

LEGAL VICTORY in House of Lords for CAB

Citizens Advice is particularly pleased with this ruling as it was a case identified by a local CAB in conjunction with our Specialist Support Officer and contested by the organisation's solicitors. It highlights CAB's commitment to social justice and the organisation's capacity to use the legal system in order to clarify points of law.

In May the House of Lords dismissed an appeal taken by the Department for Social Development against a Court of Appeal decision in Northern Ireland. Last year the Northern Ireland Court of Appeal had decided in favour of a CAB client regarding his entitlement to a Social Fund Funeral Expenses Payment from the Social Security Agency, which the Agency had previously refused.

The House of Lords Judgement holds that it was wrong of an adjudicating Government department to require a benefit claimant to prove that he was entitled to claim the funeral expenses for a deceased brother when that Department could have ascertained the true position itself. The client was represented by Elliott Duffy Garrett who act for Citizens Advice in Northern Ireland.



From left to right: Raymond Moore, Volunteer, Bangor CAB, Marie-Louise Lowry, Elliott Duffy Garrett Solicitors and Barry McVeigh, Specialist Support Officer, Citizens Advice.

The judgement is highly significant since it provides much needed guidance on the responsibility of a claimant and the Department during the process of claiming benefit, and helps to clarify the law in this area.

In this particular case, CAB's client was estranged from his family for over 20 years, and was unsure of their whereabouts or financial circumstances. When he was informed by the Police of his brother's death he agreed to take responsibility for the funeral expenses, and as he was in receipt of benefit, he made a claim from the Social Fund.

The Department refused this payment on the basis that the client

could not prove that the estranged members of the family were also in receipt of benefit and had insufficient capital to pay for the funeral. CAB took the case through a tribunal, the Social Security Commissioner and to the Court of Appeal which upheld their point of view.

The House of Lords held that the Department only needed the name and date of birth to enable it to trace the National Insurance numbers of the client's relatives, yet the Department had never asked for that information. In those circumstances the Department could not use its own failure to ask questions which would have led it to the right answer to defeat the claim.

Staff News

Siobhán Harding, 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 Road CAB welcomes its two new volunteer advisers, Joan O'Connor and Lynsey Kelly who are currently attending the ATP course.



Joan O'Connor,
Antrim Road CAB



Yuk-on Chiu,
Ards CAB

Ards CAB also welcomes two new volunteer advisers, Yvonne Ritchie and Yuk-on Chiu who are also attending the ATP course.



Clare Mirdad,
Banbridge CAB

Joan Nugent,
Bangor CAB

Banbridge CAB congratulates Joan Davis on her appointment as Manager of the bureau and also welcomes Clare Mirdad as a new volunteer adviser.

Bangor CAB congratulates its two new volunteers on completion of the ATP course – they are Paul Couch and Joan Nugent



Stuart Marriott,
Cookstown CAB

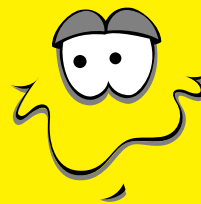
Caroline Bradley,
Regional Office

Coleraine CAB welcomes Marie McGarrity to the bureau as its new Telephone Advice Worker.

Cookstown CAB welcomes Stuart Marriott and Russell Zucas as new volunteer advisers.

Magherafelt External Extension welcomes Helen Davidson as its new Telephone Adviser.

Regional Office welcomes Caroline Bradley to her new post as Information and Policy Officer.



Citizens Chatter.....

"Bureau rant on clients behalf."
(from case notes)

Freudian slip or not?

The bureau was dealing with a social security benefits issue for a client and **rang** the relevant department to check the status of the client's claim.

Benefits for All

Barry McVeigh, Citizens Advice and Conor McGale, Omagh Independent Advice Centre were seconded on a job-share basis for six months to undertake this project, which identified good practice models and highlighted areas for improvement.

Barry McVeigh, Citizens Advice and Conor McGale, Omagh Independent Advice Centre were seconded on a job-share basis for six months to undertake this project which identified good practice models and highlighted areas for improvement. The research report covered a number of key areas such as access to benefits, information, customer care issues and service delivery

improvements. The report produced over 20 recommendations that have been accepted by both the SSA and the advice sector.

The report demonstrates how through working in partnership the SSA and advice sector can achieve better services for mutual customers.

Barry McVeigh, Specialist Support Officer, Citizens Advice speaking at the launch of the Benefits for All report



New Domestic Violence website for Armagh Drop-in Centre

Mary McGinn, Manager, Armagh CAB

The Domestic Violence Drop-in Centre at Armagh CAB, the first of its kind in Northern Ireland, is taking its service provision to a different level with the launch of its new website.

Twenty months from its inception the drop-in centre has proved to be an invaluable service to those affected by domestic violence in the local area. The new website www.armaghdomesticviolencedropincentre.co.uk, is the latest development in the constant progression of the drop-in service.

The centre was set up in October 2002 as a multi-agency facility incorporating the services of Craigavon and Banbridge Women's Aid, the Police Service of Northern Ireland and Armagh and District CAB. It aims to provide a one stop shop for victims of domestic violence offering advice, information and ongoing support. The partnership was set up in recognition that no one agency can tackle the emotional and physical problems



Attending the launch of the website are: Back Row from left to right: Irene Algie, PSNI Domestic Violence Officer, Rosemary Drainey, Banbridge & Craigavon Women's Aid, Jenny Wilson, Armagh CAB, Supt Bob Moore, Armagh DCU Commander, Derek Alcorn, Chief Executive, Citizens Advice, Mary Curran, Armagh CAB and Clare Dorman, NIO Community Safety Unit. Front Row from left to right: Myles Courtney, Website Designer, Mary Curran, Manager, Armagh CAB and John Doyle, Community Safety Co-ordinator.

of domestic violence but rather a multi-agency approach is the best way to ensure that the needs of victims of domestic violence are met in full.

To find out more about the drop-in centre and the new website contact Armagh CAB on 028 3752 8706 or visit the website at the above address.

Picking Up Pension Credit

Siobhán Harding,
Information & Policy Officer, Citizens Advice

The volume of social policy evidence received on problems with the administration of Pension Credit has prompted Citizens Advice to publish an evidence report on the range of problems experienced by clients and advisers.

Pension Credit was introduced in October 2003 with the stated aims of trying to reduce pensioner poverty, boosting the incentive for future pensioners to save for retirement and increasing take up by making claiming easier. The report produced by Citizens Advice details the experiences of CAB clients throughout the application process and highlights that far from achieving the aims stated by Government, the introduction of Pension Credit has meant delays, confusion and financial hardship for many pensioners in Northern Ireland.

Bangor CAB contacted the Pension Service to request an application form for a client. The Pension Service insisted on carrying out an estimate and said that the client would not be entitled to Pension Credit and need not apply. The CAB adviser said that this was incorrect and explained why – the client is actually entitled to the maximum Savings Credit. If the pensioner had taken this advice from the Pension Service she would not have applied and would have lost out on £14.79 per week.

A full copy of the report is available from Citizens Advice, Regional Office by contacting Andrew Murphy on 028 9023 1120 or murphy@citizensadvice.co.uk or by downloading from www.citizensadvice.co.uk.

Making a Difference

Due to the persistence of L'Derry CAB and the work of a local contractor, a 79 year old pensioner has at last been able to get running water installed into his rural cottage. Hugh O'Donnell first approached L'Derry CAB after he had fallen and broken his hip while retrieving water from a well. The pensioner had no fresh water in his home and was forced to draw water from a well half a mile away. The client had asked the Water Service to connect his home but this had been refused on cost grounds.

The Tribunal Officer in L'Derry CAB, Ken Murphy, prepared an appeal to the Water Appeals Commission and this had been upheld, however, the Commission's ruling is not binding and the Water Service refused to consider the decision.

The Water Service subsequently offered the client a grant of £5,000 towards the cost of installing the water but this meant the client would have to raise a further £11,000 to cover the full cost. Following publicity on this case by the bureau a semi-retired water contractor offered to install the water pipes for a minimal amount. Ken Murphy from the bureau contacted the Housing Executive and they agreed to this provided the contractor met certain criteria. Ken also contacted the client's neighbours to gain permission for the pipes to go through their land. Hugh now has access to fresh running water in his home and this has greatly improved his quality of life.



Scope Awards Success

John Napier, Director of Information Services, Citizens Advice

At the recent Scope Awards ceremony held in NICVA the National Minimum Wage project run by Citizens Advice picked up two awards. The project won in the Information Leaflet category and came runner up in the Display Advertising category for the Minimum Wage poster and information leaflet.

Kelly Collins, Citizens Advice collecting the Scope Award on behalf of the NMW project from Julian Simmons, UTV

First Cross Border Tribunal Case

The Citizens Advice cross border project 'Borderwise' represented at its first cross border social welfare appeal in the Republic of Ireland. The client suffered from long-term mental health problems and was reliant on local mental health services. She had been taken off benefit and the loss of her benefit had increased her anxieties. The Borderwise project worker, Gary McIntyre, helped her to appeal the decision. The appeal was in respect of Invalidity Pension (the equivalent of long-term Incapacity Benefit in the UK).

The appeal was held by a sole Appeals Officer (the equivalent of a Legally Qualified Member in the UK). There was no medical member and generally there is no right to elect for an oral hearing. In addition it is up to the appellant to make a written request for the department's evidence on which the decision was based. The appellant is not automatically sent an appeal submission. Therefore there is a great need for representation in such appeals. Due to representation at the appeal the client was awarded a backpayment of €5,000 and a weekly entitlement of over €140.



Gary McIntyre, Borderwise Project Worker in Fermanagh CAB and Monaghan CIC

Migrant Workers Pack Launched

Tony Adams, Manager, Craigavon District CAB

A range of public and voluntary sector organisations have developed a "welcome pack" for the Portuguese speaking community who are living and working in the Craigavon area. The aim of the pack is to provide translated essential informa-

tion to promote access and raise awareness of the many services provided by a range of organisations including Citizens Advice. The pack also includes information

from the Police, the Social Security Agency, the local Health and Social Services Boards and Trusts, the Housing Executive and others.



From left to right: Stephanie Robinson, Wah Hep Chinese Community, Craigavon, Tony Adams, Manager, Craigavon District CAB, John Napier, Citizens Advice, Paul Yam, Wah Hep Chinese Community, Craigavon

Meeting local politicians

Citizens Advice, has been meeting local politicians through the party political conferences which have taken place during the last number of months. The Association is keen to update local politicians on issues of concern to our clients and their constituents.

Clockwise from top left: Derek Alcorn, Citizens Advice with Iris Robinson, DUP and Siobhán Harding, Citizens Advice Martin Morgan, SDLP with Emma Baldwin, Citizens Advice Siobhán Harding, Citizens Advice with David and Daphne Trimble, UUP David Ford, Alliance Party with John Napier, Citizens Advice Jane Morrice, NI Women's Coalition with Jacqueline Scott, Citizens Advice



The Pro Bono Unit of the Lawyers of Northern Ireland

Ronnie Appleton Q.C.

I would like to congratulate the staff and workers of Citizens Advice for the important and wide ranging service they provide to the citizens of Northern Ireland. Many of the problems they encounter must involve legal issues and it is important that advisers are aware of the existence of the Pro Bono Unit.

The objective of the Unit is to provide Pro Bono free legal advice and representation in deserving cases where Legal Aid or other funding is not available and where the applicant is unable to afford legal assistance. Although lawyers in the past have often given their services without payment to those with worthy causes, both branches of the legal profession in Northern Ireland have joined to establish a formal scheme whereby those without funding can obtain representation and advice.

The Unit was established over two years ago and is a joint venture sponsored by the General Council of the Bar of Northern Ireland and the Law Society. Advice and representation is provided by barristers and solicitors who have volunteered to join the scheme and who cover the full range of legal specialisation. There is a panel consisting of 91 Barristers including 26 Queens Counsel and over 100 firms of Solicitors who have all volunteered to participate in the pro-

ject and give their services free of charge.

The Unit is administered by a Management Committee who decide whether any particular application should be granted.

The criteria are whether the cause is worthy and whether there is a reasonable chance of success on the basis that there is no other funding. The scheme is not a substitute for the Legal Aid system, which must remain the principle means of assisting those with insufficient means to obtain legal services.

Among the cases most likely to meet the criteria are appeals, applications for leave to appeal, judicial review applications, tribunal hearings and advisory work.

Cases that raise a specific issue of principle or test cases are particularly welcome.

Applications to the Unit must be in writing on the Unit's application form and photocopies of all relevant documents must also be submitted. It is important not to send



Ronnie Appleton, QC

original documentation or large quantities of documents without prior discussion. The case will then be considered and a decision taken on whether to allocate a Solicitor or Barrister.

Anyone wishing to obtain further information should write in the first instance to the Northern Ireland Lawyers Pro Bono Unit, The Bar Library, 91 Chichester Street, Belfast, BT1 3JQ. The Unit can also be contacted by telephone on 028 9056 2385.

Maintaining Partnerships

Citizens Advice continues to develop and expand partnership arrangements with key statutory organizations. Over the last few months Citizens Advice has successfully negotiated Service Level Agreements with NIE and the Inland Revenue.

Recently Citizens Advice has expanded its partnership with NIE in order to assist keypad customers who are in debt.

CAB has been working with NIE for over five years providing information and advice on electricity related issues. Individual bureau record the incidence of debt related queries and the distribution and usage of the NIE quick step guides and Codes of Practice.

As the project has developed NIE and Citizens Advice have carried out joint information seminars on an annual basis to update bureaux on the new services and

developments in relation to the project. These seminars help to facilitate and underpin the relationship already developed between Citizens Advice and NIE.

Similarly Citizens Advice has a well established partnership with the Inland Revenue in the form of a Service Level Agreement to operate the National Minimum Wage Helpline for Northern Ireland on 0845 6500 207.

The partnership began in 2001 and it is now regarded as the leading project in the UK. To date the partnership arrangement has helped to identify over £1 million in arrears for low paid workers in Northern Ireland. Publicity materials are available in five languages, the project has received several Scope awards for its innovative advertising and a comprehensive programme of events is being implemented.

Citizens Advice welcomes the continuation of these service level agreements with both of these organisations and looks forward to the ongoing development of these projects.



Chris Bell, NIE HomeEnergy with Linda Higginson, Manager, Ards CAB

TV Licensing Northern Ireland SPREADING THE COST

Jonathan King, TV Licensing Northern Ireland, Campaign Manager

According to the broadcast industry's research body, an estimated 98% of UK households own a television. In the UK (like many other countries such as Ireland, France and Sweden) a TV licensing system is in operation. You need a TV licence if you install or use any television receiving equipment to receive television programme services.



The current cost of an annual colour licence in the UK is £121 and just like rent, electricity and rates, the TV licence is part of most households' annual budget. TV Licensing aims to make paying for a TV licence as easy as possible. Using Direct Debit, a TV licence can be paid for either yearly, quarterly or monthly. A yearly payment can also be made by debit or credit card either online, by phone or at the Post Office. At the Post Office, a licence can also be bought by cash or cheque and TV Licensing will also accept a cheque by post. However, if someone is in receipt of income-related state benefits they can apply for Cash Easy Entry (CEE), a weekly cash payment scheme aimed at enabling people to pay in instalments. In Northern Ireland just

under 50,000 people pay their licence fee this way.

CEE works by allowing those on the scheme to spread the cost of their TV licence into weekly or fortnightly cash payments. Initially, payments are made on a weekly basis. This enables participants to pay for their first licence over six months in 26 weekly payments. Once this licence has been paid for, participants will be able to pay for the next one, and all future ones, with smaller fortnightly payments. There are no extra costs associated with the scheme. Payments can be made (in cash) at Post Offices and PayPoint outlets.

For information on Cash Easy Entry please call 08457 289 289. Further information about TV Licensing is available at www.tvlicensing.co.uk.

Bureau News

Caroline Bradley, Information & Policy Officer, Citizens Advice

- Antrim CAB wishes to thank Oaklee Housing who provided the bureau with a multi-media projector. In March the bureau hosted a Moldovan visit in the bureau which was part of a work study funded by the World Bank about poverty in rural areas.
- Bangor CAB is pleased with its recent House of Lords victory (see front page article).
- Carrickfergus CAB recently held their AGM and the guest speaker was Paddy Sloan from the Human Rights Commission.
- Coleraine CAB is starting an outreach venue in Ballysally and also in Dhu Varren/Glenmanus. The bureau received funding from the Community Volunteering Scheme through the local Volunteer Bureau to recruit an ethnic minority volunteer.
- Cookstown CAB is operating a Welfare Reform Clinic in Women's Aid fortnightly. The Clinic will be operated by the bureau's Welfare Reform Worker.
- Fermanagh CAB has received an increase in funding from Fermanagh District Council.
- Larne CAB is holding an open night in the bureau to provide information on recruitment. The bureau hopes to attract some new volunteers.

Citizens Advice Training Programme

Citizens Advice has recently developed its new training programme for Autumn – Winter 2004-5. The programme includes foundation, intermediate and advanced training for advisers, management training and social policy training. Training in advice includes welfare benefits, consumer, housing and employment legislation.

To obtain a copy of the programme contact Donna Clarke, Secretary, Development Unit. To discuss course details contact Genevieve Murphy, Training Officer or Liz Frawley, Community Advice Trainer, Tel: 028 9023 1120 or E-mail: murphyg@citizensadvice.co.uk, frawleyl@citizensadvice.co.uk or clarked@citizensadvice.co.uk

