
SUBMISSION

TO

TECHNICAL REVIEW

**OF THE SOCIAL WELFARE CODE
TO EXAMINE ITS COMPATIBILITY
WITH THE EQUAL STATUS ACTS,
2000 – 2004**

FEBRUARY 2008

The national federation of services for
unmarried parents and their children



Tel: 00353 1 6700 120 www.treoir.ie info@treoir.ie

14 Gandon House, Custom House Square, IFSC, Dublin 1.

INTRODUCTION

Founded in 1976, Treoir is the national federation of services for unmarried parents and their children. Its main aim is to promote the rights and welfare of unmarried families in Ireland. Membership of Treoir is open to professional agencies providing services to unmarried parents. They are a combination of statutory and non-statutory bodies, including specialist agencies, health boards, maternity hospitals, adoption societies and self-help groups.

The following are the **core principles** under which Treoir operates :

- *Treoir recognises the diversity of family life in Ireland*
- *Treoir recognises that all families, including unmarried families, have the same rights to respect, care, support, protection and recognition*
- *Treoir supports and promotes the rights of all children as outlined in the United Nations Convention on the Rights of the Child*
- *Treoir believes that all children have a right to know, be loved and cared for by both parents.*

Current **activities** of Treoir:

- A national, confidential, comprehensive and free information service for unmarried parents and those involved with them
- A wide range of publications including the *Information Pack for parents who are not married to each other*, *Being there for them* (a booklet for grandparents), a series of *Information leaflets* etc.
- Treoir provides outreach information workshops on request to groups of unmarried parents and those working with them on legal issues, Social Welfare, parenting etc.
- Organising conferences, workshops for unmarried parents and those who work with them
- Networking with other groups/organisations
- Policy development
- Promoting research
- Providing support for workers with young parents through the National Resource Centre for those Working with Young Parents

- Co-ordinating the National Teen Parents Support Programme.

Treoir is delighted to have the opportunity of making this submission to the Committee on issues affecting lone (unmarried) parents. While understanding that this is a technical review the outcome of the deliberations of the Committee will provide the Department of Social and Family Affairs with the opportunity of rectifying some inequalities which have developed, deliberately or otherwise, within the Social Welfare system.

GENDER

Paid Paternity Benefit

While understanding that Paternity Leave is a pre-requisite for Paternity Benefit, nevertheless, the fact that neither is available is an obvious and serious gap in the provision of Leave/Benefit for men.

MARITAL STATUS

Widowed Parent Grant

This grant is available to a widowed spouse with a child. It is not available to the surviving cohabitant with a child. The vast majority of Social Welfare payments do not discriminate between married and non-married parents, so it is inconsistent within Social Welfare payments and discriminatory that this Grant is not payable to parents, regardless of their marital status.

FAMILY STATUS

Disincentive to form family

The income of individuals in receipt of Social Welfare depends on their family status. Two individuals in a relationship but living apart can jointly receive more than two individuals in a relationship and living together, married or cohabiting. We believe this is discriminatory and a disincentive to forming families.

Joint One-Parent Family Payment

Where two parents are jointly and equally sharing the care of their children it is not possible for each parent to qualify for half-rate OFP. It is only payable to the parent with the main care of the child. It is not possible for a parent who is jointly parenting to take up a full-time job and qualifying for Jobseekers Allowance is difficult under these circumstances. A provision for half-rate payment would facilitate joint parenting between families.

Income limits for Back to School Clothing and Footwear Allowance

The income limit for this payment is much lower for lone parents than for couples. Given that the Department generally treats one and two parents in a similar way this is inexplicable and in our view discriminatory.

Rent Supplement for fathers

Where unmarried fathers have access to their children (or who would have overnight access if they had the accommodation) they require larger accommodation than other single men. However, this is not recognised under the SWA Rent Supplement Scheme thereby undermining the family status of these men. These fathers have an accommodation need which includes themselves and their children, and therefore should be entitled to a higher rate of Rent Supplement.

Students and Rent Supplement

Unless a student is in receipt of Back to Education Allowance s/he is deemed ineligible for Rent Supplement. As a lone parent a claimant is eligible to apply for Rent Supplement. As a student (s)he is not. Invariably the student status is recognised first, which makes the lone parent/student ineligible for payment. This is a considerable disincentive to undertake further study. A parent's family status should be recognised first and student status second in order to qualify for Rent Supplement thus enabling them to complete Third Level education and become independent of the Social Welfare system.

AGE

Qualifying conditions FOR BTEA

The Back to Education Allowance scheme disqualifies teen parents by virtue of their youth i.e. currently they must be over 18 and 2 years out of formal education. These criteria effectively exclude very early school leavers who are either too young to participate or who have not been out of school for the required minimum time (2 years). There is no qualifying period for those on Blind Pension, Disability Allowance, Invalidity Pension and Incapacity Supplement.

Young parents need to be encouraged to return to education/training whenever they are ready to do so. Otherwise, by the time they have been out of school for 2 years, young parents may have settled into a life of Social Welfare dependency and lost their motivation to complete their education.

Back to Education Allowance

The qualifying conditions for this Payment must be met before the start of the **first** year of the course of study. So a student under 21 who becomes pregnant while in college and has her child in the

middle of a course is ineligible for the Payment. If the BTEA was available to her there is a strong possibility that within the 2 years she is waiting to qualify she could already be qualified and contributing to the State rather than claiming from it.

Supplementary Welfare Allowance

SWA is not generally available to those under 18, even though a family may be headed by a parent under 18. So if an application for OFP is being processed an interim payment from SWA is not generally available which can prove very difficult in some circumstances.

OTHER AREAS

Universal Child Benefit

It is clearly discriminatory that Child Benefit is not available to all children living in Ireland. Given that Ireland has ratified the United Nations Convention on the Rights of the Child, we are neglecting these children by not including them in our Child Benefit scheme.

Maintenance

Where a parent (usually the father) pays maintenance in respect of his children directly to the Department of Social and Family Affairs, the 50% of the maintenance to which the mother is entitled is not re-directed back to her. This is clearly unfair. A mechanism needs to be found for re-imbursing the maintenance which is clearly hers.

TREOIR

February 2008