

## Landmark Ruling by Court of Appeal

Barry McVeigh, NIACAB Specialist Support Officer

On 4th July 2002 the Court of Appeal in Northern Ireland upheld a case taken by the Citizens Advice Bureau and decided in favour of a CAB client regarding his entitlement to a Social Fund Funeral Expenses Payment from the Social Security Agency (SSA). The judgment is highly significant since it could potentially shift the burden of proof of entitlement from claimants to the SSA and the Department for Social Development (DSD).

The CAB client was estranged from his family for over 20 years. He was not sure of their whereabouts or financial circumstances. The police informed him of the sudden death of his brother and he agreed to take care of the funeral arrangements. As he was in receipt of benefit, and could not afford the £1,172 needed to pay for the funeral, he made a claim for a funeral expenses payment from the Social Fund.



Barry McVeigh, NIACAB Specialist Support Officer, Marie-Louise Lowry, Associate of Elliott Duffy Garrett and Raymond Moore, Volunteer Adviser, Bangor CAB

The SSA refused this payment on the basis that the client could not prove that the estranged family members were also in receipt of benefit and had insufficient capital to pay for the funeral. A subsequent Social Security Appeal Tribunal upheld the original decision. The case was appealed to a Social Security Commissioner who upheld the decision of the tribunal.

The Court of Appeal decided that the Social Security Commissioner was wrong to hold that the burden lay with the client to prove his estranged family's financial circumstances and that this should have been the responsibility of the SSA. If the Agency

was unable to prove lack of entitlement then the claim should have been allowed.

This landmark ruling by the Court of Appeal may provide much needed guidance on the intricate Social Security rules that govern entitlement to benefit in Northern Ireland and Great Britain. The combina-

tion of skilled advocacy work and persistence from Bangor CAB, NIACAB Regional Office and Elliott Duffy Garrett Solicitors meant that the client's appeal was successful. This is an example of how CAB can effectively work with the legal profession in Northern Ireland to arrive at a just and equitable conclusion in challenging the interpretation of legislation and adverse policies.

The Court of Appeal has refused an application by the DSD for leave to appeal against this ruling. However, CAB understands that the Department will petition directly for leave to challenge this decision in the House of Lords.

# Staff News

Natalie Strain, NIACAB Information and Policy Officer

NIACAB Regional Office is pleased to welcome its new Community Support Worker, Kelly Collins. Kelly was previously employed with 'Voice of Young People in Care' as a Development Worker and is a Community Youth Work graduate from the University of Ulster at Jordanstown.



Kelly Collins, NIACAB  
Community Support  
Worker

Antrim District CAB has received funding for three years from the Community Fund. Two new posts have been created as a result and the bureau welcomes Rose Edge as Money Advice Worker and Rachael Staveley as Administrative Assistant.

Antrim Road CAB congratulates Cathy Reilly, its part-time volunteer adviser on the Worktrack scheme, who has just completed the Adviser Training Programme.



Rose Edge,  
Antrim CAB

Ards CAB wishes to welcome its new volunteer, William Fulton.

Armagh and District CAB wishes to congratulate its three recently recruited volunteers, Patricia Clarke, Andrea Doran and Elizabeth Hyde, who have successfully completed the ATP.



Andrea Doran,  
Armagh CAB

Central Belfast CAB bids a fond farewell to Lorraine Warnock, its Money Advice Worker. Lorraine has been with CAB for ten years and she leaves to take up a post with Grant Thornton.

Coleraine CAB and Down District CAB both wish to congratulate their volunteer advisers, Ken Brown and Simon Gilmore, on completing the Adviser Training Programme.

Craigavon District welcomes Sam Walker as its new Money Advice Worker. This post will cover both Portadown and Lurgan CABx.

East Belfast CAB wishes three of its ex-volunteer advisers well with their future career development. Karen Lawlor, Nikki McWilliams and Linda Collins have all left the bureau to undertake a Masters in Social Work, the solicitors' course with the Institute of Professional Legal Studies and a PGCE respectively, all with Queens University Belfast.

Fermanagh CAB welcomes its new administrative volunteer, Patrick McTaggart.

Larne CAB warmly welcomes its new manager, Agnes Lamont. Agnes was previously employed in managerial roles in the private sector in Larne for over twenty years and more recently was the General Manager for Acceptable Enterprises in Larne, an organisation which provides training and employment services to the long-term unemployed.

Newry CAB wishes to congratulate Gerard Quinn on his new post of outreach worker with the bureau.

Newtownabbey District CAB welcomes its new volunteer, Louise Orr, a law student at the University of Ulster, Jordanstown.



Agnes Lamont  
Manager, Larne CAB

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11 Upper Crescent, Belfast, BT7 1NT. (028) 9023 1120  
For further copies or to contribute to the next issue contact:

### Editor:

John Napier,  
Director of Information Services  
e-mail: [napierj@niacab.org](mailto:napierj@niacab.org)

### Sub-Editors:

Siobhán Harding & Natalie Strain,  
Information and Policy Officers  
e-mail: [hardings@niacab.org](mailto:hardings@niacab.org)  
e-mail: [strainn@niacab.org](mailto:strainn@niacab.org)

### Editorial Panel:

Valerie Adams, Manager, Antrim CAB  
e-mail: [antrimdistrictcab@niacab.org](mailto:antrimdistrictcab@niacab.org)

Liz Dugdale, Manager, Suffolk and Andersonstown CAB  
e-mail: [suffolkandersonstowncab@niacab.org](mailto:suffolkandersonstowncab@niacab.org)

Pat Hutchinson MBE, Manager, Newtownabbey & District CAB  
e-mail: [rathcoolecab@niacab.org](mailto:rathcoolecab@niacab.org)

Dave Murphy, Director of Development  
e-mail: [murphyd@niacab.org](mailto:murphyd@niacab.org)

Barry McVeigh, Specialist Support Officer (Advocacy)  
e-mail: [mcveighb@niacab.org](mailto:mcveighb@niacab.org)

Angela Welch, Manager, Coleraine CAB  
e-mail: [colerainecab@niacab.org](mailto:colerainecab@niacab.org)

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## Sandra Doherty 1948 - 2002

Sandra began her career with CAB as an adviser in Rathcoole CAB. After two years she became Deputy Manager in Glengormley CAB. Sandra furthered her career when she moved to the Belfast Group of CABx in 1994 and was then promoted to the post of Manager. Sandra was a role model of efficiency and conscientiousness; she was meticulous in her work. Sandra's untimely death in June has left a deep sadness in all who had the privilege to know her.



Sandra Doherty

# Migrant workers denied employment rights

Siobhán Harding, NIACAB Information & Policy Officer

As the Government plans to increase the number of work permits for migrants due to shortages in the labour market, CAB has been working to eliminate some of the employment problems experienced by such migrant workers in Northern Ireland, many of whom are being denied their basic employment rights.

The effectiveness of CAB's independent advice and advocacy was illustrated when Dungannon CAB publi-

cised the difficulties encountered by Portuguese migrant workers in the town in the local and regional media. Dungannon CAB dealt with 50 cases of denial of basic employment rights, referred 12 cases to the Equality Commission (which are still under investigation) and used NIACAB's Minimum Wage project to ensure that the workers were receiving their proper entitlement. The Association has highlighted the issues to the Department for Employment and Learning.

A Portuguese client approached his local CAB for advice on holiday entitlements. He is afraid to ask for holidays as a work colleague was sacked for this on a previous occasion. The client cannot afford to be sacked as his accommodation is tied to his employment contract. The client had signed a contract but did not understand it as it was written in English and he is too afraid to ask for a copy.

## HUMAN WRONGS HUMAN RIGHTS

Chris McAleer, Manager, Cookstown CAB

Cookstown CAB was privileged to have Professor Brice Dickson, Chief Commissioner of the Northern Ireland Human Rights Commission (NIHRC) as the guest speaker at its recent AGM. Professor Dickson gave a talk on the work of the

Commission, covering its establishment, functions and activities.

The Commission is currently working on the production of a Bill of Rights for Northern Ireland. It is hoped that this legislation will set high quality standards, affording all citizens of Northern Ireland additional rights as well as the mechanisms to enforce these rights. CAB is a rights-based organisation and will undoubtedly find the Bill of Rights a useful resource.



Maurice Corrigan, Director and Management Committee Member Cookstown CAB, Eilish McKee, Treasurer Cookstown CAB, Chris McAleer Manager, Cookstown CAB, Professor Brice Dickson, Chair NIHRC, Sharon Crooks, Chair Cookstown CAB, and Dave Murphy, Director of Development, NIACAB

The Northern Ireland Human

Rights Commission and British Irish Rights Watch have also recently published 'Human Wrongs Human Rights' - a guide to the human rights machinery of the United Nations.

Most people are unaware of the UN's role in setting international human rights standards and monitoring governments' adherence to them. In addition very few people are aware of their rights under the Universal Declaration of Human Rights.

Because people have little knowledge as to what their human rights entail they do not know how to enforce their rights if things go wrong. The UN has a whole array of mechanisms for helping people to obtain their rights and redress their wrongs.

This guide explains how to find out about human rights, how the UN human rights machinery works and how to make effective use of it. Copies of the publication are available from the NIHRC website [www.nihrc.org](http://www.nihrc.org)

# Making a Difference

Aileen Hutton, Community Adviser, Bangor CAB

A client of Bangor CAB has a severe learning disability and behavioural problems. His mother contacted the bureau to find out if he would be entitled to the mobility component of DLA. Although Gareth has no physical walking disability, there is a provision for high rate mobility for people with developmental delay and severe behavioural problems who are in receipt of the high rate care component of DLA.

Gareth's mother was advised that he might be eligible due to this provision, but that when a decision is re-examined by the department, an award can be decreased as well as increased. Gareth's mother contacted the bureau to say that with the help of CAB, the high rate mobility component has not only been awarded, but also backdated for ten years as the department was given relevant information ten years previously. Gareth was awarded a total of £11,400 with the help of Bangor CAB's Care's Project.



Gareth and Rosemary Mearns, clients of Bangor CAB

# Quality Through Compulsory Accreditation

Keith Stanyer, Manager, Dungannon CAB

Since July 1999 Dungannon and District CAB has had a policy of compulsory accreditation for all advice workers who undertake the Adviser Training Programme (ATP).

If successful at interview all advice volunteers spend at least one month in bureau before being enrolled in the ATP. They spend this time shadowing staff and experienced volunteers, finding out how the bureau operates and are encouraged to familiarise themselves with the information system.

Since this date ten volunteers began the ATP with nine receiving accreditation. Only one volunteer withdrew, and this was due to pregnancy and other childcare duties. Compulsory accreditation has had no negative effect on the recruitment of volunteers.

Joe McGlade, a law graduate and volunteer adviser said, "The accreditation system has value on two fronts in my opinion. Firstly, it is a yardstick by which management can judge that the adviser is reasonably competent in areas frequently covered in the bureau. Secondly, it gives the new adviser a sense of satisfaction that his or her basic competence has been assessed and confirmed by management."



Joe McGlade, Volunteer adviser, Dungannon CAB

# What's new for Student Financial Advice in 2002/2003?

Anne Donnelly, Student Finance Officer, NUS-USI

The Adult Learner Finance Project NT launched a year ago, supports practitioners and advisers working in the field of student financial advice.

Dealing with mature student and adult learner queries has always been a complex area of advice work involving assessing the range of financial support, overlapping welfare benefits and alternative finances, in order to complete a full financial statement for students in further and higher education. The Adult Learner Finance (ALF) project delivers training events and provides information materials to meet this need. The ALF project in association with the Law Centre (NL) produced a booklet on 'Students and Benefits' with a detailed 'Student Finance Manual' resource pack for advisers. Copies of this booklet are available.

The project recognises the need to keep advisers updated and outlines the most recent changes in student financial support for the incoming academic year. For 2002/03 full-time students may get all or part of their tuition fees paid. Almost half of all students in 2002/03 will not have to pay tuition fees, depending on the level of their income. Most students who have independent status or are independent from their parents will not have to pay tuition fees. Some part-time students will also get their tuition fees paid for them through the Student Support Fund (formerly known as Access Funds).

There are also some new financial packages for full-time students, undertaking a course in higher education. For the academic year

income assessed bursaries of up to £1,500 will be introduced for full-time students from low-income families. The amount of bursary will be assessed on the student's own income and that of their family, unless they have independent status. If their income is £15,001 or less per annum and they are eligible for living costs and tuition fee support, they may meet the criteria for the bursary. This will be assessed on a sliding scale, for example if their residual income is up to £10,000 per annum, they may be entitled to a maximum amount of £1,500. Local Education and Library Boards will assess for entitlement and any amount awarded is not repayable.

A higher income threshold is now applicable, before parents, partners or family are expected to financially support students. This should increase the student uptake of financial support. Reduced loans have been introduced for students from higher income families. The fee, loan and grant rate has been raised and with the removal of the age restriction on dependants' grant and travel grant, this will allow more access to financial support for older students. Young married students are now treated as independent from the first academic year after marriage instead of the previous two-year rule.

'The Adult Learner Finance Project' is a student financial advice service aimed at mature students. For further information you can contact the EGSA, Duty Information Officer on 028 9024 4274 or via e-mail at info@egsa.org.uk

# Ards Goes Electronic

Linda Higginson, Manager, Ards CAB

Ards CAB viewed the dawning of the computer age with some trepidation. To take advantage of the opportunities afforded by computerisation, plans were put into place to provide computer training for staff. Ards Community Development Bureau provided a range of starter courses and quickly the computer bug spread in the bureau. Staff, volunteers and even the Chairman could be heard comparing notes and words like spreadsheets and databases became commonplace in the bureau.

The newly formed, 'Friends of Ards CAB'

helped to fundraise to ensure that all staff on duty had access to a computer. The bureau was closed for a number of training days and with the help of Regional Office staff, bureau staff became more confident using the new systems. The Sage accounts package was introduced in the bureau in April 2001, which covers salaries and all financial reports. The bureau administrative worker finds Sage a great asset in

relation to salaries and the end of year returns are now completed quickly and efficiently. The Case Recording System was introduced in Ards CAB in January 2002 and the bureau has adopted a completely computerised Information System since April 2002.

All members of staff agree that teamwork was the force behind the bureau's transition to computerisation. The staff worked and supported each other and now feel very comfortable with the new system. Maggie Hobson, volunteer states: "I was very sceptical about the changes

but now feel that it is a user friendly system" and another volunteer, John Scott adds: "After initial trepidation, I find the new computer system very helpful."

As bureau manager I am working towards my European Computer Driving Licence, which will provide me with a basic understanding of a range of computer tasks. If Ards CAB can do it - so can you!



Linda Higginson, Manager Ards CAB, bids farewell to the NIACAB paper information system

# NIACAB AGM

NIACAB's AGM is to be held on Thursday 31st October 2002 in The Canal Court Hotel, Newry.

Guest speaker, Mr Mark Durkan MLA, Deputy First Minister who will speak about The Review of Public Administration.

Attendees are given the opportunity of attending workshops in the afternoon session - the workshops available are:

- Legal Aid Reform - Seizing the Opportunity
- The Review of Public Administration - moving towards new arrangements for local governance in NI
- Technology at the Cutting Edge of Advice
- Implementing a Volunteering Strategy
- North/South Development 4 years on

Further information is available from Anne Coleman at NIACAB Regional Office, 11 Upper Crescent, Belfast, BT7 1NT, Tel: 028 9023 1120 or e-mail colemana@niacab.org

# Contact a Family NI working with CAB

Nuala Norris, Regional Development Officer, Contact a Family NI

Contact a Family NI (CAF) works with families all over Northern Ireland who care for a child/children with any disability and also with the Health Professionals involved in their care.

We offer support in a number of ways:

- by providing information about the condition;
- by referral to an appropriate support group;
- by a one to one link where a support network does not exist;
- by informing families of other known sources of support within Northern Ireland.

Finding out that your child has a disability can be devastating to a parent. Life can become one long quest for information on everything from the condition itself, specialist help, education, practical help, housing and, of course, benefits.

This is where joint working between CAB and CAF comes into play. It is envisaged that CAF will have access to CABx offices and expertise and, in turn, for CAB to have access to the information and services of CAF. This will ensure that applications for benefits, made on behalf of our clients are supported by current information about the condition. Hopefully, this will decrease the number of applications turned down and reduce the 'man hours' spent on appeals.



Nuala Norris, Regional Development Officer, Contact A Family NI and Roma Drayn

In addition, the families can access further services through CAF. We produce a wide range of factsheets and organise workshops on various topics, for example, caring for two or more disabled children, holidays transition and living without a diagnosis.

Having a child with a disability, rare syndrome, life limiting or life threatening condition requires a tremendous amount of support from various sources. There are some excellent networks across Northern Ireland and with CAB and CAF being actively aware of each other and working together where necessary, these families will have a better chance of tapping into those networks.

In the meantime, for those with internet access, the CAF Directory

of Specific Conditions and Rare Syndromes can be accessed free of charge at [www.cafamily.org.uk](http://www.cafamily.org.uk). A hard copy can also be ordered through CAF. The Directory only represents conditions for which there is a fully functioning support group, so do not worry if you come across a condition not listed in it, just contact us - we work off a much larger list! Some publications are available in different languages.

CAF looks forward to developing this new relationship between Citizens Advice Bureaux and Contact a Family NI. The awareness of each other and respective information resources of CAF and CAB will enable both organisations to give families who find themselves in these situations more help and support.

# Mark Durkan opens new premises for Suffolk & Andersonstown CAB

Liz Dugdale, Manager, Suffolk & Andersonstown CAB

In a supportive speech, the Deputy First Minister, Mark Durkan, recognised the importance of independent advice and the volume of transactions which CAB carries out on behalf of Government, acknowledging that, "CAB brings sense and sensitivity to the work of Government". He said that Government needed partners to deliver services and the role of agencies like CAB would be central to the debate on the reform of public administration and the delivery of e-government.

The Deputy First Minister was



Deputy First Minister Mark Durkan with Frank McElhatton, Chairman and Liz Dugdale, Manager of Suffolk & Andersonstown CAB outside the new premises which will offer services to over 40,000 people

officially opening the new offices for Suffolk & Andersonstown CAB. The purpose built offices, which cost almost £300,000, were funded mainly by the Belfast Regeneration Office and the Belfast Partnership Board and

represent a very significant achievement for the staff and management committee in a difficult funding environment.

Mark Durkan was joined by Alex Maskey in one of his first official engagements as the new Lord Mayor of Belfast. Suffolk and Andersonstown CAB has a history of serving both communities in West Belfast for more than 30 years.

## Work it Out!

Siobhán Harding, NIACAB Information & Policy Officer

During May 2002 CABx throughout Northern Ireland undertook a monitoring exercise relating to client's knowledge of their basic employment rights. The exercise



asked CAB clients a series of questions testing their knowledge of a number of basic employment rights followed by a series of questions on client's individual employment circumstances. The report detailing the findings will be launched later this year.

In the year April 2001-2002 CABx across Northern Ireland dealt with in excess of 19,000 employment-related

queries. Employment queries continue to account for a substantial part of the work of CABx and this is an area of enquiry which is expected to grow due to forthcoming legislative change and the fact that workers are unsure where to turn for information and advice about employment issues.

The monitoring exercise illustrates that the majority of CAB clients are unaware of their most basic employment rights. CABx also report that some employees are afraid to assert their basic statutory rights due to fear of their employer and some are even dismissed for asserting their legal entitlements.

# Bureau News

Natalie Strain, NIACAB Information and Policy Officer

Cookstown CAB has been successful in receiving funding from Friends of CAB for IT training.

Craigavon District CABx Lurgan CAB has moved back into its refurbished premises.

Down District CAB has had a very enjoyable staff day out. The day comprised of a Lagan boat cruise, followed by an evening buffet at Millbrook for all staff and volunteers. This was funded by the Community Volunteer Service.

Dungannon CAB staff and volunteers attended a training session on basic money advice procedures and the implementation of the Money Advice Policy. The event was organised by the Money Advice worker, Linda Wilson and took place in Bundoran, County Donegal. The session covered the aims and objectives of debt resolution, implementing good procedure and accurate recording.



Volunteers and staff from Dungannon CAB combining work and pleasure in Bundoran

Fermanagh CAB has had its service level agreement with the Sperrin Lakeland Health and Social Care Trust renewed for another year. This funding will cover 100% of project costs for its Rural Outreach Advice Project.

Lisburn CAB celebrated its 30th anniversary on 22nd of August at its AGM. The guest speaker was Eileen Evason and it was attended by the founding members of Lisburn CAB and the Lord Mayor. The bureau has also received funding from Lisburn City Council for a Community Outreach Worker.

Newtownabbey District CAB has carried out a training session on available benefits to a group of District CAB adults with learning disabilities. The training session was carried out by Pat Hutchinson, MBE at Broadway Workshops. Lorraine Adamson and Pat also exhibited at a recent Jobfair, which was run by the local council.

# Flooding at Rathcoole

Pat Hutchinson MBE,  
Manager, Newtownabbey District  
CAB

The scarcity of sunshine and summer weather has certainly been evident in Rathcoole this year. At the end of June an emergency clinic was set up in the premises of Newtownabbey District Citizens Advice Bureau to deal with problems caused by major overnight flooding. Many householders spent the next day cleaning up after the heavy rainfall and Rathcoole was the worst affected area with 70 homes flooded.

The emergency clinic was set up to deal with the raft of complaints from residents of the Rathcoole estate. The clinic involved staff from Newtownabbey District Citizens Advice Bureau with the co-operation of the local Housing Executive, Social Security Agency and the Compensation Agency. Many of the claims were from people on benefits who were helped to make claims for Community Care Grants, which were settled within a few days. The clinic proved to be a very worthwhile exercise and if required can be repeated at short notice.

The Minister for Social Development, Nigel Dodds, supported the setting up of the emergency clinic. The Minister visited Newtownabbey Citizens Advice Bureau to personally thank the staff for their handling of the flooding situation in Rathcoole.

The staff of Newtownabbey District Citizens Advice Bureau with Nigel Dodds, Minister for Social Development

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