

Office of the Ombudsman

Our Service is

- Impartial
- Independent
- Free



Office of the Ombudsman
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MEDIA RELEASE **Wednesday 1st July 2009**

Ombudsman Emily O'Reilly releases her Annual Report for year 2008.

A record 2,787 complaints made to her Office in 2008 - an 8% upsurge over previous year, and the highest number recorded in over 10 years.

- 9,498 inquiries made to her Office - up 1.7% on 2007.
- An additional 1,154 complaints made in 2008 were outside her jurisdiction.
- With just six complaints received under the Disability Act, 2005 in 2008, the Ombudsman observed that a lot of public servants have a serious lack of knowledge about their responsibilities under the Disability Act, 2005.

"If people with disabilities don't have information easily available to let them know how to make a complaint against a public body, then it is no surprise that complaints from them to me remain remarkably low, year on year " said Ombudsman O'Reilly.

Complaints and inquiries - see chapter 2.1.

The Annual Report, published today, details her Office's success in helping thousands of people in the year 2008 who felt that they had been treated badly or unfairly by public bodies.

Citing the 8% increase in complaints made to her Office in 2008 as compared to the 2007 number, the Ombudsman said that the 2,787 complaints received last year was the highest recorded in over ten years.

"This does not necessarily point to a decline in public service standards but may be a reflection of the difficult times we live in, coupled with a better awareness among people of the complaints resolution service the taxpayer pays for us to provide." she stated.

The Ombudsman also noted an upward trend in the number of inquiries dealt with by her Office, rising by 1.7% to 9,498 in 2008. A total of 1,154 complaints were found to be invalid (outside her jurisdiction) after examination, as compared with 1,072 such complaints in the preceding year.

Twenty-Fifth Ombudsman Annual Report.

This is Ombudsman Emily O'Reilly's sixth Annual Report and the twenty-fifth since the Office of the Ombudsman, the first one in the State, was set up in 1984. About reaching the quarter century mark, Emily O'Reilly commented "*Given the global recession and the dramatically changed economic circumstances people are facing, I believe that now, more than ever, the independent and impartial service we provide is essential to protect the most exposed and vulnerable people in our communities. The Ombudsman complaints service is for everyone who needs it, to use free of charge. Since 1984 we have helped over 70,000 people with valid complaints and advised and guided countless others, where we could, whose problems lay outside our remit. It is a proud record of achievement.*"

Key message from the Ombudsman - see chapter one.

"My Office is a low cost agent of change. We work tenaciously providing remedies to complaints in a non -adversarial way, which in most cases are acceptable to the parties involved without the need for costly litigation and court awards. We also work to encourage public bodies to learn lessons from resolved complaints by bringing forward new procedures, policies or management changes to stop systemic complaints recurring".

The Ombudsman stressed that it was not just people who complain to her Office that can benefit but also those who have similar difficulties and who can gain as an off-shoot of a particular case being resolved.

The Ombudsman said that she had selected for inclusion in her report thirteen systemic cases (see chapter one), where she explains the value of oversight and the tangible benefits delivered by way of redress or remedy for the complainants involved. She also spotlights a further six cases of human interest to underline the diversity of her complainants and their grievances against public bodies. All nineteen complaints against the Civil Service, Local Authorities, the Social Welfare Services and Public Healthcare sectors as well as one novel complaint relating to An Post, are individually documented in her report.

Comment - low level of complaints under Disability Act - see chapter 8.2.

With just six complaints received in 2008 under the Disability Act, 2005 (three complaints in 2007), the Ombudsman said that she was concerned at this remarkably low level of complaints. She took issue with the inaction of many public bodies in not taking their duties under the Disability Act, 2005 seriously enough, including tackling the knowledge gap among their staff about their responsibilities under the Act. She urged them and especially their appointed disability access officers, to better assist and guide their clients with disabilities in accessing public buildings, services and information. "*Many individuals tell me that, because of their disability, they would need assistance to make a complaint but that no such assistance appears to be available from the public bodies concerned*" she said - see chapter 8.2 for full commentary.

Twenty selected cases - see chapters four to seven.

Civil Service:

- Dispute about a tax payment resolved - Revenue refunds €9,810 late tax payment interest charge to self-employed man
- Revenue decision not to allow tax relief on two additional €13,000 voluntary pension contributions in the same year revised

For queries relating to these cases please contact:

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Local Authority:

- Council compensates planning objector for error in failing to notify decision
- Council exceed their authority on parking permits for residents
- Refusal by council to pay a disabled person grant revised - €17,202 paid
- Policy change on access to recycling facilities for landlord of rented properties
- Elderly woman allowed to apply to buy her council dwelling after being refused
- Planning site notices not lawful if placed on gates which are left open
- Complainant gets €2,000 essential repairs grant for roof repairs

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Social Welfare, Health and Personal Social Services:

- Arrears of €8,600 secured for Back-to-Work Allowance scheme applicant - decision not to grant three-year allowance revised
- Local newspaper contributor gets non-contributory pension after means review of joint house ownership - arrears of €37,954 paid
- Contributory State pension increased by department for farm worker who left school at primary level, following review of social insurance contributions - arrears of €18,000 paid
- Citizens of other EU countries in Ireland claiming child benefit and the need for the department to check with the country of origin as to whether child benefit is already payable - delays in getting responses
- Carer for aunt and uncle gets full allowance (€322.10) weekly following department review - arrears of €12,000 paid
- Decision to halve State pension (contributory) revised - arrears of €39,538 paid
- UK social security pension/Irish occupational pension holder has automatic entitlement to medical card under EU Regulations confirmed - HSE revises decision refusing medical card
- Community care home resident has in-patient service charge of €96.60 weekly reduced to nil - refund of €8,381 made
- HSE decision not to grant a nursing home subvention revised - weekly allowance of €238.20 granted and arrears of €16,980.26 paid

- Three severely disabled children have HSE decisions not to grant Domiciliary Care Allowance revised arrears/compensation €78,000 paid and weekly allowances of €299.60 granted

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An Post:

- Wallet delivered to wrong Las Vegas hotel – An Post make goodwill payment for loss

For queries relating to this case please contact:

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For media inquiries contact:

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Our purpose is to help raise public service standards. Individuals, businesses or organisations who feel they have been unfairly treated can make complaints to the Ombudsman. Our service is free. We aim to ensure that people are treated with dignity, respect and sensitivity in their dealings with the public service. We will make every effort to deal with your complaint properly, fairly and impartially.

Ends