**Presentation to the Joint Oireachtas Committee on Public Service Oversight and Petitions. February 25th 2015.**

***Person or Number? 2***

***A second examination of issues faced by immigrants in accessing social protection.***

Report carried out by Crosscare, Doras Luimní, Dublin City Centre Citizens Information Service, FLAC and Nasc.

**Introduction**

In 2011 Crosscare, Doras Luimní and Nasc produced the first *Person or Number?* report which looked at the issues faced by migrants in accessing social protection in Ireland. The Minister for Social Protection implemented the main recommendation of the report - the establishment of a Migrant Consultative Forum whereby reps from migrant focussed NGOs met with officials from the Department to work through the issues raised in the report. The forum has met six times and improvements have been made to operational guidelines and support documents for DSP staff for example. As we approached the 3 year mark (in 2014) since we took the first case sample we felt it was necessary and indeed good practice that we revisit the situation on the ground and so we took another case sample that forms the core of this second report *Person or Number? 2*. Two new partners joined in the development of this report FLAC and Dublin City Centre Citizens Information Service (the busiest CIS in the country).

**Findings of *Person or Number? 2* report - 2015**

Headline findings

* The quality of first instance decision making is not up to standard. This often involves failure to carry out basic administrative tasks and procedure. This has resulted in a significant numbers of vulnerable people (Irish and non-Irish) incorrectly refused payments.
* There are some serious customer service issues in the Department of Social Protection
* The Community Welfare Service in particular has been found to have some poor service levels
* Interpreters are not being provided when there is a clear need
* Misinformation and omission of information by officials continues to be an issue

The findings can be broken into three sections;

A.Analysis of Annual Reports from Social Welfare Appeals Office

B. The finding from the random 35 case samples

C. The online survey with Citizen Information Service managers

**A. Analysis of Annual Reports from Social Welfare Appeals Office**

* The statistics from the Annual Report of the Social Welfare Appeals Office are stark. In 2013 55% of appeals were favourable for the applicant. This shows serious issues with frontline decision making. A similar year in the UK had a 38% rate of decisions in favour.
* Clarifications sought by the Appeals Office from the Department – Table 1. An indicator of poor administrative practice and on the rise – doubling in three years.

|  |  |  |
| --- | --- | --- |
| Year | Clarifications sent back to Department | Total Appeals Registered |
| 2013 | 4,910 | 32,777 |
| 2012 | 3,401 | 35,484 |
| 2011 | 3,894 | 31,241 |
| 2010 | 2,585 | 32,432 |
| 2009 | 2,657 | 25,963 |

Sourced from Social Welfare Appeals Office annual reports

* Revised decisions are not counted by the Department of Social Protection. However of those cases sent for appeal to the Appeals Office in 2013 21% or 8,062 were finalised after the Deciding Officer revised his/her decision.
* The Supplementary Welfare Allowance scheme is seen as a safety net payment and is often granted to applicants who are waiting for a mainstream Jobseeker’s or Disability payment to be processed. It plays a crucial role in protecting the most vulnerable. With this in mind the Social Welfare Appeals Office gives priority to such appeals.

Table 2. Appeals processing times for Supplementary Welfare Allowance.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year | SWAO  (weeks) | Dept. of Social Protection (wks) | Appellant  (weeks) | Total |
| 2013 | 9.5 | 11 | 0.2 | 20.7 weeks |
| 2012 | 10.4 | 7.3 | 0.3 | 18 weeks |

Sourced from Social Welfare Appeals Office annual reports

An appeal for SWA still takes on average of five months to process. Considering the designated function of the scheme, the length of processing time is unacceptable.

Closely related to the SWA are issues with the Community Welfare Service. In her last three annual reports the Chief Appeals Officer has repeatedly highlighted serious deficiencies in the practice of the CWS. The following excerpt is from the most recent Annual Report: *‘…an estimated 5-10% of SWA files were returned to the Department in 2013 as they lacked some* *or all of the basic documents which would be allowed to require an appeal to proceed. These documents are:*

* *The application form*
* *The formal decision*
* *The submission of the designated person’*

The question needs to be asked ‘What are the steps being taken to address this consistently poor performance of the administration of the Supplementary Welfare Allowance scheme?’

**B. The random 35 case sample**

On a set day last year four organisations started recording the cases of first ten people that presented to their services where the person had an issue related to social protection. The method is important as these cases were not cherry picked or filtered – they are a snapshot of a point in time for four services in Ireland. 35 valid cases were gathered and below is a summary of the issues that presented:

1. Inappropriate behaviour and/or language - 8 cases, 2 of which reported racist comments form officials.

2. Misinformation or omission of information – 7 cases

3. Emergency Needs Payments refused in crisis – 3 cases

4. Use of interpreters – 5 cases where interpreters needed but not provided

Table 3. Interpreter usage in the Department of Social Protection.

|  |  |  |  |
| --- | --- | --- | --- |
| Year | In person interpreter interactions | Telephone interpreter interactions | Annual totals |
| 2014 to July | 137 | 163 | 300 to July |
| 2013 | 288 | 204 | 492 |
| 2012 | 354 | 232 | 586 |
| 2011 | 273 | 136 | 409 |

It is notable Crosscare’s Information and Advocacy Services service used interpreters 1,128 times for 504 distinct individuals in the year to the end of June 2014 – more than an average year for the whole Department of Social Protection nationally.

5. Arrears not paid or delayed - 4 cases

6. Repeat requests for documents already submitted – 4 cases

7. Payments stopped without notice – 4 cases

8. Speculative decisions on means – 4 cases

9. Non-response from DSP – 3 cases

10. Documents or applications refused – 2 cases

11. Customer complaint fear – 2 cases

12. Incorrect refusal of HRC – 3 cases

**C. The online survey of the managers of the 42 Citizens Information Services nationally**

In the first six months of 2014 CIS’s nationally dealt with 25,000 queries from migrants with social protection issues.

Table 4. Responses of Development Managers when questioned on the number of customer reports of racism from an official of Department of Social Protection

|  |  |
| --- | --- |
| **Answer given** | **No. of Development Managers** |
| ‘20-25’ | 1 |
| ‘Approximately 5’ | 1 |
| ‘5’ | 1 |
| ‘4-5’ | 1 |
| ‘1-2’ | 1 |
| ‘Very little’ | 1 |
| ‘Not many clients say out straight that they have experienced racism but in many times our staff would sense an undercurrent of racism when we would be dealing with the Department on their behalf. This would have been noticed more than 20 times in the year if not more. It is worse when dealing with the Local Authorities’. | 1 |
| ‘We regularly meet clients, both Irish and people from other countries, who mention that they have been treated in a discourteous and rude manner by representatives of DSP’. | 1 |
| ‘None have mentioned racism but all nationalities including Irish frequently mention that DSP staff are rude’. | 1 |
| ‘I do not know as we do not record this information on our data collection system, but information officers are recounting these negative experiences. One EU national who works as a volunteer information officer, tells me this is very common. We recorded a social policy on this last week’. | 1 |
| ‘No one has reported any specific issue.DSP can be perceived as rude and rushed with very little time for the nuances that can present’ . | 1 |
| ‘We have not kept records of this however; there have been many instances of rudeness. Last week a \*\*\*\* client complained that an official had shouted at him and said ' Why don't you go to \*\*\*\* to get your rights?’ The client had said 'I do understand I have rights here' and he is entitled to SWA under EU treaty rights. He was very upset and is considering leaving Ireland’. | 1 |
| ‘On occasion we do get comments from migrant clients who feel that they were not treated fairly by social protection staff. When we explain the rules applicable to their claim it gives them a better understanding of the social welfare system in Ireland’. | 1 |
| ‘I don’t know’ or ‘we don’t record’ | 3 |
| ‘To my knowledge no clients have made such report’ or similar answer | 15 |
|  | 31 – total who answered |

**Report Recommendations**

A number of NGOs have worked well with the Department in recent years via the Migrant Consultative Forum – and improvements have been made to operational guidelines and support documents for DSP staff for example. However these have not translated to adequate improvements in customer service and administrative practice. Stronger measures are needed if the Department is to fulfil its own service level commitments:

* Establish a Performance Monitoring, Evaluation and Implementation Unit

In short quality assurance of the performance of Deciding Officers, Designated Persons and frontline staff needs to be up scaled significantly. The development of a new unit in the Department would be the most effective way of doing this. Identifying problems and solutions and best practice is one thing but ensuring that best practice is implemented consistently across the frontline needs a well- resourced and powerful function within the Department. The Unit could also for example report to this Committee on an annual basis.

* Accountability from the front line up – introduction of name badges.

A simple practical measure that would improve customer service, accountability and transparency would be the introduction of mandatory name badges for frontline staff. The use of name badges is a globally accepted way of improving customer relations

* Compulsory training
* Supports for local office staff
* Various targeted measures to tackle racism – including a specific internal Departmental plan
* Customer views and complaints to be proactively sought
* Community Welfare Service needs special attention and needs to operate to same standards
* Administration of Emergency Needs Payments need to reflect the flexibility of the law
* Better use of interpreters
* Guidance and monitoring needed on arrears payments

**The need for cultural change – Axiom Report**

We have all been engaging with the Social Protection system on behalf of clients for many years. We know that various policy, procedural and practice changes could make significant differences. We also know that sometimes such changes can be superficial in their impact. We have often concluded that behind all these difficulties that we see our clients face is a particular way of doing things in the Department that runs deeper than any policy – in effect the culture of the organisation.

Gladly we are not the only ones who believe this. Via a number of Freedom of Information requests we obtained a copy of a report carried out by Axiom Consulting for the Department last year. The report is focussed on cultivating a progressive common culture across the Department. The Axiom Report recognises the issue of staff underperformance and the need the enhance accountability and transparency in its engagement with service users. Crucially it also recommends that at all levels across the DSP planned and structured conversations need to be held among staff about the core values of the Department. We would suggest that the PON2 report could be used as a tool in such conversations. The following is a diagrammatic extract from the Axiom Report that highlights where the change needs to happen in the DSP

**Specific asks of the Committee**

* To ask the Tánaiste and Minister of Social Protection to begin steps to set up a Performance Monitoring, Evaluation and Implementation Unit. An initial step could be to set up a high level advisory group on establishing such a unit consisting of the Ombudsman, the Chief Appeals Officer, a private sector customer service expert among others
* To ask the Tánaiste and Minister of Social Protection to introduce compulsory name badges for all frontline staff
* To suggest to the Tánaiste and Minister of Social Protection that the PON2 report can be used as a tool for examination of internal values and cultural transformation in the Department as envisaged in the 2014 Axiom report