

## **Written Answers.**

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 8, inclusive, answered orally.*

### **Departmental Expenditure**

9. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Social Protection if her Department has conducted a cost analysis of the additional 20 gardaí seconded to her Department to tackle social welfare fraud; the projected benefit to the Exchequer of the additional resources; and if she will make a statement on the matter. [47008/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The secondment of 20 Gardaí to the Department to assist the SIU with fraud investigation work took effect from last Friday, 5 December having been agreed earlier this year with the Minister of Justice and Equality and An Garda Síochána. Eight of the officers will be located in Dublin with the others being assigned to various urban locations around the country.

It is too early to predict with absolute certainty the precise additional financial savings that will arise; however, I am confident that additional exchequer savings will be generated. My Department believes that there is a strong case for greater investment on a value for money basis in this area especially when the value of the current control activity by the Department's SIU is taken into consideration.

One of the key areas that the Department looks at in terms of measuring activity is the savings and overpayments generated by the Special Investigation Unit. In the period 2011 to 2013, the Special Investigations Unit (SIU) generated fraud control savings of over €193 million. This year, a further additional savings of €64.5 million has been achieved.

Consequently when additional resources are applied, we believe that there will be a commensurate increase in savings. Moreover, the additional resources can be targeted in sectors where social welfare fraud is most pronounced. The case for the provision of additional resources is also compelling for the following reasons:

- These resources will ultimately generate additional Exchequer savings;
- The administrative costs associated with the existing SIU resources is offset by a factor of about nine to one from the savings they generate;
- It will allow for activity in areas such as the black economy, multiple claiming and identity fraud to be intensified;
- It will enhance public confidence and the overall deterrence of social welfare fraud.

Overall, I am confident that it will be a very productive use of resources.

*Question No. 10 answered orally.*

### **Community Employment Schemes Eligibility**

11. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Social Protection if she will confirm that community employment schemes are now means tested; and if she will make a statement on the matter. [46999/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** There has been no change made to the entry requirements for Community Employment. The criteria for participating on CE are based on age and length of time in receipt of various qualifying social welfare payments. The general conditions are that an applicant needs to be in receipt of a relevant welfare payment for a minimum period of 1 year. The qualifying social welfare payments include jobseeker's allowance, one parent family payment, widow's/widower's/surviving civil partners contributory and non-contributory pension, deserted wife's benefit and farm assist.

The qualifying period is waived for Drug Rehabilitation clients where a separate referral process applies whereby medical practitioners and other agents can make the referral.

Once the entry qualifying criteria are satisfied, all Community Employment (CE) participants are guaranteed a minimum payment of €208 per week, regardless of means. Accordingly, if the weekly rate of the social welfare payment received by the participant was less than or equal to €188, the applicable CE allowance is €208 (including an increase of €20 per week).

If the welfare payment was more than €188, the applicable rate of allowance is the rate of the qualifying payment which was payable before commencement of CE plus €20 per week.

The welfare rate of payment such as jobseeker's allowance for example is determined by calculating the participant's maximum entitlement, that is, the personal rate, and the adult dependent and child dependent rates, if applicable. Household means are then deducted. If there are no household means, then the maximum applicable rate applies.

As CE placements last for at least one year, a change in family circumstances may occur during the placement (change in the number of dependants/change in household income, etc.). Participants are obliged to inform the Department of any such change that would affect the underlying entitlement rate payable (up or down).

### **Farm Assist Scheme Eligibility**

12. **Deputy Charlie McConalogue** asked the Tánaiste and Minister for Social Protection if she will reverse the changes she made to farm assist with respect to income disregards in view of the fact that it has had a serious negative affect on the income levels of struggling farming families; the reasons for not carrying out an analysis to assess the impact that the changes have made on those families; and if she will make a statement on the matter. [47091/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** This year the Department will spend approximately €91.6 million on the farm assist scheme benefitting around 9,900 farmers each week. The farm assist scheme provides support for farmers on low incomes and is similar to jobseeker's allowance. Farm assist recipients retain the advantages of the jobseeker's allowance scheme such as retention of secondary benefits and access to activation

programmes.

All recipients of farm assist have benefitted from the Christmas Bonus paid last week and all recipients with children will also benefit next month from the increase in child benefit I announced in the Budget.

Changes introduced in Budgets 2012 and 2013 have brought farm assist into closer alignment with the jobseeker's allowance scheme's treatment of self-employed persons. Farm assist is a flexible payment and any farmer experiencing lower levels of income or cash-flow issues can ask their local social welfare / Intreo office to review the level of means applying to their claim.

The assessment of means for the purpose of qualifying for farm assist is designed to reflect the actual net income from farming. Income and expenditure figures for the preceding year are generally used as an indicator of the expected position in the following year. However, account is taken of any exceptional circumstances so as to ensure that the assessment accurately reflects the current situation.

The scheme will be kept under ongoing review by my officials and there are no plans to change the current scheme criteria.

### **Rent Supplement Scheme Eligibility**

13. **Deputy Paul Murphy** asked the Tánaiste and Minister for Social Protection if her Department has conducted research on the impact the reduction in rent supplement levels has had on the level of homelessness in the State; and if she will make a statement on the matter. [47089/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** There are approximately 71,800 rent supplement recipients for which the Government has provided over €344 million for 2014.

The current rent limits came into effect from June 2013. Unlike the impression given in the question, there were no reductions applied to rent limits at that time. Importantly, rent limits in Dublin and Galway were increased, with Dublin limits increasing by a weighted average of 9%.

The current review of maximum rent limits undertaken by the Department is nearly finalised. In this regard, raising rent limits at this time may not be the solution to the problems in this area as it is likely to add to further rental inflation and could impact, not alone on rent supplement recipients, but also on many lower income workers and students. I am keeping the matter under close review.

The homelessness issue is about more than just funding and accommodation. A collaborative approach including all stakeholders including the government, local authorities, state agencies, voluntary services and the general public is required to address the difficult and complex issues around homelessness.

The Department of Social Protection has put measures in place to ensure that the housing needs of rent supplement customers who are in danger of becoming homeless are being addressed by providing for increased flexibility in the administration of the rent supplement scheme.

A notice reminding all staff, of their statutory discretionary power to award, on a case by

case basis, a supplement for rental purposes in exceptional cases for example, when dealing with applicants who are at risk of losing their tenancy was circulated earlier in the year and further instruction has issued this week.

The tenancy sustainment protocol with the Dublin local authorities and voluntary organisations is designed to protect families on rent supplement who are at risk of losing their accommodation from becoming homelessness. The Department has provided support through increasing rent limits for some 240 families since its launch in mid-June.

Staff outside the Dublin region are also increasing rental payments as necessary and are actively engaging with the various organisations involved in homelessness. The Department is reviewing the local arrangements in place throughout the country to strengthen the existing framework to ensure that the necessary supports continue to be provided in a consistent manner.

### **Rent Supplement Scheme Payments**

14. **Deputy Mick Wallace** asked the Tánaiste and Minister for Social Protection if she is satisfied that current levels of rent supplement are adequate to meet the housing needs of recipients, particularly in view of increasing rental prices; and if she will make a statement on the matter. [47080/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** I am keeping the matter regarding rent limits under consideration and the review being undertaken by the Department will be finalised shortly. Raising rent limits may not be the solution to the current problem as it is likely to add to further rental inflation and could impact, not alone on rent supplement recipients, but also on many lower income workers and students.

The Department has put measures in place to ensure that the housing needs of rent supplement customers throughout the country who are in danger of becoming homeless are being addressed by providing for increased flexibility within the administration of the rent supplement scheme. Earlier this year, a notice was circulated reminding all staff, including those operating in the Wexford area, of their statutory discretionary power to award a supplement for rental purposes, for example, when dealing with applicants who are at risk of losing their tenancy. Further instruction has issued this week in this regard.

Staff are increasing rent supplement payments as necessary and are actively engaging with the relevant local authorities and various local organisations involved in homelessness. The Department is reviewing the local arrangements in place to strengthen the existing framework to ensure that the necessary supports continue to be provided in a consistent basis on a national level.

Where a person in receipt of rent supplement is at risk of losing their tenancy they are advised to contact their local Community Welfare Service responsible for their claim as soon as possible.

### **Farm Assist Scheme Eligibility**

15. **Deputy Charlie McConalogue** asked the Tánaiste and Minister for Social Protection if she has carried out an analysis on the impact her changes to farm assist with respect to income disregards have had on farmers; if she will reconsider the changes she has made; and if she will make a statement on the matter. [47087/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** This year the Department will spend approximately €91.6 million on the farm assist scheme and it is expected that 9,900 individuals will be in receipt of this payment each week. The farm assist scheme provides support for farmers on low incomes and is similar to jobseeker's allowance. Farm assist recipients retain the advantages of the jobseeker's allowance scheme such as retention of secondary benefits and access to activation programmes.

Changes introduced in Budgets 2012 and 2013 have brought farm assist into closer alignment with the jobseeker's allowance scheme's treatment of self-employed persons.

Farm assist is a flexible payment and any farmer experiencing lower levels of income or cash-flow issues can ask their local social welfare / Intreo office to review the level of means applying to their claim.

The assessment of means for the purpose of qualifying for farm assist is designed to reflect the actual net income from farming. Income and expenditure figures for the preceding year are generally used as an indicator of the expected position in the following year. However, account is taken of any exceptional circumstances so as to ensure that the assessment accurately reflects the current situation.

As part of the normal budget process, all potential budget measures, including any changes to the farm assist scheme, are assessed in terms of the impact they would have if introduced. The scheme is kept under ongoing review by my officials. There are no plans to change the current scheme criteria.

### **Community Welfare Services**

16. **Deputy Mattie McGrath** asked the Tánaiste and Minister for Social Protection her plans for re-opening the nine community welfare clinics, including those closed in Clogheen, Ardfinnan, Newcastle and New Inn, County Tipperary in September 2013; if she will maintain that the current level of services provided since the closures are sufficient; and if she will make a statement on the matter. [46998/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** A key objective of the transfer of the Community Welfare Service (CWS) from the Health Service Executive to the Department on 1 October 2011 was to provide a streamlined and consistent service to the customer.

The Department has since re-engineered its business model to support the provision of integrated services across all business streams involved in the delivery of localised services and has examined the operation of all its services in the context of the Pathways to Work commitments and the development of Intreo services nationally. This resulted in a rebalancing of resources across the Department's range of activities including the relocation of some staff to main centres, primarily Intreo offices.

Where the CWS has been re-structured, alternative arrangements have been put in place to ensure that customers are provided with on-going access to the supports provided by the service. If a person is unable to travel to a new clinic, for example due to illness, alternative arrangements are in place including arranging a visit to the client's home if necessary.

The Department's services are continually monitored and kept under review by management to ensure that the best use is made of all available resources with a view to providing an efficient service. I am very conscious of the need to provide efficient and effective customer

facing services at a local level for clients of the Department. It is therefore essential that the services provided are reconstituted to meet the changing needs of Irish society.

There are no plans to re-open the CWS clinics referred to and the level of service at the alternative clinics has not changed since September 2013. Customer feedback has indicated that the level of service provided is sufficient with waiting times being reduced due to the introduction of an appointment system.

### **Carer's Allowance Eligibility**

17. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Social Protection her views on the current application process for carer's allowance being unsuitable with respect to those looking after persons with learning disabilities or autism; the reason for the delay in taking steps to reform the system; her plans to reform the system; and the expected date by which new application forms and guidance for deciding officers will be in place. [47082/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** I should state at the outset that eligibility for Carer's Allowance is not based on the type of impairment or disease but on the level of the care requirement consequent on the impairment.

Carers' Allowance is payable to those providing full-time care and attention to a care recipient where the recipient of care is aged 16 or over and so incapacitated as to require full-time care and attention or aged under 16 and getting a Domiciliary Care Allowance.

The person receiving care is regarded as requiring full-time care and attention where he or she is so incapacitated as to require continuous supervision in order to avoid danger to him or herself or continual supervision and frequent assistance throughout the day in connection with normal bodily functions, and he or she is so incapacitated as to be likely to require full-time care and attention for a period of at least 12 months

However, the Department, in consultation with carers' representatives has reviewed aspects of its communications with parents when a child reaches 16 and no longer qualifies for Domiciliary Care Allowance. This necessitates a review of entitlement to Carers' Allowance to ensure that the appropriate care conditionality is satisfied. There has been a long-standing process of communicating with parents, six months in advance of the child reaching 16, advising them of the requirement to review their entitlement to Carers' Allowance and of the potential entitlement of the child to Disability Allowance. This gives time for the parents to collate and supply the information required for the purposes of establishing entitlement to Carer's Allowance.

The notification to parents that issues in advance of the child reaching 16 is now being revised to advise them of the importance of providing the Department with full and comprehensive information on the current and ongoing care requirements of the child.

Also, it is important to note that where CA claims for former DCA recipients are being reviewed upon a child reaching 16, the claims remain in payment while the review is underway, even if the child has already reached 16.

### **Social Welfare Code Reform**

18. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Social Protection if her attention has been drawn to the fact that where a young person who is having a domiciliary care allowance payment awarded in respect of them reaches 16 and applies for a welfare pay-

ment in their own right, pending the successful outcome of that application the parent-guardian concerned loses their payment entirely, and must wait to apply for a carer's allowance payment to be successful before having key financial support restored; her views that this creates a very serious lack of support for vulnerable families during this period; her plans to help alleviate this pressure; and if she will make a statement on the matter. [47092/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** In 2014 the Department will spend a total of almost €2 billion in respect of the three schemes mentioned, domiciliary care allowance (DCA), disability allowance (DA) and carer's allowance (CA).

The review of the continued entitlement of a former DCA recipient (parent/guardian) to CA is not dependent in any way on whether the child who turns 16 years either claims or is entitled to DA. Also, it is important to note that where CA claims for former DCA recipients are being reviewed upon a child reaching 16, the claims remain in payment while the review is underway, even if the child has already reached 16.

Upon the child reaching 16 years, DCA is no longer payable. It is open to the child to apply for disability allowance (DA). In respect of CA claims for children under 16, the care requirement for the care recipient are deemed to be satisfied where DCA is in payment in respect of that child. CA must be reviewed once a care recipient reaches 16 years in order to ensure that the care requirement of the child meets the statutory conditions for receipt of CA.

There has been a long-standing process to notify DCA recipients at least 6 months in advance that DCA will stop when the child reaches 16 and that continued entitlement to CA would be reviewed. The purpose of that communication is to ensure that parents are aware of what is going to happen, their future options and to give them time to gather the necessary information. That communication also draws the attention of the parent to the potential eligibility of the child for DA.

Recently, the Department decided to review its communications with parents who are in receipt of both domiciliary care allowance (DCA) and carer's allowance (CA) for children who are reaching 16 years.

In order to ensure that the parent supplies sufficiently detailed information from the child's doctor(s) and other healthcare professionals, schools etc., the notification to the parent that issues in advance of the child reaching 16 will be revised to state the conditions which need to be met in relation to CA (which are not the same as those for receipt of DCA) and to advise them of the importance of providing the Department at the outset with full and comprehensive information on the current and ongoing care requirements of the child. It is hoped that this will reduce the number of CA cases that are stopped at first instance but subsequently reinstated upon review of additional information supplied. The Department is liaising with the groups involved as part of this review.

### **Community Employment Schemes Funding**

19. **Deputy Mattie McGrath** asked the Tánaiste and Minister for Social Protection her Department's commitment to the future of the community employment schemes; and if she will review a matter (details supplied) regarding community employment supervisors; and if she will make a statement on the matter. [46997/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** Community employment (CE) is the largest employment programme of the Department. It aims to enhance the employability and mobility of disadvantaged and unemployed persons by providing work

experience and training opportunities for them within their communities. In addition, it helps long-term unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine. CE schemes are typically sponsored by groups wishing to benefit the local community, namely voluntary and community organisations and, to a lesser extent, public bodies involved in not-for-profit activities. Such projects provide a valuable service to local communities while, at the same time, providing training and educational opportunities to job-seekers.

In 2013, the Department provided an additional 2,000 places bringing the number of CE places to 25,300 for 2014. There are approximately 1,000 CE schemes throughout the country at any one time providing services which range from childcare and social care to community support and drug rehabilitation. The budget for 2015 is €357m which is an increase of circa €22m on this year to reflect the full year implementation costs of the additional 2,000 places next year. The Department is fully committed to the future of this programme and will continue to support and improve the programme for the benefit of the participants and the valuable contribution it makes to local communities.

With regard to a CE pension scheme, in July 2008, the Labour Court recommended that an agreed pension scheme should be introduced for CE supervisors and assistant supervisors and that such a scheme should be adequately funded by FÁS, the agency responsible for CE at that time. The Department of Social Protection is now responsible for CE.

Notwithstanding the position of this Department in rejecting that liability for these costs should be met from public funds, this matter has been the subject of discussions with the Department of Public Expenditure and Reform (D/PER) and the unions representing CE supervisors. The D/PER's position, as outlined to the unions, is that companies contracted by the State to provide a service, including in the community sector, will have to manage their expenditure pressures, including labour and pension costs, from within existing funding levels.

Given the level of funding that would be required from the Department, the implementation of the claim is not considered sustainable in light of the current and on-going fiscal environment and the requirement to contain public expenditure. The costs of the introduction of any scheme are likely to be of the order of €3m per annum.

It should also be noted that this Department is not the employer of CE supervisors and such employees are not public servants but are employees of the sponsoring organisations. The responsibilities of the sponsoring organisations as employers and the individuals concerned as employees must also be considered.

Employers (including CE Sponsoring Organisations) are legally obliged to offer access to at least one Standard Personal Retirement Savings Account (PRSA) under the Pension (Amendment) Act 2002. All CE sponsoring organisations were informed of their responsibilities under this Act at that time.

It should also be noted that CE Supervisors may also qualify for the State Pension at 66 years of age. If they have accrued sufficient PRSI contributions (520 contributions @ full rate, equivalent to 10 years contributions) they will qualify for the State Pension (Contributory), which is not means-tested. In the event that there are insufficient contributions, the person may qualify for the State Pension (Non-Contributory), provided they satisfy the means test.

### **Exchequer Savings**

20. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Social Protection if her



attention has been drawn to the fact that the reported budgetary savings made in her Department throughout her time as Minister that have had a real and adverse effect on the quality and efficiency of the service provided to citizens who access their services; and if she will make a statement on the matter. [47093/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The Department administers over 70 separate schemes and services and serves a wide and diverse group of customers including families, people in employment, unemployed people, people with disabilities, carers, and older people.

The overall aim of the Department is to provide people with the information, financial support and other services that they require in a timely and customer friendly way. The Department is committed to delivering a high quality customer service to all its customers. Each week the Department delivers social welfare payments to in excess of 1.5 million customers. In 2013, it answered 8.3 million telephone calls, processed 2.1 million applications and carried out 1.1 million control reviews.

The Department's Customer Charter and Action Plan 2013 - 2015 sets out the level of service customers can expect when dealing with the Department and its commitment to provide a professional, efficient, courteous and timely service to all customers. The Customer Charter is prominently displayed in all public offices and is also available on the Department's website at [www.welfare.ie](http://www.welfare.ie).

I wish to assure the Deputy that the Department is committed to ensuring that a customer service ethos is embedded in everything it does and is embraced by everyone in the organisation. Accordingly, since 2011, almost 3,000 staff throughout the Department have been supported with learning and development in the area of customer service, as part of a comprehensive suite of training.

In the event a customer is dissatisfied with the standard of service they receive, they should contact the staff member or section involved to have the matter resolved. If this does not resolve the issue to their satisfaction, they can make a formal complaint to the Quality Customer Service Team in person, by telephone, in writing or on line at [www.welfare.ie](http://www.welfare.ie). Their complaint will be dealt with promptly, fairly and impartially. Receipt of the complaint will be acknowledged, and it will be referred to a complaints officer for investigation. A response to the customer normally issues within 15 working days of the date of receipt of the complaint. If the complaint remains unresolved, the customer has the right of further appeal to the Office of the Ombudsman. The table below provides a summary of the formal complaints received for the past four years.

Year	2011	2012	2013	2014 (to date)
No. of complaints recorded	1,734	1,566	1,215	978

In recent years, the Department streamlined and enhanced its structures and processes when faced with increasing numbers of customers across the spectrum of its schemes and services during a period when the Government had committed to reduce public sector spending. This redesign included the roll out of a new integrated Intreo model of service delivery nationwide. To date, some 44 of the Departments social welfare local offices have been re-launched as Intreo centres, with work continuing the remaining 16 offices. The Intreo model provides for the seamless integration of services to jobseekers from the first day of their unemployment until their return to work. It involves the traditional claims process allied with the Department's activation supports and recourse to the Department's Community Welfare Service where required.

I wish to advise the Deputy that the Department is fully committed to ensuring that claims are processed as expeditiously as possible and that backlogs of claims are kept to a minimum. Each scheme area is continuously monitored and reviewed to ensure customers are responded to as quickly as possible. Where difficulties arise, the Department moves to address these as speedily as possible, within the operating constraints in place. In this regard, the Department has had major success in clearing backlogs, notably in the disability and caring schemes. It must also be remembered that processing times vary across schemes, depending on the differing qualification criteria. Schemes that require a high level of documentary evidence from the customer, particularly in the case of illness-related schemes, can take longer to process. Similarly, means-tested payments can also require more detailed investigation and interaction with the applicant, thereby lengthening the decision making process.

As part of the Department's programme of service delivery modernisation, a range of initiatives aimed at streamlining the processing of claims, supported by modern technology, have been implemented in recent years. Operational processes, procedures and the organisation of work are continually reviewed to ensure that processing capability is maximised.

In addition, the staffing needs of the Department are regularly reviewed, having regard to workloads and the competing demands arising, to ensure that the best use is made of all available resources.

### **Private Rented Accommodation Costs and Controls**

21. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Social Protection in view of the welcomed partial return of the Christmas bonus for social welfare recipients if she will acknowledge the need for a similar gesture by legislating to stop the discriminating practice of allowing the no rent allowance advertisement accompanying rental properties as it is contributing to making it impossible for persons on rent allowance to find a place to live; and if she will make a statement on the matter. [47000/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The reintroduction of the Christmas bonus, albeit on a partial basis, along with the other welfare measures announced in the Budget are real indicators of the economic recovery and the Government's ambition to ensure it will be a recovery felt by all. This is the first Budget where we have had the scope to make real positive improvement for welfare recipients. This is evidenced by the €65 million we are spending on the Bonus as well as €198 million of new welfare developments which I announced in the Budget and which will come into effect next year. It is hoped that with the continuing betterment of economic conditions, further resources will be freed up for future Budgets.

In relation to rent supplement, it is clearly my preference that a person should not be refused accommodation due to the fact that they are receiving financial support from the State. This position has been advised to the two larger property website owners in terms of their advertising, following which, one subsequently removed the reference to rent supplement on their website. Officials in the Department are also engaging with those in the Department of Justice and Equality in regard to this matter.

However, the fact that approximately 71,800 people are in receipt of rent supplement, of which some 19,000 were awarded this year, shows that a significant number of persons are being accommodated by landlords under the scheme.

It is open to any person who has been refused a private tenancy and who feels discriminated

against on the basis of his or her gender, civil status, family status, sexual orientation, religion, age, disability, race and membership of the Travelling community to refer a discrimination complaint to the Equality Tribunal under the Equal Status Acts.

### **Irish Airlines Superannuation Scheme**

22. **Deputy Clare Daly** asked the Tánaiste and Minister for Social Protection if she will liaise with the Department of Transport, Tourism and Sport to initiate an investigation into the sale of commercial property in 2013-14 by the trustees of the Irish Airlines Superannuation Scheme; and the implications for the pensions of the members of the scheme. [47001/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The Pensions Authority has the power under section 18 of the Pensions Act to investigate the state or conduct of a pension scheme. I would ask you to bring any concerns you have in relation to the conduct of the Irish Airlines Superannuation Scheme to the attention of the Pensions Authority. The Authority can then consider whether or not these concerns warrant an investigation under section 18 of the Pensions Act.

### **Personal Insolvency Practitioners**

23. **Deputy Gabrielle McFadden** asked the Tánaiste and Minister for Social Protection if she will explore with the Departments of Justice and Equality and Finance the possibility of putting together a financial assistance programme for social welfare recipients seeking bankruptcy declarations to allow them to engage the services of a Personal Insolvency practitioner; and if she will make a statement on the matter. [47090/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The reduction in the bankruptcy period from 12 to 3 years, and the reduction from €1,400 to approximately €700 in the official costs associated with bankruptcy have made bankruptcy a more viable option for a debtor struggling with debt to return to solvency.

I am advised by my colleague the Minister for Justice and Equality, with responsibility for the Insolvency Service of Ireland, that a number of personal insolvency practitioners do not charge an upfront fee for an initial consultation. The Insolvency Service of Ireland does not prescribe practitioner fees. Fees are negotiated by the Personal Insolvency Practitioner in each individual case. Ultimately, such fees are paid out of funds available to creditors after Reasonable Living Expenses.

Additionally, in order to remove any perceived barrier to seeking help, the Insolvency Service of Ireland has suspended all application fees for debt solutions until the end of 2015. Previously, these fees were €100 for a Debt Relief Notice, €250 for a Debt Settlement Arrangement and €500 for a Personal Insolvency Arrangement.

At my request, the Citizens Information Board, together with the Money Advice and Budgeting Service (MABS), established an approved intermediary service to assist individuals through the application process for a Debt Relief Notice. Approved intermediaries do not charge a fee for their assistance to debtors applying for a Debt Relief Notice. To date, over 200 Debt Relief Notices have been granted.

I am satisfied that the combination of these measures makes the various services accessible.

## Social Welfare Fraud Investigations

24. **Deputy Denis Naughten** asked the Tánaiste and Minister for Social Protection her views to review the monitoring mechanisms employed to reduce fraudulent payment of child benefit; and if she will make a statement on the matter. [46996/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** Child benefit is a payment to parents for the support of their children. It is paid to some 616,276 families in respect of 1.18 million children as at 30 November 2014, with an expenditure of approximately €1.9 billion in 2014.

Safeguarding the child benefit budget is a priority and, in this regard the Department has taken a proactive approach to ensuring that it is only paid to eligible families. A policy of issuing continuing eligibility certificates to parents commenced in 2008 and is still in operation. The control policy for the scheme was reviewed in 2010 to ensure that controls in place to prevent fraud and abuse continue to be effective and relevant. As a result of this review, additional enhanced and updated control measures have been devised and implemented.

The child benefit control programme is kept under regular review based on the outcomes achieved. The total savings from child benefit control activity was €74 million in 2013. The Department has issued 380,000 continuing eligibility certificates to customers in 2014 and has generated €61 million in savings as at the end of October.

I am satisfied that appropriate controls are in place and implemented, ensuring child benefit is only paid to eligible families.

## Employment Support Services

25. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Social Protection if she will provide an update in respect of her Department's plans to require jobseekers to upload a copy of their CV to continue receiving social welfare payments; and if she will make a statement on the matter. [47009/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** JobsIreland ([www.jobsireland.ie](http://www.jobsireland.ie)) is a free vacancy advertising and job search service provided by the Department of Social Protection to support both employers and jobseekers.

Jobseekers may search for jobs opportunities by accessing the bs Ireland website, the bseeker app or by visiting their local Intreo/Employment Centre. To connect employers with prospective employees who meet their recruitment needs, the Department also identifies and notifies potential suitable candidates of available job opportunities.

In order to improve the job/candidate matching capability of JobsIreland, a tender process is currently underway for a new job matching system. Subject to the outcome of the tender process it is anticipated that the new system will go live during 2015. Improving the job/candidate matching capability of this service will incentivise employers to use the service to provide more jobs for those who are unemployed.

This addresses one of the key pillars of Pathways to Work 2015 which is to ensure better engagement with people who are unemployed, so that in addition to the right of accessing efficient, work-focused income supports, unemployed clients also have a responsibility to engage with employment services, which is tailored to the client's individual profile. One of the actions identified under this pillar is to make it a condition for receipt of jobseekers payments that

jobseekers upload CVs to the bsIreland.ie or other employment sites at the request of their case officer.

In order to populate the new job matching site with sufficiently detailed candidate profiles to enable employers match their job requirements with suitable candidates, jobseekers will be asked to upload their CVs on bsIreland and other similar employment sites. In addition to providing evidence to the Department that the jobseeker is genuinely seeking, and available for, employment this will bring benefits to the jobseeker as it will improve their chances of being 'matched' with employers in three ways.

First, the new bsIreland service will itself automatically match candidate profiles with suitable jobs and will notify both the jobseeker and the employer of the match details.

Second, employers will have the ability to refine the search parameters and conduct an 'advance' search for job for candidates with specific skills, qualifications and/or experience.

Third, jobseekers will have a similar search capability and will, by examining matching results, be able to refine the presentation of their CV to maximise its likelihood of being identified as a match for particular job types.

It is important to note that, unless otherwise specified by the jobseeker, candidate personal information, such as name and address, will not be visible to employers or other users. Instead candidate ID numbers will be used and these will enable prospective employers to communicate with jobseekers using messaging functionality on the system.

In addition jobseekers will only be requested to upload their CV in circumstances where their case worker is of the opinion that it is appropriate to do so. In particular it is not intended that jobseekers with significant barriers to employment, for example literacy problems, will be requested to upload their CV. Such jobseekers will, as is the practice at the moment, be referred to appropriate service interventions.

### **Rent Supplement Scheme Payments**

26. **Deputy Ruth Coppinger** asked the Tánaiste and Minister for Social Protection if she will increase the rent supplement levels; her views that such an increase will have an immediate effect on the reduction of homelessness; and if she will make a statement on the matter. [47079/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** There are currently approximately 71,800 rent supplement recipients for which the Government has provided over €344 million for 2014.

I am keeping the matter regarding rent limits under consideration and the review being undertaken by the Department will be finalised shortly.

The Department is in a position of both significant influence in the private rented market and responsibility. There is a real concern that increased rent limits may add to further rental inflation and impact, not alone on rent supplement recipients, but also on many lower income workers, their families and students. Increasing limits will yield only a very marginal increase in available supply for rent supplement recipients with the only certainty that raising limits will increase costs disproportionately for the Exchequer with little or no new housing available to new recipients.

Increasing both public and private housing supply and the reactivation of the construction activity is a critical issue at this time and the resolution of the housing supply situation is a key element in restoring stability to the rental market which the Government is addressing through Construction 2020 and the recently published Social Housing Strategy.

I can assure the Deputy that officers administering rent supplement throughout the country have considerable experience and make every effort to ensure that accommodation needs are met including through the use of their discretionary statutory powers as necessary and, in Dublin, through the Interim Tenancy Sustainment Protocol (ITSP). A notice reminding staff of their statutory discretionary power to award, on a case by case basis, a supplement for rental purposes in exceptional cases, for example, when dealing with applicants who are at risk of losing their tenancy was circulated in July 2014 and further instruction has issued this week to ensure consistency throughout the country. Rent supplement payments are being made in excess of the maximum limits throughout the county, including some 240 cases under the ITSP, in order to maintain tenancies and prevent the occurrence of homelessness.

I strongly advise that where a person in receipt of rent supplement is at risk of losing their tenancy they should make contact with the Tenancy Protection Service provided by Threshold in Dublin on 1800 454 454 or their local Community Welfare Service throughout the country.

### **Labour Court Recommendations**

27. **Deputy Patrick O'Donovan** asked the Tánaiste and Minister for Social Protection her plans to put a mechanism in place to implement the Labour Court recommendation of 2008 in regard to an agreed pension scheme proviso for community employment supervisors and assistant supervisors; and if she will make a statement on the matter. [42006/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The Department's position remains as outlined in the previous answers to the Deputy's question on this topic. I refer you to Questions 98 and 99 of 21 October 2014.

In July 2008, the Labour Court recommended that an agreed pension scheme should be introduced for Community Employment (CE) scheme supervisors and assistant supervisors and that such a scheme should be adequately funded by FÁS, the agency responsible for CE at that time. The Department of Social Protection is now responsible for CE.

Notwithstanding the position of this Department in rejecting that liability for these costs should be met from public funds, this matter has been the subject of discussions with the Department of Public Expenditure and Reform and the unions representing CE supervisors. The Department of Public Expenditure and Reform has stated to the unions that companies contracted by the State to provide a service, including in the community sector, will have to manage their expenditure pressures, including labour and pension costs, from within existing funding levels.

Given the level of funding that would be required from this Department, the implementation of the claim is not considered sustainable in light of the current and on-going fiscal environment and the requirement to contain public expenditure. The costs of the introduction of any scheme are likely to be of the order of €3m per annum, with retrospective costs of the order of at least €39m. In this context, it should be noted that the Supervisors and Sponsors have made no contribution towards the cost of the pension arrangements they are currently seeking from the Department.

It should also be noted that this Department is not the employer of CE supervisors and

such employees are not public servants but are employees of the sponsoring organisations. The responsibilities of the sponsoring organisations and the individuals concerned must also be recognised when considering pension provision arrangements.

### **Rent Supplement Scheme Eligibility**

28. **Deputy Denis Naughten** asked the Tánaiste and Minister for Social Protection if she will review the eligibility for rent supplement to include issues such as the need not to participate in anti-social behaviour; and if she will make a statement on the matter. [46995/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** There are currently approximately 71,800 rent supplement recipients for which the Government has provided over €344 million for 2014.

In the case of private rented accommodation, tenancy arrangements involve a contract between the landlord and the tenant. The Department has no relationship with the landlord and tenant behaviour is a matter for the landlord in the first instance. There are a number of avenues open to landlords in such cases, including the mediation service for landlords and tenants operated by the Private Residential Tenancies Board (PRTB) and/or recourse to the Garda Síochána and/or the Courts in relation to the enforcement of the law in dealing with anti-social or criminal behaviour.

Under the Residential Tenancies Act 2004 tenants are obliged not to behave within a dwelling, or in the vicinity of it, in a way that is anti-social. Landlords are obliged to enforce the tenant's obligations, and may seek termination of a tenancy due to a tenant's antisocial behaviour. Landlords who fail to enforce the tenant's obligations may be subject to a fine imposed by the PRTB. Termination of the tenancy would result in the termination of rent supplement.

The Social Welfare Consolidation Act 2005 provides the Department with the authority to refuse, suspend or terminate payment of a rent supplement in the case of a person who has been required to deliver up possession of a dwelling provided by a housing authority or an approved body where the reasons for that requirement include anti-social behaviour or the interests of good estate management.

The Programme for Government contains a commitment to review the operation of the rent supplement to ensure that tenants who are receiving long term support from the State under the rent supplement scheme are subject to the same type of anti-social behaviour regime as local authority tenants. The most appropriate way for this to happen is for local authorities to take over responsibility for meeting the accommodation needs of these individuals which will be delivered through the Housing Assistance Payment (HAP) which is currently being rolled out in selected local authorities.

### **Social Welfare Benefits Data**

29. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the number of applications for disability allowance and-or carer's allowance received in the past six months in respect of children whose parents were previously deemed eligible for domiciliary care allowance; the number approved, rejected or outstanding; the extent to which individual medical circumstances were borne in mind initially; the number of instances whereby eligibility was restored in respect of both carer's and disability allowance; the numbers still outstanding; and if she will make a statement on the matter. [47049/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The specific statistics requested by the Deputy are not routinely maintained by the Department. However, a recent query of system data shows that in the past 6 months (June to November 2014) 1,382 children whose parents were previously deemed eligible for domiciliary care allowance (DCA) have turned 16 and their DCA subsequently ceased.

Of these 1,382 children, 458 have applied for disability allowance (DA) up to the end of November 2014. Of these 458 applications, 127 have been awarded DA, 260 have been disallowed, while 71 are awaiting decision.

In relation to carer's allowance (CA), 270 of the 1,382 CA schemes in payment have been stopped following review. The remaining 1,112 cases remain in payment although the review process may be ongoing in some of these cases.

The qualifying conditions for the respective schemes are set out in legislation and regulations specific to each scheme and are not the same. The Department must ensure that the relevant qualifying conditions for each scheme are satisfied.

The review of the continued entitlement of a former DCA recipient (parent/guardian) to CA is not dependent in any way on whether the child who turns 16 years either claims or is entitled to DA. Also, it is important to note that where CA claims for former DCA recipients are being reviewed upon a child reaching 16, the claims remain in payment while the review is underway, even if the child has already reached 16.

Upon the child reaching 16 years, DCA is no longer payable. It is open for the child to apply for disability allowance (DA). In respect of CA claims for children under 16, the care requirement for the care recipient are deemed to be satisfied where DCA is in payment in respect of that child. CA must be reviewed once a care recipient reaches 16 years in order to ensure that the care requirement of the child meets the statutory conditions for receipt of CA.

There has been a long-standing process to notify DCA recipients at least 6 months in advance that DCA will stop when the child reaches 16 and that continued entitlement to CA would be reviewed. The purpose of that communication is to ensure that parents are aware of what is going to happen, their future options and to give them time to gather the necessary information. That communication also draws the attention of the parent to the potential eligibility of the child for DA.

The Department is reviewing its communications with parents who are in receipt of both domiciliary care allowance (DCA) and carer's allowance (CA) for children who are reaching 16 years, to further emphasise to the parent the importance of supplying sufficiently detailed information from the child's doctor(s) and other healthcare professionals, schools etc to the Department at the outset. The notification will also state the conditions which need to be met in relation to CA (which are not the same as those for receipt of DCA). It is hoped that this will reduce the number of CA cases that are stopped at first instance but subsequently reinstated upon review of additional information supplied.

### **Rent Supplement Scheme Payments**

30. **Deputy Thomas Pringle** asked the Tánaiste and Minister for Social Protection the reasons she has ruled out the raising of the caps on rent assistance when they are well below the market rents for houses and contributing to the ongoing housing crisis; and if she will make a statement on the matter. [47094/14]



**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** There are currently approximately 71,800 rent supplement recipients for which the Government has provided over €344 million for 2014.

I am keeping the matter regarding rent limits under consideration and the review being undertaken by the Department will be finalised shortly.

The Department is in a position of both significant influence in the private rented market and responsibility. There is a concern that increased rent limits may add to further rental inflation and impact, not alone on rent supplement recipients, but also on many lower income workers, their families and students. Increasing limits will yield only a very marginal increase in available supply for rent supplement recipients with the only certainty that raising limits will increase costs disproportionately for the Exchequer with little or no new housing available to new recipients.

The Department has put measures in place to ensure that the housing needs of rent supplement customers who are in danger of becoming homeless are being addressed by providing for increased flexibility in the administration of the rent supplement scheme. A notice reminding staff, including those operating in the Donegal area, of their statutory discretionary power to award on a case by case basis a supplement for rental purposes, for example, when dealing with applicants who are at risk of losing their tenancy was circulated earlier in the year and further instruction has issued this week to ensure consistency throughout the country.

I strongly advise that where a person in receipt of rent supplement is at risk of losing their tenancy they should make contact with the Tenancy Protection Service provided by Threshold on 1800 454 454 or their local Community Welfare Service throughout the country.

### **Exceptional Needs Payment Application Numbers**

31. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Social Protection the capacity of the emergency needs payment scheme to meet the growing and future demands on it, from persons who are struggling due to cuts made to other social welfare schemes and rates and the imposition of new taxes and charges such as the water charges, in view of the fact that spending on the scheme has been halved since she took up office; and if she will make a statement on the matter. [47086/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** Under the supplementary welfare allowance (SWA) scheme, the Department may make a single exceptional needs payment (ENP) to help meet essential, once-off and unforeseen expenditure which a person could not reasonably be expected to meet out of their weekly income. The Government has provided €31.3 million for the scheme in 2014.

In 2012 a Departmental working group made up of staff from the Community Welfare Service reviewed the existing ENP guidelines with a view to, in so far as possible, achieve standardisation and consistency of treatment of applications across the country. This review has been used as a basis for revised guidelines that issued to staff in 2012 and 2013. These guidelines assist Departmental staff administering the scheme and do not affect the discretion available to officers in issuing an ENP to assist an individual or household in any particular hardship situation which may arise.

While expenditure under the scheme has reduced in recent years, the scheme is demanded and continues to provide assistance to those with exceptional needs taking into account the requirements of the legislation and all the relevant circumstances of the case in order to ensure

that the payments target those most in need of assistance.

Persons who consider that they have an entitlement to an ENP should contact the local officials in the Community Welfare Service administering the scheme.

### **Pensions Legislation**

32. **Deputy Willie O’Dea** asked the Tánaiste and Minister for Social Protection the actions she will take to increase pension coverage here; if she will provide an update on the operation of the provisions contained in the Social Welfare and Pensions (No. 2) Bill 2013; and if she will make a statement on the matter. [47003/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** I requested the OECD to carry out a review of the Irish pension system in 2012. The OECD released its report (OECD Reviews of Pensions Systems – Ireland) in April 2013. One of the key recommendations in the report was to increase pensions coverage through a universal mandatory or quasi-mandatory employment based pension system. In line with this recommendation and with the Programme for Government, the 2014-2016 Statement of Priorities confirmed that during 2015 the Government will agree a roadmap and timeline for the introduction of a new, universal supplementary pension saving scheme.

The constituent factors involved in constructing an efficient and effective universal pension system are complex and diverse and it is of critical importance that any system chosen is correctly designed.

Therefore, development of the roadmap will involve detailed consideration of the range of models and options available and will include co-operation across a range of Government Departments and engagement with all sectoral interests.

In relation to the changes provided for in the Social Welfare and Pensions (No. 2) Act 2013, there was one scheme where the changes to section 50 of the Pensions Act were applied and I am glad to say that I have not received an application from the trustees of any defined benefits pension scheme seeking funding to meet a shortfall in scheme resources where the scheme was wound up and both the employer and the scheme was insolvent.

### **Rent Supplement Scheme Payments**

33. **Deputy Clare Daly** asked the Tánaiste and Minister for Social Protection if she will increase rent supplement levels by 25% in the areas which have experienced the sharpest rise in homelessness as a result of rising rents. [47002/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** There are currently approximately 71,800 rent supplement recipients for which the Government has provided over €344 million for 2014.

I am keeping the matter regarding rent limits under consideration and the review being undertaken by the Department will be finalised shortly.

The Department is in a position of both significant influence in the private rented market and responsibility. There is a real concern that increased rent limits may add to further rental inflation and impact, not alone on rent supplement recipients, but also on many lower income workers, their families and students. Increasing limits will yield only a very marginal increase

in available supply for rent supplement recipients with the only certainty that raising limits will increase costs disproportionately for the Exchequer with little or no new housing available to new recipients.

The Department has put measures in place to ensure that the housing needs of rent supplement customers who are in danger of becoming homeless are being addressed by providing for increased flexibility within the administration of the rent supplement scheme. A notice reminding staff of their statutory discretionary power to award, on a case by case basis, a supplement for rental purposes, for example, when dealing with applicants who are at risk of losing their tenancy was circulated earlier in the year and further instruction has issued this week to ensure consistency throughout the country.

In light of a particular concentration of the homelessness problem in the Dublin area, the Department agreed a tenancy sustainment protocol with the Dublin local authorities and voluntary organisations so that families on rent supplement who are at risk of losing their accommodation can have more timely and appropriate interventions made on their behalf. Since the launch of this protocol in mid-June 2014, over 240 families have had their rent supplement payments increased by the Department.

I strongly advise that where a person in receipt of rent supplement is at risk of losing their tenancy should make contact with the Tenancy Protection Service provided by Threshold in Dublin on 1800 454 454 or their local Community Welfare Service throughout the country.

### Child Poverty

34. **Deputy Willie O’Dea** asked the Tánaiste and Minister for Social Protection the actions she will take to address the increasing child poverty rates here; and if she will make a statement on the matter. [47005/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** Government policy around tackling poverty for children and families has recently been articulated in the *National Policy Framework for Children and Young People: Better Outcomes, Brighter Futures*, which adopted a child-specific social target for poverty reduction aiming to lift 70,000 children out of poverty by 2020, equivalent to a reduction of two-thirds on the 2011 rate.

The Department of Social Protection helps to prevent child poverty by providing income support for families through child benefit, qualified child increases for welfare recipients, family income supplement and the back to school clothing and footwear allowance, amounting to €2.3 billion in 2014. Through these and other social transfers, the at-risk-of-poverty rate for children is reduced from 45 per cent to 18.8 per cent, a poverty reduction effect of 59 per cent.

Ireland is amongst the best performing member states in the EU in this regard. In Budget 2015, the Government committed a further €96 million for children, including an increase of €5 per month in child benefit.

In order to break the cycle of child poverty where this arises, the Government invests in prevention and early intervention services targeted at disadvantaged children through the Area Based Childhood programme and the DEIS programme.

Of course a key way to tackle child poverty is to get parents back to work. Through Pathways to Work and the Action Plan on Jobs, the Government is putting people into real jobs. The family income supplement and new back to work family dividend - which I provided for in Budget 2015 - will support parents to take up and remain in employment, especially those

furthest from the labour market.

### **Domiciliary Care Allowance Eligibility**

35. **Deputy Thomas Pringle** asked the Tánaiste and Minister for Social Protection her views on extending the period where a family can claim domiciliary care allowance for a child to 18 years rather than them going onto disability allowance at 16, as is currently the case; and if she will make a statement on the matter. [47095/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The Deputy will be aware that I commissioned two reports relating to the Domiciliary Care Allowance (DCA) scheme during 2012. One of these reports dealt specifically with the relationship between DCA and disability allowance (DA) for young adults. A proposal to extend the age limit for receipt of DCA to 18 years of age was made as a recommendation in both of these reports, which were published in April 2013.

The reports found that there was a strong rationale for raising the DCA age threshold to 18 years. The recommendation is that this change should be made from a specific date, with the age threshold for payment of DCA to increase to age 18 for all new and existing claimants aged 16 and under on that date. On this same date the age threshold for payment of DA would change to age 18, to apply to new claimants only.

However, the Deputy will be aware that there are differing views on the best way to proceed so as to provide support to the group of people in question. While the recommendations of the reports will be kept under consideration as part of ongoing review of the wider disability area, there are no plans to extend the age limit for receipt of DCA at this time.

### **Departmental Schemes**

36. **Deputy Paul Murphy** asked the Tánaiste and Minister for Social Protection if she has conducted an analysis of the cost and number of staff that will be required to administer the €100 water conservation grant; and if she will make a statement on the matter. [47088/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The Department of Social Protection will administer, on behalf of the Department of the Environment, Community and Local Government, a €100 water conservation grant for households that complete a valid response to Irish Water's customer registration process. The grant will be paid to the registered householders annually, in respect of their primary dwellings, with the first payment to be paid in September 2015 and each subsequent year up to and including 2018.

The water conservation grant replaces the tax rebate and social protection measures previously announced.

The Department of Social Protection is in consultation with the Department of the Environment, Community and Local Government and the Department of Public Expenditure and Reform in regard to the staffing and funding required to administer the scheme. The administration and payment of this grant represents a significant project for the Department of Social Protection. The Department is currently carrying out a scoping exercise to explore the most effective and efficient approach to its implementation. This will include estimates of resources required to undertake the initial work involved and ongoing administration of the grant.

### **Homeless Accommodation Provision**

37. **Deputy Ruth Coppinger** asked the Tánaiste and Minister for Social Protection if she will provide Threshold with further power and resources to prevent homelessness, including in cases of repossessions. [47078/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The Department of Social Protection is actively engaging with Threshold in implementing measures to ensure that the housing needs of rent supplement customers who are in danger of becoming homeless are being addressed by providing for increased flexibility within the administration of the rent supplement scheme.

I understand that the provision of resources for Threshold is a matter for the local authorities and the matter should be raised with my colleague, Mr. Alan Kelly T.D., Minister for the Environment, Community and Local Government.

### **Carer's Allowance Eligibility**

38. **Deputy Willie O'Dea** asked the Tánaiste and Minister for Social Protection the criteria for granting the carers' allowance for persons who care for children with severe autism; and if she will make a statement on the matter. [47006/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** I should state at the outset that eligibility for Carer's Benefit or Allowance is not based on the type of impairment or disease but on the level of the care requirement consequent on the impairment.

The criteria for receipt of Carer's Benefit or Allowance is that the recipient of care must be aged 16 or over and is so incapacitated as to require full-time care and attention or aged under 16 and getting a Domiciliary Care Allowance.

In relation to Domiciliary Care Allowance, the qualifying conditions for that scheme are that the child must be aged under 16, have a severe disability that is likely to last for at least 1 year, live at home with the person claiming the Carer's allowance for 5 or more days a week, meet the medical criteria and be ordinarily resident in the State.

In a case where the child is 16 or over the child may apply for Disability Allowance in their own right and the person providing full-time care and attention may apply for Carer's Benefit or Carer's Allowance.

The person receiving care, over 16 years of age, is regarded as requiring full-time care and attention where he or she is so incapacitated as to require continuous supervision in order to avoid danger to him or herself or continual supervision and frequent assistance throughout the day in connection with normal bodily functions, and is so incapacitated as to be likely to require full-time care and attention for a period of at least 12 months.

### **Departmental Strategies**

39. **Deputy Willie O'Dea** asked the Tánaiste and Minister for Social Protection her plans to transfer payments from her Department to an electronic system; if she has discussed this proposed change with the Department of Communications, Energy and Natural Resources; and if she will make a statement on the matter. [47004/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** Increasing the level of public service delivery to citizens through electronic channels is a key ingredient in creating a vibrant, modern and competitive Irish economy, offering scope to streamline processes and improve customer service. This objective is bedded into a range of Government initiatives including the Public Sector Reform Plan, e-Government Strategy and the Department's Payment Strategy. That Strategy aims to facilitate greater use of electronic payments to provide wider payment options to our clients and build levels of financial inclusion, while also continuing to serve those who are more vulnerable in our society.

Last year, the cost of 42.7 million cash payments to clients was almost €73 million gross. By comparison, 37 million payments were issued by EFT at a cost of only €9 million. Reducing levels of cash payments can deliver real savings for Irish taxpayers and benefit welfare clients simultaneously. Efforts are also being progressed to gradually deplete the levels of cheques issued in support of the objectives of the recent e-Day initiative.

The Department of Communications, Energy and Natural Resources is fully briefed on the Department's strategy. While matters relating to An Post are a matter for its Board to consider in consultation with my colleague the Minister for Communications, Energy and Natural Resources, I was interested to note that An Post is itself making moves in the direction of electronic payments with its recent invitation to the market for electronic payment solutions and allied services. I am very conscious of the important role of post offices which offer financial and other services locally. This Government has consistently stated its commitment to maintaining the post office network in the Programme for Government and I was glad to play my part in that when, following an EU-wide procurement competition, I signed a new contract with An Post last December which is worth in excess of €50 million to it this year.

### **Rent Supplement Scheme Payments**

40. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection if she will determine a formula whereby tenants whose rent has increases substantially over the past 12 months may be offered partial rent support or increased rent support as may be necessary; and if she will make a statement on the matter. [47328/14]

56. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Social Protection if rent allowance will be increased in line with increasing rental prices; and if she will make a statement on the matter. [47440/14]

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):** I propose to take Questions Nos. 40 and 56 together.

The purpose of the rent supplement scheme is to provide short-term income support to assist with reasonable accommodation costs of eligible people living in private rented accommodation who are unable to provide for their accommodation costs from their own resources. There are approximately 71,800 rent supplement recipients for which the Government has provided over €344 million for 2014.

I am keeping the matter regarding rent limits under consideration and the review being undertaken by the Department will be finalised shortly. The Department is in a position of both significant influence in the private rented market and responsibility. There is a real concern that increased rent limits may add to further rental inflation and impact, not alone on rent supplement recipients, but also on many lower income workers, their families and students.

Central to the current supply issue is that rent supplement policy must provide flexibility.

I can assure the Deputies that officers administering rent supplement throughout the country have considerable experience and make every effort to ensure that accommodation needs are met including through the use of their discretionary statutory powers as necessary and, in Dublin, through the Interim Tenancy Sustainment Protocol (ITSP). A notice reminding staff of their statutory discretionary power to award, on a case by case basis, a supplement for rental purposes in exceptional cases, for example, when dealing with applicants who are at risk of losing their tenancy was circulated in July 2014. Further instructions are issuing this week to ensure that the necessary supports continue to be provided and that there is consistency throughout the country.

Rent supplement payments are being made in excess of the maximum limits throughout the county, including over 240 cases under the Interim Tenancy Sustainment Protocol, in order to maintain tenancies. The Department is reviewing the local arrangements in place to strengthen the existing framework.

I strongly advise that where a person in receipt of rent supplement is at risk of losing their tenancy they should make contact with the Tenancy Protection Service provided by Threshold on 1800 454 454 in Dublin or their local Community Welfare Service throughout the country.

### Social Welfare Benefits Data

41. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the number of applications for carer's allowance, ophthalmic benefit or dental benefit, invalidity pension and disability allowance received in the past six months; the number approved, refused or pending; the way the figures compare with the previous 12 month period; and if she will make a statement on the matter. [47329/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The information requested by the Deputy is detailed in the following tabular statements. Please note that separate pending figures for dental benefit and optical benefit as requested are not available. Pending figures for treatment benefits as a whole are available, encompassing dental benefit, optical benefit and hearing aids. The treatment benefits pending figure at the end of May 2014 was 3,567. The treatment benefits pending figure at the end of November 2014 is not yet available but will be forwarded to the Deputy at the earliest opportunity.

#### Applications received, awarded, disallowed, withdrawn & pending June to November 2014

Scheme	Number Received	Number Awarded	Number Disallowed	Number Withdrawn	Number Pending(**)
Carer's Allowance	9,264	6,887(*)	4,197	853	4,606
Disability Allowance	9,992	7,483(*)	6,996	517	5,929
Invalidity Pension	4,364	3,682(*)	2,729	761	2,171
Dental Benefit	164,849	150,970	11,367	n/a	n/a
Optical Benefit	80,071	75,974	3,192	n/a	n/a

(\*) Please note that the number shown as awarded in each month includes any case which was awarded in that month following a review of a prior decision to disallow.

(\*\*) Pending figures as of end November 2014.

## Applications received, awarded, disallowed, withdrawn & pending June 2013 to May 2014

Scheme	Number Received	Number Awarded	Number Disallowed	Number Withdrawn	Number Pending(**)
Carer's Allowance	14,508	11,776(*)	6,589	1,673	3,479
Disability Allowance	19,998	13,662(*)	13,559	1,482	5,631
Invalidity Pension	9,420	7,950(*)	6,583	507	2,329
Dental Benefit	332,014	308,194	23,452	n/a	n/a
Optical Benefit	152,408	145,051	7,278	n/a	n/a

(\*) Please note that the number shown as awarded in each month includes any case which was awarded in that month following a review of a prior decision to disallow.

(\*\*) Pending figures as of end May 2014.

### Unemployment Data

42. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the extent to which unemployment alleviation measures continue to make a positive impact in respect of long-term and youth unemployment; and if she will make a statement on the matter. [47330/14]

45. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the extent to which the age profile of those on the live register continues to be monitored with a view to making any adjustments necessary to assist those most in need; and if she will make a statement on the matter. [47333/14]

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):**  
I propose to take Questions Nos. 42 and 45 together.

The Government's primary strategy to reduce long-term and youth unemployment has been through policies to create the environment for a strong economic recovery by promoting competitiveness and productivity. Economic recovery will underpin jobs growth. This strategy is working. Employment has risen by about 85,000 since the recovery began in 2012. The unemployment rate, according to the most recent Live Register figures for November, is falling and is currently at 10.7%, the lowest rate in over 5 years – and is down from a peak of 15.1% in 2012.

The most recent QNHS figures for long term unemployment show that since the peak in Q1 2012 of 204,000, the numbers had fallen by 65,100 as of Q3 2014, a reduction of 31.9%. The percentage of the labour force who are long-term unemployed (the long-term unemployment rate) rose from 8.2% in 2011 Q1 to 9.5% in Q1 2012 before falling over the last two years to a recent low of 6.4% in Q3 2014.

The most recent figures also show youth unemployment down by 11,400 year-on year to 48,400 in Q3 2014, equating to an unemployment rate of 23.2%.

Nevertheless, despite the progress that has been made, the Government recognises that both



long-term unemployment and youth unemployment remain unacceptably high. People who are long-term unemployed account for 58% of total unemployment and within the overall number who are more than 12 months unemployed the number that are two and three years unemployed is particularly worrying. It is clear that some people who became unemployed at the height of the jobs crisis in 2009 have found it particularly difficult to find employment. Hence, the Government recognises the need for additional activation measures to ensure that as many as possible of the jobs created as the economy recovers are taken up by long-term and young Live Registrants. This is the rationale behind the Government's Pathways to Work strategy and the Youth Guarantee, both of which are being led by the Department of Social Protection.

In Pathways to Work 2012, a target was set for the Department of Social Protection of moving 75,000 of those who were long-term live registrants at the end of 2011 into employment by the end of 2015. Up to the end of the third quarter of 2014, over 65,000 of this group had moved into, and remain in, employment. Given progress to date, the Department is on course to reach its 2015 target.

The latest iteration of the Pathways to Work Strategy - Pathways to Work 2015 - includes a wide range of programmes and services to help long term unemployed jobseekers back to employment. These include programmes such as JobBridge, JobsPlus and Momentum introduced by this Government and schemes such as Community Employment and Tús, where the Department has significantly increased the number of places available. JobsPlus is targeted specifically at encouraging employers to recruit people who are long-term unemployed. Almost 3,000 long-term unemployed people have been placed in employment as a result of JobsPlus and over 60% of these have been unemployed for 2 years or more.

Pathways to Work 2015 also includes arrangements to increase the level of systematic engagement of the employment services with those who are out of work for long periods. There is also a specific focus on employer engagement to encourage employers to recruit from the Live Register.

The most recent figures for participation on the main activation programmes are set out in the following table:

**Activation Programmes (October 2013 and October 2014)**

**Live Register Activation Programmes (Number) by Type of Activation**

**Programme and Month**

	Oct 2013	Oct 2014
Back to Work payments		
Back to work allowance scheme - employee strand	12	5
Back to work enterprise allowance scheme - self employed strand	10269	10897
Short-term enterprise allowance	708	516
Total back to work payments	10989	11418
Other activation programmes		
DSP part-time job incentive	243	384
TUS - community work placement initiative	6849	7683
JobBridge	6174	6599
Total other activation programmes	13266	14666
Community employment schemes (excluding supervisors)	21806	22815

	Oct 2013	Oct 2014
FAS full time training for unemployed people	9145	8434
Back to education courses		
Vocational training opportunities scheme (VTOS)	5000	5000
Back to education allowance (BTEA)	24432	21201
Total back to education courses	29432	26201
Total activation programmes	84638	83534

Back to Work allowance scheme - Employee strand: This scheme was closed to new applications from 1st May 2009.

Short-term Enterprise Allowance: This scheme was introduced from 1st May 2009. It provides immediate support for someone in receipt of Jobseekers Benefit who wants to start a business.

FÁS Full Time Training for Unemployed People: Specific Skills Training/Local Training initiative/Traineeship/Return to Work

Breakdown became available for April 2012 Live Register release.

Vocational Training Opportunities Scheme (VTOS): VTOS figures are estimated at 5,000 each year.

Back to Education Allowance (BTEA): BTEA figures include all schemes but participants from JA & JB are not entitled to BTEA during the summer holidays

In addition, the Youth Guarantee initiative is specifically aimed at those under 25 who are unemployed with specific targeting of those who are either long-term unemployed or are most at risk of becoming long-term unemployed. The implementation of the Guarantee is a medium-term policy of the Irish Government. The guarantee of an offer of training, education or work experience for those aged less than 25 years after a four month period is currently being implemented on a phased basis. Processes and programmes are being progressively rolled out to ensure that all of those young unemployed people who need most support (i.e. are assessed as having a low probability of securing employment in the absence of support from the Public Employment Services) will receive a Youth Guarantee offer within four months. During 2014–2015 all long-term unemployed young people under 25 will be engaged by the Public Employment Service and will receive a Youth Guarantee offer if still unemployed after four months of this engagement process commencing.

With respect to evaluation of the impact of Pathways to Work and the Youth Guarantee, it cannot be precisely separated from the impact of other factors affecting the decline in long-term unemployment (such as the general improvement in the economy and the labour market resulting from the government's overall economic and employment policies). A full evaluation of the Pathways to Work programme will be commissioned next year which will seek to quantify what aspects of Pathways to Work are most effective and the reasons for their effectiveness.

With respect to age profiling those on the live register, the Department of Social Protection keeps a detailed breakdown of the profiles of jobseekers. Data on each client's age, past occupation, and his/her education, is collected at the point of registration for job-seekers' payment; these and other relevant data are processed and the probability of exiting the live register is calculated (PEX). This is essentially a predictor of whether or not someone will become long-term unemployed. The roll-out of the profiling system at the Department's 'one-stop-shop' Intreo

offices implicitly involves age profiling of the long-term unemployed, as age is one of the main determining variables in predicting if someone will become long-term unemployed. In other words, if someone is in an age category that is more likely to experience long-term unemployment, s/he will, all other things being equal, receive more targeted assistance.

Summary statistical information on the clients' age (under/over 25), duration of unemployment (under/over one year), and last held occupation together with other demographic and regional information is published on the Central Statistics Office website.

### **Anti-Poverty Strategy**

43. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the extent to which measures to alleviate poverty arising from budget 2015 continue to make positive impact; and if she will make a statement on the matter. [47331/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** One of the key objectives of Budget 2015 was to assist unemployed families to return to work.

Through the new Back to Work Family Dividend scheme, long-term unemployed jobseekers with children who leave welfare to return to work can retain the child-related portion of their social welfare payment on a tapered basis over two years. This includes those who move to self-employment, such as the construction sector. It will also apply to One Parent Family Payment recipients who similarly go back into the workforce. The scheme will be worth €1,550 per child in the first year of employment or self-employment and half that amount again in the second year.

The Dividend will help increase the pace of the progress we are making in helping people back to work, thereby reducing poverty. It will help boost the recovery, reduce welfare expenditure in the long-run, and, most importantly, help the families in question to build a better financial future for themselves.

The Budget also provided for the expansion of JobsPlus to provide subsidies to employers to recruit and employ an additional 3,000 long-term unemployed jobseekers. This scheme has proven to be particularly successful with the longer-term unemployed (i.e. unemployed for more than two years.)

I was also pleased to be in the position to increase Child Benefit from €130 to €135 per month, which will benefit over 611,000 households with children. This will help all families with children but also has the additional benefit for unemployed families in that it is work neutral as it is retained in full when they return to the workforce.

I also announced, on Budget Day, a number of welfare initiatives which will benefit pensioners, carers and people with disabilities who are in receipt of a welfare payment. These initiatives included the re-introduction of a Christmas Bonus and an increase in the Living Alone Allowance.

The Christmas Bonus was abolished by the previous Government in 2009. I am pleased to say that I am in a position to partially restore the Bonus this year. A bonus of 25% was paid last week to long-term welfare recipients including all pensioners, people with disabilities, carers and long-term jobseekers. This will cost over €65 million and is in recognition of the position of vulnerable households.

There will be an increase in the living alone allowance of €1.30 per week from January,

bringing the rate up from €7.70 to €9 for pensioners and people with disabilities. The living alone allowance is a payment made to pensioners and people with disabilities who live alone and was last increased in 1996.

As well as the measures mentioned above, all existing welfare payments and supports for pensioners will be maintained in 2015 – there will be no reductions.

Throughout the crisis, this Government protected core weekly welfare rates and maintained a massively strong social welfare safety net. That was a political choice which this Government made very deliberately; it is not one that was followed in other bailout countries. This is acknowledged by the ESRI, among others, which has pointed out that, unlike in other countries, income inequality has fallen in Ireland in recent years, largely because of the overall maintenance of the welfare system.

This is the first Budget where we have had the scope to make real positive improvement for welfare recipients. This is evidenced by the €65 million we are spending on the Bonus as well as €198 million of new welfare developments which I announced in the Budget and which will come into effect next year. It is hoped that with the continuing betterment of economic conditions, further resources will be freed up for future Budgets.

Social transfers play a crucial role in redistributing resources to those most in need. In 2012, social transfers (excluding pensions) reduced the at-risk-of poverty rate from 39 per cent to 16.5 per cent, thereby lifting one fifth of the Irish population out of income poverty.

Ireland is amongst the best performing EU countries in reducing poverty through social transfers (excluding pensions). Using comparable data from Eurostat from 2012, Ireland's performance in reducing poverty at 60 per cent was far in excess of the EU-28 norm of 35 per cent.

Social impact assessment is an evidence-based methodology to estimate the likely distributive effects of policy proposals on poverty and social inequality, including the impact on family types, lifecycle groups and gender.

The Department published an integrated social impact assessments of Budgets 2013 and 2014 (using the ESRI SWITCH model) which included the main welfare and tax measures.

The Department is currently preparing a social impact assessment of the main welfare, tax and related measures for 2015. This will be finalised to take account of government decisions relating to water charges and affordability. It is intended to publish the analysis as soon as is feasible (when available). Furthermore, the Government has committed to carrying out a social impact assessment of the main taxation and welfare measures before the publishing of budgets by a cross-Department body led by the Departments of Finance, Social Protection and Public Expenditure and Reform.

### **Social Welfare Appeals Waiting Times**

44. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the extent to which she may continue to improve the time taken to process appeals in respect of various social protection payments; and if she will make a statement on the matter. [47332/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The average appeal processing time for 2012, 2013 and 2014 broken down by all social welfare scheme types is outlined in the following tables.

Appeal processing times peaked in 2011 when the average time for an oral hearing was 52.5 weeks and for a summary decision was 25.1 weeks. In 2012 the average processing time for an oral hearing dropped to 39.5 weeks and the time for a summary decision increased slightly to 27.8 weeks. Further improvements were achieved in 2013, when the average appeal processing time reduced to 33.9 weeks for an oral hearing and 25.8 weeks for a summary decision, and also in 2014. As at 30 November 2014, the average time taken to process an appeal requiring an oral hearing was 28.7 weeks and for a summary decision was 21.4 weeks.

Appeal processing times are calculated from the registration date of the appeal to the date of its finalisation. They include all activities during this period including time spent awaiting any clarification from the appellant, time in the Department for comments by the Deciding Officer on the grounds of appeal put forward by the appellant, and any further investigation, examination or assessment by the Department's Inspectors and Medical Assessors that is deemed necessary. While this process carries an inherent delay in terms of finalising an appeal, it also crystallises the flexibility and accessibility of the appeals system. By its nature and because it is a quasi-judicial function, the processing of appeals takes time and reflects the fact that, by definition, the appeal process cannot be a quick one.

There has been a rapid and sustained increase in the number of appeals received in the Social Welfare Appeals Office since 2009 which has placed extraordinary pressure on the office. Up to 2009, the average number of appeals received was 15,000 per annum whereas in 2012, the number of appeals received peaked at 35,484, reducing to 32,777 appeals in 2013. In order to manage this increasing workload, significant resources and efforts have been put into reducing backlogs and improving appeals processing times for appellants, including the assignment of 15 additional Appeals Officers, in addition to 10 former Community Welfare Service Appeals Officers who joined the appeals office in 2011, bringing the total number of serving Appeals Officers to 41; reviewing and improving business processes; and implementing a new operating model within the appeals office.

In addition to the improvement in processing times, these measures have also led to a significant increase in the annual number of appeals finalised in the appeals office from 17,787 in 2009 to 38,421 in 2013. An additional 5,863 appeals were finalised in 2013 compared to 2012. Good progress has also been made in reducing the number of appeals on hand from 20,414 at 1 January 2013 to 9,769 at 1 December 2014.

In addition the Department has undertaken a process of reform in many of its scheme areas aimed at reducing the time taken to respond to requests for submissions in relation to appeals. It is anticipated that with these improvements, the processing times for appeals will continue to improve. Appeal processing times are kept under continual review in the Social Welfare Appeals Office.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions in relation to social welfare entitlements.

**2012 - Appeals Processing times by scheme 1/1/2012 - 31/12/2012**

	Average processing times (weeks) Summary Decisions	Average processing times (weeks) Oral Hearings
Adoptive Benefit	27.7	40.4
Blind Pension	24.4	34.7
Carers Allowance	33.5	42.5
Carers Benefit	27.3	35.3

	Average processing times (weeks) Summary Decisions	Average processing times (weeks) Oral Hearings
Child Benefit	47.1	53.1
Disability Allowance	34.2	40.6
Illness Benefit	41.9	50.3
Domiciliary Care	32.5	41.4
Deserted Wives Benefit	27.6	45.4
Deserted Wives Allowance	24.5	39.5
Farm Assist	23.4	44.9
Bereavement Grant	29.0	-
Family Income Supplement	22.8	31.2
Invalidity Pension	38.8	48.7
Liabile Relatives	33.9	69.7
One Parent Family Payment	29.4	44.6
Maternity Benefit	30.8	41.7
State Pension (Contributory)	33.2	59.4
State Pension (Non-Cont)	27.7	51.1
State Pension (Transition)	25.1	49.1
Occupational Injury Benefit	19.5	66.9
Occupational Injury Benefit (Medical)	78.7	87.4
Disablement Pension	35.7	46.0
Incapacity Supplement	14.2	48.8
Guardian's Payment (Con)	25.8	49.1
Guardian's Payment (Non-con)	32.0	58.8
Pre-Retirement Allowance	54.6	-
Jobseeker's Allowance (Means)	22.8	38.2
Jobseeker's Allowance	24.4	34.4
Jobseeker's Benefit	20.9	30.8
Respite Care Grant	28.5	37.3
Insurability of Employment	45.6	83.3
Supplementary Welfare Allowance	17.6	22.9
Treatment Benefits	19.0	-
Survivor's Pension (Con)	27.1	60.5
Survivor's Pension (Non-con)	30.9	39.1
Widows Parent Grant	23.2	-
All Appeals	27.8	39.5

**2013 - Appeals processing times by scheme 01/01/2013 – 31/12/2013**

Questions - Written Answers

	Average processing times (weeks) Summary Decisions	Average processing times (weeks) Oral Hearings
Adoptive Benefit	34.2	-
Blind Pension	24.6	16.1
Carers Allowance	27.9	33.5
Carers Benefit	22.5	27.4
Child Benefit	28.8	37.7
Disability Allowance	29.0	36.2
Illness Benefit	37.4	43.3
Domiciliary Care	27.6	34.4
Deserted Wives Benefit	31.6	26.1
Deserted Wives Allowance	12.2	-
Farm Assist	23.0	28.2
Bereavement Grant	26.7	12.4
Family Income Supplement	30.7	41.0
Homemaker	19.0	-
Invalidity Pension	35.0	42.5
Liable Relatives	30.1	42.9
One Parent Family Payment	29.4	38.3
Maternity Benefit	28.4	50.0
Partial Capacity Benefit	39.2	38.1
State Pension (Contributory)	26.4	44.5
State Pension (Non-Cont)	26.8	41.9
State Pension (Transition)	23.7	43.2
Occupational Injury Benefit	36.1	54.1
Disablement Pension	30.7	36.9
Incapacity Supplement	25.8	60.8
Guardian's Payment (Con)	21.9	44.9
Guardian's Payment (Non-con)	45.5	27.5
Jobseeker's Allowance (Means)	21.2	29.7
Jobseeker's Allowance	20.5	26.7
Jobseeker's Benefit	21.1	28.9
Jobseeker's Fraud Control	17.6	101.8
Respite Care Grant	28.6	33.1
Insurability of Employment	35.8	78.4
Supplementary Welfare Allowance	17.1	24.1
Treatment Benefits	27.7	-
Survivor's Pension (Con)	26.4	39.2
Survivor's Pension (Non-Con)	28.0	38.5
Widowed Parent Grant	26.3	-
All Appeals	25.8	33.9

**Appeals processing times by scheme 01/01/2014 – 30/11/14**

	Average processing times (weeks) Summary Decisions	Average processing times (weeks) Oral Hearings
Adoptive Benefit	17.1	-
Blind Pension	20.2	25.5
Carers Allowance	30.6	34.7
Carers Benefit	23.1	23.2
Child Benefit	23.6	33.1
Disability Allowance	20.9	27.0
Illness Benefit	29.7	34.8
Domiciliary Care Allowance	23.0	29.5
Deserted Wives Benefit	-	64.7
Deserted Wives Allowance	-	41.8
Farm Assist	23.6	28.5
Bereavement Grant	25.6	31.9
Family Income Supplement	26.5	32.7
Invalidity Pension	26.2	31.3
Liabile Relatives	21.5	33.2
One Parent Family Payment	24.1	33.8
Maternity Benefit	23.1	44.7
Partial Capacity Benefit	48.5	47.5
State Pension (Contributory)	26.7	43.4
State Pension (Non-Cont)	20.2	29.8
State Pension (Transition)	27.0	35.1
Occupational Injury Benefit	31.4	33.0
Disablement Pension	23.8	31.1
Occupational Injury Benefit (Medical)	-	53.9
Incapacity Supplement	21.5	53.5
Guardian's Payment (Con)	25.9	24.9
Guardian's Payment (Non- con)	17.9	30.3
Pre Retirement Allowance	17.3	-
Jobseeker's Allowance (Means)	18.4	27.1
Jobseeker's Allowance	16.3	21.2
JA/JB Fraud Control	12.1	-
Jobseeker's Benefit	16.9	21.4
Treatment Benefit	20.8	-
Respite Care Grant	25.8	27.1
Insurability of Employment	44.6	66.5
Supplementary Welfare Al- lowance	14.6	22.4
Survivor's Pension (Con)	19.9	31.4



	Average processing times (weeks) Summary Decisions	Average processing times (weeks) Oral Hearings
Survivor's Pension (Non-Con)	24.8	23.7
Widowed Parent Grant	24.4	-
All Appeals	21.4	28.7

Question No. 45 answered with Question No. 42.

### Back to Work Allowance Application Numbers

46. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the extent to which back to work applications have been approved in each of the past three years to date; the extent to which those previously self-employed and PAYE workers continue to benefit from the scheme; and if she will make a statement on the matter. [47334/14]

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):** The Back to Work schemes, the Back to Work Enterprise Allowance (BTWEA) and the Short Term Enterprise Allowance (STEA) assist those on certain social welfare payments who wish to become self-employed.

The BTWEA is designed to provide a monetary incentive for people who are dependent on certain social welfare payments to develop a business while allowing them to retain a reducing proportion of their qualifying social welfare payment over two years from time of approval: 100% in year one and 75% in year two. In the case of jobseekers, the qualifying period required for access to the BTWEA is 12 months in receipt of a jobseekers payment, provided a person has an underlying entitlement to jobseeker's allowance. Jobseekers who were previously self-employed, similar to PAYE workers, may access social welfare supports including BTWEA by establishing eligibility to jobseeker's allowance.

The STEA provides immediate access to those who have lost their jobs and qualify for jobseekers' benefit and wish to set up a business. Payment under the scheme is at the same rate and for the same duration as their entitlement to jobseeker's benefit.

Information on accessing the scheme and supports for people considering starting their own business is available from DSP Intreo centres, local enterprise offices and local development companies. Further information is available on the Department's website [www.welfare.ie](http://www.welfare.ie).

Information on the number of applications approved for Back to Work in each of the years 2012, 2013 and to date in 2014 is set out in the table below.

#### Number of Back To Work Applications Approved 2012-2014

Scheme	2012	2013	2014 (end of October)
Back To Work Enterprise Allowance	10,811	10,098	10,897
Short Term Enterprise Allowance	1,066	583	516
Total	11,877	10,681	11,413

### Work Placement Programmes

47. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the number of applications for various unemployment reliefs such as JobBridge that continue to be awarded; the extent to which the schemes are proving successful; and if she will make a statement on the matter. [47335/14]

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):** JobBridge was introduced to provide opportunities for jobseekers to gain real workplace experience and is not an unemployment support payment. As at 4 December, 2014, 35,833 individual internships had commenced, and 6,729 individuals were actually on internships. An independent evaluation of the scheme found that 61% of interns had moved into employment 5 or more months after finishing their internship.

### **Social Welfare Benefits Data**

48. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the number of children whose parents heretofore were in receipt of domiciliary care allowance who are reaching 16 years of age qualified for invalidity pension or disability allowance thereafter in the past 12 months; the number of such applications rejected; and if she will make a statement on the matter. [47337/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** In relation to disability allowance the number of children who qualified whose parents had previously been in receipt of domiciliary care allowance is 1064.

The number of applications rejected is 299. This is for the twelve month period up to 30/11/14.

Invalidity pension is a payment for insured people who are permanently incapable of work due to illness or incapacity. In order to qualify a person must have at least 260 paid PRSI contributions since entering social insurance and 48 contributions paid or credited in the last complete tax year before the date of claim. Therefore it is not possible for a sixteen year old to qualify for this scheme.

### **Exceptional Needs Payments**

49. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the degree to which adequate resources continue to be made available to her Department to meet exceptional needs payment requirements; and if she will make a statement on the matter. [47338/14]

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):** Under the supplementary welfare allowance (SWA) scheme, the Department may make a single exceptional needs payment (ENP) to help meet essential, once-off and unforeseen expenditure which a person could not reasonably be expected to meet out of their weekly income. The Government has provided €31.3 million for the scheme in 2014.

In 2012 a Departmental working group made up of staff from the Community Welfare Service reviewed the existing ENP guidelines with a view to, in so far as possible, achieve standardisation and consistency of treatment of applications across the country. This review has been used as a basis for revised guidelines that issued to staff in 2012 and 2013. These guidelines assist Departmental staff administering the scheme and do not affect the discretion available to

officers in issuing an ENP to assist an individual or household in any particular hardship situation which may arise.

While expenditure under the scheme has reduced in recent years, the scheme is demanded and continues to provide assistance to those with exceptional needs taking into account the requirements of the legislation and all the relevant circumstances of the case in order to ensure that the payments target those most in need of assistance.

### Social Welfare Benefits Waiting Times

50. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Social Protection the extent to which backlogs have been addressed in respect of various headings and payments operated by her Department; and if she will make a statement on the matter. [47339/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** All scheme areas will have claims pending decision ‘on hand’ at any point in time, with the number of pending claims being dependent on the number of pending claims on hand at the start of a period, and the number of claims received versus the number of claims cleared during the period. The number of claims cleared in turn is largely dependent on the nature of the claims (claims requiring income assessment or assessment of medical conditions take longer to process) and the completeness of the information provided with the claim form. Therefore the fact that claims are on hand is not necessarily indicative of a backlog.

My Department measures the performance of each scheme area on a monthly basis including the measurement of the number of claims pending a decision at the end of each month. The table below shows the number of claims pending at the end of October 2013 and at the end of October 2014 for the scheme areas for which this information is available together with the total number of claims received during that period and the total number of claims in payment as at the end of October. As can be seen at the overall level, the number of claims pending a decision in my Department as a percentage of claims received during the period is 3.6% and the overall number of claims pending has reduced by 12.9% during the period.

Type of Payment ranked by number of recipients	Recipients October 2013	Recipients October 2014	Claims Registered 1/11/13 to 31/10/14	Claims Pending at 31/10/13	Claims Pending at 31/10/14	Pending Claims as % of claims registered	Year-on-year change in pending claims	% change in pending claims year-on-year
Free Travel	781,757	809,155	7,918	33	49	0.6%	16	48.5%
Child Benefit	612,408	613,284	146,348	3,766	3,391	2.3%	-375	-10.0%
Household Benefits	419,828	413,019	69,141	2,449	609	0.9%	-1840	-75.1%
State Pension (Contributory)	326,992	344,566	40,039	2,355	2,511	6.3%	156	6.6%
Living alone/ Over 80/ Island Allowances	318,304	325,428	11,714	378	666	5.7%	288	76.2%
Jobseeker's Allowance	286,667	265,705	211,714	13,930	9,977	4.7%	-3953	-28.4%

Type of Payment ranked by number of recipients	Recipients October 2013	Recipients October 2014	Claims Registered 1/11/13 to 31/10/14	Claims Pending at 31/10/13	Claims Pending at 31/10/14	Pending Claims as % of claims registered	Year-on-year change in pending claims	% change in pending claims year-on-year
Widow/er's or Surviving Civil Partner's Contributory Pension	117,269	118,403	7,409	573	498	6.7%	-75	-13.1%
Disability Allowance	104,831	111,301	19,429	5,162	6,122	31.5%	960	18.6%
State Pension (Non-Contributory)	95,759	95,417	9,011	2,028	2,038	22.6%	10	0.5%
One Parent Family Payment	78,516	70,317	12,548	2,815	1,750	13.9%	-1065	-37.8%
Carer's Allowance	56,907	58,871	14,574	2,658	5,049	34.6%	2391	90.0%
Illness Benefit	59,980	57,939	235,354	4,035	2,352	1.0%	-1683	-41.7%
Invalidity Pension	52,948	54,015	9,125	2,176	2,364	25.9%	188	8.6%
Family Income Supplement	41,989	49,084	67,098	4,409	3,141	4.7%	-1268	-28.8%
Jobseeker's Benefit	53,101	40,426	148,773	4,924	3,636	2.4%	-1288	-26.2%
Treatment Benefits	35,871	36,375	500,729	2,604	2,663	0.5%	59	2.3%
Domiciliary Care Allowance	25,442	27,020	5,323	553	998	18.7%	445	80.5%
Maternity Benefit	22,457	22,275	46,661	4,493	4,846	10.4%	353	7.9%
Supplementary Welfare Allowance	24,744	19,877	62,093	4,259	4,019	6.5%	-240	-5.6%
Disablement Benefit	14,199	12,388	531	1,664	1,042	196.2%	-622	-37.4%
State Pension (Transition)	13,441	3,361	5,466	1,647	747	13.7%	-900	-54.6%
Carer's Benefit	1,574	1,674	2,039	356	588	28.8%	232	65.2%
Interim Illness Benefit	350	361	13,417	247	181	1.3%	-66	-26.7%
Other schemes (some 2014 claims pending data not yet available)	99,537	167,321	n/a	486	15	n/a	n/a	-96.9%
Grand Total	3,644,871	3,717,582	1,646,454	68,000	59,252	3.6%	-8,277	-12.9%

### Rent Supplement Scheme Administration

51. **Deputy Dessie Ellis** asked the Tánaiste and Minister for Social Protection if she will provide the names of the persons or groups who lobbied her Department to cease rent supple-

ment in the Ballymun, Dublin 11 area as she referred to in a Topical Issues debate on 8 May 2014. [47361/14]

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):** The Government decided in 1997 to approve the redevelopment of Ballymun and a regeneration programme commenced in 1998. The provision of rent supplement in the Ballymun designated area was identified by housing authorities as a risk to the tenure diversity objective of the project which is to achieve a more balanced tenure mix by providing additional private market housing.

In response to the concerns about achieving a tenure balance mix, Section 25 of the Social Welfare and Pensions Act 2007 provided that a payment of rent supplement can be refused in respect of accommodation which is situated in an area notified to the Minister for Social Protection by the Minister for the Environment, Community and Local Government, as being an area of regeneration.

The Department was advised that there was broad consensus on the need for the rent supplement restrictions in Ballymun to protect the significant exchequer investment in the area. Dublin City Council engaged with elected representatives in relation to this matter and there was consultation with Ballymun Regeneration Limited. The payment of rent supplement was also identified as an issue which could undermine the policy of reducing social segregation by the Ballymun Neighbourhood Council, which included representatives from local residents, political representatives and local agencies including Dublin City Council and Ballymun Regeneration Limited.

It should be noted that the measures provided for in Section 25 are not a blanket refusal of rent supplement in areas of regeneration. Specific provision is made to ensure that:

- people already residing in such areas and in receipt of rent supplement may continue to receive payment; and
- people already residing in such areas in private rental accommodation and who may have recourse to rent supplement in the future would not have their entitlement restricted.

The lifting of the condition for rent supplement with respect to the Ballymun regeneration area is a matter for my colleague the Minister for the Environment, Community and Local Government.

*Question No. 52 withdrawn.*

### **Work Placement Programmes**

53. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Social Protection her plans to make changes to the Tús scheme; and if she will make a statement on the matter. [47372/14]

**Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):** Tús, the community work placement initiative introduced during 2011, was established to provide short-term, quality work opportunities for those who are unemployed for more than a year. As of the week ending 5 December 2014, 7,892 jobseekers are engaged on Tús. Since its commencement some 23,000 jobseekers have participated on this initiative.

A key feature of Tús is that selection is undertaken by random processes conducted at local

level by the Department. The selection is focused on those on the Live Register for a year or more and in receipt of a jobseeker's payment who have more limited job or work placement opportunities. In all cases, the implementing bodies engaged by the Department to work with community organisations at local level have regard to the participant's suitability to work in the delivery of local services, including those involving vulnerable adults or children.

The operation of all schemes funded by the Department are monitored with a view to making any necessary improvements and to ensure they operate to take account of any changes arising on other schemes or policy initiatives.

### **Pension Provisions**

54. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Social Protection if persons who have worked up their contribution pensions over numerous years will be effected by the new pension system coming into effect; if she will confirm that workers who have built up their contributions that their pensions will be protected by the regulations in place when they commenced their contributions; and if she will make a statement on the matter. [47379/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The State pension is a very valuable benefit and is the bedrock of the Irish pension system. Therefore, it is important to ensure that those qualifying have made a sustained contribution to the Social Insurance Fund over their working lives and the reform measures introduced to date go somewhat toward that goal. To ensure that the individual can maximise their entitlement to a State pension all contributions paid over their working life from when they first enter insurable employment until pension age is taken into account when assessing their entitlement and the level of that entitlement.

Since 1961, when contributory pensions were first introduced, the average contributions test has been used in calculating pension entitlement. Therefore, to qualify for a state pension a person must:

- have at least 520 paid contributions and
- satisfy a yearly average (a yearly average of 48 is required for a full rate pension).

There have been significant changes to the PRSI system over the years which have increased social insurance coverage to most classes of working people. Accordingly, under the pension reform programme, it is planned to adopt a total contributions approach where the number of contributions paid over a work life will more closely reflect the rate of pension payment received. For example, in a model where 30 years contributions (1560) would qualify a person for a maximum State pension (contributory), a person could accumulate 1/30th of a pension for each year of contributions up to a maximum of 30/30ths, inclusive of a certain number of credits.

The proposed date for the introduction of a move to a total contributions approach is 2020, but this may be subject to change as it is a very significant reform with considerable legal, administrative and technical challenges to be overcome in its implementation.

It should be noted that the pension system has evolved over decades, largely to the benefit of pensioners, and that it has generally been the case that the system at retirement is the one used to calculate pension rates, rather than the rules that pertained when they commenced employment. Accordingly, while it isn't possible to be definitive about the potential impact of changes on individuals, I can assure the Deputy that contributions paid and credited under existing rules will continue to be used as part of the calculations in a new approach.

*Question No. 55 withdrawn.*

*Question No. 56 answered with Question No. 40.*

*Questions Nos. 57 and 58 withdrawn.*

### **Social Welfare Benefits Eligibility**

59. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Social Protection if her attention has been drawn to the fact that long term sick claimants of illness benefit supports are not permitted to avail of the Christmas bonus announced recently for unemployed recipients; her plans to widen the Christmas bonus qualifying criteria for persons claiming illness benefit for up to eight years and more; if she will widen the fuel allowance scheme to allow these claimants to avail of equal treatment than those availing of unemployment supports; and if she will make a statement on the matter. [47458/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The Christmas bonus was paid last week to over 1.2 million long-term social welfare recipients at a cost of €65 million. The Bonus was introduced in 1980 and paid annually (at varying rates) until it was abolished in 2009.

I was pleased to be in the position to partially restore the bonus this year. A 25% bonus (subject to a minimum payment of €20) was paid to the beneficiaries of all schemes to which the bonus previously applied. It should be noted that illness benefit was never eligible for the bonus in the past and this condition continues to apply this year.

Persons who are permanently incapable of work may be eligible for the non-means tested Invalidity Pension (subject to satisfying the relevant medical criteria). Persons who are substantially restricted in undertaking suitable employment arising from a medical condition may be eligible for the means tested Disability Allowance (subject to the relevant medical criteria). All recipients of both of these payments are eligible for the Christmas Bonus, as well as additional benefits including free travel and the household benefits package.

Furthermore, they may also be eligible for the fuel allowance (subject to satisfying the household composition conditions and the means test).

*Question No. 60 withdrawn.*

### **Social Welfare Benefits Eligibility**

61. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Social Protection if her attention has been drawn to the fact that persons who have been continuously unemployed for more than the 391 cumulative-paid total days are required to avail of the Christmas bonus, due to the fact that they are no longer part of another person's claim; if this qualifying period of 391 days will be assessable against joint claims; and if she will make a statement on the matter. [47467/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The Christmas Bonus was paid last week to over 1.2 million recipients at a cost of €65 million. The Bonus was originally introduced in 1980 for certain recipients and extended to long-term jobseekers in 1985. The bonus was paid annually until it was abolished in 2009.

I was pleased to be in a position to partially restore the bonus this year. A 25% bonus (subject to a minimum payment of €20) was paid to the beneficiaries of all schemes to which the bonus previously applied.

In order to receive the bonus, a person must have been in receipt of a jobseeker's allowance payment for 391 days, including any time spent on jobseeker's benefit. The 25% bonus applies to the recipient's weekly social welfare payment including any increases for a qualified adult and/or for qualified children. For example, a long-term unemployed jobseeker with no means, in receipt of a personal rate, a qualified adult rate and with two child dependants, would receive a bonus of €93.10.

Where both members of couple are individually in receipt of jobseeker's allowance, eligibility for the bonus is based on the individual duration of each member of the couple on a jobseeker's payment. Thus, a bonus is paid to each member of the couple provided both (individually) have a duration of 391 days or more, to one member where one has a duration of 391 days or more and to neither member where both (individually) have a duration of less than 391 days.

Time spent as a qualified adult on another person's jobseeker's payment is not counted, for bonus purposes, in order to determine the duration on a jobseeker's payment. These arrangements are unchanged since the bonus was first introduced for long-term jobseekers.

### **Jobseeker's Benefit Eligibility**

62. **Deputy Michael Healy-Rae** asked the Tánaiste and Minister for Social Protection her views on a matter regarding employment in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [47489/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** Social Welfare legislation provides that all claimants for jobseeker's benefit who are employed on a part-time basis must suffer a substantial loss of employment. A substantial loss is sustained if a person's normal level of employment is reduced by at least one day with a consequent loss of earnings.

The person concerned exhausted his entitlement to jobseeker's benefit on 18 October 2014. The person's normal level of employment was 2 days per week. He re-applied for jobseeker's benefit from 20 October 2014.

Under the current Social Welfare legislation the person concerned was deemed by a Deciding Officer not to have suffered a substantial loss of employment. The person is only entitled to payment of jobseeker's benefit any week he works less than 2 days.

The person was notified of this decision and of his right of appeal.

### **Social Insurance**

63. **Deputy Michael Healy-Rae** asked the Tánaiste and Minister for Social Protection if the social welfare scope section in the period 2000 to date made decisions whereby family members employed in the particular family company were insurable at class S or class M; and if she will make a statement on the matter. [47496/14]

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** The Scope Section of my Department makes decisions on the insurability of employment on an ongoing basis, including the insurability of family members.



If the Deputy can supply my Department with the details of the specific case to which he is referring, I will be happy to have the matter looked into.

### **Financial Services Regulation**

64. **Deputy Clare Daly** asked the Minister for Finance further to Parliamentary Question No. 223 of 2 December 2014, the reason a ten year licence was provided to the company (details supplied), despite the fact that at a time the Financial Regulator had evidence of malpractice in their possession; and the avenue that is open to a citizen to pursue this further. [47373/14]

**Minister for Finance (Deputy Michael Noonan):** Due to the confidentiality requirements imposed by domestic and EU legislation which provides for confidentiality of information and limits disclosure to circumstances specifically provided for in the Central Bank Act 1942, the Central Bank advise me that it cannot comment on its engagement with specific entities.

If the individual concerned has not already done so, they may wish to make a complaint to the Financial Services Ombudsman. Details of how to make a complaint are available on the Ombudsman's website at <https://financialombudsman.ie/make-a-complaint/> .

Alternatively I would advise the individual to seek independent legal advice on the best course of action to pursue.

### **Tax Compliance**

65. **Deputy Brian Walsh** asked the Minister for Finance the penalties, interest and surcharges applied by the Revenue Commissioners where a person or company is late in filing his, her or its accounts; his views that these are reasonable or if there are plans for a review. [47442/14]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that where an individual or a company file their tax return late, a surcharge known as a late filing surcharge applies. The current rate of surcharge for late filing of Income Tax and Corporation Tax returns is:-

- 5% of the tax due subject to a maximum of €12,695 where the return of income is delivered before the expiry of 2 months from the specified return date for the chargeable period, or

- 10% of the amount of tax due subject to a maximum of €63,485, where the return of income is not delivered before the expiry of 2 months from the specified return date for the chargeable period.

I am also advised that up until recently certain accounts details were an integral part of Income Tax and Corporation Tax returns and relevant accounts information was provided on the appropriate tax return.

Since November 2012, taxpayers have had the option to file separate financial statements in iXBRL format using Revenue's Online Service (ROS). iXBRL (inline eXtensible Business Reporting Language) is a language which allows financial information to be communicated and presented in a format that may be recognised and read by both people and computers. A mandatory requirement to file iXBRL financial statements as part of a tax return now exists on a statutory basis and, in line with the approach that Revenue took with e-filing, this is being introduced on a phased basis. To date, the mandatory regime applies only to larger companies. During

later phases, all companies, as well as individuals, will come within the mandatory regime. In the meantime, individuals, and companies not covered by the mandatory regime, continue to provide certain accounts details in their appropriate tax return form. To allow for the transition to the mandatory regime, I am informed that Revenue has made certain concessions for taxpayers on the filing deadline for the submission of the iXBRL financial statements.

I am further advised that a late filing surcharge also applies to Local Property Tax (LPT) returns. Where a person who is liable for LPT files a return for income tax or corporation tax and, at the time of filing the income tax or corporation tax return they have failed to file their LPT return and make their LPT payment as due, a surcharge of 10% of the amount of income tax or corporation tax payable will be applied. If the liable person becomes LPT compliant the surcharge will be capped at the amount of the LPT liability.

Regarding penalties, I am advised, that where a person fraudulently or negligently delivers an incorrect return on time that return is deemed to have been delivered late and the surcharge for late filing is applied. However, where, in the context of a Revenue compliance intervention, a tax geared penalty is applied by Revenue under section 1077E Taxes Consolidation Act 1997 on the additional tax arising due to the fraud or neglect it has been Revenue practice not to seek an additional late filing surcharge in these circumstances. In the current Finance Bill I have placed that Revenue practice on a legislative footing.

With reference to the charging of interest, I am advised by the Revenue Commissioners that interest is charged on late payments and is not related to timely filing. The current rates of interest on late payments are 8% per annum or 0.0219% per day, on overdue income, corporation, capital gains taxes or stamp duty, and 10% per annum or 0.0274% per day in respect of overdue VAT and Employers PAYE/PRSI. The rates were reviewed in the Finance Act 2009 and were reduced then from 10% and 11.7% per annum to the current rates of 8% and 10% as outlined above.

The self-assessment system provides for sanctions to address non-compliance relating to timely tax return filing and payment. These sanctions, as well as other factors, help to maximise the levels of voluntary compliance and their impact is borne out by the fact that the overwhelming majority of taxpayers file and pay their taxes on time.

The late filing surcharge is designed as a deterrent and encourages timely filing and payment. I am pleased to see that compliance levels are increasing annually and any measure that might impact would need very careful deliberation.

It is my view that the sanctions provided for in legislation are proportionate and reasonable and they are applied fairly by the Revenue Commissioners. On that basis I have no plans to review the late filing surcharge and other similar sanctions.

### **Property Taxation Administration**

66. **Deputy Terence Flanagan** asked the Minister for Finance his plans to reform the property tax so that a person's ability to pay is taken into account; and if he will make a statement on the matter. [47455/14]

**Minister for Finance (Deputy Michael Noonan):** In designing the Local Property Tax (LPT), due regard was given to issues such as ability to pay. The Finance (Local Property Tax) Act 2012, as amended, provides for the possibility of deferring the charge to LPT in certain circumstances to assist individuals who may have difficulty paying the tax. To qualify for a deferral, the residential property must be occupied as a sole or main residence. The gross income

thresholds for a full deferral are €15,000 for a single person and €25,000 for a couple, whether married persons, civil partners or qualifying cohabitants. A person may claim a deferral if their gross income will not, “as can reasonably be foreseen at the liability date” exceed these thresholds in that year.

A deferral of up to 50% of the LPT liability will be possible where the gross income of the liable person does not exceed €25,000 for a single person or €35,000 for married persons/civil partners/cohabitants.

The full and partial deferral thresholds may be increased in the case of properties occupied as a sole or main residence and subject to a mortgage. In such cases, the gross income thresholds may be increased by 80% of the mortgage interest payments. The deferral option in such qualifying cases will apply until the end of 2017.

Interest of 4% per annum will apply to any amounts deferred. Where a liable person no longer satisfies the necessary conditions, amounts deferred prior to the date on which eligibility ceased may continue to be deferred. The deferred amount, including interest, will attach to the property and will have to be paid before the property is sold or transferred. Any amount deferred will be a relatively small part of the overall value of the property, even where the deferral lasts for a number of years.

The LPT legislation also provides for the possibility of a deferral for liable persons who cannot without excessive hardship pay their LPT when it becomes payable, as a consequence of a significant and unexpected financial loss or expense. Further information on this deferral option, including Revenue Guidelines, is available from: <http://www.revenue.ie/en/tax/lpt/hardship-grounds.html>

Where a liable person does not qualify for, or does not wish to avail of, a deferral, phased payment of LPT can be used to assist with budgeting. Taxpayers have a wide choice of payment options for the LPT from which they can choose the method most suited to their individual circumstances.

## **Fuel Oil Specifications**

67. **Deputy Denis Naughten** asked the Minister for Finance the number of complaints of petrol-stretching in counties Mayo, Roscommon, Galway and Leitrim, received by the customs and excise service in each of the months since June 2014; the number which were investigated and the number which are ongoing in each county; and if he will make a statement on the matter. [47462/14]

68. **Deputy Michael McGrath** asked the Minister for Finance the steps being taken to deal with the issue of petrol stretching; if the Revenue Commissioners resources have been allocated to the problem; and if he will make a statement on the matter. [47474/14]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 67 and 68 together.

I am advised by the Revenue Commissioners, who are responsible for tackling fuel fraud, that they are very aware of the risks posed to consumers’ vehicles, legitimate businesses and the exchequer by all forms of such fraud.

Revenue has, over the recent past, received reports from a variety of locations around the country of problems relating to petrol quality, and suggestions that these problems are attribut-

able to petrol stretching. Revenue investigates all complaints of this kind and Revenue officers have visited and taken samples from every filling station about which a complaint has been made about fuel contamination, and these samples have been referred to the State Laboratory for analysis.

In regard to the Deputies questions regarding complaints, I am advised by the Revenue Commissioners that the numbers of complaints of this kind received by Revenue in counties Mayo, Roscommon, Galway and Leitrim in the period since June 2014 is 72, comprised of 1 in July, 7 in August, 18 in September, 24 in October, 17 in November and 5 to 5 December 2014. An analysis of the complaints on a county basis is set out in the following table. Enquiries into these complaints are on-going.

### **Complaints Received in Relation to Petrol Stretching**

County	July	August	September	October	November	December (to 5th)
Mayo	0	4	10	12	11	3
Roscommon	0	3	5	4	1	2
Galway	1	0	3	8	5	0
Leitrim	0	0	0	0	0	0

I am advised by the Revenue Commissioners that the statistics provided to me in relation to complaints made in Co. Mayo, and included in my reply to PQ No 45780/14 on 2 December 2014 were in fact incorrect, and that the correct figures are shown in the above table. The Commissioners advise me that the error in the previous figures arose because of some duplicates in the Revenue database of complaints received, and because some complaints were attributed to the incorrect county. I am assured that these database errors have now been corrected and I am pleased to avail of this opportunity to amend the record.

Normally when ‘fraudsters’ attempt to stretch petrol, they add methanol, kerosene or other low excise duty agents. To-date 208 samples have been referred by Revenue to the State Laboratory for analysis. Despite extensive testing by the State Laboratory, no evidence of any prohibited stretching agent has been found in any of the samples, except two samples taken from one site. The conclusive results received in that particular case has resulted in the seizure of the product and closure of the facility and a file is being prepared for prosecution.

Following a series of further tests conducted by the State Laboratory, results have been received in the last two weeks which indicate the presence of traces of road diesel in several samples taken from a variety of locations. This could indicate that petrol was contaminated with road diesel at some point in time. There is no rational economic reason or fraudulent incentive for anyone to deliberately mix normal road diesel with petrol. This contamination could have taken place earlier in the summer, well ahead of the problems manifesting themselves in cars in Co. Mayo and elsewhere.

If the problems that have come to light were caused by an unintended contamination as a result of diesel being inadvertently mixed into petrol at some point along the supply chain, there would be no Revenue offence involved. However, the Deputies can be assured that the Revenue Commissioners are vigorously investigating the possibility of tax fraud being associated with the identified problems. In any instances where the analysis of petrol samples by the State Laboratory indicates the presence of illegal stretching agents, Revenue will take swift and robust action and pursue prosecutions against offenders where possible.

I am also advised by Revenue that they undertake, on an ongoing basis, an extensive programme of compliance and enforcement actions to ensure adherence to the legal requirements governing the supply and sale of mineral oil and to allow action to be taken against fraud. This involves, among other things, carrying out analysis of the monthly oil movement returns that oil traders are required to make, and of other supply chain data. In addition, Revenue officers conduct control or compliance visits to mineral oil traders, during which they examine transport and movement documentation and take samples of fuel for analysis.

The Revenue Commissioners are working closely with An Garda Síochána and share information and intelligence on this issue. Also, as part of Revenue's normal operating procedures, fuel delivery tankers are challenged when encountered by enforcement officers, particularly throughout the Border Midlands West Region. No cases of contaminated petrol have been identified as a result of these checks from June 2014 to date.

I wish to assure the Deputies that I am satisfied the Revenue Commissioners are allocating resources to this issue and taking all possible actions to identify the problem and challenge any instances of identified fuel fraud including, where possible, pursuing prosecutions against offenders.

### **Property Taxation Administration**

69. **Deputy Dan Neville** asked the Minister for Finance the position regarding property tax name change in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [47476/14]

**Minister for Finance (Deputy Michael Noonan):** I am advised by Revenue that the issues to which the Deputy refers occurred because the property was registered for Local Property Tax (LPT) using the PPS number of the deceased spouse of the person in question. The registration, which was completed by a family member through the LPT online system resulted in all of the various notifications and payment reminders being issued in the name of the deceased person.

Revenue has also confirmed to me that it has already been in contact with a son of the person in question on foot of the various outstanding issues and explained that she could not be linked to the property in her own right as her PPS number is in an 'older style' format that is incompatible with current IT systems.

For the Deputy's information these 'old style' PPS numbers were generally assigned to a female spouse on marriage and were configured by adding the letter 'W' to the husband's PPS number.

Revenue's understanding was that the person in question, or her 'designated DSP agent' (DSP can only deal with the designated person on file), would contact the 'Client Identity Section of the Department of Social Protection (DSP)' to request a new PPS number, which the LPT team could then 'link' to the property in question. However it seems that neither the person nor the 'designated DSP agent' have yet made this request and as a consequence the LPT team can not make the necessary amendments.

Because of the circumstances of the case, a member of the LPT team has made a further number of unsuccessful attempts to contact the person's son by telephone to clarify the issues. Given that telephone contact has not been possible, the LPT team will write directly to the person advising on the procedures that must be followed when acquiring a 'new style' PPS number from DSP. As soon as the person receives the new PPS number from DSP then she or her representatives should make immediate contact with the LPT team who will create the correct

linkage to the property and will set up her preferred payment methods.

### **Insurance Compensation Fund**

70. **Deputy Michael McGrath** asked the Minister for Finance the progress that has been made in respect of the liquidation of Setanta Insurance; if those caught up in outstanding claims are facing any losses; the role of the Insurance Compensation Fund; and if he will make a statement on the matter. [47482/14]

**Minister for Finance (Deputy Michael Noonan):** At the outset I would like to say that I am aware of the difficulties that the liquidation of Setanta Insurance Company Limited has caused for Setanta policyholders and those claiming compensation under Setanta insurance policies. You will appreciate that a liquidation of an insurance company is a legally complex and time consuming process. The situation around the Setanta liquidation is an evolving one and so I propose to set out the position as it currently stands.

The Insurance Compensation Fund (ICF) provides for payments to meet the liabilities of insolvent insurers in certain cases where it is unlikely that claims can be met otherwise than from the ICF. Management and administration of the ICF is under the control of the President of the High Court acting through the Office of the Accountant of the Courts of Justice. Under the Insurance Act 1964, in a liquidation all ICF payments are subject to a limit of 65% of the amount due or €825,000, whichever is the lesser. In addition, claims by bodies corporate or unincorporated bodies are not covered by the ICF, except where there is a liability to or by an individual.

The Accountant, the Liquidator and the State Claims Agency are in the process of agreeing procedures for payments and these will be published as soon as they are agreed. I am informed by the Accountant and the Liquidator that the following recent progress has been made:

- Based on the information available to the liquidator it is not likely that he will be in a position to meet more than 30% of the insurance claims out of the assets in liquidation.

- Therefore, on the basis that the ICF may only pay out up to a maximum of 65% on an eligible individual claim, the question of the possibility of advance payments of 65% on eligible claims to the ICF was examined by the Accountant. The Accountant obtained clarification on the question of whether he could make advance payments of 65% to eligible claimants. He has informed us that having considered legal advice on the operation of the legislation, he is now satisfied that it is appropriate to make applications to the President of the High Court for approval to release monies from the ICF for compensation, prior to completion of the liquidation of the company. Any payment from the ICF will be a once off and final payment.

- The State Claims Agency will provide support to the Accountant in terms of the necessary expertise to ensure that only valid claims are paid out of the ICF and administrative support required to deal with the volume of work arising from the Setanta case.

- The Liquidator has advised that he is aiming to make application to the ICF for outstanding claims early in the New Year 2015 in respect of the following categories of claims:

- Claims where settlements have been agreed between Setanta and the claimant;

- Claims where the Personal Injuries Assessment Board has issued Orders to Pay that have been accepted by Setanta and the claimant;

- Claims which have been subject to court awards.

- The Accountant has advised that he is aiming to make application in respect of this first batch of 300 claims to the President of the High Court before end of March 2015.

Current estimates indicate that the shortfall for most Setanta claimants will be relatively small once they have received the 65% compensation available from the ICF as well as their distribution from the Liquidation. I understand that there is the very small number of large claims where the maximum ICF payment of €825,000 will apply. There is a number of claims by bodies corporate or unincorporated bodies which are not covered by the ICF as there is no liability to or by an individual and these policyholders might anticipate at a maximum 30% of the total amount of any award under the claim. It is not as yet possible for the Liquidator to provide a final figure on the number of such claims.

I appreciate that the current uncertainty regarding the timing of compensation payments is causing difficulty for the former customers of Setanta Insurance and I have asked that information on ICF procedures is made available publicly as soon as possible. The Accountant of the Courts of Justice can only deal with claims which are submitted by the Liquidator, so the advice to all claimants continues to be that they should contact the Liquidator of Setanta.

### **Flood Relief Schemes Status**

71. **Deputy Charlie McConalogue** asked the Minister for Public Expenditure and Reform when a reply will issue regarding a representation made to his office (details supplied); and if he will make a statement on the matter. [47360/14]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Simon Harris):** The representations referred to relate to proposals to address flooding in Raphoe, County Donegal. The delay in replying to the representations is regretted.

The Office of Public Works received a draft Options Report from its consultant engineers in September 2014 outlining a suite of complementary mitigation measures to deal with flooding in the Raphoe. These comprise (a) measures to address overland flood flow, for which funding would be provided by the OPW, and (b) works to enhance the urban drainage system, which are the responsibility of Donegal County Council. Discussions are currently ongoing between the OPW and the Council in relation to the recommended measures and how these might be taken forward. Subject to these matters being agreed, it is envisaged that a Public Consultation in relation to the proposals will take place in the first half of 2015 to obtain the views of interested parties and stakeholders in relation to the proposals.

### **National Lottery Licence Sale**

72. **Deputy Finian McGrath** asked the Minister for Public Expenditure and Reform the reason An Post is not retaining the lotto business as it now appears that this business has been handed to a company outside Ireland; the implications for jobs; and if he will make a statement on the matter. [47490/14]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** As the Deputy will be aware, in February of this year, I granted the next licence to operate the National Lottery to Premier Lotteries Ireland delivering €405 million to the Irish citizen. As I announced in Budget 2014, half of the proceeds from the Lottery licence transaction were allocated to help fund a number of job rich projects across the country including the Wild Atlantic Way, the 1916 Commemoration and the National Sports Campus. The full list of these projects can be viewed

on my Department's website at [www.per.gov.ie](http://www.per.gov.ie). The other half of the proceeds, received in a second instalment last week, will be used to help fund the construction of the new National Children's Hospital - the largest, most complex and significant capital investment project ever undertaken in healthcare in Ireland, which will also have a major job creation impact.

The lottery licence was awarded following an open, transparent, competitive process. The new operator, Premier Lotteries Ireland, a joint venture between An Post and Camelot, the operator of the UK national lottery, aims to grow the business. While a small number of staff have availed of voluntary severance arrangements, the vast majority of staff of An Post National Lottery Company have transferred to the new operator. I am sure the Deputy will agree with me that the outcome of the award process for the lottery licence has been very successful and has had a positive impact on job creation.

### **Departmental Expenditure**

73. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the anticipated extra expenditure required next year across all Departments to maintain the current level of public services taking account of demographic changes, pending pay increments and so on and all other factors being equal. [47441/14]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Comprehensive Expenditure Report 2015–2017 published on Budget Day set out multiannual expenditure ceilings for Ministerial Vote Groups and Estimates of Expenditure for 2015 in respect of all Government Departments and Offices.

Compared to the Revised Estimates Volume (REV) 2014, gross current expenditure for 2015 shows an increase of €429 million with capital expenditure increasing by €210 million. In addition significant savings from reductions in the Live Register have been reinvested to meet expenditure pressures. These funds have been allocated to areas such as Social Protection, Health, Education, Justice and Housing in order to support key policy initiatives and to ensure that demographic pressures are met.

It is estimated that there will be an increase of 18,000 in the number of pensioners next year. The estimates of expenditure published on Budget Day show an increase of €185 million in the allocation for pension related payments through the Social Protection Vote and Social Insurance Fund.

Demographic demands are being met in the Education Sector with the pupil-teacher ratios in all schools remaining unchanged. The additional current expenditure of €60m for Education in 2015, compared to the REV 2014 allocation, will be mainly used to deal with demographic pressures and for extra resource teachers and Special Needs Assistants. Provision has been made for an additional 1,700 full-time posts comprised of 920 mainstream teachers, 480 resource teachers and 365 Special Needs Assistants.

Health Expenditure is being protected with €305 million of the overall increase of €429 million in gross current expenditure being directed to support the delivery of existing services and Programme for Government initiatives in the Health area.

Moving beyond 2015, there will be a number of expenditure pressures emerging over the coming years, most notably those related to demographics and their impact on the Social Protection, Health and Education sectors. The expenditure ceilings for 2016 and 2017 contained in the Comprehensive Expenditure Report provide for expenditure increases in these areas to accommodate these demographic pressures. Decisions regarding the finalisation of these al-



locations for 2016 and 2017 will be taken in the context of the Budget for those years with due regard to the level of expenditure required to ensure the effective delivery of key public services and the fiscal parameters set out under the preventive arm of the Stability and Growth Pact (SGP), in particular the Expenditure Benchmark.

### **Public Sector Staff Recruitment**

74. **Deputy Michael McCarthy** asked the Minister for Public Expenditure and Reform his plans to lift the embargo on public sector recruitment; and if he will make a statement on the matter. [47447/14]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I announced on Budget Day in October that I am seeking to put in place new arrangements to replace the Moratorium on Recruitment and Promotion in the Public Service from 2015 onwards. This will be subject to the issuance of formal delegated sanction by my Department to all other Government Departments and Offices, in return for agreed commitments by them to manage staff resources within agreed pay ceilings and to meet ongoing reform and efficiency objectives.

Under the new arrangements, Government Departments and bodies will have greater autonomy in managing staff resources to meet service needs, including hiring staff where warranted, subject to remaining within agreed pay ceilings and meeting reform and efficiency objectives.

### **Pensions Levy**

75. **Deputy Finian McGrath** asked the Minister for Public Expenditure and Reform if he will support the retired public servants on a matter (details supplied); and if he will make a statement on the matter. [47497/14]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I am aware of the concerns which have been raised by the Alliance of Retired Public Servants regarding the ongoing imposition of the Public Service Pension Reduction (PSPR) on the pensions of many retired public servants and have met with representatives of the Alliance.

As the Deputy will be aware, I am required to review the Financial Emergency Measures in the Public Interest Acts 2009-2013 annually and cause a written report of my findings to be laid before each House of the Oireachtas. As part of that review I consider whether the various measures, including the PSPR, continue to be necessary, having regard to the purposes of the legislation. In my most recent report laid before the Houses of the Oireachtas in June 2014 I concluded that the continuation of the PSPR remained necessary. However, as the fiscal crisis recedes and the country moves, thankfully, into a more normal economic environment, it is important that I as Minister for Public Expenditure and Reform give consideration as to how, over the medium term, pay and pensions policy currently underpinned by the Financial Emergency Measures Legislation, needs to develop in the public service while ensuring that overall fiscal targets will be met. When my consideration is more advanced, I will of course bring proposals to Government in the first instance. Any proposals to amend the FEMPI Acts, including any changes to the Public Service Pension Reduction will require primary legislation to be brought before the Oireachtas.

The Alliance has also raised concerns in relation to the Universal Social Charge (USC). As the Deputy will be aware, issues in relation to the USC and its application to income streams, including pensions, are the responsibility of the Minister of Finance. I would however note

that in the recent Budget, the USC exemption limit was raised to just over €12,000, while the 2% rate was reduced to 1.5% and the 4% rate reduced to 3.5%.

### **Agriculture Schemes Payments**

76. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if he will provide a timeframe as to when a single farm payment and a disadvantaged area payment will issue in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [47365/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted a 2014 Single Farm Payment/Disadvantaged Areas scheme application on 3 April 2014. EU Regulations governing the administration of these schemes require that full and comprehensive administrative checks, including in some cases Remote Sensing (i.e. satellite) inspections, be completed before any payments issue.

The application of the person named was selected for a Remote Sensing eligibility inspection. My Department is now finalising this inspection with the intention of issuing any payments due as soon as possible. In the event that any queries arise officials in my Department will be in contact with the person named.

### **Agriculture Schemes Payments**

77. **Deputy Pearse Doherty** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Donegal has not received their disadvantaged area payment or their single farm payment; and if he will make a statement on the matter. [47371/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted a 2014 Single Farm Payment/Disadvantaged Areas scheme application on 21 April 2014. EU Regulations governing the administration of these schemes require that full and comprehensive administrative checks, including in some cases Remote Sensing (i.e. satellite) inspections, be completed before any payments issue.

The application of the person named was selected for a Remote Sensing eligibility inspection. My Department is now finalising this inspection with the intention of issuing any payments due as soon as possible. In the event that any queries arise officials in my Department will be in contact with the person named.

### **Agri-Environment Options Scheme Payments**

78. **Deputy Dan Neville** asked the Minister for Agriculture, Food and the Marine when payments under the agri-environment options scheme will issue in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [47389/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the 2010 Agri Environment Options Scheme (AEOS 1) with effect from 1 November 2010 and payment has issued in respect of the 2010, 2011, 2012 and 2013 Scheme years.

Under the EU Regulations governing the Scheme and other area-based payment schemes,

a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. These checks have been successfully completed in respect of the 2014 Scheme year and 75% payment, totalling €734.54 will issue shortly. The balancing 25% payment, totalling €244.84 will follow thereafter.

### **Agri-Environment Options Scheme Payments**

79. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Kerry was deducted €1,000 from their agri-environment options scheme payment; and if he will make a statement on the matter. [47420/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the 2011 Agri Environment Options Scheme (AEOS 2) with effect from 1 September 2011 and full entitlements have issued in respect of the 2011, 2012 and 2013 Scheme years.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System (L.P.I.S), must be completed before any payment can issue. During these checks in respect of the 2011 Scheme year, an over claim was found on the Species Rich Grassland action which resulted in a reduction in payment totalling €16.74.

Following a LPIS review in 2013, a further over claim was identified on the Species Rich Grassland action which resulted in a reduction in payment totalling €197.28.

Also in 2013 under the Disadvantaged Area Scheme (DAS) a disallowance of €898.47 was incurred due to ineligible features on land parcels declared. This disallowance was then netted from the next payment due to the person named which in this case was the Agri Environment Options Scheme.

### **Agriculture Schemes Eligibility**

80. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 253 of 2 December 2014, that a site inspection takes place immediately in respect of a person (details supplied) in County Donegal if some moneys will be issued to them in view of the fact they are under severe financial hardship at present; and if he will make a statement on the matter. [47445/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted a 2014 Single Farm Payment/Disadvantaged Areas scheme application on 7 April 2014. EU Regulations governing the administration of these schemes require that full and comprehensive administrative checks, including in some cases Remote Sensing (i.e. satellite) inspections, be completed before any payments issue. The application of the person named was selected for a Remote Sensing eligibility inspection. In light of the financial hardship being experienced by the person named the application has now been processed with the intention of issuing payment shortly.

### **Rural Environment Protection Scheme Payments**

81. **Deputy Joe Carey** asked the Minister for Agriculture, Food and the Marine if he will

provide an update on the impact of a cross compliance inspection on the REP scheme 4 payment in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [47448/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in October 2009 and received payments for the first five years of their contract.

REPS 4 is a measure under the 2007-13 Rural Development Programme and is subject to EU Regulation which require detailed administrative checks on all applications to be completed before any payments can issue. Following a Cross Compliance Inspection finalised in October 2013 an area-discrepancy was discovered between the Single Farm Payment application for 2013 and the original Agri-environmental Plan which has resulted in the application of a claw-back for the years 2009 to 2013. The person named was informed of the total amount of the recoupment which comes to €1,857.00 and of their right of appeal. An appeal was lodged on 25 November 2014 and is currently under review and a decision will issue shortly. The 75% 2014 REPS payment amounting to €2,756 issued to the person named on 5 December 2014.

### Dairy Sector

82. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine his views on the recent commentary by Teagasc on likely future returns for dairy farmers resulting in a severe drop in income; the proposals, he has put to the European Commission on the need to introduce adequate market support measures to assist the dairy sector; and if he will make a statement on the matter. [47466/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I assume the Deputy is referring to the publication of the Teagasc Annual Review and Outlook for 2015. Dairy Prices are a function of global market dynamics, with supply and demand issues in markets across the globe affecting prices across different dairy commodity groups in domestic markets. Price volatility is a continuing feature of dairy commodity markets, and it is clear that managing the price peaks and troughs in a way that allows farmers and others to plan ahead is a significant challenge for the sector.

After two years of extremely high prices, the combination of strong production in key dairy producing countries, including the USA, New Zealand, Australia and the European Union, driven by good weather, increased cow numbers in the US and strong cereal harvests, has seen the emergence of a surplus in dairy products on international markets coming into 2015. Furthermore, with Russia and China accounting for 27% of the traded world market in the dairy sector, the effect of surplus stocks in the Chinese market along with the displacement effect of the Russian ban can be seen as critical factors in setting the context for price evolution in the sector.

The anticipated decline in 2015 largely reflects the impact of the aforementioned developments on global dairy markets. Teagasc expects that average Irish milk prices in 2015 will fall to 27 cent per litre, a reduction of over 10 cent per litre on the average for 2014. However it should be noted that this follows several years of very good incomes on dairy farms. Furthermore, Teagasc are clear that these negative effects are expected to be temporary in nature.

Under the new Common Agriculture Policy there is a range of tools available to mitigate the worst impact of downward price volatility, including Aids to Private Storage, Intervention and Export Refunds and I have called on the EU Commission to deploy these tools as appropriate.

The Single Farm Payment will also provide a measure of income stability during this difficult period. I have also asked the banking sector to tailor their financial products to allow for the kind of price volatility that will be a feature of international dairy markets, and of course co-ops have a role to play in ensuring that their contractual arrangements with suppliers provide a measure of stability. A focus on innovation and the production of added value products will also have a role to play in mitigating the impact of volatility, and a greater use of futures markets may also feature among the tools deployed by the sector.

In terms of how this will evolve in the medium term, Teagasc, in common with a number of other commentators, anticipate that lower milk prices will lead to a slowdown in the expansion of milk production globally through 2015, with global dairy markets set to witness signs of recovery as the year progresses. In the medium to longer term population growth and increasing affluence in developing countries will continue to drive strong growth in demand for dairy products, and Irish producers will be well placed to take full advantage of this demand.

### **Trade Relations**

83. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine if he proposes to raise at the next EU Agriculture Council the need for the European Commission to introduce adequate market support measures following the negative effects of the ban imposed by Russia on products from the EU; and if he will make a statement on the matter. [47470/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I can confirm that, at the next meeting of the Council of EU Agriculture Ministers, I will impress on the Commissioner the need for adequate market support measures to address the negative effects of the Russian ban on agri-food products from the EU. I have already signed a common note from Belgium, Denmark, Ireland, France, Hungary and Romania, which is supported by Austria and Estonia, calling on the Commission to introduce a scheme of aid for private storage of pigmeat.

As to the dairy sector, the continuing weakness in the global dairy market is having a severe impact on dairy farmers in Ireland and throughout the EU. Prices have fallen from historically high levels in 2013 to exceptionally low levels at present, and further reductions are anticipated. This weakness in prices has been exacerbated by the Russian import ban. In these circumstances it is important that the European Commission uses the measures available to it to assist the situation. Some private storage aid has already been provided. I will be raising the dairy sector at next week's Council of Ministers and will be calling on the Commission to take whatever action is necessary to support the market in a way that is both timely and effective during the period of instability in prices.

### **Agriculture Schemes Payments**

84. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine if he will provide details of all 2014 payments made in respect of a person (details supplied) in County Cork under the disadvantaged area and single farm payments to date; if he will provide details of all penalties in respect of their application which have been deducted in 2014; and if he will make a statement on the matter. [47481/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted a 2014 Single Farm Payment/Disadvantaged Areas' scheme application on 17 April 2014. EU Regulations governing the administration of these schemes require that full and comprehensive administrative checks, including in some cases Remote Sensing (i.e. satellite)

inspections, be completed before any payments issue. The application of the person named was selected for a Remote Sensing eligibility inspection.

The inspection identified discrepancies between the areas declared by the applicant and the area found resulting in an over-declaration in area of between 3% and 20%. Under the Terms and Conditions of Single Farm Payment Scheme this resulted in the 2014 payments being based on the found area having been reduced by double the difference between the area found and the area declared.

The person named was notified of this decision by letter dated 19 November 2014. The person named was also informed of the right to seek a review of this decision.

The advance payment under the 2014 Single Farm Payment Scheme had an amount of €1,095.31 deducted in respect of the over-declaration outlined above. As a result an amount of €1,732.04 issued on 6 November 2014 in respect of the Single Farm Payment advance. Furthermore an amount €322.10 (details of overpayment below) was recouped from the balancing payment under the 2014 Single Farm Payment Scheme, resulting in an amount of €2,471.93 being issued on 1 December 2014.

A review of the land parcels declared by the person named under the 2013 Single Payment Scheme revealed that a number of the land parcels declared by the person named contained ineligible features and that these features had been included on the Single Farm Payment Scheme application since 2009. However, while the person named was notified of this decision and of his right of appeal, to date no such appeal has been received. It remains open to the person named to appeal, should he so wish. This resulted in an over payment of €322.10 in respect of the years 2010 to 2012 inclusive and was recouped from the balancing payment of the person named as outlined above.

While the payment due under the 2014 Disadvantaged Areas' Scheme was not affected by the outcome of the 2014 inspection or the LPIS review, an amount of €758.54 was recouped from the payment due. This resulted in an amount of €2,642.32 issuing on 6 November 2014. A sum of €537 was in respect of the Local Property Tax and was deducted as per an agreement between the person named and the Revenue Commissioners, while the remaining €221.54 related to an Organic Farming Scheme (OFS) over-payment. The person named was notified of this OFS over-payment by letter dated 17 February, 2014.

### **Single Payment Scheme Eligibility**

85. **Deputy Michael McNamara** asked the Minister for Agriculture, Food and the Marine the way boglands unfit for grazing are defined for the purposes of the EU single payment scheme; and the way boglands unfit for grazing are differentiated from boglands fit for grazing for the purposes of eligibility for the single payment scheme. [47488/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Payments under the Single Payment Scheme may only be made in respect of eligible land. Eligible land is defined as land that is used for an agricultural activity. An agricultural activity is defined as the production, rearing or growing of agricultural products including harvesting, milking, breeding of animals and keeping animals for farming purposes. In addition, land must be maintained in good agricultural and environmental condition, which can be achieved by carrying out farming practices such as grazing or by topping the land.

Bogland in Ireland ranges from raised bog in lower elevations to blanket peat at higher elevations. In the main raised bog is not eligible land as it is traditionally not used or suitable to

carry out a traditional farming activity such as the rearing of animals. On the other hand blanket peat can be eligible where it continues to be used to carry out an agricultural activity such as sheep farming.

When carrying out eligibility inspections to ensure compliance with the regulatory requirements governing the Single Payment Scheme all areas submitted for payment are inspected on their own merit and where my Department is satisfied that an acceptable agricultural activity is being conducted the land will be considered eligible.

### **Agriculture Schemes Payments**

86. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding a farm payment in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [47492/14]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted a 2014 Single Farm Payment/Disadvantaged Areas scheme application on 13 May 2014. EU Regulations governing the administration of these schemes require that full and comprehensive administrative checks, including in some cases Remote Sensing (i.e. satellite) inspections, be completed before any payments issue. The application of the person named was selected for a Remote Sensing eligibility inspection. My Department is now finalising this inspection with the intention of issuing any payments due as soon as possible. In the event that any queries arise officials in my Department will be in contact with the person named.

### **State Bodies Mergers**

87. **Deputy Sean Fleming** asked the Minister for Justice and Equality if she will provide an up to date report on the proposed merger of the Valuation Office, Property Registration Authority and Ordnance Survey Ireland; and if she will make a statement on the matter. [47479/14]

116. **Deputy Sean Fleming** asked the Minister for Justice and Equality the position regarding the proposed merger of the Property Registration Authority, the Valuation Office and Ordnance Survey Ireland; and if she will make a statement on the matter. [47483/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 87 and 116 together.

The merger of the Property Registration Authority, Valuation Office and Ordnance Survey Ireland has been mandated by the Government under the Agency Rationalisation Programme. A Project Board, comprising senior representatives of the three Departments concerned along with the Chief Executive Officers of the three Agencies, is overseeing the merger. The CEO Designate of the merged body, who acts as Project Manager for the merger, was appointed from 1 July 2013. It is anticipated that Ministerial responsibility for the Valuation Office and Ordnance Survey Ireland will be transferred to the Minister for Justice & Equality in due course.

Full implementation of the merger of the three organisations to form a new organisation to be called Tailte Eireann will require primary legislation. I intend to publish the General Scheme of the Tailte Eireann Bill early in the new session and to proceed as quickly as possible thereafter to enactment of the legislation.

The merger of the Valuation Office, Ordnance Survey Ireland and the Property Registration Authority provides an opportunity for more efficient and cost-effective delivery of land, spatial

data and property administration services. Savings in the short to medium term are anticipated from the consolidation of common back office functions such as Human Resources, conventional ICT systems, Financial Management and a potential reduction in the cost of accommodation and software licensing. In the longer term, more efficiencies/synergies may be achievable in operational areas and through the exploitation, including where possible commercialisation, of combined data sets.

### **Immigration Controls**

88. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality her views on the recent published letter to President Obama expressing admiration for the President’s display of true leadership in tackling undocumented migrants in the US, when in this country recent reports estimate that there are in excess of 20,000 undocumented workers residing; her plans on showing similar leadership on the issue; and if she will make a statement on the matter. [47380/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Government acts in the best interests of Irish citizens whether they are at home or abroad. Cases are considered on their individual merits and that will continue to be the policy. Ireland has shown itself to be a country that is open to migration and it is quite clear that those who opt to abide by our rules benefit from doing so. For instance:

- Since March 2011 over 78,000 immigrants have been naturalised;
- In the past three years over 240,000 visas have been issued to tourists, students, business people and so forth to enable them to come here.
- At the end of 2013 there were over 109,000 non-EEA nationals resident in the State.
- Ireland continues to provide a safe haven to those who come here to seek our protection.

### **Garda Operations**

89. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the protocol of An Garda Síochána for notifying the coroner at the weekend and out of office hours of a suspicious death. [47398/14]

90. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality if it is the responsibility of An Garda Síochána or the coroner to notify the Office of the State Pathologist. [47399/14]

91. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality if it is the responsibility of An Garda Síochána or the coroner to direct the removal of a body from a scene where the cause of death is unknown but appears suspicious. [47400/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 89 to 91, inclusive, together.

Section 18(3) of the Coroners Act, 1962, places an obligation on an Inspector or Officer of the Garda Síochána, if he or she becomes aware of the death within the district of a coroner of any person in whose case a medical certificate of the cause of death is not procurable, to inform the coroner of such death. This notification should be made to the coroner as soon as practi-



cable.

Section 33(2) of the Act provides that a coroner may request a post-mortem examination by the State Pathologist to be arranged. In cases where a member of the Garda Síochána, not below the rank of Inspector, applies to the coroner for a post-mortem to be conducted he or she is obliged to request that the post-mortem be conducted by the State Pathologist.

Section 46 of the Coroners Act, 1962, provides that where a coroner considers it necessary to hold an inquest on, or a post-mortem examination of, the body of a deceased person, he or she may direct that the body be removed into a convenient mortuary or morgue or other suitable place (whether inside or outside his or her district) and kept therein until he or she otherwise directs, and may make such arrangements for the removal of the body as he or she considers necessary or desirable.

### **Coroners Service**

92. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the policy of the coroner for releasing post mortem reports and the report of the State Pathologist to the family of homicide victims prior to an inquest. [47401/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will appreciate that I have no role in relation to the conduct of individual inquests. The legislation governing coroner matters is the Coroners Act, 1962. Under this legislation, a coroner is a statutory officer exercising quasi-judicial functions in relation to which he or she is independent. The conduct of the inquest and the release of documents prior to the inquest is solely at the discretion of the coroner.

### **Victim Support Services**

93. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the support in place for families of victims of homicide. [47402/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** Funding for organisations that support and assist victims of crime generally is provided under the aegis of my Department. Among the services funded is a national help-line which is there to provide emotional support and information and where relevant to refer people to support services in their local area. Financial support is also provided for court accompaniment, accompaniment to sexual assault treatment units, accompaniment to police interviews, practical information about the criminal justice system, emotional support and in some cases subsidised counselling.

Two of the organisations funded, namely AdVIC (Advocates for Victims of Homicide) and Support after Homicide deal specifically with people whose lives have been affected by homicide. AdVIC advocates for victims of homicide as well as providing access to counselling with experienced counsellors who have additional training in homicide bereavement. Support after Homicide provides emotional support and practical assistance before, during and for an appropriate time after criminal proceedings. From 2005 to date AdVIC has been allocated a total of €216,500 and Support After Homicide has been allocated a total of €440,800 under the aegis of my Department.

Victim Support at Court provides court accompaniment to victims, including families of homicide victims, attending the Central Criminal Court in Dublin. From 2005 to date it has

been allocated a total of €637,436, under the aegis of my Department, not all of which has been spent supporting families of victims of homicide.

### **Criminal Injuries Compensation Tribunal**

94. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the statistics for amount and length of processing time for applications to the Criminal Injuries Compensation Tribunal from the family of a homicide victim. [47403/14]

95. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the protocol for dealing with an application to the Criminal Injuries Compensation Tribunal where the status of a criminal investigation is categorised as live for an indefinite period. [47404/14]

96. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality when a decision is made in relation to the application to the Criminal Injuries Compensation Tribunal if a person is charged with the homicide of a victim. [47405/14]

97. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the State assistance in place for basic expenses for families of victims of homicide who find themselves in financial hardship as a result of their loved one's murder. [47406/14]

110. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the timeframe for an application to the Criminal Injuries Compensation Tribunal to be processed. [47439/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 94 to 97, inclusive, and 110 together.

I wish to advise the Deputy that under the terms of the Scheme of Compensation for Personal Injuries Criminally Inflicted, applications for compensation under the Scheme are decided by the Criminal Injuries Compensation Tribunal, who are entirely independent in the matter of individual applications under the Scheme.

I can inform the Deputy that a Garda report is required in all cases, including fatal cases, before an application can be processed further by the Tribunal. The contents of the Garda report will then determine the course of the Tribunal's directions on the case. In a fatal case the Garda report is essential to the Tribunal to determine if the victim died as a result of a crime of violence; if the victim had any responsibility for the incident; if the victim's behaviour, way of life, etc. were contributory factors to the incident, and including details of the victim's criminal record, if any. A Tribunal member must take account of any contributory factors to the incident on the part of the victim and the Tribunal member has discretion under the Scheme to reduce an award or to refuse an award as a consequence.

I can also inform the Deputy that the Scheme has no time-limit for the submission of an application in a fatal case. However, under the terms of the Scheme it is a matter for the claimant to establish his/her case i.e. to provide the Tribunal with the necessary documentation to support the claim. I understand that information in relation to the length of time taken to process applications is not available as this can vary widely from case to case. For instance, if there is a delay in receiving the Garda report or if Tribunal queries arise which result in applicants taking time to respond or if there is a dispute between dependants or family members an application may take some time to finalise. In addition, I understand that in cases of serious injury to the victim it can take a considerable amount of time (in some cases a number of years) before their treating consultant is in a position to give a final prognosis.

In fatal cases the Scheme provides that qualified dependants of the victim may receive a solatium, currently €30,000, and any vouched out of pocket expenses incurred or suffered by dependents as a result of the death of the victim, i.e. funeral costs, loss of earnings etc.

Finally, the Deputy may be interested to note that a copy of the Scheme and application forms may be accessed on the Department's website at [http://www.justice.ie/en/JELR/Pages/Criminal\\_Injuries\\_Compensation\\_Scheme](http://www.justice.ie/en/JELR/Pages/Criminal_Injuries_Compensation_Scheme).

### **Victim Support Services**

98. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the legal support the State offers to families of victims of homicide. [47407/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** In common with victims of crime generally, families of homicide victims can, on request to the Office of the Director of Public Prosecutions, have that Office:

- take their views into account when deciding whether to prosecute
- look again at a decision it has made with which the family do not agree
- arrange for the family to talk to the prosecution solicitor and barrister before the court case begins, to hear about the procedure in court, but not to talk about evidence.

Families of victims of homicide victims can also request the Office of the Director of Public Prosecutions to tell them the reason if there is a decision not to prosecute.

While not relating specifically to the families of victims of homicide, Section 60 (5) of the Coroners Act 1962, inserted by Section 24(b) of the Courts and Civil Law (Miscellaneous Provisions) Act 2013, provides for 8 categories of cases where a coroner may make a request to the Legal Aid Board for legal services to be provided for a family member of a deceased person. These relate to the circumstances where a person has died in the custody or care of the State or where the coroner is of the opinion that the continuation of the circumstances would be prejudicial to the health or safety of the public. Applications for legal representation at inquests are currently considered on a case by case basis and a formal scheme providing for the statutory provision of such representation will be in place in January, 2015.

### **Coroners Service**

99. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the proposals there are to reform the coronial system and the Coroners Act 1962 to bring it in line with international standards; the reforms proposed; and when is it envisaged that they will be implemented. [47408/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will be aware that the Coroners Bill 2007 is before the Seanad, having been restored to the Order Paper on the initiative of the previous Minister for Justice and Equality.

The Coroners Bill, as published, provides for the comprehensive reform of the existing legislation and structures relating to coroners and for the establishment of a new Coroner Service. The Bill incorporates many of the recommendations made by the Coroners Review Group in 2000 and by the Coroners Rules Committee in 2003, and also aims to further advance the

State's compliance with its obligations under the European Convention on Human Rights.

However, the Bill needs review to take proper account both of intervening legal and corollary developments and, as regards the organisational reform, of the more constrained financial circumstances than those which prevailed when the Bill was originally drafted.

My Department is working to complete the review, and I intend then in the New Year to put in place a firm plan for progressing the Bill, having regard to other pressing commitments.

### **Coroners Service**

100. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the protocol for dealing with inquests which are within the remit of Article 2 of the European Convention on Human Rights. [47409/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** As the Deputy may be aware, the legislation governing coroner matters is the Coroners Act, 1962. Under this legislation, the coroner is an independent officer charged with the investigation of certain reportable deaths. The primary public expression of that investigation is the inquest which seeks factually to discover the circumstances of the person's death. I am satisfied that the inquest process, in conjunction where appropriate with other relevant investigative mechanisms, meets the State's obligations under the European Convention on Human Rights and in particular Article 2 of the Convention.

Section 60 (5) of the Coroners Act 1962, inserted by Section 24(b) of the Courts and Civil Law (Miscellaneous Provisions) Act 2013, provides for 8 categories of cases where a coroner may make a request to the Legal Aid Board for legal services to be provided for a family member of a deceased person. These relate to the circumstances where a person has died in the custody or care of the State or where the coroner is of the opinion that the continuation of the circumstances would be prejudicial to the health or safety of the public. Applications for legal representation at inquests are currently considered on a case by case basis and a formal scheme providing for the statutory provision of such representation will be in place in January, 2015.

### **Garda Síochána Ombudsman Commission Administration**

101. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the way complaints regarding a member of An Garda Síochána made to a senior member of An Garda Síochána are dealt with, that is, if the internal procedure is invoked or are all complaints directly referred to GSOC. [47410/14]

102. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the information released to a complainant following the completion of a report by GSOC. [47411/14]

103. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the information the complainant to GSOC is entitled to following the submission of recommendations to the Garda Commissioner. [47412/14]

104. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the time period a Garda Commissioner has to implement recommendations made by GSOC. [47413/14]

105. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality if a complainant to GSOC receives a copy of the recommendations made to the Garda Commissioner.

[47414/14]

106. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the statistics relating to the implementation of recommendations made by GSOC by the Garda Commissioner. [47415/14]

107. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality the number of the recommendations made to the Garda Commissioner by GSOC that are not implemented that is figures since the inception of GSOC. [47416/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 101 to 107, inclusive, together.

It is assumed that the Deputy is referring to complaints made by members of the public concerning the conduct of members of the Garda Síochána.

The Garda Síochána Act 2005 established the Garda Síochána Ombudsman Commission (GSOC) to receive complaints from members of the public concerning the conduct of members of the Garda Síochána. The Act stipulates that the Ombudsman Commission is statutory independent in the exercise of its functions and I have no role in the processing of individual complaints which are referred to it for investigation.

Under the Act a complaint can be made direct to the Ombudsman Commission. It can also be made to the Garda Commissioner, any member of the Garda Síochána in a Garda station or a member at or above Chief Superintendent rank at a place other than a Garda station, who will forward it to the Garda Ombudsman. Complaints to GSOC must be referred for investigation within six months of occurrence of the incident. However, there is provision for GSOC to extend the time limit if it considers that there are good reasons for doing so.

After receiving a complaint the GSOC will determine whether it is admissible. Where a complaint is inadmissible (e.g. the alleged behaviour would not constitute misbehaviour, or the complaint is not made within the required timeframe), the complainant is notified of the reason that it is inadmissible in writing.

GSOC may refer less serious complaints for resolution through the Mediation or Informal Resolution process. GSOC directly investigates complaints involving allegations of criminality, and its investigative staff have full police powers to do this. It may refer other complaints to the Garda Commissioner for investigation under the Garda disciplinary code, and it may maintain oversight of progress in those investigations.

GSOC has the authority to make recommendations to the Garda Commissioner concerning disciplinary proceedings, and also to send a file to the Director of Public Prosecutions where it feels that the conduct under investigation may constitute an offence.

Under s103 of the Garda Síochána Act 2005 the Ombudsman Commission is required to provide the complainant with sufficient information to keep them informed of both the progress and the results of an investigation. I am informed by GSOC that, in cases where they are making a recommendation to the Garda Commissioner concerning disciplinary proceedings, they generally provide complainants with information regarding the nature of the recommendation.

GSOC is not empowered to take disciplinary action against a member of the Garda Síochána. Under section 26 of the Garda Síochána Act 2005 it is the Commissioner who has statutory responsibility for the direction and control of the Garda Síochána. The application of the Disciplinary Regulations is a Garda operational matter and is the sole responsibility of the Commissioner.

The Garda Commissioner is not obliged to implement recommendations made by GSOC and there is no statutory time-period for the Garda Commissioner to deal with such recommendations. GSOC is entitled, however, to be notified of a decision made under the Disciplinary Regulations concerning a member of the Garda Síochána who is the subject of a recommendation.

The statistics requested by the Deputy are not readily available and would require a disproportionate and inordinate amount of staff time and effort to prepare and could not be justified in current circumstances where there are other significant demands on resources. GSOC is, however, required under section 80 of the Act to submit an annual report of its activities in the preceding year to me as Minister, and these and other reports from the Ombudsman Commission are laid before the Houses of the Oireachtas. Copies of the 2013 Annual Report are available in the Oireachtas Library and on GSOC's website, [www.gardaombudsman.ie](http://www.gardaombudsman.ie).

### **Liquor Licensing Laws**

108. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality the number of test purchases which have been carried out under section 14 of the Intoxicating Liquor Act 2008 in the years 2010, 2011, 2012, 2013 and to date in 2014. [47417/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy directly as soon as the report is to hand.

### **Visa Agreements**

109. **Deputy Pat Breen** asked the Minister for Justice and Equality her plans to ease visa restrictions between Ireland and Georgia; her plans to waiver visas for diplomatic passports; and if she will make a statement on the matter. [47421/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The requirements for which countries are visa required to come to Ireland are kept under regular review in consultation with my colleague the Minister for Foreign Affairs and Trade. Currently, there are no plans to implement the changes referred to by the Deputy.

The Government is pursuing a strategy of greater co-ordination and co-operation on visa issues with the UK authorities in the context of the Common Travel Area (CTA). This is exemplified by the launch in China at the end of October of the British Irish Visa Scheme which allows for travel to and around Ireland and the UK on a single visa. As part of this greater co-operation, the matter of alignment of those States whose citizens are visa required is also being examined. The greater the extent of alignment between the two jurisdictions, the greater the opportunity to increase the numbers of tourism and business visits to the CTA. At present, both Ireland and the UK require all citizens of Georgia to be in possession of a visa for travel to their jurisdiction and any proposals for change will also need to be considered in this context.

*Question No. 110 answered with Question No. 94.*

### **Public Procurement Contracts Data**

111. **Deputy Mick Wallace** asked the Minister for Justice and Equality if she will provide

details on all contracts awarded by the Irish Prison Service to building consultants and firms over the past three years; and if she will make a statement on the matter. [47456/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Irish Prison Service (IPS) issued an invitation to tender for Construction Consultancy Services under a Multi Operator Framework in June 2009. The tender documents provided details of the services to be procured, outlined the procurement process, provided details of the evaluation procedure and associated criteria together with the proposed contractual arrangements.

Tenders were received from 34 companies. In December 2009, the IPS entered into multi-operator framework agreements with 6 companies, in accordance with Article 32 of EU Directive 2004/18/EC, for a period of 3 years, with a possible extension, for a further 12 months.

Six consortiums were admitted to the Framework.

- Cyril Sweett Ltd
- Scott Wilson
- Rogerson Reddan & Associates
- H Lyons
- Murray O’Laoire Architects
- Clifton Scannell Emerson & Associates

The following contracts were awarded by the Irish Prison Service to building consultants and consultancy firms over the past three years (2012-2014). These contracts were awarded following competitive mini tender competitions in accordance with the terms of the Multi Operator Framework agreement.

Details of Mini Tender Competition	Consultant
Cork Prison Development	Sweett Group
Limerick Prison Redevelopment - Feasibility Study	Clifton Scannell Emerson Associates
Mountjoy A Wing	Sweett Group
Mountjoy B Wing On-Site Management	Sweett Group
Estates Technical Support	Sweett Group
Limerick Prison Redevelopment	Rogerson Reddan
Mountjoy Campus	Sweett Group
Portlaoise D Wing Demolition	Sweett Group
Portlaoise E Wing	Sweett Group
Wheatfield Work Training	Sweett Group

### Public Procurement Contracts Data

112. **Deputy Mick Wallace** asked the Minister for Justice and Equality if she will provide details on the firm awarded the winning tender for the redevelopment of Limerick prison; if she will provide details on the value of the contract in question and the criteria for its award; and if she will make a statement on the matter. [47457/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** The redevelopment of Limerick Prison will see the replacement of the 19th century A and B wings, and the provision of a new female prison block. I am informed by the Irish Prison Service that the tendering process is currently underway and that no contract has yet been awarded. The Deputy will appreciate that it would not be appropriate for me to comment on the likely value of the contract for commercial reasons.

### **Fuel Oil Specifications**

113. **Deputy Denis Naughten** asked the Minister for Justice and Equality the number of complaints of petrol stretching received by the Garda districts in counties Mayo, Roscommon-Longford, Galway and Sligo-Leitrim respectively in each of the months since June 2014; the position regarding these complaints; the number that have been investigated resulting in a person being charged or a file being forwarded to the Director of Public Prosecutions; and if she will make a statement on the matter. [47463/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I have been informed by the Garda authorities that details of the number of complaints of petrol stretching received by An Garda Síochána for the Garda Districts in counties Mayo, Galway, Roscommon-Longford, and Sligo-Leitrim for the period June to December 2014 to date (as at 10 December) are provided in the appended table.

I am further informed that to date no files have as yet being submitted by An Garda Síochána on these cases to the Director of Public Prosecutions and that all reported incidents remain under investigation.

As the Deputy will appreciate, it is Revenue's Customs Service which takes the enforcement lead nationally in relation to this issue and the Service is supported in this role by An Garda Síochána as required. In this regard I have been advised by the Revenue Commissioners and An Garda Síochána that all reports of petrol stretching are being followed up as a matter of course and samples of fuel are sent to the State Laboratory for scientific analysis where there is reason to suspect excise duty fraud.

In addition to analysing samples referred to it, the State Laboratory is providing technical and scientific support for the ongoing investigations as the analysis of potentially stretched petrol is a complex one which, to date, has involved a significant level of time-consuming, non-routine testing bearing in mind the sufficient level of evidence required in order to pursue prosecutions in this area. I am also advised that the volume of samples sent for analysis has necessitated a reallocation of resources within the State Laboratory.

In this regard the Laboratory has prioritised the testing of all samples submitted in connection with the petrol stretching issue, and all staff who have the necessary experience and expertise in this area are currently being deployed to work on these samples. If the results of the analysis reveals the presence of any illegal stretching agents, I can assure the Deputy that the Revenue Commissioners take action and pursue prosecutions against offenders where feasible.

The practice of petrol stretching is a matter of serious concern to the Government as it results in losses to the Exchequer, threatens legitimate businesses and potentially can cause significant damage to the vehicles of unsuspecting purchasers of adulterated fuel. I can assure the Deputy, therefore, that our law enforcement authorities are continuing to direct their resources to address this issue.

**No. of complaints to An Garda Síochána (Western Divisions) of petrol stretching June-**



**December 2014**

Month	Sligo/Leitrim Garda Division	Mayo Garda Division	Galway Garda Division	Roscommon/ Longford Garda Division
June 2014	0	0	0	0
July 2014	0	9	0	6
August 2014	0	4	0	5
September 2014	0	105	0	17
October 2014	0	59	7	13
November 2014	0	41	11	23
December 2014 (as at 10 Dec)	0	4	3	1
<b>Total</b>	<b>0</b>	<b>222</b>	<b>21</b>	<b>65</b>

**Penalty Points System**

114. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality further to Parliamentary Question Nos. 494 of 26 November, 2013 and No. 558 of 18 February 2014 if the Garda authorities have now finalised a reply; and if she will make a statement on the matter. [47464/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** For ease of reference, the information originally sought by the Deputy is as follows:

‘To ask the Minister for Justice and Equality if he will provide details in tabular form by county the number of penalty points issued to persons as a result of detection by the speed camera vans since their introduction; the amount of revenue that has been raised as a result; if all the revenue has been returned to the Exchequer; the amount of fines levied which is overdue by more than three months; the proportion of those detections that were made in 50, 60, 100 and 120 km/h zones; and if he will make a statement on the matter.’

In order to respond to the Deputy’s question, a number of reports were obtained from An Garda Síochána and the Courts Service, which required clarification in certain respects, hence the delay in responding to the Deputy’s queries.

The Deputy will be aware that the recording of penalty points is the responsibility of the Department of Transport, Tourism and Sport and the Road Safety Authority. However, I can inform Deputy that the number of Fixed Charge Notices issued as a result of detection for speeding by speed camera vans, by county, and by speed limit zone, are set out in the attached table. It should be noted that separate figures for GoSafe safety camera detections and detections by An Garda Síochána camera vans are not readily available.

Insofar as payments received in respect of Fixed Charge Notices issued as a result of detections by GoSafe safety cameras are concerned, I am informed that a total of €18.9m was received in the period November 2010 to the end of June 2014. This income is retained and off set against the cost of the safety camera contract.

In addition, as the Deputy will be aware, a speeding detection may proceed to court and may therefore result in the imposition of a fine. I have been informed by the Courts Service that from February 2011 to date, 6,911 fines totalling €1,259,288 have been imposed by the Courts in respect of detections relating to GoSafe safety camera vans. 1,184 fines, totalling €286,060,

are overdue by more than 3 months as of 9 December 2014.

Details by County and Speed per Km/H of the Number of Fixed Charge Notices as a result of detection by all speed camera vans November 2010 to February 2014 Speed Limit per Kilometre per Hour.

County	50 km/h	60 km/h	100 km/h	120 km/h
Carlow	3,129	1,226	237	28
Cavan	6,697	4,855	1,466	
Clare	16,087	8,380	7,207	32
Cork	37,066	15,872	16,280	51
Donegal	8,291	7,865	1,928	
Dublin	143,344	172,309	5,272	790
Galway	17,633	11,722	2,756	9
Kerry	3,253	11,293	1,159	
Kildare	34,449	11,324	781	267
Kilkenny	11,272	8,943	1,226	47
Laois	12,601	1,497	1,758	3
Leitrim	11,461	582	174	
Limerick	23,663	15,876	2,241	12
Longford	3,495	610	3,044	872
Louth	17,456	1,480	2,795	7,077
Mayo	4,750	1,481	1,112	
Meath	15,783	3,787	10,597	12
Monaghan	4,709	1,885	2,689	
Offaly	2,362	2,443	603	5
Roscommon	12,831	8,381	2,161	
Sligo	20,769	1,934	730	
Tipperary	17,114	888	1,930	261
Waterford	9,846	8,020	742	
Westmeath	5,519	518	2,399	
Wexford	5,617	10,202	2,227	13
Wicklow	11,793	12,863	11,991	3

Figures are provisional, operational and liable to change.

### Crime Prevention

115. **Deputy Michael McGrath** asked the Minister for Justice and Equality the steps being taken to deal with the issue of petrol stretching; if any convictions have yet been secured against those involved in the practice; the potential penalties that apply on conviction; and if she will make a statement on the matter. [47475/14]

**Minister for Justice and Equality (Deputy Frances Fitzgerald):** I am aware that an increasing number of complaints of petrol stretching have been reported to Revenue's Customs Service and An Garda Síochána during 2014. This is a matter of serious concern as petrol stretching, like all forms of fuel fraud, results in losses to the Exchequer, threatens legitimate businesses and potentially can cause significant damage to the vehicles of unsuspecting pur-

chasers of adulterated fuel.

Petrol stretching is an offence under section 102 of the Finance Act, 1999 and carries a penalty on summary conviction of €5,000 or, at the discretion of the court, imprisonment for a term not exceeding 12 months, or both. If it is an indictable conviction, the fine is up to a maximum of €126,970 and the prison term is up to a maximum of five years, or both.

It is Revenue's Customs Service which takes the enforcement lead nationally in relation to this issue and the Service is supported in this role by An Garda Síochána as required. In this regard I have been informed by the Revenue Commissioners and An Garda Síochána that all reports of petrol stretching are followed up as a matter of course and samples of fuel are sent to the State Laboratory for scientific analysis where there is reason to suspect excise duty fraud.

In addition to analysing samples referred to it, the State Laboratory is providing technical and scientific support for ongoing investigations in this matter as the analysis of potentially stretched petrol is a complex one which, to date, has involved a significant level of time-consuming, non-routine testing bearing in mind the sufficient level of evidence required in order to pursue prosecutions in this area. I am also advised that the volume of samples sent for analysis has necessitated a reallocation of resources within the State Laboratory.

In this regard the Laboratory has prioritised the testing of all samples submitted in connection with the petrol stretching issue, and all staff who have the necessary experience and expertise in this area are currently being deployed to work on these samples. If the results of the analysis reveals the presence of any illegal stretching agents, I can assure the Deputy that the Revenue Commissioners take action and pursue prosecutions against offenders where feasible.

I am also advised by the Revenue Commissioners that as part of Revenue's normal operating procedures, fuel delivery tankers are regularly checked by Revenue's enforcement officers. No cases of contaminated petrol have been identified arising from such checks which were carried out during the period from June 2014 to mid - November.

With regard to details on the number of convictions secured for petrol stretching offences such information is not readily available to me. However, the Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office (CSO), as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have, therefore, requested the CSO to provide all available relevant statistics directly to the Deputy.

*Question No. 116 answered with Question No. 87.*

### **Mother and Baby Homes Inquiries**

117. **Deputy Peadar Tóibín** asked the Minister for Children and Youth Affairs his plans to include infant mortalities, adoption practices, vaccine trials and medical experimentation, forced labour and incarceration of unmarried girls and women who gave birth to babies or were seen to be at risk of becoming mothers, conditions in the institutions, including neglect, denial of adequate medical care and cruel punishment of unmarried mothers and their infants and children, burials of unmarried mothers and their children and other women who remained in carceral institutions, from 1922, in the Commission of Investigation into matters relating to Mother and Baby Homes terms of reference. [47377/14]

**Minister for Children and Youth Affairs (Deputy James Reilly):** The Government has undertaken to establish a statutory Commission of Investigation into matters relating to Mother

and Baby Homes in accordance with the Motion passed by the Dáil on 11 June. Considerable progress has been achieved since this date, including the publication of the Inter-Departmental Group's Report, the announcement that Judge Yvonne Murphy will chair the Commission and an inclusive consultation process with stakeholders. The Government has also publicly confirmed that the intended scope of this investigation will go beyond the home operated by the Sisters of Bon Secours in Tuam, Co. Galway and these announcements have been widely welcomed.

As the Deputy will be aware, I am consulting with a number of key stakeholders whom I have met in recent weeks, in order to update the parties on the emerging issues and to seek their further views.

Requests to include a range of institutions, and concerns related to particular practices are being examined in our current deliberations.

A key challenge in deciding on the scope of the investigation is to ensure that a realistic approach is taken so that the Commission is in a position to investigate these matters in a workable and effective manner. As recommended by the Inter-Departmental Report, our approach should have regard to the facts established through recent inquiries into related institutions, and the general experience gained in conducting similar investigations into matters of public importance.

### **Medical Records**

118. **Deputy Bernard J. Durkan** asked the Minister for Health if and when a primary medical certificate will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [47363/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy. If the Deputy has not received a reply from the HSE within 15 working days, she can contact my Private Office and they will follow the matter up with the HSE.

### **Audiology Services Provision**

119. **Deputy Barry Cowen** asked the Minister for Health the position regarding the continuing rise and current three year waiting list in the audiology department, Health Service Executive for Offaly-Laois area; and if he will make a statement on the matter. [47368/14]

**Minister for Health (Deputy Leo Varadkar):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

### **HSE Funding**

120. **Deputy Terence Flanagan** asked the Minister for Health the position regarding funding for an organisation (details supplied); and if he will make a statement on the matter. [47374/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Dep-

uty's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy. If the Deputy has not received a reply from the HSE within 15 working days, she can contact my Private Office and they will follow the matter up with the HSE.

### **Patient Transport Provision**

121. **Deputy Ciara Conway** asked the Minister for Health the reason a person (details supplied) in County Waterford who sought to avail of hospital transport was deemed not eligible for the service; and if he will make a statement on the matter. [47376/14]

**Minister for Health (Deputy Leo Varadkar):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

### **Drug Treatment Programmes Places**

122. **Deputy Maureen O'Sullivan** asked the Minister for Health further to Parliamentary Question No. 615 of 15 July 2014 if he will provide figures of the amount and location of detox beds that are designated solely for drug rehabilitation; and if he will make a statement on the matter. [47382/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** In line with the National Drugs Strategy, it is Government policy to expand the availability of, and access to, detoxification facilities and treatment services, in particular for those who are under 18 years of age.

As the information requested by the Deputy is not readily available to my Department, I have referred the Deputy's query to the HSE for direct reply. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

### **Hospital Appointments Administration**

123. **Deputy Pat Breen** asked the Minister for Health when a person (details supplied) in County Clare will be facilitated with a hospital appointment; and if he will make a statement on the matter. [47384/14]

**Minister for Health (Deputy Leo Varadkar):** In relation to the particular patient query raised, as this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

### **Health Services Provision**

124. **Deputy Jerry Buttimer** asked the Minister for Health if he will ensure that the provision of clinical and laboratory genetic services continue to be provided on a national basis, similar to that as currently provided by the national centre for medical genetics; and if he will

make a statement on the matter. [47386/14]

**Minister for Health (Deputy Leo Varadkar):** The service for medical genetics in Our Lady's Children's Hospital, Crumlin (OLCHC) provides services for patients and families in Ireland affected by, or at risk of, a genetic disorder. It comprises three integrated units: a clinical genetics service; a cytogenetics laboratory and a molecular genetics laboratory. The service is under the governance of OLCHC, which has recently made a decision to discontinue the separate identification of the service as the National Centre for Medical Genetics, in the interest of clarity on governance arrangements. I am assured that there has been no reduction in the scope of the services provided.

There have been rapid and progressive developments in genetics and genomic medicine over the past five years, and it is well recognised as one area of medicine that will continue to rapidly develop over coming years. A recently-commissioned review of the genetic services at OLCHC recommended the development of a plan for a National Genetic and Genomic Medicine Network to reflect best international arrangements for the provision of genetic services. This recommendation has been accepted by the HSE and a Steering Group to progress it is currently being established.

### Health Services Staff

125. **Deputy Derek Nolan** asked the Minister for Health if he will provide, by year, from 2009 to date in 2014, the reductions in occupational health therapy posts; the reasons for the reductions; his plans to increase the posts; and if he will make a statement on the matter. [47390/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter, it has been referred to the Health Service Executive (HSE) for direct reply to the Deputy. If you have not received a reply from the HSE within 15 working days please contact my Private Office and they will follow up the matter with them.

### HSE Staff Remuneration

126. **Deputy Niall Collins** asked the Minister for Health if he will review the pension case in respect of a person (details supplied) in Dublin 24, noting the stated view of the Pensions Ombudsman that misadministration was involved and has created financial hardship for the person; and if he will make a statement on the matter. [47418/14]

**Minister for Health (Deputy Leo Varadkar):** I have asked the HSE to respond to the Deputy directly on this matter. If you have not received a reply from the HSE within 15 working days please contact my Private Office and they will follow up the matter with them.

### Hospital Services

127. **Deputy Niall Collins** asked the Minister for Health the schedule being followed in respect of development of the proposed ambulatory care centre at Tallaght Hospital, Dublin 24; and if he will make a statement on the matter. [47419/14]

**Minister for Health (Deputy Leo Varadkar):** Following the announcement on 6 November 2012 that the new children's hospital was to be located on the St James's campus, a review

of the previous plan for an Ambulatory and Urgent Care Centre at Tallaght was undertaken. In January 2014 the Minister for Health announced that following this review, two satellite centres of the new children's hospital would be developed, one at Tallaght Hospital and a second at Connolly Hospital. These centres will support the children's hospital in the provision of secondary paediatric care for the region and enhance the interface with primary care by local access to emergency and local access to OPD general paediatric services, including rapid access clinics, for local children and young people. Each centre will provide consultant-delivered urgent care, and secondary outpatient services including rapid access general paediatric clinics. The centres will be under the governance of the new children's hospital, with staff of the main hospital rotating through the centres

Design work on the satellite centres is now commencing, with the aim of submitting a planning application for the centres as part of the overall new children's hospital planning application in June 2015. Subject to planning, work will commence at all three sites in January 2016. Transition of services to the satellite centres is expected to commence in April 2017.

### **Medical Records**

128. **Deputy James Bannon** asked the Minister for Health the position regarding an application for a primary medical certificate in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [47422/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy. If the Deputy has not received a reply from the HSE within 15 working days, she can contact my Private Office and they will follow the matter up with the HSE.

### **Hospitals Funding**

129. **Deputy Ruth Coppinger** asked the Minister for Health if demographic trends were considered when allocating resources for Cappagh National Orthopaedic Hospital for 2014 in view of demographic trends in similar jurisdictions that result in increased demands for in-patient treatments; and if he will make a statement on the matter. [47437/14]

**Minister for Health (Deputy Leo Varadkar):** Decisions on allocation of resources to individual hospitals are made by the HSE in the context of competing priorities and the overall resources available. I understand that the HSE has been in active engagement with Cappagh Hospital this year regarding their finances and to examine and agree options for optimising the available resources to ensure patients have timely access. The HSE recently facilitated €800k in additional funding to enable Cappagh Hospital to treat 102 patients from the waiting list in Cavan General Hospital and to also facilitate treatment for some additional Cappagh patients. In relation to 2015, I understand that the HSE will continue to engage with the hospital regarding its budget and to explore mechanisms to ensure optimal use of resources at the hospital within the overall resources available to the acute sector.

The Deputy will be aware that Cappagh Hospital is part of the Ireland East Hospital Group and I am confident that there will be a structured integration of Cappagh hospital into that Hospital Group in 2015 and that this will provide opportunities and support for Cappagh hospital in managing demand and delivering high-quality, safe patient care in a cost-effective manner.

## Home Help Service Provision

130. **Deputy Dan Neville** asked the Minister for Health the position regarding home help in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [47438/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply. If you have not received a reply from the HSE within 15 working days please contact my Private Office and they will follow up the matter with them.

## Medical Card Administration

131. **Deputy Dara Calleary** asked the Minister for Health the arrangements for the implementation of the new medical card guidelines as announced by him on 25 November 2014; when the new arrangements will take effect at local level; and if he will make a statement on the matter. [47443/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Following the launch of the two reports in November: (1) Report of the Expert Panel on Medical Need for Medical Card Eligibility and (2) the Medical Card Process Review undertaken by Deloitte / Prospectus, Minister Varadkar and I announced ten key actions, required to enhance the operation of the medical card system, with particular focus on persons with significant medical needs.

A project has been established under the HSE System Reform Programme commencing the implementation of the actions. The project will include:

- the development of a strategic plan for and organisation structure for the service;
- the design and establishment of a governance structure for eligibility;
- further integration of the national medical card application processes with
- local areas and primary care teams; and
- the establishment of Clinical Advisory Group to develop an enhanced assessment process which will take into account the burden of an illness or condition.

A senior manager with responsibility for eligibility for primary and community services has recently been appointed.

## Maternity Services

132. **Deputy Dara Calleary** asked the Minister for Health the actions he has taken in view of a recent inquest (details supplied) in County Sligo; if he will meet the family of the deceased to hear their concerns at first hand; and if he will make a statement on the matter. [47444/14]

**Minister for Health (Deputy Leo Varadkar):** At the outset, I want to offer my deepest sympathies to Mr Sean Rowlette, his children Leanne, Abbie, Joseph and Sally and their families, on the sad and tragic loss of Ms Rowlette.

I am committed to the improvement of maternity services. On 26th November last, I endorsed and launched a further three National Clinical Guidelines. Two of the guidelines pro-



mote safety and higher standards in maternity hospitals through standardising an early warning system and clinical handover communication tools. These assist the early identification of deterioration and on-going monitoring of the woman's condition. The third guideline specifically aims to tackle sepsis for patients, both adults and children, in the emergency department and in hospital wards. The guidelines were quality assured by the National Clinical Effectiveness Committee and were subject to international peer review. I should also draw attention to the additional funding of €2m which has been provided in the recently published national service plan to address current pressures in maternity services. The measures proposed include the appointment of additional obstetricians, midwives and other frontline staff. An additional consultant obstetrician post will be assigned to Sligo Regional Hospital. In 2015 the HSE will also establish a new National Maternity Office within its Acute Hospitals Division which I hope will drive further improvement in our maternity services.

The HSE has advised that improvements continue to be made in Sligo Regional Hospital including:

- The introduction of a structured handover meeting with medical staff, from one shift to the next.
- The establishment of a Postnatal Communication Process for women who developed severe HELLP syndrome.
- Enhancement of the admission and discharge policy for ICU.
- The continued development of risk management structures and processes.

I believe it is important that we reassure women, and indeed their families, that Ireland continues to be a safe country for a woman to give birth, and our safety record compares favourably with other developed countries.

While I have not yet received a request from the family concerned for a meeting, I can assure the Deputy that any such request will be treated with compassion and sensitivity.

### **Dental Services Provision**

133. **Deputy Brian Walsh** asked the Minister for Health if a person (details supplied) in County Galway may be considered for urgent dental treatment; and if he will make a statement on the matter. [47450/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Dental services to children up to 16 years are provided by the Public Dental Service of the HSE. The service is targeted at children at key stages in their development. Children are given dental examinations and any follow-up treatment required at these stages. When required, emergency dental treatment is available to all children up to 16 years. The HSE has been asked to examine the specific query raised by the Deputy and to reply to him as soon as possible.

If you have not received a reply from the HSE within 15 working days please contact my Private Office and they will follow up the matter with them.

### **Hospital Staff**

134. **Deputy Anthony Lawlor** asked the Minister for Health further to the lifting of the

embargo on recruitment in the public sector by him if that decision will facilitate the transfer of Health Service Executive staff between hospitals, particularly within hospital groups; and if he will make a statement on the matter. [47459/14]

**Minister for Health (Deputy Leo Varadkar):** Restrictions on the employment of additional staff will be eased in 2015 as a result of announcements in the Budget. This will give HSE management greater autonomy to manage their own staffing profile, with discretion over staffing levels within an overall pay framework resulting in flexibility to introduce measures for the most cost effective arrangements to meet service requirements and deliver care.

In 2015, Hospital Groups will develop Strategic Plans covering a three year period. Of key importance will be the flexible use of all resources available, including staff, to facilitate the development of a more a co-ordinated approach to the planning and delivery of services within and across the hospital groups, with an increased focus on small hospitals managing routine, urgent or planned care locally and more complex care managed in the larger hospitals.

### Respite Care Services

135. **Deputy Finian McGrath** asked the Minister for Health if he will support respite services at a special school (details supplied) in Dublin 9; and if he will make a statement on the matter. [47460/14]

143. **Deputy Finian McGrath** asked the Minister for Health if he will support a matter (details supplied) regarding respite; and if he will make a statement on the matter. [47498/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 135 and 143 together.

As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy. If the Deputy has not received a reply from the HSE within 15 working days, she can contact my Private Office and they will follow the matter up with the HSE.

### Hospital Appointments Administration

136. **Deputy Willie Penrose** asked the Minister for Health if he will take steps to expedite a neurological procedure in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [47468/14]

**Minister for Health (Deputy Leo Varadkar):** The National Waiting List Management Policy, *A standardised approach to managing scheduled care treatment for in-patient, day case and planned procedures, January 2014*, has been developed to ensure that all administrative, managerial and clinical staff follow an agreed national minimum standard for the management and administration of waiting lists for scheduled care. This policy, which has been adopted by the Health Service Executive, sets out the processes that hospitals are to implement to manage waiting lists.

In relation to the particular query raised, as this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up with them.

## **Nursing Staff Provision**

137. **Deputy Seán Kyne** asked the Minister for Health if an additional 0.5 nursing resource allocation will be approved to University Hospital Galway to ensure the provision of the insulin pump treatment for GUH paediatric diabetic service to make the best possible use of the recently approved 0.5 senior dietetic post which forms part of this important service [47469/14]

**Minister for Health (Deputy Leo Varadkar):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

## **Hospital Consultants Recruitment**

138. **Deputy Tony McLoughlin** asked the Minister for Health the reason there has been such a long delay in adding another paediatric urologist position at Crumlin Hospital, Dublin, as currently there is only one full time practitioner in the entire country; if his attention has been drawn to the fact that there are currently waiting lists of over two years for children with hyposadias cases; his plans to bring these waiting lists down in the near future; and if he will make a statement on the matter. [47472/14]

**Minister for Health (Deputy Leo Varadkar):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

## **Hospital Waiting Lists**

139. **Deputy Sean Fleming** asked the Minister for Health the number of persons on the routine out-patient waiting list at St James Hospital, Dublin 8; the number of persons waiting more than three months, more than six months, more than 12 months, more than two years, more than three years and longer; and if he will make a statement on the matter. [47473/14]

**Minister for Health (Deputy Leo Varadkar):** As this is a service matter, I have asked the HSE to respond to you directly. If you have not received a reply from the HSE within 15 working days please contact my Private Office and my officials will follow the matter up.

## **Hospital Appointments Administration**

140. **Deputy Robert Troy** asked the Minister for Health if he will expedite admission to the National Rehabilitation Hospital, Dun Laoghaire, County Dublin, in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [47478/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive (HSE) for direct reply to the Deputy. If the Deputy has not received a reply from the HSE within 15 working days, she can contact my Private Office and they will follow the matter up with the HSE.

## **Primary Care Centre Provision**

141. **Deputy Martin Heydon** asked the Minister for Health if he will provide an update on a primary care centre (details supplied) that is planned for an area in County Kildare; and if he will make a statement on the matter. [47486/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the delivery of primary care infrastructure is a service matter your question has been referred to the Health Service Executive for direct reply. If you have not received a reply from the HSE within 15 working days please contact my Private Office and they will follow up on the matter.

### **National Dementia Strategy Publication**

142. **Deputy Derek Nolan** asked the Minister for Health if he will provide an update on the national dementia strategy; and if he will make a statement on the matter. [47487/14]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Arrangements are currently in train for the publication of the National Dementia Strategy, and it is hoped to publish it by the end of this month.

*Question No. 143 answered with Question No. 135.*

### **School Transport Fees**

144. **Deputy James Bannon** asked the Minister for Education and Skills when a school transport refund will be provided in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [47423/14]

**Minister of State at the Department of Education and Skills (Deputy Damien English):** Bus Éireann, which operates the School Transport Scheme on behalf of my Department, has advised that the child referred to by the Deputy is not eligible for school transport under the terms of the Post Primary School Transport Scheme. Children who are not eligible for school transport may avail of transport on a concessionary basis only subject to a number of terms and conditions including the availability of spare seats and payment of the annual charge.

The child in question is currently availing of transport on a concessionary basis and is therefore liable for the annual charge.

### **Employment Data**

145. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the number of persons currently involved in retraining-upskilling schemes; the number of job placements achieved arising from such schemes over the past 12 months; and if she will make a statement on the matter. [47336/14]

**Minister for Education and Skills (Deputy Jan O'Sullivan):** I am informed that 7,306 job-seekers undertook training with Skillnets in 2013. An independent evaluation by Indecon International Economic Consultants of all Skillnets programmes and activity in 2013 gave the following levels of progression into employment for Skillnets unemployed trainees: The Training Networks Programme (TNP) and Finuas Networks Programme (Finuas) - 42% progression rate: The Job-seekers Support Programme (JSSP) – 47% progression rate

The projected number of job-seekers that will train with Skillnets in 2014, and the progression rates into employment, are expected to be similar to 2013.

I understand from SOLAS that the out-turn projection of services provision to the end of 2014, as reported by the Education and Training Boards and other organisations, indicate that 219,178 people will commence further education and training programmes during 2014. Approximately every two years, SOLAS commissions independent researchers to carry out a survey to find out what happens to people after they exit SOLAS education and training programmes. The most recent survey documents the experiences of those who exited during the summer of 2012. The survey covers all SOLAS full-time training programmes, as well as evening courses and online learning. It was conducted in May and June 2013 among trainees who had exited these programmes 12 months previously. A total of 2,074 interviews were conducted. The survey is available at [www.solas.ie](http://www.solas.ie).

### **Schools Data**

146. **Deputy Dessie Ellis** asked the Minister for Education and Skills the number of children attending primary schools in Ballymun, Dublin 11; and if she will provide in tabular form the absentee rates for the years 2010 onwards. [47358/14]

**Minister for Education and Skills (Deputy Jan O'Sullivan):** Tusla/EWS (and formerly NEWB) commissions an annual report on school attendance by the Educational Research Centre, Drumcondra, that provides national and county level data, but not school level data. Therefore it is not possible to provide information on individual schools.

Schools complete an Annual Attendance Report after the end of each school year. These reports are sent by the Agency to ERC for data processing and compilation of the annual attendance report.

A list of all primary schools and their enrolment can be found on the Department of Education and Skills website at <http://www.education.ie/en/Publications/Statistics/Data-on-Individual-Schools/>

### **School Accommodation**

147. **Deputy Dessie Ellis** asked the Minister for Education and Skills her plans for an Educate Together secondary school in Ballymun, Dublin 11. [47359/14]

**Minister for Education and Skills (Deputy Jan O'Sullivan):** My Department is currently analysing the latest demographic data on a nationwide basis to determine where additional school accommodation might be needed at post-primary level in the coming years.

This process includes an examination of the Ballymun area. When this exercise has been completed arrangements will be made to make additional accommodation available where it is needed.

### **Gender Balance**

148. **Deputy Ruth Coppinger** asked the Minister for Education and Skills the measures she will implement to bring a higher representation of women in senior positions in the universities

and institutes of technology. [47387/14]

149. **Deputy Ruth Coppinger** asked the Minister for Education and Skills her views on the Higher Education Authority's report Gender and Academic Staff (details supplied). [47388/14]

**Minister for Education and Skills (Deputy Jan O'Sullivan):** I propose to take Questions Nos. 148 and 149 together.

I understand from data released by the HEA that women represent 43% of academic staff in the universities and institutes of technology. 21% of professors and associate professors in Irish universities are female, with the national average at 19%. This is not a problem that is unique to Ireland. The European Commission's 2012 report, Gender in Research and Innovation, showed that, across the EU Member States, women represented only 20% of professorial staff.

The HEA has a specific legislative role in relation to 'promoting the attainment of equality of opportunity in higher education'. The Universities Act 1997 and the Institutes of Technology Act 2006 require our higher education institutions to promote gender-balance and equality of opportunity among students and staff, and to prepare and implement statements of policy in respect of equality, including gender equality, across all of their activities. The HEA has a role in reviewing these policies.

The HEA also publishes profiles of individual higher education institutions and these provide the framework for the enhancement of data-collection by the HEA across all areas of the mission of higher education, and they will be complemented by the development of a database of staff employed in the sector, empowering us to ensure that gender-equality at all levels within the academic profession in Ireland becomes a reality.

### State Examinations Reviews

150. **Deputy Clare Daly** asked the Minister for Education and Skills the way teachers correcting their own students work will improve further the learning experience at second level and the educational rationale underpinning it; and if she will make a statement on the matter. [47429/14]

**Minister for Education and Skills (Deputy Jan O'Sullivan):** In my revised proposal for Junior Cycle, presented to the Teacher Unions on 10th November, I have set out a two pronged approach to assessment.

It includes a combination of 60% of marks to be allocated to a final exam at the end of third year which will be set and marked by the SEC, alongside 40% of marks to be allocated for school based work such as portfolios and projects to be assessed by teachers which will be accompanied by the SEC monitoring 10-15% of this marking.

What is assessed is valued; school based assessment promotes a learning culture in schools. It recognises and rewards skills which cannot readily be assessed through externally assessed written final examinations.

It is essential that students are marked by their own teachers to promote better student learning and improved student outcomes. School based assessment empowers teachers to support the unique talents and skills of the students in their classrooms. It allows for a much more rounded picture of student achievement to emerge.

This combined approach with its external checks and balances will lead to state certification

on completion of junior cycle. It will have integrity and validity and teachers will be supported in this change.

This reform is not about protecting systems, it is about improving standards. The integrity of the existing junior certificate will be maintained and improved by my proposal.

The benefits of having teachers assess their own students work, was based on a range of research findings including, for example: Black and Wiliam, (1998). *Inside the Black Box, Raising Standards Through Classroom Assessment*. London: School of Education, King's College. Crooks, T (1988). "The Impact of Classroom Evaluation Practices on Students," *Review of Educational Research*, 58 (4), pp. 438- 481. Easley and Zwoyer, (1975). In Crooks, T (1988). "The Impact of Classroom Evaluation Practices on Students," *Review of Educational Research*, 58 (4), p 469. Gipps, C (1994). *Beyond Testing: Towards a Theory of Educational Assessment*. London. The Falmer Press. Green, J (1998). *Constructing the Way Forward*. Key-note address: "Innovations for effective schools". OECD Conference, Christchurch. Harlen, W (1998). *Classroom Assessment: A Dimension of Purposes and Procedures*. Paper presented at the Annual Conference of the NZARE, Dunedin, December. Hattie, J (1999). *Influences on Student Learning*. Inaugural Lecture. Professor of Education, University of Auckland, August 2002. [keyconet.eun.org](http://keyconet.eun.org) research findings. Sadler, R (1989). "Formative Assessment in the Design of Instructional Systems," *Instructional Science*, 18, pp. 119-144. Sutton, R (2000). *Year 8 and Year 9 Overcoming the Muddle in the Middle*. Tunstall, P and Gipps, C (1996). "Teacher Feedback to Young Children in Formative Assessment: A Typology," *British Educational Research Journal*, 22 (4). Wiggins, G (1998). *Educative Assessment: Designing Assessments to Inform and Improve Student Performance*. San Francisco: Jossey-Bass.

Some further references to some of the most important texts on classroom and school-based assessment. Note in particular the OECD's *Synergies for Better Learning* which is an extensive and authoritative source of many of the key ideas underscoring the junior cycle and other developments. Some relevant quotes from *Synergies for Better Learning* are also set out as follows: References Assessment Reform Group (2008) *Changing assessment Practice-Process, Principles and Practice*. ARG. Black, P. and Wiliam D, (1998) *Inside the Black Box: Raising Standards through Classroom Assessment*. London School of Education, King's College. Black, P., Harrison, C., Lee, C., Marshall, B. and Wiliam D. (2002) *Working inside the Black Box : Assessment for Learning in the Classroom*. London School of Education, King's College. Black, P. Harrison, C., Hodgen, J., Marsall, M. and Serret, N. (2011) *Can teachers' summative judgements produce dependable results and also enhance classroom learning?* *Assessment in Education* (18) Fullan, M (1993) *The Complexity of the change Process*. In *Change forces: Probing the depth of educational reform*. Falmer Press. Harlen W. (2012) *On the Relationship between Assessment for Formative and Summative purposes in Assessment for Learning* edited by Gardner J. Sage Press Hattie, J. and Timperley, H. (2007) *The Power of Feedback*. [rer.sagepub.com](http://rer.sagepub.com) Hattie, J (2011) *Visible Learning for Teachers: Maximising Impact on Learning*. Routledge Hayward L., Priestley M., and Young M. (2004) *Ruffling the calm of the ocean floor*. Taylor and Francis-From OECD (2013) *Synergies for Better Learning* OECD...

### **State Examinations Reviews**

151. **Deputy Clare Daly** asked the Minister for Education and Skills if she has costed the additional infrastructure needed for schools to store examination materials securely; if her Department has carried out a cost benefit analysis on the proposed changes to the junior certificate; and if she will make a statement on the matter. [47430/14]

154. **Deputy Clare Daly** asked the Minister for Education and Skills if the cost of the new

junior certificate will be reduced from its current level; and if she will make a statement on the matter. [47433/14]

155. **Deputy Clare Daly** asked the Minister for Education and Skills the estimated financial saving from having teachers correct their own students work; and if she will make a statement on the matter. [47434/14]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 151, 154 and 155 together.

I put a revised proposal on the table on 10th November which is significantly different from that originally proposed. This has not been accepted by the teacher unions.

Reform will be introduced gradually over a period of time and will only be fully implemented in September 2019 (for terminal examination in June 2022). In 2015, €9.3 million has been ringfenced for Junior Cycle reform and there will be no reduction in current costs in 2015. Reductions, if any, would only begin to impact from 2017 (when English the first subject to be introduced is examined).

As you will be aware, my proposals involve continued external marking of all subjects for 60% of the examination by the State Examinations Commission (SEC). In addition, the SEC will be checking a proportion of these marks to ensure consistency, standards and fairness. This will entail additional costs which will need to be fully explored, in the context of the proposed reform.

I will be considering other costs in the context of implementation. This is not a cost saving exercise. It is about the quality of the overall learning experiences of our junior cycle students during these three very important years in their education.

### **Teacher Training Provision**

152. **Deputy Clare Daly** asked the Minister for Education and Skills her plans to have resources and training to support the proposed changes in each subject area and that these resources are available to all schools in each educational sector so all our students will have equal opportunity; and if she will make a statement on the matter. [47431/14]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** A new dedicated continuing professional development (CPD) service for schools - Junior Cycle for Teachers (JCT) was established by my Department in 2013. Junior Cycle for Teachers (JCT) has been established by my Department to provide effective support to schools in the context of their implementation of the new Framework for Junior Cycle. Support is available from JCT to all post-primary schools, special schools and centres for education, offering the Junior Cycle.

A comprehensive and long-term national programme of CPD for school leaders and teachers commenced in October 2013. CPD will be provided on a rolling basis as each new subject specification is implemented, throughout the duration of the implementation phases of A Framework for Junior Cycle. A minimum of 4.5 days CPD will be available to all teachers of English and a minimum of 4 days CPD will be available to teachers of all other subjects. Additional supplementary CPD in particular areas of interest will also be made available e.g. workshops on teaching film and drama for teachers of English.

All schools will also have one day whole-school in-service per year for each year of the roll-out of the JCSA and approval is given for schools to close, subject to Board of Management



approval, to facilitate this CPD for all staff. In total, every single teacher of two subjects will have access to a minimum of 16 days of CPD during the roll-out of the JCSA – a very significant investment in teacher education.

The Government is investing heavily in measures to support teachers and schools as they implement the Junior Cycle Framework with €9.3m allocated for 2015.

### **State Examinations Appeals**

153. **Deputy Clare Daly** asked the Minister for Education and Skills the number of appeals at junior certificate level in the years 2010, 2011, 2012, 2013 and to date in 2014. [47432/14]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations.

In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

*Questions Nos. 154 and 155 answered with Question No. 151.*

### **Education and Training Boards Administration**

156. **Deputy Clare Daly** asked the Minister for Education and Skills her views on the extended executive powers of chief executives of education and training boards; her further views on having so much power vested in one person; and if she will make a statement on the matter. [47435/14]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** Section 12 of the Education and Training Boards Act 2013, details the reserved functions of an Education and Training Board (ETB), to be performed by resolution of its members. Section 13 of the Education and Training Boards Act specifies that every function of an ETB that is not a reserved function shall be an executive function of the board and shall be performed by the Chief Executive of that board.

The division of ETB functions into reserved and executive mirrors the approach previously set out in the Vocational Education (Amendment) Act 2001.

I believe that the provisions of the ETB Act 2013 strike a reasonable balance between those functions to be performed by the board and those to be performed by the Chief Executive.

The Deputy should note that section 15(1) of the ETB act specifies that the Chief Executive of an ETB shall perform the executive functions of the board and section 15(4) provides that a Chief Executive of an ETB shall be accountable to the board for the due performance of his or her functions.

### **Education and Training Boards Administration**

157. **Deputy Clare Daly** asked the Minister for Education and Skills her views on circular letters and directives from her Department that may be interpreted differently by chief executives in the 16 education and training boards; and if she will make a statement on the matter.

[47436/14]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** My Department issues circulars and directives on a wide range of issues. They may include matters which have a direct bearing on the operation of Education and Training Boards (ETB). At all times my Department seeks to provide clarity in respect of matters referred to in such circulars or directives and to avoid situations where differing interpretations can be taken, whether by a Chief Executive of an ETB or any by other interested party.

If the Deputy has a specific circular or directive in mind and provides me with the particulars, I will ask my officials to take the matter up with the relevant Chief Executive of the ETB, issue a clarification if necessary, and update you in due course.

### **Student Grant Scheme Eligibility**

158. **Deputy Terence Flanagan** asked the Minister for Education and Skills the position regarding a student universal support Ireland grant in respect of a person (details supplied); and if she will make a statement on the matter. [47453/14]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** For student grants purposes, students are categorised according to their circumstances either as students dependent on parents or a legal guardian, or as independent mature students.

A student may be assessed as an independent mature student if he or she has attained the age of 23 on the 1st of January of the year of first entry to an approved course or of re-entry following a break in studies of at least three years and is not ordinarily resident with his/her parents from the previous October. Otherwise he or she would continue to be assessed on the basis of parental income.

Only in exceptional cases, where compelling evidence of estrangement from parents/guardians is provided, can candidates who are under 23 be assessed without reference to their parents/guardians income or address.

There are no plans at present to change these eligibility arrangements.

### **Commemorative Plaques**

159. **Deputy Anne Ferris** asked the Minister for Education and Skills if she will provide an update regarding the new development programme for a national memorial to the victims of institutional abuse and the progress regarding same memorial since last November when An Bord Pleanála refused permission for the first planning application by Dublin City Council; if consideration will be provided to the idea of the late campaigner (details supplied) for the memorial to be located as near as possible to the GPO to reflect the wording of the Irish Proclamation regarding the cherishing of the nation’s children; and if she will make a statement on the matter. [47477/14]

**Minister for Education and Skills (Deputy Jan O’Sullivan):** An Bord Pleanála refused planning permission for the proposed Memorial, which was to be integrated with the Garden of Remembrance, in November 2013. Subsequently, the Memorial Committee advised that the Journey of Light proposal was not transferable to another site as it is inextricably linked with the Garden of Remembrance. Neither did it consider that the Board’s decision should be appealed. The Committee considered that any new competition should be open to conceptual and

site specific proposals and that a central Dublin location be identified on a cost neutral basis with appropriate zoning.

My officials are consulting with the OPW and Dublin City Council in relation to the identification of a suitable central Dublin location as suggested by the Committee and how best to progress the project.

### **School Accommodation**

160. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position regarding funding for the rental of temporary accommodation in respect of a school (details supplied) in County Limerick; and if she will make a statement on the matter. [47491/14]

**Minister for Education and Skills (Deputy Jan O'Sullivan):** I wish to advise the Deputy that the application from the school, in question, is currently being further assessed and my Department will be in direct contact with the school authorities concerned shortly.

### **Air Pollution**

161. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government his views on recent recordings of air pollution levels by University College Cork centre of research into atmospheric chemistry; and if he will make a statement on the matter. [47366/14]

165. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government his views on recent recordings of air pollution levels (details supplied) by University College of Cork centre of research in atmosphere chemistry; and if he will make a statement on the matter. [47392/14]

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** I propose to take Questions Nos. 161 and 165 together.

Air quality monitoring in Ireland is carried out to meet the requirements of EU Directive 2008/50/EC on ambient air quality and cleaner air for Europe, also known as the CAFE Directive. The EPA has responsibility for the monitoring of air quality in Ireland, and monitors a range of atmospheric pollutants, based on data obtained from the 29 monitoring stations that form the national ambient air quality network.

The EPA publishes an annual report on air quality. The most recent report, Air Quality in Ireland 2013 – Key Indicators of Ambient Air Quality, which is available on the EPA website at <http://www.epa.ie/pubs/reports/air/quality/>, was published in October 2014 and provides an assessment of air quality in Ireland for 2013, compared to CAFE Directive standards as well as assessments in relation to more stringent World Health Organisation (WHO) air quality guidelines for the protection of human health.

Ireland currently meets all EU standards for air quality but exceeds WHO guidelines for particulate matter in some areas. Particulate matter levels are of concern, particularly during the winter heating season in areas where the use of solid fuel is prevalent and the sale of 'smoky' coal is permitted. As a result, levels of particulate matter in smaller towns are often higher than those in cities, where 'smoky' coal is banned.

The EPA also funds research monitoring and the air pollution levels recorded in Killarney

by the Environmental Research Institute of University College Cork are part of this research and elaborate the findings of EPA air quality monitoring at local level. Elevated levels of particulate matter were found to occur in Killarney during the winter evenings and this has been attributed primarily to the burning of solid fuel. The research is endeavouring to attribute the level of air pollution to specific fuels, including coal, peat and wood.

The ban on the marketing, sale, distribution and burning of bituminous fuel (or ‘smoky coal ban’ as it is commonly known) currently applies in 26 urban areas nationwide, including all towns with a population greater than 15,000 people bringing the ban areas broadly into line with national EPA air quality management zones. While the ban does not currently apply in Killarney as its population is below the threshold for compulsory inclusion, local authorities may at any time propose new towns for consideration for inclusion under the ban if it is considered necessary to protect local air quality.

While air quality monitoring by the EPA has shown that air quality is poorer in towns where the ‘smoky’ coal ban does not apply, there is also evidence that smaller ban areas tend to be less effective. The further extension of the ban to smaller towns on an individual basis may not be the most effective solution to addressing the problem of emissions from residential solid fuel use in these areas. Similarly, the border with Northern Ireland would present enforcement challenges if a national ban on smoky coal were unilaterally introduced. However, it is recognised that having different regulations between urban and rural locations is not ideal, as it results in different levels of environmental protection and clean air benefits for citizens in different locations.

Under the auspices of the North South Ministerial Council (NSMC), and in conjunction with the Department of the Environment for Northern Ireland, my Department has commissioned a study to inform a discussion on policy options to further address emissions from residential solid fuel use on an all-island basis. A final report is due to be presented to the NSMC in May 2015.

## Waste Management

162. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government if he will provide the details of regulation and disposal of clinical nuclear waste in private hospitals here; the protocols surrounding disposal of radioactive waste after operations in private hospitals; the persons who monitor the disposal of such waste and the following of radioactive protocols; if these procedures are being followed for disposal of radioactive waste in all private hospitals here; the way this is monitored by his Department; if there have been failures to follow such procedures in private hospitals and if he will provide details of these; the level of radioactive procedures that are allowed for; the type of procedures that are included; if his attention has been drawn to private hospitals that have not registered certain operations; if hospitals have concealed that operations had taken place; and if he will make a statement on the matter. [47484/14]

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** The Environmental Protection Agency (EPA) is responsible for licensing all radioactive material used in public and private hospitals throughout Ireland. Radioactive material is used for diagnostic and therapeutic purposes to provide clinical information on both the function and structure of tissues and organs in the body and in the treatment of cancer. Waste may be produced during these procedures where minute traces of radioactive material contaminates gloves, tissue paper, syringes, glass vials or tissue samples removed from patients. This material is then managed in accordance with procedures adopted by the hospital in line with the

conditions of the hospital's licence.

Such procedures for waste management are routinely inspected by the EPA. Where issues arise in relation to waste management, these are fully investigated. I understand that there are currently no outstanding investigations in relation to radioactive waste management.

### **Departmental Funding**

163. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 344 of 1 April 2014, if he will provide an update on discussions between his Department and the Department of Public Expenditure and Reform regarding enhanced redundancy payments in the community and voluntary sector; and if there are proposals for legislation or new regulations to govern this area. [47369/14]

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** My Department has no role in the internal operations of any private organisations and, therefore, does not have a role in relation to staff or employment matters, which are for the Board of the company, as the employer, to manage.

However, the Government recognises that like all other sectors of our economy, the community and voluntary sector has had to deal with reduced funding in recent years. Issues have arisen around the capacity of the sector to pay enhanced redundancy payments.

The Government is considering a cash limited scheme to address this issue.

Discussions between my Department and the Department of Public Expenditure and Reform in that regard are on-going. There is also ongoing engagement with the Attorney General's Office in relation to a number of legal issues arising. Consideration of the matter will be finalised in light of the outcome of these engagements.

### **Local Authority Funding**

164. **Deputy Derek Nolan** asked the Minister for the Environment, Community and Local Government if Galway County Council has applied for funding to renovate a vacant unit (details provided) in County Galway; if any such funds have been drawn down; and if he will make a statement on the matter. [47385/14]

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** Under Section 58 of the Housing Act 1966, the management and maintenance of the local authority housing stock is the responsibility of the relevant housing authority.

My Department provides funding to local authorities for works the refurbishment of vacant properties and returning them to productive use. €30 million has been available in 2014 targeting the return of 1,960 vacant and boarded up units to productive use, in an energy efficient condition.

Galway County Council has been allocated €958,263 under this programme in 2014 and will return some 76 vacant units back into productive use. It is a matter for each local authority to identify the units it is targeting within the terms of the funding programme. While records indicate that no application for funding was submitted for the property referred to in the question, I understand that Galway County Council intends to include the property in their 2015 pro-

gramme of works. Budget 2015 has given a further impetus to this area, and I envisage a further 1,000 vacant properties being returned to productive use through this additional funding.

*Question No. 165 answered with Question No. 161.*

### **Irish Water Administration**

166. **Deputy Paul Murphy** asked the Minister for the Environment, Community and Local Government the sources of information Irish Water has used to compile name and address information for its customers. [47425/14]

**Minister for the Environment, Community and Local Government (Deputy Alan Kelly):** I refer to the reply to Question No. 413 of 9 December 2014 which sets out the position in this matter.

### **Enterprise Support Schemes**

167. **Deputy Jerry Buttimer** asked the Minister for Communications, Energy and Natural Resources the supports available to businesses to develop innovative websites to enable growth of online trade; and if he will make a statement on the matter. [47362/14]

**Minister for Communications, Energy and Natural Resources (Deputy Alex White):** Digital adoption by businesses is a priority for Government. It is estimated that Irish consumers spend more than €6bn online annually and this figure is set to almost double by 2020. With up to 70% of Ireland's annual online spend currently going overseas, targeting Irish businesses for online trading is a key jobs and economic imperative. In Ireland today, however, less than 1 in 4 small businesses are selling to customers online.

To address this challenge, my Department launched a national Trading Online Voucher Scheme in July last, following a pilot in the Dublin area. This is a key initiative under the Government's National Digital Strategy and is included in the Action Plan for Jobs. Working in partnership with Enterprise Ireland and the Local Enterprise Office network, the Scheme offers financial assistance of up to €2,500 to small and micro businesses to develop their online trading capability. It aims to get 2,000 small businesses trading online by the end of 2015, as well as catalysing action from other small and medium sized enterprises. The Scheme has the capacity to bring new sustainable Irish jobs to all parts of Ireland.

Early indications from the Dublin pilot were positive, with companies saying they had experienced or envisaged more sales and were expecting to recruit as a result. More information on this scheme can be found on my Department's website at [www.dcenr.gov.ie/nds](http://www.dcenr.gov.ie/nds) and on the websites of each Local Enterprise Office.

Other initiatives include the WebActivate programme which is operated by the Digital Skills Academy, based at the Digital Hub. It assists Irish businesses to develop their online presence and open themselves up to the advantages of the internet, such as business efficiencies, and access to global markets. The IE Domain Registry also operates the Optimise Fund to assist small businesses to optimise their websites using professional consultancy, experience and insight that might otherwise be beyond their budgets or resources.

### **Tourism Promotion**

168. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport if it is his Department's intention to increase the tourism potential of the Liffey Valley amenity area; the deliberations he or his predecessor has had with interested parties regarding this; if his Department has had any contact with the Department of Arts, Heritage and Gaeltacht Affairs with respect to the tourist potential of establishing a national park in the area; and if he will make a statement on the matter. [47370/14]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** While the Department of Transport, Tourism and Sport provides funding for capital investment in tourism, the allocation of these funds are a matter for the board and management of Fáilte Ireland. My Department has no direct role in supporting individual tourism attractions.

Fáilte Ireland administers the Tourism Capital Investment Programme (TCIP) but funds are fully committed under the current TCIP and so Fáilte Ireland is unable to accept new applications for funding at the present.

I am aware that there are plans for the development of way-marked routes and the provision of new links such as footbridges at key locations in the Liffey Valley. These, however, are predominantly recreational infrastructure and are, therefore, primarily a matter for the relevant local authorities.

More generally, the Destination Dublin 2025 Grow Dublin Tourism Alliance, which I have set up under the aegis of Fáilte Ireland with Michael Carey as chairman, will look at a range of measures to support the growth of tourism in Dublin over the next decade.

The designation and establishment of National Parks is a matter for the Department of Arts, Heritage and the Gaeltacht. The Department of Transport Tourism and Sport has had no contact with that department in this regard.

### **Driver Licences**

169. **Deputy Ruth Coppinger** asked the Minister for Transport, Tourism and Sport if he will provide a national driving licence service centre for the Dublin 7 and Dublin 15 areas. [47428/14]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** The operation of the National Driver Licensing Service, including the location of front offices, is the statutory responsibility of the Road Safety Authority.

I have therefore referred the question to the Authority for direct response.

I would ask the Deputy to contact my office if a reply has not been received within ten days.

### **National Car Test**

170. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport the provisions in place to ensure a person who is awaiting a national car test, which was booked on 16 November 2014 but will not be taken until 30 January 2015 due to a backlog, is not issued penalty points considering the persons NCT certificate is due to expire on 1 January 2015; and if he will make a statement on the matter. [47451/14]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** Changes to the

penalty points regime which came into effect on Monday last, 8 December, were legislated for under the Road Traffic Act 2014. These changes relate to a range of measures, including the National Car Test (NCT) system.

It has, for some years, been an offence to use a vehicle on public roads without a valid NCT certificate. Prior to the recent change, this offence involved a direct summons to court and the assignment of 5 penalty points on conviction. The provisions in the 2014 Act bring this offence within the fixed charge notice system. An alleged offender will now be issued with a fixed charge notice and, on payment of the €60 charge, will have 3 penalty points assigned to their licence. The driver will, of course, continue to have the option of going to court where 5 points will still apply on conviction.

Enforcement of the relevant legislation is a matter for An Garda Síochána. If a person's NCT test date is imminent, it will be a matter for the Gardai to use their discretion. However, responsibility rests with owners and users of vehicles to ensure their vehicles are in compliance with the law.

The Road Safety Authority (RSA) informs me that the NCTS is in a favourable position to deal with current demand and the Authority has also run a campaign over the past few months, to get people to book early, as the test may be undertaken up to 90 days in advance of the due date without affecting the expiry date of the new certificate. This system, is to ensure that owners have ample time to have their vehicle tested before their current NCT certificate expires.

The National Car Testing Service (NCTS) is currently experiencing a strong demand as car owners respond to the changes in the application of fixed charges to NCT certificates. This was anticipated and NCTS has recruited in excess of 60 more staff to deal with the additional demand and will have 565 Vehicle Inspectors in place in January, the highest in the history of NCT.

The RSA also advised me that the majority of car owners, including those who require an early test, will receive an NCT appointment within 28 days and additional resources have been put in place to help deal with such requests. I understand from the RSA that the availability of appointments on the NCT website is not a reflection of the total number of slots available to customers. If the person referred to by the Deputy has relied solely on the website booking system, I would suggest that they follow the advice on the NCTS website which clearly advises customers that if they cannot obtain a suitable slot online to contact the NCTS call centre directly on (01) 413 5992.

### **Driving Test Regulations**

171. **Deputy Denis Naughten** asked the Minister for Transport, Tourism and Sport his views on a driving test exemption for farmers who hold a full car or jeep and trailer licence for more than ten years but did not hold it prior to the 1989 regulations coming into effect; and if he will make a statement on the matter. [47461/14]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** I presume that the Deputy is referring to a previous situation involving people - not only farmers - who had held a full licence before November 1989. The situation was that, before that time, there was no separate category of licence for drawing a trailer. Anyone who had a car licence was automatically licenced to drive with a trailer. In November of 1989 there was a change to categories which meant that people now needed a separate licence category to draw a trailer. Holders of a full licence before that date were entitled to apply for both new categories on renewal of the



licence.

It appears that some people did not realise this and applied only for the car category when renewing after 1989, and so, perhaps unintentionally, gave up their trailer entitlement. People in this position were able to reclaim the lost entitlement for up to ten years after it had lapsed. The last people in this position were those who received a full licence just before the change in late 1989. They would have lost their entitlement on renewal in late 1999 and lost the option to reclaim it in late 2009.

In 2013, my predecessor responded to this situation by requesting the Road Safety Authority to allow those who had held a full licence before the change of 1989, and who had inadvertently surrendered it on renewal, to regain the trailer entitlement without a test. It was made clear at the time that this was a once-off arrangement for people who had already been legally entitled to draw a trailer in the past, and it will not be repeated.

### **VAT Exemptions**

172. **Deputy Seán Kyne** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the recent measure by the UK Government to provide mountain rescue teams with a rebate on VAT which is a way of alleviating the burden of VAT on the teams while still complying with the EU laws pertaining to VAT. [47471/14]

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** I am aware of the measure the Deputy is referring to which was announced in the UK Autumn Statement 2014. However, as the Deputy will be aware and as Minister Varadkar has advised the House previously on this subject, exemption from VAT is entirely a matter for the Revenue Commissioners and my colleague the Minister for Finance, Michael Noonan. In exchanges with representatives from mountain rescue organisations my officials have advised that it would be more appropriate for them to contact the Department of Finance in relation to this.

### **Cultural Policy**

173. **Deputy Noel Grealish** asked the Minister for Arts, Heritage and the Gaeltacht regarding the Government's commitment to Ireland hosting the European Capital of Culture in 2020; if she will issue a national call for submissions before the 31 December 2014 deadline specified in legislation passed by the European Parliament in April 2014; and if she will make a statement on the matter. [47480/14]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys):** I intend to bring a proposal to Government very shortly in regard to the European Capital of Culture and will be in a position to advise the Deputy further when it has been discussed.