

Ombudsman 1984 - 2024



40 Years Driving Fairness in the
Delivery of Public Services





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Introduction

I am delighted to welcome the publication of “40 Years Driving Fairness in the Delivery of Public Services”. It celebrates 40 years of the work of the Office of the Ombudsman. Such anniversaries provide an opportunity to acknowledge past success and look forward to the future with ambition and enthusiasm.

Since its establishment the Office of the Ombudsman has been to the fore in delivering social change by promoting fairness and inclusion and delivering improvements in the delivery of public services. We have dealt with a broad range of matters relating to the everyday lives and indeed deaths of citizens and people living in Ireland. The Office has been to the forefront in challenging biases, improper discrimination and inappropriate attitudes.

The impact of the Office since its establishment has been impressive and extensive. The complaints and issues we deal with are a microcosm of our broader society. This publication, in some respects charts a social history of Ireland. A very broad range of unfairness and exclusion has been addressed and rectified by the Office.

Younger readers, in particular, may be surprised by some of the matters we have dealt with.

Examples of positive change resulting from the Office’s involvement include the abolition of the convention of dependent domicile. This meant that a wife was regarded as having the same domicile as her husband even if he was living abroad. This had profoundly negative implications for the women concerned. Thankfully this was abolished in 1986 following the intervention of the Ombudsman.

The lack of maternity leave for Adoptive mothers was rectified in 1992 following the intervention of the Ombudsman.

Other important areas where the Office has influenced change relate to the unfair treatment of co-habiting couples, people’s right to die with dignity and without pain, the practice of denying disabled person’s grants to people over 70 years of age, refusal to give reasons for decisions, the right of people with disabilities under 65 living in nursing homes to have more suitable accommodation and conditions, full implementation of the Magdalen Restorative Justice Scheme, improvements in the handling of complaints by hospitals and the refunding of more than €365 million to medical card holders.

We provide a valuable service to the public which is free, impartial and independent. We also contribute great value to the public service. Our work assists providers of public services to recognise what they are getting right and provides an opportunity for them to implement change in areas that need improvement.

We consider the actions of a public body not only by what they did or did not do, but also how they did it and how they dealt with people from a human rights perspective. This includes considering if the person was treated with dignity and respect.

How public services are provided can greatly impact on a person's well-being and quality of life. In this rapidly changing world, with an increasing population and ever expanding public services, the work of the Ombudsman's Office remains more relevant and necessary than ever.

The stories we have included in this publication were chosen from the annual reports of the last 40 years. They are just a small example of the good work and positive impact that this Office has had on many individuals and on public service delivery in Ireland over that time.

In addition to dealing with individual complaints we also undertake investigations on our own initiative where we identify potentially serious or systemic issues. These investigations and the implementation of the ensuing recommendations have delivered improved public services in a broad range of areas as can be seen from the summaries of some of the key investigation reports set out in this publication. A hallmark of our commitment and effectiveness has been the determination of successive holders of the post of Ombudsman to pursue implementation of the recommendations of their predecessors. Public bodies and Governments are aware that we will continue to pursue implementation of our recommendations until they are satisfactorily implemented.

All the achievements of the last 40 years were delivered by the various people who worked in the Office over that time. I would particularly like to acknowledge the contribution of my predecessors together with the current and former Director Generals and our staff, both past and present. Without their hard work and commitment, none of our successes would have been possible. The commitment and dedication of our staff is evident each year when we review the cases that we have dealt with. They demonstrate delivery of our vision of fairness, transparency and accountability in the delivery of public services. Everything we do is guided by our core values of independence, customer focus, fairness, respect and integrity.

I also want to acknowledge the contribution made by those who have brought their complaints and experiences to the Office, and the co-operation of the public bodies in engaging with us to resolve matters and improve their services.

Despite the very many positive changes achieved by this Office I am conscious that change can go both ways. I am also conscious that we have unfinished business, particularly in relation to delivering services for people with disabilities. We will be vigilant in protecting the positive changes achieved and continue to bring about positive developments. We will also continue to pursue, with vigour, Government and public bodies to ensure maximum access to public services that are delivered to the highest possible standards, particularly to the most vulnerable in our society.

I am happy to report that we remain committed to our values and ideals as we head towards the next chapter and the next 40 years. We are optimistic and enthusiastic about what we can achieve.

Finally, I want to thank all those who have contributed to this publication. We hope you enjoy reading this brief glimpse of our story so far.

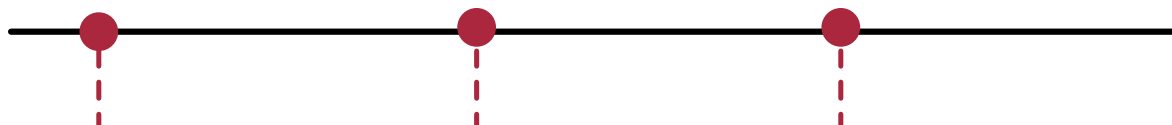
A handwritten signature in black ink, appearing to read "Ger Deering". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ger Deering

Ombudsman
September 2025



40 years of the Ombudsman



1984

Michael Mills appointed as first Ombudsman

Complaints about government departments and some State bodies can be investigated

1985

Complaints about local authorities and health boards can be investigated

1987

First 'Special Report' to the Oireachtas by the Ombudsman on staff cutbacks in his Office

2007

Complaints about voluntary hospitals can be investigated

2013

Peter Tyndall appointed as Ombudsman and Information Commissioner

(May) Complaints about an additional 200 public bodies, including some regulators and third level education bodies, can be investigated



1994

Kevin Murphy
appointed
as Ombudsman

1998

Kevin Murphy also
appointed as first
Information
Commissioner

2003

Emily O'Reilly
appointed as
Ombudsman and
Information
Commissioner

2015

First 'own-initiative'
investigation published:
'Learning To Get Better'
– investigation into hospital
complaints systems

Complaints about private
nursing homes can be
investigated

2017

Ombudsman accepts
100,000th complaint

Complaints about
bodies in the Direct
Provision sector can
be investigated

2022

Ger Deering
appointed as
Ombudsman and
Information
Commissioner

Ombudsman **Office Holders**

'84

-Present



'84

'94

Michael Mills

“

We constantly strive not only to assist our complainants in getting redress or a remedy to their problem, where we have found maladministration but also to encourage public bodies to bring forward new procedures, policies or management changes to ensure that similar complaints do not recur. Learning lessons from resolved complaints and putting in place systemic change is a key goal of my Office.

”

Ireland's first Ombudsman, Michael Mills, served from 1984 to 1994. He was a widely respected political correspondent with the Irish Press for more than 20 years prior to his appointment as Ombudsman. He took up office in 1984 after being appointed as Ireland's first Ombudsman by President Patrick Hillery. He served two terms before retiring in 1994 at the age of 67.

His successes in quickly establishing a well-functioning and effective Office and resolving many complex complaints, sometimes despite staunch resistance from public bodies, gave the Office a high public profile and trust with the public.

However, in an early attempt to undermine the Office, the then Taoiseach Charles Haughey slashed the Ombudsman's budget causing the Office to lose nearly half its staff. Michael Mills criticised the cutbacks and issued a special report to the Oireachtas. Eventually the budget was restored.

During his 10 years as Ombudsman, Michael oversaw the examination of complaints from the public about government departments, local authorities and health boards.

In his final annual report, for the year 1993, Michael reviewed the previous 10 years and emphasised that the Office of the Ombudsman was by then accepted and recognised by all as an independent agency that impartially examined complaints and which took every possible step to have cases of genuine grievance resolved.

He pointed out that the Office had succeeded in resolving many thousands of complaints, most of which would never have been resolved without its existence. He also pointed to the significant changes in our legislative and administrative system to which he and the Office had contributed.

Michael died on 13 April 2008. Tributes poured in from across Ireland on the news of his death. Former Taoiseach Bertie Ahern said: "For many years, Michael Mills held the respect of all sides within Leinster House for his impartial and accurate coverage of political affairs... it was this impartiality that resulted in him being honoured with the role of Ombudsman". The then Ombudsman, Emily O'Reilly, said Michael Mills "encapsulated all the essential qualities of an Ombudsman: integrity, independence, public service ethic, and a consummate interest in righting wrongs."



'94

'03

Kevin **Murphy**

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Administrative accountability is the process of ensuring that public service activities and, in particular, the exercise of decision making powers, whether discretionary or otherwise, are carried out not only in a proper legal manner but in a manner consistent with fairness and good administrative practice.

”

Kevin Murphy was appointed Ireland's second Ombudsman by President Mary Robinson in 1994. He served from 1994 until 2003. Prior to his appointment as Ombudsman, he was Secretary General in charge of the public service at the Department of Finance.

He started work in the Department of Industry and Commerce, moving to Finance in 1962, where he worked with the legendary TK Whitaker. He joined the newly created Department of the Public Service in 1973 as a Principal Officer. He was promoted to Deputy Secretary in 1979.

He was also chairman of the Top Level Appointments Committee, which advises government on appointments to the very top levels of the Irish civil service.

As Ombudsman, he was appointed Ireland's first Information Commissioner when the Freedom of Information Act, 1997 came into force on 21 April 1998.

During Kevin's term there were countless cases which illustrated his dogged defence of those who came up against intransigence in public bodies.

In one case a group of widows of former public servants had tax wrongly deducted from their pensions. While the Revenue Commissioners acknowledged they were due a refund, they refused to pay interest on the amounts due, so the money which became due in 1997 was repaid at the value it had in the 1980s.

He upheld the claim of the widows for interest, and when it was refused, he brought a report to the Oireachtas which resulted in the Oireachtas Finance Committee voting that the Revenue Commissioners should pay all the money.

Kevin also led an investigation into the illegal charging of elderly people for nursing home care, which ultimately led to the State refunding more than €365 million to medical card holders.

As Ombudsman, Kevin was also a member of the Public Offices Commission when it was established in 1995 (and its successor - the Standards in Public Office Commission established in 2001).

He was held in high regard by his colleagues in the international community, with the Danish Ombudsman describing him as the "greatest mentor" of others in that community.

Kevin died on 5 March 2012. Commenting at the time, the then Ombudsman Emily O'Reilly paid tribute to her predecessor saying: "Kevin exemplified everything that is good about the public servant and the public service. He did his work diligently, thoughtfully and modestly. The values that should be embedded in our public service were deeply embedded in him, and his legacy will be a renewed effort on the part of this Office towards honouring those values and his memory through our own service to the public."



'03

'13

Emily O'Reilly

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We constantly strive not only to assist our complainants in getting redress or a remedy to their problem, where we have found maladministration but also to encourage public bodies to bring forward new procedures, policies or management changes to ensure that similar complaints do not recur. Learning lessons from resolved complaints and putting in place systemic change is a key goal of my Office.

”

Emily O'Reilly was appointed Ireland's third Ombudsman and its first female Ombudsman and Information Commissioner by President Mary McAleese in 2003. In addition, Emily became the first Commissioner for Environmental Information in 2007.

During her 10-year term Emily instigated many high profile investigations including the "Who Cares?" investigation in 2010 into the actions of the Department of Health and Children, and the HSE, regarding the right to long term nursing home care for older people, and the "Lost At Sea Scheme" investigation into the Department of Agriculture, Fisheries and Food's refusal to approve a family's application under the scheme and to pay compensation recommended by the Ombudsman.

Emily also oversaw a major change in processes within the Office that resulted in a significant increase in the volume of complaints dealt with despite a reduction in resources.

Emily was also a member of the Standards in Public Office Commission, the Commission for Public Service Appointments and the Referendum Commission.

Emily was conferred in 2008 with an Honorary Doctorate in Law by the National University in Ireland for her work in promoting human rights throughout her career. In 2014 she was awarded an Honorary Doctorate of Law from University College Dublin for her decade long commitment as Irish Ombudsman.

In 2013 Emily was elected as European Ombudsman by the European Parliament. She was re-elected twice (in 2014 and again in December 2019).

As a former journalist, author and political editor, Emily's career has attracted significant domestic and international recognition, including a Harvard University Fellowship in 1988 and multiple national awards. She has written three critically acclaimed books on Irish politics and media.

In the course of her journalistic career, she won two awards: Woman Journalist of the Year in 1986 and Journalist of the Year in 1994.



'13

'21

Peter Tyndall

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The work of an Ombudsman is to consider complaints from users of public services, and where these are well founded, and the individual has suffered an injustice because of the actions of a public service provider, to obtain redress for the complainant. However, the real strength of the role lies in the opportunity to put things right, so that the same errors are not repeated.

”

Peter Tyndall served as Ombudsman and Information Commissioner from his appointment by President Michael D Higgins in 2013, until 2021 when he retired.

During his time as Ombudsman he led a number of key investigations into public services including the investigation which provided justice for women excluded from the Magdalen Restorative Justice scheme (Opportunity Lost), and the Office's first 'own initiative' investigation which led to significant improvements in hospital complaints systems (Learning To Get Better).

He also published "Wasted Lives: Time for a better future for younger people in Nursing Homes". This investigation looked at the appropriateness of the placement of people under 65 in nursing homes for older people.

Peter Tyndall's report, "Fair Recovery" resulted from an investigation regarding the Department of Employment Affairs and Social Protection's handling of overpayments.

He published "A Good Death", in June 2014 in response to complaints received relating to end of life care. The recommendations assisted service providers and policy makers to improve their practices.

Peter also oversaw an expansion of the Ombudsman remit when complaints about private nursing homes and direct provision bodies came under jurisdiction.

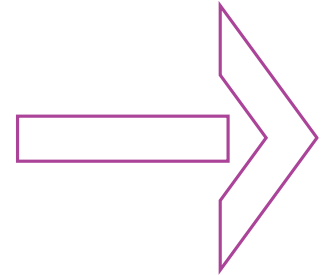
In 2016 his knowledge and vast experience of the Ombudsman world was acknowledged when he was elected President of the International Ombudsman Institute.

Peter also held the roles of Information Commissioner and Commissioner for Environmental Information. He was also a member of the Standards in Public Office Commission, the Commission for Public Service Appointments and the Referendum Commission.

Peter, who is from Dublin, served as Public Services Ombudsman for Wales from 2007 to 2013. He was Chief Executive of the Arts Council of Wales and Head of Education and Culture for the Welsh Local Government Association. Peter worked in a variety of senior positions in housing and social care. In particular, he developed housing and support services for people with intellectual disabilities.



'22



Ger Deering

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We are deeply committed to a human rights-based approach. People deserve to be treated with dignity and respect. Our focus isn't just on whether someone receives a service or grant but on how they are treated throughout the process. We look at the fairness and respect shown to individuals in their interactions with public bodies. When fairness, transparency, and inclusion are the standard—that's success.

”

Ger Deering was appointed Ombudsman and Information Commissioner by President Michael D. Higgins in January 2022.

In his role as Ombudsman Ger has drawn on his vast knowledge and experience of both the public and private sector. He has championed the Ombudsman outreach work with a focus on ensuring that those who are marginalised in our society are aware of, and have access to, Ombudsman services. He has seen the Office deal with a significant and consistent increase in enquiries and complaints relating to public service providers.

In 2023 Ger led an investigation into Treatment Abroad schemes (In Sickness and In Debt), which resulted in significant improvements to the schemes, and benefitted not only those who complained to the Ombudsman but many people in the future who will engage with the schemes.

Ger also became the first Protected Disclosures Commissioner in 2023 in addition to his roles as Information Commissioner and Commissioner for Environmental Information. He is also a member of the Standards in Public Office Commission, the Commission for Public Service Appointments and the Electoral Commission.

Prior to his appointment as Ombudsman Ger led the amalgamation of the offices of the Financial Services Ombudsman and the Pensions Ombudsman and became the first Financial Services and Pensions Ombudsman. In this role he led a significant change programme that resulted in many more complaints against financial service providers being resolved through mediation.

Ger was the founding Director of the National Employment Rights Authority where he promoted compliance with employment rights and secured redress for employees who were denied their minimum statutory entitlements. He also played a key role in leading the Workplace Relations Reform Programme which resulted in the replacement of the five workplace bodies with a simplified and more effective two-tier user-oriented national workplace relations service.

Ger was the first National Commissioner for Taxi Regulation, where he introduced a range of reforms to the industry. He has also worked in local and central government, and community development, in addition to having been self-employed.

40 Cases **from 40 years**

1984

Wedding dress lost in the post found just in time for the big day

Background

Ten days before her wedding, a bride-to-be sent her wedding dress and two bridesmaids' dresses by registered post to an address in the next county for alterations. The parcel never arrived.

On 19 July, 1983 the woman had registered the parcel in a provincial Post Office for delivery in an adjoining county. When it had not arrived two days later she made enquiries and discovered that there was a postal dispute in the Central Sorting Office in Dublin, involving registered post only.

After a number of lengthy telephone calls to the Department of Posts and Telegraphs* she was advised to come to Dublin in the belief that her parcel had been found there. She did so on 22 July. On her arrival at the Central Sorting Office she discovered that the staff were totally unaware of her problem and that no such parcel had been found. Having stayed in Dublin overnight she returned again the next day to the Sorting Office but to no avail and went home in the afternoon.

Monday the 25th was spent making telephone calls to the various offices concerned but again without success. The next day the woman and her two bridesmaids travelled to Dublin and spent the whole day until 9.30 pm trying to locate the missing parcel.

At this stage a word of praise is due to the office workers who remained on after their day's work to assist in tracing the parcel. But despite their efforts the bride-to-be left Dublin yet again, without the dresses – two days before her wedding.

Around midnight on the same night the woman received a telephone call to say that the parcel had been found. An error had occurred and the parcel had been misdirected to "Foreign Section" where it was eventually located. She had to go to Dublin again on the following day to collect it. Subsequently, she wrote to the Department seeking expenses for inconvenience caused but the Department refused to pay her any compensation.

Investigation

The Ombudsman took the matter up with the Department of Posts and Telegraphs* and from enquiries he was satisfied that the woman had been the unfortunate victim of administrative bungling.

Outcome

Within a few weeks the Ombudsman received a letter stating that the case had been reviewed and that a cheque for £80 in respect of expenses incurred by the woman had been sent to her.

***In 2011 responsibility for the examination of complaints about postal services was transferred from the Ombudsman to the Commission for Communications Regulation - ComReg.**

1985

Improvement in the notification of disability benefit decisions

Background

A man who was in receipt of Disability Benefit was called for a routine examination by a Medical Referee eight days before Christmas. As a result of this examination, payment of Disability Benefit was stopped from 17 December, the date of the examination. He did not receive notification of the decision until 31 December, 14 days after the examination date.

The man complained to the Ombudsman that there had been a delay in informing him of the decision. He added that if he had been informed at an earlier date he could have applied for Unemployment Benefit or Supplementary Welfare Allowance and so received some payment before Christmas.

Investigation

Following the Ombudsman's preliminary examination of the case, the Department of Social Welfare suggested that the man should appeal the decision. This approach was acceptable to the man.

The Ombudsman was concerned, however, at the possibility of others being affected in the future by similar delays. Under the arrangements in place at the time, insofar as persons submitting weekly medical certificates are concerned, a decision to disallow benefit usually means that payment is stopped with effect from the date of the medical examination, even though notification is not received by the person until sometime later.

Outcome

The Department accepted that the arrangements in place at the time can cause hardship and agreed to alter their administrative procedures. Under the revised arrangements the decision to disallow payment following a Medical Referee's report should not take effect until seven days after the date of the examination.

1984: The Office of the Ombudsman opens at 52 St Stephens Green



1986

Extension of joint passport concession

Background

In 1986 a standard passport was issued for a 10-year period and cost £30. A spouse could be included on it free of charge. As a concession the Department of Foreign Affairs issued to individuals under 18 years and over 65 years, one-year passports at a cost of £3.

A couple, one aged 72 and the other aged 63, applied for a joint one-year passport but were told that these passports were issued to individuals only and a spouse could not be included on one. The couple complained to the Ombudsman that this practice was unfair.

Investigation

In the course of the Ombudsman's preliminary examination the Department of Foreign Affairs confirmed that the yearly £3 passport was intended to assist the young and the elderly, but that these passports were issued to individuals only. The Ombudsman considered that this practice could have the effect of negating the concession, as in the case of this couple.

The Ombudsman asked the Department if, at the time of initiating the concession, it was their clear intention to exclude holders of a joint passport from availing of the concession.

Outcome

The Department considered the matter and decided that it would be the Minister's wish to interpret the rule in the most favourable way for those entitled to the concession. Accordingly, the Department extended the concession to joint passports for married couples over 65.

In addition, a person under 65 could be included in the yearly passport if his/her spouse was over 65. The effect of this was that a person, in a similar position to the complainant who brought the complaint to the Ombudsman, can now get a one-year passport at a cost of £3 and can have their spouse included on it free of charge, even if he or she was under 65 years.

1. INTRODUCTION

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

1985: Introduction to the first Ombudsman Annual Report

1987

Grant for surrendering a local authority house secured for couple

Background

A couple complained to the Ombudsman that the Department of the Environment refused to pay them the £5,000 grant for surrendering their local authority house. They had been led to believe by their County Council that they would be entitled to this grant. Accordingly, they had proceeded to buy a private house and had surrendered their two bedroomed local authority house. Before signing the contract for the new house their public representative had contacted the Council and he had been assured that the grant would be paid. If there had been any doubt the couple would not have proceeded with the purchase of the house.

The two bedroomed house in which the couple resided was regarded by the Department of the Environment as a Special Category House, that is 'specifically provided for and occupied by elderly persons.' Such houses were excluded from the grant scheme. At the time they applied for the grant the couple were aged 62 and 61 years.

The Council, when processing the application, had doubts as to whether it qualified under the scheme and accordingly wrote to the Department of the Environment requesting that it be treated sympathetically. However, the Department replied saying that no exceptions could be made to the scheme.

Investigation

When the Ombudsman examined the Council's files on the matter he noted that the Council's letter of May, 1986 to the couple made no reference to the exclusion of Special Category Houses. The couple were tenants of the house since 1979 and could not have been regarded as elderly at that time. On enquiry the Council informed the Ombudsman that the two-bedroomed houses in question had been provided not only for the elderly but also for single persons, unmarried mothers and couples with small families.

In other words, the house, which initially was granted to the couple on health grounds when they were not elderly was not a Special Category House in that it was not "specifically provided for and occupied by elderly persons."

When the Ombudsman pointed this out to the Council it accepted this and agreed to pursue the matter again with the Department of the Environment.

Outcome

The Department indicated that in the circumstances they had no objection to the Council approving the grant for payment. The couple received the £5000 grant.

1988

Transparency brought to the notification of medical card decisions

Background

A farmer complained to the Ombudsman that his application for a medical card had been refused by a Health Board and that the Health Board had refused to give him details of the income assessment on which they relied in making the decision.

Investigation

The Health Board said that the furnishing of figures to the applicant would inevitably lead to endless correspondence about their interpretation of the figures and would not have the effect of changing their decision.

The Ombudsman informed the Health Board that he considered that their position, in not informing farmer applicants for the medical card of the method and outcome of the means assessment, constituted an unfair administrative practice. The question was not whether the applicant was granted a medical card. His concern was whether the Health Board had acted fairly in their handling of his application. He believed applicants have a right to know the basis on which decisions are taken as it is very difficult for an applicant to appeal against a means assessment in a situation where the applicant does not know either how the assessment was made or at what level the means were assessed.

Effectively, the Health Board practice provided no opportunity for the applicant to be satisfied that the decision was properly taken; furthermore, it restricted the likelihood of attention being drawn to an instance where a mistake had been made.

Outcome

After protracted correspondence, the Health Board informed the complainant of the details of the income assessment on which they had relied in his case.



Copies of the Annual Reports of the Office of the Ombudsman 1984–93

1989

Support secured for suitable education for a deaf child

Background

The parents of a profoundly deaf child of a Church of Ireland family complained to the Ombudsman about the refusal of the Department of Education to provide financial assistance towards the cost of educating their daughter at a school in England.

The child attended a primary school that had some experience in teaching deaf children. In addition, she attended a Deaf Clinic and was assisted by a Visiting Teacher of the Deaf. When the child was eight years old her parents initiated enquiries about her future education by writing to the Department of Education. They received an acknowledgment to their letter but no reply to a number of issues raised by them.

Some three years later, when the child was in the final year of primary school, they asked the Department of Education whether additional back-up facilities for their child would be provided at the secondary school she hoped to attend. The Department told them that a weekly visit of a Visiting Teacher of the Deaf was all that could be provided. That was not regarded by the parents as sufficient to take a profoundly deaf child through the secondary curriculum at a hearing school. The parents had, by this time, identified a second level school in England which catered specifically for deaf children. The Department of Education advised the parents of the existence in Ireland of a special school for the deaf which caters for children of all denominations.

The parents, however, while recognising the undoubted merits of the school, were most anxious to find a school which met their religious ethos.

The Department concluded that the child could be catered for in the State. Having researched and considered the options put forward by the Department the parents believed they could not meet their daughter's needs. Meanwhile, the child had been awarded a place at the school in England and began her education there with no grant assistance. The parents felt that the refusal of the Department of Education to provide financial assistance towards the cost of educating their deaf daughter abroad was discriminatory and unfair.

Investigation

In response to the Ombudsman's investigation the Department outlined their reasons for refusing to grant-aid the education of the child at the school in England. Among the reasons advanced by the Department was that there was a particular special school which had been in existence for over 100 years and had been acceptable to other Church of Ireland parents. The parents had satisfied themselves that this was, in effect, the only realistic option being held out to them by the Department. This school was, however, in the eyes of the parents, a "convent school" and they had advised the Department that they would "never consider educating their daughter in a convent school."



The family of the late Michael Mills with his portrait

The Department did not accept the validity of the parent's objections on denominational grounds as other Church of Ireland children attended the school. These children also voluntarily attended the school's religion classes. The parents of the child did not wish her to attend the school's religion classes and they feared that if she alone were to be withdrawn from these classes she would be identified as an "outsider".

They appealed the Department's decision. However, they received no reply to their appeal and the Department did not correspond or contact them again until fourteen months later at which stage the child had completed a year at the school in England.

The Ombudsman found that the Department had not acted in accordance with the principles of fair and sound administration.

Outcome

The Department agreed that payment would be made on the basis of the estimated cost of providing for the education and maintenance of a pupil at a residential special school in Ireland. This payment would apply over the period of the child's attendance at the school in England.

1990

Exclusion of persons over 70 from disabled persons grant reversed

Background

An elderly couple with disabilities complained to the Ombudsman about the refusal of the Local Authority to award them a Disabled Person's Grant to help with the cost of the installation of a stair-lift in their home.

Under Article 22(1) of the Housing Regulations, 1980, housing authorities were enabled to make grants and contributions in kind to persons carrying out improvement works to houses where a member of the household has either a physical disability or has a severe intellectual disability.

The couple applied for the grant following advice from their General Practitioner (GP). For a period, the husband slept on an armchair in the living room but this was too uncomfortable and he resumed sleeping upstairs. In October 1987, the GP advised that the practice of carrying the man up and down the stairs should be discontinued immediately.

The family contacted the Local Authority for advice. The Local Authority sent them an application form for the Disabled Person's Grant. In the meantime, the family, on the advice of the Irish Wheelchair Association, had a stair-lift installed. They borrowed from a bank to do so.

On receipt of the application for the grant the Local Authority requested the Director of Community Care (DCC) of the Health Board to investigate the application and determine whether the applicants came within the scope of the Scheme. The DCC reported that the husband was medically eligible for the grant (it later transpired that the eligibility of the husband only was assessed by the DCC and having established that he was qualified the eligibility of his wife was not considered further). The County Manager, on receipt of the DCC's recommendation, decided to reject the application on the grounds that grants should be reserved for persons under 70 years of age.

Investigation

Responding to the Ombudsman's investigation the Local Authority stated that the payment of the Disabled Person's Grant was at the discretion of the Manager. The Local Authority had decided that an age limit of 70 years should be enforced, particularly in times of very scarce financial resources when funds should be retained to cater for young or middle-aged persons with a physical disability.

The Ombudsman sought the views of the Department of the Environment on the operation of the age limits. The Department of the Environment took the view that while the right to decide on entitlement in individual cases lay with the Local Authority, old age was not regarded as a qualifying or disqualifying factor in the Scheme.



1990: Ombudsman staff at 52 St Stephens Green (Michael Brophy, Maureen Behan and Pat Whelan)

Outcome

The Ombudsman found that in the implementation of a national scheme for persons with a physical disability, the exclusion of persons over 70 years of age was contrary to fair and sound administration and it amounted to discrimination against older citizens. The Local Authority paid the grant amounting to £2,177 (£1,717 grant plus £460 in respect of interest paid by the complainants).

1991

Arrears of 11 years Contributory Old Age Pension paid

Background

The Ombudsman received a complaint from a man who, in October 1975, wrote to the Department of Social Welfare for details of his insurance record. On examination of his record, as supplied by the Department, the man considered that he was not entitled to the Contributory Old Age Pension. In 1988, after a conversation with an official from the Department, he applied for and was awarded the pension from that year. The Department refused to backdate the pension to 1977 when his entitlement to the pension would have commenced. The Department informed him that under the legislation governing the payment of the pension, they could only award the pension on foot of an application form being received by the Department.

Investigation

When the Ombudsman examined the Department's file he found that the man had written to the Department in 1975 advising them that he would be retiring in December 1976. He had asked for details of his social insurance record from 1953. The Department wrote to him giving what was stated to be his full social insurance record. It subsequently transpired that the Department's record was incorrect.

It appeared to the Ombudsman that the only reason why the man did not apply for the pension in 1977 was that he was led to believe that he was not entitled to it on the basis of his social insurance record provided to him by the Department.

In writing to the Department, in the first instance, it was clear that he was trying to determine his entitlement to the pension. In providing him with the incorrect information it seemed to the Ombudsman that the Department of Social Welfare may have been responsible for his not applying for the pension.

Outcome

The Ombudsman asked the Department to review the case. The Department accepted that, had the man been given the correct information in 1975, he would have applied for and received his pension with effect from October 1977. The Department agreed to pay him arrears of pension totalling £33,400.

The Ombudsman subsequently suggested to the Department that the man should be entitled to compensation for the loss of purchasing power arising from the non-payment of the pension over the eleven years. The Department agreed, after considering the matter, to pay compensation amounting to £14,609. The man received in total £48,009, comprising arrears of payment and compensation.

1992

Issue regarding commercial activity in a residential area resolved

Background

A couple, who lived in a private house, complained to their Local Authority that their next-door neighbour, a tenant of the Local Authority, was manufacturing aluminium windows at his house. The noise was a source of great nuisance to them but the Local Authority took no action. They then complained to the Ombudsman. When the Ombudsman raised this matter with the Local Authority it said that the tenant had recently moved his operation elsewhere and that they would continue to monitor the situation.

The complainants said, however, that their neighbour only moved his operation after they had taken court action against him which had proven very expensive. They wanted the Local Authority to compensate them for the costs which they had to incur because of the failure of the Local Authority to take appropriate action against the tenant. In the course of his examination, the Ombudsman established that the couple had been complaining to the Local Authority for about four years, without success, before deciding that they had no option but to initiate legal proceedings themselves. They could not understand how the Local Authority had successfully taken action under the planning legislation against another neighbour, living in a private house, who was also manufacturing windows and yet were unwilling to take similar action against their own tenant.

The Local Authority explained that they could not take action in this particular case under the planning legislation as they themselves were the landlords. They agreed, however, that they could, and should, have taken action under housing legislation to bring an end to the manufacture of the windows by their tenant.

Accordingly, they offered £2,200 for the costs incurred by the complainants in bringing their neighbour to court and for damage allegedly caused to their boundary fence by the neighbour. The offer of £2,200 was not acceptable to the complainants as this would have barely covered the costs incurred up to the date of the offer. Because the complainants had taken the court action against their neighbour, considerable animosity had built up between them, and there were ongoing legal proceedings between the parties. The complainants argued that those legal proceedings would not have arisen had the Authority taken the appropriate action 4 years earlier. Accordingly, they claimed that the Authority should pay their future legal costs to bring the case to finality. The estimated overall costs of their claim was £4,900.

Investigation

The Ombudsman explained to both the complainants and the Local Authority that the amount already offered as compensation for costs and damages incurred did not appear to be unreasonable. However, he said that it would not be appropriate for him to intervene at this juncture, insofar as future legal costs were concerned, in view of the fact that the legal proceedings in question had not taken place. The Ombudsman said that he would be willing to examine any future complaint in this regard.

He added that the Local Authority and the complainants should not feel precluded from negotiating a mutually acceptable agreement notwithstanding that a complaint had been made to the Ombudsman.

Outcome

Negotiations between the complainants' solicitor and the neighbour's solicitor concluded in the withdrawal of all existing claims and counter-claims between the parties. Accordingly, since there would be no future legal costs, the complainants accepted the Local Authority's offer of £3,000 in full and final settlement of their complaint.

Special diet allowance paid

Background

A woman, whose daughter was a diabetic and had been prescribed a special diet, complained about the refusal of her Health Board to grant an allowance towards the special diet for her daughter under the Supplementary Welfare Allowance Scheme. The family which consisted of the husband, wife and four children relied on long-term Unemployment Assistance from the Department of Social Welfare.

Investigation

When the Ombudsman raised the matter with the Health Board they responded that the allowance had been refused because it was its opinion that the diabetic diet would not cost any more than the normal diet for a girl of similar age and, if any additional cost arose, it could be met from their income from Unemployment Assistance.

From research the Ombudsman was satisfied that the family could not meet the cost of the diet from their Unemployment Assistance. He contacted the relevant consultant physician in the Health Board who advised that a "prescribed diet is an important and essential part of her medical treatment and she does have to adhere strictly to the dietary regime as outlined by our dietitians".

The Ombudsman also established that the prescribed diet was the subject of agreed costings between the Irish Nutrition and Dietetic Institute and another Health Board. These costings indicated that a dietary supplement would, in similar circumstances, be payable in that Health Board area.

Outcome

The Ombudsman requested that the Health Board review its decision. On review, the Health Board agreed to pay a supplement of £17.20 per week with effect from the date of application. The Board also advised that they had instigated a broader review of the general issue of dietary supplements and that, in future, such requests would be considered in the context of the costings of the Irish Nutrition and Dietetic Institute, as already agreed and implemented, in another Health Board area.

Arrears of disability benefit paid to person with multiple sclerosis

Background

An issue had arisen on a number of occasions in relation to the entitlement to Disability Benefit (DB) or Invalidity Pension for people who have contracted serious long-term illnesses, such as Multiple Sclerosis (MS). The problem was that the extent of incapacity can be hidden in the early years of the illness and claims for DB may well be rejected. By the time the full extent of the illness has become manifest, the person may no longer have had the required number of social insurance contributions so the person was regarded as ineligible for benefit.

The complainant was confirmed as having MS in July 1981. However, she had been in ill health since 1977 when she had to give up employment. She received DB for a short period in 1977/1978 but this was withdrawn as she was regarded by the Department of Social Welfare as being capable of work.

The complainant returned to work in 1979 but after two days she was forced to leave the job as she was constantly stumbling, losing her balance and falling over from time to time. Her DB was not restored. The complainant said she appealed the withdrawal of DB in 1978 but that she never received any result on this appeal. The Department, on the other hand, said it had no record of an appeal.

In April 1991, the MS Society made representations to the Department of Social Welfare on behalf of the complainant.

The MS Society felt that she should have been receiving DB since the onset of her illness but that she had failed to pursue her entitlement (a) because of the severity of her illness and (b) because she had appealed but had not received any outcome. The response of the Department was to say that Benefit could not be paid as the complainant had no recent record of social insurance. The question of awarding retrospective social insurance credits - based on the woman's incapacity - was raised. However, the Department took the view that, as this request was not made until April 1991, it was well outside the prescribed timescale for claiming such credits. This was despite the fact that the legislation provides that the Minister has discretion to extend the period within which such credits may be claimed.

Investigation

The Ombudsman's attention focused primarily on the issue of the retrospective award of social insurance credits. In this case such credits would have to be awarded from April 1981, at the latest, if the continuity of her social insurance record was to be restored. There was considerable difficulty in establishing her right to such credits. The main problem arose from the fact that MS was not confirmed until July 1981. The consultant who made this diagnosis had not examined the woman prior to July 1981.

Whereas the consultant did say that, in his opinion, it was probable that the woman had been incapable of work for a period of months prior to his diagnosis, the Department was reluctant to accept this as a sufficient basis for awarding incapacity credits in the period prior to July 1981.

Outcome

A solution was eventually found when the Department decided that it could regard the complainant as having been unemployed in the period prior to July 1981. This allowed for the retrospective award of unemployment social insurance credits for that period. Once this was done, the continuity of her insurance record was restored and it was possible to award credits back to 1978. The eventual outcome was that the Department paid DB retrospective to April 1991 - the date from which the MS Society had made representations on her behalf.

Gaeltacht housing grant paid

Background

This complaint arose from the refusal in 1992 of the Department to pay a Gaeltacht House Improvement Grant on the grounds that the applicant was not regarded as being “normally resident” in the Gaeltacht. The applicant had ties with the particular Gaeltacht for some years and proposed to live there with his family. He bought a derelict house in the Gaeltacht and set about renovating it as his family home. While the improvement works were underway, he lived with his family in rented accommodation a few miles outside the Gaeltacht boundary. The grant application was made from this temporary address. The applicant did not own a house anywhere else in the State.

In his complaint, the applicant contended that the Department’s rejection of his application was unreasonable. He argued that the object of the particular Gaeltacht housing legislation must surely be to encourage Irish-speaking families to move to live in the Gaeltacht.

Investigation

When the case was examined it became clear that the governing legislation did not require the applicant to be “normally resident” in the Gaeltacht. Rather, it required that the applicant should be the “occupier” of a dwelling house in the Gaeltacht. It emerged that the Department interpreted the term “occupier” as meaning “normally resident”.

The applicant and his family had, by the time they made the complaint, established their permanent home in the Gaeltacht. On examination the Ombudsman considered it to be unduly restrictive, in the context of the Gaeltacht housing grant scheme, to equate the term “occupier” with being “normally resident” in the Gaeltacht. Furthermore, it emerged that, had the applicant made his application from a rented address in the Gaeltacht, this particular problem would not have arisen.

Outcome

Following a series of contacts and discussions with the Department, it eventually reviewed its decision and decided that the applicant could be regarded as satisfying the requirement relating to being the “occupier” of a dwelling house in the Gaeltacht at the point of making his application. On this basis, the grant sought, amounting to £2,470, was paid.

1996

Water supply issues resolved

Background

The complainants were an elderly couple living in County Leitrim, close to the border with County Donegal. The case proved to be complex and protracted and involved Leitrim County Council and Bundoran Urban District Council (UDC). While the complainant's water source was located in County Leitrim, the system to which they were connected was originally used to supply Bundoran in County Donegal. In 1978 Bundoran began to use an alternative water source for their Donegal consumers. The consumers in the Leitrim County Council functional area, who had continued to rely on the old system, were informed in 1987 that Bundoran UDC would no longer take responsibility for supply or maintenance of the pipeline.

In 1984 Bundoran UDC had requested Leitrim County Council to take responsibility for the scheme. A lengthy legal wrangle developed between the two local authorities over the terms of the take-over. While the complainants were no longer being asked to pay water charges, their water supply had deteriorated greatly over the years due to the lack of maintenance. They had effectively become victims of the impasse between the two local authorities.

Investigation

The Ombudsman sought to put the focus on the plight of the elderly complainants rather than the broader dispute between the two local authorities.

The complainants were persons with a disability, living in poor circumstances, who felt powerless to influence a situation which they had not created.

Outcome

Following discussions with this Office, Leitrim County Council agreed, in the first instance, to make a local Waterworks Caretaker available to the complainants to assist in any minor water supply problems which might arise. It also agreed to carry out a series of technical investigations to determine whether a long term solution could be found. This resulted in a decision to replace the pipeline to the complainants' house as part of a local Road Improvement Scheme. This new pipeline would then be connected to a new County Leitrim pipeline system in the area which would restore normal supplies to the complainants.

1997: Ombudsman Kevin Murphy attends a book launch with UCC School of Law's Maeve McDonagh



1997

Department agrees to pay reasonable legal costs

Background

A man complained that, due to an error on the part of the Department of Justice, Equality and Law Reform, the Minister wrote to him on 21 June 1996 stating that he (the complainant) had written a letter to her in which he had made representations on behalf of a person serving a sentence for serious fraud and that she found his letter to be “unwise and intimidatory towards my statutory powers”.

The complainant immediately telephoned the Minister’s Private Secretary and was given a verbal assurance that the letter had issued in error and that it was accepted that he had not written the offending letter to the Minister. He considered the matter to be of a very serious nature and he instructed his solicitor to approach the Minister seeking a formal acknowledgement that he was not the author of the letter, confirmation that it had not been passed to any third party, that his name be removed from all records and that his solicitor’s fees be settled by the Minister.

The complainant received a letter from the Minister on 18 December 1996 which addressed the points raised by the solicitor but it did not accept that the Minister would settle the solicitor’s charges.

Investigation

When the man complained to the Ombudsman in May 1997 we asked the Department to review its decision in relation to the complainant’s legal costs. The Ombudsman was satisfied that the complainant had suffered adverse effect as a result of an undesirable administrative practice on the part of the Department.

However, the Department maintained that this was an action of the Minister in relation to a private constituency matter and added that the Department held no records in relation to the correspondence.

The Ombudsman’s view was that the correspondence related to functions assigned by law to the Minister and that this was not a private constituency matter. The Ombudsman also expressed some doubt as to the legal basis for the Department’s argument that there was a distinction between the actions of the Minister and the actions of the Department.

Outcome

Following further correspondence, the Department agreed to pay the reasonable legal costs incurred by the complainant.

1998

Discrimination against cohabiting couples under drug scheme ended

Background

Difficulties arose in a number of areas where more favourable treatment was available to married couples compared to cohabiting couples. In some of these instances, the unfavourable treatment was institutionalised in primary legislation and public bodies had no discretion. The treatment of cohabiting couples compared to married couples for tax purposes was one such example. However, in other instances, including this case involving the Southern Health Board (SHB), public bodies did have the flexibility to avoid such unfair bias.

The complaint came from a couple, cohabiting as man and wife, but not married to each other. Each partner was eligible for, and availed of, the Drug Cost Subsidisation Scheme. This Scheme subsidised the costs of drugs and medicines for people who did not have a medical card or a long-term illness book and who were certified as having a long-term medical condition with a regular and ongoing requirement for prescribed drugs and medicines. People who qualified for the Scheme paid only the first £32 for all of their prescribed drugs and medicines in any one month. However, the SHB regarded the complainants as two single people and therefore each was liable for the first £32 per month (£64 between the two of them) spent on drugs and medicines. Had they been a married couple in similar circumstances, they would have to pay only the first £32 per month between the two of them.

1998: The Office of the Ombudsman moves to 18 Lower Leeson Street

Investigation

When the Ombudsman contacted the SHB it argued it was operating the Scheme in accordance with Departmental guidelines and, accordingly, referred the Ombudsman's correspondence to the Department of Health and Children. In the absence of any clarification of the issue in health legislation, the Department took the view that it would be reasonable to adopt a practice provided for in social welfare legislation. Under social welfare law, and for a range of specified purposes, a couple regarded as cohabiting were treated in exactly the same manner as is a married couple.

Outcome

The Department accepted that, for the purposes of the Scheme, a cohabiting couple should be treated as one family unit and should, therefore, be liable only for the first £32 per month of joint medical and drug costs. The couple received a refund of £1,000 to cover the extra costs incurred in the two years prior to the new ruling. The Ombudsman requested the Department of Health and Children to ensure that all health boards were informed of this clarification.



Retrospective scholarship awarded

Background

A complaint made against the Department of Education and Science (DES) related to the assessment of means for the purposes of a Higher Education Grant even though the student had by then completed a six-year medicine course in Cork. Some months into the examination of the complaint by the Ombudsman, the Dáil Deputy, who had made the complaint on behalf of the student, submitted a letter he had received from the student's mother. This letter was primarily about the means assessment but mentioned, in passing, that her daughter had been discriminated against previously when she was unable to avail of a Trí Ghaeilge Scholarship. This was a scholarship available to students whose second-level education had been through Irish and who, at that time, proposed to study one of a list of approved courses at University College, Galway (UCG). The mother mentioned that, when her daughter began in university in 1991, medicine was not (but was then) one of the approved UCG courses for the purposes of the Scholarship. The daughter opted to study medicine in Cork, which was nearer home, because she understood the Trí Ghaeilge Scholarship would not be tenable were she to study medicine in Galway.

Investigation

The Ombudsman was aware from other complaints of inconsistencies over the years in the administration of this scholarship scheme.

Specifically, he was aware that, whereas medicine was not listed as an approved UCG course, scholarships had been awarded to students doing medicine in Galway. It was clear that this student had assumed, quite reasonably, that as medicine was not on the list of approved UCG courses then she could not avail of the scholarship to study medicine in Galway. In practice, had she approached the DES on the matter it was most likely that it would have awarded the scholarship even though medicine was not on the list of approved courses. In effect, it seemed that this student had suffered because she was not made aware of an unwritten rule governing the scholarship scheme.

Outcome

The Ombudsman believed that it was wrong that the student should have lost out on a substantial scholarship, over six years, because she had taken the written scholarship rules at face value. The DES accepted this position and decided to give her the benefit of the scholarship even though she had studied in UCC rather than in Galway. The DES paid the student scholarship arrears of €10,319 and an additional €1,273 in compensation for the delay in awarding the scholarship.

Woman allocated new home after repossession of former home

Background

In 1998, a tenant of Kildare County Council was admitted to hospital. During her two week stay in hospital she became very worried about her house as she was in substantial arrears of rent and the house had been damaged during a break-in. She complained to the Ombudsman stating that while she was in hospital, she contacted the Council to say that she was not able to cope with the house. The Council then repossessed the house and boarded it up for security reasons. This left the woman homeless on leaving hospital.

The Council stated that the woman visited its offices in July 1998 and indicated that she wished to surrender tenancy of her house. She was advised that she should not give up her house until she was absolutely sure about the consequences. She was also told that if she applied for rehousing to the Council, the fact that she had handed back a Council house would have to be taken into account.

Shortly afterwards, the Council considered the woman for a swap of tenancies with another Council tenant who was living in overcrowded conditions in a one-bedroom flat. However, the Council took the view that, because the woman was in arrears of rent, totalling £941 (€1,194.82), and had vacated her house, it was not prepared to grant the house swap. Subsequently, the woman made a new application for housing to the Council.

The Council informed the Ombudsman that as the woman was single, living alone, she could not be reallocated a three-bedroom house (her former home) as it was more suitable for a family.

Investigation

The Ombudsman was concerned by the Council's actions in taking possession of a house from one of its own tenants without her written consent. It was not clear when or how the Council took possession of the house. However, it was obvious that at no time did the woman give written consent, in the form of a Vacancy / Closure Order, to the Council, nor, it appears, was she asked to sign any. This was a serious administrative error by the Council.

The Council had taken possession of the woman's home even though:

- a. she had recently been discharged from the acute psychiatric unit of a hospital;
- b. the Health Board had offered to carry out repairs to the house;
- c. she had been reducing the rent arrears on her house from £1,900 (€2,412.50) in 1991 to £940 (€1,193.55) in September 1998;
- d. she had not formally surrendered the house;
- e. the Council had not formally taken possession of it.



2002: Ombudsman staff in the Leeson
Street office

The primary question which arose was whether, at the time the complainant contacted the Council to surrender her house by word of mouth, she was capable, due to her illness, of understanding the implications of her actions.

Outcome

The Council allocated a one-bedroom flat to the woman and agreed to give her £300 (€380.92) in compensation for the alleged loss of some of her possessions during the period when it repossessed her former house. The Council also reviewed its procedures for taking possession of houses handed back by former tenants.

2001

Capital Acquisitions Tax exemption for 'de facto' adopted children

Background

Two people complained to the Ombudsman about difficulties they had experienced with regard to Capital Acquisitions Tax. Both individuals had been brought up as adopted children. However, in one case, a technical problem prevented the child from being legally adopted and, in the other case, documentation certifying that he had been adopted could not be found.

Both of them inherited property on the death of their 'adoptive' parents. However, because of the problems associated with the 'adoption' in each case they were not deemed to be entitled to the tax-free threshold entitlement of a child in relation to the inheritance received.

This meant that for one of them an Inheritance Tax liability in excess of €63,487 (£50,000) was levied.

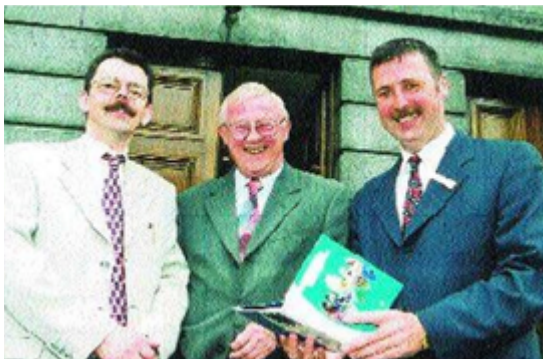
The other person was deemed to have incurred a liability of €4,315 (£3,398) when he inherited his "adoptive" parent's house. This was despite the fact that this was the home in which he had lived for twenty years and in which he continued to live. In the latter case, because of the man's straitened circumstances, the Revenue had already agreed to postpone the collection of the tax but it also indicated that it would not postpone the collection indefinitely.

Investigation

The Ombudsman engaged with revenue with regard to what he believed was an unreasonable approach.

Outcome

Having reviewed the circumstances of each case it Revenue accepted that both complainants should be entitled to the full tax free threshold which exempted both of them from liability to Capital Acquisitions Tax on their inheritance.



2001: Ombudsman Kevin Murphy presented a Quality Award to the appeals service of the Mid-Western Health Board

Domiciliary Care Allowance paid retrospectively

Background

The Ombudsman received a complaint from a representative of a support group for parents with autistic children in relation to Domiciliary Care Allowance (DCA) entitlement. When he examined the complaint he found that there were different practices operating within the same health board in relation to the payment of DCA.

The complaint was that members of the support group who had applied to Community Services in Laois/Offaly for DCA in respect of their autistic children were awarded the allowance from the date of application. However, members of the group living in the Longford/Westmeath area were awarded the allowance from their child's date of eligibility. The complainant considered that the parents living in the Laois/Offaly area were being treated in a discriminatory manner and that arrears should be paid to them from the time that their children became eligible for the allowance. The complainant also contended that, in all of the cases she represented, the children had involvement with the Board and its staff in relation to their condition prior to being awarded DCA. However, the parents had not been advised of their possible entitlement to the allowance. This was the reason why they had not submitted their claims at an earlier date.

Investigation

The Ombudsman pointed out to the Health Board that there was an onus on its staff to inform their clients of the existence of various welfare entitlements. He considered it reasonable to expect in cases of this nature, where there had been contact between the Board's staff and the children, that the staff would have brought the possible entitlement to DCA to the parents' attention. He pointed out that in 1996, he had sent a memorandum to the Chief Executive Officers of all health boards in relation to claims for retrospective payment of DCA, which dealt with the general issue of the provision of information in the light of prior professional involvement by health board staff generally. The principle had been accepted at the time.

Outcome

The Board reviewed the applications involved and agreed to pay arrears in each of the 17 cases. The arrears were backdated in each case to the child's second birthday, which was in accordance with the conditions of the scheme for applicants who applied prior to April 2001. The arrears amounted to €76,445 in total.

Disabled Persons Grant paid due to exceptional circumstances.

Background

The Ombudsman received a complaint against Dún Laoghaire - Rathdown County Council on behalf of a man who had applied for a Disabled Persons Grant (DPG). This grant allows a person adapt or carry out works to a house to make it more suitable for the accommodation of a person with a disability. The applicant was terminally ill. He had been refused a grant by the Council because the builder who carried out the work on his home had not produced a tax clearance certificate.

The Regulations stipulated that a builder who carries out work under the scheme must have a tax clearance certificate. The Office of the Ombudsman has always accepted the need for such measures, and regards them as a generally fair and reasonable way of underpinning Government policy.

The Council had considered the matter carefully but believed it was bound by the terms of the relevant Regulations which prevented it from paying a grant until a tax clearance certificate was presented. The Council could not be faulted for acting correctly within the law as it stood.

Investigation

Having considered the compelling nature of this case, however, and the very unfortunate circumstances in which the complainants found themselves at the time, the Ombudsman considered that there was sufficient grounds for the Minister for the Environment, Heritage and Local Government to invoke a discretionary power which he had, under the Housing Act, 1966 to award the grant in particular circumstances. It was clear that the complainants had, at all times, acted in good faith in undertaking this work. There was also a considerable urgency in having the work done because of the applicant's terminal condition at the time and, finally, the applicant had no way of independently checking on the tax status of the builder. In effect, the Regulations were penalising a terminally ill man and his family rather than the builder, which was never the intention behind the Regulations.

Where discretionary powers exist they should be exercised fairly and flexibly, particularly where the action complained of had led to a disproportionate penalty or adverse effect. The Ombudsman made this case to the Department which was receptive to it. Sadly, the grant applicant died shortly after the Ombudsman had taken up his case with the Department. Under the Housing Act, 1966, the Department needed the consent of the Minister for Finance before it could approve the grant, and when this consent was sought, the Minister for Finance initially refused.

Outcome

The Ombudsman requested the Department of Finance to look at the case again on its individual merits. Having considered the matter, the Minister for Finance reviewed his decision on compassionate grounds and decided to permit the Minister for the Environment, Heritage and Local Government approve payment of the DPG in this case.

In addition, the Finance Act, 2002 included a provision to allow a person check a tax clearance certificate with the Revenue Commissioners (with the consent of the person to whom it relates).

Compensation for loss of purchasing power paid

Background

The Ombudsman received a complaint from a retired secondary school teacher regarding loss of purchasing power. The complainant held an honours degree and was a recognised secondary teacher from 1957 to 1998. However, he was not in receipt of an honours degree allowance during this time. The complainant applied for the appropriate arrears and eventually received payment in respect of the honours degree allowance in 2002, backdated to 1957. However, he considered that he should have been entitled to compensation for loss of purchasing power due to inflation. The complainant had written to the Department of Education and Science in this regard but did not receive a reply.

Investigation

Having examined the background to this complaint, the Ombudsman requested the Department to review this case with a view to awarding appropriate redress to the man. She drew the Department's attention to the guidelines on redress, issued in conjunction with the 2001 Annual Report of the Ombudsman which state that:

'Where refunds or payments of benefits have been delayed or withheld over an extended period of time as a result of an error, misinterpretation, oversight or other similar action on the part of a public body, the principle of redress, and good administrative practice demands that a general scheme of compensation should be in place to cater for the loss of purchasing power of the payments made.'

Outcome

The Department agreed that compensation for loss of purchasing power would be made. It indicated that payment of this compensation would take account of inflation and would be linked to the consumer price index. The complainant was advised of this and the case was closed. Some six months later, the Ombudsman found it necessary to reopen the case as, despite several enquiries, the complainant had not yet received the payment from the Department. Failure by a public body to honour a commitment made is considered serious maladministration. The Ombudsman therefore contacted the Department regarding the delay in honouring its commitment to make the payment of compensation for loss of purchasing power. Following her further intervention, the Department paid the complainant the sum of €46,513. The payment issued to the complainant in July 2004.

Nursing home subvention awarded

Background

A woman complained to the Ombudsman on behalf of her elderly mother, who was a patient in a private nursing home. The complainant had made an application to the Health Service Executive (HSE), Eastern Region, Northern Area, for assistance towards the cost of her mother's care, under the Nursing Home Subvention Regulations. The application was refused on the grounds that her mother was a home owner, even though it was also the daughter's home. The decision to refuse assistance, coupled with the erratic nature of the woman's employment, left the woman and her mother in difficult financial circumstances. The elderly woman had exhausted all of her savings to fund her care and her daughter found herself in a situation where she had to consider selling her home to fund her mother's care.

Investigation

In calculating the mother's entitlement, the HSE assessed her State pension, her small occupational pension, and an estimated rental value of her stake in the family home (50%). This was in accordance with the subvention regulations. However, this provision is not mandatory and the HSE has, in fact, a discretion to assess or disregard a property when calculating an applicant's entitlement. The Ombudsman believed that the circumstances in this case constituted sufficient grounds for the HSE to consider the exercise of this discretion and she requested a review of the matter.

Outcome

Having carried out a review the HSE accepted that the continued assessment of the property would cause undue financial hardship. The HSE advised that it had decided to disregard the property and award a subvention of €203.97 per week.

Additional fee refunded for lost passport

Background

A student lost her ten-year passport which had been valid until 2012, while abroad in 2004, and was issued with a “temporary” passport by the appropriate Irish Consulate. She paid a fee for this temporary passport which expired in April 2005. She then applied for a new passport using An Post’s Passport Express Service. However, this could not be processed in time to allow her travel abroad so she was issued with a new emergency/temporary passport and on this occasion the fee of €50 was waived by the Passport Office. When she returned home she received her new ten-year passport.

However, from 1 March 2004 revised regulations applied to the issuing of passports which meant that the woman would be required to pay a fee for her new ten-year passport. Previously, once she had paid the fee for her temporary passport from the Irish Consulate she would not have been subject to a further fee when this temporary restricted passport expired. She was unaware of this change and believed that the passport replacing her temporary restricted passport issued abroad would be free of charge. Although a fee of €75 was now due she received conflicting advice from officials in the Passport Office as to whether this was so and eventually, the fee was deducted from her credit card.

She sought a refund of the fee as a gesture of goodwill for all the confusion and the time she had to spend pursuing the matter. She was also concerned that a number of her telephone calls were not returned.

Investigation

The investigation focused on the customer service aspect of the complaint. The Ombudsman was concerned that there was confusion within the Passport Office regarding the new charges, which at the time of the complaint in 2005 had been in place for some time. She was also concerned that telephone calls had not been returned to the complainant when she had a reasonable expectation from assurances given by the Passport Office that they would be.

Outcome

The Passport Office accepted that they had failed in their customer service duty. It reminded all staff of its fee policy by way of internal notice and through training programmes and it used this instance as a case study for staff in Customer Care section to illustrate how a member of the public can be frustrated and inconvenienced when the Office fails to deliver the level of service it aspires to. The Passport Office sent a formal apology to the complainant and as a gesture of goodwill, refunded her the full fee of €75.

Child benefit paid in respect of Irish born child

Background

A man complained to the Ombudsman about a decision of the Department of Social and Family Affairs to refuse his application for Child Benefit. The man and his wife came to Ireland in 2002. Their son was born in Ireland in July 2002. Following his birth, his parents applied for and were granted an Irish passport on his behalf. The parents themselves were in the position where they had no official status in the State at the time of their son's birth. They had, however, applied for residency through the mechanisms operated by the Department of Justice, Equality and Law Reform.

In February 2003, following a ruling on the status of "Irish born children" by the Supreme Court, the applications process was revised. Further delays ensued as a result of the referendum on the 27th Amendment to the Constitution, which was followed by amendments to the Irish Nationality and Citizenship Act 2004. Revised arrangements for the consideration of applications for permission to remain in the State made by non-national parents of Irish born children were announced by the Minister for Justice, Equality and Law Reform in January 2005. The child's parents were eventually granted a "Certificate of Residency" by the Department of Justice, Equality and Law Reform in April 2005. Their application for Child Benefit was eventually awarded with effect from May 2005, the month following the issue of their "Certificates of Residency".

Investigation

The complaint centred around the issue that their original application was refused on the grounds that they could not show a "Certificate of Residency" in March 2003, and that they should have been entitled to payment of Child Benefit with effect from August 2002. In examining the complaint, the Ombudsman scrutinised the Social Welfare legislation that was in force at the time of the original application for Child Benefit. Section 192 of the Social Welfare (Consolidation) Act 1993, provided that a child shall be a "qualified child for the purposes of child benefit if - (a) he is under the age of 16 years, or... (c) he is ordinarily resident in the State...". The child was born in the State in July 2002 and was issued with an Irish passport in August 2002 and therefore satisfied the provisions of this Section. Section 193 of the same Act provided that "a person with whom a qualified child normally resides shall be qualified for child benefit in respect of that child". Subsection (2)(a) of the same Section provided that "the Minister may make rules for determining with whom a qualified child shall be regarded as normally residing".

The Ombudsman wrote to the Department on the basis that there was no link, in the relevant legislation, between the requirement of the “qualified person” (the parent of the child) to have a Certificate of Residency and the entitlement of the qualified child to receive Child Benefit. In this case, the child was an Irish citizen, as proven by the issue of the passport to him in August 2002. The child was normally resident with his parents.

As the decision on the award of Child Benefit was made prior to the introduction of the Habitual Residency Condition, through the provisions of the Social Welfare (Miscellaneous Provisions) Act 2004, the Ombudsman reasoned that the child should have been entitled to payment of Child Benefit from August 2002.

She also concluded that the couple were put at a disadvantage as a result of the circumstances which unavoidably delayed their applications for a Certificate of Residency from the Department of Justice, Equality and Law Reform.

Outcome

The Department re-examined the claim and decided, having reviewed the particular circumstances of the case, that the parents were entitled to Child Benefit from August 2002. This resulted in the payment of over €4,100 in Child Benefit for the period August 2002 to April 2005

Goodwill payment for wrong delivery

Background

The Ombudsman received a complaint from a man who forgot his wallet when going on holidays to the United States. His son-in-law sent the wallet to his hotel by courier post. However, the item never arrived. The value declared at the time of postage was €200. When the man returned from holidays he lodged a complaint with the customer services department of An Post*. The case was incorrectly reviewed on the basis that there was a delay on the delivery of the courier post item, rather than non-delivery of the item. He received an apology from An Post and a cheque for €26, a refund of the postage fee paid.

Investigation

The Ombudsman pursued the case on behalf of the man in order to establish the basis for An Post's contention that the item had been delivered. In the absence of proof of delivery, she requested details of the searches undertaken to locate the wallet.

An Post re-opened the case and arranged for further investigations to take place. The track and trace database in Ireland and in the United States Postal Services confirmed that the courier post item was delivered in Las Vegas. Further investigations revealed that, while the item had been addressed correctly, it had been delivered to the wrong hotel.

An Post sent an email to both hotels explaining the situation, providing full details including date and time of delivery along with the name of the person who signed for the item. Regrettably, no response was received from either hotel.

Outcome

An Post discussed compensation with the man who explained that there was \$200 and €50 in his wallet at the time of posting. While cash is not insured under the courier post service, An Post offered €280 as an exceptional ex gratia payment as a gesture of goodwill. The complainant accepted this as appropriate redress for the upset and inconvenience caused.

***In 2011 responsibility for the examination of complaints about postal services was transferred from the Ombudsman to the Commission for Communications Regulation - ComReg.**

Delay in amending child's birth certificate to include natural father's name

Background

The Ombudsman was asked by a man to examine a complaint about a protracted delay on the part of the General Register Office (GRO) in implementing its decision to amend the birth certificate of his child. The amendment required was the addition of the man's name and the deletion of the name of another man who had been initially named as the child's father. Both the child's mother and the man registered as the father failed to consent to the amendment.

Investigation

As the GRO decided to further delay the amendment to allow the child's mother to make submissions or to initiate legal proceedings to stop the amendment, the Ombudsman began an investigation into the actions of the GRO. During the course of this investigation, the birth certificate was amended along the lines first sought by the natural father - nearly two and half years previously. The Ombudsman found that, in allowing the delay, the GRO failed to strike a reasonable balance between the rights of the natural father and child (whose fundamental right to identity was at stake) and the rights of the other parties (the child's mother and the man who was initially named as father).

Outcome

Arising from the investigation findings, the Ombudsman recommended to the GRO that it:

- a. develop and publish clear guidelines covering all possible scenarios in which an application to amend a birth certificate might be made.
- b. send a written apology to the child's natural father for the delays which had arisen, and
- c. make a "time and trouble" payment of €500 to the child's natural father in recognition of the fact that he was affected adversely by the GRO's actions.

All three recommendations were accepted by the GRO.

‘Ex gratia’ tax payment made to widow of Garda

Background

Emergency tax had been applied to the pension of a woman who was in receipt of a Garda Síochána widow’s pension since its award in 2000. However, this only came to light in January 2009 when the woman’s son wrote to the then Department of Justice and Law Reform querying the application of emergency tax to his mother’s pension payments.

The woman had requested a review of her income tax liabilities for the years 2001 to 2007. She received refunds from Revenue for the years 2005 to 2008. Refunds could not be provided for the years 2001 to 2004 as they were outside Revenue’s four-year statutory time limit.

Initially, the complaint had been made against the Revenue but as Revenue was acting in accordance with legislation a complaint was made to the Department, as administrator of the pension.

It was normal practice for the Department to write to widows of Gardaí advising them to request a PPS number from the Department of Social Protection. On receipt of the PPS number a P46 form would usually be issued to Revenue notifying them of the requirement to issue a certificate of tax credits to the person. The Department could find no evidence of having advised the woman to request a PPS number. Consequently, the P46 form did not issue to Revenue.

Where a PPS number was not supplied, the employer was required to calculate the tax due at the higher rate without application of tax credits. The amended system applied with effect from 1 January 2003. The Department did not inform the woman that the amended emergency system was being applied to her pension.

Investigation

When the issue came to light, the Department made representations to the Revenue requesting a relaxation of its restrictions in order to allow for the issuing of any tax rebates due to the woman since the tax year 2000. As there is no discretion to allow for the repayment of tax where a claim has been made outside the four-year tax period, Revenue could not accede to the Department’s request.

The Ombudsman found it unacceptable that the department had failed to notify the woman that she was being charged emergency tax upon the initial payment of her Widow’s Pension. During the eight-year period in which she was charged at the emergency rate, no review or follow-up seemed to have been carried out to ensure that the appropriate tax rate was being applied.



2008: Ombudsman Emily O'Reilly and Ceann Comhairle John O'Donoghue at our outreach event for TDs and Senators

The Ombudsman considered that the woman could not reasonably have been expected to be familiar with Revenue's PAYE requirements and that as administrator of her pension, the Department had a responsibility to advise her that her payments would be subject to emergency tax.

Outcome

The Department agreed to make an ex gratia payment of €22,073 to the woman for the years 2001 to 2004. The Department also advised that new procedures had been put in place to ensure that a similar situation would not occur in future. It also undertook to carry out a check of all other Widows Pension recipients to ensure that a similar anomaly had not occurred.

2011

Rural Environment Protection Scheme penalty reduced

Background

A Rural Environment Protection Scheme (REPS) participant, was also the holder of an organic licence. In 2008, she became ill and, as a result, allowed her organic licence to lapse for a few months. As a result, she was notified by the Department of Agriculture, Food and the Marine that it would be clawing back payments made to her for participation in REPS, amounting to in excess of €25,000, for the payments she received in the previous five years. The Department pointed out that the terms and conditions of REPS state: "Withdrawal or non-renewal of an organic licence within the term of the REPS commitment shall mean termination from the Supplementary Measure and full recoupment of all aid paid under the Supplementary Measure including interest payable under SI 463/2003".

The Irish Organic Farmers and Growers Association (IOFGA) was the licence issuing authority acting on behalf of the Department. It operated an informal grace period system whereby an organic licence could be renewed within two weeks of the date the lapsed notice issued. However, there was no mention of this on the lapsed notice. An applicant would only be informed of this if they contact IOFGA following receipt of the lapsed notice. The woman's organic license lapsed on 31 December 2008.

IOFGA sent out a request seeking her renewal on 14th January, 2009 for the 2009 calendar year, and although it would normally send out a reminder letter there was no indication on file that one was sent in this case. IOFGA then issued the lapsed notice to the woman on 14 May, 2009. It was established at an oral appeal hearing that the woman's husband had contacted IOFGA shortly after receipt of the lapsed notice by phone.

The Department stated that IOFGA had confirmed that it outlined to the organic farmer's husband, when he called, what action was required. IOFGA had indicated that there was a two-week period after the lapsed letter was issued in which to return the renewal notice and the appropriate fee. The issue was not addressed until 19 October 2009 (5 months later) which the Department stated was not an acceptable period of time to deal with the matter.

Investigation

The Ombudsman found that there was a direct conflict of evidence between IOFGA and the woman's husband as to the detail of the telephone conversation in question. The woman's husband maintained that he was never informed that there was only a two-week deadline to renew the organic licence.

The Ombudsman was satisfied that best administrative practice was not followed in terms of informing the woman, in writing, of the deadline for renewal of the licence, following this telephone contact. She also noted that the woman had adhered to all organic standards and the farm was managed in the spirit of the scheme during the period in question. Therefore, she was satisfied that there were mitigating circumstances to reduce the penalty in this case. The Ombudsman requested that the Department review its decision with a view to reducing the penalty for the year in which the organic licence had lapsed.

Outcome

The Department acknowledged that best practice was not followed by IOFGA in this case. It reduced the penalty in this case from five years to one year. This decision resulted in the penalty being reduced from over €25,000 to €5,032.45. The Ombudsman also requested that the Department direct IOFGA, a body not within the Ombudsman's remit, to review its procedures in relation to this matter and that the two-week grace period be included on all future lapsed notice letters.

2012

Clamp release fee refunded due to confusing sign

Background

On a Saturday in February 2012 a couple attended the National Maternity Hospital, Holles Street, Dublin with their new-born baby for tests. As there was no available parking on Holles Street, they parked at the top of Grattan Street, which is near Holles Street. They tried to pay for parking at what they said was the only meter on Grattan Street but the meter rejected their coins. The notice on the meter said that paid parking was "Mon-Fri". However, there was a sign on Grattan Street that said paid parking applied "Mon-Sat". The couple did not pay and assumed that the sign on the meter was correct as this was where they were expected to pay.

When they returned to their car they discovered it had been clamped. They paid the fine to have the clamp released as they wanted to get home with their new-born baby. They said that when the official came to release the clamp he checked the meter and said that it was faulty, that he would log the fault and he advised them to appeal the fine. The complainants appealed but their appeal was refused. They were unhappy with the Council's decision and complained to the Ombudsman.

Investigation

Following commencement of the Ombudsman's investigation the Council referred the matter to the independent Parking Appeals Officer for a further examination of the case. The Appeals Officer recommended a refund of the clamp release fee.

Outcome

The Council refunded the charge to the couple and apologised for the inconvenience that they experienced. The Council stated that the information plate on the pay and display parking meter located on Grattan Street was incorrect and was later changed to correspond with the signage on the street.



2017: Launch of our Information Factsheet for those living in Direct Provision

Inappropriate social housing local residency requirement removed

Background

A woman who lived in Laois applied to Laois County Council for social housing. The Council refused her application asserting that she had no 'local connection' to the area. In doing so the Council said that it was applying a condition in the social housing regulations. The woman contacted the Department of Environment and Local Government. She said that the Department told her that the Council's decision was wrong and that, as she had an address within the Council area, she should be assessed for social housing. When she appealed the decision to the Council her application was again refused, this time on the grounds that she had not lived within the Council area for a period of six months or longer.

The regulations provided that a person may be assessed for social housing if they satisfy one of a number of conditions, one of which states that the local authority must be the one in which the applicant 'normally resides'. The phrase 'normally resides' was not defined in the regulations and no period of time was mentioned for being resident. In this case the Council decided that it was to mean a requirement of residency for at least six months in the area prior to the housing application being made. The woman brought her complaint to the Ombudsman.

The Ombudsman had also received a similar complaint from a couple who had received a similar response from Laois County Council in relation to their housing application.

Investigation

The Ombudsman noted that the period of six months was not set out in any legislation and was not included in the Council's Housing Allocation Scheme. She contacted a number of local authorities to find out how the regulations were being interpreted by each. It emerged that the practice varied widely. Some authorities required the applicant to have lived within the area for a specified time while others applied no such requirement.

Laois County Council did not accept that there should be no time limit. The Council said that it would continue to apply its 'six month' rule in the absence of a specific definition in the regulations or guidance from the Department of Environment and Local Government. When the Ombudsman contacted the Department it clarified that it was its opinion that the regulations did not allow local authorities to set such time limits.



2014: President Mary McAleese hosts Ombudsman staff at Áras an Uachtaráin for the 30th anniversary of the Office

Outcome

The Ombudsman requested the Department of Environment and Local Government to review the guidance material that it had issued to local authorities and to clarify the application of the regulations. The Department agreed and issued a circular clarifying that a housing authority may not impose a minimum period of residence in an area on social housing applicants.

Following this advice Laois County Council accepted that the complainants had a right to be assessed for social housing. As the six month period had elapsed both the woman and the couple were already on the housing waiting list and receiving social housing support. However, the Ombudsman requested that their applications for social housing be backdated to the original dates of application and the Council agreed.

2014

Improved procedures for identifying patients implemented

Background

A woman received a call from Beaumont Hospital asking her to attend the hospital for a Lumbar Puncture. The woman was surprised to be called for the procedure as she had no prior involvement with the hospital although she had recently been treated in a different hospital. It was only as a result of persistent questioning by the woman that hospital staff agreed to investigate. When the nurse obtained the file, it became apparent that the hospital had contacted the wrong patient. The patients shared the same forename, surname and year of birth. In her complaint to the Ombudsman, the woman said that in dealing with her complaint the hospital did not properly answer her questions and she believed that it had failed to take her complaint seriously.

Investigation

The hospital issued a report outlining the process which led to the error occurring. It said human error was the cause of the mistake. The report said that when a patient is placed on a waiting list, they are identified by what is known as a history number, and their name, address and date of birth. The Admissions Officer in this case had, in error, written the woman's history number on the top of a letter which was addressed to another patient of the same name. This history number was then used by the nurse to check the Beaumont Hospital Information System (the BHIS) and the wrong contact details were obtained from the BHIS which resulted in the woman being contacted.

The Ombudsman recommended that in future the patient history number or the patient's medical record number should be used together with the three-point reference (date of birth, full name and address) to provide an extra security check and prevent a similar error reoccurring.

Outcome

Beaumont Hospital brought in the following changes in procedures:

- a. Additional training was provided to all staff on the use of the BHIS, on the conducting of additional searches and the necessity to ensure that the correct patient has been identified.
- b. Nursing staff to call a patient and go through the three-point identification reference prior to making any appointments.
- c. Day patients are required to sign a consent form prior to a procedure which contains the type of procedure, the patient's full name, address and date of birth, and the patient's history number.

2014: Ombudsman Peter Tyndall promotes the launch of the "Ombudsman's Casebook"



2015

Council compensates home owner for cheques given directly to her builder

Background

An elderly woman was awarded a grant of €56,000 by Fingal County Council under the Housing Aid for Older People Scheme. The woman engaged a builder to carry out the works. She told the Council she was not happy with the quality of some of the work completed. Subsequently, the Council released €42,000 of the grant money directly to the builder, rather than to the woman.

Investigation

The Ombudsman's examination was confined to the dealings the woman had with the Council. The actions of her builder were not within the Ombudsman's remit. This is because she had a private contract with the builder.

In relation to the release of the funds to the builder, the Council said that there appeared to have been some confusion at the time as to whether or not the woman was available to receive her post. It indicated that she may have cancelled her post for a period. In these circumstances, the Council permitted the builder to collect five cheques and to deliver them to the woman, at her home.

The Council emphasised that the five cheques were made payable to the woman and, as far as it was aware, the individual cheques were endorsed by her. The woman said she never received the cheques.

The woman had been on holidays but returned to her home nine days before the Council released the five cheques to the builder.

The Ombudsman took the view that any arrangement which the woman had regarding delivery of her post while she was on holidays was a matter for herself. It was not a matter in which the Council should have become involved, unless there were compelling reasons for doing so. The Ombudsman did not see any valid reason for the Council's release of the five cheques to the builder without the woman's specific authorisation, particularly in the absence of a certification from her that the works were completed to her satisfaction.

Outcome

The Council offered the woman €7,500. It also confirmed that, in future, it would only release grant payments to applicants, unless otherwise instructed by an applicant. The Ombudsman was of the view that the Council's offer was reasonable and appropriate as he felt it would allow the woman to carry out the remaining repairs to her home. The woman accepted the Council's offer.

Fairer student grant eligibility criteria introduced

Background

A student complained to the Ombudsman when her application for a means-tested student grant was refused by SUSI. The income of an applicant's parent or guardian can be considered in assessing the household income. However, in this case, SUSI said that the income of the girl's step-father could not be included as a 'step-father' was not included in the definition of 'parent or guardian' in its legislation.

The student complained that the grant was designed to support students from low-income households and that students from households with exactly the same means would be eligible for the grant if their 'natural' parents were still married and living together.

Investigation

The student had applied for the 'Special Rate Grant'. For a student to be eligible, the household income must be below a specified amount and the student's parent or guardian must be in receipt of a 'qualifying payment' which includes certain social welfare payments.

In the complainant's case the family's income was below the threshold and the family was in receipt of a social welfare payment - Family Income Supplement (FIS). However, the FIS was being paid in the name of the step-father on behalf of the family.

SUSI took the view that as her step-father was excluded from the definition of 'parent' and as the FIS was in his name, the student's mother was not in receipt of a qualifying payment. Therefore, the student was not eligible for the Special Rate Grant.

When the Ombudsman contacted the Department of Social Protection it stated that even though FIS is payable to one applicant, a husband and wife are deemed to be joint applicants, with each having the same obligations and responsibilities under the scheme.

In the circumstances, the Ombudsman considered it unfair to refuse the application for the student grant.

Outcome

Following the Ombudsman's discussions with the Department of Social Protection and the Department of Education and Skills, the student was awarded a payment of €2,890. As a result of similar complaints to the Ombudsman the Department of Education and Skills has since amended the legislation so that in cases of FIS, a household's principal earner and his/her spouse or partner are now considered to be holders of a qualifying payment in their own right, regardless of whom the FIS is actually paid to.

Reasonable accommodation made to allow young woman to continue in education

Background

An 18-year-old girl arrived in Ireland alone, applied for asylum as a minor and started in fifth year in a Dublin school in 2016. Her only family member in Ireland was her aunt who lived near the young woman's school. She initially lived with her aunt but this situation became unsustainable after a few months. In April 2017 she was assigned to a regional accommodation centre for asylum seekers and refugees. The Manager of that centre facilitated the young woman travelling to Dublin for school during the week then back to the regional centre for the weekend until she completed fifth year in May 2017. As she was absent from her designated centre on weekdays for several weeks the Reception and Integration Agency (RIA) issued her with a warning letter about those absences.

The young woman complained to the Ombudsman about the warning letter and confirmed that she wished to transfer to a centre in Dublin to continue her education.

Investigation

The RIA disputed that it had issued a warning letter and told the Ombudsman that it had not received a transfer request from the young woman. The young woman was able to provide the Ombudsman with a copy of the warning letter issued by the RIA. On hearing that she needed to submit a transfer request, she did so, but it was rejected by the RIA on the basis that 'exceptional circumstances' did not exist in her

case.

The RIA's decision appeared to the Ombudsman to be inconsistent with its policy of keeping residents in accommodation close to other family members in the country, as far as possible, and facilitating continuity of education.

The Ombudsman believed that in order to prevent a break in the continuity of her education she should be given the opportunity to remain in the same school that she had attended the previous academic year. The RIA stated that there was limited capacity in the Dublin accommodation centre most suitable and accessible for commuting to her school. The Ombudsman was satisfied that the woman's circumstances were exceptional and that everything should be done to allow her to complete her Leaving Certificate in a school she was familiar with and close to the family support of her aunt. The Ombudsman requested the RIA to review its decision.

Outcome

The RIA reviewed its decision on humanitarian grounds and granted the woman a transfer to a Dublin accommodation centre within commuting distance of her school and her aunt.

2018

Improved access provided to patient records at weekends

Background

A man had a procedure in Connolly Hospital. Two days later the man was experiencing chest pains so he went to the Emergency Department in Connolly Hospital. However, the hospital staff could not access the medical records from the procedure the man had undergone two days before.

The man complained that there could have been serious consequences in an emergency as hospital staff were unable to access his medical records.

Investigation

The man's procedure had taken place on Thursday. Following his procedure staff sent the man's medical records to the Hospital In-Patient Enquiry (HIPE) Department on Friday for coding.

His medical records remained in the HIPE Department over the weekend. Therefore, they were not accessible by the medical staff when he arrived in the Emergency Department on Saturday.

Speedy access to a patient's medical records is essential to assist hospital staff provide the best care to any patient and a lack of up to-date information can lead to the unnecessary duplication of tests or misdiagnosis.

Outcome

The hospital introduced new protocols. These protocols facilitate the retrieval of charts out-of-hours. Security staff will now facilitate and assist emergency department staff to access the HIPE over the weekend and during out-of-hours periods.

In addition, the hospital undertook an audit to test the accessibility of healthcare records to clinicians, out-of-hours and at weekends. Finally, the hospital reassured the man that the lack of availability of his medical records on that occasion did not alter the clinical management of his condition.



2018: Staff from the Office of the Ombudsman attend an outreach event

Pre-school funding restored after grant reduced without notice

Background

A woman who owned a pre-school business complained to the Ombudsman when Pobal reduced funding to her without notice. Pobal administers Government and EU funding to help address disadvantage and support social inclusion. The woman had been granted funding of €14,820 to help support children with additional needs. She had hired three additional staff on the understanding she would be receiving the full amount. It was not until several months later that she discovered the amount she was to receive had been reduced by Pobal.

Pobal said the amount had to be reduced as the woman was receiving funding from another source. However, the woman had told Pobal about the other source of funding at the time of her application. She believed she would be receiving the higher amount, and was at a significant financial loss as she had to honour the employment contracts of the additional staff.

Investigation

Pobal had issued confirmation of the grant and the full amount of €14,820 in an email to the woman. However, she was not aware that the amount was being reviewed. As the woman had mentioned the additional funding at the time of her application she understood that the amount she was granted took account of the separate funding.

The Ombudsman examined the information supplied to applicants for the scheme (Access and Inclusion Model). He had concerns about the information being supplied. There was a lack of clarity around the review procedure, and applicants receiving confirmation of their grant were not told, at that point, if the amount was under review.

The Ombudsman also believed that, as the woman had supplied all relevant information, including details of the additional funding, she had a legitimate expectation that the amount awarded was the final amount.

Outcome

Pobal reviewed the woman's case and agreed to reinstate the full amount of funding. Following discussions with the Ombudsman Pobal also reviewed its procedures. It implemented new procedures to ensure better clarity in communications relating to reviews of funding applications.

2019: A Plain English award for the Office of the Ombudsman website



Commitment to provide sign-language interpretation where appropriate

Background

Under the Disability Act 2005, the Ombudsman has the powers to examine complaints about equal access to public services, access to public buildings and access to information. A woman who had a hearing impairment, was invited by a candidate to attend the 2019 local election count. However, she complained to the Ombudsman under the Disability Act as Clare County Council refused her request for a sign-language interpreter to be present on the day of the count.

The Council refused the woman's request as it said there would be sufficient signage and screens at the count centre to enable her to view the count on the day. However, the woman said that the signage and screens were inadequate as the lighting was poor, the screens were too far away and appeared blank, and that there was no signage available. The woman complained to the Council under the Disability Act. The Act provides that public bodies such as local authorities should, where practicable and appropriate, provide integrated access to services and, if requested, provide assistance to access the service. When the Council investigated the woman's complaint, it said that a sign-language interpreter was not required as the provision of the election count announcement is not a statutory entitlement and service.

Investigation

Part 3 of the Disability Act 2005 defines a "service" but does not specify that a service must be a statutory entitlement before assistance is provided. Instead, it says that a service is "of any kind provided by a public body".

Compliance with the National Disability Authority's 'Code of Practice on Accessibility of Public Services and Information' is considered compliance with the Act. The Code states that, where practicable and appropriate, people with disabilities should be able to avail of a service provided by a public body at the same level of access and at the same time as everyone else. The Code identifies ways in which a public body can achieve this, for example by contacting the National Disability Authority for advice on possible approaches. The Code also outlines how a public body can provide assistance in accessing its services, for example through sign language interpretation, developing procedures to respond to requests, and providing for a dialogue with the customer. In relation to access to information, the Code outlines that the public body should determine the practicability of providing the form of support requested within particular communication contexts and timeframes.



2020: Ombudsman staff attend an outreach event in Cork

It appeared to the Ombudsman that the Council failed to comply with the Code, and therefore failed to comply with two provisions of Part 3 of the Disability Act 2005, as amended, namely access to services and access to information.

Outcome

The Council accepted that it should have arrangements in place for the provision of an Irish Sign Language interpreter in the future, if one is requested. The Council said the design and layout of any future count venue would need to take this into consideration at the planning and design stage. The Council said it would also seek to improve on the quality and visibility of screens for future count events.

Family have qualifying date on social housing list restored

Background

A woman complained to the Ombudsman when her family was removed from the housing waiting list by Galway City Council, and their eligibility for housing was changed from 2005, when they first applied, to 2014. The family had been removed from the housing waiting list in 2012 and again in 2014 when the Council said they had failed to reply to its correspondence.

Investigation

The family was originally approved for housing and placed on the housing list in 2005. In 2012 the Council removed the family from the housing list as they did not reply to the Housing Needs Assessment in 2011. The family, who are members of the travelling community, regularly moved location so occasionally did not receive correspondence sent to them. They also had some literacy issues. The family appealed, and were reinstated on to the housing list, but with a qualifying date of 2012. In 2014 they were again removed from the housing list for not replying to a questionnaire on the Traveller Accommodation Programme. The family were reinstated onto the list but this time with a qualifying date of 2014.

When the Ombudsman investigated the case he noted that the family had initially responded to the Housing Needs Assessment in 2011 with the documentation requested, including proof of previous income signed by a Commissioner for Oaths, and a signed 'change of address' form.

The Council responded by asking for more documentation including proof of current income. The family provided this information. However, in response, the Council asked the family to provide two more documents - a form to be signed by their current landlord and confirmation of rent allowance rates. In a second letter issued the same day the Council informed the family that they qualified for social housing.

The Ombudsman noted that this second letter would have given the indication that the re-assessment process was now complete. In addition, he noted that the two documents requested by the Council on the same day were not required by the Council to complete its Housing Needs Assessment. In any event, the information was already available on the Council's files.

The purpose of the questionnaire issued by the Council in 2014 in relation to the Traveller Accommodation Programme was to determine the type of accommodation needed. The family did not respond and the letter was returned as 'no longer at that address'. While the family did not respond they had already indicated the type of accommodation they needed in their application form held on the Council's files.



2021: The Office of the Ombudsman hosts the International Ombudsman Institute World Conference online due to COVID restrictions

It was also unclear whether the Council had used alternative methods to try to contact the family, for example by text or phone, in line with principles of diversity and inclusion, and recognition of Travellers' distinct culture which is acknowledged in Galway City Council's Traveller Accommodation Programme.

Outcome

Galway City Council it agreed to backdate the family's qualification date for housing to 2005 - the date of their original application.

Nursing home fees waived

Background

A woman contacted the Ombudsman after she received a solicitor's letter demanding outstanding fees of €32,000 in respect of her brother's stay in a private nursing home. Her brother was admitted to the nursing home in April 2019 for a short convalescence stay after a road traffic accident. However, he 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 his fees were being covered by HSE 'emergency funding'.

Investigation

The man 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 explaining that he had 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 he 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, he 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 should set out the relevant charges, and services must commence within two months of the entry of a person into the nursing home.

However, in this 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 his 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.



2019: The Office of the Ombudsman
moves to its current location at 6
Earlsfort Terrace

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

Improved referral process implemented for hospital appointments

Background

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

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

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

Investigation

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

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

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



2023: Ombudsman Ger Deering attends an outreach event in Leixlip

Outcome

As a result, the hospital implemented a new internal electronic referral system between units. This system was designed specifically for the purpose of removing the possibility of referral letters being lost. It works by recording

the referral on an online form. Staff check this daily for new referrals which are logged to the relevant consultant, removing the requirement for letters to be dictated or sent in the internal post. The hospital also apologised to the woman for the failures and the difficulties that she encountered.

Refund for works carried out on local authority house

Background

The complainant rented her home from a local authority. She applied for an extension to the property in 2016 as part of the Disabled Person's Grant to care for two of her children who have severe disabilities. The grant was approved and the local authority appointed a contractor to undertake the works. That contractor left the works unfinished and unsafe. Some of the unfinished work was left in an extremely unsafe condition. The tenant incurred significant additional costs completing some of the works in order to be able to use the extension. However, the Council refused to reimburse her on the basis that she should have waited for the Council to appoint a new contractor to complete the works.

Investigation

The Ombudsman's investigation confirmed that there were numerous and serious works unfinished when the contractor appointed by the local authority departed the site in 2017. Despite these very evident shortcomings and the many communications from the tenant, the local authority did not appoint a new contractor until 2020, some three years later. The reason given for this inordinate delay was the local authority could not appoint a second contractor any earlier as it may have breached the contract with the original contractor. It stated that it had attempted to contact the original contractor long after the maintenance period had passed.

The Ombudsman found that the Council's expectation that the complainant should have waited three years to complete such serious and essential works to be unreasonable. This was particularly the case given that the extension was constructed so that the tenant could provide appropriate care to her two children who had special needs. It was clear that the tenant had incurred additional costs by employing other tradespersons to complete some works in order to make the extension habitable and safe. The Ombudsman also found the record keeping by the local authority with regard to the works, and in particular the unfinished works and the unsafe nature of its property, to be poor. Furthermore, he was disappointed and concerned with lack of safety demonstrated by the local authority in respect of the complainant and her family.



2024: President Michael D. Higgins hosts Ombudsman staff at Áras an Uachtaráin for the 40th anniversary of the Office

Outcome

The local authority undertook to make a payment of €7,200 to the complainant towards the costs she had incurred in completing part of the works to its property. It also undertook to ensure a similar situation does not arise in the future.

Investigations and **Special Reports**

Investigations and Special Reports

Apart from investigating individual complaints the Ombudsman also has powers to carry out systemic and 'own initiative' investigations.

Where a series of similar complaints have been received, or the Ombudsman has identified a recurring issue when dealing with a series of complaints, the Ombudsman may consider it appropriate to bring those complaints together to conduct a single, systemic investigation.

The Ombudsman may also conduct an own initiative investigation where it appears to them that an investigation into the action would be warranted.

Systemic investigations and own initiative investigations are carried out in accordance with the requirements of the governing legislation and in accordance with fair procedures. A report is published at the end of the investigation. These reports include the formal findings of the investigation and the Ombudsman's recommendations for action in relation to any complaint as well as recommendations for improved practice.

The outcome of these processes are designed to bring positive changes to the lives of those who need to access the public service concerned. The ultimate aim is to improve the particular service for all users.

In the vast majority of cases the public bodies concerned accept the recommendations and the Ombudsman monitors progress on the implementation of the recommendations. One of the strengths of the Office has been the continuity of this process. Each Ombudsman has taken up the baton of their predecessors to pursue implementation of their predecessors' recommendations. This is particularly evident in the relentless pursuit for the provision of access to transport for people with disabilities.

The Ombudsman can also make special reports to the Dáil and Seanad in accordance with Section 6(7) of the Ombudsman Act 1980 where they see fit or find it necessary to do so.

This chapter provides summaries of just some of the systemic and own initiative investigations, and special reports carried out and published over the years. It also provides an indication of the range of sectors and public bodies the Ombudsman can investigate. These, and a number of other reports are listed in the Appendix and the full texts of the reports are available on our website **www.ombudsman.ie**

Access to medical treatment abroad



In April 2023 Ombudsman Ger Deering published, "In Sickness and in Debt". This followed his investigation into the administration by the HSE of schemes that fund necessary medical treatment in the EU/EEA or UK, namely the Treatment Abroad Scheme, the EU Cross Border Directive scheme and the Northern Ireland Planned Healthcare Scheme.

The investigation concerned people who were unable to access necessary healthcare at home, who had to travel abroad for their healthcare, and who then found themselves caught in an administrative impasse when seeking reimbursement from the HSE under the above schemes.

The purpose of the investigation was to bring improvements to the administration by the HSE of schemes designed to allow patients in Ireland to travel to other jurisdictions in the EU/EEA and UK for treatment. In particular, the Ombudsman sought to identify if any barriers existed for patients seeking access to the schemes, to propose possible improvements in the administration of the schemes and to identify ways to bring additional clarity for patients.

This was not the first time the Office had looked at these issues related to accessing treatment abroad. In 2018, the then Ombudsman, Peter Tyndall, published an investigation into the Treatment Abroad Scheme (TAS). All the recommendations in that report were accepted by the HSE at the time. However, given the additional challenges faced by the HSE and the country, during the COVID pandemic, there had not been the level of progress or monitoring of those recommendations that would have been expected. This investigation was an opportunity, therefore, to follow up on this work.

In his 2023 report the Ombudsman welcomed the fact that the schemes are in place and acknowledged that, in the main, they work well. The investigation report, however, identified a number of instances where the schemes did not work well. The investigation's focus was predominantly on the Cross Border Directive (CBD) scheme. However, as the Northern Ireland Planned Healthcare Scheme (NIPHS) is being administered using analogous criteria and processes to the CBD scheme, the Ombudsman believed that all recommendations identified in the report for the CBD scheme were also applicable to the NIPHS.

The report made 21 recommendations – 16 in relation to administration of the CBD scheme; 4 specifically in relation to the NIPHS; and 1 in relation to the TAS. The recommendations were designed to bring positive changes to the lives of those who need to access treatment abroad through improving the administration of the schemes and encouraging decisions that are patient focused, empathetic and caring. Both the HSE and Department accepted the recommendations.

In November 2024 the HSE provided a final update on the implementation of the recommendations. The Ombudsman welcomed the progress made and complimented the HSE on the manner in which it had improved the operation of the schemes in the 18 months since the report was published.

He was particularly pleased with the patient-centred approach adopted and commented that it was encouraging to see that his Office was no longer receiving complaints stemming from the issues identified in the report. He commented that implementation of the report's recommendations had clearly had a positive effect for patients seeking to access reimbursements under the schemes.

Providing a better future for younger people in nursing homes



In May 2021, Ombudsman Peter Tyndall published “Wasted Lives: Time for a better future for younger people in Nursing Homes”. This investigation looked at the appropriateness of the placement of people under 65 in nursing homes for older people. It looked at their experience living in nursing homes and some of the reasons behind their admission.

The Ombudsman had received a small number of complaints from, or on behalf of, people under 65 who were living in nursing homes. The Office also carried out 28 visits with people directly affected by this issue. The majority of this group were people under 65 who had resided or were still residing in a nursing home. Overall, the investigation found that Ireland still had progress to make in advancing from a medical model of disability to a social model, and that various changes need to be made to the system to facilitate a person-centred approach to care and one which is in keeping with the United Nations Convention on the Rights of Persons with Disabilities and Ireland’s own strategic approach to disability.

The report highlighted issues such as young people being isolated from family and friends, a lack of any meaningful social engagement, living within the structure of a nursing home, or living with elderly patients, many of whom suffered from dementia. The people concerned were clear that they desired the supports to live meaningful and independent lives where possible, or to access a better quality of living, be that in their own homes or in more appropriate accommodation.

Some expressed a sheer lack of hope and could not see a future beyond their current situation.

Thankfully, agreement was reached to implement the recommendations of “Wasted Lives” and the HSE established the ‘Under 65 Programme’ aimed at improving the lives of people under 65 with disabilities living in nursing homes. This gave a renewed hope to some of the people concerned. Up to the end of 2024 the programme had successfully transitioned over 100 people to more suitable accommodation and improved the lives of others who could not transition out of the nursing home through the Enhanced Quality of Life Supports (EQLS) element of the scheme.

“Wasted Lives” focused on the changes that needed to be made to give young people in nursing homes the quality of life that every person is entitled to and deserves, and which is in keeping with the United Nations Convention on the Rights of Persons with Disabilities.

Implementing the “Wasted Lives” recommendations would improve the situation for many of those individuals under 65 currently living in nursing homes. On reviewing progress of the implementation of the report’s recommendations at the end of 2024, Ombudsman Ger Deering stated that the HSE response to the report is to be commended and those involved in setting up and implementing the ‘Under 65 programme’ have approached the task with commitment and enthusiasm. He acknowledged the ongoing work, both centrally in the HSE and at a local level, to implement the recommendations of the “Wasted Lives” report and the structures that have been put in place to drive and monitor progress.

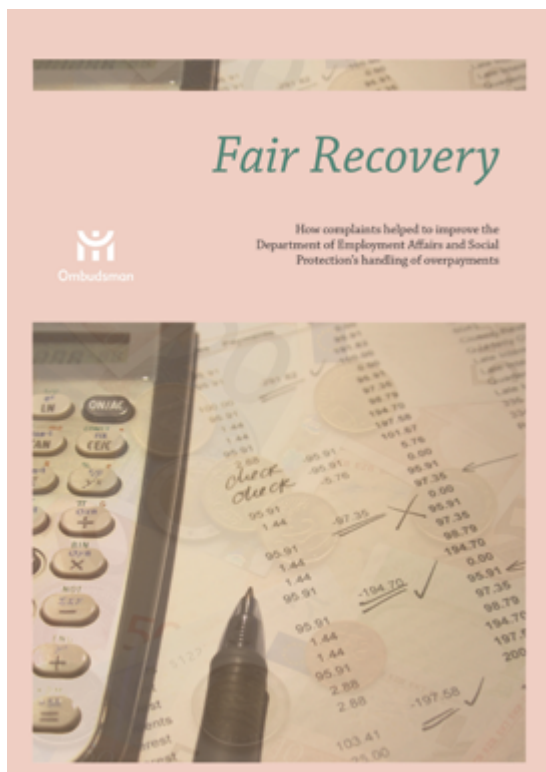
He found the Steering Group to be engaged and enthusiastic about the issues and keen to facilitate as many individuals as possible to move to a more appropriate setting.

However, Mr Deering also noted that an update from the HSE in November 2024 indicated that sufficient funding had not been allocated to successfully continue the programme in 2025 and beyond.

This would mean that many of those who were identified for moves to more suitable accommodation would not be able to do so. This would be a major setback and disappointment for the people concerned and their families. It would also mean that, in those cases where individuals cannot move, the vital supports provided under EQLS would not be available.

He pointed out that a commitment to sustainable and annual funding is absolutely essential to enhance the quality of the lives of those who should transition to more appropriate accommodation and to those who remain in nursing homes. At the time of writing Mr Deering is engaging with the Government, the HSE and Oireachtas members to ensure that this excellent programme which brought hope and independence to people with disabilities will continue to be delivered in 2025 and beyond.

Dealing with social welfare overpayments



In July 2019, Ombudsman Peter Tyndall published the report, "Fair Recovery". It resulted from an investigation regarding the Department of Employment Affairs and Social Protection's handling of overpayments.

As Ireland was in the throes of the financial crisis it was inevitable that the State had to make deep cuts in public expenditure.

The State necessarily put an emphasis on increasing the funding available for public services by every means possible, including the recovery of any debts owed to it. Against this backdrop, the Department brought an increased focus to bear on the recovery of overpayments made to claimants. More resources were committed to the task and a significant effort was made to increase recovery levels. In addition, the Department's statutory powers were strengthened to aid in recoveries.

Given the myriad of benefit schemes administered by the Department, many of which are complex, and the number of customers the Department deals with, it is inevitable that some overpayments will arise as a consequence of errors, omissions or misunderstandings on the part of claimants which are not found to be fraudulent. In other cases, overpayments will arise because of errors on the part of the Department. The Ombudsman considered it important that such cases are dealt with in a flexible and equitable manner, and that in appropriate cases, debts are not pursued having regard to the individual circumstances.

The Ombudsman, while recognising and accepting the Department's obligation to take all necessary and proportionate measures in seeking to recover payments (especially where there is objective evidence of fraudulent behaviour on the part of the claimant), put a particular focus on the issue of the Department's handling of overpayments after it noticed an increase in the complaints coming to the Office, and also because an unusually high number of these complaints were being upheld. We monitored volumes and trends and sought to identify any underlying systemic issues that were arising. The Ombudsman actively engaged with the Department and sought to agree on preventative measures to deal with any systemic concerns which were being identified.

The report charts the engagement between the Ombudsman and the Department of Employment Affairs and Social Protection (DEASP) from 2015 onwards in relation to the issue of the recovery of overpayments made to its clients. Over the years, the Office had developed a good working relationship with the Department, and its staff at all levels were open, flexible and cooperative. This report describes how the Office and the Department worked together in a positive and collaborative manner towards improving systems and procedures, and doing so in a way that enabled the Department to deal with overpayment cases while ensuring that the process does not create inequity and hardship where there is no objective evidence of fraud on the part of the complainant.

In June 2019 the Department developed a procedures manual titled 'Management of Customer Overpayments and Recovery of Customer Debt'. This was circulated to all staff in the Department. The manual identified the various types of overpayment cases that may arise as well as providing detailed guidance to staff on the practices and procedures to be followed in identifying possible overpayments and how to handle them. It also included a section on the role of the Ombudsman and how to assist in the resolution of complaints which the Ombudsman raises with the Department. Much of the content of the manual was based on the lessons learned from the engagement between the Department and the Office of the Ombudsman in resolving individual cases.

The Magdalen Restorative Justice scheme



In November 2017, Ombudsman Peter Tyndall published "Opportunity Lost", a report of the investigation into the administration of the Magdalen Restorative Justice Scheme in which he noted that "the incarceration of women in the Magdalen laundries and the forced labour to which they were subjected is one of the sorriest episodes in our history."

He also noted that the creation of a restorative justice scheme was intended to reflect "the shame of the nation and offer some acknowledgement and recompense to the women."

The investigation looked at the administration of that restorative justice scheme. The focus of the investigation had primarily been on the way in which the eligibility criteria for the scheme were interpreted. As a result of the Department of Justice and Equality's narrow interpretation some women who lived in the convents and worked in the laundries were excluded from admission to the scheme. While the Ombudsman was not seeking to add new institutions to the scheme, the Office had seen a significant amount of evidence which demonstrated that some of the Magdalen laundries were inextricably linked with other units attached to the laundries or located on the same grounds, and should be considered to be one and the same institution.

As the investigation progressed the Ombudsman discovered a flawed administrative process - a process where the women had to apply for the scheme without being told what the criteria were, and where great reliance was placed on the congregations' records to the exclusion of other evidence.

Of most concern to the Ombudsman was how the Department had failed to provide for those women who lacked capacity to look after their own affairs and who were still waiting to receive payments under the scheme. A significant number of those women remained in the care of the congregations.

The purpose of the investigation was to ensure that the scheme would be interpreted and applied as widely and as generously as possible with no place for exclusion on narrow or technical grounds.

The Ombudsman noted that the restorative justice scheme created an opportunity to belatedly offer some redress to the women who lived and worked in the laundries.

The report made a number of recommendations in relation to eligibility for admission to the scheme; the application process; capacity (of some applicants to look after their own affairs); and developing future schemes. All of the Ombudsman's recommendations were accepted.

Improving how public hospitals handle complaints



In May 2015 Ombudsman, Peter Tyndall, published “Learning to Get Better”. This was the result of an investigation into how public hospitals handle complaints.

The investigation looked at how public hospitals in Ireland handle complaints about their services.

In particular, it looked at how well the HSE and public hospitals (including voluntary hospitals) listened to feedback and complaints, and whether the HSE and public hospitals were learning from complaints in order to improve the services they provide.

At the outset of the investigation, the Office sought the views of members of the public who had complained about a hospital service, either as a patient or a relative and/or carer.

One of the key points that emerged from this public engagement was that many users of hospital services (whether patients or relatives/carers) did not know how to make a complaint about a hospital service and were not aware of the support available to help them to do so, including the right to escalate the complaint to the Ombudsman.

The main barriers to giving feedback or making a complaint were identified by participants as:

- a. a fear of repercussions for their own or their relative’s treatment
- b. a lack of confidence that anything would change as a result of complaining

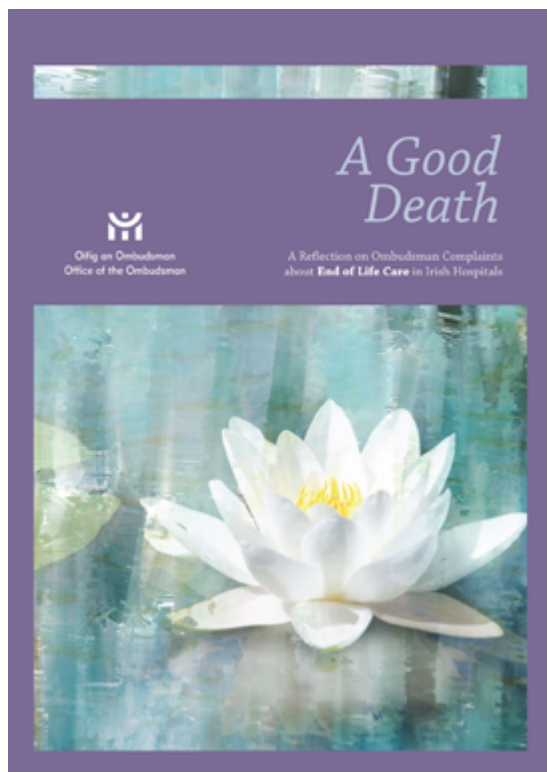
The Office surveyed all public hospitals to gain a better understanding of the complaints process as it operated across the country and visited eight randomly selected hospitals for a more in-depth study. Staff of the Office met with senior management from the HSE, the Department of Health, representative organisations and health sector regulators. The Office also received submissions from other representative organisations and patient advocacy groups.

The key findings that emerged from the investigation included:

- a.** Feedback should be encouraged
- b.** Learning from complaints is essential
- c.** There is a role for senior managers within the complaints process
- d.** Outcomes need to be publicised more

In all, the Ombudsman made 36 recommendations in the report and followed up with the HSE and each of the voluntary hospitals to develop an action plan in order to monitor the implementation of the recommendations.

Improving practices relating to 'End of Life' care



Ombudsman, Peter Tyndall published the report, "A Good Death", in June 2014 in response to complaints received relating to 'end of life' care. While the numbers of complaints were low in comparison to other issues, the experiences were unique, and in many instances had a profoundly disturbing effect on family members.

The investigation reflected on some of the complaints received relating to end of life care and drew from them common themes to assist service providers and policy makers to improve practices. While some of the stories shared were sad and reflected the intense emotion of those directly involved, it was considered important to share those stories in order to learn from mistakes and to improve the experiences of people in the future.

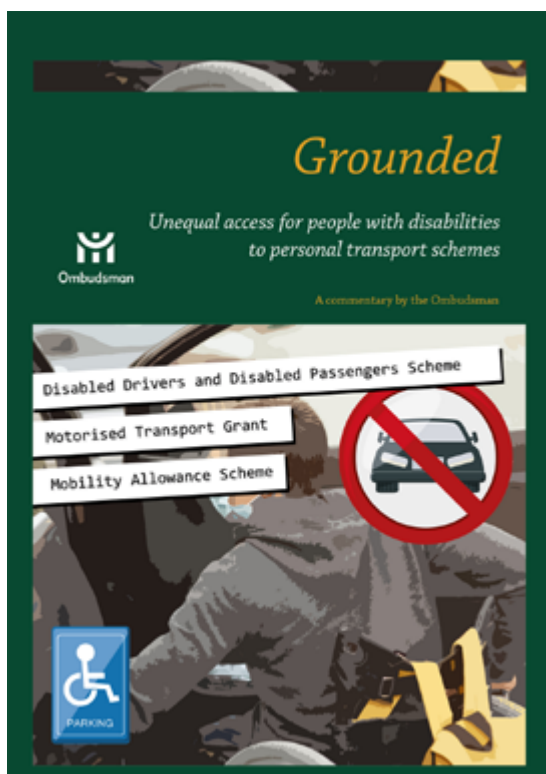
The purpose behind sharing these experiences was to make a positive contribution to the national debate on end of life care and the campaign to make Ireland a good place to live in and to die in. The key message in the report was that small things make a big difference. Excellent communication and a positive, respectful attitude are required from all those associated with the care of the dying person and their loved ones.

The report dealt with such issues as Communications, Patient Autonomy, Specialist Palliative Care, Support for Families and Friends, Post Mortem Examinations, Returning the Deceased Person's Belongings and Managing Complaints.

In 2018 the Ombudsman published a 'Progress Report' in which he outlined the three key areas of progress which had been made relating to:

- a.** A significant increase in the range and volume of education and training in end of life care for staff in both acute hospitals and residential centres
- b.** Improved physical facilities for dying patients and their families
- c.** Greater emphasis on the provision of information for patients and their families on all aspects of end of life care

Seeking better access to transport for people with disabilities



Ireland has had schemes to assist people with disabilities to access transport since the 1960s.

For over twenty years, successive holders of the Office of Ombudsman have sought to bring about improved access to transport for people with disabilities.

Tax Relief for Passengers with Disabilities

In August 2001, Ombudsman Kevin Murphy published the report, "Passengers with Disabilities". This was the outcome of an investigation of a number of complaints about the Revenue Commissioners regarding its refusal of tax relief for cars adapted or constructed for use by passengers with disabilities.

The Ombudsman found that the decisions not to grant tax relief in these cases were unreasonable, unfair and inappropriate.

In his findings the Ombudsman noted that the 'sui generis and non-precedential' approach to these cases by the Revenue Commissioners was "not conducive to fair and sound administration, and had introduced an arbitrary element in deciding on taxpayers' entitlements." The Ombudsman also found that the decision not to use the discretionary power available to the Revenue Commissioners was "tantamount to fettering that discretion and would itself be contrary to fair administration."

The Revenue Commissioners accepted the Ombudsman's recommendations in full.

The Mobility Allowance and the Motorised Transport Grant

The Mobility Allowance was put in place as far back as 1968 and the Motorised Transport Grant was put in place in 1979. They were operated by the Health Service Executive and its predecessors, to support people living with a disability to access personal transport.

In 2011 and 2012, Ombudsman Emily O'Reilly, published separate investigations into the Mobility Allowance and the Motorised Transport Grant.

Mobility Allowance

The Mobility Allowance (MA) was a payment to people living with a disability who are unable to walk or use public transport and who would benefit from being mobile by, for example, using the services of a taxi occasionally.

In April 2011 the Ombudsman published the investigation report called "Too Old to be Equal?" which dealt specifically with the fact that the MA excludes first-time applicants over the age of 66 years. The Ombudsman found that the inclusion by the Department of Health of this upper age limit was a breach of the Equal Status Act 2000. The Ombudsman recommended that the Department of Health complete a proposed review of the MA scheme and, arising from that review, revise the scheme so as to render it compliant with the Equal Status Act 2000. The Ombudsman also recommended that the review and the revision should be completed within six months of the date of the report. The Department accepted this recommendation.

However, as described below, the Government decided to close the MA and the Motorised Transport Grant schemes to new applicants in 2013.

Motorised Transport Grant

The Motorised Transport Grant (MTG) was a means-tested grant to assist persons with severe disabilities with the purchase or adaptation of a car, where that car was essential to retain employment.

In September 2012, Ombudsman Emily O'Reilly published the results of an investigation of a complaint concerning the Health Service Executive and the Department of Health about the refusal of the Health Service Executive (HSE) to award a MTG to a man with a profound intellectual disability. The investigation looked at the actions of the HSE, which decided the application, as well as those of the Department of Health which had overall responsibility for the MTG scheme. The HSE had refused the application on the grounds that the applicant did not meet the medical criteria for eligibility.

Following a detailed investigation, the Ombudsman upheld the complaint. She found that the interpretation of the medical criteria for eligibility used by the HSE was unacceptably restrictive and contrary to equal status legislation. The HSE accepted the Ombudsman's recommendations in full and confirmed that it would put an implementation plan in place straight away.

She also found that the Department of Health had failed to properly oversee the scheme.

The Department of Health rejected an Ombudsman recommendation relating to the operation of the MTG. As a result, the Ombudsman furnished a Report to the Dáil and Seanad under section 6(5) and (7) of the Ombudsman Act 1980 regarding the refusal by the Department of Health to implement a recommendation of the Ombudsman.

In 2013, following the Ombudsman investigations, the Government decided to close both the MTG and Mobility Allowance schemes to new applicants. It also promised a replacement scheme to address the transport needs of people with disabilities. However, over a decade later, no replacement scheme had been delivered. The closure of these schemes was a significant blow to people with disabilities.

Disabled Drivers and Disabled Passengers scheme

Without such schemes in place since 2013, a separate scheme - the Disabled Drivers and Disabled Passengers (DDDP) scheme - took on more significance for people living with a disability because it is the only potential support available to them.

However, this scheme is not fit for purpose. It provides a range of tax reliefs linked to the purchase and adaptation of vehicles by drivers and passengers with a disability. They include reliefs in relation to VRT and VAT as well as exemptions from motor tax and tolls, and refunds on duty paid on fuel. In order to qualify for tax relief under the scheme, the person with a disability must have a Primary Medical Certificate from the HSE. A person must meet one of six medical criteria to be eligible for

a Primary Medical Certificate. Since as far back as 2001 the Office of the Ombudsman has been receiving complaints about the excessively restrictive nature of these six criteria. The medical criteria are that a person must:

- a.** be wholly or almost wholly without the use of both legs;
- b.** or be wholly without the use of one of their legs and almost wholly without the use of the other leg such that they are severely restricted as to movement of their lower limbs;
- c.** or be without both hands or without both arms;
- d.** or be without one or both legs;
- e.** or be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;
- f.** or have the medical condition of “dwarfism” and serious difficulties of movement of the lower limbs.

In November 2021 Ombudsman, Peter Tyndall published the “Grounded” report. The report set out the investigations undertaken by the Office into the administration of the Motorised Transport Grant, the Mobility Allowance and the Disabled Drivers and Disabled Passengers scheme, and the key recommendations emanating from those investigations.

The report highlighted the lack of progress in the area of access to personal transport schemes for people living with a disability and the fact that no replacement schemes had been put in place, as had been promised, for the Motorised Transport Grant and

the Mobility Allowance since they were discontinued in 2013. It also focused on the inequity in how the Disabled Drivers and Disabled Passengers Scheme is administered. Peter Tyndall said that the current situation in terms of access to supports for transport for those living with a disability was simply unfair.

Addressing an Oireachtas Committee in 2022, his successor, Ombudsman Ger Deering stated that he was in no doubt that the criteria for the one remaining scheme are excessively restrictive. He pointed out that the administration of this scheme, based on these restrictive criteria, has resulted in people who do not meet the criteria, but who are equally as immobile as those who do, being excluded from the scheme.

In dealing with complaints about this only remaining scheme the Ombudsman was unable to uphold these complaint due to the very restrictive legislation governing its activities.

In 2020, the Supreme Court quashed a refusal of the Disabled Drivers Medical Board of Appeal to grant Primary Medical Certificates which allowed the parents of two disabled children to avail of tax relief under the scheme and noted in its judgment that the problem was with the “under-inclusive nature” of the regulations. In essence, this meant that the HSE and Appeal Board could not continue with their work for a time. In a most extraordinary move, the Government, in response to this judgment, introduced an amendment to the Finance Act 2020 to enshrine the existing very restrictive medical criteria in primary legislation.

At the time the Government claimed this to be yet another “interim” measure.

Commenting on the action of the Government to an Oireachtas Committee, Ger Deering outlined his belief that a far more appropriate response would have been to revise the criteria for the scheme to take into account an individual’s level of mobility.

However, past experience has shown that such interim measures often remain in place for far too long. The fact remains that there has effectively been no progress in over a decade (in the case of the Mobility Allowance and the Motorised Transport Grant) and for almost five years in the case of the DDDP scheme.

Ger Deering outlined his concern that each time a problem is identified with a scheme designed to assist people with disabilities, the response by Government has been to either discontinue the scheme without replacement, or to enshrine the inequitable eligibility criteria in primary legislation.

People who are adversely affected by this lack of access to transport need and deserve immediate and decisive action. It is simply not acceptable that a person is confined to their home, unable to participate equally and actively in their community or at work because they are unable to access transport.

In his introduction to his 2022 Annual Report, Ombudsman Ger Deering expressed his view that “the manner in which people with disabilities continue to be denied access to personal transport supports is nothing short of shameful.” He stated that there was no clear responsibility for delivering accessible transport for people with disabilities - without which no progress would be made.

Mr Deering has committed to continue to highlight the failure of Government to deal with the issue of personal transport supports for people with disabilities until real and tangible progress is achieved in this area.

The right to nursing home care



In 2010, Ombudsman Emily O'Reilly published "Who Cares?" to the Dáil and Seanad in accordance with section 6(7) of the Ombudsman Act 1980 regarding her investigation into the Right to Nursing Home Care in Ireland. The investigation was based on more than 1,000 individual complaints made since 1985 on behalf of older people who were unable to get long-term nursing home care from the then Health Boards.

Because they did not have care provided by the Health Boards, these people had no choice but to avail of private nursing home care. While many received some State support for the costs of private care, this support was inadequate. Many of the complainants said that having to avail of private care, even with State support, created huge financial and other problems both for the older person and for the wider family.

The Ombudsman's approach in this investigation was to describe the difficulties facing the families concerned, to seek to establish the legal situation regarding the right to long-term care and to describe how the responsible State agencies (the Department of Health and Children, and the Health Boards) had been dealing with the problem.

Ten years previously, Ombudsman Kevin Murphy, had laid a report before the Dáil and Seanad titled "Nursing Home Subventions". That report attracted quite a deal of public attention as well as causing some interesting debate within the Oireachtas. Part of the response at the time was a commitment that, insofar as the legal entitlements of older people to nursing home care might be unclear, there would be legislative action to put these matters beyond doubt.

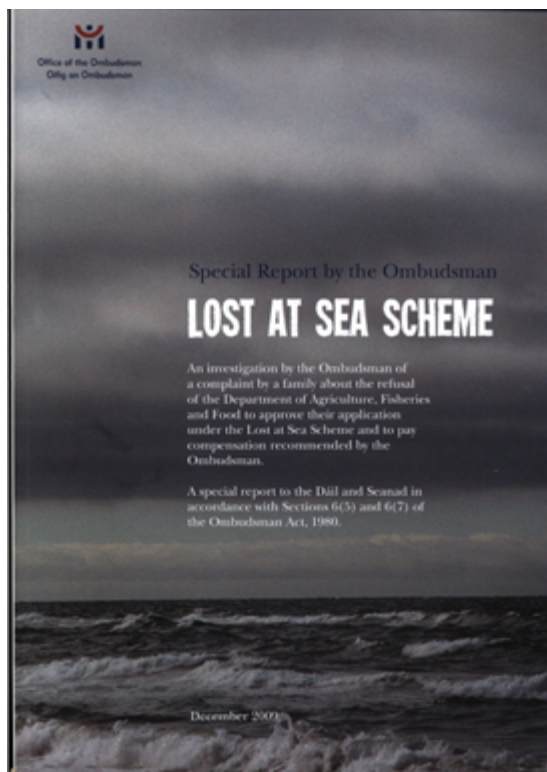
The situation had not changed in August 2009 when the Ombudsman began work on the “Who Cares?” report. The Ombudsman was receiving complaints about access to nursing home care which were no different to those Kevin Murphy received in 2000, or that his predecessor, Michael Mills, received as far back as 1985. Some of these complaints were resolved, on their own individual circumstances, to the satisfaction of the complainants. However, most of them were incapable of resolution because of a fundamental difference of opinion between the Ombudsman’s Office on the one hand, and the Health Boards and the Department of Health and Children on the other, regarding the correct interpretation of the relevant legislation.

The “Who Cares?” report was not simply a ‘look back’ report. The issue of the right to be provided with nursing home care by the State remained very relevant. While the landscape had changed somewhat with the coming into operation of the Nursing Home Support Scheme (the ‘Fair Deal’ scheme) fundamental questions remained about the role of the State and the rights of the public in this area. This report attempted to answer these questions. It looked also at what might now be done - mindful of the then financial and economic difficulties - to assist those people who had suffered hardship by virtue of being unable to get long-term nursing home care from their Health Board.

Some of those people had chosen to initiate legal proceedings against the State. As detailed in the report, there were more than 300 cases before the High Court at the time in which people were seeking compensation for the costs incurred in having to avail of private nursing home care where (as claimed by the plaintiffs) they should have had care provided by the Health Board. At the same time, much concern was being expressed about the apparent retreat of the State from direct involvement in providing nursing home care for older people.

The Ombudsman no longer receives complaints regarding this particular issue. The Nursing Home Support Act (Fair Deal scheme), passed in 2009, provides for financial support for those in long-term nursing home care. However, the Ombudsman continues to investigate complaints regarding the operation of both public and private nursing homes.

Ombudsman recommendation on sea fisheries scheme implemented after eight years



“Lost at Sea” was a Special Report made to the Oireachtas in December 2009 by Ombudsman Emily O’Reilly. It related to a complaint by a family about the refusal of the Department of Agriculture, Fisheries and Food to approve their application under the Lost at Sea scheme and to pay compensation recommended by the Ombudsman.

This once-off, time-bound, non-statutory scheme was established in 2001 to assist those boat owners with a family tradition of sea-fishing by providing replacement capacity in respect of fishing boats that had sunk in the period 1980 to 1989.

A number of fishermen had lobbied for a scheme following the introduction in 1990 of a new regulatory system for the Irish Sea Fishing Fleet which effectively limited the overall fleet capacity. This meant that “replacement capacity”, i.e. tonnage and kilowatts, was now required for sea fishing boat owners who wished to continue to fish, fish in a new or larger boat or to commence to fish. It also meant that to get new capacity a boat owner had to “take out” old capacity. The new regime caused difficulties for some former boat owners who believed the new system to be unfair and who claimed they were unable, because of their particular circumstances, to purchase replacement capacity.

The Lost at Sea Scheme was designed to address the needs of those boat owners who had lost their boats at sea in the period 1980 to 1989 and who effectively, but for their misfortune, would have had a boat on which replacement capacity would have been assessed under the new regulatory system at the time of its introduction.

Successful applicants under the scheme would be granted capacity in their own right which would have enabled them to carry on a tradition of fishing. The amount of capacity granted to a successful applicant related to the size of the original vessel which had been lost at sea and to the proportion of the applicant's ownership of the vessel. The scheme did not provide financial support to successful applicants for the acquisition of a replacement fishing vessel itself and the replacement capacity, i.e. gross tonnage and engine power granted under the scheme had to be used by the replacement fishing vessel. It could not be sold on or otherwise traded or realised as a financial asset in the tonnage market.

In all, the Ombudsman received six complaints from individuals claiming that they were unfairly denied benefit under the scheme. Five were not upheld, the sixth, which came from the Byrne family, was upheld.

Francis Byrne was the owner and skipper of a fishing boat, the MFV Skifjord which tragically sank off Donegal in October 1981. Francis Byrne lost his life along with his 16 year old son Jimmy and three other crew members. Francis Byrne's widow was left with a young family of five boys and three girls.

Following rejection of their application by the then Department of Communications, Marine and Natural Resources, Danny Byrne, acting on behalf of his mother, complained to the Ombudsman. The Ombudsman carried out an investigation and concluded that the design of the scheme and the manner in which it was advertised were contrary to fair and sound administration and that these shortcomings were factors in the Byrne family not qualifying for assistance under the scheme.

By way of remedy, the Ombudsman recommended that financial compensation be paid to the Byrne family but the Department of Agriculture, Fisheries and Food, which had taken on responsibility for these matters, refused to accept the recommendation. This was only the second time in the 25-year history of the Office that a public body had rejected the Ombudsman's recommendation. (The first occasion was in 2002 in a case involving the Revenue Commissioners, which, with the assistance of the Oireachtas, was ultimately resolved to the Ombudsman's satisfaction.)

When the Ombudsman considers that a public body's response to a recommendation is unsatisfactory, the Ombudsman's only recourse is to make a special report to the Oireachtas as the Ombudsman is empowered to do under the Ombudsman Act, 1980.

The Report describes the reasons why the Ombudsman decided to make a special report in this case, and a report of the Ombudsman's investigation of the complaint made by Danny Byrne.

In 2010 an Oireachtas Committee rejected the Ombudsman's findings that the Department of the Marine's 'Lost at Sea' scheme was unfairly administered. The Lost at Sea Scheme recommendations were, however, eventually accepted by the Government in 2017

Appendix

Investigation Reports

The following investigation reports are available on the Ombudsman website www.ombudsman.ie



1997: Investigation into the non-payment of arrears of Contributory Pensions

1998: Investigation into the provision of school transport for a child with disabilities

- An investigation concerning the provision of school transport by the Department of Education and Science for a child with disabilities.

1999: Report on Lost Pension Arrears - A review of complaints regarding unpaid arrears of Contributory Pension where the claim is made late.

2000: Local Authority Housing Loans - An investigation into the level of non-refunded overpayments on borrowers' loan accounts.

2001: Report on Nursing Home Subventions - An Investigation of complaints

regarding payment of nursing home subventions by Health Boards.

2001: Passengers with Disabilities - An investigation of complaints against the Revenue Commissioners about the refusal of tax relief for cars adapted or constructed for use by passengers with disabilities.

2002: Redress for Taxpayers (Special Report) - An investigation by the Ombudsman of complaints about the Revenue Commissioners' refusal to make full refunds of income tax to two widows and to compensate taxpayers when refunds are wrongly delayed.

2005: Investigation report on the care of a patient at Sligo General Hospital

2006: Report on the delay by the Mid-Western Health Board in calculating arrears of superannuation payable by two public health nurses for previous service

2007: Report of the Ombudsman's experience of dealing with complaints against Kildare County Council

2007: Complaint concerning Clare County Council and its handling of planning applications for development at Doonbeg Golf Course

2007: Complaints about the General Register Office

2008: Investigation into the operation by Local Authorities of Waiver Schemes for refuse collection charges

2008: Care and treatment of a patient at St Mary's Care Centre, Mullingar

2009: Local Authority charges for photocopying planning documents

2009: Lost at Sea - An investigation by the Ombudsman of a complaint by a family about the refusal of the Department of Agriculture, Fisheries and Food to approve their application under the Lost at Sea Scheme and to pay compensation recommended by the Ombudsman.

2010: Investigation report re suspension of a Disability Allowance payment - Report of an investigation into the suspension of a Disability Allowance payment while the recipient was resident in Northern Ireland against the Department of Social and Family Affairs.

2010: Investigation of complaints against HSE about Nursing Home Subvention Payments

2010: Investigation report of a complaint concerning HSE West - Regarding a complaint made about a nursing home in Galway.

2010: Subventions for Nursing Home Care - Complaints made by 3 individuals against HSE

2010: Investigation report on a complaint made against Meath County Council

2010: Who Cares? - An Investigation into the right to nursing home care in Ireland

2011: Too Old to be Equal? - An investigation into the illegal refusal of Mobility Allowance to people over 66 years of age.

2011: Failure to Refund Illegal Nursing Home Charges

2011: Complaint concerning St Mary's Hospital, Phoenix Park and HSE

2012: Hidden History? - The Law, the Archives and the General Register Office - An Investigation by the Ombudsman into access to historical records of births, deaths and marriages held by the General Register Office.

2012: The Revenue Commissioners and Random Car Seizures - An investigation into the seizure of a car by the Customs and Excise of the Revenue Commissioners.

2012: Motorised Transport Grant - Report to Dáil and Seanad - Report on the refusal by the Department of Health to implement a recommendation of the Ombudsman.

2012: Motorised Transport Grant - Ombudsman Investigation into the Motorised Transport Grant Scheme.

2012: Too Old to be Equal?: A Follow-up - A follow-up Investigation by the Ombudsman into the illegal refusal by the Department of Health of Mobility Allowance to people over 66 years of age.

2013: Care Denied: Failure to Provide Long-Stay Care for Under 65s

2014: Passports for Irish-born children of non-EEA parents

2017: Opportunity Lost: Magdalen Restorative Justice Scheme Investigation - An investigation into the administration of the Magdalen Restorative Justice Scheme.

2017: Taking Stock - Tusla investigation - An investigation by the Ombudsman into complaint handling and issues identified in complaints made about the Child and Family Agency (Tusla).

2019: Fair Recovery - How complaints helped to improve the Department of Employment Affairs and Social Protection's handling of overpayments.

2021: Grounded: Unequal access for people with disabilities to personal transport schemes

2021: Wasted Lives: Time for a better future for younger people in Nursing Homes

2023: In Sickness and in Debt - An investigation by the Ombudsman into the administration by the HSE of schemes that fund necessary medical treatment in the EU/EEA or UK.

