(Article 74)

General report presented by the

GOVERNMENT OF IRELAND

for the period 1 July 2014 to 30 June 2015

Ireland has accepted:

Part III	Sickness benefit
Part IV	Unemployment benefit
Part V	Old-Age benefit
Part VII	Family benefit
Part X	Survivor's benefit

Principal Changes in Irish Social Security Legislation from 1 July 2014 to 30 June 2015

Principal Changes to Primary Legislation

Social Welfare and Pensions Act 2014

An Act to give further effect to Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and for those and other purposes to amend the Social Welfare Acts; to amend the Pensions Act 1990 and to provide for related matters.

No. 16 of 2014

Social Welfare and Pensions (No. 2) Act 2014

An Act to amend the Social Welfare Acts; to amend the Pensions Act 1990; and to provide for related matters.

No. 41 of 2014

Social Welfare (Miscellaneous Provisions) Act 2015

An Act to amend and extend the Social Welfare Acts, to amend the Taxes Consolidation Act 1997 and the Personal Injuries Assessment Board Act 2003; and to provide for related matters.

No. 12 of 2015

Principal Changes to Secondary Legislation

Social Welfare and Pensions Act 2013 (Sections 13 and 14) (Commencement) Order 2014

Section 13 of the Social Welfare and Pensions Act 2013 provides for the recovery of the value of certain illness-related social welfare payments from compensation awards made to persons as a consequence of personal injuries claims. Section 14 of that Act makes consequential amendments to the Personal Injuries Assessment Board Act 2003 in the light of the recovery provisions contained in section 13.

This Order brings the provisions contained in sections 13 and 14 of the Social Welfare and Pensions Act 2013 into operation on 1 August 2014.

S.I. No. 308 of 2014

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Recovery of Certain Benefits and Assistance) Regulations 2014

Sections 13 and 14 of the Social Welfare and Pensions Act 2013 provide for the recovery of the value of certain illness-related social welfare payments from compensation awards made to persons as a consequence of personal injuries claims and for consequential amendments to the Personal Injuries Assessment Board Act 2003.

These provisions are being brought into operation with effect from 1 August 2014 by the Social Welfare and Pensions Act 2013 (Sections 13 and 14) (Commencement) Order 2014 (S.I. No. 308 of 2014). Under the new recovery of benefits arrangements, compensators in personal injury cases must apply to the Minister for Social Protection for a statement of recoverable benefits before making any payment of compensation to the injured person. Where there are recoverable benefits, the compensator is, in general, obliged to pay to the Minister the amount of the recoverable benefits before making any compensation payments.

These Regulations prescribe the information to be provided by compensators when applying for a statement of recoverable benefits for the purposes of identifying—

— the injured person, and
— the social welfare benefits that may have been paid to that person.

These Regulations also prescribe the manner in which an application for a statement of recoverable benefits is to be made.

S.I. No. 332 of 2014

Social Welfare (Consolidated Contributions and Insurability) (Amendment) (No. 2) (Excepted Emoluments and Income) Regulations 2014

In general, self-employed persons aged from 16 up to 66 years are compulsorily insured as self-employed contributors if they are in receipt of reckonable income or reckonable emoluments. Reckonable income is defined in general as income to which the Tax Acts apply, for example, income earned from a trade or profession carried on in the State or elsewhere, as well as other unearned income, which is taxed under Revenue's self-assessed system of tax collection.

Reckonable emoluments are defined as income which is not derived from insurable employment and to which the PAYE tax collection system applies.

These Regulations specify the following income which is subject to tax but which is not to be regarded as reckonable income or reckonable emoluments for the purposes of liability for a PRSI Class S self-employment contribution—

(a) any encashment amount or deemed encashment amount referred to in section 787TA of the Taxes Consolidation Act 1997, with effect from 8 February 2012, and

(b) any amount charged to income tax in accordance with section 790AA of the Taxes Consolidation Act 1997, with effect from 1 January 2011.

Section 787TA of the Taxes Consolidation Act 1997 relates to the early encashment of certain amounts of private pensions by certain individuals in the public sector who had previously been self-employed.

Section 790AA of the Taxes Consolidation Act 1997 relates to the taxation of retirement lump sums paid to an individual in excess of €200,000.

S.I. No. 333 of 2014

Social Welfare (Consolidated Contributions and Insurability) (Amendment) (No. 3) (Excepted Self-Employed Contributors) Regulations 2014

Section 19 of the Social Welfare and Pensions Act 2014 provides for the transposition of Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, in so far as that Directive relates to ensuring that the spouse or civil partner of a self-employed worker can benefit from social protection in accordance with national law.

The amendments provided for in section 19 of the Social Welfare and Pensions Act 2014 mean that liability for social insurance contributions is being extended, with effect from 1 January 2014 or 1 August 2014 (depending on when tax and accordingly, PRSI is charged on their income), to spouses and civil partners of self-employed contributors who are not business partners or employees, where they perform the same or ancillary tasks to the self-employed contributor. Liability for self-employment PRSI contributions in the case of such spouses and civil partners will be subject to the same annual income threshold that applies in the case of self-employed contributors in general, i.e. €5,000.

Article 94 of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 (S.I. No. 312 of 1996) prescribes a range of relatives of a self-employed contributor who are excepted from liability for self-employment contributions where these relatives are—

(a) participating in the business of the self-employed contributor,

(b) performing the same tasks or ancillary tasks to those performed by the self-employed contributor, and

(c) are not partners in the business of the self-employed contributor.

Following on from the amendments provided for in section 19 of the Social Welfare and Pensions Act 2014, these Regulations delete the references to a husband, wife or civil partner of a self-employed contributor in the list of relatives currently excepted from liability for self-employment contributions by virtue of article 94 of S.I. No. 312 of 1996.

S.I. No. 347 of 2014

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Discrimination on Grounds of Age) Regulations 2014

Section 18 of the Social Welfare and Pensions Act 2014 enables the Minister for Social Protection to discriminate on the grounds of age in respect of a prescribed class of persons in the provision of employment services and supports. Section 18 also provides that there must be objectively justifiable reasons for such age-based discrimination.

These Regulations prescribe persons between the ages of 18 and 25 years for these purposes.

The provisions contained in section 18 of the Social Welfare and Pensions Act 2014 and in these Regulations will facilitate the implementation of the Youth Guarantee, which was agreed by the European Council on 22 April 2013 to tackle the challenge of youth joblessness.

S.I. No. 369 of 2014

Occupational Pension Schemes (Sections 50 and 50B) Regulations, 2014

These regulations set out the procedure to be followed when the Pensions Authority is considering making a unilateral direction under section 50 of the Pensions Act to restructure the benefits of a pension schemes or a direction to wind up a pension scheme under section 50B of the Pensions Act.

These Regulations set out the:

- Requirement on such persons as may be specified, to provide specified information to the Pensions Authority in its consideration of proposals to issue a direction under section 50 or section 50B of the Pensions Act.

- Requirement on the employer and the trustees of a pension scheme to notify scheme members, beneficiaries and the authorised trade union of proposals by the Pensions Authority to issue a direction to restructure scheme benefits or to wind up a pension scheme.

- Provision for scheme members, beneficiaries and authorised trade unions to make a submission to the Pensions Authority in respect of proposals by the Pensions Authority to issue a direction to restructure scheme benefits or to wind up a pension scheme.

S.I. No. 392 of 2014

Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) (Rent Supplement) Regulations 2014

The Housing (Miscellaneous Provisions) Act 2014 provides for a range of changes to the framework of social housing support, including the introduction of a housing assistance payment, which will bring together all long-term social housing supports provided by the State under the local authority system. Among the implications of these provisions will be the discontinuation of the payment of Rent Supplement, which is administered by the Department of Social Protection, in the case of persons with long-term housing needs who have been determined to be qualified for social housing support under a social housing assessment carried out by a housing authority. The Rent Supplement scheme will continue to be available to people who have short-term housing needs.

The housing assistance payment is being introduced on a phased basis, initially in Cork County, Limerick City and County and Waterford City and County from 15th September 2014. Entitlement to Rent Supplement for relevant claimants will now be subject to the following conditions.

In the case of new applications for Rent Supplement in an area in which the housing assistance payment has been introduced, the Supplement will, subject to certain conditions, only be payable where the housing assistance payment is not being paid and where the claimant has been—

— residing in rented accommodation for a prescribed period and paying rent and subsequent to the commencement of the tenancy experiences a substantial change in circumstances,

— residing for a prescribed period in either accommodation for homeless persons or in an institution,

— in receipt of Rent Supplement in respect of another tenancy immediately before making the claim, or

— in receipt of Rent Supplement within a prescribed period before making the claim.

Existing recipients of Rent Supplement who have been in receipt of the Supplement for a minimum period that is prescribed can be obliged to apply for a social housing assessment (including suitability for the housing assistance payment) and provide confirmation of such application. Where such confirmation is not received within a reasonable period, Rent Supplement will be discontinued.

These Regulations prescribe the various periods required for the operation of the new arrangements. In the case of new applications for Rent Supplement in the areas in which the housing assistance payment is in operation, the claimant is required to have been—

— residing in rented accommodation, accommodation for homeless persons or in an institution for the period of not less than 183 days during the 12 months immediately before making the claim, or

— in receipt of Rent Supplement within the period of 12 months before making the claim.

These Regulations also provide that in the case of existing recipients of Rent Supplement they can be obliged to apply for a social housing assessment where they have been in receipt of the Supplement for at least 18 months.

As an interim measure, applicants for Rent Supplement in an area in which the housing assistance payment has been introduced who have been in receipt of that Supplement in respect of another tenancy immediately before making the application or who have been in receipt of the Supplement within the period of 12 months before making the application will continue to be eligible for Rent Supplement until the arrangements for the housing assistance payment have been implemented in full. This will ensure that recipients of Rent Supplement who change address or who take up employment or work opportunities for short periods will continue to be eligible to apply for the Supplement.

These Regulations come into operation on 15th September 2014, at the same time as the Minister for the Environment, Community and Local Government is commencing the relevant provisions relating to the housing assistance payment contained in the Housing (Miscellaneous Provisions) Act 2014.

S.I. No. 411 of 2014

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Prescribed Employment Schemes) Regulations 2014

Sections 12 and 13 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 provided for a strengthening of the sanctions which apply in the case of refusals to engage with activation measures, including failure, without good cause, to participate in prescribed employment or work experience programmes and courses of education, training and development.

The Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Activation Measures) Regulations 2013 (S.I. No. 259 of 2013) prescribed the programmes of employment and work experience and the courses of education, training and development to which the strengthened sanctions apply in the case of the Jobseeker's Benefit and Jobseeker's Allowance schemes.

These Regulations extend the programmes of employment and work experience to which sanctions will apply for failure to participate, without good cause, to include the Youth Developmental Internship scheme, which is being introduced with effect from 6 October 2014.

S.I. No. 440 of 2014

Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 4) (Prescribed Employment Schemes) Regulations 2014

Section 14 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 provided for a strengthening of the sanctions which apply in the case of refusals to engage with activation measures, including failure, without good cause, to participate in prescribed employment or work experience programmes and courses of education, training and development.

The Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) (Prescribed Activation Measures) Regulations 2013 (S.I. No. 258 of 2013) prescribed the programmes of employment and work experience and the courses of education, training and development to which the strengthened sanctions will apply in the case of the Supplementary Welfare Allowance scheme.

These Regulations extend the programmes of employment and work experience to which sanctions will apply for failure to participate, without good cause, to include the Youth Developmental Internship scheme, which is being introduced with effect from 6 October 2014.

S.I. No. 441 of 2014

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Recovery of Certain Benefits and Assistance) Regulations 2014

Under new arrangements introduced on 1 August 2014, compensators in personal injury cases must apply to the Minister for Social Protection for a statement of recoverable benefits before making any payment of compensation to the injured person. Where there are recoverable benefits, the compensator is, in general, obliged to pay to the Minister the amount of the recoverable benefits before making any compensation payments.

The Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Recovery of Certain Benefits and Assistance) Regulations 2014 (S.I. No. 332 of 2014) prescribed the information that must be provided by compensators when applying for a statement of recoverable benefits for the purposes of identifying—

— the injured person, and

— the social welfare benefits that may have been paid to that person.

These Regulations extend, with effect from 1 November 2014, the information that must be provided by compensators when applying for a statement of recoverable benefits to include the personal public service number of the injured person.

S.I. No. 497 of 2014

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Overpayments) Regulations 2014

Section 16 of the Social Welfare and Pensions Act 2014 extends the powers for the recovery of social welfare overpayments to include the power to recover from certain lump sum payments made by the Minister for Social Protection to that person, i.e. refunds of PRSI contributions, lump sum payments made under the Redundancy Payments Act 1967 and under the Protection of Employees (Employers' Insolvency) Act 1984.

Article 245 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 prescribes the conditions and circumstances relating to the recovery of overpayments by deduction from any other social welfare payment to which that person is or becomes entitled, including—

— the withholding of all or part of any arrears of social welfare payments due or any grants or gratuities payable to that person, and

— making deductions from ongoing social welfare payments, having regard to the total amount to be recovered and the person's ability to repay.

These Regulations amend article 245 of the 2007 Regulations in the light of the provisions contained in section 16 of the Social Welfare and Pensions Act 2014 in order to allow also for the recovery of social welfare overpayments by the withholding of all or part of any—

— refunds of PRSI contributions,

— lump sum payments made under the Redundancy Payments Act 1967, or

— lump sum payments made under the Protection of Employees (Employers' Insolvency) Act 1984.

These Regulations also make a consequential amendment to article 246(3) of the 2007 Regulations arising from the amendments being made to article 245.

S.I. No. 511 of 2014

Social Welfare (Consolidated Contributions and Insurability) (Amendment) (No. 5) (Modifications of Social Insurance) Regulations 2014

Certain permanent and pensionable employees in the civil service, local and public authorities and in other public bodies are liable for modified rates of PRSI contributions and, in return, are entitled to a limited range of social insurance benefit, i.e. Widow/Widower's or Surviving Civil Partner's (Contributory) Pension, Guardian's Payment (Contributory) and Carer's Benefit. In general, the modified rates of PRSI contributions apply to civil and public servants who were employed in a permanent and pensionable capacity before 6th April 1995 and who continue to be so employed.

These Regulations provide for the continuation of the payment of the existing modified rate of PRSI contributions being paid by certain employees of An Post who transfer to the new National Lottery company on the transfer of the National Lottery licence to Premier Lotteries Ireland Ltd.

In order to be entitled to continue to pay the modified rate of PRSI contributions, the employees of An Post who transfer to Premier Lotteries Ireland Ltd. must continue to be employed by Premier Lotteries Ireland Ltd. Under terms and conditions which provide—

(a) that such persons are employed in a permanent and pensionable capacity, and

(b) for payment during illness on a basis considered adequate by the Minister for Social Protection.

S.I. No. 512 of 2014

Social Welfare (Consolidated Contributions and Insurability) (Amendment) (No. 4) (Return of Contributions) Regulations 2014

Sections 34 to 38A of the Social Welfare Consolidation Act 2005 make provision for the refund of PRSI contributions in certain circumstances, including—

— refunds of PRSI contributions which have been paid in error or at the wrong rate by employers and by employees,

— refunds of PRSI contributions paid by employees in respect of State pension (contributory) or State pension (transition) where the employee first pays PRSI contributions after a specified age,

— refunds of PRSI contributions paid by employers in respect of certain seafarers.

Chapter 2 of Part III of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 sets out the details of the operation of refunds of PRSI contributions in such circumstances.

Sections 7 and 16 of the Social Welfare and Pensions Act 2014 qualify the provisions contained in sections 34 to 38A of the Social Welfare Consolidation Act 2005 so as to enable social welfare overpayments and other debts owing to the Minister for Social Protection to be recovered from refunds of PRSI contributions.

Section 7 of the Social Welfare and Pensions Act 2014 provides that where an employer has a debt owning to the Minister in respect of a redundancy lump sum payment in accordance with the Redundancy Payments Act 1967 and that employer qualifies for a refund of PRSI contributions, then the debt owing to the Minister can be recovered from the PRSI refund. Section 16 of the Social Welfare and Pensions Act 2014 extends the powers of recovery of social welfare overpayments to include recovery from certain lump sum payments made by the Minister for Social Protection to that person, i.e. refunds of PRSI contributions, lump sum payments made under the Redundancy Payments Act 1967 and the Protection of Employees (Employers' Insolvency) Act 1984.

The purpose of these Regulations is to qualify the provisions contained in Chapter 2 of Part III of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 relating to the refund of PRSI contributions in the light of sections 7 and 16 of the Social Welfare and Pensions Act 2014.

These Regulations also align the text contained in article 79 of the 1996 Consolidated Regulations, which relates to the distribution of refunds of PRSI contributions on the death of the person entitled to the refund, with the other text contained in Chapter 2 of Part III of the 1996 Consolidated Regulations so as to refer to the return of PRSI contributions rather than the refund of PRSI contributions.

S.I. No. 513 of 2014

Social Welfare (Consolidated Contributions and Insurability) (Amendment) (No. 6) (Return of Contributions) Regulations 2014

Section 7 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 provides for a number of amendments to the Social Welfare Consolidation Act 2005 to take account of the provisions of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, including an extension of the provisions for refunds of PRSI contributions in respect of payments made under a maintenance arrangement to include maintenance arrangements which are for the benefit of a party to a civil partnership or a cohabitant.

These Regulations amend the provisions of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 (S.I. No. 312 of 1996) to extend the refund arrangements which apply in respect of PRSI contributions paid by contributors in respect of maintenance payments which are for the benefit of married persons. The refund arrangements will now include refunds of PRSI contributions paid by contributors in respect of maintenance payments which are for the benefit of civil partners and cohabitants.

The amount of PRSI to be refunded in any contribution year is calculated by reference to the amount of PRSI paid on the portion of that person's reckonable earnings, reckonable income, reckonable emoluments or remuneration, as appropriate, which corresponds to the amount of the maintenance paid in that contribution year.

Where PRSI is paid at more than one rate during a contribution year (for example, where a person is both a self-employed contributor and an optional contributor), the amount to be refunded is calculated by reference to the highest rate of PRSI contribution paid in that year.

Where the amount of that person's reckonable earnings, reckonable income, reckonable emoluments or remuneration, as appropriate, on which the highest rate of PRSI contribution has been paid in that contribution year is less than the amount of maintenance paid, the refund is calculated by reference to the aggregate of—

(a) the amount of PRSI paid at the highest rate,

(b) the amount of PRSI paid at the next highest rate, and so forth, until the total amount of that person's reckonable earnings, reckonable income, reckonable emoluments or remuneration, as appropriate, equals the total amount of maintenance paid in that contribution year.

S.I. No. 514 of 2014

Social Welfare (Temporary Provisions) Regulations 2014

These Regulations provide for the payment of a bonus to recipients of long-term social welfare payments and to recipients of domiciliary care allowance during the month of December 2014.

The amount of the bonus in the case of recipients of long-term social welfare payments is 25% of the normal weekly payment payable during the first week in December 2014, subject to a minimum payment of €20. In the case of domiciliary care allowance, the amount of the bonus is 25% of the weekly equivalent of the amount of domiciliary care allowance payable during December 2014, subject to a minimum payment of €20.

The bonus payment applies to recipients of the following long-term social welfare payments—

(a) partial capacity benefit;

(b) disablement pension;

(c) death benefit under the Occupational Injury Benefit scheme payable to widows, widowers, surviving civil partners, orphans and dependant parents;

(d) carer's benefit;

(e) State pension (contributory);

(f) State pension (transition);

(g) invalidity pension;

(h) widow's, widower's and surviving civil partner's (contributory) pension;

(i) guardian's (contributory) payment;

(j) jobseeker's allowance in respect of a continuous period of unemployment of at least 15 months;

(k) pre-retirement allowance;

(l) State pension (non-contributory);

(m) blind pension;

(n) widow's, widower's and surviving civil partner's (non-contributory) pension;

(o) guardian's payment (non-contributory);

(p) one-parent family payment;

(q) deserted wife's benefit and deserted wife's allowance;

(r) carer's allowance;

(s) disability allowance;

(t) farm assist.

S.I. No. 529 of 2014

Social Welfare and Pensions Act 2014 (Section 6) (Commencement) Order 2014

Section 6 of the Social Welfare and Pensions Act 2014 clarifies the powers contained in the Social Welfare Consolidation Act 2005 which enable the Minister for Social Protection to make regulations to provide for refunds of employer PRSI contributions in the case of certain seafarers.

The seafarers in question are those employed on board vessels that are registered in a Member State of the EU or European Economic Area and which provide scheduled passenger services between ports within those States.

This Order provides for the commencement of section 6 of the Social Welfare and Pensions Act 2014 with effect from 1 January 2015.

S.I. No. 530 of 2014

Social Welfare (Variation of Rate of Living Alone Allowance) Regulations 2014

These Regulations provide for an increase of €1.30 in the weekly increase payable to recipients of certain long-term social welfare payments who are living alone (Living Alone Allowance). This will mean that the weekly rate of Living Alone Allowance will increase from €7.70 to €9, with effect from the first week in January 2015.

The Living Alone Allowance is payable to—

• people aged 66 years or over who are in receipt of social welfare payments, such as State pensions, widow's and widower's pensions etc., and

• people who are under 66 years of age who are in receipt of long-term illness and disability payments, such as disability allowance, invalidity pension, incapacity supplement and blind pension

who are living alone.

S.I. No. 568 of 2014

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Homemakers) Regulations 2014

These Regulations provide for the extension of the time limit within which an application to become a homemaker for the purposes of State Pension (Contributory) may be made. The registration deadline for applications from people who commence homemaking duties during the period from 6 April 1994 to 31 December 2014 is 31 December 2015.

S.I. No. 569 of 2014

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2014

These Regulations provide that any income received by way of ex gratia payments from—

— the Lourdes Hospital Redress Scheme 2007,

— the Lourdes Hospital Payment Scheme, and

— the Surgical Symphysiotomy ex gratia Scheme,

will be disregarded in the assessment of means for the purposes of weekly social assistance payments, increases for qualified adults and Family Income Supplement.

S.I. No. 595 of 2014

Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 5) (Rent Supplement) Regulations 2014

These Regulations provide for the continuation of the current maximum monthly rent limits that apply to the Rent Supplement scheme beyond the expiry date of 31 December 2014, as provided for in the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Rent Supplement) Regulations 2013 (S.I. No. 215 of 2013).

These Regulations also clarify the meaning of the references to a qualified child which are contained in Schedule 1 to the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 (S.I. No. 412 of 2007).

S.I. No. 604 of 2014

Social Welfare (Consolidated Contributions and Insurability) (Amendment) (No. 1) (Return of Contributions) Regulations 2015

Section 6 of the Social Welfare and Pensions Act 2014 clarifies the powers contained in the Social Welfare Consolidation Act 2005 which enable the Minister for Social Protection to make regulations to provide for refunds of employer PRSI contributions in the case of certain seafarers as provided for under EU rules.
These Regulations prescribe the period during which the refunds of employer PRSI contributions will operate, i.e. in respect of the employment of qualified seafarers during the period from 1 January 2015 to 31 December 2016.

These Regulations also prescribe the form, manner and time for making an application for such a refund of PRSI contributions. In addition, the Regulations prescribe certain types of vessel which are excluded for the purposes of the PRSI refund scheme, i.e. fishing vessels, certain tugs and vessels, including dredgers, used primarily as floating platforms for working machinery or as diving platforms.

The provisions contained in section 6 of the Social Welfare and Pensions Act 2014 and in these Regulations complement similar refund provisions contained in the Social Welfare (Consolidated Contributions and Insurability) (Amendment) (No. 1) (Refunds) Regulations 2014 (S.I. No. 154 of 2014), which provide for the refund of employer PRSI contributions in respect of the employment of qualified seafarers during the period from 1 January 2004 to 31 December 2014.

S.I. No. 1 of 2015

Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2015

These Regulations provide that any income received by way of ex gratia payments from—

— the Lourdes Hospital Redress Scheme 2007,

— the Lourdes Hospital Payment Scheme, and

— the Surgical Symphysiotomy ex gratia Scheme,

will be disregarded in the assessment of means for the purposes of the Supplementary Welfare Allowance scheme.

S.I. No. 14 of 2015

Social Welfare (Rent Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2015

These Regulations provide that any income received by way of ex gratia payments from—

— the Lourdes Hospital Redress Scheme 2007,

— the Lourdes Hospital Payment Scheme, and

— the Surgical Symphysiotomy ex gratia Scheme,

will be disregarded in the assessment of means for the purposes of the means test applying to the Rent Allowance Scheme for tenants of formerly controlled rented dwellings.

S.I. No. 15 of 2015

Occupational Pension Schemes (Sections 50 and 50B) (Amendment) Regulations, 2015.

These regulations amend the Occupational Pensions Schemes (Section 50 and 50B) regulations, 2014 to extend the notification, submission and appeal provisions in those regulations to include a group representing the interests of pensioners and deferred scheme members.

S.I. No. 24 of 2015

Occupational Pension Schemes (Revaluation) Regulations 2015.

Section 33 of the Pensions Act, 1990, as amended, provides that the Minister for Social Protection, after consultation with the Minister for Public Expenditure and Reform, shall, in respect of each revaluation year, make Regulations specifying the percentage which shall determine the amount by which a preserved pension benefit is to be increased in that year.

That section specifies that this increase shall be the lesser of the percentage that equals the increase in the general level of consumer prices during that year, calculated by the Minister as she sees fit, or 4%.

As statistics released by the CSO state that the 2014 average annual percentage increase in the consumer price index was 0.2%, these Regulations determine that there will be a 0.2% increase in the revaluation of preserved benefits for 2014.

S.I. No. 43 of 2015

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Recovery of Certain Benefits and Assistance) Regulations

Section 12 of the Social Welfare (Miscellaneous Provisions) Act 2015 provides for a number of amendments to the operation of the provisions relating to the recovery of the value of certain illness-related social welfare payments from compensation awards made to persons as a consequence of personal injuries claims, which were provided for in the Social Welfare and Pensions Act 2013 and which came into operation in August 2014.

Under the current arrangements, a statement of recoverable benefits can only be issued where the compensator makes an application to the Minister for Social Protection for the issuing of such a statement. Section 12 of the Social Welfare (Miscellaneous Provisions) Act 2015 enables the Minister to issue a statement of recoverable benefits directly to a compensator in cases where a compensator fails to apply for such a statement before making a compensation payment in respect of personal injuries. In addition, section 12 enables the Minister to issue a revised statement of recoverable benefits where an illness-related social welfare payment is awarded or varied subsequent to the issuing of the initial statement of recoverable benefits.

These Regulations prescribe the information to be provided by a compensator or an injured person to the Minister for the purposes of enabling such a statement or revised statement of recoverable benefits to be issued. This includes—

- — information to assist in identifying the compensator involved or the agent or legal representative of the compensator, and

- — information to assist in identifying the injured person and the social welfare benefits that may have been paid to that person.

These Regulations also provide for a consequential amendment to the definitions contained in Part 9A of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, which relates to the recovery of the value of certain illness-related social welfare payments from compensation awards, to include a definition of the term “revised statement of recoverable benefits”.

S.I. No. 177 of 2015

Social Welfare (Consolidated Occupational Injuries) (Amendment) (No. 1) (Disqualifications) Regulations 2015

These Regulations amend the Social Welfare (Consolidated Occupational Injuries) Regulations 2007 (S.I. No. 102 of 2007) in the light of section 3 of the Social Welfare (Miscellaneous Provisions) Act 2015.

Section 3 of the Social Welfare (Miscellaneous Provisions) Act 2015 provides for a new definition of the term “medical assessor” for the purposes of the Social Welfare

Consolidation Act 2005 and for a number of consequential amendments to clarify the role of medical assessors in the social welfare decisions process. Article 2 of these Regulations provides for a consequential amendment to the provisions of the 2007 Consolidated Occupational Injuries Regulations relating to disqualification for Injury Benefit and Disablement Benefit where a person fails without good cause to see an officer of the Minister and to answer any reasonable enquiries made by such an officer relating to his or her claim.

In addition to seeing and answering enquiries of an officer of the Minister, article 2 of these Regulations provides that a person will also be disqualified for receipt of Injury Benefit and Disablement Benefit where a person fails without good cause to see a medical assessor and to answer any reasonable enquiries made by a medical assessor relating to his or her claim.

S.I. No. 178 of 2015

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015

These Regulations make a number of amendments to the provisions of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) relating to illness and disability payments in the light of sections 3 and 4 of the Social Welfare (Miscellaneous Provisions) Act 2015.

Section 3 of the Social Welfare (Miscellaneous Provisions) Act 2015 provides for a new definition of the term “medical assessor” for the purposes of the Social Welfare Consolidation Act 2005 and for a number of consequential amendments to clarify the role of medical assessors in the social welfare decisions process. Article 3 of these Regulations, together with the associated Schedule, provide for a number of consequential amendments to the provisions of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 relating to disqualification for Illness Benefit, Partial Capacity Benefit, Invalidity Pension and Disability Allowance where a person fails without good cause to see an officer of the Minister and to answer any reasonable enquiries made by such an officer relating to his or her claim.

In addition to seeing and answering enquiries of an officer of the Minister, article 3 and the Schedule to these Regulations provide that a person will also be disqualified for receipt of

Illness Benefit, Partial Capacity Benefit, Invalidity Pension and Disability Allowance where a person fails without good cause to see a medical assessor and to answer any reasonable enquiries made by a medical assessor relating to his or her claim.

Article 3 and the Schedule to these Regulations also align the relevant wording of the disqualifications for illness and disability payments where a person fails without good cause to attend for or submit himself or herself to any medical or other examination.

Section 4 of the Social Welfare (Miscellaneous Provisions) Act 2015 clarifies two aspects of the legislative provisions that apply to the Carer's Benefit, Carer's Allowance and Respite Care Grant schemes relating to—

(a) the circumstances in which a person is to be considered as requiring full-time care and attention for the purposes of qualifying for these schemes, and

(b) the determination of eligibility for these schemes by a deciding officer.

Section 4 of the Social Welfare (Miscellaneous Provisions) Act 2015, inter alia, deletes the regulatory powers enabling the Minister to prescribe the manner in which a registered medical practitioner is to certify the nature and extent of the disability of the person who requires full-time care and attention. As a consequence, article 4 of these Regulations revokes articles 55, 134, 140B and 170 of the 2007 Consolidated Claims, Payments and Control Regulations, which prescribe the manner for certification by a registered medical practitioner of the nature and extent of the person's disability for the purposes of the Carer's Benefit, Carer's Allowance, Domiciliary Care Allowance and Respite Care Grant schemes.

S.I. No. 179 of 2015

Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015

Sections 8 and 14 of the Social Welfare (Miscellaneous Provisions) Act 2015 set out the legislative basis for the Back to Work Family Dividend. This Dividend will provide a financial incentive to jobseekers and recipients of One-Parent Family Payment who have children and who cease claiming their social welfare payment on account of that person, or where appropriate, that person's spouse, civil partner or cohabitant, taking up employment, increasing the number of hours worked or taking up self-employment.

These Regulations facilitate the introduction of the Back to Work Family Dividend by prescribing a range of matters for the purposes of the operation of this Dividend.

In particular, these Regulations—

— prescribe additional employment, work placement and education schemes for the purposes of the definition of a qualifying scheme in section 238A, e.g. the Jobs Initiative Scheme, the Work Placement Programme, the Youth Developmental Internship and the Back to Education Allowance,

— require an employer of a person applying for the Back to Work Family Dividend to provide relevant information for the purposes of determining eligibility for the Dividend,

— exempt any income received by way of the Back to Work Family Dividend for the purposes of calculating weekly family income under the Family Income Supplement scheme.

In addition, these Regulations make provision for—

— the time and manner in which claims for the Dividend are to be made,

— the time and manner in which the Dividend will be paid,

— payment in respect of loss of purchasing power where there is a delay in the payment of the Dividend, and

— the manner in which an overpayment of the Dividend can be recovered by deduction from other social welfare payments and vice versa.

S.I. No. 180 of 2015

II. Medical Care

This Part of the Convention has not been accepted by Ireland.

III. Sickness Benefit

Article 15

Sub-paragraph (a) applies.

Table A15 of the Annual Statistical Report for 2014 for the Department of Social Protection details the numbers and classes of insured persons.[1]

http://www.welfare.ie/EN/Policy/ResearchSurveysAndStatistics/Pages/StatInfoReportsIndex.aspx

Detailed explanations of the Classes can be accessed at:

http://www.welfare.ie/EN/Publications/sw19/Pages/sw19_intro.aspx

Classes of employees who are covered for Illness Benefit:

- Persons in Classes A, E, H and P– total 2,174,772

Classes of employees not covered for Illness Benefit:

- Persons in classes B, C, D and J – total 119,452

  (Class J includes an unknown number of employees who are over pension age)

  Total number of employees = 2,294,224

  Percentage insured for Illness Benefit = 95%

The following Classes are not counted as employees:

- Class K applies to persons not employed but are paying a contribution on pension income
- Class M applies to persons with no liability for a contribution
- Class S is for self-employed persons
- Voluntary contributors are persons who have ceased employment but are contributing to maintain entitlements to long-term benefits such as pensions.

[1] All statistical figures are provisional as the Annual Statistical Report for 2014 is not due to be published until August 2015. Table A15 titled 'Number of Persons in each Social Insurance Class, 2004 to 2013' provides the most up-to-date insurance information available.

Article 16

Illness Benefit Rate

In 2014 and 2015 the maximum personal rate of Illness Benefit remained at €188.00 per week. The maximum rate of Qualified Adult Allowance remained at €124.80 per week, and the rate for a qualified child remained at €29.80 per week.

Illness Benefit / Reference Wage[2] (couple and 2 children)

Period	Wage €	All'nce *€	Total €	Benefit €	All'nce ** €	Total €	%
2014 (Original)[3]	498.85	146.95	645.80	372.40	60.00	432.40	67
2014 (Revised)[4]	622.85	80.74	703.59	372.40	60.00	432.40	61

* The family allowances for a worker in this column include Child Benefit and the rate of Family Income Supplement (FIS) appropriate to a family with this level of income. [5]

** The family allowance for a beneficiary in this column includes Child Benefit only, although payment of FIS (where already in payment) would continue for the first 6 weeks of illness.

Maximum weekly rate of Illness Benefit / Reference Wage (single person, male or female)

Period	Wage €	Benefit €	%
2014 (Original)	498.85	188.00	38
2014 (Revised)	622.85	188.00	30

[2] The 'Revised' reference wage used in this report has been selected in accordance with the Article 66(4) b, Option 5, of the Ireland ECSS-ILO Technical Note, December 2014 (page 3).
[3] The 'Original' reference wage used in the 41st annual report was provided by the Irish Business and Employer's Confederation which is the national umbrella organisation for business and employers in Ireland.
[4] The revised figure of €622.85 per week is derived from the monthly figure of €2,699 contained in Option 5 of the Ireland ECSS-ILO Technical Note, December 2014 (page 3).
[5] The calculation of family allowance is detailed at Appendix 1.

Full details of rates are published on the Department of Social Protection's website: http://www.welfare.ie/EN/Publications/sw19/Pages/sw19_intro.aspx

Articles 17 and 18

Illness Benefit (IB) is a payment made to insured people who are unable to work due to illness and who satisfy certain Pay Related Social Insurance (PRSI) contribution conditions.

Conditions for receipt of Illness Benefit

1 Be unable to work due to illness

Illness Benefit is paid for each day on which an insured person is unable to work due to illness. In legislation this day is defined as a "day of incapacity for work". Any 3 days of incapacity for work, whether consecutive or not, within a period of 6 consecutive days are treated as a period of incapacity for work and any 2 such periods, not separated by more than 3 days, are treated as one period of incapacity for work.

2 Be under the pensionable age (currently 66)

An insured person may receive Illness Benefit up to the day before their 66th birthday.

3 Satisfy the contribution conditions

To qualify for payment of Illness Benefit a person must have 104 weeks of paid contributions since starting work **and** either (a) or (b) below:

(a) 39 weeks of PRSI contributions paid or credited in the relevant tax year, of which 13 must be **paid contributions**. If they do not have 13 paid contributions in the relevant tax year, then 13 paid contributions in one of the following tax years can be used instead:

- either of the two tax years before the relevant tax year,
- or the last complete tax year (before the year in which the claim for Illness Benefit begins),
- or the current tax year

or

(b) 26 weeks of PRSI contributions paid in the relevant tax year, **and**
26 weeks of PRSI contributions paid in the tax year immediately before the relevant tax year.

The relevant tax year is the second last complete tax year before the year in which the claim for Illness Benefit begins.

Only PRSI contributions paid at class A, E, H and P count towards Illness Benefit.

Duration of Payment

If a person satisfies the PRSI conditions and qualifies for payment of Illness Benefit they may get Illness Benefit for a maximum of:

- 624 payment days (2 years) if they have at least 260 weeks PRSI contributions paid since they first started work,

or

- 312 payment days (1 year) if they have between 104 and 259 weeks PRSI contributions paid since they first started work.

Illness Benefit is paid on a 6-day week basis (Monday to Saturday) and no payment is made for the first 6 days of a claim.

If a person does not qualify for payment of Illness Benefit due to insufficient PRSI contributions, they may be awarded credited contributions to maintain the continuity of their social insurance record, subject to the receipt of medical certificates for as long as they are unfit for work.

IV. Unemployment Benefit

Article 20

Jobseeker's Benefit is a weekly payment to people who are out of work and covered by social insurance (PRSI).

The Jobseeker's Benefit week is based on a 7 day week. Sunday is treated the same as any other day in the week; as a day of employment or unemployment as appropriate.

The contingency is satisfied by a person who has experienced a substantial loss of employment and as a result is fully unemployed, or unemployed for at least 4 days in 7 (previously 3 days in six, excluding Sunday). A person must also be under 66 years of age, capable of work and be available for and genuinely seeking employment.

The duration of Jobseeker's Benefit is 9 months for people with 260 or more paid PRSI contributions and 6 months for people with between 104 and 259 inclusive paid PRSI contributions.

Article 21

Sub-paragraph (a) applies.

Table A15 of the Statistical Report for 2014 for the Department of Social Protection details the numbers and classes of insured persons, and can be accessed at:
http://www.welfare.ie/EN/Policy/ResearchSurveysAndStatistics/Pages/StatInfoReportsIndex.aspx

Detailed explanations of the Classes can be accessed at:
http://www.welfare.ie/EN/Publications/sw19/Pages/sw19_intro.aspx

Classes of employees who are covered for Jobseeker's Benefit:

- Persons in Classes A, H and P – total 2,174,618

Classes of employees not covered for Jobseeker's Benefit:

- Persons in classes B, C, D, E and J – total 119,606

(Class J includes an unknown number of employees who are over pension age)

Total number of employees = 2,294,224

Percentage insured for Jobseeker's Benefit = 95%

The following Classes are not counted as employees:

- Class K applies to persons not employed but are paying a contribution on pension income
- Class M applies to persons with no liability for a contribution
- Class S is for self-employed persons
- Voluntary contributors are persons who have ceased employment but are contributing to maintain entitlements to long-term benefits such as pensions.

Article 22

Rate of Benefit

In 2014 and 2015 the maximum personal rate of Jobseeker's Benefit remained at €188.00 per week. The maximum rate of Qualified Adult Allowance remained at €124.80 per week, and the rate for a qualified child remained at €29.80 per week.

Jobseeker's Benefit / Reference Wage (couple and 2 children)

Period	Wage €	All'nce *€	Total €	Benefit €	All'nce ** €	Total €	%
2014 (Original)	498.85	146.95	645.80	372.40	60.00	432.10	67
2014 (Revised)	622.85	80.74	703.59	372.40	60.00	432.10	61

* The family allowances for a worker in this column include Child Benefit and the rate of Family Income Supplement appropriate to a family with this level of income.

** The family allowance for a beneficiary in this column includes Child Benefit only.

Maximum weekly rate of Jobseeker's Benefit / Reference Wage

(single person, male or female)

Period	Wage €	Benefit €	%
2014 (Original)	498.85	188.00	38
2014 (Revised)	622.85	188.00	30

Full details of rates are published on the Department of Social Protection's website: http://www.welfare.ie/EN/Publications/sw19/Pages/sw19_intro.aspx

Article 23

Conditions for receipt of Jobseeker's Benefit

To qualify a person must satisfy the following conditions:

- At least 104 weeks PRSI paid since employment commenced

and

- Have 39 weeks PRSI paid or credited in the relevant tax year (a minimum of 13 weeks must be paid contributions*)

or

- Have 26 weeks PRSI paid in the relevant tax year and 26 weeks PRSI paid in the tax year immediately before the relevant tax year.

*If there are not 13 paid contributions in the relevant tax year, 13 paid contributions must have been made in any of the following years:

- The 2 tax years before the relevant tax year
- The last complete tax year

- The current tax year.

The Relevant Tax Year is the second last complete tax year before the year in which the claim is made. For example, for claims made in 2014, the Relevant Tax Year is 2012.

Article 24

Jobseeker's Benefit is not payable for the first 3 days of unemployment. A person may be paid benefit for up to 9 months (234 days). If a person has less than 260 paid contributions, Jobseeker's Benefit is payable for 6 months (156 days).

A person who has exhausted their entitlement to Jobseeker's Benefit may re-qualify by working and paying the appropriate PRSI contributions for at least 13 weeks.

Payment can be suspended in certain circumstances as follows:

Not available for and genuinely seeking work
A person must be available for work and actively looking for work to qualify for Jobseeker's Benefit. They can be regarded as not being available for work and not entitled to Jobseeker's Benefit, if they put unreasonable restrictions on the following:

- The nature of the employment
- The hours of work
- Rate of pay
- The duration of the employment
- The location of the employment.

In any case where a Deciding Officer considers that a person has placed unreasonable restrictions on the above he/she can suspend payment. A person has the right to appeal any such decision.

Loss of employment
A person may be disqualified from getting Jobseeker's Benefit for 9 weeks if they:

- Left work voluntarily and without a reasonable cause
- Lost their job through their misconduct
- Refused an offer of suitable alternative employment or suitable training

- Are aged under 55 and get a redundancy payment of more than €50,000. The exact length of the disqualification (up to nine weeks) will in practice, depend on the precise amount of redundancy payment received as outlined in the table below.

Amount of Redundancy Payment	Period of Disqualification
€50,000.00 - €55,000	1 Week
€55,000.01 - €60,000	2 Weeks
€60,000.01 - €65,000	3 Weeks
€65,000.01 - €70,000	4 Weeks
€70,000.01 - €75,000	5 Weeks
€75,000.01 - €80,000	6 Weeks
€80,000.01 - €85,000	7 Weeks
€85,000.01 - €90,000	8 Weeks
€90,000.01 and over	9 Weeks

On strike

A person who is out of work because they are participating in an industrial dispute, is not considered to be unemployed, and is therefore not entitled to Jobseeker's Benefit. Their family could, however, qualify for the basic social assistance scheme: Supplementary Welfare Allowance.

V. Old Age Benefit

Article 26

The State Pension (Contributory) is payable at age 66 years for those who qualify based on social insurance contributions. As part of Ireland's National Pensions Framework, the pension age will rise to 67 by 2021 and 68 by 2028.

Article 27

Table A15 of the Statistical Report for 2014 by the Department of Social Protection details the numbers and classes of insurable persons and can be accessed at: http://www.welfare.ie/EN/Policy/ResearchSurveysAndStatistics/Pages/StatInfoReportsIndex.aspx

Classes of employees covered for State Pension (Contributory)

- Persons in Classes A and E – total 2,167,094

Classes of employees not covered for State Pension (Contributory)

- Persons in classes B, C, D, H and J – total 127,130

(Class J includes an unknown number of employees who are over pension age)

Total number of employees = 2,294,224

Percentage insured for State Pension (Contributory) = 94%.

The following Classes are not counted as employees:

- Class K applies to persons not employed but who are paying a contribution on pension income
- Class M applies to persons with no liability for a contribution
- Class S is for self-employed persons
- Voluntary contributors are persons who have ceased employment but are contributing to maintain entitlements to long-term benefits such as pensions.

Article 28

The maximum personal rate of State Pension (Contributory) in 2014 and 2015 remained at €230.30 per week and the maximum rate of Qualified Adult Allowance remained at €206.30 per week. The living alone allowance was increased by €1.30, from €7.70 to €9.00 per week from January 2015.

Details of all rates are published annually and can be accessed on-line at: http://www.welfare.ie/EN/Publications/sw19/Pages/sw19_intro.aspx

State Pension (Contributory) / Reference Wage

(couple – both aged between 66 and 80. No family allowance payable)

Period	Wage €	Benefit €	%
2014 (Original)	498.85	436.60	88
2014 (Revised)	622.85	436.60	70

Maximum weekly rate of Pension / Reference Wage

(single person, male or female)

Period	Wage €	Benefit €	%
2014 (Original)	498.85	230.30	46
2014 (Revised)	622.85	230.30	37

Articles 29 and 30

Conditions for receipt of State Pension (Contributory)

If pension age is reached on or after April 6 2012, 520 (10 years) paid contributions are required. In this case, only 260 of the 520 contributions may be voluntary[6] contributions. However, if voluntary contributions were made on or before April 6 1997 with a yearly average of 20 contributions, the requirement may be satisfied if there are a total of 520 contributions (of which 156 are paid full-rate employment contributions, with the balance being full-rate voluntary contributions).

If pension age was reached on or after 6 April 2002, a total of 260 paid contributions were required (effectively 5 years contributions but they need not be consecutive).

If pension age was reached before 6 April 2002, 156 qualifying paid contributions were required (a total of 3 years but they did not have to be consecutive). This means that the insured person must have paid full-rate contributions prior to 1979 and Class A, E, F, G, H, N and S since then.

[6] Voluntary contributions are made by people under age 66 who are no longer covered by compulsory PRSI provided they satisfy certain conditions.

VI. Work Accident and Occupational Disease Benefit

This Part of the Convention has not been accepted by Ireland.

VII. Family Benefit

Articles 39 to 43

There are no changes to report in respect of these Articles.

Article 44

Child Benefit (rates of payment)

Child Benefit is payable to the parents or guardians of children under 16 years of age, or under 18 years of age if the child is in full-time education, Youthreach training or has a disability. Child Benefit is not paid on behalf of 18-year olds.

Child Benefit is paid at one and a half times the appropriate monthly rate for twins, and at double the appropriate monthly rate for triplets and other multiple births, provided at least three of the children remain qualified.

From January 2014, Child Benefit rates were standardised for all children to €130 per month as set out in the following table.

Number of children	2014 monthly rate	2014 annual rate
1 child	€130	€1,560
2 children	€260	€3,120
3 children	€390	€4,680
4 children	€520	€6,240
5 children	€650	€7,800
6 children	€780	€9,360

Number of children	2014 monthly rate	2014 annual rate
7 children	€910	€10,920
8 children	€1040	€12,480

From January 2015, the Child Benefit rate was increased by €5.00 for all children to €135 per month as set out in the following table.

Number of children	2015 monthly rate	2015 annual rate
1 child	€135	€1,620
2 children	€270	€3,240
3 children	€405	€4,860
4 children	€540	€6,480
5 children	€675	€8,100
6 children	€810	€9,720
7 children	€945	€11,340
8 children	€1,080	€12,960

One-Parent Family Payment (OFP)

Budget 2012 introduced reforms to the One-Parent Family Payment (OFP) scheme where the age limit of the youngest child for OFP entitlement purposes is gradually being reduced to seven years of age. The reduction in the age limit applies to applicants and existing beneficiaries on a phased basis up to July 2015.

The following table sets out the details from May 2012 to July 2015, after which entitlement to OFP will cease when the youngest qualified child reaches 7 years of age (with certain exceptions outlined below).

Start Date of Claim	Payment continues up to age			
	From 3 May 2012	From 4 July 2013	From 3 July 2014	From 2 July 2015
If OFP payment commenced before 27 April 2011	18*	17	16	7
If OFP payment commenced between 27 April 2011 and 2 May 2012	14	12	10	7
If OFP payment commenced on or after 3 May 2012	12	10	7	7

*18 to 22 years if in full-time education

Entitlement for older children in the family

While OFP is in payment, the qualified child increases for older children in the family will continue until they reach 18 years, or if they are in full-time education up to age 22.

Exceptions

Domiciliary Care Allowance (DCA)

Where a person is in receipt of DCA for any child in the family, OFP may continue up to the more favourable of;

- the 16th birthday of the child in respect of whom DCA is in payment

  or

- when the youngest child reaches the relevant qualifying age limit.

Recently Bereaved

A person who is recently bereaved (having been married, cohabiting or in a civil partnership) and is thus parenting alone can claim OFP for up to two years from the date of death of the spouse/cohabitant/civil partner or until the youngest child reaches 18 years of age, whichever is earlier. If the youngest child has not reached the relevant qualifying age limit, then payment may continue as set out in the foregoing table.

Saver

If a current claim commenced on or after 27 April 2011, and the beneficiary had previously been in receipt of OFP for 52 consecutive weeks and that claim terminated because of:

- participation in the Back to Education Allowance Scheme or a Community Employment Scheme

  or

- where weekly earnings exceed the qualifying limit for the scheme,

the end date of the claim may be based on the date of the original claim. This saver is only required during the transitional phase and will expire on 2 July 2015. It allows OFP recipients who leave the scheme to take up education or employment to return to the scheme under the age threshold when they originally applied rather than treating them as a new entrant. This is to encourage OFP recipients to move into education and employment during the transitional phase.

Post OFP income supports

When OFP stops, a person may qualify for other income support payments including the following:

- A person in employment of 19 hours or more per week (38 hours per fortnight), may apply for the Family Income Supplement (FIS). If already in receipt of FIS, the amount of this supplement may, in certain circumstances, be increased when OFP ends.

- A person who is unemployed, capable of work, and genuinely seeking full-time work, can apply for either Jobseeker's Benefit or Jobseeker's Allowance. Qualifying for this payment provides access to a wide range of additional work activation supports.

- A special Jobseeker's Allowance arrangement, called the Jobseeker's Transitional Payment, was introduced in 2013 which applies to lone parents who were on OFP within the previous 3 years and whose youngest child is between 7 and 13 years of age inclusive. This exempts such persons from having to be available for and genuinely seeking full-time work, thereby acknowledging that these parents are caring for young children. They can work part-time, for example mornings only, if they wish and still receive a payment subject to means. They must continue to be a lone parent to receive this payment. Qualifying for this payment provides access to a one-to-one meeting with an activation case officer and the associated work activation supports.

- A person in receipt of half-rate Carer's Allowance, may, subject to a means test, qualify for the full Carer's Allowance payment when entitlement to OFP ceases.
- Where entitlement to OFP ceases the person may qualify for a Widow's, Widower's or a Surviving Civil Partner's (Contributory) Pension, depending on their circumstances.
- In advance of entitlement to OFP ceasing, a person may apply for the Back-to-Education Allowance. It is a second-chance education opportunities scheme that enables eligible people on income support to continue to receive their payment while pursuing an approved full-time education course that leads to a higher qualification than that already held.
- A person may apply for the Back-to-Work Enterprise Allowance, which encourages people to take up self-employment.
- The Department of Social Protection operates a range of employment support services that are designed to encourage and assist income support recipients of working age, including lone parents, to return to work. These services are provided through the Department's network of locally-based case officers who work with recipients to help identify appropriate training or development programmes that will enhance their skills. They work in close co-operation with other agencies and service providers including SOLAS (the Further Education and Training Authority in Ireland), the local Education and Training Boards, other education and training providers, and the local community and voluntary sector.

One-Parent Family Payment Reforms 2015

A number of changes have been introduced to the OFP scheme in 2015. These include the following:

Retention of the OFP Income Disregard

On foot of the Social Welfare and Pensions (No. 2) Act, 2014, the OFP scheme income disregard was maintained at €90 per week. This initially benefited approximately 28,000 working OFP recipients in 2015. The further reductions to the income disregard that were scheduled to occur in January, 2015, and in January, 2016, did and will not be taking place.

Extension of OFP Entitlement for Half-rate Carer's Allowance Recipients

Arrangements were introduced in 2015 that provide for the extension of OFP entitlement for lone parents who are also in receipt of half-rate Carer's Allowance until their youngest child is aged 16 years (in line with the exemption for lone parents who are claiming Carer's Allowance on behalf of a child with a disability), or until they are no longer entitled to a Carer's Allowance or an OFP payment. This extends this support to persons who are caring for someone other than their own child. The normal age thresholds had previously applied to these persons.

Extension of OFP Entitlement for Blind Pension Recipients

Arrangements were introduced in 2015 that provide for the extension of OFP entitlement for lone parents who are also in receipt of the Blind Pension until their youngest child is aged 16 years. The normal age thresholds had previously applied to these persons.

Extension of Entitlement to the Jobseeker's Transitional Payment

New arrangements were introduced in 2015 that provide for the extension of the Jobseeker's Transitional Payment, to allow all lone parents who have a child aged between 7 and 13 years to access the special arrangements of the transitional arrangement and not just former recipients of OFP. This extends this support to all lone parents, including new lone parents, with a youngest child between 7 and 13 years inclusive.

Final phase of the OFP Reforms

The final phase of the OFP reforms takes place on 2 July 2015, when the age of the youngest child for entitlement to OFP is reduced to 7 years for all beneficiaries, save the exemptions outlined above. It is anticipated that approximately 29,000 lone parents will transition from OFP that day to either Jobseeker's Transitional Payment, Jobseeker's Allowance or Family Income Supplement. The Department of Social Protection engaged extensively with those affected to ensure payment continuity as appropriate. Lone parents who have moved to a jobseeker's payment will, for the first time, receive an appropriate engagement with an activation case officer and gain enhanced access to the Department's education, training and employment supports.

Back to Work Family Dividend

In Budget 2015, the Government announced a new Back to Work Family Dividend (BTWFD) scheme. This scheme is designed to further improve the incentive for people with children to take up employment. The BTWFD will allow lone parents on OFP, the Jobseeker's Transitional Payment and Jobseeker's Allowance to retain their increase for a qualified child if they move off those schemes and into employment or self-employment. The BTWFD is payable with FIS. This means that lone parents who lose entitlement to OFP as a result of the age reforms and are already on FIS, or move to FIS, can qualify for the Dividend. The BTWFD is a temporary support and is worth €1,550 per child in the first year of employment, and €775 per child in the second year.

Family Income Supplement Payment Rates

The weekly income thresholds for receipt of Family Income Supplement (FIS) were unchanged in 2014 and 2015 and are set out in the following table.

No. of Children	2014 and 2015
	€
1	506
2	602

3	703
4	824
5	950
6	1,066
7	1,202
8+	1,298

The rate of Family Income Supplement payable is 60% of the net family income (gross pay minus tax, employee PRSI, superannuation, and Universal Social Charge) and the income limit that applies to the family circumstances. The minimum weekly FIS payment, payable to those who would otherwise qualify for a lesser rate, is €20.00.

Child Supports 2014

The following statistics relate to the range of child supports provided by the Department of Social Protection in 2014:

Total amount of Child Benefit paid:	€1,903 million
Total amount of Family Income Supplement paid:	€298 million
Back to School Clothing and Footwear expenditure:	€42 million
Total expenditure of above:	€2,243 million*

Total number of children of all residents within qualifying age range: 1,177,589

The reference wage for this report; €622.85 per week or €32,388 per annum, is in accordance with Article 66(4) b, Option 5, of the Ireland ECSS-ILO Technical Note, December 2014.

* Total expenditure of €2,243 million is approximately 6% of €32,388 x 1,177,589 (total number of children of all residents within the qualifying age range).

VIII. MATERNITY BENEFIT

This Part of the Convention has not been accepted by Ireland.

IX. INVALIDITY BENEFIT

This Part of the Convention has not been accepted by Ireland.

X. SURVIVOR'S BENEFIT

Article 61

There is no change to report in respect of this Article.

Article 62

Rates of Payment

The maximum weekly personal rate for Widow's/Widower's, or Surviving Civil Partner's (Contributory) Pension remained in 2014 and 2015 at €193.50. For recipients aged over 66 and under 80, the maximum weekly personal rate remained at €230.30, which increases to €240.30 where the beneficiary is aged 80 or over. The qualified child increase remained at €29.80 weekly. Budget 2015 increased the living alone allowance by €1.30, from €7.70 to €9.00 per week from January 2015.

Weekly rate of Widow's, Widower's or Surviving Civil Partner (Contributory) Pension / Reference Wage (widow under 66 years of age and 2 children)

Period	Wage €	All'nce *€	Total €	Benefit €	All'nce **€	Total €	%
2014 (Original)	498.85	146.95	645.80	253.10	60.00	313.10	48
2014 (Revised)	622.85	80.74	703.59	253.10	60.00	313.10	45

* The family allowances for a worker in this column include Child Benefit and the appropriate rate of Family Income Supplement to a family with this level of income.

** The family allowance for a beneficiary in this column includes Child Benefit only.

Weekly rate of Widow's, Widower's or Surviving Civil Partner (Contributory) Pension / Reference Wage (single person, male or female)

Period	Wage €	Benefit €	%
2014 (Original)	498.85	193.50	39
20 14 (Revised)	622.85	193.50	31

Full details of rates are published on the Department of Social Protection's website: http://www.welfare.ie/en/Pages/SW19_Post_2003.aspx

Comparison of Benefit Rates with Cost of Living and Average Wages

Year	CPI (base Dec. 2006 =100)	Average earnings *** €	Pension (widow + 2 children) €	Pension (no children) €
2013	105.2%	689.04	€253.10	€193.50
2014	105.3%	687.85	€253.10	€193.50
Percentage change	0.1%	-0.17%	0%	0%

***Average earnings based on average earnings and labour costs published by the Central Statistics Office of Ireland – see link below;
http://www.cso.ie/en/releasesandpublications/er/elca/earningsandlabourcostsannualdata2014/

Articles 63 and 64

Social Insurance Contributions (PRSI)

To qualify for a Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension, either the person or his/her late spouse or civil partner must have a certain number of PRSI contributions. All the PRSI requirements must be met on one person's record as it is not possible to combine the contributions of both spouses or civil partners. All must have been made before the death of the spouse or civil partner.

Virtually all PRSI contributions count towards this pension, including contributions paid by public servants and persons who are self-employed. The person or his/her spouse or civil partner must have:

- At least 260 contributions paid to the date of the spouse/civil partner's death or before the person's 66th birthday, whichever is earlier. If the person's late spouse or partner died before 27 December 2013 only 156 paid contributions are required to satisfy this condition.

and

- An average of 39 paid or credited contributions in either the 3 or 5 years before the death of the spouse/civil partner or before he/she reached pension age (66)

or

- A yearly average of at least 24 paid or credited contributions from the year of first entry into insurance, until the year of death or reaching pension age. If this average is used then an average of 24 will entitle the person to a minimum pension. An average of 48 paid or credited[7] contributions per year is required to get the full pension.

Contributions paid in other EU Member States

If a person was previously insurably employed in a country covered by EU Regulations or in a country with which Ireland has a Bilateral Social Security Agreement and had paid at least one full rate PRSI contribution in Ireland, the person may combine his/her insurance record in that country with the Irish PRSI contributions to help qualify for Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension.

Other Income

Since the Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension is based on social insurance contributions, a person may earn any amount of money from any other

[7] Credited contributions are similar to the social insurance contributions paid while employed and are usually awarded at the same rate as the insured person's last paid social insurance contribution. A person, under age 66, may be entitled to credited contributions when claiming an income support payment.

source and still remain entitled to this pension. While taxable, if it is the beneficiary's only source of income it is unlikely that the person would have to pay tax.

It is not possible to get a Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension at the same time as a State Pension (Contributory). If a person is entitled to both payments, he/she may choose whichever is the more advantageous.

A person can get a Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension and half-rate Maternity Benefit or Health and Safety Benefit or Adoptive Benefit or Carer's Allowance if the person also qualifies for one of these payments.

XII - XIII Equality and Common Provisions

Article 69

Any person who is unhappy with a decision in relation to their benefit entitlements has a right of appeal to the Social Welfare Appeals Office. This Office operates independently of the Department of Social Protection to provide an appeals service to persons who are dissatisfied with decisions of Deciding Officers or Designated Persons of the Department of Social Protection on questions relating to entitlement to social welfare payments and insurability of employment under the Social Welfare Consolidation Act 2005 (as amended).

Article 70

The Irish social insurance system is based on a unified contribution rate which gives a person entitlement to the range of benefits covered by the class of contribution they make. It is not possible to allocate contributions to the individual contingencies. The following gives expenditure for 2014, the latest year for which information is available, on each of the schemes dealt with in this report.

Scheme	Expenditure in 2014 (Provisional) €000
Illness Benefit	625,975
Jobseeker's Benefit	420,398
State Pension (Contributory)	4,259,001
Family Benefit*	1,902,603
Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension	1,369,759
TOTAL	8,577,736

*Family Benefits are funded by the Exchequer and not from the Social Insurance Fund.

Total expenditure on all social welfare schemes in 2014 (Provisional) amounted to €19,831,452 million, of which €11,408,541 million was met from taxation and €8,422,911 million from the Social Insurance Fund.

Contributions from employees represented 22% of the income of the social insurance fund in 2014.

Article 71

The Administration of the social welfare system is managed by the Department of Social Protection which is a Government Department.

Calculation of Family Allowance for Articles 16, 22 and 62

The computations for the calculation of family allowance for the purposes of Articles 16, 22 and 62 are at Appendix 1.

Responses to the conclusions of the Committee of Ministers

Responses to the conclusions of the Committee of Ministers on the 41st Annual Report submitted by the Government of Ireland are at Appendix 2.

Appendix 1

Calculation of Family Allowance for Articles 16, 22 and 62

Revised calculation of family allowance for the purposes of the reference wage (Option 5, Ireland ECSS-ILO Technical Note, December 2014)

Family allowances
Family allowances are calculated as follows for a family including 2 children:
Child Benefit in 2014 is payable at €130 per month per child for each of the first 2 children. €130 x 2 x 12 / 52 = €60 per week.

Family Income Supplement (FIS) for a family with 2 children earning €622.85 per week is calculated as follows.

The net income is calculated by deducting PRSI and USC from the person's gross income.

PRSI contributions are payable at 4% of earnings per week. €622.85 x 4% = **€24.91**.

Income tax payable on this level of earnings is minimal but the Universal Social Charge (USC) is payable. This is calculated on gross income and is payable as follows:

Standard Rate of USC 2014

Rate	**Income band**	**Annual Reference Wage €622.85 per week X 52 =€32,388**	
2%	Up to €10,036	USC Charge Band 1	€200.72
4%	Between €10,036 and €16,016	USC Charge Band 2	€239.20
7%	Above €16,016	USC Charge Band 3	€1,146.04
		Total Annual USC Charge	€1,585.96
		Total Weekly USC	**€30.50**

FIS Allowance Calculation	
Income	€622.85
PRSI Charge	€24.91
USC Charge	€30.50
Net Income for FIS	€567.44
FIS Income Limit (family with two children)	€602.00
Difference	€34.56
60% of Difference	€20.74

Net income for FIS purposes is therefore €622.85 - €30.50 - €24.91 = €567.44. FIS is payable at 60% of the difference between the net income and the appropriate threshold. The threshold for a family with 2 children is €602. The rate of FIS in this case would therefore be €602 - €567.44 = €34.56 x 60% = €20.74.

Total income for such a family is therefore €645.80 (i.e. €622.85 + €60 + €20.74=€703.59).

Note: See Appendix 1 of Ireland's 41st report for the calculation used in respect of the 2014 (Original) data.

Appendix 2

Resolution CM/ResCSS(2015)…
on the application of the European Code of Social Security
by Ireland
(Period from 1 July 2013 to 30 June 2014)

(Adopted by the Committee of Ministers on …. 2015
at the …the meeting of the Ministers' Deputies)

The Committee of Ministers,

In the exercise of the functions conferred upon it by Article 75 of the European Code of Social Security (hereinafter referred to as the "Code"), and with a view to supervising the application of this instrument by the Contracting Parties;

Whereas the Code, opened for signature on 16 April 1964, entered into force on 17 March 1968 and since 17 February 1972 has been binding on Ireland, which ratified it on 16 February 1971;

Whereas, when ratifying the Code, the Government of Ireland stated that it accepted, in addition to the parts which must be applied by every Contracting Party (Parts I, XI, XII, XIII and XIV), the following parts of the Code:

– Part III on "sickness benefit",
– Part IV on "unemployment benefit",
– Part V on "old-age benefit",
– Part VII on "family benefit",
– Part X on "survivors' benefit";

Whereas, in pursuance of paragraph 1 of Article 74 of the Code, the Government of Ireland submitted its 41st annual report on the application of the Code for the period from 1 July 2013 to 30 June 2014;

Whereas, in accordance with paragraph 4 of Article 74, that report was examined by the ILO Committee of Experts on the Application of Conventions and Recommendations, at its 85th meeting in November and December 2014;

Whereas, at the request of the Governmental Committee of the European Social Charter and the European Code of Social Security ("Governmental Committee"), at its 127th meeting (27–31 May 2013), the ILO undertook a comparative study on the methodology for the selection of the standard beneficiary and the determination of the reference wage, where all the options envisaged by Articles 65–67 of the Code were calculated for the same reference period, 2010, for which complete Eurostat data were available, and elaborated a detailed "Technical Note" on "Determination of the Reference Wage" and "Income and poverty indicators and standards" for each Contracting Party to the Code;

Recalls that the ILO Conclusions on application of the Code and its Protocol for the period 1 July 2013 to 30 June 2014, accompanied by the above-mentioned

“Technical Note”, were transmitted to the Government representatives of Contracting Parties to the Code in view of discussion and adoption of the draft Resolutions on application of the Code and its Protocol at the 131st meeting of the Governmental Committee, 18-22 May 2015;

Recalls that information which the Government is requested to provide in its next report (due by 31 July 2015) for the period 1 July 2014 to 30 June 2015 will be examined by the ILO Committee of Experts at its next meeting in November/December 2015;

Notes:

I. concerning Part III (Sickness benefit), Article 18 of the Code, Waiting period, the report states that, from January 2014, the number of waiting days for entitlement to Illness Benefit is increased from three days to six days, which is expected to result, in Budget 2014, in a net expenditure reduction of €22 million;

II. concerning Part III (Sickness benefit), Article 17; and Part IV (Unemployment benefit), Article 23, Length of the qualifying period, that in its Resolution CM/ResCSS(2012)20 on the application of the Code by Ireland, the Committee of Ministers asked the Government to consider modifying the length of the qualifying period so that it would be long enough to preclude abuse, while remaining sufficiently short for not impeding access to the sickness and unemployment benefits of a minimum duration of at least 26 and 13 weeks, respectively. In reply, the Government states that it remains Ireland’s objective to be fully compliant with all Articles of the Code and the requests of the Committee of Ministers, which will continue to be considered in the ongoing programme of reforms of the Irish social security system. However, the extreme fiscal constraints faced by the Irish authorities, both in relation to the Exchequer position generally and, more specifically, in relation to the Social Insurance Fund (SIF) from which insurance-based benefits are paid, will persist in the years ahead, not least as a result of the demographic pressures arising from increased numbers of pensioners. The Committee of Ministers is fully aware of the financial constraints on the scale of welfare expenditure arising from the EU–IMF Programme of Financial Support for Ireland. It would nevertheless point out that States which have accepted the obligations under the Code have done so not least in order to establish additional collective international safeguards preventing any one of them from seeking solutions to fiscal problems by undermining minimum guarantees of social protection established by the Code;

The Committee of Ministers notes that Ireland contends that, while its social security arrangements are not technically in accordance with the relevant Articles of the Code, the spirit of those Articles is met by virtue of the comprehensive and inclusive nature of the overall system of income supports;

III. concerning Part XI (Standards to be complied with by periodical payments), Article 66, Reference wage:

a. the report indicates that the reference wage has been selected in accordance with Article 66(4)(a). Due to time lags in data, wages data are a year older than benefit data (for example, wages used in 2014 calculations refer to 2013);

b. the previous report indicated that the reference wage used is the average rate of pay for unskilled workers in the metals and engineering sector (€485.63 for April 2012, €498.85 in April 2014). The Committee of Ministers recalls that Article 66(4)(a) refers in that respect to unskilled male workers in the manufacture of machinery other than electrical machinery, which in the International Standard Industrial Classification of All Economic Activities (ISIC), Rev. 4, 2008, is mentioned under code 28. As ISIC does not contain the division of “metals and engineering sector”, the Government should specify to which codes it wishes to refer. The average rate of pay should be calculated with respect to unskilled male workers;

c. that the Irish social security system provides a comprehensive structure of income supports through a combination of insurance-based and means-tested schemes;

d. that sections 5 and 6 of the Social Welfare and Pensions Act 2013 provide for the alignment of the minimum and maximum rates of Maternity and Adoptive Benefit to a standard rate of €230 per week for new claimants with effect from 6 January 2014;

IV. concerning social security and the reduction of poverty:

a. the report states that tackling poverty remains a fundamental aspiration of Irish society and the Government, which aims to reduce consistent poverty to 4 per cent by 2016 and to 2 per cent or less by 2020. However, the poverty target is not a welfare-specific target, but a "national social target" which is linked to a wide range of targeted actions and interventions across diverse policy areas as set out in the National Action Plan for Social Inclusion 2007–16, and is connected with national targets on employment and education, as outlined in the National Reform Programme. It is recognised that welfare policy must extend beyond income support to encourage people of working age to take up employment under the Pathways to Work Strategy providing the integrated employment activation and supports service (Intreo). The latest unemployment figures show a decrease in the seasonally adjusted unemployment rate from 13.3 per cent in the second quarter of 2013 to 11.6 per cent in the second quarter of 2014 – a sign of the steady progress being made. The Government considers it important that the most vulnerable in society, notably jobless households and children in poverty, are enabled to benefit from economic recovery through activation programmes and services. Jobless households account for two-thirds of the population in consistent poverty. The Department of Social Protection has identified household joblessness as an independent risk factor and a specific target for poverty and social exclusion. The Committee of Ministers welcomes the Department's approach to integrating employment and social security policies in the fight against poverty and setting specific targets in this respect, such as that of decreasing household joblessness. As regards children in poverty, the National Policy Framework for Children and Young People 2014–20, published in April 2014, includes a new child-specific poverty target, setting out a multidimensional approach to tackling child poverty and addressing child well-being;

b. the Government recognises that a key component in the fight against poverty is the provision of a minimum standard of living through the social welfare system. According to the report, welfare payments and other social transfers lifted almost 40 per cent of the population above the at-risk-of-poverty threshold in 2011, which equates to a reduction of 71 per cent in the pre-social transfer poverty rate. As a result, Ireland is among the best performing countries in the EU in reducing poverty through social transfers. The Government has continued this redistributive policy in recent budgets by maintaining the value of the main weekly social welfare payments, despite the requirements for significant welfare savings as part of the consolidation under the economic programme of the International Monetary Fund, the European Commission and the European Central Bank. The Committee of Ministers notes the Government's commitment to reduce poverty through labour market activation and redistributive policy and maintain the social welfare system, which is seen as a key mechanism in fighting poverty and one of the best performing systems of social transfers in the EU. It also notes that, notwithstanding these declarations, the budget restrictions for 2014 impose €290 million additional savings in social welfare programmes (€372 million for the full year), with the most important cuts affecting the Jobseeker's Allowance and Activation, Maternity and Adoptive Benefit, and Illness Benefit. With regard to improving poverty outcomes for children, from January 2013 Child Benefit rates were reduced to €130 per month for the first, second and third children and, from January 2014, for the fourth and subsequent children, standardising the Child Benefit rate for all children to €130 per month. From January 2012, the age limit of the youngest child for One-Parent Family Payment (OFP) entitlement purposes is gradually being reduced from 18 to 7 years of age. The total amount of benefits granted for the maintenance of children in Ireland reported by the Government under Part VII of the Code shrank by over €500 million from €2,729 million in 2009 to €2,210 million in 2013;

c. In the context of contracting social security spending, the Committee of Ministers observes that during the crisis period of 2009–12 all main poverty indicators have continued to grow, notwithstanding the fact that the at-risk-of-poverty threshold has significantly decreased. The Committee of Ministers is particularly concerned with the persistent growth since 2007 of the percentage of people facing material deprivation, which has doubled to approach 10 per cent of the population, and of those living at risk of poverty or social exclusion, which has grown by 7 per cent to reach 30 per cent of the population. These consistently negative trends might explain the fact that the report does not contain any statistical information on the evolution of poverty which prove that the Government has managed to stop the propagation of poverty and reversed the trends, be it only for one specially targeted category of the population;

Finds that law and practice in Ireland ensure the application of the Parts of the Code which have been accepted, subject to legislative changes with respect to conditions for entitlement to sickness and unemployment benefits and revision of the reference wage used in assessing the replacement level of benefits guaranteed by the Code;

Decides to invite the Government of Ireland:

I. concerning Part III (Sickness benefit), Article 18 of the Code, Waiting period:

a. to specify, in its next report, whether it has duly informed the Parliament of the incompatibility of the above-mentioned measure with the said provision of the Code and;

Response

The extreme fiscal constraints faced by the Irish authorities, both in relation to the Exchequer position generally and, more specifically, in relation to the Social Insurance Fund (SIF) from which insurance-based benefits are paid, necessitates measures to ensure that the available financial resources are targeted in a manner that ensures that the core rates of Social Welfare payments and the acknowledged effectiveness of the system of social transfers are maintained.

It is in this context that the measure to increase the waiting days from 3 to 6 was introduced in Budget 2014 and the members of the Dáil (Irish Parliament) were briefed on the necessity of the measure.

b. in order to once again comply with Article 18(1) of the Code, to reduce the duration of the waiting period for the Illness benefit to the first three days of suspension of earnings authorised by the Code;

Response

The Government recognises that a key component in the fight against poverty is the provision of a minimum standard of living through the social welfare system. In 2013, social transfers reduced the at-risk-of-poverty rate from 38.4 to 15.2 per cent, lifting almost a quarter of the population out of income poverty. This is equivalent to a poverty reduction effect of 69.5 per cent, as compared to 67.2 per cent in 2012. Expenditure on social protection has increased by a third since 2007 and in 2014, €19.8 billion had been spent in direct support of 1.4 million recipients, with a further 800,000 dependents.

As a result, Ireland is among the best performing countries in the EU in reducing poverty through social transfers. The Government has continued this redistributive policy in recent budgets by maintaining the value of the main weekly social welfare payments, despite the requirement for significant welfare savings as part of fiscal consolidation under the EU-IMF economic programme and the continuing requirement to address the deficit. One of the areas where savings were made was in illness benefit where the waiting period was increased to 6 days. This decision was taken in the knowledge that many employers provide work sick pay schemes where an individual's wages continue for a period of time. For those employees who do not have such a scheme and where the individual is experiencing financial need there is recourse to the Department's means tested supplementary welfare allowance scheme.

Ireland's objective is to be fully compliant with all Articles of the Code that it has accepted, and the issue of appropriate waiting days for illness benefit will continue to be considered in the context of the ongoing programme of reforms of the Irish social security system. The Government is not in a position to reduce the waiting period of 6 days at this time; however the matter will be kept under review.

II. concerning Part III (Sickness benefit), Article 17; and Part IV (Unemployment benefit), Article 23, Length of the qualifying period, not to seek solutions to its financial problems by departing from commonly agreed minimum European standards of social security, be it through increasing the duration of the waiting period for the Illness benefit by three additional days or that of the qualifying period for the Illness and the Jobseeker's Benefits by more than a year;

Response

The Irish Government highlights the significant differences that exist between the Irish social welfare system and the systems in other European countries. These include the fact that Irish rates of social insurance contributions, which are fully reckonable for all benefits and pensions, are among the lowest in the OECD, while in return a typical employed contributor can expect to receive over his/her lifetime three times what s/he contributes to the Social Insurance Fund.

Ireland appreciates that the Committee in their remarks have regard to the current fiscal constraints faced by Ireland. Ireland will continue to face fiscal constraints into the future and must remain within the agreed EU deficit targets in the coming years. In this context of scarce resources, the Irish Government will continue to make pragmatic budgetary decisions with regard to State expenditure and the welfare of citizens.

It should be noted that in Ireland, systems for the provision of benefits were developed and operate in tandem with means tested payments in a way that is not common in Member States generally. While, the Irish system relies heavily on means testing, in the round it provides a very significant level of support – which can persist without reduction for significant periods of time. For example, the standard rate of Jobseeker's Allowance is €188 per week – the same as the standard rate of Jobseeker's Benefit. Primary entry criteria for both schemes, which include the requirement to be available for and genuinely seeking full-time employment, are also very similar. This means that if a person suffers the contingency of unemployment but does not have the requisite number of contributions for Jobseeker's Benefit s/he will, subject to means, be able to access exactly the same level of support via Jobseeker's Allowance.

In terms of the performance of the Irish welfare system generally it may be noted that in 2013 social transfers (excluding pensions) reduced the Irish at-risk-of poverty rate from 38.4 per cent to 15.2 per cent, or 23.2 per cent in absolute terms. This represents a poverty reduction effect of 60.4 per cent which is amongst the best in the EU. This demonstrates that, despite the fact that it is structured differently from other Member States' systems; the Irish welfare system delivers real benefits to citizens and has been very successful in lifting many people out of poverty.

Accordingly, the Irish Government considers that the qualifying conditions as they stand strike a reasonable balance between access to benefits and the contribution required from insured persons. Nevertheless, the Government will continue to reconsider the qualifying conditions for the sickness and unemployment benefit schemes in the context of the on-going review and reform of Ireland's social welfare system.

III. concerning Part XI (Standards to be complied with by periodical payments), Article 66, Reference wage:

a. pointing out that Article 66(2) expressly requires the data concerning the reference wage, the benefit and any family allowances to be calculated on the same time basis (for 2013 for example), to align the statistics given in its future reports for the same reference period for which all data are available;

Response

The data concerning the reference wage and the benefits (Illness Benefit, Jobseeker's Benefit, State Pension (Contributory), Widow's, Widower's or Surviving Civil Partner's (Contributory Pension)) and the family allowances calculated with reference to the reference wage are computed in this report on the same time basis, i.e. 2014. In future reports this alignment will be maintained, but will, of necessity, due to the time lag in the availability of the reference wage data, result in the aligned data relating to a year which is two years earlier than the year of the report. For example, the aligned data that will be contained in the 2016 report to the Committee will relate to the 2014 reference wage and benefit and family allowance rates. To achieve this alignment, the benefit and family allowance rates relating to 2014 will be used twice in relation to the reference wage; in this year's report in the context of the response to b below and also in next year's report when the 2014 reference wage data will be available from the Irish Central Statistics Office.

b. in view of the above explanations, to specify in its next report which option ((a) or (b) in Article 66) is selected, and to review the corresponding methodology used for determining the reference wage in the light of the more detailed information contained in the above-mentioned "Technical Note", transmitted to the Government, which sets out and calculates for Ireland all the options allowed by the Code for determining the reference wage on the same time basis (2010) for which complete, comparable Eurostat data are available. The Government is requested to update the statistics used in the "Technical Note" indicating the precise source of the data to be used for future reference. Taking into account that the reference wage calculated on the basis of Eurostat data appears to be much higher than the wage taken in the report, the Government is requested to recalculate, in the next detailed report, the replacement level of benefits under accepted Parts of the Code using the revised reference wage;

Response

Ireland has updated the methodology for collecting and presenting data on wages. The Irish Central Statistics Office (CSO) is scheduled to present data this year following a comprehensive project titled the 'Structure of Earnings Survey Administrative Data Project'. The Project is due to publish data for 2011 in the autumn and is scheduled to deliver 2012 and 2013 data towards the end of 2015 with 2014 data expected in early 2016. Data for subsequent years will be available annually thereafter. Data in relation to the gender breakdown for the main occupations which encompass the category of 'unskilled male worker' is due to be published in respect of the years 2011 to 2013 by the end of 2015. Once this information is available, the relevant reference wage will be used to align the statistics in future reports to the Committee, albeit with a two-year time lag arising.[8] When the data is available from the CSO, it will be analysed with a view to ascertaining which of the two options in Article 66 is best supported by the data available for future reporting purposes.

Pending the availability of the relevant reference wage as outlined in the foregoing paragraph and noting the data provided by the Committee in its 'Technical Note', the data relating to Article 66 (4) b: a person deemed typical of unskilled labour (€2,699 per month), is used as the reference wage for the purposes of this report as an interim measure. As requested by the Committee, the replacement levels of benefits under the accepted Parts of the Code have been recalculated accordingly and included when reporting on the relevant Articles in this report.

c. taking into account that certain benefits include means-tested elements, to explain in its next report, why recourse is made to Article 66 of the Code, under which the calculations should be based on the minimum amounts of benefits or uniform flat-rate amounts not subject to means test, and not Article 67, under which the calculations should be based on the maximum amounts of benefits subject to means test;

Response

All the benefits calculated: Illness Benefit; Jobseeker's Benefit; State Pension (Contributory); and Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension, are contributory in nature and are not subject to a means test. Generally, contributory payment rates are standard flat-rate amounts. Where rates lower than the maximum rates are made, it is due to the person's contribution record in the case of pensions or the person's contribution record and past earnings in the case of illness and jobseeker's benefits. Reduced rates of all of these payments are not attributable to the means the person may have. See the response to d following which presents the maximum and reduced rates of sickness, unemployment, old age and surviving benefits due to past earnings or varying contribution records as the case may be. Child Benefit is paid as a standard, uniform, flat-rate per child (with increases for multiple births) and is not means tested. Therefore, it is considered that Article 66 is the most appropriate basis for the calculations.

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[8] For example, reference wage data for 2014 due for publication in early 2016 will be used in the 43rd report to the Governmental Committee in 2016.

d. taking into account the above example of fusion of the minimum and maximum benefit rates into one, to explain in its next report the conditions under which the minimum and maximum benefits are payable, and to specify their amounts under all accepted Parts of the Code.

Response

The previous request for information referred to the alignment of the minimum and maximum rates of Maternity and Adoptive Benefit which are schemes not covered by the accepted Parts of the Code. The following tables show the circumstances under which the minimum and maximum benefits are payable in respect of the schemes relating to the accepted Parts of the Code. State Pension (Contributory) and Widow's, Widower's or Surviving Partner's (Contributory) Pension are payable on the basis of the person's social insurance contribution record in the case of the former or that of the person or his or her spouse/partner in the case of the latter and the fulfilling of other criteria relevant to the particular scheme, for example, attaining pension age in the case of State Pension (Contributory). Illness Benefit and Jobseeker's Benefit are payable on the basis of the person's social insurance contribution record and the fulfilling of other criteria relevant to the particular scheme, for example, genuinely seeking employment in the case of Jobseeker's Benefit. However, the rates payable in respect of these two working age schemes are graduated according to the person's earnings in the relevant tax year. The relevant tax year being the second last complete tax year before the year in which the claim to benefit is made ensures that the contribution and earnings year is the same when determining entitlement to these schemes.

Illness Benefit		
Average weekly earnings	Personal Rate	Increase for Qualified Adult
Less than €150.00	€84.50	€80.90
€150.00 and less than €220.00	€121.40	€80.90
€220.00 and less than €300.00	€147.30	€80.90
€300.00 or more	€188.00	€124.80

Jobseeker's Benefit		
Average weekly earnings	Personal Rate	Increase for Qualified Adult
Less than €150.00	€84.50	€80.90
€150.00 and less than €220.00	€121.40	€80.90
€220.00 and less than €300.00	€147.30	€80.90
€300.00 or more	€188.00	€124.80

State Pension (Contributory)		Personal rate	Increase for Qualified Adult	
			Aged under 66	Aged over 66
Yearly average contributions		Rate per week	Rate per week	Rate per week
	48 or over	€230.30	€153.50	€206.30
	40-47	€225.80	€146.00	€196.00
	30-39	€207.00	€139.00	€186.00
	20-29	€196.00	€130.00	€175.00
	15-19	€150.00	€100.00	€134.00
	10-14	€92.00	€61.00	€83.00

Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension		
Yearly average contributions	Aged under 66	Aged over 66
	Personal rate per week	Personal rate per week
48 or over	€193.50	€230.30
36-47	€190.70	€225.80
24-35	€188.00	€220.40

IV. concerning social security and the reduction of poverty:

a. to indicate, in its next report, difficulties it is encountering and solutions it is taking in pursuing the targets of decreasing household joblessness and child poverty. Taking into account that the current economic crisis has revealed the deficit of such integrated multidimensional policies in Europe, the Government is asked to also highlight the progress it has made in linking welfare goals with other national policies;

Response

Ireland pursues an active inclusion approach to household joblessness, which is set out in the National Reform Programme 2014.[9] Further work is ongoing on this on foot of a country-specific recommendation from the European Commission. The 2014 CSR states: *Tackle low work intensity of households and address the poverty risk of*

9 http://www.taoiseach.gov.ie/eng/Work_Of_The_Department/Economic_International_Northern_Ireland/Economic/NRP/National_Reform_Programme_2014.pdf

children through tapered withdrawal of benefits and supplementary payments upon return to employment. Facilitate female labour market participation by improving access to more affordable and full-time childcare, particularly for low income families. A subsequent 2015 CSR states: *Take steps to increase the work-intensity of households and to address the poverty risk of children by tapering the withdrawal of benefits and supplementary payments upon return to employment and through better access to affordable full-time childcare.* The policy response to this recommendation is reported in the *National Reform Programme 2015*.[10]

The Government child poverty target is set out within the National Policy Framework for Children and Young People 2014-2020, *Better Outcomes, Brighter Futures*. A priority action under this Framework is to implement a multi-dimensional approach to child poverty. This involves the Departments of Social Protection, Children and Youth Affairs, Education and Skills, and Health. There is extensive consultation with stakeholders in relation to the multi-dimensional approach. This includes the Advisory Council for the Framework and a joint seminar with the European Commission, to draw out the lessons of the Commission's 2013 Recommendation on 'Investing in children: Breaking the cycle of disadvantage'. Further information on the policy response to tackling child poverty is set out in the *National Reform Programme 2015.*

b. in the light of the above-mentioned figures, to explain in its next report the formula it has found for diminishing poverty by systematically reducing the volume of social transfers. The Government is asked to indicate in this respect what new cuts in benefits appear in the Budget 2015 and what categories of beneficiaries (in terms of age, gender, type of employment, type of household, etc.) will be affected the most;

Response

In 2014, the Department of Social Protection spent €19.8 billion on social protection. This represents only a slight reduction on welfare expenditure over the last number of years and is significantly ahead of expenditure in 2008, before the economic crisis. Central to the policy approach has been a commitment to maintain minimum welfare payments, which have been unchanged since 2011.

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10 http://www.taoiseach.gov.ie/eng/Work_Of_The_Department/Economic_International_Northern_Ireland/Economic/NRP/Ireland_s_National_Reform_Programme_2015.pdf

Table 1 Social Protection Expenditure 2005 to 2014

	Total social welfare expenditure	Social welfare expenditure as a % of GNP
2005	€12.2bn	8.8%
2006	€13.6bn	8.8%
2007	€15.5bn	9.5%
2008	€17.8bn	11.5%
2009	€20.5bn	15.3%
2010	€20.9bn	15.8%
2011	€21.0bn	16.0%
2012	€20.8bn	15.7%
2013	€20.3bn	14.7%
2014	€19.8bn	not available

Source: SILC, various years

Recent research from the Economic and Social Research Institute (ESRI) shows that social transfers have maintained their poverty reduction effectiveness and efficiency in Ireland in the face of the economic crisis and the requirement for significant welfare savings as part of fiscal consolidation under the EU-IMF economic programme.[11]

In Budget 2015, the Government provided an additional €198 million to help families and to support the most vulnerable. The Department of Social Protection has published the social impact assessment of the main welfare and tax measures for 2015, including the new water charges package.[12] The principal finding of the assessment was that for the first time since the economic crisis, welfare and income tax policy will result in an increase in average household incomes of 0.7 per cent (equivalent of almost €6 per week). The measures will lead to no significant change in the at-risk-of-poverty rate though the income threshold increased. This suggests that social transfers continue to perform strongly in reducing poverty.

Budget 2015 was the first Budget in recent years where there was scope for positive improvements in welfare supports such as increases in the weekly living alone allowance and monthly Child Benefit as already advised in this report. All existing welfare payments were fully maintained for 2015. There were no reductions in benefits in Budget 2015.

[11] http://www.socialinclusion.ie/SocialTransfersandPovertyAlleviation_000.html
[12] http://www.welfare.ie/en/Pages/SocialImpact2015.aspx

c. to provide national data in its next report, as well as the social impact assessment of the distributive effects on income and social inequality of the main welfare and tax measures for 2015 carried out by the Department of Social Protection and the cumulative impact of such measures adopted since 2012. The Government is asked to refer in this respect to the infographs in the above-mentioned "Technical Note" and update the statistical and legal information on which they are based.

Response

The Government publishes an annual Social Inclusion Monitor (SIM), to report officially on progress towards meeting the national social target for poverty reduction. The data source is the Central Statistics Office Survey on Income and Living Conditions (SILC), which is the Irish component of the EU Statistics on Income and Living Conditions. SIM 2013 was published at the Social Inclusion Forum on 25th March 2015. The Monitor and Summary document are available online at: http://www.welfare.ie/en/Pages/Social-Inclusion-Monitor.aspx.[13]

The key indicator for poverty in Ireland is consistent poverty which is the basis of the national social target for poverty reduction.[14] At-risk-of-poverty and basic deprivation are its two component indicators. Figures 1 and 2 present an overview of poverty trends using these indicators. A medium-term perspective is also presented comparing the periods of economic boom (2005-2008) to economic crisis (2009-2013) – see Table 2.

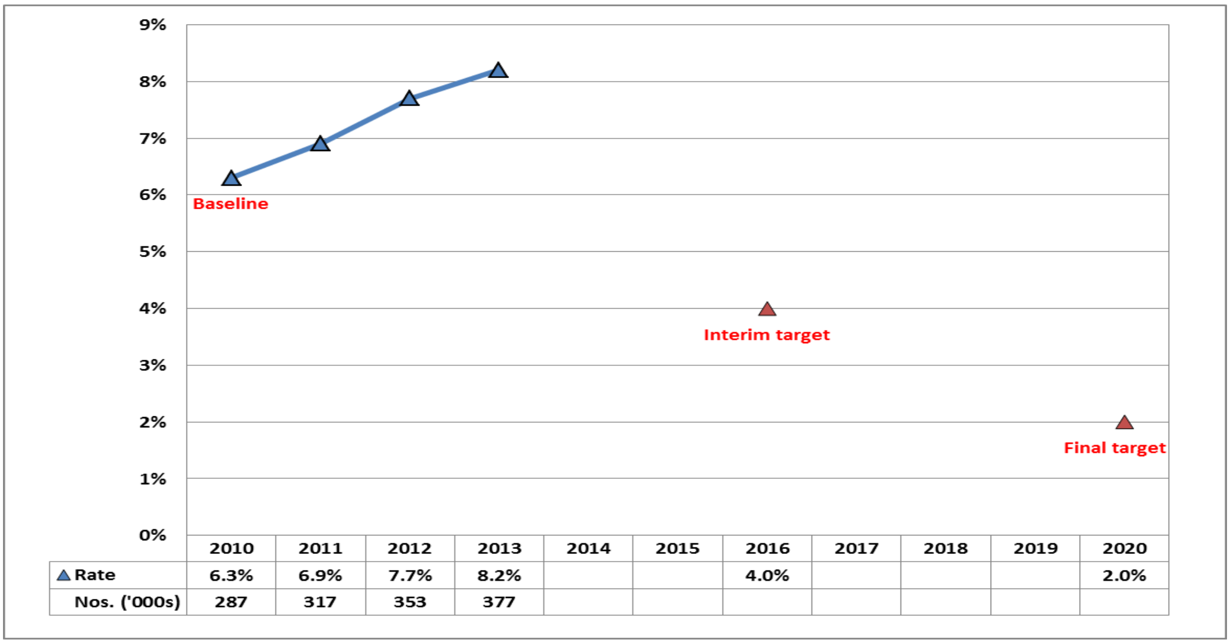
Progress on the headline target

To reduce consistent poverty to 4 per cent by 2016 and to 2 per cent or less by 2020, from the 2010 baseline rate of 6.3 per cent.

Figure 1 shows the consistent poverty rate in 2013 was 8.2 per cent. While not a statistically significant change on the 2012 figure (7.7 per cent), the trend continued to dis-improve.[15] This leaves a gap of 4.2 percentage points between the 2013 rate and the 2016 interim target. Numerically, 377,000 people were in consistent poverty in 2013.[16]

[13] Poverty trends have not been quoted in previous reports as they were not specifically requested.
[14] Eurostat indicators are not used to monitor key poverty trends at national level. The income and deprivation concepts used in Ireland are different to those used by Eurostat. Also, Ireland does not use the very low work intensity indicator.
[15] Further analysis is required to determine if the changes between 2010 and 2013 are statistically significant.
[16] This is based on a CSO population estimate of 4,593,125 in 2013.

Figure 1 Progress towards the national social target for poverty reduction



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Rate	6.3%	6.9%	7.7%	8.2%			4.0%				2.0%
Nos. ('000s)	287	317	353	377							

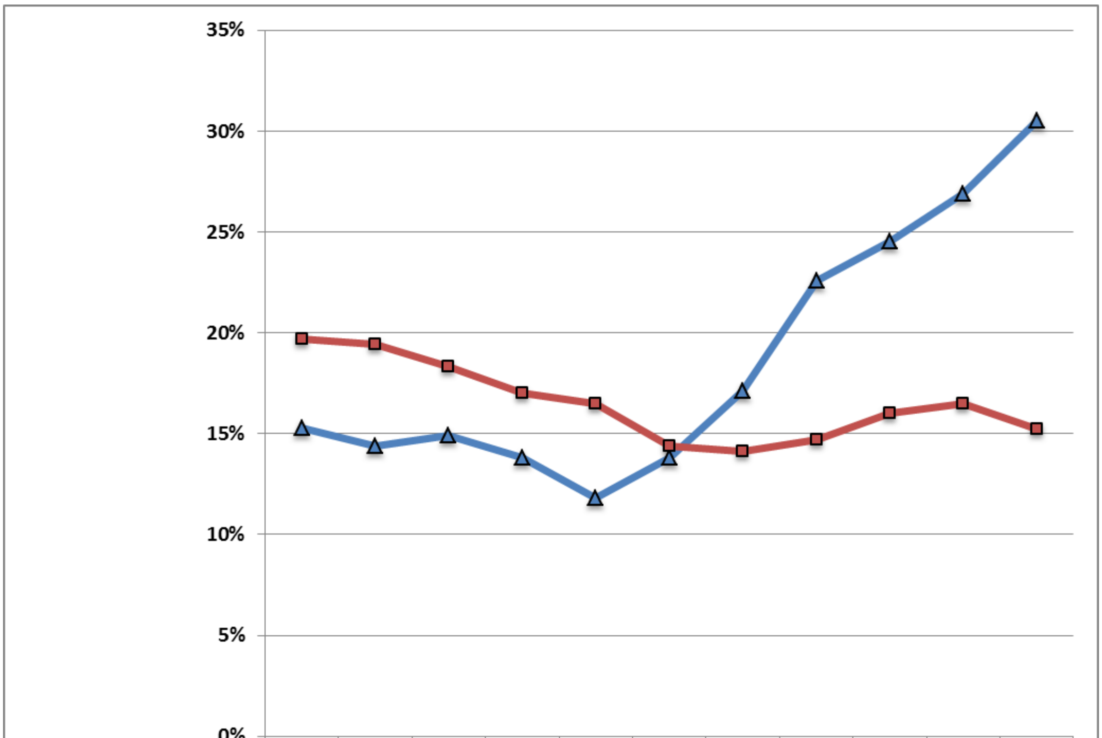
Source: SILC, various years

At-risk-of-poverty and basic deprivation

People are *at-risk-of-poverty* if their equivalised household income is below 60% of the median. People are in *basic deprivation* if they live in a household lacking 2 or more of 11 basic necessities.

In the period 2003 to 2007-2009, poverty fell by a significant amount. At-risk-of-poverty fell from 19.7 per cent to 14.1 per cent, and basic deprivation reduced from 15.3 per cent to 11.8 per cent. Poverty worsened with the onset of the economic crisis. The at-risk-of-poverty rate increased from 14.1 per cent to 16.5 per cent in 2012, before falling to 15.2 per cent in 2013. Meanwhile, basic deprivation grew from 11.8 per cent to 30.5 per cent.

Figure 2 Trends in at-risk-of-poverty and basic deprivation, 2003-2013



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Basic deprivation	15.3%	14.4%	14.9%	13.8%	11.8%	13.8%	17.1%	22.6%	24.5%	26.9%	30.5%
At-risk-of-poverty	19.7%	19.4%	18.3%	17.0%	16.5%	14.4%	14.1%	14.7%	16.0%	16.5%	15.2%

Source: SILC, various years

Medium-term perspective on the headline target and supporting indicators

Table 2 compares the changes in poverty rates across two time periods; economic growth (2005 to 2008) to economic crisis (2009 to 2013). This type of analysis contrasts with the trend analysis, which can focus on peaks and troughs. The time period analysis neutralises any oscillations or extremes giving a clear sense of the contrast between poverty rates in Ireland during contrasting periods in the economic cycle.

The Table shows there was an increase of 1.2 percentage points in consistent poverty over the two periods. Basic deprivation rose by 10.7 percentage points between the two periods. This shows the social impact of the economic crisis. In contrast, at-risk-of-poverty fell by 1.3 percentage points to 15.3 per cent.

Table 2 Medium-term perspective on the headline target and supporting indicators

	Average 2005 - 2008	Average 2009 - 2013	Difference
Consistent poverty	5.7%	6.9%	↑ 1.2 (pp)
Basic deprivation	13.6%	24.3%	↑ 10.7 (pp)
At-risk-of-poverty	16.6%	15.3%	↓ -1.3 (pp)

Source: SILC, various years

No analysis is available for the cumulative impact of Budgets 2012-2015.