

The Ombudsman and complaints about the **Disabled Drivers Medical Board of Appeal**

This factsheet tells you what the Ombudsman does, what you can and cannot complain about, and how to complain.



What does the Ombudsman do?

The Ombudsman can investigate complaints from the public about the actions of the Disabled Drivers Medical Board of Appeal (DDMBA). The Ombudsman cannot change the eligibility conditions for the Disabled Drivers and Passengers Scheme as these are set out in legislation (Disabled Passengers (Tax Concessions) Regulations 1994).



Is the Ombudsman independent?

The Ombudsman deals with all complaints independently and impartially when deciding whether the actions or decisions of the DDMBA were fair and reasonable.



What can I complain to the Ombudsman about?

You can complain about your experience in dealing with the DDMBA. This can include:

- failing to deal with your appeal properly and in accordance with the legislation,
- failing to communicate clearly, and/or
- giving slow or unsatisfactory responses to letters/emails.



What the Ombudsman cannot investigate

The Ombudsman cannot investigate a complaint about a medical assessment by the DDMBA panel of doctors in relation to an applicant's eligibility, or complaints about the eligibility conditions under the scheme.

In addition, unless the circumstances are exceptional, the Ombudsman cannot investigate your complaint if you have started legal proceedings. You can get legal advice about your complaint and still bring it to the Ombudsman - as long as you don't actually start legal proceedings.



Can the Ombudsman change the criteria of the scheme?

The medical criteria for this scheme are very strict and allow only for the approval of applications that meet one of the six specific medical grounds:

- be wholly or almost wholly without the use of both legs;
- be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs;
- be without both hands or without both arms;
- be without one or both legs;
- be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;
- have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

The scheme does not allow for the exercise of any wider discretion by the DDMBA to consider cases which do not fall strictly within the narrow confines of the criteria.

The Ombudsman is keenly aware of the difficulties many people living with a disability face in accessing personal transport supports. This Office highlighted these issues previously in a report titled 'Grounded: Unequal access for people

with disabilities to personal transport schemes'. This report sets out the history of complaints received by this Office about the scheme and the Ombudsman's efforts to highlight the need for a more equitable scheme including amendment of the current strict criteria.

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When should I complain to the Ombudsman?

You can complain to the Ombudsman if your application is unsuccessful and you have clear evidence that you meet one of the six medical grounds, but consider that the Board did not deal with your application properly.

If your complaint relates to an issue other than the outcome of your appeal, you should first complain to the DDMBA. If you have complained and are still unhappy, you can contact the Ombudsman.

You should submit your complaint within 12 months of the action or decision that has adversely affected you. However, even if more than 12 months has passed, we may still be able to help if there is a good reason for the delay.



How long will it take the Ombudsman to deal with my complaint?

It will depend on your individual complaint. We will try to complete the examination of your case within three to six months. If your case is more complicated, it may take us longer. We will keep you informed as to what is happening with your complaint.



What will it cost me to complain to the Ombudsman?

Nothing - there is no charge for the services of the Ombudsman.



How do I complain to the Ombudsman?

The best way to make a complaint to the Ombudsman is through our website:
www.ombudsman.ie.

You can also write to:

- The Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773
- Or call us at (01) 639 5600.



Can someone else complain on my behalf to the Ombudsman?

Yes, but only if you give them permission to do so.

If you want to complain on behalf of someone else, you must get their permission first.



Accessible services

If you have a disability and need help to use the services of the Ombudsman, contact us to arrange to speak to our Access Officer.

A copy of this Factsheet is available in large font on request.

Email: accessofficer@ombudsman.ie or call 01 639 5600.

You can complain online on www.ombudsman.ie