

# Tribunal Success for Minimum Wage Client

Joan Davis, NMW Information Officer

A unanimous decision at a recent Industrial Tribunal resulted in compensation of £1,083.00 for local worker, Lee Annett. The Tribunal concluded that Mr Annett was unfairly dismissed by his employer, A&M Haughian Construction because he asserted his right to the National Minimum Wage (NMW).

Lee's case is unusual, as he was dismissed after the Inland Revenue Compliance Unit identified arrears in wages of £3,250.00. However, the underpayment of wages is common throughout Northern Ireland. The NMW Helpline in conjunction with The Compliance Unit has helped to identify over £1 million of arrears in Northern Ireland.

Lee was the only employee not receiving at least the NMW so he approached his employer about a wage increase in December 2001. At that time he was receiving £60 for a 40-hour week, he later received an increase to £80, his legal gross wage should have been £140. After contacting the NMW Helpline and discussing the protection offered by the legislation and the options available to redress the underpayment, Lee lodged a formal complaint.



Joan Davis, NMW Information Officer with Lee Annett

The NMW Helpline on 0845 6500 207 is available 9 to 5 Monday to Friday and offers confidential and impartial information and advice to employees and employers and all complaints are investigated anonymously.

Lee was dismissed after he accepted the arrears from his employer. He displayed courage by using the Industrial Tribunal system to prove that he was not dismissed due to redundancy but because he demanded his legal entitlement to the NMW.

Lee is pleased with the outcome and agreed to publicise his case to highlight the problems employees encounter when attempting to

obtain what is legally theirs - "When my employer ignored my request for the legal rate of pay I contacted the NMW Helpline and with the support of Helpline Staff I obtained my arrears. I feel strongly that those employees in similar situations should use the Helpline to ensure their right to the NMW.

This is an important decision for employees in Northern Ireland and will encourage other people in a similar position to contact the NMW Helpline. The BBC 'Fairplay' programme became interested in the story and with Lee's permission featured his case to highlight the plight of workers and the assistance provided by the Helpline.

# Staff News

Emma Baldwin, Information & Policy Officer, Citizens Advice

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*Views and opinions expressed in Advice are those of the editor or particular contributor, and should not be considered to be the view of Citizens Advice.*

Antrim CAB welcomes Roisin Mullin, its new volunteer adviser who has started the ATP.

Ards CAB welcomes its new volunteer Ken Lowry and congratulates him on the completion of the ATP course.

Armagh CAB welcomes Myles Courtney as a new volunteer adviser.

Bangor CAB congratulates Cynora Christie on her ongoing commitment to CAB. The bureau hosted a party for Cynora to celebrate her 30 years service with Bangor CAB.

Carrickfergus CAB welcomes Charmain Stewart as a new volunteer adviser.

The Belfast Group of CABx welcomes Cora Smith as the co-ordinator of the Advice for Youth Project.

Coleraine CAB welcomes Brendan Walker to his new six month post, funded by Coleraine Sure Start, which assists families in Targeting Social Need areas with children from birth to four years old.

Down District CAB welcomes its new outreach tribunal worker, Joanna Stevenson.

Dungannon CAB welcomes Ciara Parkes to the bureau as a volunteer adviser.

Citizens Advice Regional Office welcomes Lizann Frawley to her post as Community Advice Trainer.

East Belfast CAB welcomes Sharon Thompson to the post of part time outreach worker for the Castlereagh Project and new volunteer advisers Steven Keery and Mary McCoy.

Newtownabbey District CABx welcomes its new volunteer advisers Loraine Irvine and Heather Taylor. Heather has already started the ATP and Loraine will begin the ATP in the near future.

Suffolk and Andersonstown CAB welcomes Fiona Macdonald as its new telephone advice coordinator funded by the Belfast Regeneration Office.



Myles Courtney,  
Armagh CAB



Charmain Stewart,  
Carrickfergus CAB



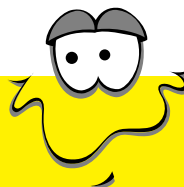
Ciara Parkes,  
Dungannon CAB



Lizann Frawley,  
Regional Office



Heather Taylor,  
Newtownabbey District  
CABx



## Citizens Chatter..

Extract from Case Notes:

"He broke his leg and asked his mother to call into the bureau for help with filling it in."

# Specialist Advice Service for the Deaf and Hard of Hearing launched

Derek Alcorn, Chief Executive, Citizens Advice

In January the RNID and Citizens Advice launched a specialist service for deaf and hard of hearing people, with the creation of 2 specialist posts based in Derry and Craigavon. Supported by the EU BSP Programme, the unique partnership merges the skills and expertise of both agencies to give the best possible service for the deaf and hard of hearing community. Brian Symington Director of RNID in Northern Ireland said "Accessible Citizens Advice offices are good news - they mean that more people will be able to know and understand their rights on issues such as benefits, housing and employment." The full range of equipment such as portable loops, crystal listeners and text phones has been installed in both offices and BSL and ISL interpreting is available when needed. Speaking for Citizens Advice, Derek Alcorn said that the partnership had released very significant synergies and savings for each organisation, and that the project was an important part of CAB's work in extending equality of access to CAB services in Northern Ireland.

*Derry RNID launch, from left to right: Paddy Gray, Chairman, L'Derry CAB, Majella Gallagher, Mayoress, Brian Symington, Director, RNID NI, Derek Alcorn, Chief Executive, Citizens Advice, Shaun Gallagher, Mayor of Derry and Jackie Gallagher, Manager, L'Derry CAB*



*Craigavon RNID launch, from left to right: Joe McGlade, Craigavon District CABx, Ignatius Fox, Mayor of Craigavon, Tony Adams, Manager, Craigavon District CABx, Derek Alcorn, Chief Executive, Citizens Advice, Brian Symington, RNID NI*

## Making a difference

Michael Hughes, Falls CAB

Mrs A called to the bureau in 2002 to seek help as she was having difficulty making ends meet. She is a single parent and suffered from depression and alcohol abuse. During a routine benefit check it transpired that her father was looking after her child and was in receipt of Child Benefit for him. However, the Social Security Agency was not aware of this and the client continued to receive benefit on the basis that she was in receipt of Child Benefit.

In 2003 the client contacted the bureau again in a very distressed

state. The Social Security Agency (SSA) had raised an overpayment of almost £19,000. The bureau appealed the decision and approached the Debt Management Unit within the SSA. Unfortunately they refused to use their discretion not to recover this overpayment. Even the Presenting Officer at an appeal hearing referred the case back to the Debt Management Unit but to no avail. Mrs A's binge drinking increased and she suffered injuries due to black-outs.

The bureau represented this client at

a Tribunal in January 2004. The appeal was successful and the client was very relieved that the overpayment was not recoverable from her.

The bureau helped the client to make a claim for Income Support on the basis of Incapacity Benefit Credits and also helped her to apply for Disability Living Allowance (DLA). She was awarded the middle rate care component and the lower rate mobility component of DLA. As a result of this award she was entitled to additional premiums on her Income Support. These additional benefit payments meant that she was able to pay for taxis to visit her son and have him visit her on a regular basis. The fact that she did not have to repay the overpayment and the increase in her benefits has improved Mrs A's quality of life.

# New Premises for L Derry CAB

Jackie Gallagher, Manager, L'Derry CAB



L'Derry CAB's recent relocation to new premises on the 5th floor of Embassy Court on the Strand Road has been marked by an official opening attended by Mark Durkan, SDLP leader and the Mayor of Derry Shaun Gallagher. Speaking at the launch, Mark Durkan said 'I want to pay tribute to the staff of Derry CAB who work tirelessly for all in helping people in their dealing with officialdom, challenging poor treatment and championing their rights as consumers and citizens... I am glad the CAB finally have quality offices which reflect the professional and dedicated service that they provide'.

The new premises include facilities for hearing impaired customers, run in conjunction with the National Institute for the Deaf and Comhairle, and improved access for the disabled.

*From left to right: Jackie Gallagher, Manager, L'Derry CAB, Councillor Shaun Gallagher, Mayor of Derry, Mrs Philomena McFeely, Jackie Gallagher's first ever client, Mark Durkan, SDLP Leader and Paddy Gray, Chairman, L'Derry CAB*

## Youth Advice Update

Cora Smith, Coordinator Advice for Youth Project, Belfast Group CABx

The Belfast Group of CABx has been very fortunate to receive 3 year funding from the Community Fund to set up an Advice for Youth Project. This project commenced in December 2003. Research undertaken on behalf of CAB by volunteers from Raleigh International Millennium Awards Programme in 2002 shows that the majority of young people (16-25) interviewed had heard of CAB but the majority were not sure what issues CAB provided advice and guidance on. Most young people would go to a friend or a relative for advice. The research recommends that CAB actively targets young people with information about issues that affect them and that young people can identify with the service provided. This means that young people need to be involved in shaping the service. It is also recommended that outreach services for young people be developed. My role is to develop an advice/information service for young people and also encourage young people to train as volunteers.



*Cora Smith, Belfast Group of CABx*

It is hoped that a website and e-mailing service will be developed, as this is what the young people involved in the research said would encourage them to use the service. I will be visiting relevant agencies and meeting with young people to discuss their information needs and to listen to their thoughts about the development of the service.

This is an exciting new project and I am keen to hear your views and suggestions. I can be contacted at Central Belfast Citizens Advice Bureau, 6 Callender Street, Belfast, BT1 5BN, Tel: 028 9022 0124 or E-mail: cabyouthadvice@hotmail.com.

## Update on Water Appeals Commission Case

The case of a 79 year old L'Derry CAB client, reported in the last edition of Advice, who successfully appealed a ruling by the Water Service denying the client connection to the water network, has experienced a further set back. Despite the Water Appeals Commission ruling the Water Service did not adopt the recommendation but offered the client a grant of £5,000 towards the cost involved in installing the water pipe with the client having to raise a further £11,000 to cover the full cost.

As this is not an acceptable solution L'Derry CAB have arranged for a meeting to take place between the Water Service and NIHE representatives, the client and Ken Murphy, Tribunal Officer, L'Derry CAB. The meeting will hopefully identify any other grant opportunities and address the possibility of a semi-retired contractor, who has offered his services, connecting water to the clients rural home.

# Citizens Advice Welfare Reform Project

Barry McVeigh, Specialist Support Officer, Citizens Advice

In recognition of the need for radical reform and modernisation of the current welfare system Government has introduced a significant range of changes to the social security system, broadly known as "welfare reform". These include, New Tax Credits, Payment Modernisation, Reform of Child Support, modernisation of disability payments, and initiatives in respect of jobs and benefits.

The Social Security Agency recognises the important role of advice-giving agencies in supporting members of the public to access the benefits system and cope with any new changes. The Agency also recognises the extra workload placed on the advice sector because of the welfare reform initiative, and in the context of the Government's commitment within the terms of the Voluntary Sector Compact, the DSD and the SSA agreed to make additional funding available to advice agencies via the Advice Services Alliance.

The initiative is one of the first examples of Government funding to flow from the Compact's commitment 'to assess proposed legislation, new policies and policy changes for their potential impact on the voluntary and community sector and on volunteers, and to consider where possible the scope for mitigating any unintended negative impact'.

Citizens Advice has received approximately £280,000 in funding to support welfare reform training, project management costs, a train-



Robert Millican, CAB Welfare Reform Adviser for Ballymena and Coleraine with Angela Welch, Manager, Coleraine CAB, Sharon Anderson, Pensions Adviser, Coleraine SSO

ing officer and four full-time welfare reform advisers in bureau for delivery of welfare reform advice and information. The advisers have been in post since 1 December 2003 and are based in the following bureaux:

- ¥ Coleraine/Ballymena;
- ¥ Antrim/Carrickfergus;
- ¥ Dungannon/Cookstown; and
- ¥ L Derry/Strabane.

The advisers have been proactive in providing talks to local organisations, information and advice on welfare reform issues and developing close working links with appropriate staff at local Social Security Agency offices and central offices such as the Pensions Service. It is envisaged that the project will result in an increased percentage of clients being given advice by bureaux involved in the project and provide a greater understanding of welfare reform related services. The project should also assist the Social Security Agency in developing its understanding of the role, functions and pressures faced by advice agencies in relation to the impact of legislation, policy and operational change.

## Diversity of CAB Work

Angela Welch, Manager, Coleraine and Districts CAB

It has been all hands on deck at Coleraine and Districts CAB over the past three weeks. As well as providing the usual range of advice, always a heavy caseload after Christmas, we have had a high level of community involvement.

Two groups of final-year nursing students from the University of Ulster at Coleraine visited the bureau to find out about the services we provide to people with health related problems.

We delivered a talk "Know your Rights" to two Probus Clubs – Ballycastle and Coleraine. One of the local Secondary Schools requested that we take their Double Award Business Studies students

through consumer legislation. This forms part of their GCSE course. There was a very lively session which also introduced the students to the services provided by CAB. Our Money Advice Worker had her maiden voyage with the Money Talks Project when she spoke to the fourth year students at the local Integrated Secondary School as part of their Learning for Life subject.

We delivered a talk to the wardens of a Housing Association on housing matters and attended a half-day consultation workshop on the development of an Action Plan for Ballysally housing estate.

We also formed part of a team comprising representatives from the Training &

Employment agency, Invest Northern Ireland, Inland Revenue, Social Security Agency and Coleraine Enterprise Agency who advised employees who were being made redundant from TBF Thompson (Garvagh) Ltd. Each organisation gave a presentation and then the employees were able to ask questions or get one-to-one advice. We were able to advise on benefit entitlement, redundancy payments, even emigration in one case. Nothing makes up for losing your job but the practical help and advice given by all the agencies helped the workers to decide how to move forward.

The bureau then took part in a half-day consultation exercise organised by our Local Health and Social Care Group and received Domestic Violence Training from Causeway Domestic Violence Forum.

There must be easier jobs than managing a CAB but would there be as much variety? I doubt it!

# Enforcing the National Minimum Wage in Northern Ireland

Gabriel Murphy – NMW Manager, Belfast

The Inland Revenue has the lead responsibility for the enforcement of the National Minimum Wage (NMW). Since my appointment in February as the Manager for the National Minimum Wage Compliance Unit in Belfast, it is my responsibility to ensure compliance across Northern Ireland.

The National Minimum Wage was a key element of the Labour Party manifesto in 1997. The minimum wage was introduced in April 1999 at £3.00 per hour for 18 – 21 year olds and £3.60 for those aged over 22. Staged increases have seen the minimum rates rise to £3.80 and £4.50 respectively.

In order to ensure the effective implementation of the National Minimum Wage, the Inland Revenue recognised that it could not be effectively enforced by a small team of six Inland Revenue Officers based in Belfast. The initial results of payroll investigations on risk assessed employers indicated that substantial numbers of workers throughout Northern Ireland were not receiving a minimum wage. Consequently, the Inland Revenue looked for strategic partners to help promote compliance.

The Inland Revenue recognised the need to reach vulnerable workers and in September 2001 joined in partner-



*Gabriel Murphy, NMW Manager, Belfast*

ship with Citizens Advice in delivering a minimum wage Helpline for Northern Ireland. Drawing on the extensive experience of CAB in advice and through the Northern Ireland network of bureaux the Helpline helps raise awareness of the minimum wage among workers and employers. Initial results are impressive. Over 5,000 calls have been received by the Helpline and from the 300 complaints received almost £250,000 in arrears of wages has been paid to around 1,000 low paid workers. Since April 1999 the Revenue team has collectively identified over £1.2 million in underpayment of wages.

We are now almost 5 years on since NMW was first introduced and despite the publicity and concerted efforts of both CAB and Inland Revenue, significant numbers of workers still receive pay below the minimum wage. It was estimated that in October 2003 over 60,000 workers in Northern Ireland were entitled to a pay rise when NMW increased. With Ministers now considering a minimum wage for 16 and 17 year olds and proposed rate rises to £4.10 and £4.85 a challenging year on enforcement and education of employers and workers lies ahead of us. But it is clear that with the support of all CABx we can meet this challenge.

# BORDERWISE

## CROSS BORDER ADVICE PROJECT

Dave Murphy, Director of Development, Citizens Advice

The Borderwise – Cross Border Advice Project has recently seen the deployment of its first three cross border advice and information workers who are providing a specialist advice and information service to the public and who will support front-line staff in CABx and Citizens Information Centres (CICs) in relation to cross-jurisdictional information and advice provision.



*Brenda Kearns*

The three workers, Brenda Kearns, Gary McIntyre and Bernardine Turley are based 50% of the time in paired CABx and CICs in the border areas as part of the twinning arrangements which have been established to deliver the cross-jurisdictional advice and information service. Brenda is based in Derry CAB and Donegal CIC, Gary in Fermanagh CAB and Monaghan CIC and Bernardine is based in Newry and Mourne District CAB and County Louth CIC.



*Gary McIntyre*



*Bernardine Turley*

The project is a joint initiative between Citizens Advice and Comhairle and represents the most significant development in the partnership between the two organisations which began almost 10 years ago. Funding for the project amounting to £400,000 over two years was secured from the Community Foundation for Northern Ireland and Combat Poverty Agency/ADM Management Ltd under the Peace II funding programme.

### BORDERWISE PROJECT AIMS

The project aims to enhance the capability of advice and information services in the Border areas to respond to:

- the particular needs of individuals whose advice and information needs are greater due to the impact of the Troubles
- the need to promote peace and reconciliation and embrace diversity and mutual respect within the context of conflict transformation
- the complexity and difficulty in accessing information experienced by people whose information and advice needs have a cross-jurisdictional dimension.

In addition to delivering specialist information and advice services, the project will also:

- deliver ongoing training programmes on peace and reconciliation, conflict resolution and mutual respect and identity issues for CAB/CIC management committee members and all staff;
- develop and disseminate targeted cross-jurisdictional information resource materials for the public;
- support the recruitment and training of volunteers from marginalised and vulnerable groups;
- develop an enhanced cross-jurisdictional Information and Communications Technology Strategy to address information and advice needs.
- co-ordinate and support increased contacts and interaction between border CABx and CICs.

## House of Lords To Hear CAB Case

Barry McVeigh, Specialist Support Officer, Citizens Advice

In July 2002 the Court of Appeal in Northern Ireland upheld a case taken by Citizens Advice, 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 judgement is highly significant since it shifted the burden of proof of entitlement from claimants, to the SSA and the Department for Social Development. The Department has petitioned to the House of Lords for leave to challenge this ruling and the case has been

listed for hearing in March 2004.

The history of the case is that the CAB client was estranged from his family for over 20 years. He was not sure of their whereabouts or financial circumstances. The police called at his house to inform 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.

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. The client approached Bangor CAB who appealed against the decision on his behalf. A Social Security Appeal Tribunal upheld the original decision and disallowed the appeal. The case was then appealed by the Specialist Support Officer at Citizens Advice to a Social Security Commissioner who upheld the decision of the tribunal. The case was then referred to Citizens Advice solicitors, Elliott Duffy Garret who initiated an appeal to the Court of Appeal.

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 granted.

# Bureau News

Siobhán Harding, Information & Policy Officer, Citizens Advice

- Antrim CAB** has been successful in accessing money from the Northern Health and Social Services Board (NHSSB) to fund a new initiative for the Antrim area. This will involve the creation of the and Advice and Advocacy Worker post to deliver advice at two local hospitals, care settings and in the Antrim community. The project is in response to the demand from local health professionals who request information, advice and advocacy for their patients at Holywell and Antrim Area Hospital and also for patients who have settled in the community. The project will run for one year and it is hoped that continuation funding will be secured for what is a much needed service.
- Ards CAB** received funding from the Local Strategy Partnership to work in areas of low community infrastructure. The remit is to work with local community groups to set up information sessions on a range of subjects. The bureau has given a number of information sessions on consumer issues and money advice and will move on to cover benefits issues. The outreach worker from the bureau has also carried out information sessions in the local mental health day hospital for patients and carers.
- Banbridge CAB** marked its 15th anniversary with a celebration for former and current staff, volunteers and founder members.
- Bangor CAB** took its place alongside other providers of communication to the deaf at a recent Sign Fair exhibition held at the Ramada Hotel in Belfast.
- Cookstown CAB** has received funding from the Mid-Ulster Local Health and Social Care Group to continue and extend to Magherafelt External Extension the telephone advice and debt management projects.
- L'Derry CAB** has been nominated as one of the Mayor of Derry's chosen beneficiaries for the next year.
- Down District CAB** has received an increase in its core funding from Down District Council in compliance with their Service Level Agreement.
- Dungannon CAB** is providing advice to a local cancer support group in Coalisland. Madeline Mulgrew, a volunteer with the bureau is also Chair of the group. The bureau has become aware of the need to work closely with cancer sufferers many of whom do not know how to access benefits or what they may be entitled to.
- Fermanagh CAB** has been successful in accessing funding from the Western Health and Social Services Board for a Mental Health Advocacy project. Fermanagh Local Strategy Partnership has also allocated funding for a Youth Consumer Advice Project.



Pat Britton, Bangor CAB with John Hume, Guest Speaker at the Sign Fair exhibition



Staff of L Derry CAB at the Bowlathon run by the Mayor to announce his nominated charities

