



A word cloud centered on the word "Support" in large white font. Other words include "Social", "Welfare", "Employment", "Housing", "Immigration", "Speaking Up", "Consumer", "Education", "Health", "Rights and Entitlements", and "Education". The words are in various colors (orange, green, blue, white) and sizes, arranged around the central "Support".

**Support**

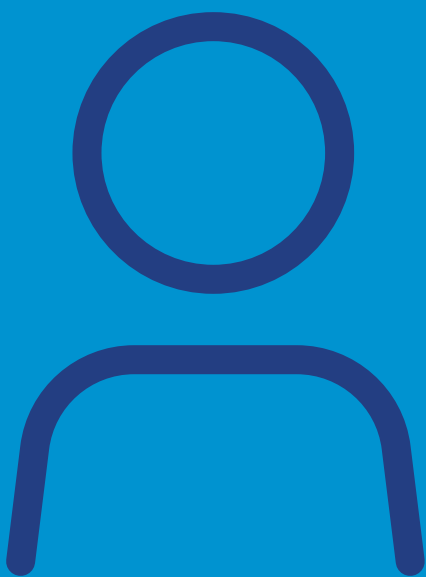
Social Welfare Employment Housing Immigration  
Speaking Up Consumer  
Education Health Rights and Entitlements

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**“We can never thank you enough. You were a pillar of strength through this whole thing. We had no idea of what to do or where to go. You were absolutely great.”**

**CIS advocacy client**



# Foreword

I have the pleasure of presenting this annual report which provides a national overview of the advocacy work undertaken by Citizens Information Services (CIS) in 2022. This report provides a breakdown of last year's advocacy casework and showcases a number of case studies which help to demonstrate the breadth of work undertaken by CISs and the positive outcomes achieved for clients.

CISs provide a free advocacy service to the public across a range of areas, including social welfare, employment, housing, immigration, health, consumer issues and education. The advocacy service supports and empowers people to ensure their interests and voices are represented in accessing their rights and entitlements to social services.

The majority of this work involves supporting people to access a social welfare payment, redress a grievance with an employer, or secure a housing payment. Some of this work can be quite complex and involve supporting clients through an appeals process and even representing the client at an oral hearing.

Though still not at pre-pandemic levels, 2022 saw a 46% increase in the number of short-term advocacy cases from the previous year and a 15% increase in the number of long-term advocacy cases. There was also a 75% increase in the number of oral hearings CIS staff attended.

The case studies in this report underline the importance of providing a free advocacy service to people to help them reach their desired outcome and improve their quality of life. They also demonstrate the positive impact of CIS interventions.

I wish to extend a huge thank you to all CIS staff for their continued dedication to supporting their communities and achieving such positive outcomes for clients. I also want to thank the members of the Advocacy Development Group for sharing their passion and expertise.

**Stephanie Coleman,**  
CIB Advocacy Standards and Development Manager

# 2022 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 2022, there were 3,322 **new** short-term advocacy cases, which represents a 46% increase from the 2,272 new cases in 2021. Those new cases combined with 93 cases **open at the start of the year** gave a **total** of 3,415 short-term advocacy cases actioned during 2022.

1,345 of those new cases **became long-term advocacy cases**, along with 84 short-term advocacy cases which were created the previous year.

1,608 cases were **closed** as short-term advocacy in 2022. Of these, the majority (44%) related to social welfare issues, followed by housing (14%).

This work took 2,323 **hours** in 2022, which represents an increase of 81% from the 1,283 hours logged last year.

“Honestly I was happy from the first hearing onwards just to have my point of view heard. So anything else after was a bonus, I know [my] nerves were getting me at the end but I couldn’t be happier. From the first response I got back in January I thought well that’s that and I had zero power but I didn’t realise what a driving force you were going to be.”

CIS advocacy client



“Thank you so much for your help. I’m so happy now and I don’t have to worry about paying for my medication anymore.”



CIS advocacy 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.

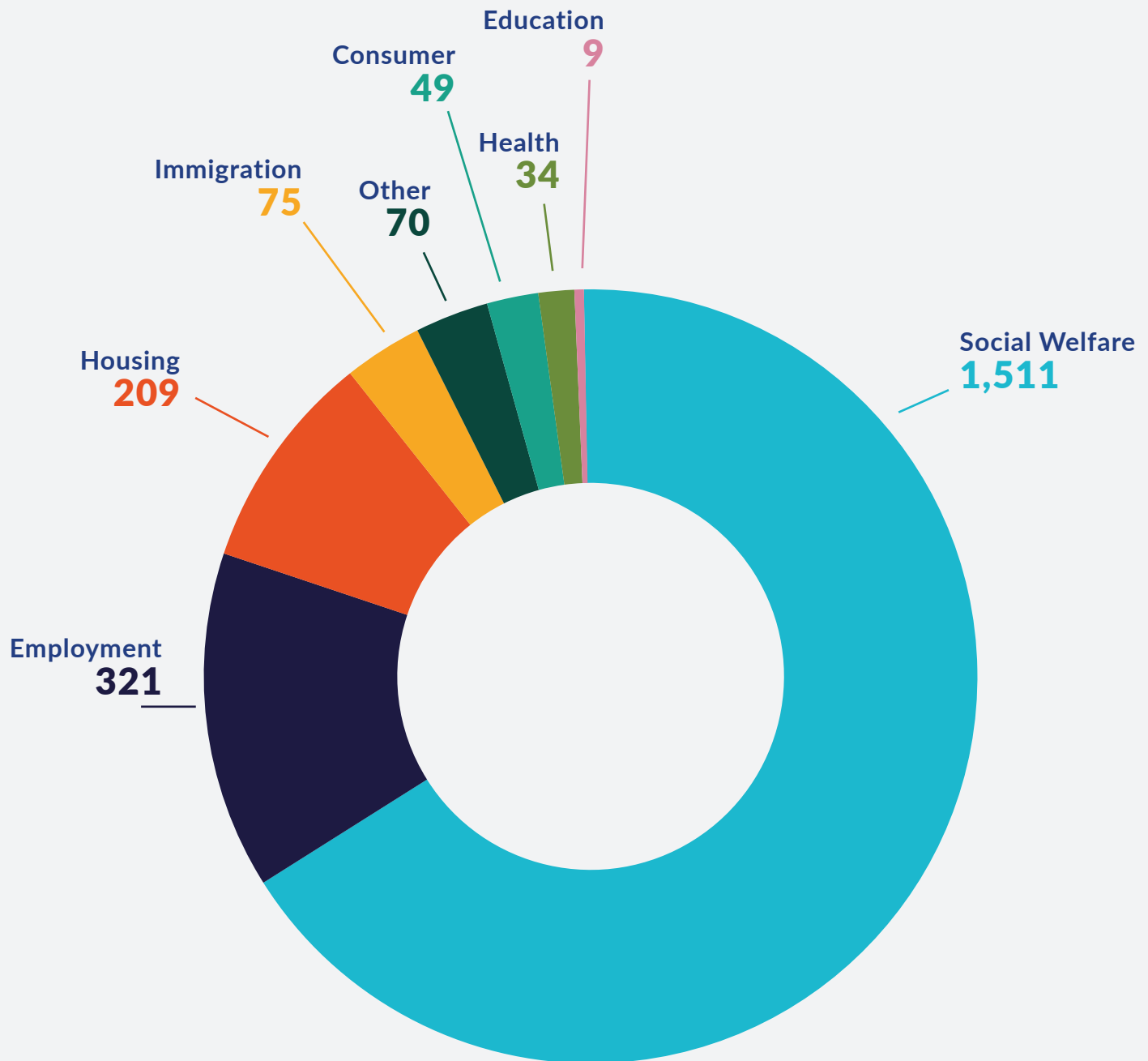
In 2022, there were 1,429 **new** long-term advocacy cases, which represents a 15% increase from the 1,244 new cases in 2021. Those new cases combined with 849 cases **open at the start of the year** gave a **total** of 2,278 long-term advocacy cases actioned during 2022.

1,397 cases were **closed** in 2022. 83% of desired outcomes were achieved or partially achieved. The CIS supported clients with 121 total hearings and represented the client in 107 of them which is a 75% increase from the previous year.

CIS staff spent 13,271 **hours** working on long-term advocacy casework in 2022, which represents a 17% increase from the time logged on cases in 2021.

A breakdown of the type of long-term advocacy casework completed in 2022 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 2022 involved **Disability Allowance** (30% of social welfare cases and 20% of all cases), **Carer's Benefit and Allowance**, and **Invalidity Pension** payments. Common issues recorded included the client's medical eligibility (37% of all social welfare cases), means, or right to reside. 10% of social welfare cases involved trying to cancel an overpayment.

Of the 842 social welfare cases closed in 2022, not including cases withdrawn by the client, 63% 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 78 Social Welfare Appeals Office **oral hearings**, a 48% increase from 2021. Of those, 64 hearings were attended by CIS staff.

## 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 2022 involved **redundancy**, issues with **pay**, and **unfair dismissal**.

Of the 134 employment cases closed in 2022, not including cases withdrawn by the client, 49% of cases involved **direct negotiations** with the client's employer.

The CIS also supported clients with 40 **Workplace Relations Commission (WRC) hearings** and 6 **Labour Court** hearings.

## 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 34% of cases and already homeless in 9% of cases.

The majority of housing cases in 2022 involved the client's **eligibility for local authority housing** and the **Housing Assistance Payment (HAP)**.

Of the 119 housing cases closed in 2022, not including cases withdrawn by the client, 74% of cases involved **direct negotiations** with the client's local authority or landlord.

The CIS also supported clients with 4 Residential Tenancies Board (**RTB**) **adjudication hearings** and 1 **RTB Tribunal hearing**.

## Immigration

The majority of these cases involved **citizenship**, visas, and residency status. 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

The majority of these cases involved issues with **utilities** and **finance**. 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)** appeals.

# Case Studies



## Social Welfare

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# CIS client receives Disability Allowance arrears following review under Section 317 of the Social Welfare Consolidation Act 2005

### Issues

The client was refused Disability Allowance on the grounds that they did not provide the information requested in order that their means be assessed. The client appealed this decision to the Social Welfare Appeals Office. The appeal was not upheld on the grounds that there was no evidence that the required information was given to the Department of Social Protection (DSP). The client did not agree with the decision of the Appeals Officer and sought the assistance of the CIS in this matter.

### Actions

The CIS requested the client's file from the DSP under the Freedom of Information Act. Following a review of the file and further consultations with the client, the CIS submitted a request for review under Section 317 of the Social Welfare Consolidation Act 2005. A Section 317 request is when an Appeals Officer reviews the decision of another Appeals Officer.

The CIS submitted that contrary to the DSP's assertions, the client provided financial statements as requested and that information was assessed by one of the DSP Inspectors. The CIS argued that it was the Social Welfare Inspector's responsibility to pursue any further lines of inquiry. The client reasonably assumed that they had supplied all of the requested information.

It was also noted that since the issuing of the appeal decision, the client had been awarded a Supplementary Welfare Allowance payment based on the same information provided as part of the application for Disability Allowance.

### Outcome

The client's appeal was successful and the client was awarded Disability Allowance and received arrears in excess of €25,000.

Source: Dublin South CIS

## **CIS client receives Invalidity Pension arrears following review under Section 318 of the Social Welfare Consolidation Act 2005**

### **Issues**

The client's Invalidity Pension application was refused on medical grounds. Their disability had resulted in them having to leave their full time employment on the advice of their employer and occupational health. They were looking for help with their appeal.

### **Actions**

The CIS reviewed the evidence provided with further supporting evidence and submitted an appeal and a request for an oral hearing on behalf of the client which was disallowed. The CIS then submitted a request for review under Section 317 of the Social Welfare Consolidation Act 2005 stating that the client's updated medical reports were not assessed by a medical assessor and no oral hearing was offered. An oral hearing was set as a result.

The client's general practitioner stated that the client's condition would preclude them from returning to work indefinitely. However, the Appeals Officer was not satisfied with this and the appeal was refused on the grounds that the client was very articulate. The CIS then obtained legal advice from CIB's contracted expert support provider for this case as the CIS felt there was merit to submit a request for review under Section 318 of the Social Welfare Consolidation Act to the Chief Appeals Officer.

The following arguments were made under Section 318:

- The uncontroverted medical evidence in the application demonstrated that the eligibility criteria was always met.
- The Appeals Officer is not medically qualified, however, has effectively overruled and failed to accept the uncontroverted medical evidence submitted by the general practitioner.

- The previous review under section 317 failed to deal with this issue whatsoever.
- The failure of the Appeals Officer to explain his decision or set out what evidence he was relying upon is a breach of basic fair procedures based upon a statement which was made by the Appeals Officer in their decision that ‘the client is very articulate’.
- The CIS stated that the client had no way of discerning the decision-making process of the Appeals Officer in the section 317 review and it should be set aside.

### Outcomes

The client was awarded Invalidation Pension following a review under Section 318 and received €42,000 in arrears.

Source: South Leinster CIS

“I didn’t know why my money had stopped until I got to speak to you. I wouldn’t have been able to write or talk to the Department like you were. I’m relieved to be back on my payment and will be back onto you if I get any more letters about reviews. I was almost after giving up all hope on this until you phoned me with the good news that my appeal was successful”



CIS advocacy client

## CIS client receives Domiciliary Care Allowance arrears

### Issues

The client came to the CIS to get information on suitable social welfare payments for their child aged under 16 who has a significant disability. The client had applied for Domiciliary Care Allowance a number of years ago, but the claim was unsuccessful and they did not pursue an appeal at the time.

### Actions

Following consultation with the CIS Information Officer, the client agreed to apply for Domiciliary Care Allowance as their disabled child had a number of months before reaching the age of sixteen which is the maximum age to qualify for the payment. The application was successful and payment commenced.

As the nature of the disability had not changed for the majority of the child's life, the CIS asked that the date of payment be backdated to the date of the client's original application which was made almost 10 years ago. The Department refused to do this, and the CIS appealed the decision not to backdate the payment.

The CIS supported the client to gather the necessary evidence to prove that the child's disability has been present since birth, and the nature of the disability had not changed. Letters were received from the child's consultant and general practitioner. The client was also supported to submit their own evidence which demonstrated that the nature of the child's disability had not changed since the original application for Domiciliary Care Allowance was refused.

### Outcome

A decision was made approximately one year after the submission was received. The appeal was successful, and as a result, the payment of Domiciliary Care Allowance was backdated to the date that the original application was made a number of years previously. The client was awarded almost €60,000 in backdated monies including the Domiciliary Care Allowance payment and respite care grant.

Source: North Munster CIS

## CIS client receives Invalidity Pension arrears following appeal

### Issues

The client suffered devastating health effects after giving birth. She applied for Invalidity Pension and was refused on the grounds that she was not permanently incapable of work. The client approached the CIS months later for support.

### Actions

The CIS helped the client to gather comprehensive evidence which showed the client's medical health at the time of the original application, such as letters from her numerous medics and personal statements from the client and her husband. The CIS submitted a review on behalf of the client since it was too late to seek an appeal. The review was unsuccessful. The CIS then lodged an appeal to the Social Welfare Appeals Office on behalf of the client within 21 days of that decision on review.

### Outcome

The client was awarded Invalidity Pension on appeal and received a back payment of €10,000.

Source: South Munster CIS

“When I first approached [CIS Information Officer] with regard to a claim I was pursuing I felt lost with the whole thing but I found [CIS Information Officer] fantastic and she put me at ease. She was also very respectful regarding my personal information and guided me along with everything I needed to do which led to a successful outcome.”



CIS advocacy client



## Payment of Jobseeker's Allowance reinstated after legislative reasoning was successfully challenged by CIS

### Issues

This client received a letter from the Department of Social Protection informing them that their Jobseeker's Allowance payment was suspended and under review. The Department subsequently informed them that their payment was stopped on the grounds that they came to Ireland as a permitted family member to join another EU citizen and was not to receive social assistance under the Social Welfare Acts. The legislative reasoning provided in the decision letter was Regulation 17 (2) (a) of the European Communities (Free Movement of Persons Regulations) 2015.

### Actions

An initial letter of appeal was submitted to the Social Welfare Appeals Office. The client's social welfare file was requested under the Freedom of Information Act. The CIS Information Officer reviewed the client's file and researched the regulations cited in the decision letter.

A written submission was prepared and sent to the appeals office. This argued that the regulations cited in the decision letter did not apply to the client. In the intervening period, the Department contacted the client and informed them that the original decision was under review. The Department informed the client that they had a copy of their "Stamp 4" letter. Stamp 4 is permission to stay in Ireland for a specified period, subject to conditions.

The Appeals Officer found that the client's application for the payment had been disallowed on grounds that were not applicable. The Appeals Officer found that Article 17(2)(a), which was relied on by the Department, only applies to a person who has a right to reside under Articles 6(1) or 6(2) of the Regulations and that the Department had not provided any evidence as to how the Regulations would supersede the applicant's status as a qualified family member.

### Outcome

The appeal was successful and the client received €2,200 in arrears.

Source: Dublin South CIS

# CIS client receives Guardian's Payment (Contributory) arrears following appeal

## Issues

The client approached the CIS after having been refused Guardian's Payment (Contributory) in respect of their grandchild. The child was not deemed to be an 'orphan' as defined in social welfare legislation. The Department of Social Protection contended that there was no abandonment as one of the child's parents had daily visits with the child and the child stayed overnight with this parent on a weekly basis. The Department further contended that the child's parent sporadically provided the client with maintenance.

The client had been caring for their grandchild who had been residing full-time with them for more than a year as the parent was not in a position to do so. The other parent was deceased. The child's parent would see their child most days, but would then be out of contact for long periods of time. A letter was provided from Tusla which outlined that the child's home life with their parent had been chaotic, and the parent could only manage supervised access. Tusla further detailed that the child had been living with their grandparent full-time from a certain date and the grandparent had provided for all of the child's basic needs such as clothes, food and shelter.

## Actions

The CIS made a Freedom of Information request for the client's file. A basic appeal was submitted to the Social Welfare Appeals Office. Having reviewed the client's file, the CIS Information Officer worked with the client to paint a picture to detail how they cared for their grandchild full-time. They further outlined that the client was awarded an increase for a Qualified Child by the Department on their social welfare payment. The CIS assisted the client to apply for Child Benefit and the application was successful.

Supporting documentation was provided by Tusla who fully supported the appeal. The CIS also outlined that whilst the child's parent did visit, they were of a sporadic nature. The small amounts of monies the child's parent gave to the grandparent for upkeep were rare and occasional and this was a private family arrangement. A full appeal submission and supporting documentation was then submitted to the Social Welfare Appeals Office.

## Outcome

The appeal was successful and the client was awarded Guardian's Payment (Contributory) with backdated arrears of €9,640 based on the evidence submitted. The Appeals Officer stated that while the child's parent did have some involvement in the child's life, it was intermittent and minimal in the context of their overall care needs. There was clear evidence that the client was meeting the child's needs and cared for them full-time. The Appeals Officer concluded that there was a failure of duty on the part of the child's parent to provide for the child. This supported the conclusion that they have abandoned the child and the child could be considered an orphan as defined in legislation for the purposes of entitlement to Guardian's Payment (Contributory).

Source: North Leinster CIS

"[CIS Information Officer] was my saving grace. When I first called to see her I was a total and utter mess, I could not think straight and I had no idea what I was going to do as we were left with nothing and I was totally lost, destroyed, used and abused and heartbroken. [CIS Information Officer] was truly the best, and has made such a difference to the quality of our lives. I will forever be in her debt. Thank you so much."

CIS advocacy client



# State Pension Non-Contributory awarded and arrears received following review

## Issues

The client presented to the CIS with a disallowance letter for State Pension (Non-Contributory) on behalf of her parent, as she failed to satisfy the habitual residence condition, right of residence. The client explained that they would have to act on behalf of their parent due to capacity issues, which was confirmed in a letter from the parent's general practitioner. The client brought their parent to live with them as their health was deteriorating. The client had taken carer's leave from work and was in receipt of Carer's Benefit. The client's parent had ongoing health issues and had HSE carers in place as support.

## Actions

The CIS reviewed the evidence and the file received from the Department of Social Protection. The deadline for the appeal had passed and it was agreed that a submission for review would be prepared and a request for a revised decision under Section 301 of the Social Welfare Consolidation Act 2005 would be made under the following grounds:

- Article 5 of the SI 548/2015 – European Communities (Free Movement of Persons) Regulations 2015
- Evidence that the client's mother had a small pension from her home country.
- Extensive medical evidence proving dependency prior to entry into the State.
- The client had to cease employment to care for her mother.
- The client's mother is fully dependent on her and requires 24-hour care.

## Outcomes

The review was successful and the client's parent was awarded State Pension (Non-Contributory) and issued arrears of €6,374.

Source: South Leinster CIS

## CIS client supported to get Carer's Benefit overpayment withdrawn

### Issues

The client had continued working after their 66<sup>th</sup> birthday and also provided full-time care and attention to their spouse. They were in receipt of Carer's Benefit for almost two years. They received notice of an overpayment of Carer's Benefit on the grounds that PRSI contributions paid by an employee who is over 66 are not reckonable contributions for the payment. The client sought the assistance of the CIS as the overpayment was substantial and they would struggle to make payments.

### Actions

Carer's Benefit is paid to people who leave work or reduce their hours to care for a person in need of full-time care and attention. It is not available to persons over 66 due to the reduced rate of PRSI that applies once you reach the age of 66. The client's specific PRSI class was missed at the time of application. The CIS assisted the client to prepare a detailed written submission on the basis that the application was made in good faith and their application was made on the basis that they were working and paying PRSI. The client was never advised of any issues with the payment during the years they were in receipt of it.

### Outcomes

The appeal was successful and the overpayment of €22,750 was withdrawn.

Source: South Connacht CIS

## Pension rate adjusted after incorrect rules challenged by CIS

### Issues

The client is an EU national currently residing in their home country. They had previously been self-employed in Ireland and on retiring they were awarded a full rate Contributory Pension before returning to their home country. Their pension was reviewed and the Deciding Officer issued a revised decision stating that the client's PRSI from their home country took precedence over the Irish self-employed PRSI (Class S) and changed the client's State Pension Contributory payment to an EU pro-rata pension. As a result, the client's pension was reduced from €243.40 weekly to €34.

### Actions

By the time the client contacted the CIS, the deadline for making an appeal had passed so the only option was to seek a review. Following research of EU legislation, the CIS Information Officer requested a review of the decision based on Article 14 of Regulation No 1408/71 and provided proof of residency for the period in question. The CIS argued that a person normally employed in the territory of two or more Member States shall be subject to the legislation determined by the country of residence.

### Outcome

The review was successful and the client's state pension was re-adjusted to the weekly rate of €248.30. They also received arrears of €10,044.

Source: North Dublin CIS

"I won my appeal for Invalidity Pension all down to [CIS Information Officer] and his hard work. Thank you. You made my life and future so much better"

CIS advocacy client  
with social welfare case



## Employment

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# CIS client receives settlement following Unfair Dismissal complaint

### Issues

The client was in his late sixties and had worked for his employer for over three years in a physically demanding role. He became ill at work one day and was taken to a nearby hospital. The client was deemed healthy enough to return to work within two weeks. While waiting for a formal letter from his consultant to sign off on his return to work, he was advised over the phone by a representative of his employer that he was being let go on 'health and safety grounds'. His employer followed this up with a letter which confirmed this. The letter also outlined that there was genuine concern about the risk of future incidents and that offering lighter duties was not an option. The client approached the CIS in relation to his rights and entitlements and whether it was worth taking any action due to his age.

### Actions

The CIS Information Officer wrote to the employer on the client's behalf and noted their lack of engagement and the absence of fact-based medical evidence or expert opinion grounding the termination of his employment on medical/health and safety grounds. The CIS then prepared the client for a review meeting with the managing director of the employer company which ultimately proved fruitless as no real review of the matter took place. Following this, the CIS made a data subject access request to the employer to obtain the client's file.

The CIS made an online complaint to the Workplace Relations Commission (WRC) under unfair dismissal legislation. The CIS then researched and prepared a detailed submission to the WRC and advocated on the client's behalf at the hearing which was held online.

Following an extended waiting period, the WRC decision confirmed that the client was successful in his unfair dismissal claim and he was awarded €25,000 based on his gross pay during the relevant period. The employer's legal representative confirmed that they were appealing the decision to the Labour Court on the basis that the computation of the award should have been based on the client's net pay rather than gross pay as provided for in legislation.

The CIS then advised the client about the nature of a Labour Court hearing and supported the client in negotiating directly with the former employer instead. The negotiations were about finding a figure to reflect what the award would have been had his net pay been used to calculate the financial award.

### **Outcome**

Following discussion and negotiation, the client accepted an offer of €16,000 in full and final settlement and the CIS required that the award should be paid within one week of the agreement being finalised. The client was delighted with the outcome.

Source: South Leinster CIS

**“[CIS Information Officer] worked so hard with us in every part of the case. I suffer with anxiety and he put my mind at rest ensuring we would get what we were owed. He never missed a detail on this case and kept in touch all the time. He worked so hard with us and on our behalf and it paid off. We got what we were owed.”**

CIS advocacy client





## Redundancy payment following CIS negotiation with employer

### Issue

The client had been on lay-off from his employment for 20 months as a result of Covid-19. He had worked for his employer for more than a decade. Section 29 of Emergency Measures in the Public Interest (Covid-19) Act 2020 temporarily reduced the scope of the operation of the Redundancy Payments Act, 1967 which prevented the client giving notice of his intention to claim redundancy until after September 2021.

### Actions

The CIS Information Officer assisted the client to issue notification to his employer of his intention to claim his redundancy lump sum payment in a lay-off situation via an RP9 form. As the employer failed to provide written counter-notice within 7 days, a redundancy situation then arose and the client became entitled to a redundancy payment. The CIS wrote to the employer seeking the client's statutory redundancy lump sum with an attached RP77 form which also went unacknowledged by the employer. Additional correspondence was issued from the CIS to give the employer further opportunity to engage but this too was not responded to.

As the CIS was about to lodge a complaint to the Workplace Relations Commission under the Redundancy Payments Act, 1967, the employer contacted the CIS with a view to arranging a meeting with the Information Officer and the client in a neutral venue to resolve the matter.

### Outcome

The CIS negotiated on behalf of the client with the employer and agreed on a settlement to include a gratuity payment. The client received the sum of €14,000 from his former employer and a further €2,038 from the Covid-19 Related Lay-Off Payment Scheme.

Source: North Leinster CIS

# Outstanding pay received following CIS negotiation with employer

## Issues

The client suspected that their employer was deducting employer's PRSI as well as employee's PRSI from their wages. They also reported that they were subjected to bullying and harassment in the workplace. When they tried to raise the issue of the deductions from wages with their employer, the employer became verbally abusive. The client needed help to assert their rights.

## Actions

The CIS Information Officer asked the client to provide all relevant documentation to try to work out if illegal deductions were being made. However, the wages were paid in a combination of EFT (electronic funds transfer) and cash and there was minimal information on the payslips, so it was not possible to ascertain if the deductions were correct. Regarding the alleged bullying, the client was advised of the option to pursue a grievance. However, they were not aware of the internal grievance procedure or if there even was one. It was agreed with the client that the CIS would write to the employer to ask questions about the wages and deductions and also to request a copy of the company's grievance procedure.

The client phoned the Information Officer in a distressed state to say that the employer had become very angry after receiving the letter from the CIS. The employer then phoned to say that they would come to the CIS office with the client to explain the wages and PRSI. While meeting with the CIS, the employer accepted that the method of deductions was incorrect and agreed to correct the same and also to refund all monies owed to the client. During the course of the meeting, it became apparent that payment for public holidays was not calculated correctly either and the employer agreed to fix this as well.

## Outcome

At a follow up meeting with the client and the employer, the client confirmed that they had received all monies owed to them. The Information Officer took the opportunity to advise the employer about duty of care to employees, including the importance of grievance procedures and anti-bullying/dignity at work policies.

**Source: North Dublin CIS**

# Labour Court upholds WRC decision that employee was dismissed on the grounds of pregnancy

## Issues

The client was dismissed from her job during her probationary period after informing her supervisor that she was pregnant. She believed the reason for her dismissal was due to her pregnancy.

## Actions

The CIS Senior Information Officer submitted a data subject access request to the employer on behalf of the client. The file was received within a month and following further consultations with the client, a complaint was submitted to the Workplace Relations Commission (WRC) for adjudication. The complaint was of discriminatory dismissal under the Employment Equality Acts.

The complaint was submitted to the WRC in December 2019. The WRC set an adjudication hearing for September 2020 and the Senior Information Officer prepared a detailed written submission setting out the facts of the case with the supporting case law. The hearing was postponed on a number of occasions due to the Covid-19 pandemic. A remote hearing eventually took place in April 2021.

The CIS represented the client at the hearing and the respondent employer was represented by a solicitor. The WRC Adjudicator Officer issued a written decision in April 2021. The client's complaint was upheld. She was awarded €10,000 in compensation.

The employer appealed the decision of the WRC to the Labour Court. Labour Court appeals are "de novo" which meant that another written submission had to be drafted and copies of all legal precedents relied upon submitted in advance. A hearing took place at the Labour Court in August 2022.

## Outcome

The Labour Court issued a decision in September 2022. The respondent's appeal was dismissed. The Court was satisfied that the client was dismissed on the grounds of her pregnancy and the client was awarded €10,000 in compensation.

Source: Dublin South CIS

# CIS client receives outstanding pay following WRC mediation

## Issues

The client became ill after her maternity leave and did not return to work. She was on extended sick leave for about two years. The client eventually resigned from work and sought her outstanding leave pay. She contacted the CIS because her former employer had not paid annual leave and public holiday entitlements covering the period of maternity leave, unpaid maternity leave and extended sick leave.

## Actions

The CIS Information Officer worked with the client to establish her entitlements and then supported her with a detailed request to the employer, seeking payment of outstanding monies of €5,000. This resulted in a partial settlement of money due. As the full amount she was owed was not paid, the CIS supported the client further, ultimately taking a complaint to the Workplace Relations Commission seeking the balance of outstanding entitlements. At the WRC, the client's complaint was dealt through mediation. The CIS supported the client throughout this process.

## Outcome

The complaint was successfully concluded and the client finally received her outstanding payment.

The client was delighted with the CIS support received and said, "Thank you again ... for all your help throughout this stressful process over the last few months, it was very much appreciated."

Source: South Munster CIS

## Redundancy payment received following CIS representation at WRC hearings

### Issues

The client had been laid off from their employment without notice. They were employed by an employment agency and had worked full-time for the same company for five years. They received four discrete offers of alternative employment from the employer; however, these offers were not deemed suitable alternative employment due to the relative travel distance involved, the unsuitability of night shift work and their temporary status.

### Actions

As the lay-off situation continued, the client, assisted by the CIS, sought their statutory redundancy lump sum via RP9 and RP77 forms from the employer. The employer asserted that a redundancy situation did not exist and argued they had made offers of suitable alternative employment which were unreasonably refused.

Having exhausted all avenues with the client's employer, the CIS submitted a complaint to the Workplace Relations Commission (WRC) seeking a redundancy lump sum under the Redundancy Payments Act, 1967. A comprehensive submission was drafted and the CIS relied on a number of case precedents to support the client's case.

### Outcome

Following four separate WRC hearings in which the CIS represented the client, the adjudicator determined that the client's claim was well founded as a redundancy situation did exist. The client was awarded a statutory redundancy payment of €4,531 and was delighted with the outcome and to have been assisted by the CIS.

Source: North Leinster CIS

# Unfair Dismissal settlement reached following CIS negotiation

## Issues

The client had been employed in his organisation for a number of years and was dismissed on the spot following a disagreement with a manager. He approached the CIS to request information on what his rights were once he had been dismissed and accepted the advocacy offer to address the situation.

## Actions

The CIS Information Officer supported the client to write to the employer seeking the reasons for the dismissal. No response was received. Similarly, the employer did not respond to a second letter from the CIS, requesting clarification on the reasons for dismissal. The CIS then supported the client to fill in the complaint form for the Workplace Relations Commission (WRC) to bring a case for unfair dismissal against the employer.

When the employer received notification that a complaint had been submitted to the WRC by the client, they engaged an industrial relations agency to represent them. The CIS negotiated with this agency on behalf of the client.

## Outcome

A settlement figure in excess of the statutory entitlement was reached and the client received payment a couple of days later.

Source: North Munster CIS

## WRC finds in favour of CIS client after discriminatory dismissal

### Issues

The client was dismissed from her job following her pregnancy and while recovering from post-natal depression. The employer dismissed her by not offering her work when the workplace began to reopen after a period of closure related to Covid-19 restrictions.

### Actions

The CIS submitted a complaint to the Workplace Relations Commission (WRC) of discriminatory dismissal under the Employment Equality Acts on behalf of the client. A detailed written submission was made to the WRC setting out the facts of the case and the supporting case law. The CIS represented the client at the hearing.

### Outcome

The WRC found in favour of the client on the basis of the facts established by the client that she was treated less favourably than other employees who did not have a disability when it came to the distribution of available hours when reopening. The Adjudication Officer found that the client's disability was in some measure a feature of the reason why she was not offered work and why she was treated less favourably than others who were not protected from discrimination on that same ground. While she may not have been consciously dismissed by the employer, she was deprived of employment and income through discrimination based on her disability. In awarding compensation, the Adjudication Officer took into account the failure of the client to bring her concerns to the employer by way of a grievance and the efforts made by the employer to resolve the situation once it was brought to the employer's attention in writing.

Source: North Connacht & Ulster CIS

## Housing

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# Family at risk of homelessness supported by CIS to obtain Housing Assistance Payment and keep their home

### Issues

The client lived in private-rented accommodation with their children. Their partner had recently left them which made it impossible to afford the rent. The client explained how their tenancy was saved in the previous month as a result of once-off financial assistance from a charity. The client was anxious about next month's rent and was struggling to cope. The children were also worried. The aim was to get the client some financial support to pay their rent.

### Actions

The CIS Information Officer assisted the client with an application for social housing. This involved helping the client to identify and locate all relevant documentary evidence and to complete the social housing application form. The CIS also drafted a letter to the local authority explaining the client's situation. This was included with the application. When the local authority requested additional information from the client, the CIS supported them to obtain it. The CIS also made a referral to a homeless charity in the hope that they would be able to offer financial support to the client while awaiting a decision on their application.

The client's application for social housing was successful. The CIS then asked the local authority to prioritise the client's Housing Assistance Payment (HAP) application. Within ten days the client was advised that their HAP had been approved.

### Outcome

The client and their children were able to remain in their home. The client was delighted with the outcome and said that they had not felt so relieved and happy for a very long time. In an email to the CIS Information Officer, the client said they were "in tears and in joy and wanted to thank you for all efforts you made to help me, I owe you from my heart."

Source: Dublin South CIS



## Housing Assistance Payment received after CIS challenges Housing Officer decision

### Issues

The client was a non-EEA national who had separated from her spouse and was residing in Ireland with her children who were UK nationals. Her application for social housing support was refused. She was told that she was not eligible to apply because she did not have reckonable residency in Ireland.

### Actions

The CIS Information Officer carried out research and found Housing Circular 41/2012 - Clarification re Stamp 4 Holders (Paragraph 7.1, 6 and 5) which indicated that the client was eligible for social housing support. The CIS emailed the county council quoting this Circular and sought a review of the Housing Officer's decision on the client's application. The client's case was escalated for review to the Director of the Section.

### Outcome

The review was successful. The Housing Officer issued a letter confirming the client's eligibility for social housing support. The client applied for and received the Housing Assistance Payment (HAP) and was able to cover her rent increase and keep her family home.

Source: South Munster CIS

## Intervention to secure a safer home

### Issues

The client presented in a distressed state due to his housing situation. He explained he was on the local authority's emergency transfer list for about 9 months with medical and exceptional social grounds priority due to serious anti-social activity in his previous accommodation. He had been moved into his current accommodation which was a housing association property. However, shortly after moving in, he realised there was a serious issue with drugs and anti-social behaviour right outside his flat.

The client informed the housing association's management that he wanted to move out of the new accommodation, but he was told that he had signed a contract for 2 years. He felt he was not listened to despite the accommodation being completely unsuitable for his needs. The housing association advised him to take up the matter with the local authority. The local authority told him that if he wanted to move then he would have to apply for prioritisation again. The local authority also told him they would get the housing association to contact him, but this never happened.

### Actions

The CIS Information Officer contacted the housing association and explained the client's medical issues and anti-social behaviour concerns. The CIS also advised that the 2-year rule should not apply as the client would not have been aware of these issues before signing the contract and would not have taken the accommodation if he had been made aware of the situation.

Management acknowledged awareness of the anti-social behaviour in the area and that they were liaising with the council on this and also linking in with Gardaí. However, they stated that they had no part to play in the solution and that it was up to the local authority to sort it out.

The CIS Information Officer wrote to the council's housing allocations management to ask them to investigate how the client had been placed at this accommodation and asked that they find alternative suitable accommodation as a matter of urgency as this accommodation was completely unsuitable for the client's needs. In fact, the client believed it had exacerbated his medical conditions and that he was now at risk.

The situation escalated further when the client was harassed and his carer was threatened. This made his carer reluctant to visit him as often. The CIS then contacted the local authority allocations manager directly and advised of the serious impact on the client's safety and mental health and suggested that it had been a serious mistake to place the client in this accommodation.

The CIS assisted the client in obtaining supporting documentation from his general practitioner and a medical social worker and then submitted a transfer application, medical priority form and other relevant documentation. This was followed up with the council.

### Outcome

Medical priority was awarded and the client received 3 offers of alternative accommodation. After checking out all 3 with a family member, the client was very happy with one of the offers and moved to his new accommodation one week later and received an apology from the housing association.

Source: North Dublin CIS

**“We would not be where we are now without your help. We got offered a house because of the case. I can't thank you enough for all you did for me.”**

CIS advocacy client



# Citizens Information

## Access Citizens Information by:



**Website**  
[citizensinformation.ie](http://citizensinformation.ie)



**Phone**  
0818 07 4000 - Mon to Fri, 9am - 8pm



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The Citizens Information Board provides independent information, advice and advocacy on public and social services through [citizensinformation.ie](http://citizensinformation.ie), the Citizens Information Phone Service and the network of Citizens Information Services. It is responsible for the Money Advice and Budgeting Service and the National Advocacy Service for People with Disabilities.

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