

## MEDIA RELEASE



### **Ombudsman publishes her final Annual Report before taking over as European Ombudsman**

Ombudsman Emily O'Reilly has today, 25 September, published her tenth and final [Annual Report](#) before she leaves to take up her new role as European Ombudsman on 1 October. Reflecting on her ten years as Irish Ombudsman Ms O'Reilly said:

“When I first took Office my aim was to provide a voice for those who feel powerless when faced with unfairness by the State’s institutions, highlight poor public service, and assist and encourage those responsible to raise standards of public administration. In the last ten years I have worked hard on those objectives. We have examined over 25,000 complaints and we have had many successes, but, in a time of austerity, the challenge for my Office remains significant.”

#### **Complaints received**

At the publication of her Annual Report, Ms O'Reilly said her Office continued to receive high numbers of complaints in 2012. While there had been a small drop in numbers, from a record 3,727 in 2010 to 3,412 in 2012, the number was still significantly higher than the ten-year average of 2,774.

The largest number of complaints received involved the Department of Social Protection. Complaints in relation to Local Authorities represented just under a third of complaints and a fifth were in respect of the Health Service Executive (HSE). 11,178 enquiries were dealt with by the Ombudsman’s office in 2012.

#### **Ombudsman’s remit extended**

On the passing of the Ombudsman (Amendment) Act in 2012, which extended the remit of the Ombudsman to include over 180 additional public bodies, including all publicly funded third level educational bodies, the Ombudsman said:

“The passing of the Ombudsman Amendment Act was a historic day for the Office of the Ombudsman and Irish public administration generally. From 1 May 2013 all public bodies with significant interactions with the public are subject to independent and impartial oversight by the Ombudsman.”

#### **Ombudsman’s investigation into Mobility Allowance and Motorised Transport Grant**

The Ombudsman said she hopes the Government will, very soon, resolve the situation regarding the Mobility Allowance and Motorised Transport Grant schemes. An inter-departmental group, chaired by the Department of the Taoiseach, is due to report to Government in October. The Ombudsman first brought the fact that the Mobility Allowance scheme was being operated in contravention of the Equal Status Acts to the attention of the

Department of Health in 2009. In June 2013 the Government announced that payments were to continue to be made temporarily by the HSE to those persons currently in receipt of Mobility Allowance, until the inter-departmental group reports in October. During 2012 the Ombudsman submitted two special reports to the Oireachtas following her investigations into the two schemes. At the launch today she said:-

“In times of austerity, Ombudsmen face moral dilemmas in their work. If they highlight illegalities and inequitable treatment of citizens, they risk public services taking the easy option and abolishing the entire scheme, grant etc. for everyone. Twice in the last year I have faced this dilemma, and on both occasions, my worst fears were proven correct. However, the job of Ombudsman continues to be to identify illegalities, inequities and unfairness. The job of public services is to listen when an Ombudsman points to an injustice and to act quickly to find effective ways of resolving the problem, not to bury their heads in the sand and hope the problem will go away.”

### **Significant Cases Resolved in 2012**

Chapter Four of the Ombudsman’s Annual Report describes a number of the more significant cases dealt with by the Office during 2012:

- **Man received €68,000 after the Department of Social Protection failed to inform him of his entitlement to a pension** – A man did not apply for a survivor’s pension when his wife died as he believed he was not entitled to it. He applied some years later and the Department backdated his payment to the date of his application, not the date of his entitlement. Following an examination of the Department’s files the Ombudsman discovered that the Department had become aware of the death of the man’s wife shortly after her death but had not informed him of his pension entitlement.
- **Woman refused second opinion despite confusion over a serious diagnosis** - A woman diagnosed incorrectly with a serious heart condition felt she had no option but to arrange a second medical opinion privately when she received a contradictory diagnosis. Her second opinion clarified that she did not have the serious condition alleged. The HSE apologised and refunded her costs.
- **Son distressed to receive call from his mother in hospital telling him she was dying** – The man received a call from his mother at noon, arrived at the hospital at 13.30 but was not briefed by medical staff of the seriousness of his mother’s condition until approximately 17.45. His mother died that night before other members of her family could arrive. The hospital apologised, and introduced guidelines and training aimed at ensuring next-of-kin are contacted in a timely manner and improving patient care.
- **Council revised procedures for housing transfer requests following intervention by the Ombudsman** - Laois County Council turned down a request for transfer on grounds that there were no ‘exceptional medical or social circumstances’ but did not show evidence of considering the circumstances of the case.

## **Reflections**

Emily O'Reilly shared some of her reflections on her ten years in Office. She said:

“The Office of the Ombudsman is needed now more than ever. The financial constraint that public bodies currently face is not an excuse for poor service, for inequitable treatment, for denial of rights. Public bodies must work harder to eliminate the common causes of complaint to my Office. Parliament must hold the administration to account and insist that bodies take responsibility for their actions, right the wrong that has been done and change their service to avoid recurrence.”

Ms O'Reilly wished her successor the very best in the challenging but rewarding role.

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