
Bureaucratic Repair Work

*Codification, Displacement, and the Structural Management of Administrative Failure
in Ireland's Welfare System*

Ray Griffin · SETU, Ireland

NERI Conference · May 2026

Points of Departure

01 Oireachtas Joint Committee on Social Protection, April 2024

Ten days notice to give evidence on means testing.
Used five years of SWAO annual reports (325 published case summaries)
TDs had encyclopaedic knowledge of the failure points from years of constituency work.



02 Long-standing interest in the organisation of DSP/Intreo services

Just finished Digital PES in Action — wondering how you digitise such a complex human service?



03 80th birthday next year

Established as the Department of Social Welfare under the Ministers and Secretaries (Amendment) Act 1946



Ireland's Welfare System: Accumulated, *not designed*

A sedimented, shock-responsive administrative assemblage

Poor Law residuals

Deserving / undeserving poor moralism institutionalised

DSP hewn in the
Mother and Baby Scheme

Noel Browne, 1950–51: Church defeats universal healthcare.
Defines the limits of state welfare for a generation.

1950s–1970s accretion

Annual budget system: each scheme added to fix a specific gap.
No design — only accumulation.

Automatic stabiliser
for a rollercoaster
economy



1980s–2020s: mass unemployment → Celtic Tiger → GFC → austerity

- Rapid means-tested expansion
- Austerity embeds conditionality
- Old rules persist → rules from one era carried into the next

COVID-19 PUP

Revealed hidden institutional capacity and the gap between what the system can do and how it ordinarily operates

Result: dealing with the sediments of 90+ schemes *persistent capital thresholds (frozen 2007), employment categories calibrated for stable biographies, household rules from a male-breadwinner era.*

A Worked Example: The Job Initiative Scheme

C&AG Report on the Accounts of the Public Services 2023 (published 2024)

1996

Launched by Minister for Enterprise and Employment. Fixed-term, 3-year activation. Target: age 35+, 5+ years on live register.

2004

Closed to new applicants. Following FÁS review: no compulsory lay-offs — contracts renewed. Participants gain right to remain until retirement age.

2023

374 participants still working. 39 hrs/week. €519/week. Paid as full employees by project sponsors, reimbursed by DSP.

2046

Projected natural end — when last participants reach statutory retirement age. Estimated additional cost: ~€60 million.

C & A G finding

“It no longer functions as a labour activation scheme.”

Designed as a 3-year programme. Became lifetime employment through a single 2004 decision.

One rule — made to avoid short-term redundancy disputes — created a 40-year structural commitment the system cannot exit.

Repair Mechanisms



Three layers through which rule failure is managed and compensated

WAYFINDING	APPEAL	CONFOUNDING CASES
<i>Informal navigation</i>	<i>ἐκκλητος — 'a case called out'</i>	<i>Administrative safety valves</i>
Third sector ecosystem of advisors: MABS, FLAC, Citizens Information	Social Welfare Appeals Office (SWAO)	Community Welfare Office: residual discretionary authority for cases the main scheme rules cannot accommodate
TDs' constituency offices: encyclopaedic knowledge of failure points accumulated through casework	Courts: ICCL, FLAC, and other agencies taking pro-bono cases upstream	Supplementary Welfare Allowance: last-resort safety net for circumstances that fall between or beneath main scheme categories

The Social Welfare Appeals Office: Five Years of Structural Signal

325 published case summaries, 2020–2024. The system documenting its own failures.

43–53%

Disability Allowance
appeals allowed
every year for
five consecutive years

*Not random noise.
A structural signal.*

Year	Received	DA overturn %	IP overturn%	CA overturn%	JSA overturn%
2020	23,664	53.0	~48	~28	~14
2021	24,820	46.8	56.1	27.4	16.5
2022	25,093	43.2	~40	~25	~9
2023	24,100	52.7	57.0	30.4	16.5
2024*	40,684*	45.7	61.4	24.8	10.1

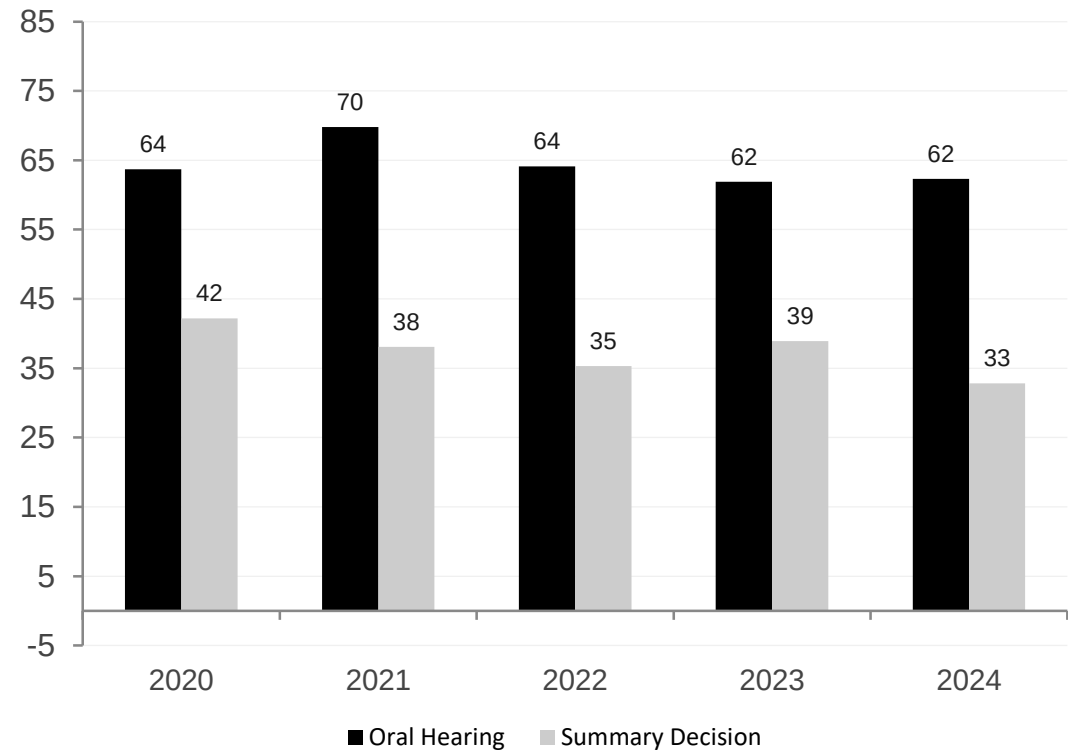
*Allowed rate: % of AO decisions
in claimant's favour*

The **Decisions Advisory Service** → translates appeal outcomes into improved first-instance decisions.

Overturn rates show no declining trend. This is structural, not behavioural. Not is problem of rule architecture, rather than rule application.

Who Accesses Repair? The Oral Hearing Premium

Access to more intensive repair is itself unequal



Favourable outcome differential

2020	+21.5pp
2021	+31.7pp
2022	+28.8pp
2023	+23.0pp
2024	+29.5pp

Oral hearings: 25–35 week wait.
Require time, navigation,
often third-party support.

Override Type 1: Capital Assessment — The Fiction of Accessible Assets

Category rigidity: the rule cannot distinguish legal ownership from practical accessibility

2022

Land with no income

Man owns land, not farmed, not leased, no income derived. Rule: land has a value, therefore assessable as means. Distinction between legal ownership and practical access: impossible under the rule.

DISALLOWED

2023

Joint savings for nursing home care

State pensioner's wife: jointly held savings designated for future care costs. Rule: legislation makes no distinction between purpose of savings or sole vs. joint holding.

DISALLOWED

2024

Uninhabitable property

Farmer owns property too costly to renovate, generating zero income. Assessed at notional capital value. No legislative provision for exclusion on grounds of condition.

DISALLOWED

Capital disregard threshold unchanged since 2007. Now worth €16,556 against its original value — 20%+ cumulative inflation, 2020–2024.

Override Types 2 & 3: Household Composition and Employment Status

Temporal misalignment and complexity asymmetry

HOUSEHOLD COMPOSITION

2023: Disability Allowance — The 'Love Tax'

DA applicant — medical grounds allowed on appeal. But: adult daughter contributes €250/week to household (DA rate €220/week). Daughter about to move out. Rule: assessment at date of original decision. Contribution still being made.

Allowed on medical grounds. Disallowed on means — despite imminent change in household composition.

Named the 'love tax' in Oireachtas Committee: the penalty on disabled people who cohabit with working partners.

EMPLOYMENT CLASSIFICATION

2020 & 2022 — Repair succeeds

Freelance TV producer / consultant between contracts. AO: 'engaged in self-employment' means active on a secured contract. Allowed.

2022 — Hard marker forecloses repair

'Accidental landlord' — self-employment ceased, but PRSI Class S still paid on rental income. Class S = self-employment, full stop. AO: no latitude.

Disallowed.

Same structural failure — different architectural latitude for repair. The distinction is not in the quality of reasoning but in whether the rule leaves room for reasoning to operate.

Override Type 4: Binary Cliff Edges and Documentary Burden

Complexity asymmetry — precision generates its own injustice

THE €10 CLIFF EDGE

2023 — Farm Assist

Appellant's means exceeded the maximum Farm Assist rate by €10 per week.

Binary rule: €1 over the threshold = complete disallowance.

Appeals Officer: no discretion to taper.

DISALLOWED — not because need is absent, but because the rule cannot taper.

DOCUMENTARY BURDEN

2022 — Disability Allowance / 11 years

11 years of continuous entitlement. Payment terminated after failure to provide bank statements during a house move.

Circumstances had not changed. Documentation could not be produced to a deadline during relocation.

AO: failure to furnish evidence = refusal.

DISALLOWED — 11 years of entitlement, no change in need.

Dept website guidance on means testing: Flesch-Kincaid score 48.2 — requires college-level reading to navigate (Oireachtas Joint Committee 2024).

The Political Economy of Repair

Hidden politics of restriction

Administrative burden (Moynihan, Herd & Harvey 2014): welfare access reduced through administrative means, not legislative change.

Hidden politics of legitimization

Annual reports documents overturn statistics as both mechanisms of **institutional transparency AND systemic insulation**. Repair proves the system works without requiring reform.

Accountability gap

Classical accountability locates responsibility at initial decision. **Displaced discretion** means the frontline worker who applies a harmful rule is formally correct. Accountability shifts downstream.

24 Recommendations — and What They Don't Touch

Oireachtas Joint Committee on Social Protection, October 2024

Targeted reforms (evidence-based)	What these recommendations cannot do
— Raise capital disregard thresholds (frozen since 2007) — Address binary cliff-edge disallowances — Differential treatment of self-employed vs PAYE income — Household means-testing reform for cohabiting couples — Plain-language guidance reform	Programme structure Does not interrogate means testing as the default delivery mechanism Overuse of means testing Ireland: 21.3% of social protection spend means-tested. EU average: 10.9%. This ratio is not a deliberate choice — it is the deposit of accretion. Framework question Corrects the most visible failures within the framework of means testing as such. It does not interrogate the framework.

This is systemic repair at the political level — a correction of the most visible failures, not a structural reform that removes the need for repair.

Judicial reviews:
14 (2020) → 33 (2024)

Conclusions

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- 1 **Codification displaces, not eliminates discretion**
 - 2 **The Irish case is the radical version that shows the limits of dreams of digitisation**
 - 3 **Elegance in how repair is locally effective and structurally conservative**
 - 4 **Access to repair is itself unequal**
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