

Reference No: E109/329/75; **Date:** 24/05/79

Circular 25/1979:- Marriage differentiated pay and related matters

A Dhuine Uasail

I am directed by the Minister for the Public Service to say that agreement has been reached with the staff interests regarding the effective date of the elimination of marriage differentiation from civil service pay scales and other related issues. I am, accordingly, to convey the following instructions to Departments.

Marriage differentiated pay scales.

2. Marriage differentiated (A/B) scales were eliminated with effect from 1 July 1977 and since then only one scale, the former B scale, applies in the grades concerned. Earlier, the B scale had been applied to married women in these grades, with effect from 31 December 1975, and the differences between the married and single rates had been reduced. Payments as follows should now be made in respect of the period 31 December 1975 to 30 June 1977.

3. Each officer who served in the period 31 December 1975 to 30 June 1977 in a grade the pay scales for which were, up to 1 July 1977, differentiated on a marriage basis should be paid an amount equivalent to the additional scale salary which he would have received in that period if marriage differentiation had been eliminated with effect from 31 December 1975 instead of 1 July 1977. The amount due in respect of each officer should be calculated and divided into three equal instalments. The first of these instalments should be paid on 1 July 1979, the second on 1 July 1980 and the third on 1 July 1981.

Children's allowances

4. The following paragraphs are subject to the existing general regulations relating to children's allowances. These regulations are set out in the Appendix.

(a) Officers serving on 31 December 1978 in former marriage differentiated grades

5. With the exception of those who opted under Circular 2/61 not to have their pay differentiated on a marriage basis, all officers, married or single, male or female, serving on 31 December 1978 in grades the salary scales for which were differentiated on a marriage basis up to 1 July 1977 are, subject to paragraphs 6 and 7, eligible for children's allowances in respect of their existing and future dependent children.

6. The provision at paragraph 5 involves the extension of eligibility for children's allowances in the grades concerned to categories previously not eligible for them - hitherto, entitlement was restricted to married men and widows reinstated in an established capacity. This extension of eligibility, which covers married women, for instance, is effective from 31 December 1975 and payment should be made accordingly.

7. Subject to paragraphs 8 and 13, officers covered by paragraphs 5 and 6 will lose eligibility for children's allowances if after 31 December 1978 they change grade by open competition or enter a grade the salary scales for which immediately prior to 1 July 1977 were not differentiated on a marriage basis.

8. An officer who is a married woman or widow who has been readmitted in an established capacity under section 4 of the Civil Service (Employment of Married Women) Act, 1973 will lose eligibility for children's allowances only if she changes grade by open competition. Any widow who is entitled to

children's allowances because of her late husband's employment in the civil service would not lose eligibility for them.

(b) Married women and widows reinstated in an established capacity, under section 4 of the Civil Service (Employment of Married Women) Act, 1973, to grades other than those formerly differentiated on a marriage basis

9. Married women and widows in this category who were serving on 31 December 1978 are eligible for children's allowances in respect of their dependent children as at that date. In the case of reinstates other than widows, payment will be effective from 31 December 1975 or the date of reinstatement whichever is the later; the entitlement of widows dates from 1961.

10. Reinstated widows in this category will lose entitlement if they remarry or secure another position by open competition, unless they are entitled to the allowances by reference to their late husband's employment in the civil service. A reinstated married woman, other than a widow, will of course lose entitlement if the basis for reinstatement, namely nonsupport by her husband, ceases to apply or if she obtains another position by open competition. (See also paragraphs 13 and 14.)

(c) Avoidance of double payment

11. Where both parents are, or were, employed in the public sector only one allowance from public sector employment is payable in respect of each eligible child.

12. Where an application for payment of an allowance in respect of an eligible child is made and it is established that a similar allowance is already being paid in respect of the child by the civil service or by another public sector employer, a civil service allowance should not be paid on foot of the application. However, if the civil service allowance is greater than an allowance being paid elsewhere in the public sector in respect of the child, the difference may be paid by way of civil service allowance.

(d) Reinstatements and new appointments after 31 December 1978

13. Officers entering or re-entering former marriage differentiated grades on or after 1 January 1979 will not be eligible for children's allowances unless they are appointed from competitions advertised before that date.

14. Women readmitted to the civil service on or after 1 January 1979 under section 4 of the Civil Service (Employment of Married Women) Act, 1973 will not be eligible for children's allowances. However, those who have been readmitted before 31 December 1978, are serving in a temporary or unestablished capacity on that date and are subsequently, without a break in service, given established status under the same legal provision will be entitled to children's allowances with effect from the date of establishment. Also, any widow who is entitled to children's allowances by reference to her late husband's employment will retain that entitlement.

(e) The rate of children's allowances

15. The rate of children's allowances is £55 with effect from 1 September 1975. The rate should be increased to £58 with effect from 1 March 1979.

Widows' allowances

16. A pensionable allowance is at present payable in certain circumstances to widows reinstated to grades the pay scales for which were not formerly differentiated on a sex (Man/ Woman) or marriage (A/B) basis and in respect of which no pay adjustment related to the elimination of such differentiation has been made. Reinstated widows in receipt of that allowance on 31 December 1978 will retain entitlement

to it, subject to the existing conditions. They will lose entitlement if after 31 December 1978 they remarry, change grade by open competition or enter a grade in respect of which a pay adjustment related to the elimination of sex or marriage differentiation has been made.

17. Married women other than widows who have been reinstated to the grades referred to at paragraph 16, under the same statutory provisions as apply to widows, and who were still serving in that capacity on 31 December 1978 will be entitled to the allowance payable to reinstated widows in those grades. This entitlement is effective from 31 December 1975 or the date of reinstatement whichever is the later. As in the case of widows, the allowance will be abated or cancelled by reference to any pension payable in respect of the employment of the reinstatee's husband in the public sector. Entitlement to the allowance will lapse if the basis for reinstatement ceases, if the woman obtains another position by open competition or enters a grade in respect of which a pay adjustment related to the elimination of sex or marriage differentiation has been made.

18. The rate of the allowance payable under paragraphs 16 and 17 will remain fixed at the amount applying on 31 December 1978.

19. Married women and widows reinstated on or after 1 January 1979 will not be entitled to the allowance.

Payment for portion of the period 31 December 1975 to 30 December 1978

20. The foregoing paragraphs extend, with effect from 31 December 1975, entitlement to (a) the allowance at present payable to widows and (b) children's allowances to certain categories of staff serving on 31 December 1978. Officers who would be eligible for these allowances except for the fact that they changed position or status before 31 December 1978 may be paid the appropriate allowance(s) for the relevant portion of the period 31 December 1975 to 30 December 1978.

Superannuation

21. The superannuation benefits of those who retired in the period 31 December 1975 to 30 June 1977 fall to be revised as if marriage differentiation had been eliminated on 31 December 1975. Departments with delegated authority to make awards under the Superannuation Acts should therefore revise the pensions, retirement lump sums, death and marriage gratuities of the officers concerned as early as possible and they (except the Department of Posts and Telegraphs which will make its own arrangements for revision and payment) should notify the Paymaster General's Office of the revised rates so that the first payment can be made by that Office on 1 July 1979. Departments/Offices should not make any payments on foot of this revision. Departments/Offices who have not delegated authority to make awards should furnish to this Department as soon as possible a list of the cases affected.

22. The amount due in respect of each officer will be paid by the Paymaster General's Office in three equal instalments on 1 July 1979, 1 July 1980 and 1 July 1981.

Application of the Circular

23. Individual cases should be reviewed from time to time as necessary by reference to the circumstances in which eligibility for children's allowances and/or the allowance payable to reinstated married women or widows ceases.

24. Any doubts or difficulties about the application of this circular should be submitted in writing to the General Section of this Department's Personnel Division.

Previous circulars

25 All previous circulars relating to eligibility for children's allowances are superseded by this circular.

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Appendix to Circular 25/79

GENERAL REGULATIONS REGARDING ELIGIBILITY FOR AND PAYMENT OF CHILDREN'S ALLOWANCES

Eligible children

1. Children's allowances are payable to officers eligible for them in respect of their dependent children
 - (i) up to 16 years of age; or
 - (ii) if the child is an invalid, up to 21 years of age; or
 - (iii) if the child is still at school or attending certain other approved courses of instruction after 16, up to 21 years of age or the last day of attendance at the school/course, whichever date is the earlier
2. Subject to 1, an allowance is payable in respect of a child adopted under the Adoption Acts, On completion of an adoption order in respect of the child, the allowance may be paid with effect from the date on which the officer obtained custody of the child. Confirmation of that date should be obtained from An Bord Uchtala. The allowances are not payable in respect of step-children.

Sickness, retirement or death of the officer

3. Children's allowances may be paid in full during sick leave and are not affected by any reduction in pay due to prolonged sick absence.
4. Where an officer retires with an immediate pension or gratuity in respect of his service in the civil service, under the Superannuation Acts or under the Non-Contributory Pension Scheme for non-established State Employees, any children's allowances being paid at the date of retirement may continue to be paid after retirement, so long as the children remain eligible for the allowances.

On the death of such an officer after retirement, or on the death of an officer in service, any children's allowances which were actually being paid at the date of death may be paid to the surviving parent or guardian of the children so long as the children are eligible for the allowances. Payment of children's allowances to a person other than a parent will be subject to his/her giving an undertaking in writing that the amount of the allowances will be applied for the children's exclusive benefit.

5. Children's allowances will continue to be paid where allowances are also awarded in respect of the children under the Injury Warrant or under the Contributory Pension Scheme for the Widows and Children of Civil Servants.

Cessation of eligibility

6. If a child in respect of whom an allowance is being paid dies or for some other reason ceases to be dependent, the date of death or of cessation of dependency must be notified without delay, in writing, by the person receiving the allowance to the Department/Office paying the allowance, A similar

notification should be sent when the child ceases otherwise to be eligible for the allowance. The allowance may be paid up to and including the date of death or cessation of dependency or eligibility.

7. Where an allowance is payable in respect of a child of a deceased civil servant and the child is legally adopted, the allowance will cease on the date of the relevant adoption order, unless the adopting parents are themselves eligible for children's allowances.

Relationship of allowances to pay

8. Children's allowances are:

- * not regarded as part of salary or emoluments for purposes of pension or sick pay
- * not taken into consideration in determining the class of travelling or the rate of subsistence which an officer may be allowed
- * not aggregated with scale pay in calculating overtime rates.

Applications

10. Normally, applications for children's allowances are made once a year by reference to the position as at 30 June. All applications must be made on the prescribed form T. Gen. 19. Copies of the revised version of this form can be obtained from the Stationery Office.

General

11. A Department/Office may at any time require such additional information, either generally or in a particular case, as it may consider desirable for the purpose of determining that payment of any children's allowances is in order.

T.GEN.19

Application for Children's Allowances

N.B. Read notes at back of form

1. Name of Applicant _____
Grade _____
Marital status _____
2. Names of children covered by the application
3. Is each of these children
 - (a) Dependent on the applicant? Yes No
 - (b) Living with the applicant? Yes No
4. In the case of each child NOT living with the applicant, state

- (a) The name of the child _____
- (b) Where he/she lives _____
- (c) Is the applicant responsible for the maintenance of the child? Yes No

5. In the case of each child over 16 years of age

- (a) Is he/she attending school? Yes No

If so, name and address of school

- (b) Is it intended that the child will be attending school for the coming year?
Yes No
- (c) If the child is not attending school, is he/she an invalid (see Note (d))?
Yes No

6. (a) Where is/was the parent of the child, other than the applicant, employed (see Note (e))?

(b) If he/she is/was employed in the civil service or in any other part of the public Sector (e.g. as a teacher or lecturer) is payment of an allowance already being made as a result in respect of the child?

Yes No

- (c) If so, state the organisation which pays the allowance
- (d) The rate(s) of the allowance
- (e) Date(s) from which it is payable

7. State whether there was any change over the last year in the details given in the last application for children's allowances, and if there was, give full particulars (unless they have already been given).

Signature _____
 Date _____

NOTES

- (a) The form should be filled each year by reference to the position at 30 June.
- (b) Additional information should, of course, be given wherever this is necessary (e.g. if the answer to question 5(b) is 'no').
- (c) A birth certificate must be submitted with the first application in respect of a child.

(d) If an application is being made in respect of a child who is an invalid, a doctor's certificate must be submitted with the application to the effect that the child is unable to work.

(e) The Personnel Branch may give exemption from question 6 in certain cases.

N.B. IF THERE IS ANY CHANGE IN CIRCUMSTANCES RELEVANT TO THIS APPLICATION, PERSONNEL SECTION SHOULD BE TOLD WITHOUT DELAY.

CERTIFICATE FROM THE PERSONNEL BRANCH

I have examined the application and have obtained all necessary additional information. I certify that children's allowances are payable as follows to _____ under Circular 25/79 (and any amending Circulars).

Name of child	From	To	Rate
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I have instructed Accounts Branch accordingly.

Signature _____
Grade _____
Date _____