

Tuarascáil Bhliantúil 2023

Neamhspleách | Neamhchlaonta | Saor



Ombudsman



Ag cur cothroime
chun cinn i seirbhísí
poiblí ar feadh
40 bliain

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Deartha ag: wonder works



Tuarascáil Bhliantúil 2023

Clár na n-ábhar

Réamhrá leis an Ombudsman	3
Nuashonrú ón Ard-Stiúrthóir	6
40 bliain den Ombudsman	9
Caibidil 1: Sracfhéachaint ar 2023	13
Cén áit as ar tháinig na gearáin in 2023?	13
Caibidil 2: Gearáin in 2023	17
Ról an Ombudsman	17
Gearáin a fuarthas in 2023: Anailís	17
Anailís de réir earnála:	19
Údaráis Áitiúla	19
Ranna agus Oifigí Rialtais	20
Sláinte	20
Tithe Altranais	21
Comhlachtaí Rialála	22
Oideachas	22
Soláthar Díreach	23
Comhlachtaí Eile	24
An tAcht um Míchumas	25
Caibidil 3: For-Rochtain agus Nuashonruithe ar an Tuarascáil	28
For-Rochtain	28
Idirchaidreamh a dhéanamh leo siúd is mó a dteastaíonn ár seirbhís uathu	28
Ceardlanna le grúpaí ionadaíocha	29
Clinicí Gearán ag Ionaid um Fhaisnéis do Shaoránaigh	29
Ár suíomh gréasáin agus ár n-ardáin mheán sóisialta	29
Tuarascálacha agus Nuashonruithe	30
Breoiteacht agus Fiachas: Imscrúdú ar mhodh riartha scéimeanna 'cóireála thar lear' ag FSS	30
Wasted Lives: Imscrúdú ar dhaoine faoi 65 atá ina gcónaí i dtithe altranais do dhaoine breacaosta	31

Rochtain mhíchothrom do dhaoine faoi mhíchumas ar scéimeanna iompair phearsanta: Nuashonrú	32
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Caibidil 4: Achoimrí ar Chásanna **35**

Mar thoradh ar phróiseas atreoraithe atá as dáta, cuirtear moill ar choinní ospidéal agus ar dhiagnóis ailse	35
'Ba mhíchúí agus ba mhírreasúnta' é aistarraingt na Comhairle ar lóistín éigeandála	36
Rinne an Roinn Coimirce Sóisialaí iarracht éagórach €26,000 ar íocaíocht leasa shóisialaigh paindéimeach a fháil ar ais	38
Diúltaíodh go héagórach do fhear an Liúntas do Chúramóirí nuair a 'cailleadh' tuairisc liachta ag an oifig achomhairc	38
Dhiúltaigh an t-ospidéal déileáil le gearán tuismitheoirí a bhfuair páiste leo bás toisc go raibh sé 'lasmuigh den teorainn ama'	39
Feiceann mac léinn an deontas oideachais laghdaithe go héagórach tar éis sos ón gcúrsa	40
Tá íocaíocht phinsin ag fear siardhátaithe go dtí an dáta incháilitheachta	41
Aisíocadh os cionn €17,000 le fear ó na Coimisinéirí Ioncaim tar éis soiléiriú ar stádas cónaitheachta	42
Diúltaíodh rochtain ar scéim oideachais do mhac léinn toisc go raibh slí bheatha neamh-incháilithe ag athair 'neamhláithreach'	43
Diúltaíodh go héagórach do mhac léinn athiontráil ar chúrsa a dhéanamh tar éis sos gairid	44
Aontaíonn an Chomhairle clásal cruatain cíosa a chur i bhfeidhm sa scéim Íocaíochta Cúnaimh Tithíochta	45
Deonaíonn FSS tacaíocht 'míchumas fisiceach agus céadfach' do mhná tar éis imthosca a leag an tOmbudsman béim orthu	46

Caibidil 5: Rialachas **48**

Rialachas	48
Cáilíocht Chásanna	49



Réamhrá ón Ombudsman

Is í tuarascáil bhliantúil 2023 an 40ú tuarascáil bhliantúil i ndáil le hobair Oifig an Ombudsman. De réir mar a éiríonn an domhan, agus go deimhin ár dtír féin, níos trioblóidí agus níos dúshlánaí, éiríonn obair ár nOifige níos tábhachtaí ná riamh. Is iad na daoine leochaileacha agus na daoine a bhfuil gá acu le seirbhísí poiblí na chéad daoine a bhraitheann tionchar brú agus achrann domhanda nó baile.

I 2023 chuireamar leis an rath a bhí ar an Oifig san am a chuaigh thart agus chuireamar tuilleadh le cothroime a chur chun cinn i seachadadh seirbhísí poiblí. Leanfaimid orainn ag déanamh seo i 2024 agus ina dhiaidh sin. Go háirithe, creidim go bhfuil sé ríthábhachtach go mbeadh a fhios ag aon duine a dteastaíonn nó a bhainfeadh leas as ár seirbhís cad a dhéanaimid agus conas teagmháil a dhéanamh linn. Ar an gcúis seo, táimid meáite ar a chinntiú go bhfuil ár seirbhísí so-aitheanta, ar fáil agus inrochtana go héasca. Leanfaimid leis seo a bhaint amach trínár rannpháirtíocht réamhghníomhach le grúpaí abhcóideachta, grúpaí imeallaithe agus daoine aonair a leathnú trí thionscnaimh for-rochtana spriocdhírthe. Déanaimid ár rathúlacht maidir le baint amach ár spriocghrúpaí a thomhas trí thaighde leanúnach sna blianta atá le teacht.

Léiríonn na sonraí agus na cás-staidéir sa tuarascáil seo an tábhacht a bhaineann lenár gcuid oibre agus an difríocht dhearfach a dhéanaimid i saol go leor daoine. Déanaimid é seo trí ghearáin aonair a imscrúdú agus a réiteach agus freisin trí imscrúduithe córasacha níos leithne a dhéanamh. Níos tábhachtaí fós, cibé an bhfuilimid ag déileáil le gearán aonair, nó le himscrúdú níos leithne, dírimid i gcónaí ar sheirbhísí poiblí a fheabhsú go ginearálta. Mar gheall ar ár bhfócas ar fheabhas a chur ar sholáthar seirbhísí poiblí go ginearálta, tá go leor daoine a idirghníomhaíonn le seirbhísí poiblí a bhaineann tairbhe as ár gcuid oibre gan gearán a dhéanamh linn. Bhí sé seo an-soiléir, mar shampla, ón imscrúdú a tugadh chun críche ar na scéimeanna cóireála thar lear agus ón tuarascáil, Breoiteacht agus Fiachas, a d'fhoilsíomar in Aibreán 2023.

Spreag an t-imscrúdú seo roinnt gearán a fuairamar ó othair nach raibh in ann rochtain a fháil ar chóireáil leighis riachtanach sa Stát agus a raibh orthu taisteal thar lear le haghaidh cóireála. Nuair a d'fhill siad, bhí deacracht mhór acu le haisíocaíocht a fháil as an gcóireáil a d'íoc siad as. Tar éis imscrúdú críochnúil a dhéanamh, rinneamar 21 moladh a dhírigh ar riar na scéimeanna a fheabhsú. Ghlac Príomhfheidhmeannach an FSS, an tUasal Bernard Gloster, leis na moltaí go léir agus chuir sé foireann le chéile chun déileáil lena gcur i bhfeidhm. Táim an-spreagtha leis an mbealach ina bhfuil FSS ag cur na moltaí i bhfeidhm. Chuir siad go mór le feidhmiú na seirbhísí tábhachtacha seo d'iarratasóirí reatha agus d'iarratasóirí nua. Is sampla iontach é seo den chaoi ar féidir le comhlachtaí poiblí oibriú i gcomhar lenár nOifig chun cáilíocht a gcuid seirbhísí a fheabhsú.

I measc na n-imscrúduithe agus na dtuarascálacha eile dá samhail a d'fhoilsíomar le blianta beaga anuas, a bhfuil sé mar aidhm acu feabhsuithe a thabhairt i gcrích i seachadadh seirbhísí poiblí tá:

- Saolta Amú: Imscrúdú ar shocrúchán daoine faoi 65 i dtithe altranais do dhaoine scothaosta
- Sáinnithe: Rochtain mhíchothrom do dhaoine faoi mhíchumas ar scéimeanna iompair phearsanta

Tá nuashonruithe maidir leis na tuarascálacha seo leagtha amach i gCaibidil 3.

Tá príomhról ag na himscrúduithe seo, chomh maith le déileáil le gearáin aonair, maidir le cothroime agus feabhsúcháin i seachadadh seirbhísí poiblí a bhrú chun cinn. Leanfaimid le cur i bhfeidhm na moltaí sna tuarascálacha seo agus déanfaimid tuilleadh imscrúduithe féintionscnaimh ar bhealach spriocdhírthe éifeachtach.

I 2023 chuireamar tús le himscrúdú ar oibriú na scéime um Íocaíocht Cúnaimh Tithíochta (ÍCT). Foilseoidimid torthaí an imscrúdaithe seo níos déanaí i 2024. Leanfaimid freisin d'imscrúdú a dhéanamh ar ghearáin a fhaightear, agus oibreoidimid le soláthraithe seirbhíse poiblí chun cabhrú le seirbhísí a fheabhsú agus chun an gá atá le daoine gearáin a dhéanamh a laghdú.

Tá áthas orm a thuairisciú go bhfuil fianaise ann i gcónaí ar nuálaíocht agus ar cháilíocht, agus ar sholáthar bháúil seirbhísí ag an líon mór seirbhíseach poiblí ar fud na tíre. Tugaimid faoi deara freisin go bhfuil níos mó feasachta ag seirbhísigh phoiblí ar a n-oibleagáid chun a nDualgas Earnála Poiblí a chomhlíonadh trí chur chuige bunaithe ar chearta an duine a ghlacadh i leith seachadadh seirbhísí mar a cheanglaítear orthu faoi Alt 42 den Acht um Choimisiún na hÉireann um Chearta an Duine agus Comhionannas 2014.

Is tríd an lionsa cearta daonna seo a scrúdaímid na gearáin a fhaighimid. Chomh maith le scrúdú a dhéanamh ar an tseirbhís a fuair nó nach bhfuair duine, féachaimid ar an gcaoi ar caitheadh leis an duine. Breithnímid, le linn a gcumarsáidí agus a n-idirghníomhaíochtaí leis an gcomhlacht poiblí, ar caitheadh leis an duine leis an meas agus leis an dínit a raibh sé i dteideal a bheith ag súil leis. Faraor, feicimid go dteipeann ar roinnt comhlachtaí poiblí ina leith sin.

Ó bunaíodh ár nOifig 40 bliain ó shin, tá méadú tagtha ar líon na ngearán a fhaighimid. Go deimhin, le cúig bliana anuas, tá ardú de bhreis is 20% tagtha ar ghearáin ó 3,664 i 2019 go 4,465 i 2023. Tá méadú mór tagtha ar fhiosrúcháin chuig ár nOifig freisin le méadú de níos mó ná 20% i 2023 thar 2022 go breis agus 8,000.

Tá sé mar aidhm againn i gcónaí gearáin a réiteach ag an gcéim is luaithe agus chomh neamhfhoirmiúil agus is féidir. Tá áthas orm a thuairisciú, in ainneoin na méaduithe suntasacha ar ghearáin a fuarthas, gur éirigh linn déileáil le 80% de na gearáin laistigh de thrí mhí, agus 92% laistigh de naoi mí i 2023. I díreach os cionn 50% de na cásanna a tugadh chun críche chuireamar cúnamh nó tairbhe éigin ar fáil don ghearánach.

Déantar na héachtaí leanúnacha seo a sheachadadh trí dhúthracht agus tiomantas an Ard-Stiúrthóra, lucht bainistíochta agus fhoireann na hOifige. Ba mhaith liom buíochas a ghabháil leo go léir as an gcúnamh tábhachtach a dhéanann siad le hobair na hOifige, agus le saol na saoránach agus na ndaoine atá ina gcónaí in Éirinn. Tá sonraí breise faoin méid tábhachtach a rinne ár bhfoireann leagtha amach i nuashonrú an Ard-Stiúrthóra, Elaine Cassidy. Ba mhaith liom buíochas a ghabháil freisin lenár ngearánach as aird a tharraingt ar na saincheisteanna atá acu agus leis na comhlachtaí poiblí as a gcomhoibriú chun gearáin a réiteach.

Mar fhocal scoir, is cúis áthais dom an Tuarascáil Bhliantúil seo ó Oifig an Ombudsman a chur faoi bhráid na Dála agus an tSeanaid de bhun fhorálacha Alt 6(7) den Acht Ombudsman 1980 (arna leasú). Is í seo an 40ú Tuarascáil Bhliantúil a cuireadh isteach maidir le hobair Oifig an Ombudsman ó bunaíodh í i 1984. Sa tuarascáil seo ní dhéanaimid ach aird a tharraingt ar chuid de na heochairmhóimintí ó 40 bliain d'obair na hOifige.

Táim ag tnúth le leanúint ag obair leis an Oireachtas agus lenár bpáirtithe leasmhara go léir chun leanúint ar aghaidh ag cur cothroime chun cinn i seachadadh seirbhísí poiblí.



Ger Deering

Ombudsman

Meitheamh 2024



Nuashonrú ón Ard-Stiúrthóir

I dtosach, ba mhaith liom buíochas a ghabháil lenár bhfoireann as bliain an-táirgiúil i dtaobh ár riar cásanna a bhainistiú. Cé go bhfuil laghdú tagtha ar na figiúirí trí chéile i gcomparáid le hardfhiigiúirí na bliana seo caite, leanann treocht aníos go mór mór i dtaobh an líon gearán a fhaigheann ár nOifig. Dhéileáil ár bhfoireann chomh maith i rith 2023 le méadú suntasach ar an líon fiosrúchán a fuarthas agus d'éirigh leo an céatadán cásanna a tugadh chun críche laistigh de thréimhse idir 3 agus 6 mhí a mhéadú aníos níos mó go 80% agus 92%, faoi seach.

Sheolamar ár Straitéis 2025 i rith 2022 ina leagtar amach príomhchuspóirí ár nOifige go dtí 2025. Tá áthas orm a thabhairt le fios go ndearnamar roinnt dár gcuspóirí straitéiseacha a thabhairt chun cinn níos mó i rith 2023. I dtaobh ár gcuspóir a bhaint amach a bhaineann le tuarascáil amháin ar imscrúdú sistéamach, speisialta nó téamúil, ar a laghad, a sholáthar gach bliain, d'fhoilsíomar ár dtuarascáil imscrúdaithe 'Breiteacht agus Fiachas' in Aibreán 2023. Chuireamar ceardlanna agus imeachtaí pobail ar siúl chun ár gcuspóir a thabhairt chun cinn a bhaineann le feasacht a mhéadú ar an Oifig trí fhor-rochtain éifeachtach agus spriocdhírthe i measc grúpaí mionlaigh agus sainleasa. Rinneamar ár gcuspóir a thabhairt chun cinn freisin a bhaineann le Cur Chuige Bunaithe ar Chearta Daonna i leith an bhealaigh a láimhseálaimid gearáin a chur i bhfeidhm trí shainoilúint a chur ar ár bhfoireann agus ár Lámhleabhar Treorach don Fhoireann a chur i gcrích. Tá áthas orm a rá gur éirigh linn an cur chuige seo a chur i bhfeidhm cheana féin nuair a bhí roinnt de na gearáin a fuaireamar in 2023 á scrúdú againn.

Tá "cnámh droma chorparáideach" laistiar d'fhoireann an Ombudsman, a sholáthraíonn na tacaíochtaí uile cúloifige, chun go mbíonn ár bhfoireann go léir go hiomlán ar fáil le díriú ar chásobair an Ombudsman. Is éard atá sa chnámh droma chorparáideach Acmhainní Daonna, TFC, Airgeadas, Soláthar, Saoráidí, Cúrsaí Dlí, Cumarsáid, anuas ar thacaíocht chun iarrataí ar Chosaint Sonraí agus Saoráil Faisnéise a láimhseáil.

Bhain an fhoireann TFC dul chun cinn suntasach amach in 2023 trí go leor dár bhfeidhmeanna tacaíochta a sheachfhoinisú chuig Oifig Phríomh-Oifigeach Faisnéise an Rialtais (OGCIO) agus trínár Straitéis TFC a ailíniú le straitéis an OGCIÓ. Is éard a dhéanfaidh seo ná ár slándáil sonraí a fheabhsú agus athléimneacht fhadtéarmach a chruthú inár gcóras. Lean ár bhfoireann Dhlíthiúil le tacaíocht a sholáthar do gach ceann de na hoifigí maidir le cásobair agus imscrúduithe agus rinne siad ár gcostais dlí agus ár soláthar a bhainistiú agus díriú ar dhearbhu cáilíochta agus ar luach ar airgead. Ghlacamar páirt freisin sa chéad tonn de Chóras Bainistíochta Airgeadais nua na Státseirbhíse, ar thionscadal mór é dár bhfoireann Airgeadais agus táim bródúil as an obair a rinne siad leis.

Tá áthas orm leis an dul chun cinn atá á dhéanamh againn ar ár Cuspóirí Straitéiseacha. De réir mar a dhruideann an pointe leathbhealaigh linn inár Straitéis 2025, táimid ag tnúth le hathbhreithniú criticiúil a dhéanamh ar ár ndul chun cinn i rith 2024. Táimid ag tnúth freisin le Comóradh 40 Bliain Oifig an Ombudsman a cheiliúradh agus is éard a bheidh inár dtéama ná ag féachaint chun cinn lena fheiceáil conas is féidir linn tairiscint ár seirbhíse a fheabhsú sna deich mbliana amach romhainn.



Elaine Cassidy

Ard-Stiúrthóir

Meitheamh 2024



40 bliain den Ombudsman

Is í seo an 40ú Tuarascáil Bhliantúil ar obair Oifig an Ombudsman. Ar fud na tuarascála leagaimid béim ar chuid de na príomhtharluithe de 40 bliain dár gcuid oibre.

1984

- ▶ Michael Mills ceaptha mar chéad Ombudsman na hÉireann ag an Uachtarán Patrick Hillery
- ▶ Is féidir gearáin faoi ranna rialtais agus faoi roinnt comhlachtaí Stáit a imscrúdú

1985

Is féidir gearáin faoi údarais áitiúla agus boird sláinte a imscrúdú

1987

An chéad 'Tuarascáil Speisialta' chuig an Oireachtas ón Ombudsman ar chiorruithe foirne ina Oifig

2007

Is féidir gearáin faoi ospidéal dheonacha a imscrúdú

2013

- ▶ Peter Tyndall ceaptha mar Ombudsman agus Coimisinéir Faisnéise
- ▶ (Bealtaine) Is féidir gearáin faoi 200 comhlacht poiblí, lena n-áirítear roinnt rialtóirí agus comhlachtaí oideachais tríú leibhéal, a imscrúdú

1994

Kevin Murphy ceaptha
mar Ombudsman

1998

Kevin Murphy ceaptha
mar an chéad
Choimisinéir Faisnéise
chomh maith

2003

Emily O'Reilly ceaptha
mar Ombudsman
agus Coimisinéir
Faisnéise

2015

- ▶ Foilsíodh an chéad imscrúdú 'féintionscanta': 'Foghlaim ar son Feabhais' – imscrúdú ar chórais ghearáin ospidéal
- ▶ Is féidir gearáin faoi thithe altranais príobháideacha a imscrúdú

2017

- ▶ Glacann an tOmbudsman leis an 100,000ú gearán
- ▶ Is féidir gearáin faoi chomhlachtaí in earnáil an tSoláthair Dhíriú a imscrúdú

2022

Ger Deering
ceaptha mar
Ombudsman
agus Coimisinéir
Faisnéise

1. INTRODUCTION

At the end of its first year of operation the Office of Ombudsman has been established on fairly firm foundations. Our achievements to date compare favourably with other Offices throughout the world which are established for many years and have much greater staff numbers.

It was a very difficult year because of the many and complex problems associated with the launching of a new institution. The dedication and hard work of a very small staff was a major factor in dealing with the heavy flow of complaints. I cannot speak too highly of their contribution which involved a constant giving of time and effort well beyond the call of duty.

After one year of practical experience of the Office I have no doubt whatever about the need for the creation of the Office of Ombudsman. From the day on which I first took up Office a steady stream of letters seeking my help was the real manifestation of the need. While some of these letters dealt with subjects outside my remit or were of such a nature that there was not much I could do for the complainants, I want to stress that the vast majority of complaints received were genuine appeals for help from people who had reached frustration point in their dealings with the public service and who had no avenue of appeal for what they felt were very real grievances.

The response of many civil servants to the creation of the Ombudsman's Office has been most encouraging. They recognised the need for the Office and co-operated whole-heartedly in its enquiries. There was evidence, however, that some senior civil servants had considerable suspicions about the new institution and resented its intrusion, particularly when their decisions were under scrutiny.

Role of the Ombudsman

I have been asked on several occasions how I see my role as Ombudsman. The short answer is that I see myself as a kind of mediator between the public and the administration. The principal aim of the Office of Ombudsman is to ensure that the ordinary man in the street gets fair play in dealing with the



1985: Réamhrá leis an gCéad
Tuarascáil Bhliantúil de chuid
an Ombudsman

Caibidil 1

Sracfhéachaint ar 2023



Caibidil 1: Sracfhéachaint ar 2023

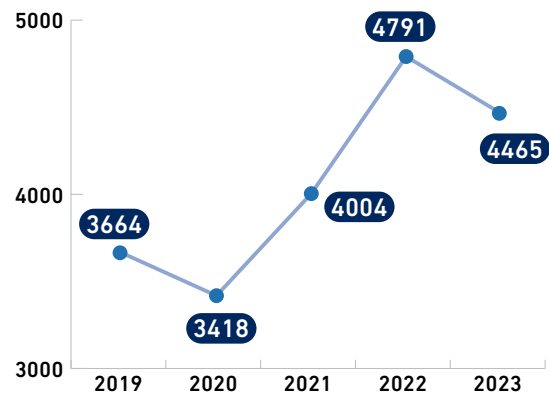
Fuaireamar

4,465 gearán in
2023

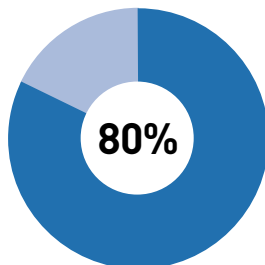
Críochnaíodh

4,458 gearán

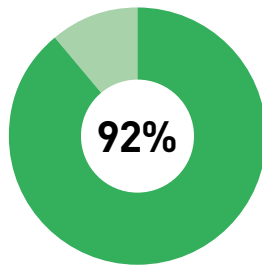
Gearáin a fuarthas le 5 bliana anuas



An t-am a ghlac sé chun gearáin a imscrúdú



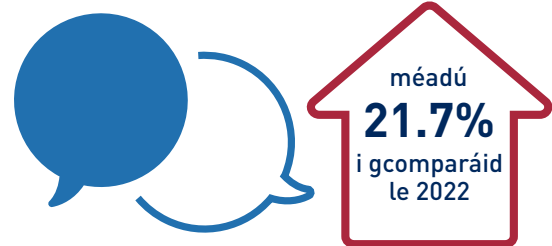
Críochnaíodh
laistigh de 3 mhí.



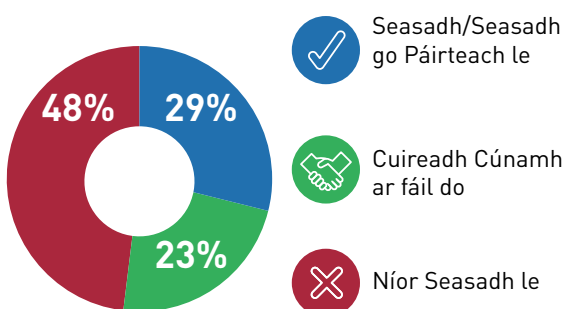
Críochnaíodh
laistigh de 6 mhí.

D'fhreagraíomar do

8,171 fiosrúchán



Gearáin a rinneadh de réir toraidh



Atreoraíodh

915 gearán eile faoi
chomhlachtaí lasmuigh
den dlínse chuig an
eagraíocht cheart



Conas a fuairamar gearáin



45%
Ar líne



38%
Ríomhphost



15%
Litir



1.5%
I bpearsan



0.5%
Guthán

Gearáin a fuarthas de réir earnaála



1,430
Údarás
Áitiúil



1,175
Ranna/
Oifigí Rialtais



839
Sláinte &
Cúram Sóisialta



321
Comhlachtaí
Rialála



301
Comhlachta
í Eile



192
Oideachas



96
Tithe Altranais
Príobháideacha

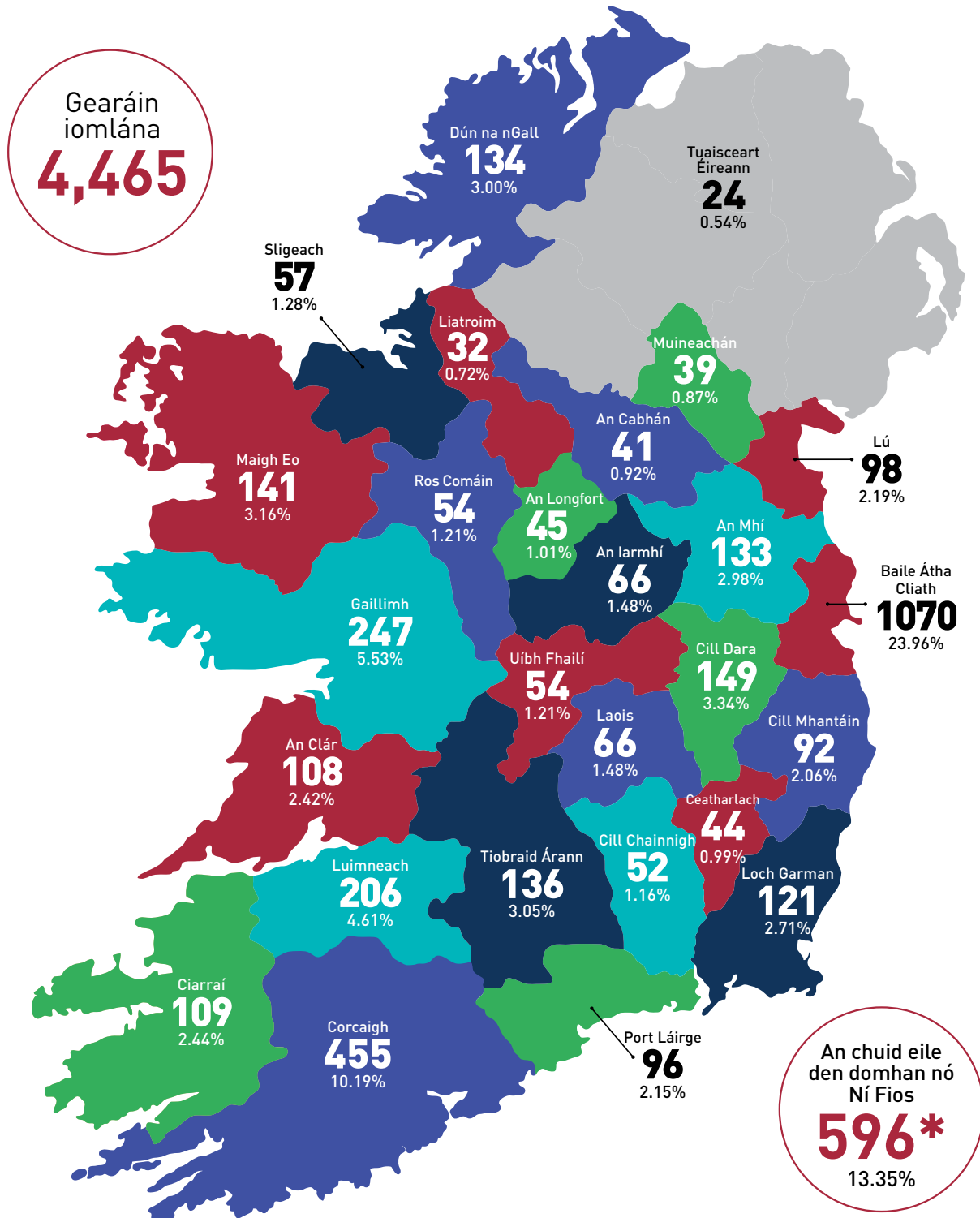


90
Soláthar
Díreach



21
An tAcht um
Míchumas

Cén áit as ar tháinig na gearáin in 2023?



*Níl seoladh poist do roinnt gearán a fhaighimid ar ríomhphost.

Caibidil 2

Gearáin in 2023



Ról an Ombudsman

Is é ról an Ombudsman gearáin a imscrúdú a dhéanann daoine a bhraitheann gur chaith soláthraithe áirithe seirbhísí poiblí go héagórach leo, an méid seo a leanas ina measc:

- ranna rialtais
- údaráis áitiúla
- Feidhmeannacht na Seirbhíse Sláinte (FSS)
- ospidéal phoiblí
- institiúidí oideachais tríú leibhéal a chistítear go poiblí
- tithe altranais poiblí agus príobháideacha, agus
- ionaid chóiríochta 'soláthair dhírigh'.

Tá seirbhísí Oifig an Ombudsman saor in aisce le húsáid. Déanaimid gearáin a imscrúdú ar bhealach cóir agus neamhchlaonta. Sula dtugtar gearán chuig ár nOifig, caithfidh gur gnách go ndearna an duine ar imríodh drochthionchar orthu iarracht an gearán a réiteach leis an soláthraí seirbhíse faoina ndearnadh gearán. I gcleachtas, réitítear go leor gearán a thagann faoinár mbráid go neamhfhoirmiúil i ndiaidh go gcuirimid an gearán ar aird an tsoláthraí seirbhíse poiblí atá bainteach. Má sheasaimid le gearán, molfaimid sásamh cuí. Féadfaimid moltaí a dhéanamh freisin a bhfuil de chuspóir acu an dóchúlacht a laghdú go n-imreofar drochthionchar ar dhaoine eile amach anseo.

Is féidir leis an Ombudsman gearáin a imscrúdú freisin faoin Acht um Míchumas, 2005. Baineann na gearáin seo le rochtain ar fhaisnéis agus ar sheirbhísí ag daoine faoi mhíchumas. Tuairiscímid ar ghearáin faoin Acht um Míchumas níos déanaí sa Chaibidil seo.

Ceapann an tUachtarán an tOmbudsman agus tuairiscíonn sé/sí leis an Oireachtas.

Gearáin a fuarthas in 2023: Anailís

Ba bhliain ghnóthach eile é d'Oifig an Ombudsman. Fuaireamar 4,465 gearán in 2023 agus dhéileálar le 4,458 gearán.

Leanann an líon gearán a fuarthas in 2023 leis an méadú ginearálta ar líonta gearán le blianta beaga anuas. Fuarthas 3,067 gearán in 2016, a mhéadaigh go réidh aníos go 2022 nuair a fuarthas 4,791 gearán (méadú 56%). Cé go bhfuil figiúr 2023 4,465 laghdaithe anuas ó fhiigiúr 2022, áiríodh le figiúr 2022 breis agus 800 gearán faoi Sheirbhís na bPasanna. Tháinig laghdú air seo anuas go dtí níos lú ná 150 anuraidh. Ba é ba phríomhchúis leis an laghdú seo agá slánúcháin níos tapúla don tseirbhís anuas ar chainéil chumarsáide níos fearr a thabhairt isteach laistigh de Sheirbhís na bPasanna, tairseach nua ghearán ar líne san áireamh.

Dhéileáil an Oifig in 2022 le 8,171 fiosrúchán, ar méadú suntasach 1,461 é seo i gcomparáid le 2022. Léiríonn seo na fiosrúcháin go léir a chur san áireamh a fuarthas i bhfigiúirí 2023 agus an obair a rinneamar freisin ar ár n-infheictheacht a mhéadú lena chinntiú go bhfuil an pobal ar an eolas ar na seirbhísí a chuirimid ar fáil agus conas is féidir leo idirchaidreamh a dhéanamh linn.

Nuair is féidir linn, réiteoimid gearáin go neamhfhoirmiúil agus go tapa de réir mar a oibrímid lenár n-amlínte a fheabhsú bliain ar bhliain. Dhéileálar in 2023 le 80% de ghearáin laistigh de 3 mhí (3,571 gearán ar an iomlán, arb ionann sin agus méadú 3% ar fhiigiúirí 2022) agus réitíomar 92% de ghearáin laistigh de 6 mhí (4,118 gearán, ar an iomlán, arb ionann sin agus méadú 1% ar fhiigiúirí 2022). Is tábhachtach, in ainneoin an ardlín chomhsheasmhaigh de ghearáin a fuairamar in 2023, d'éirigh linn 98% de ghearáin a chur i gcrích laistigh de 12 mhí, mar sin féin.

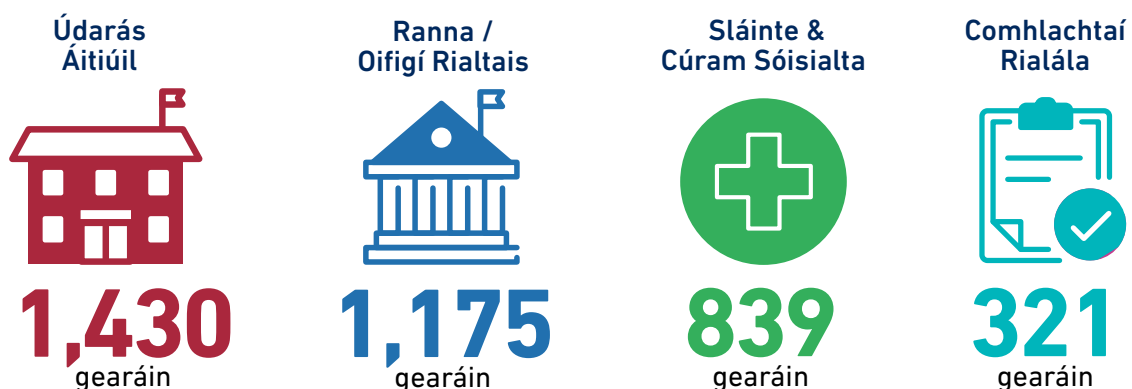
Rinneadh 585 gearáin a scor nó a aistarraingt. Cásanna iad seo go minic inar réitíodh an tsaincheist ba chúis leis an ngearán nó nach mian leis an ngearánaí leanúint lena ngearán a thuilleadh.

As na gearáin a imscrúdaíodh, (gan gearáin a áireamh a rinneadh a aistarraingt nó a scoireadh, mar shampla), seasadh go hiomlán nó go páirteach le 29% díobh. Is ionann seo agus méadú breis agus 200 gearán ar seasadh leo nó ar seasadh go páirteach leo i gcomparáid le 2022. Níor seasadh le 48% de ghearáin.

Bíonn cásanna eile ann, dar ndóigh, nach féidir linn míniú nó toradh dearfach eile a sholáthar don ghearánaí. D'éirigh linn an saghas seo de chúnamh breise a sholáthar in 2023 i gcás 23% de ghearáin (530).

Ar an iomlán, bhain baill den phobal tairbhe dhíreach as teagmháil a dhéanamh leis an Oifig i níos mó ná 60% de na cásanna.

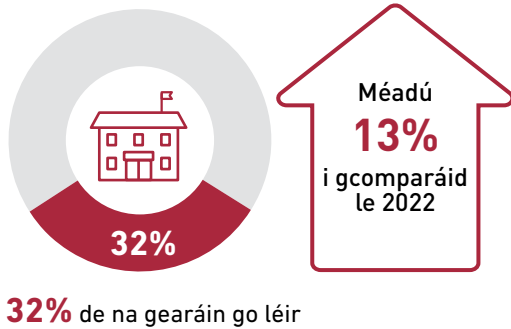
Ba iad na hearnálacha ba mhó ina ndearnadh gearáin:



Anailís de réir earnála

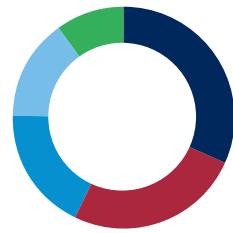
Údaráis Áitiúla

B'ionann údaráis áitiúla agus:



Ba iad na 5 chomhlacht ba mhó a ndearnadh gearán fúthu:

- 189** Comhairle Cathrach Bhaile Átha Cliath
- 152** Comhairle Cathrach Chorcaí
- 107** Comhairle Contae Bhaile Átha Cliath Theas
- 88** Comhairle Cathrach agus Contae Luimnigh
- 58** Comhairle Cathrach na Gaillimh



Fuaireamar 1,430 gearán faoi údaráis áitiúla (comhairlí cathrach agus contae) in 2023. Is ionann seo agus méadú beagán 13% ar fhigiúr 2022 1,269 gearán a fuarthas. Dhéileálar le 1,411 gearán in 2023.

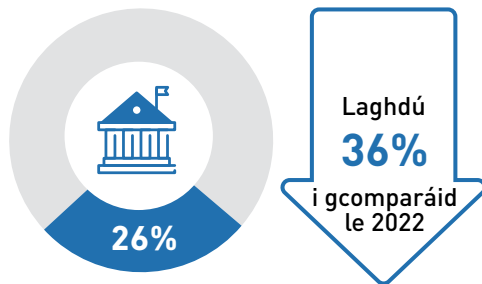
B'ionann gearáin a bhain le tithíocht agus tromlach na ngearán a fuaireamar faoi údaráis áitiúla (58%). Ba é an dara saghas gearán ba mhó forfheidhmiú pleanála / riar pleanála, arbh ionann iad agus beagán de bhreis ar 14% de ghearáin. Nuair a chuirtear iad leis an tríú saghas gearán ba mhó - 'gearáin a bhaineann leis an mbóthar', b'ionann na trí chatagóir seo le chéile agus beagán faoi bhun 80% de na gearáin iomlána anuraidh san earnáil.

Fuaireamar 27 gearán faoi chóiríocht do phobal an lucht siúil in 2023, arbh ionann sin agus méadú ar na 14 ghearán den saghas siúd a fuaireamar in 2022. Tugadh méadú faoi deara freisin i seirbhísí do dhaoine gan dídean, a chatagóirítear ar leithligh ó ghearáin a bhaineann le tithíocht aníos ó 47 a fuarthas in 2022, go 62 gearán a fuarthas anuraidh.

Sheasamar/sheasamar go páirteach le beagnach 22% de chásanna údaráis áitiúil agus thugamar cúnamh in 15% díobh. Níor seasadh le beagán de bhreis ar 31% de chásanna, agus dúnadh an fuílleach 32% de chásanna mar gheall go raibh siad lasmuigh dár sainchúram, scoireadh iad mar gheall go raibh na gearáin réamhaibí nó, d'aistarraing an gearánaí iad ina dhiaidh sin.

Ranna agus Oifigí Rialtais

B'ionann Ranna Rialtais agus:



26% de na gearáin go léir

Ba iad na 5 chomhlacht ba mhó a ndearnadh gearán fúthu:

- 636** An Roinn Coimirce Sóisialaí
- 155** An Roinn Gnóthaí Eachtracha
- 85** Oifig na gCoimisinéirí Ioncaim
- 75** An Roinn Talmhaíochta, Bia agus Mara
- 62** An Roinn Dlí agus Cirt

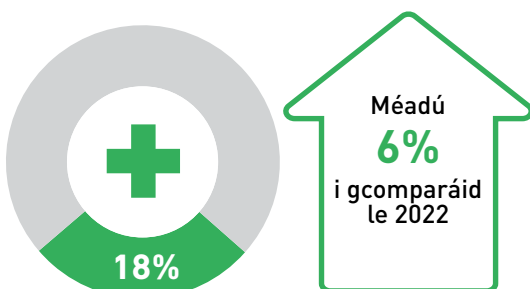


Tháinig laghdú mór ar ghearáin faoi ranna agus oifigí rialtais in 2023. Fuarthas 1,175 gearán, ar an iomlán – 36% níos lú ná anuraidh. Tharla an laghdú seo mar thoradh ar laghdú suntasach ar ghearáin faoi Sheirbhís na bPasanna. Fuaireamar breis agus 800 gearán in 2022 a bhain le pasanna agus tháinig laghdú air seo anuas go dtí níos lú ná 150 anuraidh. Ba é ba phríomhchúis leis an laghdú seo agaí slánúcháin níos tapúla don tseirbhís anuas ar chainéil chumarsáide níos fearr a thabhairt isteach laistigh de Sheirbhís na bPasanna, tairseach nua ghearán ar líne san áireamh.

Faoin Roinn Coimirce Sóisialaí (636), agus an Roinn Gnóthaí Eachtracha (155 - gearáin faoi phasanna, den chuid is mó), Oifig na gCoimisinéirí Ioncaim (85) agus an Roinn Talmhaíochta, Bia agus Mara (75) a bhí an líon ab airde de ghearáin a fuarthas san earnáil seo. Ar an iomlán, as na gearáin a fuarthas san earnáil seo arbh fhéidir linn a imscrúdú, sheasamar nó sheasamar go páirteach le 23% agus sholáthraíomar foirm éigin de chúnamh in 24% sa bhreis de chásanna. Níor seasadh le 53% de chásanna.

Sláinte & Cúram Sóisialta

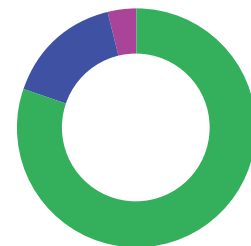
B'ionann Sláinte agus:



18% de na gearáin go léir

Ba iad na 3 chomhlacht ba mhó a ndearnadh gearán fúthu:

- 674** FSS
- 134** Tusla
- 31** Comhlachtaí Alt 38/39 (arna maoiniú ag/a sholáthraíonn seirbhísí don FSS)

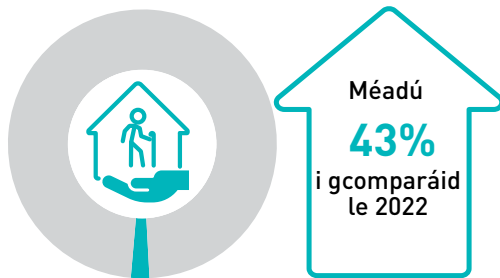


Fuaireamar 839 gearán faoi chomhlachtaí poiblí san earnáil sláinte agus chúraim shóisialta in 2023. Bhain 674 gearán le FSS, bhain 134 gearán le Tusla, agus bhain 31 gearán le comhlachtaí atá cistithe, nó le a sholáthraíonn seirbhísí thar ceann, FSS (comhlachtaí alt 38/39). Is ionann seo agus méadú 49% ar chásanna nó méadú 6% ó 2022. Gan gearáin a aistarraingíodh, ar scoireadh dóibh nó a bhí lasmuigh dár sainchúram a áireamh, seasadh le 28%, seasadh go páirteach le 12% de ghearáin, níor seasadh le 35% agus i gcás 25% de ghearáin, sholáthraíomar roinnt cúnamh nó sochair don ghearánaí.

Mar a bhí i gceist i mblianta eile, leanamar le monatóireacht a dhéanamh ar dhul chun cinn ar na moltaí a rinneadh inár dtuarascáil 2015, 'Foghlaim ar son Feabhais: Imscrúdú ag an Ombudsman ar an dóigh a ndéanann ospidéal poiblí gearáin a láimhseáil' agus faighimid nuashonruithe gach sé mhí. Cuirimid fáilte roimh fhoilsiú Leabhair Chásanna Foghlama Aiseolais FSS ó 2023, atá ar fáil ar shuíomh gréasáin FSS.

Tithe Altranais

Bhain **2%** de na gearáin



go léir le Tithe Altranais

Na 5 shaghas ba mhó de ghearáin:



Fuaireamar 96 gearán faoi thithe altranais príobháideacha in 2023. Méadú 43% é seo ar an líon gearán a fuarthas in 2022. Dúnadh roinnt tithe altranais príobháideacha ardphróifíle in 2023 a ndearna úsáideoirí seirbhíse teagmháil leis an Ombudsman dá mbarr.

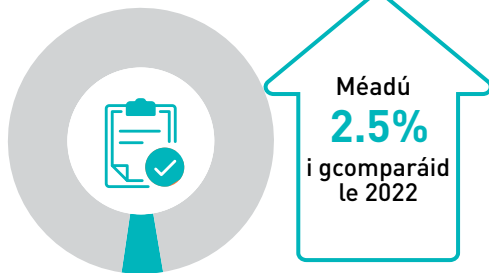
Gan gearáin a aistarraingíodh, ar scoireadh dóibh nó a bhí lasmuigh dár sainchúram a áireamh, sheasamar nó sheasamar go páirteach le 22% de ghearáin, níor seasadh le 29% agus i gcás 49% de ghearáin, sholáthraíomar roinnt cúnamh don ghearánaí.

D'eisíomar breis agus 1,000 póstaer in 2023 lena dtaispeáint i dtithe altranais príobháideacha le feacht a mhúscailt ar ról an Ombudsman. Tabharfaimid cuairt sna míonna amach anseo ar roinnt tithe altranais le casadh le húsáideoirí seirbhíse agus le teaghlaigh le feacht ar ár ról san earnáil a mhéadú.

Leanaimid le monatóireacht a dhéanamh ar na moltaí a chur i bhfeidhm a eascraíonn as ár dtuarascáil 'Wasted Lives' (imscrúdú ar a oiriúnaí atá sé daoine faoi 65 bliain d'aois a chur i dtithe altranais do dhaoine breacaosta) agus is féidir teacht ar nuashonrú ar an tuarascáil sin i gCaibidil 3.

Comhlachtaí Rialála

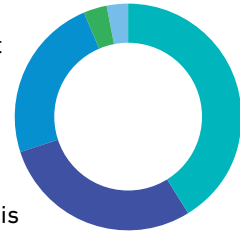
Bhain **7%** de na gearáin



go léir le Comhlachtaí Rialála

Ba iad na 5 chomhlacht ba mhó a ndearnadh gearán fúthu:

- 112** An tÚdarás Rialála Seirbhísí Dlí
- 79** An tÚdarás um Shábháilteacht ar Bhóithre
- 64** An tÚdarás Náisiúnta Iompair
- 9** Comhairle na nDochtúirí Leighis
- 8** CORU

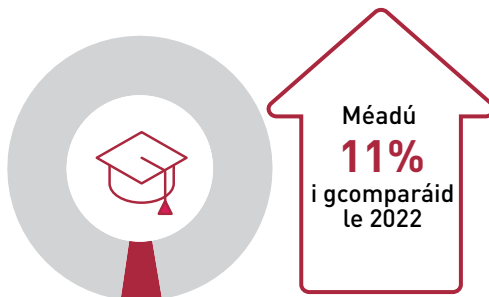


Fuaireamar 321 gearán in 2023 faoi chomhlachtaí san earnáil rialála. Is ionann seo agus méadú 2.5% ar an mbliain 2022. Sheasamar nó sheasamar go páirteach le 17% de na gearáin a rinneamar a imscrúdú agus sholáthraíomar foirm éigin de chúnaimh in 9% sa bhreis de chásanna. Níor seasadh le 74% de chásanna.

Ba é an líon ab airde de ghearáin a fuaireamar faoin Údarás Rialála Seirbhísí Dlí (LSRA - 112). Bhain na gearáin go príomha leis an mbealach a láimhseáil an LSRA gearáin faoi chleachtóirí dlí. Fuaireamar 79 gearán faoin Údarás um Shábháilteacht ar Bhóithre (an RSA) agus 64 faoin Údarás Náisiúnta Iompair (an NTA). I measc na saincheisteanna a ndearnadh gearán fúthu maidir leis an RSA, bhí deacrachtaí le cur isteach ar cheadúnais tiomána nó iad a athnuachan, agus tástálacha tiomána a shocrú. I measc shaincheisteanna an NRA, bhí gearáin a láimhseáil agus déileáil le hachomhairc i leith clampála.

Oideachas

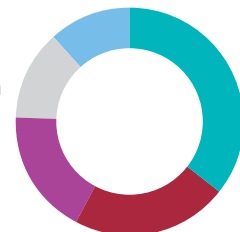
Bhain **4%** de na gearáin



go léir le hoideachas

Ba iad na 5 chomhlacht ba mhó a ndearnadh gearán fúthu:

- 34** Tacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (SUSI)
- 21** HEAR/DARE (Bealach Rochtana ar Ardoideachas/Bealach Rochtana ar Oideachas do Dhaoine faoi Mhíchumas)
- 17** Ollscoil Teicneolaíochta Bhaile Átha Cliath
- 12** Coimisiún na Scrúduithe Stáit
- 11** Coláiste na Tríonóide, Baile Átha Cliath



Fuarthas 217 gearán maidir leis an earnáil Oideachais in 2023. Áirítear leis seo gearáin faoin Roinn Oideachais (24), agus an Roinn Breisoideachais agus Ardoideachais, Taighde, Nuálaíochta agus Eolaíochta (1). Is ionann seo agus méadú ó 195 in 2022 (méadú 11%).

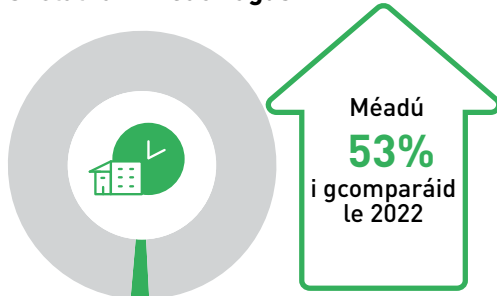
Sheasamar nó sheasamar go páirteach le 16% de na gearáin a rinneamar a imscrúdú in aghaidh comhlachtaí san earnáil seo agus sholáthraíomar foirm éigin de chúnamh in 11% sa bhreis de chásanna. Níor seasadh le 73% de chásanna a imscrúdaíodh.

Fuaireamar 34 gearán faoi Thacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (SUSI), ar méadú é seo ó 23 gearán a fuarthas in 2022 (méadú 20%). Cé go measaimid go n-oibrítear próiseas riaracháin SUSI sách maith den chuid is mó, ní dhéantar aon fhoráil go fóill sa bhunreachtaíocht le hearráidí a cheartú, cosúil le ró-íocaíochtaí le mic léinn, nuair nach bhfuil aon locht ar an mac léinn.

Thugamar faoi deara gurbh ionann an líon gearán faoi scéimeanna an Bhealaigh Rochtana ar Ardoideachas (HEAR) agus an Bhealaigh Rochtana ar Oideachas do Dhaoine faoi Mhíchumas (DARE) don bhliain 2023 - 21 gearán. Fuarthas 17 ngearán faoi Ollscoil Teicneolaíochta Bhaile Átha Cliath in 2023, ar méadú é seo aníos ó 8 in 2022. Rinneadh 12 ghearán faoi Choimisiún na Scrúduithe Stáit in 2023, líon 33% níos lú ná mar a fuarthas in 2022.

Soláthar Díreach

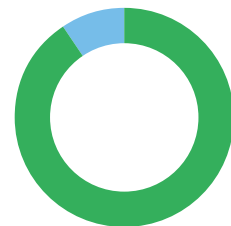
B'ionann na gearáin faoi Sholáthar Díreach agus



2% de na gearáin go léir

Ba iad na 2 chomhlacht ba mhó a ndearnadh gearán fúthu:

- 78** An tSeirbhís Chóiríochta um Chosaint Idirnáisiúnta (IPAS)
- 8** Ionad Soláthair Dhíreach



Fuaireamar 90 gearán in 2023 ó dhaoine a chuir isteach ar chosaint idirnáisiúnta (IP) a chónaíonn i gcóiríocht a sholáthraíonn an stát, faoi sheirbhísí soláthair dhíreach. Is ionann seo agus méadú 53% ar na 59 gearán a fuaireamar in 2022, cé gur tháinig laghdú in 2022 ar an líon gearán anuas ó 2021, ar dhóchúil gur thionchar iarmhartach na paidéime agus an ghéarchéim leanúnach san Úcráin ba chúis leis.

Bhain an líon ab airde gearán faoin tSeirbhís Chóiríochta um Chosaint Idirnáisiúnta - IPAS (78), ionaid chóiríochta (8), agus Foireann Cóiríochta Sealadaí Ghéarchéim na hÚcráine - UCTAT (3). Dhéileálar le 84 de na 90 gearán a fuarthas. I measc na saincheisteanna a ndearnadh gearán fúthu, bhí an caighdeán cóiríochta (44), aistrithe ó ionad cóiríochta amháin an IPAS go ceann eile (22), agus gearáin faoi fhoireann ionaid (4).

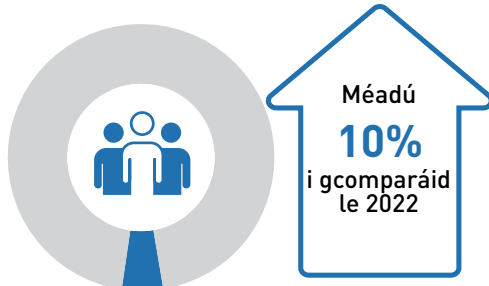
Sheasamar le 10% de na gearáin san earnáil seo agus sholáthraíomar foirm éigin de chúnamh in 45% sa bhreis de chásanna. Níor seasadh le 45% de ghearáin.

Gné de roinnt gearán a rinne iarratasóirí ar chosaint idirnáisiúnta a chónaíonn in ionaid chóiríochta an IPAS a bhí sna 'Caighdeáin Náisiúnta di chóiríocht a chuirtear ar fáil do dhaoine sa phróiseas cosanta' a chur i bhfeidhm. Lean an IPAS ag glacadh leis an seasamh in 2023, mar a bhí sé i mblianta roimhe seo, nach bhféadfadh sé iarrataí aistrithe idirionaid a éascú mar gheall ar na srianta leanúnacha ar an gcóras, agus mar gheall go bhfuil a phunann chóiríochta ar lánacmhainn. Leanfaimid le hidirchaidreamh a dhéanamh leis an IPAS ar an tsaincheist seo agus ní leanfaimid ar aghaidh ach le gearáin faoi chásanna aistrithe faoi chúinsí eisceachtúla ina sainithnímid go bhfuil fóirghá leis.

Chuireamar dhá cheardlann ar bun i Samhain 2023 le heagraíochtaí neamhrialtasacha ar 'Imircigh agus Daoine a bhfuil Cosaint Idirnáisiúnta á lorg acu - Eispéiris de Sheirbhísí Poiblí in Éirinn'. Bhain plé comhchéime leo seo ar na saincheisteanna a bhfuil eagraíochtaí neamhrialtasacha a oibríonn sa réimse seo ag déileáil leo, agus a d'fhéadfadh an tOmbudsman a bheith in ann a imscrúdú.

Comhlachtaí Eile

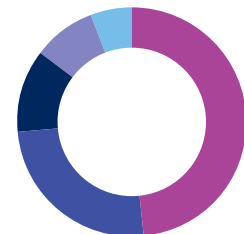
Bhain **7%** de na gearáin:



go léir le Comhlachtaí Eile

Ba iad na 5 chomhlacht ba mhó a ndearnadh gearán fúthu:

- 120** An Bord um Thionóntachtaí Cónaithe
- 62** An tSeirbhís Chúirteanna
- 29** Údarás Fuinnimh Inmharthana na hÉireann
- 22** Pobal
- 14** Bonneagar Iompair Éireann



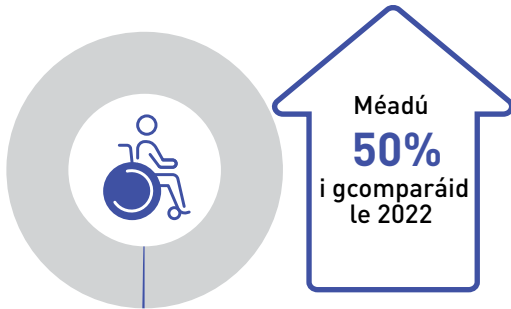
Fuaireamar 301 gearán in 2023 faoi chomhlachtaí poiblí san earnáil eile 'Comhlachtaí Poiblí Eile'. Ba mhéadú é seo aníos ó 273 gearán a fuarthas in 2022. Sheasamar nó sheasamar go páirteach le 33% de na gearáin a rinneamar a imscrúdú san earnáil seo agus sholáthraíomar foirm éigin de chúnamh in 31% sa bhreis de chásanna. Níor seasadh le 36% de chásanna.

Bhain an líon ab airde gearán leis an mBord um Thionóntachtaí Cónaithe (120 – ar méadú aníos ó 95 in 2022 é seo). Tugadh clárú bliantúil do thiarnaí talún isteach an 4 Aibreán 2022 agus bhí moilleanna ar an bpróiseas clárúcháin. I measc na saincheisteanna a ndearnadh gearán fúthu bhí drochsheirbhís do chustaiméirí, moilleanna agus táillí déanacha a ghearradh.

Fuaireamar 62 gearán faoin tSeirbhís Chúirteanna. Ní raibh 41 gearán laistigh den shainchúram an Ombudsman mar gheall nár bhain siad le gníomh 'a rinneadh i bhfeidhmiú feidhmeanna riaracháin' faoi alt 5 den Acht um Sheirbhís Chúirteanna, 1998. Bhain na saghsanna gearán a d'imscrúdaíomar le gníomhartha riaracháin oifigí cúirte

An tAcht um Míchumas

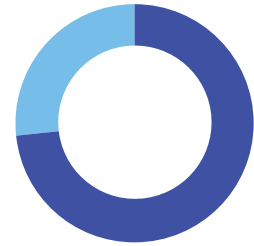
Rinneadh <1% de na gearáin:



go léir faoin Acht um Míchumas

Na 2 shaghas ba mhó de ghearáin:

- 11 Rochtain ar Sheirbhísí (Alt 26)
- 4 Gearáin a Láimhseáil (Alt 38 go hAlt 39)



Fuaireamar 21 gearán in 2023 faoin Acht um Míchumas, 2005. Is ionann seo agus méadú 50% ar an mbliain 2022 nuair a fuaireamar 14 ghearán, arbh ionann sin agus méadú ar 2021 nuair a fuaireamar 6 ghearán.

Baineann breis agus leath na ngearán a fuarthas in 2023 (11) le Rochtain ar Sheirbhísí, agus bhain ceithre ghearán faoin bpróiseas láimhseála gearán.

Leagtar oibleagáidí san Acht um Míchumas, 2005 ar chomhlachtaí poiblí chun oibriú go réamhghníomhach i dtreo caighdeán beatha daoine faoi mhíchumas a fheabhsú. Sampla de seo is ea go gceanglaítear ar gach comhlacht poiblí ar a laghad Oifigeach Rochtana amháin a bheith acu chun cabhrú le daoine faoi mhíchumas teacht ar eolas agus ar sheirbhísí.

Ba cheart gearáin a dhéanamh faoin Acht um Míchumas, ar an gcéad dul síos, leis an gcomhlacht poiblí. Eiseoidh oifigeach fiosrúchán cinntiúchán ar an ngearán, agus, mura réitítear é, féadtar gearán a dhéanamh lenár nOifig maidir le teip ar chomhlacht poiblí Cuid 3 den Acht um Míchumas a chomhlíonadh.

Pléitear i gCuid 3 go sonrath le:

- Rochtain ag daoine faoi mhíchumas ar fhoirgnimh phoiblí, ar sheirbhísí, ar fhaisnéis agus ar shuíomhanna oidhreachta, agus
- Pleananna earnála ar pleananna an rialtais iad lena chinntiú go gcuirtear seirbhísí ar fáil do dhaoine faoi mhíchumas sonraithe sna limistéir a leanas: iompar poiblí, seirbhísí sláinte, gairmoiliúint, seirbhísí tacaíochta fostaíochta, tithíocht, cóiríocht.

Nursing home fees 'impoverish' elderly, Ombudsman warns

Eilish O'Regan
Health Correspondent

ELDERLY people are being left financially "impoverished" because of the additional charges they are forced to pay in private nursing homes, Ombudsman Peter Tyndall has warned.

Mr Tyndall (inset) could see the "unfairness to a resident" who is paying 80pc of their pension for their nursing home care and must use the remaining 20pc for social activities, for which they have no inclination or may be physically unable to participate in.

"My main concern is that there is clarity, transparency and fairness around any additional charges levied. All additional charges must be laid out clearly in the contract of care and agreed upon when signing the contract. The additional services should also be separately itemised and costed," he said.

"These additional charges can effectively wipe out the remaining income, leaving lit-

tle for extras such as taxis for hospital visits, or services such as hairdressing and chiropody. In some cases, they can be an additional burden on families."

The Ombudsman has received 45 complaints about private nursing homes this year - a 50pc increase in the number of complaints received in 2016.

He was speaking at the launch of 'Contracts of Care for Nursing Home Residents - Issues of Policy and Practice', a damning report by Sage, the support and advocacy service.

The document highlighted major flaws including allegations contracts are being signed by relatives on behalf of nursing home residents, even when they "clearly have the capacity" to make their own decisions.

Sage chairwoman Patricia Rickard-Clarke stressed this

casual approach to signing of contracts of care must stop, in order to protect vulnerable older people.

In many cases, contracts are signed without being read or understood due to complex and legalistic language.

Nursing home residents are left with no security about their accommodation and told to leave by the homeowner, who has the balance of power in the termination of a contract.

Termination can be done with "immediate effect".

Many older people are forced to go into a nursing home because there is no other reasonable alternative.

They are "put there" by concerned relatives, it was claimed. They can face an increase in additional charges of €25 a week, without consultation.

The report found some con-

tracts set out visiting restrictions and the right to transfer the elderly person to another nursing home.

Sage has received concerns about the level of control by some families over the older person's finances.

There was also a need for protocols where a person's finances are being handled by the home, but money is not being drawn down to enhance their quality of life.

Mr Tyndall backed calls for an overhaul of these contracts and said the Government must also ensure better availability of home care.

Nursing Homes Ireland, which represents private nursing homes, said contracts are subject to independent oversight by Higa, which carries out inspections.

Any discharge from a nursing home must be discussed, planned for and agreed with a resident and where appropriate, with their family or carer, the regulations stipulate.



2017: Leagann an tOmbudsman béim ar shaincheisteanna a bhaineann le táillí tithe altranais

Severe criticism of HSE over care of 88 years old lady in Mullingar

Ombudsman reports "unacceptable" standards in St. Mary's

An investigation by the Ombudsman Emily O'Reilly into the care and treatment of an elderly woman admitted for respite care to a HSE nursing home in Mullingar concluded that the standards of care and treatment were "unacceptable" and Ms. O'Reilly says the case is "one of a growing number of complaints received by her Office regarding care and treatment received in publicly funded healthcare agencies."

The report, issued on Monday last, December 15, related to the

care and treatment of an 88 years old woman, availing of respite care in St. Mary's Care Centre, Mullingar.

Says the report: "The complainant was the daughter of an 88 years old woman, physically and mentally incapacitated as a result of a stroke. The daughter had arranged one week's respite care for her mother in St. Mary's Care Centre, Mullingar. However, the daughter, herself a trained nurse, was extremely dissatisfied with the care her mother had received. In fact, she had taken her mother home from the nursing home after only three days when she saw what she felt was a

rapid deterioration in her mother's condition. Subsequently in April 2006, she complained to the Ombudsman about the poor care given to her mother."

"The complainant was also unhappy with the manner in which her initial complaint to the HSE had been handled; she felt that the failure of the HSE to deal properly with her complaint added to her sense of grievance and compounded the shortcomings in the level of care provided."

"The Ombudsman's investiga-

■ CONTINUED PAGE 2



2008: Leagann an tOmbudsman béim ar dhroch-chúram i dteach altranais FSS

Caibidil 3

For-Rochtain agus Nuashonruithe ar an Tuarascáil



For-Rochtain

Ar aon dul lenár bPlean Straitéiseach 2022-25, déanaimid idirchaidreamh gníomhach lenár bpáirtithe leasmhara le feasacht a mhúscailt ar ról an Ombudsman, cabhraímid le feabhsúcháin ar cháilíocht na seirbhísí poiblí siúd a fheabhsú laistigh dár sainchúram a chur chun cinn, agus lena chinntiú go ndéantar seirbhísí poiblí a riar agus a sholáthar níos fearr.

I rith 2023, chuireamar ceardlanna ar bun agus rinneamar idirchaidreamh le grúpaí a dhéanann ionadaíocht d'earnálacha éagsúla an phobail, rinneamar ár 'gClinicí Gearáin' a fhairsingiú chun go bhféadfadh daoine a ngearáin a dhéanamh linn 'i bpearsan' ina gceantar áitiúil, agus rinneamar idirchaidreamh le hearnálacha na sochaí is mó a dteastaíonn ár seirbhísí uathu.

Idirchaidreamh a dhéanamh leo siúd is mó a dteastaíonn ár seirbhís uathu

Mar chuid dár gcuspóirí straitéiseacha, leanamar le feasacht a mhúscailt ar é ról an Ombudsman agus conas gearán a dhéanamh lenár nOifig. Mar chuid dár bPlean Straitéiseach is mian linn freisin a chinntiú gurb eol dóibh siúd is mó a bhféadfadh ár seirbhísí a bheith ag teastáil uathu, nó a d'fhéadfadh a bheith aineolach ar sheirbhís an Ombudsman, go bhfuilimid ar fáil agus conas idirchaidreamh a dhéanamh linn.

Ghlacamar páirt i Meán Fómhair i Seachtain um Ionchuimsiú Sóisialta Chill Dara 2023 a d'eagraigh Líonra Rannpháirtíochta Pobail Chill Dara agus Comhpháirtíocht LEADER Chill Dara. Chuir an tOmbudsman agus baill dár bhfoireann le himeachtaí ag Ionad Acmhainní Teaghlaigh Bhaile Átha Í, Ionad Óige Léim an Bhradáin, Ionad Forbartha Pobail Chill Dara (inar cuireadh imeacht ar siúl do phobail an Lucht Siúil agus na Romach), agus san imeacht deiridh in Ionad Acmhainní Teaghlaigh Dhroichead Nua. Bhí gliondar croí orainn a bheith in ann idirchaidreamh a dhéanamh le réimse fairsing earnálacha i rith tréimhse ghearr agus beartaímid páirt a ghlacadh ina mhacasamhail d'imeachtaí in 2024.

In 2023, leanamar lenár idirchaidreamh le réimse grúpaí, ach go háirithe iad siúd faoi mhíchumas, mar shampla, trí pháirt a ghlacadh i bpodchraoladh Chónaidhm na hÉireann um Míchumas, agus trí chur leis an gclár Access All Areas ar Phoenix FM. Chuireamar freisin le Comhchoiste an Oireachtais um Uathachas i bhFeabhra.

Mar chuid dár n-idirchaidreamh le daoine fásta óga, chuireamar pacáí eolais agus póstaer ar fáil ina dtugtar chun solais ról an Ombudsman san earnáil oideachais do na príomh-ollscoileanna lena scaipeadh ar mhic léinn. Leanfaimid lenár n-idirchaidreamh le daoine fásta óga i ngach earnáil in 2024.

Tá caidreamh an-táirgiúil againn le hIonaid um Fhaisnéis do Shaoránaigh (CICanna) timpeall na tíre, agus chuireamar seimineáir ghréasáin faisnéise ar siúl i Samhain agus Nollaig d'fhoireann CICanna i réigiúin Bhaile Átha Cliath Thuaidh agus Mhumhan Thuaidh lenár ról agus conas is féidir leo cabhrú le daoine a dhéanann idirchaidreamh lena seirbhís a mhíniú dóibh.

Chuireamar lenár n-idirchaidreamh freisin in 2022 leis an earnáil tithe altranais agus chuireamar póstaer ar fáil lena dtaispeáint i dtithe altranais ar a dtugtar chun solais ár ról tar éis ár seisiún eolais do thithe altranais sa tír.

Ceardlanna le grúpaí ionadaíocha

Chuireamar tús le sraith ceardlann in 2022 le héisteacht agus le hidirchaidreamh díreach a dhéanamh le grúpaí ionadaíocha maidir le saincheistanna a dhéanann difear dár seirbhísí poiblí. Leanamar iad seo in 2023. Cabhraíonn na ceardlanna linn a shainaitheint cén saincheistanna a dhéanann difear do dhaoine 'ar an talamh' anuas ar shaincheistanna a léirítear i ngearáin aonair a dhéantar lenár nOifig. Chuireamar ceardlanna ar siúl in 2022 le hionadaithe ón earnáil tithíochta agus leis an earnáil mhíchumais. Chualamar in 2023 ó ghrúpaí a dhéanann ionadaíocht d'imircigh agus uathu siúd a bhfuil cosaint idirnáisiúnta á lorg acu, agus ó phobal an Lucht Siúil.

Is é cuspóir na gceardlann seo an deis a thabhairt dúinn foghlaim ó eagraíochtaí neamhrialtasacha, saineolaithe agus daoine a ndearnadh difear dóibh, faoina n-eolas agus a dtaithe ar shaincheistanna ar leith. Ar an mbealach seo, tá súil againn feabhas a chur ar ár dtuiscint agus ár scileanna a mhéadú chun tabhairt faoinár n-obair. Chualamar i bpearsan cén saincheistanna atá ag goileadh ar dhaoine a ndéanann siad ionadaíocht dóibh ina n-idirghníomhú le seirbhísí poiblí.

Cuirfidh saincheistanna a eascraíonn as na ceardlanna lenár n-obair don bhliain 2023 agus ina dhiaidh sin, agus cabhróidh siad linn idirchaidreamh a dhéanamh le grúpaí a bhféadfadh gurb iad is mó a dteastaíonn seirbhís an Ombudsman uathu.

Clinicí Gearán ag Ionaid um Fhaisnéis do Shaoránaigh

Thug an fhoireann ónár nOifig cuairteanna míosúla, roimh an bpaindéim, ar Ionaid um Fhaisnéis do Shaoránaigh (CICanna) i gCorcaigh, Luimneach agus Gaillimh chun gearáin a ghlacadh ó bhaill den phobal. Chuir na cuairteanna seirbhís luachmhar áitiúil inrochtana gan stró ar fáil do dhaoine a chónaíonn ann agus chuir siad ar chumas daoine déileáil ar bhonn aghaidh ar aghaidh lenár nOifig.

Bhí áthas orainn tús a chur athuair lenár gclár míosúil Clinicí Gearán in 2022 i Luimneach. Thosaíomar athuair in Aibreán 2023 lenár gclinic míosúil ag CIC Chathair na Gaillimhe. Bhunaíomar Clinicí Gearán míosúla go luath in 2024 ag CICanna Chathair Chorcaí agus Mhala. Gabhaimid buíochas leis an bhfoireann ag gach ceann de na hionaid seo as obair linn le seirbhís thar a bheith tairbhiúil agus praiticiúil a sholáthar don phobal áitiúil.

Cuirtear na clinicí míosúla gearán ar siúl ar na laethanta seo a leanas:

CIC Chorcaí:	An dara Céadaoin sa mhí (2pm go 4pm)
CIC Mhala:	An dara Céadaoin sa mhí (10am go 12 meán lae)
CIC na Gaillimhe:	An ceathrú Máirt sa mhí (10am go 1pm, 2pm go 4pm)
CIC Luimnigh:	An dara Máirt sa mhí (10am go 1pm, 2pm go 4pm)

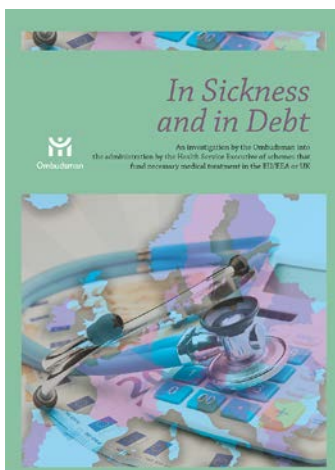
Féach www.ombudsman.ie chun teacht ar shonraí.

Ár suíomh gréasáin agus ár meáin shóisialta

Leanamar lenár suíomh gréasáin agus ár gcainéil mheán sóisialta (X agus YouTube) a úsáid i rith 2023 le heolas, comhairle agus cúnamh a sholáthar don phobal, do chomhlachtaí poiblí agus dár bpáirtithe leasmhara eile. Is féidir leat sinn a leanúint ar X: @OfficeOmbudsman, agus ar YouTube: 'Ombudsman Ireland'.

Tuarascálacha agus Nuashonruithe

Sa chuid seo den tuarascáil soláthraímid nuashonruithe tar éis imscrúduithe a d'fhoilsigh an Oifig le déanaí.



Breiteacht agus Fiachas: Imscrúdú déanta ag an Ombudsman ar mhodh riartha scéimeanna 'cóireála thar lear' ag FSS

Chuireamar tús in 2022 le himscrúdú ar scéimeanna a riarann Feidhmeannacht na Seirbhíse Sláinte a chistíonn cóir leighis riachtanach san AE/an LEE nó sa RA. Spreag roinnt gearán a fuair eamar ó othair nárbh fhéidir leo teacht ar an gcóir leighis riachtanach sa Stát agus a raibh orthu taisteal thar lear go gcuirfí cóir leighis orthu. Bhí deacracht mhór acu ar a bhfillleadh le leas

a bhaint as na scéimeanna atá in ainm iad a aisíoc as an gcóir leighis ar cheart go mbeadh sí ar fáil acu saor in aisce sa Stát, ach a raibh orthu íoc aisti thar lear. Díríodh go príomha san imscrúdú ar scéim na Treorach Trasteorann ach fiosraíodh ann chomh Scéim Cúraim Sláinte bheartaithe Thuaisceart Éireann, agus leanann seo ár dtuarascáil in 2018 ar an Scéim Cóireála Thar Lear.

Foilsíodh an tuarascáil imscrúdaithe 'Breiteacht agus Fiachas' in Aibreán 2023. Rinneamar 21 moladh a dhírigh ar fheabhas a chur ar riar na scéimeanna, ó thaobh bogadh ar aghaidh agus an imscrúdaithe ar ghearáin a bhí le réiteach go fóill ag ár nOifig araon. Ghlac FSS le gach moladh agus chuir siad foireann le chéile chun déileáil lena gcur i bhfeidhm. Anuas ar mholtaí 2021 a chur i bhfeidhm go ndéanann an fhoireann athbhreithniú freisin ar chásanna, ar ár n-iarraidh, nó iarraidh othar. Sainithníodh go dtí seo gur sainithníodh breis agus 200 cás lena n-athbhreithniú agus leanann FSS ag oibriú tríothu siúd.

Fuair othair ar diúltaíodh a n-aisíocaíochtaí dóibh roimhe seo mar gheall ar shaincheisteanna leis na litreacha atreoraithe a n-aisíocaíochtaí dá bharr seo. Cuireadh teacht ar fáil d'othair anois ar phróiseas achomhairc bríoch agus, in go leor cásanna, d'eascair aisíocaíocht mhéadaithe as athmheasúnú iomlán ar an gcostas a sainithníodh.

Anuas air sin, fuair othair a fuair iasacht ó dhaoine muinteartha le hóc as an gcóireáil ach ar diúltaíodh dóibh a n-aisíocaíocht, mar gheall ar riachtanas FSS go soláthraítear cruthúnas dochraideach íocaíochtaí, a n-aisíocaíocht.

Leanamar le hidirchaidreamh a dhéanamh le FSS ó foilsíodh an tuarascáil agus fáiltímid roimh an dul chun cinn atá á dhéanamh ag FSS i dtaobh na moltaí a chur i bhfeidhm. Imreoidh cur i bhfeidhm iomlán na moltaí tionchar an-dearfach ar othair a bhfuil aisíocaíochtaí á lorg acu faoi aon cheann de na scéimeanna cóireála thar lear, agus cuirfidh sé na hothair siúd ag croílár an phlé uile amach anseo.



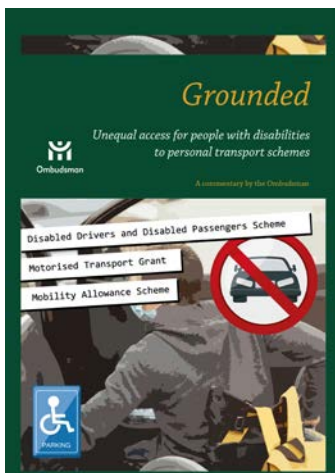
Wasted Lives: Imscrúdú ar dhaoine faoi 65 atá ina gcónaí i dtithe altranais do dhaoine breacaosta

D'fhoilsíomar 'Wasted Lives: Tá sé in am todhchaí níos fearr a thabhairt do daoine níos óige i dtithe altranais' i mBealtaine 2021, ina dtugtar sonraí faoi thorthaí maidir le daoine, faoi 65 bliain d'aois, a chónaíonn i dtithe altranais. Bhí 19 moladh sa tuarascáil a bhain leis na téamaí a leanas: cistiú, toiliú feasach, caighdeán na beatha, rochtain ar sheirbhísí, bealach a aimsiú tríd an gcóras agus trí bheartais agus cearta daonna. Chun maoirseacht a dhéanamh ar chur i bhfeidhm na moltaí seo, bhunaigh FSS Coiste

Stiúrtha Comhtháite, ar a ndéanann a Phríomhoifigeach Oibríochtaí cathaoirleacht. Bhunaigh FSS cúig shruth oibre chun tabhairt faoi obair ar leith maidir le moltaí a chur i bhfeidhm agus cuireadh tús le hobair in 2023 ar mholtaí 'Wasted Lives'.

Rinneadh soláthar i bPlean Seirbhíse Náisiúnta FSS 2021 d'infheistíocht €3 mhilliún lena chur ar chumas a mhéid le 18 nduine níos óige ná 65 bliain d'aois chun aistriú ó thithe altranais ar ais isteach i bpobail le tacaíochtaí. D'aistrigh 14 dhuine i dtreo dheireadh 2021. Faoi mar a mholtar i mo Thuarascáil, soláthraíodh leithdháileadh breise 'imfhálaithe' €5.5 milliún i mBuiséad 2022. Cheadaigh seo do 22 duine aistriú in 2022 agus bhí 17 nduine sa bhreis aistrithe freisin as an gcóras tithe altranais faoi dheireadh Iúil 2023. Cé go bhfuil na líonta atá i gceist measartha, tá roinnt tosca níos fairsinge i gceist a chruthaíonn deacrachtaí níos mó do dhul chun cinn mear. Tá tionchar díreach á imirt ag líon neamhleor foirne cúraim a oibríonn i míchumas ar an ngá atá le cead isteach a thabhairt do dhaoine chuig tithe altranais, chun teacht ar an gcúram riachtanach, agus ar chumas daoine a aistriú go hoiriúnach amach as an gcóras tithe altranais go rogha mhalartach chuí. Tá easpa tithíocht oiriúnach ann freisin a gcuireann an iomaíocht inmheánach leis i leith na hacmhainne teoranta seo idir seirbhísí eile óna dteastaíonn sé, cosúil le díphlódú, faoiseamh agus seirbhísí cónaithe. Cuireann an easpa cistiú imfhálaithe leis na tosca seo a cuireadh ar fáil don tionscnamh seo in 2023. Tá díriú athnuaithe ag FSS ina leith sin ar mholtaí a rinneadh inár dtuarascáil rithabhachtach chun leanúint le hiontráil daoine níos óige ná 65 bliain go tithe altranais a laghdú agus aistriú na ndaoine seo a mhéadú go cúram agus cóiríocht mhalartach chuí.

Bhí sé i gceist againn tuarascáil ar dhul chun cinn a fhoilsiú ar chur i bhfeidhm na moltaí seo go déanach in 2023. D'imir an ghníomhaíocht thionsclaíoch faoinar thug foireann FSS i dtreo dheireadh na bliana anuraidh tionchar soiléir, áfach, ní hamháin ar an dul chun cinn díreach a bhí á dhéanamh ar chur i bhfeidhm na moltaí seo ach chomh maith ar an bhfáil ar staitisticí cothrom le dáta faoin dul chun cinn sin. Ar ámharaí an tsaoil, is cosúil gur réitíodh na díospóidí siúd agus tá súil agam nuashonrú ó FSS a fháil.



Grounded: Rochtain mhíchothrom do dhaoine faoi mhíchumas ar scéimeanna iompair phearsanta: Nuashonrú

Il mí na Samhna 2021, d'fhoilsiomar ár dtuarascáil, 'Sáinnithe: Rochtain mhíchothrom do dhaoine faoi mhíchumas ar scéimeanna iompair phearsanta', inar leagadh amach ár dtorthaí maidir le heaspa rochtana ar scéimeanna iompair do dhaoine atá faoi mhíchumas. Inár dtuarascáil bhliantúil do 2022, leagamar béim ar na céimeanna a ghlacamar chun leanúint leis an tsaincheist seo a chur chun cinn. Leag an tOmbudsman amach a thuairim dhaingean go raibh gá le ceannaireacht sa réimse seo agus go raibh an t-am le haghaidh tuilleadh tuarascálacha ó ranna éagsúla imithe i léig. Rinne an tOmbudsman cur síos freisin ar an mbealach ina ndiúltaítear rochtain ar thacaíochtaí iompair phearsanta do dhaoine faoi mhíchumas i gcónaí mar rud náireach.

I rith 2023, lean an tOmbudsman de bheith ag plé leis an tsaincheist seo. Bhuail sé le Roinn an Taoisigh chun a athdhearbhú cé chomh riachtanach agus atá sé go mbeadh scéimeanna iompair ag feidhmiú do dhaoine faoi mhíchumas. Sular foilsíodh an tuarascáil seo d'iarr an tOmbudsman nuashonrú ar an Roinn agus tá an nuashonrú seo foilsithe ar ár suíomh gréasáin www.ombudsman.ie. Fáiltítear roimh an mbaint a bhí ag Roinn an Taoisigh leis an ábhar seo agus an cuspóir atá aici ná dearcadh iomlánaíoch a ghlacadh ar na scéimeanna iompair ábhartha go léir, lena n-áirítear tús a chur le roinnt scéimeanna píolótacha in áiteanna éagsúla ar fud na tíre. Tá an tOmbudsman fós den tuairim gurb é an rud a theastaíonn ó dhaoine faoi mhíchumas ná go dtabharfar aghaidh ar a gcuid riachtanas iompair mar ábhar práinne.

TAN OFFICE SLASHED BY REPORT

THE OMBUDSMAN has lashed the Revenue after it failed to compensate 12 people owed tax rebates.

The Ombudsman, Kevin Murphy, accused the Commissioners of making a "direct and unprecedented" challenge to his office's authority by misrepresenting the legal position surrounding the compensation.

In a special report released yesterday, the Ombudsman said the Revenue is not serious about its own "duty of care" – including integrity, efficiency and fairness.

In 1988, the High Court decided that widows of public servants were eligible for an income tax refund (paid on their children's pensions). But the Revenue decided to limit payment to the five years preceding the date of the claim. *Tax widows who paid tax on their children's pensions for more than five years attempted*

Murphy hits out over tax rebates



By JASON O'BRIEN

Following an investigation by the Ombudsman, the Revenue agreed to refund income tax to the tax widows. But it refused to take account of inflation, meaning repayments will be based on 90c money value.

FURIOUS: Ombudsman



2002: Cáineann an tOmbudsman íocaíochtaí cúitimh na gCoimisinéirí Ioncaim

Inflexible HSE approach pushed many into debt, says Ombudsman

CONOR POPE
Consumer Affairs Correspondent

The HSE repeatedly refused to reimburse the legitimate expenses of patients who had necessary medical treatments in other countries which forced many people into debt, a damning report published by the Ombudsman states.

The investigation found that the HSE adopted an "unreasonable and inflexible approach" when it came to administering schemes fund health treatments abroad that the State system is either unable to provide, or unable to provide in a timely manner.

In his report, 'In Sickness and in Debt', Ombudsman Ger Deering, said some patients faced a fight to be reimbursed for the legitimate costs they had incurred for necessary treatment received abroad, with many borrowing money

and some falling into debt as a result. In other cases, approval to have treatment abroad was unreasonably refused or delayed.

The HSE refused to reimburse one patient who paid for treatment overseas on the grounds that their GP had not signed a letter of referral he emailed to a hospital in Northern Ireland.

"This was despite the fact that it was clear that the letter was sent from the GP's email address, and the GP had assured the HSE in writing that the referral was genuine," the report says.

Another referral letter from an Irish GP was addressed to the relevant section of a Northern Ireland hospital and not a named individual in that hospital, which prompted the HSE to reject the claim. Its intransigence was further highlighted when it "refused to accept a sub-

sequent amended referral letter from the GP".

In another instance, a payment was refused because a treatment which had a waiting list of four years in Ireland took place in Belgium, but the initial consultation took place while the Belgian consultant was in Ireland.

In a separate case highlighted in the report, someone who was "in urgent need of treatment for chronic back pain" had their case rejected by the HSE because prior to treatment in Poland, an outpatient consultation with a Polish consultant took place by phone rather than in person.

A number of older patients who sought refunds for treatment were in receipt of UK pensions. Due to the lack of information provided by the HSE, these patients were unaware that the fact they were in receipt of a pension from another

EU country would negatively affect their application.

The patients had borrowed significant amounts of money to have the treatment but received no reimbursement.

In the report, the Ombudsman sets out 21 recommendations to improve the administration of the schemes for the benefit of patients who need these critical treatments. Following discussions between the Ombudsman and HSE chief executive Bernard Gloster, the HSE has agreed to implement all the recommendations.

"I'm very much welcome the decision of the HSE to implement the recommendations," Mr Deering said. "Their implementation will have a significant positive impact on the lives of those who need to access treatment abroad, and will help ensure that decisions under the schemes are focused on the patient's needs."



2023: Imscrúdú an Ombudsman ar scéimeanna cóireála thar lear

Caibidil 4

Achoimre ar Chásanna



Caibidil 4: Achoimre ar Chásanna

Níos luaithe sa tuarascáil seo rinneamar cur síos ar chuid de na gearáin a fuairamar i 2023 lena n-áirítear iad siúd ar seasadh leo agus nár seasadh leo. Sa Chaibidil seo, cuirimid achoimrí i láthair ar chuid de na gearáin ar sheasamar leo nó a réitíodh. Athraíodh cuid de shonraí na gcásanna agus ainmneacha na ngearánach chun a n-aitheantas a chosaint.



Mar thoradh ar phróiseas atreoraithe atá as dáta, cuirtear moill ar choinní ospidéil agus ar dhiagnóis ailse

Cúlra

Rinne Marie gearán leis an Ombudsman nuair nach ndearnadh coinne leighis thábhachtach mar gheall ar mheascadh suas i litreacha atreoraithe agus cuireadh moill suas le hocht mí ar fháthmheas ailse. Bhí Marie ina othar trasphlandaithe. Le linn gnáthchoinne thug an fhoireann san Aonad Neifreolaíochta in Ospidéal Ollscoile Naomh Uinseann, Baile Átha Cliath, lot craicinn faoi deara. Bhí an lot ina ábhar imní mar go bhfuil othair trasphlandaithe níos so-ghabhálaí d'ailse craicinn.

Go luath i mí an Mhárta, d'eisigh an tAonad Neifreolaíochta litir choinneála cóip chrua chuig aonad Deirmeolaíochta an ospidéil. Cé go raibh an litir i gcló ag an Aonad Neifreolaíochta, níor tháinig sé go dtí an Roinn Deirmeolaíochta riamh. I mí na Bealtaine, bhí Marie ag freastal ar choinne eile san Aonad Neifreolaíochta agus chuir sí ceist faoin gcoinne le haghaidh Deirmeolaíochta. Seoladh an dara litir atreoraithe, ach arís ní bhfuair Marie fógra maidir le coinne.

I mí Lúnasa, rinne Marie teagmháil dhíreach leis an Aonad Deirmeolaíochta agus fuair sí dáta le haghaidh coinne i mí Dheireadh Fómhair. Baineadh an lot agus ina dhiaidh sin bhí sé urchóideach.

Imscrúdú

Dheimhnigh an t-ospidéal don Ombudsman go raibh an litir atreoraithe tosaigh, arna ordú ag an lia comhairleach ag an am, clóscríofa agus priontáilte san Aonad Neifreolaíochta laistigh de chúpla lá ón choinne tosaigh. Ní raibh aon taifead ann go bhfuair Deirmeolaíocht é.

Ghlac an t-ospidéal leis go raibh easnamh sa phróiseas chun litreacha atreoraithe a eisiúint agus a chinntiú go ndearnadh obair leantach orthu. Mhol sé go mbunódh sé 'seomra priontála' láraithe nua ina ndéanfaí gach litir atreoraithe idir ranna a phriontáil chun an baol go gcaillfí aon litreacha amach anseo a mhaolú.

Tar éis dó moladh an ospidéal a scrúdú, chreid an tOmbudsman nach raibh ‘seomra priontála’ leordhóthanach toisc go raibh sé fós ag brath ar chóip chrua de litreacha a bheith clóite agus seachadta. Mhol an tOmbudsman go ndéanfadh an t-ospidéal réiteach bunaithe ar TFC a fhorbairt chun atreorú éifeachtúil agus éifeachtach coinní agus rianú a chinntiú. Chreid an tOmbudsman freisin gur cheart don ospidéal leithscéal a ghabháil le Marie as an moill ar a diagnóis.

Toradh

Mar thoradh air sin, chuir an t-ospidéal córas atreoraithe leictreonach inmheánach nua i bhfeidhm idir ranna. Dearadh an córas seo go sonrach chun deireadh a chur leis an bhféidearthacht go gcaillfí litreacha atreoraithe. Oibríonn sé tríd an atreorú a thaifeadh ar fhoirm ar líne. Seiceálann an fhoireann é seo go laethúil le haghaidh atreoruithe nua a logáiltear chuig an gcomhairleoir ábhartha, rud a fhágann nach bhfuil gá le litreacha a dheachtú nó a sheoladh sa phost inmheánach. Ghabh an t-ospidéal a leithscéal freisin le Marie as na teipeanna agus na deacrachtaí a bhí aici.



‘Ba mhíchuí agus ba mhírásúnta’ é aistarraingt na Comhairle ar lóistín éigeandála

Cúlra

Rinne teaghlach i gCorcaigh, a bhí gan dídean, gearán leis an Ombudsman á rá go raibh Comhairle Contae Chorcaí ag bagairt a lóistín éigeandála a tharraingt siar.

Bhí an bheirt aosach agus a gcuid leanaí sa teaghlach ina gcónaí, ag obair agus ar scoil sa cheantar céanna i gCorcaigh ar feadh timpeall 10 mbliain. Bhí an bheirt tuismitheoirí ag obair agus, roimh phaindéim an COVID, ní raibh aon chúnaimh tithíochta á fháil acu. D’éirigh an teaghlach gan dídean mar chinn an tiarna talún deireadh a chur lena léas agus an teach a dhíol. Toisc go raibh an teaghlach gan dídean, chuir Comhairle Contae Chorcaí lóistín éigeandála ar fáil dóibh.

Timpeall dhá bhliain roimhe sin, cheadaigh an Chomhairle tithíocht shóisialta a chur ar fáil dphn teaghlach. Roghnaigh an teaghlach ceantar ina raibh an bheirt tuismitheoirí ag obair agus ina raibh a gcuid leanaí ag freastail ar scoil le tamall anuas.

Thairg an Chomhairle teach don teaghlach thart ar 40km ón gceantar ina raibh siad ina gcónaí. Chreid an teaghlach nach raibh siad in ann glacadh leis an tairiscint mar gheall ar fhad agus ar chostas a gcuid taistil ar an obair agus ar scoil chomh maith leis an gceangal acu lena bpobal.

Dúirt an Chomhairle leis an teaghlach mura nglacfaidís leis an tairiscint, go gcaillfidís a lóistín éigeandála agus go dtuairisceofaí iad chuig TUSLA maidir lena gcuid leanaí a chur i mbaol. Thug an Chomhairle fógra don teaghlach an lóistín éigeandála a fhágáil seachtain tar éis breith linbh bhreise acu.

Imscrúdú

Chreid an tOmbudsman go raibh sé míréasúnta don Chomhairle a lóistín éigeandála a tharraingt siar toisc gur dhiúltaigh siad an tairiscint tithíochta.

Dúirt an tOmbudsman freisin go raibh tuin cumarsáid na gComhairle leis an teaghlach go míchuí amach is amach, go raibh sí i bhfad faoi bhun an chaighdeáin a rabhthas ag súil leis ó chomhlacht poiblí a bhíonn ag déileáil le teaghlach i gcruachás, agus nár raibh sé i gcomhréir le Dualgas Earnáil Poiblí na Comhairle maidir le cearta daonna.

Ní raibh sé soiléir don Ombudsman freisin cén fáth ar tairgeadh tithíocht don teaghlach 40km ón áit ina raibh siad ag obair agus ag dul ar scoil nuair a bhí tithíocht le bheith ar fáil go luath sa cheantar ina raibh cónaí orthu.

Le linn imscrúdú an Ombudsman a bheith ar siúl, chuir an Chomhairle an teaghlach ar an eolas faoi réadmhaoín níos lú a bhí ar fáil. Ach mar gheall ar líon na bpáistí a bhí sa teaghlach anois, ní raibh an dótháin achair ann le cóiríocht chuí a chur ar fáil dóibh. Dúirt an Chomhairle chomh maith nach raibh an mhaoín á moladh acu. Ag an am céanna áfach, ní raibh aon réadmhaoín oiriúnach eile ar fáil agus bhí an lóistín éigeandála, ar ghlac an Chomhairle lena leathnú go sealadach ar iarratas ón Oifig seo, le tarraingt siar.

Dúirt an Chomhairle leis an teaghlach freisin dá síneoidis léas ar an réadmhaoín, nach mbeadh cead acu an léas sin a bhriseadh ar feadh dhá bhliain. Ní raibh sé seo fíor, toisc go bhforáiltear sa reachtaíocht a rialaíonn an scéim ábhartha gur cúis le léas a bhriseadh ná le 'plódú'.

Dúirt an tOmbudsman go raibh sé míchuí amach is amach ar an gComhairle sonraí teagmhála na maoine seo a chur ar fáil agus ag moladh gan glacadh leis, nuair a bhí sí ag an am céanna ag cur deireadh leis an lóistín éigeandála atá i bhfeidhm laistigh de chúpla seachtain. Chreid an teaghlach nach raibh an dara rogha acu ach glacadh le tairiscint na maoine níos lú.

Toradh

Ghabh an Chomhairle leithscéal leis an teaghlach as tuin na cumarsáide aici agus ghlac sí gurbh cheart di cead a thabhairt don teaghlach an léas a bhriseadh ós rud é nach raibh an réadmhaoín ina raibh siad ina gcónaí oiriúnach dóibh. Níor ghlac an Chomhairle go raibh an chéad thairiscint aici míréasúnta. Mar sin féin, thug an Chomhairle cúnaimh breise don teaghlach agus d'aimsigh sí réadmhaoín oiriúnach níos gaire dá gcuid fhostaíochta agus dá gcuid scoileanna.



Rinne an Roinn Coimirce Sóisialaí iarracht éagórach €26,000 ar íocaíocht leasa shóisialaigh paidéimeach a fháil ar ais

Cúlra

Rinne Joan gearán leis an Ombudsman nuair a rinne an Roinn Coimirce Sóisialaí teagmháil léi chun €26,000 a aisghabháil a dúirt a bhí ró-íochta léi faoin Íocaíocht Dífhostaíochta Paidéime (ÍDP). Dúirt an Roinn nach raibh sí i dteideal na híocaíochta.

Imscrúdú

Bhí Joan ag obair go páirtaimseartha ag tús na paidéime, ach bhí uirthi a post tosaigh a fhágáil mar go raibh sí ina tuismitheoir singil d'iníon a raibh fadhbanna sláinte aici. Ní raibh cúram leanaí eile ag Joan nuair a moladh do na scoileanna dúnadh mar chuid de na srianta paidéime. Ag an gcéim sin le linn na paidéime, tugadh le fios sna Treoirlínte Oibriúcháin don ÍDP go raibh tuismitheoirí i dteideal na híocaíochta má dhúntar scoileanna agus áiseanna cúraim leanaí faoi shrianta COVID-19 agus nach raibh tuismitheoirí in ann cúram leanaí nó roghanna fostaíochta solúbtha eile a fháil. Chuaigh Joan i dteagmháil lena hoifig áitiúil Intreo chun a cás a mhíniú agus tugadh foirm iarratais chun iarratas a dhéanamh ar an ÍDP.

Cheistigh an tOmbudsman conas a rinne an Roinn ró-íocaíocht na mná a ríomh, agus cad iad na híocaíochtaí a fuair sí thar an tréimhse ama a bhí i gceist. Chuir an tOmbudsman in iúl freisin na Treoirlínte Oibriúcháin a bhí i bhfeidhm ag an am a mhol go bhféadfadh go mbeadh Joan i dteideal na híocaíochta.

Toradh

Rinne an Roinn athbhreithniú ar chás Joan agus fuair sí amach go raibh sí i dteideal an ÍDP a fháil. Mar thoradh air sin, ghlac an Roinn leis nach raibh Joan faoi dhliteanas an €26,000 a aisíoc.



Diúltaíodh go héagórach do fhear an Liúntas do Chúramóirí nuair a 'cailleadh' tuairisc liachta ag an oifig achomhairc

Cúlra

John complained to the Ombudsman when the Department of Social Protection said he was Rinne John gearán leis an Ombudsman nuair a dúirt an Roinn Coimirce Sóisialaí nach raibh sé i dteideal Liúntas do Chúramóirí dá athair. Bhí galar croí ainsealach, hipirtheannas agus diaibéiteas ag a athair. Dúirt an Roinn, áfach, nach raibh sé incháilithe mar nár chomhlíon a athair critéar na scéime maidir le bheith "chomh easláinte nó faoi mhíchumas go dteastaíonn cúram agus aire lánaimseartha".

Le linn don Ombudsman a ghearán a fhiosrú rinne John athiarratas agus bronnadh Liúntas do Chúramóirí air. Dúirt an Roinn, áfach, nach raibh John i dteideal an liúntais ó dháta a chéad iarratais naoi mí roimhe sin.

Rinne John achomharc i gcoinne an chinnidh chuig an Oifig Achomharc Leasa Shóisialaigh (OALS) agus sholáthair sé fianaise leighis bhreise mar thaca lena achomharc. Rinne an fhianaise leighis bhreise cur síos ar ghalar croí ainsealach, hipirtheannas, diaibéiteas agus a nádú sheach-chonair artaire corónach a athar. Mar sin féin, dhiúltaigh an OALS dá achomharc an íocaíocht a shiardhátú ar na forais chéanna leis an Roinn.

Imscrúdú

Scrúdaigh an tOmbudsman comhad na Roinne ar chás John. Chonaic sé gur sheol an OALS an comhad chuig rannóg Measúnaithe Lia-Réiteora (MLR) na Roinne chun tuairim a fháil ar an bhfianaise leighis bhreise a chuir John ar fáil. Cé gur chuir Rannóg an MLR tuarascáil ar fáil ina dhiaidh sin ag rá gur measadh go raibh athair John i dteideal Liúntas do Chúramóirí ó thaobh leighis de, ba chosúil nár bhreithnigh an OALS an tuarascáil. Ní raibh aon tagairt déanta ag an Oifigeach Achomhairc do thuarascáil an MLR sa nóta cúlra a mhínigh an réasúnaíocht taobh thiar den chinneadh diúltú don achomharc. Mar thoradh air sin, d'iarr an tOmbudsman ar an OALS breathnú ar an gcás arís.

Toradh

Tar éis athbhreithniú a dhéanamh ar an gcás, d'athraigh an OALS a chinneadh agus rinne sé íocaíocht an Liúntas do Chúramóirí le John a shiardhátú go dtí dáta a chéad iarratais. Bronnadh riaráistí naoi mí ar John arbh fhiú €6,078 iad.



Dhiúltaigh an t-ospidéal déileáil le gearán tuismitheoirí a bhfuair páiste leo bás toisc go raibh sé 'lasmuigh den teorainn ama'

Cúlra

Chuaigh lánúin i dteagmháil leis an Ombudsman tar éis d'ospidéal an Rotunda diúltú déileáil lena ngearán mar go ndearnadh é lasmuigh den teorainn ama 12 mhí chun gearáin a dhéanamh leis. Bhí an lánúin ag iarraidh gearán a dhéanamh faoin droch-eispéireas a bhí acu san ospidéal le linn breith a linbh a fuair bás go gairid tar éis breithe.

Mhínigh an lánúin go raibh an tréimhse ó cailleadh a leanbh an-deacair don bheirt acu agus go raibh an próiseas ullmhúcháin an ghearáin an-dúshlánach ó thaobh mothúchán de agus gur thug sé cuimhní pianmhara ar ais dóibh. Chuir siad in iúl freisin nach raibh siad ar an eolas faoin teorainn 12 mhí maidir le gearáin a dhéanamh agus déanta na fírinne, bhain cuid dá n-imní le saincheisteanna a tharla laistigh den amlíne 12 mhí.

Bhuail siad leis an ospidéal roinnt míonna tar éis dá leanbh bás a fháil ach bhraith siad nár tugadh aghaidh go cuí ar a n-ímní go léir. Rinne siad gearán leis an ospidéal ina dhiaidh sin ach ní ghlacfadh sé leis an ngearán á rá go raibh níos mó ná 12 mhí caite ó tharla na saincheisteanna a d'ardaigh siad.

Chinn an t-ospidéal, agus comhbhrón á léiriú acu don lánúin, nach dtabharfaí díolúine don teorainn ama. Luaigh siad ó thaithí san am a chuaigh thart, gur chinn siad dá faide an t-achar ama idir an t-imeacht agus athbhreithniú ar cheisteanna a ardaíodh i ngearáin, is lú an seans go mbeidh cuimhne ar bith ag baill foirne ar imeachtaí.

Imscrúdú

Leagann an tAcht Sláinte 2004 amach na socruithe chun déileáil le gearáin faoi ospidéal agus folaíonn sé teorainn ama 12 mhí chun gearán a dhéanamh. Mar sin féin, féadfaidh ospidéal síneadh a chur leis an teorainn ama seo i gcás inar cuí sin a dhéanamh mar gheall ar chúinsí speisialta.

Bhí ímní ar an Ombudsman go raibh cur chuige an ospidéil i leith na gcúinsí speisialta a tháinig chun cinn sa chás seo éagórach. Is eispéreas tubaisteach é cailliúint linbh. Is cinnte go mbeidh am ag teastáil ó thuismitheoirí méala chun tús a chur le déileáil lena mbrón agus lena gcumha. D'fhéadfadh go dtógfadh sé am sula mbeidh siad in ann machnamh a dhéanamh ar a dtaithí ospidéil, agus beidh comhbhá agus tuiscint ag teastáil. Chreid an tOmbudsman go raibh na himthosca a bhain leis an gcás seo ina gcúis thar a bheith intuigthe le cén fáth nach raibh an lánúin seo in ann a n-ímní a leanúint leis an ospidéal go dtí go raibh roinnt ama caite. D'iarr an tOmbudsman ar an ospidéal a chinneadh a athbhreithniú.

Toradh

Mar fhreagra ar ímní an Ombudsman d'aontaigh an t-ospidéal glacadh leis an ngearán agus dul i dteagmháil leis an lánúin chun plé a dhéanamh ar an mbealach is fearr lena ngearán a chur chun cinn. Bhí an lánúin sásta leis an toradh agus go mbeadh deis acu go dtabharfaí aghaidh ar a ngearán.



Feiceann mac léinn an deontas oideachais laghdaithe go héagórach tar éis sos ón gcúrsa

Cúlra

Rinne Julie gearán leis an Ombudsman nuair a dhealraigh sí gur laghdaíodh a deontas oideachais go héagórach tar éis di filleadh ó shos ina cúrsa.

Chuir Julie tús le Máistreacht bliain amháin sa Choláiste Ollscoile, Baile Átha Cliath (COBÁC) i mí Mheán Fómhair 2021. Bhronn Tacaíocht Chomhchoiteann do Mhic Léinn in Éirinn (TCMLÉ) deontas Táille Theagaisc Iarchéime de €6,270 uirthi. Íocann TCMLÉ na deontais seo go díreach le hollscoileanna chun táillí cúrsaí a chlúdach.

Chríochnaigh Julie an chéad téarma, ansin ghlac sí saoire neamhláithreachta ar feadh bliana. Chuaigh Julie i dteagmháil le TCMLÉ faoin gcinneadh a cuid staidéir a chur siar agus bhí sí cinnte nach gcuirfeadh an t-iarchur isteach ar a deontas.

Nuair a d'fhill Julie ar COBÁC bliain ina dhiaidh sin, fuair sí amach go raibh deontas níos lú bronnta ag TCMLÉ ná mar a bhí súil aici (€1,153 níos lú). Nuair a rinne Julie gearán le TCMLÉ ansin, cuireadh in iúl di go raibh a deontas curtha ar ceal. Tháinig sé chun solais níos déanaí gur cuireadh ar an eolas go mícheart í faoin gcealú ach bhí an méid laghdaithe fós ann. Bhí Julie thar a bheith buartha faoin laghdú ar an deontas, chaill sí roinnt léachtaí dá bharr agus mheas sí éirí as an gcúrsa.

Níor réitíodh an scéal agus chuir Julie isteach a tráchtas ag deireadh an chúrsa agus níor íocadh an deontas a bhí fágtha. Bhí inní mhór ar Julie nach mbeadh sí in ann céim a bhaint amach lena rang mar gheall ar na táillí gan íoc.

Imscrúdú

Ina fhreagra ar an Ombudsman, dúirt TCMLÉ go raibh sonrasc tugtha ag COBÁC dó le haghaidh níos lú ná táillí incháilithe Julie sa bhliain acadúil 2021-22. Cé nach raibh sé in ann an chúis a bhí leis seo a dhearbhu, mhínigh sé nach féidir le TCMLÉ ach an méid atá sonraiscthe ó COBÁC a íoc. Tar éis dó na himthosca go léir a bhreithniú, áfach, d'iarr an tOmbudsman ar TCMLÉ athbhreithniú a dhéanamh ar an gcás.

Toradh

Rinne TCMLÉ teagmháil ansin le COBÁC agus d'iarr sé sonrasc le haghaidh na dtáillí atá fós le h íoc. Fuair Julie faomhadh don deontas iomlán agus ghabh TCMLÉ leithscéal léi freisin as an eolas míchruinn a fuair sí.



Tá íocaíocht phinsin ag fear siardhátaithe go dtí an dáta incháilitheachta

Cúlra

Rinne Joe gearán leis an Ombudsman nuair a dhiúltaigh an Roinn Coimirce Sóisialaí íocaíocht a Phinsin Stáit Ranníocach a shiardhátú go dtí an dáta a mbeadh sé incháilithe - ag 66 bliana d'aois. Bhí iarratas déanta ag Joe nuair a bhí sé 70, agus deonaíodh an pinsean dó a bhí siardhátaithe ar feadh sé mhí roimh a iarratas - an t-am dá bhforáiltear sa reachtaíocht.

Dúirt Joe leis an Ombudsman gur thug sé cuairt ar oifig áitiúil de chuid na Roinne go gairid sular bhain sé amach 66 bliana d'aois. Dúradh leis nár dhócha go gcaileodh sé do pinsean agus nach raibh sé incháilithe do Phinsean Stáit Neamh-Ranníocach. Mar thoradh air sin, níor lean sé lena iarratas a thuilleadh.

Imscrúdú

D'ardaigh an tOmbudsman an cheist leis an Roinn. Ní dhearna an Roinn agóid i leith gur thug an fear cuairt ar a oifig áitiúil agus gur dúradh leis nach raibh sé incháilithe do phinsean Neamh-Rannócach. Mar sin féin, chreid an tOmbudsman gur cheart go gcuirfí Joe ar an eolas faoina cháilitheacht fhéideartha do Phinsean Stáit Rannócach ag an am sin. Chreid sé gur cheart don Roinn athbhreithniú a dhéanamh ar chás Joe d'fhonn a íocaíocht a shiardhátú go dtí nuair a bhí sé 66 bliana d'aois.

Toradh

D'athbhreithnigh an Roinn cás Joe agus ghlac sí leis gur cheart go mbeadh a theidlíocht féideartha curtha in iúl aici do Joe nuair a chuaigh sé chuig oifig áitiúil na Roinne. Dhámh an Roinn riaráistí de €46,040 do Joe, siardhátaithe go dtí an dáta ar tháinig sé i dteideal.



Aisíocadh os cionn €17,000 le fear ó na Coimisinéirí Ioncaim tar éis soiléiriú ar stádas cónaitheachta

Cúlra

Rinne Mark gearán leis an Ombudsman tar éis dó fógra a fháil ó na Coimisinéirí Ioncaim ag rá go raibh ganníocaíocht cánach ioncaim aige. Níor chreid Mark go raibh ganníocaíocht cánach aige agus bhí imní air gur bhain na Coimisinéirí Ioncaim an iomarca cánach as a thuarastal. Bhí Mark ag obair lasmuigh den Stát le tamall anuas. Bhí beagnach €76,000 tuillte aige agus thart ar €31,000 asbhainte mar cháin ioncaim agus muirear sóisialta uilíoch. Rinne Mark iarracht an cheist a réiteach leis na Coimisinéirí Ioncaim thar thréimhse trí bliana ach níor éirigh leis. Chuir sé an t-eolas ar fad a bhí ar fáil aige ar fáil do na Coimisinéirí Ioncaim agus d'fhreagair sé a fhiosrúcháin go léir. Cheistigh Mark an bhféadfadh nó nach ndearna a dhearbhu é féin mar 'neamhchónaitheoir' difríocht dá dhliteanas ach ní raibh freagra soiléir faighte aige ó na Coimisinéirí Ioncaim.

Imscrúdú

Dheimhnigh na Coimisinéirí Ioncaim don Ombudsman go raibh fiosrúchán déanta ag Mark faoi é féin a dhearbhu mar 'neamhchónaitheach'.

Bhí 'ordú eisiaimh' iarrtha ag fostóir Mark ó na Coimisinéirí Ioncaim ach níor chuir sé an t-iarratas isteach ach i mí Mheán Fómhair 2019 - a tharla tar éis do Mark tosú ag obair lasmuigh den Stát. Ciallaíonn Ordú Eisiaimh ÍMAT nach ndéantar aon cheann nó méid laghdaithe cánach ioncaim nó Muirear Sóisialta Uilíoch a asbhaint ó ioncam duine. Tosaíonn an t-ordú eisiaimh ón dáta a fhágann duine an Stát. Fanann sé i bhfeidhm fad is a bhíonn an duine neamhchónaitheach agus ag obair thar lear. Féadfar Ordú Eisiaimh ÍMAT a eisiúint má tá an duine fostaithe thar lear ag fostóir Éireannach, má dhéantar a ndualgais fostaíochta go léir thar lear, agus go mbeidh siad neamhchónaitheach in Éirinn sa bhliain chánach.

Sna himthosca, agus i bhfianaise na faisnéise a thug Mark do na Coimisinéirí Ioncaim thar roinnt blianta, d'iarr an tOmbudsman go ndéanadh na Coimisinéirí Ioncaim athbhreithniú ar chás Mark.

Toradh

Chríochnaigh na Coimisinéirí Ioncaim athbhreithniú ar chúinsí Mark. Bhí sé sásta go raibh Mark 'neamhchónaitheach' ar feadh na dtréimhsí i gceist agus mar sin bhí dliteanas laghdaithe aige i leith cánach ioncaim agus MSU. Mar thoradh air sin, d'aisíoc siad €17,700 le Mark.



Diúltaíodh rochtain ar scéim oideachais do mhac léinn toisc go raibh slí bheatha neamh-incháilithe ag athair 'neamhláithreach'

Cúlra

Rinne Sarah gearán leis an Ombudsman tar éis di a bheith neamh-incháilithe don scéim Bealach Rochtana ar Ardoideachas mar gheall ar a grúpa socheacnamaíoch.

Is scéim iontrála ardoideachais é an Bealach Rochtana ar Ardoideachas (BRAO) do mhic léinn ardteistiméireachta (faoi 23) a bhfuil tearcionadaíocht ar a gcúlra eacnamaíoch nó sóisialta san ardoideachas. Tomhaiseann an scéim, arna maoirsiú ag Cumann Ollscoileanna Éireann thar ceann na nInstitiúidí Ardoideachais rannpháirteacha, cúlra sóisialta bunaithe ar ghairmeacha agus stádas fostaíochta thuismitheoirí nó chaomhnóirí an iarratasóra. Bhí gairm bheatha 'faofa' ag máthair Sarah. Bhí a hathair dífhostaithe ach níor faomhadh a shlí bheatha dheireanach, agus mar sin cuireadh in iúl do Sarah nach raibh sí incháilithe don scéim. Mar sin féin, bhraith Sarah go raibh an cinneadh seo éagórach mar is beag teagmháil a bhí aici lena hathair. Chónaigh sí lena máthair agus ba í a máthair amháin a thug tacaíocht airgeadais di. Bhí a tuismitheoirí colscartha ar feadh roinnt blianta agus scartha ó bhí Sarah ina leanbh.

Imscrúdú

Forálann téarmaí agus coinníollacha scéim BRAO nach bhféadfaí iarratasóirí a mheasúnú ar shlí bheatha tuismitheora amháin ach amháin i gcúinsí nach raibh 'aon teagmháil ar bith acu' leis an tuismitheoir eile.

Chiallaigh sé seo go héifeachtach go bhféadfaí iarratasóirí a mheasúnú ar ghairmeacha na dtuismitheoirí nach raibh, b'fhéidir, ról gníomhach ina saol riamh, nó nach raibh, le fada an lá. Mheas an tOmbudsman go raibh an seasamh seo míréasúnta agus éagórach. Chreid sé go raibh an treoír róshriantach agus nár léirigh sé réaltacht go leor cásanna teaghlaigh iarratasóirí BRAO. Chreid an tOmbudsman freisin go bhféadadh an treoír mic léinn ó chúlraí áirithe a chur faoi mhíbhuntáiste.

Toradh

Sheas an tOmbudsman le gearán Sarah. Toisc go raibh Sarah tosaithe cheana féin ar a cuid staidéir tríú leibhéal níorbh fhéidir a cas a athrú. Tá an táscaire 'grúpa socheacnamaíoch' á chéimniú amach mar cheann de na critéir incháilitheachta don Scéim BRAO. I gcás iarratasóirí nua a bheidh ag dul isteach san ardoideachas i 2026, beidh an táscaire 'grúpa socheacnamaíoch' bainte go hiomlán.



Diúltaíodh go héagórach do mhac léinn athiontráil ar chúrsa a dhéanamh tar éis sos gairid

Cúlra

Bhí Catherine ag déanamh staidéir ar chúrsa ceithre bliana in Ollscoil Theicneolaíoch na Sionainne (OTS). Tar éis an dara bliain, chinn sí an clár a fhágáil agus bronnadh Teastas uirthi as an chéad dá bhliain a chríochnú. Chinn sí ina dhiaidh sin go raibh sí ag iarraidh dul isteach arís ar an gcúrsa sa tríú bliain, chun dul ar aghaidh agus an chéim iomlán ceithre bliana a chríochnú. Dhiúltaigh OTS a hiarratas, áfach, toisc nach bhfuil cead ag mic léinn cáilíocht reatha (cosúil le Teastas) a úsáid le haghaidh 'iontráil ag céim chun cinn' i mbliain níos déanaí den chúrsa áirithe seo.

Imscrúdú

Go ginearálta, is féidir le mic léinn a ghlacann imeacht luath filleadh ar ais agus piocadh suas san áit ar éirigh siad as. Sa chás seo, áfach, dhiúltaigh OTS. Cé go raibh an ceart ag OTS rá nach raibh iontráil ardleibhéil ceadaithe ar chúrsa Catherine, níor bhain sé seo le cas Catherine. Bhí sí ag iarraidh leanúint ar aghaidh leis an gclár céanna, seachas a bheith ina hiarratasóir nua le cáilíocht ó chúrsa go hiomlán difriúil.

Nuair a d'ardaigh an tOmbudsman an pointe seo le OTS, rinne an Ollscoil athbhreithniú agus d'admhaigh nach raibh sé i gceist leis na rialacha uasiontrála bac a chur ar mhac léinn leanúint den chlár céanna.

Toradh

D'fhreaschuir OTS a chinneadh gan cead a thabhairt do Catherine dul isteach arís ar an gcúrsa ceithre bliana a d'fhág sí roimhe sin le dámhachtain ar leibhéal níos ísle. Rinne an Ollscoil athbhreithniú freisin ar an mbeartas agus ar an nós imeachta ábhartha.



Aontaíonn an Chomhairle clásal cruatain cíosa a chur i bhfeidhm sa scéim Íocaíochta Cúnaimh Tithíochta

Cúlra

Bhí a teach ar cíos ag Hannah le cabhair ó Chomhairle Chontae na Gaillimhe tríd an scéim Íocaíocht Cúnaimh Tithíochta (ÍCT). Ba é an t-aon fhoirse ioncaim a bhí aici ná liúntas míchumais. Idir a híocaíocht chíosa sheachtainiúil leis an gComhairle agus breisiú míosúil €350 lena tiarna talún (chun an bhearna idir an t-uasráta ÍCT agus an cíos iomlán) a líonadh, bhí Hannah ag caitheamh 49% dá hioncam ar chíos. Bhí sí ag streachailt chun freastal ar a cuid costais eile.

D'iarr Hannah ar an gComhairle a clásal 'cruatain cíosa' a chur i bhfeidhm chun an méid a bheadh uirthi a íoc leis an gComhairle go seachtainiúil a laghdú. Dhiúltaigh an Chomhairle ar an mbonn gur ghlac Hannah le tionóntacht a bhí, ag 49% dá hioncam, neamh-inbhuanaithe. Sheol an Chomhairle grianghraf do Hannah a tógadh ó Google Street View, rud a léirigh go raibh sí "ag maireachtáil thar a acmhainn" i dteach a bhí i bhfad ró-mhór le bheith in acmhainn aici ó thaobh billí agus cíosa de.

Rinne Hannah gearán leis an Ombudsman nár bhain an grianghraf dá teach ach de phéire tithe leathscoite móra in aice láimhe. Dúirt sí freisin gur chuardaigh sí go fairsing le haghaidh réadmhaoine inacmhainne agus oiriúnach gan rath, agus go drogallach ghlac sí le tionóntacht le breisiú chomh mór sin don tiarna talún nuair a bhraith sí nach raibh na roghanna fágtha aici.

Imscrúdú

Nuair a d'ardaigh an tOmbudsman gearán Hannah leis an gComhairle, d'admhaigh an Chomhairle go raibh sé mícheart brath ar an bhfótagraf a bhí i gceist ach go raibh an tionóntacht neamh-inbhuanaithe mar sin féin. Thug an Chomhairle faoi deara, fiú leis an gclásal cruatain, go mbeadh Hannah fós ag íoc níos mó ná 30% dá hioncam ar chíos agus, ar aon nós, nach bhfuil feidhm ag clásail chruatain ach go sealadach. Dúirt an Chomhairle gur cheart do Hannah bogadh go dtí réadmhaoin níos inacmhainne.

D'aithin an tOmbudsman imní na Comhairle maidir le hinbhuanaitheacht fhadtéarmach thionóntacht Hannah, cé gur cheadaigh an Chomhairle é do ÍCT ar an gcéad dul síos le 49% dá hioncam ag dul ar chíos. Mar sin féin, thug an tOmbudsman faoi deara freisin an ganntanas roghanna cíosa laistigh de nó gar do theorainneacha ÍCT i gceantar Hannah agus sna contaetha comharsanachta. Dá dtiocfadh deireadh lena tionóntacht ÍCT sa ghearrthearma mar gheall ar teip chun cíos a íoc leis an gComhairle nó leis an tiarna talún, is é is dóichí go mbeadh uirthi cúnaimh agus cóiríocht éigeandála a lorg ón gComhairle.

Toradh

Tar éis cainteanna leis an Ombudsman, d'aontaigh an Chomhairle a clásal cruatain a chur i bhfeidhm agus an cíós íosta ceadaithe (€25 in aghaidh na seachtaine) a ghearradh ar feadh ceithre mhí, chun cabhrú le Hannah a tionóntacht a choinneáil faoi láthair agus deis a thabhairt di chun maoin níos inacmhainne a chuardach.



Deonaíonn FSS tacaíocht 'míchumas fisiceach agus céadfach' do mhná tar éis imthosca a leag an tOmbudsman béim orthu

Cúlra

Rinne Deirdre gearán leis an Ombudsman nuair a dhiúltaigh FSS dá hiarratas ar Sheirbhísí Míchumais Fisiciúla agus Céadfach. Níor ghlac an FSS leis go raibh Deirdre i dteideal tacaíochta faoin tseirbhís agus atreoraíodh í chuig seirbhísí cúraim phríomhúil.

Tá tinneas ar Dheirdre mar thoradh ar thimpiste san ionad oibre. Tá sí faoi mhíchumas agus níl úsáid cheart aici as a géaga ísle. Bhí díomá ar a DG gur diúltaíodh dá hiarratas. Bhí súil aige go gcuirfí isteach í ar chlár athshlánaithe a chuideodh le Deirdre le gníomhaíochtaí laethúla agus a chuirfeadh feabhas ar a caighdeán saoil. Bhí an cheist práinneach mar bhí tiarna talún Deirdre ag díol an tí agus bhí sí i mbaol a bheith díshealbhaithe.

Bhreithnigh Foireann Atreoraithe um Míchumas Fisiciúil agus Céadfach FSS iarratas Dheirdre agus chreid siad go raibh riocht leighis uirthi a d'éileodh breithniú ar thacaíochtaí trí Sheirbhísí Cúraim Phríomhúil seachas míchumas coirp nó céadfach fadtéarmach a bheith aici. Rinne Deirdre achomharc i gcoinne an chinnidh ach níor seasadh leis an achomharc.

Imscrúdú

I bhfianaise na fáisnéise a chuir Deirdre agus a DG i láthair, cheistigh an tOmbudsman cén bunús a bhí leis an gcinneadh diúltú don iarratas, ar breithníodh litir a DG le linn an achomhairc, na cineálacha tacaíochtaí trí Sheirbhísí Cúraim Phríomhúil a bheadh i bhfeidhm sa chás seo, cibé acu ar cuireadh faisnéis ar fáil di faoi conas iarratas a dhéanamh ar Sheirbhísí Cúraim Phríomhúil nó ar atreoraíodh FSS chuig Seirbhísí Cúraim Phríomhúil í.

Toradh

Mar fhreagra air sin, rinne FSS athbhreithniú breise ar iarratas Deirdre agus chinn gur chomhlíon sí na critéir do Sheirbhísí Míchumais Fisiciúla agus Céadfacha. Chuaigh siad i dteagmháil le Deirdre agus ghabh siad leithscéal as an mhoill agus an anacair a tharla mar thoradh ar an gcinneadh a rinne siad roimhe seo. Faomhadh iarratas Deirdre ar Sheirbhísí Míchumais Fisiciúla agus Céadfach.

Caibidil 5

Rialachas



Caibidil 5: Rialachas

Soláthraíonn an tOmbudsman tacaíocht foirne agus seirbhísí corparáideacha do chúig Oifig reachtúla eile:

- * Oifig an Choimisinéara Faisnéise
- * Oifig an Choimisinéara um Fhaisnéis Comhshaoil
- * Oifig an Choimisinéara um Nochtadh Cosanta
- * An Coimisiún um Chaighdeán in Oifigí Poiblí
- * An Coimisiún um Cheapacháin Seirbhíse Poiblí

Cé go ndéanann na hOifigí feidhmeanna reachtúla ar leith agus soiléire, feidhmíonn an Oifig mar ghníomhaireacht chónasctha aonair i dtaobh cúrsaí eagraíochtúla. Tá an Oifig á maoiniú ag Vóta amháin agus á maoirsiú ag Oifigeach Cuntasaíochta (Ardstiúrthóir) a fhaigheann tacaíocht ó Choiste Comhairleach Bainistíochta. Agus iad i mbun a gcuid oibre, glacann ár bhfoireann le hoibleagáidí traidisiúnta príobháideachais agus ionracais i bhfeidhmiú a gcuid dualgas oifigiúil agus ag an am céanna cosnaíonn agus caomhnaíonn siad neamhspleáchas rachtúil agus feidhmeanna gach ceann de na comhoifigí ina n-oibríonn siad.

Tá nuashonruithe maidir le Rialachas Corparáideach na nOifigí go léir leagtha amach ar an [leathanach Straitéise agus Rialtais](#) ar láithreán gréasáin Oifig an Ombudsman.

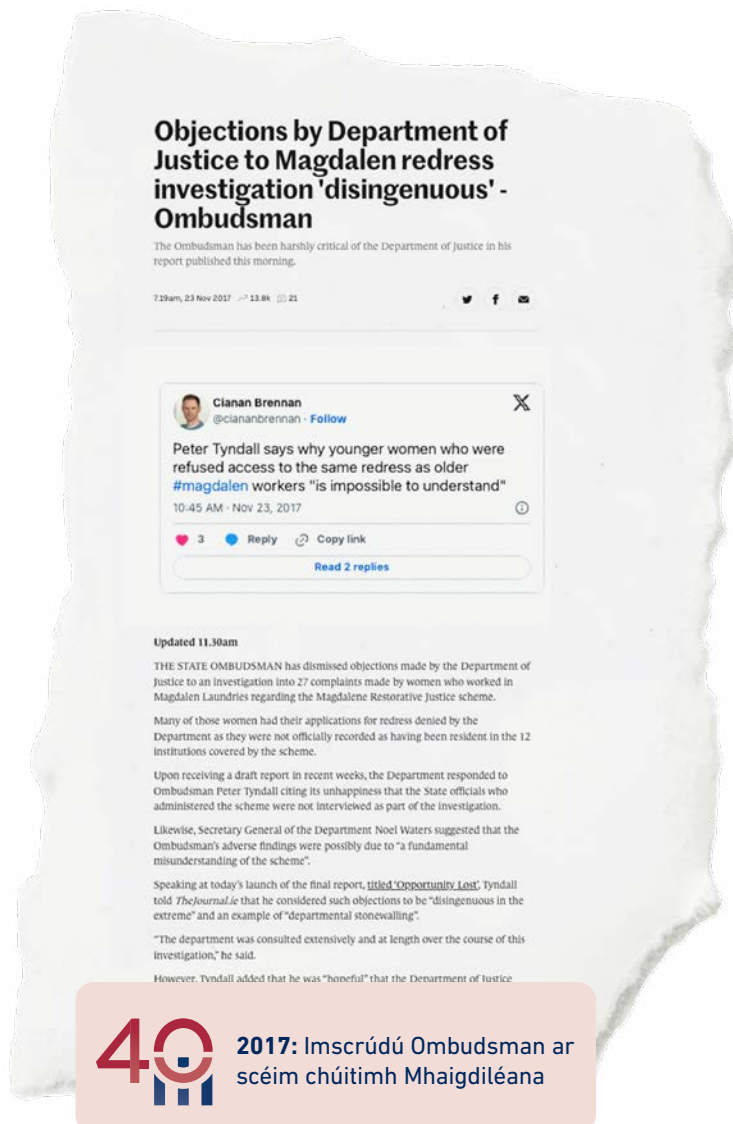
Cuimsíonn an [leathanach](#) seo nuashonruithe maidir le:

- ár bPlean Straitéiseach 2022-25
- ár gcomhlíonadh le ceanglais Acht na dTeangacha Oifigiúla
- ár gcomhlíonadh le ceanglais an Acht um Nochtadh Cosanta
- ár gcomhlíonadh leis na ceanglais faoi a.42 Acht an IHREC (an dualgas ar sheirbhísigh phoiblí maidir le cearta an duine)
- ár gCreat Rialachais Chorparáidigh
- ár bhFoireann Ghlas (lena n-áirítear ár gcomhlíonadh leis an Acht um Ghníomhú Aeráide agus um Fhorbairt Ísealcharbóin)
- ballraíocht eagraíochtaí.

Cáilíocht Chásanna

Tá feabhas leanúnach á chur againn ar an leibhéal seirbhísí a sholáthraímid agus cinntímid go gceadaíonn ár gcórais agus ár bpróisis dúinn aghaidh a thabhairt ar ár gcuspóirí straitéiseacha. Lena cáilíocht ár láimhseála cásanna a chinntiú, thugamar isteach caighdeán cháilíochta, a leag cuspóirí amach do chásobair i limistéir nósanna imeachta, thráthúlachta, chumarsáide agus chruinnis.

Lena chinntiú go mbainimid amach ár gcaighdeán cháilíochta, tá próiseas measúnaithe cáilíochta i bhfeidhm againn. Scrúdaíonn ár bhFoireann Measúnaithe Cáilíochta 15% de na cásanna gach mí a dúnadh an mhí roimhe sin agus measúnaímid cásanna in aghaidh ár gcaighdeán cáilíochta. Sainaitníonn agus molann an Fhoireann chomh maith réitigh ar aon saincheisteanna próisis a eascraíonn as measúnuithe cáilíochta míosúla agus cuireann siad aiseolas ar fáil d'oibrithe cásanna leithleacha ar chásanna aonair.



Annual Report 2023

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Driving fairness
in public services
for **40 years**

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Annual Report 2023

Contents

Introduction from the Ombudsman	3
Update from the Director General	6
40 Years of the Ombudsman	9
Chapter 1: 2023 at a Glance	10
Where did the complaints come from in 2023?	15
Chapter 2: Complaints in 2023	17
Role of the Ombudsman	17
Complaints received in 2023: Analysis	17
Analysis by sector:	19
Local Authorities	19
Government Departments and Offices	20
Health/Social Care	20
Nursing Homes	21
Regulatory	22
Education	22
Direct Provision	23
Other Bodies	24
Disability Act	25
Chapter 3: Outreach and Report Updates	28
Outreach	28
Engaging with those who need our service the most	28
Workshops with representative groups	29
Complaint Clinics at Citizens Information Centres	29
Our website and social media	29
Report Updates	30
In Sickness and in Death: An investigation into 'treatment abroad' schemes administered by the HSE	30
Wasted Lives: An investigation into the placement of people under 65 in nursing homes for older people	31
Grounded: Unequal access for people with disabilities to personal transport schemes: Update	32

Chapter 4: Case Summaries	34
Outdated referral process sees hospital appointment and cancer diagnosis delayed	34
Council's withdrawal of emergency accommodation was 'inappropriate and unreasonable'	35
Department of Social Protection wrongly sought to recover €26,000 pandemic social welfare payment	36
Man was wrongly refused Carers' Allowance when medical report was 'missed' by appeals office	37
Hospital refused to deal with bereaved parents' complaint as it was 'outside time limit	38
Student sees education grant wrongly reduced after break from her course	39
Man has pension payment backdated to date of eligibility	40
Man refunded over €17,000 from Revenue after clarification of residency status	40
Student was refused access to education scheme as 'absent' father had ineligible occupation	41
Student was wrongly refused re-entry to course after short break	42
Council agrees to apply rent hardship clause in Housing Assistance Payment scheme	43
HSE grants woman 'physical and sensory disability' support after circumstances highlighted by the Ombudsman	44
Chapter 5: Governance	46
Governance	46
Case Quality	47



Introduction from the Ombudsman

The 2023 annual report is the 40th annual report in relation to the work of the Office of the Ombudsman. As the world, and indeed our own country becomes more troubled and challenging, the work of our Office becomes more important than ever. Vulnerable people and those needing public services are the first to feel the impact of world or domestic pressure and strife.

In 2023 we built on the past success of the Office and further contributed to driving fairness in the delivery of public services. We will continue to do this in 2024 and beyond. In particular, I believe it is essential that anyone who needs or would benefit from our service knows what we do and how to contact us. For this reason, we are determined to ensure our services are easily identifiable, available and accessible. We will continue to achieve this by expanding our proactive engagement with advocacy groups, marginalised groups and individuals through targeted outreach initiatives. We will measure our success at reaching our target groups through ongoing research over the coming years.

The details and case studies in this report demonstrate the importance of our work and the positive difference we make in many people's lives. We do this by investigating and resolving individual complaints and also by carrying out broader systemic investigations. Most importantly, whether we are dealing with an individual complaint, or a wider investigation, our constant focus is on improving public services generally. Because of our focus on improving the delivery of public services generally, there are many people who interact with public services who actually experience the benefit of our work without having made a complaint to us. This was very evident, for example, from the investigation completed into the treatment abroad schemes and the report, *In Sickness and in Debt*, which we published in April 2023.

This investigation was prompted by a number of complaints we received from patients who were unable to access necessary medical treatment in the State and had to travel abroad for treatment.

On their return, they faced great difficulty receiving reimbursement for the treatment they had paid for. Having completed a thorough investigation, we made 21 recommendations which focused on improving the administration of the schemes. The CEO of the HSE, Mr Bernard Gloster, accepted all the recommendations and put together a team to deal with their implementation. I am very encouraged with the manner in which the HSE is implementing the recommendations. They have greatly improved the operation of these important services for existing and new applicants. This is an excellent example of how public bodies can work in cooperation with our Office to improve the quality of their services.

Other similar investigations and reports we published in recent years, that aim to bring about improvements in the delivery of public services include:

- **Wasted Lives:** An investigation into the placement of people under 65 in nursing homes for older people
- **Grounded:** Unequal access for people with disabilities to personal transport schemes

Updates in relation to these reports are set out in Chapter 3.

These investigations, in addition to dealing with individual complaints, play a key role in driving fairness and improvements in the delivery of public services. We will continue to pursue implementation of the recommendations in these reports and undertake further own initiative investigations in a targeted and effective manner.

In 2023 we commenced an investigation into the operation of the Housing Assistance Payment (HAP) scheme. We will publish the results of this investigation later in 2024. We will also continue to investigate complaints received, and work with public service providers to help improve services and reduce the necessity for people to make complaints.

I am pleased to report that we continue to see evidence of innovation and quality, and empathetic delivery of services by the large numbers of public servants throughout the country. We also note an increased awareness by public servants of their obligation to comply with their Public Sector Duty by taking a human rights based approach to the delivery of services as they are required to do by Section 42 of the Irish Human Rights and Equality Commission Act 2014.

It is through this human rights lens that we examine the complaints we receive. In addition to examining the service a person received or did not receive we look at how the person was treated. We consider if, during their communications and interactions with the public body the person was treated with the respect and dignity they were entitled to expect. Sadly, we see some public bodies fall short in that regard.

Since the establishment of our Office 40 years ago, the number of complaints we receive has risen. Indeed, over the past five years, complaints have risen by over 20% from 3,664 in 2019 to 4,465 in 2023. Enquiries to our Office have also increased greatly with an increase of over 20% in 2023 over 2022 to over 8,000.

Our aim is always to resolve complaints at the earliest stage and as informally as possible. I am happy to report that despite the significant increases in complaints received, we managed to deal with 80% of complaints within three months, and 92% within nine months in 2023. In just over 50% of cases completed we provided some assistance or benefit to the complainant.

These ongoing achievements are delivered by the dedication and commitment of the Director General, management and staff of the Office. I want to thank all of them for the important contribution they make to the work of the Office, and the lives of citizens and people living in Ireland. Further details of the important contribution made by our staff is set out in the Director General, Elaine Cassidy's update. I also want to thank our complainants for highlighting the issues they have and the public bodies for their cooperation in resolving complaints.

Finally, it is my pleasure to submit this Annual Report of the Office of the Ombudsman to the Dáil and Seanad pursuant to the provisions of Section 6(7) of the Ombudsman Act 1980 (as amended). This is the 40th Annual Report submitted in relation to the work of the Office of the Ombudsman since it was established in 1984. In this report we highlight just some of the key moments from 40 years of the Office's work.

I look forward to continuing to work with the Oireachtas and with all our stakeholders to continue to drive fairness in the delivery of public services.



Ger Deering
Ombudsman

June 2024



Update from the Director General

At the outset I would like to thank our staff for a very productive year in managing our caseload. While overall figures are down on last year's record highs, the general upward trend in the number of complaints received by our Office continues. During 2023 our staff also dealt with a significant increase in the number of enquiries received and further increased the percentage of cases closed within 3 and 6 months to 80% and 92% respectively.

During 2022 we launched our Strategy 2025 which sets out our Office's key objectives to 2025. I am pleased to say that we further progressed a number of our strategic objectives during 2023. In terms of achieving our objective of delivering at least one systemic investigation, special or themed report each year, we published our investigation report 'In Sickness and In Debt' in April 23. We hosted workshops and community events in order to progress our objective of increasing awareness of the Office through effective and targeted outreach among minority and specific interest groups. We also progressed our objective of implementing a Human Rights Based Approach to our complaint handling by providing specialised training to our staff and completing our Staff Guidance Manual. I am pleased to say that we have already successfully implemented this approach when examining some of the complaints we received in 2023.

Behind the Ombudsman team, we have a "corporate spine", which provides all of the back office supports, so that all our team are fully available to focus on Ombudsman casework. The corporate spine consists of HR, ICT, Finance, Procurement, Facilities, Legal, Communications, as well as support in handling Data Protection and FOI requests. The ICT team achieved significant progress in 2023 by outsourcing many of our support functions to the Office of the Government Chief Information Officer (OGCIO) and by aligning our ICT Strategy with that of the OGCIO. This will have the effect of improving our data security and creating long term resilience in our systems.

Our Legal team continued to provide support to each of the offices on casework and investigations and has managed our legal costs and procurement with a focus on quality assurance and value for money. We have also taken part in the first wave of the new Civil Service Financial Management System, which was a major project for our Finance team and I am proud of the work they did on it.

I am pleased with the progress we are making on our Strategic Objectives. As we near the halfway point in our Strategy 2025 we look forward to critically reviewing our progress during 2024. We also look forward to celebrating the 40th Anniversary of the Office of the Ombudsman and our theme will be looking forward to see how we can improve our service offering for the decade ahead.



Elaine Cassidy

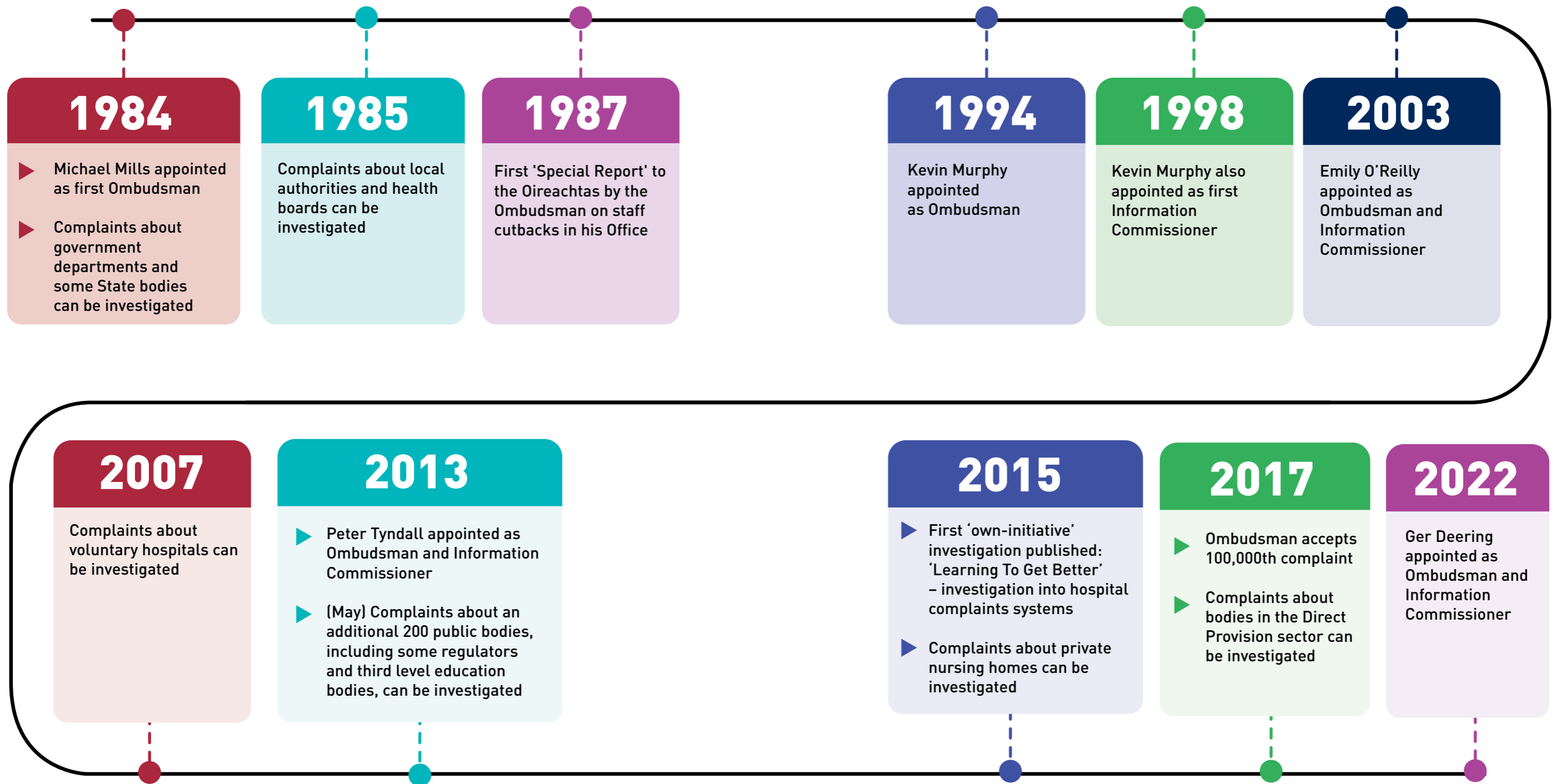
Director General

June 2024



40 years of the Ombudsman

This is the 40th Annual Report of the work of the Office of the Ombudsman. Throughout the report we highlight some of the key moments of 40 years of our work.



1. INTRODUCTION

At the end of its first year of operation the Office of Ombudsman has been established on fairly firm foundations. Our achievements to date compare favourably with other Offices throughout the world which are established for many years and have much greater staff numbers.

It was a very difficult year because of the many and complex problems associated with the launching of a new institution. The dedication and hard work of a very small staff was a major factor in dealing with the heavy flow of complaints. I cannot speak too highly of their contribution which involved a constant giving of time and effort well beyond the call of duty.

After one year of practical experience of the Office I have no doubt whatever about the need for the creation of the Office of Ombudsman. From the day on which I first took up Office a steady stream of letters seeking my help was the real manifestation of the need. While some of these letters dealt with subjects outside my remit or were of such a nature that there was not much I could do for the complainants, I want to stress that the vast majority of complaints received were genuine appeals for help from people who had reached frustration point in their dealings with the public service and who had no avenue of appeal for what they felt were very real grievances.

The response of many civil servants to the creation of the Ombudsman's Office has been most encouraging. They recognised the need for the Office and co-operated whole-heartedly in its enquiries. There was evidence, however, that some senior civil servants had considerable suspicions about the new institution and resented its intrusion, particularly when their decisions were under scrutiny.

Role of the Ombudsman

I have been asked on several occasions how I see my role as Ombudsman. The short answer is that I see myself as a kind of mediator between the public and the administration. The principal aim of the Office of Ombudsman is to ensure that the ordinary man in the street gets fair play in dealing with the



**1985: Introduction to the first
Ombudsman Annual Report**

Chapter 1

2023 at a glance



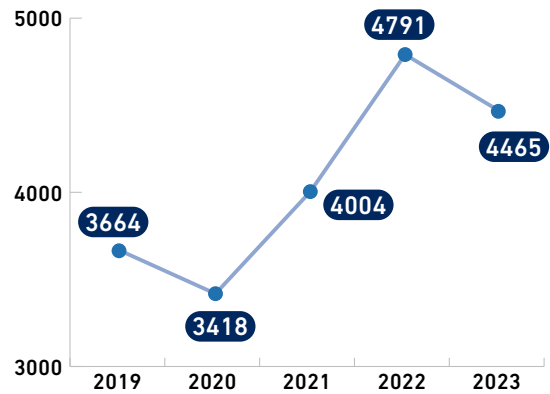
Chapter 1: 2023 at a Glance

We received

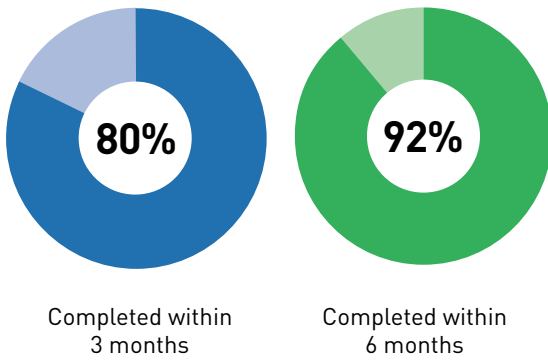
4,465 complaints in 2023

4,458 complaints completed

Complaints received last 5 years



Time taken to investigate complaints

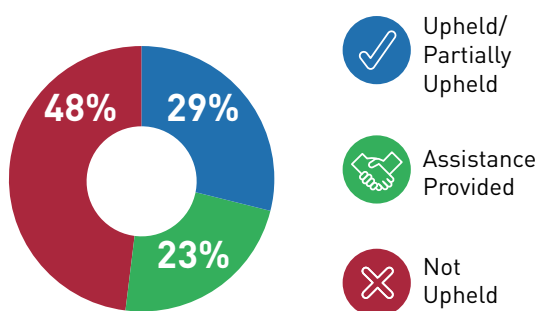


We responded to

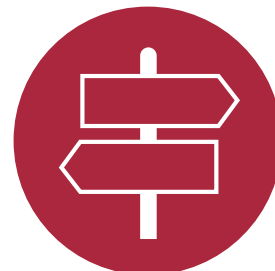
8,171 enquiries



Complaints completed by outcome



915 other complaints about bodies outside jurisdiction signposted to correct organisation



How we received complaints



45%
Online



38%
Email



15%
Letter



1.5%
In person



0.5%
Phone

Complaints received by sector



1,430
Local
Authorities



1,175
Government
Departments
& Offices



839
Health/
Social Care



321
Regulatory
Bodies



301
Other
Bodies



192
Education



96
Private
Nursing
Homes

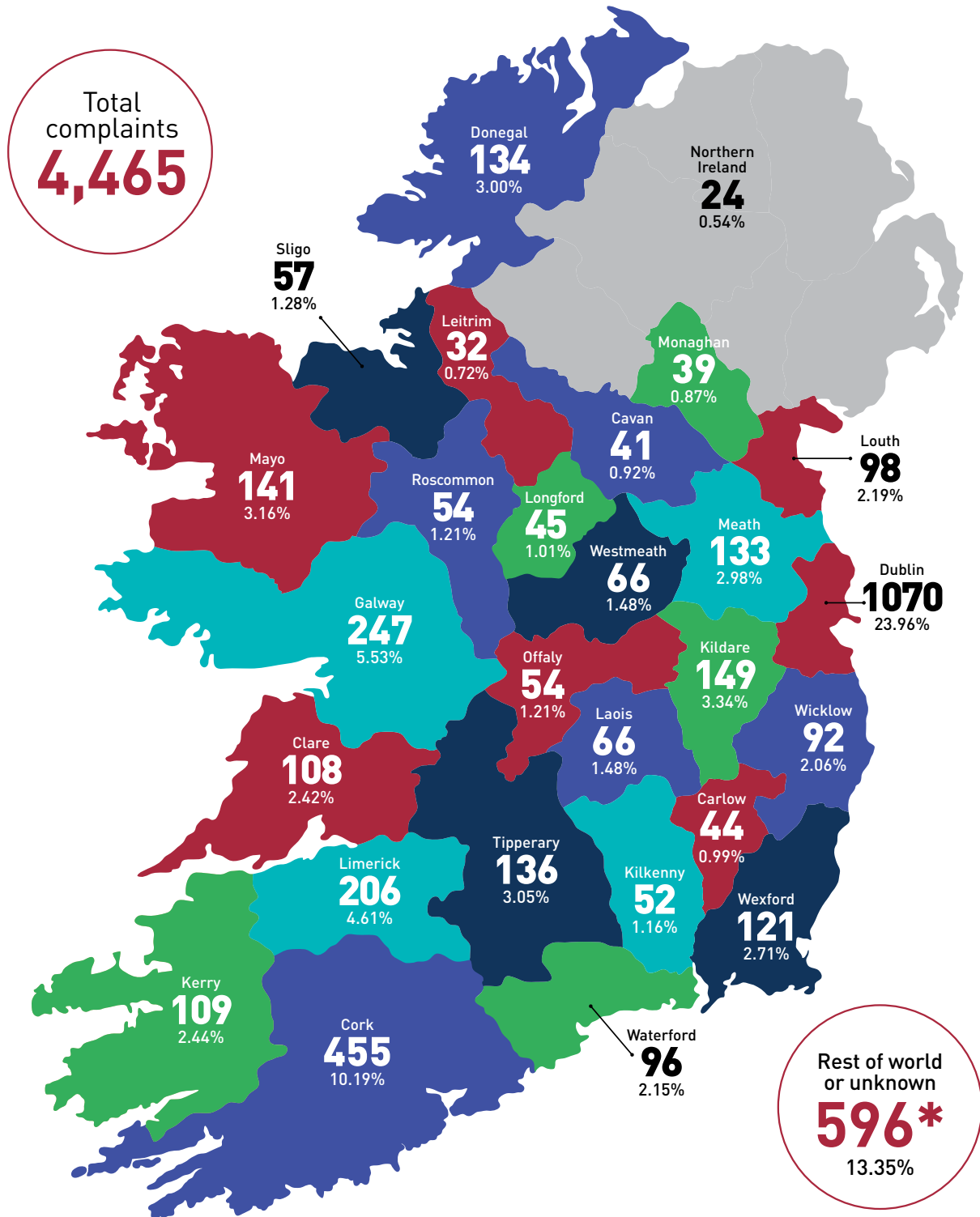


90
Direct
Provision



21
Disability
Act

Where did the complaints come from in 2023?



*Some complaints we receive by email do not contain a postal address.

Chapter 2

Complaints in 2023



Role of the Ombudsman

The role of the Ombudsman is to investigate complaints from people who feel they have been unfairly treated by certain providers of public services, including:

- government departments
- local authorities
- the Health Service Executive (HSE)
- public hospitals
- publicly-funded third level education institutions
- public and private nursing homes, and
- 'direct provision' accommodation centres.

The services of the Office of the Ombudsman are free to use. We investigate complaints in a fair and impartial way. Before bringing a complaint to our Office the person who has been adversely affected must usually have tried to resolve the complaint with the service provider complained about. In practice, many complaints that come to us are resolved informally after we bring the complaint to the attention of the public service provider concerned. If we uphold a complaint, we will recommend appropriate redress. We may also make recommendations which aim to reduce the likelihood of others being adversely affected in the future.

The Ombudsman can also investigate complaints under the Disability Act 2005. These complaints relate to access to information and services by people with disabilities. We report on complaints under the Disability Act later in this Chapter.

The Ombudsman is appointed by the President and reports to the Oireachtas.

Complaints received in 2023: Analysis

It was another busy year for the Office of the Ombudsman. We received 4,465 complaints in 2023 and dealt with 4,458 complaints.

The number of complaints received in 2023 continues the general rise in complaint numbers in recent years. 3,067 complaints were received in 2016, steadily increasing to 2022 when 4,791 complaints were received (a 56% increase). While the 2023 figure of 4,465 is down on 2022, the 2022 figure included over 800 complaints about the Passport Service. This dropped to less than 150 last year. This reduction was due primarily to faster turnaround times for the service along with the introduction of improved communication channels within the Passport Service, including a new online complaints portal.

2023 saw the Office deal with 8,171 enquiries, a significant increase of 1,461 compared to 2022. This reflects the inclusion of all enquiries received in the 2023 figures but also the work we have done on increasing our visibility to ensure that the public are aware of the services we offer and how they can engage with us.

Where we can, we will resolve complaints informally and speedily as we work to improve our timelines year on year. In 2023 we dealt with 80% of complaints within 3 months (3,571 complaints in total, representing a 3% increase on 2022 figures) and we resolved 92% of complaints within 6 months (4,118 complaints in total, representing a 1% increase over 2022 figures). Importantly, despite the consistently high volume of complaints we received in 2023, we still completed 98% within 12 months.

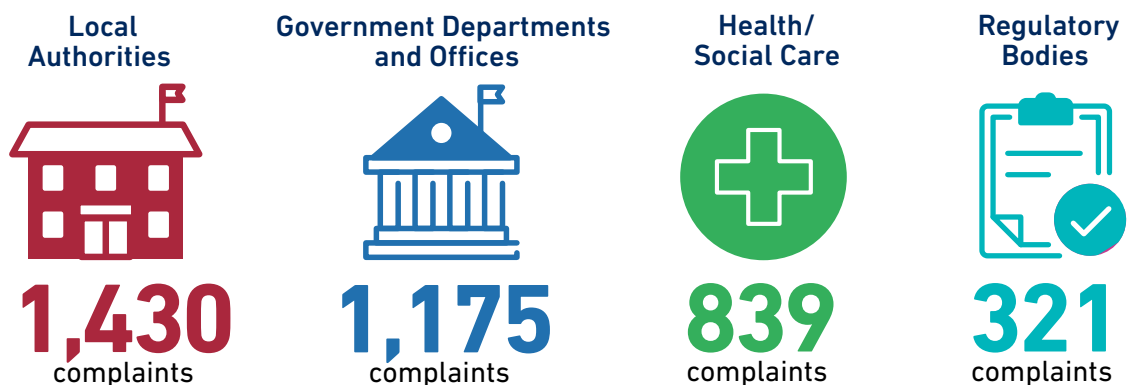
585 complaints were discontinued or withdrawn. These are often cases where the issue that gave rise to the complaint has been resolved or the complainant no longer wishes to pursue their complaint.

Of the complaints investigated, (excluding complaints that were withdrawn or discontinued for example) 29% were either fully or partially upheld. This equates to an increase of over 200 upheld or partially upheld complaints compared to 2022. 48% of complaints were not upheld.

There are of course other cases in which we are able to provide an explanation or another positive outcome to the complainant. In 2023 we were in a position to provide this sort of further assistance in 23% of complaints (530).

Overall, members of the public directly benefitted from contacting the Office in over 52% of cases.

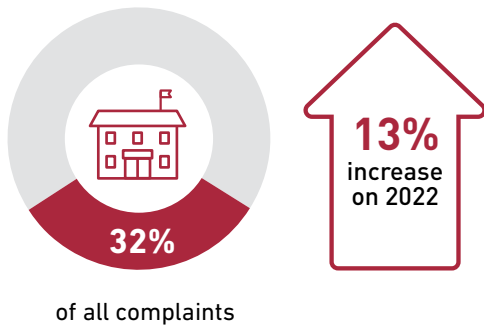
The top sectors for complaints were:



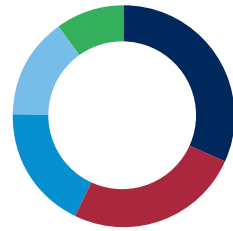
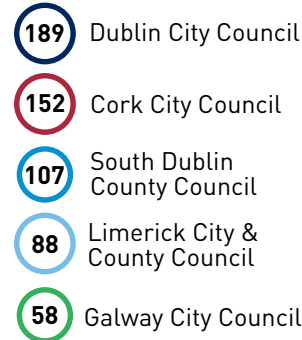
Analysis by Sector

Local Authorities

Local authorities represent:



The top 5 bodies complained about are:



We received 1,430 complaints about local authorities (city and county councils) in 2023. This represents an increase of 13% on the 2022 figure of 1,269 complaints received. We dealt with 1,411 complaints in 2023.

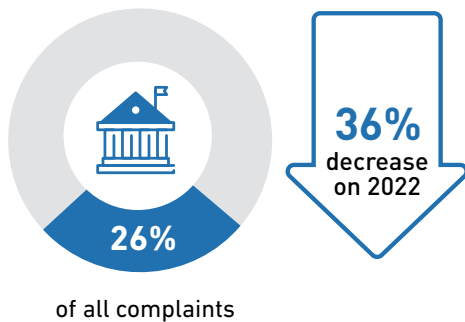
Housing related complaints made up the majority of complaints we received about local authorities (58%). The second largest complaint type was planning enforcement / planning administration which made up just over 14% of complaints. When added to the third largest complaint type of 'road related' complaints, these three categories together made up just under 80% of the total complaints last year in the sector.

We received 27 complaints about accommodation for the Traveller community in 2023, which was an increase on the 14 such complaints we received in 2022. Homeless services, which are categorised separately to housing related complaints, also saw an increase from 47 received in 2022, to 62 complaints received last year.

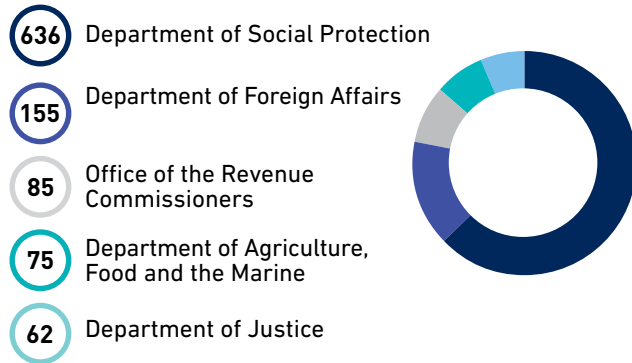
We upheld/partly upheld almost 22% of local authority cases and provided assistance in 15% of them. Just over 31% of cases completed were not upheld, with the remaining 32% of cases being closed as outside our remit, discontinued because the complaints were either premature or, subsequently withdrawn by the complainant.

Government Departments and Offices

Government departments represent:



The top 5 bodies complained about are:

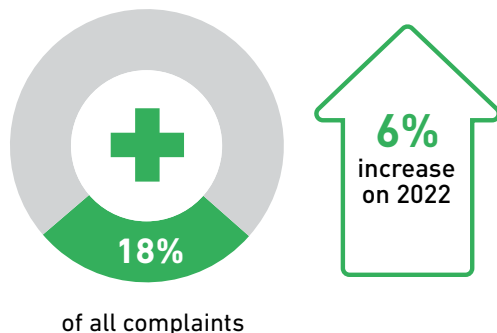


There was significant reduction in complaints about government departments and Offices in 2023. A total of 1,175 complaints were received – 36% less than last year. This decrease was as a result of a significant fall-off in complaints about the Passport Service. We received over 800 complaints in 2022 concerning passports and this dropped to less than 150 last year. This reduction was due primarily to faster turnaround times for the service along with the introduction of improved communication channels within the Passport Service, including a new online complaints portal.

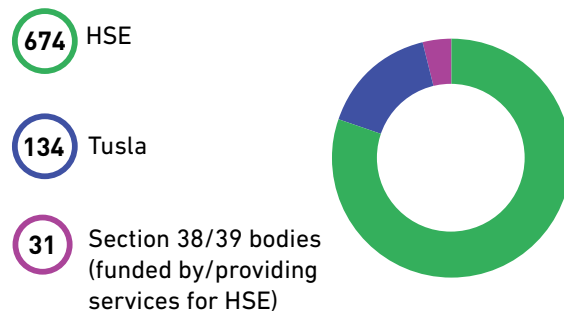
The highest number of complaints received in this sector was about the Department of Social Protection (636), followed by the Department of Foreign Affairs (155 - mainly passport related complaints), the Office of the Revenue Commissioners (85) and the Department of Agriculture, Food and the Marine (75). Overall, of the complaints received in this sector which we were able to investigate, we upheld or partly upheld 23% and provided some form of assistance in a further 24% of cases. 53% of cases were not upheld.

Health and Social Care

Health/Social Care represents:



The top 3 bodies complained about are:



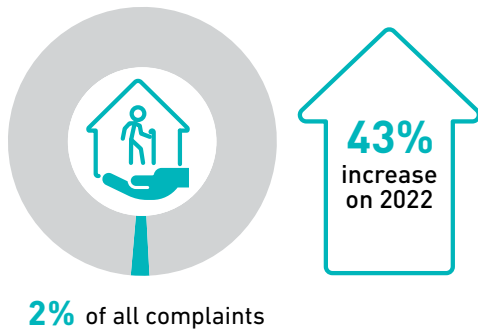
We received 839 complaints about public bodies in the health and social care sector in 2023. 674 complaints were about the HSE, 134 complaints related to Tusla, and 31 complaints related to bodies funded by, or providing services on behalf of, the HSE (section 38/39 bodies).

This is an increase of 49 cases or 6% from 2022. Excluding complaints that were withdrawn, discontinued or outside our remit, 28% were upheld, 12% partially upheld, 35% were not upheld, and in 25% of complaints we provided some assistance or benefit to the complainant.

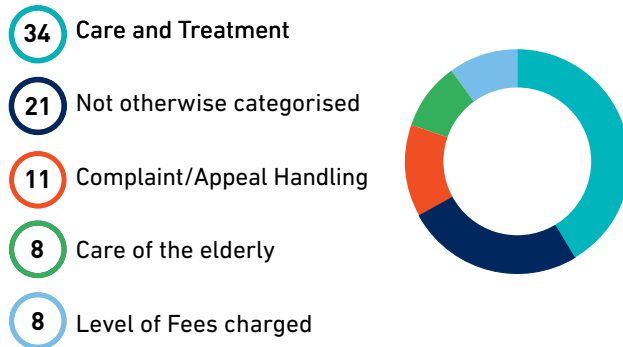
As in other years, we continued to monitor progress on the recommendations made in our 2015 report, 'Learning to Get Better: an investigation into how public hospitals handle complaints' and receive updates every six months. We welcome the publication of the quarterly HSE Feedback Learning Casebooks from 2023, available on the HSE's website.

Nursing Homes

Nursing homes represent:



The top 5 types of complaint:



We received 96 complaints about private nursing homes in 2023. This is a 43% increase in the number of complaints received in 2022. 2023 saw a number of high profile closures of private nursing homes which resulted in service users contacting the Ombudsman.

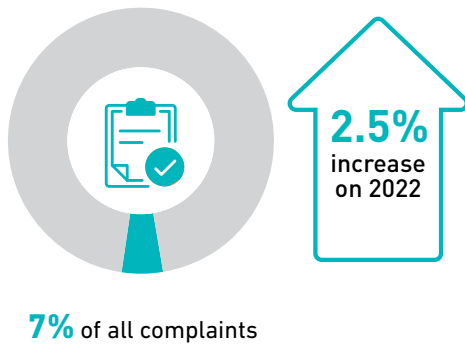
Excluding complaints withdrawn, discontinued or outside our remit, we upheld or partly upheld 22% of complaints, 29% were not upheld and in 49% of complaints we provided some assistance to the complainant.

In 2023 we issued over 1,000 posters for display in private nursing homes to raise awareness of the role of the Ombudsman. In the coming months we will visit a number of nursing homes to meet with service users and families to increase awareness of our role in the sector.

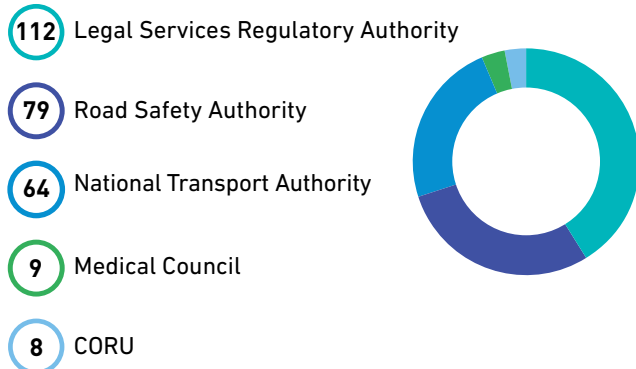
We are continuing to monitor the implementation of the recommendations arising out of our 'Wasted Lives' report (an investigation into the appropriateness of the placement of people under 65 in nursing homes for older people) and an update on that report can be found in Chapter 3.

Regulatory Bodies

Regulatory bodies represent:



The top 5 bodies complained about:

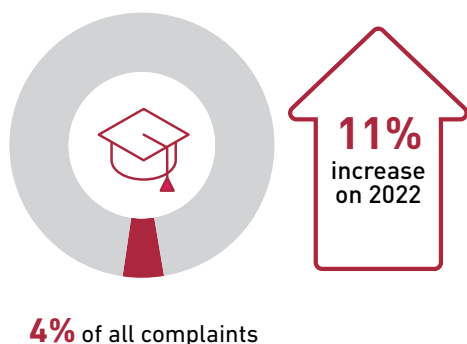


We received 321 complaints in 2023 about bodies in the regulatory sector. This represents a 2.5% increase on 2022. We upheld or partly upheld 17% of the complaints we investigated and provided some form of assistance in a further 9% of cases. 74% of cases were not upheld.

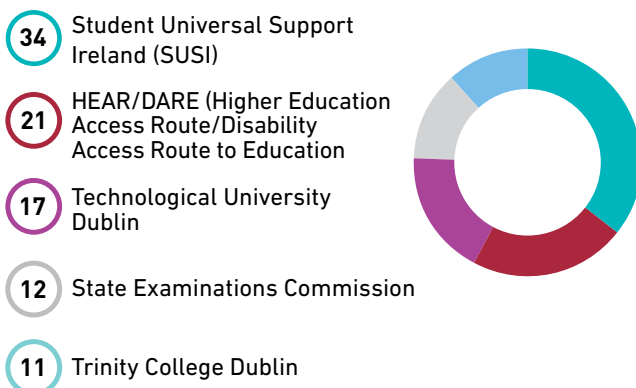
The highest number of complaints we received was about the Legal Services Regulatory Authority (LSRA - 112). Complaints mainly concerned the LSRA's handling of complaints about legal practitioners. We received 79 complaints about the Road Safety Authority (RSA) and 64 about the National Transport Authority (NTA). Among the RSA issues complained about were difficulties applying for, or renewing, driving licences, and arranging driving tests. Among the NTA issues were complaint handling and dealing with clamping appeals.

Education

Education represents:



The top 5 bodies complained about:



217 complaints were received in relation to the Education sector in 2023. This includes complaints about the Department of Education (24), and the Department of Further and Higher Education, Research, Innovation and Science (1). This is an increase from 195 in 2022 (up 11%).

We upheld or partly upheld 16% of complaints investigated against bodies in this sector and provided some form of assistance in a further 11% of cases. 73% of cases investigated were not upheld.

We received 34 complaints about Student Universal Support Ireland (SUSI), which is an increase from 23 on the 2022 (up 48%). While we consider that the SUSI administration process generally works quite well, there remains no provision in primary legislation to correct errors, such as overpayments to students, where there is no fault on the part of the student.

We saw complaints about the administration of the Higher Education Access Route (HEAR) and Disability Access Route to Education (DARE) schemes remain the same at 21 for 2023. There were 17 complaints about Technological University Dublin in 2023, an increase from 8 in 2022. There were 12 complaints about the State Examinations Commission in 2023, 33% less than in 2022.

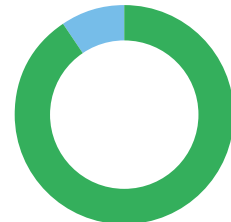
Direct Provision

Direct provision represents:



The top 2 bodies complained about:

- 78 International Protection Accommodation Services (IPAS)
- 8 Direct Provision Centres



In 2023 we received 90 complaints from people who have applied for international protection (IP) who are living in state provided accommodation about direct provision services. This represents a 53% increase on the 59 complaints we received in 2022, although 2022 saw a drop in the number of complaints from 2021, which was likely due to a knock-on impact of the pandemic and the ongoing crisis in Ukraine.

The highest number of complaints was about the International Protection Accommodation Service - IPAS (78), accommodation centres (8), and the Ukraine Crisis Temporary Accommodation Team - UCTAT (3). We dealt with 84 of the 90 complaints received.

Among the issues complained about were the standard of accommodation (44), transfers from one IPAS accommodation centre to another (22), and complaints about centre staff (4).

We upheld 10% of complaints in this sector and provided some form of assistance in a further 45% of complaints. 45% of complaints were not upheld.

The application of the ‘National Standards for accommodation offered to people in the protection process’ was a feature of a number of complaints from international protection applicants living in IPAS accommodation centres. In 2023, IPAS’s position remained, as in previous years, that it could not facilitate inter-centre transfer requests due to the continued constraints on the system, and that its accommodation portfolio was at full capacity. We will continue to engage with IPAS on this issue and will only proceed with complaints about transfer cases under exceptional circumstances in which we identify an absolute need.

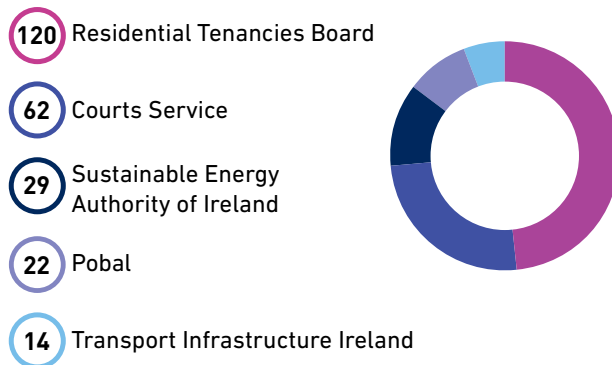
In November 2023 we held two workshops with NGOs on ‘Migrants & Persons seeking International Protection - Experiences of Public Services in Ireland’. These involved round table discussions on the issues NGO’s working in this field are dealing with, and which the Ombudsman might be able to investigate.

Other Bodies

Other Bodies represent:



The top 5 bodies complained about:



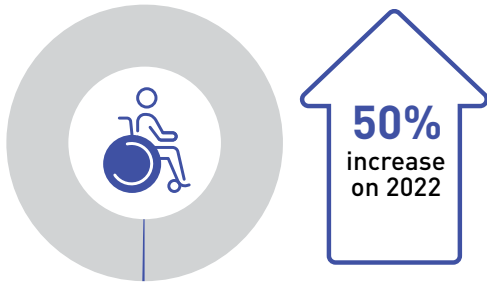
In 2023 we received 301 complaints about public bodies in the remaining ‘Other Public Bodies’ sector. This was an increase from the 273 complaints received in 2022. We upheld or partially upheld 33% of complaints investigated in this sector, and provided some form of assistance in a further 31% of cases. 36 % of cases were not upheld.

The highest number of complaints was about the Residential Tenancies Board (120 – up from 95 in 2022). Annual registration for landlords was introduced on 4 April 2022 and there were delays in the registration process. Among the issues complained about were poor customer service, delays and the application of late fees.

We received 62 complaints about the Courts Service. 41 were not within the Ombudsman’s remit as they did not relate to an action ‘taken in the performance of administrative functions’ under section 5 of the Courts Service Act 1998. The types of complaints we investigated related to the administrative actions of court offices.

Disability Act

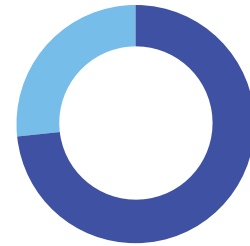
Disability Act represents:



<1% of all complaints

The top 2 types of complaint:

- 11 Access to Services (S.26)
- 4 Complaints Handling (S.38 to S.39)



In 2023 we received 21 complaints under the Disability Act 2005. This represents a 50% increase on 2022 when we received 14 complaints, which was an increase on 2021 when we received 6 complaints.

Over half of complaints in 2023 (11) relate to Access to Services, with four complaints about the complaints handling process.

The Disability Act 2005 imposes obligations on public bodies to work proactively towards the improvement of the quality of life of people with disabilities. An example of this is that all public bodies are required to have at least one Access Officer to help people with disabilities access information and services.

Complaints under the Disability Act should be brought, in the first instance, to the relevant public body. An inquiry officer will issue a determination on the complaint, and, if not resolved, a complaint can be made to our Office regarding a public body's failure to comply with Part 3 of the Disability Act.

Part 3 deals, specifically, with:

- Access by people with disabilities to public buildings, services, information, and heritage sites, and
- Sectoral plans which are plans by government to ensure that services are provided to people with specified disabilities in the areas of public transport, health services, vocational training, employment support services, housing, accommodation.

Nursing home fees 'impoverish' elderly, Ombudsman warns

Eilish O'Regan
Health Correspondent

ELDERLY people are being left financially "impoverished" because of the additional charges they are forced to pay in private nursing homes, Ombudsman Peter Tyndall has warned.

Mr Tyndall (inset) could see the "unfairness to a resident" who is paying 80pc of their pension for their nursing home care and must use the remaining 20pc for social activities, for which they have no inclination or may be physically unable to participate in.

"My main concern is that there is clarity, transparency and fairness around any additional charges levied. All additional charges must be laid out clearly in the contract of care and agreed upon when signing the contract. The additional services should also be separately itemised and costed," he said.

"These additional charges can effectively wipe out the remaining income, leaving lit-

tle for extras such as taxis for hospital visits, or services such as hairdressing and chiropody. In some cases, they can be an additional burden on families."

The Ombudsman has received 45 complaints about private nursing homes this year - a 50pc increase in the number of complaints received in 2016.

He was speaking at the launch of 'Contracts of Care for Nursing Home Residents - Issues of Policy and Practice,' a damning report by Sage, the support and advocacy service.

The document highlighted major flaws including allegations contracts are being signed by relatives on behalf of nursing home residents, even when they "clearly have the capacity" to make their own decisions.

Sage chairwoman Patricia Rickard-Clarke stressed this

casual approach to signing of contracts of care must stop, in order to protect vulnerable older people.

In many cases, contracts are signed without being read or understood due to complex and legalistic language.

Nursing home residents are left with no security about their accommodation and told to leave by the homeowner, who has the balance of power in the termination of a contract.

Termination can be done with "immediate effect".

Many older people are forced to go into a nursing home because there is no other reasonable alternative.

They are "put there" by concerned relatives, it was claimed. They can face an increase in additional charges of €25 a week, without consultation.

The report found some con-

tracts set out visiting restrictions and the right to transfer the elderly person to another nursing home.

Sage has received concerns about the level of control by some families over the older person's finances.

There was also a need for protocols where a person's finances are being handled by the home, but money is not being drawn down to enhance their quality of life.

Mr Tyndall backed calls for an overhaul of these contracts and said the Government must also ensure better availability of home care.

Nursing Homes Ireland, which represents private nursing homes, said contracts are subject to independent oversight by Hqa, which carries out inspections.

Any discharge from a nursing home must be discussed, planned for and agreed with a resident and where appropriate, with their family or carer, the regulations stipulate.



2017: Ombudsman highlights issues with nursing home fees

Severe criticism of HSE over care of 88 years old lady in Mullingar

Ombudsman reports "unacceptable" standards in St. Mary's

An investigation by the Ombudsman Emily O'Reilly into the care and treatment of an elderly woman admitted for respite care to a HSE nursing home in Mullingar concluded that the standards of care and treatment were "unacceptable" and Ms. O'Reilly says the case is "one of a growing number of complaints received by her Office regarding care and treatment received in publicly funded healthcare agencies."

The report, issued on Monday last, December 15, related to the

care and treatment of an 88 years old woman, availing of respite care in St. Mary's Care Centre, Mullingar.

Says the report: "The complainant was the daughter of an 88 years old woman, physically and mentally incapacitated as a result of a stroke. The daughter had arranged one week's respite care for her mother in St. Mary's Care Centre, Mullingar. However, the daughter, herself a trained nurse, was extremely dissatisfied with the care her mother had received. In fact, she had taken her mother home from the nursing home after only three days when she saw what she felt was a

rapid deterioration in her mother's condition. Subsequently in April 2006, she complained to the Ombudsman about the poor care given to her mother. "The complainant was also unhappy with the manner in which her initial complaint to the HSE had been handled, she felt that the failure of the HSE to deal properly with her complaint added to her sense of grievance and compounded the shortcomings in the level of care provided."

"The Ombudsman's investiga-

CONTINUED: PAGE 2



2008: Ombudsman highlights poor care in HSE nursing home

Chapter 3

Outreach and Report Updates



Outreach

In line with our Strategic Plan 2022-25 we actively engage with our stakeholders to raise awareness of the role of the Ombudsman, help drive improvements in the quality of those public services within our remit, and to ensure better administration and delivery of public services.

During 2023 we held workshops and engaged with groups representing various sectors of the public, expanded our regional 'Complaint Clinics' so people could make their complaints to us 'in person' in their local area, and engaged with sectors of society who may need our services the most.

Engaging with those who need our service the most

As part of our strategic objectives we continue to raise awareness of the role of the Ombudsman and how to make a complaint to our Office. As part of our Strategic Plan we also want to ensure that those who may need our services the most, or who may not be aware of the Ombudsman service, know about us and how to engage with us.

In September, we took part in Kildare Social Inclusion Week 2023 organised by Kildare Public Participation Network and the Kildare LEADER Partnership. The Ombudsman and members of our team contributed to events at Athy Family Resource Centre, Leixlip Youth centre, Kildare Community Development Centre (which hosted an event for the Traveller and Roma communities), and the closing event in Newbridge Family Resource Centre. We were delighted to be able to engage with a wide range of sectors over a short period and we intend to participate at similar events in 2024.

In 2023 we continued our engagement with a range of groups, in particular those with disabilities through, for example taking part in the Disability Federation of Ireland podcast, and contributing to the Access All Areas programme on Phoenix FM. We also contributed to the Joint Oireachtas Committee on Autism in February.

As part of our engagement with young adults we have provided information packs and posters highlighting the role of the Ombudsman in the education sector to the main universities for distribution to students. We will continue our engagement with young adults in all sectors in 2024.

We have a very productive relationship with Citizen Information Centres (CICs) around the country, and in November and December we held information webinars for staff of CICs in the Dublin North and North Munster regions to explain our role and how they can assist people who engage with their service.

We also built on our engagement in 2022 with the nursing home sector and followed-up our information sessions for nursing homes in the country with posters to display in homes highlighting our role.

Workshops with representative groups

We commenced a series of workshops in 2022 to listen and engage directly with representative groups on issues affecting our public services. We continued these in 2023. The workshops help us identify what issues are affecting people 'on the ground' in addition to issues reflected in individual complaints to our Office. In 2022 we held workshops with representatives from the housing sector and the disability sector. In 2023 we heard from groups representing migrants and those seeking international protection, and the Traveller community.

The purpose of these workshops is to give us the opportunity to learn from NGOs, experts and affected persons, about their knowledge and experience of particular issues. In this way, we hope to improve our understanding and increase our skills in carrying out our work. We heard first-hand what issues are concerning people they represent in their interactions with public services.

Issues arising from the workshops will feed into our work for 2023 and beyond, and help us engage with groups who may be most in need of the Ombudsman service.

Complaint Clinics at Citizens Information Centres

Before the pandemic, staff from our Office made monthly visits to Citizens Information Centres (CICs) in Cork, Limerick and Galway to take complaints from members of the public. The visits provided a valuable local service, easily accessible to people living there and enabled people deal face-to-face with our Office.

We were pleased to recommence our monthly Complaint Clinic programme in 2022 in Limerick. In April 2023 we recommenced our monthly clinic at Galway city CIC. In early 2024 we set up monthly Complaint Clinics at Cork city and Mallow CICs. We thank the staff at each of these centres for working with us to deliver an extremely beneficial and practical service to the local community.

The monthly complaint clinics are held on the following days:

Cork CIC: Second Wednesday of the month (2pm to 4pm)

Mallow CIC: Second Wednesday of the month (10am to 12 noon)

Galway CIC: Fourth Tuesday of the month (10am to 1pm, 2pm to 4pm)

Limerick CIC: Second Tuesday of the month (10am to 1pm, 2pm to 4pm)

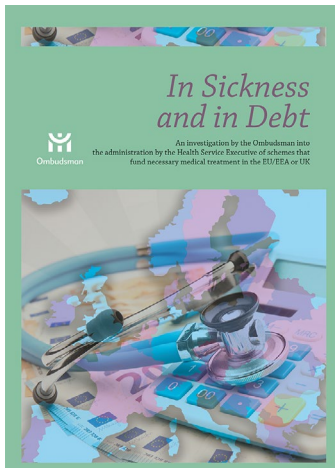
See www.ombudsman.ie for details.

Our website and social media

Throughout 2023, we continued to use our website and social media channels (X and YouTube), to provide information, advice and assistance to the public, public bodies and our other stakeholders. You can follow us on X: @OfficeOmbudsman, and YouTube: 'Ombudsman Ireland'.

Reports and Updates

In this part of the report we provide updates following recent published investigations by the Office.



In Sickness and In Debt: An investigation into ‘treatment abroad’ schemes administered by the HSE

In 2022 we initiated an investigation into schemes administered by the Health Service Executive that fund necessary medical treatment in the EU/EEA or UK. The investigation was prompted by a number of complaints we received from patients who were unable to access necessary medical treatment in the State and had to travel abroad for treatment. On their return, they faced great difficulty navigating the schemes designed to reimburse them for the treatment they should have been able to access for

free in the State, but had to pay for abroad. The focus of the investigation was primarily the Cross Border Directive scheme but it also looked at the Northern Ireland Planned Healthcare Scheme, and follows-up on our 2018 report into the Treatment Abroad Scheme.

The investigation report, ‘In Sickness and In Debt’, was published in April 2023. We made 21 recommendations which focused on improving the administration of the schemes, both moving forward and in the investigation of complaints that remained with our Office. The HSE accepted all the recommendations and put together a team to deal with their implementation. In addition to implementing the 2021 recommendations that team is also reviewing cases, either at our request, or at the request of patients. To date there have been over 200 cases identified for review and the HSE is continuing to work through those.

This has resulted in patients who were previously denied reimbursements due to issues with referral letters receiving their reimbursements. Patients have now been provided with access to a meaningful appeals process and, in many cases, a full re-evaluating of the identified cost has led to an increased reimbursement. In addition, patients who borrowed from family members to pay for the treatment but were denied reimbursement, due to the HSE’s onerous proof of payments requirement, have received their reimbursement.

We have continued to liaise with the HSE since the report was published and we welcome the progress being made by the HSE in implementing the recommendations. The full implementation of the recommendations will have a very positive effect for patients seeking reimbursements under any of the treatment abroad schemes, and will put those patients at the centre of all future decisions.



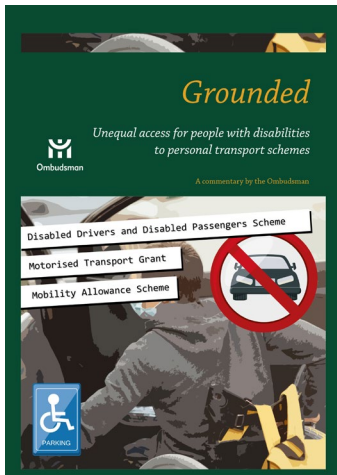
Wasted Lives: An investigation into the placement of people under 65 in nursing homes for older people

We published 'Wasted Lives: Time for a better future for younger people in nursing homes' in May 2021, detailing a series of findings with regard to people, under the age of 65, living in nursing homes. The report contained 19 recommendations covering themes including funding, informed consent, quality of life, access to services, navigating the system and policy and human rights. In order to oversee the implementation of these recommendations, the HSE established an Integrated Steering

Committee, chaired by its Chief Operations Officer. The HSE established five work streams to carry out distinct recommendation implementation work and in 2023, work commenced on the 'Wasted Lives' recommendations.

The HSE National Service Plan 2021 provided for an investment of €3 million to enable up to 18 people under the age of 65 years to move from nursing homes back into communities with supports. Toward the end of 2021, 14 people had moved. As recommended in my Report, Budget 2022 provided a further 'ring fenced' allocation of €5.5 million. This allowed for 22 people to move in 2022 and by the end of July 2023, a further 17 people had also moved out of the nursing home system. While the numbers concerned are modest, there are several broader factors at play which are making more rapid progress difficult. An insufficient number of care staff working in disabilities is having a direct impact on both the need for people to be admitted to nursing homes, in order to access the required care, and also the ability for people to be suitably transitioned out of the nursing home system to an appropriate alternative. There is also a lack of suitable housing which is further exacerbated by the internal competition for this limited resource between other deserving services such as de-congregation, respite and residential. These factors are compounded by the lack of ring fenced funding provided to this initiative in 2023. In that regard, a renewed focus by the HSE on recommendations made in our report is crucial in order to continue to reduce the admission of under 65s to nursing homes and to increase the transition of these people to appropriate alternative care and accommodations.

It was our intention to publish a progress report on the implementation of these recommendations in late 2023. However, the industrial action taken by HSE staff towards the end of last year had obvious impacts, not just upon the direct progress being made on the implementation of these recommendations but also on the availability of up to date statistics on that progress. Fortunately, those disputes appear to have been resolved and we expect to be provided with an update by the HSE.

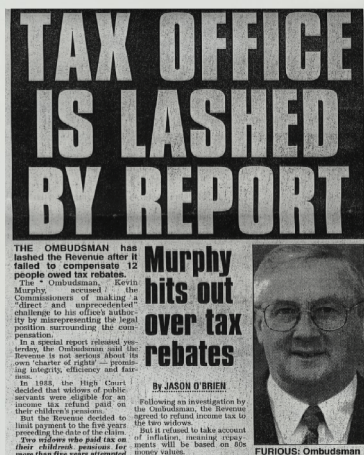


Grounded: Unequal access for people with disabilities to personal transport schemes: Update

In November 2021, we published our report, 'Grounded: Unequal access for people with disabilities to personal transport schemes', in which we set out our findings on a lack of access to transport schemes for people living with a disability. In our annual report for 2022, we highlighted the steps that we had taken to continue to advance this issue. The Ombudsman set out his firm view that leadership was required on this area and that the time for further reports from various departments had

passed. The Ombudsman also described the way in which people with disabilities continue to be denied access to personal transport supports as nothing short of shameful.

During 2023, the Ombudsman continued to engage on this issue. He met with the Department of An Taoiseach to reiterate how essential it is to have functioning transport schemes for people living with disabilities. Prior to publication of this report the Ombudsman sought an update from the Department and this update is published on our website www.ombudsman.ie. The Department of An Taoiseach's involvement in this matter and its stated objective to take a holistic view of all relevant transport schemes, including the initiation of several pilot schemes in different parts of the country is welcome. The Ombudsman remains of the view that what people with disabilities require is to have their transport needs addressed as a matter of urgency.



Inflexible HSE approach pushed many into debt, says Ombudsman

CONOR POPE
Consumer Affairs Correspondent

The HSE repeatedly refused to reimburse the legitimate expenses of patients who had necessary medical treatments in other countries which forced many people into debt, a damning report published by the Ombudsman states.

The investigation found that the HSE adopted an "unreasonable and inflexible approach" when it came to administering schemes fund health treatments abroad that the State system is either unable to provide, or unable to provide in a timely manner.

In his report, "In Sickness and in Debt", Ombudsman Ger Deering said some patients faced a fight to be reimbursed for the legitimate costs they had incurred for necessary treatment received abroad, and some falling into debt as a result. In other cases, approval to have treatment abroad was unreasonably refused or delayed.

The HSE refused to reimburse one patient who paid for treatment overseas on the grounds that their GP had not signed a letter of referral he emailed to a hospital in Northern Ireland.

"This was despite the fact that it was clear that the letter was sent from the GP's email address, and the GP had assured the HSE in writing that the referral was genuine," the report says.

Another referral letter from an Irish GP was addressed to the relevant section of a Northern Ireland hospital and not a named individual in that hospital, which prompted the HSE to reject the claim. Its intransigence was further highlighted when it "refused to accept a subsequent amended referral letter from the GP".

In another instance, a payment was refused because a treatment which had a waiting list of four years in Ireland took place in Belgium, but the initial consultation took place while the Belgian consultant was in Ireland.

In a separate case highlighted in the report, someone who was "in urgent need of treatment for chronic back pain" had their case rejected by the HSE, because prior to treatment in Poland, an outpatient consultation with a Polish consultant took place by phone rather than in person.

A number of older patients who sought refunds for treatment were in receipt of UK pensions. Due to the lack of information provided by the HSE, these patients were unaware that the fact they were in receipt of a pension from another

EU country would negatively affect their application. The patients had borrowed significant amounts of money to have the treatment but received no reimbursement.

In the report, the Ombudsman sets out 21 recommendations to improve the administration of the schemes for the benefit of patients who need these critical treatments. Following discussions between the Ombudsman and HSE chief executive Bernard Gloster, the HSE has agreed to implement all the recommendations.

"I very much welcome the decision of the HSE to implement the recommendations," Mr Deering said. "Their implementation will have a significant positive impact on the lives of those who need to access treatment abroad, and will help ensure that decisions under the schemes are focused on the patient's needs."



2002: Ombudsman criticizes Revenue compensation payments



2023: Ombudsman investigation into treatment abroad schemes

Chapter 4

Case Summaries



Chapter 4: Case Summaries

Earlier in this report we described some of the complaints we received in 2023 including those upheld and not upheld. In this Chapter, we present summaries of some of the complaints that we upheld or resolved. Some of the details of the cases and the names of the complainants have been changed to protect their identity.



Outdated referral process sees hospital appointment and cancer diagnosis delayed

Background

Marie complained to the Ombudsman when a mix-up in referral letters resulted in an important medical appointment not being made and a diagnosis of cancer being delayed by up to eight months. Marie was a transplant patient. During a routine appointment a skin lesion was noticed by staff in the Nephrology Unit in St Vincent's University hospital, Dublin. The lesion was of some concern as transplant patients are more susceptible to skin cancers.

In early March, the Nephrology Unit issued a hard copy appointment letter to the hospital's Dermatology unit. While the Nephrology Unit had printed the letter, it never arrived in the Dermatology department. In May, Marie was attending another appointment at the Nephrology Unit and asked about the appointment for Dermatology. A second referral letter was sent, but again Marie received no notification of an appointment.

In August, Marie contacted the Dermatology Unit directly and received a date for an appointment in October. The lesion was removed and later turned out to be malignant.

Investigation

The hospital confirmed to the Ombudsman that the initial referral letter, dictated by the consultant at the time, had been typed and printed in the Nephrology Unit within a few days of the initial appointment. There was no record of it having been received by Dermatology.

The hospital accepted that there was a deficiency in its process for issuing referral letters and ensuring they were followed-up. It proposed that it establish a new centralised 'print room' where all referral letters between departments would be printed to mitigate the risk of any future letters being lost.

Having examined the hospital's proposal, the Ombudsman believed that a 'print room' was insufficient as it still relied on a hard copy letters being printed and delivered. The Ombudsman proposed that the hospital develop an ICT-based solution to ensure efficient and effective referral of appointments and tracking. The Ombudsman also believed that the hospital should apologise to Marie for the delay in her diagnosis.

Outcome

As a result, the hospital implemented a new internal electronic referral system between departments. This system was designed specifically for the purpose of removing the possibility of referral letters being lost. It works by recording the referral on an online form. Staff check this daily for new referrals which are logged to the relevant consultant, removing the requirement for letters to be dictated or sent in the internal post. The hospital also apologised to Marie for the failures and the difficulties that she encountered.



Council's withdrawal of emergency accommodation was 'inappropriate and unreasonable'

Background

A family in Cork, who had become homeless, complained to the Ombudsman saying that Cork County Council was threatening to withdraw their emergency accommodation.

The family of two adults and their children lived, worked and went to school in one area in Cork for around 10 years. Both parents were working and prior to the COVID pandemic, were not in receipt of any housing assistance. The family became homeless because their landlord had decided to end their lease and sell the property. As the family had become homeless, they were provided with emergency accommodation by Cork County Council.

Around two years earlier the family had been approved for social housing by the Council. The family had selected an area where both parents had worked and their children attended school for some time.

The Council offered the family a house some 40km from the area in which they had been living. The family believed they could not accept the offer due to the length and cost of their commute to work and school, and because of their ties to the community.

The family were told by the Council that if they did not accept the offer, they would lose their emergency accommodation and would be reported to TUSLA for putting the children at risk. The Council gave the family notice to leave emergency accommodation a week after the birth of an additional child.

Investigation

The Ombudsman believed that it was unreasonable for the Council to withdraw their emergency accommodation because they rejected the offer of housing.

The Ombudsman also said that the tone of the communications from the Council to the family was completely inappropriate, was far below the standard expected from a public body dealing with a family in need, and fell short of the Council's Public Sector Duty in relation to human rights.

The Ombudsman was also unclear why the family were offered a property 40km from where they worked and attended school when there were properties soon to be available in that area.

While the Ombudsman's investigation was ongoing, the Council provided the family with details of a smaller property. However, given the number of children in the family, the property was not big enough to house them. The Council also added that it was not recommending the property. However, no other suitable property was available and the emergency accommodation, which the Council had agreed to temporarily extend at the request of this Office, was due to be withdrawn.

The Council also told the family that if they signed a lease for the property, they would not be allowed to break that lease for two years. This was not correct, as the legislation governing the relevant scheme provides that 'overcrowding' is a reason for a lease to be broken.

The Ombudsman said that it was completely inappropriate of the Council to provide the contact details for this property, while recommending that it not be accepted, and at the same time ending the emergency accommodation in place within a few weeks. The family felt they had no alternative but to accept the offer of the smaller property.

Outcome

The Council apologised to the family for the tone of the communications and accepted that the family should be allowed to break the lease agreement given that the property they were living in was not suitable. The Council did not accept that its initial allocation offer was unreasonable. However, the Council provided further assistance to the family and located a suitable property closer to their employment and schools.



Department of Social Protection wrongly sought to recover €26,000 pandemic social welfare payment

Background

Joan complained to the Ombudsman when the Department of Social Protection contacted her to recover €26,000 it said was overpaid to her under the Pandemic Unemployment Payment (PUP). The Department said she was not entitled to the payment.

Investigation

Joan had been working part-time at the start of the pandemic, but had to leave her front-line job as she was a single parent to a daughter with health issues. Joan had no alternative childcare when the schools were advised to close as part of the pandemic restrictions. At that stage during the pandemic, the Operational Guidelines for the PUP advised that parents were entitled to the payment if schools and childcare facilities were closed under COVID-19 restrictions and parents were unable to secure childcare or other flexible employment options.

Joan had contacted her local Intreo office to explain her situation and had been given an application form to apply for the PUP.

The Ombudsman queried how the Department had calculated the woman's overpayment, and what payments she had received over the time in question. The Ombudsman also pointed out the Operational Guidelines that were in place at the time which suggested that Joan may be entitled to the payment.

Outcome

The Department reviewed Joan's case and found that she was entitled to receive the PUP. As a result, the Department accepted that Joan was not liable to repay the €26,000.



Man was wrongly refused Carers' Allowance when medical report was 'missed' by appeals office

Background

John complained to the Ombudsman when the Department of Social Protection said he was not entitled to Carer's Allowance for his father. His father suffered from chronic heart disease, hypertension and diabetes. However, the Department said that he was not eligible as his father did not meet the scheme's criterion of being "so invalided or disabled as to require full-time care and attention".

While the Ombudsman was investigating his complaint John re-applied and was awarded Carer's Allowance. However, the Department said that John was not entitled to the allowance from the date of his initial application nine months previously.

John appealed the decision to the Social Welfare Appeals Office (SWAO) and provided additional medical evidence in support of his appeal. The additional medical evidence described his father's chronic heart disease, hypertension, diabetes and his coronary artery bypass graft. However, the SWAO refused his appeal to backdate the payment on the same grounds as the Department.

Investigation

The Ombudsman examined the Department's file on John's case. He saw that the SWAO had sent the file to the Department's Medical Referee Assessment (MRA) section for an opinion on the additional medical evidence that John had supplied. Although the MRA Section had subsequently provided a report saying that John's father was considered medically eligible for Carer's Allowance, it appeared that the report had not been considered by the SWAO. The Appeals Officer had made no mention of the MRA report in the background note explaining the reasoning behind the decision to refuse the appeal. As a result, the Ombudsman asked the SWAO to look at the case again.

Outcome

After reviewing the case, the SWAO changed its decision and backdated the payment of Carer's Allowance to John to the date of his initial application. John was awarded nine months' arrears totalling €6,078.



Hospital refused to deal with bereaved parents' complaint as it was 'outside time limit'

Background

A couple contacted the Ombudsman after the Rotunda hospital refused to deal with their complaint as it was made outside the 12-month time limit for making complaints to it. The couple wanted to complain about their poor experience at the hospital during the birth of their baby who died shortly after birth.

The couple explained that the period since the loss of their child had been very difficult for them both and that the process of preparing the complaint was very emotionally challenging and brought back painful memories for them. They also pointed out that they were unaware of the 12-month limit for making complaints and that in fact, some of their concerns related to issues that occurred within the 12-month timeline.

They had met with the hospital some months after their loss but felt that all their concerns had not been adequately addressed. They subsequently made a complaint to the hospital but it would not accept the complaint saying that more than 12 months had elapsed since the issues they raised had occurred.

The hospital, while expressing sympathy for the couple, decided that an exemption to the time limit would not be granted. It stated that from past experience, it had found that the longer the time interval between the event and reviewing matters raised in complaints, the less likely staff are to have any recollection of events.

Investigation

The Health Act 2004 sets out the arrangements for dealing with complaints about a hospital and includes a 12-month time limit for making a complaint. However, this time limit may be extended by a hospital where special circumstances make it appropriate to do so.

The Ombudsman was concerned that the hospital's approach to the special circumstances that arose in this case was unfair. The loss of a child is a devastating experience. Bereaved parents will inevitably require time to begin to deal with their sadness and grief. It may take time before they are in a position to reflect on their hospital experience, and empathy and understanding is required. The Ombudsman believed that the circumstances surrounding this case was a very understandable reason as to why this couple was not in a position to pursue their concerns with the hospital until some time had passed. The Ombudsman asked the hospital to review its decision.

Outcome

In response to the Ombudsman's concerns the hospital agreed to accept the complaint and to contact the couple to discuss how best they wished to progress their complaint. The couple were satisfied with the outcome and that they would have an opportunity to have their complaint addressed.



Student sees education grant wrongly reduced after break from her course

Background

Julie complained to the Ombudsman when it appeared that her education grant had been wrongly reduced after she returned from a break in her course.

Julie had started a one-year Masters in University College Dublin (UCD) in September 2021. Student Universal Support Ireland (SUSI) awarded her a Postgraduate Tuition Fee grant of €6,270. These grants are paid directly to universities by SUSI to cover course fees.

Julie completed the first term, then took a leave of absence for a year. Julie had contacted SUSI about the decision to defer her studies and was assured that the deferral would not affect her grant.

When Julie returned to UCD a year later, she discovered that SUSI had awarded a smaller grant than she expected (€1,153 less). When Julie then complained to SUSI, she was informed that her grant had been cancelled. It later emerged that she had been wrongly informed about the cancellation but the reduced amount still stood. Julie was extremely worried about the reduction in the grant, missed several lectures as a result and considered quitting the course.

The situation remained unresolved and Julie submitted her thesis at the end of the course with the remaining grant still not paid. Julie was very concerned that she would not be able to graduate with her class because of the outstanding fees.

Investigation

In its response to the Ombudsman, SUSI said that UCD had invoiced it for less than Julie's eligible fees in the academic year 2021-22. While it was unable to confirm the reason for this, it explained that SUSI can only pay the amount that has been invoiced from UCD. However, having considered all the circumstances, the Ombudsman asked SUSI to review the case.

Outcome

SUSI then contacted UCD and requested an invoice for the outstanding fees owed. Julie received approval for the full grant and SUSI also apologised to her for the inaccurate information she had received.



Man has pension payment backdated to date of eligibility

Background

Joe complained to the Ombudsman when the Department of Social Protection refused to backdate payment of his Contributory State Pension to the date he would have become eligible - at 66 years of age. Joe had applied when he was 70, and was granted the pension which was backdated for six months prior to his application - the time provided for in legislation.

Joe told the Ombudsman that he had visited a local office of the Department shortly before turning 66. He was told he was unlikely to qualify for a pension and was not eligible for a Non-Contributory State pension. As a result, he did not pursue his application any further.

Investigation

The Ombudsman raised the issue with the Department. The Department did not dispute that the man had visited its local office and that he was told he was not eligible for a Non-Contributory pension. However, the Ombudsman believed that Joe should have been informed of his possible eligibility for a Contributory State Pension at that time. He believed the Department should review Joe's case with a view to backdating his payment to when he was 66.

Outcome

The Department reviewed Joe's case and accepted that it should have informed Joe of his possible entitlement when he approached the Department's local office. The Department awarded Joe arrears of €46,040 backdated to the date he became eligible.



Man refunded over €17,000 from Revenue after clarification of residency status

Background

Mark made a complaint to the Ombudsman after he received a notice from the Revenue Commissioners saying he had underpaid his income tax. Mark did not believe he had underpaid his tax and was concerned that Revenue had actually deducted too much tax from his salary. Mark had worked outside the State for some time. He had earned nearly €76,000 with around €31,000 deducted in income tax and universal social charge. Mark had tried to resolve the issue with Revenue over a three-year period but was unsuccessful. He had provided Revenue with all the information he had available and responded to all of its queries. Mark queried whether or not his declaring himself as a 'non-resident' might have made a difference to his liability but he had not received a clear answer from Revenue.

Investigation

Revenue confirmed to the Ombudsman that Mark had enquired about declaring himself as 'non-resident'.

Mark's employer had requested an 'exclusion order' from Revenue but only submitted the request in September 2019 - which was after Mark had commenced work outside the State. A PAYE Exclusion Order means that none or a reduced amount of income tax or Universal Social Charge is deducted from a person's income. The exclusion order starts from the date a person leaves the State. It remains in place while the person is non-resident and working abroad. A PAYE Exclusion Order may be issued if the person is employed abroad by an Irish employer, all of their employment duties are carried out abroad, and they will be non-resident in Ireland in the tax year.

In the circumstances, and in light of the information Mark had supplied over a number of years to Revenue, the Ombudsman requested that Revenue review Mark's case.

Outcome

Revenue completed a review of Mark's circumstances. It was satisfied that Mark was 'non-resident' for the periods in question and therefore he had a reduced liability for income tax and USC. As a result, it refunded Mark €17,700.



Student was refused access to education scheme as 'absent' father had ineligible occupation

Background

Sarah complained to the Ombudsman after being deemed ineligible for the Higher Education Access Route scheme because of her socio-economic group.

The Higher Education Access Route (HEAR) is a higher education admissions scheme for leaving certificate students (under 23) whose economic or social background are underrepresented in higher education. The scheme, overseen by the Irish Universities Association on behalf of the participating Higher Education Institutions, measures social background based on the applicant's parents' or guardians' occupations and employment status. Sarah's mother had an 'approved' occupation. Her father was unemployed but his last known occupation was not approved, and so Sarah was informed she was not eligible for the scheme. However, Sarah felt this decision was unfair as she had very little contact with her father. She lived with, and was financially supported solely by her mother. Her parents were divorced for a number of years and separated since Sarah was a baby.

Investigation

The terms and conditions of the HEAR scheme provide that applicants could be assessed on the occupation of one parent only in circumstances where they had 'no contact whatsoever' with the other parent.

This effectively meant that applicants could be assessed on the occupations of parents who may never have had, or who for a long time did not have, an active role in their lives. The Ombudsman considered this position to be unreasonable and unfair. He believed that the guidance was too restrictive and did not reflect the reality of many HEAR applicant's family situations. The Ombudsman also believed the guidance could potentially disadvantage students from certain backgrounds.

Outcome

The Ombudsman upheld Sarah's complaint. As Sarah had already commenced her third level studies her situation could not be changed. The 'socio-economic group' indicator is in the process of being phased-out as one of the eligibility criteria for the HEAR Scheme. For new applicants entering higher education in 2026, the 'socio-economic group' indicator will have been completely removed.



Student was wrongly refused re-entry to course after short break

Background

Catherine was studying for a four-year course at Technological University of the Shannon (TUS). After second year, she decided to leave the programme and was awarded a Certificate for completing the first two years. She later decided she wanted to re-enter the course in third year, to go on and complete the full four-year degree. However, TUS refused her application as students are not allowed to use an existing qualification (such as a Certificate) for 'advanced entry' into a later year of this particular course.

Investigation

Generally, students who take an early exit can return and pick up where they left off. In this case, however, TUS refused. Although TUS was correct in saying that advanced entry was not allowed on Catherine's course, this did not apply to Catherine's situation. She was looking to continue the same programme, rather than to join as a new applicant with a qualification from an entirely different course.

When the Ombudsman raised this point with TUS, the University carried out a review and acknowledged that the advanced entry rules were not intended to block a student from continuing in the same programme.

Outcome

TUS reversed its decision not to allow Catherine to re-enter the four-year course she had previously left with a lower level award. The University also revised the relevant policy and procedure.



Council agrees to apply rent hardship clause in Housing Assistance Payment scheme

Background

Hannah was renting her home with help from Galway County Council through the Housing Assistance Payment (HAP) scheme. Her only source of income was disability allowance. Between her weekly rent payment to the Council and a €350 monthly top-up to her landlord (to bridge the gap between the maximum HAP rate and the full rent), Hannah was spending 49% of her income on rent. She was struggling to meet her other expenses.

Hannah asked the Council to apply its 'rent hardship' clause to reduce the amount she would have to pay the Council weekly. The Council refused on the basis that Hannah had taken on a tenancy that, at 49% of her income, was unsustainable. The Council sent Hannah a photograph taken from Google Street view, which it said showed she was "living beyond her means" in a house that was much too big for her to afford in terms of both bills and rent.

Hannah complained to the Ombudsman that the photograph was not of her home but of a nearby pair of large semi-detached houses. She also said that she had searched extensively for an affordable and suitable property without success, and only reluctantly took on a tenancy with such a large top-up to the landlord when she felt she had run out of options.

Investigation

When the Ombudsman raised Hannah's complaint with the Council, the Council acknowledged that it was incorrect in relying on the photograph in question but that the tenancy was nonetheless unsustainable. The Council noted that, even with the hardship clause, Hannah would still be paying more than 30% of her income on rent and that, in any case, hardship clauses apply only temporarily. The Council said that Hannah should move to a more affordable property.

The Ombudsman recognised the Council's concerns about the long-term sustainability of Hannah's tenancy, even though the Council had in the first instance approved it for HAP with 49% of her income going on rent. However, the Ombudsman also noted the shortage of rental options within or close to HAP limits in Hannah's area and neighbouring counties. If her HAP tenancy ended in the short term due to a failure to pay rent to the Council or the landlord, she would most likely have to seek assistance and emergency accommodation from the Council.

Outcome

Following discussions with the Ombudsman, the Council agreed to apply its hardship clause and charge the minimum rent permitted (€25 per week) for four months, to help Hannah keep her tenancy for the time being and give her an opportunity to search for a more affordable property.



HSE grants woman 'physical and sensory disability' support after circumstances highlighted by the Ombudsman

Background

Deirdre complained to the Ombudsman when her application for Physical and Sensory Disability Services was refused by the HSE. The HSE did not accept that Deirdre was eligible for support under the service and referred her to primary care services.

Deirdre suffers from illness as a result of a workplace accident. She is disabled and does not have proper use of her lower limbs. Her GP was dismayed to learn that her request was refused. He hoped that she would be entered on a rehabilitation programme that would assist Deirdre with activities of daily living and improve her quality of life. The matter was urgent as Deirdre's landlord was selling the house and she faced eviction.

The HSE's Physical and Sensory Disability Referral Team had considered Deirdre's application and believed she had a medical condition which would require consideration of supports through Primary Care Services rather than having a long term established physical or sensory disability. Deirdre had appealed the decision but the appeal was not upheld.

Investigation

In light of the evidence presented by Deirdre and her GP, the Ombudsman queried the basis of the decision to refuse the application, whether her GP's letter was considered during the course of the appeal, the types of supports through Primary Care Services which would apply in this case, whether she was provided with information on how to apply to Primary Care Services or if the HSE referred her to Primary Care Services.

Outcome

In response, the HSE carried out a further review of Deirdre's application and decided that she met the criteria for Physical and Sensory Disability Services. It contacted Deirdre and apologised for the delay and distress that was caused as a result of its previous decision. Deirdre's application for Physical and Sensory Disability Services was approved.

Chapter 5

Governance



Chapter 5: Governance

The Office of the Ombudsman provides staffing and corporate services support for five other statutory Offices:

- * The Office of the Information Commissioner
- * The Office of the Commissioner for Environmental Information
- * The Office of the Protected Disclosures Commissioner
- * The Standards in Public Office Commission
- * The Commission on Public Service Appointments

While the different Offices each carry out separate and distinct statutory functions, the Office functions as a single amalgamated agency in organisational terms. The Office is funded by one Vote and overseen by an Accounting Officer (Director General) who is supported by a Management Advisory Committee. In carrying out their work our staff embrace the traditional obligations of privacy and integrity in the performance of official duties while at the same time protecting and preserving the statutory independence and functions of each of the constituent offices in which they work.

Updates in relation to the Corporate Governance of all the Offices is set out on the [Strategy and Governance page](#) on the website of the Office of the Ombudsman.

This [page](#) includes updates in relation to:

- our Strategic Plan 2022-25
- our compliance with the requirements under the Official Languages Act
- our compliance with the requirements of the Protected Disclosures Act
- our compliance with the requirements under s.42 IHREC Act (the duty on public servants in relation to human rights)
- our Corporate Governance Framework
- our Green Team (including our compliance with the Climate Action and Low Carbon Development Act)
- membership of organisations.

Case Quality


We are continuously improving the level of services we provide and ensuring that our systems and processes allow us to deliver on our strategic objectives. To ensure the quality of our case handling we introduced quality standards, which set objectives for casework in the areas of procedures, timeliness, communications and accuracy.

To ensure we meet our quality standards we have a quality assessment process in place. Every month our Quality Assessment Team examines 15% of cases closed in the previous month and assesses cases against our quality standards. The Team also identifies and suggests solutions to any process issues arising from monthly quality assessments and provides feedback to caseworkers on individual cases.

Objections by Department of Justice to Magdalen redress investigation 'disingenuous' - Ombudsman

The Ombudsman has been harshly critical of the Department of justice in his report published this morning.

7:19am, 23 Nov 2017 · 13.8k · 21



Cianan Brennan
@ciananbrennan · Follow

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Peter Tyndall says why younger women who were refused access to the same redress as older #magdalen workers "is impossible to understand"

10:45 AM · Nov 23, 2017

3
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Updated 11:30am

THE STATE OMBUDSMAN has dismissed objections made by the Department of justice to an investigation into 27 complaints made by women who worked in Magdalen Laundries regarding the Magdalene Restorative Justice scheme.

Many of those women had their applications for redress denied by the Department as they were not officially recorded as having been resident in the 12 institutions covered by the scheme.

Upon receiving a draft report in recent weeks, the Department responded to Ombudsman Peter Tyndall citing its unhappiness that the State officials who administered the scheme were not interviewed as part of the investigation.

Likewise, Secretary General of the Department Noel Waters suggested that the Ombudsman's adverse findings were possibly due to "a fundamental misunderstanding of the scheme".

Speaking at today's launch of the final report, titled 'Opportunity Lost', Tyndall told *TheJournal.ie* that he considered such objections to be "disingenuous in the extreme" and an example of "departmental stonewalling".

"The department was consulted extensively and at length over the course of this investigation," he said.

However, Tyndall added that he was "hopeful" that the Department of Justice would act upon his recommendations that the women who were denied redress should have their applications reassessed with a view to approving them, in light of a statement from the Minister Charlie Flanagan this morning.

40

2017: Ombudsman
investigation into Magdalen
redress scheme

