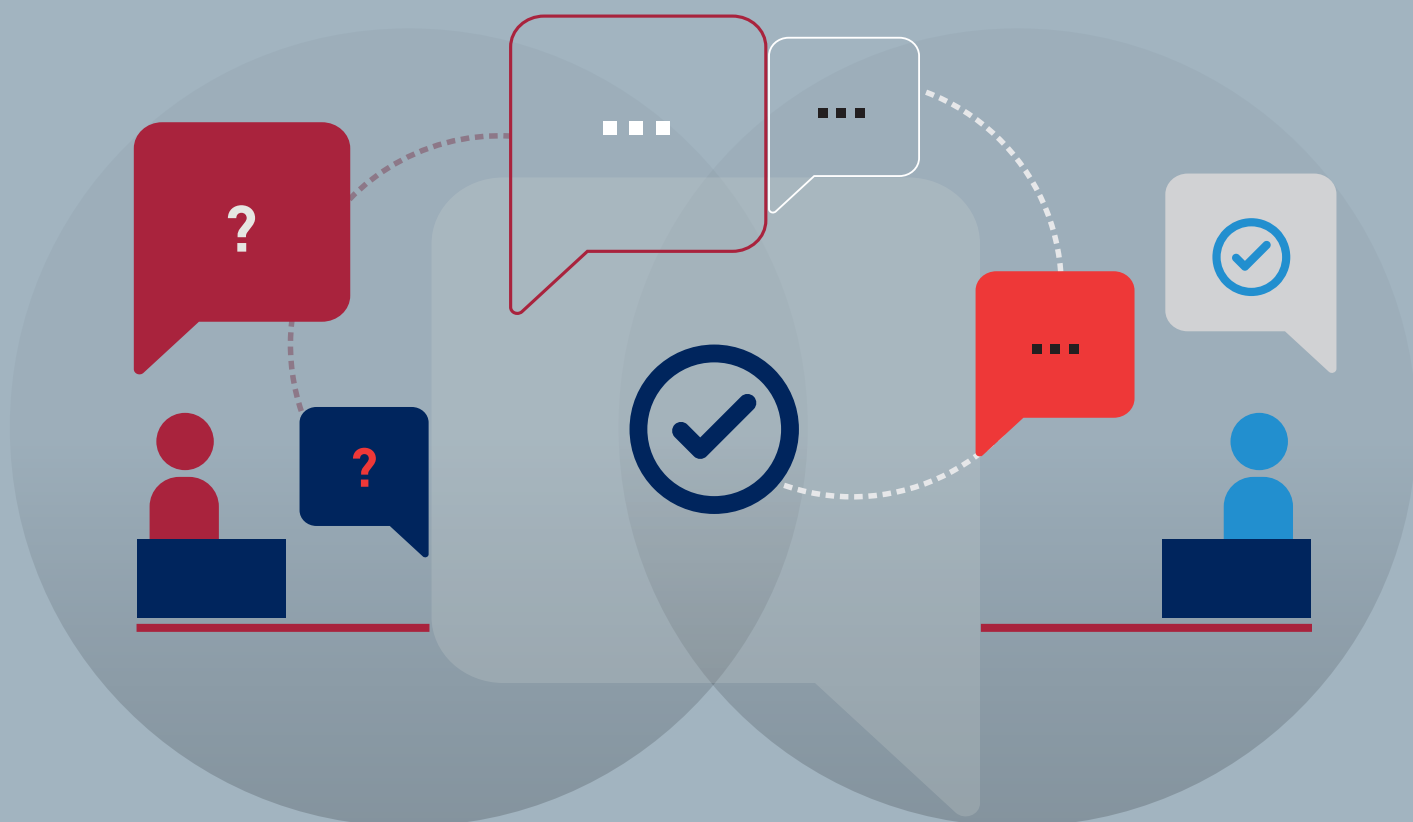


Annual Report 2020

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Managing complaints in a pandemic



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Report Number 37

Designed by: wonderworks



Ombudsman

Annual Report 2020

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Report to the Oireachtas

I hereby submit the Annual Report of the Office of the Ombudsman to the Dáil and Seanad pursuant to the provisions of Section 6(7) of the Ombudsman Act 1980 (as amended). This is the 37th Annual Report submitted in relation to the work of the Office of the Ombudsman since it was established in 1984.

A handwritten signature in black ink, which appears to read 'Peter Tyndall'. The signature is stylized and cursive.

Peter Tyndall
Ombudsman



Elaine Cassidy
Director General

Chapter

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Chapter 1: Introduction from the Ombudsman

Introduction

My Office started 2020 in our new offices on 6 Earlsfort Terrace, Dublin 2. We were looking forward to hosting a major international conference. We had planned an ambitious Outreach programme including regular complaint clinics at Citizens Information Centres in Cork, Galway and Limerick, a major regional visit and visits to Direct Provision accommodation centres.

As with every other organisation, we had to change our plans drastically when the first restrictions resulting from the COVID pandemic occurred. In mid-March, we left the office on a Friday, and were operational off-site the following Monday. We were able to provide full access by phone, email and through our online form to our complaints service. I want to thank all of our staff who facilitated the transition to remote working, and who immediately set about dealing with complaints from their homes. Our performance during the year was near normal. The number of complaints we examined was similar to 2019. The level of complaints received showed an initial drop, but then returned to pre-COVID levels. I am pleased to say that despite the challenges, we closed more complaints than we received during the year.

One notable feature of the complaints received was a decrease of more than 60% in the number of complaints from residents of Direct Provision. This demonstrates the importance of our Outreach work in reaching this vulnerable category of the population, which had to be severely curtailed in response to the pandemic. I go into more detail on that decrease in my recently published 'Commentary for 2020' on the Direct Provision sector.

There has been some change to the nature of complaints, for example, from people looking to access COVID-related welfare benefits. In general, we found public bodies to be very responsive in their engagements with us, enabling many issues to be promptly resolved.

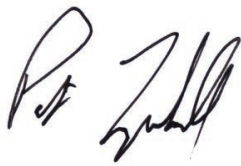
There has been much talk over the years about the paperless office. This has been an aspiration for many organisations, but not considered realistic in the short term. Suddenly, almost all of our communication with public bodies has gone online. This greatly facilitates the work on complaints, and I cannot see it returning to the old normal. We still have small numbers of staff attending the office when necessary, for example, to scan in correspondence received by post, so that those people who don't want to engage with us online can still reach us in writing.

We have had to be innovative in responding to the challenges created by COVID. Our regional Outreach programme was undertaken through webinars, and we have since gone on to offer training events to CIC staff in this way. The International Ombudsman Institute conference, which would have brought more than 250 delegates to Dublin from across the globe had to be postponed. The conference was held virtually in May 2021.

We have not yet had a major influx of complaints about health matters and nursing homes. We usually ask complainants to give the body in our jurisdiction an opportunity to respond to their complaint before bringing it to us, and it is likely that dealing with complaints has taken longer because of the pandemic. We made a point of allowing additional time to respond to those bodies who have been in the frontline of providing care and support. I would like to use this opportunity to recognise the magnificent efforts of all of those in the health service and in care homes who have worked tirelessly to deal with the crisis, and particularly to pay tribute to those who lost their lives. I would also like to offer condolences to everyone who has lost a loved one to the pandemic.

We had been working on a major investigation into the plight of people under 65 placed in nursing homes. The COVID pandemic unfortunately delayed its publication, but emphasised the significance of this work. I published the report of that investigation in May 2021. I am very conscious of the fact that several of the individuals we had spoken with have sadly lost their lives during the pandemic.

I am concerned about the continued reliance on congregated settings in Ireland. People with disabilities should be supported to live full and valued lives in our communities. COVID has shown us many things about the flexibility and capability of our public services when facing a crisis. We should now bring that same sense of urgency and 'can do' philosophy to tackling the long-standing issues with congregated settings, for people with disabilities, people with intellectual difficulties, and for applicants for international protection and refugees. That would be a heart-warming legacy from an otherwise grim year.



Peter Tyndall
Ombudsman
June 2021



Just a very brief note to say thank you both to yourself and your staff, in particular Mr Leslie Dawkins who I feel has gone over and beyond his duty to bring this matter to a successful conclusion.

Chapter

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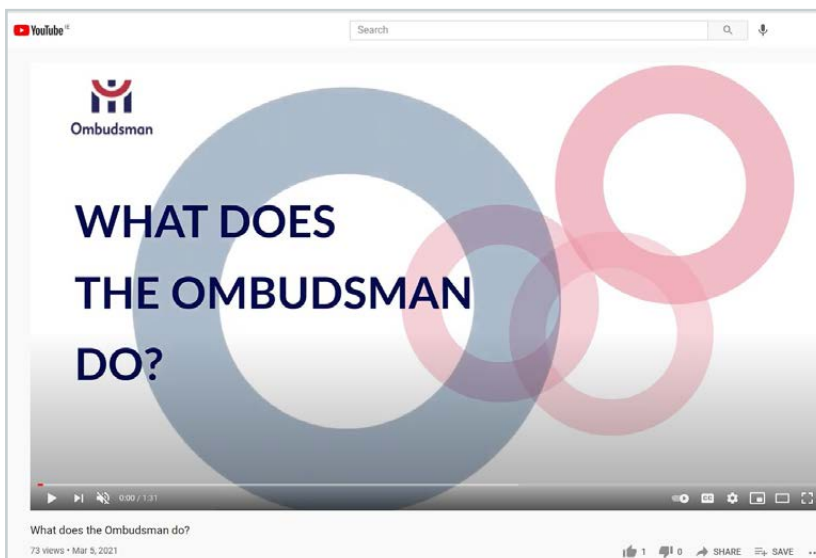


Chapter 2: Complaints in 2020

2.1 Role of the Ombudsman

As Ombudsman, my main role is to examine complaints from people who feel they have been unfairly treated by certain providers of public services, including:

- government departments
- local authorities
- the Health Service Executive (HSE)
- public hospitals
- publicly-funded third level education institutions
- public and private nursing homes, and
- 'direct provision' accommodation centres.



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

When we receive complaints we consider if the action complained about (for example a decision or failure to act) was made:

- without proper authority
- on irrelevant grounds
- in a negligent or careless manner
- based on wrong or incomplete information
- in a way that improperly discriminated against the individual
- based on bad administrative practice or
- in a way that did not demonstrate fair or sound administration.

Any failure to respect the human rights of the individual is regarded as not being consistent with fair or sound administration.

In practice, many complaints are resolved informally after my Office has brought the complaint to the attention of the public service provider concerned. If I uphold a complaint I will recommend appropriate redress. I may also make recommendations which aim to reduce the likelihood of others being similarly affected in the future.

As Ombudsman, I can also examine complaints under the Disability Act 2005. These complaints relate to access to information and services by people with disabilities. I report on complaints under the Disability Act later in this Chapter.

I am appointed by the President and report to the Oireachtas.

2.2 Complaints received in 2020: Analysis

In 2020, the total number of complaints received by my Office about service providers within my jurisdiction was 3,418 compared to 3,664 in 2019. This is a decrease of 6.7%, following an increase of 9% the previous year.

The decrease in complaints received was not surprising given that due to COVID restrictions we were unable to carry out our usual Outreach programme including monthly 'complaint clinics' at Citizens Information Centres and visits to Direct Provision centres.

3,511 complaints were examined by my Office in 2020, which despite the disruption caused by the pandemic, was similar to the previous year (3,563 in 2019). In addition, we responded to 3,717 enquiries, which was an increase of 1,547 on 2019.

My Office continually strives to improve our services and procedures. In particular, as has been the case in the past number of years, caseworkers are encouraged to communicate where possible by email and telephone in order to speed up our communication process. In addition, we have sectoral experts for the various sectors, and an early intervention team in order to either resolve cases, or allocate them more quickly. In 2020 we expanded our early intervention team and, as a result, 76% of cases were closed within 3 months, 89% within 6 months while, overall, 97.5% of cases were closed within 12 months. Despite the challenges presented in 2020 for both my Office and the public service providers we deal with, these figures compare well to previous years.

Of the 1,863 cases that were substantively examined, 25% of cases were fully or partially upheld and 52% were not upheld. We 'provided assistance' in 23% of cases. This is where a case was not upheld, but the complainant has benefitted in some way, for example, by being provided with a better explanation or some form of assurance. Overall, in 48% of cases, members of the public directly benefitted from contacting my Office.

Before complainants bring their complaints to my Office they must first take reasonable steps to resolve their complaint with the public service provider concerned. In a number of cases (861 in 2020) my Office provided advice and assistance to those who made their complaint prematurely to us and usually redirected them back to the local service, inviting them to come back to us if the case was not resolved at that level.

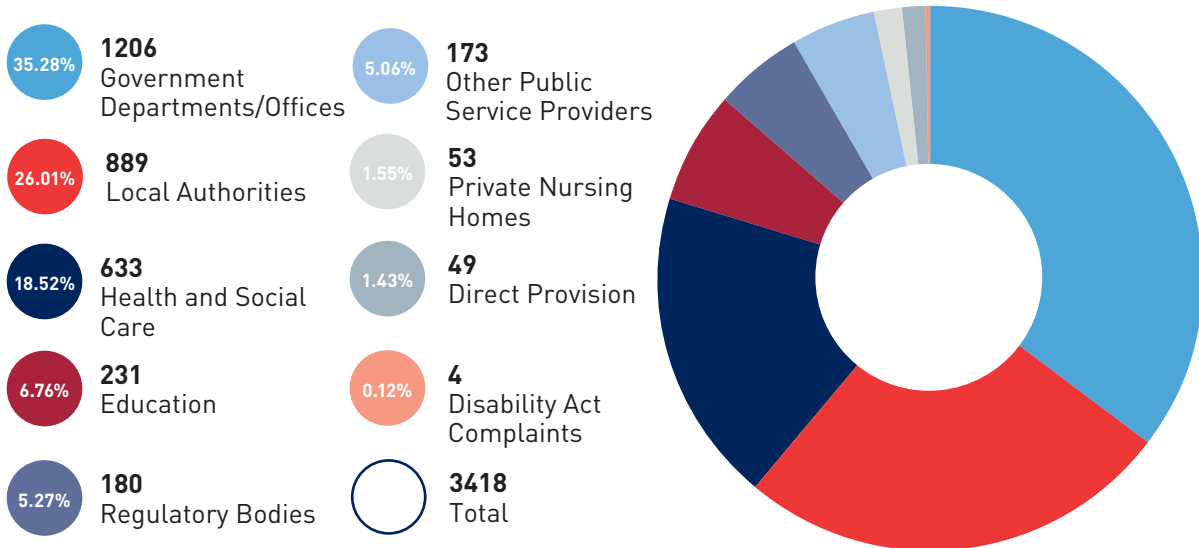
An additional 787 complaints were either discontinued, withdrawn or were outside remit. In cases outside remit, we generally try to provide contact details for the appropriate body who can consider the complaint.

In 2020 Government Departments and Offices, which includes the Department of Social Protection, were the source of the largest number of complaints to my Office (32%), followed by Local Authorities (26%) and the Health and Social Care sector (18%). This is broadly in line with the 2019 figures and would be consistent with the volume of interactions that these bodies have with service users.



I wish to once again thank you and Ms Kellie May for the time and work you put into resolving my case.

Complaints received by sector



2.3 Government Departments and Offices

Of the 1,206 complaints made about Government Departments and Offices, 735 were about the Department of Social Protection (131 of which concerned COVID-19 related payments), 163 about the Department of Agriculture, Food and the Marine, 99 about the Office of the Revenue Commissioners, and 68 about the Department of Education. A detailed breakdown is contained in Tables 6 to 6(c) of the Appendix.

Department of Social Protection

I was acutely aware of the additional workload imposed on the Department of Social Protection by the need to make COVID-19 payments at short notice. As a consequence, I decided not to impose the normal deadlines for responses to my Office on individual complaints for a period of time. While this decision served to delay my work, I recognised the herculean efforts of the Department to issue payments to over a million people in a very short period of time, and that this work had to be a priority.

My Office received 735 complaints about the Department of Social Protection in 2020, which was 71 less than I received in 2019. The highest category was 126 complaints about the Pandemic Unemployment Payment (PUP). I received 86 complaints about Job Seeker's Allowance and 80 complaints about Disability Allowance.

Some of the 126 complaints about the PUP were about arrears. The Department confirmed that, up to September 2020, it had received approximately one million applications, some of which were repeat applications as a result of people moving in and out of employment. The Department delivered over a million payments up to September 2020 and it had set up an automated system to process all arrears. I fully accepted that it would take time to pay all of the arrears.

I continue to receive a number of complaints about overpayments. These complaints cover all means-tested payments. Some complaints relate to the legacy non-performing debts, an issue I raised in my report titled “Fair Recovery” in 2019. I continue to work with the Department to bring about a fair resolution to the complaints I receive.

Department of Agriculture, Food and the Marine

In 2020 my Office received 163 complaints about the Department of Agriculture, Food and the Marine. This was an increase of 95% on 2019.

My Office completed 96 cases in 2020, an increase of 20% on 2019.

In 2020, the main Agriculture complaints I received were about:

- the re-designation of Areas of Natural Constraints (70),
- the Green, Low-Carbon Agri-environment Scheme (GLAS) (19),
- the Basic Payment Scheme (13)
- the Forestry Grants and Premiums Scheme (9).

Many of the complaints relate to:

- the level of payments,
- the refusal of payments and
- penalties imposed for non-compliance with scheme conditions.

The reason for the large increase in complaints in 2020 was mainly due to an increase (70) in complaints about the re-designation of Areas of Natural Constraints (ANC). In 2019, EU Regulations required that all Member States change their approach to designating townlands that are eligible for support under the ANC scheme.

The new approach is based on identifying townlands that are considered to be constrained by reference to a range of bio-physical criteria set out at EU level. Prior to 2019 the Department had been identifying eligible areas using a range of socio-economic indicators. Many of the complaints were in relation to townlands that were not included in the re-designated scheme.

In my 2019 Annual Report, I reported on a case where the Department agreed to pay a farmer €12,500. The case involved the termination of a 20-year contract under a Riparian Zone aid scheme. At the time, I reported that the Department had identified 109 similar cases.

I continued my examination of this issue throughout 2020. As a result, the Department identified a further 41 cases. This brought the total number of cases to 150 with an estimated liability of €1.3 million. At the time of writing, the Department has sought sanction from the Department of Public Expenditure and Reform to pay the farmers.

In a separate scheme, a farmer who applied to the National Reserve (New Entrant) scheme had his application refused by the Department because he had not completed a specific education course by a particular date. My examination showed there were exceptional circumstances which prevented the farmer from satisfying that specific condition of the scheme.

Following consultation with the Department, it agreed to process the application. The farmer received a payment of almost €13,500. More details on this case are in Chapter 4: Case Studies.

2.4 Local Authorities

97 of the 889 Local Authority complaints received were about Dublin City Council, 53 were about Cork City Council, while 49 were about Limerick City and County Council. 519 of the complaints about Local Authorities concerned housing, 203 of which related to housing allocations and transfers, and 117 complaints related to housing repairs. A detailed breakdown is contained in Tables 7 and 7(a) of the Appendix.

Non Principal Private Residence Charge - Certificate of Exemption

The Non Principal Private Residence charge was a charge on domestic properties that were not used by the owner as his or her sole or main residence. Although the charge was abolished in 2013, any unpaid NPPR charge remained as a charge on the property. When selling a property, the owner must show either that the property was exempt from the charge or that any charges due have been paid in full.

I received a number of complaints during the year from property owners whose applications for a Certificate of Exemption had been refused. I was not in a position to examine these complaints because the property owners had a statutory right of appeal to the District Court. However, in a number of cases, the applicants had not been informed of their right of appeal.

Section 8 of the Local Government (Charges) Act 2009, as amended, sets out the process for applying for a Certificate of Exemption. Where a local authority refuses an application, the legislation requires that it give the applicant a written statement of the reasons for refusal and inform him or her of the right to appeal the refusal to the District Court.

A number of local authorities that I contacted in relation to the complaints I received appeared to be unaware of the existence of the right of appeal or their obligation to inform applicants of their right. The local authorities in question agreed to re-engage with the applicants to ensure that they were made aware of their rights, and afforded an opportunity to appeal the refusal. While I was not in a position to examine the complaints made, I was glad to assist these complainants to ensure that they were aware of, and had the opportunity to avail of, the alternative dispute resolution path available. Outstanding NPPR charges and penalties will remain as a charge on properties until 2025. In the meantime, local authorities should take note of the requirement to ensure that applicants who are refused Certificates of Exemption are properly informed of the reasons for the refusal and the right to appeal the decision to the District Court.

2.5 Health and Social Care Bodies

248 of the 633 complaints about the Health and Social Care sector concerned hospitals, 61 complaints related to Primary and Community Care while 55 concerned the Treatment Abroad and Cross Border Directive Schemes. This year only 29 complaints concerned medical and GP cards compared with 79 complaints in 2019.

19 complaints concerned bodies acting on behalf of the HSE (section 38 & 39 bodies), while there were 98 complaints made about Tusla. A detailed breakdown is contained in Table 8 of the Appendix.

2.6 Private Nursing Homes

My Office received 53 complaints about private nursing homes. This compares with 65 in 2019. Six of the 2020 cases were either upheld or partially upheld, while my Office was able to offer assistance in eight other cases. A detailed breakdown is contained in Table 12 of the Appendix.

Due to the emergence of the COVID pandemic at the start of the year, and its devastating impact on the private nursing home sector, this temporary reduction in cases was anticipated. Nursing homes found themselves at the front line in the battle with COVID-19. It is fair to say that its impact on the people living in nursing homes and the sector as a whole, is profound. As 2021 unfolds, I have seen an increase in the number of complaints being made to my Office which relate to this period. Ordinarily, I ask complainants to give the nursing home an opportunity to resolve a complaint before bringing it to my Office. In light of the challenges faced by nursing homes, this may have contributed to some of the fall in complaint numbers. However, where the subject of a complaint is serious and urgent, I am able to use my discretion to consider it before local resolution has completed.

In the initial stages of the pandemic, relatives contacted me to express their concern about the level of care and treatment being provided to loved ones, residing in private nursing homes. From the outset, I worked closely with HIQA and the relevant authorities to have issues which were of immediate concern to me, addressed as quickly as possible.

While the nursing homes were attempting to manage the impact the pandemic was having, including the fallout from staff and equipment shortages, families were struggling with a lack of communication with their loved ones and visiting restrictions being introduced. These two issues, in particular, are still causing considerable distress to families at the time of writing. It is therefore necessary for nursing homes to keep abreast of the guidelines being issued by the relevant authorities.

2020 has been a difficult time for all concerned, but in particular for those who live and work in nursing homes, and their relatives. I take this opportunity to extend my condolences to all those who have lost loved ones during this time.

Unfortunately, I am currently not in a position to examine aspects of a complaint, against a private nursing home, which fall into the category of clinical judgement. On occasion, I have had to advise people who sought my help that the main issues of their complaint falls outside my remit. I am continuing in my endeavours to have the remit of my Office extended to include clinical judgement to ensure that I can be of assistance in such instances, in the future. In this respect, I note that there is a commitment in the current Programme for Government to expand the remit of my Office to consider clinical decisions in health and social care complaints.

2.7 Education

A total of 299 complaints were received in relation to the Education sector, which includes publicly-funded third level education bodies (231) and the Department of Education (68). This compares with 252 in 2019. 49 were about Student Universal Support Ireland (SUSI) and 44 were about the HEAR/DARE Scheme (only one of which was partially upheld in 2020). A detailed breakdown is contained in Table 9 of the Appendix.

The types of complaints I received in 2020 were generally about the calculated grades process used in the Leaving Certificate 2020, student grants administered by SUSI and the administration of the HEAR/DARE Scheme.

The main issue, and one that dominated public attention, was that of the calculated grades process introduced for the 2020 Leaving Certificate. I had engaged with the State Examinations Commission at an early stage arising from these complaints. The issue of how students were to be graded was one which developed over time as the Government adapted its strategy to deal with the pandemic.

My role was primarily one of considering the procedural issues that complainants brought to my Office. However, the calculated grades issue was one which came before the High Court fairly quickly, after the grades were notified, in what I understand was at least 50 separate proceedings. Given the binding nature of any decisions emanating from the court in these cases I did not consider it appropriate for my Office to continue with the examination of the issue.

While my examination of SUSI complaints indicated that the process generally worked well, I remain concerned at a number of instances over the years where errors arose through what I considered to be no fault of the students. This has left some students with substantial debts, which in some cases were only notified to them some years later. Over the past number of years I have tried to engage with the Department to resolve this issue. I have however been advised that any resolution requires primary legislation. In the meantime, I have written to the Secretary General of the Department of Higher and Further Education to see if a solution can be arrived at, which would be fair to all parties.

Over the years I have received complaints about the HEAR/DARE Scheme. Many complainants found the application process to be unnecessarily complex. I have generally found the administration of the scheme to be scrupulously fair but I must acknowledge that the application process can sometimes be daunting for those applying. As a consequence, I have written to HEAR/DARE asking that some changes be made to make the application process easier for applicants to navigate. I am pleased to say that I received a positive initial response and I await further developments.

2.8 Regulators

I received 180 complaints about regulatory bodies which is up from 160 in 2019. These included 36 complaints concerning the Legal Services Regulatory Authority, 28 complaints about the Law Society, 34 complaints concerning the Road Safety Authority and 21 complaints about the National Transport Authority. A detailed breakdown is contained in Table 10 of the Appendix.

2.9 Direct Provision

In 2020, my Office received 61 complaints from, or on behalf of, people living in Direct Provision accommodation. A more detailed breakdown is contained in Table 14 of the Appendix.

This is a decrease of 64% over the 168 complaints we received in 2019. I believe the decrease is directly linked to our inability to visit Direct Provision centres through our Outreach programme due to the COVID-related travel restrictions. We offered remote appointments to residents at the centres we could not visit but the uptake was low. This conforms to a pattern we have seen before, where other means of engaging with Direct Provision residents simply do not achieve the same level of reach as the centre visits do.

Of the 61 complaints we did receive, 41 were about the International Protection Accommodation Service (IPAS). Two were about the International Refugee Protection Programme. Eight were about Direct Provision centres. Four were about the Department of Justice. Two each about the Road Safety Authority and the Department of Social Protection, with one each about the HSE and an education training body.

Of the 41 IPAS cases, 25 were about refusals of requests for transfers between centres of which 16 arose from the IPAS policy of seeking to minimise the movement people between centres during the pandemic. While I accept the reason for the policy, it should not prevent transfers being granted in exceptional cases. On that basis, IPAS agreed in eight cases to reverse its initial refusal.

Four IPAS complaints, with a further three about centres, were about contended inaction or improper action being taken to protect residents against COVID infection. Desktop examination is of limited effectiveness in examining this type of complaint where facts on the ground are disputed, and due to travel restrictions my staff were unable to visit the relevant centres to see the situation for themselves.

The Outreach team were able to direct residents to internal review mechanisms on refusal of Pandemic Unemployment Payments (two cases), to provide further information on the provision of driving licences (two cases), and to clarify the position on applications for Labour Market Access (three cases).

Full details are set out in my Commentary: 'The Ombudsman & Direct Provision: Update for 2020', published in March 2021, which is available on our website www.ombudsman.ie

2.10 Other Sectors

173 complaints were received about a range of other public service providers. 45 of these complaints concerned the Courts Service of Ireland and 42 complaints concerned the Disabled Drivers Medical Board of Appeal. A detailed breakdown is contained in Table 11 of the Appendix.

2.11 Complaints under the Disability Act

The Disability Act 2005 imposes significant obligations on government departments and other public service providers to work proactively towards the improvement of the quality of life of people with disabilities. A complaint can be made to my Office regarding a public service provider's failure to comply with Part 3 of the Disability Act. Specifically, my Office can investigate complaints about access by people with disabilities to public buildings, services and information.

As I have reported in previous years, the low number of complaints under Part 3 of the Disability Act is very disappointing. Only four complaints were received in 2020. A detailed breakdown is contained in Table 13 of the Appendix.

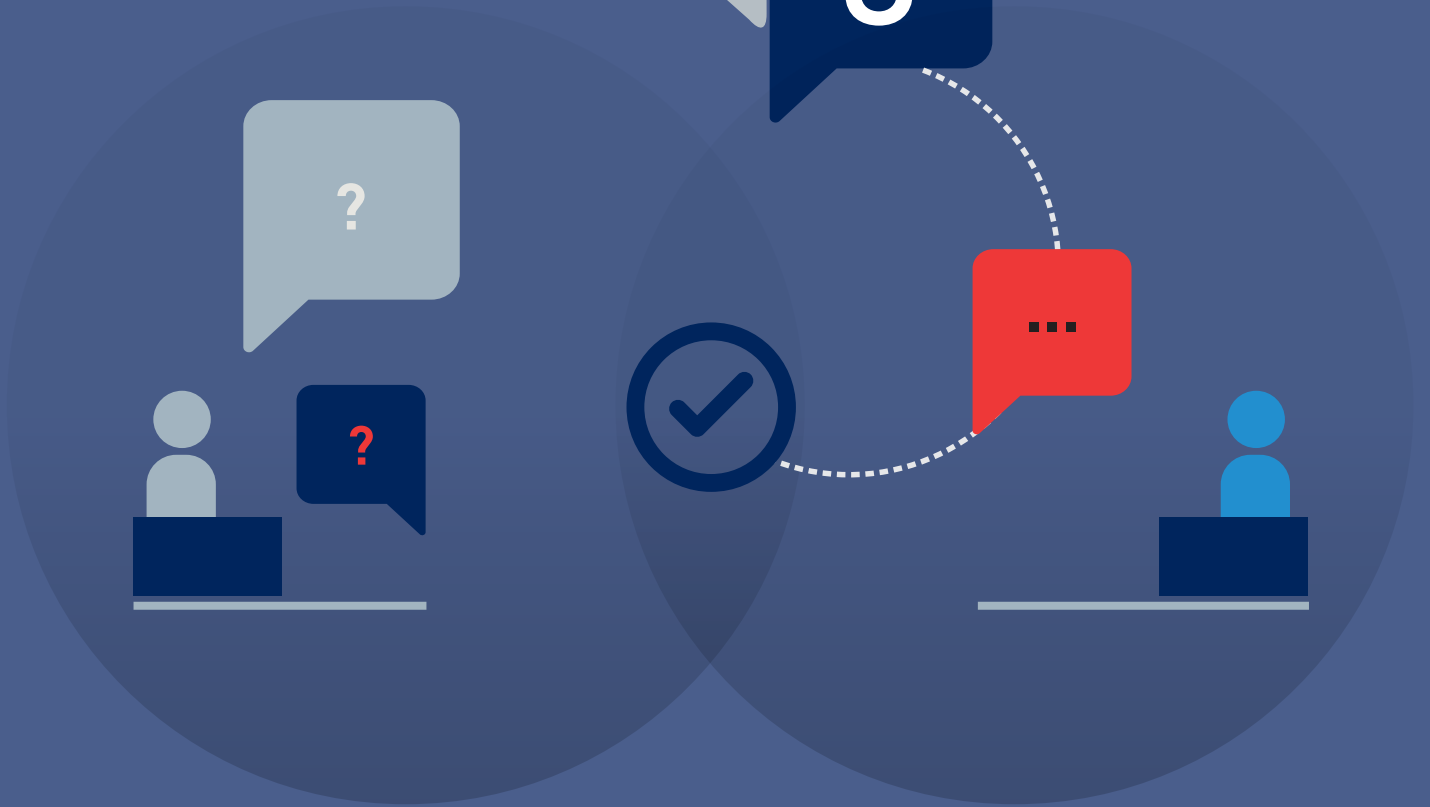
One complaint resolved this year was about the provision of an Irish Sign Language (ISL) interpreter during a local election count. Following my Office's examination of the complaint the Council gave an undertaking to provide an ISL interpreter, if requested, at future counts. I provide more details on this complaint in Chapter 4 - Case Studies.

It is vitally important that people with disabilities are informed about their rights on access to services and information and that they are aware of their right of recourse to me as Ombudsman to examine their unresolved complaints. It is also crucial that both professional and non-professional people involved in the disability sector are knowledgeable about the Disability Act 2005.

An area of growing concern is access to the services of an Access Officer. My Office has examined a number of complaints where a person with a disability has not been able to access the services of an Access Officer. All public bodies are required to have at least one Access Officer to help people with disabilities access information and services.

Chapter

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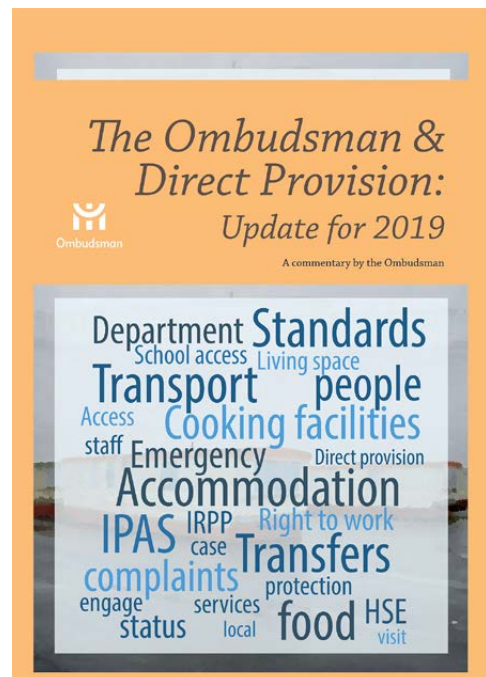


Chapter 3: Reports and Updates

3.1 Direct Provision commentary

In April 2020, I published my third annual commentary on the work of my Office in the direct provision sector in which I comment on the main themes which I saw from complaints and contacts with direct provision centres in 2019. I saw a 10.5% increase in the number of complaints made to my Office in 2019 (from 152 in 2018 to 168 in 2019). I also again expressed my concerns over the unsuitability of accommodation in the direct provision system.

The full commentary: 'The Ombudsman & Direct Provision: Update for 2019' is available on our website www.ombudsman.ie, as is my commentary for 2020 which I referred to in previous chapters. Information Factsheets setting out my role in relation to direct provision complaints are also published on my website in five languages: French, Urdu, Arabic, Russian and English.



Thank you very much for your response and the time taken to respond to my complaint; it is greatly appreciated.

3.2 Updates on recent reports:

Opportunity Lost: Magdalen Restorative Justice Scheme Investigation

In my 2019 Annual Report (pages 21 and 22) I outlined the four recommendations set out in this investigation report into the Magdalen Restorative Justice scheme. Three of these were addressed to the then Department of Justice and Equality and they were all accepted for implementation.

As a consequence of one of my recommendations, the scheme was re-advertised and 121 additional applications were received by the Department. Of these, 120 applications have been processed so far.

As a consequence of another recommendation, the Department engaged Ms Mary O'Toole, Senior Counsel to review 216 disputed cases. To date, reviews have been completed in 197 of those cases.

In overall terms, €31.95m has already been paid to 805 applicants under the scheme.

The fourth recommendation, which was not addressed to the Department, was as follows:

Developing future schemes

In order to ensure that any future restorative justice or redress schemes benefit from the learning from the operation of this and other schemes, guidance should be produced in respect of the development and operation of such schemes generally. Such guidance should be developed centrally but should be applicable across all government departments and public bodies.

The Department of Public Expenditure and Reform has been working for some time on a draft policy document titled 'Guidance on Redress Schemes for Government Departments and Offices'.

In early 2021, in the aftermath of the publication of the 'Final Report of the Commission of Investigation into Mother and Baby Homes', I noted that there was the possibility that the Government would establish a new redress scheme arising from the Final Report. I wrote to Roderic O'Gorman TD, Minister for Children, Equality, Disability, Integration and Youth drawing his attention to my general recommendation and the work conducted by the Department of Public Expenditure and Reform (DPER).



In his response, the Minister indicated that he was aware of my general recommendation. He said that the draft guidelines were close to being finalised by DPER and the principles underlying them would be adhered to by Government in drawing up future redress schemes. He said that this should ensure that they will be fair, proportionate and transparent.

A Good Death: End of life care

In my 2019 Annual Report (pages 23 and 24) I outlined the progressive on-going work in end-of-life care throughout our hospitals. My report 'A Good Death' served as the initial stimulus for this work. I am glad to report on a range of further progress in this area.

As the Joint Health Service Executive and Irish Hospice Foundation Hospice Friendly Hospitals (HfH) Oversight Group (which includes a member of my staff) entered its fourth year the key work areas of the group remain focused on:

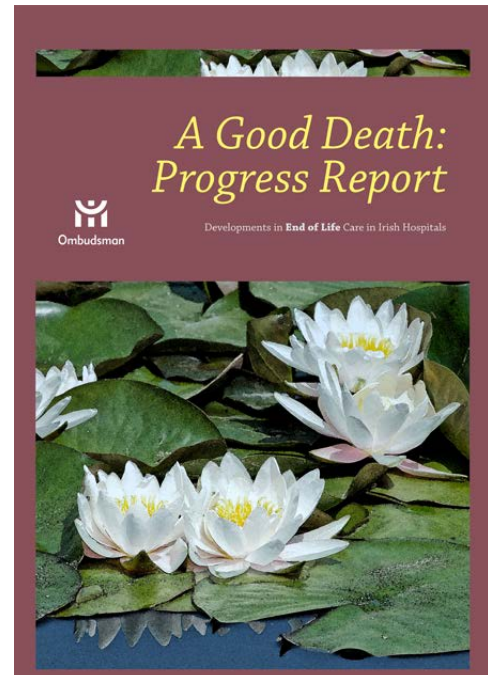
- Patient experience: the HfH programme and hospitals is informed and guided by experience of patients and families
- Alignment of relevant policies and improving linkages between HfH and the HSE Clinical Programmes
- Education and Training on end of life, palliative and bereavement care in acute hospital settings.
- Reduction in the variability of care at the end of life

As the reality of the Covid-19 pandemic took hold in Ireland and in the acute hospitals, the Joint HSE/IHF Hospice Friendly Hospitals Oversight Group continued to support good end-of-life (EOL) care practices for patients, their families and the staff delivering the care.

Throughout 2020 the Oversight Group members, End-of-Life Care Coordinators and HSE Acute Hospital Division worked closely and met frequently to identify issues, develop and share information and resources in response to the Covid-19 pandemic:

IHF Care & Information Hub was launched in April 2020, to keep the public and healthcare professionals informed and supported when facing dying, death or bereavement during the pandemic. The information hub hosts publications and videos on topics including delivering bad news, advance care planning, and information on grief, loss and bereavement.

The Bereavement Support Helpline was established as a joint initiative of the IHF and HSE, and launched in June 2020. This service offers a confidential listening and support service for adults and healthcare professionals.



Hospice Friendly Hospital Network meetings which support hospital staff and promote improvements in end-of-life care were moved online and NMBI accreditation was maintained throughout 2020.

Across the **End-of-Life Coordinator, Acute and Maternity and Perinatal Loss Networks** 32 meetings took place. A new HFH Paediatric Network was launched and in total over 300 members were reached through these HfH networks.

Design & Dignity is a partnership programme between the Irish Hospice Foundation and the HSE which aims to transform the way hospitals are designed and to protect the dignity of patients and their families at end of life.

While some delays have been unavoidable during 2020, hospitals have continued to prioritise end-of-life care and eight new Design & Dignity rooms were opened in 2020. Additionally, the existing Design & Dignity Guidelines were revised and updated.

Building on the work of Design & Dignity the IHF in partnership with HSE Estates are progressing a National Mortuaries Programme. The ambition for this was announced in the Programme for Government 2020 (Page 46): Through the Design and Dignity Programme, renovate and renew eleven mortuaries across the country”.

Final Journeys, is a one-day workshop for all staff in acute hospitals which aims to improve the delivery of end-of-life care by promoting a culture of awareness and personal empowerment. During 2020 an online education tool was developed to support the in-person training. This will be rolled out in early 2021.

The HSE/ HFH Oversight Group continues to advocate for and support **End-of-Life Coordinators posts** in acute hospitals.

Through the work of the HSE/ IHF HFH Oversight Group, 2020 has seen increased communication and coordination across care settings and providers. Some examples of this include:

- The creation and dissemination of **End-of-Life Care Resources**: Between June and November 2020 samples and information regarding EoLC Resources (Family Handover Bag and Keepsake Pouch), along with information about the IHF Care & Inform Resources, including the bereavement support line were sent out to 46 acute hospitals (including maternity and paediatric) and 591 Residential Care Centres.
- The IHF continued to support **Advanced Care Planning** by participating in the preparation of the codes of practice for the Assisted Decision-Making Capacity Act with the HSE, including a webinar produced by the IHF hosted on the learning platform HSELand.
- Building on the learning from the HfH and CEOL programmes in relation to supporting end-of-life care the IHF made a presentation and submission to the COVID-19 Nursing Home Expert Panel, established by the Minister for Health, in June 2020.
- The IHF’s CEOL (Compassionate End of Life) Programme for residential care centres continued to support staff in nursing homes in relation to end-of-life care with virtual training workshops and CEOL Network meetings.

Learning to Get Better: Investigation into hospital complaints systems

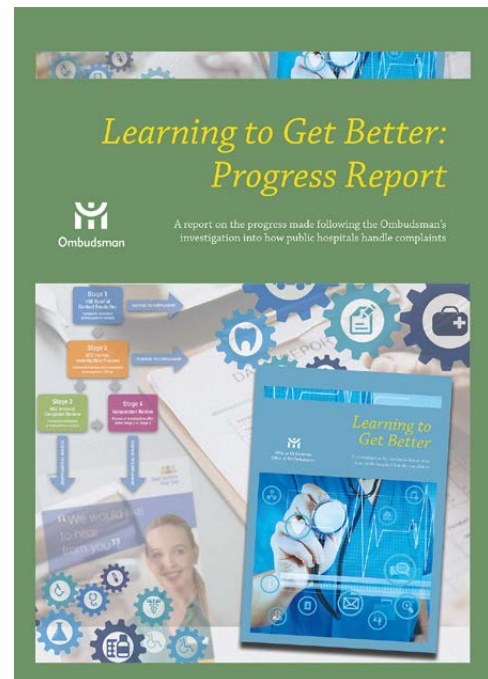
In 2015 I published 'Learning to Get Better', the report of my investigation into how hospitals handle complaints they receive. The report contained 34 recommendations to the HSE and two to the Department of Health. The recommendations were set out under the headings of Access, Process, Response, Leadership and Learning. The HSE and the Department committed to implementing all recommendations. In 2018 I published a report on the progress made on each of the recommendations.

I indicated in my 2019 Annual Report (page 24) that I intended to publish a special casebook in 2020 which would include a further progress report on the implementation of the recommendations set out in 'Learning to Get Better'. Sadly, the global pandemic forced the HSE to focus more on providing front-line services and dealing with the increasing strains on the health services rather than tweaking a system already in place and operational. I am pleased to report that the HSE is still committed to fully implementing the recommendations in 'Learning to Get Better' and the action plans remain firmly on the agenda for improvement in complaint processing, monitoring and reporting.

While full compliance reports are currently not available for 2020, I am pleased to note that the HSE has published a National Anonymised Feedback Learning Casebook for 2020, containing 27 cases containing key learnings from both complaints and positive feedback. It also continues to work in the following areas:

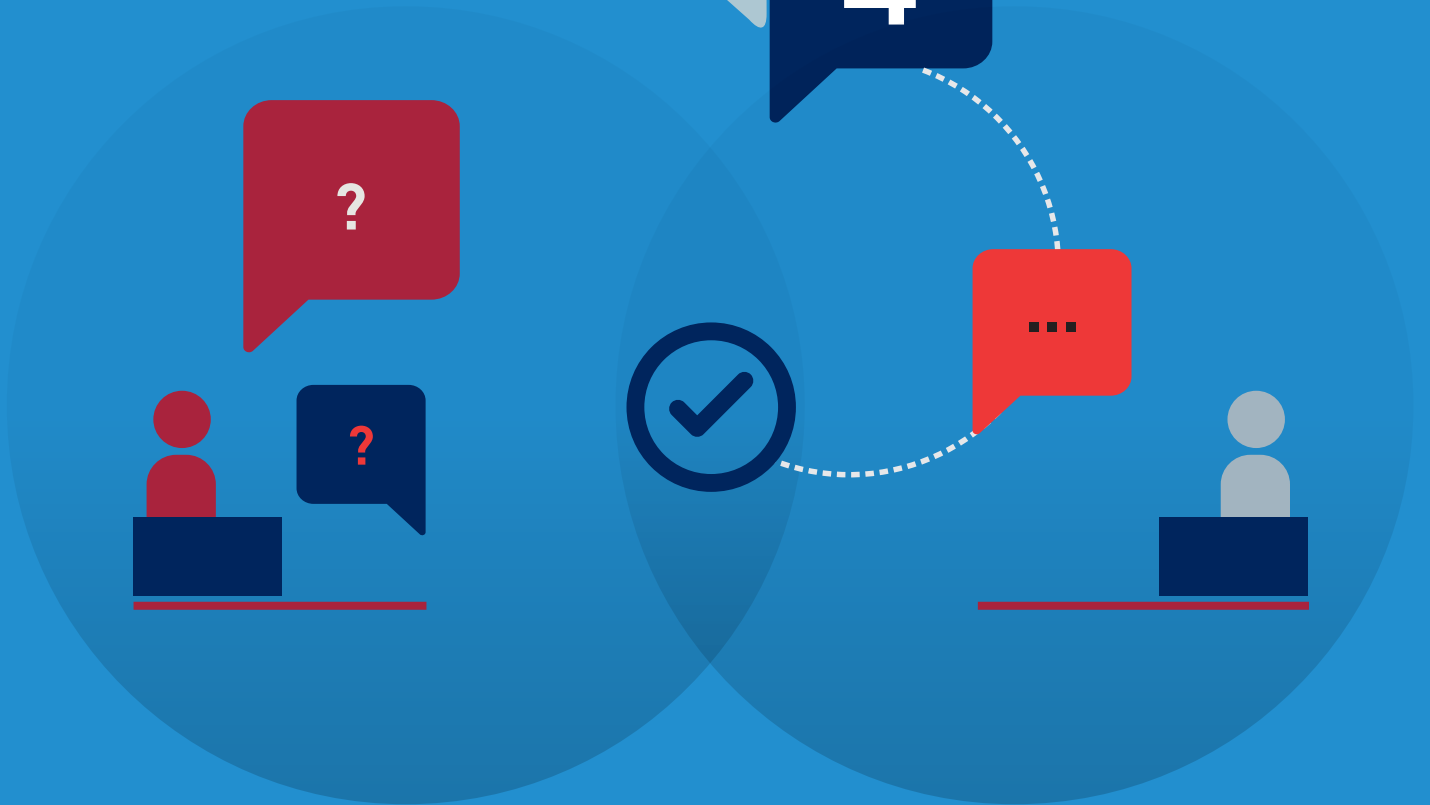
- standardising letters and reports for use at all stages in the complaints process
- training of relevant staff
- accessibility to the complaints system
- capturing complaint statistics and learning from them
- monitoring complaint trends and types of complaints.

During 2020, the HSE also conducted an audit of websites, and identified improvements to them. The Patient Advocacy Service was also commissioned by the Department of Health which provides free and independent assistance to anyone wishing to make a formal complaint about the care and treatment they received in the health service.



Chapter

4



Chapter 4: Case Studies

In Chapter 2, I commented on complaints my Office received in 2020 including those upheld and not upheld. In this Chapter, I present summaries of just some of the complaints that I upheld.

4.1 Woman who had not consumed alcohol given medication for alcoholism

Background

Sarah complained to the Ombudsman after her late mother, Norah, who did not drink alcohol, was prescribed medication for alcoholism and alcohol withdrawal as part of her emergency cancer treatment.

Norah had attended the Emergency Department of the Mater Hospital with severe pains in her stomach and jaundice. While giving her medical history to the hospital, she made it clear that she did not drink alcohol. Norah had a previous history of cancer and the medical team admitted her to hospital for further tests. An ultrasound confirmed that Norah had liver cancer.

Later that night, Norah was given two medications that are commonly prescribed for individuals who have a history of alcoholism and for the treatment of acute alcohol withdrawal. Her family later noticed that she was drowsy and confused, and they spoke to the nursing team about their concerns. A doctor came to review the woman. The doctor noted that Norah had not drunk alcohol in 10 years and stopped the two medications.

Norah's family complained to the hospital that she had been wrongly prescribed medication. A short time later, Norah died, and the family felt that they had missed precious time with her because she was so drowsy from the side effects of the medication. They were also concerned that the hospital had made an assumption that Norah consumed alcohol.

The hospital acknowledged that Norah was wrongly prescribed the two medications but it was unable to identify the doctor who had written the prescription.

The prescription was initialled, but with no Irish Medical Council registration number. Norah's daughter, Sarah, made a complaint to the Ombudsman as she felt that the hospital should have been able to identify the doctor.

Examination

While the hospital had apologised to Norah's family it was unable to provide an explanation as to why the medications were prescribed as it had been unable to identify the doctor who wrote the prescription. Various efforts were made to try to identify the doctor, including speaking with the doctors that were working that day, completing a medication variance report form and comparing the initials on the prescription with the hospital's signature bank. An incident form was also completed. However, these actions were taken after receipt of a formal complaint from the family, as opposed to immediately after the medication error was identified. The only action taken at that stage was to stop the medication and provide the family with a verbal apology.

The Ombudsman said that the incident form should have been completed immediately, and greater efforts should have been made at that time to identify the doctor, as opposed to when the complaint was received.

Outcome

The hospital's CEO provided a further written apology to the family. The hospital is currently in the process of implementing an education programme for the multidisciplinary team in respect of the identification of prescribers and recording of the Irish Medical Council registration, which should be on all prescriptions. The hospital is also working on developing e-prescribing. A new electronic incident reporting system is also being introduced. This will be accompanied by an educational campaign, which will highlight the importance of reporting incidents as soon as possible.

4.2 Department allows woman's appeal over overpayment but refuses husband in identical circumstances

Background

Tony complained to the Ombudsman after the Department of Social Protection sought repayment of over €3,500 it had paid to him in Disability Allowance. The Department said that Tony was absent from the State for about two months in 2019 and was not entitled to receive his allowance during that time. Tony was abroad as his daughter was receiving medical treatment. Both he and his wife had to be with her. Tony pointed out that the Department had cancelled a similar overpayment to his wife after her appeal to the Social Welfare Appeals Office. He said he was absent for the State for the same reason as his wife.

Examination

Tony had not informed the Department that he would be out of the country. He had appealed the Department's decision to the Social Welfare Appeals Office but it was refused. However, two months earlier his wife's appeal to the SWAO was successful as the SWAO said her absence from the State was reasonable.

Outcome

In the circumstances, the Ombudsman asked the SWAO to review its decision. The SWAO revised its original decision and the overpayment was cancelled.

4.3 Woman complains under Disability Act after being refused sign-language interpreter

Under the Disability Act, the Ombudsman has the powers to examine complaints about equal access to public services, access to public buildings and access to information.

Background

Julie, who has 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 Julie'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, Julie 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. Julie 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 Julie'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.

Examination

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 says 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 considers that the public body should determine the practicability of providing the form of support requested within particular communication contexts and timeframes.

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.

4.4 Student receives lower grade after marks wrongly transcribed

Background

When Niall, a Leaving Certificate student, complained that he was left one mark short of a H2 grade in his Spanish exam it was discovered, following the Ombudsman's intervention, that his marks were incorrectly transcribed during a review of his paper.

Niall sat his Leaving Certificate exam in 2019. He said that the State Examinations Commission's initial decision not to upgrade his Higher Level Spanish result left him at a disadvantage in achieving a place at third level, particularly compared to the Leaving Certificate class of 2020 which did not have to complete a Spanish oral exam or a formal written exam, as he had.

Examination

The Ombudsman asked the SEC to review its handling of the student's appeal. The SEC discovered that one of the examiner's involved in the appeal had made an error. The examiner had reviewed the student's script and awarded him one additional mark. However, she did not correctly transfer her revised marks onto the relevant form. This meant that the SEC staff used an older set of marks (from the previous examiner) rather than the marks awarded by the more senior appeal examiner.

If the appeal examiner had properly recorded her marks then Niall would have been upgraded from a H3 to a H2 in Spanish. The SEC recognised that it had made an error in how it handled the appeal.

Outcome

The SEC apologised to Niall for failing to notice the error. The SEC upgraded the young man's Spanish result from a H3 to a H2 and informed the CAO of his revised mark. The SEC refunded Niall €40 for the cost of appealing his Spanish exam.

4.5 Pandemic Unemployment Payment stopped for entertainer working overseas

Background

Stephanie contacted the Ombudsman to complain that her Pandemic Unemployment Payment (PUP) had been withdrawn by the Department of Social Protection without notice. Stephanie was a self-employed entertainer, living and paying taxes in Ireland, who worked in foreign resorts throughout the year.

Examination

Stephanie was told in March that, because of the pandemic, the Greek resort she was due to work at was closing. She was unemployed as a result. She successfully applied for PUP but her payment was subsequently withdrawn without notice.

When Stephanie queried this, the Department told her that she did not meet the criteria for PUP because she was self-employed outside the State in early 2020. This was despite the fact that Stephanie provided proof that while working abroad, she was paying taxes and PRSI in Ireland. The Department told Stephanie to apply for Jobseeker's Benefit.

The conditions of the PUP scheme provided by the Department to Stephanie differed to that on its website. The website said you can apply for the PUP if you, "were self-employed and your trading income has ceased or reduced due to COVID-19 to the extent that you would be available to take up full-time employment". In its response to Stephanie the Department did not say anything about self-employed people's entitlement to PUP and said that one of the conditions to be eligible for the payment was that the applicant has to have "worked in the Republic of Ireland".

On examining the relevant legislation, the Ombudsman could see no basis for the Department's decision to stop the woman's payment. The Ombudsman asked the Department to review its decision, with the view of reinstating Stephanie's payments and issue any arrears due.

Outcome

The Department accepted the Ombudsman's view and Stephanie's payment was reinstated immediately with arrears of around €5,600 issued.

4.6 Man has car tax refund refused despite not using his car

Background

Sean complained to the Ombudsman when Clare County Council refused his application for a refund of motor tax for a car he had not used. In December 2018, Sean had taxed his car for the calendar year 2019 but had not used it in public since the issuing of the tax disc because he bought a replacement vehicle. In April, he applied to the Council for a refund using the appropriate form, but the Council refused as his application was made after the start of the tax period.

Examination

The Council had adopted a policy of refusing all applications made after the start of the tax period based on the Non-Use of Motor Vehicles Act 2013. This Act prevents an owner making a retrospective declaration that a car has been 'off the road'. However, the 1992 regulations under which the application was made allow for a pro rata refund where a vehicle has not been used in the first nine months of the tax period. The Ombudsman said that the Council should have consideration for the regulations, which were still in place, and that it should have a fair system to deal with applications for a refund.

Outcome

The Council reconsidered Sean's application and gave him a refund of two-thirds of the motor tax he had paid (€460).

4.7 Council's arrears error leads to refusal of woman's housing loan application

Background

Maria complained to the Ombudsman when Mayo County Council refused her application for a Council loan to purchase her house. The Council refused the application because of arrears on Maria's rent account. However, Maria said her loan should have been approved as the arrears were due to a Council error, the Council was aware of the arrears and she was repaying the arrears at the time the Council was considering her loan application.

Examination

Maria had applied to the Council for the loan in June 2019. Previously, the Council had accepted partial responsibility for the arrears and reduced the amount that was outstanding from around €12,600 to around €4,600. In a letter dated April 2019 (two months prior to Maria's loan application) the Council also agreed the final figure for the outstanding arrears and the repayment terms. In the same letter, the Council said it was aware Maria intended to apply for a loan, and it looked forward to receiving her application. The Council refused her application in August 2019 and Maria complained to the Ombudsman.

The Ombudsman noted from the Council's files that there was an internal memo from Housing section of the Council to the Council's Loan Credit Committee recommending that Maria be approved for the loan. It pointed out that the arrears were not as a result of non-payment of rent.

In addition, the Council's credit policy provided that, in certain circumstances, a person can make a loan application even if they are in arrears.

Outcome

In the circumstances, the Ombudsman said the Council should review Maria's loan application. The Council agreed and the woman's home loan application was approved.

4.8 Woman complains to the Ombudsman after additional nursing home charges imposed

Background

Mark complained to the Ombudsman, on behalf of his mother Irene, when the nursing home introduced an additional charge of €7 per day (€212.91 per month) for additional services such as dental, GP, optical, physiotherapy and recreational services. Irene was a resident at the nursing home under the Fair Deal Scheme and her contribution was calculated at 80% of her income. The additional charge meant that Irene's total monthly bill exceeded her income. Furthermore, Irene was incapacitated so she was not in a position to avail of many of the services.

Examination

Some of the additional services, listed by the nursing home, such as GP services and pastoral care, were already included in Irene's contract of care. Irene's contract with the nursing home also said: 'Arrangements can be made for services as required such as Dental, Optical, Chiropody, Physiotherapy, Rehabilitation exercises, Hairdressing and Newspapers. These and other appropriate services may be arranged through the Person in Charge. A fee will be charged for such services'.

In the circumstances, the Ombudsman asked the nursing home to reimburse the additional charge to Irene and said that any additional services provided to her should be charged in accordance with her contract of care.

Outcome

The nursing home waived the €7 per day additional service charge and refunded the amount Irene had paid since the introduction of the additional fee.

4.9 Co. Down woman wanted place of birth recorded as 'Ireland' on driving licence

Background

Lynda, who was born in Northern Ireland, complained to the Ombudsman after the National Driver Licensing Service (NDLS) refused to record her place of birth on her driving licence as 'Ireland'.

Lynda was born in Co. Down and her previous licence had reflected the fact that she was an Irish citizen by stating that she had been born in 'Ireland'. When she renewed her licence, the NDLS issued it with her place of birth as 'Northern Ireland'. The NDLS refused to amend the licence and the Road Safety Authority (RSA) upheld the NDLS's decision after Lynda appealed to it.

Examination

Under EU Directive 2006/126, the NDLS is required to record the 'place of birth' on driving licences. Under the computerised system used by NDLS, a drop-down box automatically identified the country once the county of birth was recorded. When any of the six counties in Northern Ireland were recorded, the only option on the drop-down system was to record 'Northern Ireland'. The RSA said this was nothing to do with citizenship and only reflected the actual place where a person was born.

The Ombudsman pointed to the unique situation of people who are born in Northern Ireland who can identify as Irish or British as they wish. The Ombudsman asked if it was possible to simply adjust the settings on the drop-down box to give the option of recording a place of birth as either Ireland or Northern Ireland.

Outcome

The RSA said that it was satisfied that the approach it had taken was legally correct. However, having regard to the situation in relation to Northern Ireland, it agreed to change its computer system to enable 'Ireland' be recorded as the place of birth for applications from people who request it and are born in Northern Ireland. Lynda was asked to return her recently issued driver's licence so that the NDLS could reissue it with her place of birth recorded as 'Ireland'.

4.10 Woman complains about poor treatment in Limerick hospital

Background

Orla complained to the Ombudsman about the treatment her father Christopher received in University Hospital Limerick (UHL). Orla said that there was a delay in obtaining a treatment plan, a failure to notify her father of test results within two weeks, and other administrative delays.

Examination

UHL apologised for the lack of communication with Orla and Christopher. There was a misunderstanding about the need to carry out what appeared to be a 'repeat' bronchoscopy test. UHL explained that the first bronchoscopy test was a non-diagnostic test. A clinical decision was made to carry out a diagnostic bronchoscopy test and that it was not a repeat test. UHL accepted that this could have been explained better. UHL also confirmed that the delay in carrying out some of the treatments did not have any adverse effect on the man.

In relation to the delay in advising Orla or Christopher of the results of a test, UHL explained that there was a delay as there was no cover for a key staff member who was on leave. UHL explained that it did not have a 'PET scan' and the man had to travel to St James's Hospital in Dublin for the scan. UHL explained that this was because this particular procedure could not be carried out in UHL.

Outcome

The Ombudsman received a commitment that all relevant staff in the hospital (administrative and medical) were informed of the complaint to ensure that the issues identified would not reoccur. The Ombudsman also clarified that treatment plans are not routinely given in writing to patients. UHL said that it would consider the requirement to have treatment plans produced in written format for patients.

4.11 Farmer wrongly expelled from agri-environmental scheme

Background

Adam, a farmer, complained to the Ombudsman after the Department of Agriculture, Food and the Marine expelled him from the Green, Low-Carbon, Agri-Environment Scheme (GLAS). GLAS provides payments to farmers to help tackle climate change, preserve biodiversity, protect habitats and promote environmentally-friendly farming. The scheme was rolled out in three phases in 2015 and 2016, and involves a five-year contract.

Adam joined the scheme in 2017. One of the criteria for receiving payments under the scheme relates to the requirement to spread slurry. In the first year of the scheme, Adam spread slurry but he did not submit the relevant annual return.

The Department sent him a number of reminders but he did not respond. The Department then expelled him from the scheme. Adam complained that he had receipts to show that he had undertaken the required work in 2017, 2018 and 2019. He claimed his only error was not submitting his annual return on time.

Examination

The Ombudsman considered the various penalties under GLAS and found that in Adam's case the Department had confused two penalties.

It had incorrectly imposed a penalty on Adam for failing to stick to the scheme's rules.

Instead, it should have issued him with a late submission penalty (when a farmer who is over 25 days late in submitting his annual return is not paid for that action).

The Ombudsman said that Adam should not have been removed from the scheme.

While the Ombudsman was examining his complaint, Adam sent his annual returns for 2017-2020 to the Department. The Ombudsman asked the Department to reconsider its decision.

Outcome

The Department allowed Adam back into GLAS. This means that Adam can receive GLAS payments in the future, providing he meets the relevant criteria.

The Department also agreed to pay Adam for most of the work he completed between 2017 and 2019. This amounted to approximately €10,500. While Adam had spread slurry in 2017, 2018 and 2019, the Department penalised him for being late in submitting his returns for those years and deducted €240 from his payment.

4.12 Confusion over farmer's entitlement to agri-payments after father dies without a will

Background

A man complained about the Department of Agriculture, Food and the Marine's refusal to allow him to continue his late father's Green, Low-Carbon, Agri-Environment Scheme (GLAS) contract. His father had died intestate and because there was no will showing that he was entitled to take over the farm, the Department refused to accept him as a 'survivor' under the force majeure provisions of the scheme. As a result, he had lost payments due under the scheme from the date his father had died.

Examination

There were four siblings, who each had an equal entitlement to a share of the late farmer's estate, including the farm.

The Department said that under the terms and conditions of the scheme, a "survivor who is entitled to give the necessary undertakings" is an individual named in a will as inheriting the entire GLAS area of the holding of the deceased. As GLAS undertakings are delivered in specific land parcels, the person giving the undertaking must be able to show entitlement to inherit all of the areas on which the GLAS contract is based.

For the contract to have continued, it said that the son would have to have been named as inheriting the entire GLAS area of the holding in the will for the application to transfer the contract to have been successful. Without a will, it could not assume that any individual would inherit all of the lands in the GLAS contract when the estate was finally administered. All surviving children of the deceased had legal inheritance rights under the Succession Act that could not be assumed by the man.

The Ombudsman asked the Department whether the contract could not have continued on the basis of all four of the siblings being "survivors" under the scheme. He also asked if it could accept that the man was the "presumptive survivor" if the other siblings were prepared to submit affidavits relinquishing their claims to the farm.

Outcome

The Department agreed to review the case if the siblings submitted affidavits relinquishing their claims to the farm. The Department had applied the terms and conditions of the GLAS 3 Scheme correctly so the Ombudsman could not uphold the complaint. However on the basis of its willingness to take a flexible approach to what constituted a "survivor", the case was closed as assistance provided to the complainant as it gave him a new option for a satisfactory resolution.

The Department indicated that it would be prepared to take the same approach in the future where the same circumstances arose and where siblings were prepared to submit affidavits relinquishing their claim to the farm.

4.13 Farmer frustrated after trying to take part in young farmer scheme

Background

John, who wanted to continue farming, complained to the Ombudsman when over a number of years he was repeatedly unable to take part in a scheme aimed at encouraging young people enter the farming sector.

John contacted the Ombudsman when the Department of Agriculture Food and the Marine refused his application for the National Reserve scheme (New Entrant Category). The scheme provides income support to people who, among other criteria, have started farming within two years before they apply, and have completed a recognised course of education in agriculture.

Examination

John had started farming in March 2015. In 2016, he had been interested in applying for the National Reserve scheme. However, there were no places available on any relevant education course to enable him to be eligible for the scheme. In December 2016, he was offered a place on a Teagasc course and started the course in February 2017.

John applied for the National Reserve scheme in 2017. However his application was refused, as to be eligible for the scheme, he had to have completed an agriculture course by May 2017. However, the Teagasc course did not finish until shortly after May 2017.

John applied for the National Reserve scheme again in 2018, having successfully completed his Teagasc course. However, the farmer's application was again refused, as successful applicants would have had to commence farming in 2016 or later. John had started farming in 2015.

The farmer believed he had been unfairly treated. In relation to his ineligibility for the 2017 scheme, he pointed out that it was not possible for him to start his education any sooner, as all relevant courses earlier in 2016 had been booked-up by 2015 applicants. This was a result of over 6,000 applicants being approved onto the 2015 scheme. The Department had given priority to those 2015 applicants.

In addition, there were no shorter courses that the man could have completed by May 2017. John argued that, apart from not completing the education course, he was otherwise eligible.

The Ombudsman acknowledged that each of the decisions by the Department taken separately was made in accordance with the provisions of the scheme. However, having considered all the circumstances he believed that exceptional circumstances applied in the farmer's case and that he should be allowed onto the scheme. The Ombudsman asked the Department to review its decision.

He also asked the Department to examine applications it received in 2017 and 2018 to see if any other farmer was similarly affected.

Outcome

The Department accepted John onto the 2018 National Reserve scheme and he received a payment of almost €13,500. The Department was satisfied that no other applicants had been similarly affected.

4.14 Website error results in man paying extra €1,000 in vehicle registration tax

Background

Paul complained to the Ombudsman about the Office of the Revenue Commissioners after it charged him €1,000 more in Vehicle Registration Tax (VRT) than the amount quoted on the Revenue VRT calculator at the time of purchase. He wanted Revenue to refund the excess he was charged.

Examination

Before Paul paid his VRT he had entered the details of his car onto the online Revenue VRT calculator and a lower figure was given than that charged by Revenue.

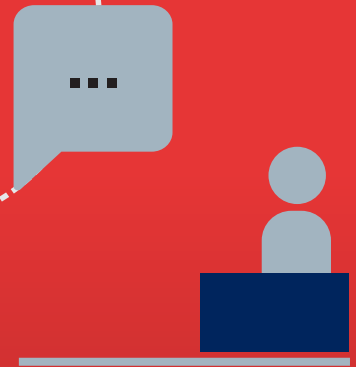
Revenue said that there was a deficiency with the vehicle description in the VRT calculator. When Paul researched his vehicle, the calculator had referenced an earlier model than the one he wanted to purchase. The earlier model has a lower amount of VRT. Revenue accepted that the figure presented to Paul should stand and agreed to reimburse him the additional VRT charged. It also apologised to him for the inconvenience caused.

Outcome

Paul was reimbursed the additional €1,000 he had paid. The VRT calculator was also updated with an accurate description of the particular model of vehicle.

Chapter

5



Chapter 5: Stakeholder engagement

5.1 Current Programme for Government

In late 2019, my Office commenced a wide ranging systemic investigation into the situation of persons under 65 who are resident in nursing homes. Following the outbreak of COVID it became clear that this would cause a delay in finalising this complex investigation. During the investigation it emerged that a wide range of concerns would need to be addressed in the final investigation report.

Following the General Election in February 2020, and as various negotiations were taking place aimed at forming a new Government, I took the unusual step of writing to the then Taoiseach Leo Varadkar about my on-going investigation. I did so because I felt it important to highlight the emerging issues on the run-up to the drafting of a new Programme for Government.

I was very pleased to note that the subsequent Programme for Government 2020: Our Shared Future included a commitment which stated that the Government will *“Reduce and provide a pathway to eliminate the practice of accommodating young people with serious disabilities in nursing homes”*. I published the outcome of my investigation on 5 May 2021 in a report titled, ‘Wasted Lives: Time for a better future for younger people in nursing homes’.



“Thank you for this response and your comprehensive analysis and investigation of my complaint. Appreciate your work on this”.

5.2 Meeting with Ministers

On 10 September 2020, I had a remote meeting with Minister Roderic O’Gorman TD, Minister for Children, Equality, Disability, Integration and Youth, and Minister of State, Anne Rabbitte, TD.

We discussed a range of issues, including my Office’s experience of dealing with complaints from residents of Direct Provision centres. Minister O’Gorman flagged his intention to produce a White Paper on the ending of the Direct Provision system. The Government’s ‘White Paper on Ending Direct Provision’ was published on 26 February 2021. I welcomed the White Paper, which includes a commitment to phasing out the system over the next four years. Implementation of the White Paper’s commitments will be key and I will monitor progress and feature updates in my regular reports.

I briefed the Ministers on my on-going systemic investigation into the situation of persons under 65 who are resident in nursing homes.

I highlighted my concern about the very slow rate of progress in relation to the de-congregation process which has the aim of moving persons with intellectual difficulties out of their current institutional settings and back into the community.

Finally, I stressed the urgent need for the extension and strengthening of access rights to transport for people with disabilities. This includes the need for a statutory replacement for the Motorised Transport Scheme and the Mobility Allowance Scheme. This is all the more important in light of the inadequacy of the current Disabled Drivers and Passengers Scheme. I have received many complaints in recent years about the qualifying criteria for the granting of a Primary Medical Certificate for the purposes of eligibility under that scheme (see page 20 of my 2019 annual report).

5.3 Planned Extension of the Ombudsman’s Remit to Prisons

The Irish Prison Service and the Department of Justice have completed all the necessary administrative arrangements in preparation for a new local complaint system for prisoners. Its commencement requires the enactment of a Statutory Instrument. At the time of writing work was continuing on drafting the SI. Once the new local system is ‘bedded down’, the issue of granting the Ombudsman remit over complaints about the prison service will be pursued further with the Department of Public Expenditure and Reform.

5.4 The Ombudsman's Casebook

Providers of public services can learn from both the complaints they receive and from complaints examined by my Office. I have been working to make the learning from cases considered by my Office much more widely available. One of the ways of doing this has been through 'The Ombudsman's Casebook'. The Casebook provides summaries of cases we have dealt with over the previous months. It describes complaints across all the areas the Office deals with, such as Health, Social Welfare, Education, Local Government, Agriculture, Taxation and Nursing Homes. It is circulated in electronic format to over 1,900 officials in public service providers, members of the Oireachtas and other public representatives, and other interested groups. It is also available on my website, www.ombudsman.ie. I am pleased to say that the Casebook continues to receive a very positive response and the number of people subscribing has continued to increase. During 2020 I also published a special 'Sligo, Leitrim & Roscommon edition' of the Casebook, summarising complaints I received from those counties, to coincide with our online Outreach seminar in September 2020.



5.5 Outreach: Bringing the Ombudsman service to the regions

While complaints can be made to my Office by letter, email, online and, usually, in person at our Dublin Office, I am aware that many people want to meet in person outside Dublin and may need assistance with their complaint. I also wish to engage with public representatives and the many providers of public services located around the country. Due to COVID much of our regional Outreach programme in 2020 was undertaken through webinars and we have also delivered training events to CIC staff in this way.

Complaint clinics at Citizens Information Centres (CICs)

To improve access to people living outside Dublin, staff from my Office usually visit Citizens Information Centres (CICs) to take complaints from members of the public. Monthly visits to Cork, Limerick and Galway provide a valuable local service, easily accessible to people living there. I suspended visits from mid-March 2020 due to the pandemic. However, between January and March 2020 staff from my Office were available on seven occasions to provide advice and assistance, and to take complaints from the public.

Limerick CIC:	9 complaints received
Galway CIC:	12 complaints received
Cork CIC:	5 complaints received

Our visits to the CICs also gave us the opportunity to provide assistance to nearly 23 other people whose complaints were not within remit, or where they had not taken up the matter with the public service provider in the first instance.

Online Regional Event 2020

Every year, we carry out a series of events as part of our 'Regional Visit' to a particular county other than Dublin, Cork, Limerick or Galway.

COVID-19 restrictions meant the Office had to take an innovative approach this year, by holding virtual meetings and online webinars.

This year we hosted online regional events for the Sligo, Leitrim and Roscommon region in September. We produced a special 'Sligo-Leitrim-Roscommon' Casebook to coincide with the Office's 'virtual' visit.

We hosted a live video conference with all three County Councils, and Roscommon University Hospital to discuss 'learning from complaints'.

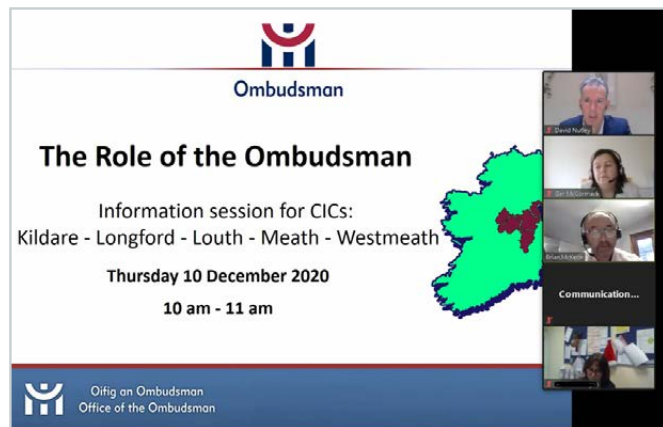
We hosted a webinar: 'How complaints can improve public services'. The attendance of 88 included public representatives, officials in local public bodies and other interested groups. We outlined the type of complaints we receive from the people of Sligo, Leitrim and Roscommon. We concluded with a Q and A session and we received very positive feedback from participants on our first online seminar.

We also hosted an additional information webinar on the work of the office for staff in local Citizens Information Centres in Sligo, Leitrim and Roscommon.

Finally, we provided a 24-hour 'Call Back' service for people in Sligo, Leitrim and Roscommon to provide advice and assistance on their complaints.

Webinar for staff of local Citizens Information Centres

I hosted another information webinar for thirty-two staff from Longford, Westmeath, Kildare, Meath and Louth Citizens Information Centres on the work of the office. Because of the very positive feedback received, I intend to hold similar information webinars in the future.



Participation at Exhibitions

50PlusExpo shows are popular events attracting approximately 23,000 people over the three shows. Staff members were present at the show in Cork in March, to answer questions about the role of the Office, and provide advice and assistance to members of the public on the complaints process. The Dublin and Galway shows were cancelled due to the pandemic.

Direct Provision visits during 2020

For each year since my remit over the Direct Provision sector was confirmed in 2017, my Office has run an Outreach programme through which my staff visit centres.



I have commented previously on how useful both my staff and centre management have found their meetings to have been as a mechanism for early resolution of residents' centre-specific issues, many of which have been successfully resolved through actions agreed on the day at the meetings.

COVID travel restrictions imposed in March 2020 postponed our scheduled Spring visits until the Autumn when we planned to undertake a smaller number of visits in one batch. We identified 11 centres for visiting from mid-October until early November, encompassing a mixture of new centres, emergency centres, and those from which we received recurring complaints that did not lend themselves to resolution through standard desktop examination.

In order to ensure our visits did not present a risk of COVID infection, we engaged with both HIQA and the Health and Safety Authority to ensure our arrangements complied with best practice in protecting public health. Following this engagement, we restructured the format of the visits which were unavoidably constrained compared to previous years.

Unfortunately, the COVID situation escalated in October and Level 5 restrictions were imposed in the second part of that month. Given the deterioration in the pandemic situation, we reluctantly decided to further postpone the programme until 2021. However, we undertook one visit as it had been scheduled for a date before the Level 5 restrictions applied.

5.6 The International Ombudsman Institute (IOI) World Conference

The IOI is the global organisation for the cooperation of more than 200 independent public services Ombudsman institutions from more than 100 countries worldwide. The 12th IOI World Conference and General Assembly was due to take place in Dublin in May 2020 but had to be postponed due to the COVID pandemic. The IOI World Board subsequently decided that the Conference and General Assembly would take place as an online event hosted by the Office of the Ombudsman.

The General Assembly took place on 25 May 2021 and the conference on 26/27 May. The theme of the conference was “Giving Voice to the Voiceless” – a theme which is even more important given the impact of the pandemic on those who were already disadvantaged. As IOI President, I was disappointed that delegates could not travel to Ireland for the conference. The online Conference and General Assembly, however, facilitated a valuable interaction among members and provided an opportunity to discuss the challenges faced by Ombudsman offices during the pandemic.

5.7 UN Resolution on the Role of the Ombudsman

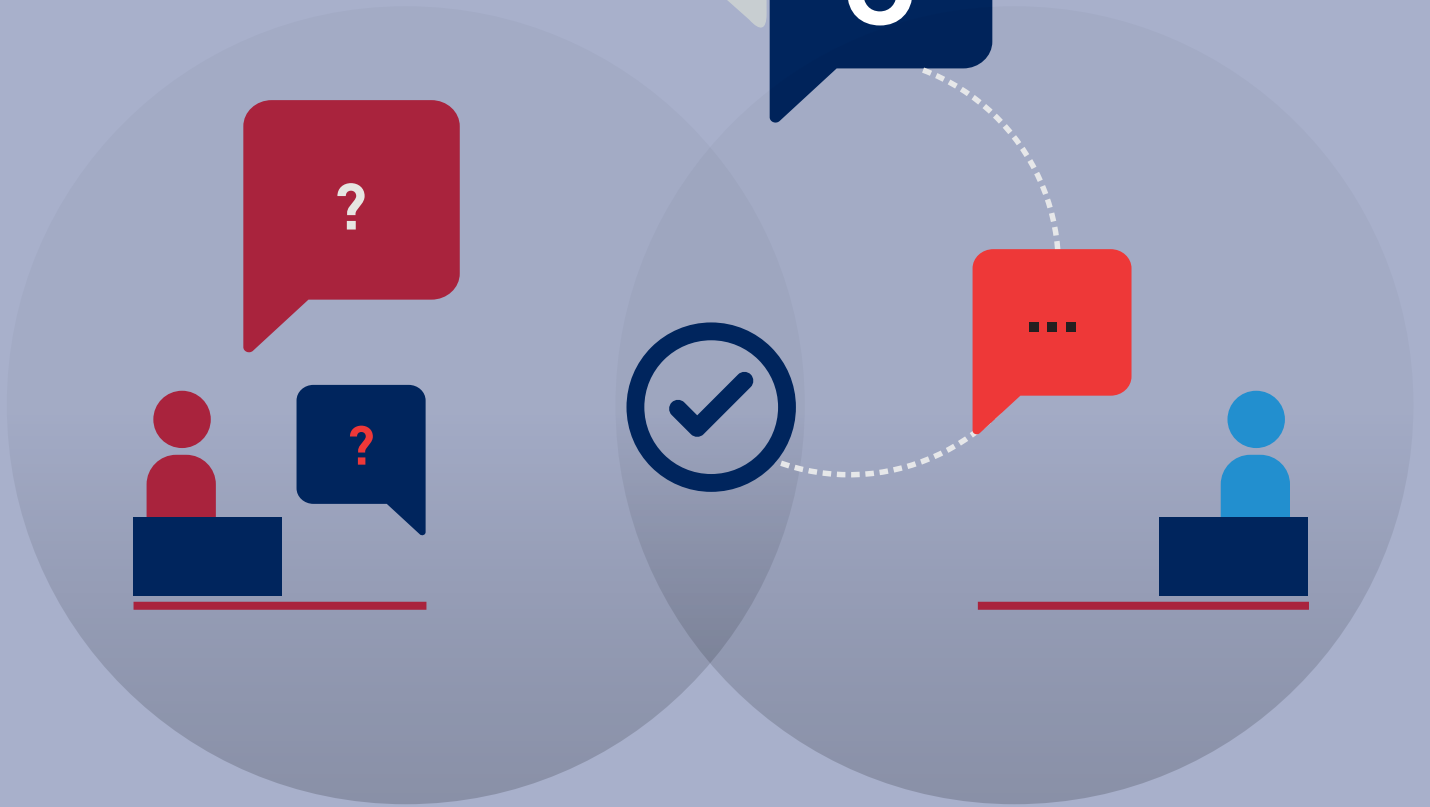
The United Nations resolution on “The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law” was adopted by the UN General Assembly on 16 December 2020. The resolution was proposed by the Kingdom of Morocco and was co-sponsored by Ireland through the Department of Foreign Affairs and Trade. I would like to thank the Department of Foreign Affairs for their help and cooperation.

The UN Resolution represents the culmination of the IOI’s work to develop a closer relationship with the UN, and is an important further step in securing worldwide recognition for the work of Ombudsman institutions in promoting good administration, human rights, good governance and the rule of law. The resolution provides strong endorsement of the Venice Principles and establishes these principles as the new global standard for the Ombudsman.

The resolution will help to shape the relationship between the IOI and the UN for the future as important allies to push forward the UN human rights agenda.

Chapter

6



Chapter 6: Delivering our services

6.1 Strategic Plan and Values 2019-2021

My Office is in the mid-phase of the 2019 – 2021 strategic plan, which set out the following objectives:

1. Drive and influence improvements in the public service.
2. Enable and support the public service in achieving and maintaining best practice standards.
3. Reinforce organisational capacity to provide an effective and efficient service to all of our stakeholders.
4. Enhance public awareness of our roles and how to access our services in order to optimise our impact on the public service.

As a result of the COVID pandemic, all public services had to adapt to a new way of working in 2020. My Office reaped the benefits of enhanced management information systems, which continued to drive improvements in respect of reporting and knowledge management functionality. This was of particular importance in supporting the move to remote working, which was achieved with minimal disruption to business.

Our new complaints and document management systems have increased the effectiveness and efficiency of our processes. They were both timely and essential in facilitating the transition to our full staff complement working remotely. We also began to update our processes to support a move to a paperless environment. This will achieve optimal return from our new systems, support data security and align with the current remote working arrangement.

I am proud of the way my Office rose to the challenges presented by 2020, while continuing to drive our vision of promoting fairness, transparency, accountability and excellent public services.

6.2 Remote Working

In early 2020 with the onset of the COVID lockdowns the Office was faced with the challenge of continuing to provide its services with all staff having to move off site. The Office had been following an ICT Strategy over the previous number of years which was moving our services to on-line digital platforms. We were able to leverage the strong foundations that were in place from this strategy to provide laptops to all our staff which included softphones. This enabled staff to operate remotely and still provide a full service to our complainants and the public service bodies we engage with. The online digital systems allow casework to continue and move towards full electronic casefiles by adopting a more paper light approach.

As we move forward with restrictions still a factor and possible future trends towards remote case working, we are continuing to develop and enhance our digital online provision of services to our customers and staff.

6.3 Quality Assessment Process

As part of our strategic plan, we are continuously improving the level of services we provide and ensuring that our systems and processes allow us to deliver on our strategic objectives. To ensure the quality of our case handling we introduced quality standards, which set objectives for casework in the areas of procedures, timeliness, communications and accuracy.

To ensure we meet our quality standards we have a Quality Assessment process in place. Every month our QA Team examines 15% of cases closed in the previous month and assesses cases against our quality standards. It also identifies and suggests solutions to any process issues arising from monthly quality audits and provides feedback to caseworkers on individual cases.

6.4 Public Sector Duty

The Irish Human Rights and Equality Commission Act 2014 introduced a positive duty on public bodies to have due regard to human rights and equality issues. My Office is committed to providing a service to all clients that respects human rights and their right to equal treatment and has adopted a proactive approach to implementing this duty. Our approach is underlined by our core organisational values of independence, customer focus and fairness, which are evident in both the culture of the Office and our internal policies and procedures.

In 2018 we established a working group on our public sector duty. The group considered the human rights and equality issues relevant to our functions and identified the policies, plans and actions needed to address these. On foot of this, a Public Sector Duty Committee was established and an Equality Officer appointed.

The Committee has made a considerable amount of progress since 2018. It oversaw the introduction of an e-learning module on human rights and equality for new staff members, carried out a review of all communications in the Office, introduced a revised internal communications strategy focusing on the availability of needs assessments and assistive technologies, and enhanced the accessibility of the office for staff and visitors.

Up to 2020, the Committee had largely focused on what proactive changes it could make within the organisation. However, in 2020 it expanded its focus to explore how it could implement public sector duty, and promote human rights and equality through the public service bodies it deals with. A new action plan was agreed for the short to medium-term, which aims to embed the public sector duty into our core strategy and statutory functions, and explore how we can make further use of a human rights lens when we consider the actions of the public service providers under our remit.

6.5 Our Irish Language Scheme

We are committed to providing services in Irish and have prepared a scheme under the Official Languages Act, 2003 detailing the service we will provide through Irish. This scheme has been confirmed by the Minister for Culture, Heritage and the Gaeltacht.

The current Irish Language Scheme for the Office of the Ombudsman covers the period from 2019-2022. Among the services provided in Irish are:

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

An amount of approximately €5,000 was spent on translation services during the year to ensure that the Irish content on our website was kept up to date.

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

Demand for services in Irish was low during the course of 2020 with 611 visits on the Office website and there were no requests for cases to be dealt with in Irish during the course of the year.

6.6 Our Office 'Green Team'

A Green Team was established in the Office in 2020 comprising of enthusiastic volunteers. The main aims of the Green Team are to introduce environmentally friendly measures in the Office in the areas of energy, waste, transport and water, as well as improving the quality of the working environment. The Green Team has commenced a series of themed monthly awareness programmes to assist staff in making more environmentally sustainable decisions both in work and at home. Measures taken by the Office include:

- monitoring of energy usage and air quality in the Office
- providing keep cups to staff
- increasing the number of lockers to encourage a change in commuting habits
- waste and recycling awareness programmes
- provision of filtered drinking water taps in place of bottled water
- the replacement of desktop computers with more energy efficient laptops.

The Green Team, with the support of senior management, will endeavor to introduce further initiatives that promote environmental sustainability for both individuals and the organisation.



I'd like to say a big thank you for all your help over the past while. You have been so understanding and supportive. I truly appreciate all you did on my behalf. Your patience with me was a joy to behold. Your lovely speaking voice was very calming and reassuring. I wish you every success and joy in life. And once again may I say thank you.

Appendix

Statistics

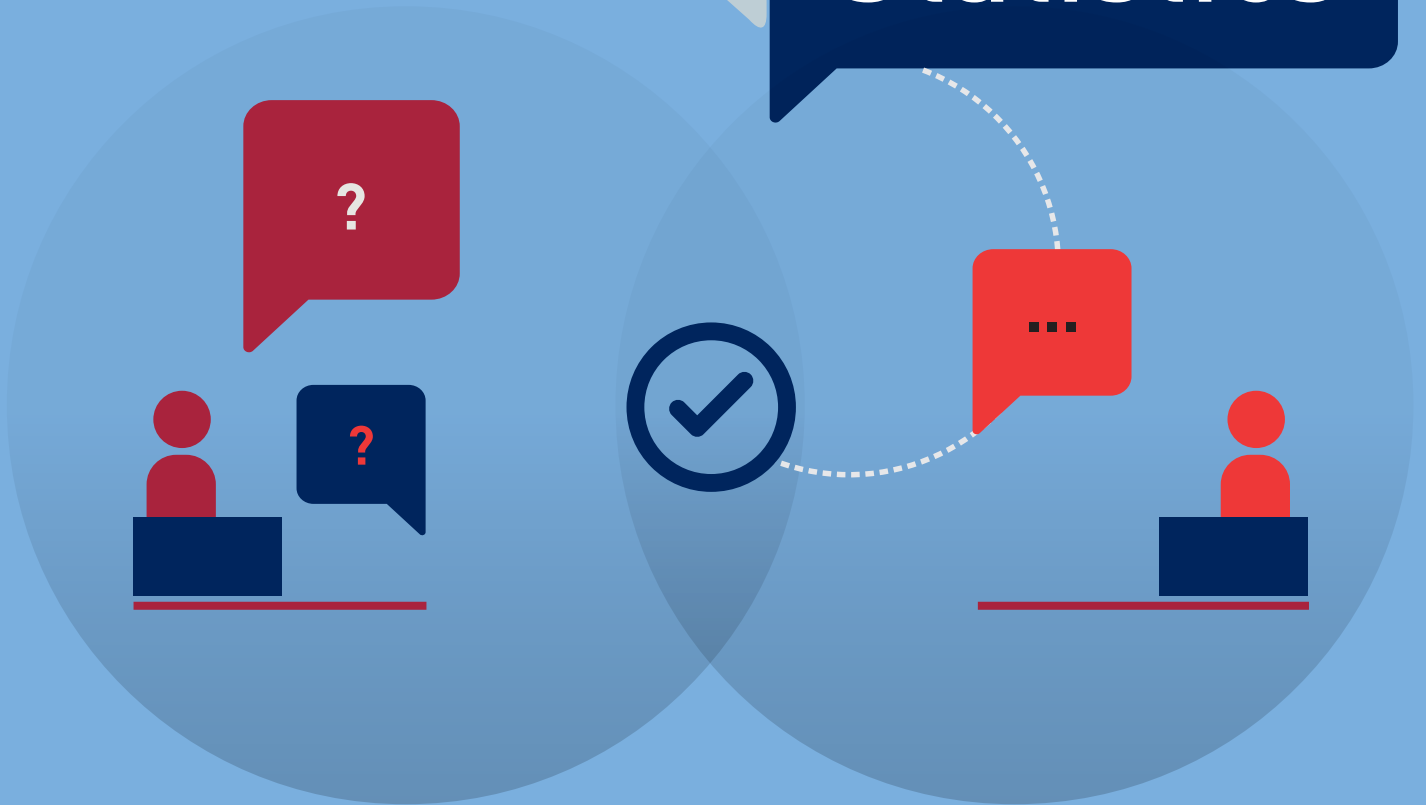


TABLE 1 - Complaints received and completed in 2020

Complaints Received (about service providers within jurisdiction)	3418
Complaints Completed	3511
Enquiries	3717
Complaints received about bodies outside jurisdiction (for example, banks, private companies)	965

TABLE 2 - Complaints received by sector 2020

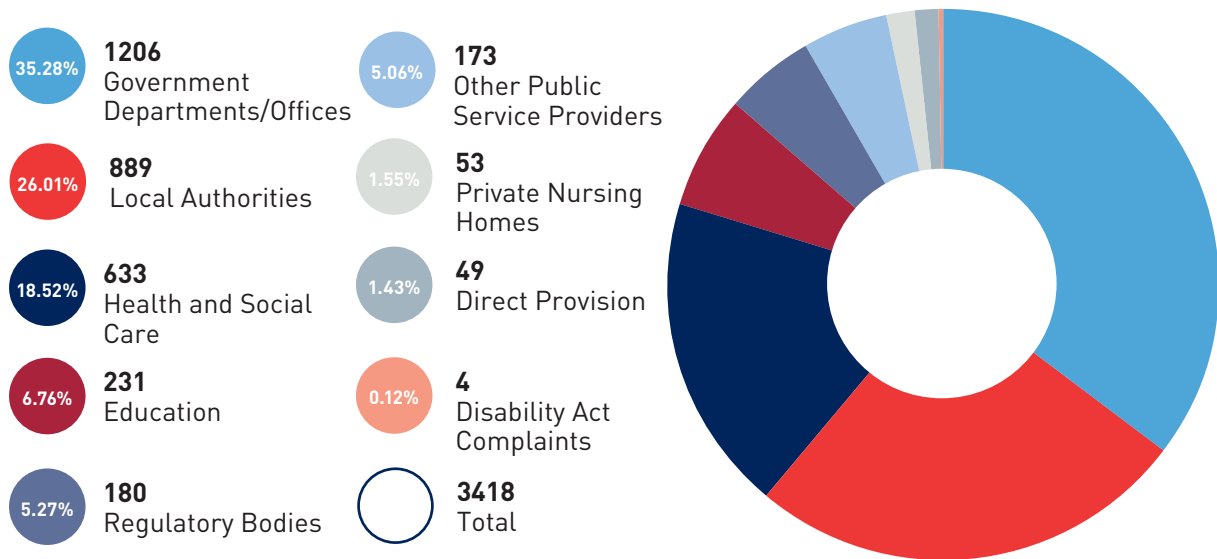


TABLE 3 - Complaints completed by outcome

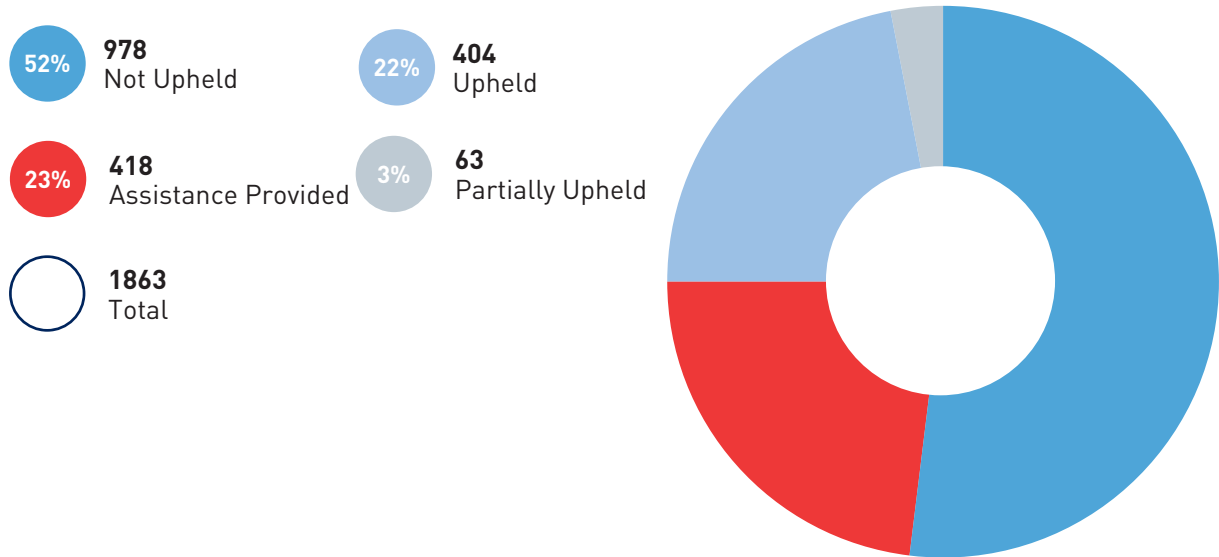


TABLE 4 - 10 year trend of complaints received

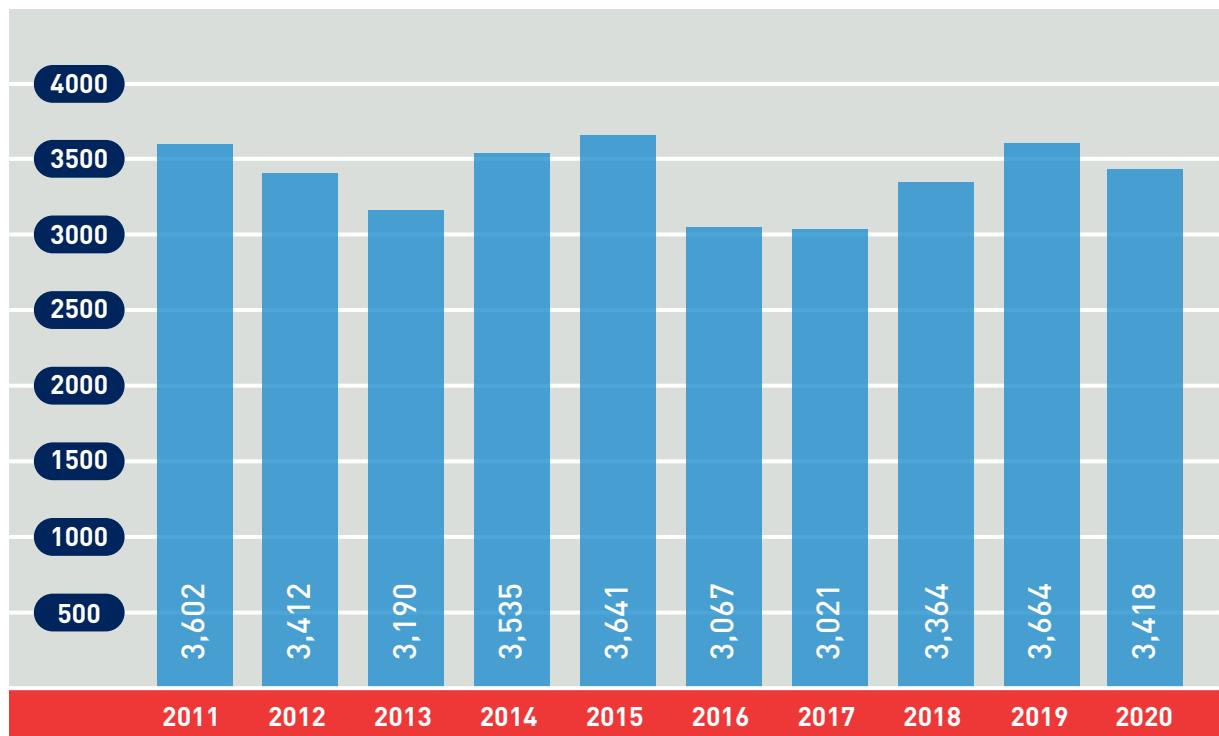


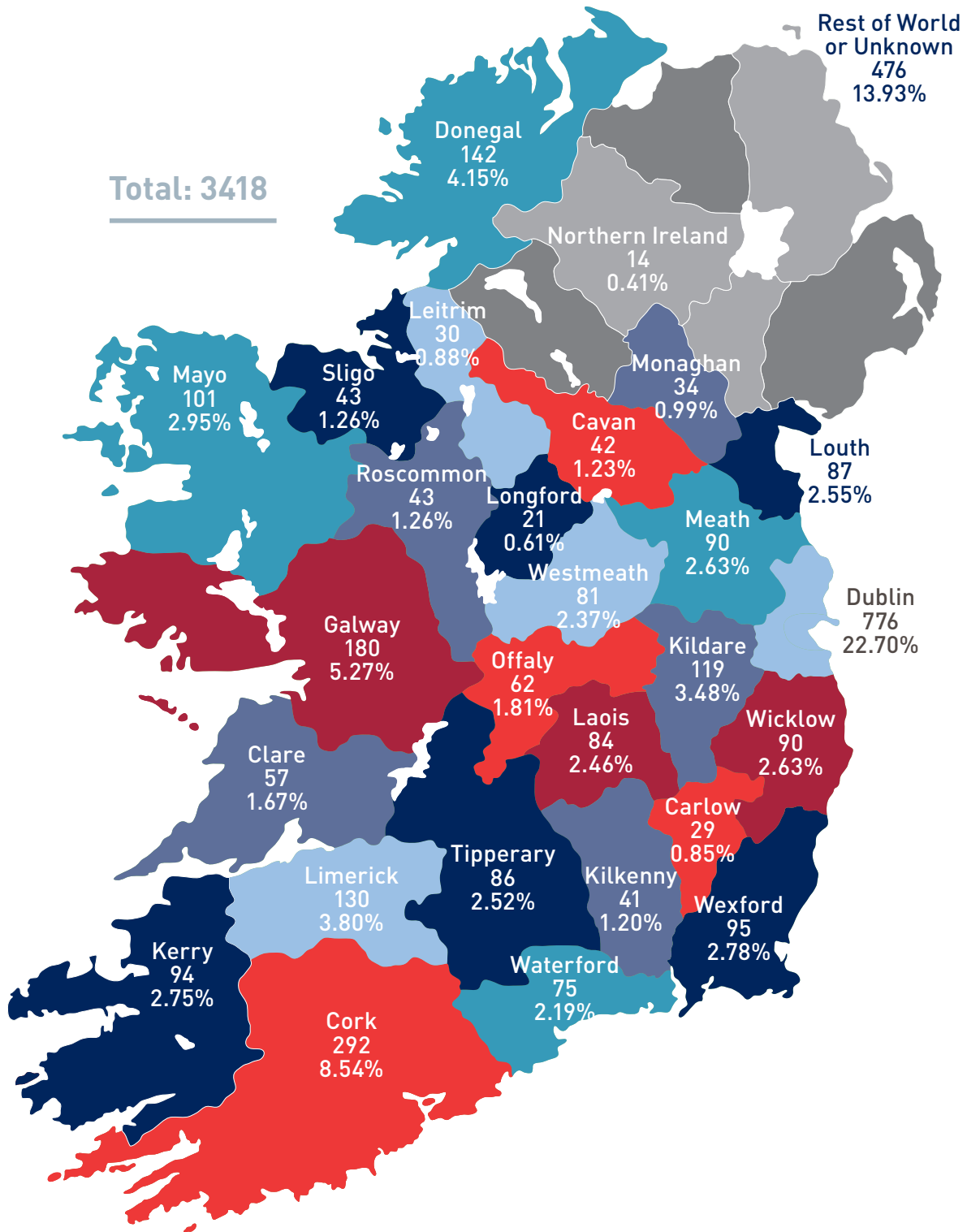
TABLE 5 - Complaints received by county - 2020

TABLE 6 - Government Departments and Offices

Complaints Received and Completed in 2020									
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Social Protection	735	97	5	104	85	230	256	11	788
Agriculture, Food and the Marine	163	8	2	7	12	9	51	7	96
Office of the Revenue Commissioners	99	17	2	13	9	47	15	2	105
Education	68				9	27	7	20	63
Justice	34	5	1	2	3	2	2	19	34
Transport	26	6		2	3	7	3	3	24
Foreign Affairs	17	1		3	1	6	3	2	16
Property Registration Authority	14	5		1	1	1	5	1	14
Social Welfare Appeals Office	8	1		2		4	1		8
Children, Equality, Disability, Integration and Youth	6				1	2		3	6
Communications, Climate Action and Environment	6			1	1	2	1	1	6
Office of Public Works	5		1		1	2	3	1	8
An Taoiseach	4	1			1	1		1	4
Finance	4						1	3	4
Companies Registration Office (CRO)	3				1		5		6
Enterprise, Trade and Employment	3				3			1	4
Housing, Local Government and Heritage	3	1					1		2
Public Expenditure and Reform	3							3	3
Culture, Heritage and the Gaeltacht	2	1					2		3
Office of the Registrar General	2					1		1	2
Health	1						1		1
Total	1206	143	11	135	131	341	357	79	1197

TABLE 6(a): Department of Social Protection - Complaints received in 2020

Complaints Received in 2020	
Covid-19 Payment – Unemployment	126
Jobseeker's Allowance	86
Disability Allowance	80
State Pension (Contributory)	53
Carer's Allowance	49
Illness Benefit	37
Jobseeker's Benefit	29
Supplementary Welfare Allow. (Exceptional Needs Payment)	29
Invalidity Pension	20
One Parent Family Payment	18
State Pension (Non-Contributory)	16
Supplementary Welfare Allow (Rent Supplement)	13
PRSI - PPSN	12
SWA - Basic	11
Domiciliary Care Allowance	10
Maternity Benefit	10
Working Family Payment	10
Back to Work Enterprise Allowance	8
Child Benefit	8
Household Benefits Package	7
Supplementary Welfare Allow (Other Payments)	7
Carer's Support Grant (formerly Respite Care Grant)	6
Widow/ers or Surviving Civil Partners Contributory Widowers Pension	6
Covid-19 Payment – Illness	5
Disablement Benefit/Pension	5
Partial Capacity Benefit	5
PRSI - Social Insurance Record	5
Training/Employment Schemes	5
Back to Education Allowance	4
Fuel Allowance	4

Complaints Received in 2020	
JobPath - Employment Activation Programme	4
PRSI - Public Services Card	4
Redundancy Payments	4
Injury Benefit	3
Occupational Injuries Benefit (Incapacity Supplement)	3
Other	33
Total	735

TABLE 6(b): Department of Agriculture, Food and the Marine - Complaints received in 2020

Complaints Received in 2020	
Redesignation of Areas of Natural Constraints	70
Green, Low-Carbon Agri-Environment Scheme (GLAS)	19
Basic Payment Scheme	13
Areas of Natural Constraint (ANC) / Areas of Specific Constraint (ASC)	11
Forestry Grants and Premiums Schemes	9
Beef Data and Genomics Programme	7
Agri-Environment Options Scheme (AEOS)	4
Targeted Agricultural Modernisation Schemes (TAMS)	3
Organics Scheme	2
Young Farmers Installation Scheme	2
Beef Environmental Efficiency Pilot (BEEP)	1
Disease Eradication Scheme	1
Sheep Welfare Scheme	1
Other	20
Total	163

TABLE 6(c): Office of the Revenue Commissioners - Complaints received in 2020

Complaints Received in 2020	
Income Tax	49
Vehicle Registration Tax (VRT)	12
Vehicle/Property Seizure	5
Value Added Tax	4
Capital Gains Tax	3
Corporation Tax	3
Disabled Drivers and Disabled Passengers (Tax Concessions)	2
Local Property Tax	2
Complaint handling	1
Customs & Excise	1
Other	17
Total	99

TABLE 7 - Local Authority

Complaints Received and Completed in 2020									
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Outside Remi	Total
Carlow County Council	5	1			3		2		6
Cavan County Council	9	1		2	1	4	2	1	11
Clare County Council	12	3		3	1		9		16
Cork City Council	53	16	1	14	6	9	15		61
Cork County Council	42	9	1	11	6	5	6	3	41
Donegal County Council	40	6	1	5	7	4	13	2	38
Dublin City Council	97	10	1	14	15	25	34	3	102
Dún Laoghaire-Rathdown County Council	31	3		5	4	8	10	3	33
Fingal County Council	35	5	1	4	5	9	10	3	37
Galway City Council	21	3	1	7	3	6	5		25
Galway County Council	38	11		7	4	3	14	1	40
Kerry County Council	39	8		4	4	8	8	3	35
Kildare County Council	30	9	1	7	3	8	9	3	40
Kilkenny County Council	13	1		2	4	2	1		10
Laois County Council	16	6		2	1	7	5	1	22
Leitrim County Council	5				1	3			4
Limerick City & County	49	9	1	11	9	9	13	2	54
Longford County Council	4	2				2			4
Louth County Council	23	3		5	4	8	4	1	25
Mayo County Council	38	6	1	3	4	9	13	2	38
Meath County Council	42	5	1	4	5	8	13	4	40
Monaghan County Council	5				1		3		4
Offaly County Council	22	3		2	1	4	5	1	16
Roscommon County Council	17	3	2	2	1	3	5		16
Sligo County Council	12			6	3		6	1	16
South Dublin County Council	43	11	1	11	4	8	8		43
Tipperary County Council	24	5	1	2	3	4	7	1	23
Waterford City & County	30	11	1	9	3	3	9	1	37
Westmeath County Council	24	3		6	4	4	4		21
Wexford County Council	29	3	2	5	2	4	9	5	30
Wicklow County Council	41	8	1	2	9	11	12		43
Total	889	164	18	155	121	178	254	41	931

TABLE 7(a)- Local Authority

Complaints Received in 2020		
Housing		519
	Allocn & Transfers	203
	Repairs	117
	General	58
	Anti-Social Behaviour	49
	Housing Assistance Payment (HAP)	40
	Loans & Grants	27
	Sales	9
	Assessment	4
	Rent Assistance Scheme (RAS)	4
	Rents	4
	Aid for the Elderly Scheme	3
	Provision	1
Planning		153
	Enforcement	101
	Administration	52
Roads/Traffic		43
Non-Principal Private Residence (NPPR)		25
Parks/Open Spaces		17
Motor Tax		13
Estate Management		12
Fines - Roads/Traffic (e.g. Parking)		11
Pollution - Noise		8
Pollution - Other		7
Sewerage & Drainage		5
Acquisition of land/rights		4
Fines - On the spot (e.g. Litter)		4
Environmental Health Services		3
Waste Disposal		3
Derelict Sites		2
Homeless Services		2
Burial Grounds		1
Pollution - Water		1
Rates		1
Register of Electors		1
Urban Renewal Scheme		1
Other		53
Total		889

TABLE 8 - Health and Social Care Sector

Complaints Received and Completed in 2020									
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Health Service Executive									
Treatment Abroad - Cross Border Directive	51			3	3	1	46		53
Medical & GP Card	29	5		6	2	6	12	2	33
Nursing Home Support Scheme	10		1	1		5	10	1	18
Ambulance Service	5	1		1		1	1	1	5
Treatment Abroad - Treatment Abroad Scheme	4			1	1	1	4		7
Drugs Payment Scheme (a.k.a. Drugs Refund Scheme)	3	1					1		2
Long Term Illness Scheme	2		1	2					3
Other	31	2		1	5	3	6	16	33
Health & Social Care									
Hospitals - General	248	18	14	26	34	60	28	79	259
Primary & Community Care	61	3	1	4	11	17	6	13	55
Hospitals - Psychiatric	32	2	1	4	3	6	4	15	35
Disability Services	21		1	5	8	4	2	3	23
Social Work Services	8					2	3	2	7
Public Nursing Homes	6					1			1
Dental Services	4				1		1	1	3
Environmental Health Services	1						1		1
Total	516	32	19	54	68	107	125	133	538
Section 38 & Section 39 Bodies									
	19	3	2	5	5	4	2	0	21
Tusla - Child & Family Agency									
	98	10	2	9	13	36	8	15	93
Total	633	45	23	68	86	147	135	148	652

TABLE 9 - Education bodies

Complaints Received and Completed in 2020									
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Central Applications Office	6				1	5			6
Cork Institute of Technology	3	3							3
Dublin City University	5			1	1	3	1		6
Dublin Institute of Technology	6			1		1	2	2	6
Dundalk Institute of Technology	5					2	3		5
HEAR/DARE (Higher Education Access Route/Disability Access Route to Education)	44	1			1	24	18	1	45
Higher Education Authority	6				2		3		5
Institute of Technology Blanchardstown	2				1	1	1		3
Institute of Technology Sligo	6	1			2	2			5
Institute of Technology Tallaght	0						1		1
Limerick Institute of Technology	3					2	1		3
Longford and Westmeath Education and Training Board	2						1	1	2
Mary Immaculate College	2						1		1
National College of Art and Design	2					1			1
National College of Ireland	4	1			1	1	1		4
National University of Ireland Galway	4	1			1				2
Royal College of Surgeons in Ireland	0						1		1
State Examinations Commission	14	1	1		4	4	10		20
Student Universal Support Ireland (SUSI)	49	6		6	6	13	27		58

Complaints Received and Completed in 2020									
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Technology University Dublin	4				1	2	1		4
Trinity College Dublin	11			2	1	4	2	1	10
University College Cork	4			1			3		4
University College Dublin	10	1			3	1	8		13
University of Limerick	5		1		2	1	2		6
Waterford and Wexford Education and Training Board	2								0
Waterford Institute of Technology	19	1			2	14	1	1	19
Other Education Bodies	13	3		1	3	3	1	2	13
Total	231	19	2	12	32	84	93	8	250

TABLE 10 - Regulatory Bodies

Complaints Received and Completed in 2020									
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Charities Regulatory Authority	3		1					1	2
Competition and Consumer Protection Commission	6				2	1	2		5
CORU	3				1	1	2		4
Dental Council	5					1		4	5
Health and Safety Authority (*CF)	7	1		3	1	3			8
Inland Fisheries Ireland	3			1			2		3
Law Society of Ireland	28	2	1	2	1	4	21	2	33
Legal Services Regulatory Authority	36				3	6	20		29
Medical Council (*CF)	9					2	1	6	9
National Standards Authority of Ireland	0			1					1
National Transport Authority	21	3		2	1	7	8	2	23
Property Services Regulatory Authority	3			2				1	3
Road Safety Authority	34	6		3	4	11	15		39
Royal Institute of the Architects of Ireland	4			1				1	2
Teaching Council	10			1	4	4	1	1	11
Other Regulatory Bodies	8		1			3	1		
Total	180	12	3	16	17	43	73	21	185

* CF - Only certain functions of these providers are within the Ombudsman's jurisdiction

TABLE 11 - Other public service providers

Complaints Received and Completed in 2020								
	Received	Completed						
		Upheld	Assistance Provided	Discontinued/Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Caranua	3	1	1					2
Citizens Information Board	2				1	3		4
Courts Service (*CF)	45	1	3	6	7	3	26	46
Disabled Drivers Medical Board of Appeal	42				1	31	6	38
Legal Aid Board	10	1		3	4	3	2	13
Personal Injuries Assessment Board	3						3	3
Pobal	3			2		2	1	5
Pyrite Resolution Board	3			1	1			2
Residential Tenancies Board (*CF)	18	2	2	2	2	2	11	21
Solas	4		1		3		1	5
Sustainable Energy Authority of Ireland	15	2		2	2	8	1	15
Tax Appeals Commission	2	1	1		1			3
Teagasc	5	1		1	1	1		4
Transport Infrastructure Ireland	10				6	3	3	12
Waterford Local Enterprise Office	0					1		1
Waterways Ireland	2				2	1		3
Other Bodies	6	1		1	1	2	1	6
Total	173	10	8	18	32	60	55	183

* CF - Only certain functions of these providers are within the Ombudsman's jurisdiction

TABLE 12 - Private Nursing Homes

Complaints Received and Completed in 2020									
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Care and Treatment	18		1	4	3	10			18
Care of the Elderly	11			1		6	1		8
Complaint/Appeal Handling	8			1	2	2	1		6
Level of Fees Charged	4	1	1	1	1	4			8
Non Reply to Correspondence	4	2		1		1			4
Outside Remit	3							3	3
Admission/Discharge	1				1				1
Level of Service	0		1						1
Other	4				1	2		1	4
Total	53	3	3	8	8	25	2	4	53

TABLE 13 - Disability Act

Complaints Received and Completed in 2020									
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
Access to Services (S.26)	2	1		1					2
Access to Information (S.28)	1					1			1
Complaints Handling (S.38 to S.39)	1			1		1			1
Total	4	1		2		1			4

TABLE 14 - Direct Provision Service Providers*

Complaints Received and Completed in 2020									
	Received	Completed							
		Upheld	Partially Upheld	Assistance Provided	Discontinued/ Withdrawn	Discontinued Premature	Not Upheld	Outside Remit	Total
International Protection Accommodation Service - IPAS	41	12	5	10	4	1	2	6	40
Direct Provision Centres	8	1	5	7			1		14
Total	49	13	10	17	4	1	3	6	54

*Excludes 12 complaints made by people in direct provision about other public bodies such as Dept. of Social Protection and HSE.

