



## An Roinn Coimirce Sóisialaí Department of Social Protection

[www.welfare.ie](http://www.welfare.ie)

**News Release: 19<sup>th</sup> November 2010**

### **Ó Cuív – key areas of reform in new Social Welfare Bill**

**Éamon Ó Cuív TD, Minister for Social Protection** has said that the Social Welfare (Miscellaneous Provisions) (No.2) Bill 2010 published today Friday (19<sup>th</sup> November 2010) will contain “a number of important elements,” including the full transfer of the Employment Services and Community Services Programmes of FÁS to his Department and the integration of FÁS staff with the Department of Social Protection.

#### **TRANSFER OF FÁS FUNCTIONS**

The Bill will create a statutory basis for the full transfer of the Employment Services and Community Services Programmes of FÁS from the Minister for Education and Skills to the Minister for Social Protection and the integration of FÁS staff with his Department. (On the 1 September last, under July legislation, the Community Services Programme and the Rural Social Scheme transferred from the Department of Community, Equality and Gaeltacht Affairs to the Department of Social Protection).

Minister Ó Cuív said: “The FÁS programmes and staff transfer is intended to provide a more streamlined response to the needs of unemployed people by integrating income support through the social welfare system, with supports for activation and preparation for returning to work.” He added: “The restructuring of these areas is part of An Taoiseach Brian Cowen’s plan to deal with job creation, work activation and income supports in a better and more cohesive way.”

The Minister said that this initiative “is a tangible example of public sector reform facilitated by the Croke Park Agreement.”

#### **RENT SUPPLEMENT**

The Bill also provides that from 1 January 2011, before rent supplement can be awarded to new claimants, the landlord’s tax reference number must be supplied to the Health Service Executive (HSE). Landlords of existing claimants will be requested to supply their tax reference number at the time of their next rent supplement review.

The Minister said: “The Government wants to ensure that where tenants are in receipt of the State’s rent supplement, that the landlords of those premises are fully tax-compliant. If they are tax compliant they should have no difficulty providing that reference number.” As certain landlords will not have such a tax reference number, for example a non-resident landlord, confirmation from that landlord to that effect will now be required to be supplied in those cases. The Bill also makes it an offence where a landlord fails to provide the information requested.



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The purpose of the Department's rent supplement is to provide short-term support to eligible people living in private rented accommodation. In 2009 the Department paid over €500m in rent supplement. There are currently over 96,500 tenants benefiting from the supplement.

### **ELECTRONIC CERTIFICATION**

The Bill also introduces a provision which will allow for certain people who receive Jobseeker's Allowance and Jobseeker's Benefit to complete their certification ("signing-on") process by electronic means.

Explaining this process, Minister Ó Cuív said: "At present, in order to qualify for Jobseeker's Benefit or Jobseeker's Allowance, the jobseeker must fulfil a number of conditions, including being available for and genuinely seeking work. To fulfil these conditions, jobseekers must at regular intervals make a declaration that they are still unemployed, available for and actively seeking work. This is what's called the certification process or "signing-on" and is currently carried out by the jobseeker going to their Social Welfare Local Office."

"Signing-on" is a separate process from the collection of the jobseeker's weekly payment.

"We will be changing the current signing process in our Local and Branch Offices to collect signatures via a digital signature pad and we are exploring the possibility of using electronic channels for certification such as online through the internet or by using the mobile phone."

The Minister added: "It is anticipated that cost savings would accrue from reducing the effort required to certify some jobseekers at the Department's Local Offices. As a result staff resources will be freed up to concentrate on client, claim, payment and control issues. Furthermore, it is expected to reduce pressure on Local Office facilities and accommodation."

Recipients of Jobseeker's Allowance and Jobseeker's Benefit will still be obliged to collect their payments weekly at their local post offices.

The Minister said: "We are currently engaged in a project to examine the potential to develop an additional channel for jobseekers certification, via the mobile phone. The initiative would provide improved customer service and also reduce the Departmental resources required to administer certification. However, deployment will not proceed unless it offers a reasonable level of control as do existing processes. A mobile phone certification solution has a number of features, from both a business process and technical perspective but the Department has to evaluate and test how these might work in practice before committing to full-scale deployment."

This mobile phone facility will be made available on a risk assessment basis, will have high levels of control and will not be generally available on request.



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**CIVIL PARTNERSHIP**

The Minister also said it was his intention to introduce an amendment to the Bill during its passage through the House to provide for changes to Social Welfare legislation arising from the provisions of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, in advance of that Act commencing next year. The changes will include a definition for civil partner. They will also provide for entitlement for registered and/or cohabiting civil partners to various benefits/allowances to mirror those already available to married couples or opposite sex cohabiting couples. The changes to the social welfare code will be in respect of all same-sex cohabiting couples, not just those who opt to register a civil partnership - this is necessary from an equality perspective as the social welfare code already recognises opposite sex cohabiting couples.

The **Social Welfare (Miscellaneous Provisions) (No.2) Bill 2010** will be published by the Houses of the Oireachtas Bills Office today Friday ([www.oireachtas.ie](http://www.oireachtas.ie)). The Bill will be debated in the Dáil from next week.

**ENDS**



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**Editor's Notes:**

**Rent Supplement Scheme**

The purpose of the Department's rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The overall aim is to provide short term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer.

The Bill also provides that a landlord will be obliged to provide his or her tax reference number, or confirmation that he or she does not have a tax reference number, in respect of *each tenancy* for which a rent supplement is payable.

Where rent supplement is in payment immediately before 1 January 2011 and that supplement continues to be claimed immediately after that date in respect of the same tenancy and where the landlord has not supplied his or her tax reference number before 1 January 2011, rent supplements will continue to be paid until the review date for the supplement. At that stage the HSE will request the landlord to supply his or her tax reference number.

The Bill also allows for the further continuation of the rent supplement beyond this date to allow a reasonable time for the landlord to respond to the HSE's request to provide his or her tax registration number and also to avoid tenants being penalised by having to break an existing tenancy agreement.

In no case can a rent supplement be paid beyond 31 March 2012, where the landlord has failed to provide his or her tax reference number.

**Electronic Certification – by mobile phone**

The envisaged process, should the evaluation confirm the potential of the project, is that selected claimants for Jobseeker's Allowance and Jobseeker's Benefit will register to use the service and, as part of the registration, the Department will record and store their voiceprint. At certification time, the Department will contact the customer on their mobile phone, verify if the phone is within the State and verify their identity by comparing the voiceprint from the telephone conversation with the stored voiceprint. If these verifications are successful, the Department will then capture their certification details.

The project is scheduled to conduct a live trial at end January 2011 in which a number of customers will be invited to participate. The selection of customers to be invited has not yet been finalised.



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### Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

Civil partnership will have consequences for cohabiting same-sex couples under the social welfare code, for example:

- Currently, when entitlement to social welfare benefits, whether statutory or non statutory, is determined, members of same-sex couples are treated as individuals. Therefore, entitlement is assessed without any reference to the claimant's partner, which, in the main, is more advantageous to the person concerned. This will no longer be the case with the introduction of civil partnership; for example, the means of both partners will be taken into account in assessing means for social assistance purposes. The rule which limits the amount of certain social assistance payments payable to couples will also apply
- However a partner of a same-sex social welfare claimant will now be recognised as a Qualified Adult and be entitled to claim social welfare benefits.
- A same-sex couple who register as civil partners will also be entitled to receive survivor's benefits.

### **Main Provisions of the Bill**

- **Section 1** provides for the commencement of the Bill.
- **Section 2** provides for the Bill's definitions.
- **Section 3** clarifies the provisions for the calculation of the duration of payment of Illness Benefit claims.
- **Section 4** provides for the use of electronic means of making and capturing the declarations of unemployment that are required for the purposes of claiming jobseeker's benefit and jobseeker's allowance.
- **Section 5** clarifies the calculation of entitlement to jobseeker's allowance where weekly means comprise earnings from insurable employment. In determining a week of unemployment (3 days of unemployment consecutive or not in any 6 consecutive days), the practice is to include a day only once in any computation where that day is part of a week of unemployment in respect of which jobseeker's allowance is paid. This Section, which amends section 141 of the Social Welfare Consolidation Act 2005, ensures the Act is not ambiguous as regards applying this practice.
- **Section 6** provides that the reduction in the basic rate of Supplementary Welfare Allowance from 4 January 2010 for people under 25 years will not, of itself, lead to any reduction in rent or mortgage interest supplements payable to people getting other social welfare payments.



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- **Section 7** provides for a new condition for the rent supplement payable under the Supplementary Welfare Allowance scheme which requires that from 1 January 2011, before a claim for rent supplement can be awarded, the landlord's tax reference number must be supplied to the Health Service Executive (HSE). As certain landlords will not have such a tax reference number, e.g. non-resident landlords, confirmation from the landlord to that effect is required to be supplied in those cases. This section also provides that a landlord will be obliged to provide his or her tax reference number (or confirmation that he or she does not have a tax reference number) in respect of each tenancy for which a rent supplement is payable.
- **Section 8** clarifies the position with regard to the information to be provided by or in respect of a customer registering for a Personal Public Service (PPS) Number. Section 262(3) of the Social Welfare Consolidation Act currently requires that a photograph and signature be submitted for any customer registering for a Personal Public Service (PPS) Number. However, it is not practical to collect these items in all cases, e.g. where the customer is non-resident, deceased and in probate cases. Section 8 clarifies the position by only requiring that these items be submitted when required. This Section also provides that providing additional security information will become a compulsory part of the registration process for the purposes of allocating and issuing PPS Numbers.
- **Section 9** makes a number of changes to the current provisions relating to the public services card under section 263 of the Consolidation Act and the social services payment card under section 264, including clarifying that both the social services card and the public services card can be used for the purposes of paying social welfare benefits. (The public services card is a new card and roll out will commence in 2011).
- **Part 3 – FÁS**
- **Sections 11 to 19** of the Bill provide for the full transfer of the employment services and community services programmes of FÁS to the Minister for Social Protection and the integration of FÁS staffing etc. into the Department of Social Protection and also provide for a consequential amendment to the Labour Services Act 1987

**ENDS**

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