

Oifig an Ard-Rúnaí, An Roinn Coimirce Sóisialaí
Office of the Secretary General, Department of Social Protection



Ms Sarah Cremin
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2 D02 XR20
Your ref: S0627 PAC33

25 November 2021

Dear Ms Cremin,

I refer to your letter dated 22 November 2021 on behalf of the Committee of Public Accounts requesting further information regarding the Department's investigation into contractors engaged by RTE.

The investigation is being conducted by Inspectors from the Department's Employment Status Investigation Unit (ESIU). Given the scale of the investigation, it is not possible to set out a specific timescale for its completion. These investigations examine the entire duration of each individual's contract. The Department is receiving good co-operation from RTE, however given the number of cases involved it is expected that the investigation will continue throughout 2022 and most likely into 2023. It's worth noting that the investigation into contractors in RTE is being conducted alongside all other employment status investigations in other sectors.

All decisions made by the Department in relation to employment status can be appealed by either party to the Social Welfare Appeals Office, which is an independent office, under the provisions of Section 311 of the Social Welfare Consolidation Act 2005 (the 2005 Act). Appeals Officers are required to decide all appeals on a de-novo basis and to observe the principles of natural justice and fair procedures.

Appeals may be disposed of by way of summary decision or by means of an oral hearing. It is a matter for the Appeals Officer to decide if a case can properly be determined without an oral hearing. Where an appeal is received, notification of that appeal and the grounds of appeal are provided to the other interested parties – i.e. the worker, the company or companies that engaged the worker and the Scope Section of the Department. All parties are afforded full opportunity to make submissions on the appeal contentions, and if an oral hearing is convened all parties are notified and requested to attend. Decisions of Appeals Officers are made on the facts pertaining to the individual case.

The appeal decision is issued to all these interested parties. Any party to the appeal including the appellant can invoke the provisions of the 2005 Act providing for revision of the Appeals Officer's decision based on new facts or evidence and/or error of fact or law. The timeline of the appeals process is a matter for the Chief Appeals Officer.

I trust this clarifies the position for the Committee. The Department is available to provide any further assistance required.

Yours sincerely,



John McKeon

Secretary General