

Our reference: OMB-153094-K3G3V4

14 February 2025

Mr Steven Condra

By Email Only

Dear Mr Condra

I am writing to you about a complaint you made to this Office concerning Student Universal Support Ireland (SUSI). I have completed my investigation. I cannot uphold your complaint and I have set out my reasons for this decision below.

Your complaint

In your complaint to this Office, and during our follow up conversations regarding same, you confirmed to me that your complaint related to SUSI's decision to refuse your application for a grant, as an independent student, on grounds that you were unable to provide sufficient evidence to satisfy the necessary criteria, relating to independent residency, for the years applicable to the grant application.

You noted to me that your inability to provide such evidence was due to the fact that you are homeless and have been since 2021. While you had been engaged with homeless services in the year of your application, 2024, you had been couch surfing in the years prior and therefore were unable to obtain the sort of documents SUSI require in order to prove independent residence.

You provided me with information relating to the efforts you had gone to satisfy SUSI's requirements, confirming that the documents you had obtained and submitted were ultimately not accepted by SUSI. You also shared many details of the long term struggles you have encountered in accessing public services more generally which have since resulted in further complaints being pursued by this Office.

As a result of SUSI's refusal to accept your documentation, your application was not approved and you could not continue to attend your chosen 3rd level course. You have since left education and this has had a detrimental effect on both your confidence and your mental health. You were seeking to have SUSI reverse their decision, to apologise to you and to undertake to provide you with access to the grant for the 2025/2026 academic year.

The role of the Ombudsman

In examining complaints, the role of the Ombudsman is to ensure that public bodies, like SUSI, deal with individuals properly, fairly and impartially. Generally, he seeks to ensure that the material relied upon by the decision makers is capable of supporting that decision, and that in exercising decision making powers they act in a reasonable manner, taking all

relevant factors into consideration and ignoring irrelevant facts. In summary, he seeks to ensure that each application receives consideration on its own merits and that the applicable legislation, policies and guidelines etc. have been followed.

SUSI's response

In investigating your complaint, I considered all of the documentation provided by you and also all of the information disclosed by you during our conversations. I also examined the legislation and policy underpinning SUSI grants and requested a report from SUSI on both the specific complaint that you had raised with this Office, and more generally, how SUSI approaches applications made by homeless applicants who may not be able to provide some of the documentation that is required under the scheme.

In its response SUSI reported that they advised you, on several support calls, of the possible documentation you could submit as evidence of your independent residence. The letter from the homeless organisation that you provided was considered acceptable evidence of independent residence before the start of the course in September 2024. However, the information you provided from the Department of Social Protection (DSP), while confirming your address, did not confirm independent residency for the year 2023. DSP statements are accepted as evidence of independent residence only where it is confirmed that the applicant was in receipt of Rent Supplement or Living Alone Allowance during the relevant time period ie. from October of the year prior to the first point of entry/re-entry and the year of the point of entry/re-entry no later than the start date of the course. As you did not provide any further or alternative documentation your application was refused. SUSI maintain that they advised you of your right to appeal their decision but that you chose not to lodge an appeal and stated that you did not want SUSI to contact you again. SUSI confirmed to me that if you had of submitted an appeal, SUSI would have continued to support you with the application process. SUSI noted that it must respect the wishes of applicants who request no further contact but want to inform you that if you contact them again, they can continue to try and provide assistance.

Specifically, with regard to accepting the alternative documentation you provided, SUSI state that as the grant scheme administrator, they are obliged to implement the rules of the scheme as published. They are committed to ensuring grant applications and payments continue to be processed fairly, uniformly and efficiently and have no role or discretion to vary or modify the rules of the scheme. Furthermore, they do not have an advisory or policy-making role in relation to student grants. In this regard, while SUSI empathise with your circumstances, and the circumstances of other applicants who face similar challenges, , they are ultimately only the administrators of the scheme and can only operate within the rules and parameters of the SUSI scheme and the legislation which underpins it.

My analysis

As noted above, in this case I have examined the relevant legislation, scheme and its rules and I have considered both your and SUSI's position. I must first acknowledge and recognise the frustration that you undoubtedly experienced in trying to provide the documentation and proofs required to access this scheme. I must also note my initial concern with the strict requirements of the scheme when considering how such requirements may be legitimately out of reach, or difficult to meet, for a person who has been experiencing homelessness in the years applicable to their grant application.

However, on further examination of SUSI's position, as to their role as grant administrators and the limitations they have in terms of varying or modifying the rules of the scheme, I cannot find that position unreasonable. For the 2024/25 academic year, SUSI received in excess of 100,000 grant applications. When dealing with such a large volume of applications each year, the Ombudsman accepts that consistency and uniform application of the rules is necessary to ensure that work on those applications can be completed efficiently and that a fair approach to the documentation required is applied across all applications.

I do find that a person who has experienced homelessness is at a disadvantage, in terms of being able to meet the necessary requirements, in relation to proving independent residency, compared to someone who had been ordinarily housed during the period in question. It was and is my view that there should in fact be arrangements in place for any persons, not just those who have experienced homelessness, who, for legitimate reasons, are not in a position to obtain the necessary documentation to prove independent residency.

When I put this point to SUSI they informed me that, ordinarily, should an application be rejected due to insufficient documentation, the applicant is notified of their right to appeal that decision. In the normal course, it is at this point that a further decision can be made whether or not to accept the application, taking into account all of the circumstances of the case as well as the documentation that has been provided. SUSI were keen to highlight that an appeal is not a guarantee that the original decision will be overturned but it is my view that such a process, affording SUSI an element of discretion, is a reasonable way of resolving certain issues associated with failed applications.

I know from our discussions that SUSI did in fact refer you to their appeals process when your initial application was rejected. However, due to certain experiences which you have endured, you did not wish to make an appeal as you found the language used to be somewhat demeaning and that having to 'appeal' the decision made you feel like you were begging for their assistance. While I know from our discussions that these views have stemmed, in part, from the broader treatment/mistreatment you feel you have received from other bodies in the public service, I cannot find SUSI's avenue of appeal or use of the word 'appeal' to be unreasonable. The word 'appeal' is commonplace in similar and comparable processes across the public service and it would not be appropriate for this

Office to question its use in this context. In terms of the purpose of the appeal process and how it operates, having a more discretionary approach at an appeal stage allows both a fair and transparent adherence to the necessary criteria for all applicants, while also providing a catch all solution for those who cannot meet the requirements in the first instance, for whatever reasons. In that regard, although I accept and understand your reasons for not pursuing an appeal, I cannot say that the appeals mechanism that SUSI has in place, to try and review less straightforward applications on their individual merits, is unreasonable or contrary to fair or sound administration.

It is also worth noting that while I understand your frustration with SUSI, I accept that their role is limited to being scheme administrators and that any change, with regard to the necessary documentation or proofs required to access the scheme, would require a change to the legislation as set out by the Department of Further and Higher Education, Research, Innovation and Science. Changing legislation is a matter for the Oireachtas and is outside of the remit of this Office.

Conclusion

Having gotten to know you and your broader circumstances during our correspondence and communications, I know you will be disappointed with the outcome of your complaint. However, I would encourage you, if you are still minded to pursue the course in question, to submit another application for the 2025/26 academic year, submit the documentation that you are able to provide, and if necessary, use the SUSI appeal process to discuss the particular circumstances of your case with a view to allowing SUSI to use the discretion available to it at that stage of the process.

I will now close the file on this complaint. I want to thank you for bringing this complaint to the Office of the Ombudsman and I hope to be in touch with you soon with regard to the other complaints which you have made to this Office.

Kindest regards,

A handwritten signature in black ink that reads "D. Tang". The signature is written in a cursive, slightly slanted style.

David Tang
Senior Investigator
Office of the Ombudsman