



An Bord Oideachais agus Oiliúna Chathair Bhaile Átha Cliath
City of Dublin Education and Training Board

22 November 2019

Ref: PAC32-I-1658

Ms. Éilis Fallon
Committee Secretariat
Committee of Public Accounts
Leinster House, Dublin 2.

Dear Ms Fallon

I refer to your letter of 13 November arising from consideration by the Committee of the Information Note provided in response to your letter of 14 October regarding the SUSI processes and procedures in grant application cases involving difficult family situations.

I wish to clarify for the information of the Committee that CDETB is the statutorily appointed national grant awarding authority designated by the Minister for Education and Skills to administer student grants. SUSI is an administrative unit of CDETB established for this purpose and, although having a high national profile in its own right, SUSI operates under the governance and control of CDETB and in close liaison with the Department of Education and Skills.

Having reviewed the transcripts of both meetings of the Committee at which this matter has been considered, I wish to reassure the Committee that SUSI recognises and facilitates grant application cases involving a range of difficult family situations and handles them sensitively in its work and in accordance with applicable data protection requirements, including GDPR.

The Information Note was prepared in light of the transcript of the Committee's consideration on 3 October of private correspondence received by it in relation to an individual case and, in particular, the views expressed in the Committee that SUSI insists on obtaining financial information on both parents in cases of divorce, separation or difficult family circumstances and that SUSI will not process applications until this information is received.

The Information Note accordingly highlighted that the governing legislation makes specific enabling provision for circumstances of parental divorce or separation, including where living separately in the absence of legal separation, so as to enable the income of only one parent to be reckonable for grant eligibility purposes.

However, and as reckonable household income is a key determinant of grant eligibility, the Information Note also highlighted that SUSI is correspondingly obliged by the legislation, as it is obliged in respect of all other aspects of eligibility determination, to -

- satisfy itself as to these circumstances before awarding a student grant,
- request any documentary evidence necessary for this purpose, and
- request any such evidence directly from the student as the grant applicant.

Príomhfheidhmeannach / Chief Executive: Carol Hanney BA, H Dip, M Ed.

The transcript of the Committee's further consideration of the matter on 7 November has indicated that, while the Information Note highlighted the range of formal documentary evidence that may be provided by applicants in cases of parental divorce or separation, it may not have sufficiently highlighted the working context in which any particular document may arise or the measures that are implemented by SUSI to ensure that such cases are handled sensitively and in line with performing its work fairly, reasonably and consistently.

These measures are now detailed more specifically in the attached Supplementary Information Note for the Committee.

In particular arising from your letter of 7 November, I wish to clarify that barring orders and decisions of the Family Law Courts are neither specifically requested nor required by SUSI in any case. However, and based on experience in practice of the documents that can and have been provided to SUSI to date where it has been necessary to evidence relevant family circumstances in order to determine grant eligibility, barring orders are currently included in the indicative list of documents that is provided for the information and guidance of students in such cases.

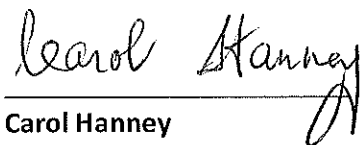
Having regard to the views and concerns expressed by the Committee, the reference to barring orders will be removed from the indicative list of documents for the future.

Views were also expressed in the Committee on 7 November concerning the lawful processing of personal data by SUSI having regard to GDPR requirements generally and privacy in matters of family law in particular.

The attached Supplementary Information Note therefore also includes details of the relevant measures implemented by SUSI to ensure appropriate levels of data protection, including privacy, are applied in its work in accordance with GDPR requirements.

I hope that this response can be of assistance to the Committee in considering the correspondence that it has received in relation to the case of an individual grant applicant.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Carol Hanney', with a stylized flourish at the end.

Carol Hanney
Chief Executive

SUSI Processes and Procedures for Grant Applications involving Difficult Family Circumstances

Supplementary Note prepared for the Committee of Public Accounts
[Ref: PAC32-I-1658]

1. Application Processes and Procedures

The overall arrangements implemented by SUSI for the administration of student grants seek to accommodate sensitively not only the differing marital circumstances of dependent applicants' parents but also other difficult circumstances affecting applicants which include but are not confined to family estrangement, state and foster care, orphanhood, unaccompanied minor immigrants and exceptional circumstances impacting on a student's attendance on their course.

Many of these circumstances are explicitly recognised in the governing legislation and SUSI also recognises them throughout its processes, including from the point of application and has established specific procedures for their sensitive handling throughout.

In the particular circumstances of parental divorce or separation that are of concern to the Committee, and as the disclosure and validation of relevant parental identity, marital status and income are fundamentally necessary in order to determine the grant eligibility of dependent students in line with the governing legislation, the following procedures and processes are implemented by SUSI–

Application Submission

- Students are enabled to indicate any relevant parent or parents by type (mother, father, deceased, etc.) when making an online grant application.
- Once a student has indicated any relevant parent type, they may continue to provide details of that parent's identity, marital status and income (or each relevant parent may do so individually in respect of themselves in separate sections of the application form).
- The application form includes guidance as to the appropriate details to be provided and highlights that supporting documentary evidence may be required at a later stage.
- Where it is indicated that a student's parents are divorced or separated, it is only necessary to provide details of one parent on the application form - circumstances also exist in which details of neither parent are required to be provided.
- No documentary or other evidence is required to be provided at this point and such evidence is not required in all cases where only one parent is relevant to an application.

Application Processing

- In cases where it is indicated in an application that a relevant parent is divorced or separated, the student is requested by letter to provide evidence of this and a broadly indicative range of document types that can provide this evidence is advised to them.

- Documentary evidence is only requested in cases where it is material to the progression of a grant application – evidence is not requested where it is not required by SUSI.
- Only one of the indicated document types is necessary to provide the required evidence.
- If none of the indicated document types can readily be provided, the student is enabled to respond to SUSI indicating that they are experiencing difficulty or require more time.
- Where other documents not specifically listed are available, these may also meet the evidential requirement and SUSI engages directly with students and parents to establish what evidence can be provided in different circumstances.
- Additionally, information that is provided elsewhere in an application or that is received directly by SUSI under data sharing arrangements with other public bodies can provide or contribute to providing the required evidence.
- Students and parents can contact the SUSI support desk by telephone or e-mail to seek guidance in relation to the provision of documentary evidence requested.
- The SUSI support desk provides high levels of availability and response and is sensitive to any difficult circumstances which students or their parents may be experiencing.
- Support desk queries are escalated for dedicated sensitive handling where necessary.
- Sensitive cases are streamed to a designated and experienced assessment team and SUSI has a high level of expertise in identifying and responding in those cases where particular difficulty may be experienced.
- SUSI works closely with students and other parties to their applications, including third parties, to assist them in engaging with the application process.
- SUSI decision outcomes are amenable to internal review and appeal via a number of channels within the overall application process and are also reviewable on independent external appeal and by the Ombudsman in respect of administrative processing.

2. GDPR Compliance

As highlighted in the views expressed in the Committee on 7 November, implementing a statutory grant scheme that is founded in a model of co-applicant participation by individual family members in a single household-based student grant application presents a number of unique challenges for SUSI in terms of ensuring that obligations of data privacy are also observed towards each individual party to such an application.

SUSI implements a wide range of measures in all aspects of its work that seek to strike a reasonable and effective balance between grant administration and data privacy.

The following measures are relevant to the processing of information that arises in the particular circumstances of parental divorce or separation:

- Consent is not required for lawful statute-based processing and applicant parties provide their personal data freely for the purpose of participation in the student grant scheme.

- While the student has a central role as the grant applicant, the parent(s) whom they indicate as relevant to their application are also parties to the application having responsibility for the completeness and accuracy of information concerning themselves.
- Each individual applicant party is also afforded rights of privacy, access and control over their personal data and they are enabled to provide this data separately in segregated sections of the application form and, by arrangement where desired, to provide supporting documentary evidence in a similar manner at later stages of the process.
- In cases of parental divorce or separation, no sensitive personal data is required or enabled to be provided in the online application form beyond the necessary personal data of identity, marital status and income.
- Where, exceptionally, it may be necessary for any party to an application to provide sensitive personal data to SUSI, this data is processed subject to additional protections.
- SUSI recognises that, in practice, many grant applications are completed by parents either with or on behalf of their children as student grant applicants and SUSI fully accommodates this within its processes.
- SUSI also recognises and accommodates circumstances whereby some students necessarily act alone in relation to their applications and may experience difficulty in providing information that is required in respect of either or both parents.
- While SUSI is specifically obliged by legislation to correspond directly with the student as the grant applicant, SUSI will also discuss with parents, as parties to the application, the status of the application and any required documents or actions necessary to progress it.
- Each party to a grant application may contact SUSI directly in relation to the information that may be requested from a student concerning them (or that they may provide directly to SUSI by arrangement) and SUSI will discuss this information confidentially with them alone.
- Students and other parties to their applications may cross-authorise each other (and may also authorise other persons as third parties outside the application) to discuss their personal information with SUSI.
- In the absence of cross-authorisation, SUSI will not discuss any party's personal data with any other party to an application.
- Parties to grant applications can contact SUSI to make further special arrangements regarding their personal data or any aspect of an application that concerns them.
- The information that is required for the purpose of processing grant applications is minimised to meet the statutory evidential requirements, it is stored and processed securely and is retained for defined periods in line with its purpose.
- Direct data sharing arrangements with other public bodies now meet most evidential requirements of grant application processing and have significantly reduced the documentary burden on students and their parents.
- There remain certain areas of the process, including as regards relevant and material personal and family circumstances, where the provision of documentary evidence by applicants is unavoidable.

PAC Transcript Extract of 3 October 2019

Chairman: No. 2401C, dated 22 March, is from an individual concerning a decision of Student Universal Support Ireland, SUSI, and related requirements. The individual is in a difficult situation, which we all have encountered with constituents, as a consequence of SUSI's requirement that applicants provide financial information in respect of both their parents. Even where a student's parents are separated or divorced and there may be difficulties within the household, SUSI insists on obtaining that information. In some cases, a student might be living with one parent, who has no contact with the other. It might even be the case that one parent has secured a court order against the other. SUSI will not process grant applications until information on both parents is received, even though it is sometimes not possible for the applicant to obtain it. I propose that we write to SUSI requesting it to indicate its process and procedures for dealing with such exceptional cases. I have encountered students who could not go to college because one of their parents would not facilitate any correspondence with anybody. Without that information, SUSI will not process the application. That is unfair to students and it is not being dealt with in a satisfactory way. We will not refer to the correspondent in our letter to SUSI but we will ask about the organisation's general position on dealing with these types of issues. Is that agreed? Agreed.

PAC Transcript Extract of 7 November 2019

Chairman: No. 2485 B is from Ms Carol Hanney, chief executive of City of Dublin Education and Training Board, providing an information note on the processes and procedures in SUSI for grant application cases involving difficult family situations. We are all aware of cases where families have fallen out, a son or daughter might not be in good communication with the parents and an application for a SUSI grant is held up. We have asked what SUSI does about these hardship cases and this letter makes for difficult reading. It states the applicant can provide information to confirm parental divorce or separation by providing the separation or divorce agreement, a court order or a barring order. We are talking about GDPR and SUSI is requesting college students to provide details of a barring order issued in the family court, which is a private matter, to a Government body to achieve a grant. Talk about abuse not just of GDPR but the family court procedures. For SUSI as a State body to ask for detailed information about third parties, as the student is the applicant, with regard to a barring order between two other individuals is outrageous in the extreme. We are asking it to reconsider this.

SUSI states the student can provide details of the dissolution of a civil partnership, whether a parent is in receipt of a deserted wife's allowance or a one-parent family payment. Sometimes people go their way without a legal agreement for separation or divorce. In this case, a student can get a letter from a solicitor confirming that legal proceedings are pending or from the family mediation service, and separate utility bills to show they are living apart. No wonder people experience difficulty when they are being asked for proof of barring orders. It does not address the reality of students in houses where there is no communication between all of the original family members. It makes it worse to speak about getting copies of family law court barring orders as evidence.

Deputy Catherine Connolly: I had this marked and the Chairman has addressed it. The proceedings are held *in camera* for a reason. Children are being asked to get a copy of the order and bring it in. What is being asked beggars belief. It is important to show something, however. Therefore, there is an issue, but it should not be addressed in this way. Where are we going with it?

Chairman: This came from City of Dublin Education and Training Board. It is the public body that processes the applications on behalf of SUSI. This rule probably comes from the Department of Education and Skills. We need to write to the Accounting Officer of the Department for his comments in light of what has been said here and try to find a better way of assisting people who should be entitled to a grant. We have often dealt with students who were just not able to go to an institution

because they could not provide information of the kind in question. On exceptional basis, maybe an interview or something could be done, behind closed doors or whatever. There has to be a way to give students the grants. There is a part designed to ensure they cannot meet the conditions.

Deputy Catherine Murphy: There is one other issue. We have all come across it. When dealing with these at constituency level, we give people advice on how to proceed. There are many people who will not present and lose out on an education. This also needs to be pointed out to the Department. Irrespective of what comes back to us, there has to be some public understanding that if there is a difficulty, applicants will not be excluded.

Chairman: We will write to the Department. Has SUSI its own board? Is it a separate organisation?

Mr. Seamus McCarthy: No, the City of Dublin Education and Training Board has responsibility for operating-----

Chairman: Administration.

Mr. Seamus McCarthy: Yes.

Chairman: But it might not have written the rules.

Mr. Seamus McCarthy: Those would be procedural.

Chairman: Is the Department the right body to write to, or both?

Mr. Seamus McCarthy: It may have a view.

Chairman: We will write to the City of Dublin Education and Training Board as well as the Department.

Deputy Catherine Murphy: It is also a matter of what the legislation states. There is legislation guiding this.

Chairman: I would be shocked if we let that through the House without addressing it.