



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

# CIS Advocacy Annual Report 2018



“I was taken from a place of severe financial stress to being able to see the **light at the end of the tunnel.**”

Cork client

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# Foreword



# Foreword

I am delighted to present this overview of Advocacy in the Citizens Information Services (CIS) in 2018, which captures and showcases the vital advocacy work being done on a day-to-day basis by CIS personnel across the country. The Citizens Information Board (CIB) acknowledges and appreciates this invaluable work, and hopes that it will encourage other organisations to signpost people who need advocacy support to their local Citizens Information Centre.

There was significant change in the CIS network last year as 42 local services became eight regional services. The CIS service to the local communities and people it serves remained very strong. Advocacy is now very firmly embedded in the core work of the CIS network nationwide. Moreover, while the total number of advocacy cases remained stable compared to 2017, the complexity of the work deepened, evidenced by the rise in CIS attendance at formal hearings.

2018 also marked a year of new challenges to be met. The implementation of the General Data Protection Regulation (GDPR) impacted substantially on case file management and review mechanisms, and ushered in new data consent processes. Additionally, a landmark judgment, the McDonagh case<sup>1</sup>, led to a change in the way that CISs approach social welfare review and appeals processes.

I wish to take this opportunity on behalf of all in the Citizens Information Board to extend a sincere and heartfelt thank you to all CIS Information Officers, Information Providers, Dedicated Advocates, Development Managers, Regional Managers and Advocacy Support Workers who do so much to deliver, support, review and develop advocacy services with enormous dedication, commitment and skill. Thank you to the voluntary board members who willingly lend their time, energy and expertise to the overall strategic and operational development of the services. And thank you also to the many volunteer and Community Employment (CE) participants in CISs across the country. Without all your efforts, CIS Advocacy would not be where it is today.

Warmest wishes for 2019 and beyond to everyone who is working to ensure that CIS advocacy provision continues to develop and flourish.



**ROSE MORRIS**, CIB ADVOCACY MANAGER  
May 2019

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<sup>1</sup> McDonagh -v- The Chief Appeals Officer & anor [2018] IEHC 407

# CIS Advocacy



# CIS Advocacy

Advocacy is a means of empowering and supporting people to access their rights and entitlements, get their needs met, or reach a desired outcome. This can mean a once-off engagement, such as assisting someone to write a letter or make a phone call, or a complex and longer-term process such as preparing people for, or representing them at, Social Welfare Appeals and Workplace Relations Commission hearings. The range and level of advocacy support provided by CISs has continued to develop and expand year on year, with significant outcomes achieved for people around the country.

In delivering advocacy services, CISs are meeting the statutory remit of the Citizens Information Board. This remit is set out in the Comhairle Act, 2000, Section 7 (1) as amended by the Citizens Information Act, 2007. It states that CIB will:

**“support the provision of or... provide directly, advocacy services to individuals, in particular those with a disability, that would assist them in identifying and understanding their needs and options and in securing their entitlements...”**

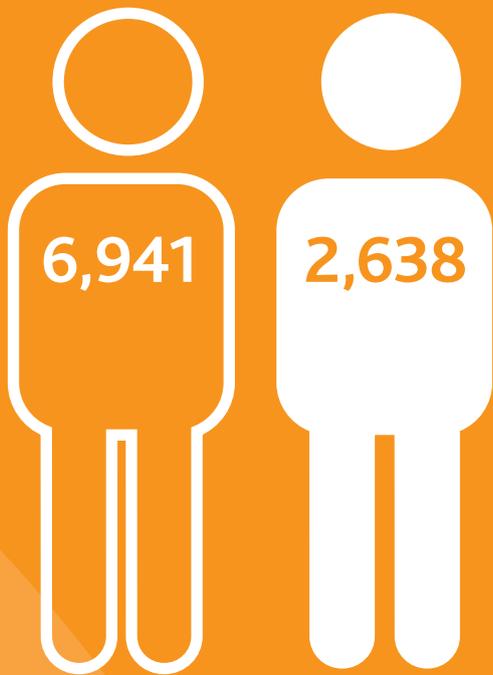
This is in addition to the more general function of CIB to:

**“support the provision of or... provide directly, independent information, advice and advocacy services”**.

# 2018 in Numbers



# 2018 in Numbers



- 6,941 short-term clients
- 2,638 long-term clients

CISs provided an advocacy service to a ***total of 9,579 clients*** last year.



- 5,826 short-term hours
- 14,475 long-term hours

CISs spent a ***total of 20,301 hours*** on advocacy work in 2018.

★ Short-term refers to one or two engagements with clients.  
Long-term refers to multiple engagements with clients over many months.

## Short-term Advocacy

Citizens Information Services (CISs) worked on 6,941 short-term or once-off advocacy cases in 2018<sup>2</sup> compared to 8,669 in 2017. Short-term advocacy work with clients generally involves one or two engagements or actions, for example, writing a letter of complaint or negotiating a product refund. This short-term work took 5,826 hours in 2018 compared to 6,749 in 2017 and over 14,000 individual actions. Factors that impacted negatively on once-off advocacy numbers in 2018 included the introduction of the General Data Protection Regulation (GDPR) and related changes in client authorisation processes.

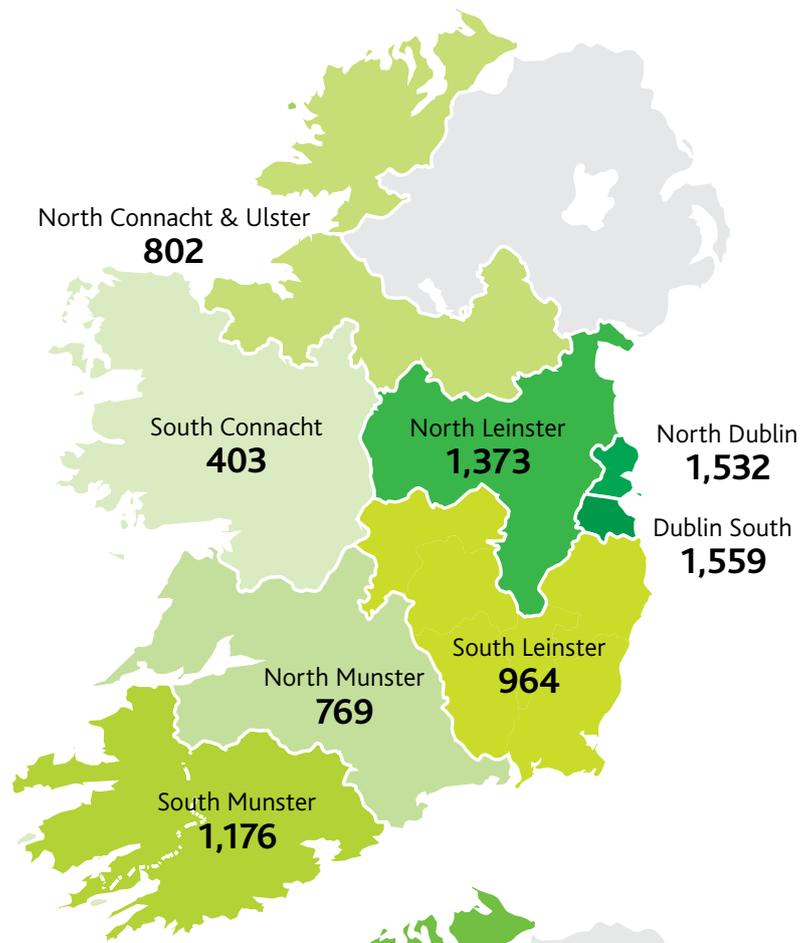
Short-term Advocacy Actions	#
Wrote letter or email	5,353
Provided information	4,264
Phone call	2,477
Prepared form(s)	2,191
<b>Total</b>	<b>14,285</b>

"I couldn't have asked for a **better outcome** to my case. My advocate was there for me from start to finish. She came with me to the Appeals Office which put me at ease."

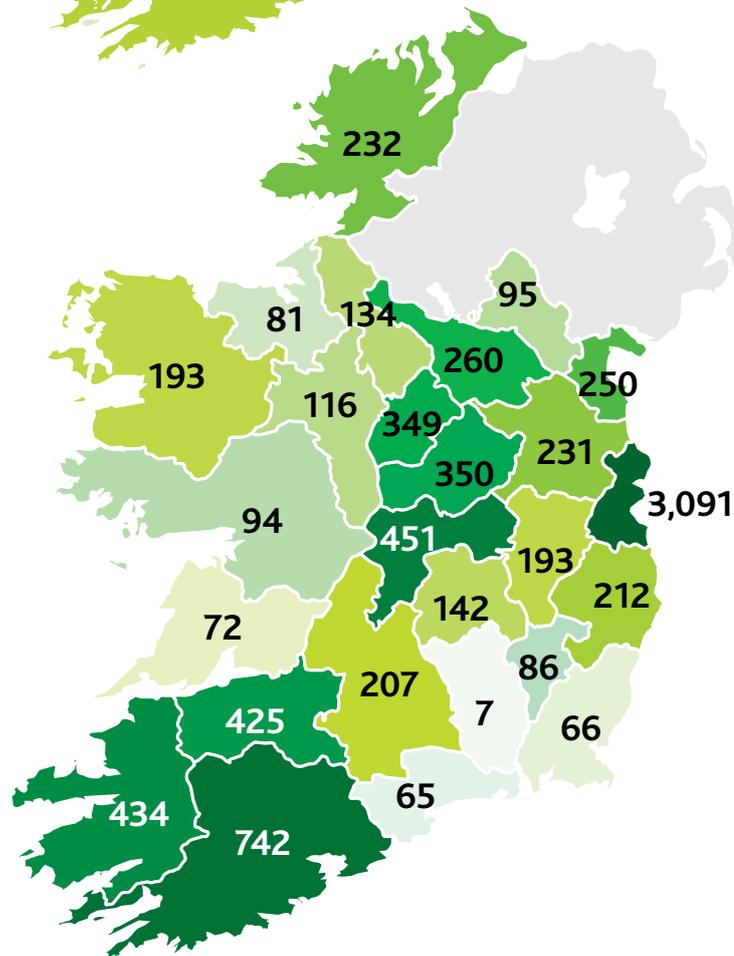
**Wicklow client**

<sup>2</sup> This is the number of short-term advocacy records open at any point in 2018 excluding those that became long-term advocacy cases.

**2018 Short-term  
Advocacy by Region**



**2018 Short-term  
Advocacy by County**



The figures in these maps include short-term advocacy records that became long-term advocacy cases.

## Long-term Advocacy Casework

The majority of the time spent on advocacy work in a CIS is spent working with a client over many months to progress a complex issue or appeal. In 2018, Information Officers, Information Providers, Dedicated Advocates, and Development Managers worked with 2,638 long-term advocacy clients on complex issues such as employment appeals, social welfare appeals, and housing cases. The caseload was similar to last year, however, the complexity of work deepened. An example of this is the 12% rise in CIS attendance at formal hearings or meetings from 199 in 2017 to 223 in 2018. This casework took 14,475 hours, similar to 2017 (14,367).

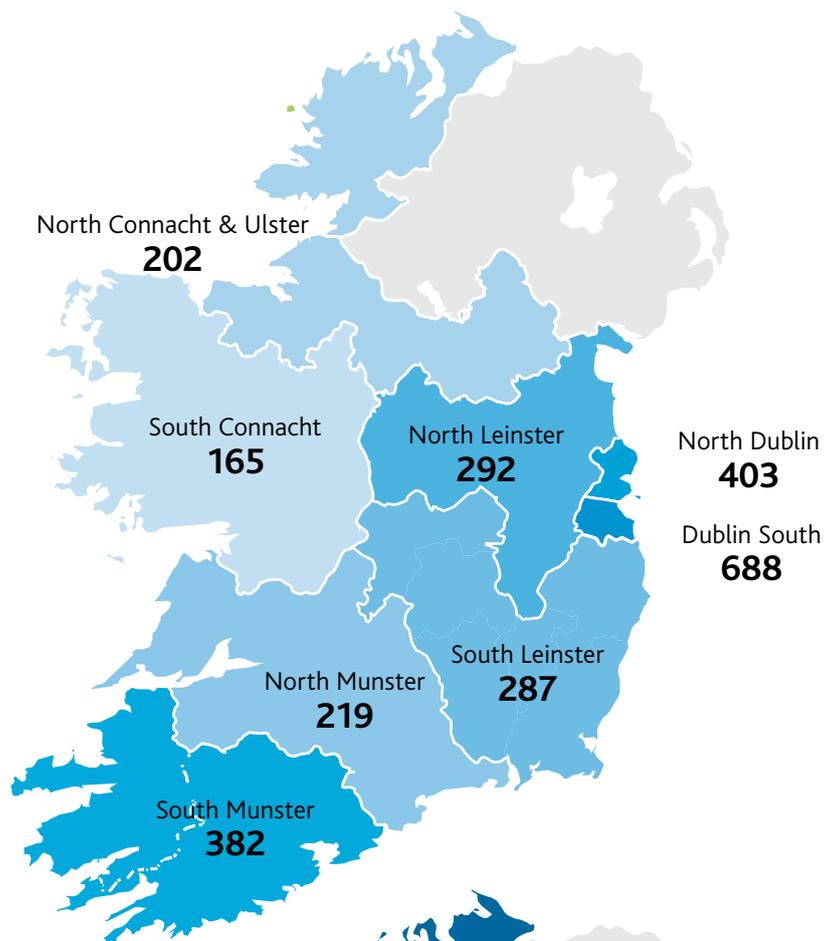
There were **1,443** new cases opened and **1,667** cases closed.



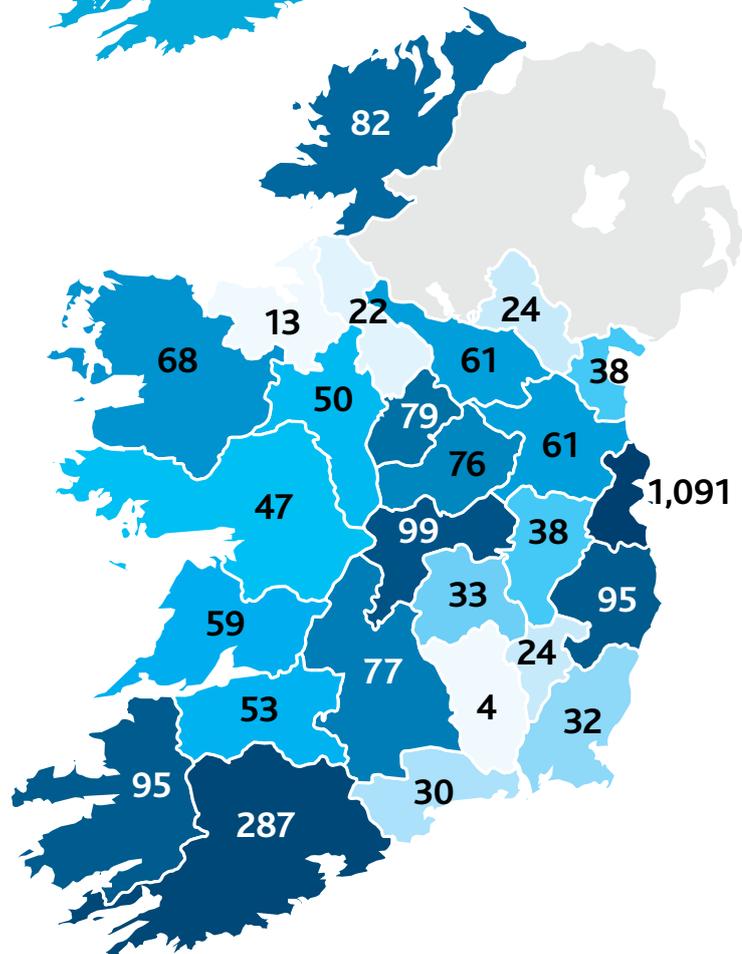
“I was so nervous going to the hearing that she met with me and settled my nerves many times. [Advocate] is a star, she met with me, even on her lunch break as it was the only time that suited me. We took on a big company and she was amazing. **Could not be more happy** with CIS service.”

**Donegal client**

2018 Advocacy  
Cases by Region



2018 Advocacy  
Cases by County



The figures in these maps relate to long-term advocacy cases only.

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

In 2018, just over 80% of all clients self-referred to the CIS, while 10% of people were referred by friends or family.

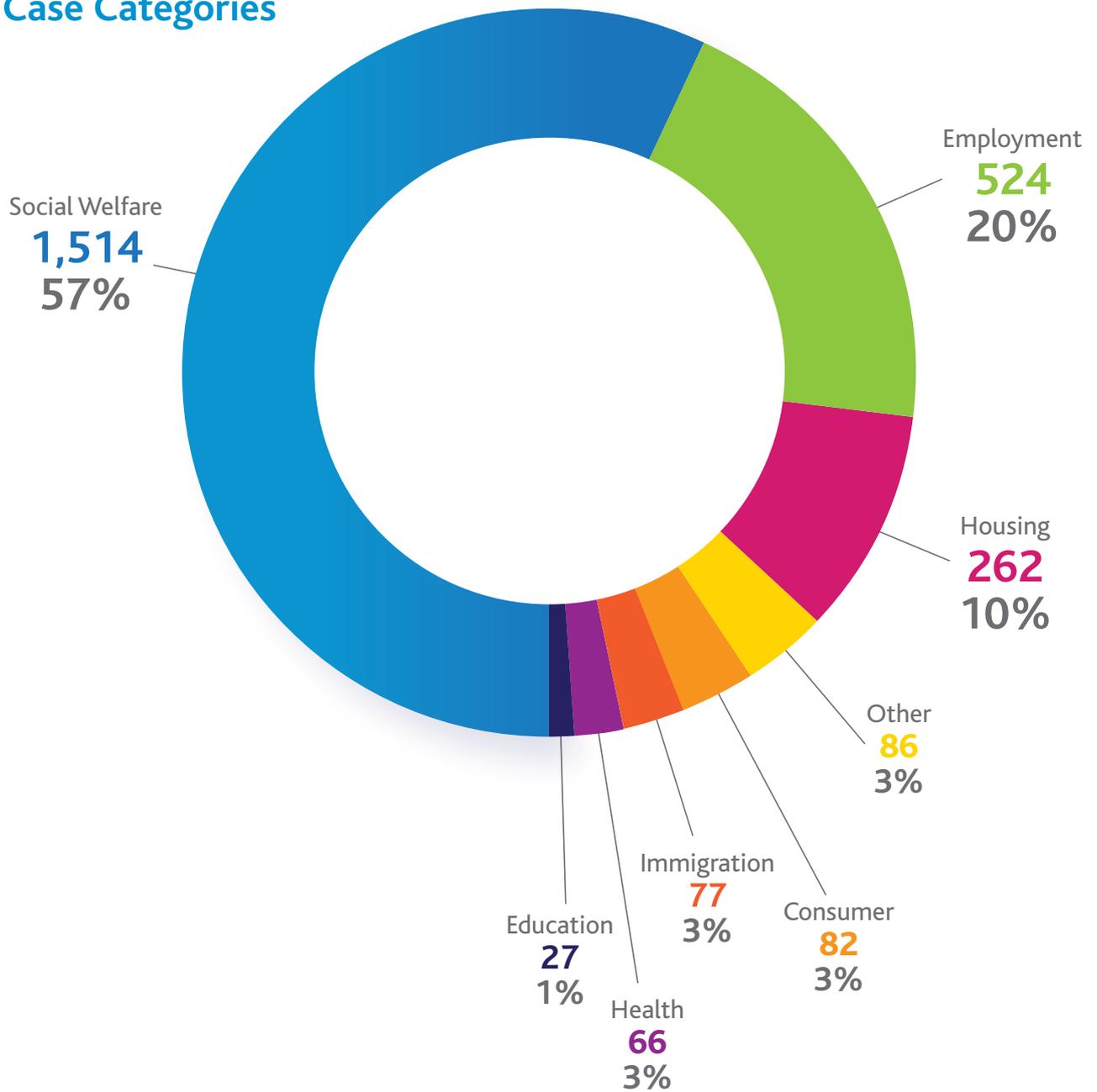
Referral Method	#	%
Self Referral	2,133	81%
Friends or Family	256	10%
Other	81	3%
Department of Employment Affairs and Social Protection	43	2%
Another Statutory Organisation	38	1%
NGO or Community Organisation	35	1%
The Money Advice and Budgeting Service (MABS)	21	1%
Another CIS or CIPS (The Citizens Information Phone Service)	20	1%
The National Advocacy Service for People with Disabilities (NAS)	11	<1%

## Supporting People with Disabilities

In 2018, nearly one third (829) of all people supported through long-term advocacy cases were recorded as having at least one disability. Of clients who were recorded as having a disability, 59% (492) were recorded as having a physical disability and 40% (333) were recorded as having a mental health disability.

Disability Type	#	%
Physical	492	59%
Mental Health	333	40%
Intellectual	60	7%
Learning	46	6%
Sensory	34	4%
Autism Spectrum	26	3%
Acquired Brain Injury	18	2%

## Case Categories



The majority (57%) of cases in 2018 were social welfare related. The number of social welfare cases increased by 7% in 2018.



## Social Welfare

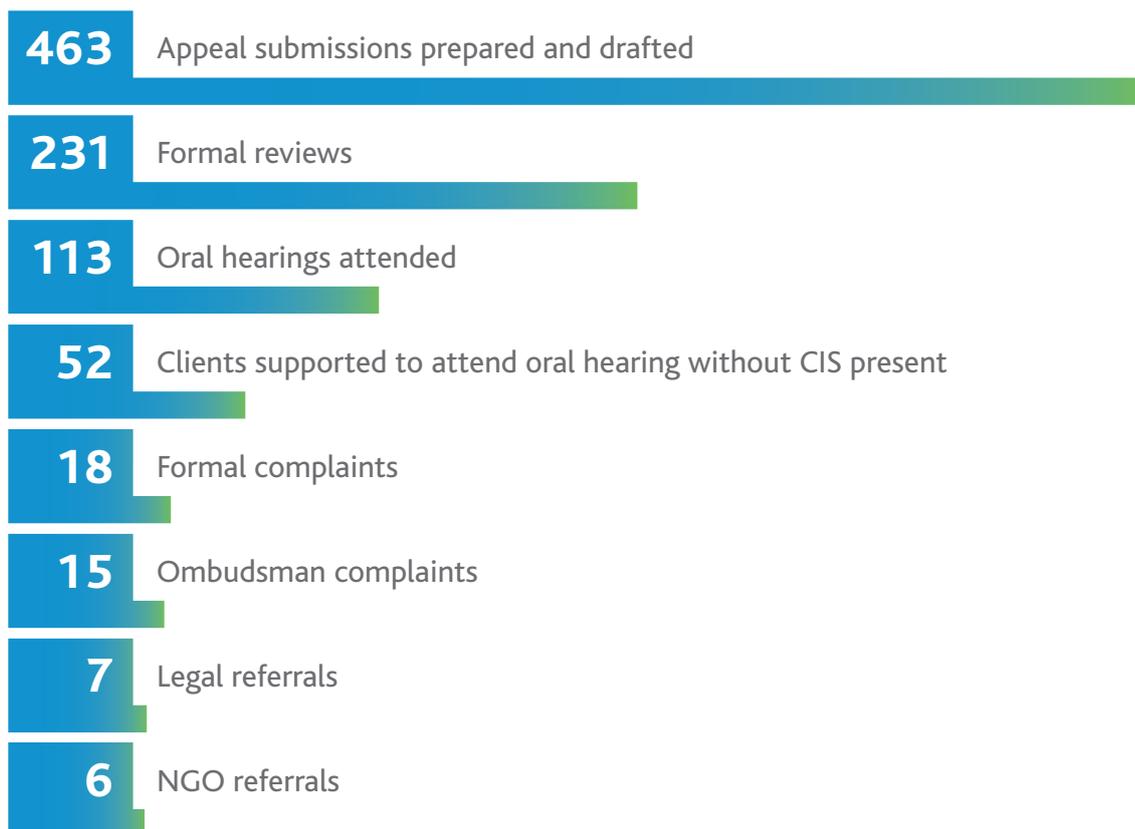
Cases can involve multiple subcategories or topics. The majority (26%) of social welfare cases were related to Disability Allowance and accounted for 15% of all advocacy cases in 2018.

### Top 10 case topics

	Topics	#	% of social welfare cases
1	Disability Allowance	397	26%
2	Carer's Benefit and Allowance	256	17%
3	Jobseeker's Allowance	158	10%
4	Invalidity Pension	148	10%
5	Supplementary Welfare Allowance	98	6%
6	Domiciliary Care Allowance	70	5%
7	Working Family Payment	70	5%
8	One-Parent Family Payment	58	4%
9	State Pension Non-Contributory	54	4%
10	State Pension Contributory	44	3%

## How did the CIS help?

Of the 950 social welfare cases that were closed in 2018, the interventions recorded include:



“It was nice to be treated as  
**a person and not a number.**”

**Cork client**

## Themes

Since January 2018 it is possible to identify recurring themes and causes across cases. **Medical eligibility** issues were present in 20% of all social welfare cases in 2018, and 35% of Disability Allowance and Carer's Benefit and Allowance cases related to medical eligibility.

Issues with **overpayments** related to 13% of all social welfare cases in 2018. Overpayment cases related to the following topics:

Topics	# of cases with overpayment issues
Jobseeker's Allowance	55
Multiple Payments	21
Carer's Benefit and Allowance	20
Disability Allowance	20
Working Family Payment	14
Other	13
One-Parent Family Payment	12
State Pension Non-Contributory	11
Child Benefit	6
Other Illness Payments	6
State Pension Contributory	5
Widow's, Widower's or Surviving Civil Partner's Pensions	5
Supplementary Welfare Allowance	4
Activation & Education Schemes	2
Invalidity Pension	2
Domiciliary Care Allowance	1
Jobseeker's Benefit	1
Secondary Payments	1



## Employment

The number of employment cases increased by 12% from 2017, raising the overall proportion of employment cases from 19% to 20% of all advocacy cases in 2018. Over a quarter (27%) of employment cases related to issues with pay.

CISs supported advocacy clients to receive over **one million euros** in employment awards and settlements during 2018.

Cases involving Workplace Relations Commission (WRC) hearings at which a CIS advocate was present had a 40% higher success rate than those at which the CIS was not there with the client.

### Top 5 case topics

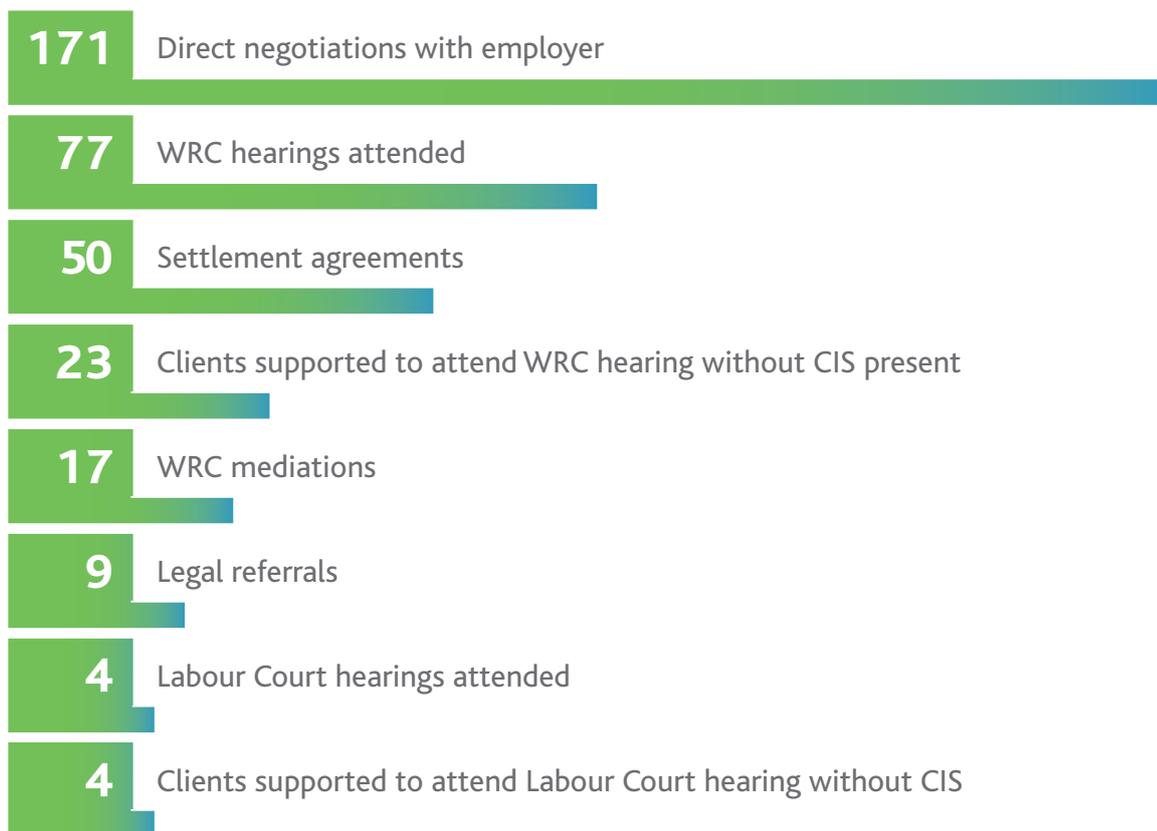
1. Pay
2. Redundancy
3. Public Holidays & Annual Leave
4. Unfair Dismissal
5. Terms and Conditions

“I had an employment issue and from start to finish my case was dealt with very honestly and professionally and I was **delighted** with the outcome.”

**Offaly client**

## How did the CIS help?

Of the 316 employment cases that were closed in 2018, the interventions recorded include:



"I could never have got this without your help. **Now I can afford to pay my mortgage** and hopefully will not lose my home."

**Tipperary client**



# Housing

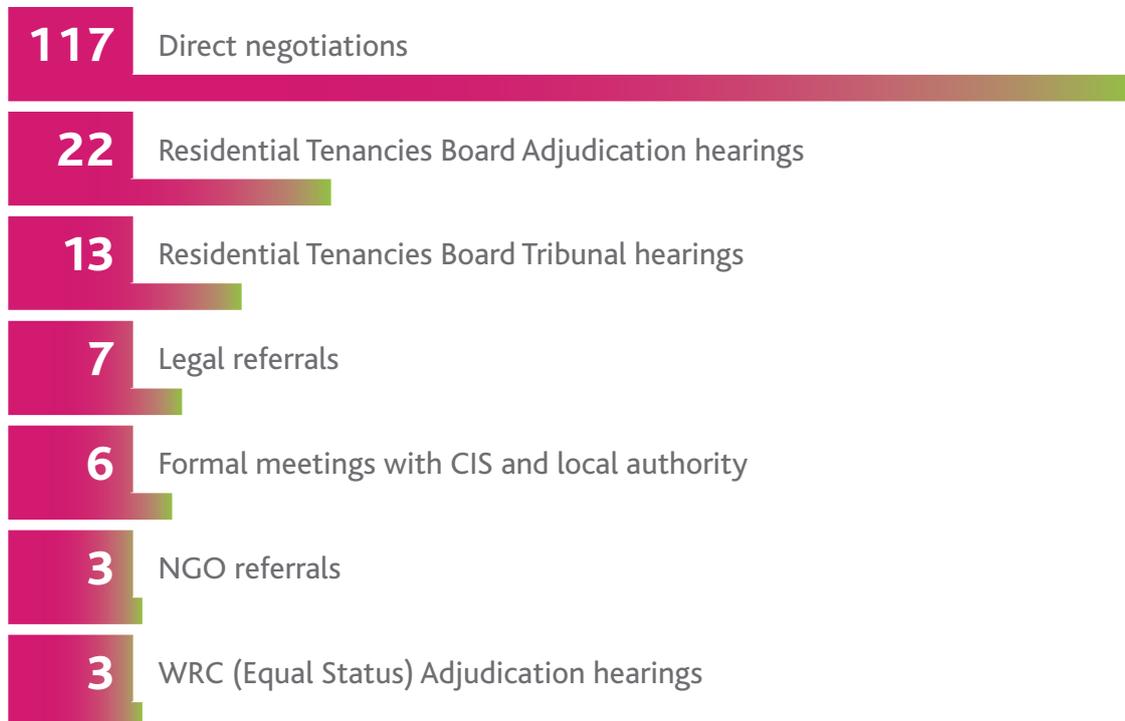
The 262 housing cases made up 10% of all advocacy cases in 2018. Clients were noted as being at risk of homelessness in 25% of these cases.

## Top 3 case topics

1. Eligibility for Local Authority Housing
2. HAP (Housing Assistance Payment)
3. Private Residential Tenancy Eviction

## How did the CIS help?

Of the 179 housing cases that were closed in 2018, the interventions recorded include:



# Delivering a High-Quality Advocacy Service



# Delivering a High-Quality Advocacy Service

## Advocacy Support Worker Programme

The Advocacy Support Worker Programme has been in place since 2011, developing and supporting the delivery of advocacy in Citizens Information Services. The overall aim of the programme is to enhance the capacity of CISs to deliver advocacy as part of an integrated information, advice and advocacy service to the general public and particularly to people with disabilities. Through the programme, Development Managers and ASWs work collaboratively with CIB to develop CIS advocacy policies, procedures and resources.

## Advocacy Support Workers

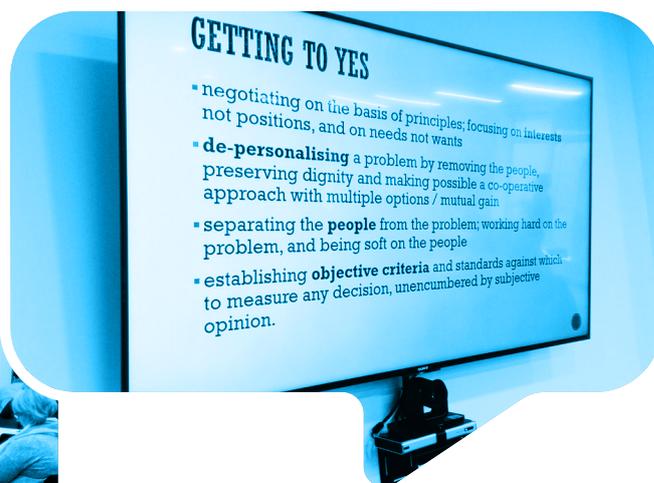
The primary role of the Advocacy Support Workers (ASWs) employed across the network is to coach and mentor CIS personnel in the processes and skills of advocacy casework. In 2018 five ASWs were assigned across 42 service areas to support Development Managers to manage advocacy, build the capacity of Information Officers and Information Providers and to provide advice on case management.

Throughout 2018, ASWs continued to provide support to Information Providers with advocacy casework. This included reviewing files, sourcing and interpreting relevant regulations and legislation, drafting and editing written submissions, supporting Information Providers through formal hearing preparation, and attendance at hearings held by the Workplace Relations Commission, Social Welfare Appeals Office and Residential Tenancies Board.

## Advocacy Resources, Training and Capacity Building

- A suite of **national quality-standards, policies and procedures** are available to guide Information Providers and their managers in their advocacy work.
- A database of **case studies** maintained by the Advocacy Support Workers is also available, along with a range of 'roadmaps' and **templates** designed to ensure a consistent approach to advocacy work.
- An **Advocacy Newsletter** was distributed quarterly in 2018 to the CIS network which contained updates on recent legislation, regulations, and policies.
- **Regional case exchange days** were organised by the ASWs for Information Providers in 2018. The purpose of these exchange days is for Information Providers to share their knowledge and experience of advocacy casework. They also include a training element delivered by the ASW or an external consultant.

- **Negotiation skills training** was organised to further develop the capacity of frontline CIS staff in the areas of negotiation skills whilst advocating for members of the public. The ASW team developed the training in consultation with Caoimhe Ruigrok BL.
- **Labour Court training** was organised by the ASW Programme for ASWs, Dedicated Advocates and their line managers. The training was delivered by Alan Haugh BL, Deputy Chairman of the Labour Court.
- An **Employment Law training bursary** was provided by CIB for Information Providers who are regularly engaged in employment advocacy to develop their knowledge in this area and obtain an accredited qualification.



CIS staff pictured attending Negotiation Skills training in Dublin.

## Advocacy Case Management System

2018 saw the implementation of major redevelopments to the case management system used by the CIS network to record advocacy casework. The system was updated with new categories, interventions and outcome options in order to enhance data collection and reporting. An electronic case review functionality was also implemented to better assist managers with quality reviews.

## Case Review

Development Managers regularly carry out reviews of advocacy casework to ensure quality advocacy services are provided to clients and to manage any potential risks. This also helps managers identify the supports, including potential training, that their Information Providers might need. The quality standards for carrying out case reviews were updated in 2018 in line with the update to the case management system to enable the review of cases electronically.

# A Day in the Life...

# A Day in the Life of an Information Officer

I work in the Citizens Information Centre office in Cabra which is located in the Deaf Village Ireland. This office is open to local hearing people and to the Deaf community. The Deaf Village is like the capital city for the Deaf community in Ireland. Deaf people travel great distances to meet friends, avail of sports activities, events and access information in their first language: Irish Sign Language (ISL). In December 2017, ISL became a recognised third indigenous language of Ireland. Members of the Deaf community come to the Cabra Citizens Information office with a huge variety of queries and letters. Today was no different.

## Morning

First, I supported an EU national living in homeless accommodation who is struggling financially as he has coeliac disease and needs to eat gluten-free food. The homeless hostel doesn't provide this. He managed to negotiate his rent to supplement his dietary costs. I saw a Deaf client living in rural Ireland who lost their Public Services Card which they need to use for free travel. I took a Skype call from them before phoning the Department to order a new card for them. Another Deaf lady called in looking for an appointment with a FLAC (Free Legal Advice Centre) solicitor and ISL interpreter for this Wednesday night. Before lunch, a young Deaf foreign national student needed help emailing the driver theory assessment centre to ensure they would have an ISL interpreter onscreen during their upcoming exam.

I often make calls on a Deaf person's behalf, but the General Data Protection Regulation (GDPR) has made things even more difficult for Information Officers advocating on behalf of members of the Deaf community. I often need to ask for a company's email address to empower a Deaf client to communicate on an issue or use their webchat. It takes a lot more time to resolve an issue with a Deaf client, many of whom may also have literacy difficulties and are perhaps not competent computer users either. Nothing is a quick fix when you cannot use the phone.



## Afternoon

This afternoon I followed up on a current advocacy case I'm working on. It concerns James, an elderly Deaf man. He called in again to see me today. He is very competent in his communication in ISL and English writing. He also is very familiar with email and has good computer skills. He regularly books flights online to visit his daughter. Last summer, he cancelled flights due to ill health. He claimed the flight money back on his insurance, however, this was returned to him in the form of travel credit. This credit could only be accessed by calling a call centre to rebook new flights. He was unable to do this. He explained to me that he had a family member call the airline on his behalf, but this was not accepted. He called into a travel agent - not accepted. He journeyed to the airport to ask an airline staff member there to book for him over the phone - not accepted. He tried webchat and was told "sorry, we cannot help you as this booking must be made through our call centre." I contacted the airline today on webchat with him but they said the same thing - he has to call the call centre. That took 1.5 hours. We decided to send a registered letter to the airline outlining all the facts and asked for an immediate response, noting this case would be brought forward to the Workplace Relations Commission due to discrimination based on the grounds of disability. James is very frustrated about not being able to manage his affairs independently. I booked him into FLAC to meet a solicitor with an ISL interpreter to get further legal advice on this.

A bereaved family called in later this afternoon seeking advice on how to access an Exceptional Needs Payment for a sudden funeral expense they had due to their mother's suicide. I filled in the relevant forms and advised on the housing needs of the young daughter left now to manage her mother's utility bills. These clients required a lot of empathy and guidance.

My role as a CIS Information Officer enables me to make a real positive difference to both the Deaf community and local hearing community of Cabra.



# A Day in the Life of a *Development Manager*

Every day is different and Development Managers juggle a number of different functions. One of these functions is the management and support of advocacy work in our centres. I try to dedicate some time each week to focus on advocacy because in my experience, by holding regular case reviews and checking the case management system, it takes less time and there are fewer surprises! The following is an outline of a day where advocacy is in focus. However, even on days like this, a manager can be required to divert to other matters that arise if staff are unexpectedly off or if a particularly challenging situation arises in the office.

- 9am:** The morning starts with checking emails and responding to the straightforward ones while considering the more complex ones and scheduling follow-up time.
- 9.45am:** Informal chat with the team over coffee as we plan for the day ahead and chat about legacy issues from the day before.
- 10am:** I prepare to review cases with an Information Officer (IO) in the Bantry office. I start by opening the case management system and go into the electronic case review function where I go through the notes from the last review. My primary focus is on the actions which had been agreed at the last case review and to see what actions have been carried out on the case since. As part of my preparation, I make brief notes on each case. I also consider any deadlines that may apply and review the relevant paperwork.
- 10.30am:** I meet with the Information Officer and go through each case, looking at what actions have been carried out and discuss reasons for any previously agreed actions not delivered on. We look at the paper files to review correspondence and update on the case management system as we go through the cases. Cases include a number of social welfare appeals, two housing cases and an employment case. We go through each case and the IO gives an overview of where the case is at and if there are any issues arising, we discuss and consider ways of addressing these. We also discuss any additional supports that the IO may need to enable her to progress the case, whether Advocacy Support Worker consultation is needed or there is particular legislation to which the IO may need to refer. At the end we summarise the key areas which the IO needs to work on and look at times in the diary where she may need dedicated advocacy time.

**12 noon:** I attend a West Cork Asylum Seekers Support Network meeting in a nearby town, which is a network of agencies providing support to residents of a local direct provision centre. Advocacy is an agenda item and there is a lot of interest in the advocacy service provided by the CIS. There is discussion on how the local CIS outreach service can support people who are leaving direct provision and moving to live in the community. There is very positive feedback from other agencies on their experience of our service which is good to hear.

**2.30pm:** On returning to the office, I check in with IOs about callers and queries that have arisen during the day. We chat about a range of issues that have arisen during consultations and focus in particular on some challenging issues that have presented. We discuss some new initial enquiries and deliberate as to whether or not they need to be opened as full cases.

One IO has just had a visit from a client who has received a date for a Workplace Relations Commission hearing and we look at the rota to see what additional staffing cover needs to be put in place to enable her to attend the hearing with her client.

There is celebration when another IO gets a call from her client that his social welfare appeal has been upheld. The client will bring in the decision letter so that we have a copy on file.

**3.30pm:** I meet with a new volunteer Information Provider and go through the procedures regarding identifying and recording once-off advocacy. I take him through the authorisations and data protection consent forms as well as showing him how to record on the different case management systems.

**4.30pm:** I contact the IOs in the Macroom office to confirm that they are ready for our case review meetings the following day. They will take place after our team meeting in that office involving all staff based there. We have *Identifying Once-Off Advocacy* on the agenda so I ask the Administrator to print some hand-outs for the meeting.

**5pm:** The office is closing so I do a quick check-in with everyone that all went okay for them during the day. I then jot down my to-do list for tomorrow.

# A Day in the Life of an *Advocacy Support Worker*

This morning I am travelling by bus to a service so I can get some work done on the way. I deal with email queries on my laptop. An Information Officer needs an opinion on the merits of a social welfare appeal. Another is asking for help in finding case law for a submission to the Workplace Relations Commission. A Development Manager is having trouble with the case management system.

Once complete, I have fifteen minutes left in my journey to finish reading a Supreme Court judgement in relation to informal insolvency and redundancy. The judgement, much like the commute, is winding and difficult to follow... but I get there in the end.

I arrive at the service, say hello to the staff, and get set up in an office for the day. I meet with an Information Officer and we examine the content of a client's social welfare file. We discuss medical evidence, Inspector reports, the strengths and weaknesses of the case. I meet with another Information Officer. We discuss a recent adjudication hearing at the Workplace Relations Commission, his first. We discuss what went well, what didn't, and how to improve performance at the next hearing.

In between seeing Information Officers, I take some calls from other services: an invalid notice of termination from a private landlord, a refused medical card application, and an application for medical prioritisation on the housing list. I go back to my laptop and schedule my queries in order of urgency, to be followed up on over the next week.

I meet a manager from a local NGO for lunch. We discuss a possible training event for CIS staff. We talk about collaborating on a new social welfare rights project. We discuss developments in the sector and general lack of resources. We share contact details and agree to follow up on our ideas next week.

In the afternoon, I return to the service to support the Development Manager with some further case reviews and using the case management system. We talk about recent successful cases and future training needs.

Before day's end, I check my emails and phone another Advocacy Support Worker to discuss some ongoing programme work. We discuss a possible referral of a case to expert support for legal advice. We share details of some of the interesting cases that we have been supporting this week. We realise that it's getting late. We are ready to go home.



# Social Policy Issues





## Social Policy Issues

Social policy data is submitted by CISs through Social Policy Returns (SPRs) on advocacy casework and information and advice queries. These indicative cases help CIB to get a clear picture of the problems that people are facing when trying to access social and public services. This data plays a key part in supporting CIB to make submissions and recommendations to Government, to consultative processes, to regulators and other organisations on how to improve policy and administration of services. The cases highlighted by services can point CIB towards topics to be researched, and they provide evidence on administrative and policy-related concerns on a wide range of issues.

Advocacy cases provide an opportunity to look at social policy issues in more depth, as Information Providers work with people over a period of time and gain greater insight into their personal circumstances. Advocacy interventions can lead to successful outcomes for individual clients but can also lead to policy changes which are of benefit to the wider public.

Social Policy Returns were reported on almost 10% of the 2,638 advocacy cases which were open in 2018. There was a total of **343** SPRs, as some cases involved more than one policy issue or concern.

Over two thirds of the issues that were highlighted by services were categorised as operational or administrative matters. Policy-based concerns accounted for the remaining one third. This reflects a similar pattern to the feedback on information and advice queries within CISs.

Some cases evidenced difficulties in dealing with the administrative system and frustrations encountered by people in progressing claims. In some instances people withdrew from pursuing cases and gave up on their claims. Some people had language difficulties and struggled to follow the administrative systems that are in place for dealing with government departments and local authorities. Social Policy Returns also indicate that although people were aware of the complaints process, many wanted to put the issue behind them and declined to make formal complaints.

Examples of administrative difficulties include:

## Delays in progressing claims

- Significant delays in making contact with certain departmental sections or an inability to get through at all
- Delays in applications causing financial and psychological hardship, particularly for secondary benefits that depend on a primary payment, for example, Back to School Clothing and Footwear Allowance
- Delays in appeal processing times

## Information/signposting issues

- Significant information issues and gaps for many welfare applicants
- Examples of local government officials advising clients that they are not eligible for a payment before they apply
- Need for applicants to receive a breakdown of the payments being made and how they are calculated
- Unable to access full information on decision-making on cases without the use of Freedom of Information requests

## Communication issues

- Lack of adherence to codes of conduct for customer engagement
- Issues not being resolved at a local level necessitating the lodging of an appeal
- Need for departments to inform CISs of decisions made (when permission has been granted by the client) in order to ensure that cases can be closed off

## Decision-making/redress

- Inconsistency in decisions being made in relation to clients in similar circumstances
- In some cases, successful outcomes from appeals only resulted after contacting the Office of the Ombudsman

# The Dedicated Advocacy Pilot



# The Dedicated Advocacy Pilot

Dedicated Advocates were appointed to five CIS locations for the first time in 2016 as part of a Dedicated Advocacy Pilot (DAP). Typically in a CIS, an Information Officer will offer information, advice and advocacy services to the public. The purpose of this pilot was to evaluate the effectiveness of employing an advocate within the CIS structure who focused solely on advocacy work. The pilot ran for two years and concluded in December 2018.

The Dedicated Advocate in each service offered a particular advocacy specialism, two in social welfare, two in employment and one in housing, against which caseload targets were set. There has been a thorough evaluation of the pilot which will inform the future development of CIS advocacy.

Members of the DAP Steering Group pictured at their final meeting.



## Key Achievements

The Dedicated Advocacy Pilot substantially enhanced the delivery of advocacy in the pilot CISs and provided important learning in terms of the delivery of advocacy services in the network going forward. Key outcomes were:

- A definite impact on the level, extent and nature of advocacy work and outcomes
- A significant enhancement of the capacity of a given CIS to deliver advocacy casework
- A positive attitudinal and cultural impact, enhancing the confidence and capacity of Information Officers in the centres in which a Dedicated Advocate was based
- A considerable increase in the advocacy caseloads of the DAP services
- Support for the development of specialisms
- The development of skills and capacity to handle more complex casework
- The development of a more diverse client profile

## Feedback from DAP clients:

"I was delighted with the outcome, [Advocate] was so good, she **listened**, she **helped me see that life could be better for me and my son.**"

"Due to my vulnerability, suffering with mental health issues, I struggle with self esteem and assertiveness. [Advocate] was **very reassuring** and I knew she was **battling tirelessly on my behalf**. I felt **completely supported.**"

## Feedback from services employing a Dedicated Advocate:

"The Dedicated Advocate allowed us to **expand on our advocacy service offer** in the Citizens Information Centre where the advocate was based – this also extended across the county in time."

"The Dedicated Advocate has **increased an awareness** amongst Community Employment and volunteer personnel of advocacy and its importance in the suite of services we provide."



# Case Studies





## Case Study: Disability Allowance

Daniel has a severe disability and requires 24 hour care for which he is completely reliant on his parents. He is an EU national under the age of 21 and his father is in full-time permanent employment in Ireland. Due to his reduced capacity, Daniel made an application for Disability Allowance through his mother who is his main Carer.

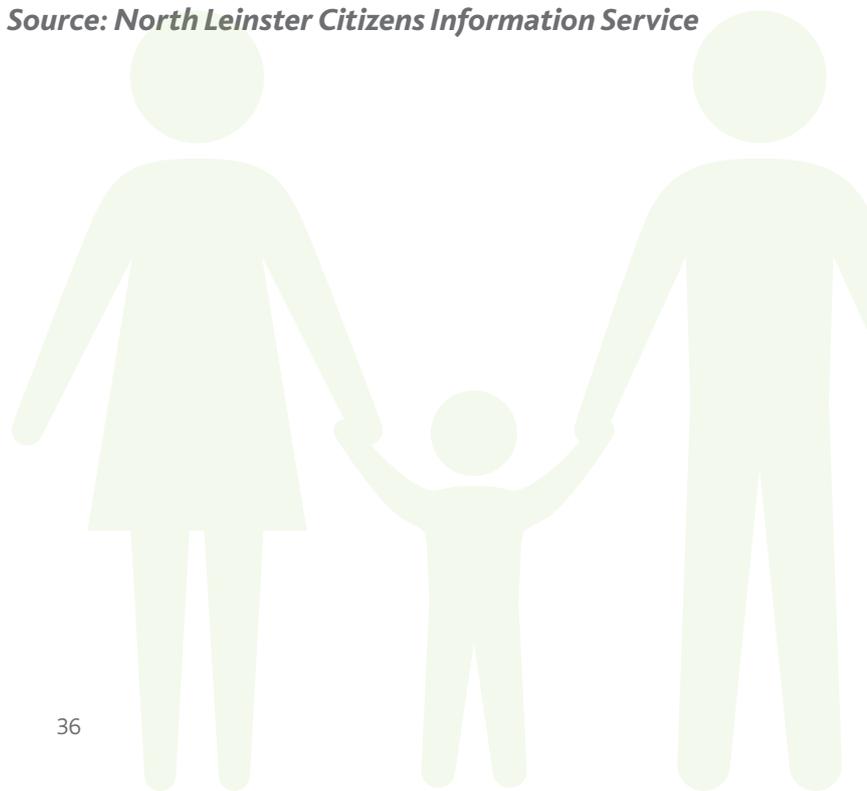
His application was refused because he was deemed not to have a right to reside in the State and therefore not to be habitually resident. Two weeks later, the CIS sent a letter to request a review of the decision on his behalf. This was also refused by the Department, again stating that Daniel had not demonstrated a right to reside in the State.

The CIS, with assistance from their Advocacy Support Worker, made a detailed submission to the Appeals Office on Daniel's behalf which involved quoting and interpreting the relevant legislation.

The key argument was that Daniel does have a right to reside in the State on the grounds that he is under 21 and a dependent direct descendant of a Union citizen who is employed. He is unable to live independently of his parents and relies on their care for his wellbeing. In addition, the CIS contended that a Disability Allowance payment would not place an unreasonable burden on the State, and that it would enable Daniel to access to a range of supports from multiple agencies that he could not avail of without this payment.

The Appeals Office concluded that Daniel satisfied the habitual residence condition in regard to his original application and allowed the appeal. He was awarded a weekly payment and also received arrears of over €7,000.

**Source: North Leinster Citizens Information Service**





## Case Study: Discriminatory Dismissal

Farrah had been offered a one year full-time contract at a multinational company. She had previously worked for the same company in another country for many years. Her contract was terminated six weeks later with the explanation that the company was overstaffed. She thought this explanation was unusual given that her arrival had been planned and she had just been measured for the company uniform.

Farrah is a Muslim and always wears a head scarf. She believed that her dismissal may have been discriminatory as it happened the day after a highly publicised terrorist attack. The CIS discussed her option to pursue a claim for discriminatory dismissal under equality legislation, but stressed that the onus was on her to prove her case and she would need more evidence. Farrah had some paperwork with her from the employer including a reference and two letters, one which indicated she was engaged with the company on a one year contract and the other stating that she was employed to cover maternity leave. The CIS submitted a data access request to her employer, then submitted a complaint to the Workplace Relations Commission (WRC) and attended and represented Farrah at the hearing.

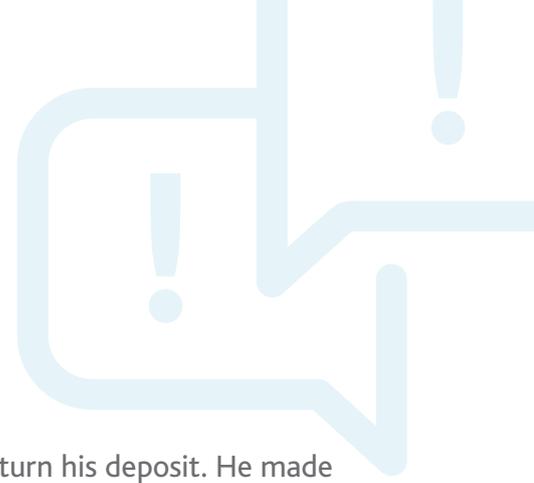
The Adjudicator found in Farrah's favour and awarded €12,000 as compensation for racial discrimination by her employer. The employer did not appeal or pay the award. The CIS explained to Farrah that she would need to apply to Court for enforcement of the WRC decision. The CIS then discussed her eligibility for legal aid and she was advised that she could engage a solicitor privately which should be a quicker process. The CIS discussed the enforcement section of WRC and explained it was at their discretion whether or not to accept requests as they had limited resources.

The CIS assisted Farrah to complete the WRC enforcement application. She received a letter from the WRC stating that they had issued a payment demand letter to the respondent on her behalf and that if this was ignored, they would refer her application to the legal proceedings committee for a decision. Following on from this letter, Farrah received a phone call from the WRC informing her that the respondent had contacted them by telephone and confirmed that they would be forwarding a cheque payment of €12,000.

***Source: North Connacht & Ulster Citizens Information Service***



## Case Study: Deposit Retention



Pavel's tenancy was terminated and his landlord's agent refused to return his deposit. He made several approaches to the agent but to no avail. He sought the assistance of the CIS who made direct contact, however, the agent insisted that there was no record of a deposit having been paid.

The CIS submitted a case on Pavel's behalf to the Residential Tenancies Board for resolution and attended the hearing. The evidence showed that Pavel had made two large cash withdrawals from his bank account the day before and on the morning that he paid the cash deposit to the landlord's agent. Also submitted was email correspondence between Pavel and the agent in which the agent confirmed that a deposit and one month's rent in advance along with a reference was required to secure the tenancy.

Further email correspondence was submitted between the tenant and agent regarding standards and maintenance issues. It was pointed out that at no stage had the agent made reference to the non-payment of a deposit in these emails. In addition, there was no correspondence from the agent indicating that the tenant was in arrears of rent. The landlord's agent claimed that efforts had been made to establish whether or not a deposit had been received but could find no record of it. In addition, the tenancy had been renewed following a rent increase and the new lease further indicated that a deposit had been paid.

The adjudicator found that on the balance of probabilities, Pavel did pay the deposit. The adjudicator noted that both parties were acting in good faith and there were no claims of improper or dishonest actions on either side.

The adjudicator further noted, "in reaching my decision I have considered that it is most improbable that the applicant would have obtained a lease and indeed the keys of the dwelling without the payment of a deposit and one month's rent in advance. This was a condition of the lease and was included in the email correspondence prior to even viewing the property. The fact that a deposit was paid was recited in the lease and again in the subsequent renewal thereof."

As no appeal was submitted by the landlord, a Determination Order was issued and the landlord was ordered to return the security deposit. Pavel received the cheque a month later.

**Source: Dublin South Citizens Information Service**



## Case Study: State Pension

Theresa is in her 70s and came to the CIS seeking information about any possible entitlement. Her husband died two years ago and she had no pension. She was very anxious about the future as she was living on dwindling savings and farm rental income. A previous application for a pension in 2007 had been refused.

She was assisted to apply for a Widow's Contributory Pension. When this application was refused on the grounds of insufficient contributions, it was noted by the CIS that Theresa had a yearly average of 10 contributions. She had not been advised of the significance of this by the Department of Employment Affairs and Social Protection (DEASP).

The CIS was aware that a yearly average of ten contributions was enough for the minimum Contributory State Pension and assisted Theresa to make the application immediately.

Earlier, in the summer of 2017, Theresa was awarded the State Pension Contributory at the rate of €119.20 per week, along with the Living Alone Increase. The award letter stated that the payment would be backdated to 2009. This was wonderful news for Theresa who felt that finally she would receive the assistance she had sought for almost ten years.

A few months later, Theresa received a second letter from the Department advising that her pension would only be backdated for six months. Devastated with this news, Theresa appealed the decision not to backdate her claim with the assistance of the CIS. In the submission to the Social Welfare Appeals Office, the CIS requested that the claim be backdated to six months before the date of her first application for Non-Contributory Pension in 2007.

The appeal hearing was held in late 2018. Theresa won the appeal and was delighted with the outcome. There was a three month delay in receiving payment from the DEASP. Theresa became very distressed during this period as she was fearful that the Department would again change their mind on the decision. The CIS had discovered that the DEASP had contacted Revenue to check that her tax returns had been filed and her PRSI paid correctly.

The CIS assisted Theresa to submit a complaint to the Ombudsman seeking immediate payment of her arrears and an apology for the long delay and distress caused. The response from the Ombudsman received months later gave an apology from the DEASP for the "lapse in their normal high standards of customer service".

Theresa was ultimately awarded her pension and an arrears payment of over €44,000.

**Source: North Munster Citizens Information Service**



## Case Study: Unfair Dismissal

Marcela lost her job five weeks after she started in her position. She was pregnant at the time. The company claimed that the role she was filling became redundant with immediate effect.

The company had initially advertised for someone to fill a specific administrative position as the person currently filling the role was leaving. Marcela applied and interviewed for the job, but was unsuccessful and the position was offered to another candidate. Two months later, she received an email from the company asking if she was still interested in the position and was shortly offered the job. While working in the company, she discovered that the person who had been the successful first-choice candidate left the job shortly after starting.

A week after Marcela started work, she informed her manager that she was pregnant. She was dismissed five weeks later. The employer said that the role she was in had become redundant, while Marcela felt that she was dismissed because of her pregnancy.

Marcela had lodged a complaint to the Workplace Relations Commission prior to coming to the CIS, but she did not know what to do next. The CIS put in a data access request to her former employer and prepared a case for her. When she was given a date for the hearing, the CIS completed the submission and represented her at the hearing.

The fact of the dismissal was never in contention as both sides agreed that a dismissal had taken place. It was the motivation behind the dismissal that was in dispute.

The company argued that it was a genuine redundancy situation and the CIS argued that if a genuine redundancy had taken place, then they had not followed their own procedures as laid out in their staff handbook. The CIS also argued that it was not reasonable that within the span of a few months the client's position had been filled twice after the original employee had left. If a genuine redundancy situation existed, they would not have gone through the hiring process twice in such a short space of time.

The adjudicator found that it was not a genuine redundancy situation and that the client had been dismissed due to her pregnancy. She was awarded €10,000.

**Source: South Leinster Citizens Information Service**



## Case Study: Overpayment

Aoife is a lone parent with one child and was in receipt of One-Parent Family Payment (OPFP). She experienced mental health issues and her social service supports felt that it was best for her recovery that her child be put in foster care with a relative.

She was in contact with her child on a daily basis and still provided care, clothes and other financial support that was within her limited means. The care arrangement was initially intended to be short-term, but continued longer than expected due to Aoife's ill health and remained in place for almost a year and a half. She continued to receive her One-Parent Family Payment pending her child returning home. Aoife called to the CIS when she received a letter from the Department of Employment Affairs and Social Protection informing her that her OPFP was stopped and that she owed the Department €15,000. This letter was extremely distressing for her. The CIS could see that the overpayment was assessed under Section 302(a) of the Social Welfare Consolidated Act which covers fraud.

The CIS assisted Aoife to obtain her file under the Freedom of Information Act, apply for a Disability Allowance payment and supported her to obtain Social Welfare Allowance in the interim. The CIS worked with her to draft a submission to the Social Welfare Appeals Office and requested an oral hearing on her behalf.

The submission noted that Aoife's child was in care under a 28 day interim order and she was maintaining her current accommodation with the expectation that her child could be coming home at the end of any of the 28 day periods. It also explained that Aoife was in a difficult situation and was doing everything within her power to do the best for herself and her child. She never set out to defraud the Department or claim anything to which she was not entitled - she incorrectly believed that she was still entitled to payment of OPFP.

Aoife was unable to attend the oral hearing alone and the CIS attended with her. The Appeals Officer took extreme care to listen to her and hear her side of the story. The Appeals Officer was satisfied from the evidence, that the Department was correct and that Aoife had no right to continued payment of OPFP once her child was taken into care.

While the Appeals Officer upheld the Department's decision that Aoife had no entitlement to OPFP, he decided that the application of Section 302(b) of the Social Welfare Consolidation Act 2005 was appropriate instead of Section 302(a) and determined that under the circumstances no overpayment arose. The effect of this decision was to cancel the €15,000 overpayment and fraud finding. The oral hearing came at a critical time in Aoife's life. The oral hearing, the manner in which it was conducted and the ultimate outcome had a very positive impact on her. Aoife, coming from a very vulnerable background, felt great value in that somebody actually listened to her story and made a decision based on her evidence which gave her a strong sense of her own credibility.

**Source: South Connacht Citizens Information Service**



## Case Study: Local Authority Housing

Maria is divorced and has joint custody of her teenage son who is in a wheelchair and has a severe disability. She was living with her son in private rented accommodation in poor conditions. It was damp, only had one bedroom, and the bathroom was too small for her son's wheelchair. Due to the unsuitability of her accommodation, she was at risk of losing joint custody of her son. Her family had been on the City Council Housing list for a year and a half, during which she suffered from depression. She was very distressed when she came to the CIS for help.

A house was due to become available in the county area. The CIS's Dedicated Advocate checked with Maria regarding her preferred areas on the application and fortunately one of them was in an area which is covered by two local authorities. The advocate made a submission to both local authorities regarding Maria's particularly difficult circumstances.

One of the local authorities advised that they had no record of her housing application. The file should have been copied and sent from one local authority to the other, but this did not happen. The advocate supported the client to get the file copied and transferred. It took three attempts to make this happen.

The Dedicated Advocate supported her to get the substantial documentation required and helped with form filling. As getting this information together took some time, the property that the advocate was originally aware of had been allocated to someone else. The advocate continued to liaise with the County Council regarding Maria's housing need to ensure that she and her son remained a priority. Unfortunately, Maria's situation worsened and her son was unable to stay overnight. She was desperate not to lose custody.

Maria continued to seek alternative rented accommodation and bid on the Choice Based Lettings system but was unsuccessful due to competition for housing and unsuitability of properties for wheelchair access. Through contact with the Council, a meeting was arranged between Maria, the Dedicated Advocate and a housing association. As a result of the CIS's advocacy, she was nominated by the Council to interview for a suitable property managed by the voluntary housing association. The Dedicated Advocate helped Maria prepare for the interview and complete the necessary paperwork.

Maria was the successful applicant and a week later was given keys to her new home – a brand new property in an excellent location, fully furnished, and meets all of their needs. She and her son were delighted. This has significantly changed both of their lives for the better.

**Source: South Munster Citizens Information Service**



## Case Study: Constructive Dismissal

Nicole worked in the same company for over ten years and had an excellent performance record. A few years ago, while on maternity leave with her second child, she advised the company that she was diagnosed with postnatal depression. She had no prior history of anxiety or depression with her first child.

She was extremely unwell but made every effort to keep the company up to date with her illness. One week prior to her due date for returning to work, her GP advised an additional four weeks to recover due to her illness. This was again extended after further consultations with her GP and her company was kept informed and provided with medical certifications.

Her company requested that she be examined by the company's independent medical assessor. The medical assessor fully agreed with the prognosis of Nicole's own GP. She was assessed a further two times later in the year, and each time the medical assessor was in agreement with her GP. She was finally invited to attend an assessment with an insurance company in relation to a sick benefit scheme, although she was never informed of the outcome.

Four months later, a "welfare meeting" was arranged by the employer to take place in a public house. This was upsetting for Nicole due to the personal subject matter to be discussed. Later that month, she again attended the independent medical assessor who noted her distress regarding the location of the welfare meeting and again agreed that she was still unfit to return to work.

Nicole was asked to attend another welfare meeting with her employer and was informed that the medical assessment by the insurance company advised that she was fit to return to work, despite her never receiving any correspondence in relation to this. Her GP wrote to the company on her behalf stating that this meeting would have an adverse effect on her mental health and she should not attend.

After exchanging emails with the company and being accused of treating the company unfairly, Nicole resigned her position and was feeling very vulnerable. At this point she approached the CIS for assistance. A data access request was granted and a detailed complaint was submitted to the Workplace Relations Commission (WRC) on Nicole's behalf for constructive dismissal. The onus was on Nicole to prove the dismissal was unwarranted. The submission detailed the excessive stress imposed on Nicole by the company and their treatment of her.

The CIS accompanied her to the WRC hearing in early 2018. Towards the end of the year, a final decision was issued which found the claim for constructive dismissal was well-founded and Nicole was awarded a redress of €8,000. She was very happy to be vindicated and to have been assisted by the CIS.

**Source: North Dublin Citizens Information Service**

# 2018 Advocacy Statistics\*

Region	Service Area	Cases Actioned	Cases Open at any point in 2018	Once-Off Advocacy Actioned**	Total Time Spent on Advocacy Work (hh:mm)	Total Time on Cases (hh:mm)	Total Time on Once-Off (Excl. Cases created from) (hh:mm)	WTE IO Paid Staff***
Dublin South	Dublin 8 & Bluebell	188	188	215	786:07	693:03	93:04	2.50
	Clondalkin & Lucan	153	156	504	1371:51	997:01	374:50	3.50
	Dublin 12 & 6W	124	131	254	617:11	461:13	155:58	2.50
	Ballyfermot	81	84	133	424:07	345:23	78:44	2.00
	Dublin 2, 4, 6	42	46	247	395:25	241:32	153:53	2.00
	Dun Laoghaire/Rathdown	38	67	100	320:22	228:14	92:08	2.50
	Tallaght	14	16	106	124:27	56:18	68:09	3.74
North Dublin	Fingal (North County)	89	90	236	769:16	576:19	192:57	3.00
	Dublin North West	81	85	337	1052:23	873:28	178:55	3.50
	Northside	72	76	93	454:21	409:58	44:23	2.50
	Dublin City Centre	71	77	563	782:26	332:53	449:33	7.37
	Blanchardstown/Dublin 15	47	48	291	419:51	179:39	240:12	2.00
	Dublin City North Bay	26	27	12	25:27	21:52	3:35	1.00
South Munster	Cork City South	104	104	207	1141:46	999:02	142:44	3.07
	Kerry	94	95	434	1077:24	831:16	246:08	3.53
	North & East Cork County	72	77	241	777:38	552:09	225:29	3.00
	West Cork	66	67	204	672:28	462:35	209:53	2.50
	Cork City North	38	39	90	173:01	104:48	68:13	2.00
North Leinster	Co. Longford	73	79	349	498:46	268:18	230:28	2.00
	Co. Westmeath	73	76	350	571:20	380:10	191:10	2.50
	Co. Meath	61	61	231	626:54	470:51	156:03	3.00
	Co. Louth	38	38	250	512:06	250:52	261:14	3.00
	South Kildare	19	22	73	242:30	182:43	59:47	2.50
	North Kildare	16	16	120	224:25	157:49	66:36	2.00
South Leinster	Co. Offaly	99	99	451	816:48	579:42	237:06	2.50
	Co. Wicklow	93	95	212	978:04	848:47	129:17	2.50
	Co. Wexford	26	32	66	130:37	95:07	35:30	3.00
	Co. Laois	22	33	142	141:03	51:33	89:30	2.50
	Co. Carlow	20	24	86	202:40	123:41	78:59	1.50
	Kilkenny	3	4	7	39:15	36:16	2:59	1.50
North Munster	Co. Tipperary	70	77	207	461:48	317:22	144:26	5.00
	Co. Limerick	48	53	425	507:16	265:53	241:23	3.50
	Co. Waterford	27	30	65	160:22	119:17	41:05	2.50
	Co. Clare	14	59	72	92:42	31:36	61:06	2.50
North Connacht & Ulster	Co. Donegal	88	82	232	471:19	367:28	103:51	10.50
	Co. Cavan	62	61	260	628:40	522:09	106:31	1.50
	Co. Monaghan	27	24	95	270:16	188:50	81:26	2.46
	Co. Leitrim	20	22	134	249:00	136:26	112:34	1.50
	Co. Sligo	8	13	81	57:40	13:28	44:12	2.00
South Connacht	Galway	48	47	94	296:45	221:56	74:49	4.54
	Co. Roscommon	47	50	116	516:06	406:57	109:09	2.00
	Co. Mayo	36	68	193	219:09	71:31	147:38	3.50
<b>TOTAL</b>		<b>2,438</b>	<b>2,638</b>	<b>8,578</b>	<b>20,301:02</b>	<b>14,475:25</b>	<b>5,825:37</b>	<b>122.21</b>
<b>National Average</b>		<b>58</b>	<b>63</b>	<b>204</b>	<b>483:21</b>	<b>344:38</b>	<b>140:10</b>	<b>2.91</b>

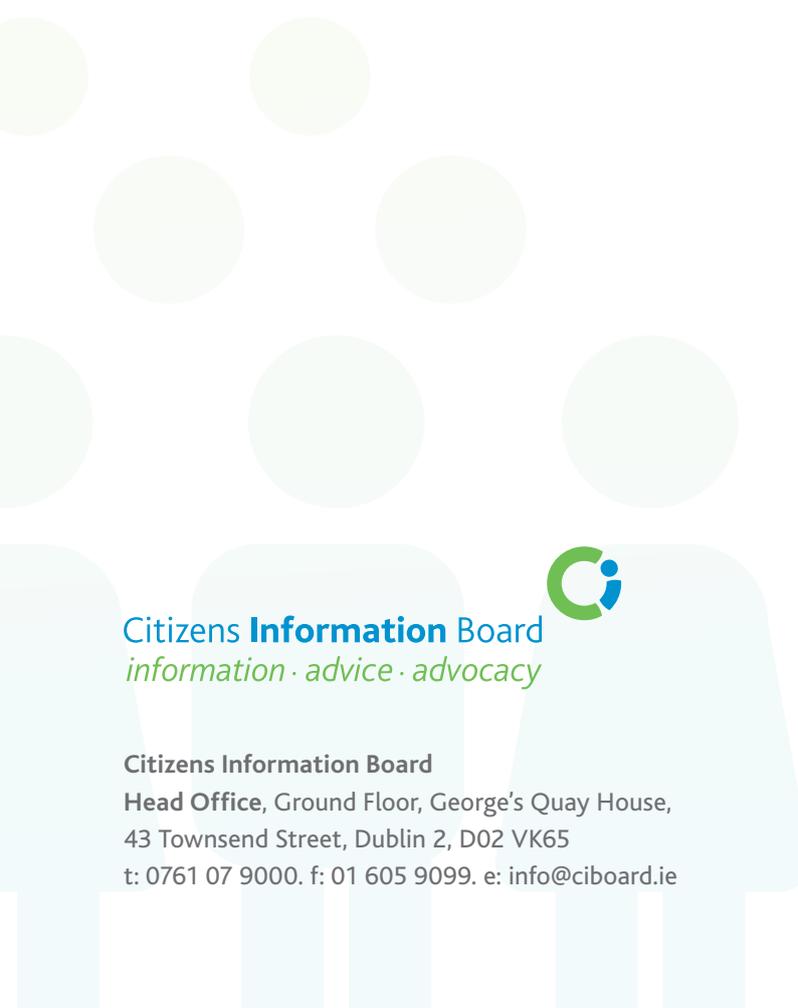
\*These figures were drawn from the advocacy case management system on 01/01/2019.

\*\*Inclusive of those that went on to become a case.

\*\*\*Inclusive of an additional 0.5 Information Officer (IO) in mid 2018 and exclusive of Dedicated Advocates.

resolved achieved  
relieved vulnerability excellent  
helpful information appeal  
fantastic happy thanks  
delighted supported disability satisfied  
improved better reassuring  
advocate recommend grateful informed  
positive understanding  
pleased helped assistance  
brilliant appreciate

*Source: feedback from CIS advocacy clients.*



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



**Citizens Information Board**  
Head Office, Ground Floor, George's Quay House,  
43 Townsend Street, Dublin 2, D02 VK65  
t: 0761 07 9000. f: 01 605 9099. e: info@ciboard.ie

[citizensinformationboard.ie](http://citizensinformationboard.ie)  
[citizensinformation.ie](http://citizensinformation.ie)