. Following the meeting, the Information Officer negotiated with the employer to come to an acceptable settlement, or the case would be referred for adjudication by the Workplace Relations Commission (WRC).

Outcome

Following negotiation, the client was delighted to accept a settlement offer from the employer. The client received a settlement cheque which equated to the maximum that she would have been awarded under Unfair Dismissals Legislation.

Source: North Munster CIS

“When my claim was initially refused I was not going to pursue it any further. I spoke to an Information Officer who went through my claim and noticed that I had omitted a lot of details. He recommended that I should appeal the decision. He offered to make the appeal on my behalf, which I gratefully accepted. He made the whole process easy for me. At no time did I feel that I was an inconvenience. The decision of the appeal was that approval was granted.”

South Leinster CIS client



HOUSING

Deposit retention

Issues

Our clients were international language students and were due to return to their country of origin within a few months. They had not received their deposit back after leaving their previous private rented accommodation. Their rent was paid up to the end of the month until they left the property. When they requested the return of the deposit from the landlord they were told that the deposit had been used to pay for the cleaning of the property.

Actions

The Information Officer contacted the landlord and requested the return of the deposit. The letter advised the landlord of the right of the former tenants to submit a complaint to the Residential Tenancies Board (RTB). The response from the landlord did not address the issues raised and the deposit was not returned.

The Information Officer assisted the clients with submitting the complaint to the RTB. The landlord informed the RTB that she had a licence agreement with the former tenants and the complaint could therefore not be heard by the RTB.

The Information Officer carried out extensive research on the matter and liaised with their CIS Advocacy Support Worker and Threshold. The Information Officer made a written submission to the RTB. The submission referenced the RTB's own "Lease vs Licence" document.

The Information Officer attended the RTB hearing with the clients. The Adjudication Officer was very sympathetic to our clients' issues and complimented the CIS on the submission made on behalf of the clients. The landlord was not present at the hearing.

Outcomes

The RTB ruled in favour of our clients. Our clients were awarded €1,000 for the deposit and €500 for damages. The landlord did not appeal the decision. The landlord did not make the payment as required by the legally binding determination order issued by the RTB.

The clients had left Ireland at this stage. However, the Information Officer assisted them to make an application to the RTB requesting its assistance with enforcement of the determination order.

Source: Dublin South CIS

Validating Homeless Housing Assistance Payment (HAP)

Issues

The clients contacted the CIS in a distressed state as they were struggling to pay their rent, had exhausted all their savings and were fearful they would lose their accommodation. They had been designated as eligible for the Homeless Housing Assistance Payment (HAP). They had found accommodation after a prolonged period of time, but HAP had still not been validated so the clients had been paying rent from their limited resources and with the help of friends.

Actions

The CIS contacted the Homeless HAP section who stated that the clients' HAP validation was being delayed due to persistent incomplete and incorrect details being supplied by the clients in relation to their bank details. It was clear from this that the clients were not able to manage the process so the CIS requested a new payment form to be sent to them. When the clients received the form, they emailed it directly to the Information Officer (IO), who completed the form with them over the phone. The Information Officer then forwarded the completed form to the Homeless HAP section who confirmed that the clients' application could now be processed and would be backdated.

However, as the clients had already managed, with help, to pay the rent for the backdated period, it meant that the landlord/property company would receive 3 months double payment. It was therefore necessary to engage with them to try to recoup the clients' money. The clients requested that the money be paid to their bank account, but the landlord/property company advised that they could not do this. Instead, they said that they would issue a cheque for any residual funds owed.

Outcome

Following the interventions by the CIS, the clients' HAP went into payment which secured their accommodation and they received a cheque for €9,365.87 from the landlord/property company recouping the money they had used while waiting for the problem with HAP to be resolved.

Source: North Dublin CIS

Notice of eviction from temporary accommodation and HAP

Issues

The client contacted the CIS in relation to their issue of homelessness and a letter which was received from their local county council. The client had been living with their children in a temporary bed and breakfast accommodation provided by the county council. The client did not understand the content of the letter received and immediately sought help from CIS.

The Information Officer learnt that the client and the children had been declared homeless for the past several months. According to the client, the county council made them a few offers of accommodation, however, the council did not take into account their individual needs and ongoing hardship and for that reason the family refused each offer.

The letter the client received from the council informed the client of money which was owed and warned the client of eviction within two weeks.

Actions

The Information Officer sought support from Mercy Law Centre in relation to the legality of the eviction. The Information Officer also made attempts to engage with the Housing Section. However, it took weeks before the Information Officer received communication from the Housing Assistance Payment (HAP) place finder and the Housing Officer responsible for the case.

The Information Officer explained to the client the importance of paying weekly "rent" contribution even if the person is in homeless accommodation. The Information Officer negotiated a new payment plan that the client and the Housing Section were both satisfied with.

The Information Officer was able to negotiate more time for the client to stay at the accommodation before the eviction was due to take place and engaged in finding suitable accommodation for the family. The CIS requested the client's file from Housing Section under the Freedom of Information Act 2014, which helped the CIS understand the earlier steps taken by the Housing Section.

The Information Officer assisted the client to express the family's individual hardship and needs. This was presented to the Housing Officers dealing with the case.

Outcomes

Communication with the county council improved and the client was not evicted. The Information Officer helped the client to secure private rented housing accommodation with HAP, where the client's personal circumstances were considered. The client was able to repay the outstanding money to the county council.

Source: South Leinster CIS

Local authority housing transfer

Issues

The client and her husband are refugees. They had been housed by the local authority in a two story semi-detached house. The client's husband is disabled and as his condition got worse, he was unable to use the stairs safely so he started sleeping downstairs on a mattress. He still had to go upstairs to use the shower and had fallen down the stairs and injured himself as a result. The couple requested that the local authority carry out an adaptation on their house so that there would be a bedroom and accessible bathroom downstairs. The local authority carried out an assessment, but unfortunately the adaptation could not be carried out due to lack of space. The client then contacted their local CIS office for help to progress the matter.

Actions

The Information Officer met with the client and gathered information on their situation. It was agreed that she would request their file from the local authority through a Freedom of Information Act request. On reviewing the file, the Information Officer noted that the local authority was concerned about potential liability in case the client's husband fell down the stairs again. The Information Officer composed a letter on behalf of the couple requesting that they would be considered for a transfer to a ground floor property with accessible bedroom and bathroom for the client's husband. This letter included supporting documents from the family GP and a hospital emergency department.

Outcomes

The local authority wrote back to the Information Officer stating that the couple had been prioritised for a transfer. The couple then received a letter from the local authority offering them a two story house which already had been adapted with a downstairs bedroom and accessible shower/bathroom. They were hesitant as they were not permitted to view the property due to Covid-19 restrictions and they were also concerned that the property was too small. The Information Officer contacted the local authority and got a copy of the house plans and pictures of each room. The Information Officer consulted with the Development Manager who agreed that this was a reasonable offer in terms of housing which met the medical needs of the client's husband. The client decided to accept the transfer and thanked the CIS for their assistance with obtaining a swift offer.

Source: South Munster CIS

Social housing application refusal

Issues

The client applied for social housing to the relevant local authority for his family of five, two adults and three children. The application was refused on the basis that the household income exceeded the limit for the client's family circumstance. The client presented to the CIS with evidence of his household income and correspondence from the local authority outlining the income that the local authority used to calculate eligibility.

Actions

On calculation of the client's household income through his payslips and clarifying his supports through his MyGovID account, it appeared that the local authority were assessing income of €10,046.64 more than the client was receiving. The net household income comprised of €202 weekly from the client's part-time employment and of €319 weekly from Working Family Payment. An email including evidence of income was sent to the local authority to clarify the situation. No response was received after four weeks so follow up emails and phone calls to the local authority were carried out by CIS.

Outcome

Correspondence was received from the local authority confirming that the client's Social Housing Application was reassessed using the evidence provided and that the application was successful and the family were placed on the housing list. The CIS also discussed with the client about moving to a different county and the assessment process in relation to applying for Housing Assistance Payment (HAP).

Source: South Connacht CIS





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