

Checklist for applying for a Social Welfare payment

The Department of Social Protection is responsible for making social welfare payments to individuals and families residing in Ireland who have no other source of income or do not have sufficient income to meet their needs.

FLAC has produced this checklist to make people aware of the steps they can take in order to apply for a social welfare payment. It is not exhaustive and should be taken as a suggestion for actions rather than the final word on what people can do.

- ★ **Find out about your possible entitlements as soon as possible** - the Department of Social Protection website provides information on all of the different types of payments which are available. If you have access to a computer you can consult their website www.welfare.ie. Alternatively you can call into your local social welfare office to discuss your potential entitlements with a representative of the Department. See bit.ly/localSWoffice for details of your local office. You may also be entitled to additional payments for your dependants including your partner and children. The Department produces a useful handbook called 'Guide to Social Welfare Services in Ireland' (leaflet SW4) which you can get in your local library, social welfare office or Citizens Information Centre.

Note: If you are applying for a social welfare payment because you have lost your job then you should also consult FLAC's *Checklist for Actions on Losing Your Job* on the FLAC website at www.flac.ie.

- ★ **Visit your local Citizens Information Centre** as it can often offer assistance and information on the types of payments which may be available to you and can provide you with information booklets. You can also access this information on their website at bit.ly/cic_swinfo - the CIC staff may also assist you in filling out the application form and answer your questions about making an application.
- ★ **Ask for information or assistance in your own language:** if you require information on a specific social welfare scheme or payment you can ask the Department of Social Protection to provide this information in your own language or to provide an interpreter for you free of charge. Also if you have to submit a document in your own language **as part of your application for a social welfare payment** the Department will pay to have this document translated.
- ★ **Apply for a payment in your local social welfare office:** When you have identified the payment to which you might be entitled, you must apply for the payment **in writing** (for some payments online is available) by filling out an application form which is available in your local social welfare office or which may be downloaded **at bit.ly/DSPforms** - this can be handed in at your local office or posted to the relevant payment section. You can now apply **online** for a jobseekers payment (benefit and allowance), pension (contributory), child benefit and widow, widowers or surviving civil partner's (contributory) payment, if you have been sent a transition identification number by the Department of Social Protection.

NOTE: Otherwise you must apply for a payment in writing. You cannot apply for a payment over the phone **as your claim will not be processed if it is not in writing**. It is a requirement under the social welfare regulations that you submit your claim using the appropriate form provided by the Department of Social Protection and that you submit any supporting evidence which may be relevant to your application.

See Articles 179 & 181
of the Social Welfare
(Consolidated Claims,
Payments and Control)
Regulations 2007

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If a departmental official refuses to accept your written application, saying that he or she does not consider that you will meet the requirements of the scheme then you should say that they are obliged to consider the application properly **and issue a written decision**. The Department's own guidelines on *Reasons for Decisions* say that a decision must be recorded in each case and this cannot be done if the application will not be accepted.

Note: The **date of claim is the date that the Department receives the application**. There are certain time limits set out for each payment and you should make your claim within the time limits. Otherwise you may be disqualified although the time limit may be extended where the claimant can show a valid reason or 'good cause' for any delay. See bit.ly/dsp_op_gdlns for further details.

Remember to:

- ✓ **Fill out all relevant sections of the form** and where possible provide all documentation requested when making your claim. This should help reduce any delays in processing your application.
- ✓ Keep **photocopies** of the original application and all correspondence you send to and receive from the Department. This is very important if you have to appeal a decision or question it.
- ✓ **Contact the Department in writing** where possible and note the date and time of any phone calls or visits to your local social welfare office.
- ✓ **Ask for the name of the person(s) you are speaking to** so that you can keep track of who is dealing with your application.
- ✓ Ask for a receipt from your post office as **proof** that you have posted a letter or document.

★ **Ask for help with filling out forms:** If you are having difficulty completing the application form for a social welfare payment then you can ask for assistance at your local Citizens Information Centre.

There are also a number of national and local independent non-profit organisations or charities which can offer practical help and information about your social welfare application. There are dedicated organisations which work on issues to do with:

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| ★ Carers | ★ Lone Parents |
| ★ Children | ★ Migrant rights |
| ★ Disability rights | ★ Older People |
| ★ Domestic Violence | ★ Travellers |
| ★ Families | ★ Unemployment |
| ★ Homelessness | |

They may be able to help you if you are applying for payments in any of the areas. Details of such organisations should be available online or from your local community resource centre. If you are a Trade Union member, you could check to see if it can help you to make a social welfare claim.

Note: For certain payments you may be asked to fill out the **Habitual Residence Condition form** (Form HRC 1). For further information and guidance on fulfilling the Habitual Residence Condition consult '*FLAC's Guide to the Habitual Residence Condition*' on the FLAC website before filling out the form.

★ **If your claim is refused, make sure you get a written refusal:** According to the Department of Social Protection's own guidelines on '*Decision Making and Natural Justice*' you must receive a written decision about your payment and this must be recorded by the Deciding Officer on the Department's own computer system.

See DSP operational guidelines on *Decision-Making & Natural Justice*: bit.ly/dec_natjus

Decisions must be:

- clearly written;
- properly signed by the Deciding Officer with his or her name typed or in capitals underneath; and
- dated.

The guidelines also make it clear that the decision should be given in straightforward language which the claimant understands. Where the claim is rejected, **“the Deciding Officer must give the reason for the decision”**. He or she must make clear if the claimant has not met the legal requirements for the particular payment (the grounds of disallowance) and give reasons why not.

See DSP operational guidelines on *Reasons for Decisions* at bit.ly/dec_reasons

Note: The Deciding Officer should consider your social welfare application in full and consider **all of the requirements** which you have to meet at the outset before issuing his or her decision. If the application is refused the Deciding Officer must set out **all of the reasons for the disallowance** at the one time so that the claimant does not have his or her application rejected several times, each time for a different reason.

See section 1.1 of the DSP's *Appeal Submission Guidelines* at bit.ly/dec_appl

- ★ **Reviewing or appealing a negative decision:** if your application is refused and you feel that it should be reconsidered you can ask a more senior official to review your application. You should be told that you have a right to ask for a review. A review is usually much quicker than an appeal because of the current delays in processing social welfare appeals.

See section 1.3 of the DSP's *Appeal Submission Guidelines* at bit.ly/dec_appl

Following a refusal of your social welfare application or a negative outcome of a review by the Department, you have the right to appeal this decision to the Social Welfare Appeals Office free of charge. You have **21 days to appeal**, although this time period may be extended in some circumstances where there is a good reason for the delay if a written request is made to the Chief Appeals Officer from the Social Welfare Appeals Office. You must complete a **‘Notice of Appeal’ form** which is available at your local social welfare office or you can download the form at bit.ly/DSP_applform.

Note: If you have received a negative decision and wish to review or appeal it, please consult *‘FLAC’s Guide to Making a Social Welfare Appeal’*. This is available online at bit.ly/SWappl_guide.

- ★ **Request a copy of your file under Freedom of Information legislation:** When you appeal a social welfare decision it is useful for you to have all of the information held on your file so that you have the same information as both the Appeals Officer and the original decision-maker. Under the Freedom of Information (FOI) Acts, you are entitled to get copies of your own personal records held by public bodies or government departments, including your social welfare file, free of charge. Applications must be made in writing and should be marked for the attention of the Freedom of Information Officer. The FOI form for the Department of Social Protection can be accessed at bit.ly/DSP_FOI. Alternatively, you can write a letter which must say that you are making the application under the Freedom of Information Acts, and must include:

See Freedom of Information Acts 1997-2003

- ★ your name and address, including your former address if you have moved since you first applied for the payment;
- ★ your Personal Public Service (PPS) number ;

- ★ the type of payment for which you applied;
- ★ the date on which you first made the application for the benefit or allowance (this should be on your photocopy of the original application); and
- ★ any other details which may be relevant to your application, such as a reference to specific documents required and in particular electronic records relating to your personal file.

You should receive an acknowledgment of your FOI request within two weeks and a decision should be issued within four weeks. If you don't receive a response within this time you may treat this lack of response as a refusal and ask for a review of the decision. Some documents may be withheld for particular reasons. If a request is refused or information is withheld, you can request a review by a more senior member of staff in the relevant section and this should be completed within three weeks. If the review is unsuccessful then the decision may then be appealed to the Information Commissioner who is quite independent of the body that is refusing to produce the documents. See www.oic.gov.ie/en/ for more details and check FLAC's *FLACsheet on Making an FOI Request* at www.flac.ie.

- ★ **Seek temporary support:** While you are waiting for a decision on your application or waiting for a decision on an appeal you may qualify for a payment under the Supplementary Welfare Allowance scheme (SWA). This scheme consists of a basic weekly rate payment as well as a number of supplements and is considered a "safety net" temporary payment. You can apply for SWA at your local health centre.

You must satisfy a means test and the Habitual Residence Condition in order to qualify for this payment. However, Exceptional Needs Payments (ENP) and Urgent Needs Payments (UNP) are once-off single payments not subject to the Habitual Residence Condition (HRC). They may be paid when you have a large expense for a specific essential item which you cannot pay for or in the case of an emergency.

Alternatively, if you have been refused Supplementary Welfare Allowance and are awaiting a decision on a social welfare appeal you can contact your local branch of the **Society of St. Vincent De Paul** (SVP) which can offer confidential advice, guidance and support - see www.svp.ie for more information.

- ★ **If you are not satisfied with the Department's actions, make a complaint:** In certain circumstances where you are not happy with the way the Department of Social Protection has handled your application, think you have been treated unfairly, or are not happy with the quality of service, then you can make a complaint to the Department using the **Complaints and Comments** form which is available from your local social welfare office or online at bit.ly/DSP_complaint. If you are not satisfied with the outcome or response to your complaint, you can then ask for a review by a more senior official.

You can complain to the **Ombudsman**, who is completely independent, about the handling of your application or the poor quality service you have received. **Please note you can only complain to the Ombudsman if you have already complained to the Department.** For further details please see bit.ly/ombud_SWappl. Examples of actions which can be considered as maladministration for the purposes of a complaint against the Department of Social Protection include decisions taken without proper authority, undesirable administrative practices, undue delays or a lack of response to correspondence.

About FLAC: FLAC is a human rights organisation which exists to promote equal access to justice for all. FLAC's work addresses inequities in the administration of the social welfare system through strategic casework and political lobbying. This information leaflet is aimed at practitioners and advocates working with disadvantaged people or members of the public who wish to make an application for social welfare.

- FLAC offers basic, first-stop **legal information** via telephone - contact **lo-call 1890 350 250**.
- Basic **legal advice** is available at **FLAC centres** around Ireland. These **do not provide legal representation**. To find your nearest centre, go to www.flac.ie/help.

