

Annual Report 2022

Independent | Impartial | Free



Ombudsman

Driving Fairness in the Delivery of Public Services

Independence

Fairness

Integrity

Customer
Focus

Respect

2023 © Office of the Ombudsman

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Ombudsman

Annual Report 2022

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Introduction from the Ombudsman

As in previous years, in 2022 Irish citizens and people living in Ireland had very many positive experiences when engaging with public services. The vast majority received responsive, quality public services. However, unfortunately mistakes or poor decisions or, more often, poor communications sometimes result in poor quality service delivery and dissatisfied people. Our role is to seek to rectify matters when this occurs.

In 2022, we received 4,791 complaints which was the largest number ever received by the Office and was a notable increase of 19.6% on the previous year. During this time, we also completed 21% more cases (4,808) than in 2021 - the highest in the history of the Office. We also responded to over 6,700 enquires.

Our aim is to resolve as many complaints as possible informally and quickly. In 2022, 77% of cases were completed within 3 months, 91% within 6 months, while overall 98% of cases were closed within 12 months. In 55% of cases closed, complainants directly benefitted from contacting the Office.

In addition to responding to complaints received, we also continued to proactively engage with advocacy groups, marginalised groups and individuals through outreach and our own-initiative investigations. During 2022, we initiated two new systemic investigations. One relating to the administration of three treatment abroad schemes and one into the administration of the Housing Assistance Payment (HAP) scheme.

We also continued to monitor the implementation of the recommendations of previous Ombudsman investigations. These included:

- ‘A Good Death’ that deals with the very sensitive issue of end of life care;
- ‘Learning to Get Better’ that deals with health complaints; and
- ‘Wasted Lives’ which looked at the appropriateness of the placement of people under 65 in nursing homes designed for older people.

Implementation of the recommendations in these reports have all delivered real improvements in people’s lives.

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. 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. We will also continue to engage in outreach activity to ensure maximum accessibility to our services.

These impressive achievements are as a direct result of 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.

This Office has also conducted a number of investigations and published a number of reports dealing with the issue of access to personal transport supports for people with disabilities. Alas, I regret to say the response to these reports has been greatly lacking.

All too often in this country we look back at shameful things that have happened in the past and wonder how such things could have happened. We resolve never to let such things happen again and reassure ourselves that they would not happen now. Sadly, we do not appear to have learned from the past. I believe the manner in which people with disabilities continue to be denied access to personal transport supports is nothing short of shameful.

People with disabilities should be able to lead full and active lives within our communities. Access to personal transport is essential to enable such participation. The Irish Government signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007, and in March 2018 the Convention was ratified. Article 9 of the UNCRPD is focused on accessibility, and puts an onus on signatories to provide access to transportation on an equal basis with others to enable people with disabilities to live independently and participate fully in all aspects of life.

My predecessors and myself have been investigating access to transport for people with disabilities and calling for action from Government for twelve years - since 2011. Despite this, I find myself having to once again highlight the current unfair and unacceptable situation.

I note that in October 2022, the Department of Finance published its report, 'Mobility and Transport Needs for those with a disability' and in February 2023 the Department of Children, Equality, Disability, Integration and Youth Affairs (DCEDIY) published its report, 'Proposals for the Development and Coordination of Enhanced Transport and Mobility Support Options for People with Disabilities'. What is clear from these reports is that progress has not just faltered but has actually stalled. While everyone agrees something needs to be done, no one seems to be willing to take action. There is no clear responsibility for delivering accessible transport for people with disabilities. Without this, the progress that is so desperately needed will not happen.

We do not need more committees or reports, we need clear leadership and action. I will continue to highlight this shameful neglect until real and tangible progress is achieved in this area.

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 39th Annual Report submitted in relation to the work of the Office of the Ombudsman since it was established in 1984.

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



Ger Deering

Ombudsman

June 2023



Update from the Director General

In 2022 we received and completed the largest number of complaints ever in the history of the Office. I would like to thank our staff for their excellent work during the year in managing our increasing caseload and promoting improvement in public services.

As an Office we want to create a respectful and interesting workplace for all who work here. We wish to promote innovative ways of carrying out our work and to embrace diversity and change. We are also very conscious of the need to progress environmentally friendly measures in the Office to meet our requirements under the Government's Climate Action Plan. Our Green Team has been very effective in promoting green issues throughout our Office and in 2022 delivered on over 70% of its Action Plan items.

I was very pleased that we were able to recommence our regional 'complaint clinics' and get back to meeting people in their local area. We also commenced a series of learning workshops so that we can inform ourselves about issues arising in different sectors. In the first half of last year, we met with representatives from charities, NGOs and advocacy groups in the housing sector. In the latter part of the year, we met groups in the disability sector and we learnt a lot from these engagements, which we are putting to good use in our work.

During 2022 we launched our Strategy 2025 which sets out our key objectives to 2025. In developing our strategy, we consulted with both our stakeholders and with our staff. I was very pleased with the level of engagement and contribution our staff made to the development of our Statement of Strategy. Our Office comprises six different statutory functions all of which are supported by our 'Corporate Spine'.

We sought to develop a strategy which supports and respects the functional independence of each statutory body. At the same time we also looked at our shared values and cultures - independence, integrity, fairness, respect and a strong customer focus. These are the values which are common to all and which unite us as an overall organisation. We identified six shared strategic themes, each of which is underpinned by separate strategic objectives for each individual office and is supported by our corporate spine.

I am pleased to say that we have already progressed a number of our strategic objectives. Our knowledge management database is now operational, and is a key tool for our staff to support them in answering queries from customers and in informing their investigative work. In terms of implementing a Human Rights Based Approach for investigating complaints we have already provided introductory training to our staff and work has commenced on the development of specialised training and a Staff Guidance Manual with a view to implementing this approach later in 2023. This will ensure that the work of the Ombudsman is grounded in protecting individuals and in assisting public bodies to effectively apply human rights principles.

We have much more to do in order to achieve the objectives set out in our Strategy, at the same time as handling an increase in casework, but I am confident we are off to a good start!

Tús maith, leath na hoibre!

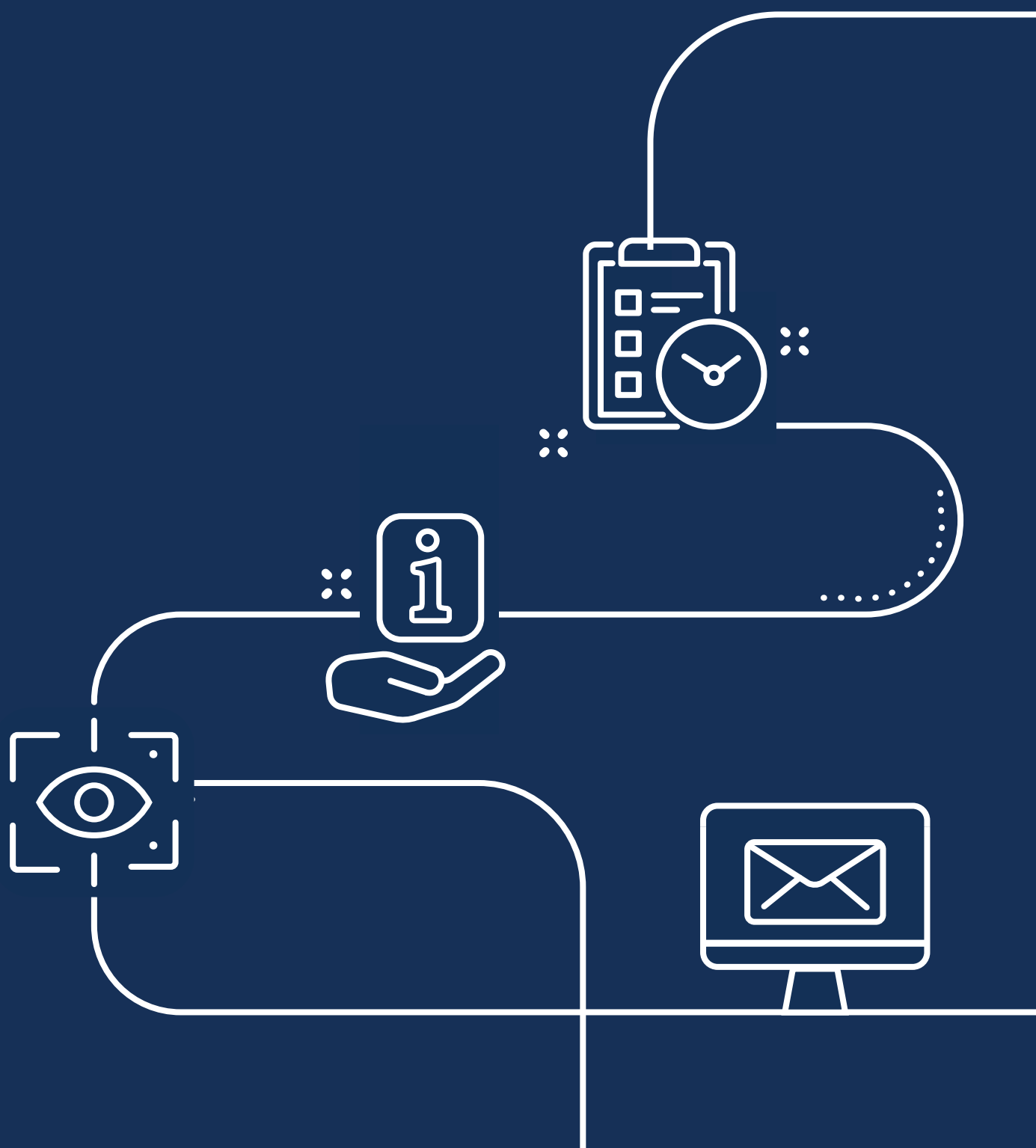


Elaine Cassidy

Director General

June 2023

Chapter 01

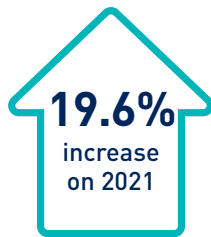


Chapter 1: 2022 at a Glance

We received a record

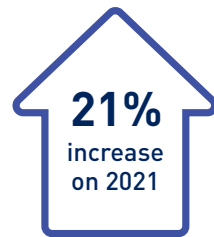
4,791

complaints in
2022 - the
highest to date!

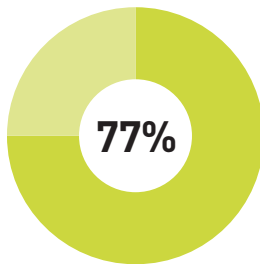


4,808

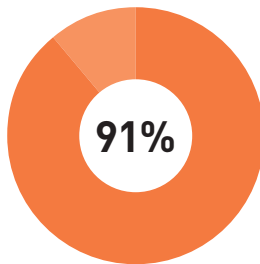
complaints
completed - the
highest ever!



Time taken to examine cases



Completed within
3 months or less

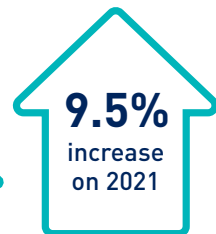


Completed within
6 months or less

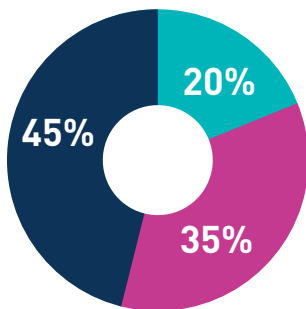
We responded to

6,710

enquiries



Complaints completed by outcome



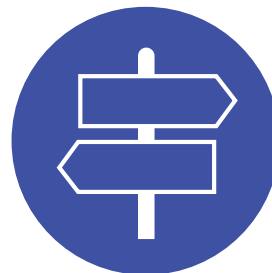
 Upheld/
Partially
Upheld

 Assistance
Provided

 Not
Upheld

971

complaints about bodies
outside jurisdiction
signposted to correct
organisation



2022 at a Glance

How we received complaints



1,547
Online



44
Phone



2,721
Email



462
Letter



17
In person

We held



3 workshops for groups in the Housing and Disability sectors



2 Information webinars for private nursing home owners



2 'Complaint Clinics' in Citizens Information Centre, Limerick

Complaints received by sector



1,842
Government
Departments
& Offices



1,269
Local
Authorities



790
Health
Sector



313
Regulatory
Bodies



273
Other
Bodies



164
Education
Sector



67
Private
Nursing
Homes

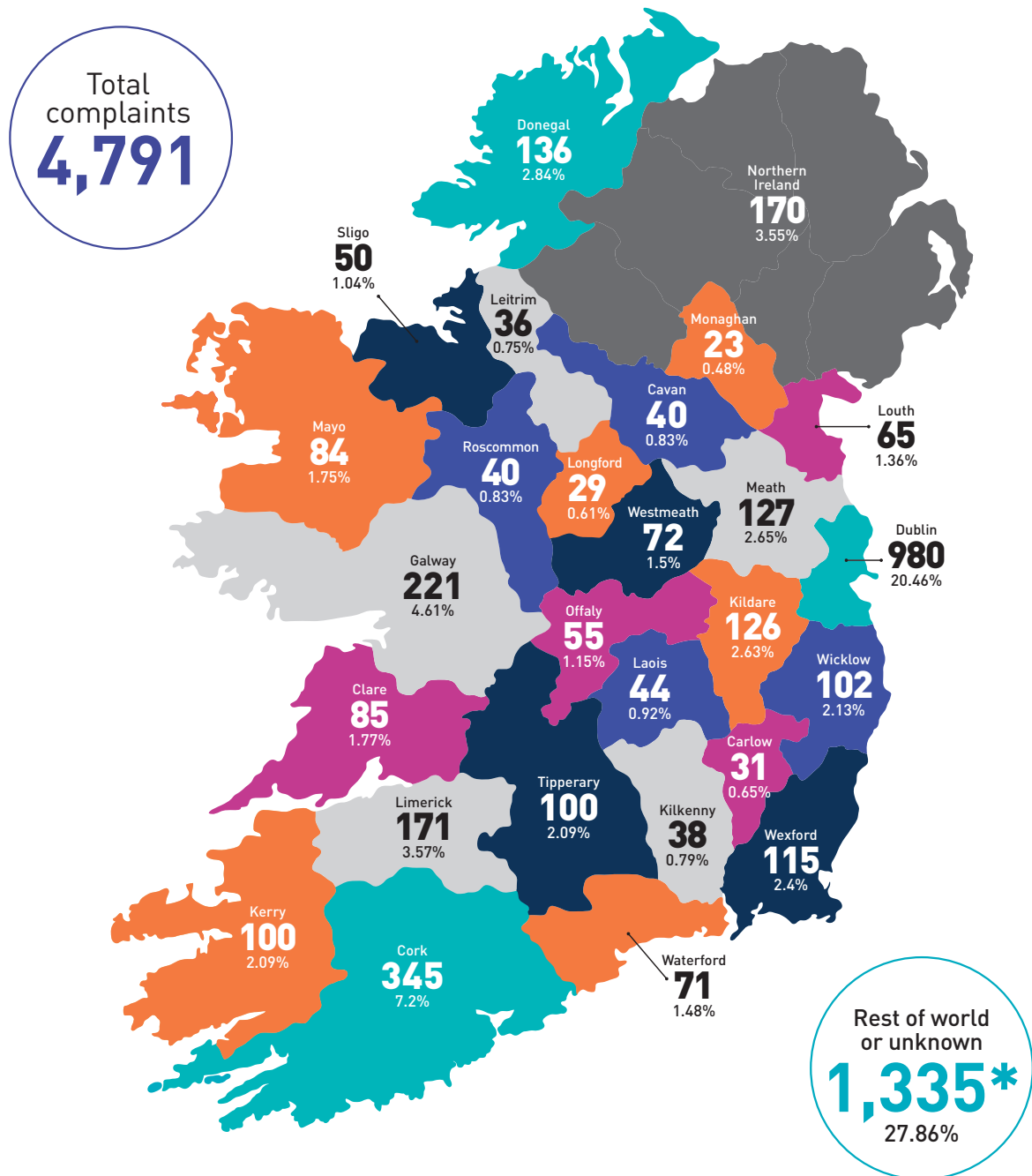


59
Direct
Provision



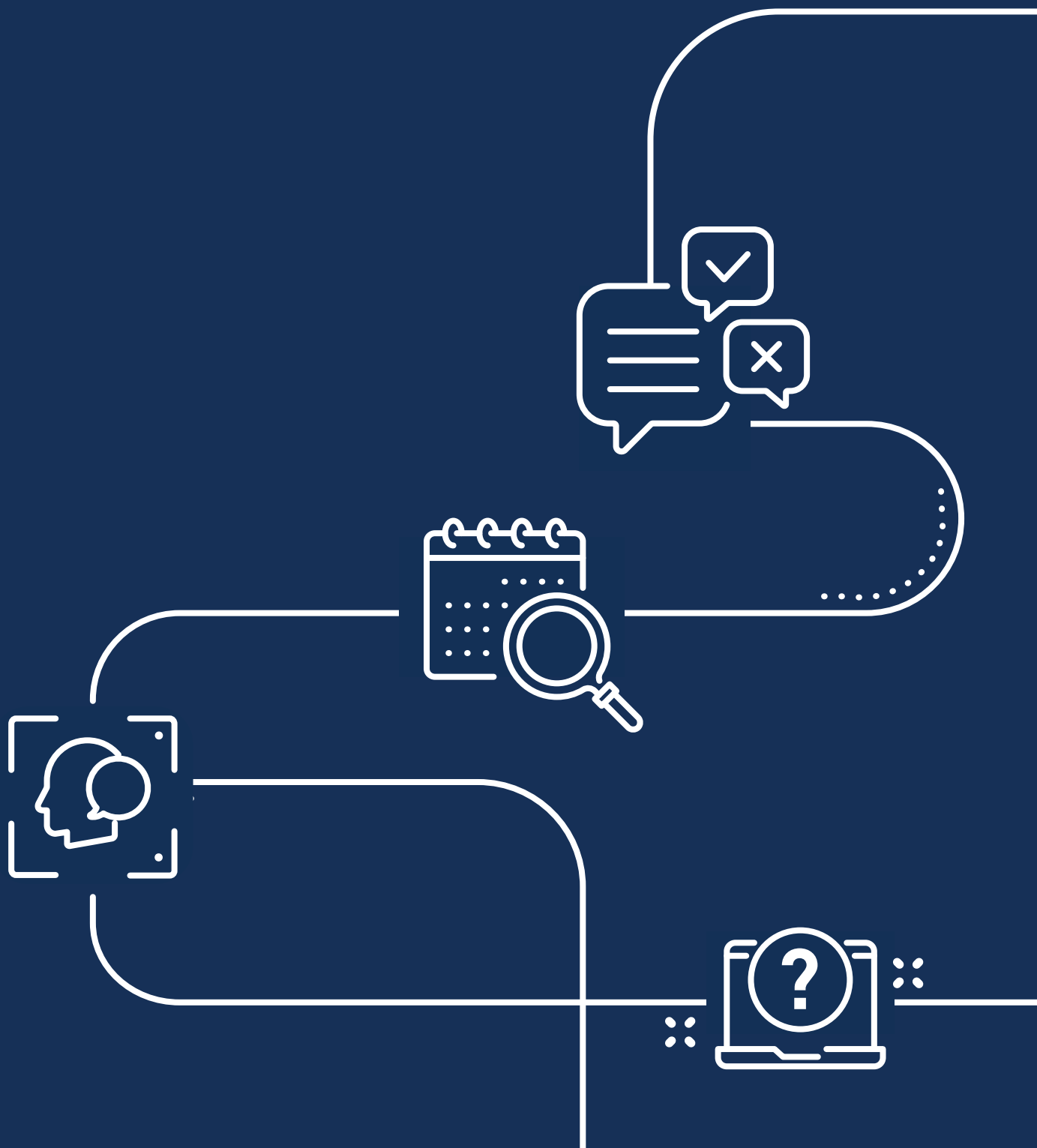
14
Disability
Act

Where did the complaints come from in 2022?



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

Chapter 02



Chapter 2: Complaints in 2022

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.

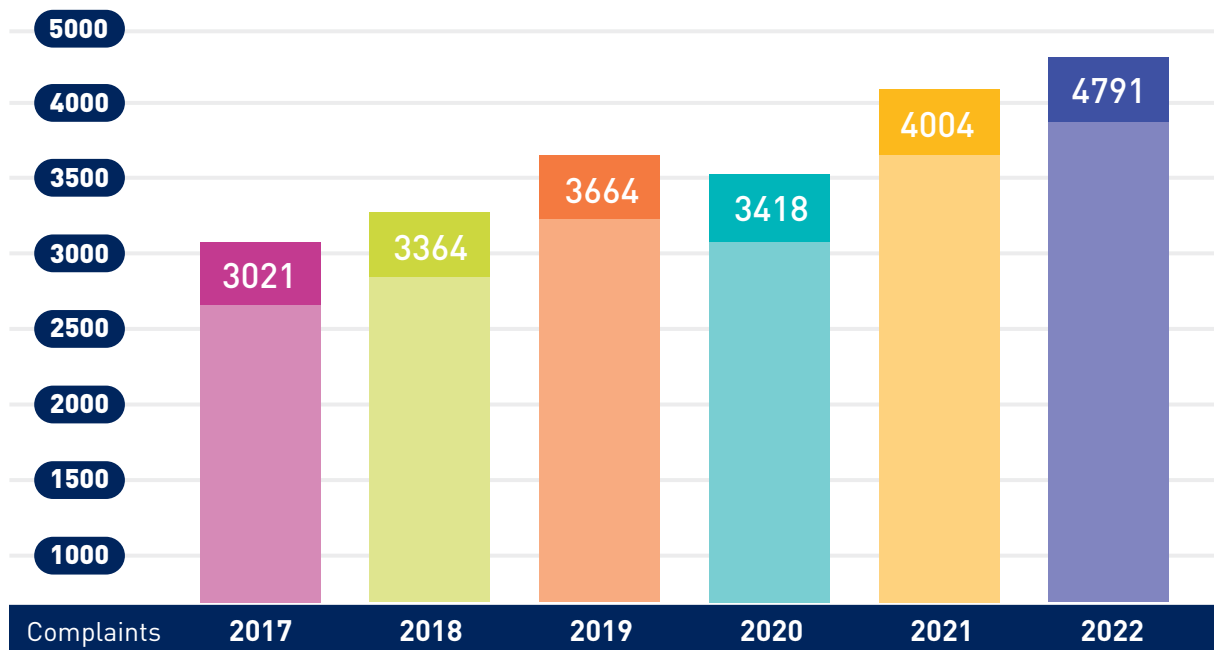
The services of the Office of the Ombudsman are free to use. We investigate complaints in a fair and impartial way. Before bringing a complaint to our Office the person who has been adversely affected must usually have tried to resolve the complaint with the service provider complained about.

In practice, many complaints 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 2022: Analysis



In 2022 we received 4,791 complaints which was the largest number of complaints ever received by the Office and was a notable increase of 19.6% on the previous year. During this time, we also completed 21% more cases (4,808) than in 2021 - the highest in the history of the Office. We also responded to over 6,700 enquires.

We resolve many complaints informally and speedily. In 2022, 77% of cases were completed within 3 months, 91% within 6 months, while overall 98% of cases were closed within 12 months.

Of the 2,368 complaints within jurisdiction that were substantively investigated, 20% were either fully or partially upheld, and 45% were not upheld. In 35% of cases, assistance was provided to the complainant. Even where complaints are not upheld, we are often able to provide an explanation or another positive outcome to the complainant. In particular in 2022, this applied to the large number of passport complaints dealt with by the Office (835).

We give more information on this issue later in this Chapter. Overall, in 55% of cases, members of the public directly benefitted from contacting the Office.

Before someone brings their complaint to our Office they must first take steps to resolve their complaint with the public service provider concerned. In a number of cases (828 in 2022) we provided advice to those who made their complaint prematurely to us, and usually redirected them back to the local service, inviting them to come back to us if the case was not resolved at that level. In 593 cases the complaint was discontinued or withdrawn. These are largely cases where the issue that gave rise to the complaint has been resolved or the complainant no longer wishes to pursue their complaint.

In 1,019 cases it emerged, after our initial examination, that while the complaint was about a body within the remit of the Ombudsman, the issue was one which we are precluded from investigating (for example, clinical judgement or conditions of employment). This unusually high figure (up from 500 in 2021) was a result of the number of passport complaints that we examined and that were then transferred to the Ombudsman for Children (see section on Passport Services later in this Chapter). In cases outside our remit, we generally try to provide contact details for the appropriate body which can consider the complaint.

Overall trend

The top sectors for complaints were:

Government Departments
and Offices



1842
complaints

Local
Authorities



1269
complaints

Health/Social
Care



790
complaints

Regulatory
Bodies



313
complaints

The most notable trend is the general year-on-year rise in complaints to the Ombudsman. Complaints to the Office have increased by 30% when compared to pre-pandemic complaint numbers. In 2019, the Office received 3,664 complaints whereas in 2022 the Office received 4,791 complaints. While the increase in complaints in 2022 is largely accounted for by 835 complaints about the Passport Service (see below), we have still seen an increase of around 8% on 2019.

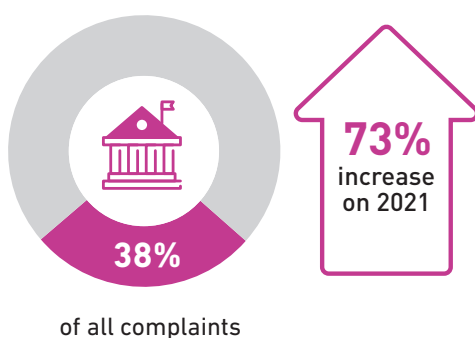
In 2022, the largest number of complaints received were about government departments and Offices (1,842 or 38.5% of all complaints), which includes complaints about the Department of Social Protection and the Department of Foreign Affairs, followed by local authority complaints (1,269 or 26.5%) and complaints about bodies in the health and social care sector (790 or 16%).

It was of note that complaints about government departments and Offices increased by 73% on 2021. This was due mainly to a large increase in complaints about the passport service, mostly from residents in the UK (mainly in Northern Ireland). Complaints about local authorities, which had increased considerably in 2021, remained at a high level in 2022. Complaints about the Department of Agriculture, Food and the Marine remained steady while complaints about the education sector decreased by 25% in 2022. Complaints about private nursing homes and the direct provision sector also decreased in 2022.

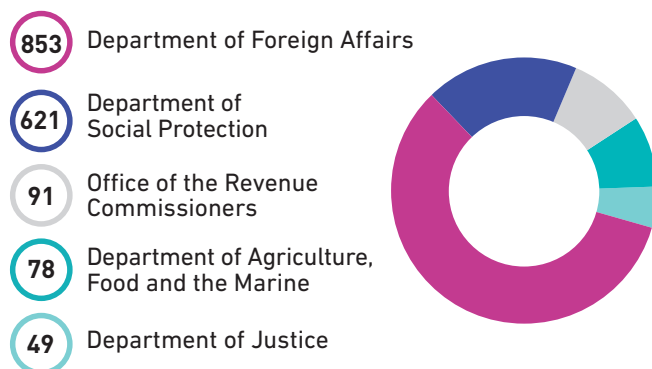
However, complaints about regulatory bodies rose again, as did complaints about other bodies under remit. There was a five-fold increase in complaints about the Residential Tenancies Board (95 complaints in 2022), which related to difficulties with a new online registration system for landlords. Finally, complaints to us under the Disability Act again increased in 2022.

Government Departments and Offices

Government departments represent:



The top 5 bodies complained about are:



We received 1,842 complaints about government departments and Offices. This was a 73% increase on 2021 and the highest number of complaints received in this area since the late 1980's. The increase is due almost exclusively to the very large number of complaints received about the Department of Foreign Affairs (853), most of which related to the Passport Service (835). The next highest number of complaints was about the Department of Social Protection (621) followed by the Office of the Revenue Commissioners (91) and the Department of Agriculture, Food and the Marine (78). We upheld or partly upheld 16% of complaints investigated in this sector and provided some form of assistance in a further 46% of cases. 38% of cases were not upheld.

The Passport Service

The increase in complaints regarding the Passport Service of the Department of Foreign Affairs was highlighted in our report last year. At that stage, the Department anticipated that additional resources being put in place would resolve the issue. However, the surge in post-pandemic applications and Brexit-related demand for passports continued in 2022 placing the Passport Service under additional pressure.

In 2022, we received 835 passport-related complaints, a ten-fold increase on the 81 complaints received in 2021. The complaints were largely about delays in processing passport applications, the majority of which were from applicants living in the UK (mainly in Northern Ireland) and difficulties they had experienced contacting the Passport Service about their applications. Most of the complaints were received between April and June 2022.

We made early contact with management in the Passport Service. This resulted in the implementation of a streamlined process between our offices for dealing with these complaints. This process also allowed urgent cases to be prioritised.

About 50% of the complaints related to child passport applications. We worked in co-operation with the Ombudsman for Children's Office and a simplified process, consistent with our Memorandum of Understanding with that Office, for the transfer of these cases was agreed. Given the time-sensitive nature of some of the complaints, we dealt with these complaints as a priority.

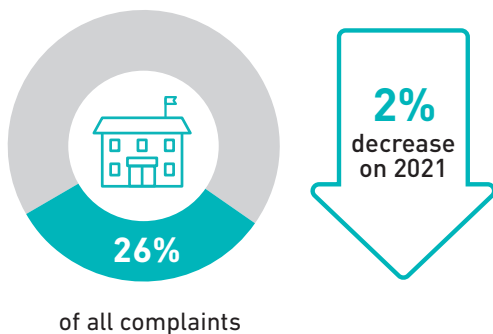
We also engaged with management in the Passport Service in relation to how it proposed to deal with the customer service issues. Increases in resources, improved information technology and the provision of improved customer service channels resulted in faster processing times and better communication with applicants.

In addition, we noticed that the Passport Service would only accept customer complaints by post. We engaged with the Department and the Passport Service in relation to this matter and the Department subsequently committed to providing a new complaints portal, which it says will be available in 2023.

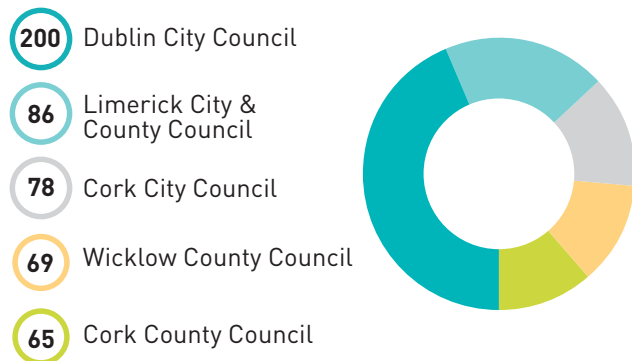
We would expect a significant fall-off in complaints about the passport issue in 2023.

Local Authorities

Local authorities represent:



The top 5 bodies complained about are:



We received 1,269 complaints about the local authority sector. This represents a slight decrease on the 2021 figure of 1,290. Housing related complaints made up the bulk at just over 60% of all complaints received in the sector, with the second largest complaint type of planning enforcement and planning administration making up just under 15%.

When added to the third largest complaint type of ‘road related’ complaints, these three categories together made up just over 80% of the total complaint numbers last year in the sector.

We upheld/partly upheld 20% of local authority cases and provided assistance in 33%. 47% of cases were not upheld.

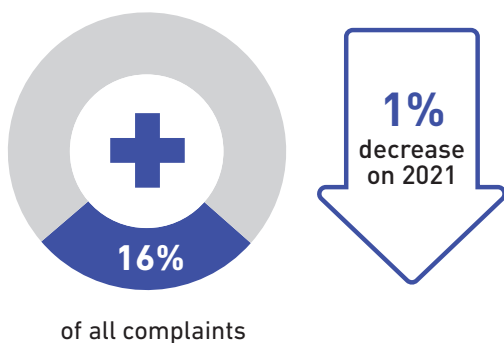
In one case, we found a local authority’s decision to deduct a traveller couple’s previous 13 years housing list credit time on the grounds of a two-month delay with paperwork to be unreasonable and disproportionate. Following our investigation, the local authority introduced a formal process for credit time reviews to prevent a similar situation from occurring in future.

Complaints to the Ombudsman about planning resulted in a requirement on all local authorities to ensure that contiguous buildings (structures that share a common wall or floor) on planning drawings be accurately depicted - promoting greater transparency and informed participation in the planning process.

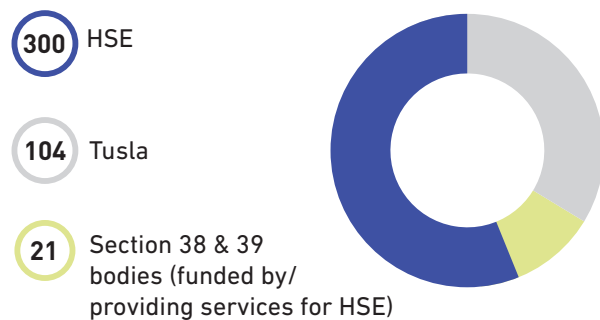
We have also developed and promoted a Model Complaint Handling Procedure (MCHP) for local authorities and have trialled it with four local authorities, one from each of the provinces. Based on the feedback received it is intended to review the MCHP and then launch it with the Local Government Management Agency, which advises on strategy and policy development across the local government sector.

Health and Social Care

Health & social care represents:



The top 3 bodies complained about are:



We received 790 complaints about public bodies in the health and social care sector in 2022 (including 104 complaints relating to Tusla, and 21 complaints relating to bodies funded by, or providing services on behalf of, the HSE (section 38/39 bodies). This is similar to the figure for 2021 (796). 29% of the cases investigated were upheld or partially upheld, and in 30% of cases we provided some assistance or benefit to the complainant. The remaining 41% of cases were not upheld.

In 2022, we contacted all areas of the HSE requesting it to amend the information it provided when responding to complaints. This will help ensure that complainants are made aware of their right to complain to the Ombudsman.

We continued to monitor progress on the 34 recommendations made in our 2015 report, 'Learning to Get Better: an investigation into how public hospitals handle complaints'. The HSE provides updates to our Office every six months. It also provides us with its quarterly casebook of complaints received and the learnings from those complaints.

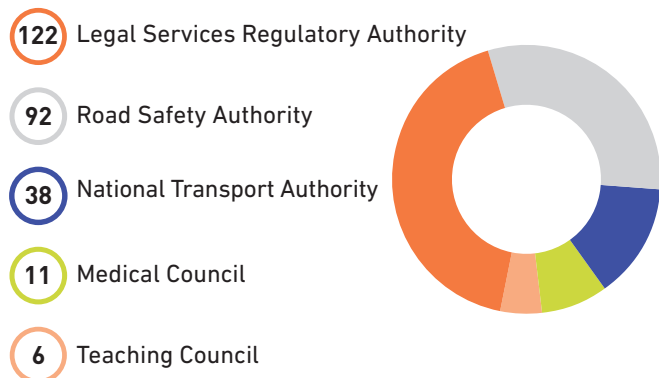
During the year, we received a number of complaints in relation to situations where care hours were approved but where there were no carers available to provide the approved hours. We hope that the recommendations from the report of the 'Strategic Workforce Advisory Group on Home Carers and Nursing Home Health Care Assistants' (Dept. of Health, October 2022) will result in improvements in this area.

Regulatory Sector

Regulatory bodies represent:



The top 5 bodies complained about are:



We received 313 complaints in 2022 about bodies in the regulatory sector. This represents a 10% increase on 2021. We upheld or partly upheld 17% of complaints investigated in this sector and provided some form of assistance in a further 15% of cases. 68% of cases were not upheld.

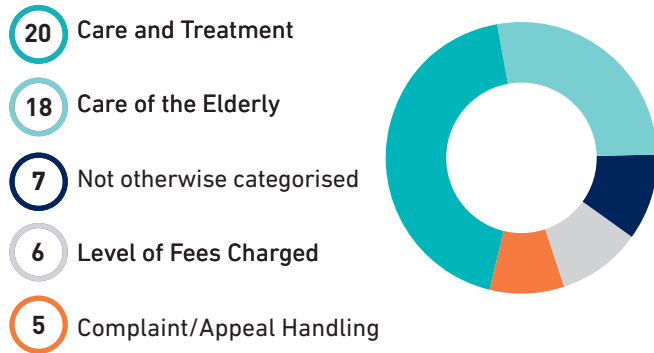
The highest number of complaints was about the Legal Services Regulatory Authority (LSRA- 122). Complaints mainly concerned the LSRA's handling of complaints about legal practitioners. We received 92 complaints about the Road Safety Authority (RSA) and 38 about the National Transport Authority (NTA). 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.

Nursing Homes

Nursing homes represent:



The top 5 types of complaint are:



We received 67 complaints about private nursing homes in 2022. While down on last year's figure, it is an increase on the 53 complaints received in 2020. Of the cases investigated (32), 47% were upheld or partially upheld, and in 22% of cases we provided some other form of assistance to the complainant. The remaining 31% of cases were not upheld.

We held a series of webinars last year for nursing home providers in relation to our role in complaint handling. A series of visits is planned in 2023 for service users in nursing homes to meet with staff from our Office. These visits will highlight the role of the Ombudsman and the steps involved if service users wish to make a complaint to a nursing home or to our Office. We have also updated our Information Factsheet for those wishing to make a complaint about a private nursing home (available on our website www.ombudsman.ie or on request). Posters highlighting the Ombudsman's role will issue to all private nursing homes.

The Ombudsman has previously raised concerns about nursing homes failing to provide a written response to complainants. We are pleased to note that under the revised regulations governing designated centres for Older Persons, since 1 March 2023, all nursing homes are required to provide a written response to both the initial complaint and the review of the complaint.

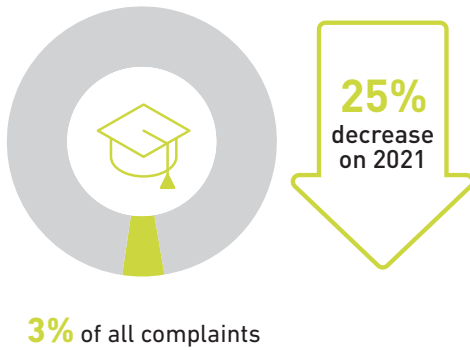
“

I have read the report and am happy with it. I see that every aspect of my complaint was upheld and a huge number of recommendations made...



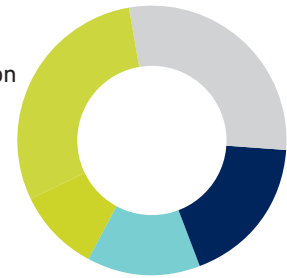
Education

Education represents:



The top 4 bodies complained about are:

- 23 Student Universal Support Ireland (SUSI)
- 21 HEAR/DARE (Higher Education Access Route/Disability Access Route to Education)
- 18 State Examinations Commission
- 13 University College Dublin



Including the Department of Education (30), and the Department of Further and Higher Education, Research, Innovation and Science (1), 195 complaints were received in relation to the Education sector in 2022 (which also includes publicly funded third-level education bodies). This is a drop from 240 in 2021, and 299 in 2020.

We upheld or partly upheld 9% of complaints investigated against bodies in this sector and provided some form of assistance in a further 15% of cases. 76% of cases were not upheld.

Complaints about the State Examinations Commission declined substantially, by about 50%, which probably reflects the return to the standard Leaving Certificate process.

We also saw a fall in the number of complaints about the administration of the Higher Education Access Route (HEAR) and Disability Access Route to Education (DARE) schemes (from 38 in 2021 to 21).

We received 23 complaints about Student Universal Support Ireland (SUSI), which is similar to the 2021 figure. 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.

“

Just wanted to send an email to say thank you for all your help with my complaint and working so hard for me to get my case over the line...



Direct Provision

Direct provision represents:



The top 2 bodies complained about:



In 2022 we received 59 complaints from people living in direct provision about providers of direct provision services. In addition, we received seven complaints about services provided by other public bodies, such as the HSE or Department of Social Protection, giving a total of 66 complaints from people living in direct provision. This represents a 33% decrease on the 99 complaints we received in 2021.

We upheld or partly upheld 21% of complaints investigated in this sector and provided some form of assistance in a further 47% of cases. 32% of cases were not upheld.

The highest number of complaints was about the International Protection Accommodation Service (IPAS - 53), Direct Provision centres (6), and the Health Service Executive and Department of Social Protection (3 cases each). We have completed our investigation of all 66 complaints received. Among the issues complained about were accommodation (25), transfers from one Direct Provision centre to another (21), and complaints about centre staff (8).

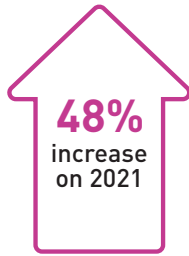
In March 2022 we published 'The Ombudsman and Direct Provision: Update for 2021', in which we describe the engagement of the Office in the sector for that year. The publication of the White Paper on ending Direct Provision is commented on, as is the introduction in January 2021, of the IPAS National Standards for accommodation offered to people in the protection process. Application of the Standards was a feature of a number of complaints from residents, as were issues residents faced in getting medical cards. Another significant change in this sector was the introduction of legislation providing for the responsibility for inspection of direct provision centres to lie with HIQA. The Commentary for 2021 and the commentaries for previous years are available on our website www.ombudsman.ie.

Other Bodies

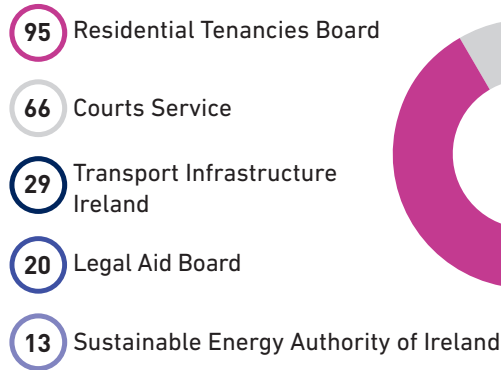
Other Public Service Bodies represent:



6% of all complaints



The top 5 bodies complained about are:



In 2022 we received 273 complaints about public bodies in the remaining 'Other Public Bodies' sector. This was a significant increase from the 183 complaints received in 2021. We upheld or partly upheld 23% of complaints investigated in this sector and provided some form of assistance in a further 30% of cases. 47% of cases were not upheld.

The highest number of complaints was about the Residential Tenancies Board (95 - up from 17 in 2021). 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 66 complaints about the Courts Service. 39 of the complaints 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 Services Act 1998. The types of complaints we investigated related to the administrative actions of court offices.



Thank you for looking into this matter for me and solving my complaint with the Department of Social Protection...



Disability Act

Disability Act represents:



<1% of all complaints

The top 3 types of complaint are:

- 7 Access to Services (S.26)
- 3 Complaints Handling (S.38 to S.39)
- 2 Access to/Application for Service



In 2022 we received 14 complaints under the Disability Act. This represents an increase on 2021 when we received six complaints (up 133%). However, we are conscious that there may not be widespread awareness about rights under the Disability Act including the right to lodge a complaint with the Ombudsman.

The Disability Act 2005 imposes significant 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.

In 2022, we held workshops for a number of groups representing people with disabilities to highlight the role of the Ombudsman, the Disability Act, and to hear what issues they were facing with public services and which may not be evident from the complaints we receive. It was a very productive meeting and some of the issues raised will feed into our work for 2023 and beyond.

Chapter 03



Chapter 3: Reports & Outreach

Outreach

In line with our Strategic Plan 2022-25 we actively engage with our stakeholders to drive improvements in the quality of those public services within our remit and to ensure better administration and delivery of public services. During 2022 we met with a number of public bodies, held workshops with groups representing various sectors of the public, and recommenced our regional 'complaint clinics' so people could make their complaints to us 'in person' in their local area.

Workshops with representative groups

With our Strategic Plan in mind, we commenced a series of workshops to listen and engage directly with representative groups on issues affecting our public services. The workshops helped us identify what issues are affecting people 'on the ground' and which may not necessarily be reflected in individual complaints to our Office.

During the year we held workshops with representatives from the housing sector and the disability sector. We heard first-hand what issues are concerning people they represent in their interactions with public services. The purpose of these workshops is to give the Ombudsman and our staff 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 plan to continue to do this about twice per year, covering different themes.

Partly as a result of our workshops we initiated an investigation into the Housing Assistance Payment scheme. We also clarified an issue around the implementation, by local authorities, of a Department of Housing, Local Government and Heritage circular. The circular (41/2012) provides guidance to local authorities on determining applications by EU and EEA nationals for housing supports. The circular, published in 2012, had not been updated to meet the provisions set out in SI 548/2015 European Communities (Free Movement of Persons) and did not provide sufficient guidance to local authorities on all of the avenues through which a person may establish a right to reside in Ireland.

We contacted the Department and we are pleased to say that the Department contacted all local authorities to advise them of the need to have regard to SI 548/2015 in their decision-making. We also understand that the Minister intends to bring forward legislation regarding eligibility of non-Irish nationals for social housing, including provision for legal residence as an eligibility criterion in any assessment for social housing support.

Other 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.



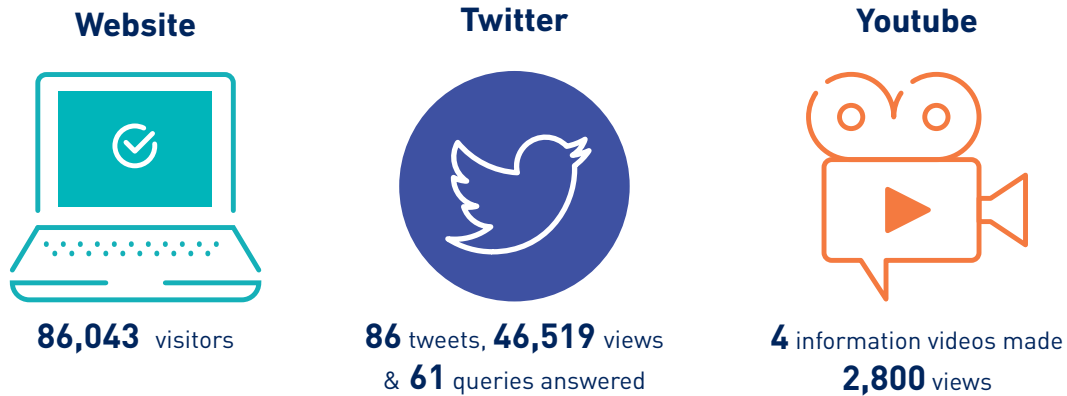
Ombudsman Ger Deering and staff from the Office of the Ombudsman with representative groups for people with disabilities (November 2022).

Information session: Private Nursing Home sector

We have ongoing engagement with bodies under our remit, both on individual complaints and systemic issues. We also take the opportunity to engage with bodies to explain our role and how they can learn from complaints they receive. In 2021 we held information webinars for all local authorities. In 2022 we focused on the private nursing home sector and had some very positive engagement with nursing home owners in our March information sessions.

Our website and social media

Throughout 2022, we continued to use our website and social media channels (Twitter and YouTube), to provide information, advice and assistance to the public, public bodies and our other stakeholders:



'Complaint Clinics' at Citizens Information Centres

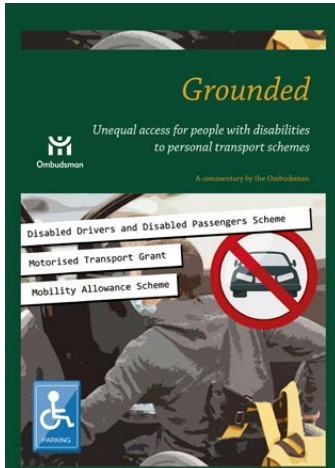
Before the pandemic, staff from our Office made monthly visits to Citizens Information Centres (CIC) in Cork, Limerick and Galway to take complaints from members of the public. The visits provided a valuable local service, easily accessible to people living there and enabled people deal face-to-face with our Office. We were pleased to recommence our monthly Complaint Clinic programme in November 2022 in Limerick. The Complaint Clinic takes place every second Tuesday of the month in Limerick CIC on Henry Street. We hope to be able re-start our Complaint Clinics in Cork CIC and Galway CIC in 2023.

“

I am glad I went to the Ombudsman because the real sense I got is that no review would have been undertaken only for me getting in touch with your office...



Report Updates



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

In November 2021 we published ‘Grounded: Unequal access for people with disabilities to personal transport schemes’. The report highlighted the lack of progress in the area of access to personal transport schemes for people living with a disability. In particular it focused on the fact that no replacement schemes have been put in place for the Motorised Transport Grant and the Mobility Allowance since they were discontinued in 2013 following investigations by this Office. It also focused on the current inequity in how the Disabled Drivers and Passengers Scheme is

administered. The aim of the report was to highlight the current unfair situation and motivate those with power across Government and the Houses of the Oireachtas to prioritise and progress work in this important area in order to contribute to building a fair, inclusive and equitable society for all.

In February 2022, Ombudsman Ger Deering attended the Oireachtas Committee on Finance to present this report and he has highlighted this issue in various forums.

In October 2022, the Department of Finance published its report, ‘Mobility and Transport Needs for those with a disability’ and in February 2023 the Department of Children, Equality, Disability, Integration and Youth Affairs (DCEDIY) published its report, ‘Proposals for the Development and Coordination of Enhanced Transport and Mobility Support Options for People with Disabilities’. What is clear from these reports is that progress has not just faltered but has stalled and that without clear leadership, the progress that is so desperately needed will not happen.

We will continue to highlight this issue throughout 2023 until real and tangible progress has been made in this area. We do not need more words or reports to be published, what we need is leadership and action.



Wasted Lives: Time for a better future for younger people in Nursing Homes - Update

In 2021, we published 'Wasted Lives', a report of a systemic investigation into people under 65 living in nursing homes. The report contained a series of findings and made 19 recommendations, which cover a range of themes including funding, informed consent, quality of life, access to services, navigating the system, and policy and human rights. The HSE established an Integrated Governance Steering Group chaired by the Chief Operating Officer to oversee the implementation of the recommendations from the report. We met with the HSE to discuss the implementation of these recommendations in 2021,

and raised some concerns around the speed of implementation and the continued admission of new people under 65 to nursing homes. We plan to publish a follow-up report in 2023 setting out progress to date.

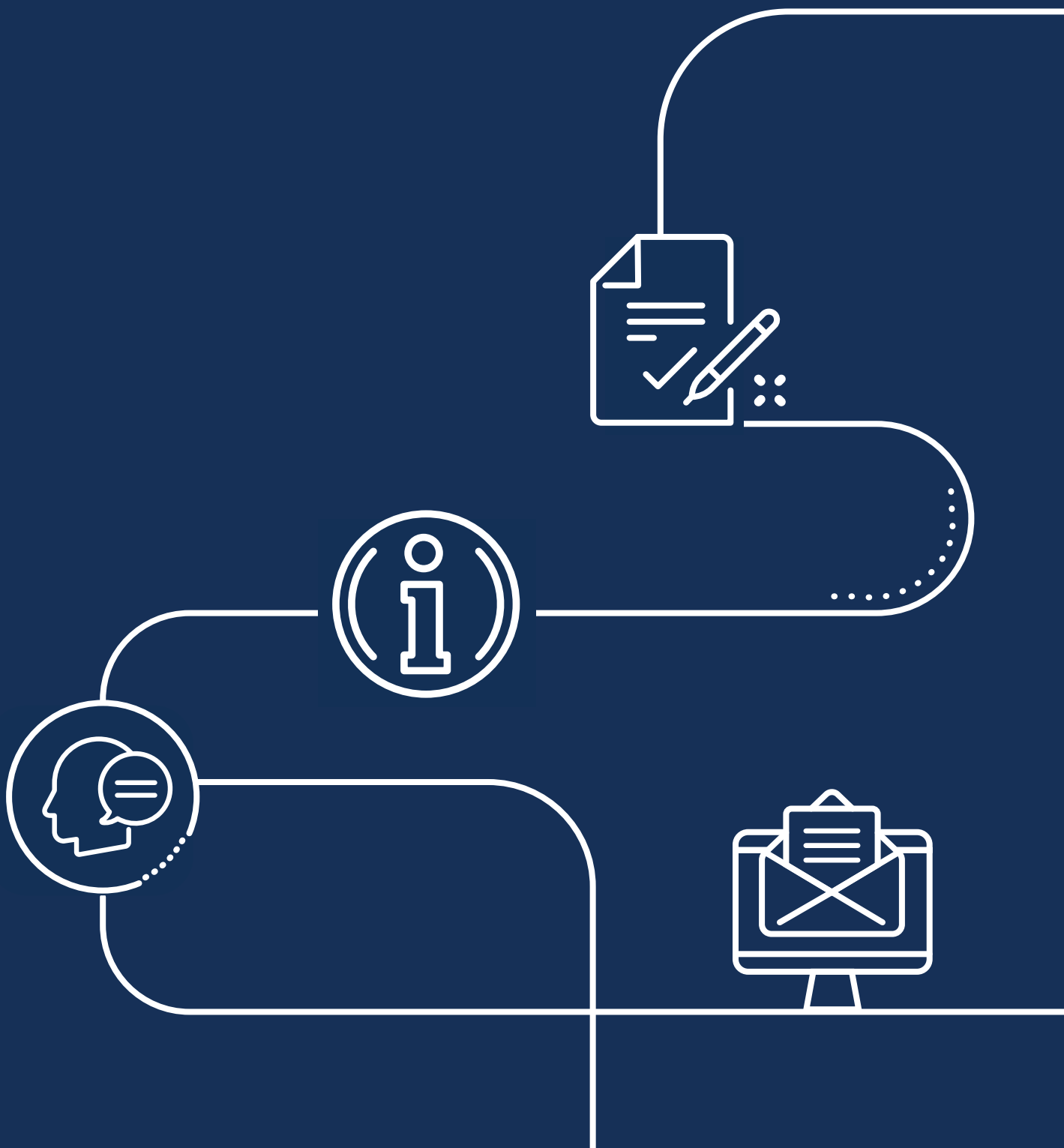
New systemic investigations commenced in 2022

In 2022, we commenced two systemic own-initiative investigations.

Firstly, 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. This report was published in April 2023.

A second investigation was commenced later in 2022 into the effective administration by local authorities (including the Shared Services Centre (HAPSCC) and Dublin Regional Homeless Executive) of the Housing Assistance Payment (HAP). It will also take into account the broader policy context and guidance provided by the Department of Housing, Local Government and Heritage on the administration of HAP. This report will be finalised in 2023.

Chapter 04



Chapter 4: Case Summaries

Earlier in this report we described some of the complaints we received in 2022 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.



Car value drops after NCT accidentally adds 40,000km to mileage reading

Background

Sarah complained to the Ombudsman after the Road Safety Authority's National Car Testing Service (NCTS) accidentally added over 40,000km to the odometer reading on her NCT certificate.

Sarah contacted the NCTS but was told that odometer-related errors can only be changed when they are brought to the NCTS's attention on the day of the test. Sarah complained to the Ombudsman saying she felt she was being 'punished' for failing to check the vehicle inspector's work.

Investigation

The NCTS inspected Sarah's car in July 2020. The inspector had mistakenly entered an extra 40,776 kilometres on the testing system. Sarah did not compare the car's odometer reading against the reading printed on her NCT certificate before leaving the test centre. Eight months later Sarah went to sell her car and noticed the discrepancy between the actual kilometres travelled and the figure printed on her NCT certificate.

The Vehicle Inspection Report contains a statement advising car owners to check their odometer reading (that is, the kilometres travelled figure) before they leave the test centre. The Ombudsman acknowledged that there may be good reasons (such as fraud prevention) why a certificate cannot be changed after a car leaves the test centre.

However, the car was tested at a time when several COVID-19 restrictions were in place. A 5km limit had been in place for a period of time before the vehicle was tested. Customers were not encouraged to stay inside the test centre while their car was being tested. This meant that customers might not have seen the signs inside the test centre, reminding them to check their odometer readings before leaving the test centre.

Sarah provided evidence to the Ombudsman showing that the extra 40,000kms on her car's odometer had negatively affected the resale value of her car.

Outcome

The NCTS apologised for the error and issued Sarah with a revised NCT certificate with the correct reading on it.

The Ombudsman understands that since June 2021, On-Board Diagnostics (OBD) is being used to scan a vehicle's odometer reading as part of an NCT inspection. It is anticipated that the use of OBD will reduce the likelihood of the mistake that was made in this case happening again.



Department could not find file after €32,000 social welfare overpayment

Background

In 2022 John complained to the Ombudsman when the Department of Social Protection sought to recover over €32,000 it said it had overpaid him in Invalidity Pension over a period of five and a half years. John disputed that he had been overpaid.

The Department had been recovering the overpayment through deductions from John's Invalidity Pension. The Department had also withheld over €1,600 that was due to be paid to John in Invalidity Pension to offset the overpayment.

John had contacted the Department and asked for information about the overpayment but the Department did not give him any information, nor did it give him access to its file. The Department had written to him about the deductions from his Invalidity Pension.

Investigation

When the Ombudsman contacted the Department it said it could not find John's file.

The Ombudsman was surprised that the Department had continued to make demands of John, and withheld arrears of his Invalidity Pension to offset the overpayment in the knowledge that it could not locate his file. This was one of the issues the Ombudsman had raised in the report, 'Fair Recovery', published in July 2019, which investigated a number of overpayment cases involving the Department. In that report, the Ombudsman said that if the Department cannot locate a file, then there is unlikely to be anything to support a decision to recover the overpayment, and there is nothing to support a decision to withhold arrears.

Outcome

Following discussion with the Ombudsman the Department agreed to refund the amount John had already repaid through deductions from his Invalidity Pension, along with the arrears of his Invalidity Pension. It also confirmed that it would write-off the overpayment.



€32,000 nursing home bill despite being told that costs would be covered

Background

Caroline contacted the Ombudsman after she received a solicitor's letter demanding outstanding fees of €32,000 in respect of her brother Dermot's stay in a private nursing home. Dermot was admitted to the nursing home in April 2019 for a short convalescence stay after a road traffic accident. Dermot needed long-term care and so remained in the nursing home. His application for funding under the Nursing Home Support Scheme (NHSS), ('Fair Deal'), was approved seven months later in November 2019. Between April and November there was no contract in place with the nursing home. The family was assured by the home that Dermot's fees were being covered by HSE 'emergency funding'.

Investigation

Dermot was in his 80s when he entered the home. He had limited mental and physical capacity and was not able to fill in forms or give consent for treatment. The family provided a letter from his GP to the Ombudsman saying that Dermot suffered with a life-long learning disorder and was unable to live independently. He was cared for by his late mother and then his sister.

The family said that Dermot was discharged to the nursing home for convalescence after the road accident without their prior knowledge or consent. The convalescence stay was intended for a two-week period only. However, Dermot required long-term care and could not go home.

There is a statutory obligation on nursing homes to put in place a contract for residents. The contract sets out the relevant charges, and services must commence within two months of the entry of a person into the nursing home.

However, in Dermot's case there was no contract put in place until seven months after he went into the home, and after the NHSS application was approved. The family did not receive any invoices in relation to Dermot's care for the seven months prior to the NHSS approval. Following the approval they were given a number of invoices amounting to €32,393 for the period from admission until the NHSS was approved.

The family tried to resolve the matter by contacting a number of HSE offices. The nursing home offered the family a payment plan but this was unrealistic for the family. The issue was then referred to the nursing home's solicitors to recoup the outstanding amount.

There was no evidence on the nursing home file to suggest that fees were discussed for the interim period while the family were awaiting the approval of the NHSS.

Outcome

The Ombudsman believed that it was unfair that the family were presented with a bill of €32,393 after months of reassurance from the home that fees would be covered. The Ombudsman noted that had the family been aware of the monthly costs they would have had the option to take him home while the NHSS application was being processed.

In response, the nursing home agreed to waive the €32,000 charge.



Local authorities used outdated circular for deciding 'right to reside' and entitlement to housing support

Background

Maria, who is a European Union citizen, had been living in Ireland for just over a year when her husband died of COVID-19 related complications. Following his death, Maria applied to Roscommon County Council for social housing support but her application was refused as it said she could not prove that she had a 'right to reside' in Ireland.

Investigation

In order to be eligible for social housing support, the applicant must have a long-term 'right to reside' in Ireland. In deciding whether an applicant has a 'right to reside' in Ireland, local authorities have been guided by Housing Circular 41/2012. This circular provides that citizens of the European Union can only access social housing support in Ireland if they are 'actively employed' in Ireland, or, if they are not working at that time, if they have been employed for longer than a year. The Council had refused Maria's application, as she had not been 'employed' in Ireland for 52 weeks.

However the circular was inconsistent with Irish and EU law under which a person can establish a 'right to reside' in Ireland in a number of ways. Maria had a number of grounds on which she could establish a 'right to reside'. Maria's husband was employed in Ireland at the time of his death, and their child was enrolled in an Irish school.

The Ombudsman believed that the means by which the woman could be considered as having a right to reside permanently in Ireland were being overlooked by the Council because they were not explicitly recognised in Housing Circular 41/2012.

The circular, published in 2012, had not been updated to meet the provisions set out in SI 548/2015 European Communities (Free Movement of Persons), and did not provide sufficient guidance to local authorities on all of the avenues through which a person may establish a right to reside.

The Ombudsman raised his concerns with Roscommon County Council and the Department of Housing, Local Government and Heritage.

Outcome

The Council decided to reassess Maria's application for social housing support. In addition, the Department of Housing, Local Government and Heritage contacted all local authorities and advised them of the need to have regard to SI 548/2015 in their decision-making.

The Ombudsman also understands that the Minister for Housing, Local Government and Heritage intends to bring forward legislation regarding eligibility of non-Irish nationals for social housing, including provision for 'legal residence' as an eligibility criterion in any assessment for social housing support.



Woman refused driving licence despite providing correct documentation

Background

Joanne contacted the Ombudsman after the Road Safety Authority (RSA) refused her application for a driving licence as it said she did not provide all the relevant documentation it required. However, Joanne said that she had submitted everything requested by the RSA including medical evidence relevant to her application.

Investigation

When the Ombudsman investigated the case he discovered that medical evidence submitted by Joanne was in a file type that was not readable by the RSA's computer systems. However, the RSA had not made it clear to applicants which file types it does, or does not, accept.

The Ombudsman believed that the RSA has erred in its handling of the driver licence application, as it did not clearly communicate to Joanne the reason why her supporting documentation was not accepted.

Outcome

The Ombudsman highlighted to the RSA the importance of clearly communicating to applicants. The RSA apologised to Joanne, gave her a refund of the cost of providing the medical report, and issued her driving licence.



Student denied full grant due to mistaken belief that she attended previous course

Background

When Michelle applied to Student Universal Support Ireland (SUSI) for an education grant she was awarded only a portion of the full amount (7/9ths). SUSI said that this was due to Michelle attending the course for two months during the previous academic year.

Michelle had not attended the course. Michelle had been approved for a grant for the previous academic year (2020/21). However, she could not attend the course as her son's crèche could not take him due to the Covid-19 pandemic. Michelle had informed the college and her application was cancelled.

Investigation

Maintenance grants are paid in nine monthly instalments throughout the academic year (from September to May) in line with Article 37(2) of the Student Grant Scheme.

SUSI had based its decision on information received from the college that Michelle had withdrawn from the course in November 2020. Michelle enrolled in the course in October 2020 (without attending) before deferring her studies. Therefore, she should have received 8/9ths of the grant.

Outcome

SUSI reviewed its decision and awarded the woman a grant for 8/9ths of the 2021/22 academic year which amounted to an increase of over €600 on the original amount.



Council wrong to request support plan from couple seeking housing

Background

Barry complained that Cork County Council failed to allocate him and his partner a property despite being aware of his partner's severe psychiatric condition. Barry said that they were facing homelessness, had experienced homelessness before, and that his partner required stable and secure accommodation to help manage his condition.

The couple had been on the Council's waiting list since 2017, and had been bidding extensively for a home but no offers of housing were made to them.

Investigation

Barry and his partner had been submitting medical evidence of his partner's severe condition to the Council since September 2020. However, his partner was not granted medical priority until December 2021. The delay was partly due to the Council requesting a 'support plan' to assess the supports available to the couple to maintain a tenancy. The couple had submitted a plan. However, the Council did not inform the couple that it was not satisfied with the plan it received. It said that would not consider them for housing allocation until a new plan was submitted.

The requirement to provide a support plan is not set out in policy or legislation under the housing allocation process. The couple had sufficient supports, and despite one incident of arrears, had been maintaining tenancies for a number of years. Therefore, the Ombudsman queried the legislative basis for the request of a support plan.

Outcome

The Ombudsman recommended that the Council review its decision not to consider the couple for housing until receipt of a new support plan. However, shortly after, the Council informed the Ombudsman that the couple had been made an offer of a property managed by an approved housing agency.



Council reduces couple's time on housing list by 12 years due to their delay in providing documentation

Background

Cork Travellers Women's Network complained to the Ombudsman after a couple discovered that Cork City Council had discounted 12 years from their waiting time on the social housing list.

The couple had discovered the Council's decision after it failed in a bid to rent a Council property. The couple were not happy that the Council's records indicated they were only on the housing waiting list for nine years as they believed they were on the housing list for 21 years. They felt that this impacted negatively on their bid on the property.

The couple asked the Council to review their application and check their time on the social housing waiting list (a 'credit time review'). However, the Council refused to carry out the review.

Investigation

Following the complaint to the Ombudsman the Council agreed to carry out the review but this did not alter the couple's time on the waiting list.

The couple's Social Housing application had been closed in September 2011 for not replying to a statutory housing assessment review. In November 2011 the couple submitted the required documentation to the Council. However the Council set this date as the new start date for their Social Housing application.

The Ombudsman believed that the decision of the Council to deduct the couple's previous 12 years on the grounds of a two-month delay in providing paperwork was unreasonable and disproportionate.

Outcome

The Council reconsidered its decision and restored their waiting time from the date of the couple's original application in 1998. The Council also introduced a formal process for Credit Time Reviews.

On the question of whether the couple's bid on a property was impacted by a reduced waiting time, the Ombudsman noted that the length of time on the waiting list is one factor for determining priority. It was not the only factor for consideration. The Ombudsman was unable to conclude that the outcome of the revised Credit Review would have changed the result of their bid for the property.



Council needs to be flexible in assessing rent contribution

Background

Claire, who was in receipt of a Housing Assistance Payment (HAP), complained to the Ombudsman after Wexford County Council refused to increase the Council's contribution towards her rent under the scheme.

Claire was struggling to pay her rent due to increased costs resulting from her disability. Claire was relying on a local foodbank and a charity to make ends meet.

Investigation

For all Social Housing services, tenants pay a contribution to the council called differential rent. Under HAP, the local authority pays rent to a landlord up to a maximum amount set for that area and household type. If the rental costs are more than this amount the tenant pays the difference as a 'top-up' to the landlord in addition to the differential rent. However, because of the significant increase in the cost of rent in recent years, councils were given the flexibility to increase their contribution by up to 20% (this increased to 35% in July 2022) thereby reducing the amount the tenant must pay directly to the landlord.

The Council said that it would only use its discretion to increase HAP financial assistance in cases where 30% of an individual's income goes on rent. It said that Claire did not qualify as her total weekly outgoings on rent were 26.67%. This was made up of the rent she paid to the Council (differential rent) and the 'top up' rent she paid to her landlord. This meant that her contribution to her rent was €54.14 per week, whereas she would have qualified if it was €60.90.

The Ombudsman pointed out that guidelines set out under Housing Circular 31/2016 emphasised the need for flexibility in the operation of HAP, and the use of a Council's discretion to provide for an additional increase in the amount payable under HAP. In particular, the guidelines highlighted the ability of Councils to meet housing needs by providing these discretionary rates, where justified and required, and that this flexibility has the potential to reduce instances of 'top-up' payments to landlords.

The Ombudsman requested that the Council reconsider the woman's case.

Outcome

The Council reviewed its decision and Claire was granted an increase in financial assistance under HAP. Given the length of time which had passed since Claire first sought help, the Council also backdated the assistance to when the Ombudsman first requested that discretion be applied.



Man reunited with his family in direct provision after initial refusal by IPAS

Background

Peter complained to the Ombudsman when the International Protection Accommodation Services (IPAS) refused his request to be re-admitted into Direct Provision accommodation to be with his wife and child.

The family had voluntarily left Direct Provision accommodation as they had found their own accommodation. However, their circumstances changed, and Peter's wife and child had to be re-admitted to direct provision accommodation.

While Peter's wife and child were in the accommodation he received approval to remain in Ireland meaning IPAS was not obliged to readmit him to the direct provision system. IPAS refused his request in line with its policy on actively facilitating people with 'status to remain' to move into accommodation in the community. The Direct Provision accommodation centre allowed Peter's daily attendance at the centre to allow him help with the care of the couple's child who has a disability.

Investigation

The Ombudsman was satisfied that there were genuine reasons why Peter had not sought re-admittance to the Direct Provision centre at the same time as his wife and child.

Peter's wife and child had been granted approval to remain in Ireland shortly before he complained to the Ombudsman. IPAS refused Peter's application as it was concerned re-admittance would be contrary to its policy regarding moving people with status out of the system and that it would result in reduced engagement by the family with efforts to facilitate moving them into the community.

The Ombudsman pointed out to IPAS that Peter's wife and child were accommodated in a family living space and that readmitting Peter to that space would have no impact on the capacity of the IPAS accommodation portfolio. IPAS did not present any evidence to support its position on the lack of engagement by the family on moving into the community. The Ombudsman considered that, irrespective of Peter's residential location, any engagement with the family in seeking accommodation in the community would be on the basis of a family unit of three people, so continued refusal of his reunification request would have no impact on such engagement.

The Ombudsman also considered Peter's existing daily attendance at the centre meant that the only practical difference readmitting him would make is that he would be allowed to stay with his wife and child overnight, and would not have to be parted from them each evening. In the Ombudsman's view this was another exceptional circumstance of this case that further diluted any impact readmitting Peter would have on the wider IPAS policy on moving people with status out of the Direct Provision system.

Outcome

In the circumstances, IPAS reviewed its decision and allowed Peter to share his wife and child's accommodation.



Passport Service unable to accept complaints by email or online

Background

Julie complained to the Ombudsman about the Passport Service of the Department of Foreign Affairs after a delay in processing her application for a passport. Julie's main complaint was about the system in place in the Passport Service for responding to her complaint.

The delay in the issuing of her passport was due to Julie's mother's birth certificate not showing her first name. Julie had submitted a complaint to the Passport Office in July 2021 by email, and again by letter in August. While Julie's passport had since issued, she told the Ombudsman she was unhappy with the response she had received to her complaint, which in part implied the delays experienced were due to Covid 19 restrictions. Julie said this was incorrect, and that the delays went beyond the time of the restrictions, and that it was difficult to get a response to her complaint.

Julie added that the Department had not sought to remove a defunct complaint email address from the Irish Human Rights and Equality Commission website, and that it was still listed as a route to make a complaint, meaning many other complaints may have been unseen. In addition, Julie told the Ombudsman that complaints to the Passport Office can only be made in writing by post.

Investigation

The Department said that complaints regarding the Passport Service must be submitted in writing to the Passport Service, and that it aimed to respond to all written complaints within 30 days. The Department received Julie's letter of complaint on 20 August 2021.

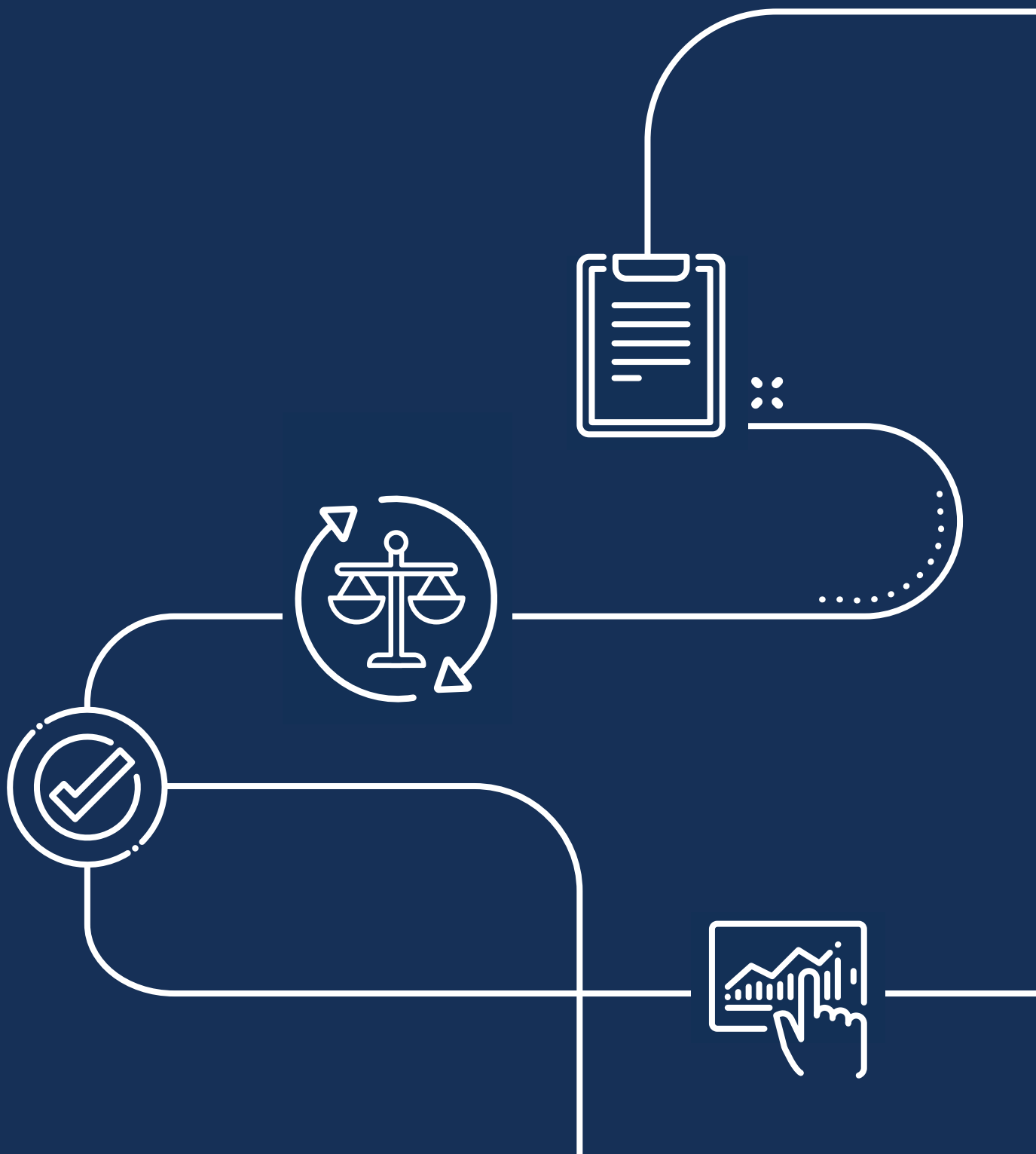
The Passport Service apologised for the delays experienced with Julie's application. It explained that the Service had been closed from March to June 2021 due to Level 5 restrictions, and that Julie's passport issued on 30 August 2021. In addition, the Passport Service asked the Irish Human Rights and Equality Commission to update their website to reflect their current complaints procedure. The Ombudsman accepted the Department's explanation in relation to the processing of Julie's application, and he found its handling of her complaint to be reasonable.

However, the Ombudsman was concerned that the Passport Service did not have a facility to accept complaints by email or electronically. It appeared that, if customers wanted to make a complaint, they had to do so in writing to the Department, using the postal service. The Ombudsman was of the view that by only making a complaints system accessible to customers by post, it was acting as an unnecessary barrier or constraint to those wishing to submit a complaint, particularly if they are living abroad. The Ombudsman contacted the Department in relation to the question of receiving passport complaints electronically.

Outcome

The Passport Service told the Ombudsman that it has undertaken to explore options for an online complaint system and is working with its IT partners. Most recently, the Passport Service advised the Ombudsman that it is developing an online complaints portal, and it is hoped that it will go live in mid-2023.

Chapter 05



Chapter 5: Strategy and Governance

Statement of Strategy 2022-25

During 2022 we launched our Statement of Strategy for 2022-2025.

Our Office comprises six different statutory functions all of which are supported by our 'Corporate Spine'. In developing a strategy which supports and respects the functional independence of each statutory body, we took the approach of starting with an identification of what unites us as an overall organisation. We consulted with our external stakeholders and with staff from each of the individual Offices and Business Units. This process informed a re-assessment of our vision, our organisational culture and our values; the consideration of our key strategic influences; and the development of our shared strategic themes.

This Statement of Strategy sets out our key objectives to 2025. The Statement has six overriding strategic themes. Each of these strategic themes is underpinned by separate but linked strategic objectives for each individual office and are supported by our shared services strategic objectives.

Progress on implementing Office of the Ombudsman key strategic objectives

We have already progressed a number of our strategic objectives. Our knowledge management database is now operational, and is a key tool for our staff to support them in answering queries from customers and in informing their investigative work. In terms of implementing a Human Rights Based Approach for investigating complaints we have already provided introductory training to our staff and work has commenced on the development of specialised training and a Staff Guidance Manual with a view to implementing this approach later in 2023. This will ensure that the work of the Ombudsman is grounded in protecting individuals and in assisting public bodies to effectively apply human rights principles.

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 audits and provides feedback to caseworkers on individual cases.

Office Green Team

Our Green Team was established in 2020 comprising of enthusiastic volunteers who work under a Green Team Charter. Our main aims are to progress environmentally friendly measures in the Office in the areas of energy, waste, transport and water, as well as improving the quality of the working environment. We have been very active in promoting green issues including: a dedicated Intranet area; workshops for all staff; and regular green related communications and awareness programmes including subscribing to the Reduce Your Use Campaign.

Measures taken include:

- the ongoing monitoring of energy usage in the Office, including the use of a smart energy metering system;
- conducting an Energy Efficiency Audit and creation of an action plan arising from its findings;
- running of workshops for staff on waste, transport and food;
- holding a free bicycle servicing day, a step challenge and the provision of adequate lockers to encourage a change in commuting habits;
- putting an environmentally-friendly business Travel Plan in place;
- introducing an air quality monitoring system;
- installation of codes on printers and replacement of paper files with electronic files;
- setting targets for recycling and providing information campaigns for staff on recycling;
- the introduction of a dedicated space on the staff Intranet for green issues and advice to staff; and,
- the replacement of desktop computers with more energy efficient laptops.

The Green Team, with the support of senior management, are committed to introducing further initiatives that promote environmental sustainability for both individuals and the organisation.



The most heartening thing after going through that awful experience ... is that there does genuinely seem to be a lot of learning from it...



Irish Language scheme

The Office of the Ombudsman has an Irish Language scheme which sets out our commitments to providing services through Irish including:

- The availability of Irish speakers to deal with complaints and requests for media interviews in Irish;
- Correspondence received in Irish is responded to in Irish;
- Website content available in Irish including annual reports, statements of strategy, online complaint forms, Ombudsman investigation reports, guidance notes and press releases.

Measures taken by the Office to promote the Irish language and assist in fulfilling our obligations under the Official Languages Act include weekly conversational Irish meetings for staff and encouragement of staff to engage in Irish language classes. There are currently seven staff undertaking Irish language courses.

During the course of 2022 there were 403 visits to the Irish version of the Office website and there were four requests for cases to be dealt with in Irish.

Public Sector Duty

A key priority for our Public Sector Duty Committee was to carry out a re-assessment of our Public Sector Duty (PSD) in conjunction with the development of our Statement of Strategy. In re-assessing our PSD the Committee had regard to:

- relevant actions from the previous plan which were still outstanding;
- developments since the last Strategic Plan, including developments in human rights, equality and diversity;
- interactive workshops with all staff and an external consultation with our stakeholders carried out as part of the development of our strategic plan. These interactions identified that we were doing well and areas for improvement, generally, and in respect of human rights and equality issues.

The PSD Action Plan 2022-2025 is incorporated into our Statement of Strategy 2022-2025. Some progress has already been achieved - most notably on action item 10 – introducing a Human Rights Based Approach to Ombudsman complaints handling work.



Ombudsman

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